

Attention Property Owner: A land use proposal has been submitted for property near where you live or property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

NOTICE OF DECISION PARTITION CASE NO. 25-017

APPLICATION: Application of D and F Vineyards, LLC to partition a 26.93-acre parcel into three parcels consisting of 6-acres, 6-acres, and 14.93-acres in an SA (Special Agriculture) zone and an AR (Acreage Residential) zone located at 7412 Liberty Road S, Salem (T8S; R3W; Section 28A, Tax lot 2000).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described application, subject to certain conditions.

EXPIRATION DATE: This approval is valid only when the final partition plat is recorded by **September 23rd, 2027** (two years). The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

WARNING: A decision approving the proposed division is for land use purposes only. Due to septic, well, and drain field replacement areas, these parcels may not be able to support a dwelling. To be sure the subject property can accommodate the proposed use the applicant should contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS: The following conditions must be met before a building permit can be obtained or the approved use established:

1. Marion County Surveyor's Office commented:
 - a. Per ORS 92.055 – Parcels over 10 acres can be unsurveyed, if outside of an urban growth boundary.
 - b. Parcels 10 acres or less must be surveyed and monumented.
 - c. Per ORS 92.050, plat must be submitted for review.
 - d. Checking fee and recording fees required.
 - e. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.
2. Applicants are advised to check with Marion County Building Inspection for any building or septic requirements.
3. The resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director. All AR zoned parcels shall be a minimum of two acres in size.
4. Prior to the issuance of building permits on the new parcels, the owners shall sign and submit a Sensitive Groundwater Overlay Zone (SGO) Declaratory Statement to the Planning Division. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
5. Marion County Planning Division, in coordination with the 9-1-1 Emergency System has named the proposed private access easement **Green Patch Ln SE**. The name must be shown on the final partition plat, and a work order for the street sign installation, with appropriate fee, must be submitted to Marion County Department of Public Works **prior to the plat being recorded**.
6. The parcels shall be addressed as shown on the marked site plan and are as follows: (parcels correspond to those on the site plan.)

Parcel A shall retain the address **7412 Liberty Road S**.

Parcel B shall be addressed **202 Green Patch Ln SE**.

Parcel C shall not be addressed.

ADDITIONAL CONDITIONS: Once the approved use is established the following conditions must be continually satisfied:

6. After the final Partition plat has been recorded no alteration of property lines shall be permitted without first obtaining approval from the Planning Director.

OTHER PERMITS, FEES, AND RESTRICTIONS: This approval does not remove or affect covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits and/or fees from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying restrictions or conditions. It is recommended that the agencies mentioned in Finding #5 be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

7. Prior to recording the plat all taxes due must be paid to the Marion County Tax Department (contact the Marion County Tax Department at 503-588-5215 for verification of payments).
8. The applicant should contact the Salem Suburban Fire District to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.

APPEAL PROCEDURE: The Marion Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150-day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received, together with the appeal fee, in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **September 23rd, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **September 24th, 2025**, unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The property is designated Rural Residential and Special Agriculture in the Marion County Comprehensive Plan. The purpose of the Rural Residential designation and the corresponding AR (Acreage Residential) zone is to allow the creation of acreage homesites at a density that maintains the character and environmental quality of rural residential areas. The Special Agriculture designation and the corresponding SA zone is applied to areas characterized by small farm operations or areas with a mixture of good and poor farm soils.
2. The subject property is located directly east of Liberty Rd S, approximately 400 feet north of its intersection with Hylo Rd SE. The southeast portion of the property can be accessed off Hylo Rd SE. The property contains five farm buildings and no dwellings. The entire property is used for farming operations.

The subject property was described in 1962 recorded deed (Vol. 726 Pg. 87) and has been described in this configuration since. The subject property is therefore legal for land use purposes.

