

Planning Proposed Code Update Summary

Oregon Revised Statute Amendments

SB 287 (2019)	Mandatory EFU, SA, FT	Allows establishment of farm brewery.
SB 408 (2019)	Mandatory EFU, SA, FT	Prohibits land divided for utility facility to be later rezoned for commercial or industrial uses without a goal exception.
SB 2001 (2019)	Mandatory Use Standards	Legislation prohibits the county from requiring parking in conjunction with ADUs.
HB 2225 (2019)	Mandatory TC, FT	Defines “center” of subject tract for forest dwellings as well as “tract.”
HB 2844 (2019)	Mandatory EFU, SA, FT	Amends criteria for a farm crops processing facility.
HB 3024 (2019)	Mandatory EFU, SA, FT	Amends replacement dwelling criteria.
HB 4064 (2022)	Mandatory and Optional Urban and Rural	Modifies standards that can be applied to manufactured housing.

Recent legislatures adopted a number of bills that amended state statutes. These changes should be incorporated into the zone code to be consistent with state law.

HB 2469 (2019)	Optional EFU, SA, FT, TC	Permits relative dwelling on forest land.
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This bill permits a property owner to establish one additional dwelling on a property so that a relative may live on the property to assist the owner with the harvesting, processing of forest products or the management, operation of forest lots.

Oregon Administrative Rules

LCDD 4-2020	Mandatory TC, FT	Defines “center” of subject tract for forest dwellings as well as “tract.”
LCDD 4-2020	Optional EFU, SA, FT, TC	Permits relative dwelling on forest land.
LCDD 5-2020	Mandatory EFU, SA, FT	Prohibits land divided for utility facility to be later rezoned for commercial or industrial uses without a goal exception.

LCDD 9-2020	Mandatory EFU, SA, FT	Amends replacement dwelling criteria.
LCDD 13-2020	Mandatory EFU, SA, FT	Amends criteria for a farm crops processing facility.
LCDD 4-2021	Mandatory/Optional EFU, SA, FT, TC	Mandatory amendments to allowed uses in response to wildfire. Optional to adopt amendments related to campgrounds and hardship dwellings.
OAR 660-012	Mandatory Urban	Adds standards for parking to the urban code with the Salem/Keizer Urban Growth Boundary.

The Land Conservation and Development commission amended rules to implement the bills adopted by the legislature.

Staff Recommended Amendments

Floodplain Zones	Optional	Clarifies standards for utilities in floodplain.
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Provides the option for utilities that are not elevated to be designed to prevent water from entering or accumulating. This permits pipes, electrical wiring and similar to be placed underground, for instance. Adopts into code current practice and clarifies standards.

Urban Legislative Amendments and Procedures for Hearings	Optional	Modifies notice periods to match rural code to improve consistency in planning process.
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The urban and rural codes contain different times periods for publishing newspaper notice and noticing public hearings. These amendments would make the requirements match so that the planning process is clearer and more understandable.

EFU	Optional	Adds lot-of-record provisions to the EFU zone.
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State law permits a dwelling to be established based on the history of family ownership of the property. Historically, planning has not included this provision in the EFU code in order to minimize potential impacts from dwellings in farm zones. The existing Special Agriculture and Farm/Timber zones both include provisions for lot-of-record dwellings. This amendment includes conforming amendments to the Agriculture Element of the Marion County Comprehensive Plan.

EFU, SA ,FT	Optional	Changes requirement that a secondary farm dwelling must be a manufactured home.
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State law requires secondary farm dwellings to be manufactured only when being located on a parcel where the primary farm dwelling is not located and the lot doesn't meet the minimum parcel size or farm income. Historically Marion County code has required all secondary farm dwellings to be manufactured, which is more restrictive than state law. This amendment would change county code to match state law minimum requirements.

EFU, SA, FT	Optional	Changes criteria for a secondary farm dwelling for a family member.
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Marion County code requires that a secondary farm dwelling for a family member be placed on a parcel with a minimum of 80 acres. That is more restrictive than state law which does not include this criterion. This amendment would change county code to match state law minimum requirements.

EFU, SA, FT	Optional	Adopts provisions for division of land for historic dwellings and residential homes.
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This amendment would add the ability to divide land for historic dwelling and residential homes.

