

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE ADOPTING AMENDMENTS  
TO THE MORROW COUNTY ZONING  
ORDINANCE GENERAL INDUSTRIAL,  
GENERAL COMMERCIAL, RURAL SERVICE  
CENTER ZONES, ARTICLE 6, ARTICLE 4,  
AND FLOOD HAZARD OVERLAY ZONE  
PRIMARILY FOR CONSISTENCY WITH  
DEFINITIONS AND USES RELATED TO  
RECREATIONAL VEHICLES AND  
RECREATIONAL VEHICLE PARKS.

COUNTY ORDINANCE

NO. MC-08-2010

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the county over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, Planning staff initiated changes to the Zoning Ordinance to amend the General Industrial Zone to conditionally allow RV Parks at the "old mill site" in Heppner, and other uses. Also, to amend various parts of the Morrow County Zoning Ordinance based on Oregon State adopted temporary private campground rules and other statutory changes regarding RV parks. Amendments will include the entire MCZO relating to RV Parks based on consistency; and

WHEREAS, the Planning Commission and staff discussed a need to be consistent with Oregon Revised Statutes and consistency within the Morrow County Zoning Ordinance as discussed in the Planning Commission Final Findings of Fact; and

WHEREAS, the Morrow County Planning Commission held hearings to review the request on August 31, 2010, at Heppner City Hall in Heppner, Oregon and on September 28, 2010, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Planning Commission unanimously recommended approval of the request and adopted Planning Commission Final Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on October 20, 2010, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court did consider the testimony and evidence presented to them;

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS  
FOLLOWS:

MORROW COUNTY, OREGON **CJ2010-0126**  
Commissioners' Journal **11/04/2010 09:03:31 AM**



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



Zoning Ordinance Amendment  
MG/RV Standards 2010 Amendment  
Page 1

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "MG/RV Standards 2010 Amendment."

Section 2 Affected Document

The Morrow County Zoning Ordinance Article 1 Section 1.030 Definitions; Article 3 Sections 3.030 Rural Service Center Zone (RSC), 3.060 General Commercial Zone (CG), 3.070 General Industrial Zone (MG), 3.100 Flood Hazard Overlay Zone (FP); Article 4 Section 4.090 General Provisions Regarding Accessory Uses; Article 6 Section 6.050(N) Recreational Vehicle Park, are amended and shall be replaced in their entirety with the document identified as Exhibit 1.

Section 3 Effective Date

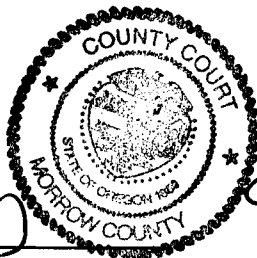
This ordinance shall be effective on January 1, 2011.

Date of First Reading: October 27, 2010

Date of Second Reading: November 3, 2010

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 3rd DAY OF NOVEMBER, 2010

ATTEST:



MORROW COUNTY COURT:

*Bobbi Childers*

Bobbi Childers  
County Clerk

*Terry K. Tallman*  
Terry K. Tallman, Judge

*Ken a. Grieb*  
Ken Grieb, Commissioner

APPROVED AS TO FORM:

*Ryan Swinburnson*  
Ryan Swinburnson  
County Counsel

*Leann Rea*  
Leann Rea, Commissioner

IN THE COUNTY COURT OF THE STATE  
OF OREGON FOR MORROW COUNTY

AN ORDINANCE PROVIDING FOR  
THE ESTABLISHMENT OF ZONING  
COUNTY ORDINANCE NO. MC-C-3-01  
REGULATIONS FOR THE UNINCORPORATED  
AREA OF MORROW COUNTY, OREGON

**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 County Court.

Accepted Farming Practice. A mode of operation that is common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches with the intent to obtain a profit in money, and customarily used in conjunction with farm use.

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

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

Agricultural Land. Lands classified by the U.S. Soil Conservation Service (SCS) as predominately Class I-VI soils, and other lands in different soil classes that are suitable for farm use taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns,

technological and energy inputs required, and accepted farming practices. Lands in other classes that are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land in any event.

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

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

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

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

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

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

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

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

Campground. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Campsites may be occupied by a tent, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by Oregon Administrative Rules 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 6 month period. A private campground may provide yurts for overnight camping provided that no more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.

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

Commercial Activities in Conjunction with Farm Use. The processing, packaging, treatment, and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies, and services directly related to the production and harvesting of agricultural products. Such uses include the following:

- A. Storage, distribution, and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.
- B. Farm product receiving plants, including processing, packaging, and reshipment facilities, excluding canneries.
- C. Storage, repair, or sale of fencing, irrigation pipe, pumps, and other commercial farm-related equipment and implements.
- D. Farm equipment storage and repair facilities.
- E. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
- F. Veterinarian Clinic.
- G. Horticultural specialties such as nurseries or greenhouses for retail sale of plants and products.
- H. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.
- I. Wineries for production from fruits, a portion of which are grown on the property, including retail sales.
- J. Any other such uses that may be construed as similar to the above-listed uses.
- K. The Approving Authority shall consider among other relevant criteria the Land Conservation and Development Commission Decision No. 79-003.

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

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

Contiguous Land. Parcels of land that abut each other.

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

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

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

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

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

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

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

Farm Use. The current employment of land, including that portion of such land under buildings, for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of or the produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics, and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance, and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in pertinent sections of this Ordinance. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees. The terms farm, farming, and farm use shall be interpreted and applied in a manner consistent with ORS 215.203. (MC-C-8-96) (MC-03-05)

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

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source, mudslides that are proximately caused or precipitated by accumulations of water on or under the ground, and the collapse or subsidence of land along

the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water on or under the ground, and the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural or man-made body of water accompanied by a severe storm or by some similarly unusual and unforeseeable event that results in flooding as defined herein above.

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

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

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

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

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

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

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

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

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

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

Home Occupation. A business conducted by the owner and/or occupant in a residence for purpose of monetary gain. Clerical or administrative activity conducted not for the principal purpose of direct monetary gain, but rather to support a business not located on the same site as the dwelling, does not constitute a home occupation, e.g., transcription, bookkeeping, telephone contact. (MC-C-8-96)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Mobile Home or Manufactured Dwelling.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel. A single unit of land created by a partition (ORS 92.010(6)). A parcel may also be a single unit of land described by deed and created prior to the establishment of the Morrow County Subdivision Ordinance (June 6, 1980).

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

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

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

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

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

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

A. Truck Camper. A portable unit which has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck.

B. Camping Trailer. A vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

C. Travel Trailer. A vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle.

D. Motor Home. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Structure.** Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

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

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

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

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

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

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

Utility Facility. Any major structure owned or operated by a public, private, or cooperative electric, fuel, communication, sewage, or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste, or byproducts, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone.

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

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

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

A. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

B. No lot area, yard, or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

C. No lot area, yard, or other open space that is required by this ordinance for one use shall be used as the required lot area, yard, or open space for another use.

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

Prior to the construction, reconstruction, alteration, or change of use of any structure larger than 100 square feet or lot for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use 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.

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

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

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

A. Terminology. The word "County" shall mean the County of Morrow, Oregon. The words "County Court" and "Court" shall mean the County Court of the County of Morrow. The words "Planning Commission" and "Commission" shall mean the County Planning Commission of the County of Morrow duly appointed by the County Court. The words "Planning Director," "County Roadmaster," "County Clerk," "County Surveyor," "Tax Collector," and "Assessor" shall mean the Planning Director, County Roadmaster, County Clerk, County Surveyor, Tax Collector, and Assessor of the County of Morrow, as applicable.

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

### **SECTION 3.030 RURAL SERVICE CENTER ZONE, RSC.**

The purpose of the RSC Zone is to provide for a limited number of commercial service centers located in rural areas that serve the more immediate needs of residents from the surrounding countryside. Farm related commercial and industrial uses, such as fertilizer bulk stations and grain elevators, also need to be located in close proximity to their service areas. In an RSC Zone the following regulations shall apply:

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

1. Farming, excluding commercial livestock feedlot, livestock sales yard, hog farms, and mink farms, and subject to the restrictions on animals in subsection C of this section.
2. Non-farm single-family residence, including a mobile home subject to the requirements set forth in section 4.110 of this Ordinance.
3. Retail store, office or service establishment.
4. Automobile service station.
5. Agriculturally oriented commercial use.
6. Park, playground or community building.
7. Church, school and cemetery.
8. Utility facility.
9. Television or radio station, transmitter or tower.

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

1. Commercial residential use.
2. Multi-family dwelling.
3. Tourist or travelers accommodations.
4. Mobile home park and Recreational Vehicle park.
5. Manufacturing or warehousing.
6. Kennel or animal hospital.
7. Automobile wrecking yard and/or repair garage.
8. Commercial amusement or recreation establishment.
9. Water supply and treatment facility.

10. Sewage disposal and treatment facility.
11. Agriculturally oriented industrial use.
12. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted Rural Service Center uses.

C. Lot Size. In an RSC Zone, the following lot sizes shall apply:

1. The minimum average width of lots served by an approved community, municipal or public water system and an approved community or public sewerage system shall not be less than 50 feet and an area of not less than 6,000 square feet.
2. The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewerage system, but not served by both, shall not be less than 100 feet and an area of not less than 20,000 square feet.
3. The minimum average width of lots not served by an approved community, municipal, or public water system or by an approved community or public sewerage system shall be 150 feet and shall have a lot area of not less than 1.0 acre (43,560 square feet),

D. Dimensional Standards. The following dimensional standards shall apply in an RSC Zone:

1. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the total lot area.
2. Building Height. No residential building or structure nor the enlargement of any such building or structure shall be hereafter erected to exceed two (2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet.

E. Yards. In an RSC Zone, the following yard requirements shall apply:

1. The minimum front yard shall be 20 feet.
2. The minimum side yard shall be 10 feet, except on the street side of a corner lot, it shall be 20 feet.
3. The minimum rear yard shall be 20 feet.
4. The minimum lot frontage on a public street or private roadway shall be 50 feet, except that a flag lot frontage may be reduced to the width of a required driveway but no less than 20 feet and except for a cul de sac, where the frontage may be reduced to 30 feet.

F. Off-Street Parking and Loading. In an RSC Zone, off-street parking and loading shall be provided in accordance with the provisions of Article 4.



G. Signs. Signs for the various uses permitted in an RSC Zone shall conform to the standards specified under comparable zones of this ordinance.

H. Transportation Impacts.

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

### **SECTION 3.060. GENERAL COMMERCIAL ZONE, CG.**

The General Commercial zone is intended to provide areas within which a variety of retail and wholesale business will occur. These areas would serve general community needs with types of activities which need not be conducted wholly within an enclosed building. In a C-G Zone, the following regulations shall apply:

A. Uses Permitted Outright. In a C-G Zone, the following uses and their accessory uses are permitted outright.

1. Bank or other financial institution.
2. Agricultural or horticultural use providing no livestock or poultry is kept within 100 feet of a dwelling not on the same lot.
3. Laundry or dry-cleaning institution.
4. Public park, playground, or similar recreational use.
5. Printing shops, newspapers or other publishing businesses.
6. Personal service business.
7. Retail trade establishment.
8. Church.
9. Drug Store.
10. Community meeting building, fraternal or social organization.
11. Food, grocery or general merchandise store.
12. Parking facility.
13. Gift shop or similar tourist-oriented specialty shops.
14. Eating or drinking establishment not including drive-ins or those serving alcoholic beverages.
15. Self-service laundry.
16. Home appliance repair.
17. Sporting goods store.
18. Public or private school.

19. Business or professional office.
20. Department or furniture store.
21. Hospital or nursing home.
22. Medical or dental clinic.

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

1. Automotive sales and services.
2. Radio or TV station.
3. Boat, trailer, Recreational Vehicle or mobile home sales and service.
4. Utility substation.
5. Building supply outlet.
6. Cabinet or carpenter shop.
7. Day nursery.
8. Plumbing, heating or electrical shop.
9. Farm and heavy equipment sales and service.
10. Sheet metal shop.
11. Veterinary clinic or kennel.
12. Car wash.
13. Eating or drinking establishment, including drive-in restaurants and those serving alcoholic beverages.
14. Motel, hotel.
15. Service station, truck stop.
16. Commercial activity or use directly serving agriculture.
17. Commercial recreation facility.
18. Multi-family dwelling.
19. Public or semi-public use and public utility facility.

20. Mobile home park.

21. Drive-in theater.

22. Mortuary.

23. Plant nursery or greenhouse.

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

25. A single family residence in conjunction with a business. (MC-C-7-98)

C. Yards. In a C-G Zone, the minimum yard requirements shall be as follows:

1. A front yard shall be a minimum of 20 feet between a building or structure and the street right-of-way line.

2. A side or rear yard abutting a street shall be a minimum of 10 feet.

3. A side or rear yard abutting a residential zone shall be a minimum of 25 feet.

4. A rear yard abutting an alley shall be 10 feet when it is used for servicing the commercial establishment.

D. Height of Building. In a C-G Zone, no building shall exceed a height of 45 feet.

E. Lot Coverage. In a C-G Zone, buildings shall not occupy more than 70 percent of the total lot area, except as approved by the Commission.

F. Lot Size. In a C-G Zone, the minimum lot size shall be as follows.

1. For residential uses permitted pursuant to this section the residential lot size standards set forth in the SR Zone shall apply.

2. For all other uses permitted by this section, the minimum lot size shall be governed by the combined yard, lot coverage, off-street parking requirements, and other requirements set forth by this section.

3. If the site is located within the Urban Growth Boundary of a city, the lot size standards for the city shall apply.

G. Use Limitations. In a C-G Zone, permitted uses shall be subject to the following limitations and standards:

1. All parking demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street, except as approved by the Commission.

2. No use permitted by this section shall require the backing of traffic onto a public or private street, road or alley right-of-way to accommodate ingress or egress to any use or the premises thereof.

3. There shall not be more than one ingress and one egress from properties accommodating uses permitted by this section per each 300 feet of public street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.

4. All uses permitted by this section shall be screened from abutting properties in a residential zone by densely planted trees and shrubs or sight-obscuring fencing.

5. All uses shall be subject to any additional requirements for access and parking in Article 4 and the Transportation System Plan, as well as any specific requirements recommended by the TIA, if applicable.

H. Sign Limitations. In addition to standards and regulations set forth by this ordinance relative to signs, and by ORS Chapter 377 and Administrative Rules adopted pursuant thereto when applicable in a C-G Zone, the following sign limitations shall apply:

1. No free-standing sign shall exceed 200 square feet and a height of 20 feet.

2. No sign shall exceed 25% of the area of the wall it is attached to.

3. No sign shall be located within or protrude into or over a street right-of-way.

4. All signs shall be located in such a manner so as to not shine or reflect glare directly onto a lot in an abutting residential zone or onto a street right-of-way.

I. Off-Street Parking and Loading. In a C-G Zone, off-street parking and loading shall be provided in accordance with the provisions of this section and Article 4.

J. Transportation Impacts

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

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

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

A. Uses Permitted Outright. In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section. A Zoning Permit is required and projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).

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

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

16. Data center.

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

1. Any use permitted when authorized by subsection (1) of this section on a lot within a duly platted subdivision or residential zone.

2. Utility, transmission and communications towers 200 feet in height and taller.

3. The resumption of a residential use including a mobile home where the subject use has previously been conducted and has not been discontinued for a period exceeding six months.

4. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes. Retail sales and rentals shall only be associated with these primary uses.

5. Any use permitted by subsection A of this section where open outside storage is involved.

6. Concrete or ready-mix plant.

7. Automobile and other automotive wrecking yard.

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

9. Commercial feed lot, stock yard, sales yard, slaughter house, and rendering plant.

10. Railroad trackage and related facilities.

11. Lumber and other wood products manufacturing.

12. Agricultural products storage and processing plants.

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

a. Occupy more than 70% of the land area designed or designated for said use.

b. Generates any odor, fumes, glare, flashing lights or noise which is perceptible from a resident located within 500 feet from the property line of the subject use without instruments.

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

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

16. Rail loop and spur dependent uses.

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

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

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

1. No use permitted under the provisions of this section that requires a lot area exceeding two (2) acres shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone, except as approved by the Commission.

2. No use permitted under the provisions of this section that is expected to generate more than 20 auto-truck trips during the busiest hour of the day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

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

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

2. 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. There shall be no setback requirement where a property abuts a railroad siding or spur if the siding or spur will be utilized by the permitted use.

3. 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 10 feet measured at right angles to the high-water line or mark.



4. Uses adjacent to residential uses. A sight-obscuring fence shall be installed to buffer uses permitted in the General Commercial Zone from residential uses. Additional landscaping or buffering such as diking, screening, landscaping or an evergreen hedge may be required as deemed necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

#### E. 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 B trucks, recreational vehicles and buses B will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

### **SECTION 3.100. FLOOD HAZARD OVERLAY ZONE, FP.**

In any zone which is a FH Overlay Zone, the requirements and standards of this section shall apply in addition to those herein specified for such zone previously, provided that if a conflict in regulations or standards occurs, the provisions of this section shall govern.

#### **(1) APPLICATION OF PROVISIONS**

The provisions of this section shall apply to all areas of special flood hazards within the jurisdiction of the County. The areas of special flood hazard identified by the Federal Insurance Administration on the "Flood Study" with accompanying "Flood Insurance Rate Maps" is hereby adopted by reference and declared to be a part of this Ordinance, and, thereof, the provisions of this section shall apply to all flood hazard areas identified by said Maps.

#### **(2) DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"APPEAL" means a request for a review of the Planning Director's interpretation of any provision of this ordinance or a request for a variance.

"AREA OF SHALLOW FLOODING" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"AREA OF SPECIAL FLOOD HAZARD" or "SPECIAL FLOOD HAZARD AREA (SFHA)" means the land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

"BASE FLOOD" means the flood have a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year-flood." Designation on maps always includes the letter A.

"BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides. Not to be confused with "below-grade crawlspace" which differs in function and size. (see below-grade crawlspace definition)

"BEFORE REGULATORY FLOODWAY" means a floodway without an actual "floodway" designation on the FEMA maps. Until FEMA makes an official designation concerning these areas and when the area has been designated within Zones A1 – 30 and AE on the FIRMs, development is limited as outlined in Section 5.3.

"BELOW-GRADE CRAWLSPACE" for this Ordinance means that area of a building which is bounded by foundation walls and is located between the bottom of the lowest floor and the ground. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade. Below-grade crawl spaces are generally less than four feet in height and provide a means of ventilation, visual inspection and access to pipes, ducts, and electrical wiring.

“CRITICAL FACILITY” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“DEVELOPMENT” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, or storage of equipment or materials, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“ELEVATION CERTIFICATE” means the official document, FEMA Form 81-31, in which lowest floor and flood-proofing elevations are recorded. It provides information necessary to ensure compliance with Morrow County’s floodplain management ordinance, to determine flood insurance rates, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“FLOOD” or “FLOODING” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of rivers or streams or
- (2) The unusual and rapid accumulation of or runoff of surface waters from any source.

“FLOOD INSURANCE RATE MAP (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“FLOOD INSURANCE STUDY” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“FLOODPLAIN” (OR “FLOOD-PRONE AREA”) means any land area susceptible to being inundated by water from any source.

“FLOOD-PROOFING” means protection measures made to a non-residential building that is not elevated above the Base Flood level. It includes ensuring that the walls and floor are water-tight and capable of withstanding hydrostatic pressures and hydrodynamic forces (dry flood-proofing).

“FLOODWAY” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Once established, nothing can be placed in the floodway that would cause any rise in Base Flood Elevation (i.e., 0.0 ft.)

“LOWEST FLOOR” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2).

**“MANUFACTURED HOME”** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include park trailers, or Recreational Vehicles.

**“MEAN SEA LEVEL”** means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988, which is the horizontal or base line of reference for the FIRM elevations.

**“NEW CONSTRUCTION”** means structures for which the “start of construction commenced on or after the effective date of this ordinance”.

**“START OF CONSTRUCTION”** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**“RECREATIONAL VEHICLE”** for floodplain management purposes, means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**“STRUCTURE”** means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

**“SUBSTANTIAL DAMAGE”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“SUBSTANTIAL IMPROVEMENT”** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"VARIANCE" means a grant of relief from the requirements of this ordinance which permits constructing in a manner that would otherwise be prohibited by this ordinance.

### (3) GENERAL PROVISIONS

#### 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Morrow County.

#### 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Morrow County", dated December 18, 2007, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance.

#### 3.3 PENALTIES FOR NONCOMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall, upon conviction, be punishable by imposition of a fine not to exceed:

- (1) \$500 in the case of a non-continuing offense; or
- (2) \$1000 in the case of a continuing offense.

#### 3.4 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### 3.5 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State Statutes.

### 3.6 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Morrow County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

## (4) ADMINISTRATION

### 4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

#### 4.1-1 Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".

#### 4.1-2 Application for Development Permit.

Application for a development permit shall be made on forms furnished by the Morrow County Planning Director and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been flood proofed;
- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 5.2-2; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

#### 4.2 DESIGNATION OF THE MORROW COUNTY PLANNING DIRECTOR.

The Morrow County Planning Director is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### 4.3 DUTIES AND RESPONSIBILITIES OF THE PLANNING DIRECTOR.

Duties of the Morrow County Planning Director shall include, but not be limited to:

##### 4.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required;
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

##### 4.3-2 Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.3 FLOODWAYS.

##### 4.3-3 Information to be Obtained and Maintained

- (1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3-2, obtain and record on FEMA Form 81-31 the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood proofed structures:
  - (i) Verify and record on FEMA Form 81-31 the actual elevation (in relation to mean sea level), and
  - (ii) Maintain the flood proofing certifications required in Section 4.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

##### 4.3-4 Alteration of Watercourses

- (1) Notify adjacent communities, the Department of State Lands, and the Department of Land Conservation and Development prior to any

alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

#### 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, as provided in the Morrow County Zoning Ordinance.

(4) In passing upon such applications, the Planning Commission and the Morrow County Court 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 may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(6) The Planning Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

#### 4.4-2 Conditions for Variances

(1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.1-4(4), or conflict with existing local laws or ordinances.

(6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(7) Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 4.1-2(1), and otherwise complies with Sections 5.1-1 and 5.1-2 of the GENERAL STANDARDS.

(8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## (5) PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 General Standards. In all areas of special flood hazards, the following standards are required:

### 5.1-1 Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas: guidebook for additional techniques).

#### 5.1-2 Construction Materials and Methods

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### 5.1-3 Utilities

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### 5.1-4 Subdivision Proposals

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

#### 5.1-5 Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.3-2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

## 5.2 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3-2, Use of Other Base Flood Data, the following provisions are required:

### 5.2-1 Residential Construction

(1) New Construction and substantial improvement of any **residential structure** shall have the lowest floor, including basement, elevated one-foot (1.0 ft.) or more above the base flood elevation.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 5.2-2 Non-residential Construction.

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

(1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2).

(4) Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2).

(5) Applicants flood proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed for the base flood level will be rated as one foot below that level).

