

## **RURAL DEVELOPMENT**

Rural development is the conversion of land outside of all urban growth boundaries to a more intensive non-resource oriented use such as residential structures. It also includes the division of land into parcels for the purpose of accommodating non-resource uses, such as subdivision development.

Existing rural development in Marion County is predominately scattered single-family residences and a few rural communities which include a mix of rural residential, commercial, industrial and public uses. The general development policies applicable to rural lands in Marion County are:

1. All land divisions should be reviewed by Marion County for their compatibility with County goals and policies.
2. "Strip-type" commercial or residential development along roads in rural areas shall be discouraged.
3. Rural industrial, commercial and public uses should be limited primarily to those activities that are best suited to a rural location and are compatible with existing rural developments and agricultural goals and policies.

The following is a discussion of each category of rural development.

### **RURAL RESIDENTIAL DEVELOPMENT**

The availability of adequate shelter is one of the basic needs for the citizens of Marion County. The location of this housing has traditionally been affected by economic conditions, public facilities availability and individual choices in life style. Since most of the employment opportunity and public facilities and services are located within cities, a majority of the population resides in these urban areas.

Marion County land use policy directs a majority of the development that will accommodate future population increases into urban areas. The cities throughout the County are responsible for providing the supportive services and developable area for needed housing. Each community's Comprehensive Plan should include a housing element that provides for adequate housing so that those wishing to live in that particular community are not forced to live in rural areas. With the majority of residential development directed to the 20 urban areas, rural lands in Marion County are not expected to bear the major burden of providing land for future housing.

The establishment of rural homesites occurs as both agricultural and non-agricultural related structures. Agricultural dwellings are those related to and necessary for the use of farmers and foresters and those assisting in agricultural production. Non-agricultural residences provide housing for persons not involved in rural business activities, such as farming. These dwellings are occupied by individuals not employed or directly involved in activities related to the land on which they are located.

At one time nearly all of the rural dwellings were related to agricultural or other rural activities. Increased mobility and flexibility in life styles increase the desire of many to live in rural areas. Rural living offers an alternative life style to urban small lot subdivision or townhouse conditions. A rural homesite can provide unique scenic and open space benefits and an alternative housing type and lifestyles that has important social and personal benefits. It, however, may result in the alteration of the rural character of an area and can also adversely impact farming and forestry practices if not properly controlled.

Rural living carries with it a responsibility not always understood or accepted by rural residents. Individuals must provide for many services usually supplied by cities or special districts, such as sewage disposal and water supply. Other necessary services, such as schools and fire protection, can be more costly because of the low density development that results in spreading the services over a larger area with fewer benefited properties to fund the services.

A review of past rural housing activities and future population increases indicates a significant demand for rural housing. Through subdivision and partitioning of rural lands, a significant amount of land is being converted to rural homesites. County records indicate that on the average approximately 1,300 acres each year have been approved by the County for subdivision or partitioning outside of urban growth boundaries. In addition, there are many pre-existing lots of record created prior to County land use control that are potential homesites. As a result of all of these divisions, it is estimated that an average of approximately 500 new residential dwellings are built on rural lands in Marion County each year. A portion of these are residences related to farming and forestry activities and non-resource related residences in agricultural areas by special permit. However, between 350 and 400 non-farm related dwellings are being developed in rural Marion County each year. The population projections listed in the Background and Inventory Report indicate an additional 33,142 persons will live in rural Marion County by the year 2000, which will require more than 5,500 new dwellings in rural Marion County.

With the finite land resources, the need to preserve and protect farm and forest land, and the conflicts between agricultural and non-agricultural activities, it is necessary to balance these competing issues by limiting rural residential development.

The housing goals of Marion County are:

- a. To facilitate the development of safe, affordable housing by providing for a variety of choices in type, location and density consistent with urban and rural land use plans.
- b. To minimize adverse social, economic, environmental and energy impacts resulting from housing development in rural areas.

The designation of rural residential areas is the result of a process of elimination. Separating out agricultural lands, forest lands, urban areas and lands that are undevelopable due to hazards leaves lands that are suited to rural residential development. The resulting areas are shown on the Comprehensive Land Use Plan Map as Rural Residential. These lands include parcels that are divided or built upon to the degree that they are no longer available for farming or timber

production, are irrevocably committed to no-agricultural uses or consist of predominately unproductive soils.

Within the areas designated for rural residential development there are Class I-IV agricultural soils and areas inventoried as forest lands. Because these lands are being designated for other than farming or forestry, the County was required to justify an exception to the LCDC Agricultural and Forestry Goals. Most of the exception areas are built upon and/or committed to non-resource uses. The detailed explanation and findings justifying goal exceptions is included in Appendix "A" and addenda.

The Rural Residential designation is applied to those lands that are intended to be developed primarily with acreage homesites. In addition, the following general categories of use may be permitted subject to County approval based on land use policy guidelines: residential subdivisions, private commercial and public recreation facilities, farm and forest use, mineral extraction and public facilities.

It is also the intent of the Plan to assure that the type of residential use locating in the Rural Residential area is of a type which cannot readily be supplied in an urbanized area. That is, the residential use should be for the purposes of providing housing in a low density residential environment. In this Plan, 2 acres per dwelling unit is considered as the maximum density. In areas that have development limitations, lower densities may be required to minimize the potential for adverse impacts of development on public health, the quality of the environment, fire protection and the capacity of the property to provide an on site water source and septic waste disposal system.

Typical urban style tract subdivisions, at whatever the lot size, clearly do not provide this type of housing environment. Emphasis must be placed on providing open space amenities, maintaining the rural character and ensuring compatibility with existing agricultural, forestry or other resource operations.

