



**Marion County**  
OREGON

**SUBDIVISION APPLICATION**

**RECEIVED**

NOV 01 2024

**Marion County  
Planning**

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

**Fee: Please check the appropriate box:**

- Subdivision - \$2670+\$25/lot
- Subdivision in an SGO Zone - \$2970+\$25/lot
- Amend Conditions - \$800

- Replat - \$2710
- Phases - \$750

PROPERTY OWNER(S): Enchanted Ridge Property Owners Association	ADDRESS, CITY, STATE, AND ZIP: 8388 Valley Way Turner, OR 97392
PROPERTY OWNER(S) (if more than one): Enchanted Ridge II, LLC	ADDRESS, CITY, STATE, AND ZIP 140 Wilson Street S. Salem, OR 97302
APPLICANT REPRESENTATIVE: Margaret Y. Gander-Vo Attorney at Saalfeld Griggs PC	ADDRESS, CITY, STATE, ZIP PO Box 470 Salem, OR 97308-0470
DAYTIME PHONE (if staff has questions about this application): 503-485-4271	E-MAIL (if any): margaret@sglaw.com
ADDRESS OF SUBJECT PROPERTY: Map Tax Lot 083W360000400	TOTAL PROPERTY ACREAGE: +/-85.60  ACREAGE TO BE SUBDIVIDED: +/-77.90
THIS APPLICATION IS MADE FOR APPROVAL OF A PROPOSED (check one): <input checked="" type="checkbox"/> SUBDIVISION <input type="checkbox"/> PLANNED UNIT DEVELOPMENT	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? ( ) YES (X) NO IF YES, WHICH RAILROAD:	

<b>FOR OFFICE USE ONLY</b>			
Township <u>8S</u>	Range <u>3W</u>	Section <u>36, 36A &amp; 36B</u>	Application elements submitted:
Tax lot number(s) <u>400(36); 1200 &amp; 1300(36A); 1900(36B)</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>AR &amp; EFV</u>			<input checked="" type="checkbox"/> Subdivision Layout
Zone map number: <u>55</u>			<input checked="" type="checkbox"/> Applicant statement
<input checked="" type="checkbox"/> TPA/header			<input checked="" type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number: <u>SUB24-001</u>			<input checked="" type="checkbox"/> Filing fee
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural			<input checked="" type="checkbox"/> SGO Zone (if applicable)
Application accepted by: <u>ACS</u>		Set up by: <u>DCS</u>	<input type="checkbox"/> Road name information <u>NA</u>
Date: <u>11/1/2024</u>			<input checked="" type="checkbox"/> Pre-App Submitted
Date determined complete:			

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) Enchanted View Lane SE	
(2) Enchanted Ridge Court SE	
(3) Valley Way SE	
(4)	
(5)	
(6)	
NUMBER OF LOTS TO BE CREATED: 4	RANGE OF LOT SIZES: Smallest $\frac{+/-2.36}{\text{acres}}$ Largest $\frac{+/-77.90}{\text{acres}}$ Average $\frac{+/-2.50}{\text{acres}}$
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: Valley Way SE	
IS THIS ROAD PAVED? <u>Yes</u> IF NOT, PLEASE DESCRIBE THE TYPE AND LEVEL OF IMPROVEMENT ON THE ACCESS ROAD TO THE PROPERTY:	
SEWAGE DISPOSAL TO BE PROVIDED BY: <input checked="" type="checkbox"/> Septic tank <input type="checkbox"/> Public sewer system	
WATER SUPPLY TO BE PROVIDED BY: <input checked="" type="checkbox"/> Individual well <input type="checkbox"/> 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: The property has no current uses. Please see the attached written statement for more detail. _____ _____
DESCRIBE THE CURRENT USE OF THE LANDS SURROUNDING THE SUBJECT PROPERTY (include land across roads): Property is adjacent to a working farm operation and residential properties; See written statement for more information. _____
DESCRIBE THE INTENDED USE OF THE PROPERTY: Property will be used partially as a residential development and partially for agricultural use; Please see written statement for further details. _____



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:

Please refer to the attached written statement.

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

Please refer to the written statement.

**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.

*Enchanted Ridge II LLC* *Thomas W. Wheeler member*  
Print Name Signature

*Enchanted Ridge HOA* *[Signature]*  
*Don Carlay* *[Signature] president*  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

## SUBDIVISION WRITTEN STATEMENT

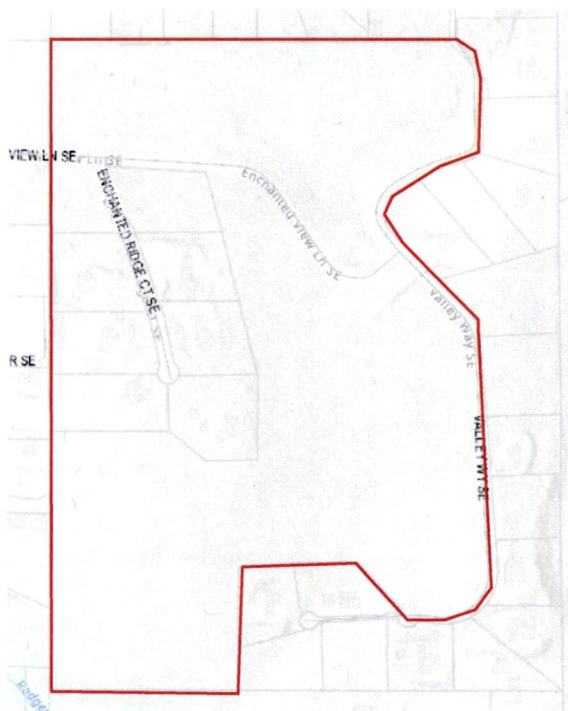
### APPLICANT/OWNER:

Enchanted Ridge Property  
Owners Association  
8388 Valley Way  
Turner, OR 97392

Enchanted Ridge II, LLC  
140 Wilson Street S.  
Salem, OR 97302

### APPLICANT'S REPRESENTATIVE:

Margaret Gander-Vo, Attorney  
Saalfeld Griggs PC  
PO Box 470  
Salem, OR 97308  
Phone: 503- 399-1070  
Email: margaret@sglaw.com



### SUBJECT PROPERTY INFORMATION:

The property is approximately 85.60 acres in size and is identified as Tax Map R3W S36 T8S Tax Lot 400 by the Marion County Assessor (the "**Property**"). The Property owned by the Enchanted Ridge Property Owners Association, an Oregon non-profit organization (the "**Association**") and Enchanted Ridge II, LLC, an Oregon limited liability company (the "**Developer**"). The Association and the Developer are referred to herein collectively as the "**Applicant**"). The current vesting deeds for the Property, two (2) Warranty Deeds recorded in the Marion County Real Property Records at Reel 4677, Page 445 and at Reel 4677, Page 444 on December 14, 2022. Both of these deeds have been provided as part of this application. The Property is split designated as Primary Agriculture and Rural Residential in the Marion County Comprehensive Plan and zoned Exclusive Farm Use (EFU) and Acreage Residential (AR-2) in the Marion County Rural Zoning Ordinance pursuant to an ordinance issued by the Marion County Board of Commissioners as Administrative Ordinance No. 1446 which approved Marion County Case No. ZC/CP21-005 (the "**Ordinance**"). The Applicant has provided a copy of the Ordinance for background and additional context. The Property is located within the Cascade School District Catchment and the Turner Fire District. It is located outside of the City of Salem and City of Turner Urban Growth Boundaries and is not within any city limits. The Property is not within a FEMA flood plain and there are no identified wetlands located on the Property, however, it is located within Marion County's Sensitive Groundwater Overlay Zone and has a mapped landslide hazard.

### BACKGROUND AND PROPOSAL:

The Property was created by Partition Plat 2009-043 and is designated as Parcel 1 therein. The Property is bounded by AR zoned land to the North and the majority of the East, South, and West. The Southwest



corner of the Property is bordered by commercially zoned properties and developed with the Enchanted Forest Theme Park. Applicant is requesting a subdivision of the Property resulting in four (4) parcels, separating three (3) parcels (the “Homesites”) from an approximately 77.90 acre remnant parcel (the “Farm Parcel”), aligning the property lines with the split zoning designation which was applied to the Property via the Ordinance (the “Application”). The proposed lot sizes are as follows (1) Proposed Lot 1: 2.40 acres; Proposed Lot 2: 2.90 acres; Proposed Lot 3: 2.36 acres; and Proposed Lot 4: 77.90 acres. The Proposed lots are depicted on the Site Plan submitted as part of this Application. The Applicant is seeking conceptual subdivision approval under Marion County Code (“MCC” or the “Code”) 17.172. The Applicant and its representative attended the mandatory pre-application conference on July 6th, 2023.

**SURROUNDING PROPERTY INFORMATION:**

The properties that immediately surround the Subject Property are zoned, designated, and used as follows:

<u>PROPERTY</u>	<u>ZONING</u>	<u>USE</u>
North	AR	Residential
South	AR/C	Residential/Enchanted Forest
East	AR	Residential
West	AR/EFU	Residential/Grass Seed Farm

The Property is divided into four (4) parcels by Enchanted View Lane SE, Enchanted Ridge Court SE, and Valley Way SE. The portion of the Property North of Enchanted way is bordered by large residential parcels all of which are more than one acre in size but less than two acres. This residential development continues along Enchanted Ridge Court SE and along Valley Way SE, with the exception of an approximately six hundred forty four (644) foot stretch of the Property which abuts additional EFU Property. The southwest corner of the Property is adjacent to property zoned as “Commercial” and developed with the Enchanted Forest Theme Park. The surrounding area is largely residential in nature and the existing pattern of development has resulted in a parcel of EFU zoned Property surrounded by extensive parcelization. In order to retain the Farm Parcel in a manner that is consistent with both the Statewide Planning Goals and the desires of the neighboring property owners, the Applicant is proposing a subdivision that will allow for the development of the Homesites, providing additional funding for the maintenance of the Farm Parcel as an agricultural use. The proposed subdivision will be consistent in size and scope with the surrounding residential parcels.

**PROPOSED SUBDIVISION PLAT:**

The Applicant has provided along with this written statement twenty (20) copies of the proposed subdivision plat which is submitted as Applicant’s Proposed Subdivision. The Proposed Subdivision complies with the requirements listed in the Code and provides the necessary detail needed to determine that the Application satisfies the applicable approval criteria set forth in the Code, with the exception of the proposed driveway access points, well, septic systems, existing buildings, or the adjacent public utilities. The Applicant is requesting conceptual approval and, if it receives approval, will subsequently

provide additional detail for review by the County for conformance with plat and design standards.

**PROPOSED COVENANTS, CONDITIONS, AND RESTRICTIONS:**

The Property is part of the Enchanted Ridge Property Owners Association (the "**Association**"). It is the intent of the Applicant to include the Property in the Association. As such, the Property would be subject to the Association's CC&Rs, which have been provided as part of this Application.

**APPLICANT'S PROPOSED FINDINGS:**

The proposed subdivision will be developed on the portion of the Subject Property zoned AR and thus the applicable criteria are those related to development and use in the AR Zone and the only relevant criteria regarding the EFU Zone concerns minimum lot size.

