
Chapter 17.128
AR (ACREAGE RESIDENTIAL) ZONE Revised 3/19

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17.128.010 Purpose.

The purpose and intent of the acreage residential zone is to provide appropriate regulations governing the division and development of lands designated rural residential in the Marion County Comprehensive Plan. Acreage residential zones are areas that are suitable for development of acreage homesites. Such areas are necessary to meet the housing needs of a segment of the population desiring the advantages of a rural homesite. It is the intent that residential sites be provided with adequate water supply and wastewater disposal without exceeding the environmental and public service capability of the area or compromising the rural character of the area. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.010.]

17.128.020 Permitted uses. Revised 3/19

Within an AR (acreage residential) zone no building, structure or premises shall be used or arranged except for the following purposes:

- A. Single-family dwelling.
- B. Farm use, including the sale of produce that is raised on the premises, but not including a medical marijuana processor (see MCC [17.110.376](#)), medical marijuana producer (see MCC [17.110.378](#)), or a medical marijuana dispensary (see MCC [17.110.374](#)).
- C. Planned developments.
- D. Playgrounds and parks operated by governmental agencies.
- E. Public and private utility facilities and public buildings such as fire stations, sheriff and police substations.
- F. Creation, restoration, or enhancement of wetlands as defined in ORS Chapter [197](#).
- G. Limited home occupations (see limited use, MCC [17.125.100](#)).
- H. Wireless communication facilities, attached subject to MCC [17.125.110](#) and pursuant to MCC [17.115.110](#).
- I. Religious organizations and expansions of existing religious organizations where the religious organization or the expanded religious organization will be less than 20,000 square feet in total area.
- J. Replacement of a lawfully established dwelling, subject to the special siting standards in MCC [17.128.050\(B\)](#), when the dwelling:
 - 1. Is a manufactured dwelling, mobile home, or manufactured home, the replaced dwelling shall be removed or demolished within 90 days of the occupancy of the replacement dwelling.
 - 2. Is a site-built dwelling, the replaced dwelling shall be removed, demolished or converted to an allowable nonresidential use within 90 days of the occupancy of the replacement dwelling.
 - 3. A dwelling constructed between 1850 and 1945 on a parcel at least two acres in size outside of any area designated as an urban reserve may remain on the parcel as an accessory dwelling unit if replaced by a new single-family dwelling on the parcel subject to the following conditions:
 - a. The property owner shall obtain all required permits from Marion County building inspection to convert the existing residence to an accessory dwelling unit upon completion of the new single-family dwelling, including permits for sanitation

and wastewater disposal and treatment.

- b. The land containing the accessory dwelling cannot be divided from the land containing the new single-family dwelling.
- c. The accessory dwelling unit cannot be renovated or remodeled so that the square footage of the accessory dwelling unit is more than 120 percent of the historic home's square footage at the time construction of the new single-family dwelling commenced.
- d. The accessory dwelling cannot be rebuilt if the structure is lost to fire.
- e. The property owner shall record a declaratory statement acknowledging compliance with the conditions in subsections (J) (3)(b), (c) and (d) of this section. [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1372 § 4 (Exh. A), 2016; Ord. 1326 § 4 (Exh. A), 2012; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.020.]

17.128.030 Conditional uses. Revised 3/19

The following uses may be permitted subject to obtaining a conditional use permit:

- A. Kennels.
- B. Temporary use of a mobile home or recreational vehicle during certain hardship conditions, subject to MCC [17.120.040](#).
- C. Day nursery.
- D. Commercial uses in conjunction with farm use subject to MCC [17.128.045](#).
- E. Religious organizations and expansions not qualifying under MCC [17.128.020](#)(I), and related conference and residence facilities.
- F. Schools, elementary and secondary (as defined in Chapter [17.110](#) MCC).
- G. Conditional home occupation (other than those home occupations listed in MCC [17.125.100](#)) (see specific conditional uses, MCC [17.120.075](#)).
- H. Wireless communications facilities (see specific conditional uses, MCC [17.120.080](#)). [Ord. 1397 § 4 (Exh. B), 2019; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.030.]

