

TO: HEARINGS OFFICER

**FROM: LISA ANDERSON-OGILVIE, AICP
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING
ADMINISTRATOR**

**SUBJECT: VALIDATION OF UNIT OF LAND CASE 19-03
NORTH OF 4485 KALE ST NE
AMANDA NO. 19-105876-LD**

REQUEST

A proposal to validate one land area that was created through a sale by deed in 1983.

The request is to establish lawfully a land area created in 1983, consisting of tax lot 700, which by deed conveyed the land area. The sale effectively divided Tax Lot 700 from the parent parcel (062W31D / 01100), without a land use approval. The applicant is requesting to validate property known as Marion County Tax Assessor's number 062W32C/ 700, located north of 4485 Kale Street NE.

The land area is approximately 19,602 square feet in size, zoned RM-II (Multiple Family Residential), and located at 4485 Kale Street NE (Marion County Assessor Map and Tax Lot Numbers: 062W32C/ 700).

OWNER: Northstar Communities, LLC

APPLICANT: I & E Construction, Inc

REPRESENTATIVE: Multi-Tech Engineering, Brandie Dalton

RECOMMENDATION

Based on the application and information presented in the staff report, staff recommends that the Hearings Officer adopt the Facts and Findings of the staff report and APPROVE the request to validate one unit of land that was created through sale rather than through an approved subdivision or partition plat process, for property zoned RM-II (Multiple Family Residential), and located at 4485 Kale Street NE (Marion County Assessor Map and Tax Lot Numbers: 062W32C/ 700).

BACKGROUND/PROPOSAL

The proposal involves a unit of land, Tax Lot 700, which was unlawfully created through a deed sale in 1983. In 1983, Tax Lot 700 was sold separately from 062W31D / 1100. Prior to the sale of Tax Lot 700, this unit of land and Tax Lot 1100 were part of a single parent parcel. Because the division of the property into two units of land did not receive land use approval for a partition, the individual units of land were not lawfully established.

SRC 205.060 codifies the Oregon Legislative Assembly House Bill 2723 (2007), which

provided authority to Oregon cities and counties to ‘validate’ units of land that were previously created by sale, but where the resulting land division did not comply with applicable law regulating such divisions.

Tax Lot 700 should not have been sold as a separate unit of land from Tax Lot 1100, the sale created two unauthorized units of land. The validation of unit of land process provided in SRC 205.060 provides a method to correct this error.

On February 25, 2019, Brandie Dalton of Multi-Tech Engineering on behalf of the applicant and owner, filed a request to validate an existing unit of land that was created through sale rather than through an approved subdivision or partition plat process, for property zoned RM-II (Multiple Family Residential), and located at 4485 Kale Street NE (Marion County Assessor Map and Tax Lot Numbers: 062W32C/ 700).

The application was deemed complete for processing on March 6, 2019. Notice of the public hearing was mailed March 21, 2019. The state-mandated 120-deadline to issue a final local decision in this case is July 4, 2019.

APPLICANT’S STATEMENT

A request for a validation of unit of land must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted such statements and proof, which are included in their entirety as Attachment B to this staff report. Staff utilized the information from the applicant’s statements to evaluate the applicant’s proposal and to compose the facts and findings within the staff report.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) Designation

Comprehensive Plan Map: The subject property, is designated “Single Family” on the Salem Area Comprehensive Plan (SACP) Map.

Urban Growth Policies: The subject property, is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Growth Management: The subject property is located outside of the Urban Service Area.

2. Zoning and Surrounding Land Use

The subject property is zoned Multiple Family Residential (RM-II). The property subject to the validation request, Tax Lot 700, is undeveloped. The surrounding properties are zoned and used as follows:

North: UD-20-IND (Urban Transition – 20 - Industrial); Farmland

South: RM-I (Multiple Family Residential); Vacant

East: RS (Single Family Residential); Vacant

West: RM-II (Multiple Family Residential); Manufactured Dwelling Park

3. Existing Site Conditions

The land area (Tax Lot 700) is 490-feet by 40-feet rectangular shape. The property has access to Kale Street NE, a minor arterial, through common ownership to the south.

