

# **Marion County**

## **RURAL UNINCORPORATED COMMUNITIES**

### **FINDINGS & ANALYSIS**

**PLANNING COMMISSION RECOMMENDATION**  
**June 1, 1999**

**BOARD OF COMMISSIONERS REVIEW AND DECISION**  
**December 13, 2000**

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## **MARION COUNTY**

### **RURAL UNINCORPORATED COMMUNITIES**

#### **FINDINGS AND ANALYSIS**

The Land Conservation and Development Commission in the fall of 1994 adopted administrative rule amendments establishing planning and zoning requirements for unincorporated communities (OAR 660, Division 22, hereafter "the unincorporated communities rule" or "the rule"). The work program for Marion County's periodic review includes tasks to implement this rule. This report explains the planning commission's findings and analysis to plan for unincorporated communities in conformity with the rule. Attachments to this report include:

- A. Community reports and maps
- B. Revised Comprehensive Plan text amendments
- C. Community Commercial (CC) zone (Chapter 143 of the Rural Zoning Ordinance)
- D. Interchange District (ID) zone (Chapter 150 of the Rural Zoning Ordinance)
- E. Community Industrial (IUC) zone (Chapter 164 of the Rural Zoning Ordinance)
  - Public (P) zone (Chapter 171 of the Rural Zoning Ordinance)
- G. Findings regarding compliance with OAR 660-22-030

#### **A. Unincorporated Community Definitions (OAR 660-22-010)**

The categories of unincorporated communities are defined in the rule. Those addressed here include "Rural Community," and "Rural Service Center." One community, Brooks, qualifies as an "Urban Unincorporated Community" and is addressed in a separate periodic review task. In order for Marion County to apply the designations, the land must have an acknowledged exception to Goal 3, Goal 4, or both, and be designated in the county comprehensive plan as a rural community, service center, rural center, or similar category.

There are four rural communities and 16 rural service centers identified as "Rural Development Centers" in the county comprehensive plan. The plan also identifies interchanges as a subset of Rural Development Centers; there are six interchanges on the plan map. The commission reviewed each of these development areas to determine whether they qualify for designation under the unincorporated communities rule. The results of this review follow.

**1. Rural Communities.** Rural Communities must have certain attributes to comply with the rule. They must consist primarily of residential uses, but have at least two other types of land uses that provide commercial, industrial, or public uses (OAR 660-22-010(7)). The communities that satisfy the rule definition of rural community are listed below.

*Butteville* - 85 dwellings, an art studio, and a church.

*Labisch Village* - 141 dwellings, four commercial uses, and a church.

*Macleay* - Seven dwellings, a grocery store/restaurant, an antique store, a grange hall, a fire station, and a church.

*Marion* - 102 dwellings, a grocery store, post office, fire station, and satellite-dish shop.

*Mehama* - 102 dwellings, wood-products mill, furniture manufacturer, a meat market, an auto-parts store, and a fire station.

*Monitor* - 12 dwellings, a grocery store, tavern, telephone company office, spa manufacturer, fire station, and school;

*Quinaby* - 12 dwellings plus a mobile home park, a tavern and a metal products fabricating facility;

*Shaw* - 18 dwellings, a machine shop, a store building, a warehouse, and a church.

**2. Rural Service Centers.** To qualify as a Rural Service Center under the rule, an area must consist primarily of commercial or industrial uses providing goods and services the surrounding rural area or to persons traveling through the area, but also include permanent residential dwellings (OAR 660-22-010(8)). The uses included under the rural service center definition had to exist prior to the adoption of the rule. Marion County contains two Rural Service Centers, as follows:

*Fargo Interchange* - Truck stop, service station, body shop, truck repair, insurance sales office, trucking consultant, auto/truck electrical service, building contractor, trucking company, grocery/gas station, RV park, pallet manufacturer, vehicle storage lot, and two dwellings.

