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
ADMINISTRATIVE REVIEW/FLOODPLAIN DEVELOPMENT PERMIT CASE NO. 26-014

APPLICATION: Application of Katherine Joan Clapton for an administrative review and floodplain development permit to replace two dwellings located within the 100-year floodplain of the North Santiam River on a 10.36-acre parcel in an EFU (Exclusive Farm Use) zone located at 11997 Towers Rd SE, Stayton (T9S; R1E; Section 21A; Tax lot 300).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Floodplain Development application and determined that **both residences were legally established and can be repaired, altered, and replaced, subject to certain conditions.**

EXPIRATION DATE: This Permit is valid only when exercised by **November 5, 2030**. The effective periods 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 proposal is for land use purposes only. Due to septic, well, and drain field replacement areas this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposal the applicant should contact the Building Inspection Division, (503) 588-5147.

All development in the floodplain is subject to federal, local and state regulations and standards at the time development is begun. These regulations and standards are in the process of being revised and the development proposed in this application may be subject to additional regulations and standards at the time construction of structures or placement of fill on the property begins.

Based on preliminary information provided by the National Marine Fisheries Service on April 14, 2016, federal law might only recognize as legal under the county current floodplain ordinance building permits that are issued prior to September 15, 2016, and where the work is begun prior to March 15, 2017. Permits issued after September 15, 2016, or not begun until after March 15, 2017, may be in violation of federal law and thus invalidate this local permit.

Construction related to this permit is approved only within the existing developed area of the property. Construction of new structures, fill or other development of the property should not occur outside the existing developed area without prior consultation with the Marion County Planning Division. Federal regulations may require additional approvals for development outside the existing developed area of the property.

Applicants are further advised that buildings constructed with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction (the interior grade of the crawlspace is at or above the adjacent exterior grade).

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 obtain all permits, including subsurface sewage disposal, required by the Marion County Building Inspection Division.

2. A registered civil engineer or architect shall certify the proposal meets the requirements of MCC 17.178.050(D), and 17.178.060(A)(D)(E)(F)(H).

3. The applicant shall submit elevation certificates at the times specified by MCC 17.178.050(E).

4. Prior to construction of the project, the applicant shall sign and submit to the Planning Division a Declaratory Statement (enclosed) acknowledging that the property and the approved development are located within a floodplain. The applicant shall record this statement with the Marion County Clerk after it has been reviewed and signed by the Planning Director.

5. Prior to issuance of any building permit for a new dwelling, the applicants shall sign and submit a Declaratory/Farm-Forest Statement to the Planning Division. This Statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director. (Declaratory Statement enclosed).

6. Prior to issuance of any building permit for a new dwelling, the applicants shall sign and submit a Replacement Residence Declaratory Statement to the Planning Division. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director. (Declaratory Statement enclosed).

7. Marion County Septic commented:

   Condition of Approval: An authorization is required to connect a replacement dwelling to an existing onsite septic system.
   Notes: An authorization with field visit is required for each dwelling proposed to connect to an existing onsite system. Marion county has limited records on the existing systems. A full 8-page Existing System Evaluation Report on each system, completed by a licensed and certified septic professional, must be submitted with the authorization application.

OTHER PERMITS, FEES, AND RESTRICTIONS: This approval does not remove or affect any 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 any restrictions or conditions thereon.

8. The applicants should contact the Stayton 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.

9. The applicant is advised that the requirements received from LDEP in item #6 of the Findings and Conclusions section below, shall be met to their satisfaction.

10. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwater, are prohibited unless stored within a structure or on land elevated above the base flood level. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

11. The applicant must obtain all necessary permits from those governmental agencies from which approval is required by Federal or State law. The applicant should review and ensure compliance with section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. This may include voluntarily complying with the FEMA model code for the floodplain permit or providing a habitat assessment, providing a mitigation assessment, or otherwise demonstrating compliance with the Endangered Species Act. If Marion County determines that compliance is insufficient, additional mitigation may be required.

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the 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 and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **November 5, 2026**. If you have any questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **November 6, 2026** unless further consideration is requested.

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

l. The subject property is designated Primary Agriculture in the Marion County Comprehensive Plan and correspondingly zoned EFU (Exclusive Farm Use). It is also located within the identified 100-year floodplain of the North Santiam River.

