

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

AN ORDINANCE AMENDING THE MORROW COUNTY ZONING ORDINANCE) Ordinance Number
) ORD-2025-01

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the County over matters of County concern pursuant to ORS chapters 197 and 215; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 30, 1986; and

WHEREAS, the Morrow County Planning Commission held a public hearing on July 30, 2024 and continued the hearing to August 27, 2024, where they accepted testimony and voted to recommend that Board of Commissioners adopt amendments to the Morrow County Zoning Ordinance; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing on October 2, 2024, voted unanimously to adopt the amendments to the Morrow County Zoning Ordinance with certain changes and read the ordinance for the first time; and

WHEREAS, the Morrow County Board of Commissioners scheduled the Second Reading of the adoption Ordinance ORD-2024-06 on November 6, 2024 and suggested minor changes.

WHEREAS, the Morrow County Board of Commissioners held a work session to discuss the final draft of ORD-2024-06 and the proposed text amendments on December 4, 2024, during which time they had no comments; and

WHEREAS, the Morrow County Board of Commissioners scheduled a Second Reading and final adoption of ORD-2024-06 during their regularly scheduled public meeting on December 18, 2024 as revised from the first reading on October 2, 2024. During this meeting additional edits and amendments were suggested; and

NOW THEREFORE the Morrow County Board of Commissioners Ordains as follows:

Section 1 - Title of Ordinance: This Ordinance shall be known, and may be cited, as the “2024 Morrow County Zoning Ordinance Update.”

Section 2 - Amendment. The Morrow County Zoning Ordinance shall be amended as reflected in Exhibit A, (Morrow County Zoning Ordinance Updates), attached hereto and incorporated herein by this reference.

Section 3 - Supporting Documents. By way of findings in support of this amendment, the Board of Commissioners adopts as its own the Staff Report that was prepared and submitted to the Board by the Planning Director.

Section 4 - Effective Date. This ordinance shall be effective 21 days after the second reading and final adoption.

First Reading: October 2, 2024
Second Reading: January 8, 2025

ADOPTED by the Morrow County Board of Commissioners this 8th day of January 2025.

**BOARD OF COMMISSIONERS OF
MORROW COUNTY, OREGON**



David Sykes, Commissioner

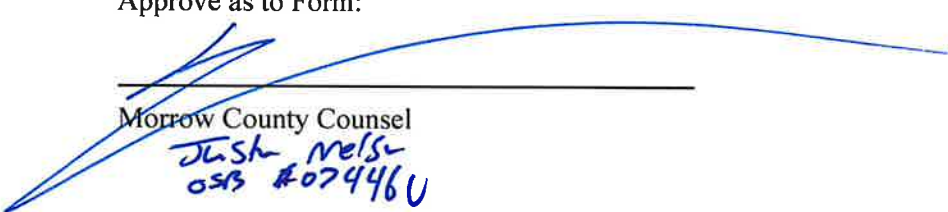


Jeff Werholz, Commissioner



August Peterson, Commissioner

Approve as to Form:



Morrow County Counsel

Josh Nels
OSB #074460

./Planning/Amendments/2024/AZ-154-24 Zoning Code Update

**Findings of Fact
Morrow County
Zoning Ordinance Amendment
AZ-154-24
As adopted and incorporated in ORD-2025-01**

REQUEST: To amend and update portions of the ten articles of the Morrow County Zoning Ordinance.

PROPONENT: Morrow County
P.O. Box 40
Irrigon, OR 97844

I SUMMARY OF PROPOSAL:

This Code Amendment is intended to update the Morrow County Zoning Ordinance (MCZO) to revise the ministerial and administrative permitting processes to align with the state requirements for Land Use Decisions, provide clear and objective standards for ministerial development permits, reassess the appropriate process for certain uses, clarify vesting requirements, incorporate basic serviceability requirements for large developments, improve consistency in terminology throughout the code and consolidate the current public comment and appeal periods for administrative decisions; among other changes. This update is necessary to ensure that development is approved in accordance with the intent of the Morrow County Comprehensive Plan and to conform with state statutes. At the August 27, 2024, hearing, the Planning Commission voted unanimously to add an additional recommendation to the Board of Commissioners moving Data Centers to a Conditional Use in the zones where this use is currently allowed outright. On October 2, 2024 the Board of Commissioners adopted the code update and recommendations of the Planning Commission with some changes excluding the Planning Commission's recommendation to move data centers to a conditional use category and requiring instead Site Plan Review for data centers. Additionally, Board of Commissioners added a provision to allow for a development and/or mitigation agreement(s) under ORS 94.504.

The changes apply to Articles 1-10 of MCZO as identified in the attached draft language.

II SUMMARY OF APPLICABLE CRITERIA

The following sections of the Morrow County Zoning Ordinances apply to this legislative amendment. The relevant County Ordinance sections are shown below in **bold text**, followed by a Finding in standard text. All of the following criteria must be satisfied in order for this request to be approved.

MORROW COUNTY ZONING ORDINANCE: SECTION 8.040. The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The

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following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

- A. **The local conditions have changed and would warrant a change in the zoning of the subject property(ies).**

Finding: No changes in zoning of properties are proposed; therefore, this standard does not apply.

- B. **The public services and facilities are sufficient to support a change in designation including, but not limited to, water availability relevant to both quantity and quality, waste and storm water management, other public services, and streets and roads.**

- 1. **Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- a. **Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
- b. **Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
- c. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

- 2. **A plan or land use regulation amendment significantly affects a transportation facility if it:**

- a. **Changes the functional classification of an existing or planned transportation facility;**
- b. **Changes standards implementing a functional classification;**
- c. **Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
- d. **Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

Finding: This legislative amendment does not include changes to existing zoning designations or text amendments that would otherwise significantly impact transportation facilities. This criterion is not applicable.