Discussion during the review process focused in part on whether two permanent residential dwellings exist within the community plan area. The Rule defines as one of the characteristics of a community (OAR 660-22-010 (10)(e)) that the uses included in the community existed prior to the adoption of the Rule on October 28, 1994. The review identified two residential dwellings, one of which was a mobile home/manufactured dwelling in connection with a commercial property, when the planning process was initiated. The mobile home/manufactured dwelling has since been removed from the property. Since the home/dwelling was located on a commercial property, discussion concerned whether the use of the structure was for a permanent dwelling or for commercial purposes. Based on the information presented and lack of documentation to the contrary, the Board finds that the identification of two dwellings for the Fargo Interchange community in accordance with the Rule provisions (the uses existed prior to October 28, 1994) is made and the planning area meets the definition for a rural service center.

*Turner Interchange* - Store/service station, towing/truck rental service, service station, vehicle storage yard, ODOT park-and-ride, and six dwellings.

**3. Non-qualifying Communities.** The following areas, all designated as Rural Development Centers in the comprehensive plan, do not satisfy any of the definitions for unincorporated community status under the new rule for the reason stated.

*Not an exception area* - St. Louis;

*Fewer than two types of non-residential use* - North Santiam, Pratum, Talbot, Waconda, West Stayton;

*No residential use* - Central Howell, Drake's Crossing, Lone Pine, North Howell, Norton's Corner, North Jefferson Interchange, Santiam Interchange, and Talbot Interchange.

Hopmere and Brooks Interchange do not qualify as an Unincorporated Communities because they contain no permanent residential dwellings within the exception areas. These communities are under consideration, in a separate process, for inclusion within a single community boundary with Brooks, an Urban Unincorporated Community.

#### B. Community Designation (OAR 660-22-020)

The rule states only areas that satisfy the definitions explained in the previous section may be designated as an unincorporated community. Marion County proposes no areas that do not conform to rule requirements. The county must determine a boundary for each community in order to designate it in the comprehensive plan. The maps in Attachment A show the adopted community boundaries.

A community may include only:

1. Land in an acknowledged exception area and historically considered part of the community; and
2. Land in a farm or forest zone contiguous to the community that contains public uses considered part of the community.

Each community includes only areas within acknowledged exception areas, with the exception of a school in Monitor and church property in Shaw. During public hearings, the county asked property owners their opinion regarding the land "historically considered part of the community" for Macleay, Quinaby, and Shaw because these were not clear from earlier exceptions work. These communities are in exception areas that include large areas of rural residential land that are clearly not part of the community. The current comprehensive plan did not define community boundaries.

In other communities, the boundaries are defined through existing zoning because they are surrounded by farm or forest designations. For all communities, the Board finds that only lands historically considered part of the community are included within the adopted boundary.

Some discussion regarding whether a parcel generally referred to as the "Flying J property" (the westernmost parcel in the Fargo Interchange community north of Ehlen Road) is historically considered part of the community because most of the property was added to the Interchange District subsequent to acknowledgment. The county originally included the property in the exception area, however, and it was removed only when its inclusion got challenged. The Board finds that the county's original ID zoning of the property is evidence that the parcel is historically considered part of the community.

#### C. Planning and Zoning of Rural Unincorporated Communities (OAR 660-22-030)

The rule requires the county to designate all land within a Rural Community with a plan and zone category such as residential, commercial, or public (*i.e.*, designating land simply "rural community" on the plan or zoning map is not sufficient). Marion County has designated all land in each Rural Community with individual plan and zone classifications. Rural Service Centers can contain a mix of commercial and industrial uses within one plan and zoning designation.

Findings regarding compliance of Marion County's zoning provisions with the requirements of the rule are presented in Attachment G.

#### D. OAR 660-22-040 through -070

Several sections of the rule do not require findings for the communities considered here. These address: Urban Unincorporated Communities (subsection 040, not considered in this report), public facilities plans (subsection 050, not required for communities smaller than 2,500), and applicability of the rule (subsection 070).

OAR 660-22-060 addresses public involvement, and states:

*(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.*

The planning commission conducted a series of hearings on each unincorporated community, as required by the Marion County Comprehensive Plan. The Board of Commissioners also held public hearings and work sessions on the unincorporated communities for which the public was provided the opportunity to attend and participate in the planning process.

*(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:*

- (a) How residents of the community and surrounding area will be informed about the proposal;*
- (b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;*
- (c) Which citizen advisory committees will be notified of the proposal.*

*(3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.*

The existing notification process will continue to work. In quasi-judicial proceedings, ORS 197.763 and its local implementation control. In legislative proceedings, Measure 56 notice requirements will be followed. Existing Area Advisory Committee notice will be continued.

