



MARION COUNTY BUILDING INSPECTION DIVISION  
5155 Silverton Rd NE  
Salem OR 97305  
(503) 588-5147  
Fax: (503) 588-7948

LAND USE COMPATIBILITY STATEMENT (LUCS)  
FOR ON-SITE SEWAGE SYSTEMS

DATE: 7/2/2025

MCBI File #: \_\_\_\_\_

SECTION 1 – APPLICANT INFORMATION

1. Property Address: 2651 Ballyntyne Rd S Property ID #: \_\_\_\_\_  
Salem OR 97306

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Tax Lot #: \_\_\_\_\_  
083W17B000100

2. Name of Applicant: Comfort Homes LLC Telephone #: 503-409-2282  
Mailing Address: PO BOX 5607  
Salem OR 97304

3. Describe type of facility the on-site sewage system will serve (business, residence or other):

- ☒ Single Family Residence  
☐ Business  
☐ Other: \_\_\_\_\_

4. Type of on-site sewage system permit application being proposed for this property:

- ☒ New Installation Permit  
☐ Repair Permit  
☐ Alteration Permit for: ☐ Replacement Dwelling ☐ Bedroom(s) addition  
☐ Other changes in land use involving potential sewage flow increase:

## SECTION 2 - TO BE FILLED OUT BY CITY OR COUNTY PLANNING OFFICIAL

5. The facility proposal is located:

☒ Inside City limits

☐ Inside UGB

☐ Outside UGB

6. If inside the UGB, the proposed facility is subject to:

☒ City jurisdiction

☐ County jurisdiction

☐ Shared city/county jurisdiction

7. Does the business or facility comply with local land use requirements? ? ☒ YES ☐ NO

Comments:

Prior to Final Plat approval, obtain a favorable site evaluation for the installation of an on-site sewage

disposal system for each parcel per Condition 14 of PAR25-06. This application is for proposed Parcel 2.

8. Is a public notice and hearing required? ☐ YES ☒ NO DATE: \_\_\_\_\_

### SANITARY SEWER AVAILABILITY

DEQ OAR 340-071-0160 requires a permit application for onsite sewage disposal be denied if:

*A sewerage system which can serve the proposed sewage flow is both legally and physically available.*

\* *Physical Availability:* A sewerage system shall be deemed physically available if its nearest connection point from the property to be served is:

- For a single family dwelling, or other establishment with a maximum projected daily sewage flow of not more than 450 gallons, within 300 feet;
- For a proposed subdivision or group of two to five single family dwellings, or equivalent projected daily sewage flow, not further than 200 feet multiplied by the number of dwellings or dwelling equivalents;
- For proposed subdivisions or other developments with more than five single family dwellings, or equivalents, the county agent shall make a case-by-case determination of sewerage availability.

EXCEPTION: A sewerage system shall not be considered available if topographic or man-made features make connection physically impractical.

\* *Legal Availability:* A sewerage system shall be deemed legally available if the system is not under a DEQ connection permit moratorium, and the sewerage system owner is willing or obligated to provide sewer service.

9a. Is a sewerage system physically available and legally available to serve this property?

Physically available: ☐ YES ☒ NO

Legally available: ☐ YES ☒ NO

9b. If service is not available, please explain why, and when service may become available:

Sanitary sewer service is not legally or physically available within 300-feet of the subject property.

Partitioning of the property has tentative plan approval (PAR25-06). Septic permitted subject to the conditions of approval listed in the Land Use Decision (PAR25-06). Extension of public sanitary sewer to serve the property is development driven, there are no plans to extend sewer to serve the subject property at this time.

**SIGNATURES**

CITY OF Salem PLANNING OFFICIAL:

Quincy Miller

(Print Name)



PLANNING OFFICIAL (Signature)

7/9/2025

DATE

440 Church Street SE, (503) 584-4676

ADDRESS

Salem, OR 97312

TELEPHONE #

\* COUNTY PLANNING OFFICIAL

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
PLANNING OFFICIAL (Signature)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE #

*\* If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB.*

# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

**TENTATIVE PARTITION PLAN CASE NO.: PAR25-06**

**APPLICATION NO.: 24-122051-PLN**

**NOTICE OF DECISION DATE:** May 23, 2025

**REQUEST:** A Tentative Partition Plan to divide a 34.13-acre property into three parcels, two five acres in size and one approximately 22.72 acres in size, along with public right-of-way dedication. The subject property is 34.13 acres in size, zoned RA (Residential Agriculture), and located at 2592 Kuebler Road S (Marion County Assessor's Map and Tax Lot Number: 083W17B / 100).

**APPLICANT:** Brandie Dalton, Multi/Tech Engineering

**LOCATION:** 2592 Kuebler Rd S, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapter 205.005(d) – Tentative Partition Plan

**FINDINGS:** The findings are in the attached Decision dated May 23, 2025.

**DECISION:** The **Planning Administrator APPROVED** Partition Tentative Plan Case No. PAR25-06 subject to the following conditions of approval:

- Condition 1:** Prior to Final Plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens, unless a Class 2 Adjustment to SRC 200.050(d) is approved.
- Condition 2:** Prior to Final Plat approval, provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 3:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed parcels.
- Condition 4:** On the Final Plat, dedicate an Open Channel Drainage Easement along Croisan Creek on the subject property. In accordance with PWDS, the easement width shall be equal to the 100-year floodway, 15 feet from the channel centerline, or ten feet from the recognized bank, whichever is greater.
- Condition 5:** On the Final Plat, convey land for dedication to equal a half-width right-of-way of 36-feet from centerline on the development side of

Kuebler Road S, including sufficient right-of-way to accommodate public infrastructure at the property corners.

- Condition 6:** On the Final Plat, convey land for dedication to equal a half-width right-of-way of 30-feet from centerline on the development side of Channel Street S, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 7:** On the Final Plat, convey land for dedication to equal a half-width right-of-way of 30-feet from centerline on the development side of Ballyntyne Road S, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 8:** On the Final Plat, dedicate right-of-way for the southern portion of Croisan Creek Road S from Ballyntyne Road S to the northern boundary of Parcel 1, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 9:** Prior to Final Plat approval, provide a conceptual engineered design of the horizontal and vertical alignment of future Croisan Creek Road S through the subject property from the Ballyntyne Road S to Kuebler Road S. The centerline of future Croisan Creek Road S within the subject property shall be shown on the plat in sufficient detail to illustrate minimum building setbacks can be met.
- Condition 10:** On the Final Plat, provide a ten-foot-wide Public Utility Easement along the frontage of Kuebler Boulevard S, Channel Street S, Ballyntyne Road S, and Croisan Creek Road S.
- Condition 11:** The applicant shall obtain a Revocable License for the proposed private driveway serving the proposed parcels within the undeveloped right-of-way of Croisan Creek Road S. The Revocable License shall specify that the driveway will be privately maintained by the property owners which it serves.
- Condition 12:** Pursuant to SRC 804.035(c)(4), no new driveway approaches are permitted onto Kuebler Boulevard S for any single-family, two-family, three-family, or four-family uses constructed as part of the partition.
- Condition 13:** Prior to submittal of building permits for any parcel within the partition, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building parcel.
- Condition 14:** Prior to Final Plat approval, obtain a favorable site evaluation for the installation of an on-site sewage disposal system for each parcel.
- Condition 15:** City water and sewer services are not currently available to serve the proposed development; therefore, to ensure compliance with SRC 205.005(e), the following Conditions shall apply:
- (1) The parcels shall only be used for residential purposes;

- (2) All buildings and structures shall meet required setbacks from future street rights-of-way; and
- (3) Prior to Final Plat approval, a non-remonstrance agreement shall be signed and recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.

The rights granted by the attached decision must be exercised, or an extension granted, by June 10, 2027, or this approval shall be null and void.

|                                  |                        |
|----------------------------------|------------------------|
| Application Deemed Complete:     | <u>March 24, 2025</u>  |
| Notice of Decision Mailing Date: | <u>May 23, 2025</u>    |
| Decision Effective Date:         | <u>June 10, 2025</u>   |
| State Mandate Date:              | <u>August 21, 2025</u> |

Case Manager: Quincy Miller, Planner I, [qmillier@cityofsalem.net](mailto:qmillier@cityofsalem.net), 503-584-4676

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Monday, June 9, 2025. 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 205. 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

