

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. 25-009**

**APPLICATION:** Application of Amber Johnson to partition a two lots totaling 7.08-acres into three parcels of in an AR (Acreage Residential) zone located at 5133 Center St NE, Salem (T7S; R2W; Section 29AB; Tax lots 1300, 1500).

**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 **May 20<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. A re-plat (**in the form of a partition plat**) is required, due to the adjustment or elimination of a partition plat parcel line or subdivision lot line. Must be surveyed and platted per ORS 92.050, and the plat submitted for review. Checking fee and recording fees required. 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. Prior to submitting the final partition plat, 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.**

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

3. The partition plat shall be recorded.
4. 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 two acres in size.
5. After the final Partition plat has been recorded no alteration of property lines shall be permitted without first obtaining approval from the Planning Director.
6. **The parcels shall be addressed as shown on the marked site plan and are as follows:**

Parcel 1 - 5133 Center St NE (existing)  
**Parcel 2 - 5177 Center St NE**  
**Parcel 3 - 5030 Cordon Lane NE**

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

7. 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 two acres in size.

8. 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:

9. 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).
10. The applicants should contact Marion County No. 1 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.
11. 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 **May 20<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 **May 21<sup>st</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 and Primary Agriculture 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 parcels are located in the 5100 block of Center Street NE Hollow, Salem, OR 97317 and are approximately 900 feet east of the intersection between Center Street NE and Cordon Road NE. The northern portions of the parcels are undeveloped with the West Middle Fork Little Pudding River flowing in a southwestern direction across them. The southern portion of the tax lot 1300 is developed with a barn and a corral for livestock. The southern portion of tax lot 1500 is developed with a home and accessory structures. Tax lot 1500 was the subject of a 2021 partition (P21-024) and tax lot 1300 was the subject of a 2022 partition (P22-002) therefore both of these parcels are legal for land use purposes.
3. Uses to the north, south, and east are zoned Acreage Residential (AR) and developed with small acreage home sites, as well as two churches: one to the southwest and one to the southeast.
4. The applicant proposes to adjust the property lines on a 3.96-acre and a 3.13-acre parcel to create a 2-acre and 5.09-acre parcel and subsequently partition that 5.1-acre parcel into 2.13-acres and 2.95-acres. This is effectively a partition of 7.08-acres to create three final parcels of 2.00-acres, 2.13-acres, and 2.95-acres.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

**Marion County Survey** commented:

"Partition:

- Parcels must be surveyed and monumented.
- Per ORS 92.050, plat must be submitted for review.
- Checking fee and recording fees required.
- 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.

Property Line Adjustment:

- A re-plat (**in the form of a partition plat**) is required, due to the adjustment or elimination of a partition plat parcel line or subdivision lot line.

Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

- Must be surveyed and platted per ORS 92.050, and the plat submitted for review.

- Checking fee and recording fees required.

- A current or updated title report must be submitted at the time of review."

Marion County Building commented: "No Building Inspection concerns with proposed partition(s). It is recommended any new or adjusted property lines be established at least 3 feet from existing residential structures or 10 feet from existing commercial structures (if applicable). Permit(s) are required to be obtained prior to development of structures and/or utilities installation on private property if proposed."

Marion County Septic commented: "Parcel 1 had an existing system evaluation in 2024 under permit 555-24-006535. Parcels 2 and 3 obtained approved site evaluations under permits 555-24-006537 and 555-24-006538. A construction-installation permit is required prior to system installation of parcels 2 NS 3. All items required for septic partition approval have been met."

Marion County Land Development, Engineering and Permits (LDEP) requested the following be included:

### **ENGINEERING REQUIREMENTS**

A. Depict and/or reference appropriate access and utility easements on the partition plat.

B. Per the 1981 County Resolution "In the Matter of Restricted Access on Cordon Road", BOC administrative concurrence (or non-opposition) is necessary prior to issuance of building permits in order to authorize an intensification of usage to the existing Cordon Road access point via private easement Cordon Lane as an alternative to a potential Fitzpatrick Creek bridge crossing. No additional access point to Cordon Road will be granted.

Marion County Tax Assessor provided tax related information.

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

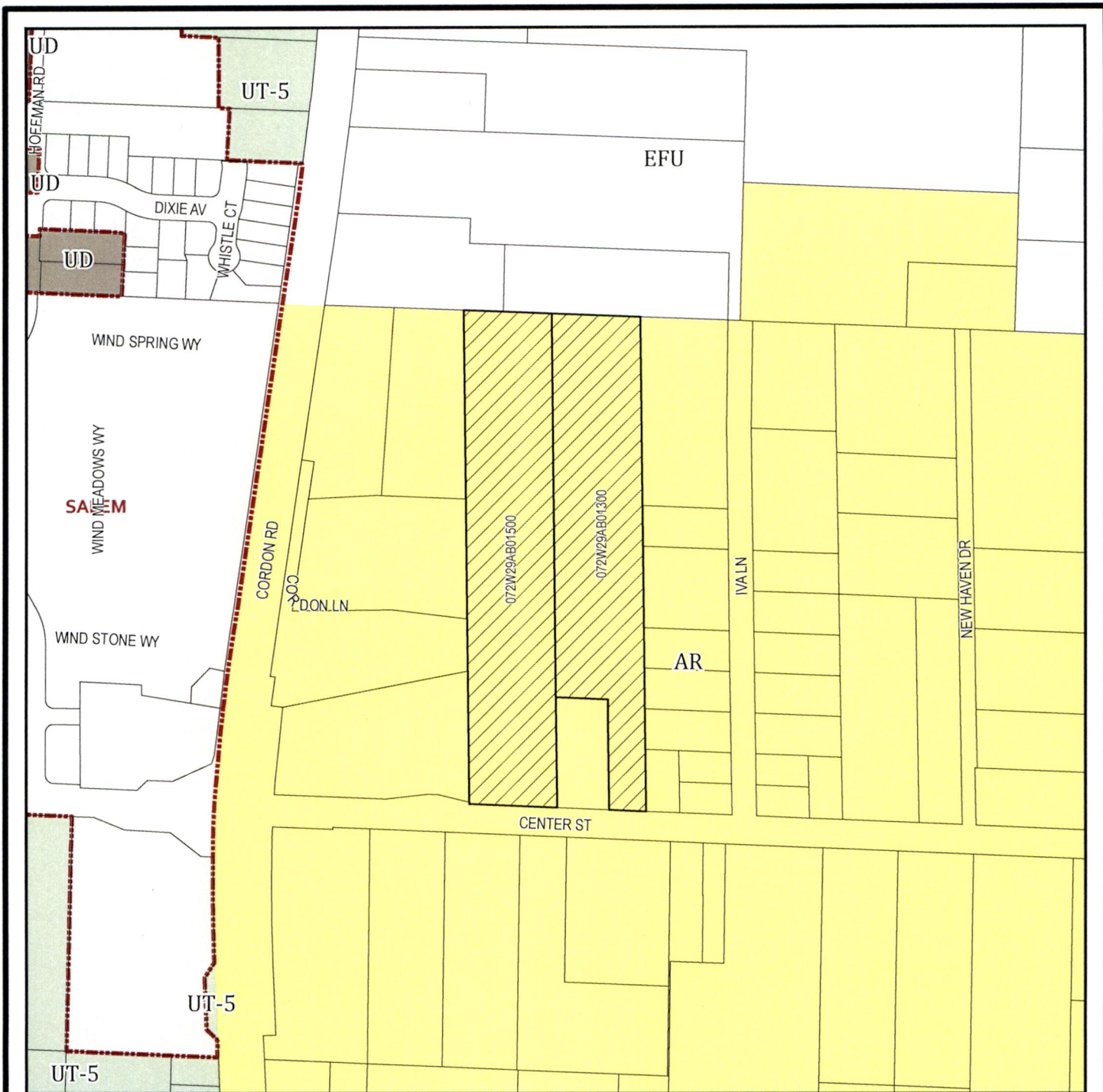
6. There are no specific approval criteria for partitions in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres and the new parcels are consistent with this standard. Subsequently, the proposal meets the criteria for partitioning in the AR zone.
7. Based on the above findings, the proposed partition complies with the applicable criteria and is, therefore, **APPROVED.**

Brandon Reich  
Planning Director/Zoning Administrator

Date: May 5<sup>th</sup>, 2025

If you have any questions regarding this decision contact John Speckman 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): 072W29AB01300, 072W29AB01500

Owner Name: HATHAWAY, AMBER MARIE JOHNSON

Situs Address: 5133 CENTER ST NE

City/State/Zip: SALEM, OR, 97317

Land Use Zone: AR

School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

### Legend



Input Taxlots



Lakes & Rivers



Highways



Cities



scale: 1 in = 340 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.