*(4) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement.*

This section does not apply to the rural unincorporated communities being considered.

*(5) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0040(2).*

This section does not apply.

**MARION COUNTY**  
**RURAL UNINCORPORATED COMMUNITIES**

**FINDINGS REGARDING COMPLIANCE WITH OAR 660-22-030**

Oregon Administrative Rules Section 660-22-030 includes limitations and requirements for planning and zoning for unincorporated communities. Findings regarding Marion County's compliance with these regulations are provided in this attachment. Findings specific to an individual community are found in the body of the main report.

**Subsection (1)** states: *For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community....*

Eight of the ten communities addressed in this report are rural communities, and residential, commercial, industrial, and public plan designations are employed. The zoning for all land agrees with the plan designation. Some public uses are accommodated within the residential, commercial, and industrial plan and zoning designations. The existing Public (P) zone is amended to conform with the Rule provisions (Attachment F).

The other two communities are Rural Service Centers, so this subsection does not apply. The plan designation on these is Rural Service Center, which is implemented in conformity with provisions of the Rule by the ID (Interchange District) zone (Attachment D).

**Subsection (2)** states: *County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.*

The eight rural communities include land planned and zoned for residential use. Subsections (6), (7), and (8) apply to residential uses. Subsections (6) and (7) are addressed in subsequent sections of this report. Findings regarding Subsection (8) as it applies to residential use follow.

The residential zoning in the communities is AR (Acreage Residential), which has a 1.5-acre minimum lot size (Note: With the adoption and implementation of the Statewide Planning Goal 14 amendments in October 2000, the minimum parcel size is 2 acres), except Labish Village and Monitor where the zoning is RS (Single-family Residential), with a 6,000 square-foot minimum. Both of these communities are already platted into small (5,000 -10,000 square foot) lots.

In the AR zone, the primary issue regarding environmental impact and the carrying capacity of the soil is sewage disposal. Only Labish Village has community service available, so on-site systems are required in all other communities. The existing 1.5-acre minimum (Note: With the adoption and implementation of the Statewide Planning Goal 14 amendments in October 2000, the minimum parcel size is 2 acres) is adequate area for siting of an on-site sewage disposal system considering DEQ requirements for well-drainfield setbacks and drainfield replacement areas. The conditions of a particular parcel may result in the need for additional acreage, but that decision can only be made after the sanitarian has inspected the site. Generally, the soil

conditions at Butteville, Macleay, Marion, Mehama, Quinaby, and Shaw are suitable for on-site sewage disposal with a 1.5-acre density (Note: With the adoption and implementation of the Statewide Planning Goal 14 amendments in October 2000, it is now a 2 acre density), but again, a parcel-by-parcel determination can only be made after an inspection by the sanitarian.

Regarding water supply, only Labish Village is served by a community system. This community is nearly built-out, so the source of the community system (Salem) will not be significantly affected by any additional development.

Marion, Macleay, and Shaw rely on groundwater for domestic use and are within Sensitive Groundwater Overlay zone boundaries designated by the county. Applicants for partitions and subdivisions within these communities are required to demonstrate adequate long-term supply of water for the additional residences. A water supply study completed for the county found that there should be adequate groundwater to supply dwellings on existing lots in these communities. Butteville, Monitor, Mehama, and Quinaby also rely on groundwater for domestic supply; these communities are not in areas of known groundwater supply problems, and the level of potential development is not enough to suggest it will deplete the supply significantly.

**Subsection (3)** states: *County plans and land use regulations may authorize only the following new industrial uses in unincorporated communities:*

- (a) *Uses authorized under Goals 3 and 4;*
- (b) *Expansion of a use existing on the date of this rule;*
- (c) *Small-scale, low impact uses;*
- (d) *Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);*
- (e) *New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;*
- (f) *New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:
  - (A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
  - (B) That such uses would not rely upon a work force served by uses within urban growth boundaries; and
  - (C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.*

Industrial uses permitted outright in the IUC zone comply with paragraphs (a) through (c) or (e) and conditional uses with (c). None of the Rural Communities with this zone have water or sewer service available for industry, so individual sites must satisfy those needs. These determinations can be made accurately only on a case-by-case basis. Generally, the communities are not in areas with known concerns regarding the adequacy of water supply or suitability for on-site sewage disposal except as noted in the community descriptions below.