4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of Northgate Neighborhood Association (Northgate). Notification was sent to the neighborhood associations and surrounding property owners within 250 feet of the property on March 21, 2019. Notice of the proposed application was also posted on the subject property. As of the date of this staff report, no written comments have been received from nether neighborhood association.

5. City Department and Public Agency Comments

- The Public Works Department, Development Services and City Surveyor staff reviewed the proposal and provided these comments and recommendations for plat approval.
 - Survey will review all submitted materials for a final comprehensive review of ORS 92 & SRC at the Final Plat Stage.
 - Final Plat Submittal: The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC). If the said documents are not in compliance with the requirements outlined in the ORS and the SRC, and as per SRC 205.035, the approval of the partition plat by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.
- The Building and Safety Division reviewed the proposal and identified no apparent issues.
- The Salem Fire Department reviewed the proposal and indicated that they have no concerns for this land division.

6. Public Agency and Private Service Provider Comments

Public agencies and public and private service providers for the subject property were mailed notification of the proposal. No comments have been received at the time of the writing of this staff report.

7. Criteria for Granting a Validation of Unit of Land

SRC 205.060(d) sets forth the criteria that must be met before a unit of land can be

validated.¹ In order to approve a validation of unit of land, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied.

The applicable criteria are stated below in **bold** print. Following each criterion is a response and/or finding relative to the proposed tentative partition. The applicant provided justification for all applicable criteria (Attachment B).

SRC 205.060(d)(1): The unit of land is not a lawfully established unit of land.

Finding: The property was annexed into the City of Salem in August 1998. The unit of land subject to the validation request was created in 1983, prior to annexation, through a deed recorded selling the subject land area. Therefore, Tax Lot 700 was not a lawfully established unit of land. This criterion is met.

SRC 205.060(d)(2): The unit of land was created through sale or deed or land sales contract executed and recorded before January 1, 2007.

Applicant Statement: Tax Lot 700 was created in 1983 per Reel 327 Page 928. The unit of land did not comply with the applicable UT-20 criteria of the [Marion County] 1983 zone requirements.

Finding: Staff concurs with the applicant's written statement, except for the zoning in 1983. The subject unit of land was not created solely to establish a separate tax account, and was not created by gift or any other method that is not considered a sale. The applicant has provided a copy of the recorded deed creating the subject unit of land through sale as evidence (Reel 327 Page 928).

SRC 205.060(d)(3): The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold.

Applicant Statement: Tax Lot 700 was created in 1983 per Reel 327 Page 928. The unit of land did not comply with the applicable UT-20 criteria of the [Marion County] 1983 zone requirements. However, the unit of land was annexed into the City of Salem in 1998 and appeared to be brought into the City without any illegal lots issues. The unit of land was brought into the City with an IP [Industrial Park zone] zone designation. The unit of land complied with the 1998 zone requirements when annexed (Ordinance No. 66.98) into the City of Salem in 1998.

Finding: Staff does not agree with the applicant's written statement concerning the zoning of the land area. Marion County Planning Department provided evidence that the land area was zoned RA (Residential Agriculture), not UT-20 (Urban Transition-20) in 1983. The land area was rezoned to UT-20 on May 30, 1990. The unit of land did comply with the applicable RA criteria of the [Marion County] 1983 zone requirements. The

¹ Notwithstanding criterion SRC 205.060(d)(3), the Hearings Officer may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction or placement of a dwelling or other building on the unit of land after the sale. No approval has been issued for such construction on Tax Lot 700.

applicable RA zone (Marion County Code Chapter 129) required a minimum lot size of 6,000 square feet and a minimum width of 60-feet at the front building line (Attachment D).