***17.136.090 Minimum parcel size, divisions of land, and property line adjustments. The following regulations apply when property line adjustments and partitioning of land within an EFU zone subject to the provisions of Chapter 17.172 MCC are proposed:***

***A. Minimum Parcel Size for Newly Created Parcels.***

***1. Farm Parcels. The minimal parcel size for new farm parcels shall be calculated as follows:***

***a. All parcels wholly or in part within 500 feet of the subject parcel shall be identified.***

***b. The average (mean) size of all parcels larger than 40 acres identified in subsection (A)(1)(a) of this section shall be determined.***

***c. The acreage size calculated in subsection (A)(1)(b) of this section, rounded to the nearest 10 acres, is the minimum parcel size unless such parcel size is less than 80 acres, in which case the minimum parcel size is 80 acres.***

***2. Non-Farm Parcels. A new non-farm parcel created pursuant to subsection (B) of this section shall only be as large as necessary to accommodate the use and any buffer area needed to ensure compatibility with adjacent farm uses.***

**Proposed Findings:** The surrounding area is largely residential in nature and the existing pattern of development has resulted in a parcel of EFU zoned Property surrounded by extensive parcelization. As such, the minimum parcel size is 80 acres. The Applicant is proposing the Farm Parcel, which will be 77.90 acres, be approved as a substandard parcel in this circumstance. The Applicant has been granted an exception to Goal 3 via the Ordinance which permits substandard parcelization and the proposed parcel size is adequate for agricultural use which the development of the subdivision will support. This criterion is satisfied.

***17.128.020 AR (Acreage Residential) Zone Permitted Uses. Within an AR (acreage residential) zone no building, structure or premises shall be used or arranged except for the following purposes:***



**A. Single-family dwelling.**

**B. Farm use, including the sale of produce that is raised on the premises, but not including a medical marijuana processor (see MCC 17.110.376), medical marijuana producer (see MCC 17.110.378), or a medical marijuana dispensary (see MCC 17.110.374).**

**C. Planned developments.**

...

**Proposed Findings:** As shown on the Applicant's Site Plan, Applicant is proposing a planned development that will consist of four proposed lots. Proposed Lot 1, Proposed Lot 2, and Proposed Lot 3 will contain single family dwellings while Proposed Lot 4, the Farm Parcel, will be used for agricultural use. The proposed uses of the Subject Property are permitted in each applicable zone. This criterion is satisfied.

**17.128.050 Special siting standards for dwellings near resource zones.**

**A. Any new dwelling in an AR zone shall be required to maintain a special setback from any parcel in the EFU, SA, FT, or TC zones. A 100-foot setback is the standard adjacent to farm use and 200 feet is the standard adjacent to forest uses. These setbacks may be reduced if it is determined, concurrently with any land use application or as provided in Chapter 17.116 MCC, that a lesser setback will meet the following review criteria for alternative home sites:**

**Proposed Findings:** Proposed Lot 2 and Proposed Lot 3 are adjacent to an active farm owned and operated by an adjacent landowner. During the approval process for the Ordinance, that landowner submitted a letter in support of the Ordinance, indicating that, due to the slopes on each property, the proposed Homesites do not impact the existing farm operation. Each of these proposed lots are more than 300 feet deep. The Applicant has provided a sketch of the proposed Homesites on these proposed lots, each of which exceed the applicable 100 foot setback, which is consistent with the existing residences on the adjacent lots. Similarly, Proposed Lot 1 will abut the Farm Parcel along its eastern most property line, from east to west, Proposed Lot 1 measures approximately 358 feet at its narrowest point, allowing for compliance with the 100 foot setback. The Applicant has provided a conceptual plan as part of this Application that shows the proposed location of the new dwellings on the proposed parcels (the "**Concept Plan**"). While the Concept Plan is not intended for detailed review, it demonstrates that it is feasible to site the proposed dwellings on the Proposed Parcels in a manner that will comply with the Code. The County will have an opportunity to confirm compliance with this provision when the Applicant submits for building permits. This criterion can be satisfied through the following proposed condition of approval:

Proposed Condition 1: Prior to issuance of building permits, the Applicant will demonstrate that any proposed dwelling satisfies the applicable siting requirements contained in MCC 17.128.050.

***1. The location of the home site will have the least impact on nearby or adjoining forest or agricultural lands.***

**Proposed Findings:** The proposed home sites for the development of the Homesites are being located in a manner that will not impact the adjacent farm operations. Along the eastern property line of Proposed Lot 2 and Proposed Lot 3 there is a line of mature trees, which have been planted as a buffer for those parcels. Additionally, the slopes in that area form a natural break between the two Proposed Lots and the adjacent farm operation. Proposed Lot 1 will abut the Farm Parcel, but is designed to extend the property line of an adjacent residential parcel, segregating a portion of the Property that has been difficult to farm both due to the proximity of the existing residential use and due to several large trees that will be located within Proposed Lot 1. The division of Proposed Lot 1, and all of the Homesites, makes the farming operation on the Farm Parcel more efficient and more manageable, potentially increasing the profitability of farming the Farm Parcel. Each of the Proposed Lots are adjacent to existing private drives, which provide access to the surrounding residential uses and which will provide access to the proposed Lots. The Proposed Lots will connect to the existing utilities and service lines adjacent to the existing roads, further limiting any impact to the Farm Parcel or to the adjacent agricultural use.

