



**Marion County**  
OREGON

## PARTITION APPLICATION

**Do not double-side or spiral bind any documents being submitted**

**RECEIVED**

**Fee: Please check the appropriate box:**

- ☒ Partition - \$1250 625  
☐ Partition in an SGO Zone - \$1450

MAY 21 2025

**Marion County  
Planning**

PROPERTY OWNER(S): Francisco Villalobos	ADDRESS, CITY, STATE, AND ZIP: [REDACTED]
PROPERTY OWNER(S) (if more than one): ----	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Norman Bickell	ADDRESS, CITY, STATE, ZIP 2232 42nd Av. SE #771 Salem, Oregon 97317
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL (if any): [REDACTED]
ADDRESS OF SUBJECT PROPERTY: 2628 Happy Valley Way SE	SIZE OF SUBJECT PROPERTY: 8 acres
The property owners of the subject property request to divide a <u>8</u> acre parcel into two or three parcels containing <u>4 acre</u> , <u>2 acre</u> , and <u>2 acre</u> acres or <u>square-feet</u> each. Provide detailed information on the attached "Applicant Statement" page.	
Will a railroad highway crossing provide the only access to the subject property? ( ) Yes (X) No If yes, which railroad:	

FOR OFFICE USE ONLY:			
Township <u>8S</u>	Range <u>2W</u>	Section <u>2C</u>	Application elements submitted:
Tax lot number(s) <u>100</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>AR</u>			<input checked="" type="checkbox"/> Site plan
Zone map number: <u>49</u>			<input checked="" type="checkbox"/> Applicant statement
			<input type="checkbox"/> SGO Peer Review (if applicable)
			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
			<input type="checkbox"/> Road name information (if applicable)
Case Number: <u>P/VZS-013</u>			<input checked="" type="checkbox"/> Filing fee <u>2,190</u>
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural			Application accepted by: <u>JSS</u> Set up by: <u>GP</u>
Date determined complete:			Date: <u>5/21/2025</u>

IF THE PARTITION INCLUDES THE CREATION OF A PRIVATE ROADWAY PLEASE LIST BELOW FOUR (4) PROPOSED ROAD NAMES, IN THE ORDER OF PREFERENCE (see the attached information sheet):

(1) None Required

(2)

(3)

(4)

ATTACH A MAP SHOWING ALL PARCELS THAT WILL HAVE ACCESS OFF THIS EASEMENT, AND INCLUDE THE ADDRESS AND LOCATION OF ALL DWELLINGS ON THE PARCEL, ALONG WITH THE DRIVEWAY LOCATION.

**THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

**PRINTED NAME AND SIGNATURE** of each owner of the subject property.

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



## APPLICANT STATEMENT

Francisco Villalobos owns an eight acre parcel that is zoned AR (Acreage Residential) located at 2628 Happy Valley Way SE that was created by the filing of a replat map of Block 3 Lot 11 of Macleays Country Acres Number 2 and Parcel 1 of Partition Plat 95-59. The replat map was to accomplish the county approval of Property Line Adjustment Case 23-021 (T8S; R2W; S02C; Tax lots 100 and a portion of tax lot 200). The tax lot information is not reflected in the current Marion County Assessors mapping even though the final plat (2024-69) has been recorded. The applicant is proposing to divide the current eight acres into three parcels of 2 acres, 2 acres and 4 acres. The two proposed 2 acre lots are currently vacant and the proposed 4 acre parcel contains a dwelling and associated improvements. Because the applicants' proposed partitioning creates two lots and will be served by a combination of a 30 foot access and utility easement off Burton Place SE and the 30 foot private access and utility easement of Happy Valley Way SE the application also includes and variance to the provisions of Chapter 110.800 that restricts the number of dwellings served off a private easement to 4 dwellings. The proposed partitioning will serve 6 dwellings off the existing 30 foot access easements of Burton Place SE and Happy Valley Way SE. The following will address the criteria for a partitioning and variance:

### Chapter 17.122 VARIANCE

A. *The director, planning commission, hearings officer, or board may permit and authorize a variance when it appears from the application and the facts presented that:*

1. *There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the literal requirements of this title; and*

Response: The area of the proposed partitioning does not have any direct access to a public roadway. In order to use areas without direct access to a public roadway within the AR zone to maximize density of development so that the pressure to expand the zone onto nearby resources lands requires that all of the AR zone land be used efficiently. The granting of this variance to allow for the development of two additional lots reflects the efficient use of the AR zoned land and does not severely affect the traffic impact of two additional dwellings using the access easements. Without the granting of this variance, the residential land could not be efficiently used and the design density of the zone maximized. Therefore, the applicants' proposal will comply with the criterion listed in 1 above.

