

**BEFORE THE BOARD OF COMMISSIONERS  
FOR MORROW COUNTY, OREGON**

AN ORDINANCE AMENDING THE MORROW	)	Ordinance Number
COUNTY ZONING ORDINANCE AND ZONING MAP.	)	ORD-2017-4
MORE SPECIFICALLY AMENDING THE MORROW	)	
COUNTY ZONING ORDINANCE ARTICLE 1	)	
INTRODUCTORY PROVISIONS; ARTICLE 3 USE ZONES	)	
SECTION 3.010 EXCLUSIVE FARM USE AND SECTION	)	
3.020 FOREST USE; ARTICLE 6 CONDITIONAL USES;	)	
AND ARTICLE 7 DIMENSIONAL ADJUSTMENTS,	)	
VARIANCES, SPECIAL OR TEMPORARY PERMITS AND	)	
NON-CONFORMING USES. ALSO REMOVING FROM	)	
ARTICLE 3 THE SECTION CONCERNED WITH SMALL	)	
FARM AND AMENDING THE ZONING MAP REPLACING	)	
SMALL FARM WITH EXCLUSIVE FARM USE.	)	

**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 adopted a Transportation System Plan on October 7, 1998; and

**WHEREAS**, the Morrow County Planning Department, working with the Department of Land Conservation and Development, worked to develop a Farm and Forest Use Model Code; and

**WHEREAS**, the Department of Land Conservation and Development then encouraged Morrow County to use the Farm and Forest Use Model Code to update the Morrow County Zoning Ordinance; and

**WHEREAS**, the Morrow County Planning Commission held a series of work sessions to consider various aspects of the Farm and Forest Use Model Code over several meetings in 2016 and early 2017; and

**WHEREAS**, the Morrow County Planning Commission held a public hearing on Tuesday, May 30, 2017, at the Bartholomew Building in Heppner, Oregon, to considered the amendment; and

**WHEREAS**, the Morrow County Planning Commission took testimony and allowed for members of the audience to ask questions, which staff answered to the best of their ability, concluding with two comments on the record in favor of the proposed amendments, and after discussion and three minor text amendments, recommended approval of the request unanimously and adopted Planning Commission Final Findings of Fact; and

**WHEREAS**, the Morrow County Board of Commissioners held a hearing to consider the recommendation of the Morrow County Planning Commission on June 21, 2017, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

**WHEREAS**, the Morrow County Board of Commissioners did hear neutral testimony from one interested party; and

**WHEREAS**, the Morrow County Board of Commissioners accepted the Planning Commission recommendation approving the amendment package as presented.

**NOW THEREFORE BE IT ORDAINED** THAT THE MORROW COUNTY BOARD OF COMMISSIONERS ADOPTS AS AN AMENDMENT TO THE MORROW COUNTY ZONING ORDINANCE ARTICLE 1 INTRODUCTORY PROVISIONS; ARTICLE 3 USE ZONES SECTION 3.010 EXCLUSIVE FARM USE AND SECTION 3.020 FOREST USE; ARTICLE 6 CONDITIONAL USES; AND ARTICLE 7 DIMENSIONAL ADJUSTMENTS, VARIANCES, SPECIAL OR TEMPORARY PERMITS AND NON-CONFORMING USES. ALSO REMOVING ARTICLE 3 SECTION 3.042 SMALL FARM AND AMENDING THE ZONING MAP REPLACING SMALL FARM WITH EXCLUSIVE FARM USE.

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the “2017 Farm and Forest Use Model Code Update.”

Section 2 Affected and Attached Documents:

- The following portions of the Morrow County Zoning Ordinance are repealed and replaced:
  - Article 1 Introductory Provisions
  - Article 3 Section 3.010 Exclusive Farm Use
  - Article 3 Section 3.020 Forest Use
  - Article 6 Conditional Uses
  - Article 7 Dimensional Adjustments, Variances, Special or Temporary Permits and Non-Conforming Uses
- The following portion of the Morrow County Zoning Ordinance are repealed:
  - Article 3 Section 3.042 Small Farm 40
- The Morrow County Zoning Map shall be amended changing the Small Farm to Exclusive Farm Use. This does not affect the Comprehensive Plan Designation as it remains Resource/Agricultural

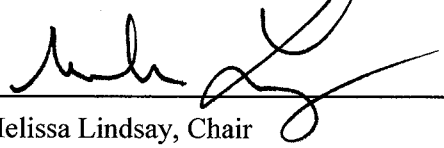
Section 3 Emergency Clause and Effective Date:

The Morrow County Board of Commissioners does declare an emergency as interest has been shown in using certain new provisions for economic benefit and gain, which would be supported by the Morrow County Comprehensive Plan Economic Element and the focus on tourism opportunities. This ordinance shall be effective following the appeal period or on August 1, 2017.

