

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/PROPERTY LINE ADJUSTMENT CASE NO. 25-005**

**APPLICATION:** Application of Mickel and Andrea Galvin and Travis Becker to adjust the property lines on a 20.05-acre parcel and a 4.43-acre parcel to create a 22.05-acre parcel and a 2.43-acre parcel and to partition a 22.05-acre parcel into two parcels consisting of 17.05 and 5-acres in an AR (Acreage Residential) zone located at 12045 Parrish Gap Road SE, Turner (T9S; R2W; Section 17D, Tax lots 800 & 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 partition plat is recorded by **March 28<sup>th</sup>, 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:

**Prior to recording the final plat:**

1. 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.
2. Partitions: Per ORS 92.055, parcels over 10 acres can be unsurveyed, parcels ten acres and less must be surveyed. Per ORS 92.050, a plat must be submitted for review. Checking fees and recording fees will be required. 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.
3. Property Line Adjustments: No survey required for properties greater than ten acres per ORS 92.060 (8). Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review. Survey checking fee required at the time of review. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).
4. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the final plat for recordation until the following conditions have been satisfied:

**Condition A** – On the partition plat dedicate a 30-foot R/W half-width over the Parrish Gap Road TL 1000 subject property frontage to meet the County Minor Collector standard.

**Condition B** – Prior to partition plat approval, notarize a Road Maintenance Agreement to be recorded concurrently with the partition plat for collective maintenance of the proposed private access drive.

**Condition C** – Prior to partition plat approval, under an Access Permit, widen and pave the proposed shared easement driveway approach with hot mix asphalt for a minimum of distance of 20 feet back as measured from the roadway edge-of-pavement.

5. The applicants shall sign and submit a Farm/Forest Declaratory Statement to the Planning Division for each new parcel created by the partition (MCC 17.128.050 (B)). This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
6. The applicants shall sign and submit a Sensitive Ground Water Overlay (SGO) Declaratory Statement to the Planning Division for each new parcel created by the partition. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.

**Prior to issuance of building permits on the resulting parcels:**

7. The partition plat shall be recorded.

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

8. 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.
9. 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 the findings below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

10. 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).
11. 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.
12. 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 \$250) 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 **March 28<sup>th</sup>, 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 31<sup>st</sup>, 2025**, unless further consideration is requested.

**FINDINGS AND CONCLUSIONS:** Findings and conclusions on which the decision was based are noted below.

1. The subject properties are designated Rural Residential in the Marion County Comprehensive Plan and correspondingly zoned AR (Acreage Residential). The primary intent of the designation is to provide for rural residential development at a density sustainable with rural services.
2. The subjects parcel are located on the western side of Parrish Gap Rd SE approximately one quarter of a mile south of the intersection with Hunsaker Rd SE. Tax lot 1000 contains a 2016 dwelling and several accessory buildings. This parcel was the subject of a 1980 lot line adjustment case (LLA80-029) and is therefore considered legal for land use purposes.

Tax lot 800 contains a 1946 dwelling and at least one accessory structure. This tax lot is comprised of two parcels of land, one of which is one acre (present site of the dwelling) and 3.34 acres of undeveloped land. These parcels were part of a 1980 lot line adjustment with tax lot 1000 and are therefore considered legal for land use purposes.

Both properties are within an area identified by the Marion County Comprehensive Plan as a Sensitive Groundwater Overlay zone (SGO). The overlay zone is applied to areas designated by the Oregon Water Resources Commission as groundwater limited areas and other parts of the county where information provided by a licensed geologist or through a county well-monitoring program indicates that a reasonable risk of over-appropriation of groundwater exists. As a result, declaratory statements acknowledging this condition may be required by the Planning Director.

3. Properties to the north, west and south are all in the acreage residential zone where the predominate use is larger area residential properties. All property to the west are zoned EFU (Exclusive Farm Use) and are predominately engaged in some form of agricultural uses.
4. The applicant proposes adjust the property lines on two tax lots of 20.05-acres and 4.43-acres and then partition a new 5-acre parcel. The results will be a 17.05-acre parcel (tax lot 1000), a 2.43-acre tax lot (tax lot 800), and new parcel of 5-acres.
5. Various public agencies were asked to provide feedback and comments on the proposed land use action.

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

**ENGINEERING CONDITION**

**Condition A** – On the partition plat dedicate a 30-foot R/W half-width over the Parrish Gap Road TL 1000 subject property frontage to meet the County Minor Collector standard.

**Condition B** – Prior to partition plat approval, notarize a Road Maintenance Agreement to be recorded concurrently with the partition plat for collective maintenance of the proposed private access drive.

