

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. 25-002

APPLICATION: Application of Joseph & Diana Barros for an adjustment to the guest house standards to allow a guest house inside of a building larger than 600 square feet on an 0.80-acre property in an EFU (Exclusive Farm Use) zone located at 8355 Wheatland Rd N, Keizer (T6S; R3W; Section 23AB; Tax lot 900).

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

EXPIRATION DATE: This adjustment is valid only when exercised by **April 10th, 2027** (two years). The effective period of an approved application 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 proposed uses 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 activities. To be sure the subject property can accommodate the proposed use the applicant needs to check with 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.
2. The applicant shall contact Marion County Septic for a septic system evaluation and all necessary permits to expand or upgrade the septic system, and be in compliance with all Marion County Septic requirements.
3. The guest house shall take up no more than 600 square feet of the accessory building.
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 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. It is recommended that the agencies mentioned in the Findings and Conclusions section below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

5. The applicant should contact Marion County Fire District #1 at (503) 588-6513 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 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 \$250) 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 Road NE, Salem, by 5:00 p.m. on **April 10th, 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 11th, 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 Primary Agriculture in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding EFU (EXCLUSIVE FARM USE) zone is to promote the continuation of commercial agricultural and forestry operations.
2. The property is located on the west side of Wheatland Road N approximately 500 feet south of its intersection with Ravena Dr N and about a one quarter of a mile outside the urban growth boundary of the City of Keizer. The rear third of the property is located within the 100-year floodplain of the Willamette River. The subject parcel is currently developed with a dwelling, accessory structure, well, and septic system.
3. The property was created as Lot 5 of Clear Lake Highlands Subdivision (Survey S23-047, Volume 660, Page 62, 1969) . The subject property was the subject of a variance case in 2016 (V16-002) and is therefore considered a legal lot for land use purposes.
4. Surrounding properties in every direction consist of various sized parcels in the EFU zone in a mixture of residential and large farming and agricultural uses.
5. Soil Survey of Marion County Oregon indicates 87% of the subject property is high-value farm soils.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Building Division commented:

“Permit(s) are required to be obtained prior to the creation and construction of a guest facility within an existing residential structure. Discussion with a building plans examiner is recommended prior to development of construction plans for permit application.”

Marion County Septic Commented:

“This proposal proposes an increase in flow greater than 50% the design capacity of the existing system and will therefore require an alteration to the existing drainfield. Per OAR 340-071-0205(6), a Site Evaluation and authorization, followed by a construction-installation permit is required.”

Land Development Engineering and Permits (LDEP) commented:

ENGINEERING REQUIREMENT

- A. Transportation-related System Development Charges (SDCs) will be assessed at the time of application for building permits.

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

7. The applicants are asking for an adjustment of the 600 square foot maximum floor area standard to allow the existing 1,008 square foot accessory building to be modified to accommodate a 594 square foot guest facility in an EFU (Exclusive Farm Use) zone.
8. To obtain a adjustment, the proposal must meet the criteria found in Marion County Code 17.116.020(A). These criteria are:
 1. *The proposed development will not have a significant adverse impact upon adjacent existing or planned uses and development; and*

The subject property is zoned EFU and has setbacks of 20-feet for all structures except agricultural-exempt structures. The parcel is not in farm use and is much smaller than the standard minimum parcel in the EFU zone. At 0.80-acres it is in use as a rural homesite like the parcels adjacent to the north, east, and south. It was created prior to land use planning and is a relatively long and narrow shaped parcel. The home site is roughly in the middle of the parcel near the front which is the best land for development. The rear of the property is wooded and sloped away from the house where the rear third is in the FEMA identified 100-year flood plain. Due to the rear yard immediately adjacent to the house being the septic drainfield, the front of the house is the only developable land.

The proposed adjustment would place the guest facility inside the existing accessory building. Since this building already exists and the guest facility will be completely contained inside the building, there should not be any discernable adverse effects on the subject property or to the overall neighborhood and is not anticipated to have any adverse impact on adjacent or planned uses and development. The criterion is met.

2. *The adjustment will not have a significant adverse effect upon the health or safety of persons working or residing in the vicinity; and*

The proposed adjustment would place the guest facility inside the existing accessory building. Since this building already exists and the guest facility will be completely contained inside the building, and current building permits will be required to bring the building to modern safety and fire codes - there should not be any discernable adverse effects on the health and safety of residents or to the overall neighborhood. The criterion is met.

3. *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*

As stated in the previous section, the parcel is abnormally small for the Exclusive Farm Use zone and not in use for agricultural purposes. This creates the unusual condition of limited building space relative to a zone outright permitting rural residential use like AR (Acreage Residential). The neighboring properties are also in similar configurations with similar development limitations. The applicant has stated that the proposed adjustment to the 600 square foot maximum floor area for the guest facility building would be the minimum necessary to permit the construction of the guest facility inside the 1,008 square foot accessory structure without the removal and replacement of the existing accessory structure. This also will ensure that the guest facility is within 100 feet of the primary dwelling and that it will be serviced by utility extensions from the primary dwelling. The criterion is met.

4. *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.*

The adjustment will still maintain the intent and purpose of the guest facility limitation of 600 square feet maximum floor area by the applicants' intention to build a 594 square foot guest facility inside a larger previously permitted accessory structure. The criterion is met.

