

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. 25-008**

APPLICATION: Application of H2021 LLC to partition a 0.35-acre parcel of land into three parcels of 5,764 square feet, 5,215 square feet, and 4,316 square feet each, in a RS (Single-Family Residential) zone located at 4689 Idaho Ave. NE, Salem (T7S; R2W; Section 18AA; Tax lot 3500).

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 partitioning plat is recorded by **May 1st, 2027** (two years). 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:**

1. The Marion County Surveyor's Office has provided the following conditions:
 - a. Parcels must be surveyed and monumented.
 - b. Per ORS 92.050, plat must be submitted for review.
 - c. Checking fee and recording fees required.
 - d. A title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports
2. Public Works Land Development Engineering and Permits Division (LDEP) has requested that the following conditions be included:

Condition A – Prior to partition plat approval, under a Work-in-R/W Permit add base rock and pave Idaho Avenue along the subject property frontage with a 3-inch thick lift of HMAC to a width of 20' centered 10-feet on each side of the R/W centerline, a 2-foot wide x 6-inch thick north side gravel shoulder, a north side drainage swale daylighting to the adjacent ESSD drainage ditch, a 12-foot wide graveled driveway vertical transition centered at the opposing driveway on the south side of the road, and a post-mounted Type III Barricade at the eastern road terminus

Condition B – Prior to partition plat approval, under an Access Permit pave the proposed shared easement driveway approach for a minimum distance of 20 feet back from the public road edge of pavement and install a drainage culvert. Permanently close the existing access approach.

Condition C – Prior to partition plat approval, install post-mounted NO PARKING signs midway along each side and at the north end of the private access easement.

Condition D – Prior to road paving, under permits install all necessary utility service extensions in the Idaho Avenue R/W. Once the Idaho Avenue frontage is paved, new utility installations serving the development that require a pavement cut will not be allowed for 5 years.

Condition E – Prior to partition plat approval, notarize a Road Maintenance Agreement to be recorded concurrently with the partition plat for collective maintenance of the proposed private easement drive.

3. 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.
4. The Marion County Planning Division, in coordination with the 9-1-1 Emergency System has named the proposed private access easement **Idaho Way NE**. The name must be shown on the final partition plat, and a work order for the street sign installation, with appropriate fee, must be submitted to Marion County Department of Public Works **prior to the plat being recorded**.

The parcels shall be addressed as shown on the marked site plan and are as follows: (parcels correspond to those on site plan.)

Parcel 1 – 3455 Idaho Way NE (Previously 4689 Idaho Ave NE)

Parcel 2 – 3468 Idaho Way NE

Parcel 3 – 3458 Idaho Way NE

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

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.

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. The applicant is advised of the following:

6. 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).
7. 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 County 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 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 \$250) on the basis of new information subject to signing an extension of the 120-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 1st, 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 2nd, 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 Single Family Residential in the Salem Area Comprehensive Plan. The major purpose of this designation and the corresponding Single-Family zone is to provide areas for development of attached or detached residences on individual lots provided with urban services.
2. The property is located in the northeastern portion of Salem urban growth boundary. The subject property is located at the end of private road Idaho Av NE, nearly 500 feet east of the intersection with Brown Road NE. The property contains a single-family home and at least one accessory structure and was created as Lot 17 Block 2 Middle Grove Tracts plat and has remained in its current configuration as indicated on a 1948 survey (S15-040) and is a legal parcel for land use purposes.
3. Surrounding uses are consistent with residential dwellings.
4. The applicant proposes to divide a 0.35-acre lot into three parcels of 5,764 square feet, 5,215 square feet, and 4,316 square feet each.
5. Various agencies were contacted and given the opportunity to comment on the proposal.

Marion County Surveyor's Office commented:

- A. Parcels ten acres and less must be surveyed and monumented.
- B. Per ORS 92.050, plat must be submitted for review.
- C. Checking fee and recording fees required.
- D. A title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

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

Condition A – Prior to partition plat approval, under a Work-in-R/W Permit add base rock and pave Idaho Avenue along the subject property frontage with a 3-inch thick lift of HMA to a width of 20' centered 10-feet on each side of the R/W centerline, a 2-foot wide x 6-inch thick north side gravel shoulder, a north side drainage swale daylighting to the adjacent ESSD drainage ditch, a 12-foot wide graveled driveway vertical transition centered at the opposing driveway on the south side of the road, and a post-mounted Type III Barricade at the eastern road terminus

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Condition C – Prior to partition plat approval, install post-mounted NO PARKING signs midway along each side and at the north end of the private access easement.

Condition D – Prior to road paving, under permits install all necessary utility service extensions in the Idaho Avenue R/W. Once the Idaho Avenue frontage is paved, new utility installations serving the development that require a pavement cut will not be allowed for 5 years.

