

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE HEARINGS OFFICER

VALIDATION OF UNITS OF LAND CASE NO.: VUL18-03

APPLICATION NO. : 18-112294-LD

NOTICE OF DECISION DATE: JANUARY 30, 2019

SUMMARY: A proposal to validate a unit of land that was created as separate tax lots through a sale by deed in 1987.

REQUEST: The request is to lawfully establish a tax lot created by deed in 1987, when tax lot 401 was described separately than tax lots 400 and 402, which are located outside of the City Limits. The sale effectively divided the parent parcel into three separate units of land, without a land use approval. The applicant is requesting to validate property zone RA (Residential Agriculture) known as Marion County Tax Assessor s number 083W08B / 401.

APPLICANT: Michael Buck and Olin Green

LOCATION: 4145 Homestead Rd S / 97302

CRITERIA: Salem Revised Code (SRC) Chapter 205.060(d)

FINDINGS: The findings are in the attached Order dated January 29, 2019.

DECISION: The **Hearings Officer APPROVED** Validation of Units of Land VUL18-03 subject to the following conditions of approval:

Condition 1. The easement (flag lot accessway) serving the subject property shall be at least 25-feet wide with a 20-foot wide all-weather driving surface capable of supporting fire apparatus (total weight of 76,000 lbs.) from Homestead Road S to the subject property. The flag-lot accessway shall have an approved turnaround and/or turnout as required by the Fire Department prior to issuance of any building permits.

Condition 2. Prior to final Plat approval, the applicant shall provide a favorable site evaluation for an on-site sewage disposal system from the Marion County Sanitarian.

Condition 3. Prior to final Plat approval, the applicant shall sign and recorded a non-remonstrance contract, agreeing to hook up to sewer and water as it becomes available and waiving the right to object to any future water and sanitary sewer project benefiting the property.

Application Deemed Complete:	<u>December 6, 2018</u>
Public Hearing Date:	<u>January 9, 2019</u>
Notice of Decision Mailing Date:	<u>January 30, 2019</u>
Decision Effective Date:	<u>February 15, 2019</u>
State Mandate Date:	<u>April 5, 2019</u>

