



Marion County
OREGON

SUBDIVISION APPLICATION

RECEIVED

JUL 23 2025

**Marion County
Planning**

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

Fee: Please check the appropriate box:

- | | |
|--|--|
| ☐ Subdivision - \$2670+\$25/lot | ☐ Replat - \$2710 |
| ☒ Subdivision in an SGO Zone - \$2970+\$25/lot | ☐ Phases - \$750 |
| ☐ Amend Conditions - \$800 | |

PROPERTY OWNER(S): Darcy Olander	ADDRESS, CITY, STATE, AND ZIP: 2890 Fillmore Ave NW, Salem, Oregon 97304
PROPERTY OWNER(S) (if more than one): Daniel Olander	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Randy Fultz	ADDRESS, CITY, STATE, ZIP
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL (if any): [REDACTED]
ADDRESS OF SUBJECT PROPERTY: Township 8 South; Range 1 West; Section 19C; Tax lot 2900 <i>tax acct 563150</i>	TOTAL PROPERTY ACREAGE: 24.6 acres ACREAGE TO BE SUBDIVIDED: 24.6 acres
THIS APPLICATION IS MADE FOR APPROVAL OF A PROPOSED (check one): ☒ SUBDIVISION ☐ PLANNED UNIT DEVELOPMENT	
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 <i>8S</i>	Range <i>1W</i>	Section <i>19C</i>	Application elements submitted:
Tax lot number(s) <i>2100</i>			☒ Title transfer instrument
Zone: <i>AR-3</i>			☒ Subdivision Layout
Zone map number: <i>48</i>			☒ Applicant statement
☒ TPA/header			☐ GeoHazard Peer Review (if applicable)
Case Number: <i>SUB25-001</i> <i>SUB/U 25-001</i>			☒ Filing fee
☐ Urban ☒ Rural			☒ SGO Zone (if applicable)
Application accepted by: <i>JSS</i>		Set up by: <i>GB</i>	☒ Road name information
Date: <i>7-23-2025</i>			☒ Pre-App Submitted
Date determined complete:			



Marion County
OREGON

VARIANCE APPLICATION

RECEIVED

AUG 11 2025

**Marion County
Planning**

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

Fee: \$1565

APPLICANT(S): Daniel Olander	ADDRESS, CITY, STATE, AND ZIP: 2890 Fillmore Avenue NW, Salem, OR 97304
APPLICANT(S) (if more than one): Darcy Olander	ADDRESS, CITY, STATE, AND ZIP: 2890 Fillmore Avenue NW, Salem, OR 97304
APPLICANT REPRESENTATIVE: Steve Ward, Westech Engineering	ADDRESS, CITY, STATE, ZIP: 3841 Fairview Industrial Drive SE #100, Salem, OR 97302
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL (if any): [REDACTED]
ADDRESS OF SUBJECT PROPERTY: T8s R1w S19c TL 2900 <i>Tax Acct 563150</i>	SIZE OF SUBJECT PROPERTY: 24.6 acres
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page): The applicant is seeking a variance to permit more than 4 lots take access to a private street. The private street is proposed to be built to public standards. However, a public street is not permitted forcing the applicant to seek a variance. 	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? ☐ YES ☒ NO IF YES, WHICH RAILROAD:	

FOR OFFICE USE ONLY:			
Township <i>T8S</i>	Range <i>R1W</i>	Section <i>19C</i>	Application elements submitted:
Tax lot number(s) <i>2900</i>			☒ Title transfer instrument
Zone: <i>AR-3</i>			☐ Site plan
Zone map number: <i>418</i>			☒ Applicant statement
			☐ GeoHazard Peer Review (if applicable)
Case Number: <i>SUB/V25-001</i>			☒ Filing fee
☐ Urban ☒ Rural			Application accepted by: Set up by: <i>GB</i>
Date determined complete:			Date:

PLEASE LIST BELOW PROPOSED STREET NAMES, IN THE ORDER OF PREFERENCE FOR THE NUMBER OF NEW STREETS IN THE PROPOSED SUBDIVISION (see the attached information sheet):

- (1) Olander Lane
- (2) Seven Oaks Lane
- (3) Beaver Creek Lane
- (4) Willy Way
- (5)
- (6)

NUMBER OF LOTS TO BE CREATED:

7

RANGE OF LOT SIZES:

Smallest 3.00 Largest 5.99 Average 3.51

IF THE PROPERTY IS SERVED BY A COUNTY ROAD, INDICATE THE NAME (if the property borders more than one county road or city street please list: Peter Road SE, Aumsville

IS THIS ROAD PAVED? No IF NOT, PLEASE DESCRIBE THE TYPE AND LEVEL OF IMPROVEMENT ON THE ACCESS ROAD TO THE PROPERTY: Gravel

SEWAGE DISPOSAL TO BE PROVIDED BY:

- ☒ Septic tank
- ☐ Public sewer system

WATER SUPPLY TO BE PROVIDED BY:

- ☒ Individual well
- ☐ Community water system

IF SEWAGE DISPOSAL AND WATER SUPPLY IS PROVIDED THROUGH A COMMUNITY SERVICE, PLEASE LIST THE NAME OF THE SERVICING AGENCY OR DISTRICT AND ENCLOSE A LETTER FROM THE AGENCY OR DISTRICT VERIFYING THAT SERVICE WILL BE PROVIDED:

IN ORDER TO ASSURE AN ADEQUATE EVALUATION OF YOUR PROPOSAL, PLEASE ANSWER THE FOLLOWING QUESTIONS (attach additional sheet if needed)

PLEASE DESCRIBE THE CURRENT USE OF THE PROPERTY. IF THE PROPERTY CONTAINS MORE THAN ONE USE, ESTIMATE THE NUMBER OF ACRES DEVOTED TO EACH USE:

vacant unused acreage has been used for livestock grazing in the past.

DESCRIBE THE CURRENT USE OF THE LANDS SURROUNDING THE SUBJECT PROPERTY (include land across roads):

Public access church with cemetery to the North. Residential, small farms, and livestock grazing to the remainder.

DESCRIBE THE INTENDED USE OF THE PROPERTY:

No greater than 7 private residences on 3+ acre parcels.

PLEASE DISCUSS THE PROPOSED DENSITY AND TYPE OF DEVELOPMENT IN REGARDS TO THE INTENT OF THE COMPREHENSIVE PLAN AND ZONING DESIGNATIONS APPLICABLE TO THE SUBJECT PROPERTY:

Up to seven private residences accessed by a single private road

DESCRIBE HOW THE PROPOSED DESIGN MAKES THE BEST USE OF THE PROPERTY, CONSIDERING LOT SIZE, ROAD PLACEMENT, OPEN SPACE, ETC.:

Each 3-6 acre parcel will have private driveway access. Preservation of natural wetland areas at the south and protection of a mature oak grove.

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

[Redacted Signature Block]

Print Name

Signature

Print Name

Signature

Print Name

Signature

DATED this 22 day of July, 2025

County Commissioners
Danielle Bethell, Chair
Colm Willis
Kevin Cameron

Chief Administrative Officer
Jan Fritz



Director
Brian Nicholas, PE

Deputy Director
Dennis Mansfield

MARION COUNTY PUBLIC WORKS

MEMORANDUM

TO: Daniel & Darcy Olander
FROM: Alexander Seifer
DATE: April 15, 2025
SUBJECT: Peer Review Results

To Whom it May Concern:

Marion County has received the peer review results for the hydrogeology report prepared by HGX Solutions LLC for the property located at Township 8 South; Range 1 West; Section 19C; Tax lot 2900. A copy of the review is enclosed.

As you will find, the results are positive. Consequently, the requirements of chapter 181 of the Marion County Rural Zoning Ordinance (the "Sensitive Groundwater Overlay" zone) for evidence of a sustainable long-term water supply for the proposed development are satisfied. **Please include a copy of the enclosed letter with your land division application.** We have a copy of the Hydrogeology Review report, so you don't need to include another.

An application for a land division requires information not related to water supply, and this determination has no bearing on those matters. Based on the proposed number of lots in the hydrogeology review, you may need to schedule a pre-application meeting with Public Works prior to submitting an application for a subdivision. Contact Marion County Planning for your next steps. You can reach us by email at planning@co.marion.or.us, phone at (503) 588-5038, or you can stop by our service counter during normal business hours Monday-Friday.

