

Attention Property Owner: A land use proposal has been submitted for property near where you live or near the 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. 24-003**

**APPLICATION:** Application of Aleksandr & Victoria Voronko for an adjustment to reduce the required 12-foot front yard setback to 5-feet along the northern property line and the required 14-foot rear yard setback to 5-foot along the southern property line on a 0.16-acre parcel in a RS (Single Family Residential) zone located at 750 Lancaster Dr SE, Salem (T7S; R2W; Section 31BD; Tax lot 6600).

**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 **October 17<sup>th</sup>, 2026**, 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 drain field 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 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. The applicants shall maintain a 5-foot setback along the northern property line and a 5-foot setback along the southern property line.

**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:

4. 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.

**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 sign 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 **October 17<sup>th</sup>, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **October 18<sup>th</sup>, 2024**, 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 Single-Family zone is to promote residential development at low densities.
2. The property is located in the unincorporated area of Salem, on the east side of Lancaster Drive SE, approximately 300 feet north of the intersection of Lancaster and Macleay Rd SE. The subject parcel has been described in its current configuration since at least 1965 as recorded in the Book of Land Records for Marion County, Volume 606, Page 207. It is therefore legal for land use purposes.
3. To the north and west of the subject parcel are single family residential zoned parcels. To the east are a cluster of multi-family residential zoned parcels accessed off Macleay. To the south are commercial zoned parcels on the corners of the Lancaster and Macleay intersection.
4. The applicant proposes to reduce the 12-foot front yard setback to 5-feet along the northern property line and the 14-foot rear yard setback to 5-foot along the southern property line.
5. Various agencies were contacted with requests for comment.

Marion County Building Department commented: “No Building Inspection concerns with setbacks adjustment. Permit(s) are required to be obtained prior to development and utilities installation on private property.”

Marion County Septic reviewed the proposal for Adjustment 24-003 and determined they had no comment since the property should be connected to city sewer.

All other 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*

The proposed adjustments to the setbacks will allow for the development of a home in an area of primarily single-family dwellings, and nearby multi-family dwellings. There will be no significant adverse impacts on the adjacent residential uses. The criterion is met.

- (b) *The adjustment will not have a significant adverse affect upon the health or safety of persons working or residing in the vicinity; and*

The adjusted setbacks will allow development of a dwelling that will require permitting by Marion County Building Inspection to ensure the dwelling is built safely. The adjustment will allow access to the dwelling will be via a proposed private road instead of Lancaster drive. Development of this private road which will require an access permit through Marion County Land Development, Engineering and Permits to ensure that it safely accesses Lancaster Drive SE. The criterion is met.

- (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*

The purpose of the proposed adjustment is to allow development of a dwelling facing north on the subject parcel. The parcel is 50-feet wide and reducing the front and rear setbacks to 5-feet each is the minimum amount necessary to permit the proposed development. The criterion is met.

- (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.*

This adjustment will maintain the intent of MCC 16.15.120-140 by essentially shifting the front and rear setbacks in 16.15.120 & 140 to the sides, and the side setbacks in 16.15.130 to the front and rear, so that access to the proposed dwelling may be off the proposed private road instead of Lancaster. The site plan submitted by the applicant shows an approximately 14-ft setback to the east, and 20-ft setback to the west towards Lancaster Drive. If the dwelling was to be accessed off Lancaster Drive, the 5-ft setbacks on the north and south of the proposed dwelling would be appropriate side setbacks. Therefore, adjusting the front and rear setbacks to accommodate rotating the effective front of the proposed development will maintain the intent and purpose of the provisions in MCC 16.15.120-140. The criterion is met.

7. 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: October 2, 2024

If you have any questions regarding this decision contact John Speckman 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.