

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/ADJUSTMENT NO. 25-001**

APPLICATION: Application of Chunmei Nie and Sam Vuong to partition a 20-acre lot into three parcels consisting of 15.36, 4.29 and 0.73-acres each and an adjustment to the 80-foot lot dimension standard in a UT-20 (Urban Transition Zone) zone located at 9474 Golf Club Rd SE, Stayton (T9S; R1W; Section 4B; Tax Lot 1000).

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 partitioning plat is recorded by **March 5th, 2027**. 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. No homesites shall be granted to the resultant parcels.
2. Parcels must be surveyed and monumented.
3. Prior to recording the deeds, the applicants shall obtain any septic review and/or evaluations that may be required from the Marion County Building Inspection Division.
4. Land Development Engineering and Permits (LDEP) will not approve the final plat until the following conditions have been satisfied:

ENGINEERING CONDITIONS

Condition A – On the partition plat dedicate a 50-foot R/W half-width over the Golf Club Road subject property frontage to meet the City of Stayton Minor Arterial standard [MCC16.27.210(E)(7) & 16.33.260].

Condition B – Prior to partition plat approval, record a non-remonstrance agreement as to non-objection and financial responsibility attached to the larger rear shadow parcel for deferred future Golf Club Road frontage improvements meeting City of Stayton Minor Arterial design standards to include the two proposed smaller frontage parcels at the time the rear shadow parcel is annexed and developed into a city subdivision so that sufficient traffic safety and pedestrian connectivity measures such as road widening, turn lane, re-graded shoulder or curb/gutter/sidewalk and access closure/consolidation as determined by the appropriate agencies at that time may be implemented [MCC 16.33.320].

Condition C – Prior to plat approval permanently close the parent parcel south access loop approach connection by removing the drainage culvert, restoring the ditch cross-section and removing the paved apron approach [MCRTSP Policy 10.3.5 (10a)]. The portion of internal gravel driveway on private property beyond the required 50-foot R/W half-width expansion may *remain*.

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.

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 agencies mentioned in Finding #5 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 Marion County Land Development Engineering and Permits (LDEP, 503-584-7714) for additional Engineering Requirements and Advisories that may be required, as listed in Finding #5 below.

APPEAL PROCEDURE: The Marion County 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 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 \$250) on the basis of new information subject to signing an extension of the 120-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 **March 5th, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **March 6th, 2025**, 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 Residential in the City of Stayton Comprehensive Plan. The major purpose of this designation and the corresponding UT-20 (Urban Transition) zone is to provide areas for future residential development.
2. The property is located on the east side of Golf Club Road SE, approximately 1 mile south of the intersection of Golf Club Rd SE and N Santiam Highway (Hwy 22). The property is approximately 20 acres and approximately three- and one-half acres are developed with a single-family 1950 dwelling and related accessory structures. Deed research by staff determined that the parcel has existed in its current configuration since at least 1955 (Deed Volume 473, Page 149). The property has is located within the City of Stayton's UGB (Urban Growth Boundary) and has, therefore, been deemed legal for planning purposes.
3. Adjacent properties surrounding the subject parcel are also in the UT-20 zone within the City of Stayton's UGB. Properties further south are in the City of Stayton. Properties further to the west are UT-20 within the City of Stayton's UGB and beyond that the main zoning is Exclusive Farm Use (EFU) in Marion County.
4. The applicant proposes to divide a 20-acre parcel into three parcels containing 4.29-acres, 0.73-acres, and 15.36-acres. The applicant is also asking for an adjustment to the minimum lot dimensions of 80 feet for one of the parcels.
5. Land Development Engineering and Permits (LDEP) commented:

ENGINEERING CONDITIONS

Condition A: On the partition plat dedicate a 50-foot R/W half-width over the Golf Club Road subject property frontage to meet the City of Stayton Minor Arterial standard [MCC16.27.210(E)(7) & 16.33.260].