2. The subject property is located on the southern side of Towers Rd SE, approximately ½ mile south of where Towers Rd intersects with North Santiam Hwy. The property is covered in timber and has a few structures on the property, including one of the dwellings to be replaced. The footprint of the other dwelling that was destroyed by fire can be seen in the Marion County 2025 aerial imagery. The entire property is within the 100-year floodplain of the North Santiam River.

   Staff obtained a 2023 Real Property Assessment Report for the subject parcel. The dwellings on the property at were listed as a 3,100 square foot, 1969-built dwelling, and a 512 square foot, 1937-built dwelling. Staff conducted a site visit to the property on October 7th, 2026. Staff located the footprint of the 1969 dwelling destroyed by fire, three accessory buildings, and the 1937 dwelling. An error by the tax assessor removed the 1937 dwelling from assessor records in June of 2025, however the site visit confirmed this dwelling is still intact. The presence of a pre-existing dwelling makes this parcel legal for land use purposes.

3. Surrounding uses consist of properties in the EFU zone with some small-scale farming operations. All surrounding properties are within the 100-year floodplain, and some have single-family residences.

4. Soil Survey of Marion County Oregon indicates that 91.3% of the soils on the parcel are comprised of high-value farm soils.

5. The applicant(s) propose to replace two dwellings located within the 100-year floodplain of the North Santiam River. If replaced, each dwelling will be elevated to a minimum of 2-feet above the Base Flood Elevation. An elevation certificate and Endangered Species Act Compliance Data were provided with the application. Additional elevation certificates will be required.

6. Various government agencies were contacted with opportunities to provide comment.

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

   > Requirements: Transportation System Development Charges (TSDCs) and Parks fee may be assessed upon application for building permits [Resolutions 00-10R & 98-40R, respectively].

   Marion County Building Inspection commented: "No Building Inspection concerns. Permit(s) are required to be obtained prior to the construction of structures and/or utilities installation on private property. If new structures on new foundations are proposed, and the location is on or adjacent to slopes exceeding 1V:3H, then according to ORSC R403.1.9 either the building and foundation would have to be set back from the ascending or descending slope, OR, a geotechnical assessment of the slope and potential failure of the slope would be required prior to plan review approval."

   Marion County Septic commented:

Condition of Approval: An authorization is required to connect a replacement dwelling to an existing onsite septic system.
Notes: An authorization with field visit is required for each dwelling proposed to connect to an existing onsite system. Marion county has limited records on the existing systems. A full 8-page Existing System Evaluation Report on each system, completed by a licensed and certified septic professional, must be submitted with the authorization application.

Marion County Environmental Services provided comments about maintaining riparian vegetation and wildfire safety considerations. The full packet is available at the Planning Department.

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

7. The purpose of the Floodplain Overlay Zone is to promote public health, safety and general welfare to minimize public and private losses due to flood conditions. The criteria and standards which must be satisfied are listed in Section 17.178.060 of the Marion County Code (MCC).

8. The property is on Flood Insurance Rate Map # 41047C0750G indicates that the floodplain elevation is not called out, it is an unnumbered 'A' Zone. The applicant will be required to supply evidence of establishing a BFE which is discussed below.

9. FLOODPLAIN

MCC 17.178.050 (B-E) requires prior to any development in the floodplain:

B. When base flood elevation data and floodway data have not been provided in accordance with MCC 17.178.030, the applicant, with the assistance of the floodplain administrator, shall obtain and reasonably utilize any base flood elevation data or evidence available from a federal, state or other source in order to determine compliance with the flood protection standards. If data are insufficient, the floodplain administrator may require that the applicant provide data derived by standard engineering methods.

The applicant hired West Consultants, who submitted a hydrology and hydraulics analysis for the project that provides floodplain elevation projections along this portion of the North Santiam River. The applicants will be required to provide elevation certificates demonstrating that each dwelling will be elevated to a minimum of two feet above the Base Flood Elevation (BFE). Therefore, the criterion is met.

C. Prior to obtaining a building permit the owner shall be required to sign and record in the deed records for the county a declaratory statement binding the landowner, and the landowner's successors in interest, acknowledging that the property and the approved development are located in a floodplain.