When applying the relevant criteria, Staff finds that the land area was sold in 1983, by a deed per Reel 327 Page 928. In 1983, the Marion County Code Chapter 129 was applicable to the land area. As mentioned above, the RA zone required a minimum lot size of 6,000 square feet and a minimum width of 60-feet at the front building line. The land area sold in 1983 has the dimensions of 490-feet by 40-feet, with the 490-foot dimension being the front building line and did meet the minimum lot size and minimum 60-foot width of the 1983 RA zone.

This criterion is met.

SRC 205.005(d)(4): The plat complies with SRC 205.035 and ORS 92.

Finding: The applicant submitted a copy of a proposed plat (Attachment C). The Public Works Department reviewed the proposal and submitted comments describing the procedure and submittal requirements for recording of a final plat.

RECOMMENDATION

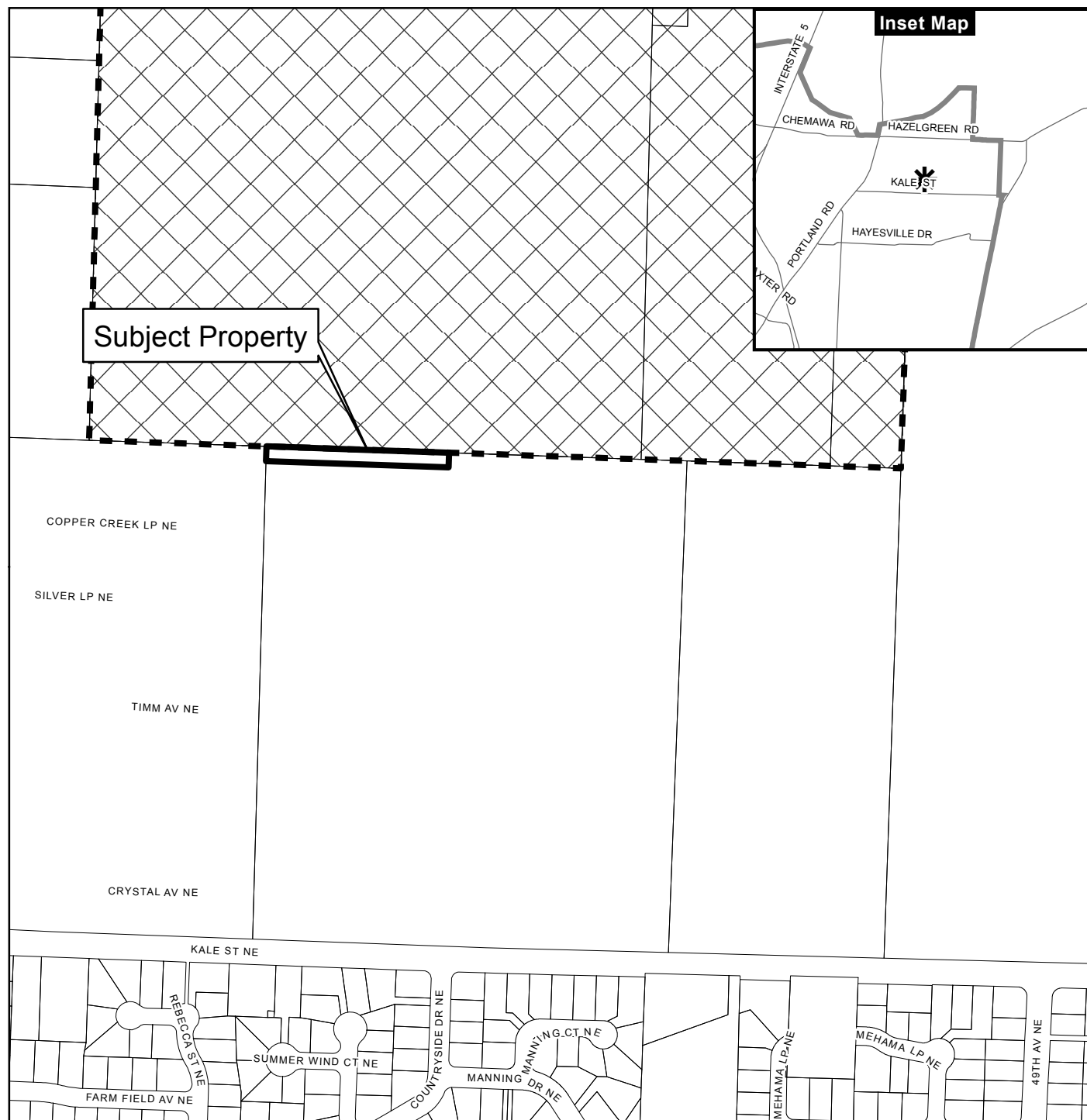
Based on the application and information presented in the staff report, staff recommends that the Hearings Officer adopt the Facts and Findings of the staff report and APPROVE the request to validate one unit of land that was created through sale rather than through an approved subdivision or partition plat process, for property zoned RM-II (Multiple Family Residential) and located at the Marion County Tax Assessor's number 062W32C/ 700, located north of 4485 Kale Street NE.

