

CHAPTER 17.126
PERMITTED USES GENERALLY

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17.126.010 USES PERMITTED IN ALL ZONES. The following uses, facilities and activities whether primary, accessory, secondary or temporary, are permitted in all zones subject to compliance with the requirements in Chapters 17.110, 17.112, 17.113, 17.114, 17.116, 17.117, 17.118, 17.120, 17.121, 17.176, 17.177, 17.178, 17.179, and 17.191 MCC, except when specifically prohibited or when a conditional use is required in the applicable primary or overlay zones:

- A. Public rights-of-way and easements existing at the time of adoption of this title, including public streets, roads and utilities located therein, except as provided in SA, EFU, FT and TC zones.
- B. Except in SA, EFU, FT and TC zones, expansion and realignment of existing right-of-way and easements, including improvement and construction of streets, roads and utilities in conformance with the applicable comprehensive plan and the standards of the department of public works. Street right-of-way shall not be expanded to a greater width than twice the special setback in Chapter 17.112 MCC unless the expansion is necessary to include cut and fill slopes and turn lanes at intersections.
- C. Except in SA, EFU, FT and TC zones, establishment of new public right-of-way and easements, including construction of streets, roads and utilities in conformance with the applicable comprehensive plan, the standards of the department of public works, and Chapter 17.172 MCC. Street right-of-way shall not be greater in width than twice the special setback in Chapter 17.112 MCC, unless the greater width is necessary to include cut and fill slopes and turn lanes at intersections.
- D. Railroad tracks and related structures and facilities located within existing rights-of-way controlled by railroad companies. Also, except in SA, EFU, FT and TC zones, expansion and realignment of railroad right-of-ways. Railroad right-of-way shall not be greater in width than necessary to accommodate rail supporting structure and drainage facilities.
- E. Use of non-geothermal groundwater, natural or man-made waterways and impoundments, and related structures and facilities for supply associated with permitted uses.
- F. Creation, restoration, or enhancement of wetlands as defined in ORS 197.015 (22).
- G. Condominium buildings.

17.126.020 PERMITTED SECONDARY AND ACCESSORY STRUCTURES AND USES. The following secondary and accessory uses and structures shall be permitted on a lot or parcel with a primary use and are subject to the limitations and requirements in Chapters 17.110, 17.112, 17.113, 17.114, 17.116, 17.117, 17.118, 17.120, 17.121 MCC, and the requirements in any applicable overlay zone:

- A. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling unit or mobile home:
1. Decks and patios (open, covered, or enclosed);
 2. Storage building for: firewood, equipment used in conjunction with dwelling and yard maintenance; personal property (except vehicles) not in conjunction with any commercial or industrial business other than a home occupation;
 3. Vegetable gardens, orchards and crop cultivation for personal use, including greenhouses. No sale of produce is permitted.
 4. Sauna;
 5. Hobby shop;
 6. Shelter for pets;
 7. Fallout shelters;
 8. Swimming pools and hot tubs;
 9. Guest facilities not in a primary dwelling unit provided:
 - a. Only one guest facility is allowed per contiguous property ownership; and
 - b. Total combined maximum floor area shall not exceed 600 square feet, including all levels and basement floor areas; and
 - c. No stove top, range, or conventional oven is allowed; and
 - d. All water, sewer, electricity and natural gas services for the guest facility shall be extended from the primary dwelling services; no separate meters for the guest facility shall be allowed; and
 - e. The guest facility shall be located within 100 feet of the primary use dwelling on the same property measured from the closest portion of each structure; and
 - f. The guest facility shall use the same septic system as the primary use dwelling, except when a separate system is required by the building inspection division due to site constraints, or failure of the existing system, or where the size or condition of the existing system precludes its use, additional drain lines may be added to an existing system, when appropriate; and
 - g. The guest facility shall not be occupied as a dwelling unit; and
 - h. The guest facility shall not have an address.
 10. Rooming or boarding of up to two persons in a dwelling unit;
 11. Pets, provided a conditional use permit is required in the RS and AR zones if there are more than 10 mammals over four months old. No birds or furbearing animals, other than pets, and no live stock, poultry, or beekeeping are permitted in RS zones.
 12. One recreational vehicle space subject to the requirements in MCC 17.126.040;
 13. Additional kitchens in a dwelling unit provided all kitchens in the dwelling unit are used by only one family and subject to the recording of a covenant restricting the use to a single family dwelling;
 14. Offering to sell five or less vehicles owned by the occupants of the dwelling unit in any calendar year;
 15. Garages and carports for covered vehicle parking;
 16. Child foster home;
 17. Residential home* (see MCC 17.110.190(C))
 18. Sleeping quarters for domestic employees of the resident of the dwelling unit or mobile home;
 19. Bed and breakfast establishments in AR zones provided they do not include more than four lodging rooms and may employ no more than two persons ("person" includes volunteers, non-resident employee, partner or any other person).
 20. Ham radio facilities.