The recording of the declaratory statement can be made a condition of any approval. The criterion is met.

D. Prior to obtaining a building permit, commencing development or placing fill in the floodplain the applicant shall submit a certification from a registered civil engineer demonstrating that a development or fill will not result in an increase in floodplain area on other properties and will not result in an increase in erosive velocity of the stream that may cause channel scouring or reduce slope stability downstream of the development or fill.

Providing this certificate will be made a condition of approval, which the applicants must satisfy before constructing either dwelling. The criterion is met.

E. The applicant shall provide an elevation certificate signed by a licensed surveyor or civil engineer certifying that the actual elevations (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new or substantially improved residential structures including manufactured dwellings meet the requirements of MCC 17.178.060(A), (B) and (C), where applicable, as follows:

1. *Prior to construction (based on construction drawings); and*
2. *Once the floor elevation can be determined (based on the building under construction); and*
3. *Prior to occupancy (based on finished construction).*

This can be made a condition of any approval. The criterion is met.

MCC 17.178.060 (A, D-E, F and H) contains additional standards for development in the floodplain:

A. *Residential Structures, Including Manufactured Dwellings and Related Structures. New residential construction, substantial improvement of any residential structures, location of a manufactured dwelling on a lot or in a manufactured dwelling park or park expansion shall:*

   1. *Residential structures shall have the top of the lowest floor, including basement, elevated on a permanent foundation to two feet above base flood elevation and the bottom of the lowest floor constructed a minimum of one foot above the base flood elevation. Where the base flood elevation is not available, the top of the lowest floor including basement shall be elevated on a permanent foundation to two feet above the highest adjacent natural grade (within five feet) of the building site and the bottom of the lowest floor elevated to one foot above the highest adjacent natural grade (within five feet) of the building site;*

   Requiring these certifications for either dwelling can be made a condition of any approval. This criterion is met.

   2. *Manufactured dwellings shall have the bottom of the longitudinal chassis frame beam, including basement, elevated on a permanent foundation to two feet above base flood elevation. Where the base flood elevation is not available, the finished floor, including basement, shall be elevated on a permanent foundation to two feet above highest adjacent natural grade (within five feet) of the building site;*

   If either proposed replacement dwelling is a manufactured home, this standard will apply. This shall be made a condition of approval.

   3. *Manufactured dwellings shall be anchored in accordance with subsection (D) of this section; and all electrical crossover connections shall be a minimum of one foot above the base flood elevation;*

   If either proposed dwelling is a manufactured home, this standard will apply. This shall be made a condition of approval.

   4. *No new residential structures, including manufactured dwellings, shall be placed in a floodway. An exception to this prohibition may be granted if a floodplain development permit and variance consistent with MCC 17.178.080 are obtained;*

   No development is proposed within the regulatory floodway. This criterion is met.

   5. *All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the base flood elevation, including crawlspaces, shall:*

      a. *Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;*
      b. *Be used solely for parking, storage, or building access;*
      c. *Be certified by a registered professional engineer or architect to meet or exceed all of the following minimum criteria:*
         i. *A minimum of two openings,*
         ii. *The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosed walls,*
         iii. *The bottom of all openings shall be no higher than one foot above grade,*

iv. *Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area;*

6. *Construction where the crawlspace is below grade on all sides may be used. Designs for meeting these requirements must either be certified by a registered professional engineer or architect, or must meet the following standards, consistent with FEMA Technical Bulletin 11-01 for crawlspace construction:*

   a. *A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;*
   b. *The bottom of all openings shall be no higher than one foot above grade;*
   c. *Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters;*
   d. *Interior grade of the crawlspace shall not exceed two feet below the lowest adjacent exterior grade;*
   e. *The height of the crawlspace when measured from the interior grade of the crawlspace (at any point on grade) to the bottom of the lowest horizontal structural member of the lowest floor shall not exceed four feet;*
   f. *An adequate drainage system that removes floodwaters from the interior area of the crawlspace shall be provided;*
   g. *The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types shall be used; and*
   h. *Below-grade crawlspace construction in accordance with the requirements listed above will not be considered basements for flood insurance purposes. However, below-grade crawlspace construction in the special flood hazard area is not the recommended construction method because of the increased likelihood of problems with foundation damage, water accumulation, moisture damage, and drainage. Applicants shall be advised that buildings constructed with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction (the interior grade of the crawlspace is at or above the adjacent exterior grade);*