Prepared by Olivia Glantz, Planner III

Application Deemed Complete Date: March 6, 2019
State Mandated Decision Date: July 4, 2019

Attachments: A. Vicinity Map
B. Applicant's Statement
C. Applicant's Proposed Plat
D. Marion County Chapter 129 (1983)

Vicinity Map North of 4485 Kale Street NE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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PARTITION PLAT 2019-

IN THE SE 1/4 SEC. 31, & THE SW 1/4 SEC. 32, T. 6 S., R. 2 W., W.M.
CITY OF SALEM, COUNTY, OREGON

NOTES:
1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO VALIDATE A TRACT OF LAND ORIGINALLY DESCRIBED IN REEL 327, PAGE 928, MARION COUNTY DEED RECORDS. THE BASIS OF BEARING IS ALONG THE WEST LINE PER MCSR 38715.

THIS TRACT WAS ORIGINALLY CONVEYED TO CLEAR TITLE BETWEEN TWO MUCH LARGER TRACTS. VOLUME 42, PAGE 476 DESCRIBES THE NORTH-SOUTH DIMENSION OF A LARGER TRACT AS 20 CHAINS (1320 FEET), WHILE VOLUME 212, PAGE 257, DESCRIBES IT AS 20.60 CHAINS (1359.60 FEET). REEL 237, PAGE 328 USED THESE TWO ORIGINAL DESCRIPTIONS TO CREATE A TRACT, WITHOUT ANY PLANNING ACTION OR RECORD OF SURVEY, 7.50 CHAINS X 0.60 CHAINS IN SIZE.

THE EAST BOUNDARY OF PARCEL 1 IS THE NORTH-SOUTH DIVISION LINE OF THE W.B. STEPHENS DONATION LAND CLAIM. I LOCATED ITS SOUTH END BY HOLDING RECORD DISTANCE FROM THE NORTHEAST CORNER OF THE A. STANTON DONATION LAND CLAIM #49 PER MCSR 26669 AND 37346. I LOCATED ITS NORTH END BY HOLDING RECORD DISTANCE FROM THE 3/4" IRON PIPE SET IN MCSR 16094 AND TIED IN MCSR 26669 AND 37346.

I HELD THE DEED DISTANCE OF 20 CHAINS FROM THE SOUTH LINE OF THE COLLINS DLC TO DETERMINE THE SOUTH LINE OF PARCEL 1. I HELD ITS NORTH AND WEST LINES FROM MCSR 38715, A RETRACEMENT OF MCSR 37346.

SURVEYOR'S CERTIFICATE:

I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED MAP, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN REEL 3978, PAGE 175, MARION COUNTY DEED RECORDS IN THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 7 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON; THENCE NORTH 00°29'19" WEST 1320.25 FEET TO A 3/4" IRON PIPE AT THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE MOST WESTERLY NORTH LINE OF SAID TRACT NORTH 89°45'46" EAST 494.01 FEET TO A 5/8" IRON ROD ON THE NORTH-SOUTH DIVISION LINE OF THE W.B. STEPHENS DONATION LAND CLAIM; THENCE ALONG SAID DIVISION LINE SOUTH 00°33'32" EAST 36.31 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°59'54" WEST 494.07 FEET TO A 5/8" IRON ROD ON THE WEST LINE OF SAID TRACT; THENCE NORTH 00°29'19" WEST 34.25 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 17,429 SQUARE FEET, MORE OR LESS.

