

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 CONDITIONAL USE CASE NO. 25-022

APPLICATION: Application of Lawrence R. Hoy for a conditional use permit to establish a duplex on a corner lot on a 0.17-acre parcel of land in a RS (Single-Family Residential) zone located at 4393 Dover Ave NE, Salem (T6S; R2W; Section 30DA; tax lot 4900).

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

EXPIRATION DATE: This Conditional Use Permit is valid only when exercised by **June 11th, 2027**, (two years). The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

RENEWAL: This permit may be renewed for successive one-year periods if the applicant submits to the Planning Division, **on an annual basis**, a new Primary Care Provider Certificate which indicates that the hardship situation continues. The Planning Division will mail renewal forms to the property owner approximately two months prior to permit expiration.

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, including septic authorization.
2. Only one dwelling unit of a duplex on a corner lot shall be permitted to face upon any one street, and that the second unit shall face upon the intersecting street.
3. The new dwelling will be addressed: **6925 Dover Ave NE, Salem OR 97305.**

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:

5. The applicants should contact Marion County No. 1 Fire District (503)-588-6513 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) 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. 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 **June 11th, 2025**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 12th, 2025**, 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 as Rural Residential in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding Single Family Residential (RS) zone is to allow development of attached or detached residences on individual lots in areas outside the acknowledged urban growth boundaries but under County planning jurisdiction.
2. The subject parcel is described as Lot 8, of Block 6, of Labish Village subdivision plat (recorded in the Book of Town Plates Volume 15, Page 37) and is shown on a survey from 1948 (survey S15-037). The subject property has retained the same description since at least 1970 as indicated in deed Volume 688, Page 612. The parcel has a dwelling that the Marion County Tax Assessor dates to 1951; therefore, the parcel and the dwelling are legal for land use purposes.
3. The property is located in the unincorporated community of Labish Village. Labish Village is roughly a mile north of the City of Salem Urban Growth Boundary (UGB) and a mile east of I-5. The subject parcel is 0.17-Acres (7,405 square feet) in a developed neighborhood of similar lot sizes.

The subject parcel contains a primary dwelling that has received several building permits to improve the dwelling. In November 2023 the property owners applied for building permits to add a two-car garage with three bedrooms, a kitchen, and additional living space over the new garage. The Marion County Planning Department approved the addition without any conditions. It is unclear if the owner completed this work. Then in April of 2024, the owner submitted revised building permits for a residential revision to add a 6-foot by 22-foot addition to the project. Marion County Planning Department approved the building permit and indicated the required property line setbacks. At that time there were no indications that this was to be a duplex, and the site plan submitted was labeled “proposed addition;” this revision to the building permit was signed off by the Planning Department in August 2024.

During the Marion County Building Inspection’s duties, they determined that the applicant had in fact created a duplex. This triggered a building plans review by the Marion County Planning Department where the Planning Director determined that a duplex on a corner lot in the rural single-family zone could be accomplished through the approval of a conditional use permit.

4. All adjacent parcels are zoned rural RS. Outside of the Labish Village community are EFU zoned parcels in agricultural use.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Land Development, Engineering and Permits (LDEP) commented:

ENGINEERING REQUIREMENTS

- A. Under a new Access Permit, add 3 inches x 16 feet wide of ¾-minus compacted crushed rock to the public side road serving the proposed duplex. The permit fee paid on prior permit #23-001424-PW, since closed out, will be credited forward toward that.
- B. Transportation System Development Charges (SDCs) and Parks fee will be assessed at the time of application for building permits. Credit will given for fees already paid toward the ADU.
- C. Utility service extensions within the public Right-of-Way require permitting through PW Engineering.

ENGINEERING ADVISORY

- D. Through statutory default, road maintenance of the Local Access Road side stub is the responsibility of adjacent resident road users.

Marion County Building Inspection commented: “No Building Inspection concerns. Permit(s), or revisions to existing permits, are required to be obtained for the creation of a duplex out of a single-family dwelling and addition. Typically, this involves the construction of a fire separation wall between dwelling units. Consultation with a building plans examiner is recommended to discuss code requirements.”

Marion County Septic commented: “We have no comment since the property is connected to city sewer.”

Marion County Fire District No. 1: Provided comments about emergency vehicle access, water availability, and premise identification.

All other contacted agencies either expressed no concern or made no comment.

6. In order to approve a duplex on a corner lot, the applicant must demonstrate compliance with the specific criteria listed in MCC 17.131.030.

(B)(1). Two-family dwellings (duplexes) on a corner lot of 7,000 square feet or more (see specific conditional uses, MCC 17.120.020);

The subject lot is at the northwest corner of Dover Avenue NE and Edith Street NE – on a corner of two roads. The parcel is described at 0.17-acres or 7,405 square feet. The criteria are met.

7. *MCC 17.120 Duplex on a corner lot. A duplex on a corner lot may be approved as a conditional use, provided:*

A. That the lot shall have at least 7,000 square feet;

B. That only one dwelling unit of a duplex on a corner lot shall be permitted to face upon any one street, and that the second unit shall face upon the intersecting street;

C. That the yards adjacent to any public right-of-way shall be 20 feet in depth; and

D. That the rear yard may be 14 feet in depth for a one-story duplex and 20 feet in depth for a two-story duplex, which yard may be provided adjacent to either interior lot line.