7. *A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, or a fully enclosed space beneath a residential structure that does not constitute a basement may be constructed to wet floodproofing standards; provided, that:*

   a. *The garage or enclosed space shall be constructed with unfinished materials, acceptable for wet floodproofing to two feet above the base flood elevation or, where no BFE has been established, to two feet above the highest adjacent grade;*
   b. *The garage or enclosed space shall be designed and constructed with flood openings to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters, in full compliance with the standards in subsection (A)(5) of this section;*
   c. *Electrical, heating, ventilation, plumbing, and air-conditioning equipment shall be elevated to one foot above the level of the base flood elevation. Where the base flood elevation is not available, the electrical, heating, ventilation, plumbing and air-conditioning equipment shall be elevated to one foot above the highest adjacent natural grade (within five feet) of the building site;*
   d. *The garage or enclosed space shall only be used for parking, storage, and building access, and for storage of items having low damage potential when submerged by water (no workshops, offices, recreation rooms, etc.);*
   e. *The garage or enclosed space shall not be used for human habitation;*
   f. *A declaratory statement is recorded requiring compliance with the standards in subsections (A)(7)(a) through (e) of this section;*
   g. *The floors are at or above grade on not less than one side;*
   h. *The garage or enclosed space must be constructed in compliance with subsections (D), (E), and (H) of this section;*

   The applicant did not submit structural plans for the proposed development. Requiring these certifications for any development shall be made a condition of approval.

8. *A detached residential accessory structure may be constructed to wet floodproofing standards; with relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (non-coastal) flood zones provided that the following requirements are met:*

    a. *Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in subsection (J) of this section;*
    b. *Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;*
    c. *In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as nonresidential are limited in size to 120 square feet;*
    d. *The portions of the appurtenant structure located below two feet above the base flood elevation, or where no BFE has been established, below two feet above the highest adjacent grade shall be built using flood resistant materials;*
    e. *The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;*
    f. *The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in subsection (A) of this section;*
    g. *Appurtenant structures shall be located and constructed to have low damage potential;*
    h. *Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with subsection (L) of this section;*
    i. *Electrical, heating, ventilation, plumbing, and air-conditioning equipment shall be elevated to one foot above the level of the base flood elevation. Where the base flood elevation is not available, the electrical, heating, ventilation, plumbing and air-conditioning equipment shall be elevated to one foot above the highest adjacent natural grade (within five feet) of the building site or shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood;*
    j. *A declaratory statement is recorded requiring compliance with the standards in subsections (A)(8)(b) through (i) of this section.*

    The applicant has not proposed development of a residential accessory structure. If proposed in the future, these standards will apply. This shall be made a condition of approval.

D. *Anchoring.*

1. *All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.*
2. *All manufactured dwellings must likewise be anchored to prevent flotation, collapse or lateral movements, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchoring methods shall be consistent with the standards contained in the Oregon Manufactured Dwelling*

Each replacement dwelling shall be properly anchored; this will be made a condition of approval.

E. *Construction Materials and Methods.*

1. *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with*

accepted standards of practice based on an engineer's or architect's review of the plans and specifications.

2. *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.*

F. Utilities.

1. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as approved by the State Health Division.*
2. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters in the systems and discharge from the systems into floodwaters.*
3. *On-site waste disposal systems shall be designed and located to avoid impairment to them or contamination from them during flooding consistent with the requirements of the Oregon State Department of Environmental Quality.*
4. *Electrical, heating, ventilation, plumbing, duct systems, air-conditioning and other equipment and service facilities not installed so as to prevent water from entering or accumulating within the components during conditions of the base flood shall be elevated to one foot above the level of the base flood elevation. Where the base flood elevation is not available, the electrical, heating, ventilation, plumbing and air-conditioning equipment shall be elevated to one foot above the highest adjacent natural grade (within five feet) of the building site. If replaced as part of a substantial improvement the utility equipment and service facilities shall meet all the requirements of this subsection.*

Requiring these certifications for any development can be made a condition of any approval; criterion for 17.178.060 (E) and (F) are met.