***2. The location of the home site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.***

**Proposed Findings:** As described above, the proposed location of the Homesites are being sited in a manner that will not impact the adjacent farm operations. Further, the division of Proposed Lot 1, and all of the Homesites, makes the farming operation on the Farm Parcel more efficient and manageable, potentially increasing the profitability of farming the Farm Parcel rather than creating any adverse impacts. This criterion is satisfied.

***3. The amount of agricultural and forestlands used to site access roads, service corridors, the dwelling and structures is minimized.***

**Proposed Findings:** As shown on the Applicant's Site Plan, there are three existing private roads that bisect the Subject Property, Enchanted View Lane SE, Enchanted Ridge Court SE and Valley Way SE. These existing roads, along with Valley Way SE, which is the only proposed road, will provide access to each of



the Proposed Lots. The existing roads and the proposal of Valley Way SE will provide access to the Proposed Lots while minimizing the intrusion into the Farm Parcel. This criterion is satisfied.

***4. The risks associated with wildfire are minimized.***

**Proposed Findings:** The Applicant has provided a Site Plan and Concept Plan showing the proposed development and potential situs of the dwellings as well as the topography. The Applicant will provide more detailed information during the building permit review process, but the Applicant will comply with all development and building codes to ensure any risks associated with wildfire are minimized. The Applicant and the Enchanted Ridge Property Owners Association have worked with the Fire District to develop a plan for insuring that there is adequate water to respond to fires in the area. That plan has been submitted as part of this application as ***Exhibit 104***. This plan works to make sure that there is adequate water and that emergency access is provided to the fire district in the event of a fire in the area. Additionally, the homes are spread out on acreage properties, providing adequate fire buffering and the addition of three new homes in the area does not increase the risk of wildfires in this area. This criterion is satisfied.

***B. The owner of a proposed dwelling to be located within 500 feet of the EFU, SA, FT, or TC zones shall be required to concur in the filing of the declaratory statement prescribed in the respective resource zone.***

**Proposed Finding:** As part of this Application, the Applicant has provided a proposed Declaratory Statement, which it is prepared to execute and file upon approval of the Application. The Applicant requests that the County apply this requirement as a condition of approval. As conditioned, this criterion is satisfied.

***C. The owner of a proposed dwelling located on a parcel adjacent to the FT or TC zone shall, as a condition of approval, be required to provide for fire hazard management in accordance with Chapter 3 of "Fire Safety Considerations for Developments in Forested Areas, 1978" and any revisions thereto.***

**Proposed Finding:** The Property is not adjacent to a FT or TC zone. This criterion is not applicable.

***17.128.070 Minimum lot size and density.***

***The minimum lot size for subdivisions and partitioning is two acres. When a numerical suffix has been applied to the AR zone, the minimum lot size shall conform to the numerical designation. The minimum lot size shall also apply to planned developments.***

**Proposed Finding:** As shown on the Applicant's Site Plan, the Applicant is proposing lots that are over the acreage minimum with the smallest proposed lot, Proposed Lot 3, being 2.36 acres in size. The proposed subdivision complies with the minimum lot size for the AR Zone. This criterion is satisfied.

**17.172.140 Engineering standards and requirements.**

***Engineering standards and requirements, including but not limited to streets, drainage, access, easements, and thoroughfare improvements, shall be those currently approved by the Marion County department of public works.***

**Proposed Finding:** The Applicant has provided a Site Plan and Concept Plan. The Applicant will comply with all engineering standards and requirements approved by Marion County and will provide more detail during the development and building permit review process. This criterion is satisfied.

**17.172.160 Dedication or deeding of roadway.**

***No person shall dedicate for public use, or deed to Marion County, a parcel of land which is used or proposed to be used as a roadway without first obtaining the approval of the board and delivering the deed to the board for its endorsement. No dedication is effective unless the property is accepted by the board and recorded with the Marion County clerk's office.***

**Proposed Finding:** As demonstrated by the recorded warranty deed and Reel 1390, page 178 of the Marion County Deed Records, approval has been obtained by the board and the deed has been recorded with the Marion County clerk's office for Valley Way SE, Enchanted View Lane SE, Enchanted Ridge Court SE which are shown on the Applicant's Site Plan. Further, Enchanted View Lane SE and Enchanted Ridge Court SE are existing private roads that are not being proposed for development. Additional roads are not being provided at this time. This criterion is not applicable.

**17.172.180 Dead-end streets.**

***When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision and shall have a turnaround with a configuration approved by the Marion County department of public works engineering.***

**Proposed Finding:** As shown on the Applicant's Site Plan, Enchanted Ridge Court SE is an existing private street which runs from the proposed subdivision into adjoining properties and ends in a cul-de-sac on the adjoining property. Valley Way SE, which is a proposed private street, will not continue to an adjacent



property and is a dead-end street with both ends of the street ending in cul-de-sacs. This criterion is satisfied.

**17.172.200 Radius at street intersections.**

***The property line radius at street intersections shall be to the Marion County public works department's standards.***

**Proposed Finding:** As shown on the Applicant's Site Plan, Enchanted Ridge Court SE and Enchanted View Lane SE are existing private streets. Valley Way SE is a proposed private street. The Applicant will provide more detailed information in the building permit review process and will comply with the Marion County public works department's standards, but for now the Applicant has provided the Site Plan which shows where the streets will intersect along with curve radii.

**17.172.220 Street grades.**

***No street grade shall be in excess of 12 percent unless the commission or hearings officer finds that, because of topographic conditions, a steeper grade is necessary. The commission or hearings officer shall require a written statement from the director of public works indicating approval of any street grade that exceeds 12 percent.***

**Proposed Finding:** The Applicant has provided the Site Plan which shows the topography of the Subject Property. Enchanted Ridge Court SE and Enchanted View Lane SE are existing private streets. Valley Way SE is a proposed private street. The Applicant will provide more detailed information during the building permit review process concerning the proposed grade of Valley Way SE.

