

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.21-005**

**APPLICATION:** Application of Casey and Jeremy Lundberg for an adjustment to reduce the required 100 foot special setback from the west property line to 20 feet on a 0.38 acre parcel in an AR (Acreage Residential) zone located at 16407 Emerald Green Rd SE, Jefferson. (T10S; R2W; Section 7C; Tax lot 100).

**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 **August 5, 2023** (two years) 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. The dwelling shall maintain a minimum 20 foot setback from the west property line.

**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 Jefferson 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.
4. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #6 below, that may be required.

**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 **August 5, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **August 6, 2021** 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 Acreage Residential zone is to promote the continuation of commercial agricultural and forestry operations.
2. The property is located 0.55 miles north of the intersection of Emerald Green Ln and Jefferson Scio Dr. The property is vacant at this time, but was a part of Lot Line Adjustment 85-2 and is therefore considered legal for land use purposes.
3. Surrounding uses are residential in all directions, with all adjacent properties to the east being zoned AR and zoned Exclusive Farm Use (EFU) to the west. All parcels are developed with dwellings and personal farms.
4. The applicant is proposing to reduce the required 100 foot special setback from the west property line to 20 feet.
5. Agency comments:

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

### **ENGINEERING REQUIREMENTS**

- A. At the time of application for building permits an Access permit will be required.
- B. Transportation System Development & Parks Charges (SDCs) will be assessed at the time of application for building permits.
- C. Utility work in the public right-of-way requires Utility Permits.

Marion County Building Inspection commented: "Permits required for any proposed structures or underground utilities located on private property."

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

6. According to MCC 117.116.020(B) in order to adjust the special setback standards in the AR zone only the criteria listed in MCC 17.128.050(A) must be met. These include:
  - (a) *The location of the home site will have the least impact on nearby or adjoining forest or agricultural lands.*

The closest agricultural use appears to be taking place on a parcel separated by two other parcels from the subject parcel, creating a natural buffer. The area is also developed with home sites in all directions and farms have been operating with them as such for many years. The home site will not affect farm/forest uses. The criterion is met.
  - (b) *The location of the home site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*

As described above, with the natural buffer of lands, this adjustment to the siting standards will not create anymore adverse impacts than adhering to the original 100 foot setbacks would. The criterion is met.
  - (c) *The amount of agricultural and forestlands used to site access roads, service corridors, the dwelling and structures is minimized.*

The applicant is siting lands on residential land. The criterion does not apply.

(d) *The risks associated with wildfire and minimized.*

The applicant will be advised of safety guides for fire siting and reduction on the subject property. 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**, subject to conditions.

Joe Fennimore  
Planning Director

Date: July 21, 2021

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.