

PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844
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AGENDA

Morrow County Planning Commission
Tuesday, May 28, 2024, 6:00 pm
Morrow County Government Center, Irrigon, OR
[For Electronic Participation See Meeting Information on Page 2](#)

Members of Commission

Stanley Anderson	Tripp Finch	Elizabeth Peterson
Charlene Cooley	John Kilkenny, Vice Chair	Karl Smith
Stacie Ekstrom, Chair	Mary Killion	Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director	Daisy Goebel, Principal Planner
Stephen Wrecsics, GIS Analyst	Landon Jones, Planning Tech
Michaela Ramirez, Administrative Assistant	

1. **Call to Order**

2. **Roll Call**

Pledge of Allegiance

3. **Minutes:** (Draft) April 30, 2024 [pgs. 3-5](#)

4. **WORK SESSION:** The purpose of this work session is to discuss a draft ordinance that would amend the processes and criteria for ministerial and administrative applications to comply with state law and provide clarity and consistency for planning procedures. The proposed changes also include clarification of application vesting requirements, allowing the conversion of existing dwellings to non-farm dwellings in the EFU zone, limiting the number of extensions staff can grant for land use permits, and resolving instances of inconsistent terminology, among other changes [pgs. 6-126](#)

5. **Other Business:** May Planning Update [pgs. 127-132](#)

6. **Correspondence:**

7. **Public Comment:**

8. **Adjourn:**

Next Meeting: Tuesday, June 25, 2024, at 6:00 p.m.
 Location: Bartholomew Building, Heppner, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: June 25, 2024, 6:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=82399460065>

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.

**Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, April 30, 2024, 6:00 pm
Bartholomew Building
110 N Court St Heppner, OR**

COMMISSIONERS PRESENT:

John Kilkenny, Vice Chair
Karl Smith
Brian Thompson
Tripp Finch
Charlene Cooley
Stacie Ekstrom, Chair

COMMISSIONERS ABSENT:

Mary Killion
Elizabeth Peterson

ATTENDANCE via ZOOM:

Stanley Anderson

STAFF PRESENT:

Tamra Mabbott, Planning Director
Daisy Goebel, Principal Planner
Stephen Wrecsics, GIS Analyst-Zoom
Landon Jones, Planning Tech-Zoom
Michaela Ramirez, Administrative Assistant

1. CALL TO ORDER

Chair Ekstrom called the meeting to order at 6:00 PM

2. ROLL CALL**3. PLEDGE****4. APPROVAL OF MARCH MINUTES**

Recommended Action: Approve
Action: Approved as presented

5. PUBLIC HEARINGS:

Principal Planner Daisy Goebel presented: Conditional Use Permit CUP-N-367-24: Guillermo Calvillo, Applicant and Owner.

Conflicts of interest: None

Request: Home Occupation Permit to allow the operation of a commercial trucking business on a residential property. The subject property is described as Tax Lot 7000 of Assessor's Map 4N25E20A and is located in the Suburban Residential (SR) zone. The property is located at the southern extent of the West Glen Subdivision, outside of the City of Boardman Urban Growth Boundary and City Limits. Criteria for approval includes Morrow County Zoning Ordinance (MCZO) Section 3.050 Suburban Residential Zone, and MCZO Article 6, Conditional Uses.

Chair Ekstrom opened the testimony part of the Public Hearing.

Questions or Comments for Staff by Commissioner: NoneTestifying Parties:Applicant/Representatives

Margarita Calvillo and Guillermo Calvillo, 70180 Summit Lane, PO Box 855, Boardman, OR 97818

Questions or Comments for the Applicant by Staff: Director Mabbott

Questions or Comments for the Applicant by Commissioners: Chair Ekstrom, Commissioners Thompson, Finch, Smith, Kilkenny, Cooley

General Public:

Eric Imes, Public Works Director

Bridges are inspected every 3 years. The bridge in discussion is not a county bridge. NOTE: The County is not responsible for the bridge.

Dan Kearns Land Use Attorney

Doesn't require the applicant to get permission to use the bridge and it is a public right of way.

The average years of possession is 10 years and doesn't require any permission from any agency.

Rebuttal by Applicant: Margarita Calvillo

Proponents, Opponent, Neutral: None

Anyone wanting to keep the record open or continue: None

Public Hearing is closed: **None**

Discussion on the motion:

Conditions of approval:

1. Clarification -CUP only allows only 2 trucks and 2 trailers (incorporated in Condition 1).

Recommended Action: Approve as amended-CUP-N-367-24, Guillermo Calvillo, Applicant owner.

Motion: Approval of CUP-N-367-24 Conditions 1-6 (as amended) and adopting findings.

Motion by: Commissioner Brian Thompson

Seconded by: Commissioner Karl Smith

Vote: All voted

Action: Approved

Principal Planner Daisy Goebel presented: Land Partition LP-N-522-24, Variance V-N-048-24: Armando Villegas Rodriguez Applicant and Owner.

Conflicts of interest: None

Request: Application for a 2-parcel Land Partition of Tax Lot 7400 of Assessor's Map 04N25E20A requesting a variance to the minimum street frontage and access width requirements of Morrow County Zoning Ordinance (MCZO) Section 4.010. The property is located south of the Boardman City Limits, within the Urban Growth Boundary, and is zoned Suburban Residential (SR). Criteria for approval include MCZO Section 3.050 Suburban Residential Zone, and MCZO Section 7.200, Variances.

Chair Ekstrom opened the testimony part of the Public Hearing:

Questions or Comments for Staff by Commissioner: None

Testifying Parties:Applicant/Representatives

Armando and Magdalena Villegas Rodriguez

Questions or Comments for the Applicant by Commissioners: Commissioner Kilkenny, Thompson

Question or Comments for the Applicant by Staff: Director Mabbott

Questions for Staff by Commissioners: Commissioner Finch, Kilkenny, Thompson

Proponents, Opponent, Neutral: None

Anyone wanting to keep the record open or continue: None

Public Hearing is closed: 7:19 PM

Additional Questions for Staff or Applicant: **None**

Rebuttal by Applicant:

Armando Villegas Rodriguez

Discussion on motion:

Changes to Conditions of Approval:

Condition 3-the well or septic must be approved before building on parcel 2

Condition 6-applicant shows an established well agreement and identifies the maintenance responsibilities for the shared parcels.

Condition 7-the irrigation easement shall be established serving parcel 1 from the WEID

Chair Ekstrom asked if there was anyone who wanted to hold the record open: **None**

Recommended Action: Approve LP-N-522-24, Variance V-N-048-24, and the recommended findings, with the revised conditions of approval.

Motion: To approve **LP-N-522-24** and **Variance V-N-048-24** as amended and approve the findings

Motion by: Commissioner Kilkenny

Seconded by: Commissioner Cooley

Vote: All approved

Action: Approved

Other Business: April Planning Update

Correspondence: None

Public Comment: None

Adjourned: Meeting adjourned at 8:18 PM

Next Meeting: Tuesday, May 28, 2024, at 6:00 p.m. The next meeting will be held in Irrigon, OR in the Morrow County Government Center.

Respectfully submitted,
Michaela Ramirez



PLANNING DEPARTMENT

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

May 28, 2024

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

This work session is intended to discuss the following recommendations:

Updating Ministerial/Administrative Processes, Clear & Objective Standards

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

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

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

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

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

Conditional Use Permit Review Process

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

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

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

- Aggregate Mining Operations

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

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

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

Consistent Terminology

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

Clarification of Extensions/Vesting Requirements

Expiration Dates

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

Extensions

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

Vesting

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

Comment Period

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

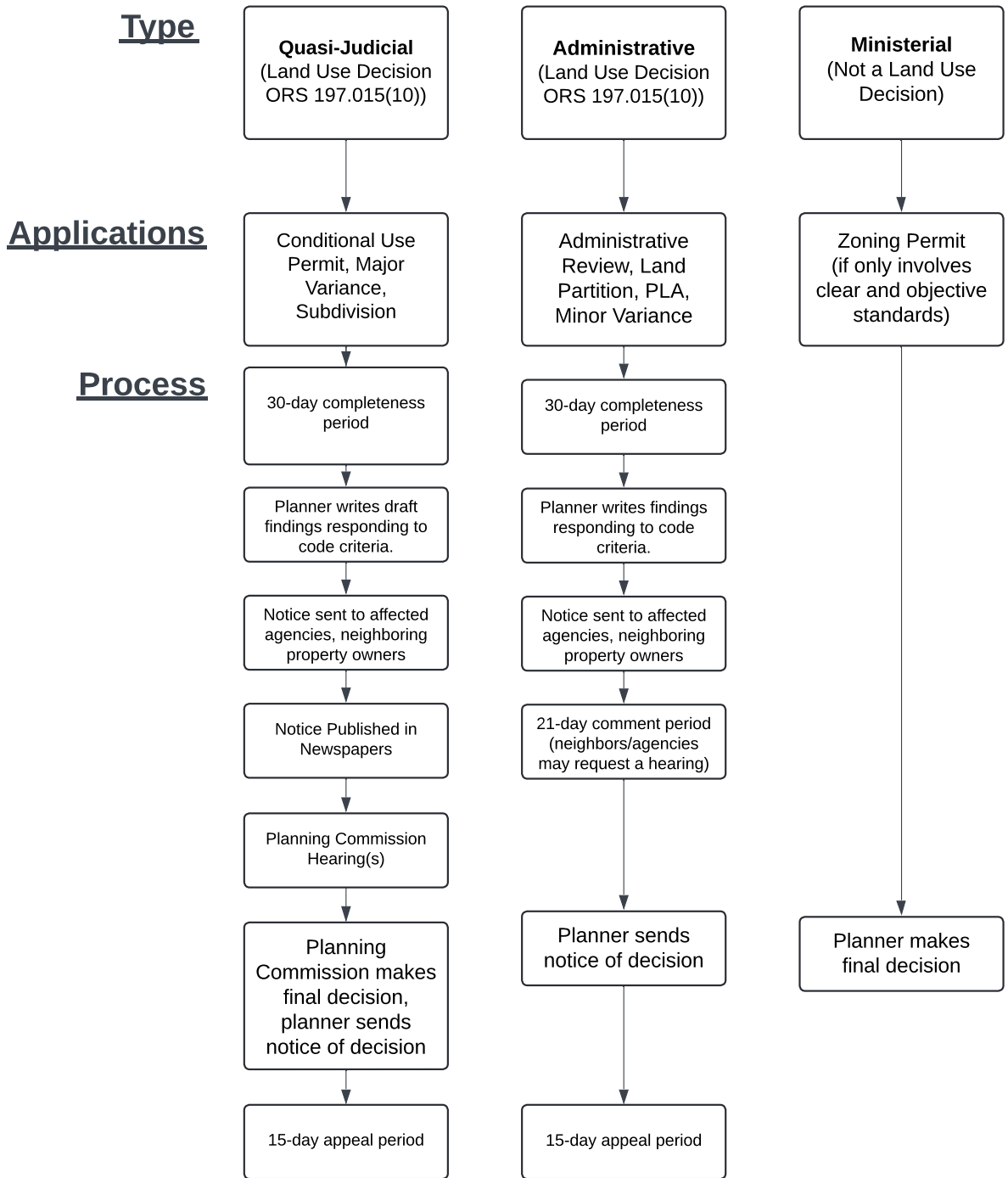
Other Changes

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

Attachments:

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

Application Types and Processes



**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.

...

Zoning Permit.- An authorization issued prior to the issuance of a building permit, or commencement of a use that is allowed outright, not subject to administrative review, stating that the proposed use is in accordance with the clear and objective requirements of the corresponding land use zone.

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.~~

Commented [DG1]: Moved to Art. 4.

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.

...

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/neutral.

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ARTICLE 2. ESTABLISHMENT OF ZONES

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SECTION 2.010 IDENTIFIED ZONE DESIGNATIONS. For The purpose of this ordinance, the following zones are hereby identified.

Zone Designation	Abbreviated Designation	Code Section	Effective Date
Exclusive Farm Use Zone	EFU	3.010	08-01-2016
Resource Related Industrial Zone	RRI	3.015	10-01-2013
Forest Use Zone	FU	3.020	08-01-2016
Rural Service Center Zone	RSC	3.030	01-01-2011
Umatilla Depot Wildlife Habitat Zone	UDWH	3.035	11-01-2014
Rural Residential Zone	RR	3.040	09-28-2005
Farm Residential Zone	FR	3.041	09-28-2005
Small Farm 40 Zone	SF	3.042	08-01-2016
<u>Rural Residential Ten Zone</u>	<u>RR-10</u>	<u>3.042</u>	<u>7-15-2021</u>
Suburban Residential Zone	SR	3.050	03-06-1985
Suburban Residential 2A Zone	SR-2A	3.051	10-28-2006
General Commercial Zone	C-G	3.060	04-30-2015
Tourist Commercial Zone	TC	3.061	03-15-2006
General Industrial Zone	M-G	3.070	01-01-2011
Air/Industrial Park Zone	AI	3.071	03-06-1985
Space Age Industrial Zone	SAI	3.072	10-01-2013
Port Industrial Zone	PI	3.073	02-01-2014
Umatilla Army Depot Military Zone	UADM	3.074	11-01-2014
Rural Light Industrial Zone	RLI	3.075	03-15-2006
Airport Light Industrial Zone	ALI	3.076	06-17-2016
Airport Approach Zone	A-A	3.090	06-17-2016
Airport Hazard Zone	A-H	3.091	06-17-2016
Airport Safety and Compatibility Overlay Zone	ASC	3.092	06-17-2016
Flood Hazard Overlay Zone	FP	3.100	01-01-2011
Limited Use Overlay Zone	LU	3.110	03-06-1985
UMCD PI Limited Use Overlay Zone	(none)	3.120	11-01-2014
Speedway Limited Use Overlay Zone	SO	3.130	01-23-2008
Parkland Overlay Zone	PO	3.150	04-01-2011
Significant Resource Overlay Zone	SRO	3.200	10-01-2013

Historic Buildings and Sites	(none)	3.300	03-06-1985
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SECTION 2.030. ZONING MAP. A zoning map or zoning map amendment adopted by Section 2.020 of this ordinance or by an amendment thereto shall be prepared by authority of the Planning Commission or by a modification by the ~~County Court~~ **Board of Commissioners** of a map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the County Clerk as long as this ordinance remains in effect.

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Commented [DG3]: Consistent Terminology

SECTION 2.040. ZONE BOUNDARIES. Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad ~~rights-of-ways~~, water courses, ridges or rimrocks, or such lines extended. Whenever uncertainty exists as to the boundary of a zone as shown on the Zoning Map or amendment thereto, the following regulations shall control:

Commented [DG4]: Spelling/Grammar

SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE

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. ~~Uses subject to specific standards identified in Subsections D-K shall be reviewed via the Site Plan Review process per MCZO 4.166.~~

Commented [DG5]: Option: Separate out those uses allowed outright and uses subject to administrative review, similar to RRI and other zones.

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.
2. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.
3. ~~Temporary hardship dwelling subject to Subsection D.18 and Article 7.~~

Commented [DG6]: Requires a variance, not a CUP

...
H. Dwellings Not in Conjunction with Farm Use
Non-farm dwelling. A non-farm dwelling is subject to the following requirements:

4. If a single-family dwelling is established on a lot or parcel as set forth in Subsection B.31, no additional dwelling may later be sited under the provisions of this Section.
5. ~~Conversion of an existing farm related dwelling to a non-farm dwelling. An existing farm related dwelling converted to a farmer retirement dwelling or a non-farm dwelling shall be subject to the following criteria:~~
 - a. ~~Meets the non-farm dwelling criteria in this section except Subsection H(2).~~
 - b. ~~The provisions of Subsection L are applicable if a non-farm parcel will be created for the non-farm dwelling.~~

Commented [DG7]: Mirror's Umatilla County's process

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SECTION 3.015 RESOURCE RELATED INDUSTRIAL ZONE, RRI.

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C. Uses Subject to Administrative Review. In the RRI Zone, the following uses and their accessory uses may be permitted outright ~~with a Zoning Permit through the Site Plan Review process provided in MCZO 4.166,~~ and subject to the provisions of this Section if determined by the Planning Director to satisfy the applicable criteria and provisions of law. ~~Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). Authorization of these uses does constitute a land use decision pursuant to ORS 197.015(10).~~ Notice and an opportunity for a hearing must be provided in the manner described in ORS 215.416. These uses may be referred to the Planning Commission for review if deemed appropriate by the Planning Director.

...

D. Conditional Uses. In the RRI Zone, the following uses and their accessory uses may be permitted if determined by the Planning Commission during a public hearing to satisfy the applicable criteria and provisions of law. ~~Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).~~ The appropriate review criteria are identified for each use.