**17.172.240 Dedication of right-of-way.**

***If land to be subdivided or partitioned will cause the termination of a roadway or borders a roadway right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac or to increase the half (or halves) of right-of-way bordering the subject parcel to one-half of the standard width. Unless otherwise specified for an individual street in the zoning ordinance, standard right-of-way widths are subject to the standards of the Marion County department of public works.***

**Proposed Finding:** As shown on the Applicant's Site Plan, the proposed subdivision will not cause the termination of a roadway. Valley Way SE, which is a proposed street that has not yet been constructed,

will be terminated with a cul-de-sac on both ends as shown on the Applicant's Site Plan. The Applicant will provide more detailed information during the building permit review process.

**17.172.260 Additional right-of-way widths.**

***Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way may be required to be dedicated to allow all cut and fill slopes to be within the right-of-way.***

**Proposed Finding:** The Applicant has provided a Site Plan, which shows the topography of the Subject Property and location of the existing and proposed private streets. Valley Way SE is the only proposed private street. The Applicant will provide more detailed information during the building permit review process and will comply with all requirements.

**17.172.280 Performance standards.**

***Whenever adequate assurances of performance are required as a condition of approval of any subdivision under this title, the applicant shall provide one of the following:***

***A. A surety bond executed by a surety company authorized to transact business in the state of Oregon, in an amount equal to 125 percent of the construction cost of the required public improvements, as verified by the county.***

***B. A verified deposit with a responsible escrow agent or trust company of cash or negotiable bonds in an amount equal to 125 percent of the construction costs of the required public improvements, together with an agreement that the deposit may be disbursed only upon county approval. The agreement shall include a provision that the county shall allow release of the deposit in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the county engineer following an inspection by the county engineer or the engineer's authorized representative.***

***C. An irrevocable letter of credit from one or more financial or lending institutions pledging that funds equal to 125 percent of the construction cost of all required improvements are available to the applicant and are guaranteed for payment for the improvements.***

***Regardless of the option chosen above, no building permits for any structures within the subdivision will be issued until all improvements have been completed by the applicant. In the event the applicant fails***



*to complete all improvements, the county may estimate the cost of completing any required improvement, call on the bond or deposit for the funds necessary to complete the improvement, and complete the improvement to the extent of the funds obtained upon call of the bond or deposit. If the amount obtained from the bond or deposit is insufficient to complete the improvement, the county may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvement as determined reasonable by the director of public works. Following final inspection, if the improvement is complete and the amount of the bond or deposit exceeds the actual cost to the county of completing the improvement, the remainder shall be released.*

*D. Maintenance Bonds. The applicant shall provide a maintenance bond in a form approved by the office of legal counsel equal to 40 percent of the construction cost of all required improvements. The applicant shall provide the bond within 30 days after final review of the required improvements. The bond shall remain in effect for one year after the completion of construction of all required improvements. The purpose of the bond is to guarantee applicant's obligation to maintain all required improvements for a period of one year after completion of construction of all required improvements. After the expiration of the one-year period, any remaining balance on the bond shall be released. The bond shall include a provision stating that, in the event the county must take legal action to recover on this bond, and it prevails at trial or on appeal, the county shall be entitled to recover its reasonable attorneys' fees and its costs and disbursements. Nonpayment of the bond will not invalidate applicant's obligations under the bond.*

**Proposed Finding:** Adequate assurances of performance were not a condition of approval for the subdivision. However, if any of the above are required, the Applicant will comply with all conditions of approval. This criterion is satisfied.

**17.172.300 Utility easements.**

*Utility easements meeting the approval of the Marion County department of public works shall be provided to all newly created lots.*

**Proposed Finding:** As shown on the Applicant's Site Plan and evidenced by Reel 1390, page 178, utility easements run along Enchanted View Lane SE and Valley Way SE which are provided to all proposed lots. This criterion is satisfied.

**17.172.320 Street or road improvements.**

***All public street or road improvements including pavement, curbs, sidewalks, signage, and surface drainage shall be in accordance with the specifications and standards prescribed by the director of public works. Subdivision plats shall not have final approval until such time as the director of public works, or his/her designee, is satisfied that the street improvements will be completed in accordance with the specifications and standards set forth by the Marion County department of public works.***

***No building permits within a subdivision or partition shall be issued until the director of public works, or his/her designee, approves that the improvements have been completed or sufficient improvement agreements and financial guarantees have been recorded.***

**Proposed Finding:** The Applicant will comply with all required improvements and seek confirmation that the improvements are in accordance with the specifications and standards set forth by the Marion County department of public works prior to the final approval of the subdivision plat. This criterion is satisfied.

**17.172.340 Private streets.**

***In the event the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the homeowners' association and a maintenance agreement shall be submitted to Marion County for review and approval prior to recording the final plat.***

**Proposed Finding:** As shown on the Applicant's Site Plan, Enchanted View Lane SE and Enchanted Ridge Court SE are two private streets that already exist and will provide access to the proposed lots. In addition, Valley Way SE is a proposed private street. The Association's bylaws became effective on January 1, 2020 and Article 5.1.2 provides for the maintenance of the subdivision roadway and the portion of Enchanted View Lane between Enchanted Way and the Subdivision by monitoring the condition of the roads and undertaking the maintenance and repair of such roads. This criterion is met.