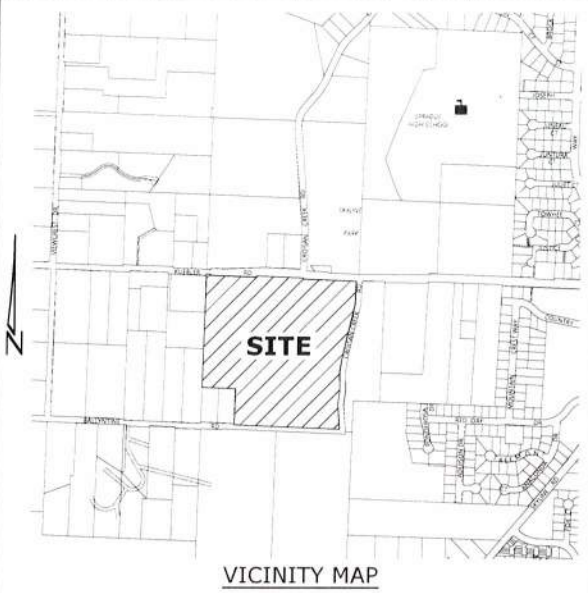
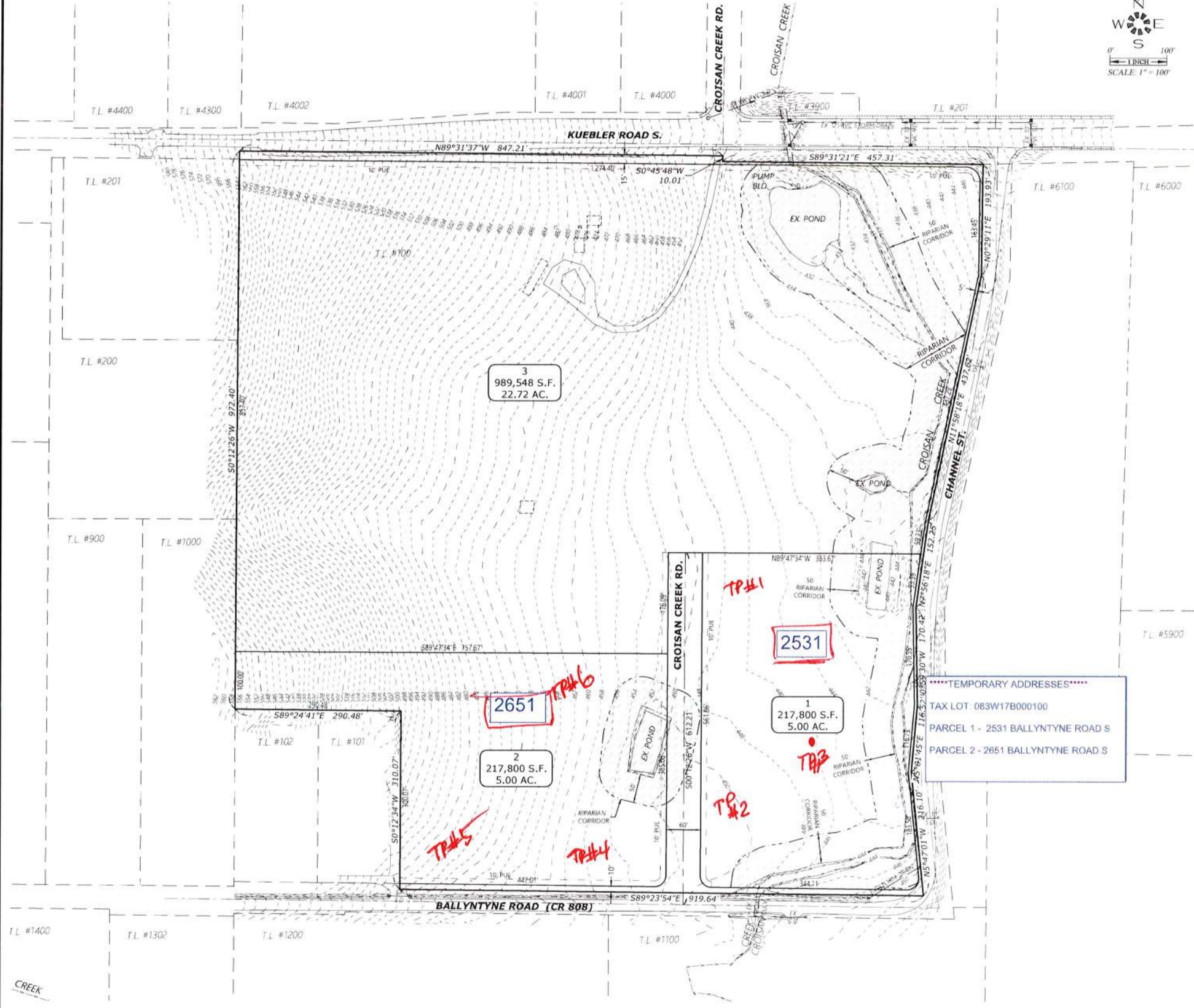
<http://www.cityofsalem.net/planning>