H. Storage of Materials and Equipment. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

This shall be made a condition of approval.

10. ADMINISTRATIVE REVIEW

The replacement dwelling criteria are being applied directly from state law, ORS 215.291, it reads as follows:

A. The dwelling to be altered, restored or replaced has, or formerly had:

a. Intact exterior walls and roof structure;
b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
c. Interior wiring for interior lights; and
d. A heating system;

Staff conducted a site visit on October 7th, 2026, and examined the 512-square foot existing dwelling. This dwelling had intact exterior walls and roof structure. The applicants provided interior photo evidence of the house, including photos of the bathroom, electrical boxes, kitchen, and electrical heating system. Due to the age of the dwelling, the septic department has no record of the system, however, indoor plumbing features indicate the dwelling is connected to a septic system. While the structure is in poor condition, it still possesses all 4 required elements under this section.

The dwelling destroyed by fire was fully intact until the fire occurred on October 24th, 2024. This dwelling was lived in by the property owner, Katherine Clapton, until fire. Marion County GIS aerial imagery and Google Earth

aerial imagery both show that this dwelling was fully intact through the year 2024. Due to the age of both dwellings, Marion County Septic commented that there are limited records about the septic system(s) on the property. A septic permit (79-02318) was found from the year 1979 that confirmed a system is on the property. Furthermore, due to the indoor plumbing services in each dwelling, it can be inferred that both dwellings were connected to a septic tank. Therefore, the criterion is met.

B. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed above.

The Marion County Tax Assessor's Office provided tax records from 2023 for the subject parcel showing that both dwellings existed during this year. The applicants submitted the Stayton Fire District fire report for the destroyed 1969 dwelling. The fire report (Incident number SYF2024-0001136) confirmed the fire occurred on 10/24/2024. Until the date of this fire, the owner resided in the dwelling, inferring the dwelling contained all the above features until the fire occurred. The 1937 dwellings is still on the property and contained all these features, as confirmed by a staff site visit on 10/9/2026. Therefore, both dwellings have possessed the elements listed in criterion #1 within the past 3 years. The criterion is met.

C. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

This shall be made a condition of approval.

D. The dwelling to be replaced shall meet one of the following conditions;

a. If the value of the dwelling to be replaced was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction, or demolition and since the later of:

i. Five years before the date of the destruction
ii. The date that the dwelling was erected upon or fixed to the land became subject to property tax assessment; or

b. The value of dwelling to be replaced has not been eliminated due to destruction or demolition, and the dwelling was assessed as a dwelling for the purposes of ad valorem taxation since the later of:
i. Five years before the date of the application; or
ii. The date that the dwelling was erected upon or affixed to the land and became subject to property tax assessment.

The Marion County Assessor's Office provided tax documentation from 2023 confirming that both dwellings were assessed during that year. Assessor records further confirmed that the 1969 dwelling remained assessed until the fire occurred in October 2024. The applicant submitted tax records dated November 5, 2025, showing that the 1937 dwelling remained assessed as of that date. The Assessor's Office subsequently confirmed that the 1937 dwelling was removed from the assessment records in June 2026.

Although the assessed values of both dwellings have since been removed from the assessment records, documentation confirms that both dwellings were assessed within the past five years. Therefore, condition (a) is satisfied, and the criterion is met.

E. For replacement of a lawfully established dwelling under this section:

a. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.

b. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

c. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of ORS 215.291 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

d. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to sitting at the time of construction.

e. The replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if the dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or if no statewide map of wildfire risk has been adopted.

These shall be made conditions of approval.