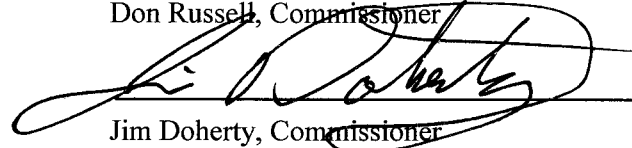
Date of First Reading: June 28, 2017  
Date of Second Reading: July 5, 2017

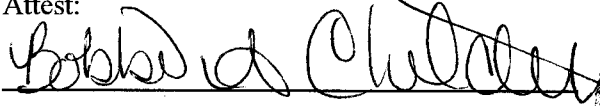
**ADOPTED** BY THE MORROW COUNTY BOARD OF COMMISSIONERS THIS 5<sup>TH</sup> DAY OF JULY 2017.

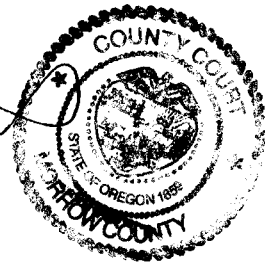
**BOARD OF COMMISSIONERS OF  
MORROW COUNTY, OREGON**

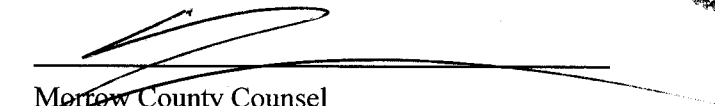
  
Melissa Lindsay, Chair

  
Don Russell, Commissioner

  
Jim Doherty, Commissioner

Attest:  
  
Bobbi Childers, County Clerk



Approve as to Form:  
  
Morrow County Counsel  
Justin Nelson  
OSB # 074460

MORROW COUNTY, OREGON **CJ2017-0110**  
Commissioners' Journal **07/05/2017 2:28:11 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



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

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

**MORROW COUNTY, OREGON  
ZONING ORDINANCE**

**ARTICLE 1. INTRODUCTORY PROVISIONS**

**SECTION 1.010. TITLE.**

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

**SECTION 1.020. PURPOSE.**

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

**SECTION 1.030. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

Auxiliary. As used in the Forest Use Zone, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

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

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

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

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

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

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

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

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

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

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

1. Generates energy using means such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission,

nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;

2. Is intended to provide energy for sale; and
3. Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Forest Use. Includes the production of trees and the processing of forest products, open space, buffers from noise, and visual separation of conflicting uses, watershed protection and wildlife

and fisheries habitat, soil protection from wind and water, maintenance of clean air and water, outdoor recreational activities and related support services and wilderness values compatible with these uses, and grazing for livestock.

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

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

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

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

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

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

High-Value Farmland.

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

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

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

water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mobile Home or Manufactured Dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Primary processing of forest products. The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

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

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

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

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

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

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

Public Park. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district

and that may be designated as a public park in the Morrow County Comprehensive Plan and this Zoning Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. Also anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes

buildings, walls, fences, billboards, poster panels, food stands, in ground swimming pools, and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

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

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

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

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

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

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

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

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

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

Utility facility service lines. Utility lines of the necessary voltage to serve the area, including those up to 230 kilovolts, and associated facilities or structures that ultimately end at the point where the utility service is received by the customer, and that are located on one or more of the following:

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

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

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

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

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

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

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

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

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

Prior to the construction, reconstruction, alteration, or change of use of any structure larger than 100 square feet or use for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use or uses shall be obtained from the Planning Director or authorized agent thereof. A zoning permit shall become void after 1 year unless the development action has commenced. A 12-month extension may be granted when submitted to the Planning Department prior to the expiration of the approval period.