MULTI/TECH ENGINEERING SERVICES, INC.

BY:

Robert D. Hamman
ROBERT D. HAMMAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 64202LS

MONUMENT TABLE:

- A. 3" BRASS CAP IN MONUMENT BOX, SEE DETAIL
B. 5/8" IRON ROD WITH ALUMINUM CAP SCRIBED "BARKER PLS 636" PER MCSR 37346
C. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "BARKER PLS 636" PER MCSR 37346
D. 3/4" IRON PIPE SET IN MCSR 16094
E. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "BARKER PLS 636" PER MCSR 37346

REFERENCE SURVEYS:

1. MCSR 5400
2. MCSR 16094
3. MCSR 26669
4. MCSR 37346
5. MCSR 38715
REFERENCE DEEDS:
D1. V. 42, P. 476, MCDR
D2. V. 212, P. 257, MCDR
D3. R. 327, P. 928, MCDR

MCSR = MARION COUNTY SURVEY RECORD

MCDR = MARION COUNTY DEED RECORDS

AC = ACRE

SF. = SQUARE FOOT

V. = VOLUME

R. = REEL

P. = PAGE

() = RECORD DATA PER SURVEY/DEED

[] = NOTED

[] = RECORD AND MEASURED DATA PER SURVEY/DEED NOTED

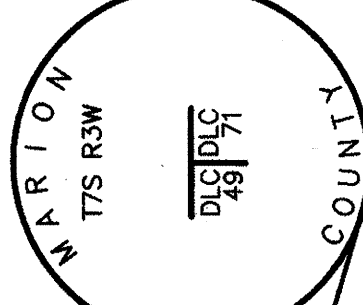
● = FOUND MONUMENT PER

○ = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."

✕ = CALCULATED POINT

CAP DETAIL

FOUND 3" BRASS CAP
DOWN 0.60 FEET
IN MONUMENT BOX
PER MCSR 4409R062



BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert D. Hamman

OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2019

SHEET 1 OF 2

PARTITION PLAT 2019-
IN THE SE 1/4 SEC. 31, & THE SW 1/4 SEC. 32, T. 6 S., R. 2 W., W.M.
CITY OF SALEM, COUNTY, OREGON

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT NORTHSTAR COMMUNITIES, LLC, BEING THE OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON, AND DESIRING TO DISPOSE OF THE SAME INTO A PARCEL, HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED.

BY:

ERIC LEE MEURER, AS TRUSTEE OF THE ERIC LEE MEURER REVOCABLE LIVING TRUST
DATED JULY 5, 2012, MEMBER MANAGED NORTHSTAR COMMUNITIES, LLC

STATE OF OREGON }
COUNTY OF MARION } S.S.

ERIC MEURER, MEMBER, NORTHSTAR COMMUNITIES LLC, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC FOR OREGON, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY SIGNATURE _____

NOTARY PUBLIC FOR OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

APPROVALS:

CITY PLANNING ADMINISTRATOR _____ DATE _____
PARTITION CASE NO. PAR _____

CITY OF SALEM SURVEYOR _____ DATE _____

MARION COUNTY ASSESSOR _____ DATE _____

TAXES AND ASSESSMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID
IN FULL TO _____

MARION COUNTY TAX COLLECTOR _____ DATE _____

STATE OF OREGON }
COUNTY OF MARION } S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT No. _____
WAS RECEIVED FOR RECORDING ON THE _____ DAY OF _____ 2019, AT
O'CLOCK _____ M, AND RECORDED IN THE BOOK OF PARTITION PLATS. IT IS
ALSO RECORDED IN THE MARION COUNTY DEED RECORDS IN REEL _____
PAGE _____