Sincerely,

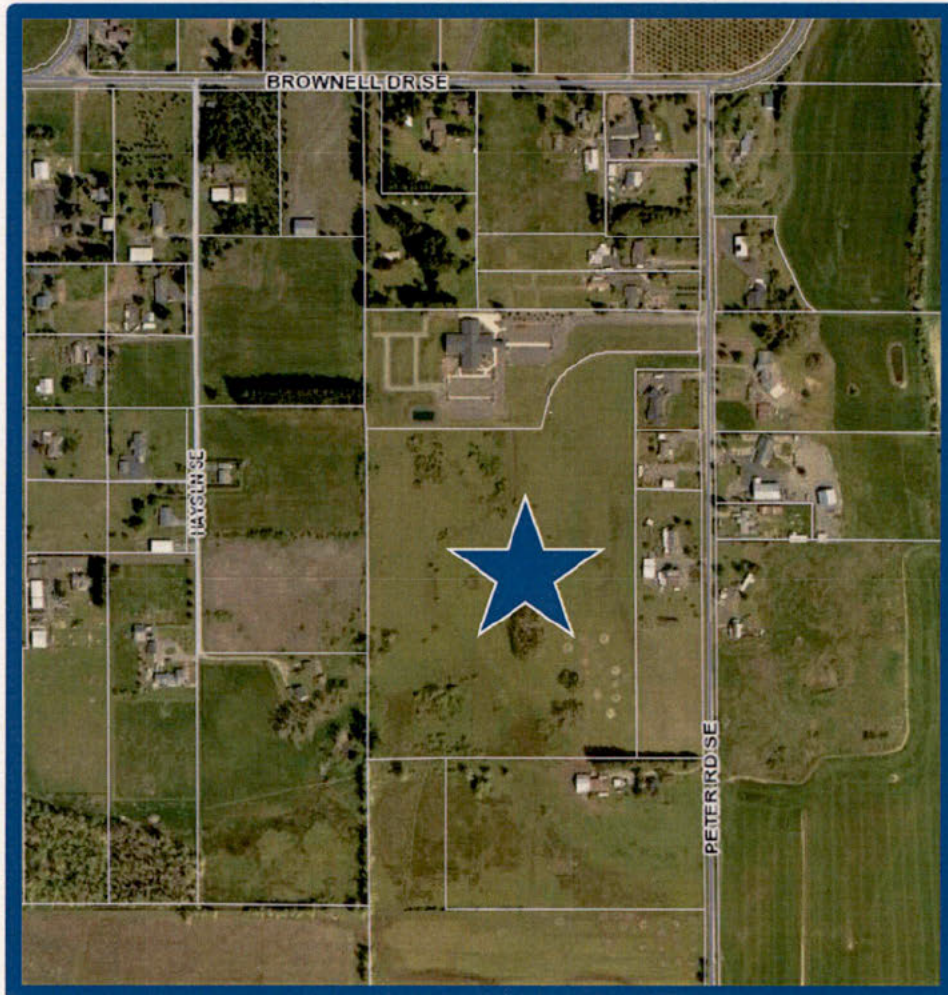
Alexander Seifer
Assistant Planner



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Aerial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicant and property owners, Daniel E. Olander and Darcy K. Olander, are requesting a variance to the provisions of Marion County Code (MCC) 17.110.800, which limit a private drive to serving no more than four dwelling units unless certain exceptions apply. The subject property is identified as Marion County Tax Account 563150, Tax Lot 081W19C002900, and comprises approximately 24.60 acres. The property is located in the Acreage Residential (AR) zone, within the Cascade School District and the Aumsville Fire District, and does not currently have a situs address.

The variance request is being submitted in conjunction with a subdivision application to divide the property into 7 residential lots which will be prepared for the future development of single family dwellings. As designed, the proposed subdivision would result in more than four dwellings being served by a private drive. The parcels are not eligible for the pre-1977 or Planned Development exceptions provided in MCC 17.110.800. Approval of the variance would allow the proposed private drive, constructed to applicable County engineering standards, to serve more than four dwelling units as part of the overall subdivision design.

Section 2: Existing Conditions

The site is located outside of the urban growth boundary of the City of Aumsville making it entirely subject to Marion County's jurisdiction. The Marion County Comprehensive Plan map has a designation for the property of "Rural Residential".

The Comprehensive Plan designations of surrounding properties include:

North: "Rural Residential"

South: "Special Agriculture"

East: "Rural Residential"

West: "Rural Residential"

The subject property is zoned AR (Acreage Residential). Surrounding properties are zoned as follows:

North: AR (Acreage Residential)

South: SA (Special Agriculture)

East: AR (Acreage Residential)

West: AR (Acreage Residential)

Section 3: Findings Applicable to Variance

Chapter 17.122 – Variances

Section 17.122.020 – Criteria for Granting a

- 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

Applicant's Findings: *The applicant and property owners are seeking a variance to MCC 17.110.800, which limits a private drive to serving no more than four dwelling units unless specific exceptions apply. The subject property contains approximately 24.6 acres and has only 60 feet of frontage on Peter Road SE due to the configuration of previous land divisions. These divisions, which predate and were unrelated to the current owners, have created a physical constraint that cannot be remedied without extraordinary cost or the taking of adjoining property. This single point of access limits the feasibility of constructing additional public street frontage and forces all lots within the subdivision to take access from one private drive.*

Strict application of the four-dwelling-unit limit would result in the loss of three large acreage residential lots. In the local market area, rural residential lots in the 3-acre size range routinely sell for \$225,000 to \$300,000 depending on location, utility access, and site characteristics. Even using a conservative value of \$250,000 per lot, the inability to create these three lots would result in an estimated \$750,000 in lost market value. That lost value represents a substantial economic hardship directly tied to the physical access constraints created by historic property divisions, not by the applicant's actions.

This hardship is compounded by the fact that the AR zone could theoretically allow 11 or 12 dwellings on the subject property, yet the applicant is only proposing seven lots, each at least three acres in size, which is well within the rural residential development pattern. The inability to create three of these lots under the literal interpretation of MCC 17.110.800 would leave more than nine acres of otherwise developable land underutilized, resulting in an inefficient use of the property and a significant economic loss to the owners. Given the physical frontage constraint, there is no reasonable alternative other than the requested variance to allow the private drive to serve more than four dwellings. The applicant has demonstrated there is a practical difficulty which can be relieved only by modifying the literal requirements of this title.

2. There are unusual circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same zone; however, nonconforming land uses or structures in the vicinity or violations of land use

regulations or standards on the subject property shall not in themselves constitute such circumstances or conditions; and

Applicant's Findings: *The subject property is in the Acreage Residential (AR) zone and contains approximately 24.6 acres, yet has only 60 feet of frontage onto Peter Road SE. Partition Plat 90-10 shows that this narrow strip of frontage has been the sole access point to the property since at least the early 1990s. This condition is the result of historic property divisions unrelated to the current owners, which left a large, developable tract of land landlocked except for a narrow access corridor. This is an unusual circumstance within the AR zone, where most similarly sized parcels either have substantial frontage on a public road or have been designed with multiple points of access through adjoining parcels or internal road networks. In contrast, the subject property's configuration forces all proposed lots to take access from a single, shared private drive extending from the narrow frontage. Without the requested variance, the four-dwelling-unit limitation in MCC 17.110.800 would arbitrarily limit the property's development potential far below what is typical for similarly zoned properties of comparable size and character. The unusual combination of a large acreage parcel, historic narrow frontage, and the absence of alternative access routes creates a site-specific condition that does not generally apply to other AR-zoned lands. This condition is not the result of any nonconforming use or violation, but rather a physical and legal constraint inherited from past land divisions that can only be addressed through variance relief. This criterion is met.*

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

Applicant's Findings: *The requested variance is the minimum necessary to allow reasonable development of the subject property consistent with its AR zoning designation and surrounding land use pattern. The applicant could, under the density provisions of the AR zone, pursue a higher-density development yielding 11 or 12 dwelling units. Instead, the proposed subdivision includes only seven lots, each with a minimum lot size of approximately three acres. This lot size maintains the rural residential character of the area while providing an efficient use of the land.*

The variance request is narrowly tailored to address the unique access constraint created by the property's limited frontage onto Peter Road SE. Without the variance, the four-dwelling-unit limitation would leave more than nine acres of otherwise developable land unused, resulting in an inefficient and economically impractical outcome. By allowing the private drive to serve three additional dwellings, the variance provides just enough relief to make reasonable use of the property without exceeding the scale and intensity of development typically expected in the AR zone.

