

Attention Property Owner: A land use proposal has been submitted for property near where you live or 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. 18-001**

APPLICATION: Application of Katherine Robins to divide a 6.39 acre parcel into three parcels containing 2.39 acres, 2.0 acres and 2.0 acres each in an AR (Acreage Residential) zone located at 11517 Steinkamp Road SE, Aumsville. (T8SS; R1W; Section 28C; tax lots 01701 and 01900).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Partition application subject to certain conditions.

EXPIRATION DATE: This approval is valid only when the final partition plat is recorded by **February 2, 2020**. The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

WARNING: A decision approving the proposed division is for land use purposes only. Due to septic, well, and drain field replacement areas, these parcels may not be able to support a dwelling. To be sure the subject property can accommodate the proposed use the applicant should contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS: The following conditions must be met before a building permit can be obtained or the approved use established:

Prior to recording the final plat:

1. The applicant shall submit a final partition plat to the County Surveyor's Office (5155 Silverton Road NE; (503) 588-5036). Following plat approval it shall be recorded with the Marion County Clerk (plat instructions enclosed).
2. Prior to submitting the final partition plat, the applicant shall obtain an approved septic site evaluation from the Marion County Building Inspection Division on all undeveloped parcels. **The applicant is strongly encouraged to contact Building Inspection, (503) 588-5147, regarding septic sites before having the property surveyed. Septic site requirements may affect the proposed property line or lot locations..**
3. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use until the following conditions have been satisfied:

Condition A – Prior to plat approval, under a Work in Right-of-Way Permit, construct a Steinkamp improvement to meet MCPW Engineering design standards for a Local road. The improvement shall consist of a gravel shoulder widening augmentation to provide a total width of 5 feet and including associated drainage ditch relocation earth work as may be commensurate to accommodate the improvement.

Condition B – Prior to plat approval, under an Access Permit, pave with Hot Mix Asphalt the shared approaches to subject property #11571 Steinkamp Road and servient parcel addressed #11544 James Way Drive.
4. Any shared private access easement shall be named in accordance with Marion County Planning Division requirements, in coordination with the 9-1-1 Emergency System. 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 Public Works **prior to the plat being recorded.**

5. Prior issuance of building permits, the applicant shall submit evidence that the access easement has been improved to the standards in MCC 17.172, which may include an all-weather surface of at least 12 feet in width. The access easement is also to provide for utilities.
6. The applicant is advised that a Partition Plant Service Report from a title company will be required upon submission of the final mylar to the County Surveyor.

Prior to issuance of building permits on the resulting parcels:

7. The partition plat shall be recorded.
8. Prior to issuance of building permits, the applicant shall provide a static water level measurement for any new or existing wells intended as the water supply for the new lot on the enclosed form.
9. Prior to issuance of building permits, the applicant shall sign and submit a Sensitive Groundwater Overlay Zone Declaratory Statement to the Planning Division for each resulting parcel. This statement shall be recorded by the applicant with the Marion County Clerk's Office after it has been reviewed and signed by the Planning Director.

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

10. The resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director. All parcels shall be a minimum two acres in size, prior to any right-of-way dedication.
11. After the final Partition plat has been recorded no alteration of property lines shall be permitted without first obtaining approval from the Planning Director.

OTHER PERMITS, FEES, AND RESTRICTIONS: This approval does not remove or affect covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits and/or fees from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying restrictions or conditions. It is recommended that the agencies mentioned in Finding #5 be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

12. 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).
13. The applicants should contact Sublimity Fire District to obtain a copy of the District's Recommended Building Access, water supply and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.