Because urban services, especially sewer and water, are very costly to provide to relatively low density rural developments, criteria will be applied to these areas to ensure that densities are low enough to avoid the need for these services. The majority of lands designated for acreage homesites have characteristics that will result in limitations to development. Some areas have steep slopes and poor soil characteristics that will require larger parcel sizes due to septic tank filter field limitations, the need for extra areas for roadway and building site contouring, the need to incorporate unbuildable areas and scarcity of water supply. In addition, individual choices of open space needs may result in larger parcels. Because of these factors, rural residential development will occur on a range of parcel sizes. Unnecessarily large rural homesites generally do not provide for reasonably efficient utilization of the land. Therefore, in areas zoned Acreage Residential as of October 4, 2000, (effective date of amendments to OAR 660-04-0040) without environmental limitations the optimum lot size will be from 2 acres to 3 acres. Any areas rezoned to an Acreage Residential zone after October 4, 2000, shall have a 10 acre minimum lot size unless an exception to Goal 14 (Urbanization) is granted.

The predominant zoning category applied to the land within the Rural Residential area will be the Acreage Residential (AR) category. The Acreage Residential category may be used with a numerical suffix (i.e., AR-3, AR-5, AR-10, etc) to indicate the minimum lot size needed to protect the character and environmental stability for an area and the public health and safety.

There are approximately 18,730 acres of land identified in Marion County for rural residential use. These areas presently contain approximately 3,250 dwellings. Assuming that the average overall density of these areas is 2.5 acres, 8,125 acres are already developed. This leaves about 10,605 acres as buildable residential lands in rural Marion County. Using the same density assumptions these buildable lands can accommodate 4,242 dwellings. When all rural residential lands are developed the population of these areas is projected to total more than 20,000 persons. Data is not sufficient to project how long this supply of rural residential land will last.

As rural residential homesites become more scarce the cost per homesite will rise and the pressure to open more land for rural residential development will increase. The escalating cost of rural residential homesites will eventually limit the purchase of rural lots to those in the upper income brackets and effectively force those prospective homeowners with low and middle incomes into urban areas.

To obtain maximum utilization of the lands currently designated for rural residential development innovative systems of development and design should be encouraged. These systems could consist of new siting techniques, such as clustering, to adapt development to the terrain or vegetation characteristics of the site and to take advantage of technological advances in waste disposal and water supply systems. Through encouraging the uses of new development concepts lands now considered limited in their rural residential development potential could possibly be developed much more efficiently. Such approaches can increase the capacity of the lands now designated for rural residential use while decreasing the impact of development on surrounding resource lands.

#### RURAL RESIDENTIAL POLICIES

1. Marion County will cooperate with the Marion County Housing Authority and other agencies to develop programs and funding sources to increase the level of support for maintenance and rehabilitation of exiting housing in rural areas.
2. Marion County will cooperate with governmental agencies and housing authorities within the region to promote unified housing policies and to ensure an equitable distribution of assisted housing units throughout the County.
3. Marion County will attempt to keep development requirements to a minimum so that the cost of rural residential housing can be kept as low as possible consistent with public safety and health requirements thereby helping to make rural housing a viable housing choice available to low and moderate income families.
4. Marion County will encourage rural residential housing that takes maximum advantage of renewable energy resources and use of innovative technology in order to make rural

housing as energy efficient and self-sustaining as possible to reduce the public cost of providing basic utility services to rural housing.

5. Marion County considers rural residential living a distinct type of residential experience. The rural life style involves a sacrifice of many of the conveniences associated with urban residences and the acceptance of lower levels of governmental services, narrow roads and the noises, smells and hazards associated with rural living and accepted farm and forest management practices. Marion County finds that it is financially difficult, not cost effective and inconsistent with maintaining a rural life style for government to reduce or eliminate the inconveniences caused by lower levels of public services or farming and forest management practices. When residences are allowed in or near farm or forest lands, the owners shall be required to agree to filing of a declaratory statement in the chain of title that explains the County's policy giving preference to farm and forest uses in designated resource lands.
6. Where designated rural residential lands are adjacent to lands protected for resource use a reasonable dwelling setback from the resource land shall be required, and any other means used, to minimize the potential for conflicts between accepted resource management practices and rural residents.
7. Lands available for rural residential use shall be those areas developed or committed to residential use or significant areas unsuitable for resource use located in reasonable proximity to a major employment center.
8. Since there is a limited amount of area designated Rural Residential efficient use of these areas shall be encouraged. The minimum lot size in Rural Residential areas existing on October 4, 2000, shall not be less than 2 acres allowing for a range of parcel sizes from 2 to 10 acres in size unless environmental limitations require a larger parcel. Areas rezoned to an Acreage Residential zone after October 4, 2000, shall have a 10 acre minimum lot size unless an exception to Goal 14 (Urbanization) is granted.
9. When approving rural subdivisions and partitionings each parcel shall be approved as a dwelling site only if it is determined that the site: 1) has the capacity to dispose of wastewater; 2) is free from natural hazards or the hazard can be adequately corrected; 3) there is no significant evidence of inability to obtain a suitable domestic water supply; and 4) there is adequate access to the parcel.
10. All residential uses in rural areas shall have water supply and distribution systems and sewage disposal systems which meet prescribed standards for health and sanitation.
11. Rural residential subdivisions shall be required to have paved streets.
12. Where a public or community service district exists, the extension of services within designated rural residential areas may be permitted. The district may be allowed to provide service extensions to lands outside the designated residential areas if necessary

for health and safety reasons but the district shall only annex lands designated for residential use.

13. Where the use of community water supply systems are cost effective and there is not a service district able to provide the service they may be allowed. The availability of community water services shall not be considered justification for increasing the density of development beyond 2 acres per dwelling.
14. In rural residential areas within one mile of an urban growth boundary, a redevelopment plan may be required as a condition of land division. The plan shall demonstrate that reasonable urban density development is possible should the urban growth boundary need to be expanded in the future.
15. Where parcels of 20 acres or larger are suitable for rural residential development and previous nearby development does not create a precedent for conventional subdivision development, the developer shall be encouraged to cluster the residences through the planned development process to retain any resource use potential, preserve significant blocks of open space and wildlife habitat and to provide buffers between the residences and nearby resource uses and public roadways.
16. The Acreage Residential (AR) zone will be the predominant zone applied to the lands designated Rural Residential. A numerical suffix may be used to indicate the minimum lot size allowed in the zone.
17. In rural areas mobile homes and manufactured dwellings will be allowed on the same basis as conventional site built single family housing.