**17.172.360 Lot size.**

***All lots approved under this chapter shall have sufficient area to be consistent with the intent of the Comprehensive Plan and to provide adequate area for the intended structures and uses, all setbacks, access and spacing required for water supply and waste water disposal. Lots to be served by a public or privately owned sewage collection and disposal system must meet the requirements and have approval of the Oregon State Department of Environmental Quality before being recorded or sold. State regulations, soil types, drainage, terrain, and location may be included as part of the criteria used by***



***the state or county in determining appropriate lot sizes for lots using subsurface disposal of sewage. Lot size and dimension shall be as prescribed in the corresponding zone.***

**Proposed Finding:** As described above, the lot sizes of the Proposed Lots and Farm Parcel are consistent with the surrounding area and Comprehensive Plan designations of Primary Agriculture and Rural Residential. Proposed Lot 1 is 2.40 acres, Proposed Lot 2 is 2.90 acres, Proposed Lot 3 is 2.36 acres and Proposed Lot 4 is 77.90 acres. Surrounding residential lots are between 1 and 2 acres in size. The Subject Property is zoned AR which requires lots to be at least 2 acres. As shown on the Applicant's Site Plan, the Applicant is proposing lots that are over the acreage minimum for the AR Zone with the smallest proposed lot, Proposed Lot 3, being 2.36 acres in size. The Applicant's Site Plan and Concept plan show that there is adequate area for dwellings to be sited on the Homesites and the Farm Parcel is an adequate size for agricultural use while still complying with the required setbacks, access, and spacing required for water supply and wastewater disposal. The Applicant has prepared a soil study, hydrology report, Site plan which shows the topography of the Subject Property, and Concept Plan which shows the potential siting of dwellings. The Applicant will provide further detail in the building permit review process and will obtain all necessary permits from the Oregon State Department of Environmental Quality. This criterion is satisfied.

***17.172.380 Curved front lot lines.***

***When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.***

**Proposed Finding:** As shown on the Applicant's Site Plan, the front line distance for the front lot lines which are on a curve are indicated by the bearing and chord distance. The Applicant will include the front line distance by bearing and chord distance on the final plat as well. This criterion is satisfied.

***17.172.400 Sewage disposal***

***All new or refigured lots or parcels, 10 acres or smaller in size, shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the Department of Environmental Quality (DEQ) and the Marion County building inspection division. Those subsurface sewage systems that are used by a community, sanitary district, industry, or incorporated area must be authorized by the Department of Environmental Quality (DEQ) via the Marion County building inspection division. Installation and maintenance shall be in accordance with the Department of Environmental Quality's regulations and requirements.***

***All new or reconfigured lots or parcels with an existing on-site septic system, that were authorized by an approving authority, shall be reviewed to determine that the existing system is either located entirely on the same lot or parcel containing the existing dwelling, or that proper easement is provided to allow the continued use and maintenance of the system. The commission, director, or hearings office may require connection to an existing sewage collection and treatment system regardless of lot suitability for subsurface disposal if the commission, director, or hearings officer deems it necessary and provided the connection is available. [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1271 § 5, 2008; Ord. 1180 § 4, 2003; Ord. 1169 § 4, 2002. RZ Ord. § 172.40.]***

**Proposed Finding:** As shown on the Applicant's Site Plan, the Homesites are all smaller than 10 acres. However, The Farm Parcel is 77.90 acres and does not have an existing on-site septic system. Therefore, the criterion is not applicable to the Farm Parcel. The Applicant will provide more detailed information during the building permit review process and will comply with all requirements of the DEQ and Marion County building inspection division. This criterion is satisfied.

**17.172.420 Water supply.**

***All lots or parcels shall be served by an authorized public or private water supply system or individual private wells.***

***[. . .]***

***B. Individual Private Wells. Individual private wells must meet the construction requirements of the Oregon State Water Resources Department and be located in accordance with requirements of the State Health Division in relation to public or private sewage disposal systems. The bacteriological quality of this water may be determined through the Marion County health department. Upon receiving the recommendations from the State Health Division or Marion County health department, the hearings officer or commission may require the use of an engineered public or private water system in any proposed subdivision. Other criteria to be considered in making this determination are the recommendations contained in the Marion County Water Quality Management Plan, Marion County Comprehensive Plan, and Chapter 17.181 MCC.***

**Proposed Finding:** The Applicant has provided a Site Plan showing the topography and location of the Homesites and Farm Parcel as well as a Concept Plan showing the potential sites for dwellings on the Homesites. The Applicant will provide more detailed information during the building permit review process and will comply with all requirements of the agencies indicated above. This criterion is satisfied.



**17.172.430 Stormwater management.**

***The impact of proposed subdivisions and partitions on stormwater runoff shall be evaluated and potential adverse impacts shall be mitigated. Where evidence indicates stormwater runoff will have an adverse impact on a drainage system or natural drainage network, the developer shall demonstrate that proposed stormwater management on the subject property will compensate for the proposed change per county standards. Compliance with this requirement shall be demonstrated by compliance with department of public works engineering standards.***

**Proposed Finding:** The Applicant has also included a Site Plan showing the topography of the Subject Property and will provide more detailed information during the building permit review process. The Applicant developed the surrounding houses and is familiar with the topography and the drainage needs. The proposal for stormwater management is to have perforated drainage pipes behind the proposed homes, allowing for onsite management of the stormwater. This criterion is satisfied.

**17.172.440 Underground utilities easements.**

***Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and set forth on the final plat. When possible, such easement shall be centered on or bordering a lot line. The subdivider shall provide easements on both sides of all road or street rights-of-way of 60 feet or less.***

**Proposed Finding:** As shown on the Applicant's Site Plan and evidenced by Reel 1390, page 178, there are existing access and utility easements running along Enchanted View Lane SE and Valley Way SE which will also be set forth on the final plat. As These streets are public roads, right of way requirements are not applicable to the Proposed Development. This criterion is satisfied.