Owner/Developer:  
**COMFORT HOMES, L.L.C.**  
P.O. BOX 5607  
CITY, OREGON 97304

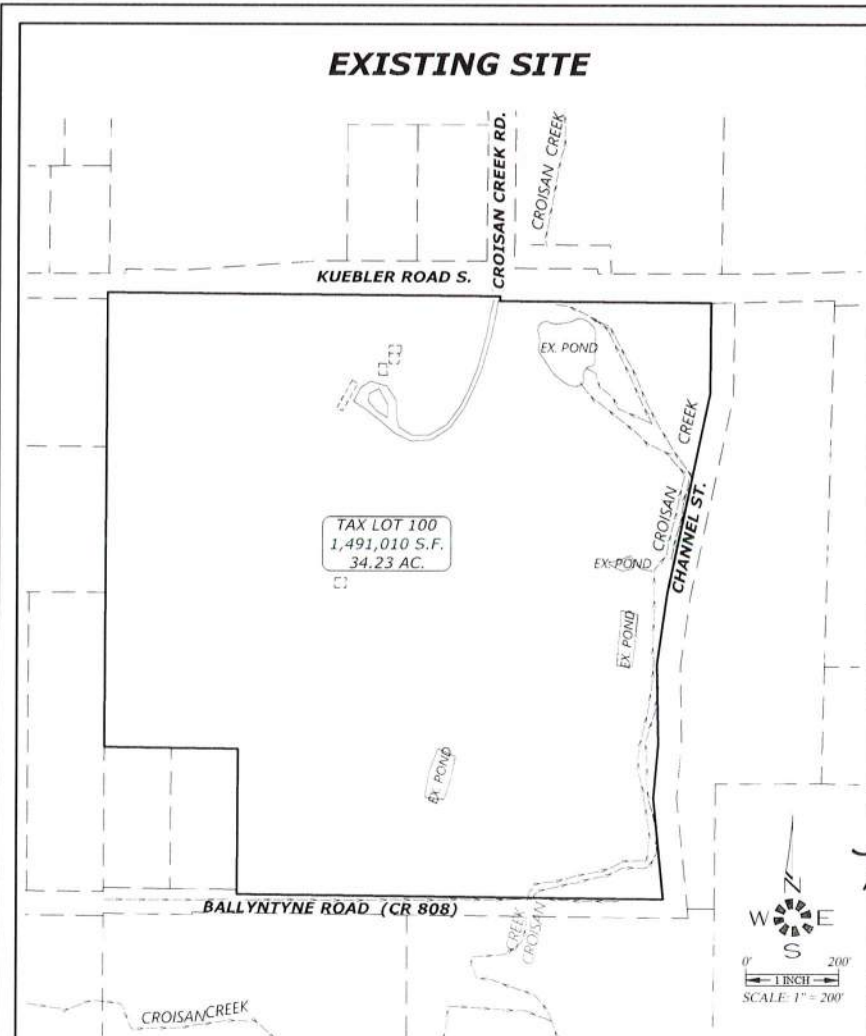
**KUEBLER PARTITION**  
SEC. 17, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON  
3 PARCELS - 34.23 ACRES

**PROPOSED PARTITIONING**



T.B.M. 444.79  
RIM ELEVATION OF EXISTING STORM DRAIN MANHOLE AT THE INTERSECTION OF KUEBLER BLVD. AND CROISAN CREEK DR. BASED ON BENCH MARK DESIGNATED 3070 BEING A BRASS DISK LOCATED AT THE INTERSECTION OF JUSTICE WAY & CROISAN SCENIC WAY ON THE SOUTH SIDE OF JUSTICE WAY IN THE CENTER ISLAND. 1.20' SOUTH OF NORTH TIP OF ISLAND. ELEV: 530.660 (NAVD 29)

| SHEET INDEX |                   |
|-------------|-------------------|
| P1          | PARTITIONING PLAN |
| P2          | SHADOW PLAN       |
| P3          | TREE PLAN         |
| P4          | GRADING PLAN      |



**MULTI/TECH**

**PARTITIONING PLAN**

**KUEBLER PARTITION**

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT THE WRITTEN AUTHORIZATION OF THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: D.G.G.  
Checked: M.D.G.  
Issue Date: 11/5/24  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_

EXPIRES 06-30-2025  
JOB # 7651

**P1**