Commented [DG8]: Code requires all CUP decisions to go to PC. Do we want to change this? Other references to CUPs being PC decisions are highlighted throughout.
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1. Operations conducted for the mining, stockpiling, or processing of mineral, aggregate and other mineral and other subsurface resources not to exceed 500,000 tons subject to Article 6 Conditional Uses and provisions within the Comprehensive Plan which requires a significance determination. (MC OR-1-2013)

2. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. Approval of this use is subject to the ~~standards and review~~ criteria of MCZO Section 3.010 Subsection D, and any other applicable criteria or provisions of law.

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Commented [DG9]: References standards in the EFU zone.

3. Commercial utility facilities for the purpose of generating power for public use by sale. Approval of this use is subject to the ~~review standards and~~ criteria of MCZO Section 3.010 Subsection D, and any other applicable criteria or provisions of law.

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4. Operations for the extraction and bottling of water. Approval of this use is subject to the ~~review standards and~~ criteria of MCZO Section 3.010 Subsection D, and any other applicable criteria or provisions of law.

5. Utility facilities necessary for public service subject to the provisions of ORS 215.275 and OAR 660-033-0130(16). No local legislative criteria shall be applied for consideration of establishing a utility facility necessary for public service.

6. Composting facilities for which a permit has been granted by the Department of

Environmental Quality under ORS 459.245 and OAR 340-096-0020. Approval of this use is subject to the ~~standards and review~~ criteria of MCZO Section 3.010 Subsection D, and any other applicable criteria or provisions of law.

7. The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU Zone pursuant to the provisions of ORS 215.283(1)(Y) and ORS 215.246 to 215.251.

SECTION 3.020. FOREST USE, FU ZONE

...

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. ~~Uses subject to specific standards identified in Subsections D-F shall be reviewed through the Site Plan Review process provided in MCZO 4.166.~~

Commented [DG10]: Option: Separate out those uses allowed outright and uses subject to administrative review, similar to RRI and other zones.

SECTION 3.051 SUBURBAN RESIDENTIAL 2A ZONE (SR-2A)

- A. Procedures: All uses in a SR-2A Zone require zoning permit approval in accordance with MCZO 4.165 ~~submittal of a precise plot plan, zoning sign off, building, siting, and state permits as they apply.~~

SECTION 3.061 TOURIST COMMERCIAL (TC)

- B. Uses: Permitted and Conditional
The following ~~outright and accessory~~ uses and activities and their accessory buildings and uses are permitted outright, subject to Zoning Permit Approval in accordance with Section 4.165 ~~will be permitted utilizing the Site Plan Review criteria found in Article 4 Section 4.165, unless criteria-based Site Development Plan Review is required as outlined in Article 4 Section 4.16670.~~ Uses shall also meet the applicable development standards of ~~this~~ Section and other parts of Article 4.

Conditional uses will be required to meet the applicable criteria in Article 4 and Article 6 Sections 6.020, 6.030 and 6.050. ~~All~~ Conditional Use Permits are subject to Planning Commission Review and approval.

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SECTION 3.070. GENERAL INDUSTRIAL ZONE, MG.

- 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~~ required unless it is subject to Site Plan Review in accordance with MCZO 4.166, and projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site

~~Development Review).~~

15. Utility ~~facilities necessary for public service, except for,~~ utility, transmission and communications towers ~~greater less~~ than 200 feet in height.

16. Data center

SECTION 3.072. SPACE AGE INDUSTRIAL ZONE, SAI

B. PROCEDURES. ~~Lands shown to be zoned SAI are, prior to development, subject to submittal of a detailed plot plan and with reasonable particularity the intended use, activities, structures and facilities to be built.~~ As in the case of all zones, a ~~Z~~ zoning Permit sign-off is required prior to the issuance of building permits. Facilities proposed adjacent to or near an airport may be subject to Article 3 Sections 3.090 Airport Approach Zone and 3.091 Airport Hazard Zone as found in this Zoning Ordinance. Additionally, structures constructed 100 feet or taller are subject to notice to the Department of Defense and the Oregon Military Department relative to impacts to the restricted airspace.

C. The following uses are ~~allowed without a Zoning Permit~~ permitted outright.

1. Farm use as defined in Article 1 Section 1.030 Definitions of this Zoning Ordinance. (MC-C-6-96)
2. Utility facility service lines, including accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.
3. Mining less than 5,000 cubic yards of aggregate material or excavation of less than one acre of land conducted annually. (MC OR-1-2013)
4. Excavations by the landowner or tenant on the landowner or tenant's property for the purpose of operations reasonably necessary for 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 being excavated reasonably necessary for farming. (MC OR-1-2013)

D. ~~The following uses are allowed, but allowed, subject to Site Plan require ministerial R-review authorization, and a Zoning Permit. If a use occupies 100 or more acres Site Development Review shall be required as outlined in Article 4 Supplementary Provisions Section 4.170 Site Development Review. Other provisions of standards in Article 4 Supplementary Provisions may apply at the time the Zoning Permit is issued must be met for Site Plan Review approval.~~

1. Buildings and structures (above and below ground) used for space age technology research and development.

Commented [DG11]: Request from UEC to provide clarity. More consistent use of "utility facility" and related language is necessary throughout the code.

Commented [DG12]: Allowed outright. Only data centers that exceed the trip threshold or otherwise meet Administrative thresholds require SPR, others only require a zoning permit.

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Commented [DG13]: This is the only zone that identifies uses that are allowed without a Zoning Permit. I am not sure how we would regulate the location or limits of the activities without any permitting process required, so I propose that we require a ministerial zoning permit for these uses, and SPR for the more intensive/discretionary uses in D.

Commented [DG14]: Legally, we cannot permit many of these uses ministerially.

2. Aerospace Aircraft and space vehicle testing and related research products.
3. Propulsion testing which includes commercial engines, transatmospheric space plane, remote piloted vehicle, missiles or other space age related vehicles.
4. Electronic, laser and microwave research activities.
5. Contained shock testing.
6. Fire fighting equipment and facilities.
7. Support facilities for on-site staff.
8. Mining operation on existing sites.
9. Utility facilities necessary for public service, but not commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height.
 - a. Utility facilities necessary for public service proposed in the Space Age Industrial Use Zone will need to meet the criteria found in Oregon Revised Statute 215.275.
 - b. ~~The acreage included in the analysis to require Site Development Review would be disturbed, constructed surfaces and parking areas.~~
 - c. A reclamation plan is required for non-agricultural lands affected by a utility facility necessary for public service.

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 Accessory uses and structures activities are permitted within the scope of where subordinate to the~~ allowed uses outlined below. ~~Port Industrial projects utilizing more than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). (MC OR-2014-1)~~

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.~~

Commented [DG15]: Carry over from previous code inadvertently.
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Commented [DG16]: Define land-intensive or remove.

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 Plan~~ Review is ~~required~~ 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 Center.
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.

Commented [DG17]: Allowed outright. Only data centers that exceed the trip threshold or otherwise meet Administrative thresholds require SPR, others only require a zoning permit.

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SECTION 3.075 RURAL LIGHT INDUSTRIAL ZONE, RLI

B. The following uses, with accessory uses, will be permitted ~~utilizing through the Site Plan Review criteria~~ Zoning Permit process found in Article 4 Section 4.165, unless ~~criteria-based Site Development Plan~~ Review is required as outlined in Article 4 Section 4.166-79. Uses shall also meet the applicable development standards listed in other parts of Article 4.

Uses permitted conditionally will be required to meet the applicable criteria in Article 6 Sections 6.020, 6.030 and Article 4. Additional criteria may be found in Section 6.050. All Conditional Use Permits are subject to Planning Commission review and approval.

...
C. DEVELOPMENT STANDARDS

All uses authorized by this Article and Section may be subject to certain additional permit, process and property development standards that are contained elsewhere in the Morrow County Zoning Ordinance, the Morrow County Transportation System Plan, or other applicable County Ordinances, ~~or identified below.~~

~~1. Site Plan Review.~~

~~Article 4 Section 4.165 is a ministerial review required of all development less than 100 acres in this zone.~~

Commented [DG18]: These are standard permit processes, not development standards.

~~2. Site Development Review.~~

~~Article 4 Section 4.170 is a Planning Commission review required of all development more than 100 acres, or it can be required by the Planning Commission for Conditional Use approvals of less than 100 acres.~~

3. Transportation Impact Analysis.

In addition to the other standards and conditions set forth in this section or in Article 4, a Traffic Impact Analysis will be required for all projects generating more than 400 new daily trips. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 daily trips. The Morrow County Transportation System Plan, specifically Appendix D Traffic Impact Analysis Guidelines, provides the necessary information for a Transportation Impact Analysis to be completed.

4. Access and Parking

Article 4 provides information concerning access and parking requirements.

Commented [DG19]: Not necessary. Also not a development standard.

~~5. Exceptions.~~

~~Exceptions to this Section can only be considered using the criteria found in Article 5 of this Zoning Ordinance.~~

Commented [DG20]: No longer exists.

6. Variances.

Variances to this Section can only be considered using the criteria found in Article 7 of this Zoning Ordinance.

Commented [DG21]: Not necessary. Also not a development standard.

7. Airport Approach and Hazard Overlay Zones.

If the proposed use is located near an airport in Morrow County with an approved Airport Master Plan, provisions of the Airport Approach or Hazard Overlay Zone may

apply.

Commented [DG22]: Not necessary or clear. Also not a development standard.

8. Landscaping and Screening.

Properties bordering Tourist Commercial or Residential Zones need to have in place a minimum 8-foot-tall site obscuring fence or landscaping to reduce or eliminate visual impacts of such design that the visual impact is reduced or eliminated. No other specific landscaping or screening is required in this zone.

Commented [DG23]: Not clear and objective.

9. Minimum lot size and frontage.

The minimum lot size in the RLI zone is two acres. A minimum lot size has not been determined for this zone, 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. Shared accesses will be encouraged.

Commented [DG24]: Zones that have subjective/unclear standards for lot size can't be reviewed ministerially. Why not make an objective 2-acre lot size? Variances can be considered if necessary.

10. Setbacks.

No specific side or rear yard setbacks are identified within this zone, but may be dictated by provisions of the Building Code or other siting requirements. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower-class streets the minimum setback shall be 20 feet.

11. Signs.

Signs installed in this zone will need to meet the requirements of Article 4 Section 4.070 Sign Limitations and Regulations.

12. Building height.

The height of the maximum building height is needs to be less than 45 feet or three stories, whichever is more restrictive. Variances may be considered in accordance with MCZO 7.200 if unless the applicant can provide proof from the providing fire district that services can be provided in the event of an emergency.

SECTION 3.076 AIRPORT LIGHT INDUSTRIAL ZONE, ALI

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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 with their accessory uses, will be permitted through the Zoning Permit process found in Article 4 Section 4.165, unless Site Plan Review is required as outlined in Article 4 Section 4.166. Uses shall also meet the applicable development standards listed in other parts of Article 4.:-~~

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1. All uses permitted outright in the Air/Industrial Park Zone, AI.
2. Data Center, ~~subject to Site Plan Review (MCZO 4.166).-~~
3. Storage buildings and warehouses.
4. Utility structures.

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~~C.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, ~~These uses shall be permitted as a Land Use Decision through the Site Plan Review process (MCZO 4.166). Other standards in Article 4 Supplementary Provisions must be met for Site Plan Review approval.~~

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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.

~~D.E.~~ Dimensional Requirements. In the ALI zone, the following dimensional standards shall apply:

1. Minimum lot size. No limitation.
2. Minimum lot coverage. No limitation.

3. Minimum lot frontage. Minimum lot frontage shall be 300 feet on an arterial or collector street and 200 feet on a local street.
4. Minimum setbacks.
 - a. Front yard setbacks. The minimum front yard setback between a structure and a street right-of-way shall be 50 feet for an arterial street, 30 feet for a collector street, and 20 feet for a local street. Structures on corner lots shall observe the minimum front yard setback for both streets.
 - b. Side and rear yard setbacks. There is no side or rear yard setback except as may be required by the Building Code or other siting requirements. Where so required, the requirements may be waived on common lot lines when adjoining lot owners enter into a joint agreement for coordinating vehicular access and parking. Party wall or adjoining building walls must meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the Port of Morrow as to form and content and recorded in the Morrow County Clerk's office, and a copy must be provided to the Planning Department.
 - c. Railroad spur. There is no structure setback from a railroad spur where the spur will be utilized by the permitted use. Otherwise the setback shall be 20 feet.
5. Maximum building height: No maximum height. However, no structure shall be allowed to penetrate an airport imaginary surface.

E.F. Transportation Impacts. Upon request by ODOT or Morrow County, a Traffic Impact Analysis (TIA) shall be required when projects on lands zoned ALI, cumulatively, have generated more than 400 passenger car equivalent trips per day on the local street network. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. The TIA shall include: daily vehicle trips generated by existing projects and projects that are reasonably likely to occur within the ALI zone during the planning period, peak hour trip distribution at affected intersections, analysis of compliance with applicable roadway performance standards, recommended mitigation measures necessary to achieve or retain compliance with applicable roadway performance standards, and identification of triggers addressing the timing of future mitigation.

SECTION 3.090. AIRPORT APPROACH ZONE, AA. The AA Zone is an overlay zone intended to restrict development in the vicinity of an airport. At the Lexington Airport, the AA Zone is the area identified on the March 2001 ALP Map as "Approach Surface." In an AA Zone, the following regulations shall apply:

- A. Uses Permitted Outright. In an AA Zone, the following uses and their accessory uses are permitted outright. Uses proposed within the AA zone require notification to

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the Oregon Department of Aviation (ODAV) and shall be permitted as a Land Use Decision through the Site Plan Review process provided in MCZO 4.166.

1. Airport, including hangers, control facilities, aircraft maintenance and repair, and similar aircraft related commercial uses.
2. Farm use, excluding commercial livestock feed lot, livestock sales yard and excepting those uses set forth in subsection (2) of this section.

SECTION 3.091. AIRPORT HAZARD ZONE, AH

SECTION 3.091. PURPOSE. A zone regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Lexington public use airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the land use plan and approach clear zone plan (zoning maps) which are incorporated in and made a part of this ordinance; providing for enforcement; and imposing penalties.

E(2). Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Morrow County ~~Court~~Board of Commissioners, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of the public use airport.

...
G. Enforcement. It shall be the duty of Morrow County ~~Court~~Board of Commissioners to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the respective jurisdictions upon a form furnished by them. Applications required by this Section to be submitted to the agency of Morrow County ~~Court~~Board of Commissioners shall be promptly considered and granted or denied by them. Application for action by the County Planning Commission shall be forthwith transmitted by the respective jurisdictions.

Commented [DG25]: What does this mean?

SECTION 3.092 AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE, ASC.

...

- I. Nonconforming Uses.
 1. The regulations prescribed by this Zone shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure that was

approved under the requirements of the previous Airport Approach or Airport Hazard zones, including those approvals that expired or that became void. Such approvals are hereby validated as consistent with this Airport Safety and Compatibility Overlay and no further approval is required under the terms of the zoning ordinance.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Morrow County ~~Court~~Board of Commissioners, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the owner of the public use airport.

SECTION 3.100. FLOOD HAZARD OVERLAY ZONE, FP.

...

4.4 Variance Procedure

4.4-1 Appeal Board

(1) The Morrow County Planning Commission as established by Morrow County shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Morrow County Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the Morrow County ~~Court~~Board of Commissioners, as provided in the Morrow County Zoning Ordinance.

(4) In passing upon such applications, the Planning Commission and the Morrow County ~~Court~~Board of Commissioners shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) The danger that materials may be swept onto other lands to the injury of others;
- (ii) The danger to life and property due to flooding or erosion damage;
- (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) The importance of the services provided by the proposed facility to the community;
- (v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(ix) The safety of access to the property in times of flood or for ordinary and emergency vehicles;

(x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the Planning Commission or the Morrow County ~~Court~~ Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

SECTION 3.130 SPEEDWAY LIMITED USE OVERLAY ZONE (SO)

F. Review and Enforcement

1. Applications for site development review shall be reviewed by the Planning Commission in the manner provided by ORS Chapter 197 for land use decisions following review and recommendation by the Planning Director. Public notice and an opportunity for hearing shall be provided in the manner provided by ORS Chapter 197 for land use decisions.

a. In addition to the public notice described above, timely notice of public hearing also shall be mailed to ODOT and the Federal Highway Administration if the Planning Director determines that the use may impact state or federal transportation facilities, and to the Oregon Department of Aviation and Federal Aviation Administration if the use is located within 5000 feet of a runway or approach surface of a public use airport.

b. The decision of the Planning Commission may be appealed to the County ~~Court~~ Board of Commissioners in the manner provided in Article 9, Section 9.030 of the Morrow County Zoning Ordinance.

