



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/17/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Marion County Plan Amendment
DLCD File Number 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 01, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Joe Fennimore, Marion County
Jon Jinings, DLCD Community Services Specialist
Angela Lazarean, DLCD Regional Representative

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-14 (20170)
[17801]
Received: 3/11/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Marion County

Local file no.: **LA14-001**

Date of adoption: 3/5/14

Date sent: 3/10/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/08/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

n/a

Local contact (name and title): Joe Fennimore/Principal Planner

Phone: 5035664177

E-mail: gfennimore@co.marion.or.us

Street address: 5155 Silverton Rd NE

City: Salem

Zip: 97305-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

MCC 16.35.060 and 17.110.680

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the Matter of an Ordinance Amending Marion)
County Code, Title 16 (Urban Zone Code) and)
Title 17 (Rural Zone Code) by Amending)
Provisions and Declaring an Emergency)

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. 1334

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This ordinance is enacted pursuant to the authority granted to general law counties in the State of Oregon by ORS Chapters 203, 197 and 215 to implement the County Comprehensive Plan by amending the Marion County Code provisions related to urban and rural zoning.

SECTION II. Authorization

The Marion County Board of Commissioners initiated legislative amendments to the Marion County Urban and Rural Zone Codes by Resolution 14R-1, dated January 8, 2014. The Marion County Board of Commissioners held a public hearing on February 12, 2014, for which proper notice and advertisement were given. All persons present during the public hearing were given the opportunity to speak or present written statements.. The hearing was closed and the written record was left open until February 18, 2014. At its regular session on February 19, 2014, the Board considered the Planning Division file, all arguments of the parties and is otherwise fully advised in the premises.

SECTION III. Evidence and Conclusion

The amendments of the Marion County Urban and Rural Zone Codes made hereunder are based on consideration and analysis of the operation of present zoning regulations and provisions of ORS Chapters 197 and 215 and the State Land Use Goals and related Oregon Administrative Rules. Due consideration was given to testimony in the hearing. The Board finds that the revisions to the Urban and Rural Zone Codes are in compliance with State Land Use Goals, the applicable policies in the Marion County Comprehensive Plan, and with ORS 197 and ORS 215.

SECTION IV. Amendments

Title 16 MCC (Marion County Urban Zone Code) and 17 MCC (Marion County Rural Zone Code) are amended as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION V. Severability and Savings Clause

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or any policy, provision, finding, statement, conclusion, or designation to a particular land use or area of land, or any other portion, segment or element of this ordinance or of the amendments adopted hereunder, be declared invalid for any reason, that declaration shall not affect the validity of any provision of this ordinance or of any other Marion County Code provisions amended herein.

SECTION VI. Effective Date

This ordinance being necessary to protect the public health, safety and welfare, an emergency is declared to exist and this ordinance shall be come effective upon its passage.

SIGNED and FINALIZED this 5th day of March, 2014, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

David A. Brant
Chair

D. Kim Nute
Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Ordinance becomes final.

EXHIBIT A

DELETIONS IN STRIKEOUT ADDITIONS IN BOLD AND UNDERLINED

16.35.060 CONFORMANCE REQUIREMENT. The zoning administrator or designee shall prior to issuing any permit pertaining to the use of land or structures, or the erection or alteration of any structure, ascertain that the proposed use or construction shall in all ways conform to the requirements set forth in this title.

No permit for the use of land or structures or for the alteration or construction of any structure shall be issued and no land use approval shall be granted if the land for which the permit or approval is sought is being used in violation of any condition of approval of any land use action, **is in violation of local, state or federal law,** or is being used or has been divided in violation of the provisions of this title unless issuance of the permit **or land use approval** would correct the violation.

All land uses shall be conducted in full compliance with any other county ordinance, code ~~and~~ **or** requirement of state **and federal** laws. Failure to conform to other applicable laws shall ~~may~~ **be** grounds for revocation of the ~~any~~ **permits and enforcement action including, but not limited to, a citation in accordance with Chapter 1.25 of the Marion County Code.**

17.110.680 ADMINISTRATION OF THE TITLE. This title shall be jointly administered by the county building official and by the director or designee. The building official and the director or other designated officer, prior to issuing any permit pertaining to the use of land or structures, or the erection or alteration of any structure, shall ascertain that the proposed use or construction shall in all ways conform to the requirements set forth in this title.

No permit for the use of land or structures or for the alteration or construction of any structure shall be issued and no land use approval shall be granted if the land for which the permit or approval is sought is being used in violation of any condition of approval of any land use action, is in violation of local, state or federal law, or is being used or has been divided in violation of the provisions of this title unless issuance of the permit **or land use approval** would correct the violation.

The director shall handle all matters pertaining to zone changes, variances, land divisions, and conditional uses, and other administrative matters as prescribed by this title; and such other matters as directed by the planning commission, hearings officer, or board.

Any provision in any plat requiring that the board or the planning commission approve any future land uses or divisions shall be satisfied if the proposed land use or division is reviewed and approved by the hearings officer, planning director or designee in accordance with the other provisions of this title.

The director or the hearings office may deny any land use application if it is determined that the application includes any false or misleading information. Before a decision granting an application becomes final, any land use permit granted pursuant to this title may be reconsidered by the director or hearings officer and may be denied if it is determined that the application included any false or misleading information.

Any land use permit granted pursuant to this title shall be subject to revocation by the director if the director determines that the application for the permit included any false or misleading information, if the conditions of approval have not been complied with or are not being maintained, or if the land use is not being conducted in full compliance with the requirements of local, state and federal laws.

The director's decision revoking a land use permit may be appealed to the hearings officer, who shall hold a public hearing in order for the permit holder to show cause why the permit should not be revoked. No hearing may be held without a minimum 12 days' notice to the permit holder.

If the hearings officer finds that the conditions of permit approval have not been complied with or are not being maintained, or that the land use is not being conducted in compliance with applicable laws, the hearings officer may grant a reasonable time for compliance. If corrections are not made within that time, the permit shall be revoked effective immediately upon expiration of the time specified. The hearings officer's decision may be appealed to the board as provided in MCC 17.122.120.

All land uses shall be conducted in full compliance with any other county ordinance, code and or requirement of state and federal law. Failure to conform to other applicable laws shall may be grounds for revocation of the any permits and enforcement action including, but not limited to, a citation in accordance with Chapter 1.25 of the Marion County Code.

The director or designee shall determine whether dwellings, structures or uses are a permitted use subject to standards and the limited use provisions in the applicable zone. The administrative review procedures, as provided in Chapter 17.115 MCC, shall be followed in making these decisions. The same process shall be used for other administrative reviews under this title.



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date:

Department:

Title of Agenda Item:

Agenda Planning Date: Audio/Visual aids required Time required:

Contact: Phone:

Department Head Signature: *Ala M Haley*

Presenters:

Description of Issue:

Description of Background:

Financial Impacts:

Impacts: to departments and/or external entities

Options for Consideration:

Recommendation:

List of attachments:

Copies of completed paperwork to the following:

Name: E-mail:

Name: E-mail:

Name: E-mail:

Name: E-mail:

Name: E-mail: