

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.25-003

APPLICATION: Application of Jose G. Bautista Garcia & Kristi M. Hilton for an adjustment to reduce the required 12-foot street setback to 5-feet along the northern property line on a 0.20-acre parcel in a RS (Single Family Residential) zone located at 3633 Meadow Park LP NE, Salem (T7S; R2W; Section 6CC; Tax lot 12900).

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 19th, 2027 (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. Prior to issuance of any permits, the applicant shall submit a site plan for review and approval by the Planning Manager.
3. The accessory dwelling unit shall maintain a 5-foot minimum setback from the north property line abutting the right-of-way.
4. The development shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by 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 any restrictions or conditions thereon. The applicant is advised of the following:

5. 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.
6. 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 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 disagree 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 19th, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **May 20th, 2025**, unless appealed.

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

1. The property is designated Single Family Residential in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding RS zone is to provide areas for development on single-family dwellings.
2. The property is located at the northeast corner of the block of houses created by Meadow Park Lp NE. The parcel is developed with a single-family dwelling and the rest of the lot is landscaped. The property was originally created as Lot 7 of Block 2 in the Meadow Park Village subdivision on March 25th, 1976 and has not since changed its configuration. Therefore, the parcel is legal for land use purposes.
3. Surrounding uses are predominantly single-family dwellings, as all properties within roughly 400 feet are developed as single-family residences. 500 feet further on to the southwest is Salem Lutheran Brethren Church and various properties engaged in commercial activities. Additionally, roughly 800 feet to the south and the east are properties developed with multi-family housing. The last remaining feature of note is the I-5 and Highway 99E interchange 1000 feet to the west.
4. The applicant proposes to reduce the minimum 12-foot setback to a side yard abutting a street for an accessory dwelling unit to 5 feet.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

City of Salem Planning commented: “The property is designated SF in the Salem Area Comprehensive Plan, and would be zoned RS (Single Family Residential). ADUs are permitted as accessory uses to a single-family use and allowed within a side or rear yard abutting a street. The minimum setback from the property line abutting the street would be 12 feet. The reduced setback should be measured from the property line, not the fence line. The fence appears to be within the right-of-way.”

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

Requirements:

- A. Transportation-related System Development Charges (SDCs) and Parks fee will be assessed at the time of application for building permits.

Marion County Building commented: “Permit(s) are required to be obtained prior to the construction of a new ADU structure and/or utilities installation on private property. If the building is existing, a permit would also be required to change the use to an accessory dwelling, which additional construction or alterations to the existing structure may be necessary to achieve the structural, health, and life safety provisions of the 2023 Oregon Residential Specialty Code.”

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

6. *In order to approve the adjustment, the criteria found in 16.41.030 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*
 - (b) *The adjustment will not have a significant adverse affect upon the health or safety of persons working or residing in the vicinity; and*
 - (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*