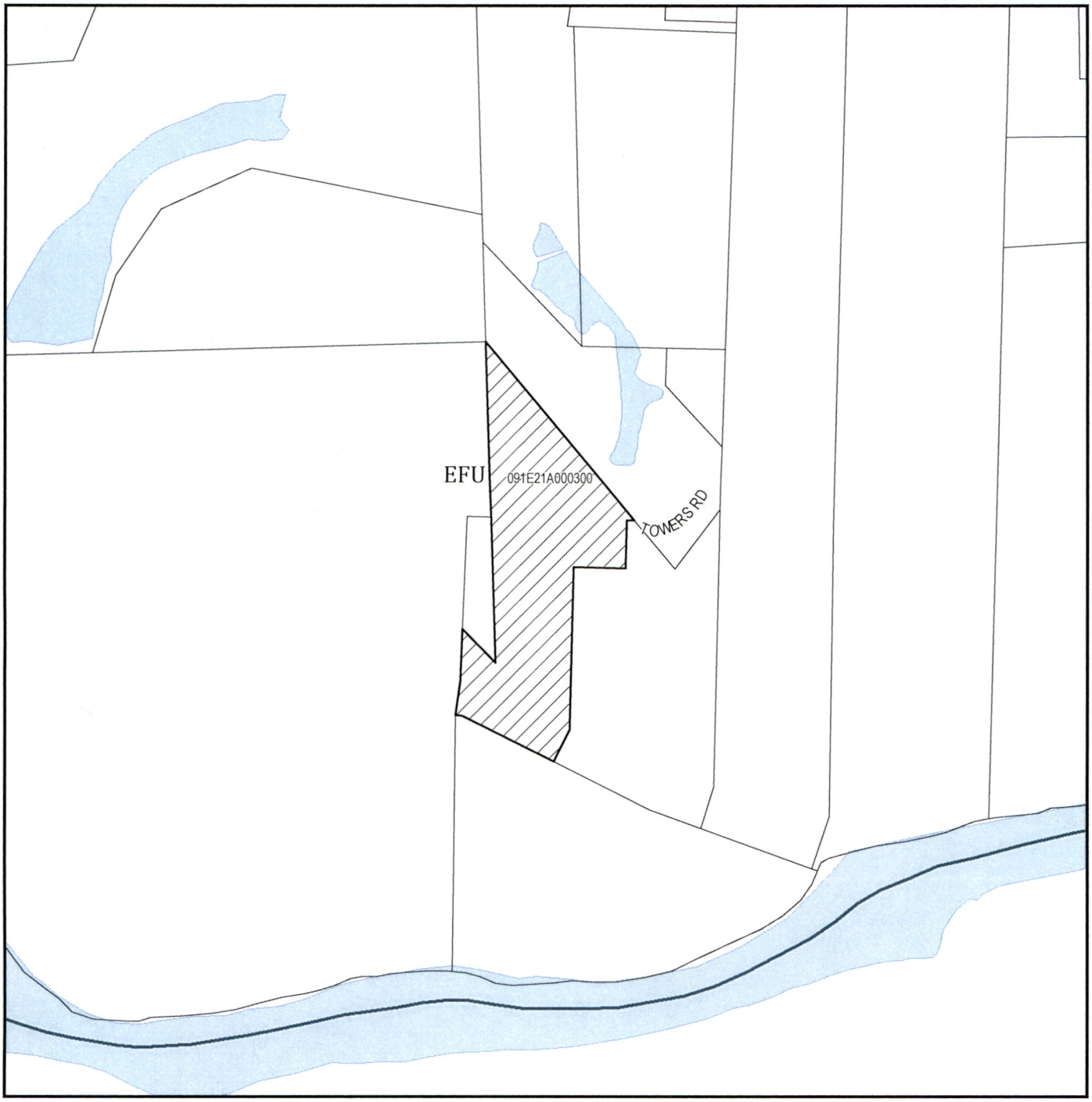
11. At the time of replacement, the applicant will be required to sign and record a Farm/Forest Declaratory Statement as a condition of approval. This acknowledges that farm and forest practices conducted in the area may have an adverse impact on a residence.

Based on the above findings, it has been determined that the proposal complies with the criteria in the Marion County Code and is, therefore, **APPROVED.**

Brandon Reich — Date: October 21, 2026
Planning Director/Zoning Administrator

If you have any questions regarding this decision contact Gillian Peden 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): 091E21A000300

Owner Name: CLAPTON, KATHERINE JOAN

Situs Address: 11997 TOWERS RD SE
City/State/Zip: STAYTON, OR, 97383
Land Use Zone: EFU
School District: NORTH SANTIAM
Fire District: STAYTON

Legend

- Input Taxlots
- Lakes & Rivers
- Highways
- Cities

N

scale: 1 in = 521 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.

Marion County Planning, 503-588-5038

September 22, 2026