#### RURAL DEVELOPMENT CENTERS

Several settlements in Marion County have never been incorporated as cities. Some of these enclaves can be considered a "community," the same as a small city in every sense except the form of government. Others have evolved more as commercial or industrial centers serving the rural population of the surrounding area or the traveling public. Still others are mostly residential, but with some commercial, industrial, or public use.

The Marion County Comprehensive Plan recognized rural development centers when it was first adopted. The plan has made a distinction between "rural communities" and "rural service centers" since acknowledgment. The former display a diversity and sizeable number of land uses, while the latter are smaller and are typically predominated by commercial activities.

The Land Conservation and Development Commission adopted administrative rules that provide definitions, processes, and standards for planning and zoning unincorporated communities (OAR 660, Division 22, hereafter "the unincorporated communities rule" or "the rule"). There are three types of unincorporated communities defined in the rule relevant to Marion County; these are urban unincorporated communities, rural communities, and rural service centers. Some of these

terms are the same as previously used in the Comprehensive Plan, but do not necessarily now have the same meaning.

The Comprehensive Plan previously identified several communities that do not satisfy any of the new definitions of an unincorporated community because they had too few commercial, industrial, and public uses (North Santiam, Pratum, Shaw, Talbot, Waconda, West Stayton), no residential use (Central Howell, North Howell, Drake's Crossing, Hopmere, Norton's Corner, Brooks Interchange, North Jefferson Interchange, Santiam Interchange, Talbot Interchange, Lone Pine), or it was not an exception area (St. Louis).

Each unincorporated community is designated as an "urban unincorporated community," "rural community," or "rural service center" on the plan map, but all the land within each community will also carry a plan designation for residential, commercial, industrial, or public use. The zoning of the land must conform to this plan designation.

The following sections describe the areas that are defined as unincorporated communities in the rule.

### RURAL COMMUNITIES

Rural communities are exception areas that are predominantly residential but also have at least two types of other uses (commercial, industrial, and/or public uses). The communities of Butteville, Labish Village, and Marion provide basic commodities and services to their surrounding areas and a sizable number of residences within the immediate community. These communities have fairly diverse types of activities, including residential, commercial and, in some cases, industrial development. They are at a stage where development has created, or could create, the need for water systems. In addition, the smaller communities of Monitor, Quinaby, and Macleay include a sufficient quantity and type of land uses to satisfy the definition of rural community in the unincorporated communities rule although they are not significant centers of commerce or industry. One other area, Mehama, conforms to the rural community definition in the rule although a sizeable portion of the commercial district is within the Lyons urban growth boundary and therefore is not "rural."

These communities should remain rural in character by limiting activities to those consistent with a low density rural community and the unincorporated communities rule. Multi-family development is considered inconsistent with this planned low density character.

Where a community service district is necessary to correct health hazards or where a district will be cost effective without encouraging development of resource lands or urban density development, provision of public sewer and water service may be appropriate. Marion County does not encourage individual private systems in these communities.

The following is a discussion of the rural communities and the County's intent for their future development.

Brooks - See the "Brooks-Hopmere Community Plan".

Butteville is one of the earliest settlements in Marion County and has historical significance. It is a small but established residential community with limited commercial and no industrial development. Due to its proximity to the Willamette River and Champoeg State Park additional riverfront homesite development and development of limited commercial activities is a possibility. Any development of this kind should be limited to the residential and commercial uses shown on the Plan Map and should be consistent with low density rural development standards. Community sewer and water systems should not be needed.

Labish Village is located adjacent to Highway 99E between Salem and Brooks. It is composed of two abutting subdivisions: Labish Village, a 130-lot development platted in 1948, and Helton Tracts, a 31-lot subdivision platted in 1956. The size of the lots in these subdivisions range from about 7,000 to 13,000 square feet. Land uses are predominantly residential, with some commercial use along the highway. The two subdivisions each have their own water systems, and sewage service was extended to the development in the mid-1970s for health reasons. There is infill potential on existing lots in this community since adequate services exist, but the entire area is already divided into small lots so no further division of land is forthcoming.

Macleay is centered on an 1884 town plat adjacent to what is now the Southern Pacific Railroad. There are commercial and public uses serving the community and the surrounding rural area. No water or sewer service is available. There is a large residential exception area adjacent to Macleay, but only the core enclave is considered part of the community.

Mehama is located along the North Santiam River and State Highway 22. There are residential, commercial and industrial activities located in this community that serve regional needs which include the logging industry, recreational activities and highway related services. Immediately south across the North Santiam River is the city of Lyons in Linn County. A portion of the Mehama area has been included in the Lyons Urban Growth Boundary, and this area is not considered part of the rural community. The Lyons-Mehama Water District is a private agency that provides water to the city and to the area within the urban growth boundary. The District also provides service to land outside the proposed boundary within the Mehama area.

The provision of water and other public services in this community should be accomplished on a coordinated basis considering the service needs of both the urban and rural development areas in Lyons and Mehama. Rural densities should be maintained outside the urban growth boundary by requiring residential parcels of more than one acre and by maintaining only the present rural level of commercial and industrial activity. Basic public services, such as schools, fire and police protection provided outside the urban growth boundary should continue at levels adequate to meet rural needs except that it may be appropriate for the District to provide water service within the designated rural development area.

Marion consists of approximately 75 dwellings, an elementary school and several commercial uses. Enough land has been zoned commercial to accommodate needed services. Development should be limited to infilling of residences within the designated area.

