



## PLANNING DEPARTMENT

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TO: Planning Commission  
FROM: Daisy Goebel, AICP- Principal Planner  
RE: Zoning Code Update Work Session

This work session is intended to discuss the following recommendations:

### **Updating Ministerial/Administrative Processes, Clear & Objective Standards**

There are three types of applications we are discussing (see attachment A- Application Process Flowchart). State law requires that any application that requires “interpretation or the exercise of policy or legal judgement” go through a standardized public process. This update addresses the following problems with the code:

1. Zoning permits currently include subjective standards.
2. Review criteria doesn't include basic serviceability (water/sewer/electric).
3. Code is unclear/inconsistent on whether ministerial or administrative review is required.

The suggested changes separate the ministerial (clear and objective) “zoning permit” process from the Site Plan Review Process, which is an Administrative Land Use Decision. Zoning permits are used to review uses that are allowed outright, using only clear and objective standards. Zoning Permits are also required prior to building permit approval for development that is subject to site plan review or conditional use permit approval.

Our intention is to create a process where the subjective elements of a development are reviewed during the broader “site plan review” process; Staff will then review the clear and objective elements and confirm that conditions of approval have been met through the zoning permit process.

Subjective standards include TIA review, uses that have a distinct set of standards specified in the code or the ORS, development that includes new public roads, development within overlay zones, and applications that request variances to code standards.

### **Conditional Use Permit Review Process**

The Planning Commission voted to move CUPs from Planning Commission review (quasi-judicial) to Staff Review (Administrative). The results of this discussion were not completely codified, so we are re-opening the discussion.

As currently written, all CUP applications are reviewed by the Planning Commission. In Morrow County, CUPs most commonly involve:

- Home Occupation Permits
- Residential Uses in Commercial Zones
- Renewable Energy Facilities in Resource Zones

- Aggregate Mining Operations

Other uses that are not common, but would currently require CUP approval include:

- Golf Courses in residential and EFU zones
- Sewage treatment facilities in residential zones
- Personal Use Airports in the EFU Zone
- Hospitals and mobile home parks in the SR zone

I recommend moving considering several CUP uses from quasi-judicial to administrative review and retaining quasi-judicial review of the more unconventional uses.

### **Consistent Terminology**

- Replace “County Court” with “Board of Commissioners”
- Remove reference to “Site Development Review” except in the SO zone
- Remove “Planning Commission Secretary”

### **Clarification of Extensions/Vesting Requirements**

Expiration Dates

- SPR/CUP approvals valid for 2 years. (One year extension)
- Dwellings in Farm/Forest Zones valid for 4 years. (2 year extension)

Extensions

- Director can grant one extension (clear/objective).
- Zoning permits can be extended one time with written approval for a maximum of one year.

Vesting

- Land Use Decisions are vested when Zoning Permit is granted.
- Zoning Permit is vested when building permit is granted.

### **Comment Period**

- Code currently has a 21-day comment period and a 15-day appeal period
- Recommendation to consolidate the comment period and appeal period and provide only a 21-day appeal period where a public hearing may be requested.

### **Other Changes**

- Allows shipping containers to be used as accessory structures.
- Article 10 currently has a separate set of code enforcement provisions that aren’t consistent with the adopted Code Enforcement Ordinance (ORD-2021-4). Recommend replacing that section with reference to the MCCEO for consistency.
- Allows Temporary Hardship Dwellings to be reviewed administratively.
- Removes “Special Uses” as a permit type.
- Allows conversion of existing dwellings to non-farm dwellings in EFU zone.
- Limits the number of extensions staff can grant for administrative decisions.
- Allows entities with the power of eminent domain to provide a resolution of public necessity in lieu of property owner authorization.

### **Attachments:**

- A- Application Process Flowchart
- B- Recommended Amendments (Redline)
- C- Alternative EFU Draft