17.128.040 Conditional use review criteria.

The following criteria apply to all conditional uses in the AR zone:

- A. The conditional use as described by the applicant will be in harmony with the purpose and intent of the zone.
- B. The use will not increase traffic beyond the capacity of existing roads.
- C. Adequate fire protection and other rural services are, or will be, available when the use is established.
- D. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.
- E. Any noise associated with the use will not have a significant adverse impact on nearby land uses.
- F. 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. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.040.]

17.128.045 Commercial activities in conjunction with farm use.

- A. The commercial activity must be primarily a customer or supplier of farm uses.
- B. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.
- C. The agricultural and commercial activities must occur together in the local community to satisfy the statute.
- D. The products and services provided must be essential to the practice of agriculture. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002. RZ Ord. § 128.045.]

17.128.050 Special siting standards for dwellings near resource zones.

A. Any new dwelling in an AR zone shall be required to maintain a special setback from any parcel in the EFU, SA, FT, or TC zones. A 100-foot setback is the standard adjacent to farm use and 200 feet is the standard adjacent to forest uses. These setbacks may be reduced if it is determined, concurrently with any land use application or as provided in Chapter [17.116](#) MCC, that a lesser setback will meet the following review criteria for alternative home sites:

1. The location of the home site will have the least impact on nearby or adjoining forest or agricultural lands.

2. The location of the home site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.
3. The amount of agricultural and forestlands used to site access roads, service corridors, the dwelling and structures is minimized.
4. The risks associated with wildfire are minimized.

B. The owner of a proposed dwelling to be located within 500 feet of the EFU, SA, FT, or TC zones shall be required to concur in the filing of the declaratory statement prescribed in the respective resource zone.

C. The owner of a proposed dwelling located on a parcel adjacent to the FT or TC zone shall, as a condition of approval, be required to provide for fire hazard management in accordance with Chapter 3 of "Fire Safety Considerations for Developments in Forested Areas, 1978" and any revisions thereto.

D. The special setback in subsection (A) of this section shall not be applied in a manner that prohibits dwellings approved pursuant to ORS [195.300](#) through [195.336](#) nor should the special setback in subsection (A) of this section prohibit a claimant's application for homesites under ORS [195.300](#) through [195.336](#). [Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.050.]

17.128.060 Development standards.

The following standards apply to development in an AR zone:

A. Maximum Height.

1. Dwellings: 35 feet.
2. Farm-related structures on farm parcels: none.
3. Nonresidential and non-farm structures: 35 feet unless they are in conjunction with conditional uses allowed in MCC [17.128.030](#), and a greater height is requested and approved as part of the conditional use permit.

B. Minimum Setbacks. Except as required in MCC [17.128.050](#)(A), the following setback requirements shall be implemented for all new structures other than residential accessory structures (see Chapter [17.117](#) MCC), farm-exempt buildings, signs and fences:

1. Rear Yard. A minimum of 20 feet.
2. Side Yard. A minimum of 10 feet, except for lots or parcels of one-half acre or smaller created prior to January 1, 1994, in which case the side yard setback shall be five feet. In the case of a corner lot any side yard adjacent to a street shall be not less than 20 feet.
3. Front Yard. A minimum of 20 feet. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (See Chapter [17.112](#) MCC). [Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.060.]

17.128.070 Minimum lot size and density.

The minimum lot size for subdivisions and partitioning is two acres. When a numerical suffix has been applied to the AR zone, the minimum lot size shall conform to the numerical designation. The minimum lot size shall also apply to planned developments. [Ord. 1271 § 5, 2008; Ord. 1227 § 4, 2006; Ord. 1168 § 5, 2002; Ord. 1125 § 7, 2000. RZ Ord. § 128.070.]

The Marion County Code is current through Ordinance 1438, passed July 14, 2021.

Disclaimer: The Clerk of the Board's Office has the official version of the Marion County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

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