(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.*

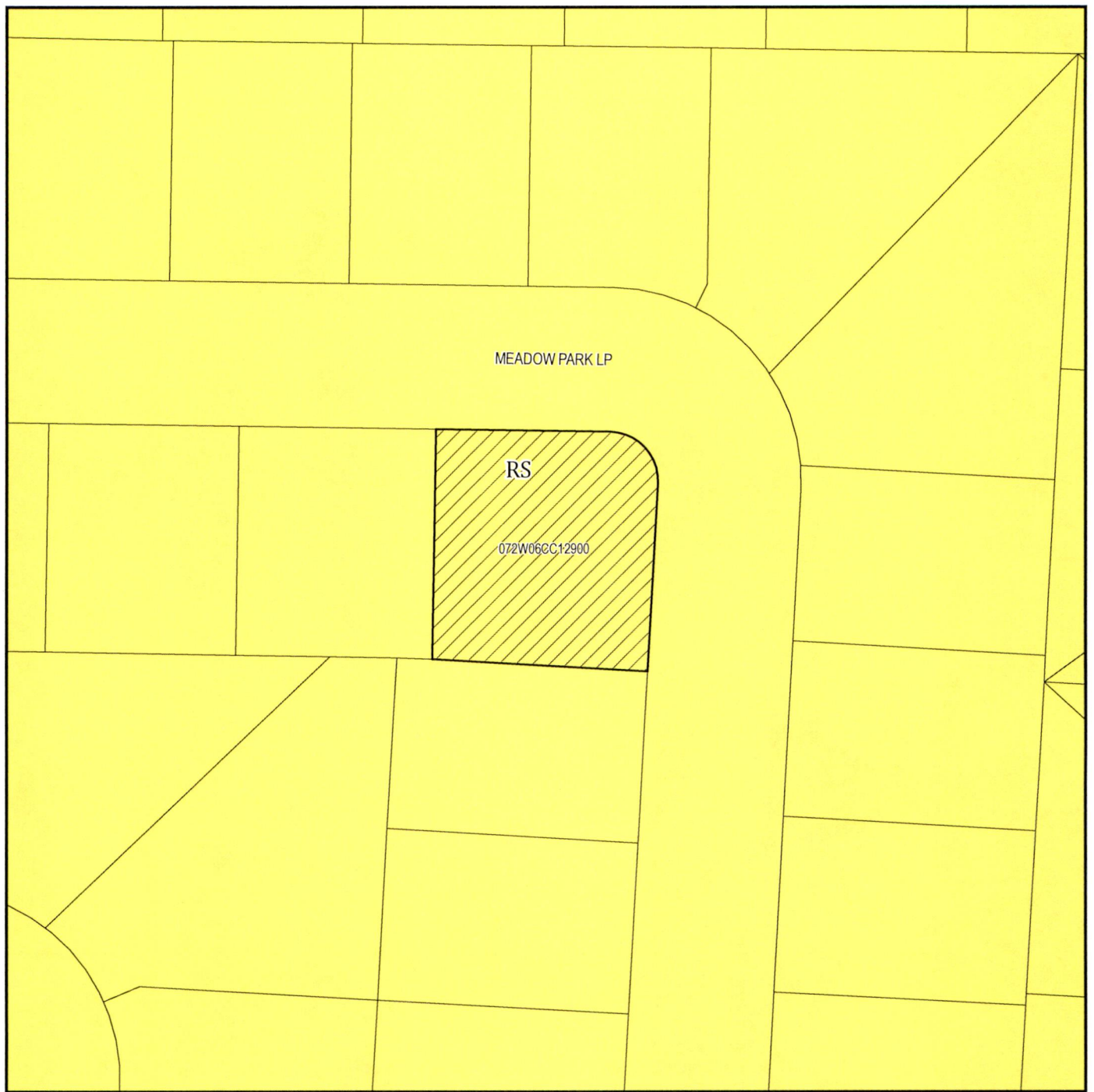
7. All properties located either adjacent to or across the street from the subject parcel are zoned Single-Family residential in the Salem Comprehensive Plan and are already developed with single-family dwellings. Additionally, almost all the parcels are at the maximum development potential, as most of the properties in the immediate area are too small to be partitioned further (within the restrictions of the RS zone). As such, significant redevelopment projects within the immediate local area are limited, so there is little risk of the proposed development having deleterious impacts on any proposed developments. More specifically, the road is unlikely to be widened to accommodate a redevelopment, which is the main concern in this situation. For the safety aspect, Meadow Park Lp NE is an enclosed loop road that only serves the dwellings within the development. It does not have through traffic, so there will be very limited traffic outside of normal local traffic, so there are few concerns about the proposed structure becoming a safety issue for persons residing in the area. The applicant's site allows the structure to be built and maintain required spacing between structures on the property and reduces the setback to the same as if this was an interior side yard instead of a side yard abutting a street. Ultimately, the intent of the setbacks abutting a road is to provide space for future right-of-way expansion (unlikely in this scenario) and for safety (this is not a through street, so traffic is limited). The proposal still meets the intent of the setbacks as outlined above and therefore meets the criteria.
8. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: May 2, 2025

If you have any questions regarding this decision contact Alexander Seifer 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): 072W06CC12900

Owner Name: GARCIA, JOSE G BAUTISTA & HILTON, KRISTI

Situs Address: 3633 MEADOW PARK LOOP NE


City/State/Zip: SALEM, OR, 97305


Land Use Zone: RS


School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 60 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.