

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. 19-001**

APPLICATION: Application of Leslie Blankenship for an adjustment to reduce the required 20 foot front yard setback for a garage to 18 feet on a 0.85 acre parcel in an EFU (Exclusive Farm Use) zone located at 17055 Trefethen Lane SE, Jefferson (T10S; R3W; Sec. 13AA; tax lot 1100).

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

EXPIRATION DATE: This decision is valid only when exercised by **March 15, 2021** unless an extension is granted. The effective period may be extended one time for two years subject to approval of an extension (form available from the Planning Division). Request for an extension must be submitted to the Planning Division prior to expiration of the approval.

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 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 applicants shall obtain all permits, including subsurface sewage disposal, required by the Marion County Building Inspection Division.
2. The garage addition shall maintain a minimum 18 foot setback from the front 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. It is recommended that the agencies mentioned in Finding #6 be contacted to identify restrictions or necessary permits. 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.

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 **March 15, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **March 16, 2019** unless appealed.

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 zoned EFU (EXCLUSIVE FARM USE). The intent of both designation and zone is to promote and protect commercial agricultural operations.
2. The subject property is located in the southwest corner of Jefferson Scio Drive SE and Trefethen Lane SE. The 0.83 acre parcel contains a dwelling constructed in 1968, according to Assessor records. The property also contains an accessory structure, well and septic system. The property has been described in its current configuration in deeds back as far as June 2, 1975 and is considered a legal parcel for land use purposes.
3. Surrounding properties in all directions are in a mixture of farm and rural residential uses and in an EFU zone.
4. The applicants are proposing to reduce the required 20 foot front yard setback for a garage to 18 feet.
5. Soil Survey of Marion County Oregon indicates 100% of the subject property is high-value farm soils.
6. All contacted agencies either failed to respond or stated no objection to the proposal.
7. In order to approve the adjustment, the criteria found in MCC 17.116.020 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 effect 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.*
8. There is no evidence that the adjustment will have any significant adverse impact on other property in the area, and it appears that the proposed construction replaces the previously existing attached carport. Trefethen Lane SE is a short private access easement that serves two additional properties. The proposed adjustment would occur along the eastern property line abutting Trefethen Lane SE. The applicants want to construct a garage 18 feet from the eastern property line. There is no indication the proposal would create health and safety issues in the vicinity. Based on available information the proposal can comply with the criteria listed in #7(A) and (B).

The degree of adjustment requested appears to be the minimum necessary to allow construction of a garage that meets the property owner's needs. The property is a 0.85 acre lot, and the location of the existing dwelling, well, and sewage disposal system with replacement drain field area significantly limits the area on the property where an garage can be placed. The development meets the intent of the setback provision that provides for open space and a safe access onto the roadway. The proposal can meet #7(C) and (D).
9. Based on the above findings, it has been determined that the proposed adjustment satisfies all applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Director-Planning Division

Date: March 1, 2019

If you have any questions regarding this decision contact Lisa Milliman 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.