



[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > Chapter 1 General Zoning Provisions

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments

## CHAPTER 1

### GENERAL ZONING PROVISIONS

#### Section Title

1.10 Zoning Classification

1.20 Designation of Zones

1.30 Comprehensive Plan Designation and Zone Classifications

1.40 Zoning Map

**1.10 ZONING CLASSIFICATION.** In order to achieve the intent and purpose in Section 35.03 zoning classifications and overlay zones are hereby established for all unincorporated areas of Marion County located within Urban Growth Boundaries as provided in Chapters 2 to 25. These classifications and overlay zones identify uses permitted subject to the development requirements in Chapters 26 through Chapter 34. Conditional uses are subject to the development requirements in the applicable zone, in Chapters 26 through 34, and any requirements imposed as a condition of approval pursuant to Sections 40.03 and 40.04. Zone changes, other than legislative changes, are subject to the requirements of Chapters 26 through 34 and any requirements imposed as a condition of approval pursuant to Sections 39.06 and 39.07.

**1.20 DESIGNATION OF ZONES.** As prescribed in Section 1.10 Marion County is divided into use zones. The zones included in this ordinance are as follows:

#### Chapter Classification Abbreviation

- 2 Single Family Residential RS
- 3 Limited Multi-Family Residential RL
- 4 Multiple-Family Residential RM
- 5 Commercial Office CO
- 6 Commercial Retail CR
- 7 Commercial General CG

Chapter 42 Determinations  
 Chapter 43 Comprehensive Plan Amendments  
 Chapter 44 Hearings Procedure  
 Chapter 45 Board Procedures  
 Chapter 46 Application Rights  
 Chapter 47 Administration of Conditions  
 Chapter 48 Nonconforming Uses

- 8 Highway Commercial HC
- 9 Industrial Commercial IC
- 10 Industrial Park IP
- 11 General Industrial IG
- 12 Heavy Industrial IH
- 13 Urban Transition UT
- 14 Urban Transition Farm UTF
- 15 Urban Development UD
- 16 Public P

**1.30 COMPREHENSIVE PLAN DESIGNATION AND ZONE CLASSIFICATIONS.** Zone classifications implement the Comprehensive Plan designations. Because this Ordinance implements several city comprehensive plans and not all plan designations are identical for all cities those in the Salem/Keizer Comprehensive Plan are used below. For cities other than Salem, the Zoning Administrator shall decide which of the following zones implement the applicable plan designation on the basis of the intent in the applicable comprehensive plan. Following are the zones allowed in the Salem Area Comprehensive Plan designations.

Comprehensive Plan Designation Zone Classification

Developing Residential RS, UT, UTF, UD

Single Family Residential RS, UT, UTF, UD

Multi-Family Residential RL, RM, UT, UTF, UD

Commercial CO, CR, CG, HC, UT, UTF, UD

Industrial IC, IP, IG, IH, UT, UTF, UD

**1.40 ZONING MAP.** This ordinance includes official zoning maps. The maps, together with all explanatory matter thereon, identify the boundaries of the zones and overlay zones established in Chapters 2 to 25 of this ordinance, and the application of land use regulations in this ordinance to certain lands. The maps shall be filed in the office of the Zoning Administrator. The Zoning Administrator shall amend the maps when so directed by County ordinance. The maps shall be available for public review and copies of the maps shall be provided at reasonable cost. When requested the Zoning Administrator shall certify that a copy of all or a portion of any map "is the current zoning map contained in the Marion County Zoning Ordinance" on a specific date.



**CHAPTER 2**  
**SINGLE FAMILY RESIDENTIAL - RS ZONE**

Revised 10/06/04 Ord#1204  
Revised 2/23/94

Section	Title	Page
2.00	Purpose	1
2.01	Uses	1
2.02	Conditional Uses	3
2.03	Prohibited Uses	3
2.10	Development Standards	3
2.11	Height	3
2.12	Lot Area and Dimensions	3
2.13	Front Yards and Yards Adjacent to Streets	4
2.14	Interior Side Yards	4
2.15	Interior Rear Yards	4
2.20	Landscaping	5
2.30	Reference to Additional Standards	5

\* Word defined in Chapter 49

**2.00 PURPOSE.** The purpose of the RS (Single Family Residential) zone is to allow development of attached or detached residences on individual lots provided with urban services at low urban densities. Other uses provided in 2.01 and 2.02 are also appropriate. These areas are designated as Single Family Residential or equivalent designation in the applicable urban area comprehensive plan.

**2.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the RS zone:

- (a) Detached single family dwelling\* on a lot.
- (b) Child day care home\* for 12 children or less.
- (c) Utility\* substations.
- (d) The following uses subject to the special standards in Chapter 26:
  - (1) Mobile home\* on a lot in a mobile home subdivision or as a replacement for a legally non-conforming mobile home (see Section 26.02).
  - (2) Two family shared housing (see Section 26.04).
  - (3) Duplex\* on a corner lot (see Section 26.06).
  - (4) Zero side yard dwelling\* units (see Section 26.08).
  - (5) Home occupations- limited\* (see Section 26.20).
  - (6) Residential sales offices (see Section 26.30).
  - (7) Boat and RV storage area (see Section 26.34).
  - (8) Religious Organizations\* (see Section 26.60).
  - (9) Planned Developments (see Section 26.800).
  - (10) Mobile home parks (see Section 26.901).
  - (11) Elementary and secondary schools. SIC 8211 (see Section 26.62).
  - (12) Manufactured home on a lot (see Section 26.03).

- (e) Signs subject to Chapter 31.
- (f) The following accessory uses are permitted on a lot in conjunction with a permitted dwelling or mobile home:
  - (1) Decks and patios (open, covered or enclosed);
  - (2) Storage building for: fire wood, equipment used in conjunction with dwelling and yard maintenance; personal property (except vehicles) not in conjunction with any commercial or industrial business other than a home occupation;
  - (3) Green house;
  - (4) Sauna;
  - (5) Hobby shop;
  - (6) Shelter for pets;
  - (7) Fall out shelters,
  - (8) Swimming pools and hot tubs;
  - (9) Guest House\*;
  - (10) Rooming\* or boarding\* of up to 2 persons in a dwelling;
  - (11) Pets\* Not more than 10 mammals over 4 months old are allowed as pets unless a Conditional Use Permit is obtained;
  - (12) One recreational vehicle space\* subject to Section 26.41;
  - (13) Additional kitchens in a dwelling provided all kitchens in the dwelling are used by only one family.
  - (14) Offering for sale 5 or fewer vehicles\* owned by the occupants of the dwelling in any calendar year.
  - (15) Garages\* and carports\* for covered vehicle parking.
  - (16) Child foster home\* for 5 or fewer children.
  - (17) Sleeping quarters in the dwelling or mobile home for domestic employees of the resident of the dwelling or mobile home.
  - (18) Fences subject to the requirements in Chapter 28.
  - (19) Vegetable gardens, orchards and crop cultivation for personal use. No sale of produce is permitted. No birds or fur-bearing animals, other than pets,\* and no livestock, poultry or beekeeping permitted.
  - (20) Parking of vehicles\* in a structure, or outdoors provided:
    - (a) All of the vehicles are owned by the owner or lessee of the lot or their guests; and
    - (b) Vehicles may be parked outdoors in a space within the front yard meeting the requirements for required parking in Section 30.17; or, in the lot area where accessory buildings are permitted, provided the parking area is screened by a 6 foot high sight-obscuring fence, wall or hedge from other lots in a residential use. Not more than three vehicles shall be parked on a lot within required yards abutting streets.
    - (c) Parked vehicles shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on a lot provided the vehicle is parked in an enclosed structure if it is rated at more than 1 ton capacity.
- (g) Temporary uses permitted in Section 25.30.

**2.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (a) Transit and school bus stop shelters.
- (b) Public parks and playgrounds.
- (c) Public buildings and structures such as libraries, fire stations and public utility facilities\*.
- (d) Individual and Family Social Services as defined in SIC 8322.
- (e) Civic, social and fraternal organizations as defined in SIC 864.
- (f) Child day care center\* (see Section 26.22).
- (g) Residential facilities\* (see Section 26.24).
- (h) Membership recreation club. SIC 7997 (see Section 26.32).
- (i) Public golf course. SIC 7992 (see Section 26.32).
- (j) Duplex on a corner lot without the limits in Section 2.01 (d)(3).
- (k) Home occupation-conditional\* subject to Chapter 32.40.

**2.03 PROHIBITED USES.** Within an RS zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 2.01 to 2.02.

**2.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**2.11 HEIGHT.** Within an RS zone:

- (a) Structures shall not exceed 35 feet in height except as provided for in (b) and (c).
- (b) Structures for public and semi-public\* uses - 70 feet provided required setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.
- (c) Structures exempt from height requirements identified in Section 27.16 and structures with specific height requirements identified in Chapter 28 are not subject to (a) and (b) above; however, required setbacks for structures identified in Section 27.16 shall be increased 1 foot for every foot the structure exceeds 35 feet.

**2.12 LOT AREA AND DIMENSIONS.** Within an RS zone:

- (a) **Lot Area:** The minimum lot area for a single family dwelling in a subdivision approved after the effective date of the Ordinance, or a mobile home on a mobile home subdivision lot approved after the effective date of this ordinance, is 4,000 square feet when located within the Salem/Keizer Area Urban Growth Boundary. In all other cases lots shall be a minimum of 6,000 square feet. (See Chapter 27 for density limitations).
- (b) **Lot dimensions, single family:** Except as provided in Section 26.800 for Planned Developments, the average width of a lot shall be at least 60 feet; provided that within the Salem/Keizer Urban

Growth Boundary the average width of a lot shall be at least 40 feet, and the average depth of a lot shall be at least 70 feet.

- (c) **Lot dimensions, other uses:** The average width of a lot shall be at least 40 feet, and the average depth of a lot shall be at least 80 feet, except as provided in Section 26.800 for Planned Developments.

**2.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an RS zone:

- (a) Within the Salem/Keizer Urban Growth Boundary, along the full extent of each front lot line, lot line abutting a street or roadway right-of-way line, there shall be a required yard 12 feet in depth provided, however, garages or carports having a vehicle entrance facing a street or roadway right-of-way line shall be set back at least 20 feet from the street right-of-way line or roadway right-of-way lines. For other Urban Growth Boundaries the required yard shall be 20 feet.
- (b) For dwellings within 20 feet from the street right-of-way no more than two adjacent lots shall have the same setback from the right-of-way for the primary building. Setbacks for the primary building shall vary at least four feet in depth. A dwelling having a side yard abutting a street shall not be considered as affecting or affected by setbacks of adjacent buildings under this subsection.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, there shall be a required yard of 20 feet from the right-of-way of a designated arterial or collector street or from the special setback established in Section 27.21, whichever is greater.
- (d) Setbacks for accessory structures shall be as provided in Chapter 28.
- (e) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.

**2.14 INTERIOR SIDE YARDS.** Within an RS zone the following side yards shall be provided:

- (a) A minimum of 5 feet; provided, inside the Salem/Keizer Urban Growth Boundary, side yards of 0 feet on one side and at least 10 feet on the other side are permitted for zero side yard dwellings (see Section 26.08) when the lot abutting the 0 setback is in the same ownership at the time the dwelling is constructed and the 0 setback will not encroach on any easements.
- (b) Setbacks for accessory structures shall be as provided in Chapter 28.
- (c) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.

**2.15 INTERIOR REAR YARDS.** Within an RS zone the following rear yards shall be provided:

- (a) Within the Salem/Keizer UGB 14 feet for any single family dwelling and for any portion of any other building not more than 15 feet in height; and 20 feet for any portion of a building greater than 15 feet in height other than a single family dwelling.
- (b) Within other urban growth boundaries 24 feet for a single family dwelling and 20 feet for any portion of a building other than a single family dwelling.
- (c) Setbacks for accessory structures shall be as provided in Chapter 28.

(d) Yards for Planned Developments and for Mobile Home Parks shall be as provided in Chapter 26.

**2.20 LANDSCAPING.** Within an RS zone:

- (a) All portions of required yards lying between a street or roadway and the dwelling, or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard, shall be landscaped.
- (b) All required landscaped areas shall be landscaped as provided in Chapter 29.

**2.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
Planned Developments	Chapter 26
Mobile Home Parks	Chapter 26
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30



**CHAPTER 3**  
**LIMITED MULTIPLE FAMILY RESIDENTIAL - RL ZONE**

Revised 10/06/06 Ord.#1204

Section	Title	Page
3.00	Purpose	1
3.01	Uses	1
3.02	Conditional Uses	2
3.03	Prohibited Uses	2
3.10	Development Standards	2
3.11	Height	2
3.12	Lot Area and Dimensions	3
3.13	Front Yards and Yards Adjacent to Streets	3
3.14	Interior Side Yards	3
3.15	Interior Rear Yards	4
3.20	Landscaping	4
3.30	Informational Reference to Additional Standards	4

\* Word defined in Chapter 49

**3.00 PURPOSE.** The RL (LIMITED MULTIPLE FAMILY RESIDENTIAL) zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. RL zones are located in areas designated Multiple Family Residential or an equivalent designation in the applicable urban area comprehensive plan and are provided with urban services. They should be located near the perimeter of lower density residential areas.

**3.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the RL zone:

- (a) Detached single family dwelling\* on a lot.
- (b) Child day care home\* for 12 or less children.
- (c) Duplex\*, multiple family dwelling\*.
- (d) Combination of permitted attached or detached dwellings on a lot.
- (e) Utility\* Substation.
- (f) The following uses subject to the special standards in Chapter 26:
  - (1) Mobile home\* on a lot in a mobile home subdivision (see Section 26.02).
  - (2) Two family shared housing (see Section 26.04).
  - (3) Zero side yard dwelling units\* (see Section 26.08).
  - (4) Home occupations limited\* (see Section 26.20).
  - (5) Residential facility\* (see Section 26.24).
  - (6) Residential sales offices (see Section 26.30).
  - (7) Public golf course SIC 7992 (see Section 26.32).

- (8) Boat and RV storage area (see Section 26.34).
- (9) Religious organizations\* (see Section 26.60).
- (10) Planned Developments (see Section 26.800).
- (11) Mobile home parks (see Section 26.900).
- (12) Elementary and secondary schools SIC 8211 (see Section 26.62).
- (13) Recreational vehicle park within a mobile home park (see Section 26.904).
- (14) Manufactured home on a lot in the Salem Urban Growth Boundary (see Section 26.03).

- (g) Signs subject to Chapter 31.
- (h) Accessory, secondary, and temporary uses permitted in Sections 25.20 and 25.30.

**3.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (a) Child day care center\* (see Section 26.22).
- (b) Rooming and boarding houses\*.
- (c) Public parks and playgrounds.
- (d) Public buildings and structures such as libraries, fire stations and public utility facilities\*.
- (e) Civic, social and fraternal organizations SIC 864.
- (f) Nursing care facility\* (see Section 26.24).
- (g) Child foster home\* for 6 or more children.
- (h) Individual and Family Social Services SIC 8322.
- (i) Membership recreation club SIC 7997 (see Section 26.32).
- (j) Home occupations-conditional\* subject to Chapter 32.40.

**3.03 PROHIBITED USES.** Within an RL zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 3.01 to 3.02.

**3.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**3.11 HEIGHT.** Within an RL zone:

- (a) Structures shall not exceed 35 feet in height except as provided for in (b) and (c).
- (b) Structures for public and semi-public\* uses - 70 feet provided required setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.
- (c) Structures exempt from height requirements identified in Section 27.16 and structures with specified height requirements identified in Chapter 28, are not subject to (a) and (b) above; however, required setbacks for structures identified in Section 27.16 shall be increased 1 foot for every foot the structure height exceeds 35 feet.

**3.12 LOT AREA AND DIMENSIONS.** Within an RL zone:

- (a) **Lot Area, Single family dwellings, mobile homes or duplexes:** Except as provided in Section 26.800 for Planned Developments, the lot area for an unattached single family dwelling, or a mobile home on a lot in a mobile home subdivision shall be at least 4,000 square feet. The lot area for a single family dwelling attached on one side is 3500 square feet, and for a single family dwelling attached on both sides the lot area shall be at least 3000 square feet. Duplexes shall occupy lots of at least 6,000 square feet. (See Chapter 27 for density limitations).
- (b) **Lot Area, multiple family dwellings:** The minimum lot area for multiple family dwellings shall be at least 6,000 square feet. (See Chapter 27 for density limitations).
- (c) **Lot Area, Other Uses:** At least 6,000 square feet.
- (d) **Lot dimensions, single family:** The average width of a lot shall be at least 40 feet, and the average depth of a lot shall be at least 70 feet except as provided in Section 26.800 for Planned Developments.
- (e) **Lot dimensions, other uses:** The average lot width of a lot shall be at least 40 feet, and the average depth of a lot shall be at least 80 feet, except as provided in Section 26.800 for Planned Developments.

**3.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an RL zone:

- (a) Along the full extent of each front lot line, lot line abutting a street and roadway right-of-way line there shall be a required yard 12 feet in depth provided, however, that garages or carports having a vehicle entrance facing a street or roadway right-of-way shall be setback at least 20 feet from the street or roadway right-of-way line.
- (b) For single family dwellings located less than 20 feet from the street right-of-way no more than two adjacent lots shall have the same setback from the street right-of-way. Setbacks for dwellings located less than 20 feet from the street shall vary at least four feet in depth between adjacent lots. A dwelling having a side yard abutting a street shall not be considered as affecting or affected by setbacks of adjacent buildings under this subsection.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, there shall be a required yard of 20 feet from the right-of-way of a designated arterial or collector street.
- (d) Setbacks for accessory structures shall be as provided in Chapter 28.
- (e) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.
- (f) Special setbacks, in addition to those in this section, are established in Section 27.21.

**3.14 INTERIOR SIDE YARDS.** Within an RL zone the following side yards shall be provided:

- (a) 5 feet, except 20 feet for any portion of a building greater than 15 feet in height, other than a single family dwelling, when the side lot line abuts an RS zone. Side yards of 0 feet on one side or both

sides are permitted for zero side yard dwellings (See Section 26.08) when the lot abutting the 0 setback is in the same ownership at the time the dwelling is established and the dwelling does not encroach into any easements. Where a 0 setback is provided the setback on the abutting lot shall be either 0 feet or at least 10 feet.

- (b) Setbacks for accessory structures shall be as provided in Chapter 28.
- (c) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.

**3.15 INTERIOR REAR YARDS.** Within an RL zone the following rear yards shall be provided:

- (a) 5 feet, except 20 feet for any portion of a building greater than 15 feet in height, other than a single family dwelling, when the rear lot line abuts an RS zone.
- (b) Setbacks for accessory structures shall be as provided in Chapter 28.
- (c) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.

**3.20 LANDSCAPING.** Within an RL zone:

- (a) All portions of required yards lying between a street or roadway and the dwelling or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard shall be landscaped.
- (b) All required landscaped areas shall be landscaped as provided in Chapter 29.
- (c) In addition to landscaped areas required under (a) playgrounds with play equipment or irrigated grass play fields, at least 400 square feet in area each, shall be provided whenever 8 or more dwelling units with two or more bedrooms are located on a lot. 50 square feet of playground or playfield shall be provided for each 2 or more bedroom dwelling unit. The average length of a playground or playfield shall not be more than twice the average width. At least one area shall be a playfield.

**3.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
Planned Developments	Chapter 26
Mobile Home Parks	Chapter 26
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 4**  
**MULTIPLE FAMILY RESIDENTIAL - RM ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
4.00	Purpose	1
4.01	Uses	1
4.02	Conditional Uses	2
4.03	Prohibited Uses	2
4.10	Development Standards	2
4.11	Height	2
4.12	Lot Area and Dimensions	3
4.13	Front Yards and Yards Adjacent to Streets	3
4.14	Interior Side Yards	4
4.15	Interior Rear Yards	4
4.20	Landscaping	4
4.25	Storage	4
4.30	Reference to Additional Standards	4

\* Word defined in Chapter 49

**4.00 PURPOSE.** The RM (MULTIPLE FAMILY RESIDENTIAL) zone is primarily intended to provide for multiple family dwellings on a lot, or attached dwellings on separate lots, at Residential densities greater than permitted in the RL zone. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated as Multiple Family Residential or an equivalent designation in the applicable urban area comprehensive plan and are provided with urban services. They are suited to locations near commercial office and retail zones and along collector and arterial streets.

**4.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the RM zone:

- (a) Detached single family dwelling\* on a lot.
- (b) Duplex\*, multiple family dwelling\*.
- (c) Combination of permitted attached or detached dwellings on a lot.
- (d) Utility\* Substation.
- (e) Child day care home\* for 12 or fewer children.
- (f) Child Foster home\*.
- (g) Residential Facility\*.
- (h) The following uses subject to the special standards in Chapter 26:
  - (1) Mobile home\* on a lot in a mobile home subdivision (see Section 26.02).
  - (2) Two family shared housing (see Section 26.04).
  - (3) Zero side yard dwelling units\* (see Section 26.08).

- (4) Home occupations limited\* (see Section 26.20).
- (5) Child day care center\* (see Section 26.22).
- (6) Nursing care facility\* (see Section 26.24).
- (7) Bed and breakfast establishments (see Section 26.26).
- (8) Residential sales offices (see Section 26.30).
- (9) Public golf course. SIC 7992 (see Section 26.32).
- (10) Boat and RV storage area (see Section 26.34).
- (11) Mixed use buildings (see Section 26.46).
- (12) Religious organizations\* (see Section 26.60).
- (13) Elementary and secondary schools. SIC 8211 (see Section 26.62).
- (14) Planned Developments (see Section 26.800).
- (15) Mobile home parks (see Section 26.901).
- (16) Recreational vehicle park within a mobile home park (see Section 26.904).
- (17) Manufactured home on a lot in the Salem Urban Growth Boundary (see Section 26.03).

- (i) Signs subject to Chapter 31.
- (j) Accessory, secondary, and temporary uses permitted in Sections 25.20 and 25.30.

**4.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (a) Rooming and boarding houses\* or lodging rooms\*.
- (b) Beauty shops, barber shops, parking lot. SIC 7521, when adjacent to a commercial zone.
- (c) Public parks and playgrounds.
- (d) Public buildings and structures such as libraries, fire stations and public utility facilities\*.
- (e) Civic, social and fraternal organizations. SIC 864.
- (f) Individual and Family Social Services. SIC 8322.
- (g) Membership recreation club. SIC 7997 (see Section 26.32).
- (k) Home occupations-conditional\* subject to Chapter 32.40.

**4.03 PROHIBITED USES.** Within an RM zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 4.01 to 4.02.

**4.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**4.11 HEIGHT.** Within an RM zone:

- (a) Structures shall not exceed 35 feet in height except as provided for in (b) and (c).
- (b) Structures for public and semi-public\* uses - 70 feet provided required setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.

- (c) Structures exempt from height requirements identified in Section 27.16 and structures with specified height requirements identified in Chapter 28, are exempt from (a) and (b) above; however, required setbacks for structures identified in Section 27.16 shall be increased 1 foot for every foot the structure height exceeds 35 feet.

**4.12 LOT AREA AND DIMENSIONS.** Within an RM zone:

- (a) **Lot Area, single family dwellings, mobile homes, and duplexes:** Except as provided in Section 26.800 for Planned Developments, the lot area for an unattached single family dwelling, or a mobile home on a lot in a mobile home subdivision, shall be at least 4,000 square feet. The lot area for a single family dwelling attached on one side is 3500 square feet, and the minimum lot area for a single family dwelling attached on both sides shall be at least 3000 square feet. Duplexes shall occupy lots of at least 6,000 square feet. (See Chapter 27 for density limitations).
- (b) **Lot Area, multi-family dwellings:** At least 6,000 square feet. (See Chapter 27 for density limitations).
- (c) **Lot Area, other uses:** At least 6,000 square feet.
- (d) **Lot Dimensions, single family:** The average width of a lot shall be at least 40 feet, and the average depth of a lot shall be at least 70 feet except as provided in Section 26.800 for Planned Developments.
- (e) **Lot Dimensions, other uses:** The average width of a lot shall be at least 40 feet, and the average depth of a lot shall be at least 80 feet, except as provided in Section 26.800 for Planned Developments.

**4.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an RM zone:

- (a) For dwellings, along the full extent of each front lot line, lot line abutting a street, and roadway right-of-way line, there shall be a required yard 12 feet in depth provided, however, that garages or carports having a vehicle entrance facing a street or roadway shall be setback at least 20 feet from the street or roadway right-of-way line.
- (b) For single family dwellings located less than 20 feet from the street right-of-way no more than two adjacent lots shall have the same setback from the street right-of-way. Setbacks for dwellings located less than 20 feet from the street shall vary at least four feet in depth. A dwelling having a side yard abutting a street shall not be considered as affecting or affected by setbacks of adjacent buildings under this subsection.
- (c) For other uses, along the full extent of each front lot line, lot line abutting a street, or roadway right-of-way line, there shall be a required yard one foot in depth for each one and one-half feet of building height, but in no event less than 12 nor more than 20 feet in depth.
- (d) Notwithstanding the provisions of subsections (a), (b) and (c) of this section, there shall be a required yard of 20 feet from the right-of-way of a designated arterial or collector street.
- (e) Setbacks for accessory structures shall be as provided in Chapter 28.

- (f) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.
- (g) Special setbacks, in addition to those in this section, are established in Section 27.20.

**4.14 INTERIOR SIDE YARDS.** Within an RM zone the following side yards shall be provided:

- (a) 5 feet, except 20 feet for any portion of a building greater than 15 feet in height, other than a single family dwelling, when the side lot line abuts an RS zone. Side yards of 0 feet on one side or both sides are permitted for zero side yard dwellings (See Section 26.08) when the lot abutting the 0 setback is in the same ownership at the time the dwelling is established and the dwelling does not encroach into any easements. Where a 0 setback is provided, the setback on the abutting lot shall be either 0 feet or at least 10 feet.
- (b) Setbacks for accessory structures shall be as provided in Chapter 28.
- (c) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.

**4.15 INTERIOR REAR YARDS.** Within an RM zone the following rear yards shall be provided:

- (a) 5 feet, except 20 feet for any portion of a building greater than 15 feet in height, other than a single family dwelling, when the rear lot line abuts an RS zone.
- (b) Yards for Planned Developments and Mobile Home Parks shall be as provided in Chapter 26.
- (c) Setbacks for accessory structures shall be as provided in Chapter 28.

**4.20 LANDSCAPING.** Within an RM zone:

- (a) All portions of required yards lying between a street or roadway and the dwelling or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard shall be landscaped.
- (b) All areas required to be landscaped under (a) shall be landscaped as provided in Chapter 29.
- (c) In addition to landscaped areas required under (a) playgrounds with play equipment or irrigated grass play fields, at least 400 square feet in area each, shall be provided whenever 8 or more dwelling units with two or more bedrooms are located on a lot. 50 square feet of playground or playfield shall be provided for each 2 or more bedroom dwelling unit. The average length of a playground or playfield shall not be more than twice the average width. At least one area shall be a playfield.

**4.25 STORAGE.** Within an RM zone open outdoor storage of materials or equipment shall be screened from view from the street and adjacent properties by a sight-obscuring fence, wall or hedge.

**4.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone  
Greenway Overlay Zone

Chapter 19  
Chapter 20



Airport Overlay Zone	Chapter 21
Planned Developments	Chapter 26
Mobile Home Parks	Chapter 26
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 5**  
**COMMERCIAL OFFICE - CO ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
5.00	Purpose	1
5.01	Uses	1
5.03	Prohibited Uses	2
5.10	Development Standards	3
5.11	Height	3
5.12	Lot Area and Dimensions	3
5.13	Front Yards and Yards Adjacent to Streets	3
5.14	Interior Side and Rear Yards	4
5.20	Landscaping	4
5.27	Storage	4
5.30	Reference to Additional Standards	5

\* Word defined in Chapter 49

**5.00 PURPOSE.** The purpose of the CO (Commercial Office) zone is to provide areas suitable for professional and general commercial offices, membership organizations, similar low intensity, non-retail commercial services and medium density residential accommodations. The Commercial Office zone is appropriate in those areas designated Commercial in the applicable urban area comprehensive plan and as a transition between residential and more intensive commercial areas.

**5.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CO zone:

- (1) One or more buildings with one or more dwelling units\* or lodging rooms\* on a lot, including single family dwellings\*, duplexes\*, and multiple family dwellings\*.
- (2) Travel agency. SIC 4724.
- (3) Telephone/telegraph communication and radio and television broadcasting, cable television services. SIC 481, 482, 483, 484 except transmission towers\*.
- (4) News dealers and newsstands. SIC 5994.
- (5) Finance, insurance and real estate. SIC 60, 61, 62, 63, 64, 65, 66, 67.
- (6) Rooming and boarding houses\*.
- (7) Organization hotels and lodging houses on membership basis. SIC 704.
- (8) Landscape counseling and planning. SIC 0781.
- (9) Photography studios, beauty and barber shops. SIC 722, 723, 724.
- (10) Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies. SIC 732.
- (11) Direct mail advertising services. SIC 7331.
- (12) Photo copying and duplicating services. SIC 7334.
- (13) Secretarial and court reporting services. SIC 7338.
- (14) Personnel supply services. SIC 736.
- (15) Computer programming, data processing, and other computer related services. SIC 737.

- (16) Miscellaneous business services. SIC 738 except SIC 7384 photofinishing laboratories and SIC 7389 Business services not already classified.
- (17) Health services. SIC 80 except SIC 806 hospitals, and SIC 805 nursing and personal care facilities.
- (18) Legal services. SIC 81.
- (19) Elementary and secondary schools. SIC 8211.
- (20) Vocational schools. SIC 824.
- (21) Schools and educational services, not elsewhere classified. SIC 829.
- (22) Individual and family services. SIC 832.
- (23) Social services, not elsewhere classified. SIC 839.
- (24) Membership organizations. SIC 86.
- (25) Engineering, accounting, research management, and related services. SIC 87.
- (26) Executive offices. SIC 911.
- (27) Executive and legislative combined. SIC 913.
- (28) Legal counsel and prosecution. SIC 9222.
- (29) Finance, taxation, and monetary policy. SIC 93.
- (30) Administration of human resources programs. SIC 94.
- (31) Administration of environmental quality and housing programs. SIC 95.
- (32) Administration of economic programs. SIC 96.
- (33) National security and international affairs. SIC 97.
- (34) Public parks and playgrounds.
- (35) Public Buildings and structures such as libraries, fire stations and public utility facilities\*.
- (36) Residential facility\*.
- (37) Child day care home\* or center\*.
- (38) Child Foster home\*.
- (39) The following uses subject to the special standards in Chapter 26:
  - (a) Funeral service and crematories. SIC 726 (see Section 26.44).
  - (b) Zero side yard dwellings\* (see Section 26.08).
  - (c) Public golf course. SIC 7992 and membership recreation clubs. SIC 7997 (see Section 26.32).
  - (d) Nursing Care Facility\* (see Section 26.24).
  - (e) Bed and breakfast establishments (see Section 26.26).
  - (f) Veterinary services. SIC 074 (see Section 26.42).
  - (g) Mixed use buildings (see Section 26.46).
  - (h) Religious organizations\*. (see Section 26.60).
  - (i) Eating places. SIC 5812 except mobile food vendors located within the Woodburn Urban Growth Boundary and the Salem/Keizer Urban Growth Boundary (see Section 26.56).
  - (j) Automotive Parking. SIC 7521 (see Section 26.58).
  - (k) Mobile food vendor\* (see Section 26.57).
- (40) Uses permitted in Chapter 25.
- (41) Signs subject to Chapter 31.

**5.03 PROHIBITED USES.** Within a CO zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 5.01 to 5.02.

**5.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**5.11 HEIGHT.** Within a CO zone:

- (a) Single family and duplex structures shall not exceed 35 feet in height.
- (b) All buildings with three or more dwelling units or guest rooms shall not exceed 50 feet in height.
- (c) All other buildings and structures - 70 feet provided required setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.
- (d) Structures exempt from these height requirements are identified in Chapter 20 and structures with specified height requirements are identified in Chapter 23.

**5.12 LOT AREA AND DIMENSIONS.** Within a CO zone:

- (a) **Lot Area, Single Family Dwellings and Duplexes:** The lot area for an unattached single family dwelling shall be at least 4,000 square feet. The lot size for a single family dwelling attached on one side shall be at least 3500 square feet, and the lot size for a single family dwelling attached on both sides shall be at least 3000 square feet. Duplexes shall occupy lots of at least 6,000 square feet. (See Chapter 27 for density limitations).
- (b) **Lot Area, Multi-Family Dwellings:** All multiple family uses shall occupy lots of at least 6,000 square feet. One dwelling unit per 1,500 square feet of net lot area is allowed. (See Chapter 27 for density limitations).
- (c) **Lot Area, Other Uses:** All other uses shall occupy lots of at least 6,000 square feet.
- (d) **Lot Dimensions, Single Family:** The average lot width shall be at least 40 feet, and the average lot depth shall be at least 70 feet.
- (e) **Lot Dimensions, Other Uses:** The average lot width shall be at least 40 feet, and the average lot depth shall be at least 80 feet.

**5.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within a CO zone:

- (a) Along the full extent of each front lot line, lot line abutting a street and roadway right-of-way, there shall be a required yard 12 feet in depth provided, however, that garages or carports having a vehicle entrance facing a street or roadway shall be setback at least 20 feet from the street or roadway right-of-way line.
- (b) For single family dwellings located less than 20 feet from the street right-of-way no more than two adjacent lots shall have the same setback from the street right-of-way. Setbacks for dwellings

located less than 20 feet from the street shall vary at least four feet in depth between adjacent lots. A dwelling having a side yard abutting a street shall not be considered as affecting or affected by setbacks of adjacent buildings under this subsection.

- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, there shall be a required yard of 20 feet from the right-of-way of a designated arterial or collector street.
- (d) Setbacks for accessory structures shall be the same as for main buildings except for accessory structures serving dwellings which are subject to the requirements of Chapter 27.
- (e) Special setbacks, in addition to those in this section, are established in Section 27.20.

**5.14 INTERIOR SIDE AND REAR YARDS.** Within a CO zone the following yards shall be provided:

- (a) Five feet for any portion of a building not more than 15 feet in height.
- (b) Ten feet for any portion of a building over 15 feet in height.
- (c) For zero side yard dwellings see Section 26.08.
- (d) Notwithstanding the provisions of subsections (a) and (b) of this section, where a rear lot line is the boundary of an alley, a building or structure may be built with walls on the property line.
- (e) Setbacks for accessory structures shall be the same as for primary buildings under this section, except that setbacks for accessory structures serving dwelling units shall be as provided in chapter 27.

**5.20 LANDSCAPING.** Within a CO zone:

- (a) All portions of required yards lying between a street or roadway and the structure or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard shall be landscaped.
- (b) Landscaping shall be provided in any yard abutting a residential zone and in any required interior or side yard.
- (c) A landscaped area at least 5 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone, or a street or roadway.
- (d) All required landscape areas shall be landscaped as provided in Chapter 29.

**5.25 STORAGE.** Within a CO zone outdoor storage of materials and equipment is prohibited except in conjunction with residential uses where the storage shall be screened from view from the street and adjacent properties by a sight-obscuring fence, wall or hedge.

**5.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

## CHAPTER 6 COMMERCIAL RETAIL - CR ZONE

Revised 10/06/04 Ord.#1204

Section	Title	Page
6.00	Purpose	1
6.01	Uses	1
6.02	Conditional Uses	3
6.03	Prohibited Uses	3
6.10	Development Standards	3
6.11	Height	3
6.12	Lot Area and Dimensions	3
6.13	Front Yards and Yards Adjacent to Streets	3
6.14	Interior Side and Rear Yards	3
6.20	Landscaping	4
6.25	Special Requirements Adjacent To Residential Zones	4
6.30	Informational Reference to Additional Standards	4

\* Word defined in Chapter 49

**6.00 PURPOSE.** The purpose of the CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The Commercial Retail zone is appropriate in those areas designated Commercial in the applicable urban area comprehensive plan and where the location has access to a collector or arterial street.

**6.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CR zone:

- (1) One dwelling unit\* in conjunction with a commercial use.
- (2) Offices for any use listed in SIC Division C - Construction.
- (3) Commercial printing. SIC 275.
- (4) Post offices. SIC 43.
- (5) Travel Agency. SIC 4724.
- (6) Communications. SIC 48 except transmission towers\*.
- (7) Building materials, hardware, retail nurseries and garden supply. SIC 52 except SIC 527 mobile home dealers.
- (8) General merchandise stores. SIC 53.
- (9) Food stores. SIC 54.
- (10) Auto and home supply stores. SIC 553.
- (11) Apparel and accessory stores. SIC 56.
- (12) House furniture, furnishings and equipment stores. SIC 57.
- (13) Eating and drinking places except mobile food vendors located within the Woodburn Urban Growth Boundary and the Salem/Keizer Urban Growth Boundary. SIC 58.
- (14) Miscellaneous retail. SIC 59 except SIC 598 fuel dealers, provided all display is within a building.
- (15) Finance, insurance and real estate. SIC 60, 61, 63, 64, 65, 66 and 67.

- (16) Hotels, rooming houses\*, and other lodging places. SIC 70 except campgrounds\* and recreational vehicle parks\*.
- (17) Public utility\*.
- (18) Personal services. SIC 72 except SIC 7217 carpet and upholstery cleaning and SIC 7218 industrial launderers.
- (19) Business services. SIC 73 except SIC 7342 disinfecting and pest control services, and SIC 7353 heavy construction equipment rental.
- (20) Signs subject to Chapter 31.
- (21) Watch, clock and jewelry repair. SIC 763.
- (22) Landscape counseling and planning. SIC 0781.
- (23) Motion picture distribution and allied services. SIC 782.
- (24) Motion picture theaters. SIC 783 except SIC 7838 drive-in.
- (25) Video tape rental. SIC 784.
- (26) Dance studios, schools, and halls. SIC 791.
- (27) Theatrical producers (except motion pictures), bands orchestras and entertainers. SIC 792.
- (28) Bowling centers. SIC 793.
- (29) Miscellaneous amusement and recreation services. SIC 799 except SIC 7992 golf courses and SIC 7996 amusement parks.
- (30) Health services. SIC 80 except SIC 806 hospitals.
- (31) Ambulance service.
- (32) Legal services. SIC 81.
- (33) Educational service. SIC 82.
- (34) Social services. SIC 83, including Nursing Care Facility\*.
- (35) Museums, art galleries, botanical and zoological gardens. SIC 84.
- (36) Membership organizations. SIC 86.
- (37) Engineering, Accounting, Research management, and related services. SIC 87.
- (38) Miscellaneous services. SIC 89.
- (39) Executive offices. SIC 911.
- (40) Executive and legislative combined. SIC 913.
- (41) Finance, taxation, and monetary policy. SIC 93.
- (42) Administration of human resources programs. SIC 94.
- (43) Administration of environmental quality and housing programs. SIC 95.
- (44) Administration of economic programs. SIC 96.
- (45) National security and international affairs. SIC 97.
- (46) Uses permitted in Chapter 25.
- (47) The following uses subject to the special standards in Chapter 26:
  - (a) Gasoline Service stations. SIC 554 (see Section 26.52).
  - (b) Used merchandise store (see Section 26.48) provided all display is within a building.
  - (c) Religious organizations\*. (see Section 26.60).
  - (d) Veterinary services. SIC 074 (see Section 26.42).
  - (e) Recreational vehicle parks\* (see Section 26.40).
  - (f) Bed and breakfast establishments (see Section 26.26).
  - (g) Mixed use buildings (see Section 26.46).
  - (h) Automobile dealers. SIC 55 except SIC 553, 554 (see Section 26.58).
  - (i) Automotive Parking. SIC 7521 (see Section 26.58).
  - (j) Mobile food vendor\* (see Section 26.57).



**6.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (1) Manufacture of jewelry, silverware and plated ware. SIC 391.
- (2) Manufacture of costume jewelry, novelties, buttons, etc. SIC 396.
- (3) Local and suburban passenger transportation. SIC 411.
- (4) Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial. SIC 413.
- (5) Transmission towers\*
- (6) Carpet and upholstery cleaning. SIC 7217.
- (7) Automotive rental and leasing, without drivers. SIC 751 (see Section 26.58).
- (8) Automotive repair shops. SIC 753 (see Section 26.58).
- (9) Automotive services, except repair. SIC 754 (see Section 26.58).
- (10) Electrical repair shops. SIC 762.
- (11) Reupholstery and furniture repair. SIC 764.
- (12) Professional sports clubs and promoters. SIC 7941.
- (13) Utilities\* - secondary truck parking and material storage yard.

**6.03 PROHIBITED USES.** Within an CR zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 6.01 to 6.02.

**6.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**6.11 HEIGHT.** Within a CR zone buildings and structures erected, altered, or enlarged shall not exceed 50 feet in height; provided, the portion of any non-residential structure within 20 feet of a side or rear lot line that abuts on a lot in a residential zone shall not project above a plane 12 feet high at the abutting lot line and increasing 1 foot for each foot of distance from the lot line.

**6.12 LOT AREA AND DIMENSIONS.** Within a CR zone there are no minimum lot area or dimension requirements.

**6.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within a CR zone:

- (a) Along the full extent of each lot line abutting a street or roadway there shall be a required yard 5 feet in depth.
- (b) Yards for accessory structures except fences shall be the same as for primary buildings.

**6.14 INTERIOR SIDE AND REAR YARDS.** Within a CR zone the following yards shall be provided:

- (a) Adjacent to a side or rear lot line abutting a lot in any residential zone, there shall be a required side or rear yard three feet in depth along the full extent of the side or rear lot line.

- (b) Except as provided in subsection (a) of this section, no interior rear or side yards are required; but any space between a building and another structure, other than a fence, shall be not less than three feet in depth exclusive of any alley area.
- (c) Yard requirements for accessory buildings and structures except fences shall be the same as for main buildings.

**6.20 LANDSCAPING.** Within a CR zone:

- (a) Landscaping shall be provided in any yard abutting a residential zone and in any required front or side yard. Such yard shall be contained by a sight-obscuring fence, wall or hedge at least 6 feet high.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone or a street or roadway.
- (c) All outdoor areas used in conjunction with the development or use that are not landscaped shall be paved and drainage provided in accordance with Marion County Department of Public Works standards.
- (d) All required landscape areas shall be landscaped as provided in Chapter 29.

**6.25 SPECIAL REQUIREMENTS ADJACENT TO RESIDENTIAL ZONES.** Any non-residential development established after the adoption of this ordinance abutting a residential, UD, UT, or UTF zone shall meet the following requirements:

- (a) Outdoor storage facilities shall be screened by a sight-obscuring fence, wall or hedge from view of the public road and from adjacent residential property.
- (b) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
- (c) Roof equipment shall be screened from view of nearby residential property.
- (d) Noise generated by non-residential development and associated activity shall not exceed the standards in OAR 340-35 Addendum A.

**6.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

## CHAPTER 7 COMMERCIAL GENERAL - CG ZONE

Revised 10/06/04 Ord.#1204

Section	Title	Page
7.00	Purpose	1
7.01	Uses	1
7.03	Prohibited Uses	2
7.10	Development Standards	2
7.11	Height	3
7.12	Lot Area and Dimensions	3
7.13	Front Yards and Yards Adjacent to Streets	3
7.14	Interior Side and Rear Yards	3
7.20	Landscaping	3
7.25	Special Requirements Adjacent to Residential Zones	3
7.30	Informational Reference to Additional Standards	4

**7.00 PURPOSE.** The purpose of the CG (Commercial General) zone is to provide areas suitable for warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The Commercial General zone is appropriate in those areas designated Commercial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway for transport of bulk materials and where impacts associated with permitted uses will not create significant adverse impacts on local streets or residential zones.

**7.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CG zone:

\* Word defined in Chapter 49

- (1) One dwelling unit\* or lodging room\* in conjunction with a commercial use.
- (2) Landscape and horticultural SIC 078.
- (3) Construction contractor's offices and related outdoor SIC 15, 16, 17.
- (4) Printing and SIC 27.
- (5) Transportation, communication, electric, gas and sanitary services. SIC 40, 41, 42, 43, 44, 45, 47.
- (6) Communication. SIC 48.
- (7) Wholesale trade. SIC 50 and 51 except scrap and waste materials\* (SIC 5093), livestock (SIC 5154) and chemicals and allied products (SIC 516).
- (8) Building materials, hardware, retail nursery and garden supply and mobile home dealers. SIC 52.
- (9) General merchandise stores. SIC 53.
- (10) Food stores. SIC 54.
- (11) Auto and home supply stores. SIC 553.
- (12) Apparel and accessories stores. SIC 56.
- (13) Home furniture, furnishings and equipment stores. SIC 57.
- (14) Eating and drinking places. SIC 58 except mobile food vendors located within the Woodburn Urban Growth Boundary and the Salem/Keizer Urban Growth Boundary.
- (15) Miscellaneous retail. SIC 59.

- (16) Finance, insurance and real estate. SIC 60, 61, 62, 63, 64, 65, 66, 67.
- (17) Hotels and motels. SIC 701.
- (18) Personal services. SIC 72.
- (19) Business services. SIC 73.
- (20) Miscellaneous repair services. SIC 76.
- (21) Amusement and recreation service. SIC 79 except racing (SIC 7948).
- (22) Motion pictures. SIC 78.
- (23) Health services. SIC 80, including Nursing Care Facilities, except hospitals (SIC 806).
- (24) Legal services. SIC 81.
- (25) Educational services. SIC 82.
- (26) Social services. SIC 83.
- (27) Museums, art galleries, botanical and zoological gardens. SIC 84.
- (28) Amusement and recreation services. SIC 79.
- (29) Membership organizations. SIC 86.
- (30) General government, not elsewhere classified. SIC 919.
- (31) Fire protection. SIC 9224.
- (32) Administration of economic programs. SIC 96.
- (33) National security and international affairs. SIC 97.
- (34) Public Utilities\* including truck parking and material storage yard.
- (35) Recycling depots\*.
- (36) Pet\* Stores.
- (37) Auctions.
- (38) Uses permitted in Chapter 25.
- (39) Signs subject to Chapter 31.
- (40) Ambulance service.
- (41) The following uses subject to the special standards in Chapter 26:
  - (a) Veterinary services. SIC 074 (see Section 26.42).
  - (b) Gasoline service station. SIC 554 (see Section 26.52).
  - (c) Automotive dealers. SIC 55, except gasoline service stations (SIC 554) (see Section 26.58).
  - (d) Automotive repair services and parking. SIC 75 (see Section 26.58).
  - (e) Used merchandise store (see Section 26.48).
  - (f) Religious Organization\* (see Section 26.60).
  - (g) Mobile food vendors\* (see Section 26.57).

**7.03 PROHIBITED USES.** Within a CG zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 7.01 to 7.02.

**7.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**7.11 HEIGHT.** Within a CG zone buildings and structures erected, altered, or enlarged shall not exceed 70 feet in height; provided the portion of any non-residential structure within 20 feet of a side or rear lot line that abuts on a lot in a residential zone shall not project above a plane 12 feet high at the abutting lot line and increasing 1 foot for each foot of distance from the lot line.

**7.12 LOT AREA AND DIMENSIONS.** Within a CG zone there are no minimum lot area or dimension requirements.

**7.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within a CG zone:

- (a) Along the full extent of each lot line abutting a street or roadway, there shall be a required yard 5 feet in depth.
- (b) Yards for accessory structures except fences shall be the same as for primary buildings.

**7.14 INTERIOR SIDE AND REAR YARDS.** Within a CG zone the following yards shall be provided:

- (a) Contiguous to a side or rear lot line abutting a lot in any residential zone there shall be a required side or rear yard three feet in depth along the full extent of the side or rear lot line. Such yard shall be contained by a sight-obscuring fence, wall or hedge.
- (b) Except as provided in subsection (a) of this section, no interior rear or side yards are required; but any space between a building and another structure, other than a fence, shall be not less than three feet in depth exclusive of any alley area.
- (c) Setbacks for accessory buildings and structures except fences shall be the same as for primary buildings.

**7.20 LANDSCAPING.** Within a CG zone:

- (a) Landscaping shall be provided in any yard abutting a residential zone and in any required front or side yard.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone or a street or roadway.
- (c) All outdoor areas used in conjunction with the development or use that are not landscaped shall be paved and drainage provided in accordance with the Marion County Department of Public Works standards.
- (d) All required landscape areas shall be landscaped as provided in Chapter 29.

**7.25 SPECIAL REQUIREMENTS ADJACENT TO RESIDENTIAL ZONES.** Any non-residential development proposed within 100 feet of a residential, UD, UT, or UTF zone shall meet the following requirements:

- (a) Outdoor storage facilities shall be screened from view of the public road and from adjacent residential property.
- (b) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.

- (c) Roof equipment shall be screened from view of nearby residential property.
- (d) Noise generated by non-residential development and associated activity shall not exceed the standards in OAR 340-35 Addendum A.

**7.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 8**  
**HIGHWAY COMMERCIAL - HC ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
8.00	Purpose	1
8.01	Uses	1
8.02	Conditional Uses	2
8.03	Prohibited Uses	2
8.10	Development Standards	2
8.11	Height	2
8.12	Lot Area and Dimensions	2
8.13	Front Yards and Yards Adjacent to Streets	2
8.14	Interior Side and Rear Yards	2
8.20	Landscaping	3
8.25	Special Requirements Adjacent to Residential Zones	3
8.30	Informational Reference to Additional Standards	3

\* Word defined in Chapter 49

**8.00 PURPOSE.** The purpose of the HC (HIGHWAY COMMERCIAL) zone is to provide areas suitable for services dependent on a location near a highway intersection or interchange and primarily serving residents of urban areas or the traveling public. The HC (HIGHWAY COMMERCIAL) zone is appropriate on lands designated Commercial or similar designation in the applicable city comprehensive plan and near an intersection with a State highway or a freeway interchange where permitted uses will not create significant adverse impacts on local streets or residential zones.

**8.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the HC zone:

- (1) One dwelling unit\* or lodging room\* in conjunction with a commercial use.
- (2) Transit and highway passenger transportation. SIC 41.
- (3) Trucking, except local. SIC 4213.
- (4) Terminal facilities for motor freight transportation. SIC 4231.
- (5) United States Postal Service. SIC 43.
- (6) Radio, telephone communications. SIC 4812.
- (7) Eating and drinking places. SIC 58 except mobile food vendors located within the Woodburn Urban Growth Boundary and the Salem/Keizer Urban Growth Boundary.
- (8) Novelty, souvenir shops. SIC 5947.
- (9) Automatic merchandising, machine operators. SIC 5962.
- (10) Hotels and motels. SIC 7011.
- (11) Utility trailer and recreational vehicle\* rental. SIC 7519.
- (12) The following uses subject to the special standards in Chapter 26:
  - (a) Automotive dealers. SIC 55, except SIC 553, 554 (see Section 26.58).
  - (b) Gasoline service station. SIC 554 (see Section 26.52).

- (c) Recreational vehicle parks.\* SIC 7033 (see Section 26.40).
- (d) Religious Organization\*. (see Section 26.60).
- (e) Automotive Parking. SIC 7521 (see Section 26.58)
- (f) Automotive repair shops, except top, body, and upholstery repair and paint shops. SIC 7532 (see Section 26.58).
- (g) Automotive services, except repair. SIC 754 (see Section 26.58).
- (h) Uses permitted in Chapter 25.
- (i) Mobile food vendors\* (see Section 26.57).

- (13) Food stores (SIC 54) in conjunction with a gasoline service station.
- (14) Signs subject to Chapter 31.

**8.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit.

- (a) Mobile home dealers. SIC 527.
- (b) Food stores. SIC 54.

**8.03 PROHIBITED USES.** Within an HC zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 8.01 to 8.02.

**8.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**8.11 HEIGHT.** Within an HC zone buildings and structures erected, altered, or enlarged shall not exceed 50 feet in height; provided the portion of any non-residential structure within 20 feet of a side or rear lot line that abuts on a lot in a residential zone shall not project above a plane 12 feet high at the abutting lot line and increasing 1 foot for each foot of distance from the lot line.

**8.12 LOT AREA AND DIMENSIONS.** Within an HC zone there are no minimum lot area or dimension requirements.

**8.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an HC zone:

- (a) Along the full extent of each lot line abutting a street or roadway, there shall be a required yard 5 feet in depth.
- (b) Yards for accessory structures except fences shall be the same as for primary buildings.

**8.14 INTERIOR SIDE AND REAR YARDS.** Within an HC zone the following yards shall be provided:

- (a) Contiguous to a side or rear lot line abutting a lot in any residential zone there shall be a required side or rear yard three feet in depth along the full extent of the side or rear lot line. Such yard shall be contained by a sight-obscuring fence, wall or hedge.



- (b) Except as provided in subsection (a) of this section, no interior rear or side yards are required; but any space between a building and another structure, other than a fence, shall be not less than three feet in depth exclusive of any alley area.
- (c) Setbacks for accessory buildings and structures except fences shall be the same as for primary buildings.

**8.20 LANDSCAPING.** Within an HC zone:

- (a) Landscaping shall be provided in any yard adjacent to a residential zone and in any required front or side yard.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone or a street or roadway
- (c) All outdoor areas used in conjunction with the development or use that are not landscaped shall be paved and drainage provided in accordance with Marion County Department of Public Works standards.
- (d) All required landscape areas shall be landscaped as provided in Chapter 29.

**8.25 SPECIAL REQUIREMENTS ADJACENT TO RESIDENTIAL ZONES.** Any non-residential development proposed within 100 feet of a residential, UD, UT, or UTF zone shall meet the following requirements:

- (a) Outdoor storage facilities shall be screened by a sight obscuring fence, wall or hedge from view of the public road and from adjacent residential property.
- (b) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
- (c) Roof equipment shall be screened from view of nearby residential property.
- (d) Noise generated by non-residential development and associated activity shall not exceed the standards in OAR 340-35 Addendum A.

**8.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

## CHAPTER 9 INDUSTRIAL COMMERCIAL - IC ZONE

Revised 10/06/04 Ord.#1204

Section	Title	Page
9.00	Purpose	1
9.01	Uses	1
9.02	Conditional Uses	3
9.03	Prohibited Uses	3
9.10	Development Standards	3
9.11	Height	4
9.12	Lot Area and Dimensions	4
9.13	Front Yards and Yards Adjacent to Streets	4
9.14	Interior Side and Rear Yards	4
9.20	Landscaping	4
9.25	Special Requirements Adjacent to Residential Zones	4
9.30	Informational Reference to Additional Standards	5

\* Word defined in Chapter 49

**9.00 PURPOSE.** The purpose of the IC (INDUSTRIAL COMMERCIAL) zone is to provide areas suitable for light industrial uses such as warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The Industrial Commercial zone is appropriate in those areas designated Industrial in the applicable urban area comprehensive plan where the location has access to a collector, arterial street or highway and permitted uses will not create significant adverse impacts on local streets or residential zones.

**9.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the IC zone:

- (1) One dwelling unit\* or lodging room\* in conjunction with a commercial or industrial use.
- (2) Veterinary Services. SIC 074.
- (3) Farm Labor and Management Services. SIC 076.
- (4) Landscape and horticultural services. SIC 078.
- (5) Forestry Service. SIC 085.
- (6) Construction contractor's offices and related outdoor storage. SIC 15, 16, 17.
- (7) Dairy products. SIC 202.
- (8) Canned and preserved fruits and vegetables. SIC 203.
- (9) Grain mill products. SIC 204.
- (10) Bakery products. SIC 205.
- (11) Candy and other confectionery products. SIC 2065.
- (12) Chocolate and cocoa products. SIC 2066.
- (13) Chewing gum. SIC 2067.
- (14) Beverages. SIC 208.
- (15) Miscellaneous food preparations and kindred products. SIC 209.

