

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. 24-005**

APPLICATION: Application of Marianne Taylor to partition a 4.34-acre parcel into two parcels consisting of 2.00 and 2.34-acres in an AR (Acreage Residential) zone located at 7478 Sherman Rd SE, Aumsville (T8S, R1W, Section 29A, Tax lot 1200).

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 **June 14, 2026** (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:

Prior to recording the final plat:

1. The applicant shall obtain approval for all permits, including subsurface sewage, as required by the Marion County Building Inspection Division.
2. Per the Marion County Surveyor's Office: Parcels ten acres and less must be surveyed, and Per ORS 92.050, the plat must be submitted for review. Checking fee and recording fees 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. Prior to submitting the final partition plat, the applicant shall provide a static water level measurement for the existing well on the enclosed form.

Prior to issuance of building permits on the resulting parcels,

4. The applicant shall provide a static water level measurement for any new or existing wells intended as the water supply for the lot on the enclosed form.
5. The applicant shall sign and submit a Sensitive Groundwater Overlay Zone Declaratory Statement (enclosed) to the Planning Division for each resulting parcel. This statement shall be recorded by the applicant with the Marion County Clerk's Office.

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

6. 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.
7. 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. The applicant is advised of the following:

8. 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).
9. The applicants should contact the Aumsville Fire District and the Sublimity 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.
10. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

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 **June 14, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 15, 2024**, 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 at 7478 Sherman Rd SE. The property contains a single-family dwelling and several accessory structures. It is partially wooded and currently in forest deferral. The southern portion of the property contains an easement for Ivy Ln SE, but the current dwelling is accessed off an easement that extends southwest from Sherman Road to the middle of the western property line of the subject parcel. The applicant proposed use of Ivy Lane SE for access, but due to fire department restrictions and requirements by Marion County LDEP, the same access used for the existing dwelling will be used for the proposed new lot.

The parcel only has a deed history dating back to 1981 but the dwelling was built in 1973, the partition will create two legal lots that meet the minimum size standard for the AR zone, therefore this lot is considered legal for land use purposes.

3. This parcel is on the northern edge of an area primarily characterized by a mix of small farms and rural residential uses. Surrounding properties to the west and south are zoned AR and are in rural residential use. Properties to the east are zoned EFU and are in rural residential use. The rural residential use extends 1-mile south to highway 22

and the UGBs of Sublimity and Stayton. Properties to the north are zoned EFU and in farm use. The agricultural use to the north extends over a large area of the county to the UGB of Silverton.

4. The applicant proposes to divide the subject parcel into two parcels with a new property line running roughly straight East-to-West where the existing access meets the property.
5. Several agencies were contacted and given an opportunity to comment on the proposal:

Marion County Septic Department commented: “For parcel 1, on the plot plan, dedicate an area on the lot that is large enough for a repair area. Parcel 2 requires a site evaluation.”

Marion County Building Department commented: “Permits are required to be obtained prior to development of structures and/or utilities installation on private property.”

Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

Engineering Requirements

- A. An Access Permit will be required for a new dwelling. Access shall be shared to both parcels via the developed 30-foot access easement off the E-W segment of Sherman Road as depicted on PP99-136, serving the parent parcel. For the purposes of access associated with building permits, no access from Ivy Lane will be approved based upon past denial by the Aumsville Fire Dept. due in part to Ivy Lane’s steeper grade. Furthermore, there is substandard available Intersection Sight Distance from Ivy Lane looking north on Sherman Road from the perspective of adding traffic to that lane.
- B. Transportation Systems Development & Parks charges will be assessed upon application for building permits for a new dwelling.
- C. Utility extension work in the public right-of-way requires permits from PW Engineering.

Marion County Survey Department 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 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 Tax Assessor provided tax information about the subject property.

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

6. Chapter 17.181 MCC establishes provisions for partitioning property in an SGO zone. In the SGO-6 zone, creating a parcel less than six acres in size requires the applicants to submit a “Hydrology Review” meeting the provisions listed in MCC 17.181. The review indicates that there is a sustainable long-term supply of ground water for the proposed development. However, the County requires a Declaratory Statement be recorded with the property deed. This notifies the applicant and subsequent owners that there may be long term groundwater supply problems and that the County is not responsible for deepening or replacing wells. The County also requires submission of static water level measurements prior to recording the plat for all existing wells, and prior to building permits for all undeveloped parcels.
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. Subsequently, the proposal meets the criteria for partitioning in the AR zone.