Condition E – Prior to partition plat approval, notarize a Road Maintenance Agreement to be recorded concurrently with the partition plat for collective maintenance of the proposed private easement drive.

Requirements - Depict necessary utility easements on the partition plat.

Marion County Building Department commented: "No Building Inspection concerns with proposed partition, as the submitted site plan identifies 3 ft 5-inch setback from the existing home to the proposed property line. Permit(s) are required to be obtained prior to development of structures and/or utilities installation on private property. Discussion with Marion County Fire District #1 is recommended to determine access and/or water supply to parcel #3."

City of Salem Planning Division commented:

- A. This property is designated SF (Single-Family) in the Salem Comprehensive Plan and would be zoned RS (Single-Family Residential) upon annexation.
- B. The setback standards for single-family dwellings per Table 511-3 in SRC 511.010(d) require a minimum five-foot interior side setback for new development or land division. All future development will need to meet the applicable standards of SRC Chapter 511 if located within Salem city limits.
- C. Designation of lot lines will need to ensure compliance with minimum lot standards

Marion County Number 1 Fire Department commented:

This project must meet the following code requirements per Marion County Fire District No. 1:

- A. Fire-flow requirements: Fire-flow requirements: The minimum fire flow and flow duration for one-and two-family dwellings shall be determined according to the 2022 Oregon Fire Code (OFC) Appendix B. Residential homes 0-3600sq. ft. required minimum fire flow 1000 GPM. Homes over 3600 sq. ft. minimum required fire flow 1500 GPM. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.
 - i. Note: Before the application can be deemed complete a stamp engineered fire flow analysis will be required.
- B. Fire Apparatus Access Road Width and Vertical Clearance: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants 2022 Oregon Fire Code (OFC) Appendix D 103.1 and an unobstructed vertical clearance of not less than 13 feet 6 inches. 2022 Oregon Fire Code (OFC) Section 503.2.1 and Appendix D103.1 All other contacted agencies either failed to comment or stated no objection to the proposal.
- C. No parking signs: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read “NO PARKING – FIRE LANE” and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a reflective white background. 2022 OFC D103.6 “No Parking Fire Lane” signs.
- D. Premise identification: Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches height with a minimum stroke width of ½ inch. (2022 OFC 505.1)
- E. Fire Safety During Construction: Approved fire department access road, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. 2022 Oregon Fire Code Chapter 33.
- F. Gates: Gates securing fire apparatus roads shall comply with all the following: (2022 OFC D103.5)
 - i. Minimum unobstructed width shall be 16 feet.
 - ii. Gates shall be set back a minimum of 30 feet from the intersecting roadway.
 - iii. Gates shall be of the swinging type or sliding type.
 - iv. Manual operation shall be capable by one person.
 - v. Electric gates shall be equipped with a means for operation for fire department personnel.
 - vi. Locking devices shall be approved.

Marion County Tax Assessor provided comments related to the subject property’s property taxes.

6. In order to partition land in an RS (Single Family Residential) zone, the standards and criteria in Chapter 16.02.120 of the Marion County Code (MCC) apply:

- a. *Lot Area. The minimum lot area for a single-family dwelling in a subdivision approved after the effective date of the ordinance codified in this title, is 4,000 square feet when located within the Salem/Keizer area urban growth boundary. In all other cases lots shall be a minimum of 6,000 square feet. (See Chapter 16.27 MCC for density limitations.)*

The proposed lots are 5,764 square feet, 5,215 square feet, and 4,316 square feet each. The criterion is met.

- b. *Lot Dimensions. Except as provided in MCC 16.26.800 for planned developments, the width of a lot shall be at least 60 feet; provided, that within the Salem/Keizer urban growth boundary the width of a lot shall be at least 40 feet, and the depth of a lot shall be at least 70 feet.*

Parcel 1 measures 42-feet wide by 137 feet deep, Parcel 2 is 52 feet wide by 83 feet deep, and Parcel 3 is 53 feet wide by 74 feet deep. The easement provides access to parcel 3 from the west, indicating that width is measured north to south, and depth is measured from west to east. The criterion is met.

7. MCC 16.33.680 ACCESS STANDARDS. *All lots must have a minimum 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 and a driveway permit has been obtained shall be provided prior to the issuance of building permits on the parcels served by the access easement. The easement shall meet the following standards:*

- a. *Have a minimum easement width of 25 feet;*
- b. *Have a maximum grade of 12 percent;*
- c. *Be improved with a paved surface with a minimum width of 20 feet;*
- d. *Provide adequate sight-distance at intersections with public roadways;*
- e. *Be provided with a road name sign at the public roadway as identification for emergency vehicles in accordance with Chapter 11.55 MCC, Naming and Addressing Roads/Property.*

The submitted site plan indicates the easement will be 25 feet wide. Marion County Topographic maps show no significant grade changes on the parcel. It is indicated that the private paved road will be 20 feet wide. Approval will be contingent upon compliance with all LDEP standards, including obtaining a road name sign. All criteria are met.