- (16) Tobacco products. SIC 21.
- (17) Textile mill products. SIC 22.
- (18) Apparel and other finished products made from fabrics and similar materials. SIC 23.
- (19) Wood kitchen cabinets. SIC 2434.
- (20) Paperboard containers and boxes. SIC 265.
- (21) Printing, publishing, and allied industries. SIC 27.
- (22) Leather and leather products. SIC 31 except leather tanning and finishing (SIC 311).
- (23) Metal cans and shipping containers. SIC 341.
- (24) Cutlery, hand tools and general hardware. SIC 342.
- (25) Plumbing and heating, except electric. SIC 343.
- (26) Computer, and office equipment. SIC 357.
- (27) Electronic and other electrical equipment, and computers. SIC 36 except storage batteries (SIC 3691) and primary batteries, dry and wet (SIC 3692).
- (28) Motor vehicles and motor vehicle equipment. SIC 371.
- (29) Aircraft and parts. SIC 372.
- (30) Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks. SIC 38 except photographic equipment and supplies (SIC 386).
- (31) Signs and advertising specialties SIC 3993.
- (32) Transportation, communication, electric, gas and sanitary services. SIC 40, 41, 42, 43, 44, 45, 47, 48, 49.
- (33) Wholesale trade. SIC 50, 51 except scrap and waste materials (SIC 5093), livestock (SIC 5154), and chemicals and allied products (SIC 516).
- (34) Building materials, hardware, garden supply and mobile home dealers. SIC 52.
- (35) General merchandise stores. SIC 53.
- (36) Food stores. SIC 54.
- (37) Automotive dealers. SIC 55.
- (38) Apparel and accessories stores. SIC 56.
- (39) Furniture, home furnishings, and equipment stores. SIC 57.
- (40) Eating and drinking places. SIC 58 except mobile food vendors located within the Woodburn Urban Growth Boundary and the Salem/Keizer Urban Growth Boundary.
- (41) Miscellaneous retail. SIC 59.
- (42) Finance, insurance and real estate. SIC 60, 61, 62, 63, 64, 65, 66, 67.
- (43) Personal Services. SIC 72.
- (44) Business services. SIC 73.
- (45) Automotive repair services and parking. SIC 75.
- (46) Miscellaneous repair services. SIC 76.
- (47) Motion pictures. SIC 78.
- (48) Amusement and recreation service. SIC 79 except racing (SIC 7948).
- (49) Health services. SIC 80, except hospitals (SIC 806), and nursing and personal care facilities (SIC 805).
- (50) Legal services. SIC 81.
- (51) Educational services. SIC 82.
- (52) Social services. SIC 83, except residential care (SIC 836).
- (53) Museums, art galleries, botanical and zoological gardens. SIC 84.
- (54) Miscellaneous services. SIC 89.
- (55) General government, not elsewhere classified. SIC 919.
- (56) Fire protection. SIC 9224.
- (57) Administration of economic programs. SIC 96.

- (58) National security and international affairs. SIC 97.
- (59) Public utility facilities\*.
- (60) Signs subject to Chapter 31.
- (61) Uses permitted in Chapter 25.
- (62) Auctions.
- (63) Utilities\* - secondary truck parking and material storage yard.
- (64) Ambulance Service.
- (65) Mobile food vendors subject to Section 26.57.

**9.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (1) Animal specialty services. SIC 0752.
- (2) Crude petroleum and gas extraction. SIC 131.
- (3) Millwork. SIC 2431.
- (4) Structural wood members, not elsewhere classified. SIC 2439.
- (5) Wooden containers. Section 244.
- (6) Miscellaneous wood products. SIC 249.
- (7) Furniture and fixtures. SIC 25.
- (8) Chemicals and allied products. SIC 28 except miscellaneous chemical products (SIC 289).
- (9) Rubber and plastics footwear. SIC 302.
- (10) Fabricated rubber products, not elsewhere classified. SIC 306.
- (11) Miscellaneous plastics products. SIC 308.
- (12) Leather tanning and finishing. SIC 311.
- (13) Enameled iron and metal sanitary ware. SIC 3431.
- (14) Plumbing fixture fittings and trim (brass goods). SIC 3432.
- (15) Screw machine products and bolts, nuts, screws, rivets, and washers. SIC 345.
- (16) Metal forgings and stampings. SIC 346.
- (17) Electroplating, plating, anodizing, and coloring. SIC 3471.
- (18) Miscellaneous fabricated metal products. SIC 349.
- (19) Metalworking machinery and equipment. SIC 354.
- (20) Woodworking machinery. SIC 3553.
- (21) Refrigeration and service industry machinery. SIC 358.
- (22) Ship and boat building and repairing. SIC 373.
- (23) Jewelry, silverware and patch ware. SIC 391.
- (24) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals. SIC 396.
- (25) Solid waste transfer stations\*.
- (26) Recreational Vehicle Park\* (see Section 26.40)

**9.03 PROHIBITED USES.** Within an IC zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 9.01 to 9.02.

**9.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**9.11 HEIGHT.** Within an IC zone buildings and structures erected, altered, or enlarged shall not exceed 70 feet in height; provided any portion of a non-residential structure within 20 feet of a side or rear lot line that abuts on a lot in a residential zone shall not project above a plane 12 feet high at the abutting lot line and increasing 1 foot for each foot of distance from the lot line.

**9.12 LOT AREA AND DIMENSIONS.** Within an IC zone there are no minimum lot area or dimension requirements.

**9.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an IC zone:

- (a) Along the full extent of each lot line abutting a street or roadway, there shall be a required yard 5 feet in depth.
- (b) Yards for accessory structures except fences shall be the same as for primary buildings.

**9.14 INTERIOR SIDE AND REAR YARDS.** Within a IC zone the following yards shall be provided:

- (a) Contiguous to a side or rear lot line abutting a lot in any residential zone there shall be a required side or rear yard three feet in depth along the full extent of the side or rear lot line. Such yard shall be contained by a sight-obscuring fence, wall or hedge.
- (b) Except as provided in subsection (a) of this section, no interior rear or side yards are required; but any space between a building and another structure, other than a fence, shall be not less than three feet in depth exclusive of any alley area.
- (c) Yards for accessory buildings and structures except fences shall be the same as for primary buildings.

**9.20 LANDSCAPING.** Within an IC zone:

- (a) Landscaping shall be provided in any yard adjacent to a residential zone and in any required front or side yard.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone, or a street or roadway.
- (c) All required landscape areas shall be landscaped as provided in Chapter 29.

**9.25 SPECIAL REQUIREMENTS ADJACENT TO RESIDENTIAL ZONES.** Any non-residential development proposed within 100 feet of a residential, UD, UT, or UTF zone shall meet the following requirements:

- (a) Outdoor storage facilities shall be screened from view of the public road and from adjacent residential property.

- (b) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
- (c) Roof equipment shall be screened from view of nearby residential property.
- (d) Noise generated by non-residential development and associated activity shall not exceed the standards in OAR 340-35 Addendum A.

**9.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 10**  
**INDUSTRIAL PARK - IP ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
10.00	Purpose	1
10.01	Uses	1
10.02	Conditional Uses	3
10.03	Prohibited Uses	4
10.04-.09	Reserved	
10.10	Development Standards	4
10.11	Height	4
10.12	Lot Area and Dimensions	4
10.13	Front Yards and Yards Adjacent to Streets	4
10.14	Interior Side and Rear Yards	4
10.15-.19	Reserved	
10.20	Landscaping	5
10.21-.23	Reserved	
10.24	Special Requirements Adjacent to Residential Zones	5
10.25	Open Storage	5
10.26-.29	Reserved	
10.30	Informational Reference to Additional Standards	5

\* Word defined in Chapter 49

**10.00 PURPOSE.** The purpose of the IP (INDUSTRIAL PARK) zone is to provide areas suitable for warehousing, secondary processing, packaging and fabricating of finished goods and equipment, incidental sales, conducted entirely within a building. The IP zone is appropriate in those areas designated Industrial in the applicable urban area comprehensive plan, where the location has public sewer and water service, access to a collector or arterial street, and where permitted industries would be appropriate. The intent is to use this zone on acreage where clustering a number of industries in a landscaped environment with limited access to public streets will make development more compatible with surrounding land uses.

**10.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the IP zone:

- (1) Plumbing, heating (except electric) and air conditioning. SIC 171.
- (2) Painting, paper hanging and decorating. SIC 172.
- (3) Electric work. SIC 173.
- (4) Roofing and sheet metal work. SIC 176.
- (5) Installation and erection of building equipment, not elsewhere classified. SIC 1796.
- (6) Dairy products. SIC 202.
- (7) Beverages. SIC 208.
- (8) Tobacco Manufacturing. SIC 21.

- (9) Textile mill products. SIC 22 except miscellaneous textile goods (SIC 229).
- (10) Apparel and other finished products made from fabrics and similar materials. SIC 23.
- (11) Printing, publishing and allied industries. SIC 27.
- (12) Leather and leather goods. SIC 31 except leather tanning and finishing (SIC 311).
- (13) Products of purchased glass. SIC 323.
- (14) Cutlery, hand tools and general hardware. SIC 342.
- (15) Electrical and electronic equipment, machinery and supplies. SIC 36 except storage batteries (SIC 3691) and primary batteries, dry and wet (SIC 3692).
- (16) Guided missiles, space vehicles and parts. SIC 376.
- (17) Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks. SIC 38.
- (18) Sign and advertising display businesses. SIC 3993.
- (19) Fabricated structural metal products. SIC 344.
- (20) Local and suburban passenger. SIC 411.
- (21) Public warehousing. SIC 422.
- (22) Automotive parts and supplies. SIC 5013.
- (23) Furniture and home furnishings. SIC 502.
- (24) Sporting, recreational, photographic and hobby goods, toys and supplies. SIC 504.
- (25) Electrical goods. SIC 506.
- (26) Hardware, and plumbing and heating equipment and supplies. SIC 507.
- (27) Commercial machines and equipment. SIC 5081.
- (28) Professional equipment and supplies. SIC 5086.
- (29) Service establishment equipment and supplies. SIC 5087.
- (30) Transportation equipment and supplies, except motor vehicles. SIC 5088.
- (31) Jewelry, watches, diamonds and other precious stones. SIC 5094.
- (32) Drugs, drug proprietaries and druggists' sundries. SIC 512.
- (33) Apparel, piece goods and notions. SIC 513.
- (34) Groceries, general line. SIC 5141.
- (35) Frozen foods. SIC 5142.
- (36) Dairy products. SIC 5143.
- (37) Confectionery. SIC 5145.
- (38) Beer, wine and distilled alcoholic beverages. SIC 518.
- (39) Tobacco and tobacco products. SIC 5194.
- (40) Paints, varnishes and supplies. SIC 5198.
- (41) Nondurable goods, not elsewhere classified. SIC 5199 except baling of wood shavings for mulch, cordwood, animal and vegetable greases, nursery stock, animal and vegetable oils (except cooking), rennet, crude rubber and every other use which may be classifiable but is not specifically listed in the description or descriptive list for SIC 5199.
- (42) Power laundries, family and commercial. SIC 7211.
- (43) Dry cleaning plants, except rug cleaning, SIC 7216.
- (44) Dwelling unit\* or lodging room\* for a caretaker or watchman on the premises being cared for or guarded.
- (45) Recycling depots\*.
- (46) Utilities\* - primary equipment and storage yard.
- (47) Carpet and upholstery cleaning. SIC #7217.
- (48) Industrial launderers. SIC 7218.
- (49) Laundry and garment services, not elsewhere classified. SIC 7219.
- (50) Business services. SIC 73.



- (51) Disinfecting and exterminating service. SIC 7342.
- (52) Cleaning and maintenance services to dwellings and other buildings, not elsewhere classified. SIC 7349.
- (53) Research and development. SIC 7391.
- (54) Crematories.
- (55) Photo finishing laboratories. SIC 7395.
- (56) Repair shops and related services, not elsewhere classified. SIC 7699.
- (57) Vocational schools; except vocational high schools, not elsewhere classified. SIC 8249.
- (58) Child day care services. SIC 835.
- (59) Miscellaneous services. SIC 89.
- (60) Fire protection. SIC 9224.
- (61) Uses permitted in Chapter 25.
- (62) Signs subject to Chapter 31.
- (63) Parcel delivery services.
- (64) Recreational facilities for employees.
- (65) Public utility\*.
- (66) The following uses subject to the special standards in Chapter 26:
  - (a) Mobile food vendors\* (see Section 26.57).

**10.02 CONDITIONAL USES.** The following uses, may be permitted subject to obtaining a conditional use permit:

- (1) Crude petroleum and natural gas extraction. SIC 131.
- (2) Carpeting and flooring. SIC 175.
- (3) Food and kindred products. SIC 20.
- (4) Miscellaneous textile goods. SIC 229.
- (5) Lumber and wood products, except furniture. SIC 24.
- (6) Furniture and fixtures. SIC 25.
- (7) Paper and allied products. SIC 26.
- (8) Chemicals and allied products. SIC 28.
- (9) Rubber and miscellaneous plastics products. SIC 30 except tires and inner tubes (SIC 301) and reclaimed rubber (SIC 303).
- (10) Leather tanning and finishing. SIC 311.
- (11) Flat glass. SIC 321.
- (12) Glass and glassware, pressed or blown. SIC 322.
- (13) Pottery and related products. SIC 326.
- (14) Cut stone and stone products. SIC 328.
- (15) Miscellaneous non-metallic mineral products. SIC 329.
- (16) Fabricated metal products, except machinery and transportation equipment. SIC 34.
- (17) Machinery, except electrical. SIC 35.
- (18) Storage batteries. SIC 3691.
- (19) Primary batteries, dry and wet. SIC 3692.
- (20) Transportation equipment. SIC 37.
- (21) Miscellaneous manufacturing industries. SIC 39 except signs and advertising displays (SIC 3993).
- (22) Electric services. SIC 491.
- (23) Gas production and distribution. SIC 492.

- (24) Wholesale durable goods, not elsewhere classified. SIC 5099.
- (25) Chemicals and allied products. SIC 516.
- (26) Petroleum and petroleum products. SIC 517.
- (27) Solid waste transfer station\*.
- (28) Finance, insurance and real estate. SIC 60, 61, 62, 63, 64, 65, 66, 67.

**10.03 PROHIBITED USES.** Within an IP zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 10.01 to 10.02.

**10.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**10.11 HEIGHT.** Within an IP zone buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height.

**10.12 LOT AREA AND DIMENSIONS.** Within an IP zone there are no minimum lot area or dimension requirements for lots less than 20 acres. At least one parcel with a minimum lot area of 20 acres shall be retained if the parcel is more than 20 acres at the time this ordinance is adopted. It is the intent of the 20 acre minimum lot area to preserve large parcels for major planned industrial developments.

**10.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an IP zone:

- (a) Along the full extent of each lot line abutting a street or roadway, there shall be a required yard twenty feet in depth.
- (b) Yards for accessory buildings and structures except fences shall be the same as for primary buildings.
- (c) No parking is allowed in required front yards, and yards adjacent to a street or roadway.

**10.14 INTERIOR SIDE AND REAR YARDS.** Within an IP zone the following interior side and rear yards shall be provided:

- (a) Except as provided in (b), abutting an interior side or rear lot line there shall be a required side or rear yard ten feet in depth. Such yard shall be contained by a sight-obscuring fence, wall or hedge if abutting a residential zone.
- (b) No side or rear yard is required abutting a railroad siding or spur track.
- (c) Yards for accessory buildings and structures except fences shall be the same as for primary buildings.

**10.20 LANDSCAPING.** Within an IP zone:

- (a) Landscaping shall be provided in any yard adjacent to a residential zone and in any required front or side yard.
- (b) A landscaped area at least 20 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone, or a street or roadway.
- (c) All required landscape areas shall be landscaped as provided in Chapter 29.

**10.22 OPEN STORAGE.** Within an IP zone:

- (a) Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or hedge, or a berm; any of which shall be located on the property at the required setback line in the same manner as if such berm, fence, wall or hedge were a building.
- (b) Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area.
- (c) Open storage over six feet in height above the elevation of the storage area shall be screened by landscaping.

**10.24 SPECIAL REQUIREMENTS ADJACENT TO RESIDENTIAL ZONES.** Any non-residential development proposed within 100 feet of a residential, UD, UT, or UTF zone shall meet the following requirements:

- (a) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
- (b) Roof equipment shall be screened from view of nearby residential property.
- (c) Noise generated by non-residential development and associated activity shall not exceed the standards in OAR 340-35 Addendum A.

**10.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 11**  
**GENERAL INDUSTRIAL - IG ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
11.00	Purpose	1
11.01	Uses	1
11.02	Conditional Uses	3
11.03	Prohibited Uses	3
11.10	Development Standards	3
11.11	Height	3
11.12	Lot Area and Dimensions	3
11.13	Front Yards and Yards Adjacent to Streets	3
11.14	Interior Side and Rear Yards	3
11.20	Landscaping	4
11.24	Special Requirements Adjacent to Residential Zones	4
11.30	Informational Reference to Additional Standards	4

\* Word defined in Chapter 49

**11.00 PURPOSE.** The purpose of the IG (General Industrial) zone is to provide areas suitable for warehousing, secondary processing and packaging and fabricating of finished goods and equipment with related outdoor storage and incidental sales. The General Industrial zone is appropriate in those areas designated Industrial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway and where permitted uses will not create significant adverse impacts on local and collector streets and residential zones.

**11.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the IG zone::

- (1) Dwelling unit\* or lodging room\* for a caretaker or watchman on the premises being cared for or guarded.
- (2) Agricultural services. SIC 07.
- (3) Construction contractor's offices and related outdoor storage. SIC 15, 16, 17.
- (4) Food and kindred products. SIC 20 except meat products (SIC 201).
- (5) Tobacco products. SIC 21.
- (6) Textile products and apparel. SIC 22, 23.
- (7) Millwork. SIC 2431.
- (8) Wood kitchen cabinets. SIC 2434.
- (9) Structural wood members, not elsewhere classified. SIC 2439.
- (10) Wood containers. SIC 244.
- (11) Wood buildings and mobile homes. SIC 245.
- (12) Wood products, not elsewhere classified. SIC 2499.
- (13) Furniture and fixtures. SIC 25.

- (14) Paper and allied products. SIC 26 except pulp, paper and paper board mills (SIC 261, 262, 263, 266).
- (15) Signs subject to Chapter 31.
- (16) Printing, publishing and allied industries. SIC 27.
- (17) Chemicals and allied products. SIC 28 except agricultural chemicals (SIC 287) and miscellaneous chemical products (SIC 289).
- (18) Rubber and miscellaneous plastics products. SIC 30.
- (19) Leather and leather products. SIC 31 except leather tanning and finishing (SIC 311).
- (20) Stone, clay, glass products except cement. SIC 324; structural clay products (SIC 325), concrete, gypsum and plaster products (SIC 327), and abrasive, asbestos and miscellaneous non-metallic mineral products (SIC 329).
- (21) Fabricated metal products. SIC 34 except ordnance and accessories (SIC 348).
- (22) Machinery and equipment manufacturers. SIC 35.
- (23) Electrical and electronic machinery, equipment and supplies except storage batteries. SIC 3691 and primary batteries (SIC 3692).
- (24) Transportation equipment. SIC 37.
- (25) Instruments; photographic, medical and optical goods. SIC 38.
- (26) Miscellaneous manufacturing industries. SIC 39.
- (27) Transportation, communications, electric, gas and sanitary services. SIC 40, 41, 42, 43, 44, 45, 46, 47, 48, 49.
- (28) Wholesale trade. SIC 50 and 51 except scrap and waste materials establishments (SIC 5093) and livestock (SIC 5154).
- (29) Eating and drinking places. SIC 58 except mobile food vendors located within the Woodburn Urban Growth Boundary and the Salem/Keizer Urban Growth Boundary.
- (30) Fuel and ice dealers. SIC 598.
- (31) Laundry, cleaning and garment services. SIC 721.
- (32) Outdoor advertising services. SIC 7312.
- (33) Mailing, reproduction, commercial art and photography, graphic services. SIC 733.
- (34) Disinfecting and exterminating services. SIC 7342.
- (35) Cleaning and maintenance services to dwellings and other buildings, not elsewhere classified. SIC 7349.
- (36) Research and development laboratories. SIC 7391.
- (37) Management, consulting and public relations services. SIC 7392.
- (38) Photofinishing laboratories. SIC 7395.
- (39) Commercial testing laboratories. SIC 7397.
- (40) Automotive repair, services, and garages. SIC 75.
- (41) Welding repair. SIC 7692.
- (42) Repair shops and related services not elsewhere classified. SIC 7699.
- (43) Biomass facility\* subject to the special requirements in Section 26.76.
- (44) Crematories.
- (45) Public utility\*.
- (46) Vocational school except vocational high schools, not elsewhere classified. SIC 8249.
- (47) Fire protection. SIC 9224.
- (48) Auctions.
- (49) Utilities\* - truck and equipment storage and parking, and material storage yard.
- (50) Recycling depots\*.
- (51) Uses permitted in Chapter 25.

(52) The following use subject to the special standards in Chapter 26:

- (a) Mobile food vendors\* (see Section 26.57).

**11.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (a) Scrap and waste materials\* (see Section 26.54).
- (b) Wrecking yards\*.
- (c) Solid waste disposal site subject to Chapter 32.
- (d) Surface mining subject to Chapter 32.
- (e) Solid waste transfer station\*.
- (f) Lumber and wood products. SIC 24.

**11.03 PROHIBITED USES.** Within an IG zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 11.01 to 11.02.

**11.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**11.11 HEIGHT.** Within an IG zone buildings and structures erected, altered, or enlarged shall not exceed 70 feet in height provided; any portion of a non-residential structure within 30 feet of a side or rear lot line that abuts on a lot in a residential zone shall not project above a plane 12 feet high at the abutting lot line and increasing 1 foot for each foot of distance from the lot line.

**11.12 LOT AREA AND DIMENSIONS.** Within an IG zone there are no minimum lot area or dimension requirements.

**11.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an IG zone:

- (a) Along the full extent of each lot line abutting a street or roadway, there shall be a required yard five feet in depth.
- (b) Yards for accessory buildings and structures except fences shall be the same as for primary buildings.

**11.14 INTERIOR SIDE AND REAR YARDS.** Within an IG zone the following interior side and rear yards shall be provided:

- (a) Adjacent to a side lot line abutting a lot in any residential zone there shall be a required side yard the same as is required in the abutting residential zone. Such yard shall be contained by a sight-obscuring fence, wall or hedge.

- (b) Adjacent to a rear lot line abutting a lot in any residential zone there shall be a required rear yard of three feet along the full extent of the rear lot line. Such yard shall be contained by a sight-obscuring fence, wall or hedge.
- (c) Except as provided in subsections (a) and (b) of this section, no side or rear yard is required, but any space between a building and another structure, other than a fence, shall be not less than three feet in depth, exclusive of any alley areas.
- (d) No side or rear yard is required abutting a railroad siding or spur track.
- (e) Setbacks for accessory buildings and structures except fences shall be the same as for primary buildings.

**11.20 LANDSCAPING.** Within an IG zone:

- (a) Landscaping shall be provided in any yard adjacent to a residential zone and in any required front or side yard.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone or a street or roadway.
- (c) All required landscape areas shall be landscaped as provided in Chapter 29.

**11.24 SPECIAL REQUIREMENTS ADJACENT TO RESIDENTIAL ZONES.** Any non-residential development proposed within 100 feet of a residential, UD, UT or UTF zone shall meet the following requirements:

- (a) Outdoor storage facilities shall be screened from view of the public road and from adjacent residential property.
- (b) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
- (c) Roof equipment shall be screened from view of nearby residential property.
- (d) Noise generated by non-residential development and associated activity shall not exceed the standards in OAR 340-35 Addendum A.

**11.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 12**  
**HEAVY INDUSTRIAL - IH ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
12.00	Purpose	1
12.01	Uses	1
12.02	Conditional Uses	2
12.03	Prohibited Uses	2
12.10	Development Standards	2
12.11	Height	2
12.12	Lot Area and Dimensions	2
12.13	Front Yards and Yards Adjacent to Streets	3
12.14	Interior Side and Rear Yards	3
12.20	Landscaping	3
12.25	Special Requirements Adjacent to Residential Zones	3
12.30	Informational Reference to Additional Standards	4

\* Word defined in Chapter 49

**12.00 PURPOSE.** The purpose of the IH (Heavy Industrial) zone is to provide areas suitable for primary and secondary processing, manufacturing and remanufacturing or reprocessing of all types, with related outdoor storage and incidental sales. The Heavy Industrial zone is appropriate in those areas designated Industrial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway and where permitted uses will not create significant adverse impacts on local or collector streets and residential, commercial or other non-industrial uses in the area.

**12.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the IH zone:

- (1) Dwelling unit\* or lodging room\* for a caretaker or watchman on the premises being cared for or guarded.
- (2) Oil and gas field services. SIC 138.
- (3) Food and kindred products. SIC 20.
- (4) Tobacco manufacturers. SIC 21.
- (5) Textile products and apparel. SIC 22, 23.
- (6) Lumber and wood products. SIC 24.
- (7) Furniture and fixtures. SIC 25.
- (8) Paper and allied products. SIC 26.
- (9) Chemicals and allied products. SIC 28.
- (10) Petroleum refining and related industries. SIC 29.
- (11) Rubber and miscellaneous plastic products. SIC 30.
- (12) Leather and leather products. SIC 31.
- (13) Stone, clay and glass products. SIC 32.
- (14) Primary metal industries. SIC 33.
- (15) Fabricated metal products. SIC 34.



- (16) Machinery and equipment. SIC 35.
- (17) Electric and electronic equipment. SIC 36.
- (18) Transportation equipment. SIC 37.
- (19) Instruments; photographic, medical, and optical goods. SIC 38.
- (20) Miscellaneous manufacturing. SIC 39.
- (21) Transportation, communication, electric, gas and sanitary services. SIC 40, 41, 42, 43, 44, 45, 46, 47, 48, 49.
- (22) Wholesale trade. SIC 50, 51.
- (23) Eating and drinking places. SIC 58 in conjunction with an industrial use, except mobile food vendors located within the Woodburn Urban Growth Boundary and the Salem/Keizer Urban Growth Boundary.
- (24) Fire Protection. SIC 9224.
- (25) Recycling depots\*.
- (26) Solid waste transfer station\*.
- (27) Wrecking yards\*.
- (28) Uses permitted in Chapter 25.
- (29) Signs subject to Chapter 31.
- (30) Scrap and waste materials establishment\* subject to Section 26.54.
- (31) Biomass facility\* subject to Section 26.74.
- (32) The following use subject to the special standards in Chapter 26:
  - (a) Mobile food vendors\* (see Section 26.57).

**12.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (a) Solid waste disposal site subject to Chapter 32.
- (b) Surface mining subject to Chapter 32.

**12.03 PROHIBITED USES.** Within an IH zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 12.01 to 12.02.

**12.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**12.11 HEIGHT.** Within an IH zone buildings and structures erected, altered, or enlarged shall not exceed 70 feet in height; provided any portion of a non-residential structure within 30 feet of a side or rear lot line that abuts on a lot in a residential zone shall not project above a plane 12 feet high at the abutting lot line and increasing 1 foot for each foot of distance from the lot line.

**12.12 LOT AREA AND DIMENSIONS.** Within an IH zone there are no minimum lot area or dimension requirements.

**12.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within an IH zone:

- (a) Along the full extent of each lot line abutting a street or roadway, there shall be a required yard five feet in depth.
- (b) Yards for accessory buildings and structures except fences shall be the same as for primary buildings.

**12.14 INTERIOR SIDE AND REAR YARDS.** Within an IH zone the following interior side and rear yards shall be provided:

- (a) Adjacent to a side lot line abutting a lot in any residential zone there shall be a required side yard the same as is required in the abutting residential zone. Such yard shall be contained by a sight-obscuring fence, wall or hedge.
- (b) Adjacent to a rear lot line abutting a lot in any residential zone there shall be a required rear yard of three feet along the full extent of the rear lot line. Such yard shall be contained by a sight-obscuring fence, wall or hedge.
- (c) Except as provided in subsections (a) and (b) of this section, no side or rear yard is required, but any space between a building and another structure, other than a fence, shall be not less than three feet in depth, exclusive of any alley areas.
- (d) No side or rear yard is required abutting to a railroad siding or spur track.
- (e) Yards for accessory buildings and structures except fences shall be the same as for primary buildings.

**12.20 LANDSCAPING.** Within an IH zone:

- (a) Landscaping shall be provided in any yard abutting a residential zone and in any required front or side yard.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone or a street or roadway.
- (c) All required landscape areas shall be landscaped as provided in Chapter 29.

**12.25 SPECIAL REQUIREMENTS ADJACENT TO RESIDENTIAL ZONES.** Any non-residential development proposed within 100 feet of a residential, UD, UT or UTF zone shall meet the following requirements:

- (a) Outdoor storage facilities shall be screened from view of the public road and from adjacent residential property.
- (b) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
- (c) Roof equipment shall be screened from view of nearby residential property.

- (d) Noise generated by non-residential development and associated activity shall not exceed the standards in OAR 340-35 Addendum A.

**12.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 13**  
**URBAN TRANSITION - UT ZONE**

Revised 10/06/04 Ord.#1204  
Revised 1/17/96

Section	Title	Page
13.00	Purpose	1
13.01	Uses	1
13.02	Conditional Uses	2
13.03	Conditional Use Criteria	3
13.04	Prohibited Uses	4
13.10	Development Standards	4
13.11	Height	4
13.12	Front Yards and Yards Adjacent to Streets	4
13.13	Interior Side Yards	5
13.14	Interior Rear Yards	5
13.20	Landscaping	5
13.30	Growth Management	5
13.31	Divisions of Land	5
13.32	Development Limitations and Requirements	6
13.40	Informational Reference to Additional Standards	8

\* Word defined in Chapter 49

**13.00 PURPOSE.** The UT (URBAN TRANSITION) zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage and streets. The zone allows the continuation of legally established uses and establishment of uses compatible with the plan designation. In areas planned for development relying on urban services transitional uses may be allowed which will not interfere with the efficient, later use of the land for planned urban uses.

The zone is appropriate in areas designated in the applicable urban area comprehensive plan for future urban residential development, but may also be used to protect lands designated for future commercial, industrial or public uses. In areas designated for urban residential development the residential density included in the zone is intended to be consistent with the average lot size of the immediate area. In areas planned for other uses the zone is intended to retain lot sizes conducive to efficient development of planned uses and prevent conflicts associated with development of additional dwellings.

**13.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the UT zone:

- (a) Lawful uses existing on a property at the time of the effective date of this zone. Expansion or replacement of such uses are regulated by Section 13.02 (a).
- (b) Farm use.\*

- (c) The management or harvesting of forest products provided that harvesting of forest products which would otherwise be regulated under the Forest Practices Act if located in a forest zone shall comply with the requirements of the Forest Practices Act. Exceptions to Forest Practices Act requirements may be approved as a major adjustment under Chapter 41.
- (d) The breeding, boarding, and training of horses.
- (d) Child day care home\* for 12 children or less.
- (e) The following uses subject to the special standards in Chapter 26:
  - (1) Home occupations limited\* (see Section 26.20).
  - (2) Wind energy conversion system (see Section 26.74)
- (f) Uses permitted in Chapter 25.
- (g) A mobile home\* subject to Section 13.30.
- (h) Single family dwelling\* subject to Section 13.30.
- (i) Public Utilities\* providing services to the local area, such as utility substations, pump stations, reservoirs and low voltage (57 KV or less) electrical transmission lines.
- (j) Signs subject to Chapter 31.

**13.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit and compliance with Section 13.30.

- (a) Expansion or replacement of a use permitted under Section 13.01 (a). A conditional use permit is not required to expand or replace a single family dwelling or mobile home if it is determined:
  - (1) The dwelling or mobile home meets the setback and height standards of the UT zone, or is no more non-conforming than the existing dwelling or mobile home;
  - (2) There is only one dwelling or mobile home on the lot;
  - (3) The subject dwelling or mobile home has been occupied within the past 12 months;
  - (4) In the case of replacement, the dwelling or mobile home, if not placed on the same footprint, shall be located in such a manner than any significant unused portion of the property has adequate development options and development options on adjacent properties are not significantly restricted. Consideration shall be given to the planned location of public facilities and services in siting a replacement dwelling or mobile home. A mobile home may be replaced only with a mobile home and the replacement mobile home shall meet the requirements in Section 26.903(a).
- (b) Commercial activities in conjunction with farm or forest use subject to Section 13.03 (e).

- (c) Exploration, and processing of geothermal, or other subsurface resources not used exclusively in conjunction with farm or forest management (see Section 26.75 and 26.76). Surface mining is included subject to Chapter 32.
- (d) Public or private power generation facilities (see Sections 26.73, 26.74, 26.75, and 26.76).
- (e) Kennels\*.
- (f) Temporary homes for the infirm subject to Chapter 32.
- (g) Solid waste disposal sites subject to Chapter 32.
- (h) Transmission towers\* and transmission facilities\* .
- (i) Public parks and playgrounds .
- (j) Religious organizations\* (see Section 26.60).
- (k) Public Golf courses (SIC 7992) and golf related recreation identified in SIC 7997 and 7999 (see Section 26.32).
- (l) Elementary and secondary schools. SIC 8211 (see Section 26.62).
- (m) Public buildings and structures such as libraries, fire stations and public utilities\*.
- (n) Civic, social and fraternal organizations. SIC 864.
- (o) Child day care center\* (see Section 26.22).
- (p) Uses allowed outright or conditionally in the most restrictive zone consistent with the land use designation.
- (q) Home occupations-conditional\* subject to Chapter 32.40.

**13.03 CONDITIONAL USE CRITERIA.** In order to grant approval for a conditional use listed in section 13.02 the criteria in this section must be found to be satisfied in addition to the criteria in Section 40.02:

- (a) The use will not increase traffic beyond the capacity of existing roads.
- (b) If the use will remain after the area is urbanized it will: 1) be located in such a manner that any significant unused portion of the property has adequate development options, and 2) not restrict development options on adjacent properties.
- (c) The use can utilize rural services or the City and County have approved use of existing urban services.

- (d) The use and related structures and improvements meet the development standards of the most restrictive zone (other than the UD, UT, or UTF zones) consistent with the applicable comprehensive plan designation; or the city concurs and, if the city requests, conditions are imposed that require the structures and improvements to be brought into conformance with city zoning regulations upon annexation.
- (e) The most restrictive zone used in the applicable comprehensive plan designation (other than the UD, UT, and UTF zones) lists the proposed use as a permitted or conditional use; or the city concurs and, if the city requests, conditions are imposed which require that the use be brought into conformance with city zoning regulations upon annexation.
- (f) In order to qualify as a commercial activity in conjunction with farm or forest use the use or activity must meet one of the following criteria in addition to the criteria in (a) through (d):
  - (1) Preparing farm or forest ground, starting and fostering the natural growth of the agricultural or forest product, and harvesting and transportation of harvest produce or timber including primary processing and packaging necessary to warehouse or ship agricultural produce, when 51 % or more of the service is provided to lands not owned or leased by the service provider.
  - (2) Secondary processing converting a primary agricultural or forest product into another marketable product, and transportation of these products.
  - (3) Sale of farm products, after primary processing, on a premises where less than 51% of the farm product was raised, and the products sold were raised in Marion County or an abutting county; and, sale of farm products after secondary processing.
  - (4) Repair and sale of used equipment, and manufacture or sale of farm or forest supplies, when associated with the activities in (1) and at least 51% of the customers will be Marion County residents.

**13.04 PROHIBITED USES.** Within an UT zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 13.01 to 13.03.

**13.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. If city standards are adopted by the Board the city standards shall apply. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**13.11 HEIGHT.** Within a UT zone the maximum height limit is 35 feet for dwellings and conditional uses. Other buildings and structures shall not exceed 45 feet in height. Greater height may be requested and approved as a conditional use.

**13.12 FRONT YARDS AND YARDS ABUTTING STREETS.** Within a UT zone the following front yard and yards abutting streets or roadways shall be provided:

- (a) Along the full extent of each front lot line and lot line abutting a street or roadway, there shall be a required yard 20 feet in depth.
- (b) Yards for accessory structures shall be subject to the requirements of Chapter 28.

**13.13 INTERIOR SIDE YARDS.** Within a UT zone the following side yards shall be provided:

- (a) Side yards shall be at least 5 feet or comply with the side yard requirement for the most restrictive zone used in the applicable Comprehensive Plan designation, which ever is greater.
- (b) Yards for accessory structures shall meet the requirements of Chapter 28 except farm animals and related structures shall not be located closer than 100 feet from a side lot line abutting a residential zone.

**13.14 INTERIOR REAR YARDS.** Within a UT zone the following rear yards shall be provided:

- (a) 24 feet for any single family dwelling and for any portion of any other building not more than 15 feet in height; and 30 feet for any portion of a building greater than 15 feet in height other than a single family dwelling.
- (b) Yards for accessory structures shall meet the requirements of Chapter 28 except farm animals and related structures or animal waste storage shall not be located closer than 100 feet from a rear or side lot line abutting a residential zone.

**13.20 LANDSCAPING.** Within a UT zone:

- (a) All portions of required yards lying between a street or roadway and the primary building or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard shall be landscaped.
- (b) All required landscape areas shall be landscaped as provided in Chapter 29.

**13.30 GROWTH MANAGEMENT.** The Comprehensive Plan policies applicable to lands in the UT zone anticipate future city annexation and extension of public facilities and services to lands intended for residential, commercial or industrial use. To facilitate an orderly transition to efficient urban development regulation of land divisions and development proposed prior to urban development is necessary. The development regulations and standards in Sections 13.31, and 13.32 shall apply to land in the UT zone.

**13.31 DIVISIONS OF LAND.**

- (a) A series partition, subdivision, residential planned development or other residential development of a lot, as the lot existed upon application of the UT zone, that results in the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes is not permitted in the UT zone.
- (b) The following regulations shall apply when property line adjustments and partitioning of land regulated by the Subdivision and Partitioning Ordinance are proposed:



- (1) Additional street right-of-way required by adopted standards shall be dedicated along the street frontage of any lot 10 acres or less in area that is part of a partition or lot line adjustment. Street and drainage improvements within the dedicated right-of-way shall be deferred until otherwise required by the county, or by the city following annexation. A non-remonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.
- (2) The location of lot lines shall not significantly reduce feasible options for the future location of urban streets or utility services, or preclude development options on the property or adjacent properties.
- (3) When a lot occupied by a residence is reduced, or a lot is created to accommodate a new residence allowed in Section 13.32, the lot should be as small as possible and should not be larger than 1 acre. If a lot of 1 acre or less is not feasible the lot should either contain all of the undeveloped land or be large enough that the urban development potential will be a significant incentive for the owner to develop to planned urban uses when the lot is annexed.
- (4) When a new or adjusted lot located in a residential plan designation is smaller than 5 acres and larger than 1 acre a redevelopment plan shall be required demonstrating that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The Zoning Administrator shall submit the plan to the city for review and comment. If no response is received within 10 days, or such additional time as requested by the city, the city will be deemed to have no concerns with the proposed redevelopment plan.

The redevelopment plan is only for the purposes of identifying a feasible means to subdivide the property and to identify an appropriate location for residences, and does not limit consideration of other development options when urban services are available.

- (5) Minimum standards for lots located in a residential plan designation are:
  - (a) New lots shall have no dimension less than 100 feet.
  - (b) New lots shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way width of not less than 40 feet.
- (6) When a lot located in a residential plan designation and occupied by a non-residential use is created or altered, the lot should include as little undeveloped land suitable for residential uses as possible, unless evidence is presented that undeveloped land needs to be included in the lot to accommodate allowable expansion of the subject use.
- (7) The minimum lot size, in acres, for lots in non-residential plan designations is the numerical suffix added to the UT zone (i.e. 1 acre, 3 acres, 5 acres, 10 acres or 20 acres), or if no suffix is added - 5 acres.

### **13.32 DEVELOPMENT LIMITATIONS AND REQUIREMENTS.**

- (a) **Mobile Home Development.** No new mobile homes are permitted unless the property is designated for residential development in the comprehensive plan and the most restrictive county zone used in the plan designation (other than the UT, UTF, and UD zones) would permit a mobile home on a lot as an outright permitted use or a conditional use. Approval of a mobile home shall be subject to the applicant signing an agreement requiring removal of the mobile home if the property is subsequently placed in a zone that does not permit mobile homes.
- (b) **Dwelling Development.** No new dwellings are permitted unless the area is designated for residential development and the most restrictive county zone used in the Plan designation (other than the UT, UTF and UD zones) would permit the dwelling as an outright permitted use or a conditional use.
- (c) **Residential Density.** On lots designated for residential development no more than one dwelling unit or mobile home shall be allowed per 5 acres unless a numerical suffix is added to the zone altering the allowable density to no more than one dwelling unit or mobile home per 1, 3, 10 or 20 acres. The number of dwellings allowed shall be based on the size of the lot at the time the UT zone first applied to the property.
- (d) **Siting of Dwellings.** If a new dwelling is allowed on a lot of more than 1 acre and less than 5 acres, and the lot is designated for residential development, the dwelling shall be located in conformance with a redevelopment plan. The redevelopment plan shall demonstrate that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The Zoning Administrator shall submit the plan to the city for review and comment. If no response is received within 10 days, or such additional time as requested by the city, the city will be deemed to have no concerns with the proposed redevelopment plan.
- (e) **On-site sewage disposal.** The following conditions shall be met prior to the approval of a use or residence relying on an on-site system for wastewater disposal:
  - (1) The property shall not lie within the boundary of a sewer service district unless allowed in writing by the City.
  - (2) The property must lie more than 300 feet in a straight line from any existing sewer line which can be extended to the property to provide gravity sewer service, unless the city agrees in writing to allow on-site sewage disposal.
  - (3) The property shall not be served by a city or district water system.
  - (4) The property shall have no width or length less than 100 feet.
  - (5) The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way of not less than 40 feet.
  - (6) Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system or DEQ approval for another type of sewage disposal.

- (7) The applicant shall sign an agreement with the city agreeing to connect the subject development to the public sewer system when the system comes to within 300 feet of the property and can provide gravity service.
  - (8) The property owner shall provide a signed non-remonstrance agreement with the city for future annexation and sewer or water service by the city.
  - (9) The requirements in (4) and (5) do not apply to lots legally created before the applicable city comprehensive plan was first acknowledged or in the case of the Salem/Keizer Urban Growth area before August 1, 1981.
- (f) **Residences on pre-existing lots.** Notwithstanding subsection (c) a single dwelling or mobile home is permitted on a lot legally created prior to the date the city comprehensive plan was originally acknowledged by LCDC, or in the case of the Salem/Keizer Urban Growth area before August 1, 1981, provided the lot and development complies with all other requirements of this Section.

**13.40 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 14**  
**URBAN TRANSITION/FARM - UTF ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
14.00	Purpose	1
14.01	Uses	1
14.02	Conditional Uses	2
14.03	Conditional Use Criteria	3
14.04	Prohibited Uses	4
14.10	Development Standards	4
14.11	Height	4
14.12	Front Yards and Yards Adjacent to Streets	4
14.13	Interior Side Yards	5
14.14	Interior Rear Yards	5
14.20	Landscaping	5
14.30	Growth Management	5
14.31	Divisions of Land	5
14.32	Development Limitations and Requirements	6
14.40	Informational Reference to Additional Standards	8

\* Word defined in Chapter 49

**14.00 PURPOSE.** The purpose of the UTF (URBAN TRANSITION FARM) zone is to encourage the continued practice of commercial agriculture in areas planned for future urban development. The UTF zone shall be applied in those areas within an urban growth boundary where the applicable urban area comprehensive plan indicates that land should be retained in large blocks, and acreage residential development discouraged, to facilitate efficient conversion to urban use.

The UTF zone is intended to be a farm zone consistent with ORS 215.203.

**14.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the UTF zone:

- (a) Farm use\*.
- (b) The propagation or harvesting of forest products provided that harvesting of forest products which would otherwise be regulated by the Forest Practices Act if located in a forest zone shall comply with the requirements of the Forest Practices Act. Exceptions to Forest Practices Act requirements may be approved as a major adjustment under Chapter 41.
- (c) The breeding, boarding or training of horses.
- (d) Uses permitted in Chapter 25.

- (e) Utility\* facilities necessary for public service except commercial facilities for power generation. Transmission towers\* less than 200 feet high.
- (f) Signs subject to Chapter 31.

**14.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit and compliance with Section 14.30:

- (a) Dwellings\* or mobile homes\* customarily provided in conjunction with farm use.
- (b) Single-family dwelling\* or mobile home\* not in conjunction with farm use\*.
- (c) Home occupations-conditional\* subject to Chapter 32.40.
- (d) Exploration, mining and processing of geothermal, or other subsurface resources not used exclusively in conjunction with farm or forest management (see Sections 26.75 and 26.76). Surface mining is included subject to Chapter 32. Includes processing of aggregate into asphalt or portland cement provided facility is located more than 2 miles from a planted vineyard.
- (e) Temporary facility for primary processing of forest products as defined in ORS 215.
- (f) Commercial activities in conjunction with farm use subject to Section 14.03 (i).
- (g) Private or public power generation facilities (see Sections 26.73, 26.74, 26.75, 26.76).
- (h) Aquaculture.
- (i) Private or public parks and playgrounds serving the general public.
- (j) Community centers owned and operated by a governmental agency or non-profit community organization.
- (k) Religious organizations\* (see Section 26.60).
- (l) Elementary and secondary schools. SIC 8211 (see Section 26.62).
- (m) Public golf course (SIC 7992) and golf related recreation. SIC 7997 and 7999 (see Section 26.32).
- (n) Transmission towers\* 200 feet or more in height.
- (o) Kennels\*.
- (p) Temporary home for care of the infirm subject to Chapter 32.
- (q) Street improvements not allowed by Section 25.10 (d). Only the criteria in Section 14.03 (h) apply to this use.
- (r) Solid waste disposal site subject to Chapter 32.

- (s) Transmission facilities\* within existing rights-of-way.
- (t) Expansion or replacement of a single family dwelling or mobile home placed on a lot prior to the application of this zone, or under (a) or (b), if the use meets the criteria in Section 14.03 (d), (e) and (h).

**14.03 CONDITIONAL USE CRITERIA.** Before a conditional use permit may be approved it must be found that the following criteria are satisfied:

- (a) The use will not increase traffic beyond the capacity of existing roads.
- (b) If the use will remain after the area is urbanized, it will: 1) be located in such a manner that any significant unused portion of the property has adequate development options, and 2) not restrict development options on adjacent properties.
- (c) The use can utilize rural services, or the City and County have approved use of existing urban services.
- (d) The use and related structures and improvements meet the development standards of the most restrictive zone (other than the UD, UT, or UTF zones) consistent with the applicable comprehensive plan designation, or the city concurs and, if requested by the city, conditions are imposed that require the structures and improvements to be brought into conformance with city zoning regulations upon annexation.
- (e) The most restrictive zone used in the applicable comprehensive plan designation (other than the UD, UT, or UTF zones) lists the proposed use as a permitted or conditional use; or, the city concurs and, if requested by the city, conditions are imposed requiring that the use be brought into conformance with city zoning regulations upon annexation.
- (f) The use, as conditioned, 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.
- (g) Single family dwellings or mobile homes under Section 14.02 (b) shall be:
  - (1) Situated on generally unsuitable land for farm use considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the parcel; and
  - (2) Compatible with farm or forest uses and consistent with ORS 215.243; and
  - (3) Not interfere seriously with farming or forest practices on adjacent lands; and
  - (4) Not materially alter the stability of the overall land use pattern of the area.
- (h) Expansion or replacement of a single family dwelling or mobile home under Section 14.02 (u) shall meet the following criteria:
  - (1) There is only one dwelling or mobile home on the lot, or the dwelling or mobile home is the primary dwelling on the lot, and

- (2) The dwelling or mobile home has been occupied within the previous 12 months.
- (i) In order to qualify as a commercial activity in conjunction with farm use the use or activity must meet one of the following criteria in addition to the criteria in (a) through (f):
  - (1) Preparing farm ground, starting and fostering the natural growth of the agricultural product, and harvesting and transportation of harvest produce including primary processing and packaging necessary to warehouse or ship the produce, and 51% or more of the service is provided to lands not owned or leased by the service provider.
  - (2) Secondary processing converting a primary agricultural product into another marketable product, and transportation of these products.
  - (3) Sale of farm products, after primary processing, on a premises where less than 51% of the farm product was raised, and the products sold were raised in Marion County or an abutting county; and, sale of farm products after secondary processing.
  - (4) Repair and sale of used equipment, and manufacture or sale of farm supplies, when associated with the activities in (1) and at least 51% of the customers will be Marion County residents.

**14.04 PROHIBITED USES.** Within an UTF zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 14.01 to 14.03.

**14.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. If city standards are adopted by the Board the city standards shall apply. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**14.11 HEIGHT.** Within a UTF zone the maximum height limit is 35 feet for dwellings and conditional uses. Other buildings and structures shall not exceed 45 feet in height except buildings used exclusively for farm use. Greater height may be requested and approved as a minor adjustment or conditional use.

**14.12 FRONT YARDS AND YARDS ABUTTING STREETS.** Within a UTF zone the following front yards and yard abutting streets and roadways shall be provided:

- (a) Along the full extent of each front lot line and lot line abutting a street or roadway, there shall be a required yard 20 feet in depth.
- (b) Yards for accessory structures shall be subject to the requirements of Chapter 28.

**14.13 INTERIOR SIDE YARDS.** Within a UTF zone the following side yards shall be provided:

- (a) Side yards shall be at least 5 feet or comply with the side yard requirement for the most restrictive zone allowed in the appropriate Comprehensive Plan designation, which ever is greater.
- (b) Yards for accessory structures shall meet the requirements of Chapter 28 except farm animals, storage of animal waste, and related structures shall not be located closer than 100 feet from a side lot line adjacent to a residential zone.

**14.14 INTERIOR REAR YARDS.** Within a UTF zone the following rear yards shall be provided:

- (a) 24 feet for any single family dwelling and for any portion of any other building not more than 15 feet in height; and 30 feet for any portion of a building greater than 15 feet in height other than a single family dwelling.
- (b) Yards for accessory structures shall meet the requirements of Chapter 28 except farm animals, storage of animal waste, and related structures shall not be closer than 100 feet from a rear lot line adjacent to a residential zone.

**14.20 LANDSCAPING.** Within a UTF zone:

- (a) All portions of required yards lying between a street or roadway and the primary building, or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard, shall be landscaped.
- (b) All required landscape areas shall be landscaped as provided in Chapter 29.

**14.30 GROWTH MANAGEMENT.** The Comprehensive Plan policies applicable to lands in the UTF zone anticipate future annexation and extension of public facilities and services to lands intended for residential, commercial or industrial use. To facilitate an orderly transition to efficient urban development regulation of land divisions and development proposed prior to urban development is necessary. The development regulations and standards in Sections 14.31, and 14.32 shall apply to lands in the UTF zone.

**14.31 DIVISIONS OF LAND.**

- (a) A series partition, subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes is not permitted in the UTF zone.
- (b) The following regulations shall apply when lot line adjustments and partitioning of land within the UTF zone subject to the provisions of the Subdivision and Partitioning Ordinance are proposed:
  - (1) The minimum lot size in the UTF zone is 20 acres except as provided in subsections (4) and (7).
  - (2) Additional street right-of-way required by adopted standards shall be dedicated along the street frontage of any lot 10 acres or less in area that is part of a partition or lot line



adjustment. Street and drainage improvements within the dedicated right-of-way shall be deferred until otherwise required by the county, or by the city following annexation. A non-remonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.

- (3) The location of lot lines shall not significantly reduce feasible options for the future location of urban roads or utility services, or preclude development options on the property or adjacent properties.
- (4) When a lot is divided to create a homesite for an existing residence, or the size of an existing homesite is reduced, the lot should be as small as possible and should not be larger than 1 acre. If a lot of 1 acre or less is not feasible the lot should either contain all of the undeveloped land or be large enough that the urban development potential will be a significant incentive for the owner to develop planned urban uses when the lot is annexed.
- (5) When a new or adjusted lot located in a residential plan designation is smaller than 5 acres and larger than 1 acre, a redevelopment plan shall be required demonstrating that the resulting lots can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The Zoning Administrator shall submit the plan to the city for review and comment. If no response is received within 10 days, or such additional time as requested by the city, the city will be deemed to have no concerns with the proposed redevelopment plan.

The redevelopment plan is only for the purposes of identifying a feasible means to subdivide the property and to identify an appropriate location for residences, and does not limit consideration of other development options when urban services are available.

- (6) Minimum standards for lots located in a residential plan designation are:
  - (a) New lots shall have no dimension less than 100 feet.
  - (b) New lots shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way width of not less than 40 feet.
- (7) When a lot located in a residential plan designation and occupied by a non-residential use is created or altered, the lot should include as little undeveloped land suitable for residential uses as possible, unless evidence is presented that undeveloped land needs to be included in the lot to accommodate allowable expansion of the subject use.

#### **14.32 DEVELOPMENT LIMITATIONS AND REQUIREMENTS.**

- (a) **Mobile home Development.** No new mobile homes are permitted unless the property is designated for residential development in the comprehensive plan and the most restrictive county zone used in the plan designation (other than the UT, UTF, and UD zones) would permit a mobile home on a lot as an outright permitted use or a conditional use. Approval of a mobile home shall be subject to the applicant signing an agreement requiring removal of the mobile home if the property is subsequently placed in a zone that does not permit mobile homes.

- (b) **Dwelling Development.** No new dwellings are permitted unless the area is designated for residential development and the most restrictive county zone used in the Plan designation (other than the UT, UTF and UD zones) would permit the dwelling as an outright permitted use or a conditional use.
- (c) **Residential Density.** On lots designated for residential development no more than one dwelling unit or mobile home shall be allowed per lot.
- (d) **Siting of Residences.** If a new dwelling is allowed on a lot of more than 1 acre and less than 5 acres, and the lot is designated for residential development, the dwelling shall be located in conformance with a redevelopment plan. The redevelopment plan shall demonstrate that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The Zoning Administrator shall submit the plan to the city for review and comment. If no response is received within 10 days, or such additional time as requested by the city, the city will be deemed to have no concerns with the proposed redevelopment plan.
- (e) **On-site sewage disposal.** The following conditions shall be met prior to the approval of a use or dwelling relying on an on-site system for wastewater disposal:
  - (1) The property shall not lie within the boundary of a sewer service district unless allowed in writing by the city.
  - (2) The property must lie more than 300 feet in a straight line from an existing sewer line which can be extended to the property to provide gravity sewer service unless the city agrees in writing to allow on-site sewage disposal.
  - (3) The property shall not be served by a city or district water system.
  - (4) The property shall have no width or length less than 100 feet.
  - (5) The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way of not less than 40 feet.
  - (6) Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system, or DEQ approval of another type of sewage disposal.
  - (7) The property owner shall provide a signed non-remonstrance agreement with the city for future annexation and sewer or water service by the City.
  - (8) The applicant shall sign an agreement with the city agreeing to connect the subject development to the public sewer system when the system comes to within 300 feet of the property, and can provide gravity service.
  - (9) The requirements in (4) and (5) do not apply to lots legally created before the applicable city comprehensive plan was first acknowledged or in the case of the Salem/Keizer Urban Growth area before August 1, 1981.

- (f) **Residences on undeveloped lots.** A new dwelling or mobile home shall not be allowed on any undeveloped lot created in the UTF zone unless it complies with all other provisions in this Chapter and the city concurs.

**14.40 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 15**  
**URBAN DEVELOPMENT - UD ZONE**

Revised 10/06/04 Ord.#1204  
Revised 1/17/96

Section	Title	Page
15.00	Purpose	1
15.01	Uses	1
15.02	Conditional Uses	2
15.03	Conditional Use Criteria	3
15.04	Prohibited Uses	3
15.10	Development Standards	3
15.11	Height	3
15.12	Front Yards and Yards Adjacent to Streets	3
15.13	Interior Side Yards	4
15.14	Interior Rear Yards	4
15.20	Landscaping	4
15.30	Divisions of Land and Automatic Rezoning	4
15.31	Zone Change Requirements	5
15.40	Informational Reference to Additional Standards	6

\* Word defined in Chapter 49

**15.00 PURPOSE.** The UD (URBAN DEVELOPMENT) zone is intended to provide for urban development consistent with the land use designation in the applicable city comprehensive plan where sanitary services are, or can be made available. Because these areas may not have storm drainage or streets adequate to support development, planned residential uses and other compatible uses may only be established as part of a subdivision, planned development or conditional use permit to ensure that necessary public facilities are provided. If the comprehensive plan authorizes uses more intensive than allowed in the UD zone, a zone change is required to ensure development to adopted urban standards.

**15.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the UD zone:

- (a) Lawful uses existing on a lot when this zone is applied, except as provided in Section 15.02 (a) for expansion and replacement.
- (b) Public and semi-public facilities rendering direct service to local areas, such as fire stations, public utility facilities\* and low voltage (57KV or less) electrical transmission lines.
- (c) On lots designated single family residential in the applicable comprehensive plan:
  - (1) Detached single family dwelling.\*
  - (2) Child day care home\* for 12 or fewer children.

- (d) Uses permitted in Chapter 25.
- (e) Signs subject to Chapter 31.
- (f) The following uses subject to the special standards in Chapter 26:
  - (1) Home occupations-limited\* (see Section 26.20).
  - (2) Boat and recreational vehicle storage (see Section 26.34).
  - (3) Planned developments on land designated single family or multiple-family residential in the applicable comprehensive plan, subject to Section 15.30 (see Section 26.800).
  - (4) Manufactured home on a lot in the Salem Urban Growth Boundary on land designated single family residential (see Section 26.03).