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



Case Manager: Olivia Glantz, OGlantz@cityofsalem.net, 503-540-2343

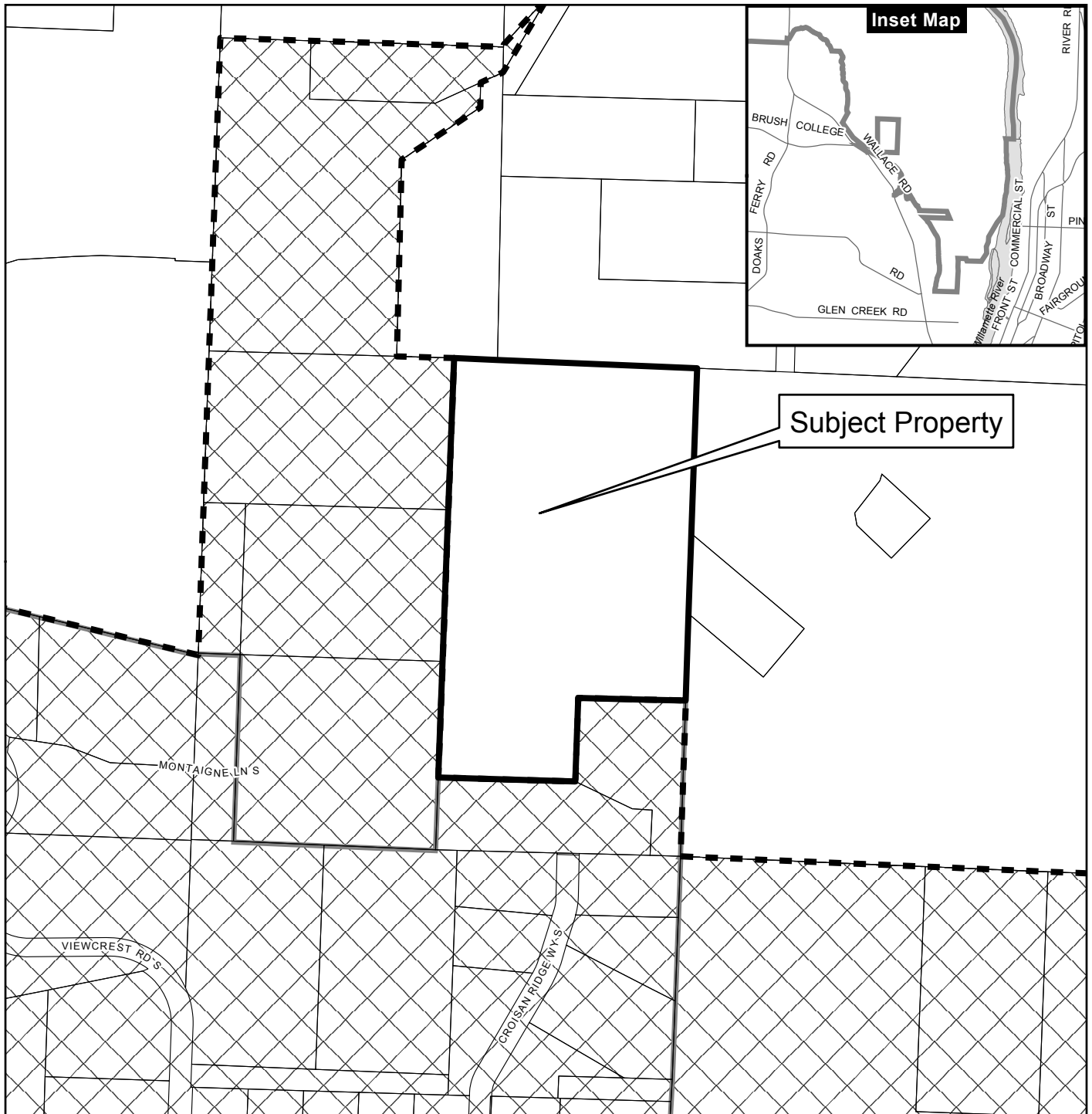
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Wednesday, February 14, 2019.** Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.






<http://www.cityofsalem.net/planning>

Vicinity Map

4145 Homestead Road S



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools

 Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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PARTITION PLAT No. _____

LOCATED IN THE
NORTHWEST QUARTER OF SECTION 08,
TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
DATE: MARCH 13, 2018

SURVEY AND DEED REFERENCES

- R1 Indicates record information from Marion County Survey 13087.
R2 Indicates record information from Marion County Survey 16504.
R3 Indicates record information from Marion County Survey 7411.
R4 Indicates record information from "TAMARACK" as recorded in Vol. 33,
pg. 20, Book of Town Plats, Marion County, Oregon.
D1 Indicates record information from Reel 1532, Page 741, Marion County
Deed Records.
D2 Indicates record information from Reel 850, Page 63, Marion County
Deed Records.