Monitor is a small community at a crossing of Butte Creek, adjacent to the boundary with Clackamas County. Monitor dates to 1914 and contains dwellings, commercial uses, a small

manufacturing facility, a fire station, and a school. The businesses and public uses in Monitor serve the community and the surrounding rural population. There is no public water or sewer service, and the soils in the area have limitations for on-site sewage disposal. Therefore, the community should be encouraged to infill only at an appropriate level until or unless these services are provided.

Quinaby is at the intersection of Quinaby and River Roads near Keizer. It contains a commercial use serving the surrounding area near this busy intersection and a small manufacturing facility. There is no water or sewer service available, so uses need to be kept a rural level.

Shaw is located between Salem and Stayton around the intersections of Silver Falls Highway and the Southern Pacific Railroad line and Howell Prairie Road. The community contains 18 dwellings, a machine shop, a general store building, warehouse and a church. The businesses serve the community, surrounding rural population, and also cater to the traveling public using the highway. Soil conditions are suitable for on-site sewage disposal at rural residential development density. The community and surrounding areas rely on groundwater for domestic use and are located within identified Sensitive Groundwater Overlay zone boundaries.

### RURAL SERVICE CENTERS

Rural service centers are exception areas predominantly in commercial or industrial use, but also containing dwellings. Two smaller commercial centers have a mix of uses that qualify them as rural service centers under the rural communities rule. These are at Interstate 5 interchanges: Fargo Interchange and Turner Interchange. These centers should remain substantially as they are, small in size and rural in character, with no demands for urban services. The unincorporated communities rule does not provide for expansion of the boundaries of a rural service center. They should continue to provide the basic conveniences and service needs of the neighboring area with minimal adverse impact on surrounding farming or forestry activities. The development of additional residential homesites at these centers is discouraged.

The Fargo Interchange (at Ehlen Road) is developed with tourist/travel and trucking related concerns. There are two permanent dwellings within the exception area. An extension of the city of Donald's sewerage to the Fargo Interchange has been approved along with the establishment of the Fargo Interchange Sewer Service District, but there is no community water supply available.

The Turner Interchange (at Delaney Road) also has freeway-related businesses and a small residential area to the west of the interchange zoned Acreage Residential. There is no water or sewer service available to this area. Therefore, density in the residential area should not be increased as a consequence of the community designation.

### RURAL DEVELOPMENT POLICIES

1. Where there is a demonstrated need for additional commercial uses in rural Marion County they should be located in designated unincorporated communities.

2. The boundaries of identified unincorporated communities shall not be expanded to accommodate additional development.
3. Service districts within unincorporated communities may be created and expanded to serve the entire designated rural community; however, services shall not be extended outside of the community unless necessary to correct a health hazard.
4. Public facilities in rural communities and rural service centers should be designed to service low density rural development and not encourage urbanization.
5. Additional residential development should be discouraged within Interchange District zones at rural service centers. Only rural service businesses and related uses should be located at these centers.
6. Zoning ordinance provisions shall ensure that new uses permitted in unincorporated communities will not adversely affect agricultural and forestry uses.
7. Multi-family zoning shall not be permitted in Rural Communities or Rural Service Centers.
8. The Fargo Road, Brooks, Sunnyside-Delaney, North Jefferson, Ankeny and Talbot interchanges along I-5 and the Santiam interchange on Highway 22 are appropriate locations for highway related services. Other types of commercial or industrial uses shall not be permitted at these locations.
9. Expansion of Interchange District zoning at any particular interchange shall only be considered when:
  - (a) Adequate services to support freeway related uses are available.
  - (b) All designated lands at the interchange are committed to development, or vacant designated lands are unsuitable for the proposed use; or
  - (c) The zoning is needed to allow expansion of an existing use allowed in the Interchange District zone, and it is not economically practical to expand the use on non-contiguous lands designated for interchange development at the same interchange.

## RURAL INDUSTRIAL

The majority of industrially designated land in Marion County is located within urban communities. This approach has been followed due to the need most industries have for urban services, nearness to the labor force, developed transportation systems, etc.. Due to its urban location, level of available services, and limited quantity, urban industrial land becomes very valuable - demanding a relatively high price per unit area. The predominant zoning category that

will apply to these urban area industrial lands is the IP (INDUSTRIAL PARK), IL (LIGHT INDUSTRIAL), and IH (HEAVY INDUSTRIAL) zones.

There are several rural areas in Marion County where industrial development has occurred. This development ranges from farm and forest related operations such as farm products processing and lumber mills to non-resource related businesses such as mobile home manufacturing. Marion County is recognizing most of the existing industrial operations by designating them for industrial use. It is the intent of Marion County to allow existing viable industrial activities to continue to operate in rural Marion County.

New rural industrial development may also be justifiable. Industrial uses operated in conjunction with farm use or forest use are recognized as a legitimate need. The various resource zones provide for consideration of these uses under the conditional use procedures and criteria. These uses may include, but are not limited to, storage and processing of farm crops grown in the vicinity, custom harvesting services, farm equipment repair and fabrication. It is the intent of Marion County to allow such uses in resource areas when the use meets the criteria for non-farm or forest uses in the applicable resource zone. Where a suitable location is available in a rural community on designated industrial lands, or on developed or committed non-resource lands, these locations should be given preference, all other factors being equal.

There are also industrial uses not directly tied to a resource base that may be appropriate in rural areas. Certain heavy commercial or light industrial uses have very few employees, involve limited on-site operations, generate little additional traffic, require buildings similar to those common in rural areas, present few potential conflicts with nearby resource uses, do not require public sewer or water services and often provide services needed by rural residents.

There are rural locations where such uses may be adequately accommodated without creating conflicts with resource uses. Depending on the character and siting requirements of the particular industry a location in a designated rural community, within a rural residential area or on an isolated site with little resource value could be appropriate.

