

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
VARIANCE CASE NO. 25-002**

APPLICATION: Application of Katherine Carbuhn for a variance to reduce the required 20-foot setback to a 5-foot setback on the front property line for an accessory structure on a 1.05-acre parcel in the Acreage Residential (AR) zone at 1777 Timberline Ln, Salem (T8S; R3W; Section 26BA; Tax lot 900).

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

EXPIRATION: This Variance is valid only when exercised by **April 11th, 2027**. 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.**

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 proposal 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 all permits required by the Marion County Building Inspection Division, including septic authorizations. **(See Findings and Conclusions #5 for comments regarding building permits)**
2. The accessory structure shall maintain a 5-foot setback from the front property line abutting Timberline Ln SE.
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.
4. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation could be appealed to the county hearings officer for a public hearing.

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 restrictions or conditions. It is recommended that agencies mentioned in Finding #5 below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

5. The applicant should contact the Salem Suburban Fire District and obtain a copy of the District's Recommended Building Access and Identification Guidelines. For personal and property safety it is recommended that the applicant follow these guidelines. Fire District access standards may be more restrictive than County Standards.

APPEAL PROCEDURE: The Marion County Zone Code provides that Variance 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 fee of \$200.00)

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 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 April 14th, 2025, unless appealed.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The property is designated Rural Residential in the Marion County Comprehensive Plan. The purpose of this designation and the corresponding AR (Acreage Residential) zone is to allow for the creation of acreage home sites at a density that maintains the character and environmental quality of the County's rural residential areas.
2. The property is located at 1777 Timberline Ln SE on the north side of the right-of-way where Timberline Ln terminates. The property currently contains a 1976 dwelling and no other accessory structures. Other than the dwelling, the parcel is mostly open grass area on a steep sloping hill.
3. Surrounding properties immediately adjacent on all sides are comprised of small acreage rural residences, however, slightly further to the north is an urban subdivision within the UGB of Salem, and 250 feet to the east is a large SA (special agriculture) parcel in use as a commercial farm field.
4. The applicant is proposing a variance to reduce the required front property line setback from 20 feet to 5 feet for an accessory structure. The purpose of the variance is to site a woodshop on a flat portion of the property rather than on a steep hill behind the house.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Building commented: "Permit(s) are required to be obtained prior to development of structures and/or utilities installation on private property. Depending on the location of the proposed building in relation to the slope of the property, an engineered design may be required for the foundation wall(s) closest to this slope. Discussion with a Building Plans Examiner is recommended prior to the design of plans or engineering."

Marion County Septic commented: "If plumbing is proposed in the accessory building, a septic authorization will be required to connect to the existing septic system."

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

6. In order to obtain a variance the proposal must meet the criteria in found in Section 17.122.020 of the Marion County Rural Zone Code (MCC). These criteria are:
 - (a) *There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the literal requirements of the ordinance; and*
 - (b) *There are unusual circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same zone; however, nonconforming land uses or structures in the vicinity or violations of land use regulations or standards on the subject property shall not in themselves constitute such circumstances or conditions; and*
 - (c) *The degree of variance from the standard is the minimum necessary to permit development of the property for the proposed use; and*
 - (d) *The variance will not have a significant adverse affect on property or improvements in the neighborhood of the subject property; and*
 - (e) *The variance will not have a significant adverse affect upon the health or safety of persons working or residing in the vicinity; and*
 - (f) *The variance will maintain the intent and purpose of the provision being varied.*

7. The property is significantly sloped in the backyard area. According to the elevation contours in the Marion County GIS, the property has a rough slope of 20% across the entire parcel. Further, the rear 115 feet of the property is identified within Marion County's Geologically Hazardous Overlay. The only flat spot on the property near the existing dwelling is located adjacent to the road and house in a patch of fir trees. To reduce the cost of engineering for the structure, it is necessary to site the accessory structure as far as possible from the hill slope. With no other close alternative sites, it is unreasonable to assess the standard front setback.

In the site plan, the accessory structure's rear wall will line up with the rear wall of the house, which appears to be at the point where the significant slope starts on the property. As such, the variance is the minimum necessary to allow the structure to be constructed on the flat portion of the property.

The purpose and intent of front property line setbacks are for safety, preserving future right-of-way, and to allow for parking space on the property. Timberline Ln is a dead-end road, and the subject property is the second lot from the terminus. There is very little traffic so there is a limited risk of safety concerns. For the issue of future expansion, due to the low traffic and the limitation of future development because of the topography, expansion of the right-of-way is unlikely. Finally, there is already an attached garage and driveway on the property, meaning there is sufficient parking space on the property. With these factors in mind, the proposal still meets the intent of the setback standard. Therefore, the proposal meets all applicable criteria.

8. Based on the above findings, the applicant's request meets all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: March 28th, 2025

If you have any questions regarding this decision contact Alexander Seifer 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.



ZONING MAP

Input Taxlot(s): 083W26BA00900

Owner Name: CARBUHN, WAYNE MCKINZIE & FARM CREDIT SERVICES
 CARBUHN, KATHERINE LOUISE
Situs Address: 1777 TIMBERLINE LN SE
City/State/Zip: SALEM, OR, 97306
Land Use Zone: AR
School District: SALEM-KEIZER
Fire District: SALEM SUBURBAN

Legend

- Input Taxlots
- Highways
- Lakes & Rivers
- Cities



scale: 1 in = 140 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.