



# PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844  
(541) 922-4624 or (541) 676-9061 x 5503  
FAX: (541) 922-3472

## AGENDA

**Morrow County Planning Commission**  
**Tuesday, December 5, 2023, 6:00 pm**  
**Bartholomew Building, Heppner, OR**

[For Electronic Participation See Meeting Information on Page 2](#)

### Members of Commission

Stanley Anderson  
Charlene Cooley  
Stacie Ekstrom

John Kilkeny  
Mary Killion  
Elizabeth Peterson

Wayne Seitz  
Karl Smith  
Brian Thompson

### Members of Staff

Tamra Mabbott, Planning Director  
Stephen Wrecsics, Associate Planner, GIS  
Katie Keely, Compliance Planner

Landon Jones, Planning Tech  
Michaela Ramirez, Administrative Assistant

- 1. **Call to Order**
- 2. **Roll Call**

Pledge of Allegiance: I pledge allegiance to the flag of the United States of America and to the republic for which it stands: one nation under God, indivisible with liberty and justice for all.

- 3. **Drafted Minutes:** October 24, 2023 [pages 4-9](#)
- 4. **PUBLIC HEARING AZ-148-23 Legislative Code Updates.** Various Zoning Ordinance code updates to implement changes imposed by the 2019, 2021 and 2023 Oregon Legislative Sessions as well as other formatting and procedural changes. Applicable Criteria include Morrow County Zoning Ordinance (MCZO) Article 8 Amendments.  
[pages 11-94](#)  
Letter to Planning Director Mabbott and Planning Commission from the US Navy [pages 96-97](#)
- 5. **Other Business:**  
Planning Director updates on water projects.  
Morrow County Water Coordinator slides from the October 18<sup>th</sup> presentation to the Board of Commissioners [pages 99-104](#)  
  
GIS Associate Planner presentation and presentation on website information for Columbia Development Authority and Army Depot
- 6. **Correspondence:**

7. **Public Comment**
8. **Adjourn**

**Next Meeting:** Tuesday, January 30, 2024, at 6:00 p.m.  
DLCD Planning Commission Training  
Location: Morrow County Government Center, Irrigon, OR

### **ELECTRONIC MEETING INFORMATION**

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission  
Time: December 5, 2023, 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09>

Meeting ID: **655 469 7321**

Passcode: **513093**

Find your local number: <https://us02web.zoom.us/u/kdmj6471tm>

**Should you have any issues connecting to the Zoom meeting, please call 541-922-4624. Staff will be available at this number after hours to assist.**

*This is a public meeting of the Morrow County Planning Commission and may be attended by a quorum of the Morrow County Board of Commissioners. Interested members of the public are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours before the meeting to Tamra Mabbott at (541) 922-4624, or by email at [tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us).*

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## PLANNING DEPARTMENT

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**Draft Minutes of the Public Meeting of the  
 Morrow County Planning Commission  
 Tuesday, October 24, 2023, 6:00 p.m.  
 Morrow County Government Center Irrigon, Oregon  
 (All meetings will be offered through video conferencing via Zoom)**

**Morrow County Planning Commissioners Present:** Chair Stacie Ekstrom, Stanley Anderson, Elizabeth Peterson, Mary Killion, Charlene Cooley

**Attendance via Zoom:** Brian Thompson, John Kilkenny, Wayne Seitz

**Morrow County Staff Present:** Tamra Mabbott, Planning Director; Michaela Ramirez, Administrative Assistant; Katie Keely, Compliance Planner; Landon Jones, Planning Tech; Stephen Wrecsics, Associate Planner

**Called to Order:** Meeting was called to order by Chair Ekstrom at 6:00 PM.

### Roll Call

The Pledge of Allegiance was recited.

**Approval of Minutes:** Chair Ekstrom asked if there were any corrections or amendments that needed to be made to the minutes. There were none. She approved the August minutes as read.

Chair Ekstrom announced that we were going to start with Code update number five on page twelve.

Planning Tech Jones explained that page fourteen was the summary of all the changes that would be made. He then moved on to page sixteen Article One which pertained to definitions. The first change was the addition of the Accessory Dwelling Unit. He asked if anyone had any questions about the definition. There were none. He moved on to the next addition on page eighteen which read of the average electric generating capacity.

Chair Ekstrom asked if the original wording was somewhere in the Agenda before the changes were made.

Planning Tech Jones replied, yes, they still had the original copies.

Chair Ekstrom explained she wanted something to compare it to.

Director Mabbott explained that is why they redlined the words because they didn't have a .....

Planning Tech Jones introduced page nineteen, the commercial truck.

Director Mabbott commented that Commissioner Smith had some information on the topic because he once was a trucking business owner.

Planning Tech Jones explained that he pulled some wording from ODOT. He continued with page twenty Energy Generation Area.

Director Mabbott explained the note in the margin was a definition that was adopted in House Bill 2109 in 2021.

Planning Tech Jones explained that all the additions he made should have a comment next to them. He then moved on to page twenty-nine, Renewable Energy Facilities. Next, page thirty-one, Useable fFloor Area. This definition he pulled from Deschutes County. Moved on to page thirty-five, Confined Animal Feeding Operation as an outright use with use standards.

Director Mabbott explained that legislature and Senate Bill eighty-five changed that so a county could impose a setback for a CAFO. Everyone was in agreement with not having CAFO's next to residential areas because they create conflict.

Planning Tech Jones explained that on page thirty-six were the use standards for the CAFO amendment added in. He moved on to page thirty-eight, sighting standards for solar facilities. High-value farmland acreage has increased from twelve acres to two hundred and forty. This encompasses the 2019 and 2023 updates.

Director Mabbott pointed out for context these were the standards and the thresholds under which a county can approve rather than going to the state.

Commissioner Killion asked if they were not able to approve a certain number of acres for solar farms.

Director Mabbott explained that they could probably handle approving large amounts of acres because the state was allowing it.

Planning Tech Jones moved on to page thirty-nine. There are two more instances from twelve acres to two-hundred and forty acres. At the bottom of the same page, two-thousand five-hundred and sixty acres were changed from twenty acres of arable land. Page forty was another high value twelve acres to two-hundred and forty acres and on the bottom of the page, three-hundred and twenty acres was changed to three-thousand eight-hundred and forty acres.

Commissioner Kilkeny asked how is it land distinguished between arable and high value.

Director Mabbott replied that there are tests to determine what is arable and high value. This rule only applies to solar facilities.

Commissioner Kilkeny commented that he had his own definition of high-value and arable property but it didn't mean he was correct. In his opinion, he would classify high-value as center pivot and arable as.....land ground.

Director Mabbott read the definition of arable from page thirty-eight. The definition was directly from the state law.

Commissioner Thompson explained that high value is the soil type not so much the irrigation. There are different soil types that are one through eight. He also said you could have high-value soils with no water and not be able to do anything with them and then you may have poor soils with water and still can't do anything with them and they still qualify as low farmland.

Commissioner Killion said that a three-thousand-acre solar farm is a huge thing for them to permit in the county.

Director Mabbott asked if she preferred that the state permit the facility.

Commissioner Kilkenney responded that was a good question and a big decision.

Director Mabbott explained that the developers would prefer to take care of it at the local level because it would be done quickly and less expensive. She added, when permitting at the local level it should be a requirement to have a retirement standard which they currently do not have. The state is now addressing this. When windmill facilities have been bedded, this is standard at the state and local level, when the structure has lived its life they are to remove the structure. The state does have standards for solar facilities and the county does not.

Commissioner Killion commented that it would be a good idea to have a retirement plan set.

Director Mabbott commented that the idea could be taken to the Planning Commission meeting in December.

Chair Ekstrom explained what a bond was in this scenario.

Commissioner Kilkenney added that it was interesting how the threshold was on wind farms compared to solar farms.

Director Mabbott said that the attention right now was on solar farms.

Planning Tech Jones moved on to page forty-one which spoke about the last two acreage updates for the site standards. It has changed twelve acres to two-hundred and forty and twenty acres to two-thousand five-hundred and sixty. Page forty-two wording for Senate Bill 408, which allows partitions of EFU ground for siting utility facilities necessary for public service.

Director Mabbott added this includes transmission lines but typically a substation.

Planning Tech Jones said that concluded Exclusive Farm Use. He stated page forty-three pertained to section 3.020 Forest Use. Page forty-four pertained to updates to the replacement dwelling standards-Forest Zone standards would match Farm Zone.

Director Mabbott spoke about page forty-four and how easier it would be for applicants.

Planning Tech Jones concluded with the Forest Use Zone. Moved on to page forty-five the Rural Residential One Zone. This pertained to Accessory Dwelling Units as a Conditional Use. Page forty-seven limitation on uses for commercial trucks in Rural Residential zones.

Director Mabbott pointed out that Planning Tech Jones founded language that says residents are allowed one commercial truck as their mode of transportation.

Commissioner Killion asked if trucks were not allowed in the Farm Residential zone.

Director Mabbott replied that this wasn't something new.

Planning Tech Jones moved on to Rural Residential ten on pages fifty-three through fifty-four. He pointed out that these pages had an error but would be corrected. The same with Suburban Residential pages fifty-five through fifty-nine He then moved on to Industrial zones, where use standards for data centers were added, which are an outright use.3.070 General Industrial,3.073 Port Industrial, 3.076 Airport Light Industrial.

Director Mabbott gave some background on the language from the Industrial zones that Planning Tech Jones spoke about. She pointed out that the Planning Commission made data centers an outright use which meant they needed to obtain a zoning permit.

Associate Planner Wrecsics gave information on how big a data center campus could be and each one had its own substation.

Director Mabbott commented on the value of moving them to Conditional Use permits outside of this application, all the information would be given upfront. Also, these applications do not have to go to the Planning Commission, but if there are any difficulties she could give her recommendation.

Commissioner Killion asked if there was a maximum number of data centers they could allow.

Director Mabbott replied she wasn't sure if that was legal, but thought the only legal tool was to do a moratorium and those are temporary.

Commissioner Killion commented that it seemed to be getting a lot more and they seem to be impacting the building of our communities to grow because our zoning doesn't stop them from moving into our little town. She also said that they were driving people out.

Director Mabbott asked the Planning Commission what their thoughts were if they wanted to keep the data centers an Outright Use or a Conditional Use.

Chair Ekstrom said she would like to change it to a Conditional Use.

Commissioner Seitz agreed with the Conditional Use.

Director Mabbott said she would bring the idea back with better language. She would also look at standards. She said the Planning Commission a time back removed design reviews in Industrials Zones and the centers would be just under one hundred acres. By keeping it as a Conditional Use regardless of the size.

Commissioner Killion liked that they were trying to fix the problem. She wanted to make sure that the quality of life in Morrow County was being preserved by their decisions.

Planning Tech Jones moved to Article four, page sixty-nine, supplementary provisions. The changes made were on page seventy-one, this involved ADU's. Page seventy-two referred to Rural Residential Zone which allows a smaller manufactured home to be used. Page seventy-six refers to Conditional Use. They were directly from Deschutes County but didn't use all of them and thought they could use the ones that were relevant or not use them at all.

Director Mabbott gave some information on the subject. She read about the water supply and standards. She felt it should be written that applicants should have a well water quality test done and should meet federal and state standards.

Commissioner Killion wondered how many wells in Morrow County met those standards.

Director Mabbott responded that Planning Tech Jones and Associate Planner Wrecsics were working on a well-information project. She pointed out that the Oregon Health Authority had some of that information on their website.

Commissioner Killion stated that there was a high level of nitrates all over and they weren't going to be able to approve ADU's.

Director Mabbott said that if it was a mid-range level they might be able to approve them.

Commissioner Kilkeny asked if wells were being tested before or after putting in the filters.

Director Mabbott said they hadn't got that far and they do require the applicant a lab test at their house by a test at the faucet.

Commissioner Kilkeny asked if the water had been through a filtration and if they met the state standard would that be okay.

Director Mabbott responded yes. She also stated that there were about nine hundred exempt wells and two hundred or so were above the standard. These were wells in the Lower Umatilla Basin Groundwater area. Individual wells are not regulated by the federal or state level. She then asked if the other conditions for an accessory dwelling looked reasonable.

Commissioner Killion asked why only one hundred feet from the testing well.

Planning Tech Jones responded that he pulled that information from Deschutes County and he said it would fall in line with number four where they would be using the same sewage.

Chair Ekstrom asked if two acres were common.

Director Mabbott responded that it was, but she would double-check. She then asked the Commission if the parcel was smaller than two acres would they want to allow them.

Commissioner Killion responded that would be fine.

Associate Planner Wrecsics commented that the two acres were a good amount to fit a drain field, a replacement drain field, and an ADU. The setbacks would affect the wells.



Planning Tech Jones wanted the Commissioners' opinions on number six where it read that the dwelling must be no bigger than nine hundred square feet of usable floor area. He wasn't sure where they came up with that number.

Commissioner Cooley responded that she had read that for other counties and that it is pretty standard.

Director Mabbott said it came directly from the law.

Commissioner Cooley asked if the useable area included or did not include the garage porch area.

Director Mabbott responded that she thought it was just dwelling.

Commissioner Cooley felt that nine hundred square feet seemed very big.

Director Mabbott looked up the definition, and she found that in the standards it can not be bigger than nine hundred square feet of usable floor area and that is also from the statute. She added that before ADUs weren't allowed because they had the potential to double the density in the affected area those lands that aren't zoned for farm or forest use.

Planning Tech Jones read the definition for usable floor area on page thirty-one, it excludes garages, carports, decks, and porch covers.

Director Mabbott asked the Commission if they could add the definition to this rule.

Commissioner Killion asked if they would have to give a limit on how many bathrooms.

Chair Ekstrom replied that the application would have to go through Umatilla Health and they would make the decision.

Planning Tech Jones moved on to page seventy-eight in Article Seven. This pertained to the housekeeping update of MC-C-1-99 for the siting periods for temporary RV uses.

Director Mabbott pointed out that it was code that was adopted in 1999 but it wasn't codified.

Planning Tech Jones moved on to article four and went on to page seventy-nine, the temporary use of an RV in case of a Natural Disaster where the primary dwelling was not livable.

Director Mabbott summarized she would look more into siting conditions for solar facilities, adding a retirement standard, making the data centers a Conditional Use in the three Industrial Zones, and cleaning up the language.

Chair Ekstrom adjourned the meeting a 7:05 PM.

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## PLANNING DEPARTMENT

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PO Box 40 • Irrigon, Oregon 97844  
(541) 922-4624

November 28, 2023

TO: Planning Commission

FROM: Tamra Mabbott, Planning Director  
Landon Jones, Planning Tech

RE: December 5 Commission Hearing for Zoning Ordinance code update

Pursuant to the October 24<sup>th</sup> work session, staff drafted code language based on your comments shared at that meeting. The code language is presented in an adoption-ready format, although we expect questions and discussion and will have the code displayed on the screen so we can visually see edit changes you recommend during the hearing. A summary of the changes is also attached. Additional background and a summary for three of the topics is below.

### **Data Centers**

At the October work session, commission members had two suggestions relative to data centers; (1) keep in the "Outright Use" section and add reference that the review is "subject to standards," and, (2) move to the Conditional Use section. Staff have included both options for consideration. The CUP option would subject general CUP standards in MCZO Article 6. The outright use would be subject to new specific standards in Article 4. Staff also drafted a checklist for data center development.

The process for the two options is very similar. The outright use option would be a "Land Use Decision" that requires a staff report and preliminary decision (Findings) and a public notice. The LUD option would be subject to new standards shown in a new Section 4.166 contained in the packet. The Conditional Use Permit option also requires a staff report and preliminary decision but subject to general standards found in MCZO Section 6:

[https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/8911/zoning\\_article\\_6\\_08012017.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/8911/zoning_article_6_08012017.pdf)

The process for both is an administrative procedure defined in Article 9 of the MCZO:

[https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/8941/article\\_9\\_administrative\\_provisions\\_12202022.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/8941/article_9_administrative_provisions_12202022.pdf)

As background, all development permits are subject to Site Plan Review, found in MCZO Section 4.165:

[https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/8891/zoning\\_art\\_4\\_02012018.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/8891/zoning_art_4_02012018.pdf)

The genesis for the discussion and proposed code changes relative to data centers is in part, based on the fact that each data center is required to provide a Traffic Impact Analysis (TIA) which is a subjective analysis and therefore must be subject to public notice and an opportunity for public comment. Stated another way, a TIA cannot be approved at the staff level (a ministerial decision) and can only be approved

after county provides a public notice with an opportunity to provide comment and/or request a hearing. The current code language does not clearly identify this procedural requirement nor does it include the substantive information required in a complete application. Thus, staff drafted language to clarify both the procedural as well as the substantive information required for a complete application.