In most areas of the County the need for rural industrial sites is limited and can be considered on a case by case basis. A rural industrial zone is included in the Zoning Ordinance with detailed criteria to ensure that new industrial development in rural areas is fully justified.

Over the years, many industries that do not require urban services have sought rural locations near Salem. Marion County has recognized this need by allowing incremental additions to the industrial zoning in the Brooks area north of Salem. Industrial zoning has also been applied to lands on State Street extending easterly from the Salem Urban Growth Boundary.

It is the County's intent that the State Street area provide the needed inventory for Rural Industrial sites near the Salem Urban area. Other locations near Salem should be allowed only if it can be shown that sites are not available at the Brooks or State Street Rural Industrial areas.

## RURAL INDUSTRIAL POLICIES

1. Industrial uses in conjunction with farm, or forest uses shall be evaluated to determine if they need to be located on resource lands or whether an equally suitable location is available in an urban area or on non-resource lands in a rural area.
2. Rural industries should be compatible with existing development and farm or forest uses in the vicinity, should not involve a large number of employees, should not require heavy truck traffic through residential areas or on unimproved roads, and should not have the potential to exceed the environmental capacity of the site or require urban services.
3. A non-resource related industrial use should not be permitted on resource lands unless an evaluation of the relevant County and State Goals and the feasibility of locating the proposed use in an urban growth boundary or rural non-resource lands show that the proposed site on resource lands is the most suitable.

## PUBLIC AND SEMI-PUBLIC FACILITIES

Certain facilities and services are required to support the various levels of development in Marion County. The type and intensity of development determine the level of need for these facilities.

The Public Facilities and Services Goal of Marion County is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The availability of public facilities and services is a very significant determinant of the land use pattern. The existing pattern is primarily due to the location and level of public services available. The County and State highway system, for example, has had a dominant effect on the establishment and extent of development. With the ease of auto travel, individuals no longer need to live near their work or goods and services.

Public facilities are usually built to satisfy an existing or anticipated need for the services. When provided, these facilities can also have the affect of encouraging or making possible additional more intensive development within their service area. They also usually increase value and add benefits to each property served.

Within urban areas, the provision of public services is a necessary requirement of urban density development. In rural areas, the establishment of public facilities can, however, have a detrimental affect of encouraging urban sprawl which destroys the rural character by over-development. Basic facilities include sewage disposal, water, police protection, fire protection, schools, roads and utilities. The level of provision of these facilities varies from minimal provision of the basic services in rural areas to the more elaborate and complete provision of public facilities and services in incorporated cities.

Public services are provided either by an incorporated city government, by special purpose private districts, or by County service districts. The revenue to support these facilities is usually gained by levying user fees and property taxes. Providing these public facilities is expensive. Therefore, the cost effectiveness of providing these facilities is dependent upon the number of persons benefiting. As densities increase, the cost to each property owner is reduced. Therefore, the provision of public services is much more cost effective in the more intensely developed urban areas than in lower density rural areas.

### URBAN SERVICES

The 20 cities in Marion County provide differing levels of public facilities. Most of the smaller cities provide only minimal service. As the size of the city increases, the services provided become more varied.

The growth and development of urban areas is dependent upon their ability to provide the basic urban services. Urban growth boundaries have been established on the premise that an efficient means of supplying needed services can be achieved and can be financed. The provision of urban services should be designed to maximize the efficiency of developing urbanizable lands according to each city's land use plan.

As urban growth policies recognize, urban services should not extend beyond the urban growth boundary of each city. This not only limits the development potential in rural areas, it also maintains the integrity of the urban growth program.

### RURAL SERVICES AND FACILITIES

Services and related facilities for rural land uses provided directly by Marion County include police protection, public roadway construction and maintenance, parks and recreation facilities and animal control. The County has direct responsibility for planning, implementation and financing of these services.

Special service districts provide fire protection, educational facilities, domestic water supply, soil and water conservation, irrigation and drainage. Marion County contains 190 special service districts. Through legislation passed in 1978, it is the task of the special districts to bring their programs into conformance with State Goals and local government comprehensive plans. Seventy-four of these districts have programs which directly affect land use. Marion County has entered into agreements with those districts with the most direct involvement in land use issues in an effort to coordinate the district's program with the State Goals and the Marion County Comprehensive Plan. Coordination consists primarily of referring proposed land use changes to the district for review and comment.

Schools: Marion County has 11 school districts serving 17,163 students as of 2002. The State Department of Education sets operational standards.

Fire Districts: Marion County has 19 rural fire protection districts. These districts must comply with standards established by the State Fire Marshall. All of rural Marion County is served by a

fire district except for some land in the South Salem Hills and an area in the eastern part of the county. In this unserved area limited fire protection is provided by state and federal agencies.

Water Districts: There currently is one domestic water district in rural Marion County - the Lyons-Mehama Water District. This district extends from the city of Lyons in Linn County to Marion County in the Mehama area. Specific policies affecting this district are included in the rural development policies section of the Plan.

Water control districts deal with drainage and irrigation in the rural areas in Marion County. Currently there are four such districts; Beaver Creek, Lake Labish, Santiam and South Santiam.

Sewage Service Districts: The Labish Village Sewer District is a rural sewage district and serves only Labish Village. This subdivision, just north of the Salem Urban Growth Boundary, was originally developed using septic tanks; however, due to repeated septic tank failures and the imminent health hazard, the Labish Service District was created and a trunk line was extended from the Salem urban area to provide sewer service. The Fargo Sewer District serves the development at the Aurora-Donald interchange on Interstate-5. The district was formed to replace two failing lagoon systems. The district uses a trunk line that connects to the City of Donald's sewage treatment plant. The Brooks Community Sewer District was also created to correct repeated septic tank failures and to serve the Urban Unincorporated Rural Community of Brooks.

Other rural services and facilities are provided by the private sector or public utility companies. Those services provided by the public utilities include telephone, electricity and natural gas. Coordination of private utility service needs is achieved by the County during the development review process.