Condition B: Prior to partition plat approval, record a non-remonstrance agreement as to non-objection and financial responsibility attached to the larger rear shadow parcel for deferred future Golf Club Road frontage improvements meeting City of Stayton Minor Arterial design standards to include the two proposed smaller frontage parcels at the time the rear shadow parcel is annexed and developed into a city subdivision so that sufficient traffic safety and pedestrian connectivity measures such as road widening, turn lane, re-graded shoulder or curb/gutter/sidewalk and access closure/consolidation as determined by the appropriate agencies at that time may be implemented [MCC 16.33.320].

Condition C: Prior to plat approval permanently close the parent parcel south access loop approach connection by removing the drainage culvert, restoring the ditch cross-section and removing the paved apron approach [MCRTSP Policy 10.3.5 (10a)]. The portion of internal gravel driveway on private property beyond the required 50-foot R/W half-width expansion may remain.

ENGINEERING REQUIREMENTS

- D. The proposed smaller (0.73-acre) developable parcel will not be granted direct access to Golf Club Road; access for that parcel shall be derived internally via access easement and/or future city R/W.
- E. Transportation System Development & Parks charges will be assessed upon application for building permits for a new dwelling.
- F. Utility extension work in the public right-of-way requires permits from PW Engineering.

Marion County Surveyors Office 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 Onsite Septic commented:

"0.73-acre parcel will require soils and site evaluation, 4.29-acre parcel has septic history and appears to have room for a repair, the 15.36-acre parcel will need a soils and site evaluation before building."

Marion County Building commented:

"No Building Inspection concerns with proposed partition. It is recommended new property lines be established at least 3 feet from any existing residential structures. Permit(s) are required to be obtained prior to any development of structures and/or utilities installation on private property, if proposed."

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

6. In order to partition land in UT zone the standards and criteria in Chapter 16.13.310 of the Marion County Code (MCC) must be met:

A. A series partition, subdivision, residential planned development or other residential development of a lot, as the lot existed upon application of the UT zone, that results in the division of land into four or more lots intended to be occupied by dwellings or mobile homes, is not permitted in the UT zone.

The applicant proposes to divide one 20-acre parcel into three parcels of 4.29-acres and 0.79-acres and 15.36-acres each. The partition will result in three parcels. Based on these facts, this criterion does not apply.

B. The following regulations shall apply when property line adjustments and partitioning of land regulated by Chapter 16.33 MCC, Subdivision and Partition Requirements, are proposed:

1. Additional street right-of-way required by adopted county standards shall be dedicated along the street frontage of any lot 10 acres or less in area that is part of a partition or lot line adjustment. Street and drainage improvements within the dedicated right-of-way shall be deferred until otherwise required by the county, or by the city following annexation. A nonremonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.

Two parcels will be smaller than 10 acres and the applicant's site plan indicates that right-of-way dedication is being considered as part of their proposal as well as a 60-foot-wide future street right-of-way. Land Development Engineering and Permits (LDEP) requires a dedication of a 50-foot R/W half-width over the Golf Club Road for all subject properties with frontage as well as a non-remonstrance agreement be signed. These conditions shall be required and are conditions of approval. The criterion has been met.

2. The location of lot lines shall not significantly reduce feasible options for the future location of urban streets or utility services, or preclude development options on the property or adjacent properties.

This partition is being applied for with the purpose of creating parcels which are of a manageable size so that the City of Stayton may do a phased annexation of them. The applicant submitted a site plan showing future potential lot configurations that meet these requirements. It appears that the parcel boundaries were chosen with annexation and development in mind and will significantly aide proposed development once the land has been annexed into and is served by the City of Stayton. Based on these facts, this criterion is met.

3. When a lot occupied by a residence is reduced, or a lot is created to accommodate a new residence allowed in MCC 16.13.310(B)(3), the lot should be as small as possible and should not be larger than one acre. If a lot of one acre or less is not feasible, the lot should either contain all of the undeveloped land or be large enough that the urban development potential will be a significant incentive for the owner to develop to planned urban uses when the lot is annexed.