9. MCC 17.126.020 allows for certain secondary accessory uses and structures to be permitted on a lot or parcel with a primary use and are subject to the limitations and requirements:

A(9): Guest facilities not in a primary dwelling unit, provided:

- a. Only one guest facility is allowed per contiguous property ownership; and*
- b. Total combined maximum floor area shall not exceed 600 square feet, including all levels and basement floor areas; and*
- c. No stove top, range, or conventional oven is allowed; and*
- d. All water, sewer, electricity and natural gas services for the guest facility shall be extended from the primary dwelling services; no separate meters for the guest facility shall be allowed; and*
- e. The guest facility shall be located within 100 feet of the primary use dwelling on the same property, measured from the closest portion of each structure; and*

f. The guest facility shall use the same septic system as the primary use dwelling, except when a separate system is required by the building inspection division due to site constraints, or failure of the existing system, or where the size or condition of the existing system precludes its use, additional drain lines may be added to an existing system, when appropriate; and

g. The guest facility shall not be occupied as a dwelling unit; and

h. The guest facility shall not have an address; and

i. A declaratory statement shall be recorded requiring compliance with the standards in this subsection;

The applicants are proposing a single guest facility satisfying (a). The applicants are proposing to limit the living space to 594 square feet, meeting the spirit of the 600 square feet maximum floor space of the guest facility. This will satisfy (b). The approval shall be conditioned that no stove top, range or conventional oven is allowed. This will satisfy (c). Points (d), (e), and (f) can be accomplished by the proximity to the principle dwelling and shall be conditions of approval. Points (g) and (h) shall be conditions of approval. A “*Guest Facility Restrictions and Requirements*” declaratory statement shall be submitted per (i). With these conditions of approval, the criteria are met.

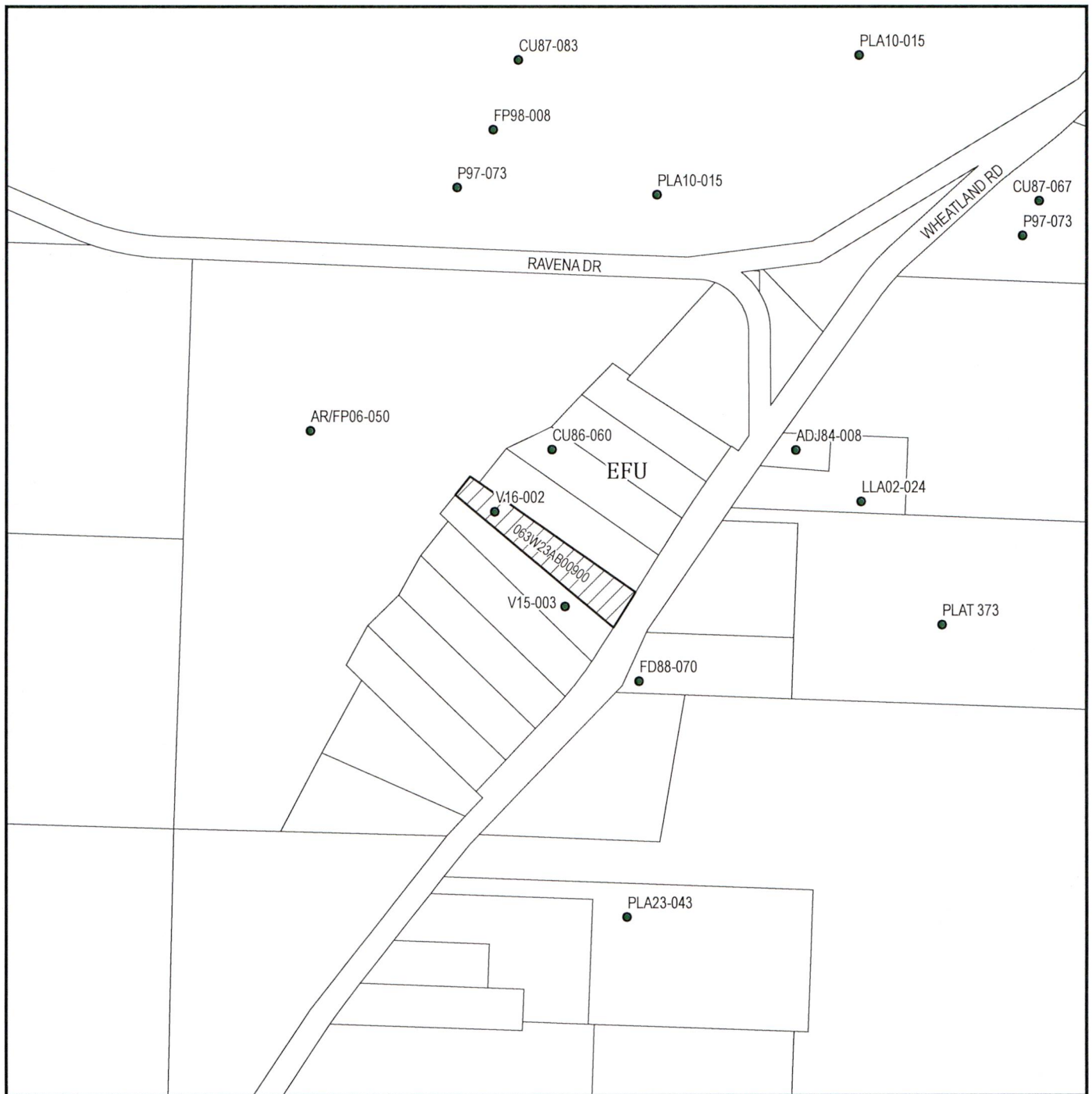
10. Based on the above findings, the applicants’ proposal meets the criteria for an adjustment. The adjustment request is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: March 26, 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): 063W23AB00900

Owner Name: BARROS, JOSEPH BARROS, DIANA

Situs Address: 8355 WHEATLAND RD N

City/State/Zip: SALEM, OR, 97303

Land Use Zone: EFU

School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 332 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.