Private facilities include private recreational, educational and cultural facilities, churches and private roads, water and sewer systems and garbage collection.

Private Sewage Treatment Facilities: There are three systems in operation in rural Marion County. Basically there are two types of systems: Mechanical which is the most widely used type; and non-mechanical or lagoon systems. These can be designed and used separately or combined to allow the most efficient use of both. All of these are currently experiencing problems ranging from poorly trained operators to inadequately designed systems. Some problems should be eliminated by establishment of local policies dealing with the use of these systems. This would allow the County to evaluate the feasibility of the systems. Some problems could be eliminated by establishment of local policies dealing with the use of these systems. This would allow the county to evaluate the feasibility of the system prior to approval of the proposed development.

Private Water Systems: Private water systems are defined by the State as a water source serving more than three residential units which is not a municipal or public water supply. There are currently 80 of these systems operating in Marion County. The State Health Division in cooperation with the Environmental Protection Agency control and review these systems. Each month samples of the water source for each system are submitted to the EPA for review of water

quality. If any source is found to be below standard EPA notifies the State Health Division for follow-up. Maintenance and submission of the samples are solely the responsibilities of the users of the system.

## RURAL SERVICE ISSUES

Rural Development impacts on public agencies:

Rural residential development at the maximum 2 acres per unit overall rural density places a greater demand on police and fire protection agencies than farm and forest land where residential density is much lower. School districts that include significant areas designated for rural residences might have to expand facilities to accommodate the greater populations. In the discussion of rural residential development it is noted that those wishing to live in rural areas must be prepared for lower levels of services than found in urban areas. However, the County, fire and school districts must still provide minimal services and this can be costly because low density areas do not generate adequate tax revenue compacted to the high cost of providing services for scattered low density development.

In agricultural and timber areas, development is scattered and is predominately farm or forest related. Due to the larger land ownerships and self sufficient character of farm and forest management rural service needs in these areas are limited but costly to provide. Police and fire protection and transportation to schools are the basic public services required.

In agricultural areas animal control is also important. Every year sheep are lost due to dogs running free in farming areas. Marion County Dog Control provides protection and enforcement in these areas in an attempt to minimize the problem. Farming areas which are in close proximity to rural residential development have a higher incidence of this problem.

Community Sewer Systems: Rural developments must have sufficient land with suitable soil characteristics to provide a viable subsurface disposal system. In areas where soil type or terrain restrict the use of standard subsurface septic systems, private community water or sewage treatment facilities may be provided if enough property will benefit to make construction economically feasible. Experience with privately maintained systems has been mixed as noted above. When difficulties arise the County is not in a position to assume responsibility.

Non-mechanical sewer systems have the fewest problems. The design is very basic so less can go wrong. A well designed lagoon system has no odor problems and is not visible from surrounding properties. However, poor construction can cause leakage which is the case with some of the systems currently in operation. A study conducted by DEQ in 1980, of mechanical systems in the Willamette Valley (six counties) isolated several concerns common to this type of system. The foremost problem is poorly trained personnel and insufficient operating and maintenance funds. Mechanical malfunctions of the plants was a relatively minor problem. When mechanical malfunctions occurred it was frequently on systems which were overtaxed.

In order for private community systems to be an effective and safe means for treating waste water in rural developments, maintenance personnel need to be trained and certified. The

County must also be directly involved in approval of initial assessments for maintenance and operation of private sewage treatment facilities. Too often these are set low to be attractive to new purchasers but are not reasonable in the event of needed repairs or even routine maintenance. Also, by controlling densities as outlined in the Comprehensive Plan and reviewing system designs prior to final approval of proposed development overtaking of the system could be eliminated. Other controls such as specific bonding requirements, sludge disposal and more restrictive monitoring would also aid in minimizing difficulties.

Road Standards for Rural Development: Where additional rural development is allowed existing roadways must be brought up to standards established by the Public Works Department. In new rural residential subdivisions full street improvements will be necessary on public roads providing access to more than four homesites. All costs for road and drainage improvements will be the responsibility of the developer and/or residents of the new development. Where Marion County will become responsible for road maintenance strict construction standards will be applied to insure maintenance will be as economical as possible. Due to financial constraints, the County may encourage private maintenance agreements for public roads if the road is not an integral part of the regional transportation system and it is not in the public interest for the County to assume maintenance responsibility. (see Transportation section for Road Access Policies).

Proper Location of Public and Semi-Public Uses in Rural Areas: Public and semi-public buildings and uses, although necessary to provide services of benefit to the public, can be incompatible with management of resource lands in rural residential areas. In farm areas, parks, public power generation facilities, solid waste disposal sites, churches, schools, golf courses, and similar public and private facilities should be reviewed by the conditional use process. Specific criteria should be applied to ensure that the proposed location is suitable for the intended use and the use will be compatible with nearby farms. In other review areas either the conditional use process or a special public zone can be used to provide the needed review of each case on its merit.

Fire Hazards in Resource Areas: Development of rural residences and recreational, commercial and industrial activities in woodland areas poses an unusual fire hazard. Timber production takes considerable time and expense and the expected resource return can be destroyed by fire. Fire districts may not be able to respond to structural fires in remote areas in time to prevent the fire from spreading to resource lands. Forest fire fighting equipment is not adapted to fighting structural fires. To protect structures and the timber resources the fire hazard reduction program recommended by the State Department of Forestry should be a requirement of approval for land use activities that pose a fire hazard.

## RURAL SERVICES POLICIES

Rural service facilities are those services and facilities necessary to provide basic support systems for rural development. Rural development includes farm and forest related development, acreage residential development and rural commercial and industrial uses.

This section outlines overall policy for service districts as well as specific policy statements for each type of rural service.

