



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: September 13, 2023

Department: Public Works

Agenda Planning Date: August 31, 2023

Time required: 5 min

☐ Audio/Visual aids

Contact: Brandon Reich

Phone: 503-566-4175

Department Head Signature:

TITLE

Consider adopting an ordinance amending the Rural Zone Code to permit an Event Business as a Home Occupation

Issue, Description & Background

The Marion County Board of Commissioners initiated amendments to the Marion County Code by Resolution No. 22R-32 dated June 29, 2022, to permit an event business as a home occupation in the Exclusive Farm Use, Special Agriculture and Farm/Timber zones. The Board held a public hearing on August 3, 2022, for which proper public notice and advertisement was given. The Board closed the hearing on August 3, 2022.

On September 20, 2022 the amendment was appealed to the Land Use Board of Appeals (LUBA), this appeal was then remanded back to the board on February 16, 2023. The remand was to consider the five-employee limit in ORS 215.448(1)(b) in adopting the 750-person maximum and to explain how the maximum is consistent with the statute. Staff has addressed LUBA's remand items, and it is reflected in the amended code.

On August 9, 2023 the board held a duly noticed public hearing. After testimony was received, the board moved to close the public hearing and directed staff to modify the proposed amendment by citing to ORS 215.448(1)(b). Staff has made the requested changes and is returning with an ordinance for final approval. On September 6, 2023, the board scheduled adoption of the ordinance for September 13, 2023.

Financial Impacts:

None

Impacts to Department & External Agencies

None

Options for Consideration:

1. Adopt an ordinance amending the Rural Zone Code to permit an Event Business as a Home Occupation.
2. Direct staff to return with a modified ordinance.
3. Decline to adopt at this time.

Recommendation:

Staff recommends the board adopt an ordinance amending the Rural Zone Code to permit an Event Business as a Home Occupation.

List of attachments:

Ordinance

Presenter:

Brandon Reich



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

Brandon Reich - Breich@co.marion.or.us
Cody Waltermann - Cwaltermann@co.marion.or.us

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

In the matter of amending the Marion County)	LA 22-003
Code to permit an event business as a home)	Legislative Amendment
occupation in the Exclusive Farm Use, Special)	
Agriculture and Farm/Timber zones.		

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This ordinance is enacted pursuant to the authority granted general law counties in the State of Oregon by Oregon Revised Statutes (ORS) Chapter 203, and the comprehensive land use planning and coordination with local government provisions under Chapters 195 and 197.

SECTION II. Authorization

The Marion County Board of Commissioners initiated amendments to the Marion County Code by Resolution No. 22R-32 dated June 29, 2022, to permit an event business as a home occupation in the Exclusive Farm Use, Special Agriculture and Farm/Timber zones. The Board held a public hearing on August 3, 2022, for which proper public notice and advertisement was given. The Board closed the hearing on August 3, 2022.

On September 20, 2022 the amendment was appealed to the Land Use Board of Appeals (LUBA), this appeal was then remanded back to the board on February 16, 2023. The remand was to consider the five-employee limit in ORS 215.448(1)(b) in adopting the 750-person maximum and to explain how the maximum is consistent with the statute. On August 9, 2023 the board held a duly noticed public hearing. After testimony was received, the board moved to close the public hearing and modify the proposed amendment by citing to ORS 215.448(1)(b).

All persons present during the public hearing and those provided notice of the hearing, were given the opportunity to speak or present written statements on the proposed amendments.

SECTION III. Evidence and Findings

The Board has reviewed the evidence and testimony in the record. Based on the facts and findings in the record, as contained in Exhibit A, which is incorporated herein by this reference, the Board determines that the amendment conforms with the requirements under ORS Chapter 197, the Statewide Land Use Planning Goals and applicable Statutes and Administrative Rules.

SECTION IV. Amendments to the Marion County Code

The amendments to the Exclusive Farm Use, Special Agriculture and Farm/Timber zones of the Marion County Code to permit an event business as a home occupation are approved, as shown in Exhibit B.

SECTION V. Repeal Of Portions Of Existing Ordinances

Those portions of Marion County Ordinance No. 1397 are hereby repealed or amended as set forth in this ordinance through the amendments to the Exclusive Farm Use, Special Agriculture and Farm/Timber zones of the Marion County Code, which by reference are incorporated into this Ordinance.

SECTION VI. Severability

Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or any policy, provision, findings, statement, conclusion, or designation to a particular land use or area of land, or any other portion, segment or element of this Ordinance or of any amendments thereto and adopted hereunder, be declared invalid for any reason, such declaration shall not affect the validity and continued application of any other portion or element of this Ordinance or amendments to the Comprehensive Plan, as amended herein; and if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which this Ordinance or any portion thereof was enacted.

SECTION VII. Effective Date

Pursuant to Chapter 1.10 of the Marion County Code, this is a legislative Administrative Ordinance and shall take effect upon adoption.

SIGNED and FINALIZED this _____ day of _____, 2023 at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

JUDICIAL NOTICE

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

FACTS AND FINDINGS

Health and Safety

The code includes many health and safety measures, not just for the applicant but for surrounding property owners. There are requirements for traffic and parking, which include a detailed parking and traffic circulation plan. This plan will mitigate parking on rights of way, provide for emergency vehicles and include surface parking requirements. Signs in addition to those permitted in the county sign code are allowed in order to facilitate traffic reaching the event quickly and efficiently.

The applicants will be required to obtain all Health Department permits associated with the event business (food and potable water) as well as other required permits (such as for serving alcohol). Additionally, the property owner must provide evidence that the required permits are being renewed.

Any new and existing structures that will be used for the event business will be required to meet applicable building, septic, and fire codes to ensure that the buildings are safe for customers at the property. Additionally, a structure used in conjunction with the event business must be a structure normally associated with the uses permitted in the zone. This will ensure the buildings are compatible with surrounding uses and continue to be associated with a home occupation.

Compatibility with Neighboring Uses

The code is designed to minimize an event business's impact on neighboring property owners while still being able to operate an event business as a home occupation. The code includes standards for fencing, landscape buffers, lighting, and noise, in addition to parking, in order to minimize any potential impact on neighboring properties. For example, the hours of operation, including set up and take down, follow the existing Marion County Noise Ordinance. This code allows for operations to be held from the hours of 7 a.m. to 10 p.m.

