

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. 18-030**

APPLICATION: Application of Kaufman Homes Inc. to divide a 4.7 acre parcel into two parcels containing 2.51 acres and 2.19 acres each in an AR-2 (Acreage Residential- 2 Acre Minimum) zone located at 2877 Range View Ln S, Salem (T8S; R3W; Section 08C; tax lot 3402).

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 **January 7, 2020**. 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. The applicant shall submit a final partition plat to the County Surveyor's Office (5155 Silverton Road NE, (503) 588-5036) and shall contain the notation that the survey is the result of Partition Case 18-030. Following plat approval it shall be recorded with the Marion County Clerk (plat instructions enclosed).
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.**
3. The applicant is advised that a Partition Plant Service Report from a title company will be required upon submission of the final mylar to the County Surveyor.

Prior to issuance of building permits on the resulting parcels:

4. The partition plat shall be recorded.
5. The applicants shall provide a static water level measurement for any new or existing wells intended as the water supply for the new lot (form enclosed).
6. The applicant shall sign and submit an SGO Declaratory Statement (enclosed) to the Planning Division for each resulting parcel, or provide evidence that this has already been done. The applicant shall record this statement with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
7. The applicant shall sign and submit a Farm/Forest Declaratory Statement (enclosed) to the Planning Division, or provide evidence that this has already been done. 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:

8. 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, prior to any right-of-way dedication.
9. 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:

10. Prior to recording the plat all taxes due must be paid to the Marion County Tax Assessor's Office (contact the Marion County Tax Assessor at 503-588-5215 for verification of payments).
11. Applicants should contact 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. Contact Salem Suburban Fire District at (503) 588-6245 for more information.
12. 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 **January 7, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **January 8, 2019** 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 at the eastern terminus of Range View Lane South, which is approximately 980 feet north of the intersection of Viewcrest Road South and Kuebler Road South. The 4.7 acre parcel is unimproved. The property was created in its current configuration as a result of approval of Partition Case #17-003. The subject property is considered a legally created parcel for land use purposes.
3. Surrounding properties to the north and south are zoned AR and in residential use. Property to the east is located inside the Salem city limits and largely undeveloped. Property to the west, on the west side of Viewcrest Road, is zoned Special Agriculture and composed of rural residential or small woodlots within 700 feet of the subject property. The property is located in a SGO (Sensitive Groundwater Overlay) zone and the standards in Chapter

181 apply. In 2017 a hydrogeology report was submitted that demonstrated adequate ground water supply for three additional parcels, each with a home site. Partition Case #P17-003 permitted creation of two of the new parcels and this application is for the third new parcel reviewed by the 2017 hydrogeology report.

4. The applicant proposes to divide a 4.7 acre parcel into two parcels containing 2.51 acres and 2.19 acres each.
5. Public Works Land Development and Engineering Permits commented: “ENGINEERING REQUIREMENTS
 - A. Prior to building permit issuance, Applicant shall be required to apply for an Erosion Prevention and Sediment Control (EPSC) permit. The subject property is located within the DEQ designated High Risk area of Marion County’s Stormwater Management Area. Per Marion County Code 15.10, construction activities in the High Risk area are required to obtain an EPSC permit.
 - B. A 1200-CN Construction Stormwater permit may be required if ground disturbing activities range from 1 to 5 acres, or less than 1 acre yet part of a common plan that will ultimately disturb 1 acre plus. Marion County is authorized to issue the 1200-CN per DEQ as a Qualified Local Program. 1200-CN coverage is automatic and in conjunction with building permit issuance, if applicable, per Schedule A, condition 1 and condition 2 of the 1200-CN permit.
 - C. The subject property is within the unincorporated area of Marion County and will be assessed Transportation & Parks System Development Charges (SDCs) upon application for building permits, per Marion County Ordinances #00-10R and #98-40R, respectively.

ENGINEERING ADVISORY

Applicant should also be aware of the following:

- D. Since the lots will be 2 acres or more, stormwater detention will not be a requirement at this time. If the parcels are partitioned or further developed in the future, storm-water detention may be required for the parcels.”

Marion County Surveyor commented: “Parcels ten acres and less must be surveyed. Per ORS 92.050, plat must be submitted for review. Checking fee, second mylar fee, and recording fee required. A current or updated title report must be submitted at the time of review. Title reports shall be no less 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 Building Inspection commented that permits are required for new construction or placement of a manufactured home.

Marion County On-Site Sewage commented that new approved septic evaluation will be required for both undeveloped parcels.

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

Salem Suburban Fire District commented that “the proposed driveway width is adequate as long as the gravel can support the load of a fire truck. We will evaluate water supply at the time any building permits are proposed.”

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. In addition, the resulting undeveloped parcels, if they can obtain septic approval, are of sufficient size and shape to meet the development standards in the AR zone.
7. MCC 17.172.560 ACCESS STANDARDS *All lots must have a minimum of 20 feet of frontage on a public right-of-way, or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards shall be provided prior to the issuance of building permits on the parcels served by the access easement.*

- (a) *Have a minimum easement width of 20 feet;*
- (b) *Have a maximum grade of 12%;*
- (c) *Be improved with an all-weather surface with a minimum width of 12 feet;*
- (d) *Provide adequate sight-distance at intersections with public roadways;*
- (e) *Be provided with a road name sign at the public roadway as an identification for emergency vehicles in accordance with the Marion County Address and Street Name Ordinance.*

The applicants are proposing to use an existing access easement to serve the new parcel. The requirements in Chapter 172.56 can be made a condition of any approval. It should be noted that the easement must also meet local Fire District Standards. Under the provisions in the Marion County Address and Street Name Ordinance, the easement has been named **Range View Lane South**. All properties accessing the easement must be addressed from the roadway and the easement and name must be shown on the plat.

- 8. Staff recognizes the final partitioning may vary from the proposed plan due to topography or surveying. Minor variations are permitted; however, each resulting parcel shall be a minimum 2.0 acres prior to any required right-of-way dedication.
- 9. Based on the above findings, the proposed partition complies with the applicable criteria and is, therefore **APPROVED**, subject to conditions.

Joe Fennimore
Director-Planning Division

Date: December 20, 2018

If you have any questions please contact Lisa Milliman 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.