



# Potential Conditions of Approval for Marion County Land Use Decisions

Planning Division  
5155 Silverton Rd. NE  
Salem OR 97305  
Ph. (503) 588-5038; fax (503) 589-3284  
<http://www.co.marion.or.us/PW/Planning>

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## **What are “Potential Conditions of Approval”?**

Marion County land use applications are reviewed to determine whether or not a proposed development or use complies with the Zone Code and other applicable regulations. Applications are also reviewed to determine potential negative impacts on surrounding properties and the general area.

If the application is approved, conditions are included to reduce impact of the development or use on surrounding properties, to obtain permits from other agencies, and compliance with other government agency regulations. Common conditions imposed include limiting hours of operation of a business, limiting the size of a development, requiring landscaping or fencing to screen an activity, street improvements, obtaining building permits, etc.

Some conditions must be implemented or completed by a certain date, or prior to obtaining other permits, or prior to taking other required action. Some conditions are ongoing, such as a restriction in hours of operation for a business. Usually, if conditions are not fulfilled or observed, the approval can be revoked.

The following is a list of typical conditions often included for certain approved land use applications. It is important to note that this is not an all-inclusive or comprehensive list of all conditions that are required for each type of approved land use application. This information is provided only for informational purposes. As each land use application varies greatly, depending on the nature and scope of the request, it is not possible to provide a list of every condition. For more information, please contact Planning staff.

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## **Potential Conditions for all Approved Land Use Decisions**

- Obtain all permits required by the Marion County Building Inspection Division.
- The development or resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.
- Prior to approval, applicant shall provide verification to the Planning Division from the Public Works Land Development Engineering and Permits Division (LDEP) that each of the following conditions has been satisfied:
- Applicant should contact their local Fire District to obtain a copy of the District’s Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.

- Resource zones only: prior to issuance of any building permit, applicant shall sign and submit a Declaratory/Farm-Forest Statement to the Planning Division. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
- All or a portion of this property has been identified as wetland on the statewide wetland's inventory. If the site is a jurisdictional wetland, this proposal may require a permit from the Division of State Lands and/or the Army Corps of Engineers. You must obtain any necessary state or federal permits before beginning your project. Marion County is not liable for any delays in the processing of a state or federal permit. (Only if property contains mapped wetland).

**Additional Potential Conditions for Approved Primary Farm Dwelling Applications**

- Prior to final occupancy of the dwelling the applicant must provide evidence, to the satisfaction of the Planning Director, that the dwelling is or will be occupied by the owner or an employee of the farm.

**Additional Potential Conditions for Approved Secondary Farm Dwelling Applications**

- The secondary farm dwelling shall be a manufactured home.
- Applicant shall obtain all permits required by the Marion County Building Inspection Division.
- Prior to issuance of any permits, applicant shall sign a Mobile Home Removal Agreement for the secondary farm dwelling and record the Statement with the Marion County Clerk after it has been reviewed and signed by the Planning Director.

**Additional Potential Conditions for Approved Non-Farm Dwelling Applications**

- Prior to issuance of a building permit, the current property owner shall submit a written request to disqualify the property from special assessment at farm use to the Special Assessment Section of the Marion County Assessor's Office. The Marion County Assessor will disqualify the property and notify the owner of the disqualification. If any additional tax is imposed building permits will not be issued until this tax has been paid.

**Additional Potential Conditions for Approved Replacement Dwelling Applications**

- If replaced, the existing dwelling must be removed, demolished, or converted to an allowable non-residential use within three months of occupancy of the replacement dwelling.
- Within three months of occupancy of the replacement dwelling, the existing mobile home must be removed. In lieu of removal, the applicant may:
  - (a) File a Declaratory Statement restricting use of the replaced dwelling for residential purposes; and
  - (b) Submit a site plan showing location of all structures on the property and identifying which structure is the replaced dwelling.
- Applicant shall sign and submit a Replacement Residence Requirements Declaratory Statement acknowledging that the new residence is a replacement dwelling and agreeing that the existing structure, if not removed, will not be used for residential purposes.

**Additional Potential Conditions for Approved Temporary Hardship Dwelling Applications**

- Applicant shall submit a Mobile Home Removal/RV Removal or Disconnect Agreement to the Planning Division that specifies placement of the mobile home or RV is temporary and that it will be removed, or the RV disconnected and no longer used for residential purposes, after the hardship ceases.
- The proposed mobile home shall use the existing septic system if it is feasible.

- Applicant is advised that this permit is granted for a period of one year and must be renewed for successive one year periods upon submittal of a Physician's Certificate verifying that the hardship conditions continue to exist. In addition, every five years the Marion County Building Inspection Division requires a septic evaluation.

