

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. 20-001**

APPLICATION: Application of Paul J and Terri Woodhouse for an adjustment to reduce the required 20 foot setback for a storage shed to 10 feet on a 1.98 acre parcel in an EFU (Exclusive Farm Use) zone located at 10314 Wiseacre Ln NE, Aurora, OR 97002. (T4S; R1W; Section 30A; tax lot 2300).

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 **April 16, 2022** (two years) 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 applicants shall obtain all permits required by the Marion County Building Inspection Division.
2. The storage shop shall maintain a special setback of 10 feet.

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.

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 **April 16, 2020**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **April 17, 2020** 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 approximately 1,050 feet east of the intersection of Wiseacre Ln NE and Beaver Ln NE. The 1.98 acre parcel contains a dwelling, an accessory structure, pump house and a well. The property was subject to Administrative Review Case 00-4, which allowed for the replacement of a dwelling on the property. Based, on this previous approval, property is considered a legal parcel for land use purposes.
3. Surrounding properties are zoned EFU on all sides. Parcels to the north, east and west, contain small acreage home sites with some in agricultural use. The parcel to the south is large farm operation with no dwelling.
4. Soil Survey of Marion County Oregon indicates 100% of the subject property is high-value farm soils.
5. The applicant is proposing to reduce the required 20 foot setback for a storage shed to 10 feet on a 1.98 acre parcel.
6. Marion County Building Inspection commented that a building permit will be required for new construction.
Woodburn Fire District commented that fire access is acceptable as is, and the new shed will not impair first responders.

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

7. In order to approve the adjustment, the criteria found in Chapter 17.116.020 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.*
8. There is no evidence that the adjustment will have any significant adverse impact on other property in the area, this adjustment will allow the new storage shed to better fit into the development pattern of existing structures. The placement of the storage shed will not be unsafe for persons living or working in the vicinity as it keeps the setbacks consistent along the west property line. No adverse effects or impacts are expected from reducing the setback this storage shed, the criteria in# 7(a) and (b) are met.

This adjustment is the minimum necessary to make the setbacks on these structures the same, as the applicant wishes to do. The shed still maintains the intent of a setback, as the applicant did not apply to eliminate the setback, only alter it to meet the setback of an existing structure. Based on these findings, the criteria in #7(c) and (d) are met.

9. Based on the above discussion, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Planning Director

Date: April 1, 2020

If you have any questions regarding this decision contact Austin Barnes 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.