**Condition C** – Prior to partition plat approval, under an Access Permit, widen and pave the proposed shared easement driveway approach with hot mix asphalt for a minimum of distance of 20 feet back as measured from the roadway edge-of-pavement.

**ENGINEERING REQUIREMENT**

- D. Depict necessary access and utility easements on the partition plat.
- E. Utility service extensions in the public right-of-way require permitting through PW Engineering.

**ENGINEERING ADVISORY**

- F. Applicant is advised to reconsider against dividing parcels about the existing N-S oriented segment of internal driveway that would otherwise necessitate reciprocal access easements and preclude

installation of fencing directly on a dividing property line that could lead to future property owner misunderstanding over boundaries. The current proposed layout may also lead to disturbance of a property corner monument to be set at the southwest corner of the 5-acre parcel within the presumed gravel drive.

Marion County Surveyor commented:

Partition:

1. Per ORS 92.055 – Parcels over 10 acres can be unsurveyed.
2. Parcels ten acres and less must be surveyed.
3. Per ORS 92.050, plat must be submitted for review.
4. Checking fee and recording fees required.
5. 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.

Property Line Adjustment:

1. No survey required for properties greater than ten acres per ORS 92.060 (8).
2. Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
3. Survey checking fee required at the time of review.
4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).

Marion County Building Department commented:

*"No Building Inspection concerns. Permit(s) are required to be obtained prior to development of structures and/or utilities installation on private property."*

Marion County Septic commented:

- 17.05-acre property – Requires a record review/inquiry – Note repair area as the repair area is now a road.
- 5-acre property – Requires an Existing System Evaluation – Note repair area
- 2.43-acre property – Requires and Existing System Evaluation – Note repair area.

The Turner Fire Department provided comments about the requirements for fire apparatus access, fire protection, water supply, and related fire service features.

All other contacted agencies either failed to comment or stated no objection to 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. The final arrangement of the parcels will result in a 17.05-acre, a 2.43-acre and newly created 5-acre parcel. All new resultant parcels are consistent with this standard. Subsequently, the proposal meets the criteria for partitioning in the AR zone.
7. Chapter 17.128.050 MCC establishes special siting standards for dwellings near resource zones:
  - (a) Any new dwelling in an AR zone shall be required to maintain a special setback from any parcel in the EFU, SA, FT, or TC zones when necessary to minimize potential conflicts with farm or forest uses. A 100-foot setback is the standard adjacent to farm use and 200 feet is the standard adjacent to forest uses.
  - (b) The owner of a proposed dwelling to be located within 500 feet of the EFU, SA, FT, TC zones shall be required to concur in the filing of the Declaratory Statement prescribed in the respective resource zone.

Although the proposed partition is appropriate, the County requires that a Declaratory Statement be recorded with the property deed for the newly created parcel because the newly created property is near a resource zone. This serves to notify the applicant and subsequent owners that there are farm or timber operations in the area. A special setback will not be assessed for the newly created parcel as Parrish Gap Road SE serves as a pre-existing buffer from the agricultural use.

8. For parcels of land identified in the County's Comprehensive Plan as existing in the Sensitive Groundwater Overlay Zone (SGO): MCC 17.181 implements a program to review land use applications to assess the risk that a proposed use will adversely affect the sustainability of aquifer production. MCC 17.181.070 requires that: *water-supply studies shall be required by the county to help determine whether a land use action will have an adverse impact on groundwater resources:*

*A. Residential Partitions, Planned Unit Developments, and Subdivisions. The following provisions apply to land divisions in the sensitive groundwater overlay zone, where the residences will utilize exempt-use wells:*

*(1) Applications to partition a parcel of land shall be subject to the following requirements:*

*a. If the minimum parcel size proposed in the application is equal to or greater than five acres, no demonstration of water supply is required;*

*(2) Within the SGO zone, applications to subdivide a parcel of land shall be subject to the following requirements:*

*a. If the minimum lot size proposed in the application is equal to or larger than five acres, no demonstration of water supply is required;*

*B. New Dwelling on an Existing Lot. When the application is for a development permit for a new dwelling that is reliant upon an exempt-use well on a lot existing on the effective date of the ordinance codified in this chapter, the requirements of this section apply:*

*1. Prior to approval of the building or manufactured dwelling placement permit, the owner shall be required to sign and allow the entering of the following declaratory statement into the chain of title for the subject parcel:*

*"The property herein described is situated in a "Sensitive Groundwater Overlay" zone. The availability of groundwater may be limited, and if a long-term decline in water supply occurs the property owner may need to find an alternate source. Marion County is not responsible for deepening or replacing wells that fail to produce an adequate supply of groundwater."*

In this application, that applicants are not proposing to create any new parcels of land smaller than 5-acres. A declaratory statement shall be required before new building permits are issued for the new parcel created by this application. The criteria are met.