**15.02 CONDITIONAL USES.** The following uses may be permitted subject to obtaining a conditional use permit:

- (a) Expansion or replacement of a use permitted under Section 15.01 (a) subject to meeting the criteria in Section 15.03 (see Section 40.04 (d) for limits on conditions). A conditional use permit is not required to expand or replace a single family dwelling or mobile home if it is determined:
  - (1) The dwelling or mobile home meets the setback and height standards of the UD zone, or is no more non-conforming than the existing dwelling or mobile home;
  - (2) There is only one dwelling or mobile home on the lot;
  - (3) The subject dwelling or mobile home has been occupied within the past 12 months;
  - (4) In the case of replacement, the dwelling or mobile home, if not placed on the same footprint, shall be located in such a manner than any significant unused portion of the property has adequate development options, and development options on adjacent properties are not significantly restricted. Consideration shall be given to the planned location of public facilities and service in siting a replacement dwelling or mobile home. A mobile home may be replaced only with a mobile home and the replacement mobile home shall meet the requirements in Section 26.903 (a).
- (b) Public parks, playgrounds, public utility facilities\* and other public and semi-public uses.
- (c) If located on property designated for commercial or residential uses in applicable comprehensive plan:
  - (1) Religious organizations. SIC 866 (see Section 26.60).
  - (2) Elementary and secondary schools. SIC 8211 (see Section 26.62).
  - (3) Membership recreation club. SIC 7997 (see Section 26.32).
  - (4) Civic, social and fraternal organizations. SIC 864.
  - (5) Child day care center\* (see Section 26.22).
  - (6) Home occupations-conditional\* subject to Chapter 32.40.

- (d) If located on property designated for residential uses in applicable comprehensive plan:
  - (1) Two family shared housing (see Section 26.04).
  - (2) Duplex\* on a corner lot (see Section 26.06).
  - (3) Public golf course. SIC 7992 (see Section 26.32).
  - (4) Residential facility\*.
  - (5) Mobilehome park\* (see Section 26.901)

**15.03 CONDITIONAL USE CRITERIA.** Before a conditional use permit may be approved it must be found that the following criteria applicable to the proposed use will be satisfied:

- (a) The use and related buildings will be located in such a manner that any significant unused portion of the property has adequate development options and development options on adjacent properties will not be restricted.
- (b) For uses other than a single family dwelling, the use independently or together with nearby uses will not require installation of urban facilities identified in Section 40.03 (j), or such facilities will be provided as prescribed in Chapter 40.
- (c) The use meets the development standards of the most restrictive zone used in the applicable Comprehensive Plan designation.
- (d) The use is a permitted or conditional use in the most restrictive zone (other than the UT, UTF or UD zones) used in the applicable comprehensive plan designation.

**15.04 PROHIBITED USES.** Within an UD zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 15.01 to 15.03.

**15.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. If city standards are adopted by the Board the city standards shall apply. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**15.11 HEIGHT.** Within a UD zone the maximum height limit is 35 feet for dwellings and conditional uses. Other buildings and structures shall not exceed 45 feet in height.

**15.12 FRONT YARDS AND YARDS ABUTTING STREETS.** Within a UD zone the following front yards and yards abutting streets shall be provided:

- (a) Except as provided in (b) and (c) below, along the full extent of each front lot line and lot line abutting a street or roadway, there shall be a required yard 20 feet in depth.
- (b) Yards for accessory structures shall be subject to the requirements of Chapter 28.
- (c) Yards shall be as provided in the RS zone for lots in subdivisions and in Section 26.800 for Planned Developments.

**15.13 INTERIOR SIDE YARDS.** Within a UD zone the following side yards shall be provided:

- (a) Except as provided in (b) below side yards shall be at least 5 feet or the side yard requirement for the most restrictive zone allowed in the appropriate Comprehensive Plan designation, which ever is greater.
- (b) Side yards shall be as provided in the RS zone for lots in subdivisions and in Section 26.800 for Planned Developments approved in the UD zone.

**15.14 INTERIOR REAR YARDS.** Within a UD zone the following rear yards shall be provided:

- (a) Except as provided in (b) and (c) below 14 feet for any single family dwelling; and 20 feet for any portion of a building other than a single family dwelling.
- (b) Setbacks for accessory structures shall meet the requirements of Chapter 28.
- (c) Rear yards shall be as provided in the RS zone for lots in subdivisions and in Section 26.800 for Planned Developments.

**15.20 LANDSCAPING.** Within a UD zone:

- (a) All portions of required yards lying between a street or roadway and the primary building or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard shall be landscaped.
- (b) All required landscape areas shall be landscaped as provided in Chapter 29.

**15.30 DIVISIONS OF LAND.**

- (a) A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes may be considered on property in the UD zone if: 1) public sewer and water will be available at the time of development, 2) the development complies with the requirements of the RS zone, and 3) the applicable comprehensive plan designation allows residential development of the type and density proposed.
- (b) The following regulations shall apply when lot line adjustments and partitionings of land within the UD zone as regulated by the Marion County Subdivision and Partitioning Ordinance are proposed:
  - (1) Existing lots with dwellings: The dwelling and immediately surrounding area may be separated from the remaining property provided:
    - (a) The location of lot lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. If the applicable comprehensive plan designates the property for single family residential uses a development plan may be required which demonstrates that the proposed division will not preclude future subdivision achieving the median density proposed in the Comprehensive Plan.

- (b) Any additional street right-of-way required by adopted standards is dedicated along the lot's street frontage.
  - (c) If the dwelling is within 300 feet of a sewer line capable of serving the dwelling the dwelling shall be connected to the sewer.
  - (d) Street and drainage improvements applicable to any street abutting the dwelling lot shall be required at the time the remnant parcel is developed through an improvement agreement.
- (2) The minimum lot size for partitionings and lot line adjustments shall be 6,000 square feet for the dwelling lot. If the dwelling lot is proposed to be larger than 15,000 square feet a redevelopment plan shall be required demonstrating that the proposed dwelling lot meets subsection (1) (a). The location of lot lines on the dwelling lot shall conform to the yard requirements of the RS zone.

**15.31 ZONE CHANGE REQUIREMENT AND AUTOMATIC REZONING.**

- (a) Residential uses not permitted in Section 15.01 (a) or as a conditional use in Section 15.02, and any other use not allowed in the UD zone may only be considered as part of an application for a change to a zone that allows the proposed use.
- (b) Notwithstanding the zone change procedures in this ordinance, upon approval and recordation of a subdivision or planned development plat as prescribed in the Marion County Subdivision and Partitioning Ordinance the land included in the plat shall automatically be rezoned to the RS (SINGLE FAMILY RESIDENTIAL) zone and the official zoning map shall be amended accordingly, unless the decision approving the plat expressly provides for retention of the UD zone, or a change to another zone is approved as part of a concurrent zone change application.
- (c)
  - (1) Notwithstanding the zone change procedures in this ordinance, upon the effective date of a conditional use permit the lot upon which the approved use is to be located shall automatically be rezoned as provided in Section 15.31(c) (3) and the official zoning map shall be amended accordingly; however, the decision approving the conditional use may expressly provide for retention of the UD zone, expressly limit the zone change to a described portion of the lot, or provide for a change to another zone if approved as part of a concurrent zone change application.
  - (2) Notice of the decision granting a conditional use that includes automatic rezoning shall be provided in the manner required for a decision granting a zone change.
  - (3) Conditional uses approved on property designated for residential uses in the applicable comprehensive plan shall be rezoned to RS (SINGLE FAMILY RESIDENTIAL).

Conditional uses approved on property designated for commercial uses shall be rezoned to CO (COMMERCIAL OFFICE). Conditional uses approved on property designated for Industrial uses shall be rezoned to IC (INDUSTRIAL COMMERCIAL).



**15.40 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
Planned Developments	Chapter 26
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

**CHAPTER 16  
PUBLIC - P ZONE**

Revised 10/06/04 Ord.#1204

Section	Title	Page
16.00	Purpose	1
16.01	Uses	1
16.02	Conditional Uses	2
16.03	Prohibited Uses	3
16.10	Development Standards	3
16.11	Height	3
16.12	Lot Area	3
16.13	Front Yards and Yards Adjacent to Streets	3
16.14	Interior Side and Rear Yards	3
16.15	Storage	3
16.20	Landscaping	4
16.30	Informational Reference to Additional Standards	4

\* Word defined in Chapter 49

**16.00 PURPOSE.** The purpose of the P (PUBLIC) zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use.

If the use existing at the time the P zone is applied is discontinued, or if a use proposed at the time the zone is applied is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. It is not intended that a property zoned Public for one type of use be allowed to change to another use without demonstrating through the conditional use process that the proposed use satisfies the conditional use criteria.

**16.01 USES.** The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the P zone:

- (a) Farm use\*.
- (b) Forest use.
- (c) Uses permitted in Chapter 25.
- (d) Utilities\* except public power generation.
- (e) Signs subject to Chapter 31.
- (f) The following uses subject to the special standards in Chapter 26:
  - (1) Home occupations- limited \* (see Section 26.20).
  - (2) Child day care home\* for 12 children or less (see Section 26.22).
  - (3) Elementary and secondary schools. SIC 8211 (see Section 26.62).
  - (4) Religious organizations\* (see Section 26.60).
  - (5) Child day care center (see Section 26.22).
  - (6) Senior citizens center, counseling center, and neighborhood center (see Section 26.60).

- (g) Replacement or expansion of legally established uses included in Section 16.02 provided: 1) the use was not established under a conditional use permit expressly requiring approval of expansion or replacement, and 2) the replacement or expansion does not involve lands added to the subject lot as it existed on the effective date of the application of this zone.

**16.02 CONDITIONAL USES.** The following uses may be permitted in a P zone subject to obtaining a conditional use permit:

- (a) Dwellings\* (including mobile homes\*) in conjunction with farm or forest use, or for a caretaker or watchman; or for the staff required for an approved conditional use.
- (b) Local and suburban passenger transportation. SIC 411.
- (c) School buses. SIC 415.
- (d) Terminal and service facilities for motor vehicle passenger transportation. SIC 417.
- (e) U.S. Postal Service. SIC 43.
- (f) Marinas. SIC 4493.
- (g) Transportation by air. SIC 45 and related commercial and industrial use.
- (h) Communication. SIC 48 including related transmission towers.
- (i) Electric, gas and sanitary services. SIC 49.
- (j) Cemeteries, crematoriums and mausoleums. SIC 6553 and 726 (see Section 26.44).
- (k) Commercial sports. SIC 794.
- (l) Public golf courses. SIC 7992 (see Section 26.30).
- (m) Amusement parks. SIC 7996.
- (n) Amusement and recreation services not elsewhere classified. SIC 7999.
- (o) Health services. SIC 80.
- (p) Educational services. SIC 82 and associated industrial uses providing vocational training.
- (q) Social services. SIC 83.
- (r) Museums, art galleries, botanical and zoological gardens. SIC 84.
- (s) Membership organizations. SIC 86.
- (t) Physical fitness facilities. SIC 7991.
- (u) Membership Sports and Recreation Clubs. SIC 7997.
- (v) Engineering, Architectural, and Surveying Services. SIC 871.
- (w) Accounting, Auditing, and bookkeeping Services. SIC 872.
- (x) Commercial Economic, Sociological, and Educational Research. SIC 8732.
- (y) Management and Public Relations Services. SIC 874.
- (z) Executive, legislative and general government. SIC 91.
- (aa) Justice, public order and safety. SIC 92 including correctional facilities.
- (bb) Public finance, taxation and monetary policy. SIC 93.
- (cc) Administration of government program. SIC 94, 95, 96.
- (dd) National security. SIC 971.
- (ee) Parks, playgrounds, parkways, public or private open space.
- (ff) Solid waste disposal site subject to Chapter 32.
- (gg) Surface mining subject to Chapter 32.
- (hh) Hazardous waste disposal facility as defined by State Department of Environmental Quality laws and subject to local land use compatibility criteria in DEQ rules.
- (ii) Transmission facilities.\*
- (jj) Uses permitted in Section 2.01 provided the abutting lots are designated for residential use in the applicable comprehensive plan.

**16.03 PROHIBITED USES.** Within an P zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 16.01 to 16.02.

**16.10 DEVELOPMENT STANDARDS.** The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**16.11 HEIGHT.** Within a P zone:

- (a) Residential buildings shall not exceed 35 feet in height.
- (b) A lot having a width less than 50 feet or an area less than 10,000 square feet shall have no building or structure in excess of 35 feet high.
- (c) All other buildings and structures shall not exceed 70 feet.
- (d) Structures exempt from height requirements are listed in Chapter 27 and structures with special height requirements in Chapter 28.

**16.12 LOT AREA.** Within a P zone the minimum lot area for uses served by public sewer and water services is 10,000 square feet; 20,000 square feet if served by either sewer or water; and 1 acre if the use relies on on-site wastewater disposal. Otherwise there is no minimum lot size.

**16.13 FRONT YARDS AND YARDS ABUTTING STREETS.** Within a P zone:

- (a) Along the full extent of each front lot line and lot line abutting a street or roadway, there shall be a required yard 20 feet in depth.
- (b) Yards for accessory structures shall be as provided in Chapter 28.

**16.14 INTERIOR SIDE AND REAR YARDS.** Within a P zone no interior side and rear yards are required except when a side or rear lot line abuts on a residential zone in which case the following setbacks apply to the abutting lot line:

- (a) Five feet for any portion of a building not more than that 35 feet in height.
- (b) For buildings or structures exceeding 35 feet in height the minimum yard width shall be five feet plus one foot for every one and one-half feet the structure exceeds 35 feet.
- (c) Setbacks for accessory buildings and structures shall be as provided in Chapter 28.

**16.15 STORAGE.** Within a P zone open outdoor storage of materials or equipment shall be screened from view from the street and adjacent properties by a sight-obscuring fence, wall or hedge.

**16.20 LANDSCAPING.** Within a P zone all required yards shall be landscaped as provided in Chapter 29.

**16.30 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS.** Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone	Chapter 19
Greenway Overlay Zone	Chapter 20
Airport Overlay Zone	Chapter 21
General Development Standards & Regulations	Chapter 27
Development Standards for Secondary, Accessory, and Temporary Structures	Chapter 28
Landscaping	Chapter 29
Off-Street Parking & Loading	Chapter 30

Marion County  
OREGON



Home > Public Works > Planning > Zoning Ordinances/Land Use Regulations > Marion County Urban Zoning Ordinance > Chapter 19 Flood Plain Overlay Zone

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments

## CHAPTER 19

### FLOODPLAIN OVERLAY ZONE

Revised 12/04/02

#### Section Title

19.00 Purpose

19.01 Definitions

19.10 General Provisions

19.11 Uses

19.12 Reserved

19.13 Conditional Use Procedures and Requirements

19.14 Flood Protection Standards

19.15 Generalized Floodplain Areas

19.16 Variances

19.17 Variance Criteria

19.18 Warning and Disclaimer of Liability

**19.00 PURPOSE.** The purpose of the Floodplain Overlay Zone is to:

(A) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

(B) Minimize expenditure of public money for flood control projects, rescue and relief efforts in areas subject to flooding.

(C) Minimize flood damage to new construction by elevating or flood proofing all structures.

Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

(D) Control the alteration of natural floodplains, stream channels and natural protective barriers which hold, accommodate or channel flood waters.

(E) Control filling, grading, dredging and other development which may be subject to or increase flood damage.

(F) Prevent or regulate the construction of flood barriers which may increase flood hazards in other areas.

(G) Comply with the requirements of the Federal Insurance Administration to qualify Marion County for participation in the National Flood Insurance Program.

(H) Minimize flood insurance premiums paid by the citizens of Marion County by reducing potential hazards due to flood damage.

(I) Implement the floodplain policies in the Marion County Comprehensive Plan.

**19.01 DEFINITIONS.** For purposes of this overlay zone the following terms shall mean:

(A) **Area of Shallow Flooding** - Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

(B) **Base Flood Level** - The flood level having a one percent chance of being equaled or exceeded in any given year (100 year floodplain).

(C) **Conveyance** - Means the carrying capacity of all or a part of the floodplain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.

(D) **Existing Manufactured Home Park or Subdivision** - Is one in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed was completed before the effective date (August 15, 1979) of the community's floodplain management regulations. The construction of facilities includes, at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

(E) **Encroachment** - Means any obstruction in the floodplain which affects flood flows.

(F) **Flood or Flooding** - A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

(G) **Flood Boundary Floodway Map (FBFM)** - The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Floodplain, Floodway (and Floodway Fringe) and cross sections (referenced in the text portion of the FIS).

(H) **Floodplain Development** - Means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the floodplain.

(I) **Floodway Fringe** - The area of the floodplain lying outside of the floodway as delineated on

the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.

(J) **Floodplain** - Lands within the County that are subject to a one percent or greater chance of flooding in any given year and other areas as identified on the official zoning maps of Marion County.

(K) **Flood Insurance Rate Map (FIRM)** - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones applicable to the community and is on file with the Marion County Planning Division.

(L) **Flood Insurance Study (FIS)** - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with Marion County Planning Division.

(M) **Floodproofing** - A combination of structural or non-structural provisions, changes or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

(N) **Floodway** - The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is identified on the Flood Boundary Floodway Map.

(O) **Highway Ready** - Means a fully licensed recreation vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(P) **Lowest floor** - Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(Q) **Manufactured Home** - Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes mobile homes as defined in Section 19.01(T). For insurance and floodplain management purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles as defined in Section 19.-01(X).

(R) **Manufactured Home Park or Subdivision** - Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(S) **Mean Sea Level** - Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(T) **Mobile Home** - Means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not



include any recreational vehicle as defined by Section 19.01(X).

(U) **New Construction** - Any structure(s) for which the start of construction commenced on or after the effective date of the Floodplain Overlay Zone (August 15, 1979).

(V) **Obstruction** - Any physical object which hinders the passage of water.

(W) **Permanent Foundation** - Means a natural or manufactured support system to which a structure is anchored or attached. A permanent foundation is capable of resisting flood forces and may include posts, piles, poured concrete or reinforced block walls, properly compacted fill, or other systems of comparable flood resistivity and strength.

(X) **Recreational Vehicle** - Means a "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801.350, and 801.565 that is intended for temporary human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a mobile home in Section 19.01(T).

(Y) **Reinforced Pier** - At a minimum, a reinforced pier must have a footing adequate to support the weight of the manufactured home under saturated soil conditions. Concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacked concrete blocks do not constitute reinforced piers. When piers exceed 36 inches under "I" beams or 48 inches under floor systems they are required to be designed by an engineer licensed in Oregon.

(Z) **Special Flood Hazard Area (SFHA)** - Areas subject to inundation from the waters of a 100-year flood.

(AA) **Start of Construction** - (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(BB) **Substantial Damage** - Means flood related damage when the cost of restoring the structure would equal or exceed 20 percent of the market value of the structure before the damage occurred.

(CC) **Substantial Improvement** - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 20 percent of the assessed value of the structure:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first

alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions;

(b) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

(DD) **Watercourse** - A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplains.

(EE) **Water Dependent** - Means a use or activity that can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water related transportation, recreation, energy production or source of water. These uses include structures that to serve their purpose must be in or adjacent to water areas, such as bridges, culverts, and erosion and flood control structures.

(FF) **Zoning Administrator** - Shall be the Planning Director or his designee.

**19.10 GENERAL PROVISIONS.** The following regulations apply to all unincorporated lands in identified floodplains as shown graphic-ally on the zoning maps. The floodplain comprises those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study for Marion County and Unincorporated Areas" dated January 19, 2000, with accompanying Floodway and Flood Insurance Rate Maps, and amendments taking effect on August 15, 1979, August 19, 1987, September 30, 1993, December 19, 1995, June 19, 1997, and January 2, 2003. ---The floodplain also comprises areas identified and mapped by Marion County that were not studied by the FIA. The report and maps are incorporated in the overlay zone by this reference and are on file with the Marion County Planning Division. When base flood elevation data have not been provided, the Zoning Administrator shall have the authority to determine the location of the boundaries of the floodplain where there appears to be a conflict between a mapped boundary and the actual field conditions, provided a record is maintained of any such determination.

(A) Duties of the Zoning Administrator shall include, but not be limited to:

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

(3) Review building permits where elevation data is not available either through the FIS or from another authoritative source, to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

(4) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 19.14 (J) are met.

(5) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including base-ment) of all new or substantially improved structures, and whether or not the structures contain a basement.

(6) For all new substantially improved floodproofed struc-tures:

(a) Verify and record the actual elevation (in rela-tion to mean sea level), and

(b) Maintain the floodproofing certifications required in Section 19.14(C).

(7) Maintain for public inspection- all records pertaining to the provi-sions of this ordinance.

**19.11 USES.** Within a FP (Floodplain) Overlay zone no uses, structures, recreational vehicles and premises shall be used or established except as provided in the applicable underlying zone and the provisions of this overlay zone. Except as provided herein all uses and floodplain development shall be subject to issuance of a conditional use permit (Floodplain Development Permit) as provided in Section 19.13.

(A) The following uses are exempt from the regula-tions of this overlay zone:

(1) Signs, markers, aids, etc., placed by a public agency to serve the public.

(2) Streets, driveways, parking lots and other open space use areas where no alteration of topography will occur.

(3) Minor repairs or alterations to existing structures pro-vided the al-ter-ati-ons do not in-crease the size or in-ten-sify the use of the structure, and do not consti-tute "sub-stantial im-provement" as de-fined in Section 19.01(CC).

(4) Customary dredging associated with channel maintenance consistent with applicable State or Federal law. This exemption does not apply to the dredged materials placed within a floodplain.

(5) Placement of utility facilities necessary to serve estab-lished and permitted uses within floodplain areas, such as telephone poles. This exemption does not apply to build-ings, substations, or other types of floodplain development.

(A) The following are not required to obtain a conditional use permit provided:

(1) That prior to obtaining a building permit for any residential, commercial or industrial structure within an area identified by FIA or Marion County as being within a 500 year floodplain the applicant shall comply with the requirement in 19.13(C).

(2) New dwellings and manufactured homes, and replacement dwellings that are not being replaced in the same location as the original

dwelling, are prohibited in the floodplain if there is an area on the subject property that is located outside of the floodplain where the

dwelling can be placed. An exception to this prohibition may be granted if a floodpla-in development permit, and variance consistent

with Section 19.16, are obtained.

## **19.12 RESERVED**

## **19.13 CONDITIONAL USE PROCEDURES AND REQUIREMENTS.**

(A) Except as provided in Section 19.11 a conditional use permit (Floodplain Development Permit) shall be obtained before construction or development begins within the Floodplain Overlay Zone. The conditional use permit shall include conditions ensuring that the Flood Protection standards in Section 19.14 are met.

(B) When base flood elevation data and floodway data have not been provided in accordance with Section 19.10, the applicant, with the assistance of the Zoning Administrator, shall obtain and reasonably utilize any base flood elevation data or evidence available from a Federal, State or other source in order to determine compliance with the flood protection standards. If data are insufficient, the Zoning Administrator may require that the applicant provide data derived by standard engineering methods.

(C) Prior to obtaining a building permit the owner shall be required to sign and record in the deed records for the county a declaratory statement binding the landowner, and the landowner's successors in interest acknowledging that the property and the approved development are located in a floodplain.

(D) Prior to obtaining a building permit, commencing development or placing fill in the floodplain the applicant shall submit a certification from a registered civil engineer demonstrating that a development or fill will not result in an increase in floodplain area on other properties and will not result in an increase in erosive velocity of the stream that may cause channel scouring or reduce slope stability downstream of the development or fill.

(E) Prior to any mining, dredging, filling, grading, paving or excavation within the 500 year floodplain area, as shown on the Marion County zoning maps, a floodplain development permit shall be obtained.

(F) The applicant shall provide an elevation certificate signed by a licensed surveyor or civil engineer certifying that the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved manufactured homes, dwellings and structures meets the requirements of Section 19.14(A), (B) and (C) where applicable, as follows:

- (1) Prior to construction (based on construction drawings), and
- (2) Once the floor elevation can be determined (based on the building under construction), and
- (3) Prior to occupancy (based on finished construction).

(G) A highway ready recreation vehicle may be located on a lot or parcel without a dwelling in a floodplain or floodway only during the non-flood season (June 1 through September 30), subject to the requirements in Section 26.41.

(H) In addition to other information required in a conditional use application, the application shall include:

- (1) Land elevation in mean sea level data at development site and topographic characteristics of the site.

(2) Base flood level expressed in mean sea level data on the site.

(3) Plot plan showing property location, floodplain and floodway boundaries where applicable, boundaries and the location and floor elevations of existing- and pro-posed development, or the location of grading or fill-ing where ground surface modifications are to be under-taken.

(4) Any additional statements and maps providing information demonstrating existing or historical flooding conditions or characteristics which may aid in determining compliance with the flood protection standards of this overlay zone.

**19.14 FLOOD PROTECTION STANDARDS.** In all areas of identified floodplain, the following requirements apply:

(A) Dwellings and Manufactured Homes

New residential construction, substantial improvement of any residential structures, location of a manufactured home on a lot or in a manufactured home park or park expansion approved after adoption of this ordinance shall:

(1) Dwellings shall have the top of the lowest floor, including basement, elevated on a permanent foundation to two (2) feet above base flood elevation and the bottom of the lowest floor constructed a minimum of one (1) foot above the base flood elevation. Where the base flood elevation is not available, the top of the lowest floor, including basement shall be elevated on a permanent foundation to two (2) feet above the highest adjacent natural grade (within 5 feet) of the building site and the bottom of the lowest floor elevated to one (1) foot above the highest adjacent natural grade (within 5 feet) of the building site; and

(2) Manufactured homes shall have the finished floor, including basement, elevated on a permanent foundation to two (2) feet above base flood elevation. Where the base flood elevation is not available, the finished floor, including basement shall be elevated on a permanent foundation to two (2) feet above the highest adjacent natural grade (within 5 feet) of the building site; and

(3) Manufactured homes shall be anchored in accordance with subsection (D); and

(4) No new dwellings or manufactured home shall be placed in a flood-way. An exception to this prohibition may be granted if a floodplain development permit, and variance consistent with Section 19.16, are obtained..

(5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be de-signed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(B) Manufactured homes in existing manufactured home parks

The standards in Section 19.14(A) shall apply to location of a manufactured home in a vacant space in a manufactured home park existing prior to adoption of this ordinance.

(C) Non-residential development

(1) New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to two (2) feet above the level of the base flood elevation. Where the base flood elevation is not available, the lowest floor, including basement shall be elevated to two (2) feet above the highest adjacent natural grade (within 5 feet) of the building site; or together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Be certified by a registered professional engineer or architect that the standards in this subsection and subsection (E) are satisfied. This certificate shall include the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

(d) Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 19.14 (A) (5).

(e) Applicants floodproofing non-residential buildings shall be notified by the Zoning Administrator that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(2) New construction of any commercial, industrial or other non-residential structures are prohibited in the floodway. An exception to this prohibition may be granted if a floodplain development permit, and variance consistent with Section 19.16, are obtained. This prohibition does not apply to water dependent uses.

(D) Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchoring methods shall be consistent with the standards contained in Section 308 (Flood Resistance) contained in the Oregon Manufactured Dwelling Standards Manual 1997.

(E) Construction materials and methods



(1) All new construction and substantial improvements below base flood level shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with accepted standards of practice based on an engineer's or architect's review of the plans and specifications.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.

(F) Utilities

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system as approved by the State Health Division.

(2) New and replacement sanitary sewage systems including on-site waste disposal systems shall be designed and located to minimize flood water contamination consistent with the requirements of the Oregon State Department of Environmental Quality.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment shall be elevated to one (1) above the level of the base flood elevation. Where the base flood elevation is not available, the electrical, heating, ventilation, plumbing and air-condition equipment shall be elevated to one (1) foot above the highest adjacent natural grade (within 5 feet) of the building site.

(G) Developments, Generally - Residential developments involving more than one single family dwelling, including subdivisions, manufactured home parks, multiple family dwellings and planned developments including development regulated under (A) and (C) shall meet the following requirements:

(1) Be designed to minimize flood damage.

(2) Have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize flood damage.

(3) Have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided by the developer. In cases where no base flood elevation is available analysis by standard engineering methods will be required.

(H) Storage of materials and equipment - Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

(I) Alteration of watercourses - When considering a conditional use permit to allow alteration or modification of a water-course the following shall apply:

(1) Adjacent communities, the Oregon Division of State Lands and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Insurance Administration.

(2) Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(J) Floodways - Located within areas of floodplain established in Section 19.10 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential the following provisions shall apply in addition to the requirement in (I):

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a certified technical evaluation is provided by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review.

(2) If Section 1 above is satisfied all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 19.14.

(3) The area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of floodwaters beneath the structure.

(K) Standards for Shallow Flooding Areas (AO Zones)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

(1) New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade (within 5 feet) of the building site, to two (2) feet above the depth number specified on the FIRM or three (3) feet if no depth number is specified.

(2) New Construction and substantial improvements of non-residential structures within AO zones shall either:

(a) Have the lowest floor (including basement) elevated above the highest adjacent grade (within 5 feet) of the building site, to two (2) feet above the depth number specified on the FIRM or three (3) feet if no depth number is specified); or

(b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Subsection 19.14(E).

(3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

**19.15 GENERALIZED FLOODPLAIN AREAS.** Where elevation data is generalized, such as the unnumbered A zones on the FIRM, conditional use permits shall include a review and determination that proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed floodplain development is reasonably safe, applicable criteria shall include, among other things, the use of historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site



is not in a floodplain. In such cases, a letter of map amendment may be required by the Zoning Administrator.

#### **19.16 VARIANCES.**

(A) A variance may be issued as part of the conditional use process for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the criteria in subsection 19.17.

(B) Marion County shall notify the applicant in writing over the signature of the Zoning Administrator that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and 2) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection (C).

(C) Marion County shall: 1) maintain a record of all variance actions, including justification for their issuance; and 2) report such variances issued in its biennial report submitted to the NFIP Administrator.

**19.17 VARIANCE CRITERIA.** The following criteria shall be used to review variance applications.

(A) Variances shall only be issued upon a showing that:

- (1) There is a good and sufficient cause;
- (2) That failure to grant the variance would result in exceptional hardship to the applicant;
- (3) That the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws;
- (4) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (5) The variance will be consistent with the intent and purpose of the provision being varied;
- (6) There has not been a previous land use action approved on the basis that variances would not be allowed; and
- (7) The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in base flood discharge will result.

**19.18 WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this overlay zone is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This zone does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This zone will not create liability on the part of Marion County, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any decision lawfully made thereunder.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer and Privacy Statement](#)

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 20 Greenway Management Overlay Zone](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 20

### GREENWAY MANAGEMENT OVERLAY ZONE

#### Section Title

20.01 Purpose-

20.02 Application

20.03 Review of Uses

20.04 Required Application Information

20.05 Review Standards and Criteria

20.06 Notice of Decision

20.07 Definitions

**20.01 PURPOSE.** The purpose of the GM (GREENWAY MANAGEMENT OVERLAY) zone is to protect the natural, scenic and recreation qualities of lands along the Willamette River in Marion County; preserve and allow the restoration of historical sites, structures and facilities along the Willamette River; implement the goals and policies of the State of Oregon's Willamette River Greenway Program; implement goals and policies of Marion County's Comprehensive Plan; and establish standards and requirements for the use of lands within the Willamette River Greenway.

**20.02 APPLICATION.** The provisions of this overlay zone shall apply to all lands within the Willamette River Greenway Boundary of Marion County as shown on the official zoning map. The boundary is shown in detail on aerial photo maps on file with the Marion County Planning Division and the County Clerk. Interpretation of the exact location of the boundary shall be made by the Zoning Administrator from these photo maps.

**20.03 REVIEW OF USES.** Within the GM (GREENWAY MANAGEMENT OVERLAY) zone a conditional use permit shall be required for all change or intensification of a use, establishment of structures and site alteration on land or water otherwise permitted in the underlying zone except for the following activities which are not subject to review in this overlay zone:

(1) Customary dredging and channel maintenance conducted under permits from the State of Oregon.

Chapter 42 Determinations

Chapter 43

Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

(2) Seasonal increases in gravel operations as provided under permit from the State of Oregon.

(3) The placing by a public agency of signs, markers, aids, etc. to serve the public.

(4) Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses of public lands, as provided in Section 35.10.

(5) Erosion control operations not requiring a permit from the Division of State Lands.

(6) Farm uses.

(7) Reasonable emergency procedures necessary for the safety or protection of property.

(8) Maintenance and repair usual and necessary for the continuance of an existing use.

(9) Landscaping, propagation of timber, construction of driveways, and the construction or placement of accessory structures other than guest houses, provided

that such activities are conducted in conjunction with uses already existing on the same property, are accomplished in a manner compatible with the purpose

of this zone, and are located at least 30 feet upland from ordinary high water.

(10) The partial harvesting of timber in accordance with a plan approval under the Forest Practices Act on lands upland beyond the vegetative fringe.

(11) Water intakes and utilities in conjunction with an agricultural use and single family residences.

(12) Private docks and wharfs provided they are:

(a) Not more than two feet above water level;

(b) Do not include any plumbing or electrical services;

(c) Are not more than 75 sq. feet in area for a facility serving one ownership, excluding boat wells; and

(d) No more than 300 square feet in area for a facility serving two or more property ownerships, excluding boat wells.

**20.04 REQUIRED APPLICATION INFORMATION.** Information contained in the application and supplied by the applicant shall include but not be limited to:

(a) Plot plan showing the following:

(1) The area of the proposed use or activity.

(2) The proximity of the activity to the Willamette River at low and high water level and the location of the top of the terrace bank.

(3) The location of any existing vegetative fringe along the river bank or other significant vegeta-tion.

(b) Statements, drawings, or photos of the proposed external appearance of proposed activity as viewed from the river.

(c) Statements demonstrating compliance with the provisions of this zone.

(d) Any additional information determined by the Zoning Administrator to be necessary to demonstrate compliance with this zone.

**20.05 REVIEW STANDARDS AND CRITERIA.** In reviewing an applica-tion for a Greenway Development conditional use permit, com-pliance with the following considerations and criteria shall apply:

(1) Significant fish and wildlife habitats shall be protect-ed.

(2) Significant natural and scenic areas, viewpoints and vistas shall be preserved.

(3) Areas of ecological, scientific, historical or archeo-logical significance shall be protected, preserved, restored or enhanced to the maximum extent possible.

(4) The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in the development, change of use or intensification of use of land within the Greenway Management Zone.

(5) Areas of annual flooding, flood plains and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natu-ral func-tions.

(6) The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.

(7) Only partial harvesting of timber shall be allowed. It shall be conducted in a manner consistent with the requirements under the Forest Practices Act. Wildlife habitat and the natural scenic qualities of the Greenway shall be maintained or be restored. The extent or type of harvest shall be limited as necessary to satisfy the appropriate standards and criteria in this subsection. Harvesting shall only occur beyond the vegetative fringe.

(8) The proposed development, change or intensification of use is compatible with existing uses on the site and the surrounding area.

(9) Areas considered for development, change or intensif-ication of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Manage-ment Zone.

(10) Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabiliza-tion, stream flow, visual quality, noise and safety and to guarantee necessary reclamation.

(11) Any public recreational use or facility shall not substantially interfere with the established

uses on adjoining property.

(12) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

(13) Except for water-related and water-dependent buildings and structures buildings and structures shall be located 30 feet or more upland from the ordinary high water line, unless it can be shown that the parcel size makes meeting this requirement impossible, or significant natural features would be lost if the standard is met.

(14) Public access to and along the river shall be considered in conjunction with subdivision, commercial and industrial development and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property.

(15) The development shall be directed away from the river to the greatest possible extent.

(16) The development, change or intensification of use shall provide the maximum possible landscaped area, open space or vegetation between the activity and the river.

(17) Private docks and wharfs shall be limited to 300 square feet of area, excluding boat wells. The dock or wharf may be roofed provided the height does not exceed 8 feet above water level and the support structure is not sight-obscuring. There shall not be more than one dock or wharf per lot. Walkways to the dock or wharf shall be not more than 5 feet wide.

(18) Houseboats and houseboat moorages shall not be allowed in the Greenway Overlay Zone.

**20.06 NOTICE OF DECISION.** In addition to the request for comments provided in Section 36.11 and notice required in Chapter 37, Notice of Decision approving conditional uses or adjustments in the Greenway Overlay Zone shall be sent to the Division of Parks and Recreation in the same manner as required in Chapter 44 for a person requesting notice of a decision in writing.

**20.07 DEFINITIONS.** The following definitions shall be used in administering this overlay zone:

(a) **Change of Use:** Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use.

(b) **Intensification:** Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or

placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use.

(c) **Water-Dependent:** A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production or source of water.

(d) **Water-Related:** Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

(e) **Vegetative Fringe:** A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months.

(f) **Partial Harvesting of Timber:** A timber harvest that leaves at least 25% of the trees at least 6 inches DBH standing beyond the vegetative fringe.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer](#) and [Privacy Statement](#)



[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 21 Airport Overlay Zone](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 21

### AIRPORT OVERLAY ZONE

#### Section Title

21.01 Purpose

21.02 Definitions

21.03 Airport Districts

21.04 Review Procedure and Conditions of Approval

21.05 Non-Conforming Uses

21.06 Adjustments

**21.01 PURPOSE.** The Airport Overlay Zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at public use airports based on the adopted master plans or airport layout plans for each airport. This section is intended to comply with Federal Aviation Regulation (FAR) Part 77 and all other applicable federal and state laws regulating hazards to air navigation.

**21.02 DEFINITIONS.** The following definitions shall apply in administering the airport overlay zone:

(a) **Airport:** A public use airport, which is open to the general public with or without a prior request to use the airport. Surfaces described in an approved Airport Master Plan, or Airport Imaginary Surfaces Drawing, for a public use airport shall be included as a part of this definition.

(b) **Airport Elevation:** The highest point of an airports' usable landing area measured in feet from mean sea level. This elevation above mean sea level shall be shown on the Official Zoning Map.

(c) **Airport Hazard:** Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

(d) **Airport Imaginary Surfaces:** Airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The



## Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end and shall be delineated on the Official Zoning Map.

(1) **Primary Surface:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of the runway. The width of a primary surface is:

(a) 250 feet for utility runways having only visual approaches.

(b) 500 feet for utility runways having non-precision approaches.

(c) For other than utility runways the width is:

(1) 500 feet for visual runways having only visual approaches.

(2) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.

(3) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimum as low as three-fourths of a statute mile, and for precision instrument runways.

(2) **Approach Surface:** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(a) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(1) 1,250 feet for that end of a utility runway with only visual approaches.

(2) 1,500 feet for that end of a runway other than a utility runway with only visual approaches.

(3) 2,000 feet for that end of a utility runway with a non-precision instrument approach.

(4) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile.

(5) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile.

(6) 16,000 feet for precision instrument runways.

(b) The approach surface extends for a horizontal distance of:

- (1) 5,000 feet at a slope of 20 to 1 for all utility and visual runways.
- (2) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility.
- (3) 10,000 feet at a slope of 50 to 1 with -an additional 40,000 feet at a slope of 40 to 1 for all precision instrument run-ways.

(c) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise ap-proach existing or planned for that runway end.

(3) **Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perim-eter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- (a) 5,000 feet for all runways designated as utility or visual.
- (b) 10,000 feet for all other runways.

(c) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest deter-mined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connect-ing two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perim-eter of the horizon-tal surface.

(4) **Transitional Surface:** Those surfaces which extend upward and outward at 90 degree angles to the runway center-line and the runway centerline extend-ed at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transi-tional surfaces for those portions of the precis-ion approach surfaces, which project through and beyond the limits of the conical surface, extend a dis-tance of 5,000 feet measur-ed horizo-ntally from the edge of the ap-proach surface and at a 90 degree angle to the extended runway center-line.

(5) **Conical Surface:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(e) **Clear Zone:** The Clear Zone extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.

(f) **Heliport Surfaces:**

(1) **Heliport Primary Surface:** The area of the primary surface coincides in size and shape with the desig-nated takeoff and landing area of a heli-port. This surface is a horizontal plane at the elevation of the established heliport elevation.

(2) **Heliport Approach Surface:** The approach surface begins at each end of the heliport primary surface which has the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heli-ports.

(3) **Heliport Transitional Surfaces:** These surfaces extend outward and upward from the lateral boun-daries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surface.

(4) **Heliport Instrument Procedure Surfaces:** In addition to the surface prescribed above, heliport having an approved instrument procedure shall conform to the criteria for heliports set forth in the United States Standard for Terminal Instrument Procedures. Surfaces prescribed in an approved Airport Master Plan shall be combined into the Airport Overlay Zone.

(g) **Hazard To Air Navigation:** An obstruction determined by the Federal Aviation Administration, or under OAR 836.300 (2), to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(h) **Height:** The highest point of any structure as further defined in Section 49.134.

(i) **Larger Than Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and by jet powered aircraft.

(j) **Non-precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

(k) **Obstruction:** Any structure, tree or other object, including a mobile object, which extends, or which in the future may extend, above the imaginary airport surfaces as defined herein.

(l) **Place of Public Assembly:** A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, waiting transportation or similar activity.

(m) **Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Master Plan.

(n) **Runway:** A defined area on the airport prepared for landing and takeoff of aircraft along its length.

(o) **Tree:** Any natural vegetation.

(p) **Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

(q) **Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures.

**21.03 AIRPORT DISTRICTS.** In order to carry out the provisions of this Airport Overlay Zone, three airport development districts are provided within the Airport Overlay Zone. The outside boundary of these districts is shown on the Official Zoning Map. The Airport Master Plan shall be used to identify the height limits applicable in each district and the boundaries between the districts.

(a) **Airport Development District** - This district consists of those lands, waters and airspace above or below the primary, transitional and approach surfaces described in Section 21.02 above.

(1) Use Limitations. Any use, accessory use, building or structure other-wise allowed in the underlying zone shall be permitted provided the following require-ments are satisfied:

(A) Except as provided in (d) no obstruction or object shall be permitted if it extends above the transitional and approach surfaces as defined in Section 21.02.

(B) Roadways, parking areas and storage areas associated with uses other than a single family residence shall be located in such a manner that vehicle lights, illuminated signs, street lights or area illumination will not result in glare in the eyes of the pilots, or in any other way impair visibility in the vicinity of the runway approach.

(C) Sanitary landfills, sewage lagoons or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

(D) No game preserve or game reservation shall be permitted if the animals or birds have the potential to become a hazard to air navigati-on.

(E) No place of public assembly shall be allowed except by a condi-tional use permit.

(b) Horizontal Surface District - This district consists of the land, water and airspace above or below the horizontal surface as described in Section 21.02.

(1) Use Limitations. Any use, accessory use, building or structure allowed in the underlying zone shall be permitted provided the following require-ments are satisfied.

(A) Except as provided in (d) no obstruction or object shall penetrate the horizontal surface as defined in Section 21.02.

(B) Sanitary landfills, sewage lagoons (B) or sewage sludge disposal shall not be permitted closer than 10,000 feet to the airport runway.

(c) Conical Surface District - This district consists of the land, water and airspace above or below the conical surface as described in Section 21.02.

(1) Use Limitations - Any use, accessory use, building or structure allowed in the underlying zone shall be permitted, provided the following requirements are satisfied.

(A) Except as provided in (d) no ob-struc-tion or object shall penetra-te the conical surface as defined in Section 21.02.

(d) Nothing in this overlay zone shall prohibit the construc-tion or main-tenance of any structure or growth of any tree to a height of 35 feet above the land.

#### **21.04 REVIEW PROCEDURES AND CONDITIONS OF APPROVAL.**

(a) An applicant seeking approval for any use or structure regulated by the Airport Overlay Zone shall provide the following information:

(1) A copy of the latest transfer document identifying the property boundaries.

(2) Location and height of existing and proposed build-ings, structures, utility lines and roads

on the subject property.

(b) Building permits may be issued only after the applicant has notified the Federal Aviation Administration in accordance with Federal Aviation Administration Regulation 77.13 on an FAA Form 7460-1, and the Zoning Administrator determines that the building or structure complies with Section 21.03.

(c) A conditional use permit shall be required for any use, or buildings and structures associated therewith, specifically identified in Section 21.03, provided that a conditional use permit is not required for specifically identified uses and associated buildings and structures subject only to defined standards.

(d) Where a zone change, conditional use permit or adjustment is required, the State Aeronautics Division, and in the case of the Salem airport the Airport Superintendent, shall be notified of the proposal and be given an opportunity to comment, and be notified of any public hearing and the decision.

(e) As a condition of approval for a zone change, conditional use or adjustment, an applicant proposing a structure or tree within the Districts established by this Airport Overlay Zone may be required to install, operate and maintain, at the owner's expense, such markings and lights as may be required by the Oregon State Aeronautics Division to indicate to the operators of an aircraft of the presence of the structure or tree.

#### **21.05 NON-CONFORMING USES.**

(a) The regulations prescribed by the Airport Overlay Zone shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of the non-conforming use except as provided in (c).

(b) Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, otherwise permitted, the construction or alteration of which was begun prior to the effective date of this ordinance.

(c) The owner of an existing non-conforming structure or tree may be responsible to provide or permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon State Aeronautics Division to indicate to the operators of aircraft the presence of such airport obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the party determined to be responsible by the Oregon State Aeronautics Division under the provision of ORS 1838-70-240.

**21.06 ADJUSTMENTS.** The provisions of this Overlay Zone may be varied subject to the procedures and criteria for considering adjustments set forth in Chapters 37 and 41. An application for an adjustment shall be accompanied by a determination from the Federal Aviation Administration and Oregon Aeronautics Division of the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Adjustments may be allowed where it is found that the proposal will not create a hazard to air navigation and will be in accordance with the purpose and intent of this Overlay Zone.

E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)



[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 22 Limited Use Overlay Zone](#)

## CHAPTER 22

### LIMITED USE OVERLAY ZONE

#### Section Title

22.01 Purpose

22.02 Overlay Zone Requirements

22.03 Procedures and Criteria

22.04 Official Zoning Map

22.05 Site Plan Requirement

**22.01 PURPOSE.** The purpose of the Limited Use Overlay Zone is to reduce the list of permitted or conditional uses in a zone to those that are suitable for a particular location. Zones permit a number of uses without notification or opportunity for a hearing, because the uses are considered generally acceptable, although type and intensity of activity may vary. Zones also include conditional uses which may be permitted if certain criteria are met. However, on a particular property certain of these uses may conflict with adjacent land uses or may not be considered suitable for a particular site. Rather than deny a zone change because the proposed zone would allow an objectionable permitted or conditional use, the Limited Use Overlay can be used to identify the appropriate uses and either require a conditional use permit for other uses normally permitted in the zone or delete objectionable permitted or conditional uses from the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited.

**22.02 OVERLAY ZONE REQUIREMENTS.** When the Limited Use Overlay zone is applied, the uses identified in the underlying zone shall be limited to those permitted or conditional uses specifically referenced in the ordinance adopting the Limited Use Overlay zone. Until the Overlay zone has been removed or amended the only uses permitted on the property shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted, or permitted subject to a conditional use permit, may only be allowed if the list of permitted or conditional uses in the Limited Use Overlay Zone is amended or the Limited Use Overlay Zone is removed from the property.

**22.03 PROCEDURES AND CRITERIA.** The Limited Use Overlay zone is applied at the time the underlying zone is being changed. It shall not be necessary to mention in the hearing notice of a rezoning application that this overlay zone may be applied. The ordinance adopting the

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

overlay zone shall include findings showing that:

- (1) No zone has a list of permitted and conditional uses where all uses would be appropriate;
- (2) The proposed zone is the best suited to accomodate the desired uses;
- (3) It is neces-sary to limit the permitted or conditional uses in the proposed zone; and 4) the maximum number of acceptable uses in the zone have been retained as permitted or conditional uses. The ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that become conditional uses and those permitted or conditional uses that are deleted from the underlying zone. A use description may be segmented to delete or require a conditional use for any aspect of a use that may not be compatible.

**22.04 OFFICIAL ZONING MAP.** The official zoning map shall be amended to show an LU suffix where the Limited Use Overlay zone has been applied.

**22.05 SITE PLAN REQUIREMENT.** In addition to limiting the uses in the zone the County may require approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compat-ibility of the permitted uses with the area. This requirement shall be added by specific reference in the adopting ordinance. The ordinance shall indicate any special concerns or locational requirements that must be addressed in the site plan and approved by the Zoning Ad-ministrator.

Page Updated  
January 04, 2007

Directory | Services | Employment | Volunteer  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer and Privacy Statement](#)



[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 23 Environmental Hazards Overlay Zone](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 23

### ENVIRONMENTAL HAZARDS OVERLAY ZONE

#### Section Title

23.01 Purpose

23.02 Definitions

23.03 Application of Overlay Zone

23.04 Permit Requirements and Procedures

23.05 Relationship to Underlying Zone

23.06 Permit Review Criteria

23.07 Conditions

23.08 Disclaimer of Liability

**23.01 PURPOSE.** The purpose of the Environmental Hazards Overlay Zone is to protect the public health, safety, and environment by regulating future land development and uses of land on or adjacent to potentially hazardous disposal sites.

#### **23.02 DEFINITIONS.**

(a) **DEQ** means the Oregon Department of Environmental Quality.

(b) **Environmental hazard notice** means a document prepared by DEQ and issued by the Environmental Quality Commission containing:

(1) The legal description of the lot where the potential hazardous site is located.

(2) A specific description of the site, if different than the legal description of subsection (1) above for which the notice applies.

(3) A general map of the area where the site is located.

- Chapter 42 Determinations
- Chapter 43 Comprehensive Plan Amendments
- Chapter 44 Hearings Procedure
- Chapter 45 Board Procedures
- Chapter 46 Application Rights
- Chapter 47 Administration of Conditions
- Chapter 48 Nonconforming Uses

(4) A description of the types of waste and levels of contamination identified or known to be present at the site.

(5) The DEQ recommended use restrictions that apply to the site.

(6) Findings which support the decision to issue an environmental hazard notice for the site.

(c) **Potentially hazardous disposal site** means a site where an alteration could create a condition which is hazardous to the health, safety or welfare of the public.

(d) **Site** means a land disposal site, a hazardous waste disposal site, a disposal site containing radioactive waste, or an area where a hazardous substance has been released.

**23.03 APPLICATION OF OVERLAY ZONE.**

(a) The Environmental Hazards Overlay Zone shall be applied, or amended to increase or decrease the area of the zone, in accordance with the zone change procedures provided in Chapters 38 and 39. In lieu of the criteria for zone changes in Chapters 38.05 and 39.05 the criteria for applying the Environmental Hazards Overlay Zone to a specific lot, or portion thereof, shall be as follows:

(1) The County has received a new or modified environmental hazard notice from DEQ, or the County finds that the lot includes a potentially hazardous disposal site.

(2) The area of the proposed Environmental Hazards Overlay Zone is the minimum necessary to protect the public health, safety, and environment but is not smaller than the site identified in the environmental hazard notice.

(3) The zone will minimize development activities and regulate existing or proposed uses which could otherwise increase public or environmental exposure to the potential environmental hazard.

(b) In lieu of the criteria for zone changes in Chapter 38 or 39, removal of a site or a portion thereof from the Environmental Hazards Overlay Zone shall be based on a finding that a notification sent to the County by DEQ indicates that the environmental hazard notice for the subject site or portion thereof has been withdrawn, or where no environmental hazard notice has been provided to the County, the criterion in subsection (a)(1) above no longer applies.

(c) Notification shall be provided to the Director of DEQ not less than 21 days before the final date for submission of information regarding the proposed adoption, amendment or removal of the Environmental Hazards Overlay Zone. If no DEQ comments are received before the final action is taken, DEQ shall be deemed to have no comment on this action.

(d) The ordinance applying the Environmental Hazards Overlay Zone to a site, or a conditional use issued concurrently with the zone change shall include conditions or limitations pursuant to Section 23.07 necessary to ensure that existing uses are consistent with the criteria in Section 23.06.

**23.04 PERMIT REQUIREMENTS AND PROCEDURES.**

(a) Notwithstanding, the nonconforming use provisions in Chapter 48, any new use or activity

or modification to an existing use or activity in the Environmental Hazards Overlay Zone shall require a conditional use permit unless the Zoning Administrator determines in writing that the use is consistent with the use restrictions in the environmental hazard notice or any other conditions or limitations imposed by the County in applying the Environmental Hazards Overlay Zone. Conditions shall be imposed pursuant to Section 23.07 in approving a conditional use permit.

(b) A conditional use permit may be issued to cover more than one use or activity.

(c) In addition to information generally required for conditional use permit applications, the applicant shall include any special studies needed to address the applicable review criteria.

(d) The Director of DEQ shall be notified by certified mail of the receipt of a permit application in the Environmental Hazards Overlay Zone not less than 21 days before the final date for submission of information. This notification to DEQ shall include a description of the use, the proposed location of the use, and the name of the local government contact person. If no DEQ comments are received before final action is taken, DEQ shall be deemed to have no comment on the application.

(e) The Planning Division shall provide written notification to all owners/occupants of property within the notification area and to all other persons requesting such notice in writing, as provided for conditional use permits. If the Zoning Administrator determines that other properties may be affected, notice to owners of these properties may also be provided.

(f) In addition to the above procedures, applications shall be processed in accordance with the procedures in Chapters 35 through 47.

**23.05 RELATIONSHIP TO UNDERLYING ZONE.** All uses and activities allowed in the Environmental Hazards Overlay Zone shall be the same as those allowed in the underlying zones except as otherwise limited or prohibited by this Chapter. Where the provisions of an underlying zone conflict with those of the Environmental Hazards Overlay Zone, the more restrictive provisions shall apply.

**23.06 PERMIT REVIEW CRITERIA.** In lieu of the criteria in Chapter 40 for conditional uses, the following review criteria shall be satisfied. Approval of a conditional use permit required by the Environmental Hazards Overlay Zone.

(a) Will not cause or create any conditions which, if not controlled, would likely result in the failure of the final cover, liners or any other components of the site's containment and monitoring system; and

(b) Will not significantly increase the potential hazard to human health, safety, or the environment, or is necessary to reduce the overall threat to human health or the environment; and

(c) The use has been modified to the extent necessary to address any concerns raised by DEQ pursuant to the notice provided to DEQ under Section 23.04; and

(d) The use is consistent with the restrictions in the DEQ environmental hazard notice.

**23.07 CONDITIONS.**

In applying the Environmental Hazards Overlay Zone or approving a conditional use permit in the Environmental Hazards Overlay Zone, conditions shall be imposed requiring compliance with the use restrictions in the DEQ environmental hazard notice. Additional conditions may be imposed if deemed reasonable and appropriate for protecting public health, safety, and the environment. These conditions may be based upon, but not limited to:

- (a) The findings or recommendations of any special studies pertaining to the property.
- (b) Comments or recommendations provided by DEQ under Section 23.04.
- (c) Comments or recommendations submitted by the public or other governmental agencies.
- (d) The review criteria contained in Section 23.06.

**23.08 DISCLAIMER OF LIABILITY.** The degree of protection required by this Chapter is considered reasonable for land use purposes. Risks to public health, safety, and the environment may result due to unanticipated human caused or natural events which may disturb or affect the integrity of the site. Marion County does not regulate the maintenance or operation of hazardous activities or sites.

This Chapter does not imply that uses or activities allowed on property in the Environmental Hazards Overlay Zone will be free from risk or hazard. Similarly, this Chapter does not imply that there are no other potentially hazardous sites outside the area covered by the Environmental Hazards Overlay Zone.

No person shall rely on the Environmental Hazards Overlay Zone or any other decision lawfully made thereunder, by the County or its employees to determine any use or activity allowed on the property is safe or free from risk or hazard.

Page Updated  
January 04, 2007



[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > Chapter 24 Geologically Hazardous Areas Overlay Zone

## CHAPTER 24

### GEOLOGICALLY HAZARDOUS AREAS OVERLAY ZONE

Implemented 01/01/02

Section Title

24.010 Purpose

24.020 Definitions

24.030 Applicability

24.040 Regulated Activities and Uses; Exemptions

24.050 Approval Requirements

24.060 Review Procedure and Peer Review

24.070 Assessment or Report Appeals Process

24.080 Declaratory Statement

24.090 Compliance

24.100 Enforcement

24.110 Severability

**24.010 PURPOSE.** The purpose of this chapter is to implement the Development Limitations goal and policies of the Rural Development Section of the Marion County Comprehensive Land Use Plan, and Statewide Land Use Planning Goal 7 - Areas Subject to Natural Disasters and Hazards. This chapter implements the strategy for reviewing development applications for properties within identified slide hazard and excessive slope areas to address the risk that a proposed land use activity may adversely affect the stability and landslide susceptibility of an area. The provisions of this chapter are intended to manage the risk of a landslide within identified slide hazard and excessive slope areas by requiring geological and/or geotechnical reports, but not act as a guarantee that the landslide hazard risk will be eliminated.

Landslide hazard and excessive slope areas constitute geologically hazardous areas of special concern to residents of the county. The intent of this chapter is to protect these hazard areas of

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- ▶ Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments
- Chapter 42 Determinations



Chapter 43  
Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

the county by requiring professional evaluation and establishing requirements for development of sites which are identified in hazard areas, and thus promote the public health, safety, and welfare.

**24.020 DEFINITIONS.** The following definitions apply to this chapter only, and have no applicability to the same terms used in other chapters of this ordinance, unless specifically stated.

(A) **Certified Engineering Geologist** is any Registered Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705.

(B) **Clearing** is the cutting, moving on the site, or removal of standing or fallen timber; the removal or moving on site of stumps; or the cutting and removal of brush, grass, ground cover, or other vegetative matter from a site in a way which exposes the earth's surface of the site. In addition to the above, clearing is an activity which does not require reforestation per an approved forest practices application and/or notification issued by the Department of Forestry.