Commented [DG26]: Consider removing this zone entirely.

Commented [DG27]: Retaining Site Development Review only under the SO zone

ARTICLE 4. SUPPLEMENTARY PROVISIONS

SECTION 4.010 ACCESS.

...
 H. Access Spacing Requirements for Development Accessing County Facilities. All developments shall have legal access to a County or public road. Except for interim access as provided in Section 4.010 ~~H-1~~ [Interim Access], access onto any County road in the

Commented [DG28]: Doesn't have to be with this code update, but eventually I think it makes the most sense to separate Article 4 for the general standards for all zones (access, parking, etc.) and moving the administrative provisions for processing SPR, Zoning Permits, etc. to Art. 9.

unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 4.010.

For County roadways designated as major collector or arterial in the Transportation System Plan, the standards in Table 4.010-2 apply for intersections created by a new public roadway, new private roadway or new private driveway. For County roadways designated as minor collectors or local access roads, intersections created by a new public roadway, new private roadway or new private driveway shall meet minimum County traffic safety and operational requirements, including sight distance, as determined by the County Engineer.

TABLE 4.010-2
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY ROADWAYS

Classification	Access -Spacing Standards for Public or Private Access (ft)		
	Public Roadway	Private Roadway	Private Driveway ^a
Arterial	600	600	300
Collector	300	300	100
Local	200	200	Access to each lot

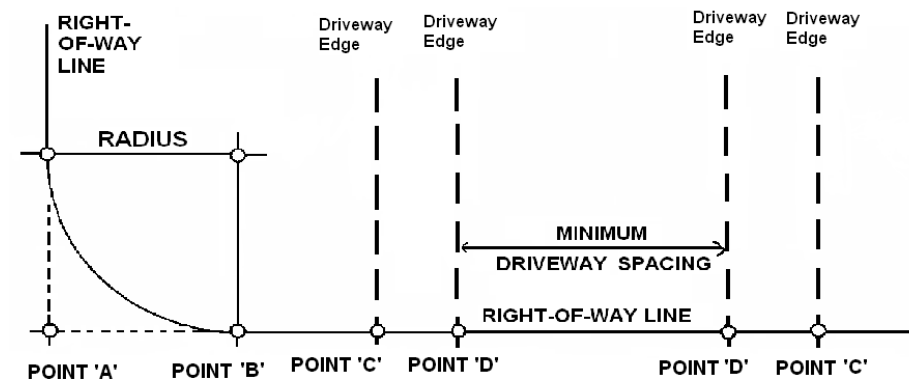
a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards in Table 4.010-1 in this section.

No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 4.010.H (Interim Access). Access spacing shall be measured from existing or approved accesses on either side of a street or road. Measurements shall be made from easement or right-of-way line to easement or right-of-way line. (See following access diagram where R/W = Right-of-Way; P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines, and 'C' and 'D' = each side of adjacent accesses to private property.

1. All minimum distances stated in the following sections shall be governed by sight distance requirements according to this Ordinance and applicable County Road Standards.
2. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
3. The minimum curb radius shown in the diagram below (i.e., distance from Point "A" to Point "B") shall be 15 feet. In areas zoned for industrial uses, the minimum curb radius shall be 30 feet. At intersections between facilities classified as major collector, arterial or highway, any new or modified intersection shall be designed to accommodate a WB-50 Semitrailer Design Vehicle. If either route is designated by the County as a truck route, the intersection shall be designed to accommodate a WB-65 Interstate Semitrailer Design Vehicle. The curb alignment shall be designed

so that the design vehicle can complete a right turn without entering a lane used by opposing traffic.

4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
5. Minimum spacing between driveways shall be measured from Point "D" to Point "D" as shown below (i.e., the edges of adjacent driveways closest to each other).
6. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located beyond the back of any left turn refuge either existing on the affected road or required to accommodate the proposed development. This requirement may result in an access spacing greater than one hundred (100) feet in the case of a collector, or 300 feet in the case of an arterial.
7. Access onto local roads will not be permitted within ten (10) feet of Point "B" as shown below. If no radius exists, access will not be permitted within twenty-five (25) feet of Point "A".
8. Access onto collector roads will not be permitted within fifty (50) feet of Point "B" as shown below. If no radius exists, access will not be permitted within sixty-five (65) feet of Point "A". Where a common or shared access is available it shall be used, provided that such use will not result in operational or safety problems. Minimum spacing between driveways shall be one-hundred (100) feet.
9. Direct access to an arterial will be permitted provided that Point 'C' of such access is more than three hundred (300) feet from any intersection Point 'A' or other access to that minor arterial.



I. Interim Access onto County Facilities. No development with sole access onto a County arterial or major collector shall be denied based only on an inability to provide an access that meets applicable access spacing standards. In such an event, the use may be issued

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an interim access permit which shall expire when access as required under this Ordinance becomes available. An interim access permit may be granted based upon the following:

1. The site is situated such that adequate access cannot otherwise be provided in accord with the access spacing requirements of this Code.
2. The interim access shall meet minimum County traffic safety and operational requirements, including sight distance.
3. Alternate access shall **not** be deemed adequate and connections to alternate access shall **not** be required if the resulting route of access would require a trip in excess of one (1) block or five-hundred (500) feet out of direction (whichever is less).
4. The property owner signs a consent to participate agreement for the formation of a Local Improvement District or similar financing mechanism for the primary purpose of constructing a public road or right-of-way providing access to the arterial or collector road; such access shall meet the minimum applicable County standard.
6. The property owner records an agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.
7. The property owner records an agreement to abandon use of the existing private access way when an adequate alternative access becomes available.

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.

7-8.

SECTION 4.020. SIGHT DISTANCE.

...

B. Accesses Exempt from Sight Distance Requirements. Accesses for the following development actions are exempt from the Sight Distance standards (Section 4.020.A), but are subject to improvements to maximize sight distance to the extent practicable by the Morrow County Public Works Department County Operations Division through an Access Permit or Right-of-way Permit:

1. Replacement dwellings;
2. Nonbuildable parcels;
3. Applications for one dwelling on an existing vacant parcel;
4. Home Occupation applications that don't include the construction or placement of new structures in the EFU, FU, SF-40, FR-2 and RR-1 zones; or

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- 5. Applications which will not add additional vehicle trips to an existing access which does not meet the sight distance standards.

SECTION 4.035 PERMIT REQUIREMENTS FOR LAND USE DEVELOPMENT. Except where otherwise noted, all proposed projects should meet the following Plot Plan Site Plan Requirements as described in Table 4.035-1 below. A common threshold for a TIA (traffic impact analysis) applying to all types of development is 400 daily trips (e.g., 40 houses). Trip generation should be estimated using the current edition of **Trip Generation** by the Institute of Transportation Engineers, other similar published resources, or actual driveway counts of similar land uses. The County Planning Commission, County Planning Director or County Public Works Director or designee may require a TIA for any level of development. TIA requirements are described in the Transportation System Plan Appendix C.

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Table 4.035-1
PERMIT REQUIREMENTS BY TYPE OF LAND USE DEVELOPMENT

<u>Application</u>	<u>Permit Type</u>	<u>Review Authority</u>
<u>Code/Plan Amendment</u>	<u>Legislative</u>	<u>Board of Commissioners</u>
<u>Conditional Use Permit</u>	<u>Quasi-Judicial</u>	<u>Planning Commission</u>
<u>Major Variance</u>	<u>Quasi-Judicial</u>	<u>Planning Commission</u>
<u>Subdivision Tentative Plan</u>	<u>Quasi-Judicial</u>	<u>Planning Commission</u>
<u>Administrative Review</u>	<u>Administrative</u>	<u>Staff</u>
<u>Land Partition/Replat</u>	<u>Administrative</u>	<u>Staff, with notice provided</u>
<u>Property Line Adjustment</u>	<u>Administrative</u>	<u>Staff, with notice provided</u>
<u>Minor Variance</u>	<u>Administrative</u>	<u>Staff, with notice provided</u>
<u>Site Plan Review</u>	<u>Administrative</u>	<u>Staff, with notice provided</u>
<u>Temporary Use Permit</u>	<u>Administrative</u>	<u>Staff, with notice provided</u>
<u>Temporary Hardship Variance</u>	<u>Administrative</u>	<u>Staff, with notice provided</u>
<u>Zoning Permit</u>	<u>Ministerial</u>	<u>Staff</u>
<u>Occupancy Permit</u>	<u>Ministerial</u>	<u>Staff</u>
<u>Land Use Compatibility Statement</u>	<u>Ministerial</u>	<u>Staff</u>
<u>Final Plat</u>	<u>Ministerial</u>	<u>Staff</u>

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SECTION 4.045. BICYCLE PARKING REQUIREMENT.

This chapter also provides standards for bicycle parking, because children as well as adults need safe and adequate spaces to park their bicycles throughout the community. All uses subject to Design-Site Plan Review that are located within an Urban Growth Boundary shall provide bicycle parking in conformance with the following guidelines. Uses outside an Urban Growth Boundary are encouraged to provide bicycle parking based on these guidelines.

SECTION 4.070. SIGN LIMITATIONS AND REGULATIONS.

...

I. Residents may request specific cautionary signage for individual resident(s) to be installed within County right-of-way. All costs including materials, installation, maintenance, and removal, shall be borne by the requestor, and shall otherwise conform with Morrow County Policy M-43674.

SECTION 4.110. MINIMUM STANDARDS FOR A MANUFACTURED HOME ON INDIVIDUAL LOTS OR PARCELS AS A SINGLE-FAMILY DWELLING.

...

A(5). 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~~Board of Commissioners.

B(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~~ Board of Commissioners.

SECTION 4.120 ACCESSORY STRUCTURES

- A. Accessory structures greater than 100 square feet must receive Zoning Permit approval prior to construction or placement.
- B. Shipping Containers. Shipping Containers may be used as accessory structures for on-site storage where they would otherwise comply with the applicable development standards identified in the underlying zone, subject to the following requirements:
 1. No more than two (2) shipping containers may be allowed on a single lot.
 2. Shipping containers shall not be used for human or animal habitation.
 3. Shipping containers shall be painted to visually conform with the surrounding local environment, including the concealment of any company logos and/or container nomenclature.
 4. Any improvements or modifications made to these containers must conform to all local and state building codes.

SECTION 4.160 STANDARDS FOR TRANSPORTATION IMPROVEMENTS. The intent of

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these provisions is to provide clear directions and guidelines when considering installation of transportation facilities in Morrow County.

A. Although some zone designations may address certain uses listed below, these provisions generally apply to all zones in the County. Thus, except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation of existing transportation facilities (roadways, bridges, etc.) including the use of stockpile sites in support of operation, maintenance, repair and preservation. (MC OR-1-2013)
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of the right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
8. Establishment or continuation of no spray zones on private property.
9. Cattle guards to be installed per Morrow County Court Policy M-43673.
10. Pavement aprons to be installed at intersections of gravel roads or driveways with paved roads per Morrow County Court Resolution R-29-2000.
11. Any excavation within Morrow County right-of-way shall conform to Morrow County Ordinance MC-PW-1-81, the Road and Street Excavation Ordinance.

B. Uses Permitted by Conditional Use Permit.

1. Construction, major reconstruction, or widening of highways, roads, bridges, or other transportation projects that are not designed and constructed as part of a subdivision or planned development shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

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- a. The project is designed to be compatible with existing land use patterns, noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Transportation Element of the Comprehensive Plan and other requirements of this Ordinance.
2. Construction of rest areas, weigh stations, temporary aggregate storage, and aggregate processing sites.
 3. If review under this Section indicates that the use or activity is inconsistent with the Transportation Element of the Comprehensive Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.

C. Private Streets Outside an Urban Growth Boundary. All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

1. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance or advance warning signage or other devices may be required where known safety hazards exist.
2. For each private street, there shall be a legal recorded document which includes:
 - a. A legal description of the proposed easement;
 - b. Ownership of the street;
 - c. Use rights; and
 - d. A maintenance and construction agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance.
3. Where drainage conditions require it, a private street shall be ditched in conformance with the County Road Standards.
4. Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
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 ZONING PERMITSITE-PLAN-REVIEW

~~Site Plan Review~~A Zoning Permit is a non-discretionary or “ministerial” review conducted without public notice or 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. A Zoning Permit is required prior to the construction, reconstruction, or alteration of any structure larger than 100 square feet or for any change of use, or establishment of a new use that is allowed outright in the underlying zone. A zoning permit shall become void after 1 year unless the associated building permit has been approved or, if a building permit is not required, the approved 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. Zoning Permits are intended to implement the clear and objective standards of the MCZO. A Zoning Permit is not intended to be a Land Use Decision as defined in ORS 197.015. Where subjective analysis is required, the Director may elect to process any Zoning Permit application through the Administrative Review process provided in MCZO Article 9.~~

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A. Purpose. ~~The purpose of Site Plan Review (ministerial review) is based on The purpose of Zoning Permit review is to~~clear and objective standards and ensures compliance with the ~~basic development~~clear and objective standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions, ~~and to verify that conditions of approval have been met for development that has received prior land use approval. 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 a Zoning Permit ~~its~~ application ~~for site plan review~~, the applicant shall ~~may~~ confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.

C. Applicability. ~~Site Plan Review~~Zoning Permit Approval shall be required ~~for all~~ prior to the construction, reconstruction, or alteration of any structure larger than 100 square feet or for any change of use or establishment of a new use that is allowed outright in the underlying zone. ~~land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. When Site Plan Review or Conditional Use Permit approval has been granted, a subsequent Zoning Permit is required to confirm that the following standards, and any conditions of approval, are met prior to building permit approval. 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~~Zoning Permit approval, or if development of the site is in violation of the approved plan or other applicable codes.

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D. Review- ~~Standards~~Criteria.

1. ~~The lot area shall be adequate to meet the needs of the establishment.~~

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- 2-1. The proposed land use is ~~permitted by the~~ a use allowed outright in underlying land use district.
- 3-2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable development standards of the underlying ~~land use district~~zone and any ~~sub-district(s)~~overlay zone(s) are met. ~~Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordnce.~~
- 4. ~~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.~~
- 5-3. 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 p~~ Pedestrian access to off-street parking areas ~~also shall be provided as applicable.~~
- 6. ~~County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.~~
- 7. ~~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.~~
- 8. ~~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.~~
- 9-4. The applicant shall ~~determine if compliance is required with~~ have received all necessary permits or authorizations required by Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality ~~designations~~requirements, if applicable.
- 10-5. The ~~applicant site~~ shall ~~determine if previous~~ not be the subject of outstanding Code Enforcement ~~violations unless the purpose of the application is to rectify an outstanding violation.~~ have been cleared as applicable.
- 11. ~~The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.~~
- 6. The applicant shall obtain ~~the necessary any required~~ access permit(s) from through the Morrow County Public Works Department ~~as required by Morrow County Resolution R-29-2000~~ and/or Oregon Department of Transportation.
- 7. Water, sanitary sewer, wastewater, and electricity can be provided to serve the proposed development.
- 8. If a Site Plan Review, Conditional Use Permit, or other land use decision is required for the proposed development, the land use decision has been granted and all associated conditions of approval have been met.

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E. Submittal Requirements. A Zoning Permit application 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 zoning permit planssite 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, electricity, septic system, storm water facilities, etc.).
6. Proposed landscaping.
7. Exterior lighting.
8. Proposed Circulation plan for vehicles, pedestrians, and bicyclists, including existing and proposed points of access and sidewalks.
9. Parking lot layout, with circulation plan and striping details.

~~10. 40-Sign location and details.~~

~~11. A Trip Generation Estimate identifying the number of anticipated passenger car equivalent trips per day expected to access the site during regular operations.~~

~~12. Evidence that a well and septic system with adequate capacity are permitted, or can be permitted, to serve the proposed development.~~

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 criteriasubmittal requirements within ~~44~~30 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 standards criteria cannot be used to rule an application incomplete.

~~C. 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~~

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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.

Commented [DG40]: New roadway construction requires professional discretion. Suggest having any development that includes the establishment of new public/county roads receive SPR approval.

~~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

A. Purpose. Site Plan Review is an administrative review process intended to review development proposals described in subsection D of this section that would otherwise be allowed outright in the underlying zone.

B. Administrative Review. Applications processed under this section are subject to the Administrative Review process described in Section 9.046.

