

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. 23-008**

**APPLICATION:** Application of Jonathan and Ashley Pope to partition a 5.80-acre parcel into two parcels consisting of 2.80 acres and 3.00 acres in an Acreage Residential (AR) zone located at 3635 Sunset Hills Dr SE, Turner. (T9S; R2W; Section 18B; Tax Lot 700).

**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 **May 13, 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, the 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 acquire an Access Permit, and under the permit widen the access approach to Sunset Hills Dr SE to a width of 20 feet measured at the public right-of-way.
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 now be addressed **11021 Winter Way SE**. The proposed "Parcel 2" (bare land) shall be addressed **11061 Winter Way 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 Turner 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 15, 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 16, 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 on the north side of Sunset Hills Dr SE, approximately 650 east of the intersection of Summit Loop Rd SE and Sunset Hills Dr SE. The parcel contains one legal single-family dwelling built in 1975 and one accessory structure. The property was created via a planning approval on Oct. 19, 1973, in the Marion County Book of Town Plats Vol. 28 Page 42. More specifically, it was described as Lot 2 of Block 1 in the Sunset Hills Estates subdivision. The subject property is therefore considered legal for land use purposes.
3. All surrounding properties are also rural residential and zoned AR. The majority of surrounding properties are developed with single family homes and have lot sizes that range from 2.00 acres to 10.53 acres.
4. The applicant proposes to divide a 5.80-acre piece of land into two parcels consisting of 2.80 acres and 3.00 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 CONDITION

***Condition A** – Prior to plat approval, acquire an Access Permit, and under the Permit widen the access approach to Sunset Hills Dr SE to a width of 20 feet measured at the public right-of-way.*

Marion County Building Department commented: “No Building Inspection concerns. Permits 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 2.80 acres and 3.00 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 28, 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.