MONUMENT DESCRIPTIONS

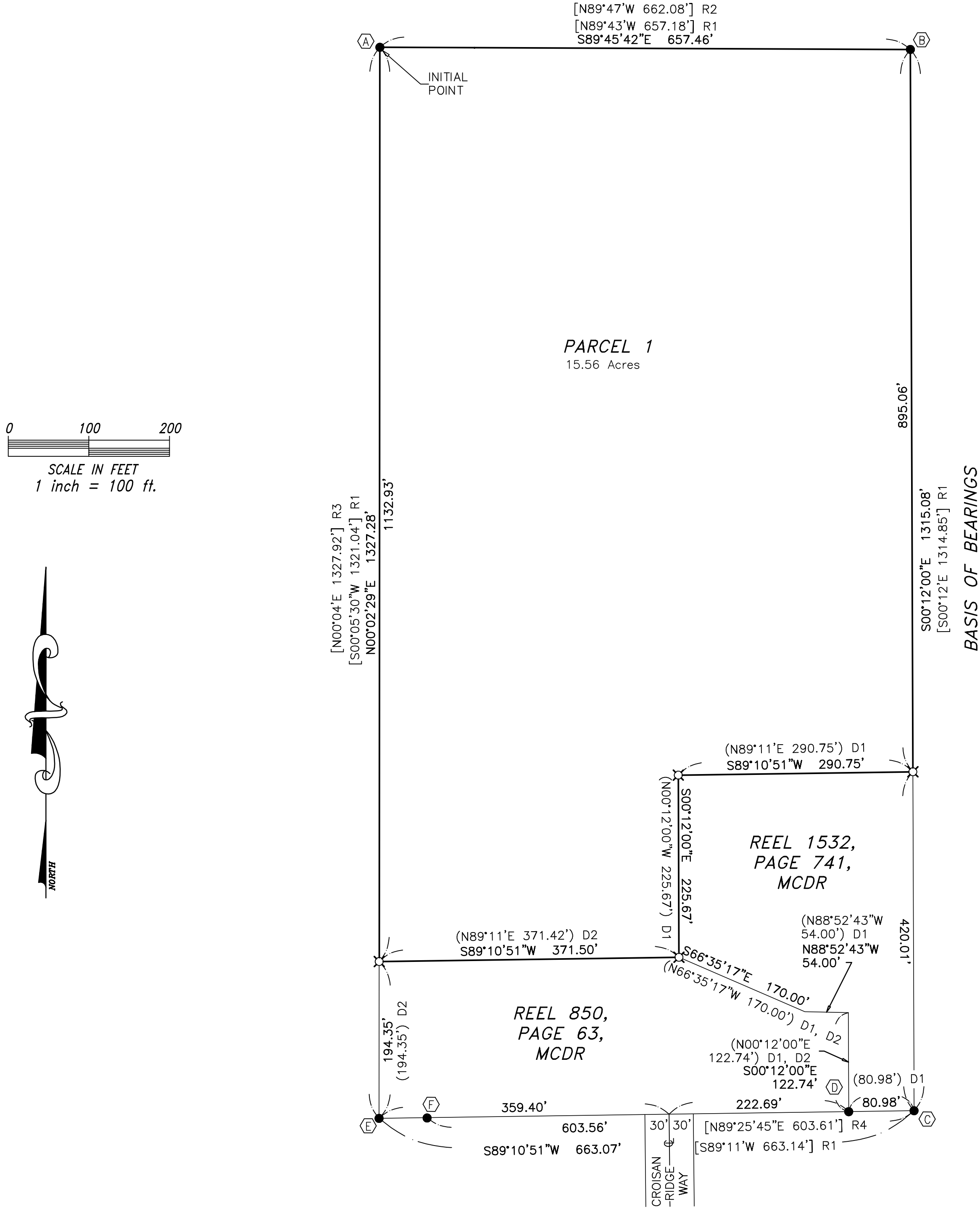
- Ⓐ 3/4" IP, UP 0.6', SET IN R2
Ⓑ 3/4" IP, UP 0.1', SET IN R1
Ⓒ 3/4" IP INSIDE A 2" IP, DOWN 0.8', SET IN R1
Ⓓ 5/8" IR WITH YPC MARKED "CASWELL PLS 787", ORIGIN UNKNOWN
Ⓔ 1" IP, UP 0.1', SET IN R3
Ⓕ 5/8" IR, DOWN 0.9', 0.37' S00°49'09"E OF SOUTH LINE, SET IN R4
Ⓖ CALCULATED POSITION OF MONUMENT #232 AS SHOWN ON R6

LEGEND:

1. All monuments found were erect, in good condition and useable
and flush with the ground unless otherwise noted.
2. CL - Center Line.
3. MCDR - Marion County Deed Records
4. ⌵ - Indicates a 5/8" X 30" iron rod with a yellow plastic cap
marked "PETERSEN PLS 61408" to be set after approval
from City of Salem.