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

D. Applicability. Applications that require Administrative Review include:

1. Applications for uses that are subject to specific standards, limitations, or prescribed conditions identified in Article 3, Zones.
2. Applications anticipated to generate 400 passenger car equivalent trips per day, which require a Traffic Impact Analysis (TIA).
3. Applications for development outside of a City Urban Growth Boundary that rely on a municipal water or sewer source and/or require the offsite extension of utility facilities for connection.
4. Applications for development within the Airport Safety and Compatibility Overlay Zone (ASC).
5. Applications for development within the Significant Resource Overlay Zone (SRO).
6. Development within the Flood Hazard Overlay Zone (FP).
7. Applications that include dimensional adjustments or variances.
8. Applications that include new public roads.

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9. Applications that otherwise require subjective analysis or the application of discretionary review.

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E. Review Criteria. Applications processed under this section shall comply with all criteria stated in Section 4.165 of this Ordinance, as well as the following:

1. Water is or will be available to the site at a quantity and quality adequate for the proposed use, as demonstrated by complying with submittal requirements in Section F.

2. Applicant's proposed plans for sewage disposal, wastewater management, electrical services, and solid waste disposal are adequate for the proposed use, as demonstrated by complying with applicable submittal requirements in Section F.

3. Development in hazard areas identified in the Morrow County Comprehensive Plan, Natural Hazard Mitigation Plan, or Community Wildfire Protection Plan shall comply with all applicable requirements.

4. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources, if applicable.

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5. Development in flood plains shall comply with MCZO Section 3.100 Flood Hazard Overlay Zone.

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6. Development in the Airport Safety and Compatibility Overlay Zone (ASC) is compliant with the standards and notice requirements identified in Section 3.092.

7. The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately to achieve consistency with adopted County standards. County transportation facilities shall be located, designed, and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.

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F. Submittal Requirements. In addition to the submittal requirements identified in Section 4.165, applications requiring Site Plan Review must include the following, as applicable:

1. Project information including: name of project, company, and/or property owner.

2. A Trip Generation Estimate identifying the number of anticipated passenger car equivalent trips per day expected to access the site during construction and during regular operations.

3. Proposed road improvement plans and/or road use agreement, as applicable.

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4. Electric, water, and industrial wastewater services plans, including a description of any existing services and the applicant's proposal for provision of such utility services to the site. This may include a letter, notice or memorandum of understanding from the providing utility evidencing a willingness to serve the site.

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5. 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.

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6. Parking plans during construction and permanent parking plan with layout.

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7. A Traffic Impact Analysis consistent with the requirements of Section 4.035 if traffic impacts are anticipated to exceed the thresholds identified in MCZO Section 4.035.

G. **Conditions of Approval.** Site Plan Review approval may include conditions necessary to ensure compliance with the applicable review criteria. The Planning Director may require an applicant to provide traffic mitigation (or a fee-in-lieu of mitigation) as identified in or supported by the Traffic Impacts Analysis and/or County Transportation System Plan. Mitigation shall only be required to address level-of-service failures or safety concerns and must be proportionate to the anticipated traffic impact from the proposed development being reviewed. Traffic mitigation may include improvements to on- or off-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, street crossing improvements, and transit improvement plans. Required improvements (if any) shall be permitted and constructed prior to the issuance of a certificate of occupancy.

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

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ARTICLE 6. CONDITIONAL USES

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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 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.

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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.

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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 permit 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 permit 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; or
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 an~~ alteration to 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

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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.

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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. 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 site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, nor that the location will unnecessarily restrict existing and future development of surrounding lands as designated by the Comprehensive Plan.

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B. Automobile wrecking yard or junk yard: In considering a conditional use application for an automobile wrecking yard or junk yard, the Commission shall require that it be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height. If applicable, the Commission shall be assured that the proposal is in conformance with applicable State regulations.

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C. Cemeteries: The Commission shall require evidence and shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect on ground water sources or domestic water supplies in the area of the proposed use.

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D. Church, hospital, nursing home, convalescent home, retirement home:

1. Such uses may be authorized as a conditional use only after consideration of the following factors:
 - a. Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).
 - b. Location of the site relative to the service area.
 - c. Probable growth and needs therefore.
 - d. Site location relative to land uses in the vicinity.
 - e. Adequacy of access to and from principal streets together with the probable effects on the traffic volumes of abutting and nearby streets.
2. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.
3. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not

exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

E. Clinics, clubs, lodges, fraternal organizations, community centers and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Planning Commission may authorize the conditional use after assurance that the following are to be provided:

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1. Adequate access from principal streets.
2. Adequate off-street parking.
3. Adequate building and site design provisions to minimize noise and glare from the building and site.

F. Dog Pounds and Kennels: The Planning Commission may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Planning Commission may require a sight-obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

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G. Home Occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:

1. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted within the same dwelling or in an accessory building on the same property.
2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.
3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted. Applicant must show consistency with applicable sign provisions in Article 4 of this Ordinance.
4. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors.
5. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or ~~so as to~~ necessitate off-street parking.

6. Retail sales shall be limited or accessory to a service.
7. Be operated by a resident or employee of a resident of the property on which the business is located.
8. The permit allowing a home occupation shall be reviewed every 12 months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this section.
9. Employ on the site no more than five full-time or part-time persons.
10. Not unreasonably interfere with other uses permitted in the zone in which the property is located.
11. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section 3.010 and is operated in association with the winery:
 - a. The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - b. The meals may be served at the bed and breakfast facility or at the winery.

H. Landfill, solid waste disposal site: The Planning Commission may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest, and grazing dwellings or a residential zone.
3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone, and landscaping, buffering, and/or screening shall be provided.
4. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, including but not limited to requiring that the area surrounding the facility is kept free from litter and debris.
5. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
6. The county may limit hours of operation for the facility to be compatible with adjacent uses.

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7. Comply with other conditions deemed necessary.

I. Mining, or other extraction activity: The following uses shall be permitted subject to the review standards of this Ordinance: mining more than 1000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre on land zoned for Farm Use (EFU and RRI) and 5000 cubic yards in other zones (i.e. PI, MG, SAI and FU) of material, stockpiling and processing of mineral and aggregate materials. Temporary use of offices, shops or other accessory structures used for the management and maintenance of mining and processing equipment; sale of mining products extracted and processed on-site; storage of transportation equipment or storage of machinery or equipment used in conjunction with on-site mining or processing; other activities including buildings and structures necessary and accessory to development or reclamation of a mineral or aggregate resource should be part of the overall conditional permit application. (MC OR-1-2013)

General Permitting Provisions:

1. New Permit: For an application for mining to be complete an applicant must provide a map and other documentation to show the permit area boundary, property lines and other pertinent information that will address the requirements of the Approval Criteria.
2. Continuation: When a mine has been lawfully permitted in the County and the owner or operator was issued and continuously renewed a State permit, the permit will remain valid as long as the operation still conforms to the Conditions of the local and State permits. After a period of inactivity of 12 years, and the owner or operator wishes to renew mine activity, a new Zoning Permit ~~re-validation letter~~ (along with the usual Zoning Permit fee) must be submitted to the Planning Department in order to review the Conditions of Approval. Approval of this type of request is not a land use decision and shall be an administrative action by the Planning Director without a public hearing but shall be subject to an at least a minimum 14--day notice to affected landowners.
3. Alteration: Requests for permit alteration shall be made when the operator or owner proposes changes to the mining activity that no longer conform to the requirements of the original permit. For alterations if the decision does not involve an amendment to the Comprehensive Plan, it shall be an administrative decision by the Planning Director without a public hearing but shall be subject to an at least a minimum 14-day public notice period to provide an opportunity for any person adversely affected, or who is entitled to notice, to file an appeal.
4. Emergency Permits. In concurrence with a DOGAMI emergency operating permit, the Planning Director may issue an emergency aggregate mining approval in response to a natural disaster with the intent to abate the imminent threat. The permit will be valid for the duration of the concurrent DOGAMI permit. If after termination of the emergency operating permit the operator wishes to continue the mining operation, the operator shall follow the procedures for an aggregate mine approval as required in the use zone the mining operation is located in. (MC OR-1-2013)

Local Permit Approval Criteria: An application for mineral or aggregate mining must address provisions found in Article 6 Conditional Uses Section 6.020 General Criteria, Section 6.025 Resource Zone Standards for Approval when in a Farm or Forest Zone, and the following: Proposed hours and/or days of operation. The conditions as to when the mining and processing would be restricted to specific hours of operation or days when mining operations would be limited. For operations conducted after dark, limiting the location and intensity of outdoor lighting and requiring its shielding.

1. Limiting or otherwise designating the number, size, location, height, and lighting of signs. Signs other than safety signs must comply with the sign requirements in Section 4 of the Zoning Ordinance.
2. A rock crusher, washer or sorter shall not be located within 500 feet from a residential or commercial use unless it can be established that the use will meet DEQ performance standards for noise and not be expected to cause a noise nuisance at nearby residential or commercial uses. In farm or forest use zones the processing of rock, aggregate or minerals shall not be within one-half mile of a noise sensitive area if the operation operates more than nine hours per day or for more than five days per week. (ORS 467.120(2)).
3. All water necessary for the proposed operation shall be appropriated and legally available to the site.
4. The discharge of airborne contaminants and dust created by mining shall comply with applicable DEQ ambient air quality and emissions standards, or approval shall be conditioned to ensure that such standards will not be violated.
5. A Reclamation Plan approved by DOGAMI will be required for mining operations. When reviewing an applicant's submittal regarding a proposed reclamation plan, Morrow County will review the plan against the following criteria:
 - a. A description of the present land use and planned beneficial use of the site following the mining activity. The applicant must demonstrate that the planned beneficial use is compatible with the Comprehensive Plan and Zoning Ordinance.
 - b. Provisions for the backfilling, recontouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding or planting rates, and schedules;
 - c. Provisions for adequate setbacks and slopes to protect adjacent property and public safety;
 - d. A proposed time schedule for surface mining and reclamation procedures for the removal or disposal of all equipment, refuse, structures, and foundations from the permit area except permanent structures that are part of an approved Reclamation Plan.
6. In accordance with the Transportation System Plan, the requirements of the Public Works Department or the Oregon Department of Transportation shall be complied with regarding the minimization of potential conflicts to local roads

used for access and egress to the mining site.

7. Designating the size, number, location and nature of vehicle access points.
 - a. 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.
 - b. 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)
8. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way. It is the responsibility of the land-owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8- 98)
9. An application for a mining operation contiguous to an existing operation approved under this section shall be evaluated in conjunction with the existing site when it appears the sites will be managed and operated as one.
10. Ensuring adequate space for parking and loading.
11. Approvals for or that include operations that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard.(one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed).
12. A plan for the control of noxious weeds. (MC OR-1-2013)

J. Commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot in a residential zone. In any zone, permitting a commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone may be permitted as a conditional use subject to the following standards:

1. A sight-obscurer fence or evergreen hedge may be required by the Planning Commission when, in its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

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2. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise, or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.

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3. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

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K. Commercial amusement establishment. A commercial amusement establishment may be authorized after consideration of the following factors:

1. Adequacy of access from principal streets together with the probable effect of traffic volumes of abutting and nearby streets.
2. Adequacy of off-street parking.
3. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

L. Mobile Home Park. A mobile home park shall be built to state standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the Commission's approval prior to occupancy.

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1. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
2. The space provided for each mobile home shall be provided with piped potable water and electrical and sewerage connections and shall not be less than 30 feet in width nor less than 40 feet in length.
3. The number of spaces for mobile homes shall not exceed 12 for each acre of the total area in the mobile home park. Except that the Commission may vary this density as follows:
 - a. If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.
 - b. If in addition to (a) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.
 - c. If in addition to (a) and (b) an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible - 25%).
4. A mobile home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the mobile homes and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.

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5. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building or structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.

6. A mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official:

a. It shall have a state insignia indicating compliance with Oregon State Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.

b. Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the mobile home shall meet the state standards for mobile home construction evidenced by the insignia.

c. It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.

d. It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.

7. A mobile home permitted in the park shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet state standards for tie down devices.

8. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

9. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height. The fence or hedge shall be maintained in a neat appearance.

10. If the park provides spaces for 50 or more mobile home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the appropriate fire department.

11. If a mobile home space or permanent structure in a park within the Urban Growth Boundary of a city is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the affected city.

12. Open Space. A minimum of at least 2,500 square feet plus 100 square feet per mobile home space shall be provided for a recreational play area group or community activities. (No play area is required if the individual mobile home spaces contain in excess of 4,000 square feet). The Planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use.

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No recreation facility created within a mobile home park wholly to satisfy the requirements of this section shall be open to, or offered in itself to, the general public.

13. Parking space requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall also be provided in every mobile home park within 200 feet of the mobile home spaces and at a ratio of one parking space for each two mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

14. All mobile home parks over 10 acres in size shall be located so as to have access on a street designated as a collector street.

15. All trailer parks containing a total site area of 20 acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.

16. Lighting shall be installed along the access ways of the trailer park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wire for service to light poles and trailer spaces shall be underground.

17. Roadways within the park shall be improved with an all-weather dustless surface and shall not be less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two spaces in the park).

18. No mobile home park shall be created on a site less than one acre.

M. Multi-Family Dwelling Complex. A multi-family dwelling complex shall comply with the following provisions, and any additional conditions set forth in the Commission's approval, and shall be constructed pursuant thereto prior to occupancy.

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1. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:

- a. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum 10% increase in the number of units may be granted.

b. If in addition to (a) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased 5%.

c. If in addition to (a) and (b) an approved recreational community building is provided, an additional 10% increase of units may be granted. (Maximum total increase possible is 25%).

2. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.

3. If such a complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the affected way.

4. A minimum of at least 2,500 square feet plus 100 square feet per dwelling unit shall be provided for a recreational play area, group or community activities. Such area shall be improved with grass, plantings, surfacing, equipment or buildings suitable for recreational use. The Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent. (No play area is required if more than 70% of the area is preserved as open space and is sufficiently developed and landscaped, or the development is to be occupied solely by the elderly.

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5. All such complexes with more than 20 dwelling units shall be located so as to have access on a street designated as a collector unless otherwise approved by the Commission.

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6. All such complexes shall provide both an ingress and egress.

7. All roadways and parking areas shall be paved, and roadways shall not be less than 20 feet in width, except as approved by the Commission.

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8. A sight-obscuring fence or evergreen hedge may be required by the Commission when, in its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.

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9. All accessory structures associated with such a complex shall be set back 50 feet from the property line of an abutting single-family residential lot or use.

N. Recreational Vehicle Park (RV Park). A recreational vehicle park shall be built to state building code and public health standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the Commission's approval prior to occupancy. RV Parks constructed or operated on resource land to address temporary workforce housing needs shall conform with Oregon Administrative Rule.

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1. Roadways shall be not less than 30 feet in width if parking is permitted on the

margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway.

2. Roadways shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each RV space.

3. Trash receptacles for the disposal of solid waste materials shall be provided at a rate of one 30 gallon container for each four RV spaces and be located within 300 feet of each RV space.

4. Recreational Vehicles may be permitted to stay in RV Parks indefinitely provided that the following conditions are met:

a. It is lawfully connected to water and electrical supply systems and a sewage disposal system.

b. Winterizing and skirting shall be required.

c. There shall be no outdoor storage.

d. Occupancy of each RV shall not exceed the number of persons for which the RV was designed and manufactured.

e. A copy of the park rules shall be submitted by the park owner and kept on file in the Planning Department. (MC-C-1-01)

5. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park shall be equal to one space per RV space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

O. Radio, television tower, utility station or substation:

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

2. The use may be required to be fenced and provided with landscaping.

3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.

4. Transmission towers, hoses, overhead wires, plumbing stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

P. Vehicle Repair, Truck Stop, Truck Depot

Q. Venue for events or activities

SECTION 6.060. PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.

The procedure for taking action on a conditional use application shall follow the procedures outlined in Article 9 and as further defined below:

A. A property owner may initiate a request for a conditional use by filing an application with the Planning Department, using forms prescribed pursuant to Article 9. Applications shall be filed with the Planning Department at least 35 days prior to the Planning Commission meeting of submittal thereto.

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B. If an application for a conditional use involves property and a use located within the Urban Growth Boundary of an incorporated city the Joint Management Agreement in place with that city will govern. (MC OR-1-2013)

SECTION 6.070. TIME LIMIT TO INITIATE A CONDITIONAL USE.

A. On land zoned for Farm Use or Forest Use a conditional use permit is valid for two years from the date of the final decision. The County may grant ministerially where applicable criteria for the decision have not changed an extension period of up to 12 months on land zoned for Farm Use or Forest Use if:

1. An applicant makes a written request for an extension of the development approval period;
2. The request is submitted to the county prior to the expiration of the approval period;
- ~~2-3. Provisions of the County Code applicable to the original approval have not changed.~~
- ~~3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and~~
- ~~4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.~~

B. Non-Farm Dwelling and Forest Template Dwelling permits are valid for four years and an extension, when requested using the provisions above, is valid for two years.

C. On land zoned other than Farm or Forest Use, a conditional use is valid for two years. In the case of appeals, the two-year permit period shall be tolled until a decision by a review authority with final jurisdiction is made that is not appealed.

An additional one-year extensions may be authorized by county staff without providing notice and opportunity for a hearing under the following conditions:

1. An applicant makes a written request for an extension of the development approval period;
2. The request is submitted to the county prior to the expiration of the approval period, excepting any request under consideration on the date of adoption of this amendment;
- ~~2-3. Provisions of the County Code applicable to the original approval have not changed.~~
- ~~3. The applicant states reasons that prevented the applicant from beginning~~

- ~~or continuing development within the approval period; and~~
- ~~4. The county finds that any of the following conditions occurred within the approval period:~~
- ~~a. State or Federal permits were applied for, but not issued within the approval period.~~
 - ~~b. At least 10 percent of the cost of development, based on estimated or actual expenditures, has been expended to develop plans, file for permits, and complete other preliminary designs such as sewage disposal, provision of potable water, storm water management and other engineering designs necessary for the development.~~
 - ~~c. Provisions of the County Code applicable to the original approval have not changed.~~

D. Approval of an extension granted under this Section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

E. The time periods described above do not take effect until all appeals are complete. (MC OR-1-2013)

E-F. A Zoning Permit is required prior to building permit approval for all structures approved through the Conditional Use Permit process. A Conditional Use Permit is vested when an associated Zoning Permit has been approved for the development.

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SECTION 6.075. LENGTH OF PERMITS, PERMIT HOLDER, RENEWAL AND REVOCATION.

A. Length of Permit and Permit Holder: The County may evaluate how long a particular conditional use is expected to remain valid. Some conditional uses may be considered "permanent" as a fully developed use that "runs with the land" and it attaches to and benefits the land and is not limited to a particular landowner. The County may require the owner of the original conditional use permit to record the permitted use on the deed record. The permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

A conditional use permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the conditional use permit no longer exists. Upon termination of the use, the land must be in a condition that it may be re-developed in compliance with its current zoning designation. The County may authorize a conditional use permit until a particular date, for a stated period of time, or until the occurrence of a particular event. Additionally, the County may stipulate that a Conditional Use Permit will be reviewed or renewable after a stated time period.

B. Reviews and Renewals. If a review or renewal date is included as a condition by which a conditional use permit is granted, initial review would be ministerial and completed by the Planning Director. The holder of the conditional use permit will be required to make application and pay the requisite fee for review. The review would evaluate the permit conditions and adherence to them, determine if any changes had taken place with the uses allowed in the zone, and determine whether any complaints had been logged concerning the property or the conditional use. If any

concerns arise further review will take place at a public hearing with notice. If no concerns arise the permit will be renewed.

For conditional use permits without a review or renewal condition, or if complaints are received concerning a conditional use permit, the County may review any valid conditional use permit for compliance with the conditions of the permit. This review would be a ministerial review done by the Planning Director. If it is deemed necessary by the Planning Director to amend or revoke the permit, a public hearing with notice must be held before the Planning Commission. If action is based on a complaint the complainant may be required to pay any permit review or renewal application fees.

- C. Revocation or Vacation. Any conditional use permit may be vacated by the current landowner or by the County after appropriate notice and hearing when:
 - The use has been terminated and there is no expectation by the land owner and the County that the use will continue;
 - The use is not being conducted in compliance with the stated conditions of the permit, or
 - The County finds that the use jeopardizes the public health, safety and welfare of Morrow County and the use does not conform to the Morrow County Code Enforcement Ordinance or other adopted ordinances. (MC OR-1-2013)

SECTION 6.080. OCCUPANCY PERMIT.

The Commission may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of this Ordinance. The Commission shall consider such a requirement for any use authorized by a conditional use permit for which the conditions have been established by the Commission upon approval of such use. The requirement of an Occupancy Permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Commission. The authority to issue an Occupancy Permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the Commission at the time of approval of a specific conditional use permit to the Secretary of the Commission, the Planning Director, and/or the Building Official.

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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.

SECTION 7.100 DIMENSIONAL ADJUSTMENTS

The following define those instances that a Dimensional Adjustment may be appropriate:

- That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.
- That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
- That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.

A. GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS.

1. The following lot size exceptions shall only apply to lots within the Rural Service Center, Rural Residential, Farm Residential and Suburban Residential Zones.

Any parcel of land or portion thereof which is to be dedicated to a public or semi-public entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by this Ordinance, excepting that the area available for development must be able to support the development and necessary infrastructure.

2. The following lot size exceptions shall only apply to lots within the Exclusive Farm Use, Small Farm 40, and Forest Use Zones.

Whereas land sections in the county are affected by survey adjustments, minimum requirements relative to lot sizes where applicable shall be considered as standard metes and bounds land section divisions; i.e., 160, 80, 40, 20, etc. Lot sizes therefore, may be reasonably smaller than set forth by this Ordinance if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has had no control. Applicability would be that a 158 acre parcel in the Exclusive Farm Use zone would be eligible for a farm dwelling under the acreage test if the parcel adjustment was created by such a survey adjustment, or road or other dedicated rights-of-way.

B. GENERAL EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone.

1. **Average Front Yard Setback:** If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
2. **Non Building Features:** Steps, terraces, platforms, and porches having no roof covering, and fences not interfering with the vision clearance requirements (see Article 4 of this Ordinance) may occupy a yard and not impact setback requirements.
3. **Signs:** Signs conforming to the requirements of this Ordinance (see Article 4) and all other applicable Ordinances may be permitted in required yards.
4. **Canopies:** A canopy installed as a temporary structure is allowable within the setback requirement. Should a canopy become a permanent attachment to the structure, necessary setback requirements will be required.
5. **A side yard or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a front lot line, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.**

C. NONCONFORMING LOTS OF RECORD. Any lot which is smaller than the minimum area required in any zone may be occupied by an allowed use in the zone provided that:

1. The lot was a lot in a duly platted and recorded subdivision on or before the date of this Ordinance, was a parcel created by an approved land

partitioning prior to such date, or was held in a single ownership on a deed as recorded in the office of the County Clerk at the time of the passage of this Ordinance.

- 2. The use conforms to all other requirements of that zone.
- 3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
- 4. Approval for sewage disposal is obtained and the approval has provisions for any needed future replacement.

Commented [DG45]: Code requires sewage disposal approval prior to zoning permit approval. This is inconsistent with our general process. Reflected in subdivision ordinance as well...

D. EXCEPTION TO BUILDING HEIGHT LIMITATIONS. The following types of structures or structural parts are not subject to the building height limitations of this Ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, cooling towers, elevator shafts, and other similar projections. This exception does not apply within the Airport Approach, ~~or Airport, Airport Safety and Compatibility Overlay, or Airport~~ Hazard Zones.

E. PROJECTIONS FROM BUILDINGS. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three (3) feet into a required yard. Any projection beyond three (3) feet would require additional setback to meet the setback requirements required within the subject Use Zone.

F. PLANNED UNIT DEVELOPMENT. In any residential zone, the stated minimum lot area for residential purposes may be amended by ruling of the Planning Commission, provided that it is replaced by a Planned Unit Development with approval under Article 6 Planned Unit Development of the Subdivision Ordinance.

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

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- 1. Approval of the Dimensional Adjustment does not create a violation(s) of any other adopted ordinance or code standard;
- 2. An application for a Dimensional Adjustment is limited to one (1) lot or parcel per application;
- 3. Requests for more than one Dimensional Adjustment on the same lot or parcel shall be consolidated on one application and reviewed concurrently by the County;
- 4. Not more than three (3) Dimensional Adjustments may be approved for one lot or parcel in a continuous 12-month period; and
- 5. All applicable building code requirements and engineering design standards shall be met.

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SECTION 7.200 VARIANCES

A Variance can serve multiple purposes and is designed to provide relief from the literal requirements of a regulation found within this Zoning Ordinance. The result of approving a Variance should result in improved planning that would benefit the applicant and the

broader community, and it may be the first step in reevaluating requirements or allowed uses within a use zone.

A. MINOR VARIANCE. For the purposes of this Ordinance, a "Minor Variance" is an "Area or Dimensional" Variance that meets one of the following conditions.

1. A request involving a deviation from a minimum lot size requirement of not more than 10%; or
2. A request involving a deviation from a yard or setback requirement of not more than 25%; or
3. A request for the expansion of a nonconforming use by not more than 10%.

A minor variance may be granted when the Planning Director, or designee, provides notice to adjoining and affected landowners, offers the opportunity to provide comment and request a hearing, and determines the following:

1. Granting the minor variance will equally or better meet the purpose of the regulation to be modified, and
2. If in a rural zone, that farm and forest uses or practices will not be significantly affected; if in a residential zone, that the proposal will not significantly detract from the livability or appearance of the residential area; or if in a commercial or industrial zone, that the proposal will be consistent with the desired character of the area, and
3. Any identified impacts resulting from the minor variance are mitigated to the extent practical, and
4. Granting the minor variance is the minimum necessary deviation from the requirement to satisfy the identified problem.

B. MAJOR VARIANCE. The following are examples of Variances that could be considered: siting a manufactured home that is not in compliance with current manufactured home requirements, allowing for less frontage than required, allowing for a smaller lot size than required, approve a variance when a dimensional adjustment does not accomplish the needs of the property owner, and other similar or related instances. Use Variances amend or change the use of a property or structure. Area Variances tend to amend or change the area needed to validate a lot or parcel, or reduce necessary setbacks. Financial hardship does not qualify for a use or area Variance.

APPROVAL CRITERIA. The Planning Commission may grant a Major Variance upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The variance relates to a specific lot or parcel of land.
2. The Variance can be granted without substantial detriment to the public good. It would allow for a building or site plan that is more compatible with adjacent land and land uses, or it does not create a conflict with adjacent uses.
3. The Variance does not hinder compliance with applicable building code requirements or engineering design standards.
4. Approval of the Variance does not create a violation of this or any other adopted ordinance or code standard.
- 4.5. Applicant shall provide proof from the providing fire district that services can be provided in the event of an emergency.

~~5.6.~~ Application for a Variance should include all necessary Variances anticipated for the proposed development.

~~6.7.~~ Application for a Variance is limited to one per year.

SECTION 7.300 ~~SPECIAL USE~~TEMPORARY HARDSHIP VARIANCES

~~Morrow County may allow the following land uses that may or may not be specifically listed as an allowed use in a designated zone. When considering a request for a Special Use the Planning Commission will use the specific criteria to balance whether the detriment to the local community caused by granting a Special Use is outweighed by the benefit to the property owner and/or the larger community. Any change in use, relocation or expansion would require a new or amended use authorization.~~

MEDICAL HARDSHIP. A medical hardship is a ~~Special Use of permit to use~~ a manufactured home, recreational vehicle or an existing building necessary for a relative or other designated caregiver to care for or provide custody for an elderly, mentally handicapped, or infirm person whom a medical professional certifies needs this kind of care or custody. This certification will be on the medical professional's stationery or stamped by the medical professional's office, and will indicate that the patient is not physically or mentally capable of maintaining himself/herself in a residence on a separate property and is dependent on someone being close by for assistance. As an alternative, the medical professional can stamp and sign the application form available through the Planning Department for a medical hardship. Financial hardship conditions, child care, and other convenience arrangements not relating to physical and/or mental impairment are not considered an infirm condition.

The provisions of this section are to apply when the proposed use does not qualify as a continuation of a nonconforming use, not permitted by right, nor permitted through the operations of other more pertinent procedures and provisions of this zoning ordinance. Medical hardship ~~Special Use permit~~variances for dwellings are not to be construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of the County's Comprehensive Plan or Zoning Ordinance regulations. A medical hardship variance shall be approved by the Planning Director as an Administrative decision.

No medical hardship ~~Special Use permit~~variance shall be granted that would have the effect of creating a permanent zone change or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no medical hardship ~~Special Use permit~~variance will be granted which has the effect of conferring a special privilege for which other property within the same zone would not be equally eligible.

- A. As a medical hardship ~~Special Use~~variance in any zone that allows dwellings, the ~~Planning Director Commission~~ may allow ~~as a Special Use~~the use of one manufactured home, recreational vehicle, or temporary use of an existing building complying with the standards of Section 4.110, as applicable, and providing that no additions, except approaches or handicapped ramps, to the temporary residence shall be permitted in conjunction with a primary dwelling with the following findings:
1. That an accessory dwelling is necessary to care for or provide custody of an elderly, mentally handicapped, or infirm person who a medical

professional certifies needs this kind of care or custody as required in A. above.

2. Electric, water and sewer utility connections shall be made to the temporary residence. If the medical hardship dwelling will not use a public sanitary sewer system, the dwelling 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 Director~~ Commission.
3. Within 90 days of the end of the medical hardship, the manufactured dwelling or recreational vehicle shall be removed, or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed ~~non-residential use~~.

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B. As a medical hardship Special Use in a resource zone, the following are also applicable:

1. That the medical hardship dwelling use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
2. The medical hardship dwelling use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. Department of Environmental Quality review and removal requirements also apply.
3. The landowner for the hardship dwelling shall sign and record in the deed records for the County a Right-to-Farm or a Right-to-Forest Statement 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 customary farm or forest practices.
4. A temporary residence approved under this sub-section is not eligible for replacement under Section 3.010 or 3.020.

C. A medical hardship ~~Special Use permit~~ variance granted under this section is void when the elderly, mentally handicapped, or infirm existing resident or other person who is the subject of the permit no longer needs care, moves to another residence, is absent from the residence for more than 120 days or leaves the residence with no likelihood of returning for continued residency of at least 30 days. Exception to the 120-day limit can be provided for in the case of extraordinary circumstances such as extended hospitalization. These extensions can be approved by the Planning Director for up to an additional 60 days without Planning Commission approval. Additional extensions will require Planning Commission review and approval.

D. The County Planning Director or designee shall review permits issued under this section every two years and may revoke permits when they are found to be out of compliance. After the initial approval by the Planning ~~Commission~~ Director any required renewal shall be applied for as a medical hardship extension. The decision to approve a medical hardship extension shall be an administrative decision of the Planning Director.

E. Any dwelling authorized by a medical hardship ~~Special Use permit~~ variance must be located as close as possible to the primary dwelling. Unless there are physical limitations of the land this should be within 100 feet of the primary dwelling.

F. County Zoning and Building Permits will be required. A Rural Address will also be required to facilitate emergency response.

G. A medical hardship ~~Special Use permit~~variance is valid for up to 2 years from the date of initial issuance, i.e., permits issued in an odd-numbered year will expire in the next odd-numbered year. All permits will have an expiration date of January 31. The County will process all medical hardship ~~Special Use permit~~variance renewal requests once per year in January. The County will give permittees not less than 30 calendar days written notice of the pending expiration of their Special Use permits, advising that a renewal will be required. Failure to receive notification of pending expiration does not constitute an extension of time for the permit. The Planning Director shall not renew the medical hardship ~~Special Use permit~~variance 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. 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.

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.

D. 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 times, 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.

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E. 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:

- 10.1. 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.
- 11.2. 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:

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- 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.

SECTION 7.500 NONCONFORMING USES

A use or activity that was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning district.

Subject to the provisions of this section, a nonconforming use or structure may be continued, but may not be altered or ~~expanded~~~~tended~~. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this Ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or ~~expantended~~ if the alteration or ~~expatension~~ does not cause the structure to deviate further from the standards of this Ordinance.

If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this Ordinance.

If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the County Assessor and is not returned to use and in actual operating condition within one year from the date of destruction, a future structure or use on the site shall conform to this Ordinance.

Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued by the county and construction has commenced prior to the adoption of this Ordinance provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use w-ithin two years from the time the permit is issued.

SECTION 7.600 PROCEDURE FOR TAKING ACTION ON AN APPLICATION.