We also developed a “checklist” for data center development with the goal of more clearly outlining the factors that warrant consideration, as well as to outline the permitting requirements. See attached draft Data Center Checklist.

Finally, staff reached out to Port of Morrow and data center developers to get their input. We believe the final proposal is comprehensive and meets the objectives of a comprehensive regulatory review as well as establishing reasonable and clear expectations for the applicant. We had robust conversations with private sector data center developers and their comments have been incorporated into the draft documents. Their input was constructive and have greatly improved the quality of the final draft. You will likely have their participation at the hearing which will be a good opportunity to ask questions and also to hear their perspective about the proposed code language.

#### **Retirement standards for solar facilities**

At the October work session, Planning Commission inquired about solar facilities, specifically asking whether county required that the facilities be removed after they are no longer in use. MCZO has does not have a specific category for a solar facility, rather, the Ordinance has a category called “Commercial Facilities for Generating Power.” The attached code update includes draft language related to retirement and decommissioning for all power generation facilities.

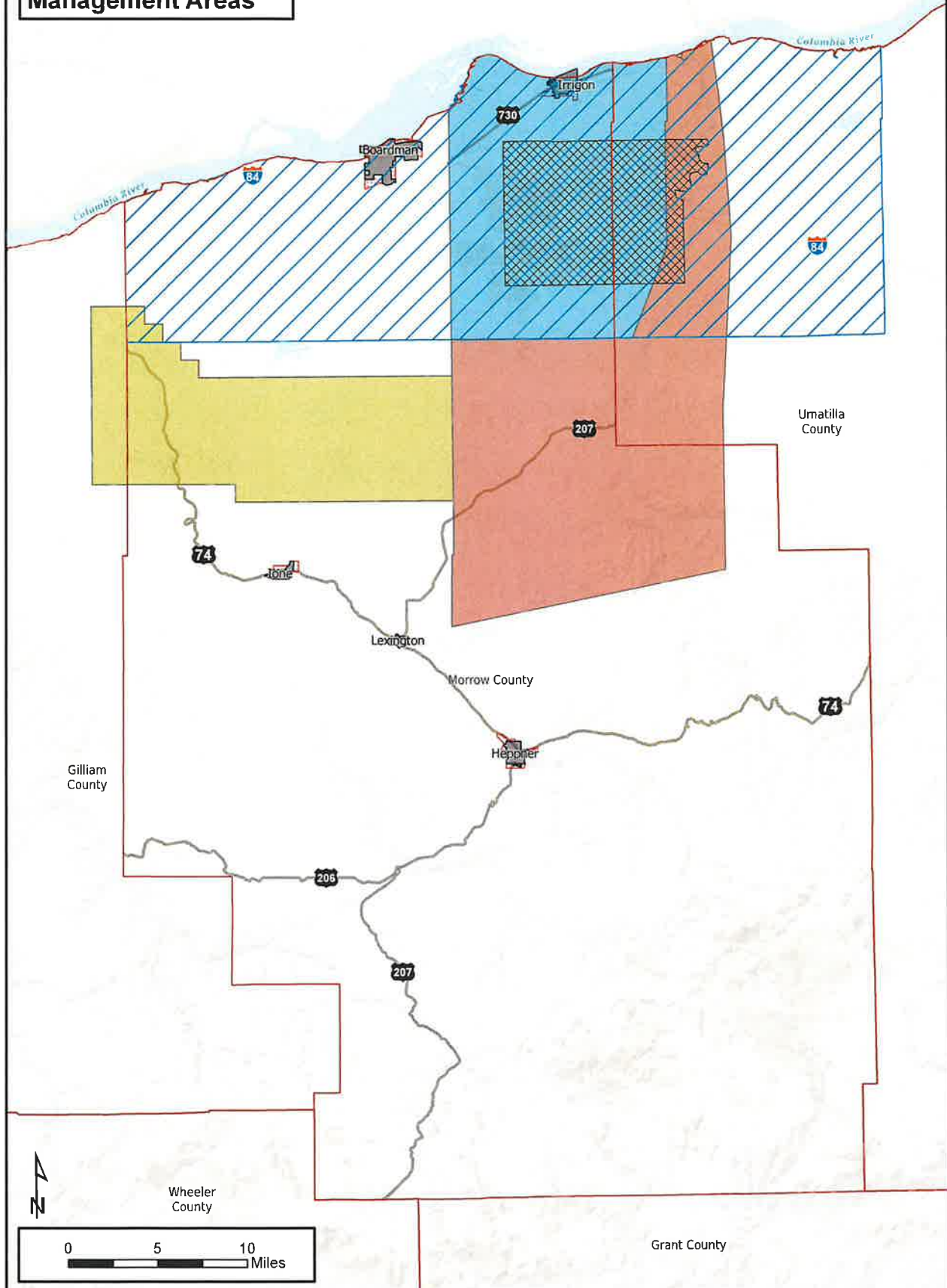
#### **Accessory Dwelling Units**

The 2023 Oregon Legislature adopted House Bill 644 which allows counties to permit accessory dwelling units (ADU’s) in rural residential zones. At the work session commission members recommended county allow ADU’s. Staff drafted language that would allow an ADU to be permitted as a conditional use. See MCZO Section 6.050.

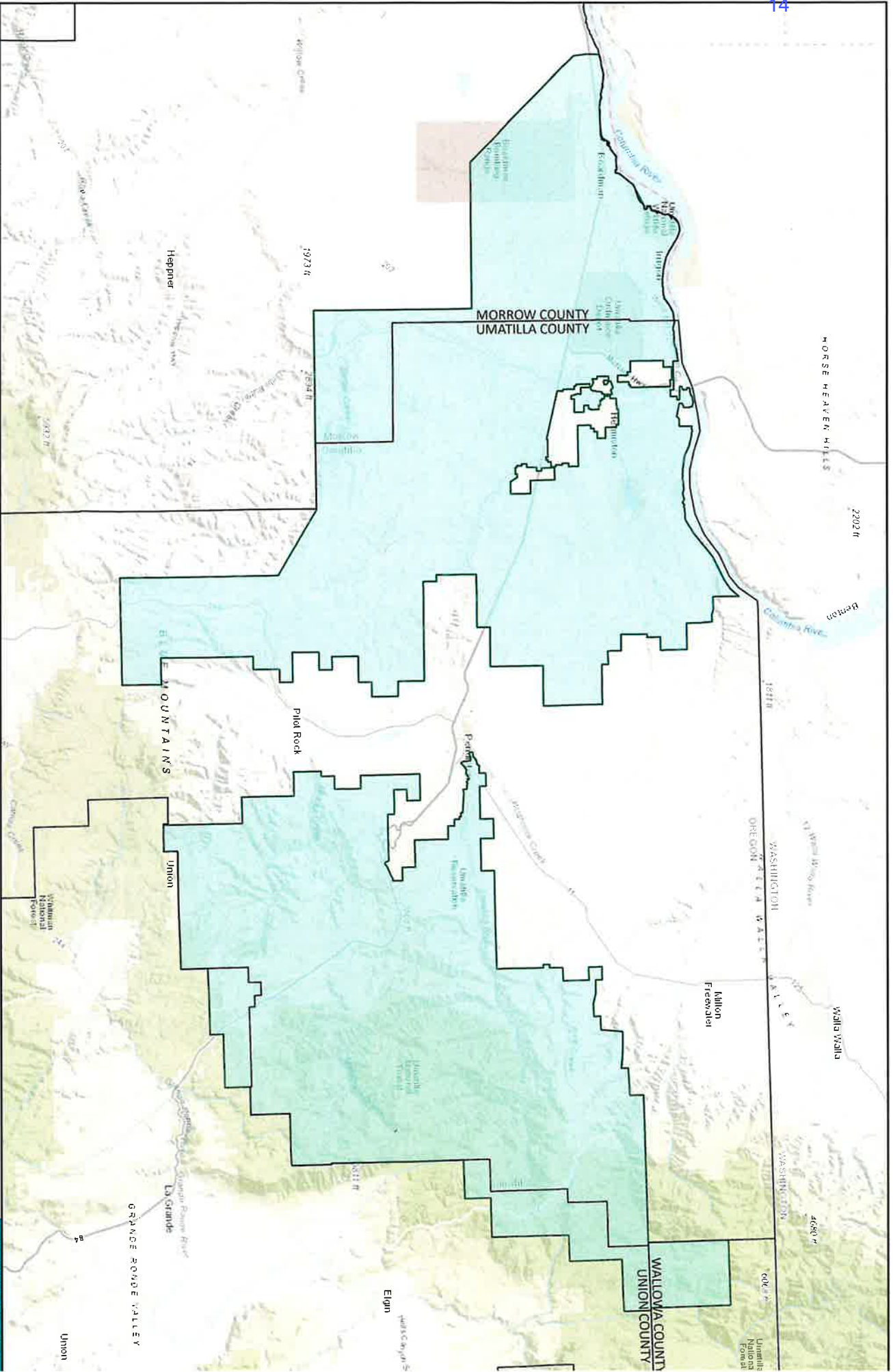
Most of the Morrow County rural residential zones are located in a water quality and water quantity limited area including the Lower Umatilla Basin Groundwater Management Area (LUBGWMA) and many are also located in a groundwater quantity limited area. Staff proposed draft language that would prohibit an ADU in an area within the LUBGWMA or within a Critical Groundwater Area unless the landowner “proves adequate water supply and water quality meets federal and state drinking water standards.” This is a vague standard and warrants further discussion and interpretation.

A map illustrating the LUBGWMA and CGWA is attached and also on county website here:  
<https://www.co.morrow.or.us/planning/page/critical-ground-water-management-areas>

# Critical Ground Water Management Areas



<b>Legend</b>	State Highway	LUBGWMA	Ordnance Basalt CGWA
	UGB	Ordnance Gravel CGWA	Ella Butte Classified GWA
	City Limits	Butter Creek CGWA	

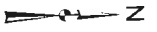


**UMATILLA ELECTRIC COOPERATIVE SERVICE TERRITORY**

1 inch equals 10 miles



1983 North American Datum  
Oregon State Plane  
North FIP 3601 Feet



- County Boundary
- UEC Service Territory

Umatilla Electric Cooperative  
750W Elm Ave. Hermiston, OR 97838



<https://www.umatillaelectric.com/>  
Date: 8/17/2021 Sheet: 1 of 7

## **Legislative Code Update Summary**

### **Article 1: Introductory Provisions (Definitions)**

- Definition of "Accessory Dwelling Unit" (SB 644)
- Definition of "Average Electric Generating Capacity" (HB 2109)
- Definition of "Commercial Truck"; see also "Limitations on Uses" in residential zones
- Definition of "Energy Generation Area" (HB 2109)
- Definitions for "Renewable Energy Facilities" (HB 2109)
- Definition of "Useable Floor Area" (SB 644)

### **Article 3: Zoning**

- *Section 3.010 Exclusive Farm Use*
  - Addition of Confined Animal Feeding Operation as an outright use subject to standards (SB 85)
  - Addition of use standards for a Confined Animal Feeding Operation (SB 85)
  - Retirement and restoration standards for Power Generation Facilities
  - Update of siting standards for Photovoltaic Solar Power Generation Facilities (HB 3179)
  - Update of Land Division language and standards (SB 408)
- *Section 3.020 Forest Use*
  - Update of language related to replacement dwellings (HB 2192)
- *Section 3.040 Rural Residential*
  - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
  - Addition of Limitations on Uses related to Commercial Trucks
- *Section 3.041 Farm Residential*
  - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
  - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.042 Rural Residential Ten*
  - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
  - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.050 Suburban Residential*
  - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
  - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.051 Suburban Residential 2A*
  - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
  - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.070 General Industrial*
  - Addition of use standards for Data Centers
  - Change of Data Centers to be a Conditional Use
- *Section 3.073 Port Industrial*
  - Addition of use standards for Data Centers
  - Change of Data Centers to be a Conditional Use
- *Section 3.076 Airport Light Industrial*
  - Addition of use standards for Data Centers
  - Change of Data Centers to be a Conditional Use

### **Article 4: Supplementary Provisions**

- Addition of manufactured home standards correlating with tax regulations of the county
- Addition of Site Plan Review for Data Centers

### **Article 6: Conditional Uses**

- Addition of reference to Article 9 Administrative Provisions
- Addition of conditional use standards for Accessory Dwelling Unit in residential zones (SB 644)

**Article 7: Dimensional Adjustments, Variances, Special or Temporary Use Permits, and Non-Conforming Uses**

- Update of temporary use of recreational vehicle to match MC-C-1-99
- Additional temporary use of a recreational vehicle in the case of natural disasters (HB 2809)

**Article 9: Administrative Provisions**

- Clarification of Section 9.046 Administrative Review in relation to projects subject to new Section 4.166 Site Plan Review for Data Centers





# LAND USE APPLICATION

## CHECKLIST FOR DATA CENTERS

Zoning Permit # \_\_\_\_\_

### PLEASE SUBMIT WITH A SITE PLAN DISPLAYING REQUIRED INFORMATION

#### Project Information

Project Manager or Contact Person: \_\_\_\_\_

Property Owner/Applicant: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

#### Property Description

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Tax Lot: \_\_\_\_\_ Zoning Designation: \_\_\_\_\_

Partition Plat: \_\_\_\_\_ Size of Parcel: \_\_\_\_\_ Acres

#### Access

Is the Property accessible by road?

Yes     No

If yes, please provide the name of the road and describe the improved surface and provide a copy of the access permit if required by owner of roadway:

\_\_\_\_\_

If no, what is the plan to provide access? \_\_\_\_\_

Describe proposed roadway and intersection improvements, if any.

\_\_\_\_\_

Proposed access Point Latitude/Longitude (decimal degrees): \_\_\_\_\_

#### Utilities

##### Power (Substation and Transmission Lines)

Are substation and transmission lines in place on the subject property?  Yes     No

If yes, provide the name of power service provider/utility:

\_\_\_\_\_

If no, describe any existing electric services and the applicant's proposal for provision of utility service to the site. The applicant may satisfy this requirement by providing a letter, notice or memorandum of understanding from the providing utility evidencing a willingness to serve the site. Please also describe the proposed route/alignment of the proposed transmission line and location of the substation on-site. \_\_\_\_\_

\_\_\_\_\_

**Water**

What is the existing or proposed water supply for the proposed data center? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Industrial Wastewater**

Is there currently a wastewater system in place on the subject property?  Yes  No

If yes, what system is in place? \_\_\_\_\_

If no, please describe the proposed method of wastewater management, including a description of any existing wastewater services and the applicant's proposal for provision of utility service to the site. The applicant may satisfy this requirement by providing a letter, notice or memorandum of understanding from the providing utility evidencing a willingness to serve the site. \_\_\_\_\_  
 \_\_\_\_\_

Will industrial wastewater be pumped off-site?  Yes  No

If yes, describe: \_\_\_\_\_

**Septic/Sewage:**

What is your plan for sewer disposal? \_\_\_\_\_

Has the system been permitted?  Yes  No

If yes, please describe: \_\_\_\_\_

If no, please provide the status or proposed timing for permitting a septic system capable of serving the proposed development: \_\_\_\_\_  
 \_\_\_\_\_

**Parking**

What are your plans for parking during construction? \_\_\_\_\_  
 \_\_\_\_\_

Describe permanent parking plan and layout \_\_\_\_\_  
 \_\_\_\_\_

**Traffic Impacts Analysis (TIA)**

A TIA will be required for each proposed data center.

Has a Traffic Impact Analysis been completed?  Yes  No

If yes, attach copy of TIA. If no, please explain why this data center does not require a TIA.  
 \_\_\_\_\_  
 \_\_\_\_\_

Road Use Agreement Proposed?  Yes  No

If yes, describe: \_\_\_\_\_

**Site Plan**

As applicable, must include the following site information:

- Data Center Buildings
- Security Buildings
- Utilities
  - Generators
  - Batteries
  - Transmission lines on-site
  - Substation on-site
- Security building and security gate
- Parking

- Lighting
- Water Systems
- Waste Water system (on site lagoon, on-site domestic septic system, etc.)
- Internal and Perimeter Fencing
- Landscaping
- Final TIA and Road Improvements and Road Use Agreement if applicable.

DRAFT

**MORROW COUNTY, OREGON  
ZONING ORDINANCE**

**ARTICLE 1. INTRODUCTORY PROVISIONS**

**SECTION 1.010. TITLE.**

This Ordinance shall be known as the Morrow County Zoning Ordinance of 1980, amended March 6, 1985, and amended and readopted in its entirety on November 7, 2001.

**SECTION 1.020. PURPOSE.**

The intent and purpose of this Ordinance is to promote the public health, safety and general welfare and to carry out the Comprehensive Plan of the County, the provisions of ORS Chapter 215, and the Statewide Planning Goals adopted pursuant to Oregon Revised Statutes (ORS) Chapter 197. Therefore, approvals granted pursuant to the provisions of this Ordinance shall be based on the following considerations among others: the characteristics of the various areas in the County, the suitability of an area for particular land uses, trends in land improvement, density of development, property values, the needs of economic enterprises in the future development of an area, needed access to particular sites in the County, natural resources, and the need for development or conservation thereof, and the public need for healthful, safe and aesthetic surroundings and conditions.

**SECTION 1.030. DEFINITIONS.**

As used in this ordinance, the following words and phrases shall have the meaning set forth in this section. Words and phrases not defined shall have the meaning commonly and ordinarily understood, as determined by the Planning Director, Planning Commission, or Board of Commissioners.

Accepted Farming Practice. A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. As applied to composting operations on high-value farmland, "accepted farming practice" includes composting operations that either 1) compost only materials produced on the subject tract, or 2) compost materials brought from off-site and processed alone or in conjunction with materials generated on the subject tract, and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract.

Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Accessory Dwelling Unit. A dwelling which is subordinate to and serves a primary building and is subordinate in area, extent, or purpose to the primary building and contributes to the comfort, convenience, or necessity of occupants of the primary building, and is located on the same lot as the primary building.

Accessory Use. A use incidental and subordinate to the main use of the property and located on the same lot as the main use.

Commented [L1]: SB 644 (2023)

**Accessory Structure.** A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use.

**Agricultural Building.** Any structure that is considered to be an "agricultural building" as defined in Oregon Revised Statutes on a lot or parcel that is enrolled in a farm or forest deferral program with the County Assessor.

**Agricultural Land.** Lands classified by the U.S. Soil Conservation Service (SCS) as predominately Class I-VI soils, and other lands in different soil classes that are suitable for farm use taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices. Lands in other classes that are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land in any event.

**Agri-tourism.** A common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals. Except for small, farm-themed parties, regularly occurring celebratory gatherings, weddings, parties or similar uses are not Agri-tourism.

**Alley.** A street or right of way that affords only a secondary means of access to property.

**Associated Transmission Lines.** Transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

**Automobile, Boat, Manufactured Dwelling, Trailer, and Recreational Vehicle Sales.** An open area, other than a street, used for the display, sale, or rental of new or used automobiles, boats, manufactured dwellings, trailers or RV's and also used for servicing such vehicles within an enclosed space.

**Automobile Service Station.** A building or portion thereof or land used for the retail sale of automobile fuel, oil and accessories, and service.

**Automobile Wrecking Yard.** A premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, Recreational Vehicles, trucks, machinery, or parts thereof. Outdoor storage of more than three unlicensed, inoperative vehicles shall be considered a wrecking yard. For purposes of this ordinance, more than three unlicensed vehicles may be stored within a fully enclosed building and will not be considered a wrecking yard. For purposes of this ordinance, the storage of farm equipment, vehicles, machinery, and parts on land zoned Exclusive Farm Use, if not visible from outside the property boundaries, shall not be considered a wrecking yard and shall be exempt from this definition.

**Auxiliary.** As used in the Forest Use Zone, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An

auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

Average Electric Generating Capacity. The peak generating capacity of the facility divided by the factors for wind facilities, for geothermal energy facilities, or for all other energy facilities.

Commented [LJ2]: HB 2109 (2021)

Basement. A story partly underground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than 6 feet above the average level of the adjoining ground.

Bed and Breakfast Facility. An accessory use in a single-family dwelling in which lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. A bed and breakfast facility must be within the residence of the operator and be compliant with the requirements of Oregon Administrative Rule. A bed and breakfast facility may be reviewed as either a home occupation or as a room and board operation.

Boarding House. A building or portion thereof, other than a motel, restaurant, or hotel, where meals or lodging or both are provided for compensation for more than four persons, other than a family.

Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Camper Cabin. A camp structure with no permanent foundations or plumbing, located within a camping area and intended for occupancy by one to eight persons.

Campground. An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

Carrying Capacity. Level of use that can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem, and the quality of air, land, and water resources.

Commercial Activity in Conjunction with Farm Use. The processing, packaging, treatment and wholesale distribution, and storage of a product primarily derived from farm activities in the local agricultural community. Also, retail sales of products, supplies and services to the agricultural community that support the production and harvesting of agricultural products.

Commercial Dairy Farm. A commercial dairy farm is a dairy operation in a resource zone that owns a sufficient number of producing dairy animals capable of earning an income from the sale of fluid milk.

Commercial Power Generating Facility. A facility for the production of energy and its related or supporting facilities that:

1. Generates energy using means such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;
2. Is intended to provide energy for sale; and
3. Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Commercial Tree Species. Trees recognized for commercial production under rules adopted by the State Board of Forestry.

Commercial Truck. A vehicle or tractor unit used for the transportation of persons for compensation or profit; or is designed or used primarily for the transportation of property.

Commented [LJ3]: Continuity with code enforcement.

Community Water System. A domestic water supply source or distribution system that serves or is designed to serve more than three single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water supply system nor a public utility water supply system, and must have legal financial provisions for long-term operation and maintenance.

Community Sewage System. A sewage disposal system that serves or is designed to serve more than 10 single residences or other users for the purpose of disposing of household liquid wastes, but is neither a municipal nor a public utility sewage disposal system, and must be approved by the appropriate government agency and must have legal and financial provisions for long-term operation and maintenance.

Contiguous Land. Parcels of land that abut each other, or are connected in such a manner as to form a single block of land.

Cubic Foot Per Acre. The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

Cubic Foot Per Tract Per Year. The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

Data Center. A facility used to house computer systems and associated components.

Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

Dwelling, Multi-Family. A building or portion thereof, designed for occupancy by three or more families living independently of each other.

Dwelling, Single-Family. A detached building containing one dwelling unit and designed for occupancy by one family only.

Dwelling, Two-Family. A building containing two dwelling units and designed for occupancy by two families.

Dwelling Unit. One or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

Easement. A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

Energy Generation Area: An area within which the effects of two or more small generating plants may accumulate so the small generating plants have effects of a magnitude similar to a single generating plant of 35 megawatts average electric generating capacity or more. An "energy generation area" for facilities using a geothermal resource and covered by a unit agreement, as provided in ORS 522.405 to 522.545 or by federal law, shall be defined in that unit agreement. If no such unit agreement exists, an energy generation area for facilities using a geothermal resource shall be the area that is within two miles, measured from the electrical generating equipment of the facility, of an existing or proposed geothermal electric power generating plant, not including the site of any other such plant not owned or controlled by the same person.

Commented [LJ4]: HB 2109 (2021)

Event, Temporary. A temporary event is one that is held primarily on or is using public property that has an expected attendance of more than [50], but no more than [500] people, that will not continue for more than [72] hours in any three month period, and that will be located in a rural or resource area. Temporary Events are permitted through a [ministerial/Type I] process and are not considered "outdoor mass gatherings" as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4).

Family. An individual or two or more persons related by blood, marriage, legal adoptions, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than three additional unrelated persons, including servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

Farm Use. The current employment of land, including that portion of such land under buildings, for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of or the produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics, and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance, and harvesting of



aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in pertinent sections of this Ordinance. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees. The terms farm, farming, and farm use shall be interpreted and applied in a manner consistent with ORS 215.203. (MC-C-8-96) (MC-03-05)

Farmworker housing. Housing limited to occupancy by farmworkers and their immediate families, no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.

Farm Operator. A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

Farm or Ranch Operation. All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in this article.

Farm Stand Structure. A structure that is designed and used for the sale of farm crops and livestock as provided in the Exclusive Farm Use Zone. A food stand is considered to be a farm stand structure.

Fee-based activity to promote the sale of farm crops or livestock (as applied to farm stands). An agri-tourism activity as defined herein that is directly related to the sale of farm crops or livestock sold at the farm stand, and that meets the standards of the Exclusive Farm Use Zones.

Fire Break. A break in the ground cover fuels intended to prevent the spread of fire as specified by the appropriate fire protection agency or the Commission.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source, mudslides that are proximately caused or precipitated by accumulations of water on or under the ground, and the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water on or under the ground, and the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural or man-made body of water accompanied by a severe storm or by some similarly unusual and unforeseeable event that results in flooding as defined herein above.

Flood Base. Inundation during periods of higher than normal stream flow, high winds, high intensity storms, or any combination thereof that has a 1 percent chance of being equaled or exceeded in any given year.

Flood Hazard Area. The relatively flat area or lowlands adjoining the channel of a river, stream, other watercourse, lake, or reservoir that has been or may be covered by a Base Flood.

**Flood Hazard Boundary Map.** An official map of the community furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map and delineating the boundaries of the special hazard areas.

**Forest Lands.** Lands composed of existing and potential forest lands, which are suitable for commercial forest uses, including the production of trees and the processing of forest products, other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, lands where extreme conditions of climate, soil, and topography require the maintenance of vegetative cover irrespective of use, and other forested lands in urban and agricultural areas that provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors, and recreational use.

**Forest Lands.** As defined in Goal 4, are those lands acknowledged as forest lands, or, in the case of a plan amendment. Forest lands shall include:

1. Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and
2. Other forested land that maintain soil, air, water, and fish and wildlife resources.

**Forest Operation.** Any commercial activity relating to the growing or harvesting of any forest tree species.

**Forest Use.** Includes the production of trees and the processing of forest products, open space, buffers from noise, and visual separation of conflicting uses, watershed protection and wildlife and fisheries habitat, soil protection from wind and water, maintenance of clean air and water, outdoor recreational activities and related support services and wilderness values compatible with these uses, and grazing for livestock.

**Freight Depot/Truck Terminal.** An area and/or building where cargo is stored or where trucks load and unload cargo on a regular basis and trucks and/or trailers are parked when not in use. (MC-C-8-96)

**Functional Classification.** A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

**Frontage.** That portion of a property that abuts a public street.

**Grade (ground level).** The average of the finished ground elevation at the centers of all walls of a building; in case walls are parallel to and within 5 feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

**Golf course.** An area of land with highly maintained natural turf laid out for the game of golf with a series of holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards.

**Height of Building.** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.

**High-Value Farmland.**

1. Land in a tract composed predominantly of soils that are:
  - a. Irrigated and classified prime, unique, Class I or II; or
  - b. Not irrigated and classified prime, unique, Class I or II.
2. High-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa.

**Home Occupation.** A limited business activity that is accessory to a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located. Clerical or administrative activity conducted not for the principal purpose of direct monetary gain, but rather to support a business not located on the same site as the dwelling, does not constitute a home occupation, e.g., transcription, bookkeeping, telephone contact.

**Irrigated.** Watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this ordinance, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

**Kennel.** A lot or building in which 4 or more dogs, cats, or other animals at least 4 months of age are kept commercially for board, propagation, training, or sale.

**Livestock.** Domestic animals of types customarily raised or kept on farms for profit or other purposes.

**Livestock Feeding Yard (Commercial Feedlot).** An enclosure designed for the purpose of concentrated feeding or fattening of livestock for commercial slaughter.

**Livestock Sales Yard.** An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

**Living History Museum.** A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.

**Loading Space.** An off-street space within a building or on the same lot with a building, used for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and having direct access to a street or alley.

**Lot.** A single unit of land created by a subdivision of land that is intended as a unit for disposition, transfer of ownership or interest, or for development.

A. Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road right-of-ways or easements.

B. Lot, Corner. A lot abutting on two or more streets, other than alleys, at their intersection, provided the angle of intersection of the abutting streets does not exceed 135 degrees.

C. Lot Depth. The average horizontal distance between the front and rear lot lines.

D. Lot Line. The property line bounding a lot.

E. Lot Line, Front. The lot line separating a lot from a street other than an alley and, in the case of a corner lot, the shortest lot line along a street other than an alley.

F. Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of an irregular, triangular, or other odd shaped lot, a line 10 feet in length within the lot, parallel to, and at a maximum distance from the front lot line.

G. Lot Line, Side. Any lot line other than a front or rear lot line bounding a lot.

H. Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.

I. Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Medical Hardship. A temporary circumstance caused by serious illness or infirmity, and authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

Mining. All or any part of the process of mining minerals including removal of overburden and the extraction of natural mineral deposits by any method by which more than 1,000 cubic yards of minerals are extracted on land planned for farm use and 5,000 cubic yards of minerals are extracted on land planned for forest or industrial use or by which at least one acre of land is affected within a period of 12 consecutive months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits (except those constructed for use as access roads). Surface mining does not include:

- A. Excavations of sand, gravel, clay, rock or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads on the same parcel, or on an adjacent parcel that is under the same ownership as the parcel that is being excavated;
- A. Excavation or grading operations, reasonably necessary for farming;
- B. Nonsurface effects of underground mining;
- C. Removal of rock, gravel, sand, silt or other similar substances removed from the beds or banks of any waters of this State pursuant to a permit issued under ORS 196.800 to 196.900; or
- D. Excavations or reprocessing of aggregate material, or grading operations, within the highway right of way reasonably necessary for the construction reconstruction or maintenance of a highway as defined in ORS 801.305. (MC OR-1-2013)

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#### Mobile Home or Manufactured Dwelling.

A. A Residential Trailer, a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, is intended for human occupancy, is being used for residential purposes, and was constructed before January 1, 1962.

B. A Mobile House, a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, is intended for human occupancy, is being used for residential purposes, was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

C. A Manufactured Home, a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, is intended for human occupancy, is being used for residential purposes, and was constructed in accordance with Federal Manufactured Housing Construction and Safety Standards regulations in effect at the time of construction. (ORS 446.003(17))

D. Does not mean any building or structure subject to Structural Specialty Code adopted pursuant to ORS 455.100-450.

E. For the purposes of this document, it shall be immaterial whether such units or their components are placed on property for a temporary, semi-permanent, or permanent residence, or that the wheels are removed and the unit or component(s) are supported on posts, footings, or a foundation. This definition does not include Recreational Vehicles.

Mobile or Manufactured Home Park. Any place where 2 or more mobile or manufactured homes are parked within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Mobile or Manufactured Home Subdivision. A subdivision intended to be occupied primarily or exclusively by mobile or manufactured homes.

**Municipal Water Supply System.** A domestic water supply source and distribution system owned and operated by a city or a county, or owned and operated by a special district or other public corporation that has independent tax-levying powers to support the system.

**Natural Hazard Area.** An area that is subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, groundwater, flash flooding, erosion and deposition, landslides, earthquakes, weak foundation soils, and other hazards unique to a local or regional area.

**Net Metering Power Facility.** A facility for the production of energy that:

1. Generates energy using means such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel in all zones which allow "Farm Use" and in the Exclusive Farm Use zone;
2. Is intended to offset part of the customer-generator's requirements for energy;
3. Will operate in parallel with a utility's existing transmission and distribution facilities;
4. Is consistent with generating capacity regulations as well as any other applicable requirements;
5. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

**New Construction.** Any structure for which the "start of construction" commenced on or after the effective date of this ordinance.

**Non-Commercial/Stand Alone Power Generating Facility.** A facility for the production of energy that is similar to a net metering power facility except that :

1. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to; and
2. Operates as a standalone power generator not connected to a utility grid.

**Natural Resources Conservation Service (NRCS) Web Soil Survey.** Official source of certified soils data available online that identifies agricultural land capability classes, developed and maintained by the Natural Resources Conservation Service.

**Nursery, Day.** An institution, establishment, or place in which are commonly received at one time three or more children not of common parentage under the age of 14 years for a period or periods not exceeding 12 hours for the purpose of being given board, care, and training by someone other than parents or guardians for compensation or reward.

**Nursing Home.** Any home, institution, or other structure maintained or operating for the nursing and care of four or more ill or infirm adults not requiring hospital care or hospital facilities.

**Open play field.** A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.

**Open Space.** Consists of lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use, conserve and enhance natural or scenic resources; protect air or streams or water supply; promote conservation of soils, wetlands, beaches, or marshes; conserve landscaped areas, such as public or private golf courses; that reduce pollution and enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or other open space, or geological and archaeological sites; promote orderly urban development; and minimize farm and non-farm conflicts.

**Outdoor Mass Gathering.** A gathering that is an actual or reasonably anticipated assembly of more than 3,000 [more than 500] persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities allowed under separate provisions.

**Owner.** The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or county recorder's records.

**Parcel.** A single unit of land created by a partition plat governed by the Morrow County Subdivision Ordinance. A parcel may also be a single unit of land described by deed and created prior to the establishment of the Morrow County Subdivision Ordinance (June 6, 1980).

**Parking Space.** A clear, off-street area for the temporary parking or storage of one automobile.

**Person.** A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**Personal use airport.** An airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.

**Preparation.** Preparation includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products.

**Primary or Principal Use.** The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.

**Primary processing of forest products.** The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not

limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

**Principally Engaged In Farm Use.** As it refers to primary farm dwellings and accessory farm dwellings, a person is principally engaged in the farm use of the land when the amount of time that an occupant of the dwelling is engaged in farm use of the property is similar to the average number of hours that is typically required for a full-time employee of the relevant type of farm use, whether that person is employed off the farm or not. Only one resident of a household need meet the "principally engaged" test, or the test may be met collectively by more than one household member.

**Private Park.** Land that is used for low impact, casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above, but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.

**Processed.** As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.

**Processing, Mineral.** Processing, as defined by ORS 517.750, includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit area. (MC OR-1-2013)

**Products or by-products raised on such land.** Those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

**Public or Semi-Public Use.** A use owned or operated by a public, governmental, or non-profit organization for the benefit of the public generally. This does not include landfill sites, garbage dumps, or utility facilities.

**Public Park.** A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the Morrow County Comprehensive Plan and this Zoning Ordinance.

**Recreation Facility or Area.** An indoor or outdoor area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, and other similar uses, whether the use of such area is limited to private membership or open to the public on payment of a fee, or an area designated by the landowner for picnicking and offered to the general public, whether or not a fee or charge is made for such accommodations.



**Recreational Vehicle (RV).** A unit with or without motive power, that is designed for human occupancy and is to be used temporarily for recreational, seasonal or emergency purposes. Recreational vehicles include:

- A. **Truck Camper.** A portable unit which has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck.
- B. **Camping Trailer.** A vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
- C. **Travel Trailer.** A vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle.
- D. **Motor Home.** A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle.

**Recreational Vehicle (RV) Park.** An area or tract of land used or designed to accommodate two or more Recreational Vehicles, tents or outfits, including cabins, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee. RV Parks could be occupied indefinitely if certain conditions are met.

**Relative.** Child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin.

**Renewable Energy Facility** includes the following:

- A. **A solar photovoltaic power generation facility.**
- B. **Geothermal energy at a single plant or within a single energy generation area.**
- C. **Wind energy at a single plant or within a single energy generation area.**

Commented [LJ5]: HB 2109 (2021)

**Right of Way.** The area between the boundary lines of a street, road, or easement.

**Road or Street.** A public or private way created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

**Roadway.** That portion of a street or road right of way developed for vehicular traffic.

**Setback (yard).** An open space on a lot, which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

- A. **Setback, Front.** A setback between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building.
- B. **Setback, Rear.** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

C. Setback, Side. A setback between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of a building.

D. Setback, Street Side. A setback adjacent to a street between the front setback and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Skirting. A weather resistant material used to enclose the space below the manufactured structure.

Sign. An identification, description, illustration, or device that is affixed to or represented, directly or indirectly, on a building, structure, or land, and that directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign other than two surfaces parallel and back to back on the same structure shall be considered a sign.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Stable. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration or profit, or such a facility for the keeping of horses not owned by the occupants of the premises whether or not a fee is charged.

Start of Construction. The first placement of permanent construction of a structure (other than a mobile or manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling. It does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile or manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundations. For mobile or manufactured homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile or manufactured homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the mobile or manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Storage Structures for Emergency Supplies. Structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.

**Structure.** Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. Also anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels, food stands, in ground swimming pools, and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

**Tax Lot.** A unit of land assigned by the Department of Revenue for the sole purpose of real estate taxation.

**Temporary Structure or Use.** A non-permanent structure, or one used for a limited time, or a use or activity that is of a limited duration.

**Tract.** One or more contiguous lots or parcels under the same ownership.

**Traffic Impact Analysis (TIA).** A study conducted to identify the impacts from a new development or increased use of an existing facility. (MC-C-8-98)

**Trailer.** Any portable unit designed and built to be towed on its own chassis, consisting of frame and wheels and that does not fall within the definitions of Recreational Vehicle, Residential Trailer, Mobile House, or Manufactured Home. This definition includes boat trailers, bunk trailers, portable schoolrooms, and industrial, commercial or public offices and accessory uses.

**Travelers Accommodations.** Any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travellers or transients for a charge or fee paid or to be paid for rental or use of facilities.

**Truck Stop.** Any building, premise or land in or on which the service of dispensing motor fuel or other petroleum products directly into trucks or motor vehicles is rendered. A truck stop may include the sale of accessories or equipment for trucks or similar motor vehicles and may also include the maintenance, servicing, storage, or repair of commercially licensed trucks or motor vehicles.

**Useable floor area:** The area of the accessory dwelling unit included within the surrounding insulated exterior walls, exclusive of garages, carports, decks and porch covers.

Commented [LJ6]: SB 644 (2023)

**Use.** The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

**Utility Facilities Necessary for Public Service.** Any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facility, and other similar facilities.

**Utility facility service lines.** Utility lines of the necessary voltage to serve the area, including those up to 230 kilovolts, and associated facilities or structures that ultimately end at the point

where the utility service is received by the customer, and that are located on one or more of the following:

1. A public right-of-way;
2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
3. The property to be served by the utility.

**Youth Camp.** A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

**Yurt.** A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

**Zoning Permit.** An authorization issued prior to a building permit, or commencement of a use subject to administrative review, stating that the proposed use is in accordance with the requirements of the corresponding land use zone.

#### **SECTION 1.040. COMPLIANCE WITH ORDINANCE PROVISIONS.**

- A. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits.
- B. No lot area, yard, or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.
- C. No lot area, yard, or other open space that is required by this ordinance for one use shall be used as the required lot area, yard, or open space for another use.

#### **SECTION 1.050. ZONING PERMIT.**

Prior to the construction, reconstruction, alteration, or change of use of any structure larger than 100 square feet or use for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use or uses shall be obtained from the Planning Director or authorized agent thereof. A zoning permit shall become void after 1 year unless the development action has commenced. A 12-month extension may be granted when submitted to the Planning Department prior to the expiration of the approval period. At the Planning Director's sole discretion, the Director may refer any Zoning Permit application to the Planning Commission for consideration and decision, following notice and public hearing consistent with the public hearing procedures in Section 9.050.

#### **SECTION 1.060. ABROGATION AND GREATER RESTRICTIONS.**

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restriction.

#### **SECTION 1.070. ADMINISTRATIVE TERMINOLOGY AND CONSTRUCTION.**

- A. Terminology. The word "County" shall mean the County of Morrow, Oregon. The words "County Court" and "Court" as well as "Board of Commissioners" and "Board" shall mean the Morrow County Board of Commissioners. The words "Planning Commission" and "Commission" shall mean the County Planning Commission of the

County of Morrow duly appointed by the Morrow County Board of Commissioners. The words "Planning Director," "County Roadmaster," "County Clerk," "County Surveyor," "Tax Collector," and "Assessor" shall mean the Planning Director, County Roadmaster, County Clerk, County Surveyor, Tax Collector, and Assessor of the County of Morrow, as applicable.

B. Construction. Words used in the present tense include the future tense; words used in the singular include the plural and words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the masculine shall include the feminine and neuter.

**SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE**

A. Purpose. The purpose of the Exclusive Farm Use Zone is to preserve, protect and maintain agricultural lands for farm use, consistent with historical, existing and future needs, including economic needs, which pertain to the production of agricultural products. The EFU Zone is also intended to allow other uses that are compatible with agricultural activities, such as forest use, fish and wildlife habitat, and to maintain, improve, and utilize the quality of air, water and land resources of the county. It is also the purpose of the EFU Zone to qualify farms for farm use valuation under the provisions of Oregon Revised Statute (ORS) Chapter 308.

The EFU Zone has been applied to lands designated as Agriculture in the Comprehensive Plan (except for lands Zoned Space Age Industrial). The provisions of the EFU Zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and Oregon Administrative Rule (OAR) Chapter 660 Division 33. The minimum parcel size and other standards established by this Zone are intended to promote commercial agricultural operation.

B. Uses Permitted Outright. In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

1. Farm use.
2. Propagation or harvesting of a forest product.
3. Agricultural buildings customarily provided in conjunction with farm use.
4. Creation of, restoration of, or enhancement of wetlands.
5. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
6. Operations for the exploration for minerals as defined by ORS 517.750.
7. Climbing and passing lanes within the right of way existing as of July 1, 1987.
8. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

25. Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection D.10.

26. Churches, and cemeteries in conjunction with churches, subject to Subsection D.17. This use is not permitted on high-value farmland except that existing churches on high-value farmland may be expanded subject to Subsection D.19.

27. Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.

28. Dwelling customarily provided in conjunction with farm use subject to Subsection D.18 and Section E.

29. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to Subsections D.3, and D.18.

30. Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection D.18 and Section F.

31. One single-family lot of record dwelling on a lawfully created lot or parcel subject to Subsection D.18 and Section G.

32. Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection D.18 and Section H.

33. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to Subsection D.18.

34. Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection D.18 and Section I.

35. Confined animal feeding operation subject to Subsection D.20.

Commented [LJ1]: SB 85 (2023)

C. Conditional Uses. The following uses are permitted subject to county review, any specific standards for the use set forth in Section D, Article 6, the general standards for the zone, and any other applicable standards and review process in the ordinance:

1. A facility for the primary processing of forest products subject to Subsection D.2.

a. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

b. Any enclosed structures or group of enclosed structures described in Subsection a within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.

c. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.

18. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

19. Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection C.34 and Article 6.

20. Confined animal feeding operations. A confined animal feeding operation may exist within a farm use zone if:

a. A Land Use Compatibility Statement must be issued for the site.

b. A new large confined animal feeding operation is to include a setback or buffer, composed of a natural or created vegetative barrier, berm or terrain, if the parcel of land on which the new large confined animal feeding operation would be located is adjacent to a parcel on which:

(1) A residential structure is lawfully sited; or

(2) A structure that was lawfully sited when constructed, but no longer conforms with or is allowed under new or changed land use requirements, is sited.

Commented [LJ2]: SB 85 (2023)



(c) Compliance with the requirements of the Building Official shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

#### K. Commercial Facilities for Generating Power

##### 1. Commercial Power Generating Facility.

a. Permanent features of a power generation facility shall not preclude more than:

- (1) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
- (2) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

b. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

c. A power generation facility must submit a plan for dismantling of uncompleted construction and/or decommissioning and/or re-powering of the Power Generation Facility.

d. Restoration of the site shall consist of the following:

- (1) Dismantle all related aboveground equipment.
- (2) Remove underground collection and communication cables, unless said equipment is at a depth of three feet or greater. These cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard and do not interfere with agricultural use or other resource uses of the land.
- (3) Gravel shall be removed.
- (4) Private access road areas shall be restored by removing gravel and restoring the surface grade and soil, unless the landowner directs otherwise.

**Commented [LJ3]:** Retirement standards for Power Generation Facilities.

(5) Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the land owner is submitted to Morrow County indicating said landowner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

**Commented [LJ4]:** Restoration criteria for Power Generation Facilities.

## 2. Wind Power Generation Facility.

a. For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.

(1) Temporary workforce housing described in Subsection K.1.b must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.

(2) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

b. For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

(c) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (2);

(3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

d. For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection K.2.c(4) are satisfied.

e. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections c and d, the approval criteria of Subsection c shall apply to the entire project.

3. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

a. "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

b. "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

c. "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

d. "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

**Commented [LJ5]:** HB 3179 (2023): Siting standards for solar facilities

e. "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

f. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 240 acres from use as a commercial enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4 or the requirements of paragraph (7) are met. The governing body or its designate must find that:

Commented [LJ6]: HB 3179 (2023)

(1) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

(2) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(7) A photovoltaic solar generation facility may be sited on more than 240 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:

Commented [LJ7]: HB 3179 (2023)

- (a) Is not located within the boundaries of an irrigation district;
- (b) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;
- (c) Is located within the service area of an electric utility described in ORS 469A.052(2);
- (d) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(3); and
- (e) Does not qualify as high-value farmland under any other provision of law.

g. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 2560 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

Commented [LJ8]: HB 3179 (2023)

- (1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
  - (a) Nonarable soils are not available on the subject tract;
  - (b) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

(2) No more than 240 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;

Commented [LJ9]: HB 3179 (2023)

(3) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(4) The requirements of Subsections K.3.f(1), (2), (3), and (4) are satisfied.

h. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 3840 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

Commented [LJ10]: HB 3179 (2023)

(1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(a) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(b) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(2) No more than 240 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Commented [LJ11]: HB 3179 (2023)

(3) No more than 2560 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

Commented [LJ12]: HB 3179 (2023)

(4) The requirements of Subsection K.3.f(4) are satisfied;

(5) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

(6) If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

(7) The provisions of Subsection K.3.h(6) are repealed on January 1, 2022.

i. The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

j. Nothing in this Section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

#### L. Land Divisions

1. Minimum Parcel Size. The minimum size for creation of a new parcel shall be 160 acres.

2. A division of land to accommodate certain uses permitted by Section B and Section C, except a residential use, smaller than 160 acres, may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use as allowed in ORS 215.263.

Commented [L113]: SB 408 (2019)

3. A division of land to create up to two new parcels smaller than the minimum size established under Subsection 1, each to contain a dwelling not provided in conjunction with farm use, may be permitted if:

- a. The nonfarm dwellings have been approved under Subsection H;
- b. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
- c. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection 1; and
- d. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection 1.

4. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:

- a. The nonfarm dwellings have been approved under Subsection H;
- b. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
- c. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection A but equal to or larger than 40 acres;



### **SECTION 3.020. FOREST USE, FU ZONE**

A. Purpose. The purpose of the Forest Use (FU) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The FU zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The FU zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the FU zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR Chapter 660 Division 006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

B. Uses Permitted Outright. In the Forest zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
2. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
3. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
4. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
5. Farm use as defined in ORS 215.203.
6. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
7. Temporary portable facility for the primary processing of forest products.
8. Climbing and passing lanes within the right of way existing as of July 1, 1987.
9. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
10. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(2) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

h. A proposed "template" dwelling under this ordinance is not allowed:

(1) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;

(2) Unless it complies with the requirements of Sections E and F;

(3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph D.1.c for the other lots or parcels that make up the tract are met; or

(4) If the tract on which the dwelling will be sited includes a dwelling.

i. Where other lots or parcels that make up a tract in Subsection h:

(1) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.

(2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Alteration, restoration or replacement of a lawfully established dwelling as described in ORS 215.291, where Subsections a or b apply:

Commented [LJ1]: HB 2192 (2023)

a. Alteration or restoration of a lawfully established dwelling that has, or formerly had:

Commented [LJ2]: HB 2192 (2023)

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights; and

(4) Has a heating system.

b. In the case of replacement, previous dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

Commented [LJ3]: HB 2192 (2023)

5. Private seasonal accommodations for fee hunting operations are subject to the following requirements:

a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

**SECTION 3.040 RURAL RESIDENTIAL, RR 1 ZONE**

**SECTION 3.040. RURAL RESIDENTIAL, RR 1 ZONE.** The Rural Residential Zone recognizes the existence of smaller lots outside of urban growth boundaries and allows the continuation of single family dwellings on small lots in areas where this development has been established. However, state policy discourages the expansion of small lot development outside of urban growth boundaries, and effective October 4, 2000, increased the minimum lot area for rural residential development to two acres. In an RR Zone, the following regulations shall apply:

A. USES PERMITTED OUTRIGHT. In an RR 1 Zone, the following uses and their accessory uses are permitted outright.

1. Single-family dwelling on an individual lot, including a mobile home subject to requirements set forth in Section 4.110 of this ordinance.
2. Farming, subject to the restrictions on animals set forth in subsection (3) of this section, and excluding hog or mink farms, livestock feed or sales yard and slaughter houses.
3. Utility facility necessary to serve the area or County.
4. Public park, recreation area, community or neighborhood center.
5. Other public uses or buildings necessary to serve the rural residential needs for the area.