3. Surrounding uses consist of AR parcels to the west and southwest. Directly north, east, and southeast of the property consist of large, SA zoned parcels in active farm use.
4. The applicant proposes to divide a 26.93-acre parcel into three parcels consisting of 6-acres, 6-acres, and 15.93-acres.
5. Various agencies were contacted with requests for comment.

Marion County LDEP requested the following be included:

ENGINEERING CONDITIONS

- A. On the partition plat dedicate a 30-foot R/W half-width over the two subject property 6-acre parcels Cole Road property frontages to meet the County Local road standard, and including a 30-foot property corner radius at the intersection of Liberty Road and Cole Road [MCC 17.172.240 & 17.172.200, respectively].

- B. Prior to partition plat approval, notarize a Road Maintenance Agreement to be recorded concurrently with the partition plat for collective maintenance of the proposed private easement drive [MCC 17.172.340].

ENGINEERING REQUIREMENTS

- C. The developable parcel shall share an existing, permitted driveway paved approach connection to Hylo Road via private access easement. The Liberty Road driveway approach was required to be gated and restricted to seasonal harvest use by larger farm equipment under the same Access Permit #10-02228 due to limited Intersection Sight Distance (ISD). In the alternative to the Hylo Road access, a new shared residential access could be installed under a permit within the Cole Road unopened R/W where there is anticipated sufficient ISD at the Liberty Road connection.
- D. Transportation System Development Charges (SDCs) & Parks fee will be assessed upon application for building permits for a new dwelling.
- E. Utility extension work in the public right-of-way requires permits from PW Engineering.

Marion County Surveyor's Office commented:

- a. Per ORS 92.055 – Parcels over 10 acres can be unsurveyed, if outside of an urban growth boundary.
- b. Parcels 10 acres or less must be surveyed and monumented.
- c. Per ORS 92.050, plat must be submitted for review.
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- e. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Salem Fire Department commented: "Salem Fire Department has no concerns with the partition. Items including fire department access and water supply will be required per the Oregon Fire Code at the time of development.

Marion County Septic commented: "Parcel A will require an Existing System Evaluation Report and designate a future septic repair area. Based on the history of the existing system and aerial photo, the system appears to have had the potential for a road placed over it, vineyard and potentially a structure. Parcel B will require a Septic Site Evaluation. Parcel C does not require any septic action at this time."

Marion County Tax Assessor provided information regarding taxes on the subject property.

All other contacted agencies either failed to comment or stated no objection to the proposal.