- B. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Chapter 17.117 MCC.
- C. Transit stop shelters and school bus stop shelters are a permitted secondary use in all zones. Shelters shall not be located within a required vision clearance area.
- D. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided:
 - 1. The vehicles are owned by the occupant of the lot or domestic employees of the occupant; and
 - 2. Vehicles parked outdoors in a residential zone may be parked in a space within the front yard meeting the requirements for required parking in Chapter 17.118 MCC; or, they may be parked elsewhere on the lot where accessory buildings are permitted provided the parking area is screened by a six foot high sight-obscuring fence, wall or hedge if the vehicle is parked within 100 feet of another lot in a residential zone. On a lot in the RS zone not more than three vehicles shall be parked within require yards adjacent to streets; and
 - 3. Vehicles parked on a lot or parcel shall be for the personal use of the occupants of the dwelling and the personal use of employees of an approved conditional use home occupation.
 - a. One vehicle used in conjunction with a home occupation and one vehicle used in other employment may be parked on the lot.
 - b. In the RS zone, any vehicle that is rated at more than one ton capacity shall be parked in an enclosed structure.
- E. Portable classrooms and dormitories for students are a permitted accessory use in conjunction with elementary and secondary schools (as defined in Chapter 17.110 MCC).
- F. Except in SA, EFU, FT and TC zones, a parsonage in conjunction with a religious organization.
- G. Parking of vehicles in a structure or outdoors is a permitted accessory or secondary use in the CC, C, IUC, ID and I zones provided:
 - 1. The vehicles are owned by the occupant of the lot;
 - 2. If vehicles are stored outdoors, the parking area shall be an all-weather surface, and be enclosed by a six foot high sight-obscuring fence, wall, hedge or berm; and
 - 3. If vehicles are parked outdoors, the vehicles shall be operational, and used in conjunction with the primary use of the lot. If more than five vehicles are parked outdoors on the lot the parking area shall be screened by a six foot high sight-obscuring fence, wall or hedge if located within 100 feet of a lot in a residential zone and from streets.
- H. Drop stations are permitted in CC, C, IUC, and I zones.
- I. Retail sales or offices in a building in conjunction with a use in an industrial zone provided:
 - 1. The floor area of the retail sales or offices shall not be more than 30 percent of the floor area of the industrial use;
 - 2. The development requirements are met for the accessory use as if it was a primary use; and