(C) **Development area** is the total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

(D) **Engineering geology report** is a report prepared by a Certified Engineering Geologist. An engineering geology report must provide a detailed description of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. An engineering geology report must be prepared in accordance with the *Guidelines for Preparing Engineering Geology Reports in Oregon* adopted by the Oregon State Board of Geologist Examiners. The engineering geology report may be incorporated into or included as an appendix to the geotechnical report.

(E) **Erosion** is the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

(F) **Excavation** is any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom.

(G) **Excessive slope areas** are areas with slopes greater than 20 percent.

(H) **Fill or backfill** is a deposit of earth or other natural or manmade material placed by artificial means. Filling means the act of placing fill on any geologically hazardous area including temporary stockpiling of fill.

(I) **Geological assessment** is an assessment prepared and stamped by a Certified Engineering Geologist detailing the surface and subsurface conditions of a site, delineating areas of a property that may be subject to specific geologic hazards, and furnish professional analysis of information to assess the suitability of the site for development. Geological assessment must be prepared in accordance with the report requirements identified in this chapter. The geological assessment may be incorporated into or included as an appendix to the geotechnical report.

(J) **Geologically hazardous areas** are areas identified on the county zone maps that, because of their susceptibility to landslide, erosion or other geological events, may have inherent geologic constraints relevant to the siting of commercial, industrial, or residential development consistent with public health or safety concerns. These concerns may be mitigated by special considerations in siting, design, or construction.

(K) **Geotechnical engineer** is a Professional Engineer registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education, and experience, is qualified in

the practice of geotechnical or soils engineering practices.

(L) **Geotechnical report** is a report prepared and stamped by a Geotechnical Engineer evaluating the site conditions and recommending design measures necessary to reduce the risks associated with development and to facilitate a safe and stable development. A geotechnical report must be prepared in accordance with the report requirements identified in this chapter. A geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report.

(M) **Grading** is the act of excavating and filling of the earth's surface.

(N) **Landslide** is the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, and rockfalls.

(O) **Landslide hazard areas** are areas identified on county zone maps that are susceptible ground movement due to a combination of geologic, topographic, and hydrologic factors.

(P) **Mitigation** is action designed to reduce risk posed by geologic hazards through specific design, siting or avoidance.

(Q) **Registered Geologist** is a person who is registered as a geologist under the provisions of ORS 672.505 to 672.705.

(R) **Regulated activities** are activities occurring in a geologically hazardous area that are subject to the provisions of this chapter. Regulated activities generally include but are not limited to any filling, dredging, dumping or stockpiling, draining, excavation, flooding, and construction or reconstruction.

(S) **Slope** is an inclined earth surface, the inclination of which is expressed as the ratio of horizontal (H) distance to vertical (V) distance. In these regulations, slopes are expressed as a percentage, with percentage of slope referring to a given rise in elevation over a given run in distance, multiplied by 100. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet ( $H/V \times 100$ ). A one-hundred percent slope equals a forty-five degree angle. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance.

**24.030 APPLICABILITY.** The provisions of this chapter shall apply to all phases of development altering the physical landscape of lands within the landslide hazard and excessive slope areas as shown on the official county zoning maps and as designated or identified as landslide hazard areas by the County where information provided by a licensed geologist, geological report, hazard inventory, or landslide hazard studies indicate an elevated hazard risk exists.

The presence of landslide hazard and excessive slope areas and the applicability of the provisions of this chapter are determined by the classification criteria and categories established for these hazard areas as detailed on the maps adopted as part of this chapter. The maps indicate the location of areas susceptible to landslides, areas of known landslide hazards, and excessive slope areas. These maps are based on the best available information and may be amended based upon receipt of corrected, updated or refined data, or upon the revision of studies upon which the maps were initially based.

In the event of any conflict between the location, designation, or classification of a landslide hazard area shown on the county maps and the classification categories of this chapter, the categories and the determination of the geological assessment or report shall prevail. The County shall make the final decision as to whether a lot or parcel is within or outside the mapped hazard

areas. A lot or parcel that is both in and out of the hazard area shall be subject to the provisions of this chapter only if the proposed development on the lot or parcel is within the mapped hazard area. Within the mapped hazard areas, an applicant may demonstrate through submittal of a geological assessment that the proposed development will not occur within an identified landslide hazard or excessive slope area, then the requirements of this chapter may be waived.

#### **24.040 REGULATED ACTIVITIES AND USES; EXEMPTIONS**

(A) Regulated activities and uses. The county shall grant approval to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including, but not limited to, the following regulated activities within identified landslide hazard and excessive slope areas and as permitted in the underlying zone and applicable overlay zones, after receipt of an approved site assessment, engineering geology report, or geotechnical report as required by this chapter that concludes development does not pose an elevated hazard risk to property.

(1) Building permits: buildings customarily provided in conjunction with farm use, residential, commercial, or industrial;

(2) Excavation;

(3) Filling;

(4) Subdivisions, partitions, planned unit developments (PUDs), mobile home parks, and recreational vehicle (RV) parks;

(5) Construction, reconstruction, or alteration of the size of any structure of public infrastructure;

(6) Location, construction, reconstruction, and maintenance of on-site sewage disposal systems including drainage, where there is a need to review and investigate test pits;

(7) Construction of any new public or private road or driveway;

(8) Construction or enlargement of ponds;

(9) Grading activities for all phases of development pursuant to provisions of the Uniform Building Code - the Oregon Structural Specialty Code adopted and applied by the County.

(B) Exemptions. The following activities and uses are exempt from provisions of this chapter:

(1) Activities and uses conducted pursuant to the Oregon State Forest Practices Act and its rules and regulations, where state law specifically limits local authority, except with regard to development and conversions requiring local approval when the County is the lead agency for environmental review and permits;

(2) Existing and on-going agricultural activities and uses;

(3) Maintenance, operation, reconstruction of existing public and private roads, streets, driveways, utility lines, and existing structures, provided that reconstruction of any such facilities does not extend outside the previously disturbed area;

(4) Installation, construction or replacement of utility lines in improved county rights-of-way, not including electric substations;

(5) Maintenance of ground cover or other vegetation in a landslide hazard area that was disturbed



prior to the adoption of this chapter, provided that no further disturbance is created outside the previously disturbed area;

(6) Site investigative work required by a city, county, state or federal agency, or any other applicant such as surveys, test borings, percolation tests, and other related activities provided disturbed areas are restored to the pre-existing conditions promptly after tests are concluded;

(7) Passive recreational uses, hunting, scientific or educational review, or similar minimum impact, non-development activities;

(8) Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter when it is necessary to:

(a) Prevent an imminent threat to public health or safety, or

(b) Prevent imminent danger to public or private property, or

(c) Prevent an imminent threat of serious environmental degradation;

(9) A residential building permit for a lot or parcel which was subject to previous reports and assessments as required under the ordinance provisions in effect at the time;

(10) Existing development, activities and uses involving permit or land use approvals prior to the adoption of the provisions of this chapter.

**24.050 APPROVAL REQUIREMENTS.** The level of geological review and procedural requirements for regulated development activities and uses are related to geologic and physiographic conditions and the type of development activity for a property. Development activities and uses having the greatest potential for impacting public safety and property, and that are located on lands with an elevated landslide hazard, have the strictest review and development requirements.

The Graduated Response Table 24-1 (Parts I to VI, attached) shall be used to determine the level of site investigation for various types of regulated activity on property, any portion of which is shown on the Landslide Hazard and Excessive Slope Area Maps. Using a rating system, slope and physiographic conditions at the site are evaluated in relationship to a proposed activity. If a rating meets or exceeds quantified thresholds provided in the Table, a geological assessment, engineering geology report, or geotechnical report or a combination thereof shall be provided by the applicant and actions specified in the report(s) undertaken and ensured before any regulated activity may be permitted or approved. Where any portion of the property on which regulated activities are proposed is identified under two slope conditions or two or more physiographic and geologic categories, the highest condition or category will apply.

The Graduated Response Table (Part VI) provides the following landslide risk assessment, investigation, and review requirements for identified hazard areas and regulated activities:

(1) For Low Landslide Risk Assessments (Category A), all regulated activities may proceed without further investigation, permitting, or approval requirements of this chapter.

(2) For Moderate Landslide Risk Assessments (Category B), a geological assessment shall be submitted. If the geological assessment indicates landslide hazards pose an elevated risk on the site or where mitigation measures are necessary to safely undertake a regulated activity, the High Landslide Risk Assessment (Category C) requirements shall be met. If the geological assessment indicates that no mitigation measures are necessary to safely undertake the regulated activity, the activity may proceed without further requirements of this chapter.

(3) For High Landslide Risk Assessments (Category C), an engineering geology report and/or a geotechnical report shall be submitted for all regulated activity. The geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report.

**24.060 REVIEW PROCEDURE AND PEER REVIEW.** Development permits for regulated activities and uses within identified landslide hazard and excessive slope areas shall be reviewed for compliance with this chapter. Applications for regulated activity permits or approvals required by the Zoning Code shall be deemed complete upon the submittal and approval of a geological assessment, engineering geology report or geotechnical report as required by this chapter.

In order for the county to accept a geological assessment, engineering geology report, or a geotechnical report from an applicant pursuant to this chapter, the assessment or report shall be prepared and stamped by a licensed professional with the necessary expertise to prepare a report meeting the requirements of this chapter.

The required geological assessment, engineering geology report or geotechnical report for regulated activities and uses within Risk Assessment Categories B and C of the Graduated Response Table shall be reviewed and accepted through the peer review process before any regulated activity will be allowed. The review will be conducted by a professional or professional firm of the County's choice that meets the qualifications listed in this chapter. The review will be at the applicant's expense.

The Board will establish a fee for the review of geological and geotechnical reports for regulated activities and uses.

Review of report submittals shall include examination to ensure that the following criteria are met:

- (1) Required elements are completed;
- (2) Geologic report procedures and assumptions are accepted;
- (3) All conclusions and recommendations are supported and reasonable.

Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.

Where an approved assessment or report as defined and required by this chapter has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, that report may be utilized and a new report is not required. Should environmental conditions associated with the site or surrounding the site change, or if the proposed land use activity or development has materially changed, the applicant shall submit an amendment to the required assessment or report, which shall be reviewed and approved through the peer review process.

**24.070 ASSESSMENT OR REPORT APPEALS PROCESS.** A geological assessment, engineering geology report, or geotechnical report under the provisions of this chapter is a privately funded report created at the request of a property owner to meet a development requirement, and is not a land use action. As such, the assessment or report has no appeal process associated with its publication or acceptance by the County.

**24.080 DECLARATORY STATEMENT.** Before a building permit is issued for property in a landslide hazard or excessive slope area as identified and regulated in this chapter, the property

owner shall record a declaratory statement with the county clerk that the property and the approved development lies within a landslide hazard or excessive slope area as defined by this chapter. The statement shall indicate that restrictions on use or the alteration of the site may exist due to natural conditions of the site and resulting regulation, and that all approved assessments or reports for such property are on file with the county.

**24.090 COMPLIANCE.** No regulated activity or use requiring an engineering geology report or geotechnical report shall receive final approval and/or occupancy until the county receives a written statement from the professional preparing the report that all performance, mitigation, or monitoring measures contained in the approved report are completed, in place, and operable.

**24.100 ENFORCEMENT.** The county is authorized to make site inspections and take such actions as necessary to enforce the provisions of this chapter. A county representative may enter onto private property with the consent of the owner or occupant or pursuant to warrant. The county shall have the authority to order restoration, rehabilitation or replacement measures to compensate for the destruction or degradation of identified landslide hazard and excessive slope area lands at the property owner's expense. Any development carried out contrary to the provisions of this chapter shall constitute a public nuisance and pose a risk to the public health, safety and welfare.

**24.110 SEVERABILITY.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

**TABLE 24-1 GRADUATED RESPONSE TABLE**

**Directions:**

**Step 1. Select one assigned point value from PART I and Proceed to PART II.**

PART I.	<b>Earthquake-Induced Landslide Susceptibility Ratings</b>
---------	--

**References:**

Interpretive Map Series (IMS-17) - Earthquake Induced Slope Instability: Relative Hazard Map Western Portion of Salem Hills, Marion County

<b>Physiographic and Geologic Categories</b>	<b>Assigned Point Value</b>
Property identified under Very Low or Low Categories on IMS-17 or outside the boundaries of the map.	0 Points
Property identified under a Moderate Category on IMS-17.	2 Points
Property identified under a High Category on IMS-17.	3 Points

**Step 2. Select one assigned point value from PART II and Proceed to PART III.**

PART II.	<b>Slope Ratings</b>
----------	----------------------

**References:**

Excessive Slope Areas within Marion County (map)

<b>Slope Conditions</b>	<b>Assigned Point Value</b>
Slopes 20% or less and properties outside the boundaries of excessive slope areas.	0 Points

Slopes over 20%

3 Points

**Step 3. Select one assigned point value from PART III and Proceed to PART IV.**

PART III.

**Water-Induced Landslide  
Susceptibility Ratings**

References:

Interpretive Map Series (IMS-6) - Water Induced Landslide Hazards, Western Portion of the Salem Hills, Marion County

Active/Inactive Slide Hazard Areas Map (DOGAMI Open File Report 0-77-4)

Excessive Slope Areas within Marion County (map)

**Physiographic and Geologic Categories**

**Assigned Point Value**

Property identified under Category 1 on IMS-6 Report.	0 Points
Property identified under Categories 2 or 3 on IMS-6 Report.	2 Points
Property identified under Categories 4, 5a, 5b, or 6 on IMS-6 Report.	3 Points
Property outside the boundaries of IMS-6 and excessive slope areas, but within identified active/inactive slide hazard areas mapped in DOGAMI 0-77-4 Report .	3 Points

**Step 4. Select one assigned point value from PART IV and Proceed to PART V.**

PART IV.

**Activity Ratings For Potential Site  
Impact**

**Type of Activity**

**Assigned Point Value**

Residential Single Family, Duplex, and Buildings Customarily Provided in Conjunction with Farm Use Building Permits (including Structural Expansions and Additions and Accessory Structures)	1 Point
On-site Sewage Disposal Systems and Ponds (Construction or Enlargement)	1 Point
Infrastructure, Including Roads and Driveways	1 Point
Multiple Family Building Permits (including Structural Expansions and Additions)	2 Points
Partition	2 Points
Subdivision, Planned Unit Development, Manufactured Dwelling Park	3 Points
Schools, Hospital and Public Building Permits (including Structural Expansion and Additions)	3 Points
Commercial and Industrial Building Permits (including Structural Expansion and Additions)	3 Points
Grading (as Independent Activity) as Regulated by Uniform Building Code	3 Points

**Step 5. Add Sub-totals From PARTS I, II, III, and IV. Proceed to PART V.**

PART V. **Cumulative Score**

**Part I. Earthquake-Induced Landslide Susceptibility Ratings**

Points

**Part II. Slope Ratings**

\_\_\_\_\_ Points

**Part III. Water-Induced Landslide Susceptibility Ratings**

Points

**Part IV. Type of Activity**

Points

**Step 6. Determine Landslide Hazard Risk**

PART VI.

**Total Risk Assessment**

		Policy Provision	
<b>Category A - Low Landslide Risk</b>	<b>Category B - Moderate Landslide Risk</b>	<b>Category C - High Landslide Risk</b>	
(4 or less point value)	<b>Risk</b>	(9 or greater point value)	
No Requirements.	(5 - 8 point value) Geologic Assessment *	Engineering Geology Report	
	* If the Geologic Assessment indicates landslide hazards on the site, the Planning Director or Building Inspection Official shall specify the requirements of a High Landslide Risk Assessment.	Geotechnical Report	

Page Updated  
February 08, 2007

**CHAPTER 25**  
**PERMITTED USES GENERALLY**

Revised 10/06/04 Ord.#1204

Section	Title	Page
25.10	Uses Permitted in all Zones	1
25.20	Permitted Secondary and Accessory Structures and Uses	2
25.30	Permitted Temporary Uses	5

\*Word defined in Chapter 49

**25.10 USES PERMITTED IN ALL ZONES.** The following uses, facilities and activities whether primary, accessory, secondary or temporary, are permitted in all zones subject to compliance with the requirements in Chapters 26 through 34, except when specifically prohibited or when a conditional use is required in the applicable primary or overlay zones:

- (a) Public rights-of-way and easements existing at the time of adoption of this ordinance, including public streets, roads, utilities located therein except as provided in (d) for UTF zones.
- (b) Except as provided in (d), expansion and realignment of existing right of way and easements, including improvement and construction of streets, roads and utilities in conformance with the applicable comprehensive plan and the standards of the Department of Public Works. Street right-of-way shall not be expanded to a greater width than twice the special setback in Section 27.21 unless the expansion is necessary to include cut and fill slopes. Realignment shall not create any new parcels.
- (c) Except as provided in (d), establishment of new public right-of-way and easements, including construction of streets, roads and utilities in conformance with the applicable comprehensive plan, the standards of the Department of Public Works, and the County Subdivision and Partitioning Ordinance. Street right-of-way shall not be greater in width than twice the special setback in Section 27.21 unless the greater width is necessary to include cut and fill slopes.
- (d) In the UTF zone, in addition to existing uses and facilities, the following uses and facilities within street rights-of-way are permitted without approval:
  - (1) Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
  - (2) Reconstruction or modification of streets. Additional travel lanes, removal or displacement of buildings, or creation of new lots are not included.
  - (3) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
  - (4) Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of

July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

- (e) Railroad tracks and related structures and facilities located within rights-of-way controlled by railroad companies.
- (f) Use of non-geothermal groundwater, natural or man-made waterways and impoundments, and related structures and facilities for supply associated with permitted uses.
- (g) Creation, restoration, or enhancement of wetlands as defined in ORS 197.015 (17).
- (h) Condominium buildings\*.

**25.20 PERMITTED SECONDARY AND ACCESSORY STRUCTURES AND USES.** The following secondary and accessory uses and structures shall be permitted on a lot with a primary use and are subject to the limitations and requirements in Chapters 24, 25, 26, 27, and 28, and the requirements in any applicable overlay zone:

- (a) The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling or mobile home:
  - (1) Decks and patios (open, covered, or enclosed);
  - (2) Storage building for: firewood, equipment uses in conjunction with dwelling and yard maintenance; personal property (except vehicles) not in conjunction with any commercial or industrial business other than a home occupation;
  - (3) Vegetable gardens, orchards and crop cultivation for personal use, including greenhouses. No sale of produce is permitted.
  - (4) Sauna;
  - (5) Hobby shop;
  - (6) Shelter for pets;
  - (7) Fallout shelters;
  - (8) Swimming pools and hot tubs;
  - (9) Guest house\*;
  - (10) Rooming\* or boarding\* of up to 2 persons in a dwelling;
  - (11) Pets\*, provided a conditional use permit is required if there are more than 10 mammals over 4 months old. No birds or furbearing animals, other than pets, and no livestock, poultry, or beekeeping are permitted in residential zones.
  - (12) One recreational vehicle space\* (see Section 26.41);
  - (13) Additional kitchens in a dwelling provided all kitchens in the dwelling are used by only one family;
  - (14) Offering to sell 5 or less vehicles\* owned by the occupants of the dwelling in any calendar year;
  - (15) Garages\* and carports\* for covered vehicle parking;
  - (16) Child foster home\* for 5 or fewer children;
  - (17) Sleeping quarters for domestic employees of the resident of the dwelling or mobile home;
  - (18) Bed and Breakfast establishments in UT and UTF zones provided they do not include more than 4 lodging rooms and employ no more than one person in the conduct of the home occupation on the subject property (“person” includes volunteer, non-resident employee, partner or any other person).

- (b) Fences are a permitted accessory or secondary use in all zones subject to the requirements in Chapter 28.
- (c) Transit stop shelters and school bus stop shelters are a permitted secondary use in all zones. Shelters shall not be located within a required vision clearance area and shall not be located more than 10 feet from a street right-of-way.
- (d) Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided:
  - (1) The vehicles are owned by the occupant of the lot or domestic employees of the occupant; and
  - (2) Vehicles parked outdoors in a residential zone may be parked in a space within the front yard meeting the requirements for required parking in Section 30.11; or, they may be parked elsewhere on the lot where accessory buildings are permitted provided the parking area is screened by a 6 foot high sight-obscuring fence, wall or hedge from other lots in a residential zone. On a lot in the RS zone not more than three vehicles shall be parked within require yards adjacent to streets; and
  - (3) Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided that in the RS, RL, and RM zones the vehicle shall be parked in an enclosed structure if it is rated at more than 1 ton capacity.
- (e) One manager's office of 200 square feet or less for rental of dwellings is a permitted accessory use in the RL and RM zones.
- (f) Mobile classrooms and dormitories\* for students are a permitted accessory use in conjunction with elementary and secondary schools (SIC 8211).
- (g) Parsonage in conjunction with a religious organization\*.
- (h) Subject to the requirements in (2) below uses permitted outright in certain zones are permitted as an accessory use in a more restrictive zone as follows:
  - (1) Uses permitted in Section 5.01 of the CO zone are allowed as an accessory use in the RM zone when the lot is contiguous to a commercial zone. Uses permitted in Section 7.01 of the CG zone are allowed as an accessory use in the CR zone. Uses permitted in Section 11.01 of the IG zone are permitted as accessory uses in the IP zone.
  - (2) Requirements:
    - (a) The area occupied by accessory uses permitted in subsection (1) shall not exceed 40% of the area occupied by uses permitted outright or conditionally in the primary or overlay zones.



- (b) Any development requirements in Chapters 24 and 26 through 34 shall be met for the accessory use as if it was a primary use.
  - (c) The accessory use shall be located on the same lot as the primary use and any structures associated with the accessory use shall be owned or leased by the owner of the primary business.
  - (d) The allowance of accessory uses in a more restrictive zone shall not be considered a basis for a zone change to a less restrictive zone.
- (i) Parking of vehicles in a structure or outdoors is a permitted accessory or secondary use in the CR, CG, HC, IC, IP, P, UTF, and UT zones provided:
    - (1) The vehicles are owned by the occupant of the lot or employees of the occupant.
    - (2) If vehicles are stored outdoors, the parking area is enclosed by a 6 foot high sight-obscuring fence, wall, hedge or berm; surfaced as required in Section 30.20; and, lighting complies with Section 30.1; and
    - (3) If vehicles are parked outdoors, the vehicles shall be operational, used in conjunction with the primary use of the lot, and if more than 1 vehicle is parked the area is screened by a 6 foot high sight-obscuring fence, wall or hedge from lots in residential zones and from streets.
  - (j) Drop stations\* are permitted in CR, CG and HC zones.
  - (k) One manager's office for rental of space in an industrial zone provided the office is within a development with at least 10 separately rentable buildings.
  - (l) Retail sales or offices in a building in conjunction with a use in an industrial zone provided:
    - (1) The floor area of the retail sales or offices shall not be more than 30% of the floor area of the industrial use;
    - (2) The development requirements in Chapters 24 and 26 through 34 are met for the accessory use as if it was a primary use; and
    - (3) The accessory use shall be located on the same lot as the primary use and the building shall be owned or leased by the industrial business owner.
  - (m) Accessory and secondary uses not otherwise permitted may be allowed as a conditional use provided the use is consistent with the definition of accessory or secondary and is compatible with the purpose of the zone and land uses on adjacent lots.

**25.30 PERMITTED TEMPORARY USES.** The following temporary uses shall be permitted subject to the following limitations and requirements and the requirements in applicable overlay zones:

- (a) Outdoor amusements, Christmas trees or fireworks sales, specialty sales and services from a vehicle or temporary structure, outdoor display and sale of flowers or other specialty items, are permitted as secondary uses in CR, CG and HC zones provided each activity is located on the

same lot for no more than 60 days in any calendar year, does not reduce required parking for primary uses on the same lot to less than required in Section 30.15, or create traffic congestion at driveway entrances or in parking aisles.

- (b) Mobile offices and temporary structures to house personnel and store equipment during construction provided the office is not used as a dwelling.
- (c) Temporary roadside stands in conjunction with a farm use provided: 1) sales are limited to produce grown in Marion County, 2) at least 51% of the produce is grown on the premises, 3) one off-street parking space is provided for each 100 square feet of floor area, and 4) the roadside stand is operated for no more than 6 months in any calendar year and only between official sunrise and sunset.
- (d) Outdoor activities in the P, UT and UTF zones where entertainment, food or recreation or overnight camping will be made available to not more than 250 people for less than 24 hours. If more than 2 events are held on the same property during a calendar year a conditional use shall be required as provided in (g).
- (e) Storage of mobile home\* on a lot for not more than 1 year where the mobile is or has been a permitted use and the mobile home is offered for sale; provided, the mobile home is not used for sleeping, eating or restroom purposes.
- (f) Garage sales and yard sales in any residential zone, and auctions in Commercial and Industrial zones, provided there are not more than 3 sales in a calendar year with each sale not to exceed 3 consecutive days. All display of merchandise to remain on private property.
- (g) Temporary uses that do not meet the limitations identified in this section and other temporary uses not addressed herein may be approved as a conditional use as provided in Chapter 40 subject to meeting the following criteria:
  - (1) The temporary use is compatible with the purpose of the zone and adjacent land uses.
  - (2) The temporary use will have adequate public services to maintain the public health and safety.
  - (3) The operator of the temporary use has signed an agreement with the Department of Community Development regarding termination of the use consistent with the time limitations established in the conditions of approval.
  - (4) Temporary outdoor activities where entertainment, food, recreation or overnight camping are available to the general public shall only be allowed in the P, UT and UTF zones.

**CHAPTER 26  
USE STANDARDS**

Revised 10/06/04 Ord.#1204  
Revised 12/12/02

Section	Title	Page
26.01	Special Use Standards	1
26.02	Mobile Home on a Lot	2
26.03	Manufactured Home on a Lot	3
26.04	Two Family Shared Housing	3
26.06	Duplex on a Corner Lot	4
26.08	Zero Side Yard Dwelling Units	4
26.20	Home Occupations Limited	5
26.22	Child Day Care Services	6
26.24	Nursing Care Facilities	7
26.26	Bed and Breakfast Establishment	7
26.30	Residential Sales Office	7
26.32	Public Golf Courses and Related Membership Sports Clubs	8
26.34	Boat and Recreational Vehicle Storage Area	8
26.40	Recreational Vehicle Parks	9
26.41	Recreational Vehicle Spaces	10
26.42	Veterinary Services for Animal Specialties	10
26.44	Funeral Service/Crematories, Cemetery Subdividers and Developers	10
26.46	Mixed Use Buildings	10
26.48	Used Merchandise Stores	12
26.52	Gasoline Service Stations	12
26.54	Scrap and Waste Material Establishments	13
26.56	Eating Places	13
26.57	Mobile Food Vendors	13
26.58	Automotive Dealers and Automotive Repair, Service and Parking	15
26.60	Religious Organizations	15
26.62	Elementary and Secondary Schools	16
26.73	Wind Energy conversion System	16
26.74	Biomass Facility	17
26.75	Geothermal Facility	17
26.76	General Standards for Energy Facilities	17
26.800 -.815	Planned Developments	18
26.901-26.905	Mobile Home Parks	18

\*Word Defined in Chapter 49

**26.01 SPECIAL USE STANDARDS.** Certain uses are subject to specific standards in addition to those applicable to permitted uses in a particular zone. The standards can be clearly defined so that a conditional use permit review process is unnecessary for uses that can meet the

standards. The standards set forth in this chapter apply where the particular use is identified as a permitted use in a particular zone and the applicable section in this chapter is referenced. If the special standards are referenced for a conditional use the standards are intended as guidelines and can be modified or eliminated if the evidence shows that the proposed use, as conditioned, will meet the applicable criteria for approval.

The standards in this chapter are in addition to the use and development standards generally applicable in the zone unless specifically exempted by the provisions of this chapter. Where the use and development standards herein impose a standard higher than the other applicable standards the higher standard shall be applied.

**26.02 MOBILE HOMES ON A LOT.** A single family mobile home on a lot in a subdivision designated by the developer for mobile home use shall meet the following use and development standards:

- (a) In zones other than the RS zone the mobile home shall be:
  - (1) Manufactured after June 15, 1976 and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Federal Housing and Urban Development Standards, or
  - (2) Manufactured after January 1, 1962 and prior to June 15, 1976 and meet the construction requirements of Oregon Mobile Home Laws in effect at the time of Manufacture; and
  - (3) At least 10 feet wide, with exterior dimensions enclosing a space of not less than 420 square feet; and
  - (4) Located on a lot in a subdivision platted and designated for mobile home use after the effective date of this ordinance; and
  - (5) Have a carport or garage for at least one vehicle
- (b) In the RS zone the mobile home shall be:
  - (1) Manufactured after June 15, 1976 and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Federal Housing and Urban Development (HUD) standards; and
  - (2) Multi-sectional and enclose a space of not less than 1,000 square feet; and
  - (3) Have a pitched roof with a nominal height of 2 to 3 feet for each 12 feet in width; and
  - (4) Placed on an excavated and backfilled foundation enclosed at the perimeter; and
  - (5) Located on a lot in a subdivision platted and designated for mobile home use after the effective date of this ordinance; and

- (6) Have a garage or carport for at least one vehicle.

**26.03 MANUFACTURED HOME ON A LOT.** A single family manufactured home on a lot shall meet the following use and development standards:

- (a) Be manufactured after June 15, 1976 and exhibit the U.S. Housing and Urban Development (HUD) certification label pursuant to OAR 918-500-450 (2); and
- (b) Be multi-sectional (double-wide or larger) and enclose a space of not less than 1,000 square feet; and
- (c) Have a pitched roof with a minimum nominal height of 3 feet for each 12 feet in width; and
- (d) Be placed on an excavated and backfilled foundation enclosed at the perimeter; and
- (e) Have a garage or carport for at least one vehicle located on the same lot; and
- (f) Vertical rolled goods siding is not allowed.
- (g) Have an exterior thermal envelope meeting performance standards that reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State building code as defined in ORS 455.010. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope requirement. Additional evidence shall not be required.

**26.04 TWO FAMILY SHARED HOUSING.** Two family shared housing shall meet the following use and development standards:

- (a) The building to be converted for two family shared housing must have been constructed as a single family dwelling, and have been occupied as such by an owner for any continuous six month period between the date of its first occupancy and the date of its conversion to a two family dwelling.
- (b) The building must contain not more than two dwelling units after conversion, and there must be not more than two dwelling unit per lot.
- (c) One dwelling unit must contain at least 300 square feet of floor area and the other must contain at least 600 square feet of floor area.
- (d) Not more than 60 square feet of floor area shall be added to the building; provided, however, that conversion of unfinished areas to habitable space or bathrooms shall not count toward the 60 square foot limitation.
- (e) Only one of the two dwelling units may be occupied by a family that does not include an owner-occupant of the building.

- (f) Two family shared housing under this section shall not be separated in ownership under the provisions of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building or space therein.

**26.06 DUPLEX ON A CORNER LOT.** A duplex on a corner lot shall meet the following additional use and development standards:

- (a) The corner lot shall contain at least 7,000 square feet.
- (b) Each dwelling unit shall derive its pedestrian and vehicular access from a different street unless one of the street is a collector or arterial street.
- (c) The lot must have been created after the adoption of this ordinance.

**26.08 ZERO SIDE YARD DWELLING UNITS.** Zero side yard dwelling units shall meet the following use and development standards:

- (a) **Permitted development.**
  - (1) Unattached dwellings, with one dwelling unit per lot, may be built contiguous with one but not both of the side lot lines.
  - (2) In RS zones, attached dwellings, with one dwelling unit per lot, may be built contiguous with both side lot lines provided not more than three dwelling units are attached.
  - (3) In other zones, attached dwellings, with one dwelling unit per lot, may be built contiguous with both side lot lines provided not more than six dwelling units are attached.
- (b) **Yards abutting a street.** The requirements in the applicable zone for yards abutting a street are not relieved by this section, and shall be met.
- (c) **Interior side yard.** Any exterior wall or portion thereof which faces but is not contiguous to a side lot line shall meet all applicable interior side yard requirements under this zoning ordinance; otherwise, the interior side yard requirements of this zoning ordinance shall not apply.
- (d) **Building separation.** Buildings on abutting lots but not attached to each other shall be separated by a distance of at least ten feet.
- (e) **Maintenance easement.** As a condition of issuance of a building permit for a dwelling having a wall contiguous to a lot line, the applicant shall furnish an easement from the owner of the lot abutting the wall providing for reasonable ingress, egress and use of the adjacent lot for the purpose of maintaining, repairing and replacing the premises. Such easement shall be appurtenant to the lot on which the dwelling is located as the dominant tenement, and shall be recorded with the County Recorder prior to the issuance of the permit.

- (f) **Adjustment of lot line.** Notwithstanding any provision of Chapter 33 to the contrary, the owner or owners of abutting lots either of which has thereon a zero side yard dwelling unit, may, by appropriate instrument, adjust the common side lot line by no more than 18 inches to make the wall intended to be contiguous with the common lot line actually contiguous. This adjustment shall move the line as a whole; and may, without the necessity of an adjustment and without making the premises nonconforming, reduce the required area or frontage of the lot, increase the allowable lot coverage, or any combination thereof necessary to make the side lot line and building contiguous within the limits of this subsection. The instrument accomplishing this revision, and a survey by a registered land surveyor evidencing the need for an description of such revision, shall be reviewed and approved by the Zoning Administrator prior to recording the instrument, otherwise the exemption granted by this subsection shall not apply.
- (g) **Accessory buildings.** The provisions of this section apply to accessory as well as main buildings.

**26.20 HOME OCCUPATIONS LIMITED.** A home occupation limited shall meet the following use and development standards.

- (a) The premises upon which the home occupation is conducted shall be the residence of the persons conducting the home occupation. No employees living off the premises are allowed.
- (b) The home occupation shall be continuously conducted in such a manner as not to create any public or private nuisance, including, but not limited to, offensive noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. In a residential zone noise associated with the home occupation of more than 55dba at the lot line is prohibited.
- (c) No sign shall be displayed on the premises except such signs as are allowed in Chapter 31 for the zone in which the home occupation is located.
- (d) The home occupation shall be conducted entirely within the dwelling or any attached garage or in an unattached accessory building.
- (e) The total floor area of buildings on the premises, including accessory buildings, devoted to a home occupation shall not exceed 500 square feet in a residential zone and 1500 square feet in other zones.
- (f) No structural alterations shall be made to the dwelling that would be inconsistent with future use of the building exclusively as a dwelling.
- (g) No alteration to or use of the premises shall be made such as to reduce the number of required on-site parking spaces.
- (h) All visits by suppliers or customers shall occur between the hours of 8:00 a.m. and 8:00 p.m.

- (i) There shall be no outside storage or display of materials, equipment, or merchandise used in, or produced in connection with, the home occupation, except as provided in (j).
- (j) Repair of vehicles or a construction business shall be allowed as a home occupation only in the UT or UTF zones. Vehicles shall be screened by a sight-obscuring fence or be parked in a building. All repair shall be conducted within a building. There shall not be more than three vehicles associated with the home occupation parked on the premises at one time.
- (k) Deliveries to or from the dwelling shall not involve a vehicle rated at more than 1 ton.
- (l) Where a home occupation involves deliveries one off-street loading space shall be provided. If visits by customers occur two additional off-street parking spaces shall be provided if the street along the lot frontage does not provide paved area for at least two parallel parking spaces. During normal loading/unloading or customer parking periods the off-street loading and parking spaces shall be reserved exclusively for that use.
- (m) The dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.
- (n) Retail and wholesale sales that do not involve customers coming to the property, such as internet, telephone or mail order offsite sales, and incidental sales related to the home occupation services being provided are allowed. No other sales are permitted as, or in conjunction with, a home occupation.
- (o) In order to establish a new home occupation an agreement shall be signed by the property owner and any lessee of the dwelling, that:
  - (1) Acknowledges the requirements of this Section;
  - (2) Agrees that the home occupation will be discontinued or brought into conformance with city requirements if the property is annexed; and
  - (3) Agrees that if the lot is in a UT or UTF zone, the owner, lessee, and their heirs or assigns will not remonstrate if annexation is proposed by the city.

**26.22 CHILD DAY CARE CENTER.** Child day care center providing care for more than 12 children, including children of the provider, shall meet the following use and development standards:

- (a) Lot Size: Minimum of 6,000 square feet.
- (b) Screening: Outdoor play areas shall be fenced and the fence shall be sight obscuring except in the required yard abutting a street or roadway. Loading areas not located in a required yard abutting a street or roadway shall be screened by a sight-obscuring fence, wall or hedge.
- (c) Off street loading. At least 1 off-street loading space shall be provided for every 6 children served based on the maximum number served at any given time during the day.



Up to two loading spaces may be provided in the required front yard. During normal hours of loading and unloading the off-street loading spaces shall be reserved exclusively for that use.

- (d) The provider of the day care services shall be the owner and occupant of the residence if the day care service is located in a residential zone and there is a residence on the lot.

**26.24 NURSING CARE FACILITIES.** Nursing care facilities shall meet the following use and development standards:

- (a) Yards. Front yards, 20 foot minimum or front yard required in applicable zone, whichever is greater. Side and rear yards, 20 foot minimum, or side and rear yard of applicable zone, whichever is greater.
- (b) Off-street parking. No off-street parking or loading area shall be permitted within five feet of the side and rear lot lines.
- (c) Landscaping. All lot area not lawfully developed for building, structures, parking, loading or driveways, shall be landscaped as provided in Chapter 29.
- (d) Screening. Parking areas shall be screened from adjacent uses by a 6 foot high sight-obscuring fence, wall or hedge, except for the front yard.

**26.26 BED AND BREAKFAST ESTABLISHMENT.** Bed and Breakfast establishments shall meet the following use and development standards:

- (a) In RS and RL zones the establishment shall be operated by the resident property owner and not include more than 4 lodging rooms (including any allowable accessory rooming and boarding); and
- (b) The establishment shall be located within a dwelling abutting a designated arterial or collector street, or within a dwelling designated as a historical site in the Comprehensive Plan.
- (c) A single sign, which may be lighted but not flashing, shall be permitted within 10 feet of the front lot line provided the sign does not exceed 10 square feet in area and does not block vision clearance areas.
- (d) Off-street parking for the guests shall be screened from the street and adjacent property by a 6 foot high sight-obscuring fence or hedge.

**26.30 RESIDENTIAL SALES OFFICES.** Residential Sales offices shall meet the following use and development standards:

- (a) The office shall be located on a lot within a subdivision, planned development, or on a space within a mobile home park containing at least 25 lots or spaces at least 5 of which are undeveloped or unoccupied.

- (b) The principal use of the office shall be the sale of lots or renting of spaces or the sale of dwellings or mobile homes on lots or spaces with the development.
- (c) The office shall have a finished exterior and the site be landscaped and kept clean and neat.
- (d) There shall only be one sign not to exceed 24 square feet.
- (e) The maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. each day.

**26.32 PUBLIC GOLF COURSES AND RELATED MEMBERSHIP SPORTS CLUBS.**

Public Golf courses (SIC 7992) and membership sports and recreation clubs (SIC 7997) with golf courses shall meet the following use and development standards:

- (a) **Setbacks.** No occupied building accessory to a golf course shall be located within 100 feet of any property line. Golf fairways, tennis courts, and similar sports courts or fields shall be set back 25 feet from all abutting residential or commercial zones and uses. Swimming pools shall be set back 50 feet from all abutting residential and commercial zones and uses.
- (b) **Parking.** No off-street parking or loading area shall be permitted within five feet of the side and rear lot lines.
- (c) **Screening.** All parking shall be screened from adjacent uses by a 6 foot high sight-obscuring fence, wall or hedge.
- (d) **Lighting.** Outdoor lighting shall be directed away from residential property and streets.

**26.34 BOAT AND RECREATIONAL VEHICLE STORAGE AREA.** Areas where boats or recreational vehicles are stored shall meet the following use and development standards:

- (a) **Screening.** Outdoor storage areas shall be screened from all adjacent properties and from all but one abutting street by a sight-obscuring fence, wall or hedge.
- (b) **Landscaping.** All unpaved areas not occupied by buildings or structures shall be landscaped as provided in Chapter 29.
- (c) **Surfacing.** All driveways, outdoor storage space, and other outdoor vehicle parking, loading and maneuvering areas shall be improved with an all-weather surface. The surfacing shall be set back from lot lines, except those abutting a street, by a least five feet.
- (d) **Lighting.** Outdoor lighting shall be directed away from residential property and public streets.
- (e) The storage area must be owned and operated by a non-profit neighborhood home owners association or be provided by the park owner exclusively for the tenants of a mobile home park.

- (f) Storage shall be limited to members/residents boats or recreational vehicles, utility trailers and horse trailers, none of which are kept or used in connection with a business or commercial activity. Storage buildings for the personal belongings of members or residents may also be provided in conjunction with outdoor storage areas provided the buildings.

**26.40 RECREATIONAL VEHICLE PARKS.** Recreational vehicle parks shall meet the following use and development standards.

- (a) Recreational vehicle parks shall not be occupied by mobile homes except for one mobile home for a caretaker/operator.
- (b) Access roads shall be paved and shall have direct connection to a paved street.
- (c) One way access roads shall have an improved width of 10 feet. Two way access roads shall have an improved width of at least 20 feet. If parallel parking is to be allowed an additional 10 feet of improved width is required along the side where parking is allowed.
- (d) In commercial zones the perimeter of the recreational vehicle park shall be surrounded by a 6 foot sight-obscuring fence or hedge.
- (e) Camping supplies and convenience foods may be sold within a building.
- (f) The entrance shall be designed with an adequate parking area for those registering, checking out, or stopping at the convenience store without blocking access to the designated recreational vehicle spaces and without causing congestion on adjacent streets.
- (g) No outdoor recreation facilities shall be used between 10 p.m. and 8 a.m. unless approved as part of the conditional use permit.
- (h) All outdoor lighting shall be directed away from adjacent residential properties and streets.
- (i) A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection.
- (j) Spaces shall meet the use and development standards in Section 26.41. Spaces to be occupied for more than 120 days in any calendar year shall provide on-site electrical, sewer and water hookups.
- (k) Only motor homes and travel trailers containing 150 square feet of floor area or more shall be allowed to be occupied in a park for more than 120 days in any calendar year.
- (l) When an RV is allowed to be occupied in the park for more than 120 days in a calendar year, and residents of these vehicles include children, a playground or playfield shall be provided.

**26.41 RECREATION VEHICLE SPACES.** Recreational vehicle spaces shall meet the following use and development standards. The term "recreational vehicle space" means the portion of a lot where a single recreational vehicle is parked and occupied or intended to be parked and occupied. Long-term storage of a recreational vehicle must comply with the requirements for accessory uses and structures.

- (a) The space shall have an all-weather surface and be drained to prevent standing water.
- (b) A space shall not be located closer than 10 feet to any other spaces, any building, dwelling, mobile home, street or roadway boundary and not closer than 5 feet to any property line.
- (c) If the space is occupied by an occupied recreational vehicle for more than 120 days in any calendar year, the space shall be located in a recreational vehicle park.
- (d) The space shall not be located in any required off-street parking space or required yard areas.
- (e) Unless located in a recreational vehicle park no permanent electrical, water or sewer connections are permitted, nor shall the space be rented or leased for consideration.

**26.42 VETERINARY SERVICES FOR ANIMAL SPECIALTIES.** Veterinary services for animal specialties (SIC 0742) shall meet the following use and development standards:

- (a) Except as provided in subsection (b) of this section, all services shall be provided within completely enclosed and soundproof buildings.
- (b) Outside runs for dogs and other animals are not permitted on a lot abutting a residential zone. Outside runs shall be operated only between the hours of 8 a.m. and 8 p.m., with an attendant present on the premises.

**26.44 FUNERAL SERVICES AND CREMATORIES; AND CEMETERY SUBDIVIDERS AND DEVELOPERS.** Funeral service and crematories (SIC 726) and cemetery subdividers and developers (SIC 6553) shall meet the following use and development standards:

- (a) Screening. The property shall be screened from all adjacent properties by a sight-obscuring fence, wall or hedge.
- (b) Height. Gravemarkers, tombstone, monuments, and memorials shall not exceed five feet in height. Buildings (including, but not limited to mausolea, columbaria, and crypts) shall not exceed 35 feet in height.
- (c) Lot area. The minimum lot area is 10 acres for a cemetery except for pet cemeteries where the minimum lot area is 3 acres.

**26.46 MIXED USE BUILDINGS.** A building or complex of buildings on the same lot having more than 25 dwelling units or lodging rooms may include office, retail and service uses meeting the following use and development standards:

- (a) **Permitted uses.** In addition to the residential and lodging uses permitted in the underlying zone, the following additional uses shall be permitted:
- (1) Communication (SIC 48) BUT EXCLUDING communication services, not elsewhere classified (SIC 489).
  - (2) Variety stores (SIC 533).
  - (3) Food stores (SIC 54).
  - (4) Apparel and accessory stores (SIC 56).
  - (5) Home furnishing stores, miscellaneous (SIC 5719).
  - (6) Eating and drinking places (SIC 58).
  - (7) Retail, miscellaneous (SIC 59) except non-store retailers (SIC 596) and fuel and ice dealers (SIC 598).
  - (8) Commercial and stock savings banks (SIC 602).
  - (9) Mutual savings banks (SIC 603).
  - (10) Savings and loan associations (SIC 612).
  - (11) Personal credit institutions (SIC 614).
  - (12) Insurance agents, brokers, and service (SIC 641).
  - (13) Real estate (SIC 65).
  - (14) Personal services (SIC 72) except: 1) power laundries, family and commercial (SIC 7211); 2) linen supply (SIC 7213); 3) dry cleaning plants, except rug cleaning (SIC 7216); 4) carpet and upholstery cleaning (SIC 7217); and 5) industrial launderers (SIC 7218).
  - (15) Management, consulting and public relations services (SIC 7392).
  - (16) Amusement and recreation services, except motion pictures (SIC 79) except commercial sports (SIC 794).
  - (17) Offices of physicians (SIC 801).
  - (18) Offices of dentists (SIC 802).
  - (19) Offices of osteopathic physicians (SIC 803).
  - (20) Offices of other health practitioners (SIC 804).
  - (21) Legal services (SIC 81).
  - (22) Miscellaneous services (SIC 89).
  - (23) Travel Agency (SIC 4724).
- (b) **Use restrictions.** No use permitted under subsection (a) of this section shall in any way involve any of the following:
- (1) The keeping of live animals.
  - (2) The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products except for consumption on the premises.
  - (3) The packaging of products, except packaging of individual retail items at the time of purchase.
  - (4) Any outdoor display or storage of merchandise or materials.
- (c) **Location in the building.** All retail showrooms where goods are offered for sale on the premises, or where customers may view samples or catalogues on the premises and place orders for future delivery shall be confined to the first floor of any building.
- (d) **Non-residential floor area.** At least 50 percent of the floor area of each building housing any use permitted in subsection (a) of this section shall be devoted to dwelling

units or guest rooms; except that an eating establishment may be housed in a separate building if all uses permitted in subsection (a) of this section, including the eating establishment, total less than 50 percent of the total floor area of the complex of buildings on the same lot, and all other buildings in the complex of buildings comply with this subsection.

**26.48 USED MERCHANDISE STORES.** Used merchandise stores (SIC 593) shall meet the following uses and development standards.

- (a) In a CR zone, all retail sales and storage of merchandise shall be conducted entirely within a building.
- (b) In a CG zone, all operations shall be conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall or hedge, and materials shall not be stored higher than such fence, wall or hedge.

**26.52 GASOLINE SERVICE STATIONS.** Gasoline service stations (SIC 554) shall meet the following use and development standards:

- (a) Lot area and dimensions. Minimum lot size, 10,000 square feet; minimum of 100 feet of street frontage for an interior lot, 120 feet of frontage on each street abutting a corner lot.
- (b) Screening. The property shall be screened from every abutting residential zone or use by a sight-obscuring fence, wall or hedge.
- (c) Lighting. Outdoor lighting shall be directed away from residential property.
- (d) Use and operation restrictions:
  - (1) No vehicle repairs or disassembling of vehicles other than routine maintenance such as changing lubricants and coolant, replacement of small parts, or changing tires shall be conducted outside a building.
  - (2) No merchandise shall be stored or displayed outside a building or underground structure except for lubricants and small accessories in retail packing or display rack.
  - (3) No inoperative vehicles or used vehicle parts shall be stored outside a building for any period longer than 72 hours.
  - (4) No rental recreational vehicles or moving trucks shall be parked or stored except on side or rear yards, and then no closer than 20 feet to any right-of-way.
  - (5) The lot shall be paved with a concrete or asphalt hard surface. Pavement shall be graded so that all storm water is collected on the site and carried by pipes to a public storm drainage facility. Storm water shall not run across sidewalks or down driveways into streets.

**26.54 SCRAP AND WASTE MATERIALS ESTABLISHMENTS.** Scrap and waste materials establishments (SIC 5093) shall meet the following use and development standards:

- (a) Screening. All outdoor operations shall be screened from adjacent streets and uses by a sight-obscuring fence, wall or hedge or by a landscaped berm the top of which is at least eight feet above the highest grade on either side thereof.
- (b) Heavy operations. If conducted out of doors, the following operations shall be conducted more than 300 feet away from any residential zone:
  - (1) Shredding or baling of tires.
  - (2) Compression, cutting or baling of scrap metal.
  - (3) Cutting or baling of used lumber.
  - (4) Breaking up of concrete or masonry other than the removal of mortar for the salvage of stone or brick masonry products.

**26.56 EATING PLACES.** Eating places (SIC 5812) shall meet the following use and development standards:

- (a) The gross square footage of the area devoted to the use shall not exceed 20% of the gross square footage of the first floor of the building.
- (b) The eating place shall be designed to serve primarily the occupants of the buildings and their clients and shall not have direct access to a public street or parking area, except as may be required by fire, life and safety codes.
- (c) There shall be no sign advertising the eating place visible from outside the building.

**26.57 MOBILE FOOD VENDORS.** Mobile food vendors shall meet the following use and development standards:

- (a) Within the City of Woodburn's Urban Growth Boundary:
  - (1) The use is allowed only in the IC, IP, IG and IH zones.
  - (2) The use shall be limited to the preparation and/or sale of food and beverages from a vehicle, trailer or temporary structure. Temporary structures shall be as defined and regulated by the State Building Code.
  - (3) The use shall not be conducted within public rights-of-way.
  - (4) The use shall be conducted on property only with the written consent of the property owner.
  - (5) Business operations shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.
  - (6) The use shall not block driveways, entrances or parking aisles.

- (7) The use shall provide a minimum of four (4) designated off-street parking spaces that comply with the standards of Section 30.17.
  - (8) The use shall conform with all setback standards for the zone where it is located, including the clear vision area.
  - (9) Signs associated with the use shall conform with Chapter 31.
  - (10) The operator of the use shall possess valid County certification of compliance with health and sanitation standards.
  - (11) The base of operations for mobile food service units shall be from commercial or industrial zones. Use of sites in residential zones for the preparation, maintenance, or storage area for mobile food service units is prohibited.
- (b) **Within the Salem/Keizer Urban Growth Boundary shall meet the following use and development standards:**
- (1) The use is allowed only in the CR, CG, HC, IC, IP, IG and IH zones.
  - (2) If the mobile food vendor is located on private property not owned by the operator, the operator shall maintain, on-site, a copy of an agreement between the operator and the property owner granting permission to use the property.
  - (3) Mobile food vendors shall not operate or be located in a public right-of-way.
  - (4) Mobile food vendors shall only be located at one development site for a maximum of six months in any consecutive twelve (12) month period, which commences from the date of occupation of the development site by any mobile food vendor. As used herein, a development site means any lot, parcel, integrated shopping center, any aggregation of lots or parcels, portions of which share parking, access or landscaping.
  - (5) No mobile food vendor shall be allowed unless the on-site parking requirements under Chapter 30 for all businesses being served by the parking lot or facility are met, excluding the parking area to be covered by the mobile food vendor and one additional space to accommodate mobile food vendor customers.
  - (6) No mobile food vendor shall be within 500 feet of another mobile food vendor on the same side of the street or highway, or within 250 feet of another mobile food vendor on the opposite side of the street or highway.
  - (7) Site plan:
    - (A) The owner and/or operator of any semi-permanent mobile food vendor must prepare and file a complete site plan with the Zoning Administrator. This plan shall be to scale and include all structures and present uses served by the parking lot in which the mobile food vendor will be located; all parking, loading, and maneuvering areas; lot ingress



and egress; and type and location of the mobile food vendor screening, landscaping, utility services, sewage and waste disposal, and propane tank size and arrangement.

- (B) All semi-permanent mobile food vendors shall be fully skirted and all conduit, tanks and storage shall be completely screened from all public areas and streets by the use of sight-obscuring fencing and/or temporary landscaping.
- (C) For the purpose of this section, a semi-permanent unit is defined as any unit which is not a self-propelled, self-contained, fully operational motorized vehicles.
- (D) Primary access to mobile food vendors shall be from arterial streets, through existing driveways.

**26.58 AUTOMOTIVE DEALERS AND AUTOMOTIVE REPAIR, SERVICE, AND PARKING.** Automotive dealers (SIC 55) and automotive repair, service, and parking (SIC 75) shall meet the following use and development standards:

- (a) The lot shall be paved with a concrete or asphalt hard surface.
- (b) A sight-obscuring fence, wall or hedge shall be provided along lot lines abutting residential zones.
- (c) Repair of vehicles and any storage of merchandise or supplies not in retail packaging or display racks shall occur entirely within an enclosed building.

**26.60 RELIGIOUS ORGANIZATIONS.** Religious organizations shall meet the following use and development standards:

- (a) Side and rear yards. Minimum of 25 feet in or abutting every residential zone or use.
- (b) Landscaping. All required yard areas adjacent to streets or property in a residential zone not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped as provided in Chapter 29.
- (c) Off-street parking. No off-street parking or landing area shall be permitted within ten feet of a residential zone or use.
- (d) Screening of off-street parking. Where any portion of an off-street parking area other than a garage is within 15 feet of a lot zoned or used for residential purposes, the perimeter of the parking area facing such residential zone or use shall be screened by a sight-obscuring fence, wall or hedge.
- (e) Street access. Unless permitted by the County, only one vehicle access driveway per street frontage shall be permitted in a residential zone, or on a local street in any other zone abutting a residential zone. Where a parking area is on property having frontage on

a collector or arterial street, access shall be limited to such collector or arterial unless alternate access is required by the County.

- (f) Other related uses. Schools, child day care services, kindergartens, meeting facilities for clubs and organizations, and other similar uses which are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted only to the extent to the activity is otherwise permitted in the zone. Storage of buses used to transport the congregation is permitted if buses area not parked closer that 20 feet to a lot in a residential zone.

**26.62 ELEMENTARY AND SECONDARY SCHOOLS.** Elementary and secondary schools (SIC 8211) shall meet the following use and development standards:

- (a) Lot size. Minimum of 1000 square feet per student at maximum occupancy, or three acres, whichever is less.
- (b) Setbacks. Buildings shall setback from every lot line one foot for each foot of height to a maximum setback of 35 feet.
- (c) Off-street parking. No off-street parking or loading area shall be permitted within ten feet of any residential use or zone.
- (d) Other related uses. Child day care services; kindergarten; meeting facilities for clubs and organizations; other uses which are not operated primarily for the purpose of secular education, or school administration; secondary use of school facilities for non-profit events shall be permitted in the zone.

**26.63 - 26.72 RESERVED**

**26.73 WIND ENERGY CONVERSION SYSTEM.** Wind energy conversion systems (WECS) shall meet the following use and development standards:

- (a) The WECS or wind measurement device shall be not more than 70 feet in height.
- (b) The WECS shall comply with Section 26.76.
- (c) No more than two WECS shall be located on the same lot.
- (d) The WECS shall be setback from lot lines five rotor diameters (Horizontal axis) or the total WECS height (vertical axis) whichever is greater; or the applicant shall obtain easements on adjacent properties that comply with ORS 105.900 to 105.915 for the positive that comply with ORS 105.900 to 105.915 for the positive area located on adjacent properties.
- (e) The WECS or wind measurement device (including guy wires) shall not encroach into required setbacks for primary structures in the zone or be closer than 12 feet to any major structure or right-of-way for aboveground telephone or electrical transmission and distribution lines.

- (f) Public access shall be restricted. Vertical access WECS shall be surrounded by a minimum 8 foot high security fence.
- (g) A structural engineer certifies that the WECS is sited so that the rotor is above damaging turbulence caused by upwind obstructions.

**26.74 BIOMASS FACILITY.** Biomass facilities shall meet the following additional use and development standards:

- (a) The Biomass facility shall be accessory to an industrial or farm use that provides at least 50% of the biomass fuels.
- (b) The Biomass facility shall not use municipal solid waste as a fuel.
- (c) If the Biomass facility involves direct combustion it shall be located: 1) at least 5 miles from land with an elevation higher than the elevation at which the facility discharges airborne wastes; and 2) at least 5 miles from a Class I Prevention of Significant Deterioration Area.