Regarding the ID zone, the only industrial uses permitted outright are existing uses. Conditional uses are limited to those satisfying paragraph (c) above (small-scale, low-impact).

Rural communities with industrial plan-designated land are Mehama, Monitor, Quinaby, and Shaw. All these are implemented with an IUC "Unincorporated Community Industrial" zone. One Rural Service Center, Fargo Interchange, currently has industrial uses. The ID (Interchange District) zone regulates uses at both Rural Service Centers. The industrial uses permitted in these communities were selected to be consistent with existing uses, the rule, and the desires of property owners in the community. A copy of the Unincorporated Community Industrial zone is included as Attachment E and the Interchange District is in Attachment D. An explanation of the uses allowed follows.

In communities other than Mehama, permitted industrial uses are limited to existing uses. Other uses of industrial land are to be allowed as a conditional use. The Board finds that industrial uses are properly limited because the rural communities are all small and industrial uses are potentially incompatible. The conditional use process requires a notice to community members, so potential compatibility problems can be identified and addressed through conditions of approval. The location of industrial-zoned land in Mehama in an area in need of employment opportunities makes it suitable for a wider range of industrial activities (explained below).

*All communities with IUC zoning.* The IUC zone permits existing uses and expansion of those uses if they existed on November 15, 1994, the date of the rule. Wireless communication facilities are permitted if attached to an existing structure. Utility facilities necessary for public service are allowed as a "use authorized under Goal 3." A single-family dwelling for a caretaker and fire stations are also permitted.

Unspecified industrial uses that satisfy the rule definition of small-scale, low-impact will be allowed as a conditional use, as will new wireless communication facilities (which are permitted by Goals 3 and 4).

**Monitor.** There is currently a fiberglass-spa manufacturer in Monitor. The proposed CC zone does not list any permitted uses specific to Monitor, so the manufacturing facility will be permitted as an existing use under the general provision described in the previous section. Any new industrial uses will require a conditional use permit.

**Quinaby.** The only existing industrial use in Quinaby is a sheet-metal flue manufacturer. The only permitted use listed specifically for Quinaby is "sheet metal work (SIC 3444)." Other industrial uses will require a conditional use permit.

**Shaw.** The IUC zone lists one permitted use specifically for Shaw: "public warehousing and storage (SIC 422)." This use recognizes an existing structure within a railroad right-of-way in Shaw. The existing building is larger than the small-scale, low-impact threshold of 10,000 square feet, but it existed before November 1994, so expansion would be permitted.

Shaw is within a state-designated Groundwater Limited Area; therefore, non-exempt industrial uses (those using more than 5,000 gallons per day) are prohibited. The community is also within

a county-designated Sensitive Groundwater Overlay zone; new exempt industrial uses permitted outright or conditionally will be required to comply with the overlay zone provisions of zoning ordinance, which require demonstration of an adequate long-term supply of water.

**Mehama.** Existing industrial uses in Mehama include manufacture of wood products and furniture. Additional land is being zoned IUC adjacent to the existing use to allow for expansion and/or related uses to the existing business. A host of other industrial uses are permitted in Mehama under OAR 660-22-030(3)(e) (uses that do not exceed public services capacity), and under OAR 660-22-030 (3)(c) (uses that are limited to the small-scale, low-impact threshold of 10,000 square feet of floor area), with existing uses exceeding the limit permitted to expand. The industrial uses listed provide flexibility toward being able to provide for needed employment opportunities in this area of the county, and are consistent with the rule.

Mehama has no sewer service, so any proposed use will be required to demonstrate the ability to dispose of wastewater on-site. This determination will be made on a case-by-case basis. Three soils cover the areas zoned IUC: Camas, Cloquato, and Sifton, with Camas the most prevalent. The Marion County soil survey indicates limitations for on-site sewage disposal systems in the Camas and Cloquato due to potential flooding. The area is not, however, within a FEMA flood-hazard area.