3. The accessory use shall be located on the same lot as the primary use and the building shall be owned or leased by the industrial business owner.
- J. Except in SA, EFU, FT and TC zones, accessory and secondary uses not otherwise permitted may be allowed as a conditional use provided the use is consistent with the definition of accessory or secondary and is compatible with the purpose of the zone and land uses on adjacent lots.
- K. Private Energy Generating Facilities (such as wind turbines, solar power panels, fuel cells, and hydro power facilities) are permitted in all zones as an accessory use provided:
1. The applicant shall provide a copy of a net metering agreement with a nameplate rating that restricts the electrical power generation capacity to private electrical power on the property.
 2. The property owner shall not receive any monetary compensation or credit for annually accumulated excess electrical power.
 3. Any excess energy shall be transferred under provisions listed in OAR 860-039-0060.
 4. Wind turbine towers shall be the factory default color.
- L. In addition to the use permitted in (K), a solar photovoltaic energy system or solar thermal energy system is permitted on residential and commercial structures provided:
1. The installation of the system will not increase the footprint of the structure or peak height of the portion of the roof on which the system is installed; and,
 2. The system will be mounted so that the plane of the system is parallel to the slope of the roof; and,
 3. Installations on historic buildings or landmarks, on buildings in a historic district, on conversation landmarks, or on buildings located in an area designated as a significant scenic resource shall be constructed of material designated as either anti-reflective or less than eleven percent reflective.

17.126.030 PERMITTED TEMPORARY USES. The following temporary uses shall be permitted subject to the following limitations and requirements and the requirements in applicable overlay zones:

- A. Storage of a mobile home on a lot for not more than one year, unless extensions are granted, where the mobile home is or has been a permitted use and the mobile home is offered for sale. The mobile home shall not be used for sleeping, eating or restroom purposes.
- B. Garage sales and yard sales in any zone in conjunction with a dwelling, and auctions in commercial and industrial zones, provided there are not more than three sales in a calendar year with each sale not to exceed three consecutive days. All display of merchandise to remain on private property.
- C. One recreational vehicle space on a lot or parcel without a dwelling in the AR, SA, FT and TC zones subject to the requirements in MCC 17.126.040, except subsections (B) and (C). In addition, the space shall:
1. Not be occupied for more than 120 days in any calendar year; and
 2. Satisfy all development standards and requirements applied to a non-resource related dwelling in the applicable zone.
- D. A real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for sale or lots or dwelling units that remain available for sale to the public.

- E. Temporary uses that do not meet the limitations identified in this Section and other temporary uses not addressed herein may be approved as a conditional use as provided in Chapter 119 MCC, subject to meeting the following criteria:
 - 1. The temporary use is compatible with the purpose of the zone and adjacent land uses.
 - 2. The temporary use will have adequate public services to maintain the public health and safety.
 - 3. The operator of the temporary use has signed an agreement with the planning division regarding termination of the use consistent with the time limitations established in the conditions of approval.
- F. Mobile asphalt batching plant provided:
 - 1. The use is for a single paving project and the use will not exceed 90 days; and
 - 2. The use will not involve permanent installations or structures, will not leave any residue on the property, involves no change in the land or buildings and makes no permanent impact on the surrounding area.

17.126.040 RECREATIONAL VEHICLE SPACES. Recreational vehicle spaces shall meet the following use and development standards. Long-term storage of a recreational vehicle must comply with the requirements for accessory uses and structures.

- A. The space shall have an all-weather surface and be drained to prevent standing water.
- B. A space shall not be located closer than 10 feet to any other spaces, any building, dwelling, mobile home, street or roadway boundary and not closer than 10 feet to any property line.
- C. If the space is occupied by an occupied recreational vehicle for more than 120 days in any calendar year, the space shall be located in a mobile home park or recreational vehicle park.
- D. The space shall not be located in any required off-street parking space or required yard areas.
- E. Unless located in a recreational vehicle park no permanent electrical or gas connections are permitted.
- F. Unless located in a recreational vehicle park the space shall not be rented or leased for consideration.

17.126.050 CO-LOCATION OF ADDITIONAL ANTENNAS. The co-location of additional antennas and the addition of cabinets and other facility equipment to an existing wireless communication facility is permitted in the EFU, SA, TC, FT, I, ID and P zones provided:

- A. The existing tower previously received land use approval or is permitted outright; and
- B. The additional antennas do not increase the height of the tower beyond the approved height; and
- C. The co-location is consistent with conditions of approval applied to the exiting facility.