

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. 23-006**

APPLICATION: Application of David Camaro to partition a 5.40-acre parcel into two parcels consisting of 3.20 acres and 2.20 acres in an Acreage Residential (AR) zone located at 14242 Marion Road SE, Turner. (T9S; R2W; Section 33BD; Tax Lot 600).

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 **April 29, 2025** (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 applicants 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. Per the Marion County Surveyor's Office, parcels must be surveyed and monumented. Per ORS 92.050, the plat must be submitted for review, checking and recording fees will be required, and 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.
3. Per Marion County Land Development Engineering and Permits, prior to plat approval, the applicant shall:
 - A) Obtain a PW Engineering Permit.
 - B) Construct a 20-foot x 20-foot plus radius flares hot mix asphalt apron street connection approach at the northern D Street intersection with Marion Road.
 - C) Permanently close the Marion Rd driveway approach.
 - D) Submit a notarized Declaratory Statement to be recorded simultaneously with the plat acknowledging that D St is classified as a Local Access Road and is not maintained by Marion County.
4. 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 of two acres in size.
5. The proposed "Parcel 1" (containing the existing dwelling) shall remain addressed **14242 Marion Rd SE**. The proposed "Parcel 2" (containing one out building) shall be addressed **5885 D St SE**. Addresses will be finalized at the time that building permit applications are reviewed and may change if alterations are made to the property or nearby properties.

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

6. 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 #7 & 8 below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

7. 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).
8. The applicants should contact the Stayton Fire District to obtain a copy of the District's Recommended Building Access 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

May 1, 2023. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **May 2, 2023**, 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.
2. The subject parcel is located northeast of intersection of Marion Rd SE and D St SE. The parcel contains one legal single-family dwelling built in 2015 and multiple accessory structures. The property has been described as is since at least Vol. 575 Page 105, which was recorded on July 29, 1963, and is therefore considered legal for land use purposes.
3. All surrounding properties are also rural residential and zoned AR. All surrounding properties to the north, east, and south are developed with single family homes and have lot sizes that range from 0.25 acres to 3.75 acres. The adjacent property to the west, across Marion Rd SE, is centrally assessed bare land associated with the railroad directly to the west of it.
4. The applicant proposes to divide a 5.40-acre piece of land into two parcels consisting of 3.20 acres and 2.20 acres.
5. Marion County Surveyor commented:
 1. Parcels must be surveyed and monumented.
 2. Per ORS 92.050, plat must be submitted for review.
 3. Checking fee and recording fees required.

4. 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.

Marion County Land Development Engineering and Permits commented:

ENGINEERING CONDITIONS

***Condition A** – Prior to plat approval, obtain a PW Engineering Permit, and under the Permit complete the following:*

- *Construct a 20-foot x 20-foot plus radius flares hot mix asphalt apron street connection approach at the northern D Street intersection with Marion Road.*
- *Permanently close the subject property Marion Road driveway approach.*

***Condition B** – Prior to plat approval, notarize a Declaratory Statement to be recorded simultaneously with the plat acknowledging that D Street is classified as a Local Access Road not maintained by Marion County.*

ENGINEERING ADVISORIES

- C. At the time of application for building permits on the developable parcel an Access Permit will be required. The driveway approach to the developable parcel to be served by D Street will need to be improved, including aligned perpendicular to the public road.
- D. Transportation System Development & Charges and Parks fee will be assessed at the time of application for building permits.
- E. Permits from MCPW Engineering are required for utility service extensions within the public right-of-way.

Marion County Building Department commented: "No Building Inspection concerns with proposed partition. Permit(s) are required to be obtained prior to any development and/or utilities on private property."

Marion County Tax Office provided comments relating to the subject property's property taxes.

All other contacted agencies: Either failed to comment or stated no objection to the proposal.

6. 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 of 3.20 acres and 2.20 acres are consistent with this standard. Subsequently, the proposal meets the criteria for partitioning in the AR zone.
7. Based on the above findings, the proposed partition complies with the applicable criteria and is therefore **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: April 14, 2023

If you have any questions regarding this decision contact Nicole Inman 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.