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

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

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

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

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

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

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

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

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

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

10. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
11. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
12. Fire service facilities providing rural fire protection services.
13. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.
14. Firearms training facility in existence on September 9, 1995.
15. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.
16. A site for the takeoff and landing of model aircraft subject to Subsection D.12.
17. A facility for the processing of farm crops, biofuel or poultry subject to Subsection D.1.
18. Dog training classes or testing trials subject to Subsection D.4.
19. Farm stands subject to Subsection D.5.
20. A winery subject to ORS 215.452-.456
21. Agri-tourism and other commercial events or activities subject to Section J.
22. Land application of reclaimed water, agricultural or industrial process water or biosolids subject to Subsection D.8.
23. Utility facility service lines subject to Subsection D.9.
24. Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection D.10.
25. Churches, and cemeteries in conjunction with churches, subject to Subsection D.17. This use is not permitted on high-value farmland except that existing churches on high-value farmland may be expanded subject to Subsection D.19.

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

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

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

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

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

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

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

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

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

1. A facility for the primary processing of forest products subject to Subsection D.2.
2. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.
3. Temporary hardship dwelling subject to Subsection D.18 and Article 7.
4. Residential home as defined in ORS 197.660, in existing dwellings, subject to Subsection D.18.
5. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection D.18.
6. Parking of up to seven log trucks.

7. Home occupations as provided in Article 6.
8. Commercial dog boarding kennels, as provided in Article 6, or dog training classes or testing trials that cannot be established under Subsection B.18.
9. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
10. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection B.17, but excluding activities in conjunction with a marijuana crop, and subject to D.6.
11. Guest ranches subject to temporary provisions relating to guest ranches in ORS 215.
12. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
13. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.
14. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement.
15. Processing of other mineral resources and other subsurface resources.
16. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
17. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
18. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
19. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
20. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection D.7.
21. Utility and transmission towers over 200 feet in height.
22. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities subject to Subsection K.1.

23. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.2.
24. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.3.
25. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection D.19 and Article 6.
26. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to Subsection D.11. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection D.19.
27. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.
28. Living history museum and subject to Subsections D.13 and D.17.
29. Public parks and playgrounds subject to Subsections D.14 and D.17.
30. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
31. Operations for the extraction and bottling of water.
32. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to Subsection D.17. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to D.19.
33. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections D.15 and D.17. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection D.19.
34. Golf courses subject to Subsections D.16 and D.17. This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to Subsection D.19.



#### D. Use Standards

1. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.

2. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses as defined in Section 1.030 of this Ordinance. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located.

3. To qualify for a relative farm help dwelling:

a. A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.

b. A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.

4. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:

a. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and

b. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

5. A farm stand may be approved if:

a. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

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

c. As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.

d. As used in this Subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

e. As used in this Section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

f. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

g. Farm Stand Development Standards

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

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

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

(4) No farm stand building or parking is permitted within the right-of-way.

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

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

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

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

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

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

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

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

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

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

8. Agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251.

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

a. A public right of way;

b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

c. The property to be served by the utility.

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

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

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

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and nonresource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state and federal agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Technical and engineering feasibility;
- (b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
- (d) Public health and safety; or
- (e) Other requirements of state or federal agencies.

(3) As pertains to Subsection (2), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(4) The county may consider costs associated with any of the factors listed in Subsection (2), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

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

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

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

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

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

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

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

14. Public parks may include:

a. All outdoor recreation uses allowed under ORS 215.213 or 215.283.

b. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:

- (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;

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

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

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

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

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

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

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

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

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

(2) Dining halls (not restaurants).

15. Private Campgrounds are subject to the following:



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

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

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

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

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

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

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

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

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

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

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

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

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

E. Dwellings Customarily Provided in Conjunction with Farm Use

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

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

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

(2) 320 acres and designated rangeland

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and

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

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

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

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

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

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

#### 4. Farm Capability Standards.

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

(1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;

(2) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection (1);

(3) The subject tract is currently employed for a farm use, , at a level capable of producing the annual gross sales required in Subsection (1);

(4) The subject lot or parcel on which the dwelling is proposed is not less than 20 acres;

(5) Except for seasonal farmworker housig approved prior to 2001, there is no other dwelling on the subject tract;

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

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

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

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

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

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

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

#### 5. Additional Farm Income Standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### F. Accessory Farm Dwellings

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

#### G. Lot of Record Dwellings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### H. Dwellings Not in Conjunction with Farm Use

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

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

2. