

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.21-022**

**APPLICATION:** Application of CMP Roth Farms, LLC to divide a 7.19 acre parcel into three parcels containing 2.29 acres, 2.35 acres and 3.09 acres each in an AR (Acreage Residential) zone located at on the 8600 block of Sunnyview Rd. NE, Salem. (T7S; R2W; Section 13CB; Tax Lot 700).

**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 **September 15, 2023.** 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). 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. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the final plat for recordation until the following conditions have been satisfied:

*Condition A – Prior to plat approval, under Access Permit construct a paved driveway approach apron centered on a shared access easement to Sunnyview Road, and remove a remnant paved approach stub near the NW property corner.*

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

4. The partition plat shall be recorded.

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

5. 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.
6. 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 below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

7. 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).
8. The applicants should contact the Marion County 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. **Paula Smith at MCFD#1 (503) 588-6513 as the contact person).**
9. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #6 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 **September 15, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **September 16, 2021** 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 on the northeast corner of the intersection of Howell Prairie Rd NE and Sunnyview Rd NE. The property is vacant with no structures. The property was described in its current configuration on a deed recorded June 6, 1966; Volume 617, Page 629 and is therefore, considered a legal parcel for land use purposes.
3. Uses to the north, east and partially to the south are in residential use with all parcels being zoned AR and developed with small acreage home sites. Parcels to the west, and south are in farm use and appropriately zoned Exclusive Farm Use (EFU)

4. The applicant proposes to divide a 7.19 acre parcel into three parcels containing 3.09 acres and 2.35 and 2.29 acres each.
5. Parcels will be appropriately addressed with the approved road name prior to plat.
6. Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

### **ENGINEERING CONDITION**

*Condition A – Prior to plat approval, under Access Permit construct a paved driveway approach apron centered on a shared access easement to Sunnyview Road, and remove a remnant paved approach stub near the NW property corner.*

See access commentary below under Engineering Requirements for important relevant information.

### **ENGINEERING REQUIREMENTS**

C. The following sub-requirements pertain to access:

- 1) Access shall be shared from Sunnyview Road; no direct individual parcel access to Howell Prairie Road or Sunnyview Road will be allowed.
- 2) The proposed shared access easement location does not meet PW Engineering's minimum 150-foot access spacing standard for a Minor Collector. Options include re-siting the access further east, or possibly having it generally where shown on the land use application site plan by closing and consolidating the east access loop for #8675 Sunnyview Road into the easement, with potential agreement from that property owner. Please note the County will not act as a party to easement negotiations.
- 3) At the time of application for building permits, an Access Permit will be required for each parcel.

D. Transportation System Development & Parks Charges will be assessed at the time of application for building permits.

E. Access and utility easements shall be shown on the plat. Please be advised that in particular with regard to electrical interconnections originating from the south side of Sunnyview Road, private utility service conduit runs of extended length within and parallel to the public right-of-way are not favored. Therefore, appropriate utility easements should be shown on the plat to accommodate those anticipated runs on private property once having crossed the public right-of-way in perpendicular fashion as will be required.

F. Utility permits are required for utility extension work in the public right-of-way.

### **ENGINEERING ADVISORY**

G. A DEQ NPDES 1200-C Construction Stormwater Erosion Permit is required for aggregate ground disturbances of 1.0-Ac or more.

Marion County Septic Department comments that A site evaluation shall be required for each new lot.

Marion County Surveyor commented:

1. Parcels ten acres and less must be surveyed.
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 Building Inspection commented: "No Building Inspection issues. Permits are required for any future development on private property."

Marion County Assessor's Office provided information related to the subject properties property taxes.

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

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.**

Joe Fennimore  
Planning Director

Date: August 31, 2021

If you have any questions regarding this decision contact Lindsey King 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.