The procedure for taking action on an application shall follow the procedures outlined in Article 9 and as further defined below:

- A. A property owner may initiate a request for a dimensional adjustment, variance, ~~special use~~ or temporary ~~use~~ permit by filing an application with the Planning Department, using forms prescribed pursuant to this Article and Article 9 where applicable. Applications shall be filed with the Planning Department ~~in a~~ timely ~~manner~~, and at least 35 days prior to a Planning Commission meeting should Planning Commission action be required.
- B. If an application ~~is for a property for a use~~ located within the Urban Growth Boundary of an incorporated city the Joint Management Agreement in place with that city will govern.

SECTION 7.700 TIME LIMIT TO INITIATE A PERMIT

A. On land zoned for Farm Use or Forest Use a permit may be valid for two years from the date of the final decision. The County may grant ministerially where applicable criteria for the decision have not changed an extension period of up to 12 months on land zoned for Farm Use or Forest Use if:

1. An applicant makes a written request for an extension of the development approval period;
2. The request is submitted to the county prior to the expiration of the approval period;
- 2-3. ~~Provisions of the County Code applicable to the original approval have not changed.~~
3. ~~The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and~~
4. ~~The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.~~

B. On land zoned other than Farm or Forest Use, a permit may be valid for two years. In the case of appeals, the two year permit period shall be tolled until a decision by a review authority with final jurisdiction is made that is not appealed.

~~An additional one-year extensions~~ may be authorized by county staff without providing notice and opportunity for a hearing under the following conditions:

1. An applicant makes a written request for an extension of the development approval period;
2. The request is submitted to the county prior to the expiration of the approval period, excepting any request under consideration on the date of adoption of this amendment;
- 2-3. ~~Provisions of the County Code applicable to the original approval have not changed.~~
3. ~~The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and~~
4. ~~The county finds that any of the following conditions occurred within the approval period:~~
 - a. ~~State or Federal permits were applied for, but not issued within the approval period.~~
 - b. ~~At least 10 percent of the cost of development, based on estimated or actual expenditures, has been expended to develop plans, file for permits, and complete other preliminary designs such as sewage disposal, provision of potable water, storm water management and other engineering designs necessary for the development.~~
 - c. ~~Provisions of the County Code applicable to the original approval have not changed.~~

C. Approval of an extension granted under this Section is ~~an administrative ministerial~~ decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

D. The time periods described above do not take effect until all appeals are complete.

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SECTION 7.800 LENGTH OF PERMITS, PERMIT HOLDER, RENEWAL AND REVOCATION

A. Length of Permit and Permit Holder: The County may evaluate how long a particular permit is expected to remain valid. Some uses may be considered “permanent” as a fully developed use that “runs with the land” and it attaches to and benefits the land and is not limited to a particular landowner. The County may require the owner of the original permit to record the permitted use on the deed record. The permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

A permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the permit no longer exists. Upon termination of the use, the land must be in a condition that it may be re-developed in compliance with its current zoning designation. The County may authorize a permit until a particular date, for a stated period of time, or until the occurrence of a particular event. Additionally, the County may stipulate that a permit will be reviewed or renewable after a stated time period.

B. Reviews and Renewals. If a review or renewal date is included as a condition by which a permit is granted, initial review would be ministerial and completed by the Planning Director. The holder of the permit will be required to make application and pay the requisite fee for review. The review would evaluate the permit conditions and adherence to them, determine if any changes had taken place with the uses allowed in the zone, and determine whether any complaints had been logged concerning the property or the conditional use. If any concerns arise further review will take place at a public hearing with notice. If no concerns arise the permit will be renewed.

For permits without a review or renewal condition, or if complaints are received concerning a permit, the County may review any valid permit for compliance with the conditions of the permit. This review would be a ministerial review done by the Planning Director. If it is deemed necessary by the Planning Director to amend or revoke the permit, a public hearing with notice must be held before the Planning Commission. If action is based on a complaint the complainant may be required to pay any permit review or renewal application fees.

C. Revocation or Vacation. Any permit may be vacated by the current landowner or by the County after appropriate notice and hearing when:

- The use has been terminated and there is no expectation by the land owner and the County that the use will continue;
- The use is not being conducted in compliance with the stated conditions of the permit, or
- The County finds that the use jeopardizes the public health, safety and welfare of Morrow County and the use does not conform to the Morrow County Code Enforcement Ordinance or other adopted ordinances.

SECTION 7.900 OCCUPANCY PERMIT

The County may require an occupancy permit for any permitted and approved use

pursuant to the provisions of this Ordinance. The County shall consider such a requirement for any use authorized by a permit for which conditions have been established upon approval of such use. The requirement of an Occupancy Permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the County. The authority to issue an Occupancy Permit upon compliance with the requirements and conditions of a permit may be delegated by the County at the time of approval of a specific permit to the Planning Commission, the Planning Director, and/or the Building Official.

ARTICLE 8. AMENDMENTS

SECTION 8.010. AUTHORIZATION TO INITIATE AMENDMENTS. An amendment to the text of this Ordinance or to a zoning map may be initiated by the County ~~Court~~Board of Commissioners, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Department using forms prescribed pursuant to Article 9.

SECTION 8.020. PUBLIC HEARINGS ON AMENDMENTS. The Planning Commission shall conduct at least one public hearing on the proposed amendment within 60 days after the amendment is proposed and shall recommend to the County ~~Court~~Board of Commissioners approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the County ~~Court~~Board of Commissioners shall hold at least one public hearing on the proposed amendment.

SECTION 8.030. NOTICE. Notice will be provided according to Article 9 of this Ordinance. -It will be reasonably calculated to give actual notice to interested persons, including news media as required, and to those which have requested notice, of the time and place for any and all hearings.

SECTION 8.040. CRITERIA. The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County ~~Court~~Board of Commissioners in reaching their decision.

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

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

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

a. Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;

b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.

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

a. Changes the functional classification of an existing or planned transportation facility;

b. Changes standards implementing a functional classification;

c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

d. Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)

C. That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.

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

SECTION 8.050. LIMITATIONS ON REAPPLICATIONS. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the six (6) month period immediately following denial of a previous application; if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it, however, the Planning Commission may permit a new application.

SECTION 8.060. FINAL DECISION. The decision of the County ~~Court Board of Commissioners~~ will be final unless appealed. Eligibility to appeal is governed by Oregon Revised Statute and Oregon Administrative Rule.

MC OR-1-2013

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.

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

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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.

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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.

2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s). ~~If the applicant is~~

an entity with the power of eminent domain for the purpose of the application, the applicant may provide a resolution of public necessity indicating an intention to exercise their statutory authority to condemn the property in lieu of property owner signatures.

Commented [DG48]: Requested language developed in coordination with UEC and Morrow Co. Land Use Counsel.

B. A complete list of the permit approvals sought by the applicant.

C. A current preliminary title report for the subject property(ies).

D. A complete and detailed narrative description of the proposed development that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features, a discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met, and any other information indicated by the County-City as being required.

E. Up to 20 copies of all reports, plans, site plans and other documents required by the section of the code corresponding to the specific approval(s) sought. At least one copy of the site plan and all related drawings shall be in a readable/legible 8-1/2 by 11 inch format for inclusion into the city's-County's bound record of the application.

F. A site plan shall include the following information. 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. Topography, with contours at no greater than 10 foot intervals, preferably less

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5. Location of utilities and facilities, or proposed locations (sewer, water, fire, electricity, hydrants, septic system, storm water facilities, etc.)

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6. Proposed landscaping

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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

~~G.~~ All required application fees, including a deposit for costs of consultant review when required.

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SECTION 9.045. COMPLETENESS REVIEW.

A. Upon submission, the County Planning Department shall date stamp the application form and verify that the appropriate application fee has been submitted. The Planning Director shall review the application and all information submitted with it and evaluate whether the application is complete pursuant to the requirements in Section 9.040(A)~~enough to process~~. Within 30 days of receipt of the application, the Planning Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete ~~enough to process~~, and, if not, what information must be submitted to make the application complete.

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B. Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the date the application was filed within which to submit the missing information, or provide written notice to the county that only some of the missing information or none of the information will be provided (see ORS 215.427(2)), or the application shall be rejected, and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the 180-day period, the County shall again verify whether the application, as augmented, is complete. An application shall be rejected if it has not been made complete within the 180-day time period, unless the applicant refuses in writing to submit additional information.

C. Once the County determines the application is complete enough to process, or the applicant provides written notice that some or all of the missing information will not be provided, fails to submit additional information, the County shall declare the application complete and take final action on the application within 150 days of that date unless the applicant waives or extends the 150-day period. The 150-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the 150-day period.
2. The 150-day period does not apply to any application for a permit that is not wholly within the County's authority and control.
3. The 150-day period does not apply to any application for an amendment to the County's comprehensive plan or land use regulations 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 ~~such final~~ decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (C(1)) of this subsection, to ~~request a hearing before~~ file an appeal to 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-final~~ 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 decision of the Planning Director will ~~issue a final decision, be final,~~ with or without modifications and/or conditions, ~~or denial of the land use request~~ 21 calendar days from the date of the mailing of the notice of decision; unless an appeal public hearing is requested ~~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 via email 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 or email notification to ODOT prior to the decision.

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- d. Notice shall also be provided to any neighborhood or community organization recognized by the governing body ~~and~~ whose boundaries include the site (see ORS 215.716).
 - 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 decision request and the ~~tentative~~ findings and conclusions of the Planning Department, and to allow an opportunity for appeal. ~~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.
 5. A statement that any person who is adversely affected or aggrieved or who is entitle to notice under paragraph (C)(1) of this subsection may appeal the decision by filing a written appeal consistent with the requirements of subsection (C).
 6. A statement that the decision will not become final until the appeal period has expired.
 7. A statement that a person who receives notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 157.830 (see ORS 215.416(11)(C)).
- 4-
- F. If no ~~request for a public hearing~~ appeal 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.~~

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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, 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 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.

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B. In addition:

1. A notice of hearing shall be provided at least twenty (20) days prior to the date of the hearing to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located; 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.

a. Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;

b. Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

c. Within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone

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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.

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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, email, the posting of property, or the use of radio and television.

E. The notice shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and County-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the County will use to evaluate the proposal;

4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing, and that a staff report will be prepared and made available to the public at least 7 days prior to the hearing;

5. A statement that any issue which is intended to provide a basis for an appeal to the Land Use Board of Appeals must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue;

6. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge, and that copies may be obtained at cost, at the Planning Department during normal business hours; and

7. 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. The Planning Commission and the Board of Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

G. General rules for hearing.

1. The Hearing Body conducts the hearing in a quasi-judicial capacity; there shall be no audience demonstration or other conduct which would disrupt the hearing.

2. Persons may speak only after being recognized by the Chair and must state their full name and address for the record.

3. The Hearing Body considers only testimony and information that is relevant to the issue of the requested change, and will not allow immaterial or repetitious testimony.

H. Order of Procedure.

1. Call for abstentions.

2. Staff report and summary.

3. Proponent's case. The proponent and those favoring the proposal will be heard first.

4. Cross-examination of each proponent by the Hearing Body.

5. Opponent's case. Those opposed shall be heard next. Groups who are represented by a spokesperson or who were entitled to receive notice of the hearing are requested to proceed first. Opponents may submit questions of the proponent to the Chair.

6. Cross-examination of each opponent by the Hearing Body.

7. Rebuttal. Both the proponents and opponents may submit rebuttal testimony; the proponent shall have final opportunity.

8. Close the hearing.

I. Decision of the Hearing Body. Upon closing the hearing, the Hearing body will deliberate the question and reach a decision or continue the matter for further study or decision, to a time and place then announced.

J. Recess of Hearing. The Hearing Body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

1. If a hearing is recessed, the record shall be left open in accordance with the time frames identified in ORS 197.797.

K. Notice of Decision. The County shall send, by first class mail, a notice of all decisions rendered under this Ordinance to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:

1. The file number and date of decision;
2. The name of the applicant, owner and appellant (if different);
3. The street address or other easily understood location of the subject property;
4. A brief summary of the decision, and if an approval, a description of the permit authorized or approval granted;
5. A statement that the decision is final unless appealed, and description of the requirements for perfecting an appeal;
6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

SECTION 9.060. SEWAGE DISPOSAL APPROVAL. No zoning permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system.

SECTION 9.070. FILING FEES. An application required by this Ordinance shall be

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accompanied by a filing fee in the amount as set forth by the Board of Commissioners in a County Fee ordinance. Said permit fees may be amended by the Board of Commissioners order after conducting a hearing thereon.

A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.

B. At its sole discretion, the County may contract for review of an application by appropriate professionals, including but not limited to a civil engineer, planner, traffic engineer, wildlife biologist, or other specialist, and may require an applicant to reimburse the County for costs of such services. The County may require a deposit from the applicant, to cover estimated costs of consulting services.

C. Application Withdrawal.

- ~~1. If an applicant elects to withdraw an application prior to a final decision on the action, the Planning Director may issue a refund at the applicant's written request of the unused portion of the application fee(s), not to exceed the following amounts:~~
 - ~~a. If the application is withdrawn within 30 days of submittal, prior to the County's issuance of a completeness determination, up to 100% of the application fee.~~
 - ~~b. If the application is withdrawn after the County has issued a completeness determination, but prior to providing public notice, up to 75% of the application fee.~~
 - ~~c. If the application is withdrawn after public notice has been provided, but prior to the first hearing, up to 50% of the application fee.~~
 - ~~d. If the application is withdrawn after the first hearing, but prior to a decision on the application, up to 25% of the application fee.~~
 - ~~e. If the application is withdrawn after a final decision is made, no refund is available.~~
- ~~2. If an application is re-submitted after it has been withdrawn, the standards and criteria in place at the time of the most recent submittal will govern the review of the application.~~

SECTION 9.075. PERMIT EXPIRATION AND EXTENSIONS.

A. In accordance with OAR 660-033-0140, the following permit expiration dates shall apply in the Exclusive Farm Use and Forest Use zones:

- 1. A discretionary decision, except land divisions and those residential developments listed below in 9.075(A)(4) approving a proposed development on agricultural or forest land outside an urban growth boundary under ORS 215.210 to 215.293 and 215.317 to 215.438 or under county legislation or regulation adopted pursuant thereto is void two years from the date of the final decision if the development action is not initiated in that period.
- 2. An extension of up to one year may be granted if:

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- a. The applicant makes a written request for an extension of the development approval period;
- b. The request is submitted to the county prior to the expiration of the approval period;
- ~~b. Provisions of the County Code applicable to the original approval have not changed.~~
- ~~c. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and~~
- ~~d. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.~~
- ~~3. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.~~

4.3. Permits approved for a proposed residential development on resource land outside of an urban growth boundary shall be valid for four years. An extension of two years may be granted subject to the provisions of 9.075 (2) (a-d).

- ~~a. No more than five additional one-year extensions may be authorized under this subsection.~~

B. For all permits not in the Farm or Forest zones, the following permit expirations shall apply:

- 1. A zoning permit shall become void after 1 year unless the building permit has been issued, or, if no building permit is required, if the development action has commenced.
 - a. A 12-month extension may be granted when submitted to the Planning Department prior to the expiration of the approval period.
- 2. A conditional use or an administrative land use decision is valid for two years. An additional one-year extensions may be authorized by county staff without providing notice and opportunity for a hearing under the following conditions:
 - a. An applicant makes a written request for an extension of the development approval period;
 - b. The request is submitted to the county prior to the expiration of the approval period, excepting any request under consideration on the date of adoption of this amendment;

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~~b.—c. Provisions of the County Code applicable to the original approval have not changed.~~

~~e.—The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and~~

~~d.—The county finds that any of the following conditions occurred within the approval period:~~

~~(i) State or Federal permits were applied for, but not issued within the approval period.~~

~~(ii) At least 10 percent of the cost of development, based on estimated or actual expenditures, has been expended to develop plans, file for permits, and complete other preliminary designs such as sewage disposal, provision of potable water, storm water management and other engineering designs necessary for the development.~~

~~(iii) Provisions of the County Code applicable to the original approval have not changed.~~

3. Final Plats for partitioning will be completed within two years from the date of the Commission action or the approval of the partitioning will expire and said approval will be declared null and void. A one-year extension may be granted when a written request is made prior to the expiration of the permit ~~with stated reasons for the request for which the applicant was not responsible.~~

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C. Approval of an extension granted under this Section is an ~~an~~ **administrative ministerial** decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

D. The time periods described above do not take effect until all appeals are complete. (MC OR-1-2013)

SECTION 9.080. REVOCATION. The Planning Commission may revoke or modify any permit granted under the provisions of this Ordinance on any one or more of the following grounds:

A. A permit may be revoked on the basis of fraud, concealment, or misrepresentation or on the basis of wrong information supplied on the application, or wrong information given to the Commission at a public hearing.