**26.75 GEOTHERMAL FACILITY.** Geothermal facilities shall meet the following use and development standards:

- (a) The geothermal facility shall be a prospect well, a producing geothermal well providing energy to on-site uses or a producing well providing energy through off-site transmission pipes or transmission facilities to off-site development.
- (b) Any structures and outdoor storage areas for the facility shall be at least 100 feet from abutting property.
- (c) Public access to the facility site shall be restricted by providing protective fencing around well sites and temporary fencing pits, sumps and recently vegetated areas.
- (d) Off-site transmission pipes and transmission facilities shall be placed within a surveyed right-of-way or easement. Existing rights-of-way or easements shall be used whenever practicable.

**26.76 GENERAL STANDARDS FOR ENERGY FACILITIES.** Energy facilities, including hydro-electric facilities, transmission facilities, wind facilities, biomass facilities and geothermal facilities shall meet the following additional use and development standards:

- (a) An energy facility shall not be located in the areas listed in (1) and (2) unless a facility complies with (3):
  - (1) National wildlife refuges, BLM Outstanding Natural Areas, BLM Areas of Critical Environmental Concern, Federal Research Natural Areas, wilderness areas under the Federal Wilderness Act and areas recommended for designation as wilderness areas pursuant to Section 603 of the Federal Land Policy Management Act of 1976, Federally designated Wild and Scenic Rivers or any rivers recommended for designation by the National Park Service.

- (2) State of Oregon parks, waysides, refuges, wildlife management areas, and natural areas preserves, scenic waterways and adjacent lands designated pursuant to ORS 390.845, wild fish streams designated by the Oregon Department of Fish and Wildlife, and experimental areas established by the Rangeland Resources Program, School of Agriculture, OSU.
- (3) An energy facility may be permitted as a conditional use in an area listed in (1) and (2) if:
  - (a) It is compatible with adjacent uses and resources.
  - (b) It is accessory to a permitted use.
  - (c) The application is authorized or the use is approved by the public agency responsible for designation or management of the protected area in which an energy facility is proposed; and
  - (d) An applicant provides resources equal or better in quantity and quality to those adversely affected by a facility.

**26.800 PLANNED DEVELOPMENTS.** Planned Developments shall meet the use and development standards in Section 26.801 to 26.815. Planned Developments shall meet all use and development standards and requirements in Chapter 33. Where the standards and requirements herein conflict with the standards and requirements of Chapter 33, the provisions of this chapter shall apply.

**26.802 PURPOSE.** It is the purpose of this chapter to provide a means whereby larger parcels of ground may be subdivided into residential lots with more latitude as regards site development, common areas, private streets and walkways, and open space than is possible through traditional subdivision regulations while maintaining residential densities consistent with the applicable zone; to establish standards and controls necessary to assure the community of a functional and compatible development; and to provide within residential zones the development of residential areas with increased amenities.

**26.803 DEFINITIONS.** The following terms are defined for the purposes of this chapter and do not apply otherwise to this ordinance:

- (1) **Planned Development.** A subdivision of land, incorporated common open spaces with each dwelling or mobile home placed on its own lot.
- (2) **Home Owners Association.** A home owners association if an organization formed for the maintenance and operation of the open space and common areas of the planned development. The membership in the association must be automatic with the purchase of a lot or other property in the planned development. The association shall collect an assessment levied against each lot or other property which assessment shall be the principal source of funds to maintain open space and common areas, roadways, utilities and facilities. Assessments shall be enforceable as a lien against the private lots and open space.
- (3) **Open Space.** A common area designated on the final plans of the planned development, permanently set aside for the common use of the members of the home owners

association, which open area may be landscaped and/or left with a natural tree cover, and in which area no roadways, streets, or parking area are located.

- (4) **Open Space Lot.** An open space lot is a lot which abuts upon an open space for a distance of ten feet or more.
- (5) **Public Sidewalks.** A public sidewalk is a pedestrian walkway for the general public through the planned development open space and common areas and replaces a sidewalk which would have been located adjacent to a street.
- (6) **Roadway.** A roadway is any vehicular way to property in the planned development that is located on lands owned by the homeowners association and does not exit the development at another location. Roadways are to serve specific property in the planned development only, not through traffic and need be constructed only wide enough to adequately perform this function. roadways include "T" turn-arounds, cul-de-sac, circles, loops and other roadways not functioning as a through roadway.
- (7) **Streets.** Roads permitting traffic to move in one side of the development and out of another dedicated as a public street and developed to the applicable County street standard.
- (8) **Walkways.** A walkway shall mean a pedestrian pathway within a planned development for residents and guests.

**26.804 REQUIRED INFORMATION.** In addition to the information required in a detailed subdivision plan the request for detailed plan approval shall include:

- (1) The location of all streets, roadways, sidewalks and walkways their widths and the nature of their improvement.
- (2) The location, layout, and the surfacing of all off-street parking areas.
- (3) The individual lot lines of each parcel that is to be created for separate ownership.
- (4) The location of easements for the water lines, fire hydrants, sewer and storm lines, and the location of the electric, gas, and telephone lines, television cable, and the lighting plans.
- (5) The landscaping plan with a notation indicating the existing trees and shrubs which are to be retained.
- (6) The common areas and open spaces and the particular uses which were intended for them.
- (7) The areas proposed to be conveyed, dedicated, reserved, or used for parks, scenic-ways, playgrounds, schools, public buildings, and similarly public and semi-public uses and whether such areas are to be public or private.

- (8) The location of each existing or proposed structure, its intended use, and the number of dwelling units in each residential building, except single family detached dwellings and mobile homes.
- (9) A statement from the City and the utility companies indicating that the plans to extend facilities are feasible as to the basic route and size of the facility considering the needs of the development and the area.
- (10) The phases in which the project will be built, the approximate date when construction of each phase will begin, and the type and location of common areas, facilities and open space that will be provided at each phase.

**26.805 PROCEDURAL REQUIREMENTS.** The procedure for review of a planned development subdivision in Chapter 33 shall govern the consideration of a planned development under these regulations.

**26.806 SATISFACTORY EVIDENCE.** As a condition to granting approval for the final plat satisfactory evidence shall be submitted that the roadways, parking areas and sidewalk improvements, and improvements in common areas will be placed. For the purpose of this section, the criteria for satisfactory evidence set forth in Chapter 33 shall apply.

**26.807 RETAIL SERVICES.** Retail service areas may be located within a planned development to provide commercial facilities for the residents of a planned development. Retail service facilities may be development application, and the inclusion of retail service facilities is noted in any public hearing or decision notice, without the need for a zone change.

- (1) Convenience Services. A planned development containing more than 100 dwelling units, may have a convenience service area, which may include not more than one each of the following: newsstand, barbershop, beauty parlor, delicatessen, dining room, coffee shop, and tea room, activity room, meeting room. No drive-in service shall be permitted.
- (2) Limited Retail Service.
  - (a) Planned developments containing 250 or more dwelling units may have limited retail services as a part of the development without obtaining a zone change in addition to one or more of each of the convenience services allowed in (a). The following retail services are permitted in a planned development when developed under the conditions set forth in (3), (4) and (5):
    - (1) Banking Facilities.
    - (2) Craft and hobby shops.
    - (3) Drugstores.
    - (4) Grocery stores.
    - (5) Laundry and dry cleaning pick-up service, also coin-operated dry cleaning establishments.
    - (6) Post office station.
    - (7) Restaurants, but no drive-in service.
    - (8) Variety stores.

- (3) The amount of limited retail service area allowed shall be directly proportionate to the number of dwelling units within the site. The following formula establishes the maximum allowable gross square feet of building area and minimum parking required for a limited retail service area for planned developments which have 250 or more dwelling units:
  - (a) The maximum allowable gross square feet of building area shall be 40 square feet per dwelling unit.
  - (b) The minimum parking shall be two square feet of parking for every one square foot of gross building area.
- (4) Limited retail services shall not be provided until at least 250 dwelling units have been completed. The gross floor area to be constructed at any time shall not exceed the gross floor area formula set forth above, based on the number of dwelling units constructed at that time.
- (5) No single business shall occupy more than 50 percent of the maximum floor area permitted at the time of the completion of the planned development.
- (6) Convenience service and limited retail services shall comply with the following additional requirements:
  - (a) All on-site activities of commercial firms shall be conducted wholly within an enclosed building.
  - (b) All on-site utilities are to be placed underground.
  - (c) A landscaped perimeter yard outside of the street right-of-way, at least 20 feet in depth, except driveways, shall surround every retail service.
  - (d) All signs shall be located flat against a building wall, not above the eaves of the roof. The sign may be illuminated, but the lighting on it shall not flash, or have moving or animated parts. Each business may have only to that use conducted within the building and may have the following area:
    - (1) Convenience service area - four square feet per business.
    - (2) Limited retail services - 50 square feet per business.

All other applicable sign regulations in this ordinance shall apply.

- (e) Maintenance and housekeeping of all exterior areas shall be provided by the owners. All garbage and refuse shall be kept entirely within a building or area screened by a sign-obscuring fence. No refuse shall be incinerated on the premises.
- (f) When considering conceptual approval the location of convenience and limited retail services within the planned development shall be reviewed with regard to ensuring the adequacy and suitability of the location of vehicle access and off-street parking and loading areas. Access directly to a street shall be approved by

the Department of Public Works. Buffering from nearby residences provided by open spaces and landscaping shall also be adequate to maintain privacy and freedom from excessive noise.

**26.810 MINIMUM LOT SIZE.** The minimum acreage for a planned development is 3 acres.

**26.811 DENSITY.** The density of the planned development shall not exceed the density of the zone in which it is to be located. The density shall be computed by dividing the total acreage by the number of dwelling units. The total acreage shall be that area contained in the ownership at the time of the filing of the planned development application. When such computation ends with more than one-half of a dwelling unit, the figure may be rounded to add one more dwelling unit permitted on the site. When such computation is one-half or less than one-half of a dwelling unit, the remainder will be dropped.

**26.812 UNLIMITED UNITS IN A BUILDING.** The number of dwelling units in a building is not limited.

**26.813 MAINTENANCE OF COMMON FACILITIES.**

- (a) The perpetual maintenance of roadways, walkways, utilities, and common areas shall be provided by a county service district unless use of a home owners association is approved as a conditional use.
- (b) If a home owners association is allowed the property owners within the planned development shall automatically be members of the association. The articles of such association shall be approved by Legal Counsel prior to final approval of the development. No change shall be made in the articles unless approved by the Zoning Administrator. Such articles shall provide a means to ensure maintenance of open space, common areas and facilities satisfactory to the County. The articles shall also prescribe the permitted uses of the open space.

**26.814 PLANNED DEVELOPMENT STREETS AND ROADWAYS.** Any street bordering or within a planned development shall have public right-of-way and improvements consistent with adopted Marion County Department of Public Works standards and upon approval of the Board be accepted into the County road system. Plans for all streets shall be submitted for review and approval by the Department of Public Works. Along streets the vision clearance requirements of Section 27.20, including intersections with roadways shall apply. Roadways shall be improved to the following standards:

- (a) Roadways shall be a minimum of 20 feet in width, curb to curb; provided that if parking is to be allowed on either side of the street the minimum width shall be increased by seven feet for each side of the street on which parking is to be allowed. Parking shall be parallel.
- (b) Roadways shall be paved with Portland cement concrete or asphalt concrete and designed and constructed to adequately support traffic loads and provide adequate drainage.



- (c) Dead-end roadways over 300 feet in length shall have a cul-de-sac bulb with 38-foot curb radius. Shorter dead-end streets shall have a turnaround area. No dead-end roadways shall have a turnaround area. No dead-end roadway shall exceed 500 feet in length.
- (d) Concrete curbs shall be provided.
- (e) The roadway system shall have direct connection to a paved street.

**26.815 ADDITIONAL REQUIREMENTS.**

- (1) **Street Names and Addresses.** Each street and roadway shall be named and each dwelling and other buildings shall be numbered as proved in the Marion County Address and Street Name Ordinance.
- (2) **Accessory Structure Setbacks.** An accessory structure shall not be located closer than five feet from any dwelling or other accessory buildings on an adjacent lot, except that a double carport or garage may be built that serves two adjacent dwellings. Accessory buildings shall be set back at least ten feet from the boundary of the planned development.
- (3) **Dwelling Setbacks from Roadways.** Dwellings shall be set back minimum distance of eight feet from any adjacent roadway, and five feet from any adjacent sidewalk, provided that a vision clearance shall be maintained as provided in Section 27.20.
- (4) **Dwelling Setbacks from Streets.** A dwelling and any structure in the development other than a sign or fence, shall be at least 12 feet from a street right-of-way provided that garages facing a street shall have a minimum 20 foot setback.
- (5) **Storm Drainage.** All lots shall be provided with adequate storm drainage and connected to the storm drainage system if such system is available. Such facilities shall be sufficient to safely transport through the development all volumes of water generated upstream and on the site. Where streets and associated public drainage facilities will be constructed or where connections will be made to existing public drainage facilities, all design and construction shall conform to Department of Public Works standards. On-site detention facilities may be required.
- (6) **Recreation Vehicles.** Planned developments may accommodate only mobile homes and dwellings. Recreational vehicles are not allowed except for storage in a designated storage area. A recreational vehicle shall not remain overnight in a planned development unless it is parked in a designated recreational vehicle storage area.
- (7) **Building Height, Location, and Lot Coverage.** Except as modified by this section, all structures within a planned development shall comply with all provisions of the zone in which the development is located as to height, location, and lot coverage.
- (8) **Lighting.** Roadways and walkways designed for the general use of the residents shall be lighted during the hours of darkness. Such lighting shall not be under control of the dwelling occupant. Lighting shall be designed to a minimum of 0.35 candlepower per square foot and a maximum of 0.1 watts per square foot energy use.

- (9) **Driveways.** Each lot within the development shall have direct access to a roadway or to a public street which the development abuts on both sides. The driveway shall be unobstructed area, not less than 10 feet in width, and shall be paved and well drained.
- (10) **Fire Hydrants.** Fire hydrants shall be provided within the roadway and on public streets in the development in conformance with the design and capacity requirements of the fire district.
- (11) **On-Site Storage.** Furniture, tools, equipment, building materials, or supplies belonging to the management of the development stored outdoors shall be screened. Screening shall be sight-obscuring and shall blend with the development environment.
- (12) **Walkways.** Provisions shall be made for hard-surfaced, well-drained walkways, not less than 30 inches in width, from each dwelling to open space, common areas, retail services, and to a street or roadway. If the walkway is adjacent to the street or roadway the curb may be included in meeting the width requirements.

**26.901 MOBILE HOME PARKS.** Mobile home parks shall meet the use and development standards in Section 26.901 to 26.905.

**26.902 MOBILE HOME PARK DEFINITIONS.** As used in Section 26.901 to 26.904, except where the context otherwise clearly requires:

- (a) **"Building"** means any permanent structure within a mobile home park such as washrooms, office building, recreation building, and similar structures, owned by the park for the common use of all the tenants. Exception: Mobile home accessory buildings, awnings, cabanas, carports, and remadas as defined in ORS 446.003 (1), (4), (5), (7) and (26) are not included in this definition.
- (b) **"Park Roadway"** means a private way which affords principal means of access to abutting individual mobile home spaces and permanent park structures.
- (c) **"Space"** means any area or portion of a mobile home park, which is designated or used for occupancy by one mobile home.

**26.903 LOW DENSITY MOBILE HOME PARKS.** Mobile home parks in RS zones established after the effective date of this ordinance, are subject to the minimum standards and conditions set forth in this section and in Section 26.905.

- (a) **Type of Mobile Home Permitted.** Mobile homes shall meet the following standards:
  - (1) Be manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards; and
  - (2) Be multisectional and enclose a space of not less than 1,000 square feet; and

- (3) Have a pitched roof with a nominal height of 2 to 3 feet for each 12 feet in width; and
  - (4) Unless the mobile home is set on a ground level foundation, skirting.
- (b) **Minimum Area.** No mobile home space shall contain less than 3,000 square feet, except that a space, any portion of which is within 15 feet of the boundary of the mobile home park property, shall be not less than 4,000 square feet.

**26.904 MOBILE HOME PARKS IN RL AND RM ZONES - MINIMUM REQUIREMENTS.** Mobile home parks in RL and RM zones established after the effective date of this ordinance shall meet all requirements of Section 26.905 and the following minimum requirements:

- (1) **Types of Mobile Homes Permitted.** Mobile homes used as permanent residences shall be at least 10 feet wide, with exterior dimensions enclosing a space of not less 420 square feet. The mobile homes that do not meet the criteria specified in this subsection may only be located in parks in RL and RM zones established prior to the adoption of this ordinance.
- (2) **Minimum and Average Area.** No mobile home space shall contain less than 2,000 square feet; and, the average area of all spaces within a mobile home park shall be not less than 3,000 square feet.
- (3) **Play Areas.** A separate play area shall be provided in mobile home parks that accommodate person under 55 years of age unless each space has a minimum size of 4,000 square feet. Such play area shall be not less than 2,500 square feet of area with at least 100 square feet of play area provided for each mobile home space. Suitable fences or other safeguards shall be provided if the play area abuts a railroad, street, a sharp declivity, or other hazard. The play area shall be located so that no space is farther from the play area than two-thirds of the distance between the two most distant points on the park boundary.
- (4) **Recreational Vehicle Park.** Except as provided in (h) below, a single area within a mobile home park may be a recreational vehicle park provided the following requirements are met:
  - (a) Recreational vehicles located within the recreational vehicle park are limited to motor homes and travel trailers with a minimum of 150 square feet of floor area.
  - (b) The recreational vehicle park shall be located within a mobile home park that has direct access to a collector or arterial street.
  - (c) Each recreational vehicle shall be parked within a recreational vehicle space for a minimum of 60 days in any calendar year.
  - (d) The use and development standards in Section 26.904 (3) and 26,905 (o) do not apply to designated recreational vehicle spaces. For the purposes of Section

26.905 the term "mobile home space" includes a recreational vehicles described in (a).

- (e) The development standards in Section 26.40 and 26.41 do not apply within the area designated as a recreational vehicle park except that Section 26.40 (I) and Section 26.41 (a) shall apply.
- (f) Recreational vehicle spaces shall include electrical, sewer and water hookups.
- (g) The number of recreational vehicle spaces shall not be more than 20% of the number of mobile home spaces.
- (h) Recreational Vehicle Parks may be located within a mobile home park established prior to the application of this subsection subject only to the requirements in (a), (b), (c), (f) and (g), and the requirements of Section 26.41 (a), (b), and (d).

**26.905 GENERAL MOBILE HOME PARK STANDARDS.**

- (a) **Density.** The number of mobile home spaces shall not exceed the following:
  - (1) 1 mobile home space per 4,000 square feet of lot area in RS zones.
  - (2) 1 mobile home space per 3,000 square feet of lot area in RL zones.
  - (3) 1 mobile home space per 2,000 square feet of lot area in RM zones. Computation of density shall be as provided in Section 27.05.
- (b) **On-site Storage.** Furniture, tools, equipment, building materials, or supplies belonging to the management of the park stored outdoors shall be screened. Screening shall be sight-obscuring and shall blend with the park environment.
- (c) **Street Names and Addresses.** Each park street shall be named and each mobile home space shall be numbered as approved by the Zoning Administrator.
- (d) **Fire Hydrants.** Fire hydrants shall be provided within the park on park streets or on a public street in conformance with the design and capacity requirements of the fire district.
- (e) **Roadway Standards.** Park roadways shall be located on park property and shall be maintained by the park owner. Roadways shall conform to the following requirements:
  - (1) Park roadways shall be a minimum of 20 feet in width, curb to curb; provided that if parking is to be allowed on either side of the street on which parking is to be allowed. Parking shall be parallel.
  - (2) Streets shall be paved with Portland cement, concrete or asphalt concrete, and designed and constructed to adequately support traffic loads and provide adequate drainage.

- (3) Dead-end roadways over 300 feet in length shall have a cul-de-sac bulb with 38-foot curb radius. Shorter dead-end streets shall have a turnaround area. No dead-end street shall exceed 500 feet in length.
- (4) Concrete curbs shall be provided.
- (5) The park roadway system shall have direct connection to a street.
- (f) **Parking.** There shall be two automobile parking spaces for each mobile home space in an RS zone and 1.33 spaces in RL and RM zones. Parking spaces may be designed end-to-end, side-to-side, or provided in off-street parking areas as approved by the Zoning Administrator.
- (g) **Walks.** Provisions shall be made for hard-surfaced, well-drained walks, not less than 30 inches in width, from each mobile home space to the park buildings and to a public street or park roadway. If the walk is adjacent to the roadway the curb may be included in meeting the width requirements.
- (h) **Lighting.** Roadways and walkways designed for the general use of the park residents shall be lighted during the hours of darkness. Such lighting shall not be under control of the mobile home occupant. Lighting shall be designed to a minimum of 0.35 candlepower per square foot and a maximum of 0.1 watts per square foot energy use.
- (I) **Driveway.** Each mobile home space within the park shall have direct access to a park roadway or to a public street which the park abuts on both sides. The driveway shall be an unobstructed area, not less than 10 feet in width, and shall be constructed of hard surface materials and well drained.
- (j) **Door Landings.** Each mobile home space shall be provided with a landing area and any needed steps adjacent to each mobile home door. They shall be constructed of concrete, asphalt, flag stone, wood, or other equivalent surface material. The landing area shall be at least 3 feet by 4 feet.
- (k) **Separations and Setbacks.** Building separations and setbacks from the park boundary for mobile homes, accessory structures, and buildings shall conform to the following:
  - (1) Except as provided in (2) through (4) of this subsection, a mobile home of the type identified in Section 26.903 (a) (1) shall not be located closer than 10 feet to any other mobile home of the same type, or closer than ten feet to a building or mobile home park boundary if the mobile home is parallel thereto. If not parallel the mobile home shall not come closer than 8 feet and have an average setback of 15 feet from any other mobile home, building, or the mobile home park boundary line. A mobile home, regardless of type, shall not be located closer than 15 feet to any mobile home that does not qualify under Section 26.903 (a) (1). Setbacks required between mobile homes in this subsection shall be measured from the perimeter of the mobile home and not from attached awnings, cabanas, carports and remadas or similar attached mobile home accessory structures.

- (2) An accessory structure shall not be located closer than five feet from any mobile home or other accessory buildings on an abutting space, except that a double carport or garage may be built that serves two abutting mobile homes. Accessory buildings shall be set back at least ten feet from the park boundary.
- (3) Mobile homes shall be set back a minimum distance of five feet from the edge of the surface of any abutting park roadway and thirty inches from any sidewalk except that in RS zones there shall be an 8 foot setback for roadways and 5 feet for sidewalks. A vision clearance area shall be maintained as provided in Section 27.20.
- (4) A mobile home and any structure in the park other than a sign or fence, shall be at least 12 feet from a public street right-of-way provided that carports or garages facing a public street shall have a minimum 20 foot setback.
- (l) **Water Supply.** All spaces shall be served by a public water system unless a private service is allowed by the applicable city.
- (m) **Sewage Disposal.** All spaces shall be served shall be served by a public sewer system unless a private system is allowed by the applicable city.
- (n) **Storm Drainage.** All spaces shall be provided with adequate storm drainage and connected to the storm drainage system if such system is available. Such facilities shall be sufficient to safely transport through the park all volumes of water generated upstream and on the site. Where a connection will be made to a public storm drainage facility, it shall be approved by the County. An on-site storm water detention system may be required.
- (o) **Foundation.** Mobile home and accessory building foundations shall be of sufficient strength to support the loads imposed by the mobile home, based on accepted engineering design standards as approved by the building official. Foundations, tie-downs, or other supports shall be provided to withstand the specific horizontal, up-lift, and overturning wind forces on a mobile home and any attached or supported structures based on accepted engineering design standards, as approved by the building official.
- (p) **Recreational Vehicles.** Except as provided in Section 26.904 (4) a recreational vehicle shall not remain overnight in a mobile home park unless it is parked in a designated recreational vehicle storage area.
- (q) **Building Height, Location, and Lot Coverage.** Except as modified by this section, all structures within a mobile home park shall comply with all provisions of the zone and any overlay zone in which the park is located.
- (r) **Screening.** A fence or wall, at least 6 feet high, shall be provided along the boundary of the mobile home park except the fence or wall shall not be located in required yards abutting streets or vision clearance areas.

Marion County  
OREGON



MARION COUNTY  
PUBLIC WORKS



[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 27 General Development Standards](#)

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- ▶ Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments

## CHAPTER 27

### GENERAL DEVELOPMENT STANDARDS AND REGULATIONS

Revised 01/02/-02

#### Section Title

- 27.00 Applicability
- 27.01 Structures to be Located on a Lot
- 27.02 Division or Alteration of Lots
- 27.03 Lot Coverage, Generally
- 27.05 Density
- 27.06 Separation of Lot or Yard Areas
- 27.07 Yards to be Unobstructed
- 27.08 Yards Apply Only to One Building
- 27.10 Parking in Yards
- 27.11 Front Yard Projections
- 27.12 Side Yard Projections
- 27.13 Rear Yard Projections
- 27.15 Height Limitations
- 27.16 Height Exceptions
- 27.20 Vision Clearance Areas
- 27.21 Special Street Setback

Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

27.22 Water Resources

27.23 Noise Impacts

27.30 Historical Sites and Structures

27.40 Special Stream Setbacks

27.50 Access to Public Street Required

27.51 Limitations on Access to Roadway

\* Word defined in Chapter 49

**27.00 APPLICABILITY.** The standards and regulations in this Chapter apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this Chapter pertaining to the subject lot, structure or use have been satisfied. The regulations in this Chapter apply to all zones unless otherwise specified. In certain cases regulations are applied to certain groups of zones.

The provisions of this Chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

**27.01 STRUCTURES TO BE ON A LOT.** All structures and uses shall be entirely situated on a single lot except as allowed under the Unit Ownership law (ORS 91.400 et seq.). Where a structure is placed on two or more separate lots under single ownership so that the structure overlaps the common boundary or encroaches on required yards along the common lot line the separate lots shall be considered a single lot for the purpose of this ordinance except that buildings which are attached at a common property line, but which meet all requirements of the Building Code as separate buildings, shall be considered separate and shall not have the effect of combining the affected lots.

**27.02 DIVISION OR ALTERATION OF LOTS.** In addition to any requirement in the Subdivision and Partitioning Ordinance, no lot held under separate ownership shall be divided or altered so that it does not meet the requirements in this ordinance. If a lot does not meet such requirements at the time this ordinance is adopted it shall not be divided or altered in such a manner that the lot is less in conformity with these regulations in any respect, except as otherwise provided in this ordinance.

**27.03 LOT COVERAGE, GENERALLY.** Specific standards for lot size or area, for lot dimensions, and for lot coverage are set forth in the applicable zone. Where a standard for lot coverage is expressed as a percentage, such standard means the percentage of total lot area covered by buildings and by roofed but unen-closed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area (such as pet shelters, play houses, etc.) shall not be included in calculating lot coverage.

**27.05 DENSITY.** The number of dwelling units allowed for the purpose of dividing land into lots, determining the number of dwellings in a planned development, or locating several dwellings on mobile homes on the same lot (including mobile parks) shall conform to the following



density limitations. The minimum lot area shall be used to determine allowable density in partitioning. When the number of dwellings allowed includes a fraction of 1/2 or more the density shall be increased one dwelling unit.

(a) UD and RS Zone: one dwelling unit per lot unless provided otherwise in this ordinance; and one dwelling unit per 4,000 sq. ft. of area devoted to residential use (i.e. excluding public streets, and areas in conjunction with non-residential uses).

(b) RL Zone - one dwelling unit per 3,000 sq. ft. of lot area.

(c) RM Zone - one dwelling unit per 1,500 sq. ft. of lot area, except 2,000 sq. ft. of lot area for each mobile home in a mobile home park.

(d) CO zone - one dwelling unit per 1500 sq. ft. of lot area.

(e) Other zones - one dwelling unit per lot, if dwellings allowed.

#### **27.06 SEPARATION OF LOT OR YARD AREAS.**

(a) Except as provided in (c), no portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing the dwelling units is located.

(b) Except as provided in (c), no required yard or other open space around an existing building shall be separated in ownership from the lot upon which the building is located.

(c) Except as provided in (d) no lot shall be so reduced or diminished that the required yards or other open space shall be smaller than prescribed by this zoning ordinance.

(d) In a planned development an open space lot or common area owned by the homeowners association may include the setbacks, yard areas, and other areas, or portions thereof, required by

this ordinance around dwellings and other buildings. Any portion of the planned development that is not a designated open space lot or common area may

be included in a lot not owned by the homeowners association provided the lot owner is a member of the homeowners association.

**27.07 YARDS TO BE UNOBSTRUCTED.** A "required yard" is the minimum required setback area between a structure or mobile home and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every required yard or setback area shall be open and unobstructed by buildings, vehicles, or structures from the ground to the sky except for those exceptions permitted in this Chapter.

**27.08 YARDS APPLY ONLY TO ONE BUILDING.** No required yard, setback area, or driveway provided around or for any building or structure shall be considered as providing a yard or setback area space for any other building or structure, nor shall any yard, setback area, driveway, or other open space on an adjoining lot be considered as providing a yard or setback area on the lot where on the building is to be erected.

### **27.10 PARKING IN YARDS.**

(a) No parking, loading or storage areas for motor vehicles, utility trailers, recreational vehicles, boats, aircraft, or other similar vehicles shall be allowed within vision clearance areas, or within a required yard adjacent to a street except as provided in (b).

(b) Parking, loading or temporary storage of vehicles described in (a) is permitted on driveways crossing from the street lot line to a permitted parking, loading, or storage area within required yards adjacent to streets except as limited in Section 1.03 (d).

**27.11 FRONT YARD PROJECTIONS.** The following projections are exempt from all front yard or street setback provisions of this ordinance:

(a) Planter boxes, window bays, greenhouse windows, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, solar collectors, and ornamental features provided they do not project more than 24 inches into the required yard.

(b) Covered but unenclosed porches and uncovered porches, neither of which extend more than ten feet beyond the front walls of the building nor have any floor area more than four feet above grade. In no case shall any such projection come closer than ten feet from the property line.

(c) Uncovered decks attached to residential buildings, provided that:

(1) At least a four foot landscaped yard is maintained between the front lot line and the deck.

(2) The height of the floor of the deck above grade at its point of connection to the building does not exceed 30 inches.

(3) The height of the floor of the deck above grade at its furthest extremity from the building does not exceed three feet.

(4) The height of any guardrail or perimeter seat does not exceed 44 inches above the floor of the deck at any point.

(d) Transit or school bus stop shelters provided they are not located more than 5 feet from a street right-of-way line and are not located in a vision clearance area.

### **27.12 SIDE YARD PROJECTIONS.**

(a) Cornices, eaves, gutters, steps and fire escapes when not prohibited by any other ordinance, may project into a required side yard not more than one-third of the width of the required side yard, nor more than three feet in any case.

(b) Planter boxes, window bays, greenhouse windows, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, solar collectors, and ornamental features may project not more than 24 inches into a required side yards.

(c) Uncovered decks and patios attached to the main building when not elsewhere prohibited and heat pumps may extend to the side lot line when they are three feet or less above grade.

### **27.13 REAR YARD PROJECTIONS.**

(a) Planter boxes, window boxes, greenhouse windows, steps, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, solar collectors, and ornamental features, may project not more than 24 inches into a required rear yard.

(b) A fire escape, balcony, outside stairway, cornice, heat pump, or other unenclosed, unroofed projection may project not more than five feet into a required rear yard provided that no portion thereof is within six feet of any lot line.

(c) Uncovered porches, covered but unenclosed porches or patios with roofs having no floor area more than four feet above grade and which shall not come closer than 8 feet from the rear lot line, are, except for this section, exempt from all rear yard set-back requirements, provided that any covered floor area shall be set back at least 8 feet from the rear lot line.

(d) No permitted projection into a required rear yard shall extend within ten feet of the centerline of an alley, or within six feet of an accessory building.

(e) Uncovered decks and patios attached to the main building when not elsewhere prohibited may be extended to the rear lot line provided they are four feet or less above grade measured directly beneath the outside edge of the deck or patio.

**27.15 HEIGHT LIMITATIONS, GENERALLY.** Wherever in this zoning ordinance there is expressed a standard for "building height" or a "height limitation" or similar expression, such standards shall apply as well to structures which are not buildings unless such structures are expressly excluded from their application. The highest point of a structure which is attached to a building shall be included in the height of the building unless exempt under Section 27.16 or other specific provision of this zoning ordinance. All heights specified in this zoning ordinance are to be measured from grade as provided in the definition of "height of building" in Chapter 49 unless a different method of measure is specified.

#### **27.16 HEIGHT EXCEPTIONS.**

(a) Transmission towers\*, steeples, chimneys, antennas, wind driven electrical generating equipment and monuments are exempt from the height limitation in the applicable zone provided they do not contain any habitable space. Flag poles equipped to raise and lower the flag are also exempt. These structures are not exempt from use specific height limitations or the height limitations in an applicable airport overlay zone. (The height limitations in residential zones include special setbacks for structures identified in this subsection).

(b) Mechanical penthouses, equipment, and appurtenances necessary to the operation or maintenance of the building or structure itself, including ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such features are exempt from all height restrictions, except airport overlay zone height limitations, provided: 1) They do not contain any offices, restrooms, storage rooms, or habitable space; 2) That the sum of the horizontal section of all such projections at the height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building on which they are situated; and 3) No such device or enclosure shall project more than 15 feet above the roof, measured vertically from any point on the device or enclosure.

**27.20 VISION CLEARANCE AREAS.** The following regulations shall apply to lots at all intersections of streets, alleys, roadways and driveways in order to provide safe visibility for

vehicular and pedestrian traffic:

(a) Local street intersections shall have vision clearance areas defined by a minimum of 30 foot legs along each street. Where there is stop control at the intersection of local streets, the vision clearance area shall have a minimum of a 10 foot leg on the minor street and a 30 foot leg on the major street.

(b) Local streets intersecting streets designated as collectors or arterials in the Comprehensive Plan shall have vision clearance areas defined by minimum of a 10 foot leg along the local street and a 80 foot leg along the collector or arterial street.

(c) Private roadways, driveways and public alleys intersecting local streets shall have vision clearance areas defined by a minimum of a 10 foot leg along the driveway and a 30 foot leg along the street.

(d) Private roadways, driveways, and public alleys intersecting streets designated as collectors or arterials in the Comprehensive Plan shall have vision clearance areas defined by a minimum of a 10 foot leg along the driveway and a 50 foot leg along the collector or arterial street.

(e) The Director of Public Works may prescribe special dimensions and conditions for the vision clearance area at intersections of driveways, roadways and streets with a public street according to recognized traffic engineering standards, where, due to grade, road alignment and geometry, irregular lot shape, standard right of way width, or vehicle speeds, the vision clearance areas provided in (a), (b), (c), and (d) do not provide for adequate intersection visibility.

(f) The vision clearance area shall be defined as the area contained by a diagonal line across the corner between points on: a public right-of-way or public easement line; a boundary of a private roadway easement or 10 feet from the centerline thereof, whichever is greater; a line parallel to and 10 feet from the centerline of a driveway. The points are measured from the intersection of the right-of-way lines or the boundary of a roadway or driveway. If no point exists it shall be measured from the point of intersection of the projection of these lines.

(g) Except as provided in (1), (2) below and in section 27.11, the vision clearance area required by this section shall not contain any planting, fences, walls, structures, or temporary or permanent obstructions to vision, including parked vehicles, exceeding 30 inches in height above the curb level, or street centerline when there is no curb.

(1) Not more than two supporting posts or pillar are permitted within a vision clearance area. Posts and pillars shall not be greater than 12 inches in diameter or 12 inches on the diagonal if rectangular.

(2) Vision clearance shall be required to a minimum height of 7 feet above the curb level or street centerline where there is no curb. Where public buses, trucks, and other service vehicles travel on the minor leg of the intersection, vision clearance shall be required up to a height of 10 feet above the curb level or street centerline where there is no curb.

(h) The street classification (local, collector or arterial) shall be as established in the Marion County Comprehensive Plan or applicable city comprehensive plan adopted by Marion County.

(i) The vision clearance provisions of this section shall not be construed as waiving or altering any yard, landscaping or setback requirements that may be required by this or any other

ordinance.

### **27.21 SPECIAL STREET SETBACKS.**

(a) The special setbacks in this section are based upon the functional classification of streets as de-scribed- in the appli-cable compr-e-hensive plan, including streets outside, but abutting, an urban growth boundary. The purpose of these special setbacks is to permit the eventual expan-sion or improvement of streets and roads in order to safely accommo-date vehicular or pedestrian traffic. The special setback shall be measured from the center-line of the street right-of-way.

(b) Except as provided herein structures and paved surfaces shall not be located within the special setbacks speci-fied in (e) below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a non-con-forming struc-ture. Other yards and setbacks specified adjacent to streets shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way.

(c) The Zoning Administrator may approve placement of signs or light standards, and temporary structures, or paved surfaces upon determination that the County Department of Public Works or Division of State Highways, if applica-ble, has no objections and provided the prop-erty owner signs a written agreement that the owner or his heirs or assigns will, within 45 days after being notified by the County remove all portions of the structure or signs, light standards, parking or temporary structures within the special setback. The agreement shall provide that if the owner fails to remove the listed items the County or State may do so at the expense of the owner and the expense shall be a lien against the land and may be collected or fore-closed in the same manner as liens entered in the County lien docket. The agreement shall be recorded by the owner in the ap-plicable deed records. Notice requiring removal shall not be given until the respons-ible public agency proceeds to widen the street in front of the owner's property or the Department of Public Works determines that the structure is a threat to the public health, safety or welfare. The agreement shall also provide that the owners shall not be entitled to any damages or compensa-tion for the removing of any structure or loss of parking spaces approved under this provision but this stipulation shall not deny the owner the right to compensation for any land or any struc-tures existing prior to the adoption of this ordinance, taken for the widening of the street.

(d) The Zoning Administrator may also approve temporary structures within the street yard required in the applicable zone, exclusive of the vision clearance area, subject to the requirements in (c) of this section.

(e) Special setback requirements:

#### Functional Classification Special Setback

- (1) Major Arterial 42'
- (2) Minor Arterial 34'
- (3) Collector 34'
- (4) Local street 30'
- (5) Local street - dead end less

than 500 feet in length 25' except 30' if possibility of future ex-tension.

(6) Cordon Rd. abutting the Salem Urban

Growth Boundary 60'

(7) If the applicable City Comprehensive Plan or

implementing ordinances establish functional

classifications and right-of-way standards

those classifications and standards shall be the

basis for identifying the special setback require-ments

under this section, provided in no case shall the special

setbacks be less than 34 feet for arterials or collectors

and 30 feet for local streets.

**27.22 WATER RESOURCES.** Proposed land uses shall not signifi-cant-ly increase the adverse impacts on water resour-ces. Develop-ment relying on groundwater as a water supply shall not have significant adverse affect on the groundwater resource. If there is evidence of groundwater limitation in the immediate area evidence shall be required that adequate water can be provided.

**27.23 NOISE IMPACTS.** Dwellings and places of public assembly shall not be located in a noise impact area, if, according to the Department of Environ-mental Quality, the noise impacts will be significant and adequate mitigation cannot be provided.

**27.30 HISTORICAL SITES AND STRUCTURES.** The following procedures and standards apply to historic sites and structures:

(a) Historic sites and structures regulated by this section shall be those sites and structures identified in the applicable city comprehensive plan.

(b) Alteration of any structure, or any change of use of land or structure designated as a historic site or structure shall be a conditional use. The criteria for approval of a conditional use are:

(1) Any use of the building or property should be compat-ible with the historical nature of the property.

(2) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, protection, stabiliz-ation, preser-vation, rehabilitation, restoration or reconstruction project.

(3) The alteration to the designated historic building, structure or site and its environment shall be only the minimum necessary to achieve the intended use.

(4) The distinguishing original qualities or character of a designated building, structure or site



and its environ-ment should not be destroyed. The removal or altera-tion of any historic material or distinctive archi-tectu-ral features should be avoided or done pursuant to a plan approved by the City.

(5) All designated buildings, structures and sites shall be recognized as products of their own time. Altera-tions which have no historical basis and which seek to create an earlier appearance should be discouraged.

(6) Changes which may have taken place in the course of time are evidence of the history and development of a build-ing, structure or site and its environment.

These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(7) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(8) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities to the extent possible. Repair or replacement of missing architec-tural features should be based on accurate duplications of features, substan-tiated by historic, physical or pictori-al evidence rather than on conjectural designs or the availability of different architectural elements from other build-ings or structures.

(9) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historical building materials shall not be undertaken.

(c) Demolition or removal of any structure designated as an historic site or structure is subject to the following procedu-res and criteria:

(1) Demolition or removal of a struc-ture designated as an historic site or structure shall require a conditional use permit.

(2) No building, alteration, demolition or removal permits for any improvement, building, or structure shall be issued while the public hearing or any appeal is pending or prior to a final decision.

(3) The County shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserv-ing the designated site or structure, and all other factors which it finds appropriate. The County may approve the application in which case the applicant can proceed subject to all applicable codes and ordinances.

The County may reject the application if it determines that in the interest of preserving historic values, the structure should not be demolished or removed, and in that event issuance of approval shall be suspended for a period fixed by the County, but not exceeding 30 days from the date of decision.

(4) Within the suspension period, if the County determines that there is a program or project underway which could result in the public or private acquisition of the building or site and the preservation or restoration of such building or site, and that there is a reasonable ground to believe that the program or project may be successful, then the Count-y, in its discretion, may

extend the suspension period for an additional period not exceeding 60 days, to a total of not more than 90 days from the date of decision for demolition or re-removal. If at the end of 90 days the program or project is unsuccessful and the applicant has not withdrawn his application for demolition or removal, the Council shall approve the application.

**27.40 SPECIAL STREAM SETBACKS.** To prevent encroachment of potential hazards in the flood plain of natural waterways particularly those not having a designated flood plain, there shall be a special setback from open waterways for all structures, fill, and outdoor storage as provided herein.

(a) Outdoor storage, fill, and structures with the exception of bank stabilization structures, dams, weirs, cable crossings, power poles, docks, bridges, culverts, and ramps and streets leading thereto, are prohibited within the following setback areas.

(1) 30 feet from natural lakes of 1 acre or more, reservoirs of 1 acre or more, and from the following natural waterways more than 15 feet wide: Willamette River, Santiam River, North Fork of the Santiam, Butte Creek, and the Pudding River. (See Chapter 20 - Greenway Management Overlay Zone).

(2) 20 feet from all other perennial rivers and streams, and any portion of the rivers and streams in (1) that are less than 15 feet in width.

(b) All measurements are horizontal and perpendicular from the line of non-aquatic vegetation, or the ordinary high waterline, whichever is furthest from the waterway.

(c) Where the combination of setbacks required in the applicable zone and the stream setback result in a buildable lot depth of less than 50 feet an adjustment to the stream setback or the setback requirements of the applicable zone may be granted provided the adjustment is the minimum necessary to accommodate the proposed structure.

**27.50 ACCESS TO PUBLIC STREET REQUIRED.** All uses shall be located on a lot having access to a public street. Access to a public street is defined as: a minimum of 20 feet of frontage on one of the following:

(a) A public street with a right-of-way not less than 20 feet wide throughout that has been graveled or paved and is open for public use to the subject lot.

(b) A roadway not less than 20 feet wide graveled or paved and open for use to the subject lot prior to the effective date of this ordinance and connecting with a public street qualifying under (a).

(c) A roadway not less than 20 feet wide with an all-weather surface connecting with a public street qualifying under (a). Where the subject easement provides access to two or more dwellings or primary uses it must be paved to a width of 12 feet from the subject property to a public street.

(d) A lot in a planned development owned by the home owner's association wherein a roadway is provided connecting a dwelling to a public street, and the roadway is improved as required in the approval of the planned development.

**27.51 LIMITATIONS ON ACCESS TO ROADWAY.** No new dwelling or primary use, other than farm or forest use, dependent solely on a roadway for access to a street shall be allowed



unless:

(a) The roadway qualifies as access pursuant to Section 27.50; and

(b) The lot upon which the dwelling or use is located was established in accordance with:

(1) County approval of a subdivision, partition or planned development prior to May 1, 1977, or in compliance with state law and county zoning regulations prior to the land division being regulated by the county; or

(2) County approval of a planned development, or a variance to Section 110.8-00 of the Marion County Zoning Ordinance, after May 1, 1977 and prior to the effective date of this ordinance; or

(3) County approval of a planned development after the effective date of this ordinance; and

(4) There are 4 or less dwellings or independent primary uses (other than farm or forest use without a dwelling) depending solely on the roadway for access to a street.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer and Privacy Statement](#)

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures](#)

## CHAPTER 28

### DEVELOPMENT STANDARDS FOR SECONDARY, ACCESSORY AND TEMPORARY STRUCTURES

#### Section Title

28.01 Accessory and Secondary Structure Regulations

28.02 Accessory and Secondary Structure Location and Allowable Coverage

28.03 Accessory and Secondary Structure Height

28.10 Location, Height and Density of Fences, Walls and Hedges-

28.11 Measurement of Height of Fences, Walls and Hedges

28.12 Use of Hazardous Materials

28.13 Sight-Obscuring Fences, Walls and Hedges

#### **28.01 ACCESSORY AND SECONDARY STRUCTURE REGULATIONS.**

(a) The regulations set forth in this chapter shall apply to all structures accessory or secondary to a permitted or conditional use on a lot in any zone. Except as specifically noted herein, the provisions of this section supplement and do not supersede other development standards set forth in this ordinance.

(b) The provisions of this chapter shall not be deemed to waive or modify any requirement of this ordinance for vision clearance areas, notwithstanding subsection (a) of this section.

(c) Accessory or secondary structures which are attached to a structure occupied by a primary use shall be considered as a portion of the primary structure and shall observe the same requirements as the primary structure. Accessory or secondary buildings shall be considered as being attached to a dwelling or mobile home on the same lot when located within 5 feet thereof, except for accessory structures in mobile home parks.

#### **28.02 ACCESSORY AND SECONDARY STRUCTURE LOCATION AND ALLOWABLE COVERAGE.**

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning Provisions

Chapter 19 Flood Plain Overlay Zone

Chapter 20 Greenway Management Overlay Zone

Chapter 21 Airport Overlay Zone

Chapter 22 Limited Use Overlay Zone

Chapter 23 Environmental Hazards Overlay Zone

Chapter 24 Geologically Hazardous Areas Overlay Zone

Chapter 27 General Development Standards

Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures

Chapter 29 Landscaping

Chapter 30 Off-Street Parking and Loading

Chapter 33 Subdivision and Partition Requirements

Chapter 35 General Administrative Provisions

Chapter 36 Applications

Chapter 37 Application Review Standards

Chapter 38 Legislative Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional Uses

Chapter 41 Adjustments

- Chapter 42 Determinations
- Chapter 43 Comprehensive Plan Amendments
- Chapter 44 Hearings Procedure
- Chapter 45 Board Procedures
- Chapter 46 Application Rights
- Chapter 47 Administration of Conditions
- Chapter 48 Nonconforming Uses

(a) Structures accessory or secondary to a use allowed in a residential zone may be located in a required rear yard provided:

(1) The lot coverage by all accessory or secondary structures located in the required rear yard, except fences or retaining walls shall total no more than 25% of the required rear yard; and

(2) The accessory or secondary structure shall setback at least 1 foot from any alley, or roadway adjacent to the rear lot line.

(b) Structures accessory or secondary to a use allowed in a residential zone may be located in the non-required portion of the rear yard subject to Section 28.01 (c).

(c) Structures accessory or secondary to a use allowed in commercial, industrial, P, UD, UT, and UTF zones, exclusive of fence and retaining walls, shall comply with required yards and setbacks for primary structures and shall be set back at least 1 foot from any alley or roadway. Accessory or secondary structures for a farm use in the UT and UTF zones shall not be located closer than 100 feet to a lot line adjacent to a residential zone.

**28.03 ACCESSORY AND SECONDARY STRUCTURE HEIGHT.** The following height limitations shall apply to accessory and secondary structures:

(a) Structures in residential zones or the UD, UT, and UTF zones shall not project above the following height limits: 9 feet at the lot line, increasing 1 foot for each 1 foot of distance from the lot line to a maximum height of 20 feet. Roof drainage shall be accommodated within the confines of the property.

(b) The maximum height of any structure in commercial, industrial and P zones shall be the height limits for structures accommodating primary uses in the applicable zone provided that where the side or rear lot line of a lot in these zones is adjacent to a lot in a residential zone the height limits in (a) shall apply to any structure within 20 feet of a residential, UD, UT, and UTF zone.

**28.10 LOCATION, HEIGHT AND DENSITY OF FENCES, WALLS AND HEDGES.** The following provisions provide requirements and standards for the location, height and density of fences, walls and hedges in all zones for the purpose of providing light, air, privacy and safety:

(a) Swimming pools shall be entirely enclosed by fences or walls not less than four feet in height before water is run into the pool.

(b) Exclusive of vision clearance areas and special setback areas, in residential zones and the UT, UTF, and UD zones a fence or screen wall not more than 8 feet high may be located within the buildable area of a lot and within any street, front, side or rear yard. When fences, screen walls or hedges are located within 10 feet of a property line abutting a street, that portion of the fence, wall or hedge above 2 feet in height must be less than 25% opaque when viewed from any angle at a point 25 feet from the fence, wall or hedge.

(c) Exclusive of vision clearance areas and special setback areas, a fence or wall not more than 12 feet in height may be located within the buildable area or the street, front, side or rear yard in any zone except as provided in (b).

**28.11 MEASUREMENT OF HEIGHT OF FENCES, WALLS AND HEDGES.** All fences, walls

and hedges along a street shall be measured from and along the sidewalk; or if no sidewalk exists, from and along the curb, or if no curb exists, from and along the finished shoulder grade of the street. All other fences, walls or hedges will be measured from and along the finished grade upon which the fence, wall or hedge is located.

**28.12 USE OF HAZARDOUS MATERIALS.** Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

(a) Barbed wire or electrified fences enclosing livestock are permitted in any zone permitting farm use. Electrified fences shall be posted or flagged at not less than 25 foot intervals with clearly visible warnings of the hazard when adjacent to developed areas.

(b) Barbed wire is permitted more than eight feet above grade in commercial, industrial, P, UT, and UTF zones provided that barbed wire shall not extend over a street, alley or roadway.

**28.13 SIGHT-OBSCURING FENCES, WALLS AND HEDGES.** Wherever a sight-obscuring fence, wall or hedge is required under the provisions of this zoning ordinance, it shall conform to the provisions of this section:

(a) Opacity. Fences and walls, to be "sight-obscuring", shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges shall be of an evergreen species which will meet and maintain year-round the same standard within three years after planting.

(b) Height. Except where otherwise limited, fences and walls shall be not less than six feet in height. Hedges shall be of a species capable of attaining a height of at least six feet within three years after planting. If at least 75% of the hedge plants do not achieve a 6 foot height after three growing seasons any plants less than 5 feet high shall be replaced with plants 6 feet high.

(c) Maintenance. Fences and walls shall be structurally maintained in safe condition and be maintained opaque as required in subsection (a) of this section. Plants forming hedges shall be replaced within six months after dying with plants equal in height to healthy plants.

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


**Marion County**  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 29 Landscaping](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 29

### LANDSCAPING

#### Section Title

29.00 Landscaping Requirements

29.01 Existing Development

29.02 Existing Vegetation

29.03 Prohibited Landscaping

29.04 Maintenance

29.05 Landscaping Exemptions

29.06 Parking Lot Landscaping

29.07 Landscaped Yards

29.08 Installation and Design Requirements

29.09 Landscaping Plan

**29.00 LANDSCAPING REQUIREMENTS.** The provisions of this Chapter apply to all landscaping required under this zoning ordinance.

**29.01 EXISTING DEVELOPMENT.** Where the construction of, or addition to, a structure or parking area increases the total area of the lot covered by structures, paving, or both by more than 50 percent, the entire lot shall meet the landscaping requirements of this zoning ordinance; otherwise, only landscaping associated with the expansion shall be provided.

**29.02 EXISTING VEGETATION.** Existing vegetation which is retained as part of the development may be included as part of the landscaping requirement unless prohibited under Section 29.03.

**29.03 PROHIBITED LANDSCAPING.** No area required to be landscaped under any provision of this zoning ordinance shall include any artificial trees, plants, or turf, impervious surfacing or any carpeting designed as a visual substitute for lawn or other ground cover. Neither areas



## Chapter 42 Determinations

## Chapter 43

Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

devoted to the cultivation of farm crops nor any area used for pasture shall be considered as landscaped for purposes of fulfilling any landscaping requirement under this zoning ordinance.

**29.04 MAINTENANCE.** All required landscaped areas, except for single family dwellings, shall include a permanently installed irrigation system unless a planting or maintenance plan not dependent on a permanent system has been approved by the Zoning Administrator. All required landscaped areas shall be cleared of all unplanned vegetation including weeds at least once each year prior to July. Landscape planting that dies shall be replaced by April 1 of the following year. A cover of organic or rock material shall be maintained in areas not covered by plants or water.

**29.05 LANDSCAPING EXEMPTIONS.** Undeveloped lots or the undeveloped portion of a developed lot where the undeveloped area is more than 4,000 square feet in area, are exempt from all landscaping requirements of this zoning ordinance provided that undeveloped lots or undeveloped portions of developed lots in residential zones shall be maintained so that weeds and wild vegetation do not adversely affect developed lots.

**29.06 PARKING LOT LANDSCAPING.** Where more than 20 uncovered parking spaces are provided, an area equal to not less than five percent of the area devoted to driveways and required parking spaces shall be landscaped. The landscaping required in this section shall be within or abutting the area devoted to parking spaces and shall not include, but shall be in addition to, any required yard.

**29.07 LANDSCAPED YARDS.** Required yards and planting areas near buildings shall be landscaped as provided herein:

(a) In residential zones all portions of required yards lying between a street or roadway and the dwelling or between the street or roadway and any sight-obscuring fence or hedge located within the required yard shall be landscaped.

(b) In commercial, industrial, P, UD, UT, and UTF zones landscaping shall be provided in any required yard adjacent to a residential zone and in any required front or street yard, except area used for a driveway. The Zoning Administrator may also require use of shrubs and trees to reduce visual impact of building walls more than 8 feet high and longer than 50 feet in commercial and industrial developments.

(c) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway thereto, and a street or a lot in a residential zone unless a sight-obscuring fence or wall is provided along the lot line.

**29.08 INSTALLATION AND DESIGN REQUIREMENTS.**

(a) Installation of required landscaping shall be a condition of issuance of a determination. Required landscaping shall be planted and installed prior to occupancy of any structure or establishment of a use except a single family dwelling. Landscaping required on a lot occupied by a single family dwelling shall be provided within 2 years of occupancy of the dwelling.

(b) Plantings within landscaped areas shall be spaced so that the plants will achieve, within five growing seasons, ground coverage of at least 75 percent of the landscaped area. Landscaped areas not occupied by water shall be covered by organic or rock material.

(c) Except in vision clearance areas and special setback areas, areas required to be

landscaped in commercial and industrial zones between public streets and parking spaces and driveways shall be landscaped with berms and/or planting that will screen the parking area from view from the public.

**29.09 LANDSCAPING PLAN.** A landscape plan may be required as a condition of land use approval, and is required for all landscap-ing required under Section 29.08 (c). The Zoning Adminis-trator shall determine if the plan meets the requirements of this ordinance before issuing a determination of conformance. A landscape plan shall be drawn to workable scale showing all plantings by common names together with their size at time of planting or expected coverage within five growing seasons, the location and type of ground cover, the size and configuration of other landscaping features, and show the areas to be watered by an irrigation system.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer](#) and [Privacy Statement](#)

Marion County  
OREGON



MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 30 Off-Street Parking and Loading](#)

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- ▶ Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments

## CHAPTER 30

### OFF-STREET PARKING AND LOADING

#### Section Title

- 30.00 Parking and Loading Areas Required
- 30.01 Reduction of Parking Area Prohibited; Exception
- 30.02 Location
- 30.03 Fractional Measurements
- 30.04 Ownership of Parking and Loading Areas
- 30.05 Off-Street Vehicle Parking Requirements
- 30.06 Joint Use of Parking Areas
- 30.07 Classification of Uses for Purposes of Joint Use Parking
- 30.08 Construction of Parking Facility Notification to DEQ
- 30.10 Off-Street Loading
- 30.11 Parking and Loading Area Development Requirements
- 30.12 Parking Plan Required
- 30.13 Driveway Development Standards
- 30.14 Temporary and Seasonal Gravel Surfaced Parking and Loading Areas
- 30.15 Minimum Parking Space Requirements
- 30.16 Minimum Loading Space Requirements
- 30.17 Parking Space Design Standards



Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses**30.18 Minimum Driveway Widths****30.20 Outdoor Storage Area Surfacing****30.21 Lighting of Outdoor Storage or Parking Areas****30.00 PARKING AND LOADING AREAS REQUIRED.**

(a) Off-street parking areas and off-street loading areas meeting the applicable requirements of this section shall be provided and maintained:

(1) For each separate use in any building or structure erected after the adoption of this ordinance.