"This map does not guarantee that
any particular use may be made of
the property illustrated hereon.
Parties should check with the City or
County planning department to verify
approved uses."

DRAWING NO.: 17173	PREPARED FOR AND AT THE REQUEST OF OLIN GREEN	JOB NO. 17-173
DATE: MARCH 13, 2018		SCALE 1"=100'
REGISTERED PROFESSIONAL LAND SURVEYOR	LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED TO SAID PERSON OR PERSONS.	CHECKED BY: TEP
OLIN GREEN	LOCATION: A TRACT OF LAND IN THE THE NW 1/4 OF SEC. 08, T. 8 S, R. 3 W., W.M. MARION COUNTY, OREGON	DRAWN BY: TEP
OREGON JAN 10, 2006 TROY E. PETERSEN 61408 EXPIRES: 12/31/18	GENERAL LEGEND: IR=IRON ROD IP=IRON PIPE YPC=YELLOW PLASTIC CAP C=CALCULATED ()=DEED RECORD []=SURVEY RECORD ● MONUMENT FOUND ○ 5/8"x30" IR SET WITH YPC MARKED "PETERSEN PLS 61408"	
LAND MARKERS SURVEYING 4068 HUDSON AVE NE SALEM, OREGON 97301 PHONE 581-0911		



PARTITION PLAT No. _____


LOCATED IN THE
NORTHWEST QUARTER OF SECTION 19,
TOWNSHIP 7 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
DATE: MARCH 15, 2017

SURVEYOR’S CERTIFICATE

I, Troy E. Petersen, being a Professional Land Surveyor in the State of Oregon, do hereby certify that I have surveyed and marked with proper monuments the land shown in the partition plat hereon, the exterior boundary thereof being described as follows:

Beginning at the initial point of this partition plat which is a 3/4” iron pipe at the Northwest corner of the East one half of the Northwest quarter of the Northwest quarter of Section 8, Township 8 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 89°45’42” East 657.46 feet to a 3/4” iron pipe at the Northeast corner of East one half of the Northwest quarter of the Northwest quarter of said Section 8; thence South 00°12’00” East 895.06 feet to the Southeast corner of that tract of land described in Reel 3927, Page 496, Marion County Deed Records; thence South 89°10’51” West along the South line of said tract, 290.75 feet; thence South 00°12’00” East along the South line of said tract, 225.67 feet; thence South 89°10’51” West along the South line of said tract, 371.50 feet to the Southeast corner of said tract; thence North 00°02’29” East feet to the point of beginning and containing 15.56 acres of land, more or less.

LAND MARKERS SURVEYING


Troy E. Petersen
Oregon Registered Land Surveyor No. 61408

NARRATIVE

The purpose of this survey is to create on legal parcel of land through the City of Salem property validation process for that tract of land described in Reel 3927, Page 496, Marion County Deed Records. This tract was a portion of a larger tract of land that is not considered a legal lot of record due to it not being created under the City of Salem planning approval and was created after 1979 but before 2007. The basis of bearing for this survey is between found monuments "B" and "C" as shown on Marion County Survey 13087. Found monuments were held for the boundary as shown hereon. The 2 Southerly tracts were established by record bearing and distances as shown on deeds.

EQUIPMENT AND PROCEDURE

A LEICA TCR405 Electronic Total Station Survey System and a Carlson Survey Data Collector with supplemental hand-written field survey notes were used in this survey.

DECLARATION

Know all men by these presents that Olin T. Green, being the owner of the land described in the Surveyor’s Certificate hereon, and desiring to dispose of the same into a single parcel, have caused the same to be partitioned and surveyed, as shown on the attached map.

Olin T. Green

Date

ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF MARION }

On this ____ day of _____, 2018, the within named, OLIN T. GREEN personally appeared before me and who personally acknowledged to me that she executed the same freely and voluntarily for the use and purpose therein named without fear of compulsion from anyone.

