

## ARTICLE 5. DEVELOPMENT PERMITS

### SECTION 5.010 ZONING PERMIT

A Zoning Permit is a non-discretionary or “ministerial” review conducted without a public hearing by the County Planning Director or designee. A Zoning Permit is not intended to be a Land Use Decision as defined in ORS 197.015 nor a permit as defined in ORS 215.402. Where subjective analysis is required, the Director may elect to process any Zoning Permit application through the Administrative Review process provided in MCZO Article 9.

A. Purpose. The purpose of Zoning Permit review is to ensure compliance with the clear and objective standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions, and, if applicable, any precedent conditions of approval from a prior land use approval. Any subsequent conditions will be met prior to occupancy or commencement of the proposed development.

B. Pre-application review. Prior to filing a Zoning Permit application, the applicant may confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.

C. Applicability. Zoning Permit Approval shall be required prior to the construction, reconstruction, or alteration of any structure larger than 100 square feet or for any change of use or establishment of a new use that is allowed outright in the underlying zone or received prior land use approval. A Zoning Permit shall expire within one year of issuance unless a building permit has been issued or if no building permit is required, the use has commenced. A 12-month extension request may be granted when submitted to the Planning Department prior to the Zoning Permit expiration date.

D. Review Standards.

1. The proposed land use is allowed in the underlying land use district.
2. If a land use approval (i.e. Site Plan Review, Conditional Use Permit, or Legislative action) is required for the proposed development, the land use approval has been granted and the proposed development is consistent with that land use decision. If the land use approval included conditions of approval, all precedent conditions of approval have been met, and applicant has provided a compliance schedule for meeting the subsequent conditions prior to construction or operation, as may be applicable. A precedent condition is a condition that must be met prior to start of construction of the use or a phase of the use; a subsequent condition is a condition that must be met prior to start of operation of the use or a phase of the use.
3. The building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable development standards of the underlying zone and any sub-district(s) are met.
4. Off-street parking and loading-unloading facilities shall be provided as required in Section 4.040 and 4.050 of the Morrow County Zoning Ordinance. Pedestrian access to off-street parking areas shall be provided.

5. Unless applicant's use of water is exempt from permitting requirements under Oregon water law, the applicant shall have received all necessary permits or licenses from the Oregon Water Resources Department prior to construction or operation, as applicable. If OWRD water permits or licenses are required for operations, applicant shall provide a compliance schedule for obtaining the required authorization. If an offsite water source is used, applicant shall provide a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site, which shall indicate the source of the water (e.g. surface water, existing water right, etc.) and a targeted delivery for water to the site.
6. All applicable permits for water, sanitary sewer, wastewater, solid waste, or power services for the site have been granted or Applicant has provided evidence that such services will be provided prior to operation of the use or phase of the use.
7. The site shall not be the subject of outstanding Code Enforcement violations unless the purpose of the application is to rectify an outstanding violation.
8. The applicant shall obtain any required access permit(s) from the Morrow County Public Works Department and/or Oregon Department of Transportation.

E. Submittal Requirements. A Zoning Permit application shall be submitted including all of the following information except for specific items determined at the pre-application review not to be applicable. All zoning permit plans shall have dimensions clearly indicated. An applicant may provide the information on separate sheets, if necessary or desirable for clarity.

1. North arrow and scale.
2. Location of property boundaries, including adjacent public or private streets and rights of way.
3. Location of existing structures and natural features.
4. Areas affected by the proposed development with slopes in excess of 10 percent.
5. Location of existing utilities and facilities, or proposed locations (sewer, water, fire hydrants, electricity, septic system, storm water facilities, etc.).
6. Proposed landscaping.
7. Exterior lighting.
8. Proposed circulation plan for vehicles, pedestrians, and bicyclists, including existing and proposed points of access and sidewalks.
9. Parking lot layout, with circulation plan and striping details.
10. Sign location and details.
11. Evidence to demonstrate compliance with the review standards in subpart (D).

F. Application Completeness/Request for Additional Information. The County Planning Director or designee shall determine the application to be complete based on the above submittal requirements within 14 days of the application submittal. If the application is found to be incomplete or additional information is needed it may be requested from the applicant. A request for additional information beyond the standard review criteria cannot be used to rule an application incomplete.

## **SECTION 5.020 SITE PLAN REVIEW**

- A. **Purpose.** Site Plan Review is an administrative development review intended to review applications described in subsection D of this section that would otherwise be allowed outright in the underlying zone.
- B. **Administrative Review.** Applications processed under this section are subject to the Administrative Review process described in Section 9.046.
- C. **Pre-application review.** Prior to filing its application for Site Plan Review, the applicant may confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.
- D. **Applicability.** Applications that require Administrative Review include:
1. Applications for uses that are identified in Article 3, Zones as requiring Site Plan Review.
  2. Applications anticipated to generate 400 passenger car equivalent trips per day, which require a Traffic Impact Analysis (TIA), unless an approved development and/or mitigation agreement pursuant to ORS 94.504 executed by the Board of Commissioners that addresses traffic impacts from the proposed development is provided.
  3. Applications that require water service other than an exempt onsite well (not exceeding 15,000 gallons per day) or an existing water right.
  4. Applications that require a DEQ permit for the proposed sewer and/or wastewater systems (design capacity greater than 2,500 gallons per day.)
  5. Applications for development outside of a City Urban Growth Boundary that rely on a municipal sewer source and/or require the offsite extension of sewer facilities for connection, except where a Goal 11 exception has been granted allowing the proposed extension of sewer for a non-residential use.
  6. Applications for development within the Airport Safety and Compatibility Overlay Zone (ASC).
  7. Applications for development within the Significant Resource Overlay Zone (SRO)
  8. Applications that include a variance request.

E. **Review Criteria.** Applications processed under this section shall comply with the following criteria, as applicable:

1. The standards listed in MCZO 5.010(D) are, or can be, met.
2. Water is or will be available to the site at a quantity and quality adequate for the proposed use. New developments must either (1) provide an estimated annual water usage, and identify the necessary OWRD authorizations required to serve the estimated water need or (2) submit a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site, which shall indicate the source of the water (e.g., surface water, existing water right, etc.) and a targeted delivery for water to the site.
3. Adequate sewage disposal and wastewater management can be provided for the proposed use as determined by the service provider or by demonstrating compliance with applicable review authority standards, as set forth below. For new developments that will rely on third-party service providers for sewer and/or wastewater disposal, the applicant may satisfy this criterion by submitting a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site. For new developments that will rely on on-site septic and/or industrial wastewater and/ or non-contact cooling water disposal and/or treatment, the applicant may satisfy this criterion by identifying the necessary ODEQ permits, as required by the state regulations, to be obtained prior to commencement of the proposed use or certificate of occupancy being granted.
4. Applicant's proposed plans for electrical services and solid waste disposal are adequate for the proposed use, as demonstrated by complying with applicable submittal requirements in Section F.
5. Development in hazard areas identified in the Morrow County Comprehensive Plan, Natural Hazard Mitigation Plan, or Community Wildfire Protection Plan shall comply with all applicable requirements.
6. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources, if applicable.
7. Development in flood plains shall comply with MCZO Section 3.100 Flood Hazard Overlay Zone.
8. Development in the Airport Safety and Compatibility Overlay Zone (ASC) is compliant with the standards and notice requirements identified in Section 3.092.
9. The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately to achieve consistency with adopted County standards. County transportation facilities shall be located, designed, and constructed in accordance with the design and access standards in

the Morrow County Transportation System Plan. This review criterion is satisfied if the applicant has entered into a development and/or mitigation agreement(s) pursuant to ORS 94.504, executed by the Board of Commissioners, under which applicant has agreed to (i) provide mitigation proportional and reasonably related to the traffic impacts caused by the proposed development or (ii) pay a fee-in-lieu of mitigation, equal to the estimated cost of designing and constructing the identified mitigation.

F. **Submittal Requirements.** In addition to the applicable submittal requirements identified in Section 5.010, applications requiring Site Plan Review must include the following, as applicable:

1. Project information including: name of project, company, and/or property owner.
2. A Trip Generation Estimate identifying the number of anticipated passenger car equivalent trips per day expected to access the site during construction and during regular operations.
3. Proposed road improvement plans and/or road use agreement, as applicable.
4. Electric, water, septic, and industrial wastewater services plans, including a description of any existing services and the applicant's proposal for provision of such utility services to the site.
5. To demonstrate that electric, water, and sanitary sewer/wastewater services are available or can be made available at the site, either: (a) evidence that facilities with adequate capacity are permitted, or can be permitted, to serve the proposed development, or (b) a will serve letter from the providing utility demonstrating that service is available or can be made available to serve the proposed development.
6. Parking plans during construction and permanent parking plan with layout.
7. A Traffic Impact Analysis consistent with the requirements of Section 4.035 if traffic impacts are anticipated to exceed the thresholds identified in MCZO Section 4.035, unless an approved development and/or mitigation agreement executed by the Board of Commissioners that addresses traffic impacts from the proposed development is provided.

G. **Conditions of Approval.**

1. Site Plan Review approval may include clear and objective conditions of approval necessary (precedent or subsequent to Zoning Permit approval) to ensure compliance with the applicable review criteria. All subsequent conditions of approval, including construction of improvements (if any) shall be met prior to the issuance of a certificate of occupancy.
2. The Planning Director may require an applicant to provide traffic mitigation (or a fee-in-lieu of mitigation) as identified in or supported by the Traffic Impacts Analysis and/or County Transportation System Plan. Mitigation shall only be required to address level-of-service failures or safety concerns and must be

proportionate to the anticipated traffic impact from the proposed development being reviewed. Traffic mitigation may include improvements to on- or off-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, street crossing improvements, and transit improvement plans.

H. **Minimum Standards for Roadway Design Plans Submitted for County Review.** Any transportation facility or transportation improvement to be constructed as part of a private development and subsequently dedicated to the County or the Public must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria. Design approval may also include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience.

### 5.020-1 Development Application Review Process Flowchart