- C. **That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the**

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county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.

Finding: The proposed amendments to the MCZO are consistent with the Comprehensive Plan. The goals of the comprehensive plan reflect the Oregon Statewide Planning Goals. An analysis of the anticipated impacts to statewide planning goals is provided below. The proposed amendments don't include a change in land use designation. This criterion is met.

D. The request addresses issues concerned with public health and welfare, if any.

Finding: This criterion is not applicable as there are no known issues directly concerning public health or welfare that relate to this amendment.

III APPLICABLE STATEWIDE PLANNING GOALS

Statewide Planning Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Generally, Goal 1 is satisfied when a county complies with public notice and hearing requirements in the Oregon Statutes and in the local Comprehensive Plan and Land Use Code. The County's Zoning Ordinance is consistent with State law with regards to notification requirements. Pursuant to Section 9 of Morrow County Zoning Ordinance at least one public hearing before the Planning Commission and Board of Commissioners is required. Legal notice in a newspaper of general circulation is required. The County has met these requirements and notified DLCDC of the proposal.

Statewide Planning Goal 2: Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Goal 2 establishes the process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This amendment meets those requirements.

Statewide Planning Goals 3: Agricultural Lands

To preserve and maintain agricultural lands.

Finding: The proposal satisfies the Agricultural Lands Element of the Comprehensive Plan by providing additional clarity with regard to the procedural requirements for reviewing uses in the EFU zone. This goal is satisfied.

Statewide Planning Goals 4-7: Forest Lands; Open Spaces, Scenic and Historic Areas, and Natural Resources; Air, Water and Land Resources Quality; Areas Subject to Natural Hazards.

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To preserve, maintain, and protect forest lands, natural resources, scenic and historic areas. To maintain and improve the quality of air, water, and land resources. To protect people and property from natural hazards.

Finding: The proposed legislative amendment is consistent with Goals 4 through 7. Most of the proposed changes are intended to clarify MCZO provisions, add relevant definitions, and align the code with state regulations. Substantive additions include requirements that applicants provide evidence that developments that require large industrial water or sewer facilities can be served by the proposed facilities prior to building permit approval. To the extent that these changes are anticipated to impact natural resources, they are found to be consistent with Goals 4-7.

Statewide Planning Goals 8-11: Recreation Needs; Economy; Housing; Public Services

To satisfy the recreational needs of the citizens and visitors of the state; provide adequate opportunities for a variety of economic activities; provide for the housing needs of the citizens of the state; and to plan and develop a timely, orderly, and efficient arrangement of public facilities for urban and rural development.

Finding: Providing more clarity and consistency throughout the MCZO serves to support the continued provision of commercial, residential, recreational, and institutional development in an orderly manner. Most of the substantive updates are procedural and allow a more consistent and robust review of land-intensive uses outside of Urban Growth Boundaries. The proposal is consistent with Goals 8-11.

Statewide Planning Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. The proposed update does not impact the county's transportation system, or the review of impacts to transportation facilities; however, the procedural changes include the requirement that all development triggering a Transportation Impact Analysis (TIA) go through an administrative Site Plan Review process. This requirement will align the County code with state statute with regard to the land use process for subjective elements of development review. These development applications are currently processed administratively in accordance with state law; however, the amendment will ensure that the local code reflects state policy.

Statewide Planning Goal 13: Energy

To conserve energy.

Finding: The proposal does not impact energy production or consumption. Goal 13 is not applicable.

Statewide Planning Goal 14: Urbanization

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To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The inclusion of serviceability requirements for large developments will allow the county to process applications for urban scale uses in a manner that is consistent with Goal 14. Specifically included is the requirement that some developments utilizing large septic systems, as well as those that rely on municipal sewer sources, receive Site Plan Review approval. Additionally, the proposed amendment requires all development applications to demonstrate water and sewer feasibility prior to final approval. This proposal is consistent with Goal 14.

IV DLCD 35 DAY NOTICE: June 25, 2024

V PROPERTY OWNER NOTICE: Not applicable

VI LEGAL NOTICE PUBLISHED: Heppner Gazette Times
July 10, 2024
September 11, 2024

East Oregonian
July 9, 2024
September 11, 2024

VII AGENCIES NOTIFIED: Dawn Hert, Department of Land Conservation and Development; Mike Gorman, Morrow County Assessor's Office; Matt Kenny, Morrow County Surveyor; Justin Nelson, Morrow County Counsel; Jacob Cain, Port of Morrow.

VIII HEARING DATES:

Planning Commission
July 30, 2024
Don Adams Conference Room
Morrow County Government Center
Irrigon, Oregon

August 27, 2024
Bartholomew Building
Heppner, Oregon

Board of Commissioners
October 2, 2024
Bartholomew Building
Heppner, Oregon

November 6, 2024
Bartholomew Building
Heppner, Oregon

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December 4, 2024
Bartholomew Building
Heppner, Oregon

December 18, 2024
Don Adams Conference Room
Irrigon, Oregon

January 8, 2025
Bartholomew Building
Heppner, Oregon

- IX RECOMMENDATION:** Ordinance ORD-2025-01 was adopted and amended certain portions of Articles 1-10 of the Morrow County Zoning Ordinance. The foregoing findings are adopted in support of Ordinance ORD-2025-01.

MORROW COUNTY BOARD OF COMMISSIONERS



David Sykes, Chair

February 3, 2025

Date

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