B. A permit may be revoked on the basis that the use for which such permit was granted is not being exercised within the time limit set forth by the Commission or this Ordinance.

C. A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended for one year or more.

D. A permit may be revoked or modified on the basis that the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, code, resolution, law or regulation.

E. A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare, or in such a manner to constitute a nuisance.

F. Any permit granted pursuant to this Ordinance shall become null and void if not exercised within the time period specified in such permit, or if no time period is specified in the permit, within one year from the date of approval of said permit.

G. The Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in this Ordinance. The Commission shall render its decision within 45 days after the conclusion of the hearing. In the case where the permittee is not satisfied with the action of the Commission, he/she may appeal the Commission's decision to the Board of Commissioners in the manner provided in section 9.030 of this Ordinance.

ARTICLE 10. GENERAL PROVISIONS

SECTION 10.010. INTERPRETATION. Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions which are more restrictive, the more restrictive shall govern.

SECTION 10.020. SEVERABILITY. The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not ~~ea~~ffect the validity of the remaining portions of the Ordinance.

SECTION 10.030. REMEDIES. ~~Violations of the Morrow County Zoning Ordinance are subject to the provisions set forth in the Morrow County Code Enforcement Ordinance (ORD-2021-4)~~

~~In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is or is proposed to be used in violation of this Ordinance, the County Court or a person whose interest in real property in the county is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under state law, the person shall furnish undertaking as provided in ORS 32.010 to 32.060.~~

~~**SECTION 10.040. VIOLATION DECLARED A NUISANCE.** The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, other partitioning, or other use of land, in violation of this Ordinance is declared a nuisance.~~

~~SECTION 10.050. CRIMINAL PENALTIES.~~

~~A. The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, other partitioning or other use of land, in violation of this Ordinance is punishable upon conviction by a fine of not more than \$500 for a noncontinuing offence and a fine of not more than \$1,000 for a continuing offence.~~

~~B. Each and every day in which a location, erection, maintenance, repair, alteration or use of a building or structure or the subdivision, other partitioning or other use of land, in violation of this Ordinance continues is a separate offence.~~

SECTION 10.060. REPEAL. All previous Morrow County Zoning Ordinances, whether permanent, interim or special purpose, and all amendments thereto are hereby repealed.

SECTION 10.070. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal of any ordinance shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability, and for the purpose of a person or persons who violated this repealed ordinance or a part thereof prior to the effective date of this Ordinance.

SECTION 10.080. ENACTMENT This Ordinance was adopted by the Morrow County Court on November 7, 2001. This Ordinance shall become effective 90 days after the date of its adoption by the Morrow County Court. (MC-C-3-01)

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 [Zoning Permit Approval in accordance with Section 4.165: 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. Climbing and passing lanes within the right of way existing as of July 1, 1987.~~
- ~~6. 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.~~
- ~~7. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~
- ~~8. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.~~
- ~~9. Fire service facilities providing rural fire protection services.~~

Firearms training facility in existence on September 9, 1995.

4.C. Uses Subject to Administrative Review. In the EFU Zone, the following uses and activities and their accessory buildings and uses may be permitted outright through the Site Plan Review process provided in MCZO 4.166, and subject to the provisions of this Section if determined by the Planning Director to satisfy the applicable criteria and provisions of law. Notice and an opportunity for a hearing must be provided in the manner described in ORS 215.416. These uses may be referred to the Planning Commission for review if deemed appropriate by the Planning Director.

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5-1. 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.

6-2. Operations for the exploration for minerals as defined by ORS 517.750.

~~7-1. Climbing and passing lanes within the right of way existing as of July 1, 1987.~~

~~8-1. 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.~~

~~9-1. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~

~~10-1. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.~~

11-3. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

~~12-1. Fire service facilities providing rural fire protection services.~~

13-4. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

~~14-1. Firearms training facility in existence on September 9, 1995.~~

15-5. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.

~~46.6.~~ A site for the takeoff and landing of model aircraft subject to Subsection D.12.

~~47.7.~~ A facility for the processing of farm crops, biofuel or poultry subject to Subsection D.1.

~~48.8.~~ Dog training classes or testing trials subject to Subsection D.4.

~~49.9.~~ Farm stands subject to Subsection D.5.

~~20.10.~~ A winery subject to ORS 215.452-.456

~~24.11.~~ A cider business as provided in ORS 215.451

~~22.12.~~ Agri-tourism and other commercial events or activities subject to Section J.

~~23.13.~~ Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids subject to Subsection D.8.

~~24.14.~~ Utility facility service lines subject to Subsection D.9.

~~25.15.~~ 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.

~~26.16.~~ 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.

~~27.1.~~ 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.

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~~28.17.~~ Dwelling customarily provided in conjunction with farm use subject to Subsection D.18 and Section E.

~~29.18.~~ 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.

~~30.19.~~ Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection D.18 and Section F.

~~34.20.~~ One single-family lot of record dwelling on a lawfully created lot or parcel subject to Subsection D.18 and Section G.

~~32-21.~~ Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection D.18 and Section H.

~~33-22.~~ 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.

~~23.~~ Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection D.18 and Section I.

~~24. Temporary hardship dwelling subject to Subsection D.18 and Article 7.~~

~~25. Residential home as defined in ORS 197.660, in existing dwellings, subject to Subsection D.18.~~

~~26. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection D.18.~~

~~27. Parking of up to seven log trucks.~~

~~34-28.~~

~~C-D.~~ 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.
2. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.

~~3-1. Temporary hardship dwelling subject to Subsection D.18 and Article 7.~~

~~4-1. Residential home as defined in ORS 197.660, in existing dwellings, subject to Subsection D.18.~~

~~5-1. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection D.18.~~

~~6-1. Parking of up to seven log trucks.~~

~~7-3.~~ Home occupations as provided in Article 6.

~~8-4.~~ Commercial dog boarding kennels, as provided in Article 6, or dog training classes or testing trials that cannot be established under Subsection B.18.

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~~9-5.~~ A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

~~10-6.~~ Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection B.17, but excluding activities in conjunction with a marijuana crop, and subject to D.6.

~~11-7.~~ Guest ranches subject to temporary provisions relating to guest ranches in ORS 215.

~~12-8.~~ Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.

~~13-9.~~ Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

~~14-10.~~ Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement.

~~15-11.~~ Processing of other mineral resources and other subsurface resources.

~~16-12.~~ Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

~~17-13.~~ Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

~~18-14.~~ Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.

~~19-15.~~ Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.

~~20-16.~~ Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection D.7.

~~21-17.~~ Utility and transmission towers over 200 feet in height.

~~22-18.~~ Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities subject to Subsection K.1.

~~23-19.~~ Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.2.

~~24-20.~~ Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.3.

~~25-21.~~ A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection D.19 and Article 6.

~~26-22.~~ Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to Subsection D.11. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection D.19.

~~27-23.~~ Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.

~~28-24.~~ Living history museum and subject to Subsections D.13 and D.17.

~~29-25.~~ Public parks and playgrounds subject to Subsections D.14 and D.17.

~~30-26.~~ Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

~~31-27.~~ Operations for the extraction and bottling of water.

~~32-28.~~ Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to Subsection D.17. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to D.19.

~~33-29.~~ Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections D.15 and D.17. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection D.19.

~~30.~~ Golf courses subject to Subsections D.16 and D.17. This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to Subsection D.19.

31. 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.

D.E. Use Standards

1. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.
2. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses as defined in Section 1.030 of this Ordinance. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located.
3. To qualify for a relative farm help dwelling:
 - a. A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 - b. A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.
4. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
 - a. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 - b. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
5. A farm stand may be approved if:

- a. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
- b. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
- c. As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
- d. As used in this Subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
- e. As used in this Section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.
- f. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
- g. Farm Stand Development Standards
- (1) Adequate off-street parking will be provided pursuant to the requirements in Article 4 of this Ordinance.
 - (2) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - (3) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 - (4) No farm stand building or parking is permitted within the right-of-way.
 - (5) Approval is required from County Public Works regarding adequate egress and access. All egress and access points shall be clearly marked.
 - (6) Vision clearance areas at street intersections must be clear of obstruction, consistent with the requirements in Article 4 of this Ordinance.

(7) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.

(8) Signs are permitted where consistent with the requirements of Article 4 of this Ordinance.

h. Permit approval is subject to compliance with the established sanitation requirements, the -Department of Agriculture requirements, and the development standards of this zone.

6. Commercial activities in conjunction with farm use may be approved when:

a. The commercial activity is either exclusively or primarily a customer or supplier of farm products;

b. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or

c. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.

7. A personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

8. Agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior the the land application of biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to the treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

9. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

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

10. A utility facility that is necessary for public service.

a. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.

(1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (a) Technical and engineering feasibility;
- (b) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (c) Lack of available urban and nonresource lands;
- (d) Availability of existing rights of way;
- (e) Public health and safety; and
- (f) Other requirements of state and federal agencies.

(2) Costs associated with any of the factors listed in Subsection (1) may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(3) The owner of a utility facility approved under Subsection a shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(4) The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Article 6. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(6) In addition to the provisions of Subsection D.10.a(1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

(7) The provisions of Subsection a do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

b. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (1) or Subsection (2) of this Subsection.

(1) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(b) The associated transmission line is co-located with an existing transmission line;

(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections D.10.b(3) and (4), two or more of the following criteria:

- (a) Technical and engineering feasibility;
 - (b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - (d) Public health and safety; or
 - (e) Other requirements of state or federal agencies.
- (3) As pertains to Subsection (2), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
- (4) The county may consider costs associated with any of the factors listed in Subsection (2), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

11. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection D.19.

a. Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:

- (1) Meets the requirements of OAR 340-096-0150;
- (2) Identifies the distance of the proposed operation to the nearest residential zone;
- (3) Includes a complaint response protocol;
- (4) Is submitted to the DEQ with the required permit application; and
- (5) May be subject to annual review by the county to determine if any revisions are necessary.

b. Compost operations subject to Section D.11.a include:

- (1) A new disposal site for composting that sells, or offers for sale, resulting product; or
- (2) An existing disposal site for composting that sells, or offers for sale, resulting product that:
- (3) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
- (4) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

12. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

13. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.

14. Public parks may include:

- a. All outdoor recreation uses allowed under ORS 215.213 or 215.283.
- b. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
 - (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;

(2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;

(3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;

(4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;

(5) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;

(6) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(7) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and

(8) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.

c. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(1) Meeting halls not exceeding 2000 square feet of floor area;

(2) Dining halls (not restaurants).

15. Private Campgrounds are subject to the following:

a. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

b. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection c.

c. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

16. Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

17. Three-mile setback. For uses subject to Subsection 17:

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.

E.F. Dwellings Customarily Provided in Conjunction with Farm Use

1. Large Tract Standards. On land not identified as high-value farmland as defined in Article 1, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The parcel on which the dwelling will be located is at least

(1) 160 acres and not designated rangeland; or;

(2) 320 acres and designated rangeland

b. The subject tract is currently employed for farm use.

c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

d. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

2. Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:

(1) At least \$40,000 in gross annual income from the sale of farm products; or

(2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;

c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection a; and

d. In determining the gross income required by Subsection a:

(1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(2) Only gross income from land owned, not leased or rented, shall be counted; and

(3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

3. Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- a. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
- b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
- c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection a;
- d. In determining the gross income required by Subsection a:
 - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (2) Only gross income from land owned, not leased or rented, shall be counted; and
 - (3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

4. Farm Capability Standards.

- a. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
 - (2) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection (1);
 - (3) The subject tract is currently employed for a farm use, , at a level capable of producing the annual gross sales required in Subsection (1);
 - (4) The subject lot or parcel on which the dwelling is proposed is not less than 20 acres;
 - (5) Except for seasonal farmworker housig approved prior to 2001, there is no other dwelling on the subject tract;

(6) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(7) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection (3).

(8) In determining the gross sales capability required by Subsection (3):

(a) The actual or potential cost of purchased livestock shall be deducted from the total gross sales attributed to the farm or ranch tract;

(b) Only actual or potential sales from land owned, not leased or rented, shall be counted; and

(c) Actual or potential gross farm sales earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

b. In order to identify the commercial farm or ranch tracts to be used in Subsection (1), the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-033-0135(2)(c).

5. Additional Farm Income Standards.

a. For the purpose of Subsections 2 or 3, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.

b. Prior to the final approval for a dwelling authorized by Subsections 2 and 3 that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the county clerk the covenants, conditions, and restrictions form provided by the county (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(1) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(2) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

c. 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;

6. Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections 2 or 3 above, subject to the following requirements:

a. The subject tract will be employed as a commercial dairy as defined in Subsection g;

b. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

d. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

e. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

f. The Oregon Department of Agriculture has approved the following:

(1) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(2) A Producer License for the sale of dairy products under ORS 621.072.

g. As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections 2 or 3, whichever is applicable, from the sale of fluid milk.

7. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:

a. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection 2 or 3, whichever is applicable;

b. The subject lot or parcel on which the dwelling will be located is:

(1) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection 2 or 3, whichever is applicable; and

- (2) At least the size of the applicable minimum lot size under Section L;
 - c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 - d. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection a; and
 - e. In determining the gross income required by Subsection a and Subsection b:
 - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - (2) Only gross income from land owned, not leased or rented, shall be counted.
8. Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

F.G. Accessory Farm Dwellings

1. Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
 - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
 - b. The accessory farm dwelling will be located:
 - (1) On the same lot or parcel as the primary farm dwelling;
 - (2) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
 - (3) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;

(4) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or

(5) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and

c. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

2. In addition to the requirements in Subsection 1, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:

(1) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

c. It is located on a commercial dairy farm as defined in Section 1.030; and

(1) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;

(2) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(3) A Producer License for the sale of dairy products under ORS 621.072.

3. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in Subsection L.1.

4. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection B.32.

5. For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

6. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.

7. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.

G.H. Lot of Record Dwellings

1. A lot of record dwelling may be approved on a pre-existing lot or parcel if:

a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection 5:

- (1) Since prior to January 1, 1985; or
 - (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
- b. The tract on which the dwelling will be sited does not include a dwelling;
 - c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
 - e. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections 3 and 4; and
 - f. When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
3. Notwithstanding the requirements of Subsection G.1.e, a single-family dwelling may be sited on high-value farmland if:
- a. It meets the other requirements of Subsections 1 and 2;
 - b. The lot or parcel is protected as high-value farmland as defined in Section 1.030;
 - c. The Planning Director determines that:
 - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - (a) For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.

(b) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.

(c) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

(2) The dwelling will comply with the provisions of Article 6; and

(3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Subsection H.1.

4. Notwithstanding the requirements of Subsection G.1.e, a single-family dwelling may be sited on high-value farmland if:

a. It meets the other requirements of Subsections 1 and 2;

b. The tract on which the dwelling will be sited is:

(1) Not high-value farmland defined in Section 1.030; and

(2) Twenty-one acres or less in size; and

c. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

d. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

e. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:

(1) "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

(2) "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

5. For purposes of Subsection 1, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

6. The county assessor shall be notified that the governing body intends to allow the dwelling.

7. An approved single-family dwelling under this Section may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.

8. The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

H.L Dwellings Not in Conjunction with Farm Use

Non-farm dwelling. A non-farm dwelling is subject to the following requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

2. Non-farm dwelling suitability standards.

a. The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

b. A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable." A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

c. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in (a) through (c) below. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in (a) through (c) below;

a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

b. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsection G.1 and Section H, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4) ORS 215.263(5), and ORS 215.284(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this Subsection; and

c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms 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. If a single-family dwelling is established on a lot or parcel as set forth in Subsection B.31, no additional dwelling may later be sited under the provisions of this Section.

5. Conversion of an existing farm related dwelling to a non-farm dwelling. An existing farm related dwelling converted to a farmer retirement dwelling or a non-farm dwelling shall be subject to the following criteria:

a. Meets the non-farm dwelling criteria in this section except Subsection H(2).

b. The provisions of Subsection L are applicable if a non-farm parcel will be created for the non-farm dwelling.

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L.J. Alteration, Restoration or Replacement of a Lawfully-established Dwelling

1. A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

a. The dwelling to be altered, restored or replaced has, or formerly had:

(1) Intact exterior walls and roof structure;

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

(3) Interior wiring for interior lights;

(4) A heating system; and

(5) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

b. Notwithstanding Subsection 1.1.a(5), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

(1) The destruction (i.e. by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or

(2) The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

2. For replacement of a lawfully established dwelling under Subsection B.34:

a. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

(1) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

(2) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

(3) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

b. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

c. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

3. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

a. The siting standards of Subsection b apply when a dwelling qualifies for replacement because the dwelling:

- (1) Formerly had the features described in Subsection I.1.a;
- (2) Was removed from the tax roll as described in Subsection I.1.b; or
- (3) Had a permit that expired as described under Subsection I.4.c.

b. The replacement dwelling must be sited on the same lot or parcel:

- (1) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
- (2) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

c. Replacement dwellings that currently have the features described in Subsection I.1.a and that have been on the tax roll as described in Subsection I.1.b may be sited on any part of the same lot or parcel.