Although there is a water district at Mehama it serves only domestic accounts, so no water service for industrial users is available. Both IUC-zoned properties have existing water rights, so future industrial uses would be limited by existing and potential new rights. Approval of water rights is outside the county's jurisdiction, so these decisions will also need to be made on a case-by-case basis. Mehama is not in a designated a groundwater management area (Groundwater Limited Area or Critical Groundwater Area) by the Oregon Water Resources Commission, and groundwater supply problems are not known to exist in the area. Surface water in the area is fully appropriated; stored water could be acquired via a new permit or through purchase from a federal project on the North Santiam (Detroit Reservoir).

**Fargo and Turner Interchanges.** Permitted uses consist of those described in the *All Communities with IUC Zoning* section above. There are a pallet manufacturer and a vehicle storage yard in the ID zone at Fargo. These are both permitted under the use provision recognizing all existing uses. The ID zone also lists industrial uses for rural service centers such as trucking which are subject to review, with existing uses permitted and allowed to expand. The Fargo Interchange contains a truck stop with related repair services. There is property at the Fargo Interchange (the Flying J property) which is subject to a Limited Use Overlay Zone applied as part of a land use decision which places restrictions on the use/development of the property that must be complied with. There are currently no industrial uses at the Turner Interchange.

Regarding conditional industrial uses at the interchanges, small-scale, low-impact uses may be permitted. Caretaker dwellings are listed as conditional use, rather than a permitted use as in the IUC zone, due to the ID zone's proximity to the freeway. Dwellings are not currently permitted in the ID zone.

Turner Interchange is within a Groundwater Limited Area and Sensitive Groundwater Overlay zone. See the explanation of the effects of these designations under the Shaw community, above.

Fargo Interchange is served by a sewer district but only existing and small-scale, low-impact industrial uses not exceeding 10,000 square feet of floor space are permitted so sewerage capacity will not limit permitted uses.

**Subsection (4)** states: *County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:*

- (a) *Uses authorized under Goals 3 and 4;*
- (b) *Small-scale, low impact uses;*
- (c) *Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.*

All rural communities and rural service centers have land planned and zoned for commercial use. Fargo and Turner Interchanges are implemented by the ID "Interchange District" zone, while commercial areas in the other communities are designated CC "Community Commercial." The commercial uses permitted in unincorporated communities were selected to be consistent with existing uses, the rule, and the desires of the property owners in the community. A copy of the Community Commercial zone is included as Attachment C.

An explanation of the uses allowed follows. Issues particular to an individual community are addressed in this section. General findings regarding compliance of Marion County's zoning provisions with the requirements of the rule are presented in Attachment G.

*All communities with CC zoning.* Existing uses are expressly permitted on all CC-zoned property. There are a host of small-scale, low-impact commercial uses permitted in all communities.

Two commercial uses are permitted without a 4,000 square-foot limitation: agricultural equipment repair, and agricultural services (the latter includes soil and crop services, veterinary and other animal services, farm labor contractors and management, and landscape/horticultural services). Grocery stores serve the needs of the community and the surrounding rural area, and are therefore permitted under section (c) of the list above and the use is limited to a maximum of 4,000 square feet of floor space in a rural community and rural service center. The other two uses are permitted by Goal 3, and are therefore in compliance with section (a).

Other permitted uses in the CC zone include a caretaker dwelling, fire stations, attached wireless communication facilities, and utility facilities and buildings including cooperatives necessary for public service, and expansion of an existing commercial use. An expansion is permitted if it results in a structure with 4,000 square feet or less of floor space, or the use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

**Labish Village.** The only additional permitted commercial use in Labish Village is used motor vehicle sales with a maximum of 4,000 square feet of floor space (SIC 5932). This use is listed to recognize an existing operation.

**Marion.** No additional commercial uses are listed for Marion. A parcel has been zoned CC along Stayton Road at the request of the property owner and added to the available commercial land supply. All commercial uses will be limited to a maximum 4,000 square feet of floor space.