BILL BURGESS, MARION COUNTY CLERK

BY: _____
DEPUTY COUNTY CLERK

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 13, 2004
ROBERT D. HAMMAN
642021S

EXPIRES: 6-30-2019

Validation of Unit of Land

February 25, 2019



Criteria SRC 205.060(d)

1. ***The unit of land is not a lawfully established unit of land;***

Findings: The subject property is located within the Northstar Subdivision Section A (062W32C/Tax Lot 700). It has been determined by staff that the subject property is not a unit of land that was lawfully established. Therefore, in order to lawfully establish the subject property as a legal unit of land, the applicant is requesting a Validation of Unit of Land review and approval.

2. ***The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007;***

Findings: The subject property was created through a Bargain and Sale Deed in 1983. The deed is attached and identified as Reel 327 Page 928.

3. ***The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold; and***

Findings: Tax Lot 700 was created in 1983 per Reel 327 Page 928. This unit of land did not comply with the applicable UT-20 criteria of the 1983 zone requirements.

Zone Requirements

Lot Area:

Required: 20,000sq.ft. Existing: 19,602sq.f.t

However, the unit of land was annexed into the City of Salem in 1998 and appeared to be brought into the City without any illegal lot issues. The unit of land was brought into the City with an IP zone designation. The unit of land complied with the 1998 zone requirements when annexed (Ordinance No. 66.98) into the City of Salem in 1998.

The plat complies with SRC 205.035 and ORS 92. Development with the tentative partition plan can be adequately served by City infrastructure.

Findings: The plat has been prepared by a certified Survey and is in compliance with the requirements of SRC 205.035 and ORS 92. See the attached plat. As determined through the subdivision approval process, the subject property as conditioned can be adequately served by City infrastructure.

CHAPTER 129

RA RESIDENTIAL AGRICULTURAL ZONE

- 129.010 Use
- 129.020 Conditional Uses
- 129.030 Transitional Uses
- 129.040 Height
- 129.050 Rear Yards
- 129.060 Side Yards
- 129.070 Front Yard
- 129.080 Lot Area and Width
- 129.090 Signs
- 129.100 Vision Clearance
- 129.110 Parking Space Required
- 129.120 Prohibited Uses

129.010 USE. Within any RA Residential Agricultural zone no building, structure, or premises shall be used or arranged, designed, or erected, or maintained to be used, except for the following purposes:

- (a) Single family dwelling;
- (b) Mobile home (dwelling) (See Limited Use, Section 125.050);
- (c) Parks, playgrounds, golf courses, or community centers owned and operated by a governmental agency;
- (d) Hospitals, provided that any buildings used for hospital purposes shall provide and maintain setbacks from side and rear property lines, except on the street side or corner lots, of at least 50'; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback;
- (e) Schools (elementary, junior high and high) providing setbacks are established as given in (d) above;
- (f) Privately operated kindergartens or day nurseries, provided the residential character of the building is maintained;
- (g) Churches, provided setbacks are maintained from side and rear property lines, except on the street side of corner lots of at least 20', provided, however, alleys contiguous to or within the property being used may be included in the required setback. A parsonage (free standing or attached to a church by a vestibule) shall be considered as a residential structure;
- (h) Public buildings such as fire stations, libraries, substations, pump stations, and community buildings; provided that side and rear yards shall be 20% of the property width, but not less than 10' nor necessarily more than 30';
- (i) Crop cultivation or farm and truck gardens, including plant nurseries, greenhouses (any sale of merchandise shall be confined to that raised on the premises);
- (j) The hatching and raising of poultry and fowl, the raising of rabbits, bees, and the like, and the keeping of domestic animals and livestock;
- (k) Temporary use of mobile home during construction (See Limited Use, Section 125.010);
- (l) Advertising signs, structures or billboards, if erected or maintained within the Freeway Corridor Zone Area in conformance

with all requirements of Section 129.090;

(m) The uses, similar to the following operated in conjunction with a farm and not as a separate business or enterprise:

- (1) Hop, nut and fruit driers;
- (2) Feed mixing and storage facilities;
- (3) Hullers;
- (4) Mint distillery;
- (5) Rendering plant;
- (6) Seed processing, packing, shipping, and storage facilities;
- (7) Slaughter houses;
- (8) Agricultural produce storage, i.e., onion warehouses, grain elevators;
- (9) Feed lots;
- (10) Vegetable oil processing and refining;
- (11) Any other similar processing and allied farm commercial activities (includes farm equipment repair shop).