**17.181.040 Required review and application.**

***All development permits for new land uses that rely on water from exempt-use wells within the sensitive groundwater overlay zone shall be reviewed by the county to determine compliance with this chapter.***

***The applicant for such a development permit shall submit the request on a form approved by the director along with a site plan of the subject property showing existing and proposed property boundaries; existing, abandoned, and proposed wells on the subject tract; and any other information as required in this chapter. The board may establish a fee for review of water-supply studies and well monitoring plans for new land uses.***

**Proposed Finding:** The Subject Property is within the sensitive groundwater overlay zone and has prepared a Site Plan and hydrology report showing the existing, abandoned, and proposed wells on the Subject tract and surrounding area in order for the county to determine compliance with this chapter. This criterion is satisfied.

**CONCLUSION:**

The Applicant has shown compliance with all applicable regulations which would permit a subdivision. As such, the Applicant respectfully requests that the proposed request be APPROVED as submitted.

**EXHIBIT LIST:**

- Exhibit 101 – Vesting Deeds for the Property
- Exhibit 102 – Administrative Ordinance No. 1446
- Exhibit 103 – Site Plan - Proposed Subdivision Plat
- Exhibit 104 – ERPOA Enchanted Ridge Neighborhood Fire Emergency Procedures
- Exhibit 105 – Geological Review
- Exhibit 106 – Hydrological Review
- Exhibit 107 – Peer Review Approval Letter
- Exhibit 108 – Enchanted Ridge CC&Rs



## **EXHIBIT 107**

### PEER REVIEW APPROVAL LETTER

**County Commissioners**  
Kevin Cameron, Chair  
Danielle Bethell  
Colm Willis

**Chief Administrative Officer**  
Jan Fritz



**Director**  
Brian Nicholas, PE

**Deputy Director**  
Dennis Mansfield

## MARION COUNTY PUBLIC WORKS

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### **MEMORANDUM**

**TO:** Enchanted Ridge LLC, Tom Wheeler, Nicholas Coffey  
**FROM:** Alexander Seifer  
**DATE:** October 28, 2024  
**SUBJECT:** Peer Review Results

To Whom it May Concern:

Marion County has received the peer review results for the hydrogeology report prepared by Nicholas Coffey for the property located at Township 8 South; Range 3 West; Section 36; Tax lot 400. 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. Please make sure you include all required materials when submitting your request.

Sincerely,

Alexander Seifer  
Assistant Planner

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5155 Silverton Road NE Salem, OR 97305 • [www.co.marion.or.us](http://www.co.marion.or.us) • Phone: (503) 588-5036 • FAX: (503) 588-7970



September 9, 2024  
10506.001

Marion County Planning Division  
5155 Silverton Road  
Salem, Oregon 97305

VIA Email

**Attention:** Alex Seifer  
Assistant Planner

**Subject:** Peer Review of "A Hydrogeology Report Revisions of Taxlot 400 8S3W35 in Marion County, OR, Sensitive Groundwater Overlay Zone," undated but received by Marion County Planning February 2, 2024"

Dear Mr. Seifer:

*EnviroLogic Resources, Inc.*, has completed a peer review of the above-referenced report, as requested by Marion County. The report was prepared by Coffey Geoscience, on behalf of Mr. Mark Shipman, Esq, Saalfeld-Griggs PC as attorneys for Enchanted Ridge II, LLC, to meet the requirements of the Marion County Sensitive Groundwater Overlay (SGO) ordinance.

This peer review was prepared in accordance with the SGO ordinance, the County's manual for completing hydrogeology reviews (October 2005), and the County's Guidance for Performing Peer Reviews under the SGO ordinance. The above-referenced report contains the elements required by Section 181.100 (A) of the SGO ordinance and sufficiently demonstrates items required by Section 181.100 (B) so that an independent peer review can be undertaken.

#### **REPORT SUMMARY**

The proposed development contemplates subdividing of one lot, totaling 85.81 acres, into four lots. Three additional domestic wells would be drilled to serve these properties and water use for all four properties was included in the water budget calculations. The report presented a review of geologic and hydrogeologic setting in the study area and briefly discusses long-term water level trends, water rights, and well deepenings and replacement wells, and presents a water budget.



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Mr. Seifer  
September 9, 2024  
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The target aquifer for the proposed development is the Columbia River Basalt Group (CRBG). The water budget calculations presented estimate 74% percent of the available recharge would be used after the proposed development is completed, which meets the 90 percent threshold established by the County.

The report presents a recharge total calculated on the basis of annual rainfall of 5.19 ft per year. This value was established by Marion County Planning in its Water Use Inventory. Other sources for rainfall totals indicate lower annual amounts. The use of the modified recharge calculation is reasonable in that the value used was established by the County.

The report also presents a modified discharge calculation. In particular, the amount of permitted water use for the winery water right was modified from the accepted assumption of 1.5 acre-feet per acre duty to the highest actual annual amount used since 2001 (12.6 [sic] acre-feet) based on a spreadsheet attached to the report. We inspected the water use reports submitted to the Oregon Water Resources Department and found similar number but with the highest water use in a year to be 12.26 acre-feet. During two of the last 23 years water use was over 10 acre-feet. During 19 of the last 23 years, permitted water use was below 5 acre-feet. The modified discharge calculation for this right is reasonable.

The modified discharge calculation for certificate 49719 indicates 125 acre-feet was used in the discharge calculation. It is unclear from where this value was derived as the irrigated acreage under this right amounts to 108.3 acres (as shown on the certificate), or 117.3 acres as shown in the Water Rights Information System at the Oregon Water Resources Department website, which would result in 162.45 or 175.95 acre-feet at a rate of 1.5 acre-feet per acre duty.