The applicant is not proposing any new dwellings. There is one existing dwelling on the existing lot, this dwelling will be on the 4.29-acre parcel (Parcel 1 on the site plan). The applicant has provided a redevelopment plan for this parcel indicating how it could be integrated into the rest of the development, should that occur. Approval of this partition is conditioned that no homesites shall be granted to the resulting new parcels. With said conditions, the criterion is met.

4. When a new or adjusted lot located in a residential plan designation is smaller than five acres and larger than one acre, a redevelopment plan shall be required demonstrating that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The zoning administrator shall review and approve the redevelopment plan.

The applicant is proposing to partition the parcel into three parcels, placing the existing dwelling on the 4.29-acre parcel and has provided a redevelopment plan for this parcel indicating how it could be integrated into the rest of the development should that occur. The criterion is met.

5. New lots shall have no dimension less than 80 feet.

The applicants are applying for a partition a 20-acre lot into three parcels consisting of 15.36, 4.29 and 0.73-acres each and an adjustment to the 80-foot lot dimension standard. The 0.73-acre parcel (Parcel 2 on the site plan) will be approximately 58 by 222 feet. This adjustment is granted, and the explanation can be found in section #7 below. Therefore, this section does not apply.

6. When a lot located in a residential plan designation and occupied by a nonresidential use is created or altered, the lot should include as little undeveloped land suitable for residential uses as possible, unless evidence is presented that undeveloped land needs to be included in the lot to accommodate allowable expansion of the subject use.

The current parcel has a dwelling and associated accessory buildings that occupy approximately three and a half acres with the remaining property undeveloped. There are no known non-residential uses on the entire 20-acres. The parcels, without the current dwelling, shall be conditioned as non-buildable until annexed. Based on these findings the criterion does not apply.

7. The minimum lot size, in acres, for lots in nonresidential plan designations is the numerical suffix added to the UT zone (i.e., one acre, three acres, five acres, 10 acres or 20 acres), or if no suffix is added, five acres.

This parcel has a residential plan designation, and no new dwellings will be permitted prior to annexation. The criterion is met.

7. In order to approve the adjustment, the criteria found in Chapter 16.41.030 of the Marion County Code (MCC) must be satisfied. These include:

A. The proposed development will not have a significant adverse impact upon adjacent existing or planned uses and development; and

The applicants are applying to partition a 20-acre lot into three parcels consisting of 15.36, 4.29 and 0.73-acres each with the eventual purpose of developing the land into a subdivision which is consistent with the comprehensive plan and the adjacent subdivisions which will not have an adverse effect on planned uses and development. This is land for residences and does not produce emissions or other adverse impacts. The criterion is met.

B. The adjustment will not have a significant adverse effect upon the health or safety of persons working or residing in the vicinity; and

The current adjacent land uses are residential and some small-scale farming activities. This partition will create additional home sites and bring infrastructure such as roads and stormwater management to the vicinity. These actions are not expected to have any net, adverse, effects on the health or safety of local residents or employees. The criterion is met.

C. The adjustment is the minimum necessary to achieve the purpose of the adjustment and is the minimum necessary to permit development of the property for the proposed use; and

The adjustment to the minimum lot dimension on Parcel 2 will allow for the future development of the area in accordance with the redevelopment plans submitted with the application and creates adequate distance between roadways as future development occurs. The criterion is met.

D. The intent and purpose of the specific provision to be adjusted is clearly inapplicable under the circumstances; or the proposed development maintains the intent and purpose of the provision to be adjusted.

The adjustment to the minimum lot dimension on Parcel 2 will allow the applicants and future developers to create lots suitable for dwelling sites and allow for adequate roadway distances when new infrastructure is developed. This adjustment accomplishes these goals; therefore, the criterion is met.