(n) Subdivision or planned development pre-cutting and assembly facility (See Limited Use, Section 125.030);

(o) Subdivision or planned development sales office or development office (See Limited Use, Section 125.030);

(p) Right-of-way for public utilities for convenience and necessity;

(q) Accessory uses and structures:

(1) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby house, summer house, patios, enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;

(2) Fallout shelters;

(3) Fences;

(4) Garages, carports and parking areas for the storage and protection of the automobile of the residents of the dwelling, for not more than 3 motor vehicles for each single family dwelling on the same lot with or within the dwelling to which it is an accessory and in which no garage, business or industry is conducted;

(5) Storage for a commercial vehicle, maximum of 1 per single dwelling;

(6) Sleeping quarters in a garage for domestic employees of the resident of the main building to which the garage is attached;

(7) Guest houses and guest quarters not in the main building are permitted if such quarters are and remain dependent upon the main building for either or both kitchen and bathroom facilities and the guest facilities are not used for residential purposes;

(8) Swimming pools for private use (require building permit);

(9) Private stables and barns.

(r) Home occupation as defined in Section 110.270;

(s) The taking of boarders or leasing of rooms by a residential family, providing the total number of boarders and roomers does not exceed 2 in a single family dwelling nor more than 4 in any legally established two family dwelling;

129.020 CONDITIONAL USES.

(a) The following allied farm commercial processing and similar activities may be permitted as a separate business or enterprise, not operated in conjunction with a farm:

- (1) Hop, nut and fruit driers;
- (2) Feed mixing and storage facilities;
- (3) Hullers;
- (4) Rendering plants;
- (5) Mint distilleries;
- (6) Seed processing, packing, shipping and storage facilities;
- (7) Slaughter houses;
- (8) Agricultural produce storage, i.e., onion warehouses, grain elevators and similar facilities;
- (9) Feed lots;
- (10) Vegetable oil processing and refining;
- (11) Any other similar processing and allied farm commercial activities (includes farm equipment repair shop).

(b) Group care home;

(c) Reserved for expansion;

(d) Kennel;

(e) Private airfield;

- (f) Commercial fish ponds;
- (g) Motor racetrack;
- (h) Duplex on a corner lot (See Specific Conditional Uses, Section 120.020);
- (i) Boat, camper and trailer storage area or lot (See Specific Conditional Uses, Section 120.030);
- (j) Temporary use of mobile homes during certain hardship conditions (See Specific Conditional Uses, Section 120.040);
- (k) Church conference and campground (See Specific Conditional Uses, Section 120.060);
- (l) Planned development;
- (m) Solid Waste Disposal Sites (See Specific Conditional Uses, Sections 120.310 to 120.380);
- (n) Sand and Gravel Resource Sites (See Specific Conditional Uses, Section 120.410 to 120.460);
- (o) Conditional Home Occupation (other than those home occupations listed in Section 110.270) (See Specific Conditional Uses, Section 120.075);
- (p) Public and semi-public uses, buildings and structures:
 - (1) Community or neighborhood club buildings, including swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
 - (2) Radio and TV transmitters and antennae;
 - (3) Riding clubs and stables, rodeo grounds and similar uses;
- (q) Miscellaneous uses:
 - (1) Beauty shops, where no assistants are employed;
 - (2) Use of an accessory building for conducting a home occupation;

129.030 TRANSITIONAL USES. The regulations concerning transitional uses in an RA zone shall be the same as in an AR zone (See Section 128.030).

129.040 HEIGHT. The regulations concerning height in an RA zone shall be the same as in an SR zone (See Section 127.030).