B. CONDITIONAL USES PERMITTED. In an RR 1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth by this section and Article 6 of this ordinance.  
(MC-03-05)

1. Golf Course.
2. Water supply and treatment facility.
3. Sewage disposal and treatment facility.

4. Solid waste disposal site and facility.
5. Two-family dwelling (duplex).
6. Home occupations subject to the limitations set forth in Article 6 of this ordinance.

7. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

C. LIMITATIONS ON USES.

1. In Rural Residential one acre (RR-1) zone, the number of livestock and/or animals including cattle, horses, goats, sheep, swine, poultry, or fur bearing animals is subject to the density limitations listed in this section.

A. The primary intended use for properties zoned RR-1 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.

B. Livestock and/or Animal densities are as follows:

a. Cattle - two per acre, or

b. Horses, mules, donkeys, llamas - two animals per acre, or

c. Sheep or goats - six animals per acre, or

d. Emu - eight ratite per acre, or

e. strich - four ratite per acre, or

f. Miniature cows, horses, mules and donkeys - four per acre, or

g. Swine - four swine per acre.

C. Cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostriches can not be kept on a site having an area of less than one-half acre.

D. All swine shall be confined to an area not less than 500 feet from any adjacent residential dwelling (not the property of the owner of the swine).

E. Animal density listed above for livestock, including cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostrich, also allows two offspring up to six months of age, per animal.

F. The number of colonies of bees allowed on a property shall be limited to one (1) colony for each 1,000 square feet of lot area.

G. Density for Poultry - twenty fowl per acre, and for fur-bearing animals (rabbits, mink, chinchillas, etc.) - twenty animals per acre. (MC-C-5-98)

2. In Rural Residential one acre (RR-1) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [LJ2]: Continuity with code enforcement

D. YARD AND SETBACK REQUIREMENTS. In an RR 1 Zone, the following yards and setbacks shall be maintained:

1. The front setback shall be a minimum of 20 feet from a property line fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions from combining accesses are provided and approved by the County.

2. There shall be a minimum side yard of 10 feet for all uses, except in the case of a non-residential use adjacent to a residential use the minimum side yard shall be 20 feet.

3. The minimum rear yard shall be 20 feet.

E. DIMENSIONAL STANDARDS. In an RR 1 Zone, the following dimensional standards shall apply:

1. Percent of Lot Coverage. The main building and accessory buildings located on any building site or

lot shall not cover in excess of thirty (30) percent of the total lot area.

2. Building Height. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected to exceed two stories or more than thirty (30) feet in height.

3. The minimum lot frontage on a public street or private roadway shall be 50 feet, except that a flag lot frontage may be reduced to the width of a required driveway but no less than 20 feet and except for a cul de sac, where the frontage may be reduced to 30 feet.

F. OFF-STREET PARKING AND LOADING. In an RR 1 Zone, the off-street parking and loading shall be provided in accordance with the provisions of Article 4.

G. LOT SIZE. The minimum average width of lots shall be 150 feet and have an area not less than 2 acres.

#### H. TRANSPORTATION IMPACTS

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

**SECTION 3.041. FARM RESIDENTIAL ZONE, FR 2**

**SECTION 3.041. FARM RESIDENTIAL, FR 2 ZONE.** The Rural Residential Zone recognizes the existence of smaller lots outside of urban growth boundaries and allows the continuation of single family dwellings on small lots in areas where this development has been established. However, state policy discourages the expansion of small lot development outside of urban growth boundaries, and effective October 4, 2000, increased the minimum lot area for rural residential development to two acres. In an FR 2 Zone, the following regulations shall apply:

A. Uses Permitted Outright: In an FR 2 Zone, the following uses and their accessory uses are permitted outright.

1. Single-Family Dwelling on an individual lot, including a mobile home subject to requirements set forth in Section 4.110 of this ordinance.
2. Farming, subject to the restrictions on animals set forth in subsection C of this section, and excluding hogs or mink farms, livestock feed or sales yard and slaughter houses.
3. Utility facility necessary to serve the area and county.
4. Public park, recreation area, community or neighborhood center.
5. Other public uses or buildings necessary to serve the Farm residential needs for the area.

B. Conditional Uses Permitted: In an FR 2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth by this section and Article (6) of this ordinance.

1. Golf Course.
2. Water supply and treatment facility.
3. Sewage disposal and treatment facility.
4. Solid waste disposal site and facility.

5. Two-family dwelling (duplex).
6. Operations for the exploration, mining and processing of geothermal resources as defined by subsection (4) of ORS 522.005, aggregate and mineral resources.
7. Home occupations subject to the limitations set forth in article (6) of this ordinance.
8. Training stable.
9. Veterinary clinic.
10. Air strip.
11. Dog Kennel.

12. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

C. Limitations on Uses.

1. In Farm Residential two acre (FR 2) zone, the number of livestock and/or animals including cattle, horses, goats, sheep, swine, poultry, or fur bearing animals is subject to the density limitations listed in this section.

A. The primary intended use for properties zoned FR-2 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.

B. Livestock and/or Animal densities are as follows:

- a. Cattle - two per acre, or
- b. Horses, mules, donkeys, llamas - two animals per acre, or
- c. Sheep or goats - six animals per acre, or
- d. Emu - eight ratite per acre, or
- e. Ostrich - four ratite per acre, or



f. Miniature cows, horses, mules and donkeys - four per acre, or

g. Swine - four swine per acre.

C. Cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostriches can not be kept on a site having an area of less than one-half acre.

D. All swine shall be confined to an area not less than 500 feet from any adjacent residential dwelling (not the property of the owner of the swine).

E. Animal density listed above for livestock, including cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostrich, also allows two offspring up to six months of age, per animal.

F. The number of colonies of bees allowed on a property shall be limited to one (1) colony for each 1,000 square feet of lot area.

G. Density for Poultry - twenty fowl per acre, and for fur-bearing animals (rabbits, mink, chinchillas, etc.) - twenty animals per acre. (MC-C-5-08)

2. In Farm Residential two acre (FR 2) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [LJ2]: Continuity with code enforcement.

D. Yard and setback requirements: In an FR 2 Zone, the following yard and setbacks shall be maintained:

1. The front setback shall be a minimum of 20 feet from a property line fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions from combining accesses are provided and approved by the County.

### SECTION 3.042. RURAL RESIDENTIAL TEN, (RR-10) ZONE

- A. **Purpose.** The RR-10 Rural Residential Zone is designed to provide lands for rural living in a rural residential atmosphere. The 10-acre minimum lot size complies with Statewide Planning Goal 14 where parcels are rural in size and are sufficiently large enough to accommodate private wells and sewage disposal systems. Standards for development are consistent with desired rural character and are compatible with adjacent farming and natural resource land management. Gardens and limited livestock are allowed outright in the zone. The RR 10 Zone may be approved when an application for rezoning lands also includes an application for exception to Statewide Planning Goal 3 and Oregon Administrative Rule Chapter 660-004-0000 and Amendment Standards found in Article 8 of the Morrow County Zoning Ordinance. A rezone application must also comply with Statewide Planning Goal 12 Transportation and the County Transportation System Plan (TSP).
- B. **Uses Permit outright.** In a RR-10 Zone, the following uses and their accessory uses are permitted with a zoning permit, pursuant to Section 1.050:
1. Single-family dwelling on an individual lot, including a mobile home subject to requirements set forth in Section 4.110 of this ordinance.
  2. Other public or private uses or buildings necessary to serve the rural residential use of the land.
- C. **Conditional Uses Permitted.** In a R R-10 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth by this section and Article 6 of this ordinance.
1. Home occupations subject to the limitations set forth in Article 6 of this ordinance.
  2. Public Park, trails, recreation area, community or neighborhood center.
  3. Agri-tourism events as defined in Section 1.030. Definitions.
  4. Utility facility necessary to serve the area or County.

5. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

- D. **Limitations on use.**
1. In Rural Residential ten-acre (RR-10) zone, the number of livestock and/or animals including cattle, horses, goats, sheep, swine, poultry, or fur bearing animals is subject to the density limitations listed in this section.
    - A. The primary intended use for properties zoned RR-10 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.
    - B. Livestock and/or Animal densities are calculated based on open space of each parcel as follows:
      - a. Cattle – two per acre, (10 cattle maximum) or
      - b. Horses, mules, donkeys, llamas – two animals per acre (10 maximum), or

- c. Sheep or goats – six animals per acre (30 animals maximum), or
- d. Emu – eight ratite per acre (40 animals maximum), or
- e. Ostrich – four ratite per acre (20 animals maximum), or
- f. Miniature cows, horses, mules and donkeys – four per acre (20 animals maximum), or
- g. Swine – four pigs per acre with maximum of four per parcel).
- h. Cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostriches cannot be kept on a site having an area of less than one-half acre.
- i. All swine shall be confined to an area not less than 500 feet from any adjacent residential dwelling (not the property of the owner of the swine). Swine are only allowed seasonally as part of 4 H or FFA projects.
- j. Animal density listed above for livestock, including cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostrich, also allows two offspring up to six months of age, per animal.
- k. The number of colonies of bees allowed on a property shall be limited to one (1) colony for each 1,000 square feet of lot area.
- l. Density for Poultry – twenty fowl per acre, and for fur-bearing animals (rabbits, mink, chinchillas, etc.) – twenty animals per acre. (MC-C-5-98)

2. In Rural Residential ten-acre (RR-10) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [LJ2]: Continuity with code enforcement.

- E. Yard and setback requirements. In an RR-10 Zone, the following yards and setbacks shall be maintained:
  - 1. The front setback shall be a minimum of 20 feet from a property line fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions from combining accesses are provided and approved by the County.
  - 2. There shall be a minimum side yard of 10 feet for all uses, except in the case of a non-residential use adjacent to a residential use the minimum side yard shall be 20 feet.
  - 3. The minimum rear yard shall be 20 feet.
- F. Dimensional standards. In a RR-10 Zone, the following dimensional standards shall apply:
  - 1. Percent of Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the total lot area.

**SECTION 3.050. SUBURBAN RESIDENTIAL ZONE, SR.**

**SECTION 3.050. SUBURBAN RESIDENTIAL ZONE, SR.** The SR Zone accommodates small lot development and transition to urban type densities and uses within an urban growth boundary. In an SR Zone, the following regulations shall apply:

A. Uses Permitted Outright. In an SR Zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwellings, including a mobile home on an individual lot subject to the requirements set forth in Section 4.110 of this ordinance.
2. Two-family dwellings.
3. Multi-family dwelling complexes of 20 or less units.
4. Planned Unit Development, subdivision and land partitioning, including mobile home subdivision and PUD's.

B. Conditional Uses Permitted. In an SR Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth in Article 6.

1. Church.
2. Golf course and other open land recreational use, but excluding intensive commercial amusement uses such as "pitch & putt" golf course, driving range, automobile or motorcycle race track, or amusement park.
3. Governmental structure, or use including park, playground, recreation building, fire station, library or museum and limited hereto.
4. Hospital, sanatorium, rest home, home for the aged, nursing home or convalescent home, and medical or dental clinic.
5. School or college.
6. Utility facility necessary for public service.

7. Mobile home park.
8. Home occupations conducted in a structure accessory to the dwelling, provided that all other limitations of home occupations are observed.
9. Water supply and sewage treatment facility.
10. Multi-family dwelling complex of more than 20 units.
11. Privately operated kindergarten or day nursery; provided the residential character of the building is maintained.
12. Crop Cultivation or farm and truck gardens, including plant nurseries.

13. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

C. Limitations on Uses.

1. In Suburban Residential one acre (SR-1) zone, the number of livestock and/or animals including cattle, horses, goats, sheep, swine, poultry, or fur bearing animals is subject to the density limitations listed in this section:

A. The primary intended use for properties zoned SR-1 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.

B. Livestock and or Animal densities are as follows:

- a. Cattle - two per acre, or
- b. Horses, mules, donkeys, llamas - two animals per acre, or
- c. Sheep or goats - six animal per acre, or
- d. Emu - eight ratite per acre, or
- e. Ostrich - four ratite per acre, or

f. Miniature cows, horses, mules and donkeys - four per acre

g. Swine - (permitted only for 4-H and/or FFA projects and limited to two per acre.)

2. In Suburban Residential one acre (SR-1) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [LJ2]: Continuity with code enforcement.

3. Cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostriches can not be kept on a site having an area of less than one-half acre.

4. The number of colonies of bees allowed on a lot shall be limited to one (1) colony for each 1,000 square feet of lot area.

5. Livestock, animals, ratite, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. Animal feed shall be appropriately stored in rodent-proof receptacles.

6. No other livestock except for domestic dogs and cats are permitted.

7. Animal density listed above for livestock, including cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostrich, also allows two offspring up to six months of age, per animal.

8. Density for Poultry - twenty fowl per acre, and for Fur-bearing animals (rabbits, mink, chinchillas, etc.) - twenty animals per acre. (MC-C-5-98)

9. Within an SR-1 zoning district located outside an urban growth boundary, a manufactured home placed outside of a manufactured home subdivision or a "mobile home park" shall:

SECTION 3.051. Suburban Residential 2A Zone, SR-2A. (Amended 10/28/06 MC-05-2006) In a SR-2A Zone, the following regulations shall apply:

A. Procedures: All uses in a SR-2A Zone require submittal of a precise plot plan, zoning sign-off, building, siting and state permits as they apply.

B. Uses Permitted Outright. In an SR-2A Zone, the following uses and their accessory uses are permitted outright:

1. One single-family dwelling or manufactured home on an individual lot not less than two acres in size. Single-family stick-built homes shall have a carport or garage, attached or detached, sited on the same lot or parcel and be at least 180 square feet in size, constructed before occupancy. A manufactured home placed outside of a manufactured home subdivision or a mobile home park shall meet the manufactured home siting standards for residential zones in Section 4.110 of this ordinance.

2. Planned Unit Developments

C. Conditional Uses Permitted. In an SR-2A Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth in Article 6 (Conditional Uses).

1. Church, Schools or Colleges

2. Golf Course

3. Governmental structure, public park, playground, recreation building, fire station/emergency facilities

4. Utility facility, power lines, irrigation pipe-lines and ditches, pump stations and sewer and water treatment facilities

5. Home Occupations

6. Hospital, sanatorium, rest home for the aged, nursing home, and medical and dental clinics, subject to State and Federal regulations

7. Crop cultivation or farm and truck gardens, including plant nurseries

8. Accessory dwelling unit

Commented [LJ1]: SB 644 (2023)

D. Limitations on Uses.

1. In Suburban Residential 2A Two Acre (SR-2A) Zone, the number of livestock and/or animals including cattle, horses, goats, sheep, swine, poultry, or fur bearing animals is subject to the density limitations listed in this section.

A. The primary intended use for properties zoned SR-2A is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.

B. The number of chickens, fowl, and/or rabbits over the age of six months shall not exceed one (1) for each 500 square feet of property. The number of young chickens, fowl, and/or rabbits (under the age of six months) allowed on the property at any time shall not exceed three (3) times the allowable number of chickens, fowl, and/or rabbits over the age of six months. Livestock and/or Animals densities are as follows:

- a. Cattle – two per acre, or
- b. Horses, mules, donkeys, llamas – two animals per acre, or
- c. Sheep or goats – six animals per acre, or
- d. Emu – eight ratite per acre, or
- e. Ostrich – four ratite per acre, or
- f. Miniature cows, horses, mules and donkeys – four per acre
- g. Swine – (permitted only for 4-H and/or FFA projects and limited to two per Acre)

2. In Suburban Residential 2A Two Acre (SR-2A) Zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [LJ2]: Continuity with code enforcement.

3. Cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostriches can not be kept on a site having an area of less than one-half acre.

4. The number of colonies of bees allowed on a property shall be limited to one (1) colony for each 1,000 square feet of lot area.

5. Livestock, animals, ratite, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. Animal feed shall be stored in rodent-proof receptacles.

6. No other livestock and/or animals except for domestic dogs or cats are permitted in this zone.

7. Animal density listed above for livestock, including cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostrich, also allows two offspring up to six months of age, per animal.

8. Density for Poultry – twenty fowl per acre, and for fur-bearing animals (rabbits, mink, chinchillas, etc.) – twenty per acre.(MC-C-5-98)

E. Lot Size. In an SR-2A Zone all lots shall be at least two acres in size.



**SECTION 3.070. GENERAL INDUSTRIAL ZONE, MG.**

The General Industrial Zone is intended to provide, protect and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential and other incompatible land uses. This district is intended to be applied generally only to those areas which have available excellent highway, rail or other transportation. In an M-G Zone the following regulations shall apply:

A. Uses Permitted Outright. In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section. A Zoning Permit is required and projects larger than 100 acres are subject to Site Plan Review (Article 4 Supplementary Provisions Section 4.165, Site Development Review).

1. Retail, wholesale or service business establishments except a use set forth in subsection B and subject to the limitations set forth in subsection C of this section.
2. Farming.
3. Residence including a mobile home for caretaker or night watchman on property with an existing industrial use, or for the owner of said industrial use.
4. Freight depot.
5. Contractor's or building materials business, and other construction related businesses including plumbing, electrical, roofing, siding, etc., provided such is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight obscuring fencing.
6. Ice or cold storage plant.
7. Wholesale distribution outlet, including warehousing, but excluding open outside storage.
8. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight obscuring fencing.
9. Veterinary clinic or kennel.
10. Laboratory for experiment, research or testing.
11. Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding all processes involving refining or rendering of fats and oils.
12. Government buildings including armories, maintenance, repair or storage facilities provided all outside storage is enclosed by sight obscuring fencing.
13. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations provided no outside storage is involved.

Deleted: Development

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14. Processing, packaging and storage of foods and beverages excluding those involving distillation, fermentation, rendering of fats or oils, and slaughtering.

15. Utility, transmission and communications towers less than 200 feet in height.

16. Data Centers. Subject to Section 4.166 of this Ordinance.

**Commented [LJ1]:** Data Centers as a Land Use Decision.

B. Conditional Uses. In an M-G Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 6 of this ordinance:

1. Any use permitted when authorized by subsection (1) of this section on a lot within a duly platted subdivision or residential zone.
2. Utility, transmission and communications towers 200 feet in height and taller.
3. The resumption of a residential use including a mobile home where the subject use has previously been conducted and has not been discontinued for a period exceeding six months.
4. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes. Retail sales and rentals shall only be associated with these primary uses.
5. Any use permitted by subsection A of this section where open outside storage is involved.
6. Concrete or ready-mix plant.
7. Automobile and other automotive wrecking yard.
8. Quarry, gravel pit, subsurface or surface mining, including crushing, screening, or washing of extracted materials.
9. Commercial feed lot, stock yard, sales yard, slaughter house, and rendering plant.
10. Railroad trackage and related facilities.
11. Lumber and other wood products manufacturing.
12. Agricultural products storage and processing plants.

### SECTION 3.073. PORT INDUSTRIAL ZONE, PI

**Purpose.** The PI zone is intended to regulate development at portions of the Port of Morrow Industrial Park and other appropriate locations. The zone is intended to provide for port-related industrial uses and be an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the zone. (MC OR-2014-1)

In the PI zone the following regulations shall apply:

A. Uses Permitted with a Zoning Permit and subject to the provisions of this Section. Outside activities are permitted within the scope of allowed uses outlined below. Port Industrial projects utilizing more than 100 acres are subject to Site Plan Review (Article 4 Supplementary Provisions Section 4.165, Site Development Review). (MC OR-2014-1)

Deleted: Development

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1. Water-dependent and related industrial uses.
2. Aerospace-related industrial uses.
3. Chemical and primary metal industrial uses which are port-related.
4. Port-related industrial uses which are land intensive.
5. Lumber and wood-products manufacturing and other related industrial uses which are port-related.
6. Effluent disposal of industrial wastes and agricultural activities in conjunction therewith.
7. Manufacturing, refining, processing or assembling of any agricultural, mining or industrial product.
8. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes with retail sales and rentals only associated with the primary use.
9. Power generating and utility facilities.
10. Oil module production and shipping and related industrial uses which are port-related.
11. Ship building and repair.
12. Any other industrial use authorized by ORS 777.250(1) through (3) unless Site Development Review is triggered.
13. Buildings, structures, offices and other uses customarily accessory to and in conjunction with permitted uses in the PI zone.
14. Rail facilities, including but not limited to rail lines, spurs, turnouts, switches, signals, rail car storage and related facilities. (MC OR-2014-1)
15. Rail loop and spur dependent uses.

16. Concrete or ready-mix manufacturing plant.

17. Data Centers. Subject to Section 4.166 of this Ordinance.

Commented [LJ1]: Data Centers as a Land Use Decision.

18. Uses allowed outright in the General Industrial Zone, not including residential caretaker use.

19. Facility for security personnel and activities involved in the policing, control, regulation and management of property which may include sleeping facilities, but which is not a dwelling.

20. Intermodal transportation facilities not requiring an Oregon Department of Environmental Quality Solid Waste Disposal Site Permit, such as a truck intermodal facility or rail to truck.

21. Outdoor Advertising Sign or Billboard.

#### B. Conditional Uses.

1. Commercial uses appropriate and necessary to serve the needs of workers employed within the zone. Total cumulative square footage of retail floor space shall not exceed 10,000 square feet within areas zoned PI or 10% of the area of any building or complex of buildings, unless the applicant provides information justifying a larger area.

2. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted Port Industrial uses.

3. Quarry, gravel pit, subsurface or surface mining, including crushing, screening or washing of extracted materials.

4. Asphalt plant.

5. Intermodal transportation facilities that have been designated a transfer station by the Department of Environmental Quality and must acquire a Solid Waste Disposal Site Permit. These facilities must meet the requirements of the Morrow County Solid Waste Ordinance.

#### C. Limitations on Uses.

1. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.

2. All related provisions of the Oregon Revised Statutes shall be complied with, particularly those dealing with hazardous substances and radioactive materials.

### SECTION 3.076 AIRPORT LIGHT INDUSTRIAL ZONE, ALI

Purpose. The ALI zone is intended to permit airport-compatible light industrial uses and other airport-compatible uses on existing industrial land near the Boardman airport. Light industrial uses are manufacturing, assembly, processing, packaging and other industrial uses that do not generate noise, odor, dust, glare, or vibration in amounts that might otherwise be objectionable to nearby land uses. Airport-compatible uses are uses that do not create glare, light, smoke, dust, steam, bird attractants or electrical interference in amounts that could interfere with airport operations and airport safety.

- A. Airport Safety and Compatibility. Uses permitted within the ALI zone that are also located within the Airport Safety and Compatibility Overlay Zone shall comply with applicable standards in the Airport Safety and Compatibility Overlay Zone.
- B. Notice: Timely notice of applications for permits in the ALI zone shall be provided to the Oregon Department of Transportation, the Oregon Department of Aviation, and the United States Department of Navy.
- C. Uses Permitted Outright. In the ALI zone, the following uses are permitted outright:
  - 1. All uses permitted outright in the Air/Industrial Park Zone, AI.
  - 2. Storage buildings and warehouses.
  - 3. Utility structures.
  - 4. Data Centers. Subject to Section 4.166 of this Ordinance.
- D. Uses Permitted under Prescribed Conditions. In the ALI zone, the following uses are permitted upon demonstration of compliance with the standards in this section.
  - 1. Solar energy projects. Where the United States Department of Navy indicates that the location of solar panels would impact Navy flight operations, consideration shall be given to any design recommendations offered by the Navy.
  - 2. Light industrial uses, where the Department of Aviation does not provide evidence demonstrating that such activity would create a safety hazard or limit approved airport uses.
  - 3. Agricultural processing, where the Department of Aviation does not provide evidence demonstrating that such activity would create a safety hazard or limit approved airport uses.
  - 4. Speedway uses, subject to compliance with the standards in the Speedway Limited Use Overlay Zone.
- E. Dimensional Requirements. In the ALI zone, the following dimensional standards shall apply:

**Commented [L1]:** Data Centers as a Land Use Decision.

**SECTION 3.070. GENERAL INDUSTRIAL ZONE, MG.**

The General Industrial Zone is intended to provide, protect and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential and other incompatible land uses. This district is intended to be applied generally only to those areas which have available excellent highway, rail or other transportation. In an M-G Zone the following regulations shall apply:

A. Uses Permitted Outright. In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section. A Zoning Permit is required and projects larger than 100 acres are subject to Site Plan Review (Article 4 Supplementary Provisions Section 4.165, Site Development Review).

1. Retail, wholesale or service business establishments except a use set forth in subsection B and subject to the limitations set forth in subsection C of this section.
2. Farming.
3. Residence including a mobile home for caretaker or night watchman on property with an existing industrial use, or for the owner of said industrial use.
4. Freight depot.
5. Contractor's or building materials business, and other construction related businesses including plumbing, electrical, roofing, siding, etc., provided such is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight obscuring fencing.
6. Ice or cold storage plant.
7. Wholesale distribution outlet, including warehousing, but excluding open outside storage.
8. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight obscuring fencing.
9. Veterinary clinic or kennel.
10. Laboratory for experiment, research or testing.
11. Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding all processes involving refining or rendering of fats and oils.
12. Government buildings including armories, maintenance, repair or storage facilities provided all outside storage is enclosed by sight obscuring fencing.
13. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations provided no outside storage is involved.

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13. Any use permitted by subsection (1) of this section which is proposed to exceed or expected to exceed the following standards:

- a. Occupy more than 70% of the land area designed or designated for said use.
- b. Generates any odor, fumes, glare, flashing lights or noise which is perceptible from a resident located within 500 feet from the property line of the subject use without instruments.

14. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semi-precious stone or metal, wax, wire, wood, rubber, yarn and similar materials provided such uses do not create a nuisance because of odor, noise, dust, smoke, gas, traffic, or other factors.

15. Solid waste facilities and sites as governed by the Morrow County Solid Waste Plan and Ordinance.

16. Rail loop and spur dependent uses.

17. A recreational vehicle park meeting the requirements of Article 6 Conditional Uses. This use is only allowed in the General Industrial use zone also known as the old mill site just north of Heppner.

18. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed. Such uses shall only be incidental and directly related to the operation of permitted General Industrial uses.

19. Data Centers, subject to general conditions.

**Commented [LJ1]:** Data Centers as a Conditional Use Permil.

C. Use Limitations. In an M-G Zone, the following limitations and standards shall apply to all permitted uses:

1. No use permitted under the provisions of this section that requires a lot area exceeding two (2) acres shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone, except as approved by the Commission.
2. No use permitted under the provisions of this section that is expected to generate more than 20 auto-truck trips during the busiest hour of the day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

D. Dimension Requirements. The following Dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the MG zone.

1. Lot size and frontage: A minimum lot size has not been determined for this zone although the lot must be of a size necessary to accommodate the proposed use, however, it is anticipated that most, if not all uses will be sited on lots of at least two acres. The determination of lot size will be driven by the carrying capacity of the land given the proposed use. Minimum lot frontage shall be 300 feet on an arterial or collector; 200 feet on a local street.

### SECTION 3.073. PORT INDUSTRIAL ZONE, PI

**Purpose.** The PI zone is intended to regulate development at portions of the Port of Morrow Industrial Park and other appropriate locations. The zone is intended to provide for port-related industrial uses and be an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the zone. (MC OR-2014-1)

In the PI zone the following regulations shall apply:

**A. Uses Permitted with a Zoning Permit and subject to the provisions of this Section.** Outside activities are permitted within the scope of allowed uses outlined below. Port Industrial projects utilizing more than 100 acres are subject to Site Plan Review (Article 4 Supplementary Provisions Section 4.165 Site Development Review). (MC OR-2014-1)

Deleted: Development

Deleted: 70

1. Water-dependent and related industrial uses.
2. Aerospace-related industrial uses.
3. Chemical and primary metal industrial uses which are port-related.
4. Port-related industrial uses which are land intensive.
5. Lumber and wood-products manufacturing and other related industrial uses which are port-related.
6. Effluent disposal of industrial wastes and agricultural activities in conjunction therewith.
7. Manufacturing, refining, processing or assembling of any agricultural, mining or industrial product.
8. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes with retail sales and rentals only associated with the primary use.
9. Power generating and utility facilities.
10. Oil module production and shipping and related industrial uses which are port-related.
11. Ship building and repair.
12. Any other industrial use authorized by ORS 777.250(1) through (3) unless Site Development Review is triggered.
13. Buildings, structures, offices and other uses customarily accessory to and in conjunction with permitted uses in the PI zone.
14. Rail facilities, including but not limited to rail lines, spurs, turnouts, switches, signals, rail car storage and related facilities. (MC OR-2014-1)
15. Rail loop and spur dependent uses.



16. Concrete or ready-mix manufacturing plant.

17. Uses allowed outright in the General Industrial Zone, not including residential caretaker use.

18. Facility for security personnel and activities involved in the policing, control, regulation and management of property which may include sleeping facilities, but which is not a dwelling.

19. Intermodal transportation facilities not requiring an Oregon Department of Environmental Quality Solid Waste Disposal Site Permit, such as a truck intermodal facility or rail to truck.

20. Outdoor Advertising Sign or Billboard.

#### B. Conditional Uses.

1. Commercial uses appropriate and necessary to serve the needs of workers employed within the zone. Total cumulative square footage of retail floor space shall not exceed 10,000 square feet within areas zoned PI or 10% of the area of any building or complex of buildings, unless the applicant provides information justifying a larger area.

2. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted Port Industrial uses.

3. Quarry, gravel pit, subsurface or surface mining, including crushing, screening or washing of extracted materials.

4. Asphalt plant.

5. Intermodal transportation facilities that have been designated a transfer station by the Department of Environmental Quality and must acquire a Solid Waste Disposal Site Permit. These facilities must meet the requirements of the Morrow County Solid Waste Ordinance.

6. Data Centers, subject to general conditions.

Commented [L1]: Data Centers as a Conditional Use Permit.

#### C. Limitations on Uses.

1. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.

2. All related provisions of the Oregon Revised Statutes shall be complied with, particularly those dealing with hazardous substances and radioactive materials.

D. Dimension Requirements. The following dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the PI zone. (MC OR-2014-1)

### SECTION 3.076 AIRPORT LIGHT INDUSTRIAL ZONE, ALI

Purpose. The ALI zone is intended to permit airport-compatible light industrial uses and other airport-compatible uses on existing industrial land near the Boardman airport. Light industrial uses are manufacturing, assembly, processing, packaging and other industrial uses that do not generate noise, odor, dust, glare, or vibration in amounts that might otherwise be objectionable to nearby land uses. Airport-compatible uses are uses that do not create glare, light, smoke, dust, steam, bird attractants or electrical interference in amounts that could interfere with airport operations and airport safety.

- A. Airport Safety and Compatibility. Uses permitted within the ALI zone that are also located within the Airport Safety and Compatibility Overlay Zone shall comply with applicable standards in the Airport Safety and Compatibility Overlay Zone.
- B. Notice: Timely notice of applications for permits in the ALI zone shall be provided to the Oregon Department of Transportation, the Oregon Department of Aviation, and the United States Department of Navy.
- C. Uses Permitted Outright. In the ALI zone, the following uses are permitted outright:
  1. All uses permitted outright in the Air/Industrial Park Zone, AI.
  2. Storage buildings and warehouses.
  3. Utility structures.
- D. Uses Permitted under Prescribed Conditions. In the ALI zone, the following uses are permitted upon demonstration of compliance with the standards in this section.
  1. Solar energy projects. Where the United States Department of Navy indicates that the location of solar panels would impact Navy flight operations, consideration shall be given to any design recommendations offered by the Navy.
  2. Light industrial uses, where the Department of Aviation does not provide evidence demonstrating that such activity would create a safety hazard or limit approved airport uses.
  3. Agricultural processing, where the Department of Aviation does not provide evidence demonstrating that such activity would create a safety hazard or limit approved airport uses.
  4. Speedway uses, subject to compliance with the standards in the Speedway Limited Use Overlay Zone.
  5. Data Centers, subject to general conditions.
- E. Dimensional Requirements. In the ALI zone, the following dimensional standards shall apply:

Commented [LJ1]: Data Centers as a Conditional Use Permit.

#### ARTICLE 4. SUPPLEMENTARY PROVISIONS

**SECTION 4.010. ACCESS.** Intent and Purpose: The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service.

Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of Morrow County and the State of Oregon to safe and efficient travel.

This ordinance shall apply to all public roadways under the jurisdiction of Morrow County and to application for development for any property that abuts these roadways.

This ordinance is adopted to implement the land access and access management policies of Morrow County as set forth in the Transportation System Plan. Access shall be provided based upon the requirements below:

A. Minimum Lot Frontage Requirement. Every lot shall abut a street, other than an alley, for at least 50 feet, except on cul-de-sacs where the frontage may be reduced to 30 feet.