(2) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing structure or lot.

(3) When the use of the structure or portion thereof is changed if the new use would require additional parking areas and off-street loading areas under the provisions of this ordinance.

(b) Except as provided in (c) where a structure is added to, or a portion thereof changed in use such that additional parking or loading is required, only so many additional spaces as would be required under Section 30.15 for the area added or changed in use need be provided.

(c) When a lot or structure as used prior to a structural addition or change of use did not have the number of parking and loading spaces, or the spaces were not improved as required under the applicable regulations and the deficiency is not lawfully nonconforming, parking and loading facilities meeting the requirements of this ordinance shall be required to eliminate the deficiency.

**30.01 REDUCTION OF PARKING AREA PROHIBITED; EXCEPTION.** Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Chapter shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements.

**30.02 LOCATION.**

(a) Off-street parking and loading areas required by this ordinance shall be provided on the same lot with the use except that:

(1) In any residential zone up to 50% of automobile parking spaces for dwellings and other uses permitted in a residential zone may be located on contiguous lots or on a lot across an alley from the lot with the primary use.

(2) In non-residential zones up to 50% of the required parking area may be located off the site of the primary use or structure if it is within 300 feet of such site.

(b) Off-street parking is incidental to the use which it serves. As such, it shall be located in a zone appropriate to that use, or where a public parking area is a specific permitted use.

**30.03 FRACTIONAL MEASUREMENTS.** When calculations for determining the number of required off-street parking or loading spaces result in a requirement of fractional space, any

fraction of a space less than one-half shall be disregarded, and a fraction of one-half or greater shall be counted as one full space.

**30.04 OWNERSHIP OF PARKING AND LOADING AREAS.** Except as provided for joint use parking in Section 30.06, the land to be provided for off-street parking and loading areas, including driveways, aisles, and maneuvering areas shall be owned in fee title by the owner of the property served by the parking; or in commercial and industrial zones the parking may be provided by a permanent and irrevocable easement appurtenant to the property served by the parking; or be leased for a minimum term of five years, provided that upon expiration or termination of the lease, the parking requirements of this ordinance shall otherwise be fully met within 30 days or the use discontinued until such requirements are met.

**30.05 OFF-STREET VEHICLE PARKING REQUIREMENTS.**

(a) Except as otherwise specifically provided in this ordinance, off-street parking spaces shall be provided in amounts not less than those set forth in Section 30.15.

(b) For any proposed use not listed in Section 30.15, the Zoning Administrator shall determine the parking space requirement for the most nearly similar use listed in Section 30.15 with regard to traffic generation.

**30.06 JOINT USE OF PARKING AREAS.** The Zoning Administrator may authorize the joint use of parking areas by the following uses or activities as a

conditional use in every zone under the following conditions:

(a) Up to 50 percent of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, dance hall, eating or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.

(b) Up to 50 percent of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses pursuant to Section 30.07.

(c) All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 30.02.

(d) The Zoning Administrator must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.

(e) A properly drawn legal instrument executed by the parties concerned for joint use of off-street parking facilities, shall be filed with the Zoning Administrator and recorded. Joint use parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days.

**30.07 CLASSIFICATION OF USES FOR PURPOSES OF JOINT USE PARKING.**

(a) The following uses are considered as daytime uses for purposes of Section 30.06: banks,

business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings, and other similar primarily daytime uses as determined by the Zoning Administrator.

(b) The following uses are considered night-time or Sunday uses for purposes of Section 30.06: auditoriums incidental to a public or private school, churches, bowling alleys, dance halls, theaters, drinking and eating establishments, and other similar primarily night-time uses as determined by the Zoning Administrator.

**30.08 CONSTRUCTION OF PARKING FACILITY -- NOTIFICATION TO DEQ.** Prior to the construction of any vehicle parking facility for the use of 50 or more motor vehicles, or a parking facility that consists of two or more levels, notification shall be made by the developer to the State of Oregon Department of Environmental Quality.

**30.10 OFF-STREET LOADING.**

(a) Except as otherwise specifically provided in this ordinance, off-street loading shall be provided in amounts not less than those set forth in Table 30.16.

(b) A parking area meeting the requirements of this chapter may also be used for loading when the use does not require a delivery vehicle which exceeds a combined vehicle and load rating of 8,000 pounds, and when the parking area is within 25 feet of the building or use which it serves.

(c) Off-street loading and unloading of vehicles with a combined vehicle and load rating of 8,000 pounds shall be done from designated loading spaces, except as provided in 30.10 (b).

**30.11 PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS.** All parking and loading areas required under this ordinance, except those for a single family dwelling on a lot, shall be developed and maintained as follows:

(a) Location on site. Required yards abutting a street shall not be used for such areas unless otherwise specifically permitted in this ordinance [see Section 25.20 (d)]. Side and rear yards which do not abut a street may be used for such areas when developed and maintained as required in this ordinance.

(b) Surfacing. All parking and loading areas and driveways thereto shall be paved with asphalt concrete or Portland cement. Parking and loading areas shall be adequately designed, graded, and drained. Drainage connections to a public storm drain system shall be approved by the Marion County Department of Public Works. A storm water detention system conforming to the Marion County Department of Public Works' standards may be required.

(c) Bumper guards or wheel barriers. Bumper guards or wheel barriers shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be surfaced as required in (b) or landscaped.

(d) Size of parking spaces and maneuvering areas. The parking area, each parking space and all maneuvering areas shall be of sufficient size and all curves and corners of sufficient radius as determined by the Zoning Administrator to permit the safe operation of a standard size automobile subject to the following additional minimum requirements:

(1) Parking and loading space and maneuvering area size shall be as provided in Section 30.17 and 30.18.

(2) Maximum 10 percent grade for parking spaces and 15 percent for aisles.

(3) Directional signs and pavement marking shall be used to control vehicle movement in parking area.

(e) Access. All parking or loading areas shall be served by two or more access driveways permitting through traffic, or include a turnaround area adequate for the expected volume and character of traffic. The turnaround shall always be available and usable so that vehicles do not backout into streets and do not use public streets for maneuvering or backing to get into the parking and loading areas. A current driveway permit from the Marion County Department of Public Works is required for all access driveway installation or changes in use.

(f) Lighting. Parking or loading areas that will be used at night-time shall be lighted. Outdoor lighting shall be directed away from any adjacent residential zone or public street.

(g) Landscaping. Landscaping shall be provided as required in Section 29.06.

(h) Underground parking. Notwithstanding any other provision of this ordinance, parking areas in all zones other than UT and UTF may be located underground beneath required yards provided no portion of the structure enclosing the parking area projects into the required yard, and all required yards beneath which parking is located are landscaped as provided in Section 29.07.

**30.12 PARKING PLAN REQUIRED.** Plans for all parking and loading areas required under this Section at a workable scale, shall be submitted to the Zoning Administrator for approval prior to issuance of a determination of conformance; or, if no building permit is required, at the time of application for a driveway permit; or, if no such permit is required, prior to commencing any paving or use of the parking or loading area. No such work or use shall commence prior to approval by the County of the plans required in this subsection.

**30.13 DRIVEWAY DEVELOPMENT STANDARDS.** All driveways providing access to parking spaces and loading areas required under this ordinance, including those for a single family dwelling on a lot, shall conform to the following development standards:

(a) Grade. The grade of driveways shall not exceed 15 percent.

(b) Surfacing. The surface of driveways shall be pavement provided that driveways to a single family dwelling shall be paved if the street is curbed.

(c) Drainage. All driveways shall be adequately drained.

(d) Street access. The entries and exits of driveways on a public street shall conform to the provisions of the driveway permit required by the Marion County Department of Public Works as well as the specific provisions of this ordinance.

(e) Turnarounds. If a driveway serving a use other than a single family dwelling has only one point of access to a public street, a turnaround area conforming to Section 30.11 (e) shall be provided.

(f) Location. Driveways to parking and loading spaces may be located in the required front yard and yards adjacent to streets provided they are not located closer than 5 feet to the side or rear lot line and the intervening area is land-scaped.

### **30.14 TEMPORARY AND SEASONAL GRAVEL SURFACED PARKING AND LOADING AREAS.**

(a) As used in this section, "seasonal" means limited to a period of no more than six months in any twelve month period, but related to a unique or an annually occurring event or condition; and "temporary" means limited to a fixed maximum term not to exceed five years, and related to a condition or need which is expected to cease within that fixed term.

(b) The Zoning Administrator may grant a conditional use permit for the use of a gravel surfaced parking or loading area in a zone on either a seasonal or temporary basis upon being satisfied that the seasonal or temporary need cannot be otherwise reasonably and economically met; the use will be, in fact, seasonal or temporary; and each of the following conditions is or will be met by the applicant:

(1) A conditional use permit for seasonal parking shall be granted for only that period, as is necessary to meet a genuine need for gravel parking.

(2) At the conclusion of the seasonal period, the gravel area used for seasonal parking shall be closed to vehicle access by a physical barrier.

(3) A conditional use permit for temporary parking shall be granted for a period not to exceed one year and annually renewable for no more than four additional years, which is necessary to meet a genuine need for gravel parking.

(4) Gravel parking and loading areas shall be improved with a minimum of four inches of base rock covered by a minimum of two inches of three-quarter inch or smaller crushed rock as a leveling course.

(5) No gravel parking or loading area shall be permitted within 500 feet of any residential zone.

(6) Gravel parking and loading areas shall be screened from all adjacent uses by a sight-obscuring fence, wall or hedge.

(7) Wheel barriers of cement concrete, asphalt, wood, or other materials approved by the County shall be provided.

(8) Parking lot signing approved by the County shall be provided.

(9) No gravel parking area shall exceed 15,000 square feet.

(10) A landscaped area at least five feet in depth, which may include the required screening, shall be provided along the perimeter of each gravel parking area.

(11) All access to streets shall conform to the provisions of the required driveway permit issued by the Marion County Department of Public Works.

(12) The graveled parking is approved in writing by the appropriate city if located outside of a sewer or water district.

**30.15 MINIMUM PARKING SPACE REQUIREMENTS.**

USE (Standard Industrial Classification) Minimum No. of Spaces

1. Attached and detached Two spaces per dwelling  
single family dwelling or mobile home unit  
units on a lot and mobile  
home on a lot
2. Multi-family dwellings Two spaces per dwelling unit  
containing two or more  
dwellings units
3. Two family shared housing Three parking spaces per dwelling
4. Low Income Housing for those One space per four dwelling units.  
62 or more years of age.
5. Retirement Centers One space per two dwell-ing units
6. Agriculture, Forestry and Fishing Five spaces when retail sales involved  
(SIC 01, 02, 07, 08, 09) except  
SIC 074 and 075
7. A. Veterinary Services (SIC 074)  
B. Animal Services, except One space per 400 square feet of  
Veterinary (SIC 075) gross floor area
8. A. Mining: (SIC 10, 11, 12, The greater of the following:  
13 & 14)  
B. Construction: (1) .75 spaces per employee,  
(SIC 15, 16 & 17)  
C. Manufacturing: (SIC 20, 21, (2-a) 0-49,999 square feet of  
22, 23, 24, 25, 26, 27, 28, gross floor area – one space  
29, 30, 31, 32, 33, 34, 35, per 5,000 square feet,

36, 37, 38, 39)

D. Transportation, Communica- (2-b) 50,000 - 99,999 square  
tions, Electric, Gas and Sani- feet of gross floor area - one  
tary Services (SIC 40, 41, 42 space per 10,000 square feet  
43, 44, 45, 46, 47, 48, and  
49)

(2-c) 100,000 or greater square  
feet of gross floor area – one space  
per 15,000 square feet

9. Water Transportation Services One space per boat berth or  
vices, not elsewhere classified - docking space  
Marinas Only (SIC 4469)

10. Wholesale Trade One space per 1,500 square feet  
(SIC 50 and 51) gross floor area

11. A. Building Materials, One space per 900 square feet  
Hardware, Garden Supply and of gross floor area  
Mobile Home Dealers (SIC 52);

B. Automobile Dealers and One space per 900 square  
feet of gross floor area  
Gasoline Service Stations (SIC 55);

C. Home furniture, Home One space per 900 square  
furnishings and Equipment feet of gross floor area  
Stores (SIC 57)

12. A. General Merchandise Stores One space per 225 square  
feet of gross floor area  
(SIC 53);



B. Food Stores (SIC 54); except 250 square feet for

C. Apparel and Accessory buildings of more than 10,000

Stores (SIC 56); square feet of gross floor area.

D. Miscellaneous Retail

(SIC 59)

13. Eating and Drinking Places One space per 225 square

(SIC 58) feet of gross floor area

14. Banking (SIC 60) One space per 500 square

feet of gross floor area

15. Credit Agencies other than One space per 350 square

Banks (SIC 61); Security and feet of gross floor area

Commodity Brokers, Dealers,

Exchanges and Services (SIC

62); Insurance (SIC 63);

Insurance Agents, Brokers,

and Service (SIC 64); Real

Estate (SIC 65), Combinations

of Real Estate, Insurance,

Loans, Law Offices, (SIC 66);

Holding and other Investment

Offices (SIC 67) Business

Services (SIC 73); Miscell-

aneous Repair Services (SIC

76) Legal Services (SIC 81)

Corresponding Schools and

Vocational Schools (SIC 824);



Schools and Educational Ser-

vices not elsewhere class-

ified (SIC 829); Social

Services (SIC 83); Engineering,

Accounting, Research, Manage-

ment, and Related Services

(SIC 81) Miscellaneous Services

(SIC 89).

16. Hotels, Rooming Houses, Camps One space per guest room or suite

and other Lodging Places (SIC 70)

Lodging Places (SIC 70)

17. Personal Services (SIC 72) One space per 350 square feet

except: SIC 721, 726 of gross floor area

18. Laundry, Cleaning and One space per 1,000 feet of

Garment Services (SIC 721) gross floor area

19. Funeral Service and One space per five seats or 10

Crematories (SIC 726) feet of bench length in chapels

20. Automobile Repair, Services One space per 900 square feet

and Parking (SIC 75) of gross floor area

21. Motion Picture (SIC 78) One space per 350 square feet

except: SIC 783 of gross floor area

22. Motion Picture One space per five seats or

Theaters (SIC 783) 10 feet of bench length

23. Amusement and Recreation One space per 100 square feet

Services, (SIC 79) except of gross floor area

items 24, 25, 26, 27 below

24. Commercial Sports One space per five seats or 10

(SIC 794) feet of bench length or 25 square feet

of floor area of assembly space

25. Golf Courses, Private or Four spaces per green

Public (SIC 7992, portion of

7997)

26. Tennis Courts, Racquetball Three spaces per tennis court, 1.5

Courts, or Handball Courts spaces per raquetball or handball

(portion of SIC 7997) courts

27. Amusement Parks (SIC 7996) Set by interpretation

28. Health Services (SIC 80) One space per 350 square feet

except SIC 805, 806 of gross floor area

29. Nursing and Personal Care One space per three beds

Care Facilities (SIC 805)

30. Hospitals (SIC 806) One and one-half spaces per bed

31. Elementary Schools (SIC 821) Two spaces per classroom and 1

space per 25 sq.- ft. of floor area in multi-purpose room

32. Secondary Schools (SIC 821) One space per six students for which

the school is designed to accom-modate

33. Colleges, Universities, Professional One space per four students for which

Schools and Junior Colleges (SIC 822) the school is designed to accommodate

Junior Colleges (SIC 822)

34. Libraries (SIC 823) One space per 400 square feet of

gross floor area

35. Museums, Art Galleries, One space per 400 square feet of

Botanical and Zoological gross floor area

Gardens (SIC 84)

36. Membership Organizations One space per 350 square feet of (SIC 86) except SIC 866 gross floor area

37. Religious Organizations One space per five seats or 10 (SIC 866) feet of bench length

38. SIC Division J. Public One space per 500 square feet of Administration (SIC 91, 92, gross floor area 93, 94, 95, 96, and 97) except SIC 9223

39. Correctional Institutions One space per 2,000 feet of gross (SIC 9223) floor area

40. For any uses not listed above, and for secondary or temporary uses that require off-street parking, the Zoning Administrator shall make an interpretation of the parking space requirements as provided in Section 35.20.

**30.16 MINIMUM LOADING SPACE REQUIREMENTS.**

USE MINIMUM NO. MINIMUM SIZE OF SPACE

OF SPACES WIDTH LENGTH HEIGHT

(1) Multi-family

Dwelling Units:

0-49 0

50-99 1 12 ft. 19 ft. 12 ft.

100-199 2 "

200 and over 3 "

If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

(2) For buildings used entirely for office occupancy:

Gross Square Foot-

age of Floor Area

Under 20,000 0

20,000 - 59,999 1 12 ft. 30 ft. 14 ft.

60,000 - 249,999 2 "

For each additional 100,000 square feet or any portion thereof over 250,000 square feet, one additional loading space.

(3) Commercial, non-office, public and semi-public:

Gross Square Footage

of Floor Area

Under 10,000 0

10,000 - 59,999 1 12 ft. 55 ft. 14 ft.

60,000 - 249,999 2 "

For each additional 100,000 square feet or any portion thereof over 250,000 square feet, an additional loading space.

(4) Industrial:

Gross Square Foot-

age of Floor Area

Under 5,000 0

5,000 - 99,999 1 12 ft. 55 ft. 14 ft.

100,000 - 239,999 3 "

240,000 - 319,000 5 "

320,000 - 399,999 6 "

400,000 - 489,999 7 "

490,000 - 579,999 8 "

580,000 - 669,999 9 "

670,000 - 759,999 10 "

For each additional 100,000 square feet or any portion thereof over 760,000 square feet, an additional loading space is required.

(5) The minimum loading space requirements for secondary or temporary uses shall be established by interpretation.

**30.17 PARKING SPACE DESIGN STANDARDS.** Parking spaces required by this ordinance shall conform to the design standards herein. No portion of a parking space shall be located in a required landscaped yard.

Width and Length of Parking Spaces:

Parking spaces shall be 9 feet wide and 17 feet long except as follows:

(a) Compact parking spaces at reduced width of 8.5 feet for no more than thirty (30) percent of the parking spaces required, and for spaces in excess of the requirements of this Chapter may be provided as long as all such spaces are marked "Compact Only."

(b) Where a landscaped area, fence or wall is alongside a parking space the space shall be 10 feet wide.

**30.18 MINIMUM DRIVEWAY WIDTHS.** Driveways providing access to parking spaces shall conform to the design standards herein.

(a) Standards for driveways providing access to parking spaces for dwellings:

Number of parking spaces accessed:

One parking space 10 feet

Two parking spaces 16 feet

Three or more parking spaces 22 feet (except as provided in (b) for driveways with adjacent parking spaces)

(b) Standard for driveways providing access to parking spaces for all other uses:

One-way driveway, no parking

adjacent to driveway 12 feet

Two-way driveway, no parking

adjacent to driveway 22 feet

Driveways with parking adjacent on one or both sides:

Angle of parking spaces Min. width of driveway

0 to 40 12 feet

41 to 45 13 feet

46 to 55 15 feet

56 to 70 18 feet

71 to 90 24 feet

(c) One-way driveways shall be clearly marked or signed.

(d) Curves and corners where a driveway does not have adjacent parking spaces shall have a minimum inside radius of 25 feet at the curb or pavement edge. Curves and corners where there are adjacent parking spaces shall have a minimum inside radius of 35 feet at the curb or pavement edge.

(e) The widths and radii herein apply only to driveways on private property. For drive-ways accessing public streets, the widths and radii of driveways within the limits of the public street right-of-way shall conform to Department of Public Works' standards.

### **30.20 OUTDOOR STORAGE AREA SURFACING.**

(a) Where commercial, industrial, or P zones permit storage of vehicles, boats, aircraft, equipment, containers or merchandise of any type outside of a building, or if such storage is permitted as part of a conditional use in any zone, such storage areas and any access driveway shall be paved unless a conditional use is granted.

(b) Drainage from paved or graveled outdoor storage areas shall be contained on-site unless plans for off-site drainage have been approved by the Marion County Department of Public Works.

**30.21 LIGHTING OF OUTDOOR STORAGE OR PARKING AREAS.** Lighting of outdoor storage or parking areas shall be directed away from adjacent residential properties and public streets.

**CHAPTER 31  
SIGNS**

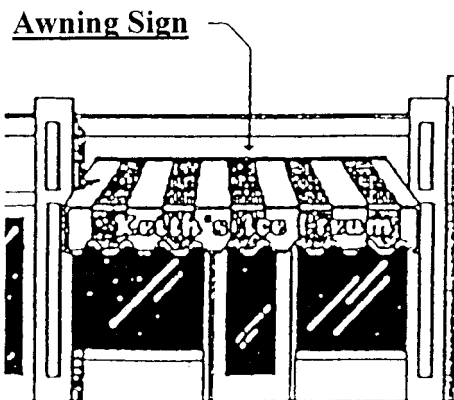
Revised 10/06/04 Ord.#1204  
Adopted 3/2/94

Section	Title	Page
31.00	Sign Regulations	1
31.01	Definitions	1
31.02	Design, Construction, and Maintenance	4
31.03	Enforcement	5
31.04	Signs Generally Permitted	5
31.05	Prohibited Signs	6
31.06	Signs in Residential, Public, UD, UT and UTF Zones	7
31.07	Signs in CO Zone	8
31.08	Signs in Other Zones	9
31.09	Signs for Integrated Business Centers	9

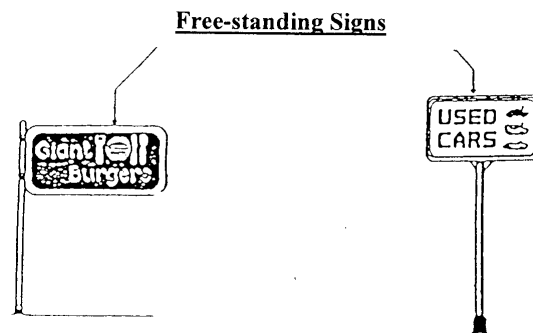
**31.00 SIGN REGULATIONS.** The sign regulations in this Chapter are intended to provide minimum standards to safeguard property and public welfare, to preserve locally recognized values of community appearance, and to reduce hazards to motorists and pedestrians traveling on public streets.

**31.01 DEFINITIONS.** For the purpose of this Chapter the following definitions shall apply:

- (a) **Alteration.** Any change in the size, shape, method of illumination, position, location, material, construction, or supporting structure of a sign.
- (b) **Animated Sign.** Any sign or part of a sign which changes physical position by any movement or rotation or which flashes, blinks, fluctuates, has traveling lights or any design created to give the illusion of motion.
- (c) **Awning.** A temporary or removable shelter supported entirely from the exterior of a building and composed of non-rigid materials except for support framework.
- (d) **Awning Sign.** Signs painted on or affixed to an awning.



- (e) **Building Face or Wall.** All window and wall area of a building on one plane or architectural elevation.
- (f) **Building Frontage.** The portion of a building facing a street right-of-way or on-site parking lot.
- (g) **Change of Sign Face/Copy.** Where an existing sign is altered by a change of message or design on the sign face, without any change to the size or shape of the sign framework or structure, excluding marquee, electronic message boards, menu boards, and changeable copy signs.
- (h) **Fabric Sign.** Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, fabric or other light material, with or without frames, which is not permanently affixed to a supporting structure.
- (i) **Flashing Sign.** A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes colors or intensity of illumination. This definition does not include electronic time and temperature signs.
- (j) **Free-Standing Sign.** A sign supported by one or more upright poles or braces placed in or upon the ground and wholly detached from any building. Also known as a ground sign.



- (k) **Indirect Illumination.** A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.
- (l) **Integrated Business Center.** A group of two or more businesses which have been developed as a unit and which have common parking facilities.
- (m) **Internal Illumination.** A source of illumination from within a sign, including neon signs.
- (n) **Non-conforming Sign.** An existing sign, lawful at the time of the enactment of this ordinance, which does not conform to the requirements of this code.
- (o) **Outdoor Advertising Sign (Billboards).** A sign designed, intended or used to advertise, inform or attract the attention of the public as to:
  1. Goods, products or services that are not sold, manufactured or distributed on or from the premises on which the sign is located;
  2. Facilities not located on the premises on which the sign is located; or



3. Activities not conducted on the premises on which the sign is located.

(p) **Portable Sign.** Any sign not permanently attached to the ground, a building, or other structure.

(q) **Projecting Sign.** Signs other than wall signs, which are attached to and project from a structure or building face more than 18 inches.

**Projecting Sign**



(r) **Roof Sign.** A sign supported by, and located over, the roof of a building.

(s) **Sign.** Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising or identifying purposes. Sign does not include any cloth attached to a single pole equipped to raise and lower the cloth from the ground.

(t) **Sign Area.**

(1) Except as provided in (2) below, the area of a sign shall be calculated by adding the outer dimensions of all the faces presenting a sign message. Pole covers and columns shall not be included in the area of the measurement if they do not include advertising. Double-faced signs will be calculated as one sign only when placed back-to-back and separated by no more than twenty-four inches.

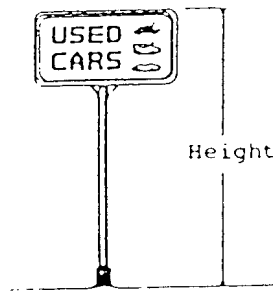
(2) The area of a wall sign without a border shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message.

**Determining the Area of a Sign**



**Shaded Area Indicates Area of Signs**

- (u) **Sign Height.** The distance measured from the average elevation of the ground adjacent to the structure that the sign is mounted on, or the elevation of a public sidewalk or street curb within 10 feet of the sign structure, to the greatest height of the sign face.



- (v) **Sign Structure.** The supports, uprights, braces, framework and other structural components of the sign.
- (w) **Street Frontage.** The portion of a property which abuts a street right-of-way.
- (x) **Temporary Sign.** Any sign that is visible for a continuous period of 90 days or less in any 365 day period, and which is not permanently affixed.
- (y) **Wall Sign.** Any sign placed or painted directly against a building wall, with the exposed face of the sign in a plane approximately parallel to the plane of the wall and projects outward from the wall not more than eighteen inches.

Wall Sign



- (z) **Window Sign.** Any sign that is erected or placed within a building or structure but is visible from the exterior of said building or structure.

**31.02 DESIGN, CONSTRUCTION, AND MAINTENANCE.** All signs shall be designed, constructed, altered, and maintained according to the following standards:

- (a) All signs shall comply with the applicable provisions of the Oregon Structural Specialty Code and all other applicable county structural, electrical and other regulations.

- (b) Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure.
- (c) All signs shall be maintained in good structural conditions.
- (d) The owner of the property on which the sign is located shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

**31.03 ENFORCEMENT.** The Zoning Administrator may determine a sign to be unlawful or abandoned and require its removal or alteration to conform with this ordinance and other applicable county law if it endangers public safety or violates the provisions of this ordinance. Any such determination shall be rendered as provided in Chapter 42.

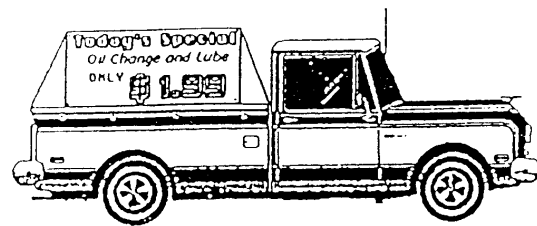
**31.04 SIGNS GENERALLY PERMITTED.** Subject to the limitations in Sections 31.05, 31.06, 31.07, 31.08 and 31.09, the following signs and sign work are permitted in all zones. Except for signs described in (a) the following signs shall not be included when determining compliance with total allowed area:

- (a) **Change of Sign Face/Copy.** Altering the message or design on the sign face, without any change to size or shape of the sign framework or structure.
- (b) **Public Safety Signs and Notices.** Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs and signs of a non-commercial nature required by public laws, ordinances or statutes. Notices and signs erected by public officers performing official duties including those erected pursuant to law, administrative order, or court order.
- (c) **Other Warning Signs.** Signs placed on private property to warn the public of a danger or prohibition, including but not limited to "No Trespassing" or "No Dumping" signs, provided such sign does not exceed four square feet in area and six feet in height.
- (d) **Building Identification.** Permanent building plaques, corner stones, name plates and similar building identifications not more than 4 square feet in area per building.
- (e) **Historical Signs.** Markers erected or maintained by a recognized historical society or organization identifying sites, buildings, or structures.
- (f) **City Entrance Sign.** One sign owned by a non-profit organization located on each arterial street entrance into a city within 300 feet of the city limits provided the sign does not exceed 32 square feet in area.
- (g) **Interior Signs.** Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons.
- (h) **Real Estate Signs.** While a lot, building, or portion of a building is for rent, sale or lease, one unlighted sign visible from each street frontage is permitted. Each sign shall not exceed 12 square feet in a RS zone, 32 square feet in a commercial or industrial zone, or 24 square feet in any other zone.

- (i) **Garage Sale Signs.** One unlighted temporary sign per lot limited in size to 16 square feet and a height of six feet. In addition, one unlighted off-premises directional sign limited to four square feet and a height of 30 inches. Signs must be removed immediately at the close of the sale.
- (j) **Election Signs.** Unlighted wall or free-standing signs not more than 8 feet in height and not more than 4 square feet in area per sign. These signs shall be located within 5 feet of the boundary of a lot and not closer than 20 feet to any other sign on the same lot allowed under this subsection.
- (k) **Temporary displays.** Temporary decorations or displays identified with regularly scheduled civic, social, cultural or religious occasions.

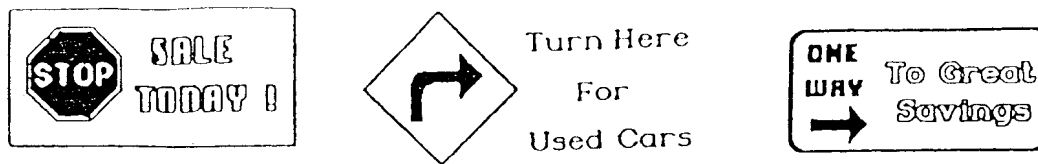
**31.05 PROHIBITED SIGNS.** The following signs are prohibited in all zones:

- (a) **Vehicle signs.** Signs which are placed on or affixed to a bus, car, boat, trailer or other motorized vehicle and parked on public or private property with the primary purpose of providing advertisement of products or directing people to a business or activity located on the same or near by premises. This provision is not intended to prohibit signs painted upon or applied directly to a vehicle which is actively used in the daily function of a business.



- (b) **Hazardous Signs.** No sign shall be permitted at the intersection of a street or driveway in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape, or color it may interfere with or be confused with authorized traffic sign, signal, or device, or which makes use of a word, symbol or phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

Illustration of hazardous signs:



- (c) **Animated signs.** This prohibition does not include electronic time and temperature signs.

- (d) **Balloons** or similar types of anchored objects.



- (e) **Portable, fabric, or temporary signs** not otherwise allowed in this chapter.
- (f) **Signs that emit audible sound, odor, or visible matter.** However, signs integral to an intercom system for customers remaining in their vehicles, such as those used by banks and "drive-thru" restaurants, are allowed.
- (g) **Signs that use or employ side guy lines** of any type.
- (h) **Signs that obstruct** any fire escape, required exit, window or door opening used as a means of egress.
- (i) **Signs closer than 24 inches** horizontally or vertically from any overhead power line or utility guy wire.
- (j) **Signs that project** into or over driveways, roadways and street right-of-ways, except signs under a canopy that projects over a public sidewalk. Such canopy signs shall not be less than 8 feet above the sidewalk.
- (k) **Signs in a street right-of-way** not otherwise allowed in this chapter whether attached to a pole, post, utility pole or placed on its own stake and placed into the ground.
- (l) **Outdoor Advertising Signs (Billboards)** except in the CR, CG, HC, IC, IP, IG and IH zones.

**31.06 SIGNS IN RESIDENTIAL, PUBLIC, UD, UT AND UTF ZONES.** Except as provided in Section 31.04, no sign shall be erected or maintained in Residential, Public, UD, UT and UTF zones except as set forth in this section:

- (a) **Single-family, Two-Family (Duplex) or Home Occupation Dwelling Sign:** One unlighted wall or window sign not exceeding four square feet.
- (b) **Residential Development Signs:** For a subdivision, mobile home park, planned development or other residential development, one sign not exceeding 32 square feet located at the main entrance to the premises.
- (c) **Multi-family Dwelling Sign:** For multiple family dwellings containing three or more dwelling units, the aggregate area of all signs shall not exceed 32 square feet. One free-standing sign is

allowed per street frontage with vehicle access. In addition, one temporary unlighted fabric sign attached to a building is allowed per street frontage.

- (d) **Undeveloped Residential Development Sign:** One non-illuminated sign not exceeding 32 square feet in area. Such signs may be installed on the undeveloped property after detail approval of the development. The display period shall be limited to one year, but may be extended an additional year by the Zoning Administrator if construction or sales continue.
- (e) **Public/Semi-public Facility Sign:** Each lot occupied by public and semi-public uses, schools and churches is allowed one sign not exceeding 32 square feet. Signs for public parks, schools, or stadiums, which are generally placed and located so as not to be viewed from a street, are exempt from this provision.
- (f) **Farm-related Signs in P, UT and UTF Zones:** On a tract of land occupied by a farm use or a commercial activity in conjunction with farm use one sign not exceeding 24 square feet. If a seasonal produce sales stand is on the premises, two signs shall be allowed of which the aggregate area shall not exceed 32 square feet.
- (g) **Height limitations.** Except as otherwise provided, signs in Residential, Public, UD, UT, and UTF zones shall comply with the following maximum height limitations:
  - (1) Free-standing Sign: 5 feet
  - (2) Wall and Window Signs: 8 feet
- (h) **Setbacks.** Signs in Residential, Public, UD, UT and UTF zones shall comply with the following minimum setback requirements: 3 feet from a lot line abutting a street. However, all signs shall comply with requirements for vision clearance areas and special street setbacks. Free-standing signs may be erected in special setback areas established in Section 27.21(c).
- (i) **Illumination:** Signs may only be indirectly illuminated by a concealed light source. Except for signs permitted in 31.06 (b) and (c) signs shall not be illuminated between 11:00 p.m. and 6:00 a.m. Sign illumination shall be directed away from and not be reflected upon adjacent premises.

**31.07 SIGNS IN CO ZONES.** Except as provided in Section 31.04, no sign shall be erected or maintained in a CO zone except as set forth in this section:

- (a) **Maximum Square Footage:** The total area of all signs shall not exceed one square foot for each linear foot of building frontage. Each free-standing sign shall be limited to a maximum 24 square feet.
- (b) **Number of Signs:**
  - (1) Free-standing Sign: One sign per street frontage with entrance access.
  - (2) Roof Signs: Not permitted
- (c) **Maximum Height:**
  - (1) Free-standing Sign: 15 feet.
  - (2) Wall Sign: Signs shall not project above the parapet or roof eaves.

- (d) **Minimum Setback:** 3 feet from a lot line abutting a street. However, all signs shall comply with requirements for vision clearance areas and special street setbacks. Free-standing signs may be erected in special setback areas established in Section 27.21(c).
- (e) **Illumination:** Free-standing signs may only be indirectly illuminated by a concealed light source. Wall signs may be internally illuminated. Sign illumination shall be directed away from and not be reflected upon adjacent premises.
- (f) **Construction Project Sign:** One non-illuminated sign limited to 32 square feet in area. Such sign may be installed after a building permit has been obtained for the construction project and must be removed not later than two years after issuance of the building permit for the project or upon completion of the project, whichever occurs first. No more than two such signs shall be erected for each construction project.
- (g) **Parking lot Signs:** Two permanent signs to identify each motor vehicle entrance into or exiting from the premises. Each sign shall be limited to six square feet in area and a height of four feet.

**31.08 SIGNS IN OTHER ZONES.** Except as provided in Section 31.04 and 31.09, no sign shall be erected or maintained in any other zones except as set forth in this section:

- (a) **Maximum Square Footage:** The aggregate area of all signs shall not exceed one and one-half square feet for each linear foot of building frontage. A sign shall not exceed 150 square feet except a free-standing sign shall be limited to a maximum of 100 square feet.
- (b) **Number of Signs:**
  - (1) Freestanding Sign: One sign per street frontage with entrance access.
  - (2) Roof Sign: One
- (c) **Maximum Height:**
  - (1) Free-standing Sign: 25 feet.
  - (2) Wall Sign: Signs shall not project above the parapet or roof eaves.
  - (3) Roof Sign: Not higher than the peak of the roof.
- (d) **Minimum Setback:** No sign shall project into the public right-of-way. However, all signs shall comply with requirements for vision clearance areas and special street setbacks. Free-standing signs may be erected in special setback areas established in Section 27.21(c).
- (e) **Illumination:** Signs must be internally illuminated.
- (f) **Parking Lot signs:** Two permanent signs to identify each motor vehicle entrances onto or exit from the premises. Each sign shall be limited to six square feet in area and a height of four feet.
- (g) **Other signs:** One temporary fabric sign attached to a building per street frontage.

**31.09 SIGNS FOR INTEGRATED BUSINESS CENTERS.** Except as provided in Section 31.04, only signs permitted in this section are allowed in an integrated business center in CR and CG zones:

- (a) **Integrated business center sign:** One free-standing structure per street frontage with entrance access.

- (1) Maximum Height: 25 feet.
  - (2) Maximum Square Footage: Total sign area attached to the structure shall not exceed 300 sq. ft.. One sign on the structure may be up to 150 sq. ft.. Other attached signs shall not exceed 75 sq. ft.
  - (3) Minimum Setback: Signs shall not project into the public right-of-way. Signs shall comply with requirements for vision clearance areas and special street setbacks. Free-standing signs may be placed in special setbacks [see Section 27.21(c)].
- (b) **Signs for individual businesses in integrated business centers:** Wall, awning and window signs are permitted subject to the following requirements:
- (1) Maximum Square Footage: The total sign area is based upon street frontage (arterial and collector streets only) and frontage on common parking areas. The aggregate sign area shall not exceed one and one-half square feet for each linear foot of building frontage for a maximum of two building frontages. A sign shall not exceed 150 sq. ft..
  - (2) Maximum Height: Signs shall not project above the parapet or roof eaves.
  - (3) Illumination: Wall signs shall be internally illuminated.
  - (4) Business Identification Sign: Free-standing individual businesses may have one monument sign not to exceed 32 square feet in area or 6 feet in height. This sign is in lieu of advertising on the free-standing business center sign and is deducted from the total sign area allowed for the business.
- (c) **Parking Lot Signs:** Two permanent signs to identify each motor vehicle entrance into or exit from the premises. Each sign shall be limited to six square feet in area and a height of four feet.



**CHAPTER 32**  
**SPECIFIC CONDITIONAL USES**

Revised 10/06/04 Ord.#1204

Section	Title	Page
32.01	Specific Conditional Use Requirements	1
32.10	Solid Waste Disposal Sites	1
32.20	Surface Mining	2
32.30	Temporary Home for Care of the Infirm	3
32.40	Home Occupations-Conditional	4

**32.01 SPECIFIC CONDITIONAL USE REQUIREMENTS.** The uses set forth in this section shall meet the applicable criteria and conditions in this section whenever such uses are listed as conditional uses in a particular zone. The minimum standards and conditions set forth in this section are in addition to general criteria and conditions for conditional uses, provided in Chapter 40.

**32.10 SOLID WASTE DISPOSAL SITES.** Solid waste disposal sites as defined in subsection (a)(3) are specific conditional uses, and shall be developed and operated in compliance with this section, and any conditions imposed in the conditional use approval.

(1) **DEFINITIONS.** As used herein:

(a) **Dispose or Disposal** means the accumulation, storage, collection or transportation of solid waste to a transfer facility, disposal site, sanitary landfill, or resource recovery facility. The term does not include recycling depots and drop stations for source separated re-usable materials.

(b) **Solid Waste** means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances; manure, vegetable or animal solid or semi-solid wastes, dead animals and other wastes.

The term does not include hazardous wastes as defined by ORS Chapter 459 or regulations adopted by the Department of Environmental Quality or Environmental Quality Commission, and liquids or solids that the Department of Environmental Quality does not consider solid waste under its rules and regulations and which are salvageable or are disposed of by irrigation or placement on land in a UTF or Public zone or on lands outside of an urban growth boundary.

(c) **Solid Waste Disposal Site** means land used for the disposal or handling of waste or solid wastes, including, but not limited to, dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, composting plants, salvage sites, incinerators for solid waste delivered by the public or by a franchised collector or franchised transporter of solid waste. The term does not include a hazardous waste

facility subject to the permit requirements of ORS Chapter 459; or a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable materials, unless the site is used by the public, either directly or indirectly, or a solid waste transfer station as defined in Section 49.338, or a recycling depot as defined in Section 49.308, or a drop station as defined in Section 49.098.

(2) **CRITERIA.** In addition to the criteria in Chapter 40, the following criteria shall be satisfied as part of a conditional use permit approval for a solid waste disposal site:

- (a) Screening. Sites shall be screened from view from adjoining developed properties and public streets.
- (b) Vehicular access and unloading. The primary access to the disposal area and unloading areas shall have an all weather surface adequate for delivery vehicles.
- (c) Drainage. Surface water drainage shall be adequate to prevent flooding, health hazards or pollution of surface or ground waters.
- (d) Impacts. Operations that may create noise, litter, lighting, or odors adversely affecting nearby property shall be managed to minimize these impacts.
- (e) Trespassing. If unauthorized access poses a hazard, the site shall be fenced or other control provided.
- (f) Redevelopment plan. A plan for the reclamation or redevelopment of the site shall be required if the life expectancy of the site is less than 10 years. The conditional use permit shall provide for implementation of the plan within three years of discontinuance. As a condition of approval a bond or security deposit may be required in a form approved by County Legal Counsel, conditioned upon the faithful performance of the approved plan, and in an amount at least equal to the estimated cost of implementation.

**32.20 SURFACE MINING.** Surface mining sites shall be developed and operated in compliance with this section. The purpose of this section is to implement the legislative policy expressed in ORS 517.760 and the goals and policies relating to mineral resource extraction expressed in the comprehensive plan; and to provide for regulations on the operation and reclamation of mined lands.

(a) **Definitions.**

- (1) As used herein, the words and phrases defined in ORS 517.750 and OAR 632-30-010 shall have the meanings set forth therein.
- (2) "Surface mining" means mining of 50 cubic yards or more of sand, gravel and rock, stockpiling, rock crushing, washing, sizing, processing as defined in ORS 517.750, and all structures, apparatus and appurtenances necessary for these uses. Surface mining may also include a residence for a caretaker.
- (3) "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operation, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the

construction of adjacent or off-site borrow pits. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction, or nonsurface impacts of underground mines.

- (b) **Reclamation Plan Required; Other Conditions.** As a plan for reclamation of the surface mining site which, at a minimum, satisfies the requirements of OAR 632-30-025 (except that the word "Hearings Officer" shall replace the word "department" as used therein) shall be submitted with an application for conditional use approval for a surface mining operation. In addition to conditions relating to the reclamation of the site, conditions as to conduct of the surface mining operation otherwise permitted under Chapter 40 may be imposed. Compliance with an approved reclamation plan shall be a condition of approval.
- (c) **Bond or Security Deposit Required.** As a condition of approval, the applicant shall file with the County a bond or security deposit in a form approved by County Legal Counsel conditioned upon fulfilling any conditions of approval and requirements of Section 32.20. The bond may be in addition to or the same bond as required by the Oregon Department of Geology and Mineral Resources.
- (d) **Failure to Maintain Compliance:**
  - (1) The operator of a surface mining operation under conditional use approval shall continuously operate and maintain the site within the terms and conditions set forth in this section and the conditional use approval.
  - (2) In the event any of the conditions prescribed pursuant to Section 32.20 or described in paragraphs (a) to (d) of (2) of ORS 517.860 (the period of time mentioned in paragraph (a) of such subsection being the compliance period specified in a written notice from the Zoning Administrator to correct deficiencies), the County may cause the required work to be done and the cost thereof, if not paid by the owner, operator, or surety, to be assessed as a lien against the property.

**32.30 TEMPORARY HOME FOR CARE OF THE INFIRM.** A temporary home for the care of the infirm may be approved as a conditional use subject to meeting the following criteria:

- (a) A doctor of medicine or licensed psychologist shall sign a statement indicating the physical or mental condition that prevents the person(s) with the infirmity 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 infirmity must be provided the care so frequently or in such a manner that the caretaker must reside on the same premises.
- (b) The residence occupied by those having the infirmity shall not be occupied by others capable of providing the needed assistance.
- (c) Those providing the needed assistance shall be related by blood, marriage or legal guardianship and reside in another residence on the lot. If evidence is presented that there is no family member able to provide the needed care the caretaker may be someone else.

- (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) The existing residences on the property either cannot be modified or expanded to accommodate those needing care, or there is some reason the caretaker and those with the infirmity need to live in separate residences.
- (f) Either the residence occupied by the person(s) with the infirmity or those providing the care shall be a mobile home or a dwelling that will be removed at such time as the person(s) with the infirmity no longer reside on the lot. An agreement to remove one of the residences within 60 days of the date the person(s) with the infirmity no longer resides on the lot shall be signed by the property owner and those providing the care.
- (g) The temporary residence 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) Not require development of a new driveway access to the street;
  - (3) Be connected to the existing wastewater disposal system if feasible.
- (h) The use shall be subject to review every year and shall meet the above criteria in order to qualify for renewal.

**32.40 HOME OCCUPATIONS-CONDITIONAL WITH EMPLOYEES.** A home occupation that employs no more than one person (“person” includes volunteer, non-resident employee, partner, or other person) in the conduct of the home occupation meeting the following criteria:

- (a) The premises upon which the home occupation is conducted shall be the residence of the person conducting the home occupation.
- (b) The home occupation shall be continuously conducted in such a manner as not to create any nuisance, public or private, known law or equity, including but not limited to: noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference.
- (c) No sign shall be displayed on the premises except those as permitted in Chapter 31.06 (a).
- (d) No structural alterations shall be made to the dwelling that would be inconsistent with future use of the building as a dwelling.
- (e) No alteration to or use of the premises shall be made that would reduce the number of on-site parking spaces required for dwellings as outlined in Chapter 30.15.
- (f) Parking of customers or clients’ vehicles shall create no hazard or unusual congestion. If the home occupation requires any parking for an employee or customer, a site plan meeting the requirements for off-street parking in Chapter 30 shall be submitted and approved by the Planning Manager.
- (g) Delivery and pick-up of materials or commodities in conjunction with the home occupation to and from the premises shall be made by private vehicles or by commercial vehicles not exceeding two axles in size.

- (h) There shall be no outside storage or display of materials, equipment, or merchandise used in or produced in connection with the home occupation.
- (i) Retail and wholesale sales that do not involve customers coming to the property, such as internet, telephone or mail order offsite sales, and incidental sales related to the home occupation services being provided are allowed. No other sales are permitted as, or in conjunction with, a home occupation.
- (j) The dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.

Marion County  
OREGON



MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 33 Subdivision and Partition Requirements](#)

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- ▶ Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments

## CHAPTER 33

### SUBDIVISION AND PARTITION REQUIREMENTS

Revised 12/12/02

#### Section Title

33.01 Purpose

33.02 General Definitions

#### General Regulations

33.04 Considerations for Approval or Denial

33.06 Approval Required Before Creating Street

33.08 Prohibition of Sale or Transfers of Lots

33.14 Property Line Adjustments

#### Roads, Streets and Easements

33.16 Engineering Standards and Requirements

33.18 Dedication or Deeding of Roadway

33.19 Connectivity

33.20 Dead-end Streets

33.22 Radius at Street Intersections

33.24 Street Grades

33.26 Dedication of Right-of-Way

33.28 Additional Right-of-Way Widths

Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

33.29 Performance Standards

33.30 Utility Easements

33.32 Street or Road Improvements

33.34 Private Streets

**Blocks and Lots**

33.36 Subdivision Lots

33.38 Midblock Walks

33.40 Lot Size

33.42 Curved Front Lot Lines

33.44 Lot Line

**Sewage, Water and Utilities**

33.46 Sewage Disposal

33.48 Water Supply

33.50 Sewer and Water Lines and Connections

33.52 Underground Utilities

33.54 Underground Utility Easements

33.56 Street Lighting

**Partitionings**

33.58 Pre-Application Conference

33.60 Partitioning Application and Initial Decision

33.62 Required Application Information

33.64 Information From Affected Agencies

33.66 Conformance with Regulations

33.68 Access Standards

33.70 Notification of Decision

33.72 Appeal

33.74 Public Hearing

33.76 Decision on Appeal

33.78 Final Recordation

### **Subdivisions**

33.80 Pre-Application Conference

33.82 Application

33.84 Required Application Information

33.86 Information From Affected Agencies

33.88 Conformance with Regulations

33.90 Public Hearing

33.92 Notification of Decision

33.94 Appeal

33.96 Approval of Final Plat

33.100 Action and Recording of Final Plats

33.102 Time Limit for Filing and Recording

### **Adjustments, Violations and Appeals**

33.106 Adjustments from Regulations

33.108 Appeal Procedure

33.110 Lots Created in Violation of This Chapter

**33.01 PURPOSE.** In the interpretation and application of this Chapter, the provisions hereof shall be held to be the minimum requirements adopted for the public health, safety, and welfare. To protect the people, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate public services and safe streets for accomplishing, among other things, the following objectives:

- (a) Better living conditions within new subdivisions.
- (b) Orderly and economic development of urbanizable land.
- (c) Simplification and definiteness of land descriptions.



(d) Establishment and development of streets, utilities, drainage systems and public areas.

(e) Stabilization of property values in the subdivision and adjacent areas.

(f) Provide standards and regulations which will inform the public and aid in uniform enforcement.

(g) To regulate the subdividing and partitioning of land within urban growth boundaries in Marion County in accord with applicable state statutes and the State Planning Goals.

**33.02 GENERAL DEFINITIONS.** For the purpose of this Chapter, words used in the present tense include the future, the singular number includes the plural, and the term "this Chapter" shall be deemed to include all subsequent amendments.

**BLOCK** The properties abutting on one side of a street between either:

(a) Two cross streets; or

(b) Between the city limits and the nearest cross streets; or

(c) When there is only one cross street:

(1) Between a cross street and the dead end of a street;

(2) Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;

(3) Between a cross street and a point 400 feet from the particular property under consideration when there is no other cross street or intersecting street within 400 feet; or

(d) When there are no cross streets, then the block shall be between the points 400 feet from each side of the property under consideration and along the street.

**BUILDING LINES** The lines indicated, or otherwise described, limiting the area upon which structures may be placed.

**CENTERLINE** The legally described survey lines on which the right-of-way was initially established or to which the right-of-way was subsequently relocated.

**DIVISION** means the Marion County Planning Division.

**DIRECTOR** means the Director of the Community Development Department or designee.

**EASEMENT** The right to use or cross a parcel of land.

**FLAG LOT** A lot, the major portion of which has access to a street by means of a narrow strip of land not less than 20 feet in width.

**MANUFACTURED HOME** A vehicle or structure constructed for movement on public

highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy, and is being used for residential purposes.

**PARTITION** Either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

**PARTITION LAND** To divide an area or tract of land into two or three parcels within a calendar year.

**PLANNED DEVELOPMENT** A subdivision of land incorporating common open space with each dwelling being placed on its own lot. See Chapter 26.800.

**PERSON** A natural person, heirs, executors, administrators, or assigns and also includes a firm, partner-ship or corporation, its or their successors, or assigns, or the agent of any of the aforesaid, and the State or any political subdivision, agency, board or bureau of the State.

**PLAT** Includes a final map, diagram, drawing, replat, or other writing containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partitioning and complying with the provisions of ORS 92 and 209.

**PROPERTY LINE ADJUSTMENT** The adjustment of a common property line between two or more parcels that does not create an additional parcel.

**SHALL** The term "shall" means mandatory.

**STREET OR ROAD** A public or private way that is or has been created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes. The term "street" shall include thoroughfare as defined herein.

(a) **ARTERIAL**

Principal Arterial

- Continuous segments with trip length and travel density indicative of statewide or interstate travel; and
- Serve all of the large urban areas and most of the moderate sized cities.

Arterial

- Link cities, larger towns, and other major traffic generators; and provide interstate and inter-county service; and

- Spaced such that all developed areas of the region are within reasonable distance of an arterial; and
- Serve a higher travel density, trip length, and overall travel speed than collector and local systems.

(b) **COLLECTOR**

Major Collector

- Provide service to larger towns not directly served by higher classed roads and to other traffic generators of equivalent intra-county importance (including parks, tourist attractions, significant resource areas, etc.); and
- Link these places with nearby towns and cities, or routes of higher classification; and
- Serve the more important intra-county travel corridors.

Minor Collector

- Spaced at intervals to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; and
- Provide service to any remaining smaller communities and traffic generators; and
- Link locally important traffic generators with their local constituents.

(c) **CUL-DE-SAC** A dead-end road or street with vehicular turnaround at or near the dead end.

(d) **DEAD-END STREET** The same as cul-de-sac with no turn-around at the dead end.

(e) **HALF STREET** A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

(f) **LOCAL**

- Primarily provide access to adjacent lands; and
- Provide relatively short travel distances compared to higher classed facilities.

**SUBDIVIDER** Any person who undertakes the subdivision of land.

**SUBDIVIDE LAND** Means to divide an area or tract of land into four or more lots within a calendar year.

**SUBDIVISION** Means either an act of subdividing land or an area of tract of land subdivided as defined in this section. The term subdivision shall include planned developments as defined

herein.

**THOROUGHFARE** Any vehicular way through the planned development or any vehicular way within the planned development.

(a) Minor thoroughfares are to serve specific property only, not the general traffic circulation in the area, and need to be constructed only wide enough to adequately perform this function. Minor thoroughfares include "T" turnarounds, cul-de-sacs, circles, loops, and those "L" shaped streets not functioning as a through thoroughfare.

(b) Major thoroughfares are publicly owned streets permitting traffic to move in one side of the planned development and out of another.

**UTILITY FACILITIES OVERHEAD** All utility poles, overhead wires, and associated overhead facilities with the exception of:

(a) Antennae, associated equipment, and supporting structures used by a utility for furnishing communication services.

(b) Equipment appurtenant to underground facilities such as surface-mounted transformers and switchgear, pedestal-mounted terminal boxes, meter cabinets, concealed ducts, and municipal fire alarms, street lights, traffic control signals and poles used exclusively for such services as are served from an underground source of supply.

(c) Temporary poles, overhead wires, and associated overhead facilities used in conjunction with construction projects.

(d) High-capacity electric and communication feeder lines and utility transmission lines operating at 50,000 volts or more.

## **GENERAL REGULATIONS**

**33.04 CONSIDERATIONS FOR APPROVAL OR DENIAL.** When considering a subdivision or partitioning plan, the Commission, Director, Hearings Officer or Board, when it exercises its authority pursuant to Chapter 37, shall consider whether or not it is in accordance with the adopted ordinances, comprehensive plans, and land development policies of Marion County. In reviewing an application, the Commission, Director, Hearings Officer or Board may prescribe conditions or make changes or modifications to the subdivision or partitioning plan to bring them into compliance with any applicable ordinances or regulations.

**33.06 APPROVAL REQUIRED BEFORE CREATING STREET TO PARTITION LAND.** No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the Commission, Director, Hearings Officer, or Board.

## **33.08 PROHIBITION OF SALE OR TRANSFERS OF LOTS PRIOR TO RECORDING OF PLAT.**

(a) No person shall negotiate to sell any lot in any subdivision until a tentative plan of the subdivision has been approved.

(b) No person shall dispose of, transfer, sell, or agree, offer or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision has been so

recorded.

**33.14 PROPERTY LINE ADJUSTMENTS** The following requirements shall apply to all property line adjustments:

(a) Regardless of the size of the adjustment, when a property line to be adjusted is part of a division of land previously approved by the Marion County Planning Director, Planning Commission, Hearings Officer, or Board of Commissioners it must be reviewed by the Planning Director.

(b) Except as provided in (a) above, no approval is necessary for property line adjustments in the RL (LIMITED MULTIPLE-FAMILY RESIDENTIAL), RM (MULTIPLE FAMILY RESIDENTIAL), CO (COMMERCIAL OFFICE), CR (COMMERCIAL RETAIL), CG (COMMERCIAL GENERAL), HC (HIGHWAY COMMERCIAL), IC (INDUSTRIAL COMMERCIAL), IP (INDUSTRIAL PARK), IG (GENERAL INDUSTRIAL) or IH (HEAVY INDUSTRIAL) zones.

(c) Except as provided in (a) and (b) above, all property line adjustments shall require approval under the partitioning procedure if the adjustment exceeds 10% of the total land area of the smallest affected parcel.

### **ROADS, STREETS AND EASEMENTS**

**33.16 ENGINEERING STANDARDS AND REQUIREMENTS** Engineering standards and requirements, including but not limited to street-s, drainage, access, easements, and thoroughfare improvements, shall be those currently approved by the Marion County Department of Public Works.

