

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

AN ORDINANCE AMENDING THE MORROW)
COUNTY ZONING ORDINANCE UPDATING)
ARTICLE 7 AND OTHER PROVISIONS) ORDINANCE NO. ORD-2016-5
RELATING TO DIMENSIONAL ADJUSTMENTS,)
VARIANCES, SPECIAL OR TEMPORARY USES,)
AND NON-CONFORMING USES.)

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, the Morrow County Planning Department initiated with support from the Planning Commission and County Court an update to the Morrow County Zoning Ordinance to complete housekeeping on Article 7 Variances; and

WHEREAS, the Morrow County Planning Commission held several work sessions in 2015 attended by both Planning Commission and County Court members; and

WHEREAS, the Morrow County Planning Commission held two public hearings to consider the changes to the Morrow County Zoning Ordinance Article 7 and other provisions dealing with Dimensional Adjustments, Variances, Special or Temporary Uses, and Non-Conforming Uses on April 26, 2016, at the Bartholomew Building in Heppner, Oregon, and on May 24, 2016, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, testimony in opposition to suggested changes related to setbacks in the forest recreation communities of Blakes Ranch, Penland Lake and Cutsforth Park were received and considered; and

WHEREAS, the Morrow County Planning Commission considered the testimony in opposition and made changes to the proposed Zoning Ordinance provisions of concern; and

WHEREAS, the Morrow County Planning Commission considered the request and, after deliberation, adopted Planning Commission Final Findings of Fact with a 'do adopt' recommendation to the Morrow County Court; and

WHEREAS, the Morrow County Court held a public hearing to consider the recommendation of the Morrow County Planning Commission on July 6, 2016, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Court did accept the Planning Commission recommendation, deliberated to a final decision with a unanimous vote, and agreed to

incorporate an emergency clause to facilitate anticipated development based upon the changes available as part of this amendment; now, therefore:

THE MORROW COUNTY COURT ORDAINS AS FOLLOWS:

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the 2016 Update to Article 7 Dimensional Adjustments, Variances, Special or Temporary Uses, and Non-Conforming Uses.

Section 2 Affected Documents:

Morrow County Zoning Ordinance

Section 3 Attached Documents:

Morrow County Zoning Ordinance

- Article 3 Use Zones
 - Section 3.010 Exclusive Farm Use
 - Section 3.020 Forest Use
 - Section 3.042 Small Farm
- Article 4 Supplementary Provisions
- Article 5 (Reserved for Future Use)
- Article 7 Dimensional Adjustments, Variances, Special or Temporary Uses, and Non-Conforming Uses

Section 4 Effective Date:

The Morrow County Court declares an emergency as an application is anticipated for development within one of the forest communities based upon these proposed changes. In order to allow development to begin within this construction year, and to allow for the necessary discretionary approval process, an emergency clause is necessary. Therefore the effective date for this Ordinance is less than 30 days after its Second Reading, or August 1, 2016.

Date of First Reading: July 13, 2016

Date of Second Reading: July 27, 2016

Dated this 27th day of July, 2016.

COUNTY COURT OF
MORROW COUNTY, OREGON

Ferry K. Tallman
Ferry K. Tallman, County Judge

Leahn Rea
Leahn Rea, Commissioner

Don Russell
Don Russell, Commissioner

Attest:
Bobbi Childers by
Theresa Crawford Deputy Clerk
Bobbi Childers, County Clerk



Approved as to Form:

[Signature]
Morrow County Counsel
Justin Niska
OSB #074466

MORROW COUNTY, OREGON **CJ2016-0081**
Commissioners' Journal **07/28/2016 1:59:09 PM**



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



SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE. In an EFU Zone, the following regulations shall apply:

A. **PURPOSE:** The purpose of the Exclusive Farm Use Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs, including economic needs that pertain to the production of agricultural products, and to permit the establishment of only those uses that are compatible with agricultural activities.

Uses, buildings, or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the Exclusive Farm Use Zone shall comply with the following regulations.

B. DEFINITIONS

1. **Agricultural Land:** as defined in OAR 660-33-020 and Article 1 of this Ordinance.
2. **Farm Use:** as defined in ORS 215.203 and in Article 1 of this Ordinance.
3. **High Value Farmland:** as defined in ORS 215.710. (For information about soil classification, refer also to the "Soil Survey of Morrow County, Oregon.")
4. **Date of Creation and Existence:** When a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
5. **Tract:** One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a County or Public Road, or contiguous at a common point. Lots divided by a State Highway are not considered contiguous.
6. **Golf Course:** An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(3) is more clearly defined in OAR 660-033-130(20).
7. **Irrigated:** Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, or receives water for irrigation from a water or irrigation district or other provider.
8. **Farm Stand:** A use or structure designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the

sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.

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

C. USES PERMITTED OUTRIGHT. In an EFU Zone the following uses and accessory uses thereof are permitted outright:

1. Farm use as defined by ORS 215.203 and Article 1 of this ordinance, except a use specified in subsection (2) of this section.
2. Propagation or harvesting of a forest product.
3. Buildings other than dwellings customarily provided in conjunction with farm use.
4. One single family dwelling subject to Section (E) below and Section 4.110, customarily provided in conjunction with farm use.
5. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to Section (E) below.
6. A replacement dwelling may be sited on any part of the same lot or parcel, subject to siting standards in this ordinance. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, the applicant, as a condition of approval, shall execute and record a deed with the County Clerk, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Planning Director and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.
7. Creation, restoration and enhancement of wetlands.
8. Creation, restoration and enhancement of wildlife habitat.
9. Climbing and passing lanes within a highway right-of-way existing as of July 1, 1987.

10. Reconstruction or modification of public roads and highways not including additional travel lanes, where no removal or displacement of structures would occur and not resulting in any new land parcels. (MC-C-8-98)
11. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (MC-C-8-98)
12. Minor betterment of existing public roads and highway facilities, such as maintenance yards, weight stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (MC-C-8-98)
13. Alteration, restoration or replacement of a lawfully established dwelling that meets all the following criteria:
 - a. Has intact interior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring or interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling.
14. Restoration or replacement of the lawful use of any building, structure or land may be permitted when the restoration is made necessary by fire, other casualty or natural disaster, and shall meet the following:
 - a. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
 - b. Any use interrupted or abandoned by casualty or natural disaster for more than (12) months may not be resumed unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.
15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in an inventory of historic property and is listed on the National Register of Historic Places.
16. Utility and transmission towers not exceeding 200 feet in height.
17. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and

OAR 660, Division 4, and further that no such use may be authorized on high value farmland.

18. Churches and cemeteries in conjunction with churches except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland.

19. A site for the disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland.

20. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

21. Operations for the exploration of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. (Processing of said resources is a conditional use.)

22. Seasonal farm worker housing provided for seasonal farm workers as defined in ORS 197.675 and to be occupied for no more than nine months not to exceed 273 days within any calendar year. The housing shall also meet the requirements of ORS 197.685.

23. A winery as described in ORS 215.452.

24. Subdivisions and Series Partitions for the purpose of establishing "non-farm dwellings" pursuant to ORS 92.010 - 92.190, and 92.305-92.495 are prohibited in the Exclusive Farm Use Zone.

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

26. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary, subject to restrictions of OAR 660-033-130(26).

27. Mining less than 1,000 cubic yards of aggregate material or excavation of less than one acre of land annually. (MC OR-1-2013)

28. Excavations conducted by the landowner or tenant on the landowner or tenant's property for the purpose of operations reasonably necessary for construction, reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel being excavated reasonably necessary for farming. (MC OR-1-2013)

D. **CONDITIONAL USES PERMITTED.** In an EFU Zone, the following uses and their accessory uses are permitted subject to demonstration of compliance with the requirements of Article 6 of this ordinance and Section (G) below:

1. Single-family residential dwellings including mobile homes subject to Section 4.110 of this ordinance not provided in conjunction with farm use, subject to approval pursuant to the limitations set forth by section (F) below.

2. One single family dwelling on a tract of record, meeting the following qualifications:

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

(1) Since prior to January 1, 1985; or

(2) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

b. The tract upon which the dwelling is to be sited does not include another dwelling.

c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

d. The lot or parcel upon which the dwelling is to be sited is not on high value farmland as defined in the definitions section.

e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.

f. The director or the director's designee shall notify the county assessor of any decision to permit a dwelling under this section.

g. Land use approval for a single family dwelling meeting requirements of this section may be transferred one time to any other person, prior to issuance of a building permit.

h. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

i. Notwithstanding the requirements of paragraph d, a single-family dwelling may be sited on high-value farmland if:

(1) It meets the other requirements of this section.

(2) The lot or parcel is protected as high-value farmland as defined in OAR 660-33-020(8)(a); and

(3) The Planning Commission determines that:

(a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, the criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use.

3. Accessory (secondary) farm dwellings, including mobile homes subject to Section 4.110, customarily provided in conjunction with farm use and meeting the following minimum requirements:

a. It meets all the following requirements:

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and

(2) The accessory dwelling will be located:

(a) On the same lot or parcel as the dwelling of the principal farm dwelling; or

(b) On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the principal farm dwelling is located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reappraised under these rules.

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

b. In addition to the requirements in subsection a, above, the principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(1) On land not identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

(a) At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

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

(2) On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

c. The county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of Section (E), a parcel may be created consistent with the minimum parcel size requirements in Section (H).

d. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section (F).

e. As a condition of approval, the landowner for the dwelling shall sign and record in the Morrow County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or

forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4. Residential home as defined in ORS 197.675 in an existing dwelling.
5. Room and board (bed and breakfast) arrangements for a maximum of five unrelated persons in an existing residence.
6. Livestock sales yard, hog or mink farm within one mile of a lot in a residential zone.
7. Commercial activities that are in conjunction with farm uses but not including the processing of farm crops pursuant to ORS 215.213(l)(x) and 215.283(l)(u).
8. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species. An application for insect species shall also be subject to OAR 660-033-0130(27).
9. Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
10. Operations conducted for the mining, stockpiling, or processing of mineral, aggregate and other mineral resources or other subsurface resources not to exceed 500,000 tons subject to Article 6 of this Ordinance and provisions within the Morrow County Comprehensive Plan which requires a significance determination. (MC OR-1-2013)
11. Private parks, playgrounds, hunting and fishing preserves and campgrounds except that such uses as are prohibited on high value farmland. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660 Division 4. A campground shall meet the definition and criteria established in OAR 660-033-130(19).
12. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
- 13 Golf Courses except that such uses are prohibited on high value farmland.
14. Commercial utility facilities for the purposes of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres of high value farmland or 20 acres of other land from commercial farm use unless an exception is approved pursuant to OAR 660 Division 4.
15. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order

to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the factors listed in OAR 660-033-0130(16).

16. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1976 shall continue to be permitted subject to any application regulations of the Aeronautics Division.

17. Home occupation. Home occupations may be permitted in accordance with the following:

On High Value lands:

- a. Homes occupations may only be authorized in an existing dwelling and structures accessory to an existing dwelling.
- b. Home occupations may not be authorized in structures accessory to resource use.
- c. A home occupation located on high-value farmland may employ only residents of the home.

On all other EFU lands:

- a. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located.
- b. A home occupation shall employ on the site no more than five full time or part time persons.
- c. The home occupation shall be operated substantially in the dwelling; or other buildings normally associated with uses permitted in the zone in which the property is located.
- d. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- e. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

18. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203.

19. Dog kennels, except that such uses are prohibited on high value farmland.
20. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
21. Construction of additional passing and travel lanes requiring the acquisition of right-of-way, but not resulting in the creation of new land parcels.
22. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.
23. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
24. Farm ranch recreation, pursuant to Oregon Law Chapter 728 (1997), in conjunction with a commercial farming or ranching operation subject to Article 6.
25. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.
26. Expansion or relocation of existing county fair and rodeo grounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210. (MC-03-05)
27. Operations for the extraction and bottling of water.
28. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020.
29. A wildlife habitat conservation and management plan pursuant to ORS 215.804.
30. A facility for the processing of farm crops, subject to OAR 660-033-0130(28).
31. A living history museum as defined in and in accordance with the criteria established in OAR 660-033-0130(21).
32. Utility facility service lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 - a. A public right of way;
 - b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

c. The property to be served by the utility.

33. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this Section.

34 Any gathering subject to review by the Planning Commission under the provisions of ORS 433.763. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period.

E. REQUIREMENTS FOR DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

1. High Value Land. On land identified as high value farm land, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is currently employed for the farm use that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.

b. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract.

c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

d. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

2. 160-acre test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The parcel on which the dwelling will be located is at least 160 acres.

b. The subject tract is currently employed for farm use, as defined in ORS 215.203.

c. The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no accessory dwelling for farm help may be authorized.

d. There is no other dwelling on the subject tract.

3. Income Test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years gross annual income of at least \$40,000; and
- b. There is no other dwelling on the subject tract; and
- c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in (a) above.
- d. In determining the gross income required by the subsection the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.

4. Capability Test. If the county prepares the potential gross sales figures pursuant to OAR 660-33-0135(4), the county may determine that, on land not identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.
- b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection a above.
- c. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection b above.
- d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres in size.
- e. Except as permitted in ORS 215.283(l)(p), there is no other dwelling on the subject tract.
- f. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection c above.
- g. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

F. REQUIREMENTS FOR DWELLING NOT PROVIDED IN CONJUNCTION WITH FARM USE. Dwelling not provided in conjunction with farm use may be authorized upon findings that:

1. There is no other dwelling on the parcel.
2. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:
 - a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban residential or other urban on nonresource uses shall not be included in the study area.
 - b. Identify within the study area the broad types of farm use (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwelling (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph.
 - c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

4. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

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

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

6. Shall not be located within one mile of a livestock commercial feedlot, livestock sales yard, slaughter house, hog or mink farm, or within one-quarter (1/4) mile of agricultural lands capable of being intensively farmed, unless adequate provisions are provided and approved by the Commission for a buffer between such uses. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of such proposed use or the agriculture of the area.

G. Dimensional Standards. In an EFU Zone, the following dimensional standards shall apply:

1. A lot or parcel of 160 acres or more shall be considered a farm unit.
2. A lot or parcel of less than 160 acres may be approved as a farm unit pursuant to the Conditional Use Permit process and when found to comply with the Agricultural Lands policies of the Comprehensive Plan and the provisions of Section 5.120 of the Morrow County Subdivision Ordinance.

3. The minimum average lot width shall be 150 feet with a minimum street frontage of 150 feet, excepting lots within an approved subdivision.

4. The minimum average lot depth shall be 150 feet.

5. Big Game Range Restrictions: In the case of Farm Use areas identified as Big Game Habitat no dwelling will be authorized where the overall density within a square mile exceeds one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat.

6. New parcels for nonfarm uses only as authorized by ORS 215.263 may be created. Such new parcels shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for the nonfarm dwellings authorized by Section F. The creation of new lots or parcels for dwellings not in conjunction with farm use may be created pursuant to Section F and ORS 215.263(4). The county shall not approve a subdivision or series partition for a dwelling not provided in conjunction with farm use. The provisions of this subsection regarding a series partition apply only to applications for a land division submitted after July 1, 1997. For purposes of this subsection, "series partition" shall have the meaning given that term in ORS 92.305.

H. Yards. In an EFU Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Commission; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Commission.

3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Commission.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

I. 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 3.020. FOREST USE, FU ZONE. In an FU Zone, the following regulations shall apply:

A. **USES PERMITTED OUTRIGHT.** In an FU Zone, the following uses and accessory uses thereof are permitted outright:

1. Forest operations or forest practices uses as defined in Section 1.030 of this ordinance including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, disposal of slash and livestock grazing.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
3. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
4. For the purposes of section (2) above "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
5. Farm use as defined in ORS 215.203.
6. Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hook-ups, including water service hook-ups.
7. Temporary portable facility for the primary processing of forest products.
8. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
9. Private hunting and fishing operations without any lodging accommodations.
10. Towers and fire stations for forest fire protection.
11. Widening of roads within existing rights-of-way in conformance with the County Transportation System Plan including public road and highway projects as described in ORS 215.213(1)(m) through (p) and 215.283(1)(k) through (n).
12. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
13. Caretaker residences for public parks and fish hatcheries.

14. Uninhabitable structures accessory to fish and wildlife enhancement.
15. Temporary forest labor camps.
16. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
17. Alteration, restoration or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structures.
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system.
 - c. Has interior wiring for interior lights.
 - d. Has a heating system.
 - e. In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.
18. Excavations of less than 5,000 cubic yards of sand, gravel, clay, rock or other similar materials or excavations of less than one acre annually. (MC OR-1-2013)

B. CONDITIONAL USES PERMITTED. In an FU Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Section (C) below and Article 6 of this ordinance:

1. Permanent facility for the primary processing of forest products.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
5. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
6. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465 and Goal 8.

7. Private parks and campgrounds as defined in OAR 660-006-0025(4)(e). Campgrounds in private parks shall only be those allowed by this exception. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
8. Public parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization, including only those uses specified in OAR 660-034-0035.
9. Television, microwave and radio communication facilities and transmission towers.
10. Fire stations for rural fire protection.
11. Aids to navigation and aviation.
12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
13. Reservoirs and water impoundments.
14. Firearms training facility.
15. Utility facility for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.
16. Resource exploration, mining and processing as defined in ORS Chapter 520, and not otherwise permitted outright, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
17. Private seasonal accommodations for fee hunting operations subject to Section (C) below, OAR 660-006-0029 and 660-006-0035, and the following requirements:
 - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.
 - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 - d. Other conditions as the county deems necessary.
18. Cemeteries.

19. New electric transmission lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
20. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
21. Public road and highway projects as described in ORS 215.213(2)(q) through (s) and (10) and 215.283(2)(p) through (r) and (3).
22. Private accommodations for fishing occupied on a temporary basis subject to Section (D) below, OAR 660-0060-0029, and 660-060-0035 and the following requirements:
 - a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.
 - c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.
 - d. Accommodations must be located within 1/4 mile of fish bearing Class I waters.
 - e. Other conditions as deemed necessary.
23. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
24. Expansion of existing airports.
25. Home occupation as defined in ORS 215.448 carried on by the resident as an accessory use within dwellings or other buildings
26. Dwellings authorized by ORS 215.720 to 215.750, subject to Section D below.

C. MINIMUM SITING STANDARDS FOR DWELLINGS. A dwelling permitted in Section B may be allowed if it meets the criteria set forth in subsections 1, 2, or 3 below. Criteria set forth in subsections 4 through 9 and Sections E and F apply to all dwellings in the FU Zone.

1. Lot of record dwelling:

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

(1) Prior to January 1, 1985, or

(2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

- b. The tract on which the dwelling will be sited does not include a dwelling.
- c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
- d. For purposes of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

2. Acreage Test: If a dwelling is not allowed pursuant to subsection (1), a dwelling may be allowed if it complies with other provisions of law and is sited on a tract that does not include a dwelling and meets the following criteria:

- a. Of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed for all tracts that are used to meet the acreage requirements of this paragraph.

3. Soils productivity and developed parcels test: single-family dwelling may be permitted on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

- a. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 - (1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (2) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
- b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - (1) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract;
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

4. A proposed dwelling provided for by this Section is not allowed if the tract on which the dwelling will be sited includes a dwelling.

5. If a tract 60 acres or larger described in subsection 3, above, abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

a. Be located within a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream;

b. Be within 1/4 mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.

6. If the tract under subsection 3 above abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

7. A proposed dwelling under this section is not allowed:

a. If it is prohibited by or will not comply with the requirements of the Comprehensive Plan;

b. Unless it complies with the requirements of OAR 660-060-0029 and 660-060-0035;

c. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (9) below.

8. The following definitions shall apply to this Section:

a. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway;

b. "Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.

9. The applicant for a dwelling authorized under Section 3 above that requires one or more lot or parcel to meet the minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" has been recorded with the Morrow County Clerk. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

D. SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES. The following siting criteria or their equivalent shall apply to all new dwellings and structures in the forest zone. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

1. Dwellings and structures shall be sited on the parcel so that:

- a. They have the least impact on nearby or adjoining forest or agricultural lands;
- b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
- d. The risks associated with wildfire are minimized.

2. Siting criteria for Uses Permitted Outright in Section (1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). For purposes of this section, evidence of a domestic water supply means:

- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
- b. A water use permit issued by the Water Resources Department for the use described in the application; or

- c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
4. As a condition of approval, if a road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
 5. Approval of a dwelling shall be subject to the following requirements:
 - a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
 - b. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - c. If the lot or parcel is more than 30 acres, as defined in ORS 321.405, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forest rules.
 - d. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.
 - e. The county shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

E. FIRE SITING STANDARDS FOR DWELLING AND STRUCTURES. The following fire siting standards or their equivalent shall apply to new dwelling or structures in a forest zone:

1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not

within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included with the nearest such district. If the county determines that inclusions within a fire protection district or contracting for residential fire protection is impracticable, the county may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

2. Road access to the dwelling shall meet road design standards described in Morrow County Transportation System Plan.

3. The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" date March 1, 1991 and published by the Oregon Department of forestry.

4. The dwelling shall have a fire retardant roof.

5. The dwelling shall not be sited on a slope of greater than 40 percent.

6. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

F. DIMENSIONAL STANDARDS. In an FU Zone, the following dimensional standards apply:

1. The minimum lot size for new lots or parcels in the FU Zone shall be 160. (Note: minimum lot size for purposes of siting a dwelling is 240 acres.) A parcel 80 acres in size or larger may also be considered.

G. LAND DIVISION REQUIREMENTS IN THE FOREST ZONE. All land partitions in the forest zone must meet the 80-acre minimum lot size and must comply with land partition standards of the Subdivision Ordinance.

1. New land divisions less than the minimum parcel size may be approved for any of the following circumstances:

a. For the uses listed in Section B.1 through B.17, provided that such uses have been approved pursuant to Section C and the land division created is the minimum size necessary for the use.

b. To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of subsection (1). Parcels created pursuant to this subsection:

(1) Shall not be eligible for siting of new dwelling;

(2) Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(3) Shall not result in a parcel of less than 35 acres, except:

(a) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(b) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and

(4) If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.

c. An applicant for the creation of a parcel pursuant to subsection (2)(b) of this section shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.

d. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

3. The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this subsection. The record shall be readily available to the public.

4. A landowner allowed a land division under subsection (2) of this section shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

H. SETBACK REQUIREMENTS. In an FU Zone, the minimum yard and setback requirements shall be as follows:

1. The front yard setback from the property line shall be 20 feet for property on a local street and 40 feet on a minor collector, 60 feet from a property line fronting on a major collector ROW, and 100 feet from a property line fronting on an arterial.
2. Each side yard setback shall be a minimum of 25 feet, and for parcels or lots with side yards adjacent to forest lands the adjacent side yards shall be a minimum of 200 feet, except as approved by the Commission.
3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to forest lands, side yard setbacks shall be a minimum of 100 feet, except as approved by the Commission.
4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.
5. Big Game Range Restrictions. In the case of Forest Use areas identified as Big Game Habitat, no dwellings will be authorized where the overall density within a square mile exceed one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat.

I. 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 3.042. SMALL FARM, SF-40 ZONE

A. **PURPOSE:** The purpose of the Small Farm, SF-40 Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs, including economic needs, that pertain to the production of agricultural products, and to permit the establishment of only those uses that are compatible with agricultural activities.

Although the Small Farm, SF-40 Zone was acknowledged as an SF-40 Zone with a 40 acre minimum lot size in the County's Comprehensive Plan in 1985, Oregon Revised Statutes (ORS) passed subsequently by the Oregon Legislature require the minimum lot size in all SF-40 Zones to be 80 acres.

Uses, buildings, or structures hereafter erected, structurally altered, enlarged, or moved, and land hereafter used in the SF-40 Zone shall comply with the following regulations.

B. DEFINITIONS

1. **Agricultural Land:** as defined in OAR 660-33-020 and Article 1 of this Ordinance.
2. **Farm Use:** as defined in ORS 215.203 and in Article 1 of this Ordinance.
3. **High Value Farmland:** as defined in ORS 215.710. (For information about soil classification, refer also to the "Soil Survey of Morrow County, Oregon.")
4. **Date of Creation and Existence:** When a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
5. **Tract:** One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a County or Public Road, or contiguous at a common point. Lots divided by a State Highway are not considered contiguous.
6. **Golf Course:** An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(3) is more clearly defined in OAR 660-033-130(20).
7. **Irrigated:** Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, or receives water for irrigation from a water or irrigation district or other provider.
8. **Farm Stand:** A use or structure designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25

percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.

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

C. USES PERMITTED OUTRIGHT. In an SF-40 Zone, the following uses and their accessory uses thereof are permitted outright subject to the applicable provisions set forth by this ordinance.

1. Farm use, as defined in ORS/215.203(2)(a), except a use specified in subsection (2) of this ordinance.
2. Propagation or harvesting of a forest product.
3. Buildings other than dwellings customarily provided in conjunction with farm use.
4. One single family dwelling subject to Section (E) below and Section 4.110, customarily provided in conjunction with farm use.
5. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to Section E below.
6. A replacement dwelling may be sited on any part of the same lot or parcel, subject to siting standards in this ordinance. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned SF-40, the applicant, as a condition of approval, shall execute and record a deed with the County Clerk, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Planning Director and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.
7. Creation, restoration, and enhancement of wetlands.
8. Creation, restoration and enhancement of wildlife habitat.
9. Climbing and passing lanes within a highway right-of-way existing as of July 1, 1987.

10. Reconstruction or modification of public roads and highways not including additional travel lanes, where no removal or displacement of structures would occur and not resulting in any new land parcels.
11. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
12. Minor betterment of existing public roads and highway facilities, such as maintenance yards, weigh stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
13. Alteration, restoration or replacement of a lawfully established dwelling that meets all the following criteria:
 - a. Has intact interior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring or interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling.
14. Restoration or replacement of the lawful use of any building, structure or land may be permitted when the restoration is made necessary by fire, other casualty or natural disaster, and shall meet the following:
 - a. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
 - b. Any use interrupted or abandoned by casualty or natural disaster for more than (12) months may not be resumed unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.
15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in an inventory of historic property and is listed on the National Register of Historic Places.
16. Utility and transmission towers not exceeding 200 feet in height.
17. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and

OAR 660, Division 4, and further that no such use may be authorized on high value farmland.

18. Churches and cemeteries in conjunction with churches except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland.

19. A site for the disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland.

20. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

21. Operations for the exploration of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. (Processing of said resources is a conditional use.)

22. Seasonal farm worker housing provided for seasonal farm workers as defined in ORS 197.675 and to be occupied for no more than nine months not to exceed 273 days within any calendar year. The housing shall also meet the requirements of ORS 197.685.

23. A winery as described in ORS 215.452.

24. Subdivisions and Series Partitions for the purpose of establishing "non-farm dwellings" pursuant to ORS 92.010 - 92.190, and 92.305-92.495 are prohibited in the Exclusive Farm Use Zone.

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

26. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary, subject to restrictions of OAR 660-033-130(26).

27. Mining less than 1,000 cubic yards of aggregate material or excavation of less than one acre of land annually. (MC OR-1-2013)

28. Excavations conducted by the landowner or tenant on the landowner or tenant's property for the purpose of operations reasonably necessary for construction, reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel being excavated reasonably necessary for farming. (MC OR-1-2013)

D. **CONDITIONAL USES PERMITTED.** In an SF-40 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 6 of this ordinance and Section (G) below:

1. Single-family residential dwellings including mobile homes subject to Section 4.110 of this ordinance, not provided in conjunction with farm use, subject to approval pursuant to the limitations set forth by Section F below.

2. One single family dwelling on a tract of record, meeting the following qualifications:

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

(1) Since prior to January 1, 1985; or

(2) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

b. The tract upon which the dwelling is to be sited does not include another dwelling.

c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

d. The lot or parcel upon which the dwelling is to be sited is not on high value farmland as defined in the definition section.

e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.

f. The director or the director's designee shall notify the county assessor of any decision to permit a dwelling under this section.

g. Land use approval for a single-family dwelling meeting requirements of this section may be transferred one time to any other person, prior to issuance of a building permit.

h. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

i. Notwithstanding the requirements of paragraph d, a single-family dwelling may be sited on high-value farmland if:

(1) It meets the other requirements of this section.

(2) The lot or parcel is protected as high-value farmland as defined in OAR 660-33-020(8)(a); and

(3) The Planning Commission determines that the lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, the criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use.

3. Accessory (secondary) farm dwellings, including mobile homes subject to Section 4.110, customarily provided in conjunction with farm use and meeting the following minimum requirements:

a. It meets all the following requirements:

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and

(2) The accessory dwelling will be located:

(a) On the same lot or parcel as the dwelling of the principal farm dwelling; or

(b) On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the principal farm dwelling is located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved under these rules.

(d) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently

occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

(3) In addition to the requirements in subsection (2) above, the principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(a) On land not identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

(i) At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

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

(b) On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(4) The county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of Section E, a parcel may be created consistent with the minimum parcel size requirements in Section H.

(5) An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section (F).

(6) As a condition of approval, the landowner for the dwelling shall sign and record in the Morrow County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4. Residential home as defined in ORS 197.675 in an existing dwelling.
5. Room and board (bed and breakfast) arrangements for a maximum of five unrelated persons in an existing residence.
6. Livestock sales yard, hog or mink farm within one mile of a lot in a residential zone.
7. Commercial activities that are in conjunction with farm uses but not including the processing of farm crops pursuant to ORS 215.213(l)(x) and 215.283(l)(u).
8. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species. An application for insect species shall also be subject to OAR 660-033-0130(27).
9. Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
10. Operations conducted for the mining, stockpiling, or processing of mineral, aggregate and other mineral resources or other subsurface resources not to exceed 500,000 tons subject to Article 6 of this Ordinance and provisions within the Morrow County Comprehensive Plan which requires a significance determination. (MC OR-1-2013)
11. Private parks, playgrounds, hunting and fishing preserves and campgrounds except that such use as are prohibited on high value farmland. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660 Division 4. A campground shall meet the definition and criteria established in OAR 660-033-130(19).
12. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
13. Golf Courses except that such uses are prohibited on high value farmland.
14. Commercial utility facilities for the purposes of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres of high value farmland or 20 acres of other land from commercial farm use unless an exception is approved pursuant to OAR 660 Division 4.
15. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is deemed to be "necessary" if it must be situated in an agricultural zone in order for the distribution of power to area customers.

16. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1976 shall continue to be permitted subject to any application regulations of the Aeronautics Division.

17. Home occupation. Home occupations may be permitted in accordance with the following:

On High Value lands:

a. Homes occupations may only be authorized in existing dwelling and structures accessory to an existing dwelling.

b. Home occupations may not be authorized in structures accessory to resource use.

c. A home occupation located on high-value farmland may employ only residents of the home.

On all other SF-40 lands:

a. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located.

b. A home occupation shall employ on the site no more than five full time or part time persons.

c. The home occupation shall be operated substantially in the dwelling; or other buildings normally associated with uses permitted in the zone in which the property is located.

d. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

e. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

18. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203.

19. Dog kennels, except that such uses are prohibited on high value farmland.

20. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245

by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

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

22. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.

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

24. Farm ranch recreation, pursuant to Oregon Law Chapter 728 (1997), in conjunction with a commercial farming or ranching operation subject to Article 6.

25. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.

26. Expansion or relocation of existing county fair and rodeo grounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210. (MC-03-05)

27. Operations for the extraction and bottling of water.

28. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020.

29. A wildlife habitat conservation and management plan pursuant to ORS 215.804.

30. A facility for the processing of farm crops, subject to OAR 660-033-0130(28).

E. REQUIREMENTS FOR DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

1. High Value Land. On land identified as high value farm land, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is currently employed for the farm use that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.

b. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract.

c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

- d. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
2. 160-acre test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The parcel on which the dwelling will be located is at least 160 acres.
 - b. The subject tract is currently employed for farm use, as defined in ORS 215.203.
 - c. The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no accessory dwelling for farm help may be authorized.
 - d. There is no other dwelling on the subject tract.
3. Income Test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years gross annual income of at least \$40,000; and
 - b. There is no other dwelling on the subject tract; and
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in (a) above.
 - d. In determining the gross income required by the subsection the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.
4. Capability Test. If the county prepares the potential gross sales figures pursuant to OAR 660-33-0135(4), the county may determine that, on land not identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.
 - b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection a above.

c. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection b above.

d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres in size.

e. Except as permitted in ORS 215.283(l)(p), there is no other dwelling on the subject tract.

f. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection c above.

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

F. REQUIREMENTS FOR DWELLING NOT PROVIDED IN CONJUNCTION WITH FARM USE. Dwelling not provided in conjunction with farm use may be authorized upon findings that:

1. There is no other dwelling on the parcel.

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

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:

a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban residential or other urban nonresource uses shall not be included in the study area.

b. Identify within the study area the broad types of farm use (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwelling (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of

nonfarm/lot-of-record dwellings that could be approved under this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph.

c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

4. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

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

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

6. Shall not be located within one mile of a livestock commercial feedlot, livestock sales yard, slaughter house, hog or mink farm, or within one-quarter (1/4) mile of

agricultural lands capable of being intensively farmed, unless adequate provisions are provided and approved by the Commission for a buffer between such uses. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of such proposed use or the agriculture of the area.

G. DIMENSIONAL STANDARDS. In an SF-40 Zone, the following dimensional standards shall apply:

1. The minimum lot size or parcel size shall be 160 acres. (MC OR-1-2013)
2. The minimum average lot width shall be 150 feet.

H. YARDS. In an SF-40 Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Commission; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Commission.

3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Commission.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

I. TRANSPORTATION IMPACTS

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)(MC-C-9-98)

ARTICLE 4. SUPPLEMENTARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

ensure consistency with adopted ODOT Access Management Standards shown in Table 4.010-1. These standards apply only to unsignalized access points. Where a right of access exists, a property shall be allowed to have access onto a state highway at less than adopted access spacing requirements only if all the following conditions are met:

1. The property does not have reasonable access via an alternative to the state highway;
2. There are no other possible access options along the parcel's highway frontage; and
3. The access spacing standards cannot be accomplished.

When a proposed access onto a state highway does not meet the access spacing standards in Table 4.010-1, a deviation from standard will be considered by the ODOT Region Manager, subject to requirements in OAR 734-051-0135.

TABLE 4.010-1
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY
NON-INTERSTATE HIGHWAYS

Highway	Classification	Access Spacing Standards for Public or Private Unsignalized Access (ft) for Posted Speed Indicated (mph)				
		>55	50	40 & 45	30 & 35	<25
US 730, OR 74	Regional	990	830	750	600	450
OR 206, OR 207	District	700	550	500	400	400

REFERENCE: OREGON ADMINISTRATIVE RULES SECTION 734-051 (2004)

F. Access within the Influence Area of an Interchange Access within the influence area of existing or proposed state highway interchanges is regulated by standards in OAR 734-051, which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

G. Signalized Intersection Spacing on State Facilities. New traffic signals proposed for state facilities, whether the intersecting facility is a public or private road, shall meet the requirements for installation of a traffic signal on a state highway in OAR 734-020-0400. New traffic signals on state facilities must be approved by the State Traffic Engineer. For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination, based upon traffic signal warrants in the current version of the *Manual on Uniform Traffic Control Devices*.

H. Access Spacing Requirements for Development Accessing County Facilities. All developments shall have legal access to a County or public road. Except for interim access as provided in Section 4.010 H [Interim Access], access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 4.010.

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

TABLE 4.010-2
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY ROADWAYS

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

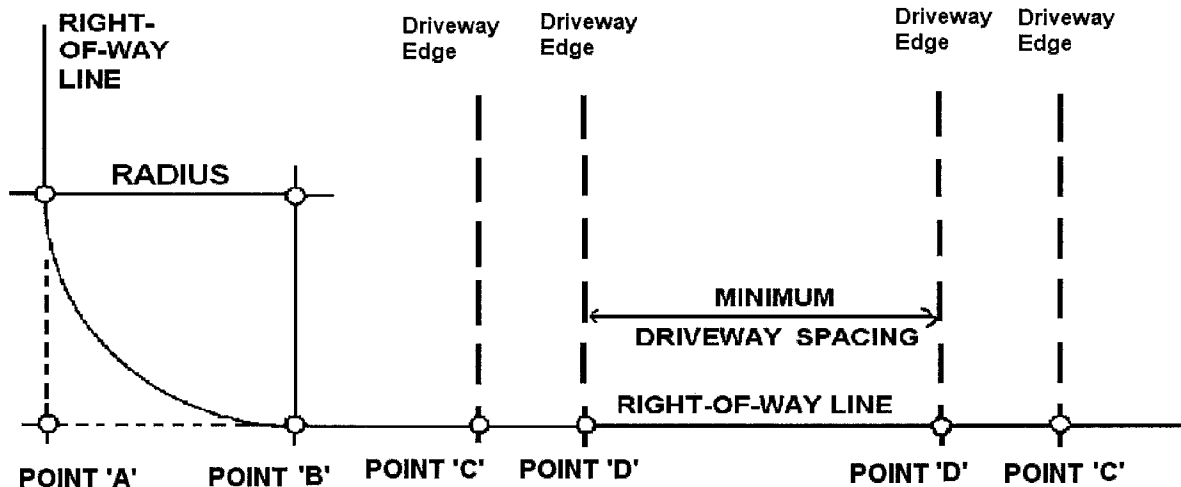
a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards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

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

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

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

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



I. Interim Access onto County Facilities. No development with sole access onto a County arterial or major collector shall be denied based only on an inability to provide an access that meets applicable access spacing standards. In such an event, the use may be issued an interim access permit which shall expire when access as required under this Ordinance becomes available. An interim access permit may be granted based upon the following:

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

SECTION 4.020. SIGHT DISTANCE. In all zones, adequate sight distance shall be maintained at the intersection of two roads (public or private), a road intersecting a private driveway, or a road crossing a railroad.

A. Sight Distance Requirements for New Accesses. It is the intent of this section to ensure that each new access point or each new lot or parcel created or development in the County will have a safe access to a public road, with the exception of development actions listed in Section 4.020.B. but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:

1. Existing access points that do not satisfy the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, are exempt from this Section. Improvements at these existing access points may be required of the applicant to maximize sight distance to the extent practicable through an Access Permit application.
2. The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following, to be selected by the County Engineer or designee.
 - a. Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.
 - b. Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the County.

- c. Eighty-fifth Percentile Speed - That speed as certified by a registered engineer (Oregon) below which 85 percent of all traffic units travel, and above which 15 percent travel. The eighty-fifth percentile speed shall be measured at the point where the sight restriction occurs.
3. The intersectional sight distance shall:
- a. Be based on an eye height of 3.5 feet and an object height of 4.25 feet above the road; and
 - b. Be assumed to be 10 feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the front of a stopped vehicle.
4. Minimum intersectional sight distance shall be equal to ten (10) times the vehicular speed of the road such as in the table below.

INTERSECTIONAL SIGHT DISTANCE	
MPH	DISTANCE ALONG CROSSROAD (FT)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

5. Intersectional sight distance values shall conform to (3) above. For significant road improvement projects, the above intersectional standards shall be met in addition to the applicable AASHTO roadway sight distance standards.
6. In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the County Engineer or designee. The request for modification of the sight distance requirements shall be subject to the following requirements:
- a. Submitted and certified by a registered engineer (Oregon);
 - b. Nationally accepted specifications or standards are documented and referenced;
 - c. Certification that the modification will not compromise safety or the intent of the County's transportation standards;
 - d. Agreement that the cost of any modifications agreed to must be borne by the applicant; and
 - e. Statement that there is no location available to provide an alternative access location which currently meets the sight distance requirements, or which can

be altered to meet the sight distance requirements. Alterations needed to provide adequate sight distance include but are not limited to grading and the removal of vegetation. For the purpose of this subsection alternative access location means:

- i. Any location on the proposed development site which meets or can meet the sight distance requirements; or
- ii. Any location off the proposed development site which can provide access to the site by an existing access easement or through an access easement which will be provided to the site as part of the development application. Such an off-site access must be shown to meet or be able to meet sight distance requirements.

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

- 1. Replacement dwellings;
- 2. Nonbuildable parcels;
- 3. Applications for one dwelling on an existing vacant parcel;
- 4. Home Occupation applications in the EFU, FU, SF-40, FR-2 and RR-1 zones; or
- 5. Applications which will not add additional vehicle trips to an existing access which does not meet the sight distance standards.

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

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

Permit Type	Plot Plan Requirements		Conditions				Review/Approval Type	
	<u>Footprint (setbacks)</u>	<u>Access*</u>	<u>Transportation Improvements</u>	<u>DEQ Site Suitability</u>	<u>Parking</u>	<u>Sign</u>	<u>Review</u>	<u>Action</u>
Zoning Permit								
Residential	Yes	Designated access.	Frontage improvements.	Yes	N/A	N/A	Staff	Bldg. permits Road approach permit
Commercial	Yes	Legal	Under 400 trips:		Yes	Yes	Staff	Bldg. permits

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

Permit Type	Plot Plan Requirements	Conditions	Review/Approval Type				
Industrial	Yes	access via r/w or easement. Legal access via r/w or easement.	Frontage improvements. Over 400 trips: TIA. Under 400 trips: Frontage improvements. Over 400 trips: TIA.	Yes	Yes	Staff	Road approach permit Bldg. permits Road approach permit
Farm Exempt	Yes	Yes	N/A	N/A	N/A	Staff	County issues a Farm Agriculture Bldg Exemption Certificate
Land Partition							
1 to 3 Lots		Legal access via r/w or easement.	Frontage improvements.			Planning Comm.	Approval Road Approach permit
Subdivision							
4 to 39 lots		Legal access via r/w.	Frontage improvements.			Planning Comm.	Approval Road Approach Permit
40 or more lots		Legal access via r/w.	Frontage improvements, TIA.			Planning Comm.	Approval Road Approach Permit
Conditional Use Permit							
	Yes	Legal access via r/w or easement.	Under 400 trips: frontage improvements. Over 400 trips: TIA.	Review	Review	Planning Comm.	Approval, Bldg. permit Road Approach

*1000' or less, 20' easement; 1000' or more 40' easement; 3 or more lots (current or potential), 60' easement.
 r/w = Right-of-way.
 TIA = Traffic Impact Analysis.
 N/A = not applicable.

A. Consent to Participate Agreement Required. For those Local roads which are not improved in accordance with Morrow County Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a consent to participate agreement for the potential formation of a local improvement district or other mechanism to improve and maintain these roads to County standards, per the Morrow County standard Consent to Participate Agreement. Applications for property line adjustments, nonbuildable parcels, temporary housing permits, land partitions in resource zones, and one dwelling on an existing vacant parcel, are not subject to this requirement.

For those Arterial and Collector roads which are not improved in accordance with Morrow County Road Standards and which abut the development site or those roads which do not abut the development site but provide access to the site, the property owner shall sign a

consent to participate agreement for the potential formation of a local improvement district or other mechanism to improve the base facility of this road(s) to County standards, per the Morrow County standard Consent to Participate Agreement. Applications for property line adjustments, nonbuildable parcels, temporary housing permits, land partitions in resource zones, and one dwelling on an existing vacant parcel, are not subject to this requirement.

SECTION 4.040. OFF-STREET VEHICLE PARKING REQUIREMENTS. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off-street parking space shall be provided as follows unless greater requirements are otherwise established. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. The County may allow credit for "on-street parking", as provided in Section 4.050. For uses not specified in Table 4.040-1, parking requirements shall be determined by the use in Table 4.040-1 found to be most similar in terms of parking needs.

TABLE 4.040-1

MINIMUM PARKING REQUIREMENTS

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
A. Residential 1. One, two, and three family dwelling 2. Residential use containing four or more dwelling units 3. Rooming or boarding house	Two spaces per dwelling unit One and one-half spaces per dwelling unit One space per guest room
B. Commercial Residential 1. Hotel or Motel	One space per guest room, plus one space for the manager
C. Public and Institutional Uses 1. Welfare or correctional institution 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged 3. Hospital 4. Church	One space per six beds One space per four beds Two spaces per bed One space per four seats at maximum occupancy
5. Library, reading room 6. Daycare, pre-school or kindergarten 7. Elementary or junior high school 8. High school, college, commercial school for adults	One space per 400 gross square feet Two spaces per FTE staff One and one-half spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room whichever is greater. One and one-half spaces per classroom plus one space for each 10 students the school is designed to accommodate, or one space for four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater.

MINIMUM PARKING REQUIREMENTS

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
9. Other auditorium or meeting room	One space per six seats or 12 feet of bench length, whichever is greater, or one space for each 75 gross square feet of assembly room not containing fixed seats.
D. Commercial Amusement 1. Stadium, arena, theater	One space per four seats or eight feet of bench length, whichever is greater.
2. Bowling Alley	Five spaces per alley
3. Dance hall, skating rink	One space per 100 gross square feet
E. Commercial 1. Retail store except as provided in subsection (f)(2) of this section 2. Service or repair shop, retail store handling exclusively bulky merchandise, such as automobiles and furniture 3. Bank, office (except medical and dental) 4. Medical and dental clinic 5. Eating or drinking establishment 6. Mortuaries	One space per 350 gross square feet One space per 750 gross square feet One space per 350 gross square feet One space per 300 gross square feet One space per 100 gross square feet or one space per four seats, whichever is less. One space per six seats or eight feet of bench length in chapels
F. Industrial 1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal 2. Wholesale establishment	One space per employee on the largest shift. One space per employee on the largest shift plus one space per 700 square feet of patron-serving area.

SECTION 4.045. BICYCLE PARKING REQUIREMENT.

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

A. Number of Parking Spaces. A minimum of two bicycle parking spaces is recommended for each use with greater than 10 vehicle parking spaces. The following additional standards apply to uses within an Urban Growth Boundary, and are recommended for other areas of the County:

1. Multi-family residences: At least one sheltered bicycle space per four dwelling units, for uses of four or more units. Bicycle spaces may be located within a garage, storage shed, basement, utility room, or other similar area. If a residential development use has no such protected areas, bicycle parking spaces can be located under an eave, overhang or similar cover to be protected from rain and sun.

2. **Parking Lots:** At least one bicycle parking space for every ten vehicle spaces at commercial and public parking lots.
 3. **Schools:** One bicycle parking space for every 10 vehicle spaces, at public or private elementary and middle schools. High schools should provide one bicycle space for every five students.
 4. **Colleges and trade schools:** One bicycle space for every 10 motor vehicle spaces. At least half of the spaces should be sheltered under an eave, overhang or similar cover.
 5. **Multiple Uses:** For buildings with multiple uses, such as a commercial building or mixed use development, one bicycle space for every 10 motor vehicle spaces is recommended.
- B. **Exemptions.** This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.
 - C. **Location and Design.** Bicycle parking should be conveniently located no farther away than the closest parking space.
 - D. **Visibility and Security.** Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
 - E. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
 - F. **Lighting.** Bicycle parking should be least as well lit as vehicle parking for security.
 - G. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards in Section 4.020.

SECTION 4.050. OFF-STREET PARKING AND LOADING. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

- A. The provisions and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- B. Requirements for types of buildings and uses not specifically listed in this Ordinance shall be determined by the Planning Commission based upon the requirements for comparable use listed.

C. In the event multiple uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of each use computed separately.

D. Owners of two or more uses, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the County in the form of deeds, leases, or contracts to establish the joint use.

E. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

F. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. Parking designated exclusively for people with disabilities shall be provided in conformance with the Americans with Disabilities Act.

H. The Director may, upon request, allow a reduction in the number of required off-street parking spaces in housing developments for elderly or disabled persons if such reduction is deemed appropriate after analysis of the size and location of the development, resident auto ownership, number of employees, possible future conversion to other residential uses and other similar relevant factors.

SECTION 4.060. DESIGN AND IMPROVEMENT STANDARDS - Parking Lots

A. Except for single-family and duplex dwellings, areas used for parking for more than two vehicles shall have durable and dustless surfaces adequately maintained.

B. Except for parking in connection with single-family and duplex dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than six (6) feet in height except where vision clearance is required.

C. Parking spaces along the outer boundaries of a parking lot shall maintain a minimum setback from the property line of five feet, unless a greater setback is specified for a structure in the zoning district, and shall be contained by a bumper rail or by a curb which is at least four inches high.

D. Artificial lighting which may be provided shall not shine or create glare in any residential zone or on any adjacent dwelling.

E. Access aisles shall be a minimum of 24 feet wide for two-way traffic. The minimum aisle width for emergency vehicle access (with one-way traffic) is 20 feet.

F. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

G. Service drives to off-street parking areas shall be a minimum of 24 feet wide for two-way traffic flow, and 20 feet wide for one-way traffic flow. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.

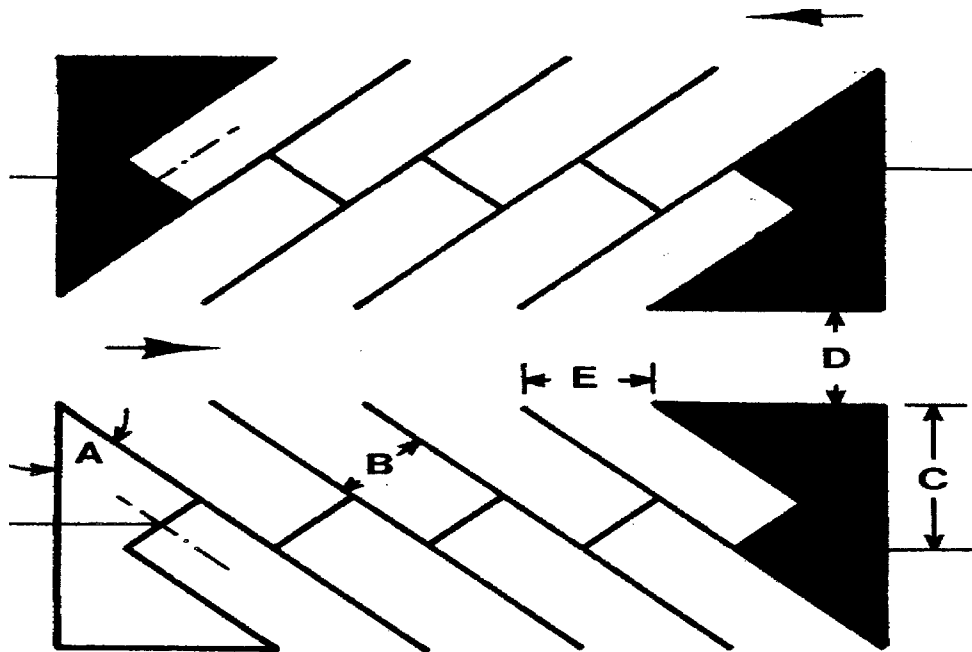
H. Driveways shall maintain minimum sight distance per the standards of Section 4.020 of this Ordinance.

I. The standards set forth in the table below shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted). The letters in the first row of the table correspond to the letters in the following diagram.

TABLE 4.060-1
OFF-STREET PARKING DESIGN STANDARDS

A	B	C	D	E
parking angle degree	stall width	stall to curb (19' long stall)	aisle width	curb length per car
0	8.5	8.5	12.0	23.0
45	8.5	19.4	12.0	12.0
60	8.5	20.0	15.0	9.8
75	8.5	19.6	24.0*	8.8
90	8.5	19.0	24.0*	8.5

*Two-way circulation



SECTION 4.070. SIGN LIMITATIONS AND REGULATIONS. In addition to sign limitations and regulations set forth in a specific zone, the following limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the County.

In addition to the standards and limitations set forth in this Ordinance, signs shall be installed in accordance with applicable regulations of state and federal agencies. No sign will hereafter be erected, moved or structurally altered without being in conformity with the provisions of this Ordinance. Official traffic control signs and instruments of the state, county or municipality are exempt from all provisions of this Ordinance.

A. All outdoor advertising signs shall be in compliance with the provisions of this Ordinance and the provisions of ORS Chapter 377 when applicable.

B. No outdoor advertising sign permitted by ORS Chapter 377 shall be erected within 300 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.

C. No sign shall be placed so as to interfere with visibility or effectiveness of any permanent traffic control device.

D. No sign shall be placed so as to impede the sight distance triangle at any access point or intersection as specified in Section 4.020 of this Ordinance.

E. No sign shall cause glare, distraction or other driving hazards within a street or road right-of-way.

F. No sign shall shine directly upon a residential dwelling or otherwise create a nuisance.

G. In addition to the limitations on signs as provided by (1) through (5) above, additional sign restrictions may be required as determined by the Planning Commission in approving conditional uses, as provided by Article 6.

H. Signs erected along Scenic Byways or other roads with similar designations must meet applicable criteria for sign placement.

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

J. Installation of Regulatory Signs in Public Right-of-Way. Developers are to install street name, posted speed, and other traffic control signage required for private developments, per applicable standards from Morrow County and the Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 4.110. MINIMUM STANDARDS FOR A MANUFACTURED HOME ON INDIVIDUAL LOTS OR PARCELS AS A SINGLE-FAMILY DWELLING. (Amended 10/28/06 MC-05-2006)

A. Manufactured Homes in a Farm or Forest Use Zone: A manufactured home permitted to be sited as a single-family dwelling on an individual lot or parcel in farm and forest use zones shall be in compliance with the following standards and regulations as a minimum. If the manufactured home is placed within one half mile of a residential zone (Rural Residential, Farm Residential or Suburban Residential) the standards of subsection B of this section shall apply. The distance of one-half mile will be measured from the site of the home to the boundary of the residential zone in a direct line and not specifically along roads or streets.

1. The manufactured home shall be a 14-foot single-wide, at a minimum, or a multi-sectional unit and shall contain at least 745 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.

2. The manufactured home unit shall be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department and bear the Oregon Department of Commerce 'Insignia of Compliance.' All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to installation and occupancy to insure compliance with applicable standards required for the 'Insignia of Compliance' and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.

3. The manufactured home shall be installed according to the specifications outlined in the Oregon Manufactured Dwelling and Park Specialty Code in effect at the time of installation and as utilized by the Morrow County Building Official. (See ORS 446 and OAR 918 Division 500.)

4. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40 % of the total living space of the manufactured home. Garages and carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.

5. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.

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

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.

2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.
4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
5. Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.
6. Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.
7. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40% of the total living space of the manufactured home. Garages or carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.
8. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.

C. **Manufactured Homes and other uses:** Manufactured homes are to only be used as single-family dwellings as stated in ORS 446.245. Any changes to a use of a manufactured home requires approval of the Planning Commission and compliance with ORS 446.245.

SECTION 4.160 STANDARDS FOR TRANSPORTATION IMPROVEMENTS. The intent of these provisions is to provide clear directions and guidelines when considering installation of transportation facilities in Morrow County.

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

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

B. Uses Permitted by Conditional Use Permit.

1. Construction, major reconstruction, or widening of highways, roads, bridges, or other transportation projects that are not designed and constructed as part of a subdivision or planned development shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - a. The project is designed to be compatible with existing land use patterns, noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Transportation Element of the Comprehensive Plan and other requirements of this Ordinance.
2. Construction of rest areas, weigh stations, temporary aggregate storage, and aggregate processing sites.
 3. If review under this Section indicates that the use or activity is inconsistent with the Transportation Element of the Comprehensive Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.

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

1. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance or advance warning signage or other devices may be required where known safety hazards exist.
2. For each private street, there shall be a legal recorded document which includes:
 - a. A legal description of the proposed easement;
 - b. Ownership of the street;
 - c. Use rights; and
 - d. A maintenance and construction agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance.
3. Where drainage conditions require it, a private street shall be ditched in conformance with the County Road Standards.
4. Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
5. Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road. As a condition of granting access to a public road, the County may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.

SECTION 4.165 SITE PLAN REVIEW

Site Plan Review is a non-discretionary or “ministerial” review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex

developments and land uses that do not require site development or conditional use review and approval through a public hearing.

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

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

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

D. Review Criteria.

1. The lot area shall be adequate to meet the needs of the establishment.
2. The proposed land use is permitted by the underlying land use district.
3. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met.
4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.
5. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.
6. Off-street parking and loading-unloading facilities shall be provided as required in Section 4.040 and 4.050 of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided as applicable.
7. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.
8. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level, with the exception of noxious or invasive species, such as Russian olive trees.
9. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources.

10. The applicant shall determine if compliance is required with Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality designations.
11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.
12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.
13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000.

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

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

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

G. Minimum Standards for Roadway Design Plans Submitted for County Review. Any transportation facility or transportation improvement to be constructed as part of a private development and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria and

the rationale for establishing the criteria to be provided by the County. Design approval shall also include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience.

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

SECTION 4.170 SITE DEVELOPMENT REVIEW (MC-C-1-02)

A. Purpose. The purposes of site development review are to encourage site planning in advance of development that is permitted under Morrow County's Comprehensive Plan and land use regulations; assure that development is supported with appropriate types and levels of transportation improvements and public facilities and services; and implement the Morrow County Comprehensive Plan and land use regulations with respect to development standards and policies.

B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards.

C. When required.

1. Site development review shall be required for all major developments in industrial and commercial zones. As used in this Section, a "major development" is an industrial development utilizing 100 or more acres of real property. When development is proposed in phases, site development review shall apply to each phase of the development, whether or not the phase meets the site development review threshold.

2. Site development review also shall apply when required by the Planning Commission as a condition of approval of a land use decision not otherwise subject to site development review; provided that, in a condition imposing such a requirement, the Planning Commission may waive one or more site development review information requirements and/or approval standards that the Planning Commission finds the application already has fulfilled or are not relevant or otherwise are not warranted.

3. No building permit shall be issued prior to site development review approval whenever site development review is required by this section. Site development review shall not alter the type and category of uses permitted in affected zoning districts.

4. As used in this Section, "development" means any man-made change to improved or unimproved real property in the County, including but not limited to construction or installation of a building or other structure; major site alterations such as those due to grading; paving; and improvements for use as parking. However, site development review shall not apply to any interior remodeling of any existing building or structure or any

modification to an existing building or structure that does not substantially change its exterior appearance.

D. Plans required. A complete application for site development review shall be submitted. The application shall include the following plans and information:

1. A site plan or plans, drawn to scale, containing the following information:
 - a. A vicinity map covering an area 250 feet from the boundary of the development site and showing general information about the location, dimensions and names of all existing and proposed streets, County roadways and state highways, access points on both sides of the road when applicable, sidewalks, bicycle routes, and easements and utility locations. The map also shall indicate distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on all sides of the property.
 - b. The site size, dimensions, and zoning, including dimensions and gross area of the lot(s) or parcel(s) and tax map and tax lot number(s) for the development site.
 - c. Contour lines at two foot contour intervals for grades 0 to 10 percent, and five-foot intervals for grades over 10 percent.
 - d. The location of the following hazard areas on and within 100 feet of the boundaries of the site:
 - i. Areas indicated on National Flood Insurance Rate maps as being within the 100-year floodplain;
 - ii. Areas subject to erosion as identified in the Morrow County Comprehensive Plan.
 - iii. Other hazard areas identified in the Morrow County Comprehensive Plan.
 - e. The location of inventoried significant natural resource areas on and within 100 feet of the boundaries of the site, including big game habitat areas, fish and riparian habitat areas, mineral and aggregate resource areas, significant natural areas, wetlands, water resources, and historic resources. As used in this Section, "significant inventoried" means a resource area identified as significant in Morrow County's acknowledged inventory of Goal 5 resource sites.
 - f. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within 25 feet of the site, and the current and proposed uses of the structures.
 - g. The location, dimensions, square footage and setback distances of proposed structures, improvements, and utilities, and the proposed uses of the structures by square footage.
 - h. The location, dimension and names, as appropriate, of all existing and proposed streets, other public ways, sidewalks and easements on and within the development site.

- i. All motor vehicle parking, circulation, loading and servicing areas.
 - j. Site access points for automobiles and pedestrians.
 - k. On-site pedestrian circulation.
 - l. Outdoor areas proposed as open space.
2. A landscaping plan, drawn to scale, showing the location and types of existing trees (eight inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacing of trees and plant materials to be planted on the site, the proposed types and locations of irrigation systems to maintain plant materials, and other pertinent landscape features.
3. Architectural elevations and floor plans for all proposed structures, drawn to scale, with elevations accurately reflected to grade.
4. A description of materials, referenced to UBC class codes, to be used on proposed structures.
5. An erosion control and grading plan.
6. A drainage plan, developed in accordance with County standards or with Oregon Department of Environmental Quality standards if no County standards have been adopted. The drainage plan shall identify the location of drainage patterns and drainage courses on and within 100 feet of the boundaries of the site.
7. An exterior lighting plan, drawn to scale, showing type, height, and lighting levels on and at the edge of the site.
8. A written statement identifying:
 - a. The nature of the proposed use(s).
 - b. Plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes.
 - c. Plans for handling traffic, noise, glare, air pollution, fire, or safety hazard.
9. The following technical reports:
 - a. For developments expected to generate 400 or more vehicle trips on a single day, a traffic report, prepared by a licensed traffic engineer, demonstrating the ability of affected transportation facilities including highways, roads and intersections to accommodate the anticipated amount of traffic that would be generated by the proposed development over 20 years. The report shall identify existing traffic conditions and the safety and capacity improvements that are needed to accommodate the anticipated traffic, including facility reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, realignments, channelization improvements, or other needed facility improvements,

including possible new transportation facilities. The analysis shall demonstrate consistency with the applicable performance standards of the affected facilities. The Morrow County Transportation System Plan provides the applicable standards for county transportation facilities. The Oregon Highway Plan provides the applicable standards for state transportation facilities.

When a traffic management plan is required by the Morrow County Transportation System Plan, the application shall not be deemed complete until the applicant has filed with the Planning Director a traffic management plan (TMP) including transportation system management (TSM) and transportation demand management (TDM) measures that have been coordinated with and address the reasonable concerns of affected transportation providers (e.g., Morrow County, affected cities, Oregon Department of Transportation, Federal Highway Administration) and traffic safety and emergency service providers (e.g. County sheriff, State Police, fire district, ambulance). The TMP shall be prepared by a licensed traffic engineer with established experience in the type of event for which the TMP is being developed. Unless otherwise agreed to by affected local governments or agencies, the costs of paying for necessary transportation improvements and implementation of the TMP shall be borne by the developer or its successors.

The TMP shall include, but not be limited to: ingress and egress from parking areas; deployment of personnel at ramps, intersections and highway locations; plans for rerouting of traffic in the event of accident or other cause of traffic delay; coordination with state police, County sheriff and emergency service providers; use of temporary signage, reader boards and similar visual aids; estimates of numbers and types of personnel to be employed; and other appropriate information.

b. If located within 5000 feet of a runway or approach surface of a public use airport, a technical report explaining how the development is compatible with customary aviation-related activities, including airport takeoffs and landings. The report shall explain how the proposed uses, including measures to minimize conflicts, do not: cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television and electrical transmissions.

10. Within 14 working days following receipt of a site development review application, the Planning Director may waive the submission of information for specific provisions of this Section or may require information in addition to that required by a specific provision of this Section, as follows:

a. The Planning Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Planning Director shall, in the staff recommendation, identify the waived requirement and briefly explain the reasons for the waiver.

b. The Planning Director may require information in addition to that required by a specific provision of this Section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the Planning

Director shall, in the decision, briefly explain the reasons for requiring the additional information.

E. Standards.

1. All development shall comply with the following standards:

a. Retaining walls shall be provided and designed consistent with Uniform Building Code requirements. Grading and contouring shall take place with particular attention to minimizing the possible adverse effects of grading and contouring on the natural vegetation and physical appearance of the site.

b. Development in flood plains shall not increase the flood plain elevation unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.

c. Drainage shall be provided in accordance with Oregon Department of Environmental Quality standards. The Planning Commission may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality.

d. Off-street parking and loading-unloading facilities shall be provided as required in Article IV of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided.

e. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.

f. Circulation provided by public streets and by private streets, accessways and maneuvering areas within the boundary of the site shall facilitate safe and convenient motor vehicle and pedestrian access. Access for emergency services (fire, ambulance and police) shall be provided consistent with the requirements of the Fire Marshal and emergency service providers.

g. Illumination resulting from outdoor lighting shall not exceed one foot-candle at the property line.

h. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level.

i. Development shall comply with applicable County regulations protecting inventoried significant natural and historic resources.

j. Development shall maintain continuous compliance with applicable federal, state and County air and water quality standards. Prior to issuance of a building permit, the Building Official may require submission of evidence of compliance with such standards from the applicable federal or state agencies or the receipt of the necessary permits for the development from these agencies.

k. Development shall be designed to comply with applicable Oregon Department of Environmental Quality noise standards.

l. Sewer, water and storm drainage facilities shall be adequate to serve the proposed or permitted level of development. For uses like a speedway that engage in activities that on occasion attract unusually large numbers of people to the site, the development may rely on temporary sewer (e.g., portapotties, lagoon storage) and water facilities to accommodate the excess demand. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. All facilities shall be designed to comply with applicable state and local standards.

m. Law enforcement, public safety and security measures shall be adequate to serve the proposed or permitted level of development. For land uses involving activities that may attract many thousands of visitors to a site at one time on an occasional or episodic basis, adequate safety, law enforcement and security measures may include, but are not limited to, the use of on-site security service personnel and availability of police, fire and emergency medical services. For such uses, the Planning Commission may require the applicant to develop a public safety and security plan, which shall be coordinated with appropriate local and state public safety providers.

n. The transportation system shall be adequate to accommodate the proposed or permitted level of development.

i. Rights-of-way and roadway and sidewalk improvements shall be provided consistent with applicable County or State design, access management and highway performance standards, including applicable Oregon Highway Plan standards. Access points to County roadways and state highways shall be properly placed in relation to sight distance, driveway spacing and other related considerations including opportunities for joint and cross access. Any application that involves access to or significantly impacts the state highway system shall be reviewed by the Oregon Department of Transportation. Such applications shall demonstrate compliance with the Oregon Highway Plan and shall be conditioned on state issuance of access permits where required.

ii. In determining the adequacy of the transportation system to accommodate the proposed development, consideration shall be given to the need for roadway reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, road realignments, channelization improvements, or other needed roadway improvements, including possible new roads. Consideration also shall be given to the need for right-of-way improvements such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. For uses necessitating preparation of a transportation management plan, a decision approving a site development review application shall include a condition requiring implementation of the transportation system management measures and transportation demand management measures that are determined to be needed to accommodate the traffic generated by the development and to comply with the Oregon Highway

Plan. Unless otherwise agreed to by affected local governments or agencies or limited by constitutional constraints, the costs of paying for necessary transportation improvements and implementation of the traffic management plan shall be borne by the developer or its successors.

iii. Nothing in this or any other provision of this Chapter shall be construed to replace, alter or otherwise affect the applicability of the Transportation Planning Rule, OAR 660, Division 12, to any development or action that would otherwise be subject to that Rule.

o. Access and facilities for physically handicapped people shall be incorporated into the site and building design, consistent with applicable federal and state requirements.

p. Development located within 5000 feet of a runway or approach surface of a public use airport shall not cause emissions of smoke, dust or steam that would obscure visibility within airport approach surfaces; project light directly onto existing airport runways or taxiways; or interfere with airport radio, radiotelephone, television or electrical transmissions.

q. Uses and improvements, including all land uses and improvements, including but not limited to traffic management plans, proposed on exception lands shall be consistent with the acknowledged goal exceptions taken for those lands.

2. The Planning Commission may impose such conditions as deemed necessary to ensure compliance with these standards.

a. When a transportation management plan is required, the Planning Commission may impose conditions providing for monitoring and reporting on the effectiveness of the traffic management measures and providing opportunity for a hearing to consider modifications to the TMP if deemed appropriate by the Planning Commission following its implementation. Any hearing that is held to consider TMP modifications shall be noticed and processed in the manner set out in Section VI.A of this Chapter and shall include notice to the Oregon Department of Transportation and Federal Highway Administration.

b. Required road dedications and other exactions shall comply with constitutional limitations.

c. To ensure compliance with this Section, the Planning Commission may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the County's legal counsel.

F. Review and Enforcement.

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

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

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

2. The County building official may issue a certificate of occupancy only after the Planning Director has determined that the improvements required by site development review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the County and by ODOT for required improvements to the state highway system.

a. Implementation of traffic management, public safety and/or security plans, when required, shall be made ongoing conditions of approval of the use, and failure to substantially comply with those plans may be a basis for the Planning Director or Building Official to suspend or revoke the occupancy permit and for the County, DLCD or ODOT (when a state Transportation Facility is affected) to petition a court of competent jurisdiction to issue a temporary restraining order and permanent injunction against further use of the property for the purposes approved in the site development review.

b. Prior to or concurrent with the suspension of any site development review permit, the County shall provide the permittee with notice and an opportunity to be heard in accordance with the process set out in Morrow County Ordinance No. MC-C-7-92.

G. Expiration and Extension of Permit.

1. A site development review permit shall expire automatically two (2) years from the date of issuance unless one of the following occurs first:

a. The development has commenced; or

b. An application for an extension is filed as provided in this section; or

c. The permit is appealed to a body of competent jurisdiction following final approval by the County, in which case the two-year period shall be tolled until a final, unappealed or unappealable decision is made by a court or other body of competent jurisdiction.

2. As used in subsection 1 of this Section, a development has "commenced" when:

a. The permit holder has physically altered the land or structure or changed the use thereof through actions such as preliminary grading for roads, driveways or building sites, installation of utilities, construction of required off-site improvements or construction of buildings, and

b. The alteration or change is directed toward completion of the development; and

c. The permit holder has spent at least \$50,000 in expenditures related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.

d. The provisions of subsection 1 of this Section shall apply independently to each discrete phase of a phased development. The commencement requirement for a subsequent phase cannot be satisfied by commencement activities conducted under an approval for an earlier phase of the development.

3. If an extension is desired, the holder of the site development review permit must file an application for an extension prior to the expiration of the permit. The application shall be filed in writing with the Planning Director. A maximum of two extensions are permitted. Unless approved, the extension does not extend the expiration date. The Planning Director shall grant an initial two year extension upon the timely filing of the extension application. Following notice and hearing, the Planning Commission shall grant a second two-year extension only upon demonstration by the permit holder that:

a. In terms of time, labor or money the permit holder has been making a good faith effort to commence the development or has been precluded from doing so for reasons beyond the permit holder's reasonable control;

b. Commencement of the development is likely during the second two year extension; and

c. There has been no change in circumstance or the law likely to necessitate significant modification of the development approval or conditions of approval. (MC-C-1-02)

ARTICLE 5

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

SECTION 7.010 PURPOSE

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

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

SECTION 7.020 INTENT

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

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

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

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

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

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

SECTION 7.100 DIMENSIONAL ADJUSTMENTS

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

- That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit. An unnecessary hardship will be found

when the site cannot be put to any beneficial use under the terms of the applicable ordinance.

- That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
- That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.

A. GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS.

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

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

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

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

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

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

- C. **NONCONFORMING LOTS OF RECORD.** Any lot which is smaller than the minimum area required in any zone may be occupied by an allowed use in the zone provided that:
1. The lot was a lot in a duly platted and recorded subdivision on or before the date of this Ordinance, was a parcel created by an approved land partitioning prior to such date, or was held in a single ownership on a deed as recorded in the office of the County Clerk at the time of the passage of this Ordinance.
 2. The use conforms to all other requirements of that zone.
 3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
 4. Approval for sewage disposal is obtained and the approval has provisions for any needed future replacement.
- D. **EXCEPTION TO BUILDING HEIGHT LIMITATIONS.** The following types of structures or structural parts are not subject to the building height limitations of this Ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, cooling towers, elevator shafts, and other similar projections. This exception does not apply within the Airport Approach or Hazard Zone.
- E. **PROJECTIONS FROM BUILDINGS.** Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three (3) feet into a required yard. Any projection beyond three (3) feet would require additional setback to meet the setback requirements required within the subject Use Zone.
- F. **PLANNED UNIT DEVELOPMENT.** In any residential zone, the stated minimum lot area for residential purposes may be amended by ruling of the Planning Commission, provided that it is replaced by a Planned Unit Development with approval under Article 6 Planned Unit Development of the Subdivision Ordinance.

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

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

SECTION 7.200 VARIANCES

A Variance can serve multiple purposes and is designed to provide relief from the literal requirements of a regulation found within this Zoning Ordinance. The result of approving a Variance should result in improved planning that would benefit the applicant and the broader community, and it may be the first step in reevaluating requirements or allowed uses within a use zone.

- A. **MINOR VARIANCE.** For the purposes of this Ordinance, a "Minor Variance" is an "Area or Dimensional" Variance that meets one of the following conditions.
1. A request involving a deviation from a minimum lot size requirement of not more than 10%; or
 2. A request involving a deviation from a yard or setback requirement of not more than 25%; or
 3. A request for the expansion of a nonconforming use by not more than 10%.

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

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

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

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

1. The variance relates to a specific lot or parcel of land.
2. The Variance can be granted without substantial detriment to the public good. It would allow for a building or site plan that is more compatible with adjacent land and land uses, or it does not create a conflict with adjacent uses.
3. The Variance does not hinder compliance with applicable building code requirements or engineering design standards.
4. Approval of the Variance does not create a violation of this or any other adopted ordinance or code standard.
5. Application for a Variance should include all necessary Variances anticipated for the proposed development.
6. Application for a Variance is limited to one per year.

SECTION 7.300 SPECIAL USES

Morrow County may allow the following land uses that may or may not be specifically listed as an allowed use in a designated zone. When considering a request for a Special Use the Planning Commission will use the specific criteria to balance whether the detriment to the local

community caused by granting a Special Use is outweighed by the benefit to the property owner and/or the larger community. Any change in use, relocation or expansion would require a new or amended use authorization.

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

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

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

- A. As a medical hardship Special Use in any zone that allows dwellings, the Commission may allow as a Special Use one manufactured home, recreational vehicle, or temporary use of an existing building complying with the standards of Section 4.110, as applicable, and providing that no additions, except approaches or handicapped ramps, to the temporary residence shall be permitted in conjunction with a primary dwelling with the following findings:
1. That an accessory dwelling is necessary to care for or provide custody of an elderly, mentally handicapped, or infirm person who a medical professional certifies needs this kind of care or custody as required in A. above.
 2. Electric, water and sewer utility connections shall be made to the temporary residence. If the medical hardship dwelling will not use a public sanitary sewer system, the dwelling shall use the same subsurface sewage disposal system used by the existing dwelling if that disposal system is adequate to accommodate the additional dwelling or as otherwise allowed and conditioned by the Planning Commission.
 3. Within 90 days of the end of the medical hardship, the manufactured dwelling or recreational vehicle shall be removed or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed non-residential use.
- B. As a medical hardship Special Use in a resource zone, the following are also applicable:
1. That the medical hardship dwelling use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

2. The medical hardship dwelling use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
 3. The landowner for the hardship dwelling shall sign and record in the deed records for the County a Right-to-Farm or a Right-to-Forest Statement binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from customary farm or forest practices.
- C. A medical hardship Special Use permit granted under this section is void when the elderly, mentally handicapped, or infirm existing resident or other person who is the subject of the permit no longer needs care, moves to another residence, is absent from the residence for more than 120 days or leaves the residence with no likelihood of returning for continued residency of at least 30 days. Exception to the 120-day limit can be provided for in the case of extraordinary circumstances such as extended hospitalization. These extensions can be approved by the Planning Director for up to an additional 60 days without Planning Commission approval. Additional extensions will require Planning Commission review and approval.
 - D. The County Planning Director or designee may review permits issued under this section at any time and may revoke permits when they are found to be out of compliance. After the initial approval by the Planning Commission any required renewal shall be applied for as a medical hardship extension. The decision to approve a medical hardship extension shall be an administrative decision of the Planning Director.
 - E. Any dwelling authorized by a medical hardship Special Use permit must be located as close as possible to the primary dwelling. Unless there are physical limitations of the land this should be within 100 feet of the primary dwelling.
 - F. County Zoning and Building Permits will be required. A Rural Address will also be required to facilitate emergency response.
 - G. A medical hardship Special Use permit is valid for up to 2 years from the date of initial issuance, i.e., permits issued in an odd-numbered year will expire in the next odd-numbered year. All permits will have an expiration date of January 31. The County will process all medical hardship Special Use permit renewal requests once per year in January. The County will give permittees not less than 30 calendar days written notice of the pending expiration of their Special Use permits, advising that a renewal will be required. Failure to receive notification of pending expiration does not constitute an extension of time for the permit. The Planning Director shall not renew the medical hardship Special Use permit until the permittee has shown compliance with the conditions for issuance specified in this Section at the time of renewal and the County has received evidence of the continued validity of the medical hardship.

SECTION 7.400 TEMPORARY USES

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

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

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

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

1. When the recreational vehicle is located on an individual lot or parcel during the construction of a dwelling. The Zoning Authorization for the approved dwelling must also authorize this temporary use.
2. For temporary housing to accommodate visitors of the primary residence in a residential or farm use zone not to exceed 30 days in any 12 month period. Property owners found in violation of this requirement will be subject to enforcement action.
3. For seasonal recreational (i.e. summer camping or hunting season) use by the land owner or lessee in the Forest Use Zone after obtaining a Zoning Permit and Rural Address.

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

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

1. The proposed Temporary Use is not specified in this Ordinance and is not so recurrent as to require a specific or general regulation to control it.
2. The proposed Temporary Use will not become permanent.
3. Approval of the Temporary Use does not create a violation(s) of any other adopted ordinance or code standard;
4. An application for a Temporary Use is limited to one (1) lot or parcel per application;
5. Requests for more than one Temporary Use on the same lot or parcel shall be consolidated on one application and reviewed concurrently by the County;
6. Not more than three (3) Temporary Uses may be approved for one lot or parcel in a continuous 12-month period;
7. Temporary uses will not exceed 12 months, can be renewed up to two time, but will not exceed a total of 36 months; and
8. All applicable building code requirements and engineering design standards shall be met.

9. Any Temporary Use permit shall clearly set forth the purpose for which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant.

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

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

SECTION 7.500 NONCONFORMING USES

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

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

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

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

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

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

SECTION 7.600 PROCEDURE FOR TAKING ACTION ON AN APPLICATION.

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

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

SECTION 7.700 TIME LIMIT TO INITIATE A PERMIT

- A. On land zoned for Farm Use or Forest Use a permit may be valid for two years from the date of the final decision. The County may grant ministerially where applicable criteria for the decision have not changed an extension period of up to 12 months on land zoned for Farm Use or Forest Use if:
 - 1. An applicant makes a written request for an extension of the development approval period;
 - 2. The request is submitted to the county prior to the expiration of the approval period;
 - 3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
 - 4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
- B. On land zoned other than Farm or Forest Use, a permit may be valid for two years. In the case of appeals, the two year permit period shall be tolled until a decision by a review authority with final jurisdiction is made that is not appealed.

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

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

- C. Approval of an extension granted under this Section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
- D. The time periods described above do not take effect until all appeals are complete.

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

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

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

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

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

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

SECTION 7.900 OCCUPANCY PERMIT

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