



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

FOR DLCD USE
File No.: 003-15 {23965}
Received: 12/16/2015

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

Jurisdiction: 12-16Marion County

Local file no.: LA15-002

Date of adoption: 12/09/2015 Date sent: 12/16/2015

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/18/15
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

No difference

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

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City: Salem

Zip: 97305

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

No

For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

MCC16.25.200(A)(11)

For a change to a zoning map:

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

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

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

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

List affected state or federal agencies, local governments and special districts: n/a

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

Ordinance #1360

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

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

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. 1360

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS
FOLLOWS:

SECTION I. Purpose

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

SECTION II. Authorization

The Marion County Board of Commissioners initiated legislative amendments to the Marion County Urban Code by Resolution 15R-42, dated August 26, 2015. The Marion County Board of Commissioners held a public hearing on September 23, 2015, for which proper notice and advertisement were given. All persons present during the public hearing were given the opportunity to speak or present written statements. The hearing was closed and the Board considered the Planning Division file, all arguments of the parties and is otherwise fully advised in the premises.

SECTION III. Evidence and Conclusion

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

SECTION IV. Amendments

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

SECTION V. Severability and Savings Clause

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

SECTION VI. Effective Date

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

SIGNED and FINALIZED this 9 day of December, 2015, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

Janet Carlson
Chair

[Signature]
Recording Secretary



JUDICIAL NOTICE

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

EXHIBIT A

ADDITIONS IN BOLD AND UNDERLINED

16.25.200 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 16.24, 16.25, 16.26, 16.27, and 16.28 MCC, 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 facility*:
 - a. Only one guest facility is allowed per contiguous property ownership; and
 - b. Total combined maximum floor area shall not exceed 600 square feet, including all levels and basement floor areas; and
 - c. No stove top, range, or conventional oven is allowed; and
 - d. All water, sewer, electricity and natural gas services for the guest facility shall be extended from the primary dwelling services; no separate meters for the guest facility shall be allowed; and
 - e. The guest facility shall be located within 100 feet of the primary use dwelling on the same property measured from the closest portion of each structure; and
 - f. The guest facility shall use the same septic system as the primary use dwelling, except when a separate system is required by the building inspection division due to site constraints, or failure of the existing system, or where the size or condition of the existing system precludes its use, additional drain lines may be added to an existing system, when appropriate; and
 - g. The guest facility shall not be occupied as a dwelling unit; and
 - h. The guest facility shall not have an address.
 10. Rooming* or boarding* of up to two persons in a dwelling;
 11. Pets*, provided a conditional use permit is required if there are more than 10 mammals over four months old. No birds or furbearing animals, other than pets, and no livestock, poultry, **other than hens as outlined in MCC Chapter 6.15**, or beekeeping are permitted in residential zones.
 12. One recreational vehicle space* (see MCC 16.26.410);
 13. Additional kitchens in a dwelling provided all kitchens in the dwelling are used by only one family and provided the kitchens are not located in separate dwelling units;
 14. Offering to sell five 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 five 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 zone provided they do not include more than four 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).