

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. 22-015**

**APPLICATION:** Application of Zachary and Jessica Toney to partition a 4.74-acre parcel into two parcels consisting of 2.15 acres and 2.59 acres in an Acreage Residential (AR) zone located at 13283 Picard Place SE, Turner. (T9S; R2W; Section 28B; Tax Lot 1900).

**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 10, 2025**. 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. The new parcel shall be assigned the address of **13385 Picard Pl SE**.
4. The partition plat shall be recorded.
5. 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.
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 Jefferson 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 **February 10, 2023**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **February 11, 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 eastern side of Morrow Ln SE and the western side of Picard Pl SE, directly east of the intersection of Morrow Ln SE and Sam's Pl SE. The parcel contains a single family dwelling built in 1976 and three farm buildings. The property was platted as part of the Broken Diamond Subdivision on December 5, 1973 and is therefore considered legal for land use purposes.
3. Surrounding uses are residential in all directions. All adjacent parcels are zoned AR and contain single family homes in lot sizes ranging from 1.5 acres to 4.6 acres.
4. The applicant proposes partition a 4.74-acre parcel into two parcels consisting of 2.15 acres and 2.59 acres.
5. Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

#### **ENGINEERING REQUIREMENTS**

- A. Separate access to each parcel may theoretically be derived from each of the respective flanking public roads. However, there is a roadway crest curve on Morrow Lane to the south of the proposed parent parcel access location that limits vision to the south. Therefore, any such Morrow Lane access point would need to be established at its crest. It is up to the Applicant to determine if that location would be compatible with onsite features such as garage and well locations. An Access Permit will be required to establish a Morrow Lane connection. It should be noted a thru-connection access easement between Morrow Lane and Picard Place on the plat will not be approved as each parcel may only have a single connection to a public road.

- B. Depict any necessary utility easement on the partition plat.
- C. Transportation System Development and Parks Charges will be assessed upon application for building permits.
- D. Utility extension work in the public right-of-way requires a permit(s) from MCPW Engineering.

Marion County Surveyor commented:

- 1. Parcels ten acres and less must be surveyed.
- 2. Per ORS 92.050, plat must be submitted for review.
- 3. Checking fee and recording fees required.
- 4. A current or updated 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 Building Department commented:

"Permits are required for development and/or utilities."

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

- 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 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: January 26, 2023

If you have any questions regarding this decision contact Austin Barnes 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.