**33.18 DEDICATION OR DEEDING OF ROADWAY** No person shall dedicate for public use, or deed to Marion County, a parcel of land which is used or proposed to be used as a roadway without first obtaining the approval of the Board and delivering the deed to the Board for its endorsement. No dedication is effective unless the property is accepted by the Board and recorded with the Marion County Clerk's Office.

**33.19 CONNECTIVITY** Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half mile of the development. Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the Planning Director, or designee, determines that one or more of the following conditions exist:

(a) Physical or topographic conditions make a street or accessway connection impractical. Such conditions include, but are not limited to, freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; or

(b) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.

**33.20 DEAD-END STREETS** When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision without a turnaround. In all other cases, dead-end streets shall have a turnaround with a configuration approved by the Marion County Department of Public Works.

**33.22 RADIUS AT STREET INTERSECTIONS** The property line radius at street intersections shall be to Marion County Department of Public Works' standards.

**33.24 STREET GRADES** No street grade shall be in excess of 12% unless the Commission or Hearings Officer finds that, because of topographic conditions, a steeper grade is necessary. The Commission or Hearings Officer shall require a written statement from the Director of Public Works indicating approval of any street grade that exceeds 12%.

**33.26 DEDICATION OF RIGHT-OF-WAY** If land to be subdivided or partitioned will cause the termination of a roadway or borders a roadway right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac or to increase the half (or halves) of right-of-way bordering the subject parcel to one-half of the standard width. Unless otherwise specified for an individual street in the Zoning Ordinance, standard right-of-way widths are subject to the standards of the Marion County Department of Public Works.

**33.28 ADDITIONAL RIGHT-OF-WAY WIDTHS** Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way or slope easement may be required to accommodate the cut and fill.

**33.29 PERFORMANCE STANDARDS** Whenever adequate assurances of performance are required as a condition of approval of any subdivision under this ordinance, the applicant shall provide one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the State of Oregon, in an amount equal to 100 percent of the construction cost of the required improvements, as verified by the County.

(b) A verified deposit with a responsible escrow agent or trust company of cash or negotiable bonds in an amount equal to 100 percent of the construction costs of the required improvements, together with an agreement that the deposit may be disbursed only upon County approval. The agreement shall include a provision that the County shall allow release of the deposit in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the County Engineer following an inspection by the County Engineer or the Engineer's authorized representative.

(c) An irrevocable letter of credit from one or more financial or lending institutions pledging that funds equal to 100 percent of the construction cost of all required improvements are available to the applicant and are guaranteed for payment for the improvements.

Regardless of the option chosen above, no building permits for any structures within the subdivision will be issued until all improvements have been completed by the applicant. Or, in the event the applicant fails to complete all improvements, the County may estimate the cost of completing any required improvement, call on the bond or deposit for the funds necessary to complete the improvement, and complete the improvement to the extent of the funds obtained upon call of the bond or deposit. If the amount obtained from the bond or deposit is insufficient to complete the improvement, the County may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvement as determined reasonable by the Director of Public Works. Following final inspection, if the improvement is complete and the amount of the bond or deposit exceeds the actual cost to the County of completing the improvement, the remainder shall be released.



**MAINTENANCE BONDS** - The applicant shall provide a maintenance bond in a form approved by the Office of County Legal Counsel equal to 40 percent of the construction cost of all required improvements. The applicant shall provide the bond within 30 days after final review of the required improvements. The bond shall remain in effect for one year after the completion of construction of all required improvements. The purpose of the bond is to guarantee applicant's obligation to maintain all required improvements for a period of one year after completion of construction of all required improvements. After the expiration of the one year period, any remaining balance on the bond shall be released. The bond shall include a provision stating that, in the event the County must take legal action to recover on this bond, and it prevails at trial or on appeal, the County shall be entitled to recover its reasonable attorney fees and its costs and disbursements. Nonpayment of the bond will not invalidate applicant's obligations under the bond.

**33.30 UTILITY EASEMENTS** Utility easements meeting the approval to the standards of the affected utilities shall be provided to all newly created lots.

**33.32 STREET OR ROAD IMPROVEMENTS** All street or road improvements including pavement, curbs, sidewalks, signage, and surface drainage shall be in accordance with the specifications and standards prescribed by the Director of Public Works. Subdivision plats shall not have final approval until such time as the Director of Public Works, or his/her designee, is satisfied that the street improvements will be completed in accordance with the specifications and standards set forth by the Marion County Department of Public Works.

No building permits within a subdivision or partition shall be issued until the Director of Public Works, or his/her designee, approves that the improvements have been completed or, sufficient improvement agreements and financial guarantees have been recorded.

**33.34 PRIVATE STREETS** In the event the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the Homeowners Association and a maintenance agreement shall be submitted to Marion County for review and approval prior to recording the final plat.

### **BLOCKS AND LOTS**

**33.36 SUBDIVISION** Block lengths and widths shall be determined after considering the following factors:

(a) The distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision;

(b) Topography;

(c) Lot size; and

(d) Need for and direction of the flow of through and local traffic. Blocks shall not exceed 600 feet between street or road right-of-way lines unless the adjacent layout or special conditions justify greater length. Except where topographical or other physical features require otherwise, block widths shall not be less than 120 feet or greater than 400 feet.

**33.38 MIDBLOCK PEDESTRIAN ACCESS** Where topographic or other conditions make necessary a block of unusual length, the Commission may require midblock pedestrian walks with a right-of-way at least 10 feet in width which shall be hard surfaced through the block, and extending from street curb to street curb.

**33.40 LOT SIZE** All lots approved under this Chapter shall have sufficient area to be consistent with the intent of the Comprehensive Plan and to provide adequate area for the intended structures and uses, all setbacks, access and spacing required for water supply and waste water disposal. Lots to be served by public or privately owned sewage collection and disposal system must meet the requirements and have approval of the Oregon State Department of Environmental Quality before being recorded or sold. State regulations, soil types, drainage, terrain, and location may be included as part of the criteria used by the State or County in determining appropriate lot sizes for lots using subsurface disposal of sewage. Lot size and dimensions shall be as prescribed in the corresponding zone.

**33.42 CURVED FRONT LOT LINES** When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.

**33.44 LOT LINE** Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

### **SEWAGE, WATER AND UTILITIES**

**33.46 SEWAGE DISPOSAL.** All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the Department of Environmental Quality (DEQ) and the Marion County Building Inspection Division. Those subsurface sewage systems that are used by a community, sanitary district, industry, or incorporated area must be authorized by the Department of Environmental Quality (DEQ) via the Marion County Building Inspection Division. Installation and maintenance shall be in accordance with the Department of Environmental Quality's regulations and requirements. The Commission, Director, or Hearings Office may require connection to an existing sewage collection and treatment system regardless of lot suitability for subsurface disposal if the Commission, Director of Hearings Officer deems it necessary and provided the connection is available.

**33.48 WATER SUPPLY** All lots or parcels shall be served by an authorized public or private water supply system. -

(a) Public or Private Systems: Public or private systems shall meet the requirements of the Oregon State Health Division with reference to chemical and bacteriological quality. In addition, such systems must meet the quantity, storage, and distribution system requirements of the State Health Division and the operator of the water system.

**33.50 SEWER AND WATER LINES AND CONNECTIONS** All proposed subdivisions within established or proposed urbanizing areas of municipalities, service districts and other incorporated communities, where, upon concurrence from the municipality, district, or incorporated community that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the Director of the Marion County Department of Public Works.

**33.52 UNDERGROUND UTILITIES** All permanent utility service to lots in a subdivision within an established urban growth boundary shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted. The subdivider shall be responsible for complying with the requirements of this section and shall:

(a) Obtain a permit from the Director of Public Works for the placement of all underground utilities.



(b) Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon.

**33.54 UNDERGROUND UTILITIES EASEMENTS** Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and set forth on the final plat. Each easement shall be a minimum of 10 feet in width except on the perimeter of the subdivision where the minimum width shall be 5 feet, and when possible, such easement shall be centered on or bordering a lot line. The subdivider shall provide 5-foot utility easements on both sides of all road or street rights-of-way of 60 feet or less.

**33.56 STREET LIGHTING** Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the Director of Public Works for approval. All provisions for wiring for underground installation shall be completed before the final street improvement is made.

### **PARTITIONINGS**

**33.58 PRE-APPLICATION CONFERENCE** Prior to the actual filing of a partitioning application it is recommended that the applicant contact the staff for a pre-application conference. The meeting will enable the staff to review the proposal and determine if the partition is consistent with the intent of the Marion County Urban Zoning Ordinance and Comprehensive Plan and whether public services are required and available.

**33.60 PARTITIONING APPLICATION AND INITIAL DECISION** When an area or tract of land is to be partitioned an application shall be filed with the Planning Division provided that this section shall not apply to partitioning where all lots maintain a minimum of 20 feet frontage on a public street in the RL, RM, CO, CR, CG, IC, IP, HC, IG, or IH zones. This administrative decision shall be final unless an appeal is taken as provided in Subsection 33.82 below. When a partitioning application is to be considered concurrently with an additional land use application, the initial decision may be made by the Director or Hearings Officer. The Director shall determine if annexation to a sewer or water district or a city is required for any partition proposed inside an urban growth boundary. If the Director determines that annexation is required, annexation or a non-remonstrance agreement must be filed with the appropriate agency.

### **33.62 REQUIRED APPLICATION INFORMATION**

(a) The application form filled out completely in ink.

(b) Copy of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the parent parcel.

(c) Plot Plan . The plot plan should be on a separate sheet of paper 8 ½" X 11" and must be drawn in ink, showing the location of the proposed property lines and adjustments, and distances to structures, property lines, roads, drainage, access, and other features. The Plot Plan must be reviewed and initialed as accepted by a Plans Examiner from the Building Inspection Division.

(d) If the property is within the Geologically Hazardous Overlay Zone, any study required by Chapter 24 of the Urban Zoning Ordinance shall accompany the application. If the ordinance requires peer review of the study, this must also be submitted with the Partition application.

(e) A written statement which explains your reasons for dividing the land and how the division

conforms to Marion County land use policies and regulations of the applicable zone.

(f) If the partitioning includes the creation of a private roadway the applicant must include four (4) proposed road names in the order of preference.

(g) Filing fee.

**33.64 INFORMATION FROM AFFECTED AGENCIES** Upon receipt, a copy of the application shall be distributed to the Marion County Department of Public Works, County Assessor, County Surveyor, Building Inspection Division, and other affected agencies with a request for comments or suggestions regarding those features that come within the scope of their activities.

**33.66 CONFORMANCE WITH REGULATIONS** Unless an adjustment is granted as provided herein, partitions shall conform to applicable regulations contained in Sections 33.18 through 33.66.

**33.68 ACCESS STANDARDS** All lots must have a minimum 20 feet of frontage on a public right-of-way or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards and a driveway permit has been obtained shall be provided prior to the issuance of building permits on the parcels served by the access easement. The easement shall meet the following standards:

(a) Have a minimum easement width of 25 feet;

(b) Have a maximum grade of 12%;

(c) Be improved with a paved surface with a minimum width of 20 feet;

(d) Provide adequate sight-distance at intersections with public roadways;

(e) Be provided with a road name sign at the public roadway as an identification for emergency vehicles in accordance with the County Street and Addressing Ordinance.

**33.70 NOTIFICATION OF DECISION** Notice of the decision, including any adjustments, and information on the appeal process shall be sent to the applicant, mortgagees, Department of Public Works, affected County agencies, and all landowners within the notification area.

**33.72 APPEAL** Upon final action on the partitioning by the Director, interested persons may appeal the decision through the process outlined in Chapter 37.08.

**33.74 PUBLIC HEARING** If the Director's decision is appealed, the Hearings Officer or Board shall conduct a public hearing in accordance with Chapter 44 and/or 45 of the Marion County Urban Zoning Ordinance.

**33.76 DECISION ON APPEAL** The Hearings Officer or Board shall render a decision on the appeal in accordance with the provisions of this Chapter, after the conclusion of the hearing. Notice of the decision shall be provided to the applicants, appellant, and others requesting notice in writing.

The decision of the Hearings Officer may be appealed to the Board no later than 12 days after the decision is rendered. The Board may sustain the decision or decide the appeal with or without a further public hearing. If a public hearing is held it shall conform with Chapter 45 of the Marion County Urban Zoning Ordinance. If the Board exercises its authority pursuant to Chapter 45.02 of the Marion County Urban Zoning Ordinance, its decision is final and appealable only to the Oregon Land Use Board of Appeals.

**33.78 FINAL RECORDATION** Within two years of approval of the partitioning application, the applicant shall submit to the Marion County Surveyor's Office, with a copy forwarded to the Marion County Planning Director, a partitioning plat in the appropriate form that shall reflect the final decision. When so approved, the plat shall be recorded with the Marion County Clerk. Until the plat is so approved and recorded, no building permits for any of the divided parcels shall be issued. Should the applicant fail to record a partitioning map within two years, the approval shall be deemed null and void. An extension may be approved by the Director upon submittal of written justification prior to the expiration of the two-year time limit.

### **SUBDIVISIONS**

**33.80 SUBDIVISION PRE-APPLICATION CONFERENCE** Prior to the actual filing of a subdivision application it is recommended that the subdivider contact the staff for a pre-application conference. The meeting will enable the staff to review the proposal and determine if the subdivision is consistent with the intent of the Marion County Urban Zoning Ordinance and the Comprehensive Plan and whether public services are required and available.

**33.82 APPLICATION** When an area or tract of land is to be subdivided an application shall be filed with the Planning Division. The applicant shall specify on the application whether the request is for conceptual or detailed approval or both. Conceptual approval indicates that the subdivision or PUD in the general manner and density proposed, is deemed consistent with the Comprehensive Plan but conceptual approval shall not be binding on the Planning Commission or Hearings Officer with regard to specific design or engineering. In granting conceptual approval the Commission or Hearings Officer shall identify any elements of the proposal that need further evaluation or refinement.

### **33.84 REQUIRED APPLICATION INFORMATION**

- (a) The application form and any supplementary information filled out completely in ink.
- (b) Copy of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the parent parcel. Title reports are not acceptable.
- (c) Twenty-seven copies of a scale drawing of the proposed subdivision with the following details shown:
  1. Structures, streets, driveway access points (existing and proposed), and easements (existing and proposed).
  2. Topography and drainage ditches on the subject and adjoining parcels.
  3. A layout of the proposed subdivision with proposed lot lines to scale, north arrow, and name and address of applicant.

(d) If the property is within the Geologically Hazardous Overlay Zone, any study required by Chapter 24 of the Urban Zoning Ordinance shall accompany the application. If the ordinance requires peer review of the study, this must also be submitted with the Partition application.

(d) Filing fee.

**33.86 INFORMATION FROM AFFECTED AGENCIES** Upon receipt, a copy of the application shall be distributed to the Marion County Building Inspection Division, Department of Public Works, County Assessor, County Surveyor, and other affected agencies with a request for comments or suggestions regarding those features that come within the scope of their activities.

**33.88 CONFORMANCE WITH REGULATIONS** Unless an adjustment is granted as provided herein, the subdivision shall conform to applicable regulations contained in Sections 33.18 through 33.66 of this Chapter and planned developments shall, in addition, conform to the regulations in Chapter 26.800.

**33.90 PUBLIC HEARING** Upon receipt of responses from other departments and agencies, the Commission, Hearings Officer or Board shall hold a public hearing on the conceptual and/or detailed application. The hearing notice shall include a description of any proposed adjustments. The purpose of the public hearing shall be to elicit responses from interested persons concerning the appropriateness and feasibility of the proposed subdivision plan.

**33.92 NOTIFICATION OF DECISION** Notice of decision including any adjustments granted, and information on the appeal process shall be sent to the applicant, those within the notification area, and any interested person, who, in writing, requests notification.

**33.94 APPEAL** The decision of the Commission or Hearings Officer may be appealed to the Board no later than 12 days after the decision is rendered. The Board may sustain the decision or decide the appeal with or without a further public hearing. If a public hearing is held, it shall conform with Chapter 45 of the Marion County Urban Zoning Ordinance. If the Board exercises its authority pursuant to Chapter 45 of the Marion County Urban Zoning Ordinance, its decision is final and appealable only to the Oregon Land Use Board of Appeals.

**33.96 APPROVAL OF FINAL PLAT** Within two (2) years approval of a conceptual or detailed subdivision design, the subdivider shall submit a final plat to the Marion County Surveyor. The final plat must be in conformance with any conditions imposed at the time of approval and shall comply with survey standards.

**33.100 ACTION AND RECORDING OF FINAL PLATS** After receiving detailed approval, a subdivider shall submit a final plat for approval. A subdivision plat, when ready for final approval prior to recording, shall be substantially in accordance with the approved detailed plan. The final plat shall be tied into the Geodetic Coordinate System used in the County. After the final plat has been filed with the Marion County Surveyor and a copy forwarded to the Planning Director, the Director shall review the final plat and compare it with the approved detailed plan to ascertain whether the final plan substantially conforms to the approved detailed plan and the conditions of approval.

Before submitting the final plat to the Board of Commissioners for approval, the final plat shall be approved and signed by all persons set out in the dedication, the mortgagees, if any, the Director, County Surveyor, County On-Site Wastewater Specialist, County Engineer, County Assessor, and the signature and seal of the registered land surveyor responsible for the laying out of the sub-division. All the conditions of detailed approval shall be fulfilled before submitting the final plat to the Planning Director for approval and signature. If the Director finds that there has not been substantial conformance with the approved detailed plan, the Director shall advise the subdivider of the changes that must be made and afford the subdivider an opportunity to make those changes.

When the final plat has been reviewed by the Director and is found to be in substantial conformity to the approved detailed plan, the subdivider has fully complied with ORS 92.090 (4) and (5) the Director or authorized representative shall sign the final plat. The Director may elect to submit the final plat to the Commission or Hearings Officer for further review.

All signatures on the final plat shall be in archival quality black ink. Where the subdivider has expressed, in writing, his/her intent to develop the subdivision in phases, or stages, the final plat may contain all or only a portion of the approved detailed plan.

**33.102 TIME LIMIT FOR THE FILING AND RECORDING OF A PLAT** When the subdivider has expressed intent to develop a subdivision in phases or stages, the first phase of the final plat, or, if not to be developed in phases or stages, the completed final plat must be filed with the Director by the first day of the 24th month following the date of detailed approval or said detailed approval shall be deemed null and void. The final plat shall be approved by public officials as required by law and recorded within 180 days following the date the plat is submitted to the Director. Extensions to either time deadline may be approved by the Director upon submittal of written justification prior to the expiration of the time limit.

## **ADJUSTMENTS, VIOLATIONS AND APPEALS**

### **33.106 ADJUSTMENTS FROM REGULATIONS**

(a) **Authorization.** The Director, Commission, Hearings Officer or Board may authorize an adjustment of any requirements set forth in Section 33.04 - 33.78 of this Chapter. The Director may authorize such adjustments for lot line adjustments, partitions, PUD's, or subdivisions with the written concurrence of the affected County department. Adjustments pertaining to other regulations contained in Chapter 33 or Chapter 26.800 shall be authorized as provided in the Marion County Urban Zoning Ordinance.

(b) **Basic Consideration of an Adjustment.** Adjustments to Section 33.04 - 33.78 may be granted only upon a sufficient showing as determined by the Director, Commission, Hearings Officer or Board that the criteria listed in Chapter 41.03 or 41.04 have been met.

(c) **Application for Adjustment.** Any person wishing to obtain an adjustment from these regulations shall submit to the Division a written statement giving complete details of conditions and reasons why a specific adjustment should be granted.

**33.108 APPEAL PROCEDURE** Any person may appeal the granting or denial of an adjustment of the Ordinance by filing a written appeal within the appeal period provided for the property line adjustment, partitioning or subdivision. The procedure for considering appeals to adjustments shall be the same as that provided in Chapters 44 and/or 45 of the Marion County Urban Zoning Ordinance.

**33.110 LOTS CREATED IN VIOLATION OF THIS CHAPTER.** Any lot, parcel, street or road

created in violation of the provisions of this Chapter shall be deemed null and void. When such a lot or parcel of land is created in violation of the provisions of this Chapter or has failed to receive approval of the County as required by **ORS 92.040**, the Marion County Building Official shall stop the construction of any structure in process on that property. 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, or is being used or has been divided in violation of the provisions of this Chapter or the Marion County Urban Zoning Ordinance, unless issuance of the permit would correct the violation.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer and Privacy Statement](#)



[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


**Marion County**  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 35 General Administrative Provisions](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 35

### GENERAL ADMINISTRATIVE PROVISIONS

#### Section Title

35.01 Title

35.02 Authority-

35.03 Intent and Purpose

35.04 Administration

35.05 Application

35.06 Conformance Requirement

35.10 Application to Public Lands

35.20 Interpretations

35.21 Rules for Interpretation of Zone and Plan Map Boundaries

35.22 Interpretation of Uses

35.40 Amendment of Zoning Ordinance

35.70 Adoption of Zoning Map

**35.01 TITLE.** This ordinance and any amend-ments thereto, shall be known and may be cited as the Marion County Urban Zoning Ordinance.

**35.02 AUTHORITY.** This ordinance is enacted pursuant to the authority granted to Marion County in Oregon Revised Statutes Chapters 197, 203, and 215.

**35.03 INTENT AND PURPOSE.** It is the intent and purpose of this zoning ordinance:

(a) To provide land use regulations that implement and conform to the comprehensive plans of cities, adopted by the County, as they apply to unincorporated area within the cities' urban

## Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

growth boundaries; and

(b) To promote and protect the public health, safety, and general welfare.

**35.04 ADMINISTRATION.** This ordinance shall be administered by Marion County and its designated Zoning Administrator.

**35.05 APPLICATION.** The regulations set forth in this Zoning Ordinance are intended and shall be construed as minimum regulations, and shall apply uniformly to each class or kind of use, structure or land unless varied or otherwise conditioned as provided in this Zoning Ordinance.

**35.06 CONFORMANCE REQUIREMENT.** The Zoning Administrator shall determine that the existing or proposed use of land or structures conforms to the requirements set forth in this ordinance prior to authorizing issuance of any permits or allowing development or uses on land.

**35.10 APPLICATION TO PUBLIC LANDS.** The requirements of this ordinance apply to all publicly owned lands. The following special provisions apply to lands owned or leased by the State of Oregon, or Marion County dedicated to park or airport use.

(a) Park or airport maintenance including rehabilitation, replacements, minor improvements, repair, and similar maintenance activities are not subject to the zoning approval requirements of this ordinance.

(b) Major improvements and development of new facilities specifically identified in State of Oregon Park or Airport master plans or in County Park or Airport master plans are not subject to zoning approval unless a floodplain or greenway development permit is required, provided the major improvement or new facility is consistent with the facility location, type and size identified in the Park or Airport Master Plan. To qualify under this provision the master plan must be approved as a Conditional Use, or have been approved by Board order prior to the effective date of this ordinance.

**35.20 INTERPRETATIONS.** The Zoning Administrator is authorized to interpret the meaning and applicability of the provisions of this ordinance on the basis of the text, maps and written interpretations issued by Legal Counsel. The Board or Zoning Administrator may request interpretations by Legal Counsel. Interpretations shall be in writing and the zoning administrator shall maintain a file of interpretations issued by the Zoning Administrator and Legal Counsel.

**35.21 RULES FOR INTERPRETATION OF ZONE AND PLAN MAP BOUNDARIES.** Where uncertainty exists as to the boundaries of zones as shown on the official zoning map or Plan designations shown on the Comprehensive Plan Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerline or the right-of-way boundary of streets, highways, or alleys shall be construed to follow such centerline or outside boundary.

(b) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as within the right-of-way of a railroad shall be construed to be the centerline of the right-of-way.

(d) Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerline of the main channel.



(e) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined with reference to the scale of the map.

(f) In all cases where a Plan map designation or zoning action was made with reference to a specific property description, that description shall establish the boundary; and where two or more property descriptions would apparently establish conflicting boundaries, the most recent action shall control.

(g) Where features existing on the ground are at variance with those shown on the official Plan or zoning map, or in other circumstances not covered by subsections (a) through (e) of this section, the Zoning Administrator shall refer the matter to Legal Counsel for its interpretation.

**35.22 INTERPRETATION OF USES.** The following rules shall apply in interpreting use classifications and descriptions:

(a) Within each zone, uses are classified as "permitted," and "conditional." Further, uses are functionally classified by description of the particular activity (such as "single family residence"), or by reference to a category in the "Standard Industrial Classification Manual, 1987 (SIC)." The SIC is an aid to interpretations. Where the term used to describe a permitted or conditional use is defined in Chapter 49 the definition takes precedence over any SIC classification.

(b) When uses have a functional SIC classification the applicable SIC index number assigned to the manual is referenced as an aid to interpretation.

(c) Where a use is not described with reference to the SIC manual or defined in Chapter 49, the words describing such use are to be given their ordinarily accepted meaning. The descriptions and lists of included activities in the SIC classifications may be used to interpret which use classification is appropriate for a particular use not specifically identified in the ordinance.

(d) A use defined in Chapter 49 is also included within an SIC category, and it is the intent that the use defined in Chapter 49 be allowed in a zone where the SIC category including the defined use is referenced even though the use is not specifically referenced in the zone.

(e) Use descriptions in the UTF zone are intended to be consistent with use descriptions in ORS 215.283 unless the terms require a more limited interpretation.

**35.30 AMENDMENT OF ZONING ORDINANCE.** This ordinance may be amended by ordinance subject to the requirements in Chapter 38.

**35.40 ADOPTION OF ZONING MAP.** The zoning classifications of unincorporated lands within urban growth boundaries is hereby changed as identified in Exhibit A, which is made a part of this ordinance by this reference and represents the official zoning maps as provided in Section 1.40.

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 36 Applications](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 36

### APPLICATIONS

#### Section Title

36.00 Applications, Generally

36.01 Forms

36.02 Filing

36.03 Incomplete or Unauthorized Applications

31.04 Refunds

36.05 Consolidation

36.06 Misrepresentations

36.07 Required Signatures

36.08 Application Contents

36.09 Preliminary Processing of Applications

36.12 Submittal of Supporting Evidence

**36.00 APPLICATIONS, GENERALLY.** The provisions in this chapter apply to applications for Comprehensive Plan map amendments and zone changes that are not legislative amendments and applications for conditional uses and adjustments. It does not apply to determinations pursuant to Chapter 43 or interpretations pursuant to Section 35.20.

**36.01 FORMS.** The Zoning Administrator shall prepare and provide application forms. Application forms shall require the information specified in this chapter and any other information which the Zoning Administrator may require to analyze the proposed land use on its merits.

**36.02 FILING.** All applications shall be filed with the Planning Division on forms prescribed under this section, and shall be complete as to all factual information required to be stated on, or furnished with, the application. The application fee shall be paid at the time of the filing of the application. The fees for applications and appeals shall be as prescribed by Board order.

Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

**36.03 INCOMPLETE OR UNAUTHORIZED APPLICATIONS.** The Zoning Administrator shall reject any incomplete application or an application not authorized by this ordinance within 15 days of receipt. If the application is rejected the applicant shall be notified in writing of the cause for rejection.

**36.04 REFUNDS.** When an application is deemed to be incomplete, all but \$25.00 of the fee shall be refunded. If a new application is filed within 30 days from the date of rejection, the \$25.00 withheld from the original filing fee shall be applied to the fee for the refiled application.

**36.05 CONSOLIDATION.** When an application involves more than one type of application, the applications shall be consolidated, unless the applicant requests otherwise or the Zoning Administrator concludes that consolidation will create procedural difficulties. The total filing fee for a consolidated application shall be the larger of the individual fees, unless otherwise provided in the order establishing the fees.

**36.06 MISREPRESENTATIONS.** Inclusion of false or misleading information in an application shall be grounds to deny the application.

**36.07 REQUIRED SIGNATURES.** Applications shall include the following signatures:

- (a) Signatures of all owners of the subject property; or
- (b) The signatures of the purchasers of the property under a duly executed, recorded, written contract of sale; or
- (c) The signatures of lessee in possession of the property with the written consent of all the owners; or
- (d) The signatures of the agent of those identified in (a), (b) or (c) when authorized in writing by those with the interests described in (b) or (c), and all the owners of the property; or
- (e) The signature of an authorized agent of a public agency or utility holding an easement or other right that entitles the applicant to conduct the proposed use on the subject property without the approval of the property owners; and
- (f) The signature of the applicant and the applicants' address and phone number.

**36.08 APPLICATION CONTENTS.** A complete application shall include the following:

- (a) The signatures required in Section 36.07.
- (b) The names and addresses of mortgagees or contract sellers of the subject property.
- (c) The address of the subject property.
- (d) A copy of the latest transfer document.
- (e) A copy of the current Assessor's map of the subject property with the notification area and subject property clearly identified thereon.
- (f) The notification list (see Section 49.184).

(g) The application fee.

(h) A plot plan, drawn to scale, that shows the boundaries of the property, location and general configuration of existing and proposed structures and other improvements proposed as part of the application.

(i) A written explanation of the proposal and how it conforms to the applicable criteria.

(j) Such other information deemed necessary by the Zoning Administrator and requested on the application form.

**36.09 PRELIMINARY PROCESSING OF APPLICATIONS.** When the application is submitted the Zoning Administrator shall:

(a) Establish a file and assign a case number.

(b) Review the application and decide if it is complete pursuant to Section 36.08.

(c) Request comments from affected agencies.

**36.12 SUBMITTAL OF SUPPORTING EVIDENCE.**

(a) The applicant has the burden of persuasion by a preponderance of the evidence. To meet this burden the applicant must, in addition to filing a complete application, provide evidence that the application satisfies the applicable criteria.

(b) The applicant shall submit to the Zoning Administrator all documents and evidence in support of the application at least 20 days before the date of a hearing scheduled before the Hearings Officer or Board, provided if a hearing on an application has been held by the Hearings Officer new evidence for Board consideration at a subsequent hearing shall be submitted 10 days before the date of the Board hearing.

Page Updated  
January 04, 2007

Directory | Services | Employment | Volunteer  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer and Privacy Statement](#)



Home > Public Works > Planning > Zoning Ordinances/Land Use Regulations > Marion County Urban Zoning Ordinance > Chapter 37 Application Review Standards

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- ▶ Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments

## CHAPTER 37

### APPLICATION REVIEW PROCEDURES

#### Section Title

- 37.00 Authority to Decide
- 37.01 Board Authority
- 37.02 Hearings, Notices, and Staff Reports
- 37.03 Zoning Administrator Decisions
- 37.04 Reconsideration of Zoning Administrator's Decision
- 37.05 Reconsideration Review
- 37.06 Limit on Reconsideration
- 37.07 Final Decision
- 37.08 Appeal of Zoning Administrator's Decision
- 37.09 Conflicting Requests
- 37.10 Notice of Appeal Hearings

**37.00 AUTHORITY TO DECIDE.** Except as provided in Section 37.01, the Zoning Administrator is authorized to make the initial decision on applications for conditional use permits and adjustments. The Hearings Officer is authorized to make the initial decision on zone change applications (Chapter 39), and applications for non-legislative amendment to the comprehensive plan (Chapter 43). The requirements in this chapter shall govern the review of these applications.

**37.01 BOARD AUTHORITY.** The governing body may at any time, on its own motion, call-up any application and make the decision. In those cases where the Board exercises its authority to make the decision on any application, that decision is final and appealable only as provided by Oregon law as an appeal from the final decision of the governing body. The Board has sole authority to decide legislative amendments to this Zoning Ordinance (Section 38.00) and legislative amendments to the comprehensive plan (Section 43.00 (b)).



## Chapter 42 Determinations

## Chapter 43

Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses**37.02 HEARINGS, NOTICES, AND STAFF REPORTS.**

(a) If the Hearings Officer makes the initial decision the Zoning Administrator shall set the matter for public hearing, provide notice as required in Chapter 44, and submit a written report.

(b) If the application is called up by the Board, or if the Board chooses to hear an appeal, the Board shall schedule the hearing and the Zoning Administrator shall provide notice as required in chapter 44. In the instance of a Board call up a written report shall be prepared.

(c) The initial staff report on an application being heard by the Hearings Officer or the Board shall be available to the public at least 7 days prior to the hearing date.

(d) If the application was first decided by the Zoning Administrator the decision, including written findings, shall be considered the initial staff report. The Zoning Administrator may submit supplemental reports prior to a hearing before the Hearings Officer or Board.

**37.03 ZONING ADMINISTRATOR DECISIONS.** When the initial decision is made by the Zoning Administrator, the Zoning Administrator shall:

(a) Prepare a written decision based on the information in the file, including the findings and conclusions in support of the decision.

(b) Provide notice of the decision approving or denying the application to the applicant, the owners, contract sellers and mortgage holders of the subject property identified in the application, agencies indicating substantial concerns in comments, and anyone entitled to notice by state law except as provided in (c).

(c) Provide notice to those on the notification list if the application is approved.

(d) The following statement shall be placed on the front of envelopes used to mail the notice of decision required in (b) and (c): NOTICE OF DECISION AFFECTING YOUR PROPERTY.

**37.04 RECONSIDERATION OF ZONING ADMINISTRATOR'S DECISION.**

(a) The applicant may file a request for reconsideration of a decision made pursuant to Section 37.03 with the Planning Division within 10 days of the date the notice of decision is mailed. The request must be in writing and must explain wherein the decision is:

(1) Factually or legally incorrect; or

(2) Propose modifications that will better conform the proposal to the requirements of the ordinance.

(b) The Zoning Administrator may withdraw a decision during the appeal period provided notice of the withdrawal is mailed to those who received notice of the decision.

**37.05 RECONSIDERATION REVIEW.** The Zoning Administrator shall provide written notice of the decision on requests for reconsideration, or for decisions issued after the Zoning Administrator withdrew a previous decision, and mail notice as provided in Section 37.03.

**37.06 LIMIT ON RECONSIDERATION.** Applicants shall be limited to one request for reconsideration per application.

**37.07 FINAL DECISION.** A decision on an application made by the Zoning Administrator pursuant to this Chapter becomes a final decision when the period for appeals or requests for reconsideration expire.

**37.08 APPEAL OF ZONING ADMINISTRATOR'S DECISION.** An appeal may be filed with the Planning Division within 10 days of the date the notice of decision is mailed or within 10 days of the date the Zoning Administrator issues a notice of decision in a reconsideration. The appeal must be in writing. Legal Counsel may appeal the Zoning Administrator's decision.

**37.09 CONFLICTING REQUESTS.** When a request for reconsideration and an appeal are received within the 10 day appeal period the appeal shall take precedence and the Zoning Administrator shall schedule a public hearing as provided in Section 37.10.

**37.10 NOTICE OF APPEAL HEARING.** At the end of the appeal period and upon receipt of one or more a timely filed appeals, the Zoning Administrator shall, with the concurrence of the Hearings Officer, schedule the application for public hearing before the Hearings Officer; provided, the Zoning Administrator may present the appeal to the Board to determine if the Board wishes to assume jurisdiction. The Zoning Administrator shall provide notice of the hearing as prescribed in Chapter 44.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer](#) and [Privacy Statement](#)



Home > Public Works > Planning > Zoning Ordinances/Land Use Regulations > Marion County Urban Zoning Ordinance > Chapter 38 Legislative Amendments

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses
- Chapter 41 Adjustments

## CHAPTER 38

### LEGISLATIVE AMENDMENTS

#### Section Title

- 38.00 Definitions
- 38.01 Initiation
- 38.02 Hearings Required
- 38.02 Planning Commission Review
- 38.04 Hearing Notice and Procedures
- 38.05 Criteria for Legislative Amendments
- 38.06 Recommendation
- 38.07 Request for Second Hearing
- 38.08 Board Action
- 38.09 Findings

**38.00 DEFINITION.** Any amendment of this zoning ordinance which deletes, supplements, or changes the text hereof, or involves 5 or more contiguous lots in separate ownership, is a legislative amendment.

**38.01 INITIATION.** Legislative amendments may be initiated by the Board or Planning Commission by resolution. An interested party may request that the Planning Commission or Board initiate a legislative amendment. Legislative amendments shall only be initiated by the Board or Planning Commission when the proposed change is in the public interest and will be of general public benefit. If the Board initiates the amendments the resolution shall prescribe whether the Hearings Officer, Planning Commission or Board shall conduct the hearing. If the Planning Commission initiates the amendments the resolution shall prescribe whether the Hearings Officer or Planning Commission shall conduct the hearing.

**38.02 HEARINGS REQUIRED.** Upon adoption of a resolution initiating a legislative amendment the Zoning Administrator shall schedule a public hearing before the designated



## Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

body and provide notice as required by law. The Zoning Administrator shall submit a report on the proposal at the hearing. Prior to approval of any amendment which deletes, supplements or changes the text of this Ordinance, the Board shall hold a hearing in addition to any hearing held by the Hearings Officer or Planning Commission.

**38.03 PLANNING COMMISSION REVIEW.** Whenever a legislative amendment is initiated by the Board, the resolution shall be referred to the Planning Commission. If the Planning Commission is not designated to hold the required public hearing it shall forward a recommendation or report of its deliberations to the hearing body before the close of the public hearing.

**38.04 HEARING NOTICE AND PROCEDURES.**

(a) Except as provided in (b) written notice shall be provided in accordance with the requirements of Chapter 44. Mailed notice shall not be required for subsequent hearings on the same proposal. Notice of the initial hearing shall be provided to the State Department of Land Conservation and Development, to the Chairman of the Area Advisory Committees, and to any person who requests, in writing, notice of the initial hearing.

(b) If more than 50 ownerships are involved the Zoning Administrator may substitute posted and published notice for mailed notice. The notice shall be posted along the nearest public road at the boundaries of the affected area. The notice shall be visible from the public road, indicate "notice of public hearing on proposed land use change" and provide a phone number where information on the proposal can be obtained.

(c) Notice shall be published in a newspaper of general circulation in the affected area once at least 10 days prior to the date of the hearing. The notice shall provide information prescribed for mailed notice in Chapter 44.

(d) A signed certification of notice describing the types of notice, the date notice was provided, a copy of any mailing list, and other information that demonstrates that the notification requirements have been met, shall be placed in the record of the initial hearing.

**38.05 CRITERIA FOR LEGISLATIVE AMENDMENTS.** The criteria in Section 39.05 shall be used to decide legislative zone changes. The following criteria shall be used to review and decide legislative amendments to the text of this ordinance.

(a) Compliance with the statewide land use goals and related administrative rules is demonstrated.

(b) Conformance with the Comprehensive Plan goals, policies, and intent is demonstrated.

(c) The proposed change is in the public interest and will be of general public benefit.

**38.06 RECOMMENDATION.** When the Hearings Officer or Planning Commission holds a hearing the Hearings Officer or Planning Commission shall prepare a report setting forth findings of fact, conclusions and a recommendation. The written report shall be presented to the Board, and mailed to those testifying at the hearing and those requesting notice. The Hearings Officer's or Planning Commission's recommendation shall be scheduled for consideration at a regular Board meeting occurring more than 10 days after the date the Board receives the recommendation.

**38.07 REQUEST FOR SECOND HEARING.** A request that the Board hold a hearing before taking action on the Hearings Officer's or Planning Commission's recommendation shall be submitted within 10 days of notice of recommendation. The request shall explain why the

record established at the previous hearings is not an adequate basis for making the decision, or why the recommendation does not conform to the applicable criteria.

**38.08 BOARD ACTION.**

(a) If the Board accepts the recommendation of the Hearings Officer or Planning Commission, the Board may indicate its acceptance and take the recommended action.

(b) If the Board is of the opinion that the case warrants further review, the matter shall be set for hearing before the Board. The hearing shall be de novo. Notice of the hearing shall be provided as prescribed in Section 38.04. The Board, following its hearing, shall issue a decision.

(c) The Board decision shall be final subject to such appeals as are provided in State law. A decision to deny shall be made by Order. A decision to approve shall be made by Ordinance. Notice of the decision shall be mailed to those appearing at the hearing and those who request notice prior to the close of the final hearing. Notice shall also be sent to the Department of Land Conservation and Development as required by law.

**38.08 FINDINGS.** Approval of a zoning ordinance legislative amendment shall include findings showing that the amendment meets the applicable criteria.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer](#) and [Privacy Statement](#)

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


**Marion County**  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 39 Zone Changes](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 39

### ZONE CHANGES

#### Section Title

39.00 Initiation of Zone Changes

39.01 Authority to Decide

39.02 Board Authority

39.03 Review Procedures

39.04 Hearings Officer's Decision

39.05 Criteria

39.06 Conditional Zone Changes

39.07 Limits on Conditions

39.08 Adjustments to Development Requirements

#### **39.00 INITIATION OF ZONE CHANGES.**

(a) Any amendment of the official zoning map involving 4 or less different ownerships and 15 or fewer acres, and which does not include any amendment to the text of the ordinance, is a zone change application. A zone change may be initiated in the manner provided for applications in Chapter 36.

(b) Zone changes may also be initiated by resolution of the Board or Planning Commission when the change is for some governmental purpose or in order to bring the zoning ordinance and zone map into compliance with the Comprehensive Plan.

**39.01 AUTHORITY TO DECIDE.** Except as provided in Section 39.02, the Hearings Officer is authorized to make the initial decision on zone change applications. The requirements in this chapter shall govern the review of these applications.

**39.02 BOARD AUTHORITY.** The governing body may at any time, on its own motion, call-up any zone change application or resolution and make the decision on said application or

## Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

resolution. In those cases where the Board exercises its authority to make the decision on the zone change proposal that decision is final and appeal-able only as provided by Oregon law as an appeal from the final decision of the governing body.

**39.03 REVIEW PROCEDURES.** The Zoning Administrator shall set the matter for public hearing before the Hearings Officer and provide hearing notice as prescribed in Chapter 44. Review by the Hearings Officer shall be as prescribed in Chapter 44. Review by the Board shall be as prescribed in Chapter 45. The Zoning Administrator shall prepare a written report to be included in the hearing record. A zone change may be modified to apply to only a portion of the subject property. A change to a zone more restrictive than requested may be approved provided the possible consideration of a more restrictive zone is indicated in the hearing notice.

**39.04 HEARINGS OFFICER'S DECISION.** A Hearings Officer's decision on a zone change may be appealed to the Board as provided in Section 44.30. A Hearings Officer's decision to approve a zone change does not become final until the Board adopts an ordinance implementing the decision. A Hearings Officer's decision to deny a zone change is final when the appeal period has expired unless the Board calls up the application as provided in Section 39.02 or a Board hearing is required by state law.

**39.05 CRITERIA.** Approval of a zone change application or initiated zone change shall include findings that the change meets the following criteria:

(a) The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

(b) Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.

(c) Satisfaction of any zone change review criteria in the applicable city comprehensive plan pertaining to unincorporated lands is demonstrated.

(d) The criteria listed in the purpose statement for the proposed zone shall be met (see Chapters 2 through 23).

(e) If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the proposed zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.

**39.06 CONDITIONAL ZONE CHANGES.**

(a) **Authority.** The Board or Hearings Officer shall have authority to include conditions in the decision on a zone change application. Conditions shall be limited to those matters identified in Subsection (b) found to be necessary and in the public interest.

(b) **Matters that may be conditioned:**

(1) Size, height, and location of buildings and accessory structures;

(2) Landscaping when necessary to provide screening from incompatible adjacent uses or from public right-of-way;

- (3) Retention of existing trees and vegetation for buffering purposes;
- (4) Size, location, screening, drainage, and surfacing of driveways, parking and loading areas, and street access;
- (5) Size, height, location and illumination of signs;
- (6) Size, height, location, and materials for the construction of fences to screen the subject property from incompatible adjacent uses or from public right-of-way.
- (7) Location and intensity of outdoor lighting;
- (8) Hours of operation or conduct of particular activities;
- (9) Abatement, mitigation, or prevention of nuisances.
- (10) Availability and improvement of urban services, including street improvements, dedication of street right-of-way, traffic signs and signals, sewer, storm drainage, water, and turn-outs and shelters for mass transportation; provided the condition applies only to the subject property or public right-of-way or easements abutting the subject property.
- (11) Funds for provision, or improvement of, traffic signs, signals and turn lanes at the first intersection(s) of the street(s) abutting the subject property with a collector or arterial street. The amount of funds shall be based on a current estimate of costs of the needed improvements and the share of traffic to be added to the intersection by the uses in the proposed zone that generates the greatest traffic impact.
- (12) Conditions may require that all or part of the development or use be deferred until the happening of certain events such as the availability to the subject property of a certain level of service.
- (13) Conditions may require that requirements imposed under this section be filed in the deed records of Marion County.

**39.07 LIMITS ON CONDITIONS.** The following limits and requirements apply to conditions imposed pursuant to Section 39.06.

- (a) Conditions shall be stated with specificity; shall be reasonably related to the public health, safety, and welfare; and shall be designed to reasonably effectuate their intended purpose.
- (b) Conditions which would have the effect of limiting use of the subject property to one particular owner, tenant, or business shall not be imposed. Conditions shall not be so restrictive that they may not reasonably be complied with by other occupants who might devote the property to the same or a substantially similar use.
- (c) The provisions of Chapter 47 of this Ordinance shall apply to conditions imposed on a zone change.
- (d) If the dedication of street right-of-way or street improvements are required as provided in Section 39.06 (b) (10) and (11) provision of dedication, improvements or funding shall be deferred until a building permit or certificate of occupancy is required.

**39.08 ADJUSTMENTS TO DEVELOPMENT REQUIREMENTS.** The zone change decision

may expressly authorize a variance from the applicable development requirements of this Zoning Ordinance, regardless of whether an application was filed for such variance, provided each of the following conditions is met:

- (a) The granting of the adjustment meets the criteria set forth in Chapter 41, except that the applicant shall bear no burden of proof as to such criteria;
- (b) The adjustment is required to accomplish a condition imposed as a part of the conditional zone change; and
- (c) The need for the adjustment was identified during the public hearing on the zone change.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer](#) and [Privacy Statement](#)



[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 40 Conditional Uses](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

Chapter 41 Adjustments

## CHAPTER 40

### CONDITIONAL USES

#### Section Title

40.00 Purpose for Review of Conditional Uses

40.01 Authorization

40.02 Conditional Use Criteria

40.03 Authorization for Conditions

40.04 Limits on Conditions

40.05 Transfer of Conditional Use

40.06 Structures and Accessory Uses Associated with Conditional Uses

**40.00 PURPOSE FOR REVIEW OF CONDITIONAL USES.** A conditional use is an activity generally similar to other uses permitted in a zone but because of the manner in which land and buildings could be developed to accommodate such use a review of the specific proposed use, and the imposition of special conditions, are often needed to ensure compatibility with land uses in the vicinity.

**40.01 AUTHORIZATION.** Uses listed as Conditional Uses in a zone classification or otherwise identified as a conditional use in this ordinance may be approved if the procedures in Chapters 36 and 37 are followed and if findings can be made that the criteria in Section 40.02 and the zone, have been satisfied. Conditional uses shall be established and maintained in accordance with the applicable development standards in the zone and in Chapters 23 through 34, and any conditions imposed as part of the approval.

**40.02 CONDITIONAL USE CRITERIA.** The following criteria, in addition to other applicable criteria in this ordinance, shall be used to review and decide conditional use permit applications.

(a) The use is listed as a conditional use in the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the zone and the provisions that authorized consideration as a conditional use.

(b) The parcel is suitable for the proposed use considering such factors as size, shape,

## Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

location, topography, soils, slope stability, drainage and natural features.

(c) The proposed use, as conditioned, will not substantially limit, impair, or preclude the use of surrounding properties for the uses permitted in the applicable zone.

(d) The proposed use, as conditioned, will not have a significant adverse effect on air or water quality.

(e) Adequate public and utility facilities and services to serve the use are available or will be made available prior to establishment of the use.

**40.03 AUTHORIZATION OF CONDITIONS.** When deemed necessary to ensure the use meets the criteria for approval, conditions addressing the following matters may be imposed:

(a) Size, height, and location of buildings and accessory structures;

(b) Landscaping when necessary to provide screening from incompatible adjacent uses or from public right-of-way;

(c) Retention of existing trees and vegetation for buffering purposes;

(d) Size, location, screening, drainage, and surfacing of driveways, parking and loading areas, and street access;

(e) Size, height, location and illumination of signs;

(f) Size, height, location, and materials for the construction of fences to screen the subject property from incompatible adjacent uses or from public right-of-way.

(g) Location and intensity of outdoor lighting;

(h) Hours of operation or conduct of particular activities;

(i) Abatement, mitigation, or prevention of nuisances.

(j) Availability and improvement of urban services, including street improvements, dedication of street right-of-way, traffic signs and signals, sewer, storm

drainage, water, and turn-outs and shelters for mass transportation; provided the condition applies only to the subject property or public right-of-way or

easements abutting the subject property.

(k) Turn-lane improvements at street intersections may be required when: 1) an unsafe condition would be created by the development without the improvements, or 2) the projected increase in traffic generated by the new or expanded use will lower the level of service to level "D" or below, as determined by the 1985 edition of the Highway Capacity Manual published by the Institute of Transportation Engineers. As an alternative the determination

may be based on an estimate of traffic increase prepared by a licensed traffic engineer.



(l) Conditions may require that all or part of the development or use be deferred until the happening of certain events such as the availability to the subject property of a certain level of service.

(m) Conditions may require that requirements imposed under this section be filed in the deed records of Marion County.

**40.04 LIMITS ON CONDITIONS.** The following limits and requirements apply to conditions imposed pursuant to Section 40.03:

(a) Conditions shall be clear and objective; shall be reasonably related to the public health, safety, and welfare; and shall be designed to reasonably effectuate their intended purpose.

(b) The provisions of Chapter 47 of this Ordinance shall apply to conditions imposed in a conditional use permit.

(c) If the dedication of street right-of-way or street improvements are required as provided in Section 40.03 (j) or (k) provision of the dedication, improvements or funding shall be deferred until a building permit or certificate of occupancy is required.

(d) Conditions under Section 40.03 (j) shall not be imposed on expansions approved pursuant to Section 15.02 (a) if the expansion does not increase by more than 2500 square feet the total ground floor area of buildings and outdoor display and storage areas occupied by the use on the effective date of this ordinance.

**40.05 TRANSFER OF CONDITIONAL USE.** Unless otherwise provided in the final decision granting the conditional use, any conditional use granted pursuant to this chapter shall run with the land, and shall automatically transfer to any new owner or occupant subject to all conditions of approval.

**40.06 STRUCTURES AND ACCESSORY USES ASSOCIATED WITH CONDITIONAL USES.** Approval of a conditional use shall generally be limited to allowing those structures and improvements identified in the application or as limited in the decision. However, without a new conditional use being required, a structure or improvement identified in the approved application may subsequently be expanded by not more than 20% of the area of the subject structure or improvement unless expressly limited in the conditional use permit. Uses and structures accessory and incidental to the approved conditional use may also be allowed unless expressly limited. All applicable development standards must be met for the expansion or addition.

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 41 Adjustments](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

## CHAPTER 41

### ADJUSTMENTS

#### Section Title

41.01 Purpose

41.02 Authorization and Procedures

41.03 Minor Adjustment Criteria

41.04 Major Adjustment Criteria

41.05 Adjustment Conditions

41.06 Transfer of Adjustments

**41.01 PURPOSE.** A adjustment is intended to provide flexibility, adaptability, and reasonableness in the application and administration of development standards where special circumstances related to the land or buildings exist. Minimal deviation from quantifiable standards is provided for in Section 41.03 as a minor adjustment. Where the extent of deviation is more than minimal the deviation must be carefully reviewed to ensure that criteria justifying the deviation are met, and to ensure that the extent and impact of deviation will be that minimum degree which is reasonably necessary to meet the special circumstances. Major adjustments are provided for in Section 41.04.

#### **41.02 AUTHORIZATION AND PROCEDURES.**

(a) An adjustment shall only be allowed to the development standards in the applicable zone or the requirements in Chapters 26 through 34.

(b) An adjustment may be approved if the procedures in Chapters 36 and 37 are followed and it is found that the criteria in Section 41.03 or 41.04 are met.

(c) No adjustment authorizing a use not otherwise permitted for the subject property shall be granted.

(d) Review and issuance of a decision on a minor adjustment application by the Zoning Administrator shall be completed within 21 days of submittal of a complete application.

Chapter 41 Adjustments

Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

**41.03 MINOR ADJUSTMENT CRITERIA.** The development standards in the applicable zone and the development requirements in Chapters 26 to 34 protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for minor adjustments to quantifiable requirements. The following criteria shall be used to review and decide applications for minor adjustments.

- (a) The proposed development will not have a significant adverse impact upon adjacent existing or planned uses and development; and
- (b) The adjustment does not expand or reduce a quantifiable standard by more than 20 percent; and
- (c) The adjustment is the minimum necessary to achieve the purpose of the adjustment; and
- (d) 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.

**41.04 MAJOR ADJUSTMENT CRITERIA.** The following criteria shall be used to review and decide applications for major adjustments.

- (a) The degree of adjustment from the standard is the minimum necessary to permit development of the property for the proposed use; and
- (b) The adjustment will not have a significant adverse affect on property or improvements in the neighborhood of the subject property; and
- (c) The adjustment will not have a significant adverse affect upon the health or safety or persons working or residing in the vicinity; and
- (d) The adjustment will maintain the intent and purpose of the provision being varied.

**41.05 ADJUSTMENT CONDITIONS.** Such conditions as are deemed appropriate so that the criteria specified in section 41.03 or 41.04 will be most effectively met, may be imposed, and such conditions may be considered in making findings as to those criteria. The effective date or duration of an adjustment may be limited.

**41.06 TRANSFER OF ADJUSTMENT.** Unless otherwise provided in the final decision granting the adjustment, any adjustment granted pursuant to this chapter shall automatically transfer to any new owner or occupant subject to all conditions of approval.

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


**Marion County**  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 42 Determinations](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

## CHAPTER 42

### DETERMINATIONS

#### Section Title

42.01 Authorization

42.02 Definition

42.03 Applications

42.04 Review Procedure

42.05 Criteria for Making Determinations

42.06 Scope of Determinations

42.07 Conditions Under Previous Ordinance

42.08 Modification of Determinations

42.09 Expiration and Extensions

42.10 Effect of Determinations on Zoning Ordinance Amendments

**42.01 AUTHORIZATION.** The Zoning Administrator is authorized to issue determinations regarding conformance of existing or proposed uses on a particular lot with the requirements of this ordinance, including determinations relating to non-conforming uses as provided in Chapter 48, subject to the requirements of this Chapter.

**42.02 DEFINITION.** A determination includes, but is not limited to, written information provided by the Zoning Administrator regarding the application of this ordinance to a specific lot such as an indication of conformance with applicable provisions of this ordinance in official correspondence or on a State agency permit, building permit, mobile home siting permit, occupancy permit, or similar document. (See Chapter 30 for procedures for clarifying the applicability of this ordinance under general circumstances). Oral information is not a determination and cannot be considered the basis for any act in violation of this ordinance.

**42.03 REQUESTS FOR A DETERMINATION.** The following procedures shall apply to requests for written determinations not associated with a State agency permit, building permit,

Chapter 41 Adjustments

Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
Amendments

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

mobile home siting permit, occupancy permit or similar action.

- (a) Any interested person may request a written determination.
- (b) The request shall identify the name, address and phone number of the applicant, and the owner and address of the property.
- (c) Requests shall include a copy of the latest property transfer document. A copy of the Assessor's map identifying the property in question shall be included if the determination will address the legality of the subject lot.
- (d) The request shall also include a written explanation of the specific issues to be determined.

**42.04 REVIEW PROCEDURE.**

- (a) The Zoning Administrator shall review requests for determinations. For requests submitted under Section 42.03 written findings shall be prepared indicating whether or not the use meets the criteria in Section 42.05. The written determination shall identify the expiration date and procedure for obtaining an extension as provided in Section 42.09.
- (b) The written determination shall be provided to the applicant and to any persons who request a copy.
- (c) The Zoning Administrator may charge a fee set by order of the Board for a written determination. The Zoning Administrator shall keep a file of all written determinations.
- (d) The Zoning Administrator shall not be responsible for verifying the accuracy or completeness of information provided by the requestor. The validity and effectiveness of determinations is limited to the facts presented by the requestor. No liability is assumed for erroneous or incomplete information in the request.

**42.05 STANDARDS FOR MAKING DETERMINATIONS.** A determination of conformance with this ordinance shall be made if the Zoning Administrator finds compliance with the requirements of the applicable zone or overlay zone, the regulations pertaining to non-conforming uses in Chapter 48, the general development regulations in Chapters 26 through 34, and the definitional limits in Chapter 49. In addition, the Zoning Administrator shall not make a determination of conformance with this Ordinance unless the provisions of this Chapter have been met.

**42.06 SCOPE OF DETERMINATIONS.**

- (a) For requests submitted pursuant to Section 42.03 the Zoning Administrator shall determine from available records whether the subject lot and existing uses were established in conformance with applicable County regulations, or shall clearly indicate the limited scope of the determination.
- (b) When the Zoning Administrator signs a land use compatibility statement on a State agency permit, or indicates zoning conformance on a building permit, or takes similar action, the determination is limited to a finding of conformance with the applicable provisions of this ordinance.
- (c) If a determination cannot be made without interpretation or the exercise of factual, policy or



legal judgment the Zoning Administrator shall deny the request. Where a determination with regard to a proposed use or structure cannot be made without interpretation or the exercise of factual, policy or legal judgment the proposed use or structure may be approved as a conditional use subject to submittal of an application as provided in Chapter 40.