Notary Signature

Notary Public for Oregon

Commission No. _____

My Commission Expires: _____

THE WITHIN PLAT IS HEREBY APPROVED:

City of Salem Planning Administrator

Date

City of Salem Surveyor

Date

Marion County Assessor

Date

Taxes and assessments on the above-described property have been paid in full to: _____.

Marion County Tax Collector

Date


RECORDING CERTIFICATION

STATE OF OREGON }
COUNTY OF MARION }

I do hereby certify that the attached Partition Plat No. _____ was received for recording on the ____ day of _____, 2018 at ____ o'clock ____ .M. and recorded in Book of Partition Plats. It is also recorded in the Marion County Deed Records as Reel _____, Page ____ .

Bill Burgess; Marion County Clerk

By: Deputy County Clerk

DRAWING NO.: 16040	PREPARED FOR AND AT THE REQUEST OF OLIN GREEN	JOB NO. 17-173
DATE: MARCH 13, 2018		SCALE 1"=100'
<div>REGISTERED PROFESSIONAL LAND SURVEYOR</div>  <div>OREGON JAN 10, 2006 TROY E. PETERSEN 61408 EXPIRES: 12/31/18</div>	LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED TO SAID PERSON OR PERSONS.	CHECKED BY: TEP
	LOCATION: A TRACT OF LAND IN THE THE NW 1/4 OF SEC. 08, T. 8 S, R. 3 W., W.M. MARION COUNTY, OREGON	
<div>LAND MARKERS SURVEYING</div> 4068 HUDSON AVE NE SALEM, OREGON 97301 PHONE 581-0911		GENERAL LEGEND: IR=IRON ROD IP=IRON PIPE YPC=YELLOW PLASTIC CAP C=COMPUTED COURSE ()=DEED RECORD []=SURVEY RECORD ● MONUMENT FOUND ○ 5/8"x30" IR SET WITH YPC MARKED "PETERSEN PLS 61408"

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A REQUEST TO VALIDATE PROPERTY ZONE	}	VUL18-03
RA (RESIDENTIAL AGRICULTURE) KNOWN		
AS MARION COUNTY TAX ASSESSOR'S	}	FINDINGS OF FACT, CONCLUSIONS, AND DECISION
NUMBER 083W08B / 401. THE SUBJECT		
UNIT OF LAND IS APPROXIMATELY 15.51		
ACRES IN SIZE, ZONED RA (RESIDENTIAL		
AGRICULTURE), AND LOCATED AT 4145	}	
HOMESTEAD ROAD S.		

DATE AND PLACE OF HEARING:

January 9, 2019, Salem City Council Chambers, Room 240, Civic Center, 555
Liberty Street SE, Salem, Oregon.

APPEARANCES:

Staff: Olivia Glantz, Planner III

Neighborhood Association: None

Proponents: Arash Afshar of Sherman, Sherman Johnnie and
Hoyt, LLP, representative of Michael Buck,
Applicant; and Dewey Whitton, representative of
Olin Green, Applicant.

Opponents: Allison Houck and Mariann Workman, Residents.

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on January 9, 2019, regarding a request to validate property zoned RA (Residential Agriculture), located at 4145 Homestead Road S, Salem. The proposal involves a unit of land, Tax Lot 401, which was created through a deed sale in 1987. In 1987, Tax Lot 401 was sold separately from Tax Lots 400 and 402. Prior to the sale of Tax Lot 401, this unit of land and Tax Lots 400 and 402 were part of a single parent parcel. The parent parcel is approximately 20 acres in size. Because the division of the property into separate units of land did not receive land use approval for a partition, the individual units of land were not lawfully established. Prior to the close of the public hearing, the applicant waived the additional 7-day period for additional testimony.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

Comprehensive Plan Map: The subject property is designated “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map.

Urban Growth Policies: The subject property, is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Growth Management: The subject property is located outside of the Urban Service Area.

2. Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture). The property subject to the validation request, Tax Lot 401, is undeveloped. The surrounding properties are zoned and used as follows:

North: RA (Residential Agriculture); Single Family and Vacant Land

South: Marion County – AR-2 (Acreage Residential – Two Acres); Single Family

East: RA (Residential Agriculture); Single Family and Vacant Land

West: Marion County UT-5 (Urban Transition – Five Acres); Vacant

3. Existing Site Condition

The subject property (Tax Lot 401) is irregularly shaped. A private easement provides access to the subject property and three other tax lots. The easement connects to Homestead Road S, a local road in the Salem Transportation Plan. The parent parcel of Tax Lots 400, 401 and 402 is a rectangular shaped property consisting of approximately 20 acres that spans down to Croisan Ridge Way, outside of the City Limits and Urban Growth Boundary.

The overall subject property is sloping, varying in elevation from approximately 440 feet in elevation near the northeast corner to approximately 660 feet in elevation at the southeast corner.

4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of Southwest Association of Neighbors (SWAN). Notification were sent to the neighborhood association and surrounding property owners within 250 feet of the property on December 20, 2018. Notice of the proposed application were also posted

on the subject property. As of the date of the staff report, no written comments were received from SWAN. No representative of the neighborhood association appeared (although at the hearing a representative of one of the applicants ignored the announced process and chose to testify out of order).

Ms. Houck and Ms. Workman, residents in the neighborhood testified at the hearing about their concerns related to safety, describing the winding nature of the road, the condition of the road, its steepness and the lack of adequate width for two vehicles to pass in some areas of the existing single access road.

The Hearings Officer notes that the conditions they describe should be addressed at the time the property is rezoned, subdivided or developed. While their concerns are legitimate, this validation process only addresses validating the configuration of the property in its current dimensions and state, not the impacts associated with future development. Those impacts should be addressed at the time of development.

5. City Department and Public Agency Comments

- The Public Works Department, Development Services and City Surveyor staff reviewed the proposal and provided these comments and recommendations for plat approval.
 - 1) Plat Submittal: Require project surveyor to submit his or her Partition Plat to the City Surveyor for review as per ORS 672.005(2)(g)&(h), ORS 672.007(2)(b), ORS 672.045(2), ORS 672.060(4), OAR 820-020-0015(4)&(10), OAR 820-020-0020(2) and OAR 820-020-0045(5).
 - 2) Final Plat Application: Provide preliminary plat information to Development Services staff as outlined in the City of Salem Land Surveys and Plats webpage. Once the application has been deemed complete, complete the Final Plat Application.
 - 3) Pre-Plat Review Meeting: Please request a Pre-Plat Review Meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with comments (1) and (2) as described above.
 - 4) ORS and SRC: The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC). If the said documents are not in compliance with the requirements outlined in ORS and SRC, and as per SRC 205.035, the approval of the partition plat by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.

- The Building and Safety Division reviewed the proposal and identified no apparent issues.
- The Salem Fire Department reviewed the proposal and no concerns with the validation application. Any future construction will be required to comply with the Oregon Fire Code as adopted by the City of Salem that is in effect at that time. FIRE will comment on items including fire department access and water supply at the time of building permit plan review.

6. Public Agency and Private Service Providers Comments

Public agencies and public and private service providers for the subject property were mailed notification of the proposal. No comments were received at the time of the writing of the staff report.

7. Criteria for Granting a Validation of Unit of Land

SRC 205.060(d) sets forth the criteria that must be met before a unit of land can be validated.

In order to approve a validation of unit of land, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied.

The applicable criteria are stated below in **bold** print. Following each criterion are the findings relative to the proposed tentative partition. The applicant provided justification for all applicable criteria that is included as Attachment B in the staff report.

SRC 205.060(d)(1): The unit of land is not a lawfully established unit of land.

The Hearings Officer notes that the entire property was part of the City of Salem prior to December 12, 1988. The original parcel of land was one legal unit of land under a single legal description (approximately 20 acres) and was deeded into separate legal descriptions in 1987, which did not legally divide the property. The two smaller tax lots (400 & 402) were withdrawn from the City Limits and Urban Growth Boundary on December 13, 1988, leaving the subject property within the City. This is the unit of land subject to the validation request, which was created in 1987 through a deed recorded for Tax Lot 401, separately. Therefore, Tax Lot 401 was not a lawfully established unit of land.

The Hearings Officer finds this criterion is met.

SRC 205.060(d)(2): The unit of land was created through sale or deed or land sales contract executed and recorded before January 1, 2007.

The Hearings Officer finds that the subject unit of land was not created solely to establish a separate tax account and was not created by gift or any other method. The applicant has provided a copy of the recorded deed creating the subject unit of land through sale as evidence that this criterion is met. The Hearings Officer finds that the application satisfies this criterion.

SRC 205.060(d)(3): The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold.

The Hearings Officer finds the subject property was entirely zoned RA (Residential Agriculture), when the land area was created by deed. The applicant provided Salem Revised Code Chapter 63, Subdivisions (repealed) and Chapter 145, RA Zone (repealed), which were in effect when the land area was created. The development standards of the RA zone required a minimum lot area of 4,000 square feet for single family dwellings. The minimum lot dimensions for single family were 40-foot width and 70-foot depth and not more than 300 percent of the average width between side lot lines and a street frontage of 40-foot street frontage.

The subject property is 15.51 acres, 660 feet in width, 1,100 feet in depth and is less than 300 percent of the average width, meeting the minimum lot standards. The subject property does not have street frontage, although Salem Revised Code Chapter 63, allowed the Planning Administrator to approve flag lot accessways meeting the following standards for accessways, serving 2-4 lots, a width of 25-feet with a paved width of 20-feet and a maximum distance of 125-feet in length. The subject property has an existing easement from Homestead Road S serving the property, so the Hearings Officer concludes the parcel could have been created as a flag lot parcel without street frontage. The existing easement serving the property was created in 1951 and exceeds the maximum 125-foot length for an accessway. The Salem Revised Code 63.331 allowed for variances to Code sections between SRC 63.115 to 63.295, which included creating flag lot accessways. A variance to the accessway length and surface could have been considered a hardship, since the existing 1950's easement is the only means of access to the subject property. The Hearings Officer finds that under the criteria in effect when the property was sold in 1987, this arrangement would have been considered to comply.

The Fire Department commented that to provide Fire Department access to the property, the flag lot accessway and private driveway is required to be provided to within 150' or all portions of the exterior of the building as measured along an approved route. An approved turnaround will be required if the Fire Department access road exceeds 150 feet. If the Fire Department

access road exceeds 400 feet, turnouts are required (10' by 30') in addition to the required width. The Fire Department access roads are required to be a minimum of 20 feet wide and have 13-foot 6 inches vehicle clearance height and provide an all-weather driving surface capable of supporting fire apparatus (total weight of 76,000 lbs.).

After providing some background about the relationship between Mr. Buck and Mr. Green, Ms. Whitton raised the question of whether some lesser standard should be imposed, based on the cost to construct the all-weather surface given the topography and possible site constraints. Although the Hearings Officer repeated that a continuance to discuss matters with City staff was possible, the applicants declined. The Hearings Officer notes that no variance was applied for, and the criteria for the validation do not allow for consideration of the cost to comply with the criteria in place at the time the unit of land was sold. The Hearings Officer notes that while a narrower easement might be permitted under current standards, at the time the unit of land was sold, the criteria required a 25-foot wide easement. While the applicants could seek some variance from this standard as part of a future development proposal, for purposes of the validation the Hearings Officer finds that the 25-foot wide easement with a 20-foot wide all-weather surface capable of supporting the weight of fire apparatus is necessary to comply with the criteria for validation.

