

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.20-005**

APPLICATION: Application of Esteban and Maria Oliva for an adjustment to reduce the required 14 foot rear yard setback feet to 10 feet for the footing of the patio cover in a 0.12 acre parcel in a (RS) (Single Family Residential) zone located at 4445 Great Plains Dr NE, Salem (T7S; R2W; Section 08BA, Tax lot 1300).

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 15, 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. Prior to issuance of any permits, the applicant shall submit a site plan for review and approval by the Planning Manager.
3. 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.

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 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 15, 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 **September 16, 2020** 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 Residential zone is to allow development of attached or detached residences on individual lots provided with urban services at low urban densities.
2. The property is located approximately 263 feet north of the intersection of Great Plains Dr NE and Ward Dr NE. The property contains a dwelling.

3. Surrounding uses are single family residential uses in all directions.
4. The applicant proposes to adjust the rear yard setback of 14 feet to 10 feet to include the footing of the patio cover.
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 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*
 - (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. This proposal is not expected to have any adverse effect on existing or planned uses as it is a residential use in of itself. This proposal is also not expected to have any adverse effects relating to the health or safety of persons in the vicinity. The adjustment is the minimum necessary to facilitate the use. The proposal maintains the intent of the adjustment and would not otherwise be approved without one.
8. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Planning Director

Date: August 31, 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.