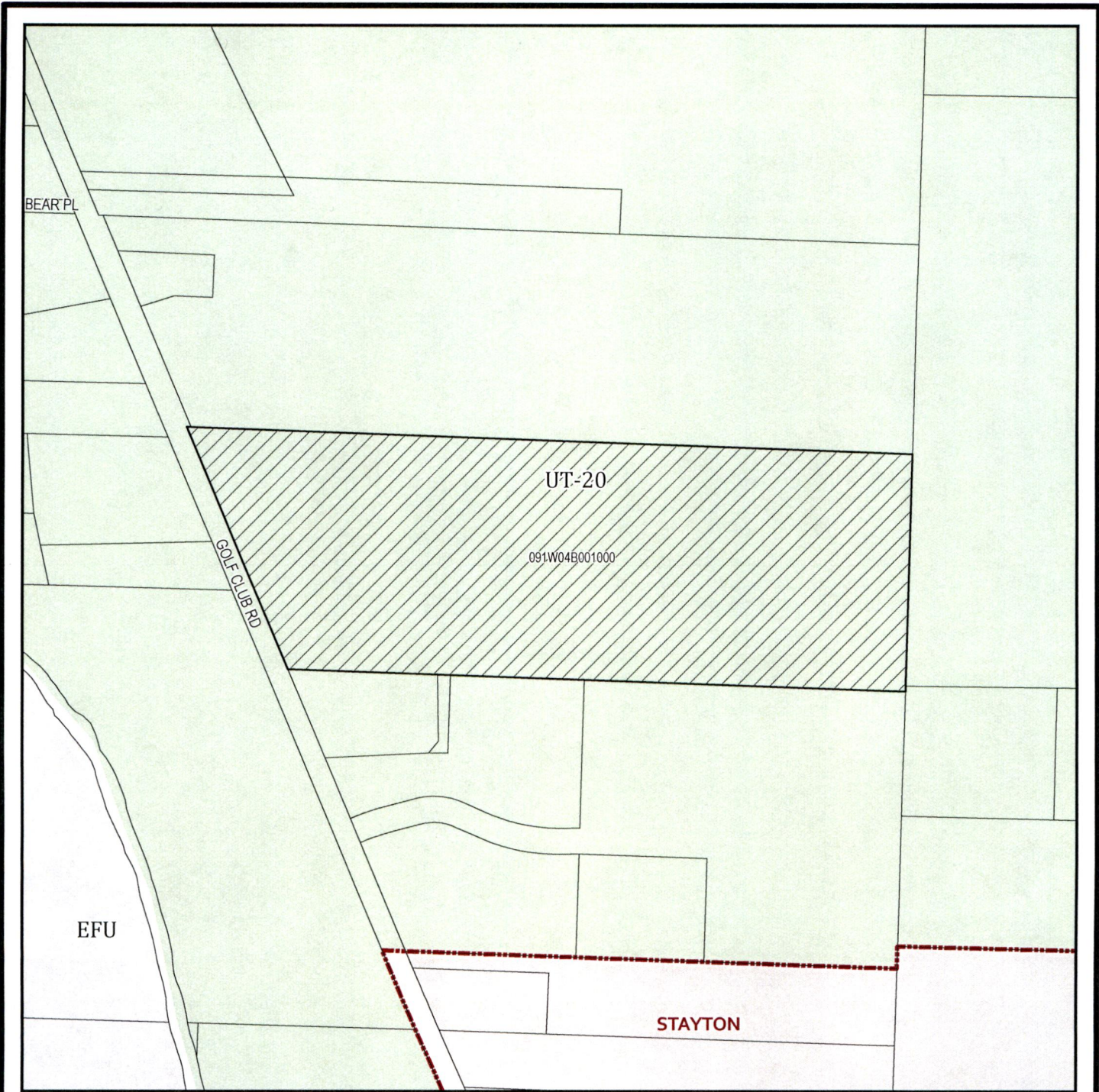
8. Based on the above findings, the request complies with the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: February 18th, 2025

If you have any questions regarding this decision contact George Brandt at (503) 566-3981.

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): 091W04B001000

Owner Name: NIE, CHUNMEI VUONG, SAM K

Situs Address: 9474 GOLF CLUB RD SE

City/State/Zip: AUMSVILLE, OR, 97325


Land Use Zone: UT-20


School District: NORTH SANTIAM

Fire District: STAYTON

Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 328 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.