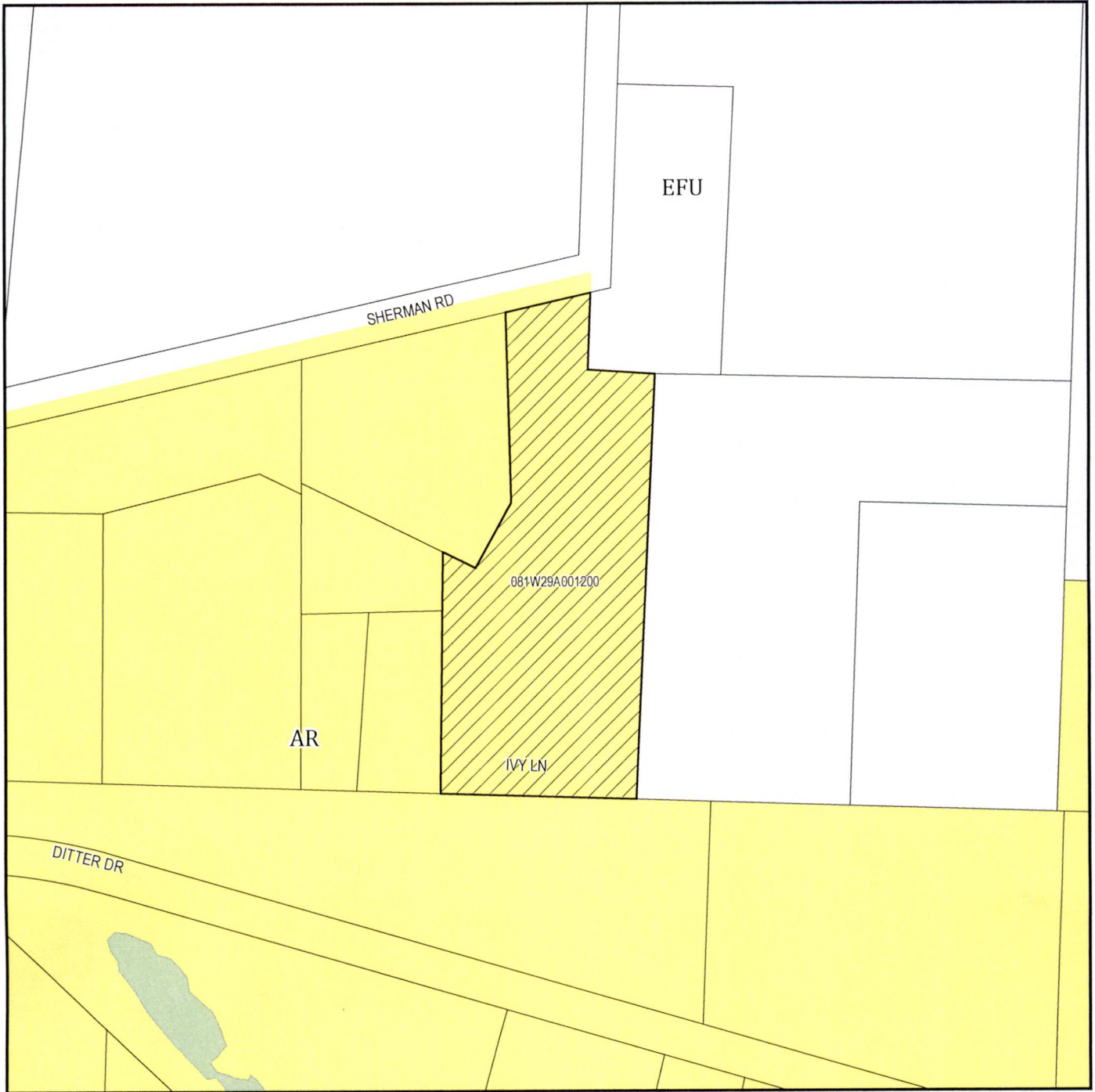
8. Based on the above findings, the proposed partition complies with the applicable criteria and is, therefore **APPROVED.**

Brandon Reich
Planning Director/Zoning Administrator

Date: May 30, 2024

If you have any questions regarding this decision contact John Speckman 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.



ZONING MAP

Input Taxlot(s): 081W29A001200

Owner Name: TAYLOR, MARIANNE R

Situs Address: 7478 SHERMAN RD SE

City/State/Zip: AUMSVILLE, OR, 97325

Land Use Zone: AR

School District: NORTH SANTIAM

Fire District: AUMSVILLE, SUBLIMITY

Legend

-  Input Taxlots
-  Lakes & Rivers
-  Highways
-  Cities



scale: 1 in = 219 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map.