

## CHAPTER 17.165 I (INDUSTRIAL) ZONE

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**17.165.010 PURPOSE.** The purpose of the I (Industrial) zone is to implement the rural development policies of the Comprehensive Plan and recognize existing industrial uses in rural and natural resource areas of the county. This zone is applied to land committed to, or intended for, industrial uses outside urban unincorporated communities, rural communities, and rural service centers, as those terms are defined in the Comprehensive Plan and Oregon Administrative Rules. The purpose and intent of the industrial zone is to provide for the location, in rural areas, of needed industrial uses which are not dependent upon urban services. The I zone encourages orderly and compatible development of industrial uses, including agricultural related industry, on rural lands. These lands are suited for industrial use due to marginal agricultural soils, adverse circumstances such as shape, proximity to railroad or transmission line corridors or proximity to markets or resources. The industrial zone may be appropriate in rural areas designated in the Marion County Comprehensive Plan as industrial or in locations which meet the intent of the zone.

The uses within the I zone are functionally classified by description of the particular activity or by reference to a category in the “Standard Industrial Classification Manual, (SIC).” The SIC index number is referenced as an aid to interpretation of uses. Where the term used to describe a use is defined in Chapter 17.110 MCC, the definition takes precedence over any SIC classification.

**17.165.020 PERMITTED USES.** Within any I zone no building, structure, or premises shall be used, or arranged, except as permitted by this zoning code. Only the following uses may be permitted at a scale appropriate to serve the rural area, subject to MCC 17.165.060:

- A. Agricultural services and forestry (SIC 07 and 08);
- B. Contracting and service facilities (SIC 15, 16, 17);
- C. Tobacco processing (SIC 21);
- D. Textile products manufacture (SIC 22);
- E. Textiles and apparel manufacture and fabrication of textile products (SIC 23);
- F. Printing, publishing and allied industries (SIC 27);
- G. Rubber and allied products manufacturing (SIC 30);
- H. Cement, clay, glass and stone products manufacturing facilities (SIC 32, except 323 glass products made of purchased glass);
- I. Metal fabricated products manufacturing facilities (SIC 34, except SIC 347 coating and engraving and except SIC 348 ordinance and ammunition manufacturing);
- J. Appliances, office and electrical product equipment manufacturing (SIC 36);
- K. Woodworking machinery, including sawmill equipment (SIC 3553);
- L. Coal and wood fuel dealers (SIC 5989);

- M. Transportation equipment, manufacture and repair (SIC 37, except 3743 railroad equipment see MCC 17.165.040(E);
- N. Professional, scientific and controlling equipment manufacturing (SIC 38);
- O. Wholesales firms (SIC 50 and 51);
- P. Other uses:
  - 1. Metal working equipment and machinery manufacturing wholly within a building;
  - 2. Warehouses (SIC 42 except 4225);
  - 3. Utilities-primary equipment and storage yard;
  - 4. Auction house or market;
  - 5. Heavy construction equipment rental and leasing (SIC 7353);
  - 6. Textiles and apparel-other facilities:
    - a. Cleaning and dyeing plants;
    - b. Laundry plant;
    - c. Storage of fur and clothing;
- Q. Wireless communication facilities attached, subject to MCC 17.125.110;
- R. Utility facilities necessary for public service;
- S. Caretaker dwelling;
- T. Fire station;
- U. New industrial uses, sited on an abandoned or diminished mill site, which means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:
  - 1. Was closed after January 1, 1980, or was operating at less than 25 percent capacity since January 1, 2003; and
  - 2. Contains or contained permanent buildings used in the production or manufacturing of wood products;
- V. Uses legally established and existing on the date of adoption of the zoning code provisions codified in this title. Such uses are permitted pursuant to this section only on the lot(s) or parcel(s) where they existed on the date of adoption of the zoning code provisions codified in this title, subject to MCC 17.165.070.

**17.165.030 USES PERMITTED SUBJECT TO POLLUTION AUTHORITY APPROVAL.** Upon the issuance of all required permits by the Oregon Department of Environmental Quality the following additional uses shall be permitted in an I zone, subject to MCC 17.165.060:

- A. Food, grain, feed and derivative products processing (SIC 20);
- B. Lumber and Wood Products (SIC 24);
- C. Furniture and plumbing fixtures manufacturing (SIC 25);
- D. Wood and lumber products processing, manufacturing and storage facilities (SIC 261);
- E. Fabrication of paperboard containers and boxes (SIC 265);
- F. Manufacturing of chemical and allied products (SIC 28);
- G. Petroleum products and gasoline storage only, provided all storage is underground.

