

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. 18-005**

**APPLICATION:** Application of (Betty) Jane Fobert for an adjustment to reduce the required 20 foot front yard setback to 16 feet on and 0.16 acre parcel in an AR (Acreage Residential) zone located at 11866 Chateau Drive NE, Woodburn. (T5S; R1W; Section 04CD; tax lot 2000).

**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 **September 18, 2020** 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 dwelling shall maintain a minimum 16 foot setback from the front property line.

**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 **September 17, 2018**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **September 18, 2018** unless appealed.

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

1. The property is designated Rural Residential in the Marion County Comprehensive Plan and zoned AR (Acreage Residential).
2. The property is located on the west side of Chateau Drive NE, approximately 300 feet south of its easternmost intersection with Carl Road NE. The property contains a driveway and is prepared for placement of a manufactured dwelling. The property is a legally created lot in the Chateau Ranchettes Subdivision.
3. Surrounding properties are all zoned AR and consist of similar sized lots developed with manufactured and mobile homes.
4. The applicant is proposing to reduce the required 20 foot front yard setback to 16 feet for a manufactured dwelling.

5. 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.
6. 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*
  - (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 adjacent properties are developed and there is no evidence that reducing the front yard setback from 20 feet to 16 feet will have any impact on the existing development or affect the health and safety of persons working or residing in the vicinity. The manufactured home is slightly larger than the original home on the property. If the 20 foot setback is imposed, the existing utilities on the lot would have to be relocated, the proposed adjustment is the minimum necessary to accommodate the manufactured home. The AR zone has a minimum lot size of 2 acres for new parcels and intent of the 20 foot setback in the AR zone is maintain the rural character of the property. In this instance the property is in a very small lot subdivision that does not contain the rural characteristics of most AR zoned properties, therefore, the 20 foot setback is not necessary. The proposal meets the criteria in 6 above.
8. Based on the above discussion, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Joe Fennimore  
Planning Director

Date: August 31, 2018

If you have any questions regarding this decision contact Joe Fennimore 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.