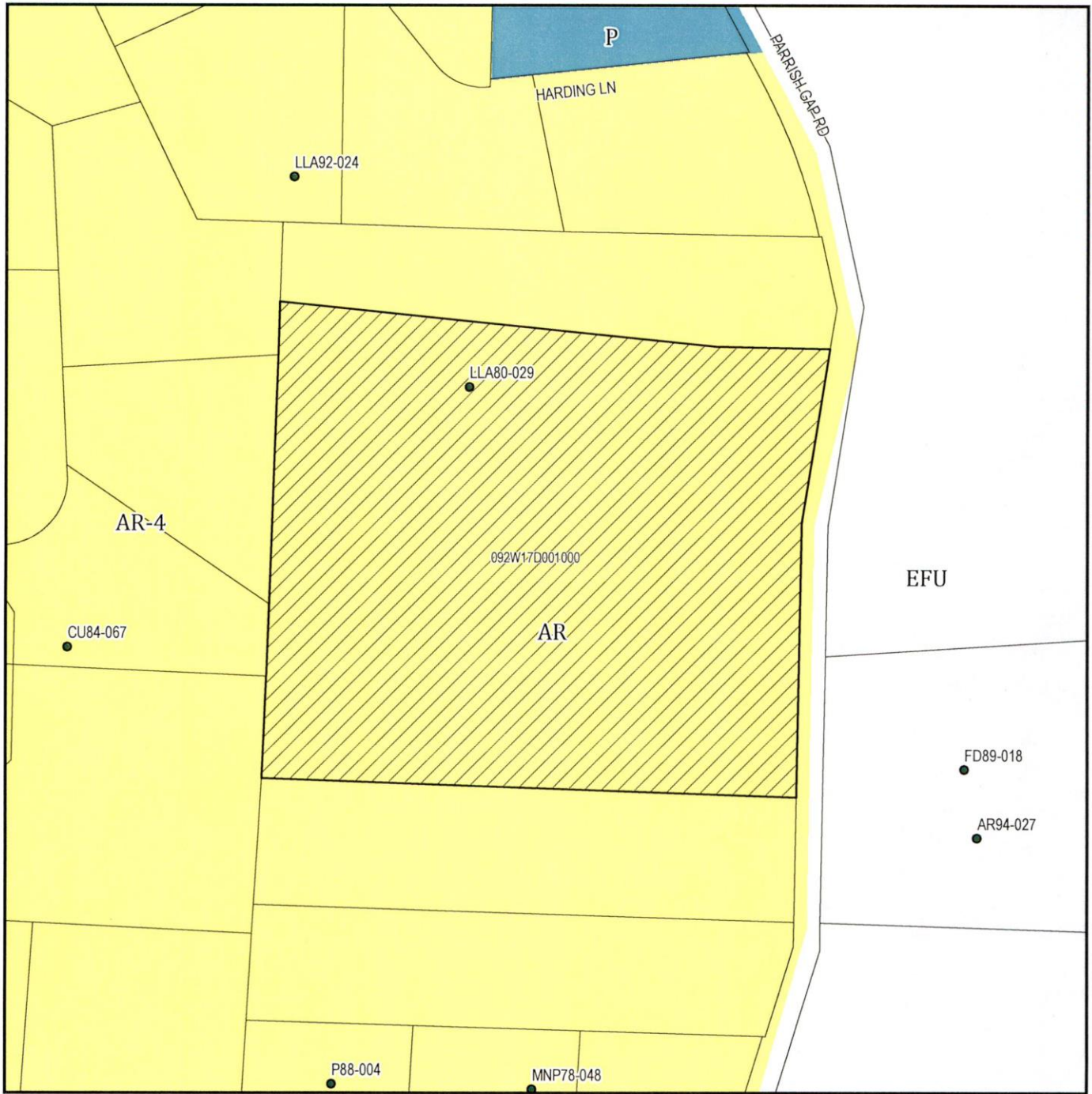
9. Based on the above findings, the proposed partition complies with the applicable criteria and is, therefore, **APPROVED.**

Brandon Reich  
Planning Director/Zoning Administrator

Date: March 13<sup>th</sup>,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): 092W17D001000

Owner Name: GALVIN, MICKEL P & GALVIN, ANDREA  
R

Situs Address: 12045 PARRISH GAP RD SE

City/State/Zip: TURNER, OR, 97392


Land Use Zone: AR

School District: CASCADE

Fire District: TURNER

### Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 273 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.