APPEAL PROCEDURE: The Marion Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150 day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received, together with the appeal fee, in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **February 2, 2018**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **February 3, 2018** unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The property is designated Rural Residential in the Marion County Comprehensive Plan. The purpose of this designation and the corresponding AR (Acreage Residential) zone is to allow creation of acreage homesites at a density that maintains the character and environmental quality of rural residential areas. The property is also in the Sensitive Groundwater Overlay Zone.
2. The subject parcel is located on the north side of Steinkamp Rd SE at its intersection with Golf Club Rd SE. The parcel contains a dwelling, accessory structures, well and septic system and was subject of Property Line Adjustment Case 12-022 (PLA12-022). The parcel includes tax lots 1701 and 1900 considered a single legal parcel for land use purposes.
3. All adjacent properties are zoned AR and consist of rural residential development.
4. The applicant proposes to divide a 6.39 acre parcel into three parcels containing 2.39 acres, 2.0 acres and 2.0 each.
5. Public Works Land Development and Engineering Permits requested that Conditions A and B be included in the land use decision. LDEP also commented on requirements that are not part of the land use decision and available for review in the planning file. LDEP will not approve the final use until the following condition has been met:

“Condition A – Prior to plat approval, under a Work in Right-of-Way Permit, construct a Steinkamp improvement to meet MCPW Engineering design standards for a Local road. The improvement shall consist of a gravel shoulder widening augmentation to provide a total width of 5 feet and including associated drainage ditch relocation earth work as may be commensurate to accommodate the improvement.

Requirements for public road improvements are in accordance with MCC 17.110.780(A), 17.110.800 and 17.172.320. MCW Design Standards specify a 5-foot wide shoulder. The necessary shoulder width is to preserve the integrity of the paved road surface and for vehicular safety.

Condition B – Prior to plat approval, under an Access Permit, pave with Hot Mix Asphalt the shared approaches to subject property #11571 Steinkamp Road and servient parcel addressed #11544 James Way Drive.

In accordance with Marion County Driveway Ordinance 651, driveways must meet sight distance, design, spacing, and safety standards. Access work, which is typically given as an Engineering Requirement, is being elevated to *Condition* status relative to its timing for completion prior to establishment of the proposed use. Justification is the intensification of use from individual to shared accesses, and on James Way the fact that the driveway approach is relatively steep, causing some gravel to be strewn at the edge of the travel lane.”

Marion County Surveyor commented: “Parcels ten acres and less must be surveyed. Per ORS 92.050, plat must be submitted for review. Checking fee and recording fee required. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor’s Office, which may require additional updated reports.”

Marion County Building Inspection commented that permits are required for new construction or placement of a manufactured home.

Marion County On-Site Sewage commented that an approved septic evaluation will be required for all undeveloped parcels. For sites with an existing septic system, the applicant shall request a review and complete any steps necessary for system approval, including an easement if the existing drain field will be located on a different lot than the septic tank and dwelling it serves.

Marion County Tax Assessor provided information regarding taxes on the subject properties.

All other contacted agencies either failed to respond or stated no objections to the proposal at time this decision was written.

6. Chapter 17.181 of the Marion County Code (MCC) establishes criteria for partitioning property in a Sensitive Groundwater Overlay zone (SGO). In order to meet criteria in Chapter 17.181 MCC, the applicant submitted a

“Hydrogeology Report” which indicates there is a sustainable long-term supply of groundwater for the proposed development. Peer review of the Hydrogeology Report was positive.

The County requires a Declaratory Statement be recorded with the property deed to notify the applicants and subsequent owners that there may be long term groundwater supply problems and that the County is not responsible for deepening or replacing wells. In addition, the applicant must meet the water level monitoring requirements in MCC 17.181.120. This includes a static water level measurement of all existing wells prior to recording the plat, and at least one static water level measurement prior to the issuance of a building permit in any new or existing wells intended as the water supply for the lot. This requirement is only for lots created by partitions recorded after January 1, 1998. This will be made a condition of approval.

7. There are no specific approval criteria for partitions in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres and the new parcels are consistent with this standard. In addition, the resulting undeveloped parcels, if they can obtain septic approval, are of sufficient size and shape to meet the development standards in the AR zone.
8. Staff recognizes the final partitioning may vary from the proposed plan due to topography or surveying. Minor variations are permitted; however, each resulting parcel shall be a minimum 2.0 acres prior to any required right-of-way dedication.
9. Based on the above findings, the proposed partition complies with the applicable criteria and is, therefore **APPROVED**, subject to conditions.

Joe Fennimore
Director-Planning Division

Date: January 18, 2018

If you have any questions please contact Lisa Milliman 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.