

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. 25-013**

**APPLICATION:** Application of Douglas and Sandra Quan for a conditional use permit to establish a temporary medical hardship dwelling on a 9.5-acre parcel in an SA (Special Agriculture) zone located at 4756 Riverside Rd S, Salem (T8S; R4W; Section 36C; Tax lot 701).

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

**EXPIRATION DATE:** This conditional use permit is valid only when exercised by **May 7<sup>th</sup>, 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.**

**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 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 ensure the subject property can accommodate the proposed use the applicant should contact the Building Inspection Division at (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 required permits from the Marion County Building Inspection Division, including any Septic Authorizations.
2. The applicant shall submit a Manufactured Home Removal Agreement to the Planning Division. This agreement specifies that placement of the manufactured home is temporary and will be removed after the hardship ceases. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
3. The applicant shall sign and submit a Farm/Forest Declaratory Statement to the Planning Division. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
4. The applicant shall sign and submit a Geological Hazardous Area Declaratory Statement to the Planning Division. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
5. The medical hardship shall maintain the same 100-foot setback to the west property line assessed to the primary dwelling by case P81-017, Condition #9.
6. The proposed manufactured dwelling shall use the existing septic system if feasible.
7. The manufactured home shall be within at least 100 feet of the existing primary dwelling on the property.

8. The temporary medical hardship dwelling shall be addressed **4758 Riverside Rd S.**

**ADDITIONAL CONDITIONS:** Once the approved use is established the following conditions must be continually satisfied:

9. The manufactured dwelling shall be located as shown on the applicant's site plan.
10. The applicants are advised that this permit is granted for a period of one year **and must be renewed** for successive one year periods upon submittal of a Physician's Certificate verifying that the hardship conditions continue to exist. In addition, for shared septic systems, every five years the Marion County Building Inspection Division requires a septic evaluation prior to renewal of hardship conditional uses.

**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 agencies mentioned in Finding # below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

11. The applicants should contact the Polk County No 1 Fire District 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 **May 7<sup>th</sup>, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **May 8<sup>th</sup>, 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 Special Agriculture in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding SA zone is to promote the continuation of commercial agricultural and forestry operations. A temporary manufactured dwelling or RV under hardship conditions may be approved as a conditional use provided the need is justified and the residence will not have a detrimental impact upon the existing or potential farming and timber activity in the area.
2. The property is located at 4756 Riverside Rd S on the south side of Riverside Rd roughly 2,000 feet northwest of where Riverside Rd intersects with Fox Ln. The property is developed with a 2001 manufactured dwelling and 3 large accessory structures. The parcel also contains a woodlot and open areas utilized for growing crops. The entirety of the subject parcel is located within an area designated by Marion County's Geohazards overlay as having a low risk for landslide (Geohazard level 3). This is not a level that requires a geological assessment prior to development with a manufactured home for a hardship. The subject property was created as part of land use case P81-017 and has not changed its configuration since. Therefore it is legal for land use purposes.
3. Surrounding uses include a mixture of large, wooded parcels, large fields engaged in commercial agriculture, and a number of smaller parcels in use as rural residences. All surrounding parcels are either zoned SA or EFU (exclusive farm use).

4. According to the Marion County Soils Analysis tool, the subject property contains 92.7% high value soils.
5. A signed Primary Care Provider Certificate has been submitted for Annette G. Pickelsimer indicating they have medical conditions that preclude them from maintaining a complete separate and detached dwelling apart from their family.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Pok County Fire District No. 1 commented about concerns with visibility from the road and ensuring proper access for fire apparatus.

Marion County Building commented: "Manufactured home placement permit is required to be obtained prior to the installation and set up of the proposed manufactured home. Additional permit(s) may be required for those systems or utilities beyond 30 ft. from the perimeter of the home."

Marion County Septic commented: "A septic authorization is required to connect the medical hardship to the existing septic system. Per OAR 340-071-0205(7), authorizations are valid for up to 5yrs, not exceeding the cessation of the hardship. If the hardship is still needed, a new authorization will be required every 5yrs."

All other commenting agencies stated no objection to the proposal.

