

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 VARIANCE CASE NO. 25- 004

APPLICATION: Application of Jordana L. McDonald for a variance to reduce the required 20-foot front setback to an 8-foot setback from a future right-of-way on the northern property line for a dwelling on a 21.23-acre parcel in the Exclusive Farm Use (EFU) zone located at 5450 Juniper St. NE, Salem (T7S; R2W Section 5A; Tax lot 500).

DECISION: The Planning Director for Marion County has **APPROVED** the above-listed Variance application subject to certain conditions.

EXPIRATION DATE: This variance is valid only when exercised by **May 20th, 2027** (two years). The effective period of an approved application 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 uses is for land use purposes only. Due to septic, well, and drain field replacement areas, this parcel may not be able to support the proposed activities. To be sure the subject property can accommodate the proposed use the applicant needs to check with 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:

1. The applicant shall obtain all permits required by the Marion County Building Inspection Division.
2. The proposed dwelling shall maintain an 8-foot setback from the adjacent northern property line; future accessory structure(s) shall maintain the standard 20-foot setback from the property line. 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.
3. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation could be appealed to the county hearings officer for a public hearing.

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. It is recommended that the agencies mentioned in the Findings and Conclusions section below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

4. The applicants should contact Marion County #1 Fire Department and obtain a copy of the District's Recommended Building Access and Identification Guidelines. For personal and property safety it is recommended that the applicant follow these guidelines. 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 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 in the

Marion County Planning Division, 5155 Silverton Road NE, Salem, by 5:00 p.m. on **May 20th, 2025**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **May 21st, 2025**, unless further consideration is requested.

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

1. The subject property is designated Primary Agriculture in the Marion County Comprehensive Plan and correspondingly zoned EFU (Exclusive Farming Use). The purpose of the EFU zone is to provide areas for continued practice of commercial agriculture. These areas are generally well suited for large-scale farming. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.
2. The property is located on Juniper Street NE on the east side of Cordon Rd NE approximately a 600 feet south of the intersection of Cordon Road NE and Kale Street NE. The property consists of two tax lots and totals approximately 40.81 acres. The current dwelling is located on the eastern tax lot in the north eastern corner, adjacent to Juniper St. NE (tax lot 500). This lot consists of the 1971 dwelling and at least nine accessory buildings. The arrangement is such that the current dwelling site is at the front of the lot approximately 60 feet from the shoulder of Juniper St. NE.
3. The subject property has been described by deed (Reel 34, Page 1210) in its current configuration since at least 1976 and is reflected in an 1897 survey (Survey 4861) and a 1944 survey (Survey 16197); the current dwelling was constructed in 1971. Therefore, the parcel of land and the dwelling are legal for land use purposes. Additionally, tax account 522018 (parcel 072W05A000600) is also under the same ownership and was added to the 2014 deed (Reel 4598, Page 133 "Parcel One") in or before 2022.
4. The subject parcel is across the street from, and to the east of, the City of Salem Urban Growth Boundary. Directly north, south, and to the east are other larger 15 to 70 acre lots in the EFU zone. To the west in the Salem UGB are residential neighborhoods with mainly single-family dwellings.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Building Division commented:

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

Marion County Fire District No. 1:

Made comments about fire apparatus access, premise identification, and gate access.

Marion County Septic commented:

An authorization will be required to connect a proposed replacement dwelling to the existing system. All proposed structures must meet a minimum 10ft setback to the drainfield and a minimum 5ft setback to the tank.

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

6. The applicant is proposing to reduce the required 20-foot property line setback to 8-feet on the northern property line adjacent to Juniper St NE. This is to allow for the siting of a replacement dwelling. The dwelling site is limited by the previous addition of accessory buildings directly behind the dwelling and the location of the septic system. The applicant states that there have been two additional dwellings in this similar location: the original dwelling that was constructed sometime before 1911 and replaced in 1982 after the original dwelling burned. The applicant states that the reason for the variance is to avoid the need to develop and install a new septic system and from disturbing the agricultural production area. The applicant intends to have a replacement dwelling build in the similar footprint as the current dwelling, but it will be larger and encroach into the 20-foot property line setbacks required in the EFU zone.
7. To obtain a variance, the proposal must meet the criteria found in Marion County Code 17.122.020(A). These criteria are:
 1. *There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the literal requirements of this title; and*

The subject property is zoned EFU and has setbacks of 20-feet for all structures except ag-exempt structures. The parcel is in farm use and is much smaller at 21.23-acres than the minimum 80-acre size for EFU parcels. It is in use as a rural homesite with active agricultural activities similar to the parcels adjacent to the north, east, and south. It was created prior to land use planning and the original dwellings were sited prior to land use planning. The land immediately surrounding the current homesite is actively being farmed. The criterion is met.

2. *There are unusual circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same zone; however, nonconforming land uses or structures in the vicinity or violations of land use regulations or standards on the subject property shall not in themselves constitute such circumstances or conditions; and*

The configuration of the dwelling and septic system were established before the adoption of State and Marion County land use regulations. There is a required 30-foot half width right-of-way for Juniper St NE and an additional 20-foot property line setback for the EFU zone. The dwelling's proximity to Juniper St NE means that the request for a variance to the 20-foot property line setback preserves the future ROW for the road and meets the definitions in this section. The criterion is met.

3. *The degree of variance from the standard is the minimum necessary to permit development of the property for the proposed use; and*

The applicant has stated that the proposed variance from the EFU setback of 20-feet to a setback of 8-feet would be the minimum necessary to permit the construction of the replacement dwelling without modification of the land or septic system. The criterion is met.