**17.165.040 CONDITIONAL USES.** When authorized under the procedure provided for conditional uses in this zoning code, the following uses will be permitted in an I zone, subject to MCC 17.165.060:

- A. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to MCC 17.120.410 through 17.120.480.
- B. Petroleum, petroleum products, by-products manufacturing and storage facilities (SIC 29);
- C. Metals, primary, manufacturing facilities (SIC 33);
- D. Machinery manufacturing facilities (SIC 35);
- E. Railroad equipment manufacturing (SIC 3743);
- F. Automobile Wreckers (SIC 5093);
- G. Welding shop (SIC 7692);

- H. Blacksmith (SIC 7699);
- I. Public power generation;
- J. Solid Waste Disposal Sites (see specific conditional uses, MCC 17.120.310 through 17.120.380);
- K. Heliport;
- L. Wireless communication facilities (see specific conditional uses, MCC 17.120.080);
- M. Recreational vehicle, mobile home and boat repair and manufacturing;
- N. Kennels, boarding and raising of animals;
- O. Public power generation facilities;
- P. Training facilities in conjunction with industrial activities;
- Q. Manufacturing, processing, trucking, wholesale distribution, and storage uses not listed in MCC 17.165.020 or 17.165.030 and not exceeding 35,000 square feet of floor (SIC 20 through 39 and 42).

**17.165.050 APPROVAL STANDARDS FOR CONDITIONAL USES.** Conditional use requests in the I zone are subject to the following criteria:

- A. 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;
- B. The proposed use will not, by itself or in combination with existing uses, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations;
- C. The proposed use will not, by itself or in combination with existing uses, exceed the carrying capacity of the soil or of existing water supply resources and sewer services;
- D. The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the use; or improvements are imposed that maintain the existing level of service;
- E. The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors; and,
- F. The proposed use shall not have industrial or manufacturing processes that require water or discharges of wastewater except upon demonstration that the use has an on-site sewage disposal site approved by Marion County or the Oregon Department of Environmental Quality.

**17.165.060 SCALE OF INDUSTRIAL USES.**

- A. New permitted and conditional uses may be established up to a maximum of 35,000 square feet of floor area.
- B. Lawfully established uses existing as of the date of adoption of this zoning code may be expanded up to 35,000 square feet of floor area, or an additional 25percent of the floor area that existed as of the date of adoption of this zoning code, whichever is greater.
- C. The following uses are not subject to the size limitations established in subsection (A) and (B) of this section:
  - 1. Industrial uses involved in the primary processing of raw materials produced in rural areas are not subject to size limitations;
  - 2. Uses described in section MCC 17.165.020(U);
  - 3. Public uses.

- D. Except as established in subsections (B) and (C) of this section, for a use to exceed the square foot limitations requires taking an exception to Goal 14. Such exception shall be processed as an amendment to the Marion County Comprehensive Plan.

**17.165.070 PROHIBITED AND LAWFULLY ESTABLISHED EXISTING USES.**

- A. The following uses are prohibited:
1. Uses of structures and land not specifically permitted in the industrial zone.
  2. New residential dwellings except when accessory to a primary use. However, a dwelling which legally existed at the time of adoption of the zoning code provisions codified in this title shall not be a nonconforming use, and may be may be remodel, expanded, or replaced.
- B. Lawfully established industrial uses that existed prior to zoning or established through the applicable land use process on or before the date of this zoning code provisions codified in this title, not otherwise listed in the zone, are allowed outright and shall not be classified as non-conforming uses.
- C. All other lawfully established, existing uses and structures not specifically permitted in the I zone shall be considered nonconforming uses subject to the provisions of Chapter 17.114 MCC.

**17.165.080 PROPERTY DEVELOPMENT STANDARDS.**

- A. Height. The maximum height of any structure shall be 35 feet.
- B. Setbacks.
1. Front Yard. No structure other than a fence, wall, or sign shall be located closer than 20 feet from a public right-of-way. When by zoning code provisions 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 17.113 MCC).
  2. Side and Rear Yard - No side or rear yard setback is required where abutting property is zoned for commercial or industrial use. Where not abutting a commercial or industrial zone, structures other than fences, walls, and signs shall be set back a minimum of 10 feet.
  3. Parking. Parking spaces may abut a public right-of-way and side and rear property lines adjacent to commercial, industrial, or public zones, subject to the landscaping requirements in MCC 17.165.090. Parking spaces shall be set back a minimum of 10 feet from residential, agricultural, and forest zones.
- C. Lot Area/Lot Coverage. There is no minimum lot size.
- D. Parking. The off-street parking and loading requirements of Chapter 17.118 MCC apply.
- E. Access to state highways. Any new or expanded use with frontage on a state highway shall demonstrate that the property has access approved by the Oregon Department of Transportation or approved access to an alternative public right-of-way.
- F. Traffic Analysis. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County department of public works, may be required prior to building permit approval.

- G. Sewage Disposal. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.

**17.165.090 LANDSCAPING.** The following provisions apply to lots and parcels upon which a new structure is erected, or where a graveled or unimproved lot is paved, or a lot is newly developed for the outdoor sale or display of merchandise, goods or services:

- A. Front yards shall be provided with a landscaped area at least three feet wide adjacent to the right-of-way line, exclusive of through direct driveways, on every lot upon which a new structure is erected, or where a graveled or unimproved lot is paved, or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- B. Side and rear yards abutting a residential zone shall be landscaped adjacent to parking and loading zones and screened with a six-foot fence, wall or hedge.