**Mehama.** There are two parcels in Mehama zoned CC. One currently has a meat market and the other an auto parts/hardware store. Additional parcels under a single ownership have been rezoned to CC to allow for a private, home-based nursery/greenhouse operation to become a commercial business. The zone permits a number of other commercial uses that will serve the needs of the community and the surrounding rural area. The commercial uses are limited to the low-impact, small-scale definition of a maximum of 4,000 square feet of floor space. Additional commercial land and uses to serve the community and surrounding area are available and provided by the proximity of Mehama to the City of Lyons.

**Quinaby.** Two parcels in Quinaby are zoned CC, one contains a tavern and the other a mobile home park. Two additional parcels have been rezoned to CC to allow for commercial uses in conjunction with an existing flue manufacturing business within an IUC zone, and to allow for the use of an existing private residential storage/warehouse building to be leased and utilized for commercial uses as permitted within the CC zone. Commercial uses are limited to a maximum of 4,000 square feet of floor space to meet the definition of low-impact, small-scale activities.

**Fargo and Turner Interchanges.** The ID zone lists several uses intended to serve travelers: service stations (SIC 5541), towing service, eating places (SIC 5812), RV parks (SIC 7033), automobile parking (SIC 7521), vending machines and automatic merchandising, general automotive repair (SIC 7538), and existing uses. Conditional uses include small-scale, low-impact commercial uses within unincorporated communities not exceeding 4,000 square feet of floor space, and home occupations.

Home occupations are permitted in both zones. Restrictions in other sections ensure these uses will comply with paragraph (b).

**Subsection (5)** states: *County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:*

(a) *Any number of new motel and hotel units may be allowed in resort communities;*

(b) *New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UBG;*

*(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.*

This subsection effectively prohibits hotels and motels in any unincorporated community in Marion County. Neither the CC nor the ID zone permit these uses in unincorporated communities.

**Subsection (6)** states: *County plans and land use regulations shall ensure that new uses authorized within unincorporated communities do no adversely affect agricultural or forestry uses.*

Most of the communities are surrounded by lands utilized for commercial agriculture. Mehama is at the interface of farm and forest land.

Commercial and industrial uses are limited by the nature of the use (existing uses) or size of improvements (small-scale, low-impact), so these uses will not adversely affect resource activities. Most new industrial use will be subject to conditional use approval, and a conditional use approval criterion reflecting subsection (6) is included in the CC, IUC, and ID zones. Furthermore, in all cases the communities are established, and the commercial and industrial locations have also been in existence for some time. In most cases, the commercial and industrial sites are buffered from resource lands by rural residential zoning or a major transportation facility. The combination of historical coexistence and limitations on new uses will result in compliance with subsection (6) for commercial and industrial zones and uses.

Regarding residential uses, the Rural Communities need to be addressed individually. The Rural Service Centers (interchanges) do not permit new residential use except for caretakers.

Most of Butteville is buffered from farmland by topographic separation, with the community along the Willamette River and the farmland on the terrace above. Part of the residential zoning in Butteville is on the terrace, but it is separated from farmland by roads. This combined with the limited potential for in-fill result in no adverse impact on farmland by uses within the community.

Labish Village is surrounded by farmland, but the community has capacity for very few new dwellings. Transportation for the community is channeled to Highway 99E, away from the farmland. Therefore, permitted residential uses will not adversely affect agricultural use.

Macleay is predominantly surrounded by non-community rural residential zoning; in those locations where the community abuts farm zoning, all but one small section of the EFU area is composed of residential lots that buffer the community from commercial farmland. The limited amount of potential residential in-fill in Macleay will not adversely affect farming in the area.

Marion is surrounded by resource zoning and abuts commercial farmland on three sides. Residential use in the community will be limited to in-fill, so no farms not already adjacent to the community will be subject to potential adverse impacts from residential use.

Mehama is in a valley along a major highway. While there is farm zoning and use in the area, the community is separated from resource lands by topography and the highway. The community is adjacent to forest land for only one small stretch on the east side, and these adjacent residential parcels are already developed.

Monitor is bordered by Butte Creek on the north and east and by farmland on the west and south. A school helps separate the rest of the community from farming on the south. Residential use in the community will be limited to in-fill, so only farms already adjacent to the community will be subject to potential adverse impacts from residential use.