The report found little current evidence of declining water level trends, or excessive or recent numbers of well deepening or replacements in the aquifer in the study area. Well MAR 18140 shows an overall water level decline since 1994, with water level rises and drops at various times during 30 years. The hydrograph only goes through 2020.

## **PEER REVIEW FINDINGS**

The above-referenced report (when considered with the originally submitted report) contains the elements required by the Marion County SGO ordinance and allows an independent peer review to be completed. Considering the information provided in the report, *EnviroLogic Resources*, believes the conclusions presented in the report may be supported by the data. The recharge calculations are considered acceptable because the value used for annual rainfall is one used by Marion County in its Water Use Inventory.

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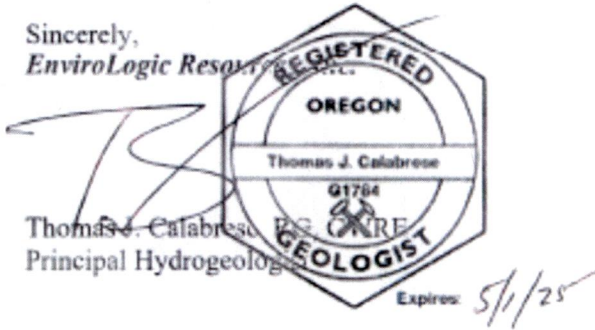
Mr. Seifer  
September 9, 2024  
Page 3

With respect to the discharge calculations, there are inconsistencies that should be resolved. It is unclear where the 125 acre-feet value for discharge for certificate 49719 was derived. It appears the value should have been either 162.45 or 175.95 acre-feet, for a total permitted discharge of 174.71 or 188.21 acre-feet, when including the winery water right at its maximum annual discharge of 12.26 acre-feet.

If additional information becomes available, the findings of this peer review may need to be updated.

If you have questions or comments, please feel free to call us at (503) 768-5121. Thank you for the opportunity to provide you with professional services.

Sincerely,  
*EnviroLogic Resources, LLC*



Thomas J. Calabrese  
Principal Hydrogeologist



## Alexander Seifer

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**From:** Alexander Seifer  
**Sent:** Monday, October 28, 2024 10:08 AM  
**To:** Alexander Seifer  
**Subject:** FW: FW: Additional Information to Address the Discharge Calculation Inconsistency for Enchanted Ridge

**From:** Alexander Seifer  
**Sent:** Thursday, October 24, 2024 11:22 AM  
**Cc:** Brandon Reich <breich@co.marion.or.us>  
**Subject:** RE: FW: Additional Information to Address the Discharge Calculation Inconsistency for Enchanted Ridge

Good Morning Tom,

Here's my follow up to the other email I sent you late yesterday. Brandon and I discussed about the use of the different number calculations and the issue of the winery water right. Taking both factors into account, both Brandon and I feel that they provide us with enough support and the review would work for us. The numbers presented by the hydrogeologist in their reviews can be generated from scratch and not match the pre-approved factors the county provides, but they do have to be scientifically founded. Since the parcel will pass the requirements with both the numbers provided by Nick and the numbers pre-determined as an acceptable factor to use for the calculations, we would be good with that logic and find the review acceptable. We will follow up with Nick though regarding your comments though.

As for the winery water right, we are fine with the assertion of it not being renewed for the purposes of this review because non-exempt water rights are regulated by OWRD, per Brandon.

Hopefully that addresses your questions about the technical stuff for the review. Let me know if you have any questions!

Best Regards,



**Alex Seifer | Assistant Planner**  
**Building and Planning Division, Marion County Public Works**  
✉ [aseifer@co.marion.or.us](mailto:aseifer@co.marion.or.us)  
☎ (503) 566-4162

**Sent:** Wednesday, October 23, 2024 3:59 PM  
**To:** Alexander Seifer <[ASeifer@co.marion.or.us](mailto:ASeifer@co.marion.or.us)>  
**Cc:** Brandon Reich <[BREICH@co.marion.or.us](mailto:BREICH@co.marion.or.us)>  
**Subject:** RE: FW: Additional Information to Address the Discharge Calculation Inconsistency for Enchanted Ridge

**⚠ WARNING:** This email originated outside of Marion County.  
**DO NOT CLICK** links or attachments unless you trust the sender and know the content is safe.

Hi Alex -

I'm not sure he answered the question about where he got the 245/365 factor. He implies Russ Bunker had approved it in the past, but I don't have evidence of this.

When I had spoken with Russ Bunker about this project before being retained by Marion County, he basically said he was looking for a water balance that met the county requirements and showed the property passing. I have calculated the percent of recharge used, using Coffey's numbers correctly and the property passes (attached). It would be nice if Coffey could show this rather than we having to calculate it for him (which is what Russ Bunker was implying). The extra factor isn't necessary to meet the requirements.

There was even another way to make this one work within the rules that I spoke with Russ about. In part of the study area the basalt is overlain by alluvial materials. For the acreage where basalt is covered by alluvium, a much larger recharge factor could be applied - 25% vs 6%. This modification, which would be acceptable, would also allow the property to meet County requirements.

In addition, I recognize the water right has not been used and the winery right will likely not be renewed. But I would think the County needs more than an assertion to be the basis for its decisions. So, if we are to accept the Hydrogeology Review as submitted, including the assertions and factor modifications, does that provide the County with what it needs to make this decision?

Tom

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Tom Calabrese, RG, LHg, PG, CWRE  
Principal Hydrogeologist  
EnviroLogic Resources, Inc.