B. Access Permit Requirement. Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.

C. Emergency Vehicle Access. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

D. Easements and Legal Access: All lots must have access onto a public right of way. This may be provided via direct frontage onto an existing public road, a private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows:

1. 1000' or less, a minimum easement width of 20'
2. More than 1000', a minimum easement width of 40'
3. Parcels where 3 or more lots share an access (current or potential), a minimum easement of 60'.

E. Access Spacing Requirements for Development Accessing State Highways. Applications for development with access onto state highways shall be provided to ODOT for review, to

1. The manufactured home shall be a 14-foot single-wide, at a minimum, or a multi-sectional unit and shall contain at least 745 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.
2. The manufactured home unit shall be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department and bear the Oregon Department of Commerce 'Insignia of Compliance.' All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to installation and occupancy to insure compliance with applicable standards required for the 'Insignia of Compliance' and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.
3. The manufactured home shall be installed according to the specifications outlined in the Oregon Manufactured Dwelling and Park Specialty Code in effect at the time of installation and as utilized by the Morrow County Building Official. (See ORS 446 and OAR 918 Division 500.)
4. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40 % of the total living space of the manufactured home. Garages and carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.
6. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.
7. In the case of a manufactured structure being utilized as an Accessory Dwelling Unit, a manufactured structure is recognized as any manufactured dwelling, or prefabricated structure more than 8 ½ feet wide that can be moved to a new location.

Commented [LJ1]: Continuity with tax regulations

B. Manufactured Homes in a Rural Residential Zone: A manufactured home permitted as a single-family dwelling on an individual lot or parcel in a residential zone (Rural Residential, Farm Residential or Suburban Residential) shall be in compliance with the following standards and regulations as a minimum.

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.
2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.
4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
5. Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.
6. Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.
7. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40% of the total living space of the manufactured home. Garages or carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.
8. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.
9. In the case of a manufactured structure being utilized as an Accessory Dwelling Unit, a manufactured structure is recognized as any manufactured dwelling, or prefabricated structure more than 8 ½ feet wide that can be moved to a new location.

Commented [LJ2]: Continuity with tax regulations

5. Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road. As a condition of granting access to a public road, the County may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.

#### SECTION 4.165 SITE PLAN REVIEW

Site Plan Review is a non-discretionary or "Administrative" review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex developments and land uses that do not require site development or conditional use review and approval through a public hearing.

Commented [LJ3]: Consistency with current code

A. Purpose. The purpose of Site Plan Review (ministerial review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Site Plan review also addresses conformity to floodplain regulations, consistency with the Transportation System Plan, and other standards identified below.

B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.

C. Applicability. Site Plan Review shall be required for all land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

#### D. Review Criteria.

1. The lot area shall be adequate to meet the needs of the establishment.
2. The proposed land use is permitted by the underlying land use district.
3. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met.
4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.
5. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.
6. 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. Safe and convenient pedestrian access to off-street parking areas also shall be provided as applicable.
7. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.

8. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level, with the exception of noxious or invasive species, such as Russian olive trees.
9. 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.
10. The applicant shall determine if compliance is required with Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality designations.
11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.
12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.
13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000.

E. Submittal Requirements. A site plan shall be submitted including all of the following information except for specific items determined at the pre-application review not to be applicable. All site 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 utilities and facilities, or proposed locations (sewer, water, fire hydrants, septic system, storm water facilities, etc.).
6. Proposed landscaping.
7. Exterior lighting.
8. 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.

F. Application Completeness/Request for Additional Information. The County Planning Director or designee shall determine the application to be complete based on the above standard criteria 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.

G. 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 must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria and the rationale for establishing the criteria to be provided by the County. Design approval shall 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.

H. Conditions Requiring Variance Application. In the case of transportation improvement plans that do not meet the above minimum standards, the Morrow County Public Works Department may work with the applicant to determine whether an alternate design standard is appropriate (design modification). Design modifications are reviewed and approved by Morrow County Public Works Department staff. If upon mutual agreement it is determined that an alternate design standard cannot be met, an application for a design variance will be required, subject to review and approval by the Morrow County Planning Commission.

#### **SECTION 4.166 SITE PLAN REVIEW FOR DATA CENTERS**

Site Plan Review is a non-discretionary or "administrative" review conducted without a public hearing by the County Planning Director or designee. Site Plan Review for data centers encompasses all requirements in Section 4.165 as well as standards set forth in this section.

A. Purpose. The purpose of Site Plan Review for data centers (administrative review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district and other specific standards identified below.

B. Pre-application review required. Prior to filing its application for Site Plan Review for a data center, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.

C. Applicability. Site Plan Review for data centers shall be required for all land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

D. Review Criteria. Data center review Criteria shall encompass all criteria stated in Section 4.165 of this Ordinance.



E. Submittal Requirements. A data center site plan shall be submitted and must include requirements set forth in Section 4.165 of this Ordinance and the following submittal requirements. Data center site plans shall have dimensions clearly indicated. Notwithstanding the above, a data center applicant may satisfy all submittal requirements by providing the information requested on the County's "Checklist for Data Centers" as well as a preliminary site plan with information as set forth in the checklist.

1. Project information including: Name of project manager, Company, and/or property owner.
2. Proposed vehicular access to the site, including proposal for a road use agreement, if applicable.
3. Any proposed road improvement plans.
4. Electric services, including a description of any existing electric services and the applicant's proposal for provision of utility service to the site. The applicant may satisfy this requirement by providing a letter, notice or memorandum of understanding from the providing utility evidencing a willingness to serve the site.
5. Water services, including a description of any existing water services and the applicant's proposal for provision of utility service to the site. The applicant may satisfy this requirement by providing a letter, notice or memorandum of understanding from the providing utility evidencing a willingness to serve the site.
6. Industrial wastewater management plan, including a description of any existing wastewater services and the applicant's proposal for provision of utility service to the site. The applicant may satisfy this requirement by providing a letter, notice or memorandum of understanding from the providing utility evidencing a willingness to serve the site.
7. Sewage disposal plan, including a description of the applicant's plans for sewage disposal and, if applicable, the status of permitting a septic system capable of serving the proposed development.
8. Parking plans during construction and permanent parking plan with layout.
9. Traffic Impacts Analysis consistent with the requirements of Section 4.035 regardless of the 400-trip threshold.
10. A preliminary Site Plan providing the approximate location of proposed buildings, vehicular access, parking, and utility services on-site.

The zoning permit may include conditions as necessary to ensure compliance with the review criteria, and improvements (if any) shall be permitted and constructed before issuance of the certificate of occupancy.

F. Traffic Mitigation. 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 or other similar analysis provided by the County. 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-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.

**Commented [LJ4]:** Site plan review for data centers (LUD)

## ARTICLE 6. CONDITIONAL USES

### SECTION 6.010. AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this ordinance and this Article by action of the Planning Commission or Article 9 Administrative Provisions unless exempted by Section 6.015. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in use or in lot area or an alteration of structure shall conform with the requirements for a conditional use.

Commented [LJ1]: Maintains administrative determination over CUPs.

### SECTION 6.015. REQUIREMENTS UNDER A STATE ENERGY FACILITY SITE CERTIFICATE.

If a holder of a Site Certificate issued by the Oregon Energy Facility Siting Council requests a conditional use permit for an energy facility as outlined under ORS 469.401(3) and pays the requisite fee, the Planning Director shall issue such conditional use permit. The conditional use permit shall incorporate only the standards and conditions in Morrow County's land use and other ordinances as contained in the site certificate. Issuance of the Conditional Use Permit shall be done promptly, not taking more than four weeks once it has been determined that a valid Site Certificate has been issued, the applicant has submitted a complete application and the fee has been received

### SECTION 6.020. GENERAL CRITERIA.

In judging whether or not a conditional use proposal shall be approved or denied, the Commission shall weigh the proposal's appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met or can be met by observance of conditions.

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.
- B. If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.
- C. The proposal will not exceed carrying capacities of natural resources or public facilities.

### SECTION 6.025. RESOURCE ZONE STANDARDS FOR APPROVAL.

- A. In the Exclusive Farm Use zone a conditional use may be approved only when the County finds that the use will not:
  1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
  2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- B. In the Forest Use Zone a conditional use may be approved only when requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands are met. A conditional use may be approved only when the County finds that the use will not:
  1. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
  2. Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

3. A written statement recorded with the deed or written contract with the County is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. (MC OR-1-2013)

**SECTION 6.030. GENERAL CONDITIONS.**

In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size or location of a building or other structure.
- D. Designating the size, number, location and nature of vehicle access points.
  1. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.
  2. In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
  1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.
- G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- J. Designating the size, height, location and materials for a fence.

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

L. Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.

**SECTION 6.040. PERMIT AND IMPROVEMENTS ASSURANCE.**

The Commission may require an applicant to furnish the County with a performance bond or such other form of assurance that the Commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

**SECTION 6.050. STANDARDS GOVERNING CONDITIONAL USES.**

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

A. Accessory dwelling units: The Planning Commission shall require that the location and site design for an accessory dwelling unit adhere to the following limitations:

1. The proposed lot or parcel is zoned rural residential and is a minimum of 2 acres.
2. Proposed lot or parcel must lie outside the Urban Growth Boundary.
3. Proposed lot or parcel must not lie within a CGWA or LUBGWMA unless landowner can prove adequate water supply and water quality meets federal and state drinking water standards.
4. The accessory dwelling unit shall use the same subsurface sewage disposal system used by the existing dwelling if that disposal system is adequate to accommodate the additional dwelling or as otherwise allowed and conditioned by the Planning Commission.
5. Proposed lot or parcel must contain an existing single-family dwelling.
6. Accessory dwelling unit must be no bigger than 900ft<sup>2</sup> of useable floor area, exclusive of garages, carports, decks and porch covers.
7. Accessory dwelling unit must be installed no more than 100ft from existing single-family dwelling.
8. Accessory dwelling unit will be served by the same water source or water supply system as the existing single-family dwelling. If served by a well, the accessory dwelling shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.
9. The accessory dwelling unit shall adhere to all setbacks required for its zoning as described in Article 3 of this Ordinance.

B. Airports, aircraft landing fields, aircraft charter, rental, service and maintenance facilities not located in an Aircraft Approach Zone: The Planning Commission shall find that the location and

**Commented [LJ2]:** SB 644 (2023); adopted from Deschutes Co.

**ARTICLE 7. DIMENSIONAL ADJUSTMENTS, VARIANCES, SPECIAL OR TEMPORARY USE PERMITS, AND NON-CONFORMING USES**

**SECTION 7.010 PURPOSE**

Article 7 provides standards and procedures for adjustments, variances, and special or temporary use permits, which are modifications to development standards that are not otherwise permitted elsewhere in the Morrow County Zoning Ordinance or are development standards for certain uses that would be reviewed outside of a particular use zone's criteria.

The Planning Director or the Planning Commission, dependent upon the criteria identified below, may authorize dimensional adjustments or variances from the requirements of this ordinance, or authorize special or temporary use permits, where it can be shown that owing to special and unusual circumstances related to a specific lot or desired activity, strict application of the ordinance would cause an undue or unnecessary hardship. In granting these permits, Planning Director decisions would be done either under clear and objective standards; or when discretion is applied by providing notice as required by law. Those decisions identified to be approved by the Planning Commission, conditions may be attached when the Planning Commission finds it necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

**SECTION 7.020 INTENT**

Adjustments and variances are intended to provide relief to code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.

**DIMENSIONAL ADJUSTMENTS.** Dimensional adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements.

**VARIANCES.** Variances provide greater flexibility to code standards than dimensional adjustments where special circumstances exist or the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

Special or Temporary Use Permits are available to meet needs that may not be available within the use zone, or for certain limited duration or special need identified by the land owner or user.

**SPECIAL USE PERMITS.** Special use permits are generally defined by their unique characteristics. Characteristics of special use permits could be that the use is incompatible with other uses of the land on the subject property or in the vicinity, permanent improvements may be required to the site or buildings, there could be significant impact on the surrounding area, and conditions may be warranted.

**TEMPORARY USE PERMITS.** Temporary permits tend to be short term or seasonal in nature and may be for a special event or an emergent need. They are generally defined by limited or no adverse impact on the surrounding area.

hardship Special Use permit until the permittee has shown compliance with the conditions for issuance specified in this Section at the time of renewal and the County has received evidence of the continued validity of the medical hardship.

#### SECTION 7.400 TEMPORARY USES

A Temporary Use Permit may be approved to allow the limited use of structures or activities which are short term or seasonal in nature and do not conflict with the zoning designation in which they are located. No Temporary Use Permit shall be issued that would have the effect of permanently re-zoning or granting a special use privilege not shared by other properties in the same zoning designation. Examples of a temporary use may be special events or an emergent need. Permanent improvements to the site or structures are not allowed with a temporary permit. Reasonable conditions may be imposed.

A. TEMPORARY STORAGE OF A MANUFACTURED HOME. The Planning Director or their designee can authorize storage of a manufactured or mobile home on an individual bare lot or parcel for not more than six months. Authorization for the storage of a manufactured home shall be obtained through application for a Zoning Permit and must meet the following conditions:

1. It will not be used for residential or other purposes.
2. There will be no electrical, plumbing or sewer connections to the stored manufactured or mobile dwelling.
3. All normal setback standards of the zone will be met.
4. The manufactured dwelling will not be located in a Floodplain or other natural hazard area.
5. Only one manufactured dwelling storage permit may be issued to a property owner for a specific lot or parcel within any five-year period.

B. TEMPORARY USE OF A RECREATIONAL VEHICLE. The Planning Director or their designee can authorize the following uses of a Recreational Vehicle, which are not designed for residential purposes according to standards and specifications of the Uniform Building Code which has been established to protect public health, safety and welfare. Recreational vehicles shall not be used for housing or residential purposes except:

1. When the recreational vehicle is located on an individual lot or parcel during the construction of a dwelling not to exceed six (6) months with one extension period not to exceed six (6) months (MC-C-1-99). The Zoning Authorization for the approved dwelling must also authorize this temporary use.
2. For temporary housing to accommodate visitors of the primary residence in a residential or farm use zone not to exceed 30 days in any 12 month period. Property owners found in violation of this requirement will be subject to enforcement action.
3. For seasonal recreational (i.e. summer camping or hunting season) use by the land owner or lessee in the Forest Use Zone after obtaining a Zoning Permit and Rural Address.  
or
4. When the recreational vehicle is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disaster, including wildfires, earthquakes, flooding or storms, until no later than the date:

Commented [LJ1]: MC-C-1-99

- a. The dwelling has been repaired or replaced and an occupancy permit has been issued;
- b. The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
- c. Twenty-four months after the date the dwelling first became uninhabitable.

Commented [LJ2]: HB 2809 (2021)

**C. TEMPORARY USES GENERALLY.** Temporary Uses, other than those outlined above, can be considered under this provision. To be eligible the Temporary Use needs to be for a limited duration not to exceed 12 months, not addressed in other portions of this Zoning Ordinance, be able to meet the limited or expanded approval criteria below, and not involve the construction or alternation of any permanent building or structure.

**APPROVAL CRITERIA:** The Planning Director, or their designee, may grant a Temporary Use upon finding that the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The proposed Temporary Use is not specified in this Ordinance and is not so recurrent as to require a specific or general regulation to control it.
2. The proposed Temporary Use will not become permanent.
3. Approval of the Temporary Use does not create a violation(s) of any other adopted ordinance or code standard;
4. An application for a Temporary Use is limited to one (1) lot or parcel per application;
5. Requests for more than one Temporary Use on the same lot or parcel shall be consolidated on one application and reviewed concurrently by the County;
6. Not more than three (3) Temporary Uses may be approved for one lot or parcel in a continuous 12-month period;
7. Temporary uses will not exceed 12 months, can be renewed up to two time, but will not exceed a total of 36 months; and
8. All applicable building code requirements and engineering design standards shall be met.
9. Any Temporary Use permit shall clearly set forth the purpose for which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant.

Should the proposed Temporary Use not meet the above standards, or should the Planning Director determine a public hearing is warranted, the Planning Commission will further consider the Temporary Use and the additional Approval Criteria below:

10. Reasonable conditions may be imposed by the Planning Commission to minimize the potential impact of the proposed use to other uses in the vicinity, such as special yards and spaces; control of points of vehicular ingress/egress; landscaping and maintenance thereof; control of noise, odors, or other nuisances; and limitation of certain activities.
11. All structures and uses for which a Temporary Use permit is issued shall meet all other requirements of the zoning district in which they are located and shall:
  - a. meet all applicable health and sanitation requirements;
  - b. meet all applicable building code requirements; and
  - c. be removed upon expiration of the temporary permit.