129.050 REAR YARDS. The regulations concerning rear yards in an RA zone shall be the same as in an SR zone (See Section 127.050).

129.060 SIDE YARDS. The regulations concerning side yards in an RA zone shall be the same as in an SR zone (See Section 127.060).

129.070 FRONT YARD. The regulations concerning front yards in an RA zone shall be the same as in an SR zone (See Section 127.070).

129.080 LOT AREA AND WIDTH. In an RA zone, the minimum requirements for lot area shall be 6,000 square feet for a single family dwelling (7,000 square feet for duplex) if served by an engineered State Board of Health approved sewer system. If sewers are not available, additional lot area may be determined by the County Health Department. Additional lot area for subdivisions and partitioning shall meet the density provisions set forth in Section 120.070. Every lot shall have a minimum width of 60' at the front building line. No dwelling or main building, other than a dwelling, shall occupy more than 30% of the lot area, except where an accessory building is attached to or made a part of the dwelling, or main building, in which case 35% of the lot area may be occupied by such dwelling or main building. The minimum lot area requirements for buildings other than dwellings shall be of an area not less than the sum of the area occupied by the building or buildings and the area required for yards herein, or 6,000 square feet, whichever is greater.

It is recommended that a division of property adjacent to an existing roadway, other than partitioning or subdivision should have at least a front yard width of 25% of the total yard depth. So that orderly growth and redevelopment of the area may be encouraged, that person proposing such division should also consider among other things:

(a) The effect of the proposed division on potential future roads.

(b) The need for reasonably efficient redivision.

(c) The widths of abutting rights-of-way and future rights-of-way.

It is also recommended that the area of these acreage divisions be consistent with that adopted on the comprehensive

plan.

129.090 SIGNS. The regulations concerning advertising signs, structures or billboards may be erected or maintained as follows:

(a) Except as provided in paragraph (g) of this section adjacent to and within 100' of the edge of the right-of-way of Pacific Highway East (I-5).

(b) Except as provided in paragraph (g) of this section adjacent to the Pacific Highway East, No. 1 East (U.S. Highway Route 99E).

(c) Except as provided in paragraph (g) of this section, adjacent to the North Santiam Highway (State Route No. 22) outside of designated scenic areas and east of milepost 21.

(d) Except as provided in paragraph (g) of this section, within 1 mile of the city limits of the following cities: East and west of Woodburn on Highway No. 214; east of Woodburn on Highway No. 211; north and south of Mt. Angel on Highway No. 214; west of Silverton on Highway No. 214; southeast of Silverton on Highway No. 214; and north of Silverton on Highway No. 213.

(e) Any advertising sign, structure or billboard permitted by this section shall conform to all requirements of ORS Chapter 377 regulating outdoor advertising. Such sign must be located within 100' of, and be designed to be viewed from the Highways specified in this section. Where such signs are to be erected within 100' of a dwelling, prior written consent of the owner thereof is required for the erection or maintenance of such sign.

(f) Advertising signs, structures or billboards permitted under this section shall be spaced a minimum of 1,000' apart on the same side of the highway.

(g) Paragraphs (b) through (d) of this section shall apply only to RA zones established by ordinance on or after the effective date of this Ordinance.

(h) Nothing in this section is intended to allow the erection of new advertising signs, structures or billboards, nor the maintenance of such signs, other than as a nonconforming use as provided in Section 114.010 through 114.140 of this Ordinance, in any RA zones other than those specified in this section (Billboards are not a permitted use in Zone Areas 1 through 12).

129.100 VISION CLEARANCE. The regulations for vision clearance in an RA zone shall be in accordance with Section 110.770.

129.110 PARKING SPACE REQUIRED. The regulations for parking space required in an RA zone shall be in accordance with Section 118.050.

129.120 PROHIBITED USES. It shall be unlawful to erect, alter, maintain, or establish in an RA zone any building, use or occupancy not permitted or allowed in the foregoing provisions except existing nonconforming uses, which may continue as provided by Sections 114.010 to 114.080.