

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. 24-005**

**APPLICATION:** Application of Jeff and Melina Kauffman for an adjustment to reduce the required 20-foot side yard setback to 17 feet along the eastern property line on a 1.59-acre parcel in an EFU (Exclusive Farm Use) zone located at 9655 Ida Ln NE, Aurora (T4S; R1W; Section 19B; Tax lot 1801).

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

**EXPIRATION DATE:** This decision is valid only when exercised by **December 19<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 proposed use 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 use. To ensure 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:** The following conditions must be met before a building permit can be obtained or the approved use established:

1. The applicant shall obtain approval for all required permits from the Marion County Building Inspection Division.
2. Prior to the issuance of any permits, the applicant shall submit a site plan for review and approval by the Planning Director.
3. The proposed structure shall maintain a 17-foot setback from the eastern 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 another 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 the Woodburn and Aurora Fire Districts 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 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 \$200) based on 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 Rd. NE, Salem, by 5:00 p.m. on **December 19<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 **December 20<sup>th</sup>, 2024**, 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 zoned Exclusive Farm Use (EFU). The intent of both this designation and zone is to promote and protect commercial agricultural operations.
2. The property is located directly north of Ida Ln NE, approximately 250 feet west of Olmstead Rd NE in Aurora, Oregon. The property is currently developed with one dwelling and one accessory structure. The subject parcel and neighboring properties were established through Measure 37 claim M06-019 and was further partitioned through land use case P07-018. Therefore, the parcel is considered legal for land use purposes.
3. Adjacent properties primarily consist of acreage home sites zoned Exclusive Farm Use (EFU). Those to the north and west appear to be large lots in active farm use. Those on Ida Lane and to the south and east were created via Measure 37 claim M06-019. These properties are smaller in size and contain less land for potential farm use.
4. The applicants are requesting an adjustment to reduce the required 20-foot side yard setback to 17 feet. The reason for this request is to accommodate the construction of a pole barn near the eastern property line to be used as vehicle parking space.
5. Soil Survey of Marion County Oregon indicates 98% of the subject property is high-value farm soils.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Building commented:

“No Building Inspection concerns with requested adjustment. Permit(s) are required to be obtained prior to construction of structures and/or utilities installation on private property.”

Marion County Septic commented:

“We have reviewed the proposal for adjustment 24-0054 and determined that we have no comment.”

Woodburn Fire District commented:

“No fire code concerns at this time based on the request and scope of request. We would like to receive a copy of the staff decision and notice of any public hearings in this case.”

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

7. 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.*

The applicant implies the proposed development will have no significant adverse impact on adjacent developments. The applicant states the neighboring property has no structures located within 30 feet of the property line. Furthermore, aerial image from 2023 shows the neighboring property is not currently suitable for development nearest to the proposed adjustment. The criterion is met.

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

The applicant states there will be no extension of an access road, therefore there will be no increase of noise or traffic in the vicinity. Further, the proposed structure requires little engineering or ground excavation, limiting hazards and disturbances. 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.*

The proposed 3-foot adjustment is the minimum needed for the structure, which is sized to accommodate its intended use. The development will be clustered with existing structure to minimize impact and avoid road development. The criterion is met.

(c) *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.*

The 20-foot setbacks aim to protect land designated for farm or forest use. The proposed 3-foot adjustment will not increase encroachment on farmland, as intensive farming is unlikely on the neighboring property due to its size and existing development. The adjustment still maintains sufficient distance from property lines and potential agricultural use. The criterion is met.

8. Based on the above findings, it has been determined that the applicants' request meets all applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Brandon Reich  
Planning Director/Zoning Administrator

Date: December 4<sup>th</sup>, 2024

If you have any questions regarding this decision contact Gillian Peden at (503) 566-4165.

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):** 041W19B001801

**Owner Name:** KAUFFMAN, JEFFERY A & KAUFFMAN, MELINA L

**Situs Address:** 9655 IDA LN NE  
**City/State/Zip:** AURORA, OR, 97002  
**Land Use Zone:** EFU  
**School District:** NORTH MARION  
**Fire District:** AURORA, WOODBURN

<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Input Taxlots</li> <li> Lakes &amp; Rivers</li> <li> Highways</li> <li> Cities</li> </ul>		
<p>N</p>  <p>scale: 1 in = 317 ft</p>	<p><small>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.</small></p>	