The proposed duplex is on a lot with 7,405 square feet. Each unit faces only one street and shall have a corresponding driveway. The lot shall have required 20-foot minimum setbacks along the entirety of the lot fronting Dover Ave NE and Edith St NE. The applicant is proposing to create a two-story duplex thus the rear yard shall have a 20-foot minimum setback. The applicant has satisfied A, C, and D and will continue to be conditions of approval; B can be accomplished as a condition of approval.

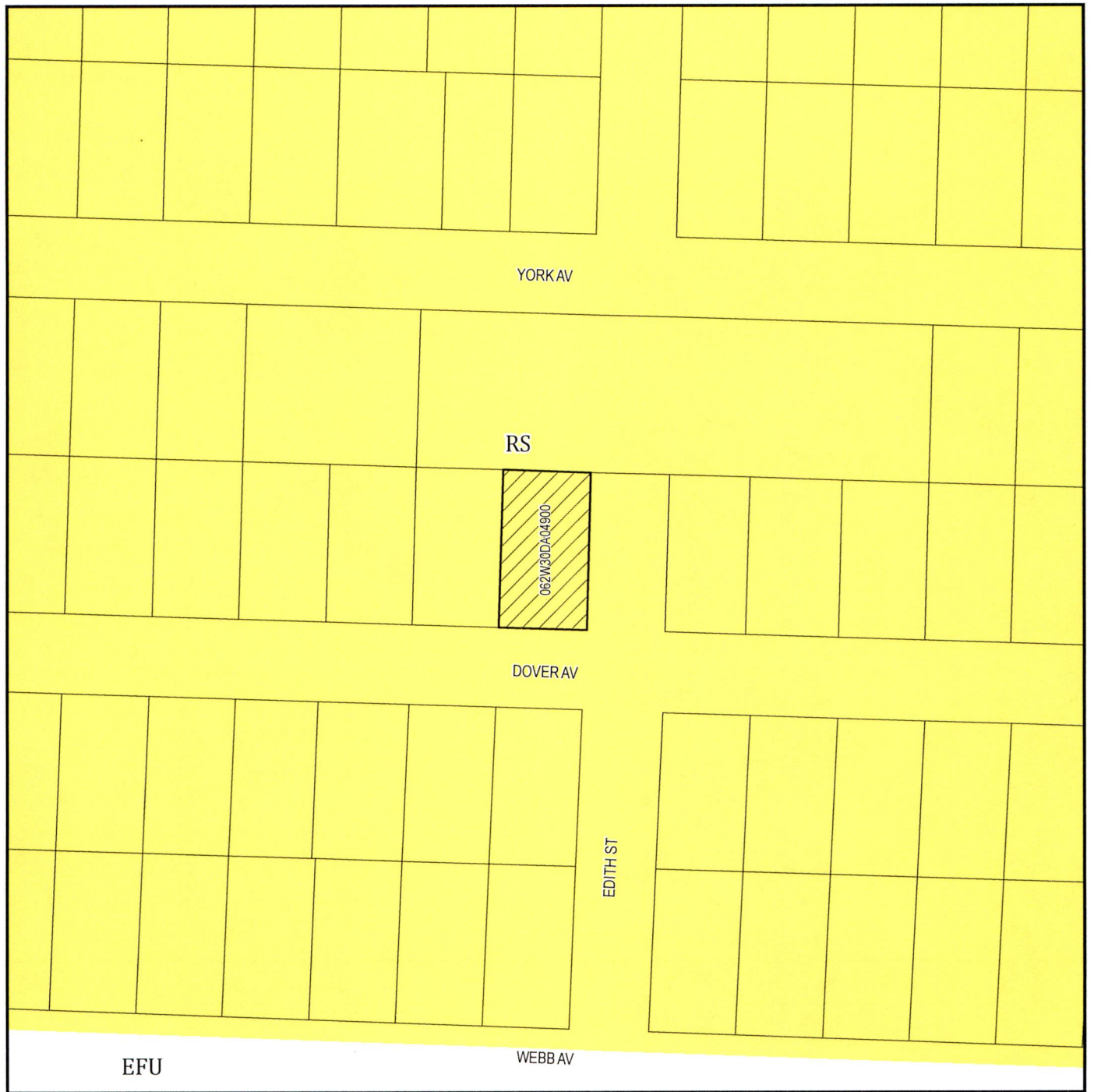
8. The Chapter 17 (Rural) Single Family Residential (RS) zone has no specific criteria for approval of Conditional Use applications.
9. Based on the above findings, it has been determined that the applicants’ request meets most of the criteria and can be conditioned to meet all applicable criteria for establishing a duplex on a corner lot and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: May 27th, 2025

If you have any questions regarding this decision, contact George Brandt at (503) 566-3981.

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): 062W30DA04900

Owner Name: HOYS INVESTMENTS LIMITED

Situs Address: 4393 DOVER AVE NE
City/State/Zip: SALEM, OR, 97305
Land Use Zone: RS
School District: SALEM-KEIZER
Fire District: MARION COUNTY NO.1

Legend

-  Input Taxlots
-  Lakes & Rivers
-  Highways
-  Cities



scale: 1 in = 108 ft

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.