The maximum number of events in one year is limited to 18, this number of events was chosen to coincide with the maximum number of allowable agritourism events annually. The code includes a frequency of events that permits more frequent events during the summer. The maximum number of participants is dictated by the Marion County Building Official and local fire district; larger events must obtain a mass gathering permit from Marion County. The number of participants may be lower based on the number of employees able to provide services to the guests. The code requires that the contracts for the events contain language about compatibility with surrounding resource uses of land, including farming. Finally, the event business home occupation would be approved only for the property owner applying initially unless a subsequent

property owner reviewed and accepts the conditions that are placed on the operation of the business.

Home Occupation Standards

To ensure that the home occupation event business continues to meet the qualifications for a home occupation, the applicant must be the occupant of the property and the business operator. As well, the requirement to be receiving farm special assessment ensures that the land where the event business takes place is being farmed and part of the local farming community.

The event business must take place substantially indoors, and the requirement that 80% takes place indoors and at most 20% takes place outdoors meets this requirement. A home occupation event business may use tents, but tents are considered “outdoors” for purposes of this code. By requiring the event take place primarily indoors, neighboring properties will be less likely to be affected by the events and the customers of the event business will be less likely to be affected by any farm or forest uses within the area. When the event is not taking place, any items associated with the events business will have to be stored inside so as not to alter the appearance of the property to something other than a homesite.

DECISION

The Marion County Board of Commissioners approves the amendment to Marion County Code.

Exhibit B

Chapter 17.136
EFU (EXCLUSIVE FARM USE) ZONE

17.136.060 Conditional use review criteria.

The uses identified in MCC 17.136.050 shall satisfy criteria in the applicable subsections below:

A. The following criteria apply to all conditional uses in the EFU zone:

1. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.
2. Adequate fire protection and other rural services are, or will be, available when the use is established.
3. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.
4. Any noise associated with the use will not have a significant adverse impact on nearby land uses.
5. The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.

B. Non-Farm Dwellings. The following additional criteria apply to non-farm dwelling requests:

1. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classifications shall be those of the Soil Conservation Service in its most recent publication, unless evidence is submitted as required in MCC 17.136.130.
2. The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in any way that enables the lot or parcel to meet the criteria for non-farm dwelling.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm dwellings on other lots or parcel in the area similarly situated shall be considered. To address this standard, the following information shall be provided:

DELETIONS IN STRIKEOUT ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

a. Identify a study area for the cumulative impact analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

b. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under MCC 17.136.050(A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;

c. Determine whether approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, or lease farmland, or acquire waste rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

C. Home Occupations. ~~Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:~~

1. Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:

~~1~~**A.** A home occupation or bed and breakfast inn shall be operated by a resident of the dwelling on the property on which the business is located. Including residents, no more than five full-time or part-time persons shall work in the home occupation ("person" includes volunteer, nonresident employee, partner, or any other person).

~~2~~**B.** It shall be operated substantially in:

a. The dwelling; or

Event Business as Home Occupation: LA 2022-003

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

b. Other buildings normally associated with uses permitted in the zone in which the property is located.

~~3C.~~ It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

~~4D.~~ A home occupation shall not be authorized in structures accessory to resource use on high-value farmland.

~~5E.~~ A sign shall meet the standards in Chapter 17.191 MCC.

~~6F.~~ The property, dwelling, or other buildings shall not be used for assembly or dispatch of employees to other locations.

~~7G.~~ Retail and wholesale sales that do not involve customers coming to the property, such as Internet, telephone, or mail order off-site 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.

2. Notwithstanding MCC 17.110.270 and 17.120.075, an event business hosting weddings, family reunions, class reunions, company picnics, memorials, and similar gatherings, may be established as a home occupation subject to the following criteria:

A. Farm Assessment: All or a portion of the subject property where the event business will operate shall be subject to special assessment for farm use.

B. Owner: The property owner of the property upon which the event business is located shall be the operator of the event business and shall reside full-time in the dwelling on the property.

~~C. Employees: The property owner shall employ no more than five full-time or part-time persons that work at the event business at any one time.~~

C. Employees: The property owner shall employ on the site no more than five full-time or part-time persons per ORS 215.448(1)(b).

D. Number of events: A maximum of 18 events per calendar year may be held on the property.

E. Frequency: No more than three events a week shall occur from May 1 to September 30 and one event a week from October 1 to April 30.

F. Duration: No event shall exceed three consecutive days including setup and take down.

Event Business as Home Occupation: LA 2022-003

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

G. Hours of operation: No event shall take place before the hour of 7:00 a.m. or after the hour of 10:00 p.m. Setup and takedown shall occur as well between the hours of 7:00 a.m. and 10:00 p.m.

~~H. Number of guests: A maximum of 750 guests shall be permitted on the property at any one time. All events shall be conducted in such a way as to comply with conditions of approval placed on the event business operation. The property owner shall ensure that the maximum occupancy approved by the Marion County Building Official and local fire district is not exceeded in structures on the property at any time.~~

H. Guests: The property owner shall ensure that the maximum occupancy approved by the Marion County Building Official and local fire district is not exceeded in structures on the property at any time. A lower limit may be imposed based on the number of employees able to provide services to the guests. The applicant shall demonstrate how the employees of the business are able to provide services to all the guests at the event. All events shall be conducted in such a way as to comply with conditions of approval placed on the event business operation.

I. Structures: The event business shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted in the zone in which the property is located. New structures shall obtain a building permit for the use. Existing structures shall obtain a change of use from Building Inspection. In either case, System Development Charges applied for the additional traffic impacts anticipated shall be paid prior to building permit issuance. Any changes to a structure shall not render the structure a building not normally associated with uses permitted in the zone

J. Tents: Tents may be used in conjunction with the event business. Tents shall be considered outdoor areas for the purposes of this code.

K. Outdoor area: For events which take place both indoors and outdoors, at least 80 percent of the area of the property dedicated to the event business shall be indoors and at most 20 percent of the area of the property dedicated to the event business may be outdoors, exclusive of parking.

L. Parking: A parking and traffic circulation plan shall be provided demonstrating adequate parking being provided on-site to accommodate all traffic associated with the event business subject to the following:

- 1. No parking in rights-of-way or roadway easements shall be permitted.**
- 2. Parking may be provided on a different parcel subject to evidence of an agreement with that property for the use.**
- 3. Adequate internal circulation shall be provided to ensure that traffic does not cause a significant adverse impact to local roadways.**

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

4. The parking and traffic circulation plan shall also provide for fire and emergency ingress and egress.
5. Events that take place between October 1 and April 30 shall have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete.
6. Events that take place between May 1 and September 30 shall either have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete or provided by an earthen or organic surface maintained to minimize fire hazards.
7. The property owner shall obtain all necessary permits for access and egress, as well as provide a traffic control plan if required by Marion County Public Works.
8. The use will not require new driveway access to the street unless approved by Public Works Director. The property owner shall obtain all necessary driveway access permits from the roadway authority to bring the new or existing access into conformance with county standards.

M. Minimum setbacks: New structures and outdoor areas associated with the event business, including generators and other ancillary uses, but not including parking, shall be setback a minimum of 50 feet from public rights-of-way and adjoining parcels with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned Acreage Residential.

N. Fencing: Property lines adjacent to a property with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned Acreage Residential shall be provided with a solid fence, wall, or hedge. A 15-foot-wide vegetative buffer consisting of trees, which will attain at least eight feet in height within five years, and shrubs, which will provide a complete visual sight buffer within five years may be substituted for the fence, wall, or hedge.

O. Lighting: Parking lots shall have lighting capable of providing adequate illumination for security and safety. All light sources shall be constructed, down shielded and used so as not to illuminate directly on or create glare visible from adjacent properties or public rights of way.

P. Noise: The event business shall comply with Marion County Code Chapter 8.45 related to noise except that no amplified sound or use of a generator shall occur outside of a building before the hour of 7:00 a.m. or after the hour of 10:00 p.m.

Q. Signs: In addition to the signs permitted in Chapter 17.191 of this code:

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

1. One unlighted sign not exceeding 32 square feet related to the event business may be placed on a fence or structure subject to the height, setback, and illumination standards in Chapter 17.191.
2. Three unlighted temporary signs not exceeding 32 square feet each may be placed on the property or nearby properties subject to the height, setback, and illumination standards in Chapter 17.191.
3. Any temporary sign shall be removed no more than 24 hours after an event.

R. Water source: If a well is used in conjunction with the business, the property owner shall consult with Marion County Health and Human Services to determine if compliance with a state public water system is required. Any identified public water systems must comply with drinking water quality standards as administered by the Oregon Health Authority Drinking Water Services. The property owner also shall obtain any necessary permits from the Oregon Department of Water Resources. Evidence that required permits were obtained shall be provided to Marion County Planning.

S. On-Site Wastewater: The property owner shall obtain all necessary permits for on-site wastewater disposal. In the event that portable restroom facilities, including hand-sanitizing or hand-washing stations, are used, these shall be screened from adjacent lots and rights-of-way by sight-obscuring fences or plantings and be located a minimum of 50 feet from the property lines of all adjoining properties.

T. Kitchen: Any kitchen shall obtain necessary permits from Marion County Building Inspection and from Marion County Health and Human Services. Evidence that required permits were obtained shall be provided to Marion County Planning.

U. Alcohol: If alcohol is served, the property owner shall obtain all necessary permits, or ensure that all necessary permits have been obtained from the Oregon Liquor and Cannabis Commission.

V. Other uses: The event business shall not unreasonably interfere with other uses permitted in the zone in which the property is located. The property owner shall provide evidence that all contracts include the requirement that the customer has signed and agreed to the following statement:

This event business is situated in or near a farm or forest zone or area in Marion County, Oregon, where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, property owners, and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws that ordinarily and necessarily produce noise, dust, smoke and other impacts. I do hereby accept the potential impacts from farm and forest practices as normal and necessary

~~DELETIONS IN STRIKEOUT~~ ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

and part of the risk of using this venue. I acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices, signatories will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937.

W. Dispatch of employees: The property, dwelling, or other buildings shall not be used for assembly or dispatch of employees to other locations.

X. Sales: Retail and wholesale sales that do not involve customers coming to the property, such as Internet, telephone, or mail order off-site 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.

Y. Alteration of property: No other alteration of land shall occur other than that approved in conjunction with an approval for an event business subject to the following:

1. On days when events are not occurring, the property shall not take on characteristics of an event business, aside from structures and parking areas approved as part of this permit.
2. When events are not taking place, any equipment, furniture, or other items related to the event business shall be stored indoors.

Z. Transfer of property: Any approval is only for the property owner at the time of application. If the property is subsequently sold or transferred to another person or entity, the new property owner must indicate review and acceptance of the conditions of the land use approval prior to operating the business.

AA. Annual submittal: Event business approvals must be renewed every year subject to the property owner providing the following information:

1. Evidence of the annual renewal of permits required by other agencies and departments.
2. A log of events held the prior calendar year.
3. Any revisions to the site plan or parking and traffic circulation plan or both. Such revisions may be subject to review and approval by the Planning Director and Public Works Director for consistency with the home occupation event business approval.
4. Evidence that the property continues to be subject to special assessment for farm use.

Creates standards for operating an events business as a kind of a home occupation.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

D. Commercial Activities in Conjunction with Farm Use.

1. The commercial activity must be primarily a customer or supplier of farm uses.
2. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.
3. The agricultural and commercial activities must occur together in the local community.
4. The products and services provided must be essential to the practice of agriculture.

E. Forest Products Processing Facility. A portable or temporary facility for the primary processing of forest products is subject to the following criteria and limitations:

1. The use shall not seriously interfere with accepted farming practices.
2. The use shall be compatible with farm uses described in ORS 215.203(2).
3. The use may be approved for a maximum one-year period, which is renewable.
4. The primary processing of forest products, as used in this section, means the use of a chipper, stud mill, or other similar facility for initial treatment of a forest product in order to enable its shipment to market. "Forest products," as used in this section, means timber grown upon a tract where the primary processing facility is located.

F. Power Generation Facility. A power generation facility shall not preclude more than:

1. Twelve acres from use as a commercial agricultural enterprise on high-value farmland unless an exception is taken pursuant to OAR Chapter 660, Division 004.
2. Twenty acres from use as a commercial agricultural enterprise on farmland that is not high-value unless an exception is taken pursuant to ORS 197.732 and OAR Chapter 660, Division 004.

G. Private Parks and Campgrounds. Private parks, playgrounds, hunting and fishing preserves, and campground expansions shall meet the following criteria:

1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 004.
2. It shall be devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

3. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
4. A camping site shall only be occupied by a tent, travel trailer or recreational vehicle. Private campgrounds may provide yurts for overnight camping subject to the following:
 - a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include yurts;
 - b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
5. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites.
6. It shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
7. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

H. Other Uses.

1. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
2. Living history museum related to resource-based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary.

As used in this subsection:

- a. "Living history museum" means a facility designed to depict and interpret the everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and
- b. "Local historical society" means the local historical society recognized by the county board of commissioners and organized under ORS Chapter 65.

Event Business as Home Occupation: LA 2022-003

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

I. The following criteria apply to those uses identified in MCC 17.136.050:

1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved within three miles of an urban growth boundary unless an exception is approved pursuant to OAR Chapter 660, Division 004.
2. Any new enclosed structure or group of enclosed structures subject to this section shall be situated no less than one-half mile from other enclosed structures approved under OAR 660-33-130(2) on the same tract. For the purposes of this subsection, “tract” means a tract as defined in MCC 17.136.140(F) in existence on May 5, 2010.
3. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, but existing enclosed structures within three miles of an urban growth boundary may not be expanded beyond the limits of this subsection. [Ord. 1330 § 4 (Exh. A), 2013; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 8, 2000. RZ Ord. § 136.060.]

Chapter 17.137
SA (SPECIAL AGRICULTURE) ZONE

17.137.060 Conditional use review criteria.

The uses identified in MCC 17.137.050 shall satisfy the criteria in the applicable subsections below.

A. The following criteria apply to all conditional uses in the SA zone:

1. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.
2. Adequate fire protection and other rural services are or will be available when the use is established.
3. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.
4. Any noise associated with the use will not have a significant adverse impact on nearby land uses.
5. The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.

B. Non-Farm Dwellings. The following additional criteria apply to non-farm dwelling requests:

1. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classifications shall be those of the Soil Conservation Service in its most recent publication, unless evidence is submitted as required in MCC 17.137.120(B).
2. The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in a way that enables the lot or parcel to qualify for a non-farm dwelling.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, information outlined in MCC 17.137.030(D)(11)(a)(iii) shall be provided.

Event Business as Home Occupation: LA 2022-003

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

C. Home Occupations. Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:

1. Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:

~~1A.~~ A home occupation or bed and breakfast inn shall be operated by a resident of the dwelling on the property on which the business is located. Including residents, no more than five full-time or part-time persons shall work in the home occupation ("person" includes volunteer, nonresident employee, partner, or any other person).

~~2B.~~ It shall be operated substantially in:

a. The dwelling; or

b. Other buildings normally associated with uses permitted in the zone in which the property is located.

~~3C.~~ It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

~~4D.~~ A home occupation shall not be authorized in structures accessory to resource use on high-value farmland.

~~5E.~~ A sign shall meet the standards in Chapter 17.191 MCC.

~~6F.~~ The property, dwelling, or other buildings shall not be used for assembly or dispatch of employees to other locations.

~~7G.~~ Retail and wholesale sales that do not involve customers coming to the property, such as Internet, telephone, or mail order off-site 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.

2. Notwithstanding MCC 17.110.270 and 17.120.075, an event business hosting weddings, family reunions, class reunions, company picnics, memorials, and similar gatherings, may be established as a home occupation subject to the following criteria:

A. Farm Assessment: All or a portion of the subject property where the event business will operate shall be subject to special assessment for farm use.

B. Owner: The property owner of the property upon which the event business is located shall be the operator of the event business and shall reside full-time in the dwelling on the property.

Event Business as Home Occupation: LA 2022-003

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

C. Employees: The property owner shall employ no more than five full-time or part-time persons that work at the event business at any one time.

C. Employees: The property owner shall employ on the site no more than five full-time or part-time persons per ORS 215.448(1)(b).

D. Number of events: A maximum of 18 events per calendar year may be held on the property.

E. Frequency: No more than three events a week shall occur from May 1 to September 30 and one event a week from October 1 to April 30.

F. Duration: No event shall exceed three consecutive days including setup and take down.

G. Hours of operation: No event shall take place before the hour of 7:00 a.m. or after the hour of 10:00 p.m. Setup and takedown shall occur as well between the hours of 7:00 a.m. and 10:00 p.m.

H. Number of guests: A maximum of 750 guests shall be permitted on the property at any one time. All events shall be conducted in such a way as to comply with conditions of approval placed on the event business operation. The property owner shall ensure that the maximum occupancy approved by the Marion County Building Official and local fire district is not exceeded in structures on the property at any time.

H. Guests: The property owner shall ensure that the maximum occupancy approved by the Marion County Building Official and local fire district is not exceeded in structures on the property at any time. A lower limit may be imposed based on the number of employees able to provide services to the guests. The applicant shall demonstrate how the employees of the business are able to provide services to all the guests at the event. All events shall be conducted in such a way as to comply with conditions of approval placed on the event business operation.

I. Structures: The event business shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted in the zone in which the property is located. New structures shall obtain a building permit for the use. Existing structures shall obtain a change of use from Building Inspection. In either case, System Development Charges applied for the additional traffic impacts anticipated shall be paid prior to building permit issuance. Any changes to a structure shall not render the structure a building not normally associated with uses permitted in the zone

J. Tents: Tents may be used in conjunction with the event business. Tents shall be considered outdoor areas for the purposes of this code.

DELETIONS IN STRIKEOUT ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

K. Outdoor area: For events which take place both indoors and outdoors, at least 80 percent of the area of the property dedicated to the event business shall be indoors and at most 20 percent of the area of the property dedicated to the event business may be outdoors, exclusive of parking.

L. Parking: A parking and traffic circulation plan shall be provided demonstrating adequate parking being provided on-site to accommodate all traffic associated with the event business subject to the following:

1. No parking in rights-of-way or roadway easements shall be permitted.
2. Parking may be provided on a different parcel subject to evidence of an agreement with that property for the use.
3. Adequate internal circulation shall be provided to ensure that traffic does not cause a significant adverse impact to local roadways.
4. The parking and traffic circulation plan shall also provide for fire and emergency ingress and egress.
5. Events that take place between October 1 and April 30 shall have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete.
6. Events that take place between May 1 and September 30 shall either have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete or provided by an earthen or organic surface maintained to minimize fire hazards.
7. The property owner shall obtain all necessary permits for access and egress, as well as provide a traffic control plan if required by Marion County Public Works.
8. The use will not require new driveway access to the street unless approved by Public Works Director. The property owner shall obtain all necessary driveway access permits from the roadway authority to bring the new or existing access into conformance with county standards.

M. Minimum setbacks: New structures and outdoor areas associated with the event business, including generators and other ancillary uses, but not including parking, shall be setback a minimum of 50 feet from public rights-of-way and adjoining parcels with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned Acreage Residential.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

N. Fencing: Property lines adjacent to a property with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned Acreage Residential shall be provided with a solid fence, wall, or hedge. A 15-foot-wide vegetative buffer consisting of trees, which will attain at least eight feet in height within five years, and shrubs, which will provide a complete visual sight buffer within five years may be substituted for the fence, wall, or hedge.

O. Lighting: Parking lots shall have lighting capable of providing adequate illumination for security and safety. All light sources shall be constructed, down shielded and used so as not to illuminate directly on or create glare visible from adjacent properties or public rights of way.

P. Noise: The event business shall comply with Marion County Code Chapter 8.45 related to noise except that no amplified sound or use of a generator shall occur outside of a building before the hour of 7:00 a.m. or after the hour of 10:00 p.m.

Q. Signs: In addition to the signs permitted in Chapter 17.191 of this code:

- 1. One unlighted sign not exceeding 32 square feet related to the event business may be placed on a fence or structure subject to the height, setback, and illumination standards in Chapter 17.191.**
- 2. Three unlighted temporary signs not exceeding 32 square feet each may be placed on the property or nearby properties subject to the height, setback, and illumination standards in Chapter 17.191.**
- 3. Any temporary sign shall be removed no more than 24 hours after an event.**

R. Water source: If a well is used in conjunction with the business, the property owner shall consult with Marion County Health and Human Services to determine if compliance with a state public water system is required. Any identified public water systems must comply with drinking water quality standards as administered by the Oregon Health Authority Drinking Water Services. The property owner also shall obtain any necessary permits from the Oregon Department of Water Resources. Evidence that required permits were obtained shall be provided to Marion County Planning.

S. On-Site Wastewater: The property owner shall obtain all necessary permits for on-site wastewater disposal. In the event that portable restroom facilities, including hand-sanitizing or hand-washing stations, are used, these shall be screened from adjacent lots and rights-of-way by sight-obscuring fences or plantings and be located a minimum of 50 feet from the property lines of all adjoining properties.

T. Kitchen: Any kitchen shall obtain necessary permits from Marion County Building Inspection and from Marion County Health and Human Services.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

Evidence that required permits were obtained shall be provided to Marion County Planning.

U. Alcohol: If alcohol is served, the property owner shall obtain all necessary permits, or ensure that all necessary permits have been obtained from the Oregon Liquor and Cannabis Commission.

V. Other uses: The event business shall not unreasonably interfere with other uses permitted in the zone in which the property is located. The property owner shall provide evidence that all contracts include the requirement that the customer has signed and agreed to the following statement:

This event business is situated in or near a farm or forest zone or area in Marion County, Oregon, where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, property owners, and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws that ordinarily and necessarily produce noise, dust, smoke and other impacts. I do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of using this venue. I acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices, signatories will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937.

W. Dispatch of employees: The property, dwelling, or other buildings shall not be used for assembly or dispatch of employees to other locations.

X. Sales: Retail and wholesale sales that do not involve customers coming to the property, such as Internet, telephone, or mail order off-site 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.

Y. Alteration of property: No other alteration of land shall occur other than that approved in conjunction with an approval for an event business subject to the following:

1. On days when events are not occurring, the property shall not take on characteristics of an event business, aside from structures and parking areas approved as part of this permit.
2. When events are not taking place, any equipment, furniture, or other items related to the event business shall be stored indoors.

Z. Transfer of property: Any approval is only for the property owner at the time of application. If the property is subsequently sold or transferred to another person or

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

entity, the new property owner must indicate review and acceptance of the conditions of the land use approval prior to operating the business.

AA. Annual submittal: Event business approvals must be renewed every year subject to the property owner providing the following information:

1. Evidence of the annual renewal of permits required by other agencies and departments.
2. A log of events held the prior calendar year.
3. Any revisions to the site plan or parking and traffic circulation plan or both. Such revisions may be subject to review and approval by the Planning Director and Public Works Director for consistency with the home occupation event business approval.
4. Evidence that the property continues to be subject to special assessment for farm use.

Creates standards for operating an events business as a kind of a home occupation.

D. Forest Products Processing Facility. A portable or temporary facility for the primary processing of forest products is subject to the following criteria and limitations:

1. The use shall not seriously interfere with accepted farming practices.
2. The use shall be compatible with farm uses described in ORS 215.203(2).
3. The use may be approved for a maximum one-year period, which is renewable.
4. The primary processing of a forest product, as used in this section, means the use of a chipper, stud mill, or other similar facility for initial treatment of a forest product in order to enable its shipment to market. "Forest products," as used in this section, means timber grown upon a tract where the primary processing facility is located.

E. Power Generation Facility. A power generation facility shall not preclude more than:

1. Twelve acres from use as a commercial agricultural enterprise on high-value farmland unless an exception is taken pursuant to OAR Chapter 660, Division 004.
2. Twenty acres from use as a commercial agricultural enterprise on farmland that is not high-value unless an exception is taken pursuant to ORS 197.732 and OAR Chapter 660, Division 004.

F. Private Parks and Campgrounds. Private parks, playgrounds, hunting and fishing preserves, and campgrounds shall meet the following criteria:

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 004.

2. It shall be devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

3. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

4. A camping site shall only be occupied by a tent, travel trailer or recreational vehicle. Private campgrounds may provide yurts for overnight camping subject to the following:

a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include yurts;

b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

5. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites.

6. It shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

7. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

G. Golf Course. A golf course is subject to the following limitations:

1. New golf courses shall not be permitted on high-value farmland, as defined in MCC 17.137.130(D).

2. An existing legally established golf course on high-value farmland may be expanded on the same tract consistent with the provisions of MCC 17.137.130(C).

H. Other Uses.

1. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

2. For uses listed in MCC 17.137.050(D)(3), (H)(1) and (I), new facilities on high-value farmland shall not be authorized. Existing legally established facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract.

3. A living history museum related to resource-based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than a special agriculture zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary.

As used in this subsection:

a. “Living history museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and event; and

b. “Local historical society” means the local historical society recognized by the county board of commissioners and organized under ORS Chapter 65.

I. Commercial Activities in Conjunction with Farm Use.

1. The commercial activity must be primarily a customer or supplier of farm uses.
2. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.
3. The agricultural and commercial activities must occur together in the local community.
4. The products and services provided must be essential to the practice of agriculture.

J. The following criteria apply to those uses identified in MCC 17.137.050:

1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved within three miles of an urban growth boundary unless an exception is approved pursuant to OAR Chapter 660, Division 004.
2. Any new enclosed structure or group of enclosed structures subject to this section shall be situated no less than one-half mile from other enclosed structures approved under OAR 660-33-130(2) on the same tract. For the purposes of this subsection “tract” means a tract as defined in MCC 17.137.130(F) in existence on May 5, 2010.
3. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, but existing enclosed structures within three miles of an urban

Event Business as Home Occupation: LA 2022-003

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

growth boundary may not be expanded beyond the limits of this subsection. [Ord. 1330 § 4 (Exh. A), 2013; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 9, 2000. RZ Ord. § 137.060.]

Chapter 17.139
FT (FARM/TIMBER) ZONE

17.139.060 Conditional use review criteria.

The uses identified in MCC 17.139.050 shall satisfy the criteria in the applicable subsections below.

A. The following criteria apply to all uses in MCC 17.139.050 and other uses where referenced:

1. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.
2. The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
3. Adequate fire protection and other rural services are or will be available when the use is established.
4. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.
5. Any noise associated with the use will not have a significant adverse impact on nearby land uses.
6. The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.

B. Non-Farm Dwellings. The following additional criteria apply to non-farm dwellings:

1. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classifications shall be those of the Soil Conservation Service in its most recent publication, unless evidence is submitted as required in MCC 17.139.120(B).
2. The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in any way that enables the lot or parcel to meet the criteria for a non-farm dwelling.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, information outlined in MCC 17.139.030(H)(11)(a)(iii) shall be provided.

4. Disqualification. Prior to issuance of any residential building permit for an approved non-farm dwelling under MCC 17.139.050(A), the applicant shall provide evidence that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that the additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.113 or 308A.724 or 321.359(1)(b), 321.842(1)(A) and 321.716. A parcel that has been disqualified under this section shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

C. Home Occupations. ~~Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:~~

1. Notwithstanding MCC 17.110.270 and 17.120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:

~~1A.~~ A home occupation or bed and breakfast inn shall be operated by a resident of the dwelling on the property on which the business is located. Including residents, no more than five full-time or part-time persons shall work in the home occupation ("person" includes volunteer, nonresident employee, partner, or any other person).

~~2B.~~ It shall be operated substantially in:

a. The dwelling; or

b. Other buildings normally associated with uses permitted in the zone in which the property is located.

~~3C.~~ It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

~~4D.~~ A home occupation shall not be authorized in structures accessory to resource use on high-value farmland.

~~5E.~~ A sign shall meet the standards in Chapter 17.191 MCC.

~~6F.~~ The property, dwelling, or other buildings shall not be used for assembly or dispatch of employees to other locations.

~~7G.~~ Retail and wholesale sales that do not involve customers coming to the property, such as Internet, telephone, or mail order off-site 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.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

2. Notwithstanding MCC 17.110.270 and 17.120.075, an event business hosting weddings, family reunions, class reunions, company picnics, memorials, and similar gatherings, may be established as a home occupation subject to the following criteria:

A. Farm Assessment: All or a portion of the subject property where the event business will operate shall be subject to special assessment for farm use.

B. Owner: The property owner of the property upon which the event business is located shall be the operator of the event business and shall reside full-time in the dwelling on the property.

~~C. Employees: The property owner shall employ no more than five full-time or part-time persons that work at the event business at any one time.~~

C. Employees: The property owner shall employ on the site no more than five full-time or part-time persons per ORS 215.448(1)(b).

D. Number of events: A maximum of 18 events per calendar year may be held on the property.

E. Frequency: No more than three events a week shall occur from May 1 to September 30 and one event a week from October 1 to April 30.

F. Duration: No event shall exceed three consecutive days including setup and take down.

G. Hours of operation: No event shall take place before the hour of 7:00 a.m. or after the hour of 10:00 p.m. Setup and takedown shall occur as well between the hours of 7:00 a.m. and 10:00 p.m.

~~H. Number of guests: A maximum of 750 guests shall be permitted on the property at any one time. All events shall be conducted in such a way as to comply with conditions of approval placed on the event business operation. The property owner shall ensure that the maximum occupancy approved by the Marion County Building Official and local fire district is not exceeded in structures on the property at any time.~~

H. Guests: The property owner shall ensure that the maximum occupancy approved by the Marion County Building Official and local fire district is not exceeded in structures on the property at any time. A lower limit may be imposed based on the number of employees able to provide services to the guests. The applicant shall demonstrate how the employees of the business are able to provide services to all the guests at the event. All events shall be conducted in such a way as to comply with conditions of approval placed on the event business operation.

I. Structures: The event business shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted in the zone in which the

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

property is located. New structures shall obtain a building permit for the use. Existing structures shall obtain a change of use from Building Inspection. In either case, System Development Charges applied for the additional traffic impacts anticipated shall be paid prior to building permit issuance. Any changes to a structure shall not render the structure a building not normally associated with uses permitted in the zone

J. Tents: Tents may be used in conjunction with the event business. Tents shall be considered outdoor areas for the purposes of this code.