7. In order to approve a manufactured home/RV under hardship the applicant must demonstrate compliance with the specific criteria listed in MCC 17.120.040. These include:
  - (a) *For the purposes of this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.*
  - (b) *A doctor of medicine or licensed psychologist shall sign a statement indicating the physical or mental condition that prevents the person(s) with the hardship from providing the basic self care needed to live on a separate lot. The statement shall also attest that the physician or licensed psychologist is convinced the person(s) with the hardship must be provided the care so frequently or in such a manner that the caretaker must reside on the same premises.*
  - (c) *Those providing the needed assistance shall be related by blood, marriage or legal guardianship and reside in another residence on the property. If evidence is presented that there is no family member able to provide the needed care the caretaker may be someone else provided the property is located in a zone other than the EFU, SA, FT or TC zones. In the EFU, SA, FT and TC zones, occupancy of the hardship mobile home or recreational vehicle is limited to the term of the hardship suffered by the existing resident or a relative as defined in ORS 215.283.*
  - (d) *Those providing the care must show that they will be available and have the skills to provide the primary care required by the doctor or psychologist.*
  - (e) *One of the residences shall be removed from the property within 90 days of the date the person(s) with the hardship or the care provider no longer reside on the property. In the case of a recreational vehicle it shall be rendered uninhabitable by disconnection from services. An agreement to comply with this requirement shall be signed by the property owner and the care providers. Oregon Department of Environmental Quality removal requirements also apply.*
  - (f) *The manufactured home or recreational vehicle shall to the extent permitted by the nature of the property and existing development:
    - (1) *Be located as near as possible to other residences on the property;*
    - (2) *On EFU, SA, FT and TC zoned property, be located on the portion of the property that is least suitable for farm or forest use, if it is not feasible to locate it near an existing residence;*
    - (3) *Not require new driveway access to the street;*
    - (4) *Be connected to the existing wastewater disposal system if feasible. The disposal system shall be approved by the county sanitarian.**
  - (g) *The use is intended to be temporary, shall be subject to review every year, and shall continue to meet the above criteria in order to qualify for renewal.*

8. Based on the available evidence, Annette G. Pickelsimer's physical circumstances constitute a hardship condition relating to the aged, the infirm, or persons otherwise incapable of maintaining a complete, separate and detached residence apart from family. The evidence also indicates the proposed mobile home would be relatively temporary in nature. The requirement that a Manufactured Home Removal or Disconnect Agreement be filed by the applicant ensures that the manufactured home will be removed from the property and no longer used for residential purposes when the hardship ceases.
9. Since the property is located in an SA zone, the proposal must also satisfy the conditional use criteria in MCC 17.137.060(A). Those requirements are:
- (a) *The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.*
  - (b) *Adequate fire protection and other rural services are, or will be, available when the use is established.*
  - (c) *The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.*
  - (d) *Any noise associated with the use will not have a significant adverse impact on nearby land uses.*
  - (e) *The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.*
10. The proposed use of placing a manufactured home as a medical hardship is only temporary in nature until it is no longer necessary. It is located far enough away from properties in active farm use to the south, with a railroad right-of-way buffering the parcel on its southern property line and the Riverside Rd right-of-way buffering towards the north. MCC 17.137.050(B) requires that a declaratory statement meeting the requirements of MCC 17.137.100(C) be filed and this serves to notify the applicant and subsequent owners that there are farm or timber operations in the area. The property is located within the Polk County No. 1 Fire District, so fire protection services are available and it shall be made a condition of approval that the applicants meet all requirements of the fire district. Additionally, all other necessary rural services, such as well and septic, are either available or can be made available. The proposed temporary manufactured home is required to be permitted through Marion County Building and is not located within a floodplain area. It is also rational to assume the use will not have a greater impact beyond that of the existing dwelling, meaning the impact of noise and other pollutants on other properties is minimal. Finally, there are no water impoundments identified in the comprehensive plan that would be impacted by the proposal, as the site of the manufactured home is outside of the 100 year floodplain of the Willamette River. Therefore all criteria under this section are met.
11. Based on the above findings it has been determined that the request meets all applicable criteria for placing a temporary manufactured home/RV for medical hardship purposes and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: April 22<sup>nd</sup>, 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):** 084W36C000701

**Owner Name:** QUAN, DOUGLAS R & QUAN, SANDRA L

**Situs Address:** 4756 RIVERSIDE RD S

**City/State/Zip:** SALEM, OR, 97302

**Land Use Zone:** SA

**School District:** JEFFERSON

**Fire District:** POLK COUNTY NO.1

### Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 494 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.