To ensure the validated lot will have safe and adequate access, the Hearings Officer imposes the following condition:

Condition 1: The easement (flag lot accessway) serving the subject property shall be at least 25-feet wide with a 20-foot wide all-weather driving surface capable of supporting fire apparatus (total weight of 76,000 lbs.) from Homestead Road S to the subject property. The flag-lot accessway shall have an approved turnaround and/or turnout as required by the Fire Department prior to issuance of any building permits.

Driveway: The driveway, which is located on the subject property and at the end of the flag lot accessway has different standards. The Hearings Officer notes that Salem Revised Code (SRC) 133.210(b) (repealed) provides that driveways serving developments on lots created pursuant to SRC 63.039 (partitions in areas unserved by municipal sewer and water) shall not be required to meet the hard surface requirements of SRC 133.210. As described below, the subject property would have met the requirements of SRC 63.039 regarding sewer and water and therefore, the hard surface requirement of SRC 133.210(b) does not apply. Accordingly, the Hearings Officer concludes that the current gravel driveway from the property line to any future development is sufficient for purposes of this validation.

Septic:

Salem Revised Code, Chapter 63.039, allowed for partitions in areas unserved by municipal sewer and water. A partition of property located more than 300-feet from available sewer could have been approved, if the following standards were met:

1. Proposed parcels are no less than five acres and have no dimension less than 100-feet.
2. The property is residentially zoned.
3. The property has received appropriate county sanitarian favorable site evaluation for an on-site sewage disposal system.
4. The applicant has signed and recorded a non-remonstrance contract, agreeing to hook up to sewer and water as it becomes available. In addition, waiving the right to object to any future water and sanitary sewer project benefiting the property.
5. Submittal of an acceptable redevelopment plan.

The Hearings Officer finds that the subject property is approximately 15 acres in size with no dimension less than 100-feet, was residentially zoned in 1987 and the applicant provided a redevelopment plan. The subject property is still residentially-zoned and the applicant intends to construct a single-family dwelling, if approved. To ensure the remaining standards are met the Hearings Officer imposes the following conditions:

Condition 2: Prior to final Plat approval, the applicant shall provide a favorable site evaluation for an on-site sewage disposal system from the Marion County Sanitarian.

Condition 3: Prior to final Plat approval, the applicant shall sign and record a non-remonstrance contract, agreeing to connect to municipal sewer and water as it becomes available and waiving the right to object to any future municipal water and sanitary sewer project benefiting the property.

The Hearings Officer concludes that the City of Salem Ordinance in effect when the deed was recorded in 1987 could have allowed the parcel as a lawful parcel through a land use determination decision. In addition, such parcel would have been allowed a sewage disposal system and gravel driveway.

The Hearings Officer finds that this criterion is met.

SRC 205.005(d)(4): The plat complies with SRC 205.035 and ORS 92.

The Hearings Officer notes that the Public Works Department reviewed the proposal and submitted comments describing the procedure and submittal requirements for recording of a final plat.

DECISION

The Hearings Officer **GRANTS** the request to validate one unit of land that was created through sale rather than through an approved subdivision or partition plat process for property zoned RA (Residential Agriculture) and located at 4145 Homestead Road S, with the following conditions:

Condition 1: The easement (flag lot accessway) serving the subject property shall be at least 25-feet wide with a 20-foot wide all-weather driving surface capable of supporting fire apparatus (total weight of 76,000 lbs.) from Homestead Road S to the subject property. The flag-lot accessway shall have an approved turnaround and/or turnout as required by the Fire Department prior to issuance of any building permits.

Condition 2: Prior to final Plat approval, the applicant shall provide a favorable site evaluation for an on-site sewage disposal system from the Marion County Sanitarian.

Condition 3: Prior to final Plat approval, the applicant shall sign and recorded a non-remonstrance contract, agreeing to hook up to sewer and water as it becomes available and waiving the right to object to any future water and sanitary sewer project benefiting the property.

DATED: January 30, 2019.

A handwritten signature in dark ink, appearing to read 'James K. Brewer', written over a horizontal line.

James K. Brewer, Hearings Officer