**Additional Potential Conditions for Approved Home Occupation Applications**

- The home occupation shall be conducted by the resident or residents of a dwelling on the subject property as a secondary use and may employ no more than two persons ("person" includes volunteer, non-resident employee, partner or any other person).
- 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 shall not violate Department of Environmental Quality or Marion County Noise Ordinance standards.
- Any sign shall meet the standards Chapter 17.191MCC.
- The home occupation shall be conducted entirely within the dwelling or accessory building.
- In a non-resource zone: total floor area of buildings on the subject property devoted to a home occupation shall not exceed 500 square feet in a residential zone, except in the AR zone where 1500 square feet is the maximum.
- In resource zone: the home occupation shall be operated substantially in the dwelling or accessory structure.
- No structural alterations shall be made that would be inconsistent with future use of the buildings exclusively for residential purposes.
- No alteration to or use of the premises shall be made that would reduce the number of required on-site parking spaces.
- There shall be no outside storage or display of materials, equipment, or merchandise used in, or produced in connection with, the conditional home occupation.
- Deliveries to or from the dwelling shall not involve a vehicle rated at more than 1 ton. There shall be no more than one commercial vehicle located on the property in conjunction with the home occupation.
- The property, dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.
- 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.

**Additional Potential Conditions for Approved Land Division and Property Line Adjustment Applications**

- Prior to issuance of any building permit(s), applicant shall submit a final partitioning plat to the County Surveyor's Office. Following plat approval, the plat shall be recorded with the Marion County Clerk.
- Property Line Adjustments only: applicant shall have the resulting parcels surveyed per ORS 92.060(7). The survey shall be filed with the County Surveyor and shall contain the notation that the survey is the result of Property Line Adjustment Case XX-XXX.
- Property Line Adjustments only: prior to filing the survey or issuance of any building permit(s), property line adjustment deeds meeting requirements identified in ORS 92.190(4) shall be recorded with the County Clerk. The deeds shall include a perimeter description of both adjusted parcels.
- Property Line Adjustments only: prior to recording the deeds, the applicants shall provide evidence to the Planning Division that all taxes due have been paid to the Marion County Tax Department.

- Prior to submitting the final partitioning plat, applicant shall obtain an approved septic site evaluation from the County Building Inspection Division on all undeveloped parcels. Applicant is strongly encouraged to contact the County Building Inspection Division regarding septic sites before having the property surveyed. Septic site requirements may affect the proposed property line or lot locations.
- Applicant is advised that a Partition Plant Service Report, from a title company, will be required upon submission of the final Mylar to the County Surveyor.
- The Marion County Planning Division, in coordination with the 9-1-1 Emergency System has named the proposed private access easement XXXXXXXX. The name must be shown on the final partitioning plat and a work order for the street sign installation, with appropriate fee, submitted to Department of Public Works prior to the plat being recorded.
- Prior to issuance of building permits and/or submitting the final plat, applicant shall provide verification to the Planning Division from Public Works Land Development Engineering and Permits Division that the following condition has been satisfied: (right-of-way dedication, storm drainage plan, frontage improvements etc.).
- Prior to issuance of building permits, applicant shall submit either evidence that the access easement has been improved to the standards in MCC 17.172. The access easement is also to provide for utilities.
- Prior to issuance of building permits, applicant shall provide a static water level measurement for any new or existing wells intended as the water supply for the lot on the enclosed form (SGO zone only).
- Prior to issuance of building permits, the applicant shall sign and submit a Sensitive Groundwater Overlay Zone Declaratory Statement to the Planning Division for each resulting parcel. This statement shall be recorded by the applicant with the Marion County Clerk's Office after it has been reviewed and signed by the Planning Director (SGO zone only).
- The resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.
- After the final plat has been recorded no alteration of property lines shall be permitted without first obtaining approval from the Planning Director.

**Additional Potential Conditions for Approved Floodplain Applications**

- Prior to issuance of building permits for a dwelling, a registered civil engineer or architect shall certify the proposal meets the requirements of Section 17.178.050(D), and 17.178.060(A)(1) and (5) or (6), (D)(1), (E) and (F) of the MCC.
- Prior to construction of the project, applicant shall sign and submit to the Planning Division a Declaratory Statement acknowledging that the property and the approved development are located within a floodplain. The applicants shall record this statement with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
- Elevation Certificates for the structure shall be supplied at the following times during the permitting process.
  - (a) To Building Inspection prior to construction (based on construction drawings), and
  - (b) To the Planning Division once the floor elevation can be determined (based on the building under construction), and
  - (c) To the Planning Division prior to occupancy (based on finished construction).
- Materials buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited unless stored within a structure or on land elevated above the base flood level. 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.

**Additional Potential Conditions for Approved Greenway Applications**

- The preservation of the natural vegetative fringe along the river is integral to the approval of this use. Prior to the issuance of any building permit, applicant shall submit a site plan demonstrating compliance with the standards in MCC 17.179.050 (G), (N), (P) and (Q). Any future removal of vegetation between the development and the river must be review and approved prior to its removal as a site plan amendment approved by the Marion County Planning Director.