8. Based on the above findings, the request complies with the applicable criteria and is therefore **APPROVED**.

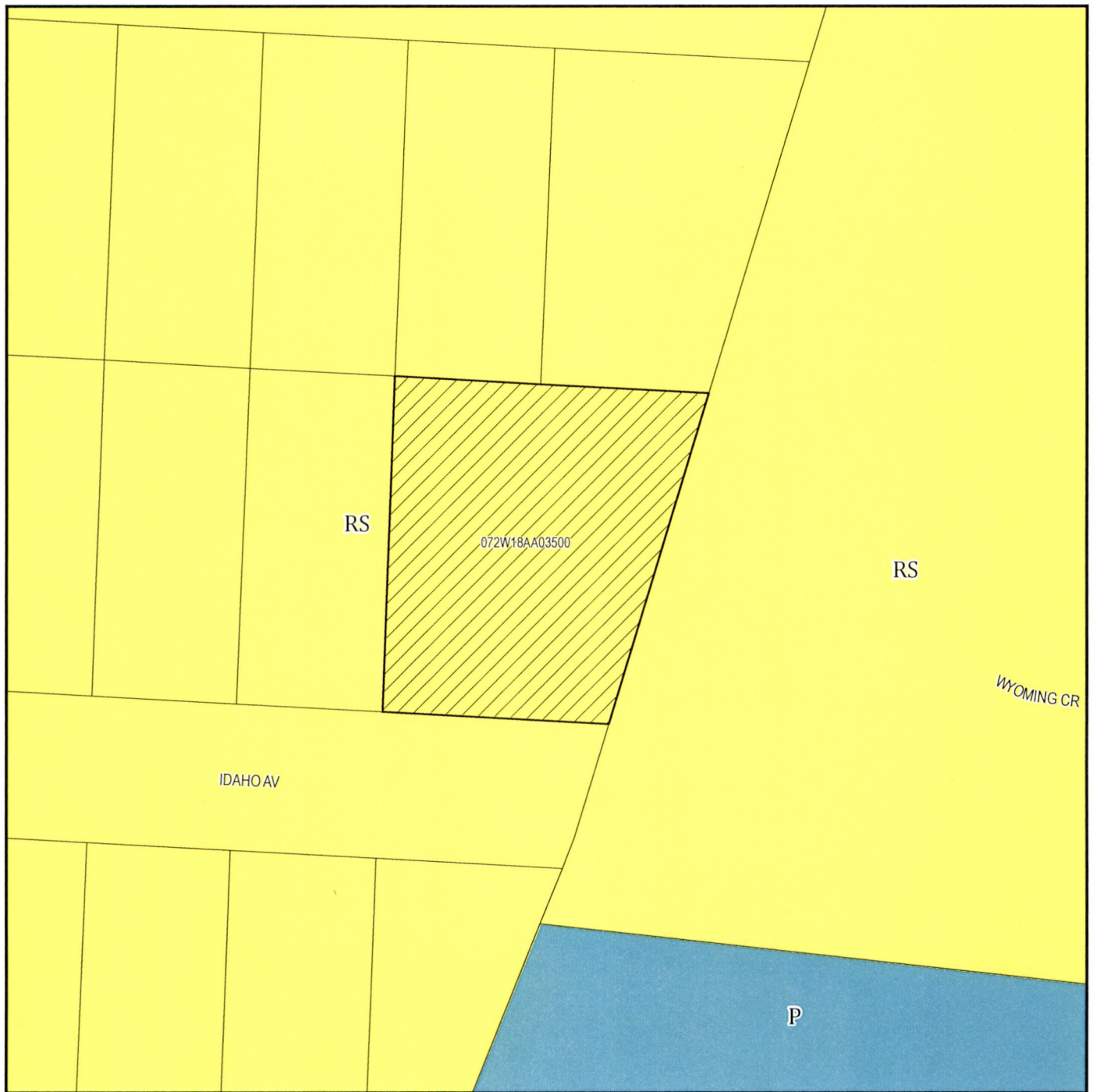
Brandon Reich

Date: April 16th, 2025.

Planning Director/Zoning Administrator

If you have any questions regarding this decision contact Gillian Peden at (503) 588-5038.

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.



ZONING MAP

Input Taxlot(s): 072W18AA03500

Owner Name: CLAGHORN, THOMAS & CLAGHORN,
TRISHA E

Situs Address: 4689 IDAHO AVE NE

City/State/Zip: SALEM, OR, 97305

Land Use Zone: RS

School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 59 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.