

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
ADJUSTMENT CASE NO.22-005**

APPLICATION: Application of West Coast Home Solutions LLC to adjust the side yard setbacks for a dwelling from 7 feet to 6 feet on a 0.14-acre property in a RM (Multi-Family Residential) zone located at 5323 Faith Avenue NE, Salem (T6S; R2W; Section 17AA; Tax lot 6400).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Adjustment subject to certain conditions.

EXPIRATION DATE: This decision is valid only when exercised by **May 31, 2024** unless an extension is granted. The effective period may be extended for one year subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval (form available from the Planning Division).

WARNING: A decision approving the proposal is for land use purposes only. Due to septic, well and drainfield replacement areas, this parcel may not be able to support the proposal. 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:

1. The applicants shall obtain all permits required by the Marion County Building Inspection Division.
2. Side yard setbacks shall be maintained at 6 feet.

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. The applicant is advised of the following:

3. The applicants should contact the Marion County No. 1 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 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 deny the application. Anyone who disagrees with the Director's decision may appeal the decision to a Marion County hearings officer. The applicant may also request reconsideration (one time only and a \$200.00 fee) 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. Appeals must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem by 5:00 p.m. on **May 31, 2022**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **June 1, 2022**, unless appealed.

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

1. The subject property is designated Rural Residential in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding Multi-Family (RM) zone is to promote rural living at higher densities than traditionally found in rural areas.
2. The property is located on the north side of Faith Ave, 277 feet northeast of its intersection with Fellowship Ave. The parcel is currently flat and vacant, with no trees or substantial shrubs. A single-family dwelling is proposed to be built. The property was created as a part of SUB17-002 which was a Planned Unit Development and was platted as a part of this process in Bethel Park Phase 2. The property is legal for land use purposes.
3. Surrounding uses are residential in all directions. All adjacent lots and lots within the PUD are zoned RM and will be built upon with residential homes.
4. Soil Survey of Marion County Oregon indicates 100% of the subject property is high-value farm soils.
5. The applicant is proposing to adjust the side yard setbacks for a dwelling from 7 feet to 6 feet on a single-family dwelling.
6. Agency comments:

Various agencies were contacted about the proposal and given an opportunity to comment. All contacted agencies either failed to comment or stated no objection to the proposal.

7. In order to approve the adjustment, the criteria found in Chapter 17.116.020(A) 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 reduction of the setback should not have an adverse effect upon adjacent uses as many of those home will have a 6-foot setback without an adjustment due to the shorter length of the home. This adjustment will be in line with the development trends in the PUD. The criterion is met.

- (b) *The adjustment will not have a significant adverse affect upon the health or safety of persons working or residing in the vicinity; and*

The adjustment of a side yard setback one foot is not expected to have any adverse effects. The use of the property will still be that of residential and this adjustment will not materially alter any factors that could negatively affects the health or safety of persons in the area. 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*

This adjustment is the minimum necessary to achieve compliance as the required setback is 7 feet for this structure and they are requesting a setback of 6 feet. The criterion is met.

- (c) *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 house simply could not fit on the parcel without this adjustment. This adjustment is the only way for this home design to be placed on the subject property. This still keeps a setback of 6 feet, meeting the intent of the code. The criterion is met.

8. Based on the above discussion, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: May 16, 2022

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.