K. Outdoor area: For events which take place both indoors and outdoors, at least 80 percent of the area of the property dedicated to the event business shall be indoors and at most 20 percent of the area of the property dedicated to the event business may be outdoors, exclusive of parking.

L. Parking: A parking and traffic circulation plan shall be provided demonstrating adequate parking being provided on-site to accommodate all traffic associated with the event business subject to the following:

1. No parking in rights-of-way or roadway easements shall be permitted.
2. Parking may be provided on a different parcel subject to evidence of an agreement with that property for the use.
3. Adequate internal circulation shall be provided to ensure that traffic does not cause a significant adverse impact to local roadways.
4. The parking and traffic circulation plan shall also provide for fire and emergency ingress and egress.
5. Events that take place between October 1 and April 30 shall have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete.
6. Events that take place between May 1 and September 30 shall either have parking provided with an all-weather surface consisting of gravel, asphalt, or concrete or provided by an earthen or organic surface maintained to minimize fire hazards.
7. The property owner shall obtain all necessary permits for access and egress, as well as provide a traffic control plan if required by Marion County Public Works.
8. The use will not require new driveway access to the street unless approved by Public Works Director. The property owner shall obtain all necessary

DELETIONS IN STRIKEOUT ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

driveway access permits from the roadway authority to bring the new or existing access into conformance with county standards.

M. Minimum setbacks: New structures and outdoor areas associated with the event business, including generators and other ancillary uses, but not including parking, shall be setback a minimum of 50 feet from public rights-of-way and adjoining parcels with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned Acreage Residential.

N. Fencing: Property lines adjacent to a property with an existing residence within 50 feet of the site of the event business or approved for a residence within 50 feet of the site of the event business, or zoned Acreage Residential shall be provided with a solid fence, wall, or hedge. A 15-foot-wide vegetative buffer consisting of trees, which will attain at least eight feet in height within five years, and shrubs, which will provide a complete visual sight buffer within five years may be substituted for the fence, wall, or hedge.

O. Lighting: Parking lots shall have lighting capable of providing adequate illumination for security and safety. All light sources shall be constructed, down shielded and used so as not to illuminate directly on or create glare visible from adjacent properties or public rights of way.

P. Noise: The event business shall comply with Marion County Code Chapter 8.45 related to noise except that no amplified sound or use of a generator shall occur outside of a building before the hour of 7:00 a.m. or after the hour of 10:00 p.m.

Q. Signs: In addition to the signs permitted in Chapter 17.191 of this code:

1. One unlighted sign not exceeding 32 square feet related to the event business may be placed on a fence or structure subject to the height, setback, and illumination standards in Chapter 17.191.
2. Three unlighted temporary signs not exceeding 32 square feet each may be placed on the property or nearby properties subject to the height, setback, and illumination standards in Chapter 17.191.
3. Any temporary sign shall be removed no more than 24 hours after an event.

R. Water source: If a well is used in conjunction with the business, the property owner shall consult with Marion County Health and Human Services to determine if compliance with a state public water system is required. Any identified public water systems must comply with drinking water quality standards as administered by the Oregon Health Authority Drinking Water Services. The property owner also shall obtain any necessary permits from the Oregon Department of Water Resources.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

Evidence that required permits were obtained shall be provided to Marion County Planning.

S. On-Site Wastewater: The property owner shall obtain all necessary permits for on-site wastewater disposal. In the event that portable restroom facilities, including hand-sanitizing or hand-washing stations, are used, these shall be screened from adjacent lots and rights-of-way by sight-obscuring fences or plantings and be located a minimum of 50 feet from the property lines of all adjoining properties.

T. Kitchen: Any kitchen shall obtain necessary permits from Marion County Building Inspection and from Marion County Health and Human Services. Evidence that required permits were obtained shall be provided to Marion County Planning.

U. Alcohol: If alcohol is served, the property owner shall obtain all necessary permits, or ensure that all necessary permits have been obtained from the Oregon Liquor and Cannabis Commission.

V. Other uses: The event business shall not unreasonably interfere with other uses permitted in the zone in which the property is located. The property owner shall provide evidence that all contracts include the requirement that the customer has signed and agreed to the following statement:

This event business is situated in or near a farm or forest zone or area in Marion County, Oregon, where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, property owners, and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws that ordinarily and necessarily produce noise, dust, smoke and other impacts. I do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of using this venue. I acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices, signatories will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937.

W. Dispatch of employees: The property, dwelling, or other buildings shall not be used for assembly or dispatch of employees to other locations.

X. Sales: Retail and wholesale sales that do not involve customers coming to the property, such as Internet, telephone, or mail order off-site 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.

Y. Alteration of property: No other alteration of land shall occur other than that approved in conjunction with an approval for an event business subject to the following:

DELETIONS IN STRIKEOUT ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

1. On days when events are not occurring, the property shall not take on characteristics of an event business, aside from structures and parking areas approved as part of this permit.
2. When events are not taking place, any equipment, furniture, or other items related to the event business shall be stored indoors.

Z. Transfer of property: Any approval is only for the property owner at the time of application. If the property is subsequently sold or transferred to another person or entity, the new property owner must indicate review and acceptance of the conditions of the land use approval prior to operating the business.

AA. Annual submittal: Event business approvals must be renewed every year subject to the property owner providing the following information:

1. **Evidence of the annual renewal of permits required by other agencies and departments.**
2. **A log of events held the prior calendar year.**
3. **Any revisions to the site plan or parking and traffic circulation plan or both. Such revisions may be subject to review and approval by the Planning Director and Public Works Director for consistency with the home occupation event business approval.**
4. **Evidence that the property continues to be subject to special assessment for farm use.**

Creates standards for operating an events business as a kind of a home occupation.

D. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

E. For uses listed in MCC 17.139.050(D)(3), (H)(1), (2) and (3), and (I), new facilities on high-value farmland shall not be authorized. Existing legally established facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract where the current use is located.