## **ARTICLE 9. ADMINISTRATIVE PROVISIONS**

**SECTION 9.010. ADMINISTRATION.** The Secretary of the Planning Commission and the County Planning Director have the power and the duty to enforce the provisions of this Ordinance. The Board of Commissioners may appoint agents to issue zoning permits and to otherwise assist the Secretary or Planning Director in the processing of applications.

**SECTION 9.020.** Approval or denial of an application for a use permitted by this Ordinance shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

**SECTION 9.030. APPEALS.** A person may appeal to the Board of Commissioners from a decision or requirement made by the Planning Commission. A person may appeal to the Planning Commission from a decision or requirement made pursuant to this Ordinance by the Commission Secretary, Planning Director or other county official. Written notice of the appeal must be filed with the county within 15 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for appeal.

A. An appeal or review proceeding shall be based upon, but not limited to, the record of the decision being appealed or reviewed.

B. Following the hearing, the Board of Commissioners or Planning Commission may overrule or modify any decision or requirement and shall set forth findings for such decision.

C. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this Ordinance.

**SECTION 9.040. FORM OF PETITIONS, APPLICATIONS AND APPEALS.** Petitions, application, and appeals provided for in this Ordinance shall be made on forms prescribed by the county. Applications shall be accompanied by plans and specifications, drawn to scale, showing the information listed in this Section and such other information as is needed to determine conformance with this Ordinance.

A. One copy of a completed application form that includes the following information:

1. An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application.

nor to any application for a permit, the approval of which depends upon a plan amendment

D. The approval standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

**SECTION 9.046. ADMINISTRATIVE REVIEW.**

- A. Uses allowed with standards that are authorized by this Ordinance are identified as administrative land use decisions and shall be processed in the manner described in ORS 215.416.
- B. The Planning Director may approve or deny an application for a permit without a hearing if the Planning Director or designee gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (i) of this subsection, to request a hearing before the Planning Commission.
- C. A tentative decision by the Planning Director to approve, modify, or deny a land use request shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the applicable criteria for approval listed elsewhere in this chapter.
  - 1. In addition:
    - a. Written notice of the tentative decision by the Planning Director shall be mailed to those persons described in paragraph (i) of this subsection. The notice shall inform the applicant and the surrounding property owners that the Planning Director will issue a final decision, with or without modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.
    - (i) Notice of a decision of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:
      - (a) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(b) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest use zone; or

(c) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

- b. Notice shall also be provided to any identified affected agencies of the proposal, per ORS 197.180.
- c. When a proposal includes a parcel or parcels in an Interchange Area Management Plan (IAMP) Management Area, the County shall provide written notification to ODOT prior to the decision.
- d. Notice shall also be provided to any neighborhood or community organization and whose boundaries include the site.
- e. Notice shall be provided to the Department of Land Conservation and Development for lands within the farm or forest use zone.

D. The purpose of the notice is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Planning Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they deem are significant.

E. The notice shall include the following information:

- 1. The nature of the application and the proposed use or uses which could be authorized;
- 2. Street address or other easily understood location of the subject property and County-assigned planning file number;
- 3. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, at the Planning Department during normal business hours; and
- 4. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

F. If no request for a public hearing is received within 21 days, then the Planning Director's tentative decision shall become the final decision,

although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

- G. Failure of a property owner to receive notice as provided in this section shall not invalidate such proceedings if the mailing affidavit demonstrates that the notice was mailed to the address listed on the County Assessor's tax records.
- H. Notice of the final decision shall be sent to the applicant and any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.
- I. If the proposed final decision is significantly different from that which was proposed in the tentative findings and conclusions that were sent out per this Section, then the process outlined in Paragraph C of this Section will be repeated.
- J. The final decision of the Planning Department on a land use request may be appealed within 15 days to the Planning Commission.
- K. ~~Within the Planning Director's sole discretion, or at the applicant's request;~~ With the applicant's consent, the Director may refer any application to the Planning Commission for consideration and decision, following notice and a public hearing consistent with the public hearing procedures in Section 9.050. Considerations the Director may base such a referral upon include, without limitation, the following:
  1. The application warrants evaluation and comment by an outside agency such as the Fire Marshal's Office, Oregon Department of Transportation, a city, etc.
  2. The application presents impacts to public facilities, systems or services that are difficult to quantify or evaluate or which may exceed current or planned system capacities and would benefit from public testimony, agency comment, or the development of a more detailed factual record.
  3. The application presents impacts to, or conflicts with, other properties, property owners and users that are difficult to evaluate without public testimony, the development of a more detailed factual record, and the formulation of conditions to mitigate, reduce or eliminate anticipated impacts.
  4. The application presents impacts to protected resources or lands with special status with which the proposal may conflict, and which

Commented [L1]: Proposed language change.

would benefit from public testimony, the development of a more detailed factual record, and the formulation of conditions to mitigate, reduce or eliminate anticipated impacts.

5. The application involves the interpretation of ambiguous terms of the Morrow County Development Code, the Morrow County Comprehensive Plan, state law, conflicting regulations, or otherwise requires the exercise of legal or policy judgment in evaluating the proposal.
6. Any other factor or consideration that, in the Director's opinion, warrants broader public comment or review.

#### **SECTION 9.050. PUBLIC HEARINGS.**

A. Each notice of hearing authorized by this Ordinance shall be published in a newspaper of general circulation in the County at least 20 days prior to the date of hearing, except that a notice for a hearing before the Planning Commission on an amendment that requires two public hearings as specified in Article 8, may be given no less than 10 days in advance of the first public hearing.

B. In addition:

1. A notice of hearing shall be mailed to all owners of property within 250 feet of the property for which has been requested in the application. The notice of hearing shall be mailed at least twenty (20) days prior to the date of hearing.
2. When a proposal includes a parcel or parcels in an Interchange Area Management Plan (IAMP) Management Area, the County shall provide written notification to ODOT at least twenty (20) days prior to the date of hearing.
  - a. 3. Notice shall also be provided to any identified affected agencies of the proposal, per ORS 197.180.

C. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

D. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

E. The notice shall include the following information:



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**DEPARTMENT OF THE NAVY**

NAVAL AIR STATION WHIDBEY ISLAND  
3730 NORTH CHARLES PORTER AVENUE  
OAK HARBOR, WASHINGTON 98278-5000

3700  
Ser N00/0811  
28 Nov 23

Chair Ms. Stacie Ekstrom  
Planning Commissioner  
Morrow County Planning Commission

Ms. Tamra Mabbott  
Planning Director  
Morrow County Planning Department

Dear Chair Ekstrom and Ms. Mabbott:

**SUBJECT: Morrow County Comprehensive Plan Update and Code Amendment**

Thank you for the continued support and coordination with the Naval Air Station Whidbey Island (NASWI) team. We are appreciative of the ongoing collaboration regarding projects and initiatives that could impact our critical training and operating areas throughout the Columbia Basin.

Located in Morrow County, Naval Weapons Systems Training Facility Boardman is the only training range in the Northwest. Overlaying the range is a large swath of critical low level training areas utilized by the Navy, Army, and Air Force. These areas are a critical component in the preparation of Navy aircrews, as well as those from other services and international partners. New structures like wind turbines, transmission lines, and cell towers constructed in Morrow County could have the potential to obstruct into military utilized airspace and degrade or terminate training capabilities. In addition, depending on the height and location, the construction of structures in these training areas could create a life safety risk to the pilots and the community.


In October, we received a notice from the Oregon Department of Land Conservation and Development regarding the Morrow County code update to incorporate legislative changes from 2019, 2021, and 2023. In 2019, HB 2329 was passed that required notification to the Department of Defense for energy related projects. To foster compatible renewable energy and transmission siting while avoiding potential life safety concerns we ask for inclusion of the military into the guiding land use documents, the Comprehensive Plan and Zoning Ordinance. Early notification supported by a coordination protocol provides a transparent process to developers, stakeholders, and the County to address concerns from the military and avoid life safety hazards.

We welcome the opportunity for the inclusion of the military as part of a formal notification and coordination for projects that are within or under our training and operating areas. The role that counties play in assuring preservation of national security interests is often underappreciated. Thank you for your continued support.



My point of contact for this project is: Ms. Kimberly Peacher, cell (360) 930-4085 or email  
Kimberly.peacher@navy.mil.

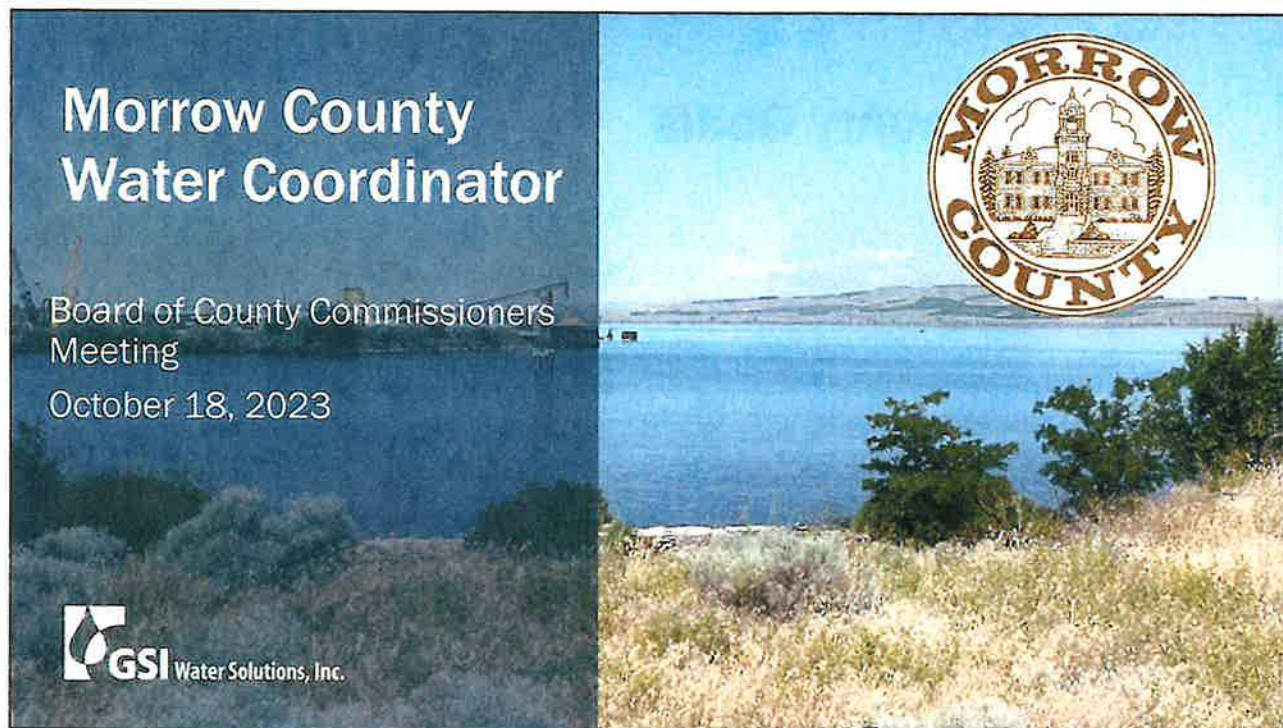
Sincerely,



E/M. HANKS  
Captain, U.S. Navy  
Commanding Officer

Copy to:  
Ms. Kimberly Peacher, N00RM

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**Purpose**

- Provide the Morrow County Board of Commissioners updates on:
  - Briefing papers on County water issues
  - Next steps for Water Coordinator work

2

## Morrow County Goals



### Objectives for Water Coordinator

- Help define County policies and actions to help address the regional water issues and achieve the County's water-related goals

## Briefing Papers

### Purpose:

- **Baseline history** for communication and education purposes
- **Context for recommendations** on water strategy and policies.
- **Content for outreach materials** for use by County

### Topics:

1. Water Quantity
2. Water Quality
3. Domestic Well Users
4. Projects/Activities by Groups

# Briefing Papers

## General Structure:

- Introduction
- Key Takeaways
- Resource Overview
- Key Issues/Impacts
- Opportunities for County

## Process:

- Water Advisory Committee (WAC) review and input
- 3 rounds of revisions with comments incorporated
- Posting to County “Water Website”

## Project Team and WAC – Diverse perspectives and expertise

- Morrow County staff
  - Tamra Mabbott, Planning Department
  - Robin Canady, Public Health Department
- Consultant team
  - GSI Water Solutions
- Water Coordinating Committee
  - See list

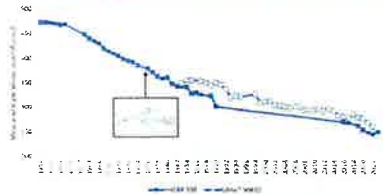
Policy Area or Industry
County Commissioner
County Planning Department
County Public Health Department
Emergency Management (ex officio)
Morrow County Soil Water Conservation
DEQ
OWRD
Port of Morrow
Municipality
Food Processing Industry
Irrigated Agriculture
Central County Agriculture
South County Agriculture
Livestock Operator/Owner
CAFO Operator/Owner
Water Advocacy/Interest Group
Northeast Oregon Water Association (NOWA)
Rural Residential Resident

# STATE OF THE WATER Overview of Water Quantity Challenges in Morrow County

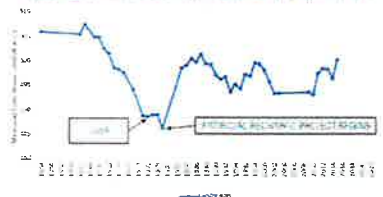
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Groundwater Levels - Morrow Deep Basalt Critical Groundwater Area



Groundwater Levels - Morrow Gravel Critical Groundwater Area



[BriefingPaper\\_Water\\_Quantity\\_FINAL.pdf](#)

GSI Water Solutions, Inc.

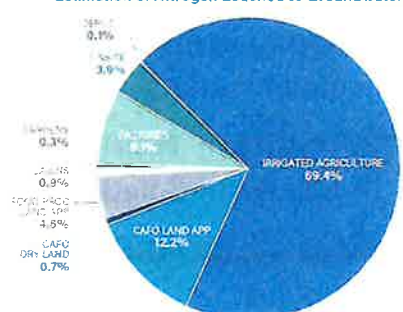
# STATE OF THE WATER Overview of Water Quality Challenges in Morrow County

October 2023

Average Nitrate Concentrations - LUBGWMA Well Network



Estimation of Nitrogen Leached to Groundwater



Source: Adapted from LUBGWMA Second Action Plan 2020

[BriefingPaper\\_Water\\_Quality\\_FINAL.pdf](#)

GSI Water Solutions, Inc.

## Next Steps

- Incorporate BOC input on briefing papers
- Post briefing papers on Morrow County water website
  - <https://www.co.morrow.or.us/planning/page/water>
- Develop preliminary strategy, policies, actions
- On-going check-ins with WAC and BOC



### STATE OF THE WATER

## Overview of Nitrate Challenges for Domestic Well Users in Morrow County

October 2023



- Emergency deliveries
- Long-term supply\*
- Source protection



- Testing/monitoring
- Target area evaluation\*
- Modeling/monitoring



- Local Action Plans
- Regulatory coordination
- Remediation/abatement



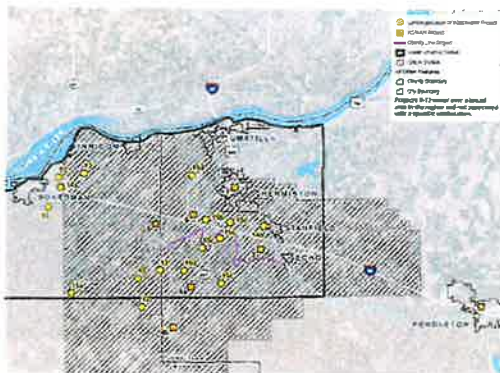
[BriefingPaper\\_Domestic\\_Wells\\_FINAL.pdf](#)

*\*Involves capital investments (e.g. new wells or water treatment) where federal congressional direct spending and DEQ supplemental environmental project funding may be applied.*

### STATE OF THE WATER

## Addressing Water Quantity and Quality Challenges in Morrow County

October 2023



### LONG-TERM PROJECT SUCCESS



[BriefingPaper\\_Projects\\_Solutions\\_FINAL.pdf](#)