Quinaby is bounded by transportation facilities on all sides. This small community is triangular, with River Road on the west, Quinaby Road on the south, and a railroad line on the east. The land across River Road is outside the community but zoned rural residential. The road and railroad effectively buffer farmland in the vicinity from adverse effects of residential use.

Residential zoning in Shaw is buffered from farmland by other zoning designations, (mostly rural residential lands) or Highway 214. The limited potential for residential in-fill results in no adverse effects on resource lands in the region.

**Subsection (7)** states: *County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).*

OAR 660-012-0060 (1) reads:

*Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:*

*(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;*

*(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or*

*(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

Marion County has adopted a rural transportation system plan (RTSP). Regarding the identified function of roads in the Rural Communities, all commercial and industrial uses get access from an arterial in the following communities: Labish Village, Marion, Mehama, and Quinaby. Monitor and Shaw rely on commercial/industrial access from a major collector, while Macleay is served by a minor collector. Butteville contains both a major and a minor collector, but the commercial zoning is on the minor collector. All communities rely on local roads for internal circulation for residential purposes.

While a principal arterial, Interstate 5, serves both interchanges, the connecting roads at Fargo are also arterials. Delaney Road at the Turner interchange is an arterial on the east side of the freeway and a major collector on the west.

All of these functional classifications are appropriate for the respective communities. The two communities with minor collectors as their primary routes, Butteville and Macleay, are primarily residential areas that are not on important connecting routes. The communities on arterials are not the destination resulting in the need for the arterial designation; the growth of the communities is at least partly a result of the existence of the transportation route.

Regarding capacity and level of service of county roads, the transportation plan reports the results of modeling undertaken to analyze traffic and facility needs over the next 20 years. None of the roads serving the unincorporated communities are expected to be at or over capacity, resulting in an unacceptable level of service, within the planning period. The amendments implementing Marion County's compliance with the unincorporated communities rule will not allow uses more intensive than are already permitted, so the effect on road capacity and level of service will not be detrimentally affected.

Corridor studies for Interstate 5 (Fargo and Turner Interchanges) and Highway 22 (Mehama) are currently underway. Findings regarding the capacity and level of service of these routes will result from these studies. Regarding the function of these highways, they are both intended as through routes. No new access to the freeway will be needed as a result of uses permitted in the Rural Service Centers. No new industrial or commercial approaches are likely to be requested or approved at Mehama, so concerns will be for access safety, not capacity or function.

**Subsection (8)** states: *Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:*

- (a) *Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and*
- (b) *Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.*

Regarding subsection (a), potential water quality impacts stem from sewage disposal. All the communities rely upon on-site sewage disposal systems except Labish Village and Fargo Interchange, which have public sewerage systems available with sufficient capacity to handle the limited growth potential at these two locations.

In the other communities, water quality protection relies upon case-by-case evaluation of the suitability of the soils on a proposed development site to safely absorb effluent. All new sites, including residential and commercial/industrial uses, must be approved for on-site sewage disposal by a county sanitarian, ensuring compliance with the criterion.

Regarding subsection (b), the carrying capacity of soil will only be a concern as it relates to on-site sewage disposal, discussed in the preceding paragraphs. Water supply is provided by a

community system in Mehama and Labish Village, and by individual or shared wells in the other communities. The community systems have adequate supply for permitted growth.

The communities of Shaw, Macleay, Turner Interchange, and Marion are located within state-designated Groundwater Limited Areas. State regulations do not limit domestic or small commercial/industrial uses of water, but Marion County has implemented the Sensitive Groundwater overlay zone that covers all these communities. The provisions of this overlay zone require evidence of a sustainable long-term supply of water prior to approval of residential land divisions and commercial or industrial uses not regulated by the state Water Resource Department. The provisions of this overlay zone will ensure compliance with criterion (b) for those four communities.

Land uses in Monitor, Butteville, and Quinaby rely on private water supply, and on-going monitoring of the aquifers these communities depend upon do not suggest the carrying capacity will be threatened by the level of development permitted.

**Subsection (9)** states: *County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.*

This provision does not apply to Marion County.

**Subsections (10) and (11)** state: *For purposes of this section, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4, 000 square feet of floor space. For purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 20,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 10,000 square feet of floor space.*

The CC, IUC, and ID zones employ these square foot limitations to commercial and industrial uses in unincorporated communities.