## General Policies

1. The impact on existing services and the potential need for additional facilities should be evaluated when rural development is proposed.
2. It is the intent of Marion County to maintain the rural character of the areas outside of urban growth boundaries by only allowing those uses that do not increase the potential for urban services.
3. Only those facilities and services that are necessary to accommodate planned rural land uses should be provided unless it can be shown that the proposed service will not encourage development inconsistent with maintaining the rural density and character of the area.
4. The sizing of public or private service facilities shall be based on maintaining the rural character of the area. Systems that cannot be cost effective without exceeding the rural densities specified in this Plan shall not be approved. The County shall coordinate with private utilities to ensure that rural development can be serviced efficiently.
5. Marion County shall participate in a regional solid waste program and shall develop a program providing adequate solid waste disposal service for rural areas.

## Special District Policies

1. Marion County shall coordinate with the special service districts in the County in planning for growth and development which will occur within the districts. A joint review process established through coordination agreements will be used to facilitate this coordinated planning.
2. Marion County shall encourage close cooperation between cities, public and private schools and the County in the matter of school site selection, acquisition, planning and joint use.
3. The County shall be guided by the policies of the coordinated plan of local school districts in approving development proposals within each district. The county shall also provide notice of land use action to districts that have not yet developed coordinated plans. Comments received from these districts shall be considered in the review of development proposals.
4. Marion County shall require evidence that the level of fire protection provided by a fire district is adequate to service proposed land developments. If service is not adequate the development shall be denied or be conditioned so that necessary facilities are provided.
5. In those areas not served by a fire district, Marion County shall require evidence of fire protection by private means prior to approval of future rural subdivision, commercial or industrial development. Implementation of the fire protection program recorded in

Chapter 3 of Fire Safety Consideration for Development in Forested Areas, 1978, shall be a requirement of use approval for residences located near timber land whether or not they are located in a fire district.

6. The creation or expansion of any sewer district as well as the extension of sewer services to lands outside an existing service district's boundaries, unincorporated communities' boundaries, urban growth boundaries or city limits shall be discouraged unless the area to be served has demonstrated persistent health hazard problems confirmed by the County Health Department and the State Department of Environmental Quality and needs for which no other practical and reasonable alternative is available. Cost may be a factor in determining whether an alternative is practical and reasonable, however, cost shall not be the only factor or even the primary factor. Any extension shall require the approval of the Marion County Board of Commissioners and an exception to Goal 11 (Public Facilities and Services).
7. The creation or expansion of any water district as well as the extension of water services to lands outside an existing service district's boundaries, unincorporated communities' boundaries, urban growth boundaries or city limits shall be discouraged unless the area to be served has demonstrated persistent health hazard problems confirmed by the County Health Department and the State Department of Environmental Quality and needs for which no other practical and reasonable alternative is available. Cost may be a factor in determining whether an alternative is practical and reasonable, however, cost shall not be the only factor or even the primary factor. Any extension shall require the approval of the Marion County Board of Commissioners.
8. Consistent with Policy #7 above, it is strongly encouraged that the State Water Resources Department examine the need to abandon those wells on properties connecting to the extended water service with the goal of stabilizing aquifers and preventing further decline in groundwater levels.

#### Private Facility Policies

1. Marion County shall identify and protect watershed areas and reservoir sites that provide domestic water supplies.
2. Where evidence is presented during development review that significant difficulty may exist with use of individual wells for water supply, the developer shall be required to demonstrate that adequate water supply is available.
3. In areas outside urban growth boundaries in Marion County where rural residential development is appropriate, the use of private sewage treatment plans and community water systems will be allowed if the developer provides the following evidence:
  - (a) The amount and type of development of all proposed development phases is large enough to make the proposed system cost effective.

- (b) Maximum development densities as outlined in the Marion County Comprehensive Plan are not exceeded.
- (c) Assessments and bonding requirements imposed for the facilities are approved by Marion County to ensure adequate funds are available for maintenance and operation of the facility.
- (d) All affected property owners are proportionately represented on the body that is responsible for operating and maintaining the system.
- (e) All plant operators are adequately trained and certified through County recognized programs.
- (f) Design, placement, construction and maintenance plans for each facility are to be approved by the Department of Environmental Quality for sewage treatment plants. Community water systems shall be approved by the State Health Department.

## DEVELOPMENT LIMITATIONS

In considering the suitability of rural land for development, physical characteristics that are hazardous or limiting must be analyzed. In addition, control measures must be applied to these identified areas to minimize loss of life and property and to avoid exposure and burdensome corrective measures.

The conditions of most concern are floodplains, areas affected by land slides, and septic tank operation or building site limitations. These characteristics are discussed in more detail in the Background and Inventory Report accompanying the Plan.

The Development Limitations Goal of Marion County is to protect life and property from natural disasters and hazards. Marion County is developing a Hazard Mitigation Plan to respond to natural hazards in the County, specifically flood and landslide hazards. This plan will be an element of a statewide hazard mitigation plan. Many of the policies of the hazard mitigation plan have been incorporated into the Development Limitations Element of the Marion County Comprehensive Plan. Coordination between these two plans enhances the County's ability to reduce the risk to county citizens from natural hazards. The following is a summary of each limiting factor and the applicable County policies.

### Floodplain

A floodplain is an area adjacent to a body of water that is subject to periodic inundation. In Marion County there are numerous streams that, during the winter months, carry additional water that exceeds the channel's ability to contain it within the established banks. Flooding occurs at various frequencies and heights.