4. A replacement dwelling permit that is issued under B.34:

a. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:

- (1) Formerly had the features described in Subsection I.1.a; or
- (2) Was removed from the tax roll as described in Subsection I.1.b;

b. Is not subject to the time to act limits of ORS 215.417; and

c. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:

(1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and

(2) Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

J.K. Agri-tourism and Other Commercial Events

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

1. A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

a. The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;

b. The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

c. The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

d. The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;

e. The agri-tourism or other commercial event or activity complies with the standards described in Subsection 6.025(A). ;

f. The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

g. The agri-tourism or other commercial event or activity complies with conditions established for:

(1) Planned hours of operation do not extend before 7 a.m. or after 11 p.m.

(2) Adequate off-street parking will be provided pursuant to the requirements in Article 4 of this ordinance.

(3) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

(4) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

(5) No parking is permitted within the right-of-way.

(6) Approval is required from County Public Works regarding adequate egress and access. All egress and access points shall be clearly marked.

(7) Vision clearance areas at street intersections must be clear of obstruction, consistent with the requirements in Article 4 of this Ordinance.

(8) Permit approval is subject to compliance with the established sanitation requirements, the Department of Agriculture requirements, and the development standards of this zone.

2. In the alternative to Subsections 1 and 3, the county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

- a. Must be incidental and subordinate to existing farm use on the tract;
- b. May not begin before 6 a.m. or end after 10 p.m.;
- c. May not involve more than 100 attendees or 50 vehicles;
- d. May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- e. May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
- f. Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
- g. Must comply with applicable health and fire and life safety requirements.

3. In the alternative to Subsections 1 and 2, the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

- a. Must be incidental and subordinate to existing farm use on the tract;
- b. May not, individually, exceed a duration of 72 consecutive hours;
- c. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
- d. Must comply with the standards described in Subsection 6.025(A). ;
- e. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
- f. Must comply with conditions established for:
 - (1) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - (2) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - (3) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
 - (4) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - (5) Sanitation and solid waste
 - (6) Must comply with the requirements of J.8.
- g. A permit authorized by this Subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection 3, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

4. In addition to Subsections 1 to 3, the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections 1 to 3 if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

- a. Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- b. Comply with the requirements of J.3.c, d, e, and f;
- c. Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and
- d. Do not exceed 18 events or activities in a calendar year.

5. A holder of a permit authorized by a county under Subsection 4 must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

- a. Provide public notice and an opportunity for public comment as part of the review process; and
- b. Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection 4.

6. Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.

7. The authorizations provided by Subection 3 are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

8. Conditions of Approval. Agri-tourism and other commercial events permitted under Subsections 3 and 4 are subject to the following standards and criteria:

- a. A permit application for an agri-tourism or other commercial event or activity shall include the following:

(1) A description of the type of agri-tourism or commercial events or activities that are proposed, including the number and duration of the events and activities, the anticipated daily attendance and the hours of operation and, for events not held at wineries, how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.

(2) The types and locations of all existing and proposed temporary structures, access and egress, parking facilities, sanitation and solid waste facilities to be used in connection with the agri-tourism or other commercial events or activities;

(3) Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.

b. Approval Criteria.

(1) The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.

(2) No more than two agri-tourism or commercial events or activities may occur in one month.

(3) The maximum number of people shall not exceed 500 per calendar day.

(4) Notification of agri-tourism and other commercial events or activities.

(a) The property owner shall submit in writing the list of calendar days scheduled for all agri-tourism and other commercial events or activities by April 1 of the subject calendar year or within 30 days of new or renewed permits to County Planning Department.

(b) The list of calendar dates for all agri-tourism, commercial events and activities may be amended by submitting the amended list to the Department at least 10 days prior to any change in the date of approved dates.

(c) The notification shall include a contact person or persons for each agri-tourism and other commercial event or activity who shall be easily accessible and who shall remain on site at all times, including the person(s) contact information.

(5) Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 11:00 p.m].

(6) Overnight camping is prohibited.

(7) Noise Control. Agri-tourism activities shall comply with the Morrow County Code Enforcement Ordinance.

(8) Transportation Management

(a) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

(b) Driveways extending from paved roads shall have a paved apron, requiring review and approval by Morrow Public Works.

(c) The parcel, lot or tract must have direct access from a public road or is accessed by an access easement or private road, whereby all underlying property owners and property owners taking access between the subject property and the public road consent in writing to the use of the road for agri-tourism and other commercial events or activities at the time of initial application.

(d) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.

(e) Adequate off-street parking will be provided pursuant to provisions of Article 4 of this Ordinance.

(9) Health and Safety Compliance

(a) Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.

(b) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of Building Official and any other applicable federal, state and local laws.

(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.L.](#) 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.

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);

(2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

(3) Costs associated with any of the factors listed in Subsection (1) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

(4) The owner of a wind power generation facility approved under Subsection b shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and

(5) The criteria of Subsection c are satisfied.

c. For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. 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 wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

(2) The presence of a proposed wind power 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;

(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.

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 12 acres from use as a commercial agricultural 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:

(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;

(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;

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed 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;

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

- (a) Non high-value farmland soils are not available on the subject tract;
- (b) Siting the project on non high-value farmland 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 non high-value farmland soils; and

(6) 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 48 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 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 12 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:

(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 20 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:

(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 12 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;

(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 320 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:

(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 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(3) No more than 20 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;

(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.M. 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 a use permitted by Section C, except a residential use, smaller than the minimum parcel size provided in Subsection 1 may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
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;
 - d. The parcels for the nonfarm dwellings are:
 - (1) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

(2) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level; and

e. The parcels for the nonfarm dwellings do not have established water rights for irrigation.

5. This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.

6. This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

7. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a use described in B.29, C.3, or C.7 from the lot or parcel on which the primary residential use exists.

8. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section B.17.

9. A division of land may be permitted to create a parcel with an existing dwelling to be used:

a. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section H; and

b. For historic property that meets the requirements of Section B.33.

10. Notwithstanding the minimum lot or parcel size described in Subsection 1,

a. A division of land may be approved provided:

(1) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and

(2) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

b. A parcel created pursuant to this Subsection that does not contain a dwelling:

(1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(2) May not be considered in approving or denying an application for siting any other dwelling;

(3) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

(4) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

11. A division of land smaller than the minimum lot or parcel size in Subsection 1 may be approved provided:

a. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;

b. The church has been approved under Subsection B.26;

c. The newly created lot or parcel is not larger than five acres; and

d. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection 1 either by itself or after it is consolidated with another lot or parcel.

12. Notwithstanding the minimum lot or parcel size described Subsection 1, a division for the nonfarm uses set out in Subsection B.12 if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

13. The governing body of a county may not approve a division of land for nonfarm use under Subsection 2, 3, 4, 9, 10, 11, or 12 unless any additional tax imposed for the change in use has been paid.

14. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.

15. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:

a. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.

b. If the parcel does not contain a dwelling, it:

(1) Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;

(2) May not be considered in approving or denying an application for any other dwelling; and

(3) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

M-N. Yards. In an EFU Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be 20 feet for property 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 for combining accesses are provided and approved by the County.

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.

3. Rear yards shall be a minimum of 25 feet,.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

N-O. 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)



To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: May 15, 2024
 RE: Monthly Planning Update



Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short term and long-range planning in land use, to sustain and improve the county’s lands for future generations. Our goal is to foster development where people can live, work & play.

The Planning Department is very pleased to announce the successful Compliance Planner candidate – Kaitlin Kennedy. Kaitlin is transferring from the Sheriff’s Office Dispatch Department and will begin June 24th. Welcome Kaitlin!

Land Use Actions

At their April 30th monthly meeting the Planning Commission approved two applications, a combined land partition and Variance application and a Home Occupation permit application. One legislative hearing was held by the Board of Commissioners on May 1 in Heppner. That



approval is part of the application process required for a new solar array in Morrow County. The second reading of the Ordinance to adopt the exception is scheduled for May 15th in Irrigon. The solar array project will use sheep grazing as part of their weed abatement program.

<u>Planning Permits</u>	<u>Quarter 1</u>	<u>2024</u>
Zoning Permits		25
Land Use Compatibility Reviews		28
Land Partitions		4
Property Line Adjustments		2
Land Use Decisions		3
Rural Addresses		4
Zone Amendments		3
Farm Ag Exempt Permit		2
Other		11

2024 Code Update

Staff continue to work on a Zoning Ordinance code update with a focus on clarity and consistency of process. A work session with an initial draft of the updates will be held with the Planning Commission at their May 28th meeting in Irrigon. Key changes include clearly identifying which development applications require findings and public notice, clarifying which applications and types of development that should be referred to the Planning Commission, and updating the review criteria for ministerial and administrative decisions. This code update was initiated last year in response to conversations around the county review process for Data Center applications. While data centers are an “outright use,” under Oregon law, applications that are subject to subjective standards or interpretations, must include “findings” aka a report, public notice, and an opportunity for public comment. Staff are also working with local stakeholders to seek their input.

Energy Projects

Numerous large projects are under review by the state Energy Facility Siting Council (EFSC) including new applications and amendments to approved projects. Staff met with development teams and EFSC staff to review projects. One example of a proposed EFSC Site Certificate amendment is the recently filed amendment for the Idaho Power Company Boardman to Hemingway Transmission line. That amendment would impact several properties in



Morrow County. Parts of the proposed amendment are minor, for example to change a driveway or road access; other aspects of the amendment are more significant, for example increasing the micro siting corridor from 200 feet to one half mile for the Boardman to Hemingway transmission line project. Summary of energy projects in Morrow County is found here:

<https://www.co.morrow.or.us/planning/page/renewable-energy-1>

Morrow County Heritage Trail Update

The Request for Proposal for the Heritage Trail Master Plan update has been issued. The RFP can be found here: <https://www.co.morrow.or.us/rfps>. Proposals are due May 30th. Staff are looking for volunteers to participate in the trail planning project. Please contact the Planning Department if you are interested.

Interpretive Panel Update

The Interpretive Panel final design is complete and the contractor, SeaReach, Limited, has started the production of the new panels. The final design of the interpretive panels is available for review upon request from staff. The interpretive panels will be installed this Spring with help of Public Works and the Irrigon and Boardman Park District and Port of Morrow.

<https://www.co.morrow.or.us/planning/page/heritage-trail-panels>

WATER AND PLANNING ACTIVITIES

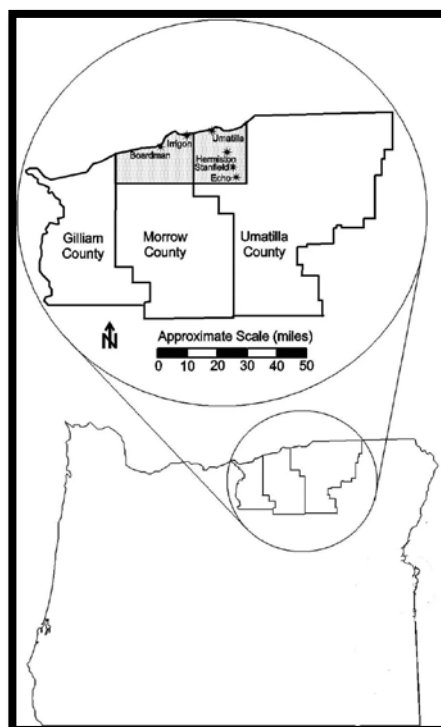
Water Advisory Committee

The Water Advisory Committee did not meet in April although staff and GSI Water Solutions have set up a field trip to meet with landowners. Meetings are open to the public. The next WAC meeting is scheduled for May 13, 2024, 4-6 pm at the North Morrow County Government Center, Irrigon. The tentative agenda includes a discussion of potential projects and policies.

LUBGWMA

Planning Director participates in the Communications Subcommittee and the Best Management Practices subcommittee meetings of the LUBGWMA. The April LUBGWMA meeting was held in Irrigon, during which several state agency directors attended and announced a new state initiative to look at the structure of the LUBGWMA. That state report should be available soon. Meanwhile, subcommittee work continues.

Dr. Salini Sadishiran, OSU professor, and Madison Anzarut, OSU graduate student, will be in the north part of county on Friday, May 17th and Saturday, May 18th to work on their research project intended to better understand whether water quality is linked to septic systems. About 10 households have volunteered to help with this research project. The study will continue for multiple years. Anyone willing to allow the OSU team to test well for this purpose please contact the Planning Department.



Morrow Umatilla County Drinking Water Investigation

The “Morrow and Umatilla County Drinking Water Investigation” is underway with GSI Water Solutions Inc. and Ronan Igloria, Project Manager. The first Steering Committee meeting was held on April 11th. Meetings are open to the public and are posted on the county webpage here: <https://morrowcoor.portal.civicclerk.com/event/1075/files/agenda/2325>

Two half day workshops have been scheduled; one to coordinate data collection and another to develop a communication plan and protocol. A workshop on data has been set for May 22nd, 9 – noon and a workshop on communication has been set for the following afternoon, 2:00-5:00. Both workshops will be in the Don Adams Room, North Morrow County Government Center. Anyone interested in participating in either workshop please contact Tamra Mabbott, Planning Director at tmabbott@co.morrow.or.us. Both workshops are important first steps in the Drinking Water Investigation which will conclude in August 2026 with a report and a set of recommendations for connecting rural households to public water systems and other options for clean drinking water. The study area includes north Morrow and West Umatilla properties in the Lower Umatilla Basin Groundwater Management Area. Following the workshops, outreach with neighborhoods and property owners will be scheduled.

Staff will begin the grant application process for another funding source, Congressionally Directed Spending (CDS) allocation, which was announced on Friday, March 8th and will include \$1.2 million for phase II of the project which will include funding for design and engineering work.

On May 1st, the Board of Commissioners authorized staff to apply for grant funds that would allow county to procure a preliminary engineering feasibility for providing water to a neighborhood located within an urban growth area. The state of Oregon is providing support for that effort with both grant funding and will also be hiring a third party to assist with outreach.

Water Infrastructure Funding

As time and resources allow, staff are gathering resources and assembling a list of various funding sources for water projects. This funding could be accessed by private and public entities and may be a resource to implement some of the recommendations expected in the “Morrow and Umatilla Drinking Water Investigation.” Several state and federal agencies have programs. An example of a funding program is the Oregon Water Resources Department (OWRD) Well Abandonment and Replacement Program which is available to individual well owners.

Water Data and Mapping

County and GSI Water Solutions Inc. recently received a GIS data set from Oregon Health Authority (OHA) which will serve as the starting point for data analysis.

For more information about the Drinking Water Investigation, the Water Advisory Committee (WAC) and other water information are on the Planning Department web page.

West Glen

In addition to ongoing code compliance efforts, staff have been working to support and coordinate the efforts of numerous state and local agencies, community groups, and funding organizations that are able and interested in supporting livability improvements for the West Glen neighborhood. The provision of clean drinking water to West Glen is a top priority, but preliminary discussions have also contemplated the possibility of installing sewer and street infrastructure in conjunction with a large-scale water project if the improvements are consistent with community desires and available funding opportunities.

Staff is taking a thoughtful approach to planning for West Glen and are mindful of the need to coordinate community engagement, cost estimates, funding opportunities, staff capacity, consultant contracting, preliminary engineering, public messaging, and consistency with the other ongoing water projects throughout the county. Two meetings have been held at the Irrigon Government Building, and a third is scheduled, to bring together the agencies, organizations, and staff necessary to achieve positive outcomes for the west glen community.

CODE COMPLIANCE

Staff met with numerous landowners who have voluntarily signed the action plan abatement agreement to prolong the compliance process on their properties with commercial trucks. Multiple citations were issued to landowners who did not preemptively sign the abatement agreement, however planning staff elected to withdraw the citations prior to the initial hearing when the property owners agreed to work within the abatement agreement framework as an

alternative to legal action. Staff have been working diligently to cover the workload while the Compliance Planner position is vacant.

Natural Hazard Mitigation Plan (NHMP) Update Staff hosted two events to share information about the NHMP Update, one in Boardman as part of the Family Day event at the Sage Center and another in Heppner. A preliminary draft NHMP will be circulated in June. Please contact Stephen Wrecsics swrecsics@co.morrow.or.us if you would like a copy of the preliminary plan the plan or if you would like to provide comments on the plan.