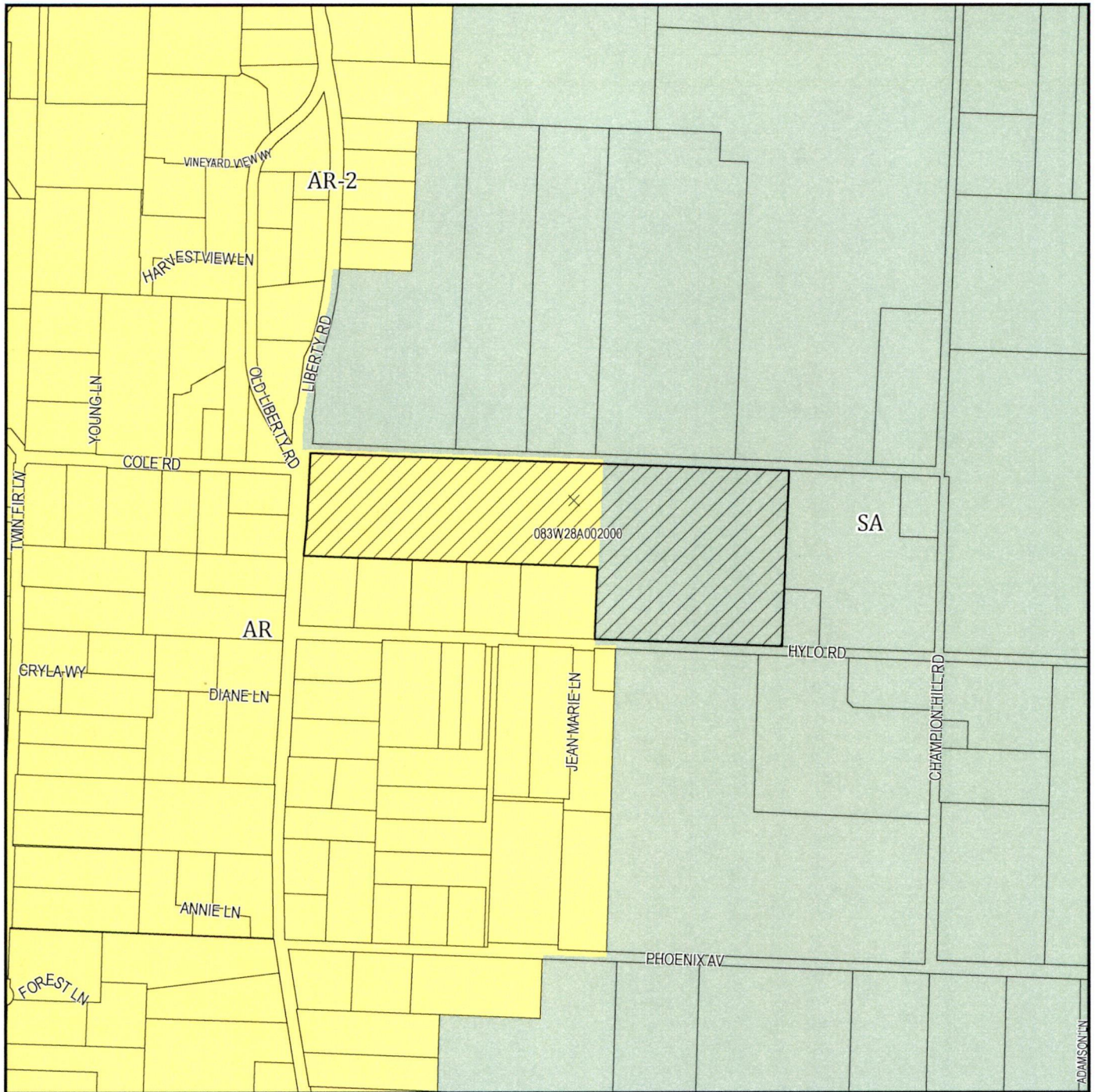
6. There are no specific approval criteria for partitioning property in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres. Each of the parcels resulting from the proposed partition would meet this standard. The criterion is met.
7. MCC 17.137.090(A)(1) requires a minimum parcel size of 80-acres in the SA zone. The subject property is zoned both SA and AR. The SA-zoned portion of this property is approximately 14.93-acres, and this portion of the property will not be partitioned. The criterion is met.
8. Chapter 17.181 MCC establishes provisions for partitioning property in an SGO zone. In the SGO-5 zone, creating a parcel greater than five acres in size does not require the applicants to demonstrate sufficient groundwater supply. However, the County requires a Declaratory Statement be recorded with the property deed prior to the issuance of building permits. This notifies the applicant and subsequent owners that there may be long-term groundwater supply problems and that the County is not responsible for deepening or replacing wells. The criteria are met.
9. Based on the above findings, the proposed partitioning complies with the above criteria and is therefore **APPROVED**, subject to conditions.

Brandon Reich
Planning Director/Zoning Administrator

Date: September 8th, 2025

If you have any questions, please contact Gillian Peden at 503-588-5038.

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.



ZONING MAP

Input Taxlot(s): 083W28A002000

Owner Name: D & J F VINEYARDS LLC

Situs Address: 7412 LIBERTY RD S

City/State/Zip: SALEM, OR, 97306

Land Use Zone: SA; AR

School District: SALEM-KEIZER

Fire District: SALEM SUBURBAN

Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 623 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map.