#### 5.2-3 Below-Grade Crawl Spaces.

Morrow County will allow below-grade crawlspace construction provided that the interior grade of the crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade and the height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. Additionally there must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. (Reference: Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, Federal Insurance Administration Technical Bulletin 11-01).

Below grade-crawlspace construction. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(2) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

(3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(4) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(5) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

(6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

(8) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

#### 5.2-4 Manufactured Homes.

All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot (1.0 ft.) above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 5.1-1(2).

#### 5.2-5 Recreational Vehicles.

Recreational vehicles placed on sites are required to either:

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(iii) Meet the requirements of 5.2-4 (Manufactured Homes) above and the elevation and anchoring requirements for manufactured homes.

### 5.3 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the county's FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the Base Flood more than one foot (1.0 ft.) at any point within the county.

### 5.4 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments **shall not result in any increase** in flood levels during the occurrence of the base flood discharge.
- (2) If Section 5.4(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

**SECTION 4.090. GENERAL PROVISIONS REGARDING ACCESSORY USES.**

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

A. 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.

B. Boats, trailers, Recreational Vehicles and similar recreational equipment may be stored on a lot but not used as an accessory use in any zone provided that:

1. In a residential zone, parking or storage in a front yard or in a side yard abutting a street other than an alley shall be permitted only on a driveway.
2. Parking or storage shall be at least three feet from an interior side lot line.



## **ARTICLE 6. CONDITIONAL USES**

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

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this ordinance and this article by action of the Planning Commission 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.

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

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

### **SECTION 6.020. GENERAL CRITERIA.**

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

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

### **SECTION 6.030. GENERAL CONDITIONS.**

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

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size or location of a building or other structure.

D. Designating the size, number, location and nature of vehicle access points.

1. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.

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

E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding.

I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

J. Designating the size, height, location and materials for a fence.

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

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

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

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

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

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

A. 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.

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.

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.

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:

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.

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 only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent 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 by the Planning Commission. 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.
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. No persons shall be employed except members of the immediate family.
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.

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 proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.
2. The proposed site shall be located in or as near as possible to the area being served.

3. The proposed site shall be located at least one-fourth mile from any existing dwelling, home, or public road (except the access road).

4. The proposed site shall be provided with a maintained access road (all-weather).

I. Mining, quarrying, or other extraction activity:

1. Plans and specifications submitted to the Planning Commission for approval must contain sufficient information to allow the Planning Commission to consider and set standards pertaining to the following:

a. The most appropriate use of the land.

b. Setback from the property line.

c. The protection of pedestrians and vehicles through the use of fencing and screening.

d. The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.

e. The prevention of the collection and the stagnation of water of all stages of the operation.

f. The rehabilitation of the land upon termination of the operation.

2. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which may be injurious or annoying to persons or other uses in the vicinity.

3. The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.

4. A rock crusher, washer or sorter shall not be located closer than 500 feet from a residential or commercial use.

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-obscuring 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.

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.

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

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.

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.

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.

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.

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.

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.

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.

8. A sight-obscuring fence or evergreen hedge may be required by the Commission when, in its judgement, 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.

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.

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.

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

The procedure for taking action on a conditional use application shall be as follows:

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 Section 9.040. Applications shall be filed with the Planning Department at least 21 days prior to the Planning Commission meeting of submittal thereto.

B. If an application for a conditional use involves property and a use located within the Urban Growth Boundary of an incorporated city, said affected city shall be provided an opportunity to review and comment on such an application prior to submittal to the Planning Commission. The applicant shall be notified of the time and place that such city review is to be conducted, or shall be provided with a copy of said city review and comments at least 24 hours prior to the time of the Commission Hearing on said application.

C. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established on Article 9.

D. Within five days after a decision has been rendered with reference to a conditional use application, the Planning Director shall provide the applicant with written notices of the decision of the Commission.

**SECTION 6.070. TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE.**

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place or the proposed use has occurred. However, the Planning Commission may extend authorization for an additional period not to exceed one year on request.

**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.