F. Private parks, playgrounds and campgrounds shall meet the following criteria:

1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 004.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

2. It shall be devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

3. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

4. A camping site shall only be occupied by a tent, travel trailer or recreational vehicle. Private campgrounds may provide yurts for overnight camping subject to the following:

a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include yurts;

b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

5. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites.

6. It shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

7. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

G. Temporary Accommodations for Hunting or Fishing. The following criteria apply to private seasonal accommodations for fee hunting and private accommodations for fishing:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

2. Only minor incidental and accessory retail sales are permitted.

3. Accommodations are occupied temporarily for the purpose of:

a. Hunting during either game bird and big game hunting seasons or both bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; or

b. Fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission, and are located within one-quarter mile of fish-bearing Class I waters.

4. Accommodations shall comply with the special use and siting requirements in MCC 17.139.070, except subsection (E).

H. Golf Course. A golf course is subject to the following limitations:

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

1. New golf courses shall not be permitted on high-value farmland, as defined in MCC 17.139.130(E).

2. A legally established existing golf course on high-value farmland may be expanded on the subject tract where the current use is located, consistent with the provisions of MCC 17.139.130(D).

I. A portable or temporary facility for the primary processing of forest products is subject to the following criteria and limitations:

1. The use shall not seriously interfere with accepted farming practices.
2. The use shall be compatible with farm uses described in ORS 215.203(2).
3. The use may be approved for a maximum one-year period, which is renewable.
4. The primary processing of a forest product, as used in this section, means the use of a portable chipper, stud mill, or other similar facility for initial treatment of a forest product in order to enable its shipment to market. "Forest products" as used in this section means timber grown upon a tract where the primary processing facility is located.

J. Youth camps on a lot or parcel predominantly in forest use on January 1, 1993:

1. Youth camps shall be owned and leased and operated by a state or local government or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience for persons 21 years of age or younger. Youth camps do not include any manner of juvenile detention center or facility.
2. The number of overnight camp participants that may be accommodated shall be determined by the board, or its designee, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. A youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff, except the board, or its designee, may allow up to eight nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants.

Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.

3. A campground as described in MCC 17.139.050(H)(1) through (5) shall not be established in conjunction with a youth camp.
4. A youth camp shall not be allowed in conjunction with an existing golf course and a youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

DELETIONS IN STRIKEOUT ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

5. The youth camp shall be located on a lawful parcel that provides a forested setting to ensure outdoor experience without depending upon the use of adjacent public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as the number of overnight participants and type and number of proposed facilities. The parcel shall be a minimum of 40 acres with suitable protective buffers to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the board, or its designee, sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

- a. The proposed setback will prevent conflicts with commercial resource management practices; and
- b. Will prevent a significant increase in safety hazards associated with vehicular traffic; and
- c. Will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

6. The parcel shall be suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the board or its designee shall verify that a proposed youth camp will not result in the need for a sewer system.

7. A youth camp may provide for the following facilities:

- a. Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
- b. Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the board or its designee may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.

DELETIONS IN STRIKEOUT ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

c. Bathing and laundry facilities, except that they shall not be provided in the same building as sleeping quarters and up to three camp activity buildings, not including primary cooking and eating facilities.

d. Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.

e. Administrative, maintenance and storage buildings; permanent structures for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant, and covered areas that are not fully enclosed.

f. An infirmary may provide sleeping quarters for the medical care provider (e.g., doctor, registered nurse, emergency medical technician, etc.).

g. A caretaker's residence may be established in conjunction with a youth camp prior to or after the effective date of the ordinance codified in this chapter, if no other dwelling exists on the subject property.

8. A proposed youth camp shall comply with the following safety requirements in OAR 660-006-0035 and shall have a fire safety protection plan developed for each youth camp that includes fire prevention measures; on-site pre-suppression and suppression measures; and the establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

a. Except as determined under subsections (J)(8)(b) and (c) of this section, a youth camp's on-site fire suppression capability shall at least include a 1,000-gallon mobile water supply that can access all areas of the camp; and a 30-gallon-per-minute water pump and an adequate amount of hose and nozzles; and a sufficient number of firefighting hand tools; and trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

b. An equivalent level of fire suppression facilities may be determined by the board or its designee. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the Oregon Department of Forestry and not served by a local structural fire protection provider.

c. The provisions for on-site fire suppression may be waived by the board or its designee if the youth camp is located in an area served by a structural fire protection provider and that provider informs the board in writing that on-site fire suppression at the camp is not needed.

~~DELETIONS IN STRIKEOUT~~ **ADDITIONS IN BOLD UNDERLINE**
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT

K. Living history museum (only on a tract predominantly in farm use on January 1, 1993). A living history museum related to resource-based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than a farm/timber zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary.

1. As used in this subsection:

- a. “Living history museum” means a facility designed to depict and interpret the everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and
- b. “Local historical society” means the local historical society recognized by the county board of commissioners and organized under ORS Chapter 65.

L. Commercial Activities in Conjunction with Farm Use.

- 1. The commercial activity must be primarily a customer or supplier of farm uses.
- 2. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.
- 3. The agricultural and commercial activities must occur together in the local community.
- 4. The products and services provided must be essential to the practice of agriculture.

M. The following criteria apply to those uses identified in MCC 17.139.050:

- 1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved within three miles of an urban growth boundary unless an exception is approved pursuant to OAR Chapter 660, Division 004.
- 2. Any new enclosed structure or group of enclosed structures subject to this section shall be situated no less than one-half mile from other enclosed structures approved under OAR 660-33-130(2) on the same tract. For the purposes of this subsection “tract” means a tract as defined in MCC 17.139.130(F) in existence on May 5, 2010.
- 3. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, but existing enclosed structures within three miles of an urban growth boundary may not be expanded beyond the limits of this subsection. [Ord. 1369 § 4 (Exh. B), 2016; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1204 § 4, 2004; Ord. 1180 § 4, 2003; Ord. 1168 § 5, 2002; Ord. 1125 § 11, 2000. RZ Ord. § 139.060.]

Event Business as Home Occupation: LA 2022-003

~~DELETIONS IN STRIKEOUT~~ ADDITIONS IN BOLD UNDERLINE
REMAND CHANGES IN BOLD UNDERLINE HIGHLIGHT