**42.07 CONDITIONS UNDER PREVIOUS ORDINANCE.**

(a) If under previous ordinances conditions were imposed as part of a zone change or a resolution of intent to rezone that have not been met, or require continuing compliance, any determination for the subject property shall identify the conditions and note that they remain in effect.

(b) If a conditional use permit was granted under previous ordinances and the conditions imposed

have not been met, or require continuing compliance, a determination for the subject property shall identify the conditions and note that they remain in effect.

**42.08 MODIFICATION OR WITHDRAWAL OF DETERMINATIONS.** Written determinations may be modified or withdrawn prior to establishment of a use or occupancy of a structure if new information is received that demonstrates that the determination was in error. Those provided with a copy of the original determination shall be provided a copy of the modified determination or notice of the withdrawal.

**42.09 EXPIRATION AND EXTENSIONS.** A determination remains effective for 1 year provided that determinations made as part of a permit issuance shall remain effective as long as the permit remains effective. The Zoning Administrator may grant 1 year extensions of the determination when requested in writing prior to the expiration date.

**42.10 EFFECT OF DETERMINATIONS ON ZONING ORDINANCE AMENDMENTS.** Where a structure or use has been modified or established in reliance on a written determination, and the applicable land use regulations change, the structure or use shall be subject to the provisions of Chapter 48 (Non-Conforming Uses).

[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 43 Comprehensive Plan Amendments](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

## CHAPTER 43

### COMPREHENSIVE PLAN AMENDMENTS

#### Section Title

43.00 Definitions

43.01 Procedures for Legislative Plan Amendments

43.02 Procedures for Non-Legislative Plan Amendments

**43.00 DEFINITIONS.** A comprehensive plan amendment is any amendment to the Marion County Comprehensive Plan which deletes, supplements, or changes the text, land use map designations, or urban growth boundaries.

(a) A non-legislative comprehensive plan amendment is a comprehensive plan amendment that only involves a change to the land use designation of 4 or fewer different ownerships and 15 or fewer acres.

(b) A legislative comprehensive plan amendment is all comprehensive plan amendments other than non-legislative amendments.

**43.01 PROCEDURES FOR LEGISLATIVE PLAN AMENDMENTS.** Procedures and criteria for legislative plan amendments shall be as provided in Chapter 38 for legislative zone amendments. In addition, applicable procedural requirements in an intergovernmental agreement regarding land use coordination between Marion County and the City which adopted the applicable comprehensive plan shall apply.

**43.02 PROCEDURES FOR NON-LEGISLATIVE PLAN AMENDMENTS.** Procedures for non-legislative plan amendments shall be as provided in Chapter 39 for Zone Changes. The criteria for non-legislative plan amendments are:

(a) Conformance with the comprehensive plan goals, policies and intent, and any plan map amendment criteria in the plan, or intergovernmental planning coordination agreement, pertaining to unincorporated lands.

(b) The addition of the subject property to the inventory of lands in the proposed map designation and the corresponding inventory reduction in the current designation

are consistent with projected needs for such lands in the Comprehensive Plan.

Chapter 41 Adjustments

Chapter 42 Determinations

(c) Uses allowed in the proposed designation will not significantly adversely affect planned uses on adjacent lands.

Chapter 43  
Comprehensive Plan  
Amendments

(d) Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

Chapter 44 Hearings  
Procedure

Chapter 45 Board  
Procedures

Chapter 46 Application  
Rights

Chapter 47 Administration  
of Conditions

Chapter 48  
Nonconforming Uses

Page Updated  
January 04, 2007





Home > Public Works > Planning > Zoning Ordinances/Land Use Regulations > Marion County Urban Zoning Ordinance > Chapter 44 Hearings Procedure

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses

## CHAPTER 44

### PROCEDURES FOR HEARINGS BEFORE THE HEARINGS OFFICER

#### Section Title

- 44.01 Procedure for Public Hearing
- 44.02 Scheduling
- 44.03 Hearing Notice
- 44.10 Conduct of Hearings
- 44.20 Decisions and Notice
- 44.30 Appeals of Hearings Officer Decision
- 44.40 Notice of Final Decisions

**44.01 PROCEDURE FOR PUBLIC HEARING.** When a public hearing is required pursuant to Section 37.02 and Section 37.08 the procedures and notification requirements in this Chapter and State law shall apply.

**44.02 SCHEDULING.** Except as provided in Section 37.01, the Zoning Administrator shall schedule a hearing before the Hearings Officer. If the applicant requests a different hearing date the Zoning Administrator may reschedule the hearing. If the Hearings Officer requests a change in the hearing date the Zoning Administrator shall reschedule the hearing accordingly. If the applicant has requested the change, and the hearing date is later than would otherwise have been scheduled, the Zoning Administrator may make the rescheduling contingent on the applicant waiving any time limit for reaching a decision in State law. If, as a result of the applicant's request for a different hearing date, renotification is required, the applicant shall pay a renotification fee.

**44.03 HEARING NOTICE.**

(a) Notice of a hearing shall be mailed by the Zoning Administrator to the applicant, owners, contract sellers and mortgage holders of the subject property identified in the application, those on the notification list, and to anyone entitled to notice under State law at least 10 days prior to the date of the hearing. Failure to receive mailed notice shall not affect the validity of the proceedings.

## Chapter 41 Adjustments

## Chapter 42 Determinations

## Chapter 43

Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

(b) The notice shall include:

- (1) The date, time and location of the hearing;
- (2) The nature of the application, and the proposed uses that could be authorized;
- (3) The address or other easily understood geographical reference to the subject property;
- (4) A list of the topical headings and numbers of the criteria from the applicable city comprehensive plan and this Ordinance that apply;
- (5) A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the Hearings Officer an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;
- (6) The name of the Zoning Administrator's staff to con-tact, and the telephone number where additional infor-mation may be obtained;
- (7) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost upon request;
- (8) A statement that a copy of the application, all docu-ments and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at reasonable cost upon request;
- (9) A general explanation of the requirements for submis-sion of testimony and the procedure for conduct of hearings;
- (10) The following statement shall be placed on the front of the envelopes used to mail notice of hearings: NOTICE OF HEARING AFFECTING YOUR PROPERTY;
- (11) All documents or evidence relied upon by the applicant shall be submitted to the Zoning Administrator and be available to the public at the time notice of the hearing is provided.

#### **44.10 CONDUCT OF HEARINGS.**

- (a) The Board shall adopt procedures for the conduct of hearings before the Hearings Officer consistent with the requirements of this Ordinance and State law.
- (b) At the commencement of a hearing a statement shall be made to those in attendance that:
  - a) identifies the applicable substantive criteria, b) testimony and evidence must be directed toward the identified criteria or other criteria in the plan or this Ordinance which the person believes to apply to the decision, and c) failure to raise an issue precludes appeal to the Land Use Board of Appeals based on that criterion.
- (c) The Hearings Officer may continue the hearing to a certain date, may close the hearing and keep the hearing record open to a certain date to allow submittal of written testimony, and may reopen the hearing record to admit new evidence or testimony.
- (d) If documents or evidence in support of the application are submitted after notice is provided any party shall be entitled to a continuance of the hearing.
- (e) If the Hearings Officer has not granted a continuance, the record shall remain open for at

least seven days for submit-tal of written testimony upon request of a participant before the close of the hearing.

(f) If the Hearings Officer reopens the hearing record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.

#### **44.20 DECISIONS AND NOTICE.**

(a) Following the close of the hearing the Hearings Officer shall issue a written order or recommendation. The order and the file shall be transmitted to the Board's office. A copy of the order shall be transmitted to the Zoning Admin-istrator.

(b) Notice of the decision shall be mailed to the applicant, the applicant's representative, the owners of the subject property identified in the application, and those who testified at the hearing or requested notice in writing.

(c) A decision by the Hearings Officer shall be effective ten days from the date the order is mailed, unless appealed, called up by the Board, or further action is required pursuant to Section 39.04.

(d) The following statement shall be placed on the front of envelopes used to mail the notice of decision required in (2): NOTICE OF DECISION AFFECTING YOUR PROPERTY.

#### **44.30 APPEALS OF HEARINGS OFFICER DECISION.**

(a) An appeal shall be in writing and shall request that the Board hold a hearing on the application. The appeal must explain wherein the decision is:

(1) Factually or legally incorrect; or

(2) Present new facts material to the decision; or

(3) Propose modifications that will better conform the proposal to the requirements of the Ordinance.

(b) The appeal shall be filed with the County Clerk within 10 days of the mailing of the Hearings Officer's decision.

(c) If an appeal of a Hearings Officer's decision is timely filed the decision shall not become effective and the appeal shall be scheduled for consideration by the Board.

(d) The Zoning Administrator may appeal the decision of the Hearings Officer to the Board.

**44.40 NOTICE OF FINAL DECISION.** When the Clerk does not receive notice of appeal pursuant to Section 44.30 prior to the expira-tion of the appeal period the decision becomes final and the Zoning Administrator shall provide notice of the effective date of the Hearings Officer's decision to the applicant, owner of the property included in the application, and those requesting notice; provided, in the case of a Hearings Officer's decision approving a plan amendment or zone change where a Board hearing is not required, an ordinance shall be prepared for Board adop-tion. Upon adoption of the ordinance the Zoning Administrator shall

provide the notice required in Section 45.04.3

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer and Privacy Statement](#)



[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 45 Board Procedures](#)

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses

## CHAPTER 45

### BOARD PROCEDURES

#### Contents Title

- 45.01 Appeals
- 45.02 Board Action on Appeals
- 45.03 Hearings Procedures
- 45.04 Board Decision and Notice
- 45.05 Appeal of Board Decision

#### **45.01 APPEALS.**

(a) When the Clerk receives a notice of appeal pursuant to Section 44.30 or 43.09, the appeal shall be placed on the agenda of a regular Board meeting following the expiration of the appeal period.

(b) When an appeal is filed it shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the Board makes a decision on the appeal.

**45.02 BOARD ACTION ON APPEALS.** The Board shall review appeals and the action of the Hearings Officer, and:

(a) The Board may refer the matter back to the Hearings Officer for reconsideration on the hearing record or for rehearing; or

(b) The Board may summarily, after considering the application and appeal and finding that the facts therein do not warrant further hearing, affirm the action of the Hearings Officer and deny the appeal; or

(c) If the Board is of the opinion that the facts in the case warrant further consideration, the Board shall accept the appeal and set a hearing,

#### **45.03 HEARINGS PROCEDURES.**

(a) When the Board has set a hearing pursuant to Section 37.01 or Section 45.02 (c) or when a

**Chapter 41 Adjustments**

## Chapter 42 Determinations

## Chapter 43

Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

hearing is required by state law, the Zoning Administrator shall provide notice as required in Section 44.03 (a) and (b) except the notice shall be mailed at least 20 days before the Board hearing if there was not a previous hearing before the Hearings Officer. Failure to receive mailed notice shall not affect the validity of the proceedings.

(b) In the case of hearings set pursuant to Section 45.02 the Board may limit the scope of the hearing to those aspects of the application that warrant review.

(c) The Board consideration of applications and appeals for which a Board hearing is scheduled shall be de novo. All hearings shall be conducted in accordance with procedures adopted by the Board and the requirements of this ordinance and state law.

(d) All documents or evidence relied upon by the applicant shall be submitted to the Zoning Administrator and be available to the public at the time notice of the hearing is provided.

(e) The Board shall have the same authority as the Hearings Officer, and shall meet the requirements regarding the conduct of hearings, in Section 44.10 (a), (b), (c), (d), and (e).

**45.04 BOARD DECISION AND NOTICE.**

(a) After holding a hearing the Board may reverse, affirm, or modify a Hearings Officer's decision. After holding a hearing the Board may deny, approve, or modify applications called up pursuant to Section 37.01 or matters where a public hearing is required by state law.

(b) The Board's decision shall be adopted by order in the case of a conditional use, adjustment, or a denial of a Plan map amendment or zone change application. Approval of a Plan map amendment or zone change shall be by ordinance.

(c) When the Board directs staff to prepare a zone change ordinance the proposed ordinance shall be available for review and comment by interested parties 5 days prior to the Board action. If any changes are made by staff as a result of comments the amended proposed ordinance shall be available for review and comment by interested parties 3 days prior to Board action.

(d) Notice of the Board's decision shall be mailed to the applicant, the owners of the subject property identified in the application, those who request notice prior to the close of the final public hearing, those testifying at the Board hearing, and others entitled to notice by law.

**45.05 APPEAL OF BOARD DECISION.** A Board decision is final and may be appealed in such a manner and within such time as provided in State law.



[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


Marion County  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 46 Application Rights](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

## CHAPTER 46

### APPLICATION RIGHTS

#### Contents Title

46.01 Resubmission of Application

46.02 Effective Date

46.03 Expiration of Rights Granted

46.04 Extensions of Rights Granted

46.05 Amendment of Conditions

**46.01 RESUBMISSION OF APPLICATION.** If a Comprehensive Plan land use designation amendment, zone change, conditional use, variance, or adjustment application is denied on the merits, such denial shall be a bar to refiling the same or substantially similar application for a period of 12 months from the date of the final decision.

**46.02 EFFECTIVE DATE.** Decisions approving applications shall become final at the close of business on the last day an appeal of the decision, or a request for reconsideration, can be filed. The Zoning Administrator shall not authorize building permits or other permits requiring conformance with this ordinance, before the decision becomes effective.

**46.03 EXPIRATION OF RIGHTS GRANTED.** The following provisions apply to all decisions except those enacted by ordinance.

(a) Rights granted by a decision approving an application, must be substantially exercised within 2 years unless a lesser period is specified in the conditions of approval, or unless the effective period is extended as provided in Section 46.05. If the rights granted are not substantially exercised during the effective period as provided in subsections (b), (c), or (d) the rights shall expire.

(b) Where the exercise of rights under an approved application involves work for which a building permit is required, the rights granted shall expire if a building permit has not been issued prior to the expiration of the effective period. Where the approval refers to phased development the rights granted shall expire if building permits for the first phase are not issued prior to the expiration of the effective period; provided, rights associated with subsequent phases expire if building permits for an additional phase are not issued every 2 years from the

## Chapter 41 Adjustments

## Chapter 42 Determinations

Chapter 43  
Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

end of the original effective period.

(c) If a building permit integral to the exercise of the rights granted has been issued, the rights granted shall be considered exercised. If the building permit expires, the rights granted shall be considered expired if less than 50% of the value of the authorized construction has been completed.

(d) For the purpose of this section if the rights granted do not involve work for which a building permit is required, the rights granted shall be considered exercised when a substantial portion of the use benefited by the rights granted has been established. An additional two years shall be allowed to establish the remaining use.

#### **46.04 EXTENSIONS OF RIGHTS GRANTED.**

(a) The effective period of an approved application may be extended by the final decision maker for an additional year subject to a determination that:

(1) There have been no changes in land use law or Plan policy that would apply to the application if reapplication was required; and

(2) A written request for an extension is filed by the applicant or applicant's successor prior to the expiration of the approval; and

(3) The decision, if rendered after the adoption of this ordinance, included reference to the possibility of an extension, and the extension is consistent with any limits on extensions imposed in the original decision.

(b) There shall be no limit on the number of extensions that may be requested and approved.

**46.05 AMENDMENT OF CONDITIONS.** Excepting conditions adopted by ordinance, conditions imposed as part of approved applications may be amended as provided in this Section if the rights have not expired or terminated:

(a) An application for amendment shall be submitted on the form supplied for new applications;

(b) The request shall include the fee for amendments;

(c) A new notification list shall be provided if the request is submitted more than 60 days after the original notification list was prepared;

(d) A new file need not be established;

(e) The amendment request shall be considered by the maker of the first decision.

(f) Except as modified herein, the procedures in this ordinance for review of the original application shall apply.





[Home](#)[Departments](#)[Quick Links](#)[Site Map](#)


**Marion County**  
OREGON




MARION COUNTY  
PUBLIC WORKS

[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 47 Administration of Conditions](#)

Marion County Urban  
Zoning Ordinance

Chapter 1 General Zoning  
Provisions

Chapter 19 Flood Plain  
Overlay Zone

Chapter 20 Greenway  
Management Overlay Zone

Chapter 21 Airport  
Overlay Zone

Chapter 22 Limited Use  
Overlay Zone

Chapter 23 Environmental  
Hazards Overlay Zone

Chapter 24 Geologically  
Hazardous Areas Overlay  
Zone

Chapter 27 General  
Development Standards

Chapter 28 Development  
Standards for Secondary,  
Accessory and Temporary  
Structures

Chapter 29 Landscaping

Chapter 30 Off-Street  
Parking and Loading

Chapter 33 Subdivision  
and Partition Requirements

Chapter 35 General  
Administrative Provisions

Chapter 36 Applications

Chapter 37 Application  
Review Standards

Chapter 38 Legislative  
Amendments

Chapter 39 Zone Changes

Chapter 40 Conditional  
Uses

## CHAPTER 47

### ADMINISTRATION OF CONDITIONS

#### Contents Title

47.01 General Provisions

47.02 Completion Before Occupancy

47.03 Performance Agreements

47.04 Limitations

47.05 Performance Bonds

47.06 Continuing Requirements

47.07 Extensions

**47.01 GENERAL PROVISIONS.** Conditions authorized by this ordinance for zone changes, variances, adjustments, and conditional uses are either conditions that must be satisfied before the exercise of the rights granted or they are conditions that apply during the exercise of the granted rights. Unless specified otherwise the provisions of this Chapter apply in administering conditions of approval.

**47.02 COMPLETION BEFORE OCCUPANCY.** Except as provided in Sections 47.03 and 47.05 below, conditions of approval shall be satisfied prior to establishment of the use.

**47.03 PERFORMANCE AGREEMENTS.** Where the Zoning Administrator determines that a condition cannot practically be accomplished prior to inception of the use, the applicant and property owner shall sign a performance agreement allowing 1 year following commencement of the use to comply with the condition. The agreement may provide for a performance bond or other reasonable security for performance including but not limited to a trust deed. The amount of the bond or security shall be based on 100% of the estimated cost of improvements within public rights-of-way and 50% of estimated improvement costs on the subject property. The Marion County Department of Public Works shall estimate the cost of improvements within public right-of-way and the Building Official shall estimate costs of on-site improvements. The amount of the bond or security shall not be reduced or the bond or security terminated without County approval.

**Chapter 41 Adjustments**

Chapter 42 Determinations

Chapter 43

Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

**47.04 LIMITATIONS.** Performance agreements shall not be used to defer improvements such as, but not limited to, off-street parking, that are necessary to immediately protect the public health, safety, and welfare.

**47.05 PERFORMANCE BONDS.** If the conditions covered in the performance agreement are not met within 1 year the County may cause the conditions to be satisfied and recover the cost plus a 10% administrative charge from the bond, the security, or the applicant.

**47.06 CONTINUING REQUIREMENTS.** When conditions require that improvements or certain conditions be maintained or continued over a period of time, the decision may require a performance bond or other security in support of a performance agreement. If the agreement includes a performance bond or other security it shall provide that within 30 days of notice to the property owner the County may cause unmet conditions to be satisfied and recover the cost plus a 10% administrative charge from the bond, the security, or the property owner. When the agreement is for maintenance the bond or security value shall be 25% of estimated installation cost or \$2,500, whichever is greater. Conditions not related to improvements shall not require a bond or security unless the requirement and amount are established in the land use decision.

**47.07 EXTENSIONS.** The Zoning Administrator may grant one year extensions for a performance agreement if in the opinion of the Zoning Administrator the extended performance agreement meets the requirements of this chapter and the one year delay will not adversely affect the public health, safety and welfare. If the original decision was not made by the Zoning Administrator the concurrence of the original decision maker is required. Concurrence by the Department of Public Works is also required if the extension relates to improvements administered by the Department of Public Works.

Page Updated  
January 04, 2007

Directory | Services | Employment | Volunteer  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
Disclaimer and Privacy Statement



[Home](#) > [Public Works](#) > [Planning](#) > [Zoning Ordinances/Land Use Regulations](#) > [Marion County Urban Zoning Ordinance](#) > [Chapter 48 Nonconforming Uses](#)

- Marion County Urban Zoning Ordinance
- Chapter 1 General Zoning Provisions
- Chapter 19 Flood Plain Overlay Zone
- Chapter 20 Greenway Management Overlay Zone
- Chapter 21 Airport Overlay Zone
- Chapter 22 Limited Use Overlay Zone
- Chapter 23 Environmental Hazards Overlay Zone
- Chapter 24 Geologically Hazardous Areas Overlay Zone
- Chapter 27 General Development Standards
- Chapter 28 Development Standards for Secondary, Accessory and Temporary Structures
- Chapter 29 Landscaping
- Chapter 30 Off-Street Parking and Loading
- Chapter 33 Subdivision and Partition Requirements
- Chapter 35 General Administrative Provisions
- Chapter 36 Applications
- Chapter 37 Application Review Standards
- Chapter 38 Legislative Amendments
- Chapter 39 Zone Changes
- Chapter 40 Conditional Uses

## CHAPTER 48

### NONCONFORMING USE AND DEVELOPMENT

Revised 1/17/96

#### Section Title

- 48.01 Effect on Other Regulations
- 48.10 Termination of Non-Conformity
- 48.12 Continuation and Expansion of Non-Conformity
- 48.14 Non-Conforming Residential Uses in Commercial Zones
- 48.18 Non-Conforming Permitted and Conditional Uses
- 48.20 Compliance with Former Regulations
- 48.22 Repairs and Maintenance
- 48.30 Unlawful Lots, Uses, Structures and Development
- 48.32 Use of Non-Conforming Lots
- 48.40 Effect of Zone Changes

**48.01 EFFECT ON OTHER REGULATIONS.** Where this ordinance imposes a greater restriction on a use, structure, or development established prior to the adoption of this ordinance, the provision of this ordinance controls except that this ordinance shall not take precedence over the zoning requirements applied to land use applications granted under preceding zoning ordinances. The provisions of this chapter relate exclusively to the use and development conditions and regulations imposed directly and not by reference or implication in this ordinance. Nothing in this Chapter shall be deemed a waiver, relaxation or abrogation of any provision of any other applicable law, ordinance, or regulation controlling the use or development of buildings, structures or land.

**48.10 TERMINATION OF NONCONFORMITY.**

(a) The nonconforming use of a building, structure, vehicle or land shall be deemed to have

**Chapter 41 Adjustments**

## Chapter 42 Determinations

## Chapter 43

Comprehensive Plan  
AmendmentsChapter 44 Hearings  
ProcedureChapter 45 Board  
ProceduresChapter 46 Application  
RightsChapter 47 Administration  
of ConditionsChapter 48  
Nonconforming Uses

terminated if the building, structure, vehicle or land ceased to be occupied for that use, for any reason, for a continuous period of one year.

(b) Any nonconforming use dependent upon a building or structure which is substantially damaged or becomes deteriorated to the extent that it has been declared a "dangerous building" and ordered demolished pursuant to the Uniform Building Code, shall be deemed terminated upon such destruction or declaration and order.

(c) Any nonconforming use or development dependent upon a building, structure or vehicle located on the premises which is substantially damaged or destroyed by any cause shall be deemed terminated upon the date of such damage or destruction. For the purpose of this subsection a building, structure, or vehicle is substantially damaged if the cost of repair or restoration of the building, structure or vehicle would exceed 60 percent of its replacement cost using new materials and conforming to current building codes. Reestablishment of a nonconforming use or development dependent on a substantially damaged building, structure, or vehicle shall require a conditional use permit. Application for replacement or reestablishment shall occur within 12 months of termination. Findings on the cost of repair or restoration, replacement cost, and dependency of the use on the damaged building or structure, shall be included in the decision.

(d) No nonconforming use or development which has terminated as provided in this section shall thereafter be re-established, except as provided in subsection (c).

**48.12 CONTINUATION AND EXPANSION OF NON-CONFORMITY.** Except as provided in section 48.14 and 48.16, any lawfully established nonconforming use, structure or development may be continued as a lawful use, structure or development unless and until terminated as provided in section 48.10, subject to the following restrictions as to expansion, alteration, change, and replacement of the use, structures, or development:

(a) A legal nonconforming use of a portion of a conforming or non-conforming building may be expanded into other portions of that building existing prior to this ordinance as provided in subsection (c).

(b) A conforming or non-conforming building, structure, or vehicle occupied by a legal nonconforming use may be altered, enlarged or replaced for the benefit of such use as provided in subsection (c) of this section, provided that the alteration, enlargement or replacement is otherwise lawful under the development standards of this zoning ordinance and the provisions of all other applicable laws, ordinances, and regulations.

(c) The nonconforming uses specified in this chapter are treated as conditional uses in the applicable zone. However, unlike conditional uses, they are not deemed permitted uses. Nonconforming uses may be expanded or changed to a use of the same or more restricted nature where such use is granted a conditional use permit. The procedures and criteria set forth in Chapters 37 and 40 shall apply. In addition, the applicant shall have the burden of showing that the alteration of the use or structure is necessary to comply with a lawful requirement or will not result in a greater adverse impact on the neighborhood. Granting of a conditional use allowing the alteration does not remove the non-conforming status of the use or structure.

**48.14 NONCONFORMING RESIDENTIAL USES IN COMMERCIAL AND INDUSTRIAL ZONES.**

(a) Notwithstanding the provisions of Section 48.12, any legally established nonconforming residential use in any commercial or industrial zone may be continued unless and until

terminated. Such uses may be expanded and their buildings structurally altered provided such expansion or structural alteration complies with all applicable development standards in this zoning ordinance, and with all applicable provisions, of other laws, ordinances and regulations. Changes of use from a nonconforming residential use to a nonconforming non-residential use or another non-conforming residential use shall be allowed as provided in Section 48.12 (b) and (c).

(b) Notwithstanding the provisions of this ordinance, any legally established nonconforming single family dwelling or mobile home in any commercial or industrial zone which is substantially damaged or destroyed by fire, or other casualty or natural disaster may be restored or replaced if it is determined: (1) the dwelling or mobile home meets the setback and height standards of the CO (Commercial Office) zone, or is no more non-conforming than the existing dwelling or mobile home; (2) there is only one dwelling or mobile home on the lot; (3) in the case of replacement, the dwelling or mobile home, if not placed on the same footprint, shall be located in such a manner that any significant unused portion of the property has adequate development options, and

development options on adjacent properties are not significantly restricted. Consideration shall be given to the planned location of public facilities and

services in siting a replacement dwelling or mobile home. A mobile home may be replaced only with a mobile home and the replacement mobile home

meets the requirements in Section 26.903 (a).

Application for restoration or replacement shall be commenced within 12 months of the occurrence of fire, casualty or natural disaster. After the 12 month period restoration or replacement may occur only if consistent with the provisions of the Urban Zoning Ordinance.

**48.18 NON-CONFORMING PERMITTED AND CONDITIONAL USES.** Any legally established use existing prior to this ordinance which is listed in this ordinance as a permitted or conditional use in the applicable zone, shall be a conforming use even though it does not conform to the requirements for such uses in this ordinance provided:

(a) A conditional use permit shall be required for any use other than a single family dwelling or mobile home if the use is expanded or if primary structures or buildings occupied by the use are expanded.

(b) Pre-existing uses and related structures and buildings conform to any condition imposed at the time the use was approved unless modified as part of a conditional use permit approved pursuant to the requirements of this ordinance.

(c) Replacement of a mobile home in the UT, UD, and RS zones shall be with a mobile home that meets the requirements in Section 26.903 (a). Replacement of a mobile home in any other zone shall be with a mobile home that meets the requirements in Section 26.02 (a), (1), (2), and (3).

(d) Legally established structures accessory to a dwelling, mobile home, farm or forest use existing when the UTF zone in this ordinance is applied shall be considered in conformance with the UTF zone and may be repaired, altered, enlarged or replaced provided the alteration, enlargement, or replacement does not encroach into any vision clearance area or special street setbacks.

**48.20 COMPLIANCE WITH FORMER REGULATIONS.** Except as provided under Sections



48.12 to 48.18 for expansion, change, alteration, or replacement of nonconforming uses and development, every use and premises which is nonconforming shall maintain compliance with all applicable regulations, including conditions on land use actions, by which it was governed at the time it became nonconforming.

**48.22 REPAIRS AND MAINTENANCE.** Except as otherwise provided in this chapter, nonconforming structures and developments, and premises occupied by nonconforming uses may be repaired and maintained without restriction.

**48.30 UNLAWFUL LOTS, USES, STRUCTURES AND DEVELOPMENT.** Any lot, use or structure existing prior to this ordinance which was established in violation of prior zoning ordinances or the Subdivision and Partition Ordinance then in effect, and which is unlawful under this ordinance, shall not be classified as a nonconforming lot, use or structure by virtue of the repeal of any such prior ordinances, and such lot, use or structure shall constitute a violation of this ordinance.

**48.32 USE OF NON-CONFORMING LOTS.** Lots lawfully established prior to this ordinance may be used and developed as provided in this ordinance even though such lot does not conform to the requirements of this ordinance provided all other development standards are met.

**48.40 EFFECT OF ZONE CHANGES.** Wherever the zoning on any lot or portion thereof is changed, the provisions in this chapter shall apply to any use, structure or development made nonconforming by the zone change.

Page Updated  
January 04, 2007

[Directory](#) | [Services](#) | [Employment](#) | [Volunteer](#)  
E-mail comments or suggestions to [webmaster@co.marion.or.us](mailto:webmaster@co.marion.or.us)

Copyright © 2005-2007 Marion County All Rights Reserved  
[Disclaimer and Privacy Statement](#)

## CHAPTER 49 DEFINITIONS

Revised 10/06/04 Ord.#1204

Section	Title	Page
49.001	Definitions, Generally	1
49.004 to 49.290	Specific Definitions, Listed Alphabetically	1

### **49.001 DEFINITIONS, GENERALLY.**

- (a) The meanings given terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- (b) Where a term used in this ordinance is already defined in another County ordinance (e.g., the Subdivision and Partitioning Ordinance and the Uniform Building Code) the term is not redefined herein unless it has a different meaning in this ordinance, or is so frequently used herein that the same definition is reproduced in this chapter for the reader's convenience. If a term elsewhere defined in County ordinance is not defined herein, it is intended that such terms have the same meaning in this ordinance as the definitions elsewhere adopted unless the context otherwise clearly requires.
- (c) Terms not defined in this ordinance, shall have their ordinary accepted meanings within the context in which they are used. Webster's third New International Dictionary of the English Language, Unabridged, copyright 1961, shall be considered a standard reference to ordinary accepted meanings.
- (d) For the purpose of this ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory, the word "building" includes structure.
- (e) Terms defined in other chapters of this ordinance apply only within the chapter where the term is defined.

**49.004 ABUT** see contiguous.

**49.006 ACCESSORY** means a building, structure, vehicle, or use which is incidental and subordinate to and dependent upon the primary use on the lot.

**49.008 ADJACENT** means near or close, but not necessarily abutting or contiguous with.

**49.010 ADJOIN** see contiguous.

**49.012 ADMINISTRATIVE ACTION** means a determination or an interpretation made by the Zoning Administrator in the administration of the Ordinance.



**49.014 ADMINISTRATOR, ZONING** means the person designated by the Marion County Board of Commissioners to administer this ordinance, or the administrator's designee.

**49.016 ALLEY** means a public right-of-way not more than 25 feet and not less than 10 feet in width, providing a secondary means of vehicular access.

**49.018 APPEAL PERIOD** means the number of days specified for the particular type of land use action for filing an appeal. The appeal period begins the day the notice of decision is mailed and ends at the close of business on the last day of the period. Business days, holidays and weekends are included. If the appeal period would otherwise end on a Saturday, Sunday or a holiday when County offices are closed the appeal period ends at the close of business on the first following business day.

**49.020 APPLICANT.** Any property owner, buyer, lessee or an agent for the owner, buyer or lessee who makes application to the Zoning Administrator for approval of an administrative action or hearings action as provided in Chapter 35 through 43. For an agent to be the applicant appropriate written evidence must be provided that the agent is authorized to sign the application on behalf of the owner, lessee or buyer.

**49.022 APPROVED** means approved by the Zoning Administrator, Hearings Officer, Planning Commission or Board having jurisdiction to grant such approval.

**49.026 BERM** means a linear mound of soil.

**49.028 BIOMASS FACILITY** means an electric generating facility that burns wood, agricultural products, other plant or animal waste, as fuels to produce steam which is converted to electricity, or a gasification, methane fermentation, or alcohol fuel production facility.

**49.030 BOARD** means the Marion County Board of Commissioners.

**49.032 BOARDING** means providing meals and lodging for pay or compensation of any kind to persons other than members of the family occupying the dwelling.

**49.034 BUILDING** means a structure used or intended for supporting or sheltering any use or occupancy exclusive of mobile homes.

**49.036 BUILDING OFFICIAL** means the Building Official for Marion County duly appointed by the Board pursuant to the Uniform Building Code.

**49.038 CAMPGROUND** means a premises under 1 ownership where designated sites are provided for persons to cook and sleep temporarily outdoors or in portable shelters other than mobile homes where not more than 20 percent of the designated sites are occupied by recreational vehicles at any time.

**49.040 CARPORT** means a permanent structure which is not enclosed on two or more sides, and which is used or intended for the parking of motor vehicles.

**49.042 CEMETERY** means land used or intended to be used for the burial of the dead, including pets, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

**49.044 CHILD CARE FACILITY** means any facility providing day treatment for disturbed children, adoption placement services, residential care, including but not limited to foster care or residential treatment for children, or similar services for children, but excluding child day care center and child foster homes as defined in this ordinance (see Nursing Care Facility).

**49.046 CHILD DAY CARE CENTER** means either: 1) a dwelling or mobile home, occupied by the provider of the service, located in a residential, UD, UT, or UTF zone, or 2) a building in a commercial, industrial or public zone, and 3) where care, supervision and guidance is provided on a regular basis for children less than 13 years of age, unaccompanied by a parent, guardian or custodian during a part of the day in a place other than the children's home, with or without compensation.

**49.048 CHILD DAY CARE HOME** means a dwelling or mobile home, occupied by the provider of the service, and meeting the definition of child day care center, but limited to no more than 12 children, including those of the provider, regardless of full time or part time status.

**49.050 CHILD FOSTER HOME** means any home maintained by a person who has under the care of the person in such home any child under the age of 18 years not related to the person by blood or marriage and unattended by its parent or guardian for the purpose of providing such child with care, food and lodging. This use must have a current certificate issued by the Children's Services Division.

**49.052 CLASSIFICATION, ZONING** see Section 1.01.

**49.054 CONDOMINIUM** means a building or group of buildings, broken into separate units with each unit being separately owned, while the parcel on which the building(s) is located is held in a single ownership.

**49.056 COMMISSION** means the Marion County Planning Commission or the Marion County Hearings Officer.

**49.058 COMPREHENSIVE PLAN** means the officially adopted generalized, coordinated land use map and policy statement of the Board that interrelates all functional and natural systems and activities relating to the use of land.

**49.060 CONDITIONAL USE** means any use which is permitted in a particular zone only after review and approval as a conditional use and includes, where not excepted, conditional uses established under previous zoning ordinances.

**49.062 CONDITIONAL ZONE CHANGE** means a land use action under Section 39.06.

**49.064 CORNER LOT** means a lot having two or more intersecting lot lines, which are also street or roadway right-of-way lines, in which the interior angle formed by the extensions of the street or roadway lot lines in the direction which they take at their intersection with the side or rear lot lines forms an angle of 135 degrees or less. In the event the street or roadway lot line is a curve at the point of intersection with a side or rear lot line, the tangent to the curve at that point shall be considered the direction of the lot line.

**49.066 CONTIGUOUS** means touching along a boundary at more than a point.

**49.068 DECISION** means the written recommendation, order or ordinance by which the Zoning Administrator, Hearings Officer, Planning Commission or Board makes its disposition of a land use action.

**49.070 DESIGNATED ARTERIAL OR COLLECTOR STREET** means a street designated as an arterial or collector or equivalent designation in the Comprehensive Plan.

**49.072 DEVELOP** means:

- (a) To construct or structurally alter a structure.
- (b) To make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

**49.074 DEVELOPMENT** means the act, process or result of developing.

**49.076 DEVELOPMENT STANDARDS** means any standard or condition imposed in the applicable zone and in Chapters 26 to 34 and any conditions imposed as a condition of application approval.

**49.078 DORMITORY** means a building with one or more lodging rooms where each room is intended to be occupied by more than two employees or lodgers.

**49.080 DUPLEX** means a dwelling on a single lot containing two independent dwelling units.

**49.082 DRIVEWAY STRIP** means a strip of land used for vehicular access not more than 60 feet wide which is part of a lot and connects the portion of the lot wider than 60 feet with a roadway easement or street.

**49.084 DROP STATION** means vehicles or structures of less 400 square feet maintained on a lot solely to provide shelter for no more than three types of source separated recyclable material (such as paper, tin cans, plastics and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere.

**49.086 DWELLING** means any portion of a building or mobile home which contains one or more dwelling units intended, or designed to be occupied, or which are occupied for living purposes.

**49.088 DWELLING UNIT** means an independent area in a building or mobile home including permanent provisions for living, sleeping, eating, cooking and sanitation occupied by and serving: 1) a single family; or 2) a single family and rooming or boarding of up to two domestic employees or other persons; or 3) a single family and residents of a residential home as defined in subsection 49.228.

**49.090 DWELLING, SINGLE FAMILY** means a detached building on a lot, or portion of a building on a separate lot, containing only one dwelling unit, exclusive of a mobile home.

**49.092 DWELLING, TWO-FAMILY** See Duplex.

**49.094 DWELLING, MULTIPLE-FAMILY** means a building or portion thereof containing 3 or more dwelling units.

**49.100 FAMILY** means one or two adults and children related by blood or legal guardianship to one or both of the adults living together in a dwelling unit; or, one to five persons any of whom are not related by blood, marriage, or legal guardianships, living together in a dwelling unit; one or more persons any of which are not related by blood, marriage, legal guardianship and who qualify as handicapped under the Federal Fair Housing Act (42 USC SS3602 (H) or residents of a residential home as defined in subsection 49.228.

**49.102 FARM USE** means the use of land for raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm Use" also includes the propagation, cultivation, maintenance, and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3) or land described in ORS 321.267 (1)(e). In the UTF zone "farm use" means current employment of land for the primary purpose of obtaining a profit in money from farm use as defined in ORS 215.203 (2).

In a zone allowing "farm use" the term may include the following uses or activities:

- (a) Preparing the farm ground, starting and fostering the natural growth of the agricultural product, and harvesting and transportation of harvest produce including primary processing and packaging necessary to warehouse or ship the produce provided 51% or more of the service is provided to lands owned or leased by the service provider.
- (b) Sale of farm products after primary processing, on a premises provided 51% or more of the products were raised on the premises, and other farm products for sale were raised in Marion County or an abutting county.
- (c) Repair or sale of used equipment associated with the activities in (a) provided at least 51% of the equipment is owned by the owner of the subject property and at least 51% of the customers are Marion County or abutting residents.
- (d) Manufacture or sale of farm supplies associated with the activities in (a) provided at least 51% of the supplies are used by the owner of the subject property and at least 51% of the customers are Marion County.

**49.104 FENCE** means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air or passage.

**49.106 FLOOR AREA** means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of unroofed areas. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

**49.108 FRONTAGE** means that portion of a lot which abuts a street, whether or not access to the property is accorded thereby, and whether or not a building or structure faces the street frontage. In context, coupled with the term "alley" or "roadway" "frontage" has the same meaning with respect to an abutting alley or roadway.

**49.110 FRONT LOT LINE.** See "Lot Line, Front."

**49.112 GARAGE** means a building or portion thereof designed and constructed for or used for the storage, parking or keeping of a motor vehicle.

**49.114 GARAGE OPERATIONS** means the parking or storage of motor vehicles for hire, other than exclusively the motor vehicles used by the occupants of a particular building. Included in SIC 7521.

**49.116 GARAGE, PRIVATE** means a garage designed for or restricted in use to motor vehicles used by the occupants of a particular building.

**49.118 GARAGE, PUBLIC** means any garage other than a private garage open to use by members of the public. SIC 7521.

**49.120 GRADE** means the lowest point of elevation of the ground or paved surface, excluding stairwells and airwells, at the point of contact with a building's foundation, a property line, or a street, depending upon the context.

**49.122 GRADE, FINISHED** means final grade upon completion of excavation, fill and paving.

**49.124 GRADE, NATURAL** means grade with the land in an undisturbed state.

**49.126 GUEST** means any person occupying a room or lodging room for living or sleeping purposes on a temporary and gratuitous basis.

**49.128 GUEST HOUSE** means an accessory building maintained for the purpose of providing temporary and gratuitous living accommodations, but dependent upon the main dwelling for cooking or bathroom facilities or both.

**49.130 HEARINGS ACTION** means those actions, other than administrative actions, taken by the Zoning Administrator, Hearings Officer or Board on land use actions where opportunity for a hearing is provided by this Ordinance, including legislative actions.

**49.132 HEARINGS OFFICER** means the person(s) so designated by the Board and the Marion County Planning Commission.

**49.134 HEIGHT OF BUILDING** means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be whichever of the following yields a greater height of building:

- (a) The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above grade.
- (b) An elevation 10 feet higher than the grade when the sidewalk or ground surface described in item (a) above is more than 10 feet above grade.

**49.136 HELIPORT** means an area used or intended to be used for landing or take-off of helicopters or other VTOL aircraft capable of hovering and may include any or all of the area or buildings which are appropriate to accomplish these functions.

**49.138 HOME OCCUPATION – LIMITED** means any business or professional activity engaged in the production of income by a resident of a dwelling or dwelling unit as a subordinate use of the building and its premises, and in conformance with the provisions of Section 26.20. Such term does not include the lease or rental of a dwelling unit or the rooming or boarding of persons on the same premises.

**49.139 HOME OCCUPATION – CONDITIONAL** means any business or professional activity engaged in the production of income by a resident of a dwelling or dwelling unit, that employs no more than one person (“person includes volunteer, non-resident employee, partner or other person), as a subordinate use of the building and its premises in conformance with Chapter 32.40. Such term does not include the lease or rental of a dwelling unit or the rooming or boarding of persons on the same premises.

**49.140 KENNEL** means keeping of 4 or more dogs, or cats, or pets over the age of 4 months for the purpose of sale, lease, breeding, training, racing or boarding.

**49.142 LAND USE ACTION** means an amendment to the applicable city comprehensive plan or this ordinance, or a decision on a zone change, variance, adjustment, or conditional use permit, including appeals from any of the foregoing.

**49.144 LANDSCAPED** means primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises, and screens.

**49.146 LEGISLATIVE ACTION** means a land use action involving amendments to the applicable comprehensive plan, the text of this Ordinance, or an amendment to the Zoning Map involving 5 or more lots in separate ownership.

**49.148 LOADING SPACE** means on off-street space or bay on the same lot or parcel with a building or development for the parking of a vehicle while loading or unloading passengers or cargo.

**49.150 LODGING ROOM** means any room or rooms used or intended to be occupied by one or two lodgers or guests primarily for sleeping purposes.

**49.152 LOT** means a unit of land created by a subdivision or partitioning as defined in ORS 92.010 in compliance with all applicable zoning, subdivision and partitioning ordinances; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning ordinances, exclusive of units of land created solely to establish a separate tax account.

**49.154 LOT AREA** means the area in square feet or acres (43,560 square feet equals one acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

**49.156 LOT AREA, NET** means the lot area minus any area within a street right-of-way, roadway easement, or driveway strip.

**49.158 LOT DEPTH** means the horizontal distance between the front and rear lot lines measured at a point halfway between the side lot lines.

**49.160 LOT, INTERIOR** means any lot other than a corner lot.

**49.162 LOT LINE** means one of the property lines forming the exterior boundaries of a lot, and includes a dwelling unit ownership line where the underlying real property is included in the unit.

**49.164 LOT LINE, FRONT** means:

- (a) In the case of an interior lot having only one street or roadway easement frontage, the lot line separating the lot from the street right-of-way or the nearest right-of-way line of a roadway easement.
- (b) In the case of any lot not covered by (a), the lot line which the architecturally designed front of the building faces or the lot line designated by the zoning administrator on an approved site plan.

**49.166 LOT LINE, REAR** means:

- (a) In the case of any lot having a rear lot line designated on a subdivision plat the lot line so designated.
- (b) In the case of any other lot, the lot line opposite, and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line for setback purposes, shall be a line connecting points 20 feet from the intersecting side lot lines.

**49.168 LOT LINE, SIDE** means any lot line which is not a front or rear lot line.

**49.170 LOT WIDTH** means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point halfway between the front and rear lot lines.

**49.171 MOBILE FOOD VENDOR** means:

- (a) Within the City of Woodburn's Urban Growth Boundary a mobile food vendor means: a vehicle, trailer, wagon or temporary structure, as defined by the State Building Code, used for the preparation and/or sale of food and/or beverages.
- (b) Within the Salem/Keizer Urban Growth Boundary a mobile food vendor means: any kiosk, shed, shelter, trailer, vehicle or wagon which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service. It does not include a street vendor's cart or a peddler's vehicle or conveyance.

**49.172 MOBILE HOME** means a structure constructed for movement on public highways that has sleeping, cooking, and plumbing facilities, is intended for use as a dwelling unit and is at least 8 feet wide and at least 35 feet long. This definition includes manufactured dwelling, manufactured home, mobile home, and residential trailer as those terms are defined in ORS 446.003 (17a) provided they meet the width and length requirements. The definition does not include recreational vehicles as defined in Section

49.216, or structures or vehicles which have a State of Oregon or U.S Government label designating them as a recreational vehicle. It also does not include buildings or structures subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450.

**49.174 MOBILE HOME PARK** means any lot where two or more occupied mobile homes not in conjunction with farm use, are located, exclusive of mobile homes allowed under this ordinance as temporary dwellings, and mobile homes without a functioning bathroom or kitchen.

**49.176 NOISE IMPACT AREA** means the area within 500 feet of the boundaries of Highways 99 and 22, Interstate 5, the Woodburn Dragstrip, and within the NEF 30 or Ldn 65 contour line based on the projected use at the end of the airport master planning period around public airports, and any area identified as a Noise Impact Area in the applicable city comprehensive plan.

**49.178 NON-CONFORMING STRUCTURE** means any primary, secondary or accessory structure, including a mobile home on a foundation, which met all applicable development standards imposed by applicable zoning ordinance provisions when it was established, and which has been maintained in compliance with such standards; but which does not comply with the standards for such structures in this zoning ordinance, solely because of the adoption or amendment of this ordinance.

**49.180 NON-CONFORMING USE** means a primary, secondary, accessory, permanent or temporary use, including a mobile home without a foundation, which met all applicable use standards imposed by applicable zoning ordinance provisions when it was established; and which has been maintained in compliance with such standards; but which does not comply with the standards for such structures in this zoning ordinance, solely because of the adoption or amendment of this ordinance.

**49.182 NOTIFICATION AREA** means an area bounded by a line 100 feet from and parallel to the subject lot. As used in this section "subject lot" includes not only the lot that is the subject of the proceeding for which notice is required, but also includes any contiguous lot in which any applicant or owner of the subject lot has either sole, joint, or common ownership, or an option to purchase, in whatever form. In the event that the application does not apply to the entire lot, the boundary of the notification area shall be measured from the lot line, not the boundary of the portion of the lot.

**49.184 NOTIFICATION LIST** means a written list of the names and addresses of all property owners within the notification area. The names and addresses shall be obtained from the most recent property tax assessment roll.

**49.186 NURSING CARE FACILITY** means facilities providing residential care (SIC 836) and Nursing and Personal Care Facilities (SIC 805). It includes foster care homes, group care facilities or residential treatment, training or care facilities established, contracted for or operated by any division of the Department of Human Resources except the Corrections Division. It includes Residential Home and Residential Facility without a limit on the number of individuals receiving or providing care.

**49.188 OFFICIAL ZONING MAP** means the map adopted in Section 1.04, together with all amendments and additions thereto and authorized replacements.

**49.190 ORIGINAL JURISDICTION** means the authority and responsibility for rendering the first decision in a land use proceeding.



**49.192 OWNER** means any person having a legal or equitable interest in a lot other than a leasehold or an interest less than a leasehold.

**49.194 PARCEL** see lot.

**49.196 PARKING** means the temporary storage of a vehicle where the owner or person entitled to its use intends that its storage be for a time and in a place where it may be conveniently recovered ready for continued use as a means of transportation.

**49.198 PARKING AREA** means a private garage, a public garage or portion thereof whose use is restricted to the parking of motor vehicles, or an area of land with or without a cover which is devoted to the parking of motor vehicles.

**49.200 PARKING SPACE** means a designated space in a parking area for the parking of one motor vehicle.

**49.202 PET** means a domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, dogs, cats, birds and other small mammals and reptiles, but not including fowl, herd animals, goats or horses.

**49.204 PERMIT (noun)** means any determination, conditional use, variance or adjustment granting permission to do an act or to engage in activity where such permission is required by this zoning ordinance.

**49.206 PERMITTED USE.** Those uses permitted in a zone that are allowed without obtaining a conditional use permit.

**49.208 PLANNED DEVELOPMENT** means a subdivision of land, incorporating common open space, approved pursuant to Chapter 26.800 of this ordinance with each dwelling or mobile home placed on its own lot.

**49.210 PRIMARY BUILDING, STRUCTURE OR USE** means a permanent or temporary building, structure, vehicle, or use which is not an accessory or secondary building, structure or use.

**49.212 PUBLIC UTILITIES** means water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and CATV (cable television) service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

**49.214 REAR LOT LINE.** See "Lot Line, Rear."

**49.216 RECREATIONAL VEHICLE** means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a gross floor space of less than 400 square feet. Recreational vehicle includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle.

**49.218 RECREATIONAL VEHICLE PARK** means a lot upon which 2 or more recreational vehicle spaces are located, established, or maintained. Where 2 or more recreational vehicle spaces are provided within a campground the portion of the campground with the recreational vehicle spaces shall be considered a recreational vehicle park.

**49.220 RECREATIONAL VEHICLE SPACE** means the portion of a lot where a recreational vehicle is parked and occupied or intended to be parked and occupied. A camping site within a campground that is equipped with electrical, water, or sewer hookups designed for use by recreational vehicles shall be considered a recreational vehicle space.

**49.222 RECYCLING DEPOT** means a lot or portion of a lot used for the collection, sorting, and temporary storage of non-putrescible waste and discarded materials which are reprocessed elsewhere into usable raw materials or taken elsewhere to be re-used or recycled. The term does not include drop stations.

**49.223 RELIGIOUS ORGANIZATION** means establishments operated by religious organizations for worship and religious training or study of its members and the administration of such establishments.

**49.224 REPAIR** means the restoration by replacing a part or putting together a worn, torn or broken part of an existing building or structure for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes.

**49.226 RESIDENTIAL FACILITY** means a dwelling where residential care alone or in conjunction with treatment or training or a combination thereof is provided by a family or non-resident staff for resident individuals who need not be related. The provider family or non-resident staff need not be related to each other or to any resident of the dwelling. It includes a facility meeting this definition licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825. It also means a child care facility with no limits on where employees reside.

**49.228 RESIDENTIAL HOME** means a dwelling where the resident family provides residential care alone or in conjunction with treatment or training or a combination thereof for resident individuals who need not be related. Any home employees must reside in the dwelling unit. The provider family need not be related to those receiving residential care. It includes a home meeting this definition licensed by or under the authority of the Department of Human Resources under 443.400 to 443.825. It also means a child care facility in a dwelling unit where any facility employees reside in the dwelling unit.

**49.230 ROADWAY** means a right-of-way across private property granted by the property owner to owners of one or more lots and allowing vehicles access from a street or roadway to those lots.

**49.232 ROOMING AND BOARDING HOUSE** means a dwelling or portion thereof where rooming or boarding for 3 or more persons is provided.

**49.234 ROOMING** means providing lodging, without meals, for pay or compensation of any kind to persons other than members of the family occupying the dwelling.

**49.236 SCRAP AND WASTE MATERIALS ESTABLISHMENT** means any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper; brass, rope, rags, batteries, paper, rubber, or debris; waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts (except wrecking yards as defined in Section 49.408), iron,

steel, or other old scrap metal or non-metal materials. Scrap and waste materials establishments does not include drop stations, solid waste transfer stations, or recycling depot.

**49.238 SECONDARY USE** means a use located on a lot with one or more primary uses that occupies less than 40% of the lot and it is, or can be, maintained independent of the primary use (see Section 25.20 for regulations).

**49.239 SEMI-PUBLIC** means any use that is partly but not completely public and is open to at least some persons outside the regular constituency of an entity or institution having some features of a public institution, such a non-profit organization, as a public service.

**49.240 SIDE LOT LINE.** See "Lot Line, Side."

**49.242 SOLID WASTE TRANSFER STATION** means a fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, or disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building, hopper, railroad gondola or barge. The term does not include a self-propelled compactor type solid waste collection vehicle into which scooters, pick-ups, small packers or other satellite collection vehicles dump collected solid waste for transport to a transfer, disposal, landfill or resource recovery site or facility.

**49.244 SPECIFIC CONDITIONAL USE** means any use which is permitted in a particular zoning district only after review and approval on the basis of specific criteria in Chapter 32.

**49.246 STANDARD INDUSTRIAL CLASSIFICATION MANUAL (SIC)** means the document so entitled, referenced by Section 35.22, published in 1987, and used in this Ordinance to identify land use classifications.

**49.248 STREET** means a public right-of-way more than 25 feet wide providing a primary means of access.

**49.250 STRUCTURAL ALTERATION** means any alteration, addition, or removal of any structural member of a building, other than a minor alteration. As used in this subsection:

- (a) "Minor alteration" means the alteration, replacement, or repair of a structural member so as not to alter structural integrity or the manner in which structural integrity was achieved before the alteration, replacement, or repair.
- (b) "Structural integrity" means the capacity of the building and its component parts, other than non-bearing walls, fixtures, electrical systems, plumbing systems, mechanical systems, openings, and ornamental appendages, to withstand the forces, stresses, and loads which are contemplated in the Uniform Building Code for the type of construction involved.
- (c) "Structural member" means any component part of a building which contributes to structural integrity.

**49.252 STRUCTURE** means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner; any of which is an addition to or fixture on real property. The term does not include paving, operable vehicles, or mobile homes not placed on a foundation.

**49.254 SUBJECT PROPERTY** means the lot that is the location of the proposed use or structure.

**49.258 TEMPORARY USE** means a primary, secondary, or accessory use that occurs on a lot for less than 6 months in any calendar year, or a lesser period as prescribed in Section 25.30 or elsewhere in this ordinance.

**49.260 TRANSMISSION FACILITY** means high voltage (57 KV or more) power lines and related support structures used to convey electricity from a power generator facility to electric substations along a line or corridor.

**49.262 TRANSMISSION TOWERS** means a single structure and related unoccupied buildings transmitting or relaying electronic signals to the surrounding area or along a communication corridor including radio, television and telephone transmitters and microwave relay stations.

**49.264 TWO-FAMILY DWELLING.** See Duplex.

**49.266 TURNAROUND AREA** means a paved area of a sufficient size and configuration that a motor vehicle having a turning radius of 30 feet or less may maneuver around to head in the opposite direction without having to move in reverse more than once.

**49.268 UNIFORM BUILDING CODE (UBC)** means the code of building design and construction standards adopted by Marion County.

**49.270 URBAN GROWTH BOUNDARY (UGB)** means the 20 years growth limit identified in a City Comprehensive Plan acknowledged under ORS 197.

**49.272 USE** (noun) means an activity or beneficial purpose for which a building, structure, or land is designed, developed, or occupied.

**49.274 UTILITY.** See "Public Utility."

**49.276 VEHICLE.** For the purposes of this Ordinance vehicle shall have the same meaning as the definition in the rules and regulations of the State Department of Motor Vehicles.

**49.278 WRECKING YARD** means a lot or portion thereof, used for the business of buying, selling or dealing in vehicles and parts thereof for the purpose of wrecking, dismantling, disassembling and offering for sale a used vehicle or components thereof, and is licensed under the laws of the State for that purpose. "Vehicles" include all means of transportation that are registered with the Department of Motor Vehicles.

**49.280 YARD** means a space other than a court on the same lot with a building open from the ground upward except as otherwise provided herein.

**49.282 YARD, FRONT** means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

**49.284 YARD, INTERIOR** means a front, side or rear yard that is not adjacent to a street or roadway.

**49.286 YARD, REAR** means a yard extending across the full width of the lot between the most rear primary building and the rear lot line, but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line.

**49.288 YARD, SIDE** means a yard, between a primary building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard or the rear lot line if no rear yard is required; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of a primary building.

**49.290 ZERO SIDE YARD DWELLING UNIT** means a dwelling unit located in a building constructed contiguous to an interior side lot line as provided in Section 26.08.