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

Applicant's Findings: The proposed variance will not have a significant adverse effect on property or improvements in the neighborhood of the subject property. The applicant is proposing to construct the new private street to full public street design standards, including width and surfacing ensuring it will safely and efficiently serve the subdivision. Although the street will meet public standards, Marion County will not accept it as a public facility, requiring it to remain a private drive and prompting the need for this variance.

The private street will function as a shared driveway serving only seven lots, all with direct access to Peter Road SE through the existing 60-foot frontage. Adjoining uses are exclusively residential or otherwise compatible, including a church to the north and single-family residences to the east. The proposed subdivision and private street design are consistent with the rural residential character of the area and will not introduce traffic volumes, noise, or activities out of scale with surrounding uses. Given the compatible land uses, the low density, and the upgraded street design, the variance will not adversely affect neighboring properties or existing improvements. This criterion is met.

5. The variance will not have a significant adverse effect upon the health or safety of persons working or residing in the vicinity; and

Applicant's Findings: The requested variance will not have a significant adverse effect upon the health or safety of persons working or residing in the vicinity. The proposed private street will be constructed to full Marion County public street standards, including width, surfacing, and structural integrity, ensuring safe and efficient access for residents, visitors, and emergency service providers. The street design will accommodate fire apparatus, delivery vehicles, and passenger cars without creating hazards to those using the roadway or adjoining properties. Because the street will function as a shared driveway serving only seven lots, traffic volumes will remain low and consistent with the rural residential nature of the area. The surrounding uses, including single-family residences and a church, will not be impacted by any increase in noise, congestion, or safety risks. All access points and internal circulation will be designed to meet County engineering and fire safety requirements, further ensuring the protection of public health and safety.

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

Applicant's Findings: The purpose of MCC 17.110.800 is to ensure that dwellings in Marion County have safe, legal, and reliable access to the public road system, and that private drives serving multiple dwellings are not overburdened in a way that compromises safety, emergency response, or long-term maintenance. The four-dwelling-unit limit is intended to minimize traffic conflicts on narrow, substandard private drives, prevent situations where emergency vehicles cannot reach all dwellings, and avoid disputes over maintenance responsibilities when many property owners share a single access.

In this case, the requested variance maintains those purposes. The proposed private street will be constructed to full Marion County public street design standards, including pavement width, base rock depth, drainage, and structural capacity. The design incorporates a turnaround that meets County and fire district standards, ensuring safe and efficient access for emergency vehicles and large service trucks. With only seven dwellings proposed, traffic volumes will remain low and well within the safe operating capacity of the street.

Although the new internal street will be designated “private” and will dead-end within the subdivision, the level of design, construction, and safety features will match or exceed those of a comparable public local street. The variance merely removes the arbitrary cap of four dwellings in this unique circumstance, without compromising the core intent of MCC 17.110.800 to provide safe, functional, and well-maintained access for all dwellings in the County. This criterion is met.

- B. Variance to Standards in Chapter 17.191 MCC, Signs. The director, planning commission, hearings officer or board may permit and authorize a variance to the standards in Chapter 17.191 MCC when it appears from the application and the facts presented that the criteria in MCC 17.191.120 are satisfied. The criteria in subsection (A) of this section do not apply to variances granted under this subsection.

Applicant’s Findings: *This criterion is not applicable. The applicant is not requesting a variance to the standards in MCC Chapter 17.191, Signs.*

Section 4: Conclusion

The applicant and property owners have demonstrated that the request to vary the provisions of MCC 17.110.800 satisfies all applicable approval criteria. The findings provided show that unique and unusual site circumstances, including the property’s limited frontage resulting from historic land divisions, create practical difficulties and economic hardship that can only be resolved through variance relief. The requested variance is the minimum necessary to allow reasonable development of the property while maintaining the rural residential character of the AR zone.

The proposed private street will be constructed to full Marion County public street standards, ensuring safe and efficient access for residents, visitors, and emergency service providers. The variance will not create adverse impacts on surrounding properties or public health and safety, and will preserve the intent and purpose of the standard by providing safe, functional, and well-maintained access to all lots in the subdivision.

For these reasons, the applicant has met the burden of proof and respectfully requests approval of the variance application.

Section 5: Exhibits

Exhibit A – Application Form

Exhibit B – Deeds