Urban and Rural	Mandatory/Optional	Clarifies process when historic structure or site is proposed to be demolished or altered.
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When a historic resource is proposed to be demolished, Oregon Administrative Rule 660-023-0200(8)(a) requires the local government perform a review before it can be demolished. This amendment also incorporates criteria for that review. The rural code matches the urban code to include reviews of alterations to historic structures. Reviews of alterations are optional to adopt in the rural code.

Rural Generally Permitted Uses	Optional	Clarifies standards for second kitchen in home.
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A second kitchen has been permitted in code subject to certain development standards. This amendment would clarify that the second kitchen is kind of kitchenette where a stove or oven is not present. This helps ensure that a second dwelling unit is not inadvertently created on the property, which the rural code cannot permit because of limitations in state law.

TC	Optional	Modifies property line adjustment criteria.
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This amendment would remove the criterion that a parcel remain capable of producing at least 5,000 cubic feet per year of commercial tree species. This is not a state requirement. With the criterion in place, the minimum parcel size is 25-35 acres even if there is a dwelling. Removing this criterion permits a parcel to be adjusted to a smaller size to accommodate an existing dwelling, for instance, while the rest of the parcel can grow in size to become part of a larger timber operation.

Public	Optional	Incorporates schools as a conditional use in the zone.
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This use was removed previously because schools are generally considered an urban use. However, Brooks-Hopmere is an urban unincorporated community and there are currently school uses in the Brooks-Hopmere area. Staff recommends this use be added to the Public zone to permit the establishment of new schools as a conditional use, or the change or expansion of ones that already exist in the community.

AR, EFU, SA, FT, TC	Optional	Creates standards for operating events as part of a home occupation.
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This amendment would create standards that would be in place when events are part of a home occupation.

Rural Generally Permitted Uses	Optional	Permits extended occupancy of a recreational vehicle on land with a dwelling.
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Oregon Revised Statute 446.126 permits the occupancy of a recreational vehicle on private land:

446.125 Occupancy on private land. *A person may occupy a manufactured dwelling or a camping vehicle on private land with the consent of the owner of the land if:*

(1) The lot, tract or parcel of land upon which the manufactured dwelling or camping vehicle is situated has an area adequate to provide safe, approved water supply and sewage disposal facilities and is not in conflict with ORS 446.310 (9).

(2) The person complies with all applicable standards of sanitation, water, plumbing and electrical and sewerage installations prescribed by the laws of this state and the rules issued thereunder, or by local authorities.

Currently code currently implements this statute by permitting occupancy of a recreational vehicle on property for up to 120 days in a calendar year. This code changes adds standards for extended stay in a recreational vehicle on property with a dwelling. A recreational vehicle used for an extended stay would have to connect to services on the property through temporary connections and the property owner record a statement agreeing to continuously meet the standards for extended stay.

General Amendments

Single-Family Residential	Optional	Removes reference to garden that is already in generally permitted uses.
Development Standards	Optional	Clarifies yard areas that setbacks and height standards apply consistent with current practice.
EFU, SA, FT	Mandatory	Clarifies property division provisions do not apply to home occupations, consistent with state law.

Floodplain	Mandatory	Removes a reference to maps which the code no longer implements.
Rural Partition	Mandatory	Corrects reference to standards which are part of the zone code which can be changed through the variance process.
EFU, SA, FT, TC	Mandatory	Clarifies extension periods for residential permits.
EFU, SA, FT, TC	Mandatory	Clarifies if declaratory statement applies to partition.
FT, TC	Mandatory	Amends language related to existing dwellings to match state rule.
Generally Permitted Uses	Optional	Adds declaratory statement for guest homes.
General Zoning	Mandatory	Adds Public as a zoning designation for that comprehensive plan designation.
Comprehensive Plan Introduction	Mandatory	Clarifies language so that language in plan matches code definitions in 17.110.304 and 16.49.146.
Comprehensive Plan Urbanization Element	Optional	Clarifies when an intergovernmental agreement is required and corrects scrivener's error.

Comprehensive Plan Conforming Amendments

The Comprehensive Plan update adds the ability of a property owner to apply for a lot-for-record dwelling in the EFU (Exclusive Farm Use) zone. The EFU zone already contains provisions for non-farm dwellings based on soils on the property. The Special Agriculture, Farm/Timber and Timber Conservation, the county's other resource zones, all contain lot-of-record provisions as well as other kinds of dwellings.