

Attention Property Owner: A land use proposal has been submitted for property near where you live or near 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. 25-004**

**APPLICATION:** Application of Aaron Carpenter to partition a 6.15-acre parcel into three parcels consisting of 2.10, 2.015, and 2.035 acres in an AR (Acreage Residential) zone located at 10342 Liberty Rd S, Salem (T9S; R3W; Section 9; Tax lot 500).

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

**EXPIRATION DATE:** This approval is valid only when the final partition plat is recorded by **April 10<sup>th</sup>, 2027**. 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:

**Prior to recording the final plat:**

1. Per the Marion County Surveyor's Office: Parcels must be surveyed and monumented, and Per ORS 92.050, the plat must be submitted for review. Checking fees and recording fees are required and a 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. The applicant shall obtain an approved septic site evaluation from the Marion County Building Inspection Division on all undeveloped parcels. **The applicant is strongly encouraged to contact Building Inspection, (503) 588-5147, regarding septic sites before having the property surveyed. Septic site requirements may affect the proposed property line or lot locations.**
3. The applicant shall provide a static water level measurement for the existing well on the enclosed form.
4. Public Works Land Development Engineering and Permits Division (LDEP) requires that the following conditions be met prior to signing off on the final plat:

***Condition A** – On the partition plat dedicate a 30-foot R/W half-width over the Ankeny Hill Road subject property frontage to meet the County Minor Collector standard, and adjust / fillet the adjacent property corner radius to align tangentially with the dedication.*

***Condition 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 drive.*

***Condition C** – Prior to partition plat approval, under an Access Permit widen and pave the proposed shared easement driveway approach with hot mix asphalt for a minimum of distance of 20 feet back as measured from the public roadway edge-of-pavement.*

5. The Marion County Planning Division, in coordination with the 9-1-1 Emergency System has named the proposed private access easement **Lookout 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 site plan.)

**Parcel 1 – 365 Lookout Ln SE**

**Parcel 2 – 354 Lookout Ln SE**

**Parcel 3 – 375 Lookout Ln SE**

**Prior to issuance of building permits on the resulting parcels:**

7. The applicant shall provide static water level measurements for any new or existing wells intended as the water supply for the lot on the enclosed form.
8. The applicant shall submit a final partition plat to the County Surveyor's Office (5155 Silverton Road NE; (503) 588-5036). Following plat approval it shall be recorded with the Marion County Clerk (plat instructions enclosed). A title report must be submitted at the time of review.
9. The applicant shall sign and submit a Sensitive Groundwater Overlay Zone Declaratory Statement to the Planning Division for the new lots. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.

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

10. 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 parcels shall be a minimum of two acres in size.
11. 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 the findings below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

12. 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).
13. The applicants should contact the Jefferson 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.
14. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

**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 **April 10<sup>th</sup>, 2025**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **April 11<sup>th</sup>, 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 in the Marion County Comprehensive Plan. The purpose of this designation and the corresponding AR (Acreage Residential) zone is to allow creation of acreage homesites at a density that maintains the character and environmental quality of rural residential areas.
2. The subject parcel is located directly south of Liberty Rd NE and directly east of Ankeny Hill Rd SE. The property is directly east of the three-way junction with Buena Vista Rd S. The property is accessed off Liberty Rd S. The tax assessor recognizes one dwelling built in 1940 on the parcel, as well as two farm buildings. The portion of the property along Ankeny Hill Rd appears to be within the 100-year Floodplain. The topography appears to be gently sloped toward the roads, with the house sitting at 280 feet elevation and dropping to 230 feet in elevation toward Ankeny Hill Rd. The parcel was the subject of land use case P81-054 where the tract was partitioned into two lots. The resulting configuration was surveyed and described in Reel 260 Page 783 in 1981 and has not changed its configuration since. The parcel is legal for land use purposes.
3. Surrounding uses are a mix of large acreage residences, farmland, and federal land. To the southwest across Ankeny Hill Rd is the Ankeny National Wildlife Refuge. North across Liberty Rd are farm operations zoned EFU and SA. All adjacent properties to the south and west are zoned AR and many contain single-family dwellings.
4. The applicant proposes to partition a 6.15-acre parcel and create three parcels consisting of 2.10, 2.015, and 2.035 acres.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

### **ENGINEERING CONDITIONS**

***Condition A** – On the partition plat dedicate a 30-foot R/W half-width over the Ankeny Hill Road subject property frontage to meet the County Minor Collector standard, and adjust / fillet the adjacent property corner radius to align tangentially with the dedication.*

***Condition 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 drive.*

***Condition C** – Prior to partition plat approval, under an Access Permit widen and pave the proposed shared easement driveway approach with hot mix asphalt for a minimum of distance of 20 feet back as measured from the public roadway edge-of-pavement.*

### **REQUIREMENTS**

- D. Depict necessary access and utility easements on the partition plat.
- E. Applicant is advised to consult with the local FD as to potential requirements for depiction of a fire turnaround and turnouts on the partition plat.

Marion County Survey commented:

1. Parcels must be surveyed and monumented.

2. Per ORS 92.050, plat must be submitted for review.
3. Checking fee and recording fees required.
4. 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.

Marion County Septic commented: "All proposed properties will require a Site Evaluation. For the proposed property encompassing the existing house will need an existing system evaluation and a site evaluation. The site evaluation is for the repair area."

Marion County Building commented: "No Building Inspection concerns. Permit(s) are required to be obtained prior to any development of structures and/or utilities installation on private property."

Jefferson Fire District commented: "Prior to building, Jefferson Fire District will need to see access with turnarounds, square footage of each home to determine water supply. Access will require 12 feet hard surface with 20 feet overall width. Each home will need to have a turnaround."

Marion County Tax Assessor Office provided tax information on the subject parcel.

An Area Advisory Committee member and another citizen expressed concern for the well water availability in the area.

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

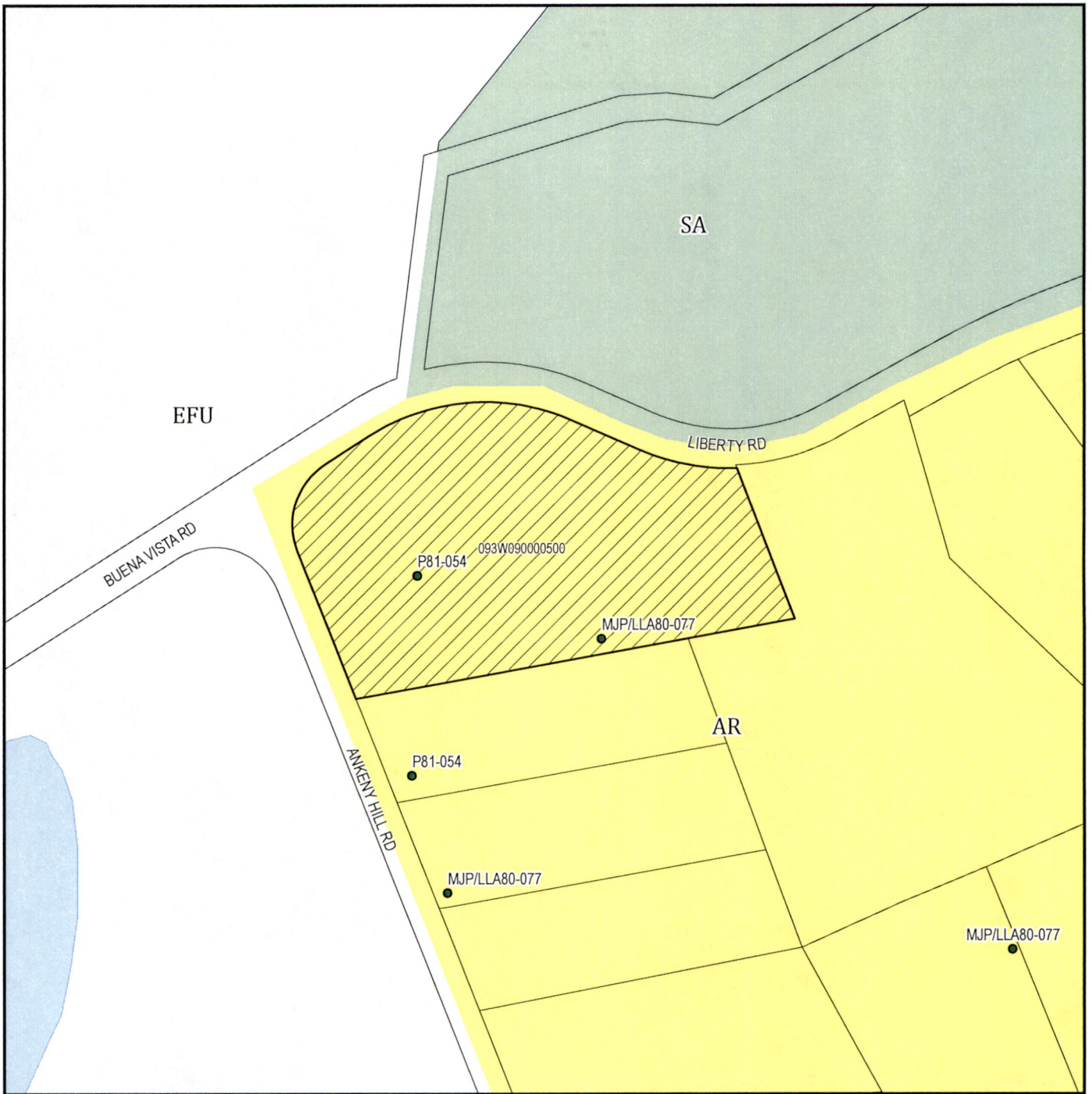
6. Chapter 17.181 MCC establishes provisions for partitioning property in an SGO zone. In the SGO zone, creating a parcel less than five acres in size requires the applicants to submit a "Hydrology Review" meeting the provisions listed in MCC 17.181. The review indicates that there is a sustainable long-term supply of ground water for the proposed development. The County requires a Declaratory Statement be recorded with the property deed. 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 County also requires submission of static water level measurements prior to recording the plat for all existing wells, and prior to building permits for all undeveloped parcels.
7. There are no specific approval criteria for partitions in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres and the new parcels are consistent with this standard. Subsequently, the proposal meets the criteria for partitioning in the AR zone.
8. Based on the above findings, the proposed partition complies with the applicable criteria and is, therefore, **APPROVED.**

Brandon Reich  
Planning Director/Zoning Administrator

Date: March 26<sup>th</sup>, 2025

If you have any questions regarding this decision 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):** 093W090000500

**Owner Name:** CARPENTER, AARON

**Situs Address:** 10342 LIBERTY RD S

**City/State/Zip:** SALEM, OR, 97306

**Land Use Zone:** AR

**School District:** JEFFERSON

**Fire District:** JEFFERSON

### Legend

Input Taxlots

Lakes & Rivers

Highways

Cities



scale: 1 in = 219 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.