2. *There are unusual circumstances or conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same zone; however, nonconforming land uses or structures in the vicinity or violation of land use regulations or standards on the subject property shall not in themselves constitute such circumstances or conditions; and*



Response: When this area was first platted there were only two lots that were created without sufficient public right of ways to provide access for the development of additional residential lots. Lots 11 and 12 of Block 3 were allowed to be developed with residential lots of over 6 acres each. Since the original platting of these lots, access easements were given to increase the density of these two lots to allow for the creation of an additional lot that was created by Partitioning plat 1995-59. All of the development allowed created a situation where there was no possibility of the creation of public roadways to provide access for any additional development. The easements developments meet the maximum development of these two lots unless a variance is granted to allow for additional lots to be served. This constitutes an unusual circumstance for these two lots that can only be rectified by granting a variance for the maximum number of dwellings to be served on a private easement. As noted before in this report, Marion County must use the areas within the AR zone to be developed to the maximum density so that additional pressure is not made to expand the zone onto nearby resource lands. The granting of this variance rectifies the development restrictions placed on these two lots by its original subdivision approval for such large lots without access to a public roadway. The granting of this variance will meet the criterion listed in 2 above.

3. *The degree of variance from the standard is the minimum necessary to permit development of the property for the proposed use; and*

Response: The granting of this variance allows for the creation and residential development of two additional lots. There are no options for development of a public roadway to access any of these lots and the granting of this variance is the minimum necessary to permit their development. The criterion listed in 3 above is met.

4. *The variance will not have a significant adverse effect on property or improvements in the neighborhood of the subject property; and*

Response: By granting this variance there will be two additional homesites using the two access and utility easements. Since the development is for residential use not commercial or industrial uses the traffic impacts will be minimal. The criterion listed in 4 is met.

5. *The variance will not a significant adverse effect on property or improvements in the neighborhood of the subject property; and*

Response: As noted previously, the proposed development of two additional lots are for dwellings. Therefore, no significant traffic impacts will be realized. Each lot will have to provide evidence of an approved septic system and will have to enter into an access and utility easement agreement for maintenance of the easement. With these conditions imposed, the variance will comply with 5 above.

6. *The variance will maintain the intent and purpose of the provision being varied.*

Response: The restriction on the number of dwellings that can be served off a private easement was developed with the original adoption of the zoning ordinance. It has been proposed that this standard be modified to allow more than 4 dwellings by the Department of Public Works but was never implemented. There have been proposals to increase the number to 10 units with a graduated improvement requirements so that Marion County would not be required to expend public monies to maintain these short roadways. Although the adoption of a less restrictive standard has never been adopted it is still an option that has been explored. In this case the number of dwellings being served will increase from 4 to 6 and with agreements for the maintenance of the easements in place there should not be any significant impact to adjoining properties and the variance should be granted. The applicants' proposal will comply with 6 above.

#### Chapter 128 PARTITIONING

*17.128.070 The minimum lot size for subdivisions and partitioning is two acres. When a numerical suffix has been applied to the AR zone, the minimum lot size shall conform to the numerical designation.*

Response: The subject parcel is zoned AR and does not have a numerical number applied so the minimum lot size is two acres. The applicant is proposing to develop three lots of 2 acres, 2 acres and 4 acres each. Each lot will comply with the minimum lot size of the zone. There are no development limitations on the subject property and the access variance was addressed previously in this report. Subject to conditions the applicants' proposed partitioning will comply with the provisions of the AR zone and should be approved. If there are questions or a need for further clarification please call Norman Bickell at 503-510-1742 or email nbickell0027@aol.com.