4. *The variance will not have a significant adverse effect on property or improvements in the neighborhood of the subject property; and*

The proposed variance would place the replacement dwelling closer to the road but maintain the Juniper ST NE's right-of-way. Due to the parcel's existing accessory structures, location of the septic system, and proposed replacement dwelling, the proposed variance is sufficient to accommodate the property owner's needs but retain sufficient buffer from the adjacent road. This is not expected to have a significant adverse effect on the property or to the neighborhood. The criterion is met.

5. *The variance will not have a significant adverse effect upon the health or safety of persons working or residing in the vicinity; and*

The proposed replacement dwelling will be required to meet building code requirements, which may be more stringent than zoning code requirements, for health and safety reasons. An 8-foot setback will still allow for space between the structure and property line to maintain open area. The criterion is met.

6. *The variance will maintain the intent and purpose of the provision being varied.*

The variance will still maintain the intent and purpose of the setback requirements ("yard" requirements) in the code. The majority of the parcel will still have the standard EFU property line setbacks to maintain the intent and purpose of the provisions in the code. The criterion is met.

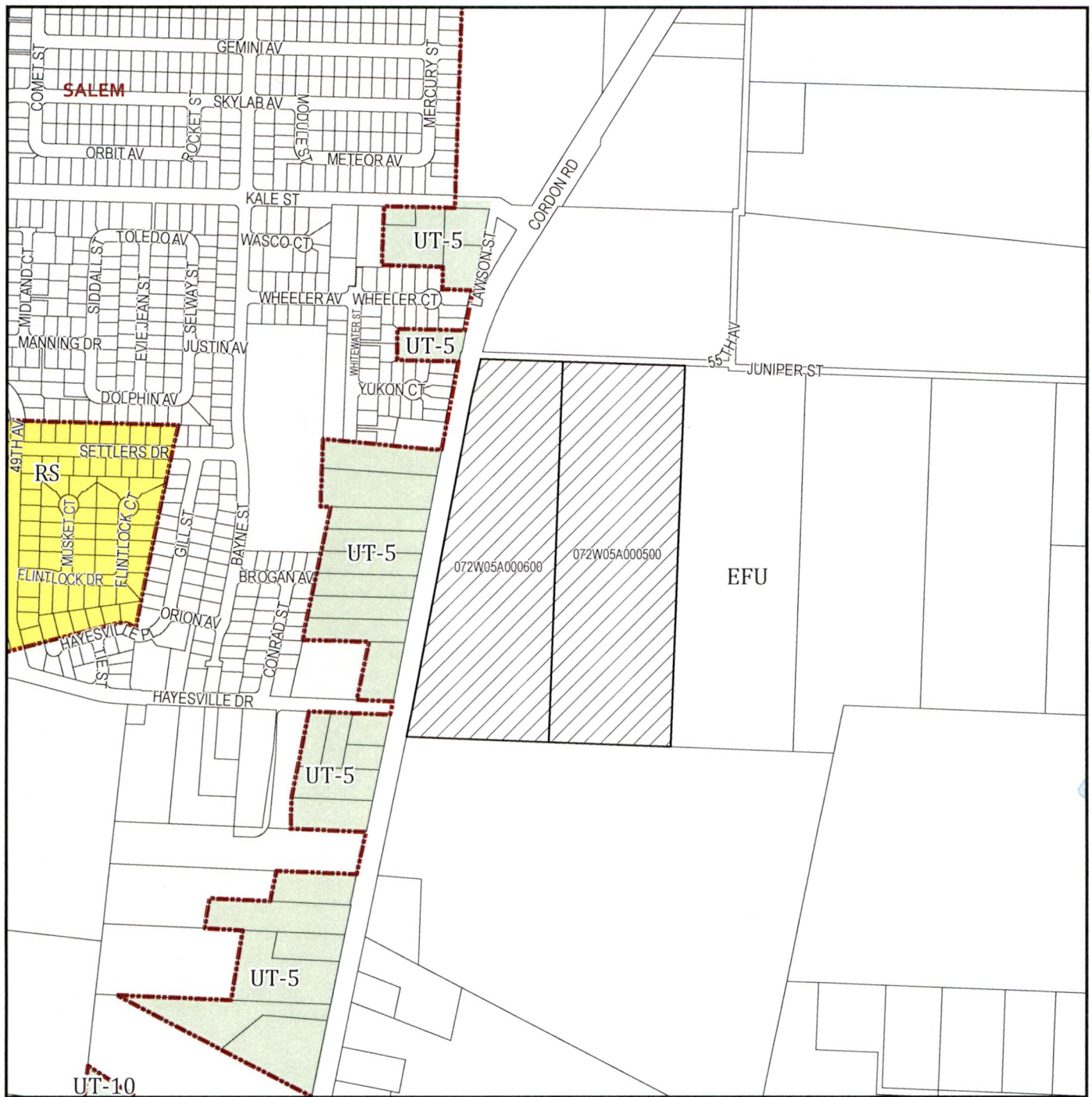
8. Based on the above findings, the applicants' proposal meets the criteria for a variance. The variance request is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: May 5, 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): 072W05A000500, 072W05A000600

Owner Name: MCDONALD, JORDANA LINN

Situs Address: 5450 JUNIPER ST NE

City/State/Zip: SALEM, OR, 97305

Land Use Zone: EFU

School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

Legend

Input Taxlots

Lakes & Rivers

Highways

Cities



scale: 1 in = 644 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.