The Marion County floodplain control program is based upon limiting development in areas subject to the identified 100 year frequency of 1 percent chance of flooding in any one year. This is in coordination with the National Flood Insurance Program that provides flood insurance for structures constructed in floodplains. For residents to obtain the insurance the County must identify the floodplain and control development within it. The National Flood Insurance Program, through the Federal Emergency Management Agency (FEMA), has established minimum standards that a community must meet to qualify for the insurance program. Marion County has qualified for the program since 1979. FEMA encourages communities to adopt standards that exceed this minimum to improve the protection afforded the citizens of the community. To support communities that go beyond the minimum standards, the insurance program, through its Community Rating System, will reduce the cost of flood insurance in that community. As a result, in order to reduce the risk from flooding to its citizens and to qualify for a reduced insurance rate, Marion County has adopted standards that exceed the minimum FEMA requirements. Marion County, based on survey data and airphotos collected during the 1996 flood, has identified areas that flooded or would flood that had not been identified by previous FEMA studies. It is in the public interest to map these areas and apply development standards to any development that is proposed in these newly identified floodplains to reduce the risk to public health and safety. Also as a result of the February 1996 floods, the Marion County Flood Hazard Mitigation Plan was developed. The plan promotes the minimization of future flood damage by discouraging development in hazardous areas, and by encouraging maintenance of existing floodways and storm water systems. It directs that Marion County use the best available floodplain data when making planning decisions. It directs that Marion County maintain and develop its storm water system to minimize flooding. It also directs public information efforts regarding safe development.

The intent of the flood control program is to minimize the loss of life and property by either preventing development, elevating structures above flood height or flood proofing structures in floodplains. Where significant water depth and velocity occur, especially in the floodway areas, development should be prohibited. Within the less hazardous areas of flood fringe, limited development may take place when precautions of elevating structures or flood proofing can safely be employed.

The majority of the floodplain areas should remain open and undeveloped as farmland, parks, or open space. To minimize the hazard to living spaces and to minimize flood insurance premiums, floor levels should be elevated above flood height.

The area subject to flooding is shown generalized on the Development Limitations Map in the Background and Inventory Report and in detail on Flood Insurance Rate Maps and Zoning Maps on file in the Marion County Planning Division. Those floodplain areas where specific development standards and regulations apply are identified on the Flood Insurance Rate Maps and the Zoning Maps.

The placement of structures in the floodplain is controlled through the Floodplain Overlay Zone.

## Landslide Areas

Areas of landslide activity or unstable slopes are usually unsuitable for development because of hazards to human life and property from earth movement. The areas within the County identified by the State Engineering Geologist as active or inactive landslide areas are shown on the Development Limitations Map. A major active landslide area is located on the west-facing slope of the Salem Hills. The slides in this area have developed on steep slopes of soils originating from the marine sedimentary bedrock units. Landslides also occur in the canyon of Abiqua Creek about five miles east of Silverton and along the slopes of the Little North Fork of the Santiam River. In these areas, the slides are developed in deeply weathered tuffs of the Mehama Volcanics. Landslides may also occur in the clay soils overlying the Columbia River Basalt in the Salem Hills area and in the Waldo Hills-Silverton Hills area, if slopes are artificially oversteepened. Steep slopes associated with landslide activity areas are themselves a deterrent to high density development. But, such areas of steep and unstable slopes may be attractive to low density residential development because they have a view or because they possess other site amenities. In any case, development in any identified active or inactive landslide area should be reviewed on an individual site basis. Special engineering geology studies will be required to determine if proposed development can be safely accommodated.

## Building Site Limitations

When considering the limiting factors to development, land slope and soil characteristics become important but less hazardous than flooding or landslides. These limiting characteristics are more fully explained in the Background and Inventory Report.

The identification and classification of these limiting factors is based on the Soil Conservation Service soils mapping survey and rating system. Each soil association is rated for a particular use by degree of limitation. The categories range from slight to moderate to severe limitation for the use.

These limitations are related more to generalized planning considerations in determining appropriateness or type of development that may be allowed in an area without adverse affects. Soil associations are shown on the General Soils Map included in the Background and Inventory Report.

## Septic Tank Filter Field Limitations

In rural areas, development is based upon the use of septic tanks with an underground filter field system of sewage disposal. The efficiency of their operation is based upon the soil's ability to accept the effluent. Each soil association has different absorption capabilities resulting in differing septic tank application.

Malfunctioning filter fields often result in health hazards due to effluent rising to the surface. Where sanitary sewer systems are not available, as in rural areas, additional areas must be provided for a replacement field. The State Department of Environmental Quality sets standards

and controls on the placement of septic tanks and their filter fields through the County Environmental Health Department.

The Soil Conservation Service rates soils by their acceptability for filter field operation. Ratings of slight, moderate or severe limitations for septic tank filter field operation are listed in the Background and Inventory Report as taken from the Soil Conservation Service Soils survey.

It is the intent of Marion County to allow the use of septic tanks or a suitable alternative sewage disposal system for individual residences on rural lands when their use does not result in environmental degradation.

#### Development Limitations Policies

1. Permanent structures shall not be constructed in the floodway of the floodplain. Structures constructed in the floodplain fringe shall have their lowest floor elevation at least 2 feet above the 100 year flood level or 2 feet above natural grade where the base flood level has not been established.
2. Marion County should strengthen watershed management to reduce affects of flooding by pursuing a regional approach for developing mitigation solutions to flooding problems that overlap individual jurisdictions.
3. Marion County should encourage and support local communities in their efforts to protect their water supplies from flood water contamination and turbidity from watershed runoff.
4. The County shall mitigate flood damage through planning and regulations by:
  - A. Developing and maintaining links between land use, hazard mitigation and emergency operations planning throughout the County.
  - B. Continuously seeking methods to improve management of the floodplain and landslide-prone areas of the unincorporated portion of the County.
  - C. Considering the use of appropriate incentives, including taxes, to encourage mitigation measures by property owners.
5. Marion County should educate citizens about the flood hazard, risks involved and mitigation measures available. The County shall ensure that information about the flood hazard in Marion County is readily available to the general public.
6. Construction, involving the placement of structures on or in the land surface and other such disturbances or excavations of the land surface in active or inactive landslide areas (as identified in the Background and Inventory Report) shall require specific site study by a qualified engineering geologist prior to development.

7. Rural residential uses which are outside of those areas planned for urban expansion and sewer service and which are dependent upon subsurface sewage disposal systems should have systems with the potential for functioning properly for a period of at least 40 years.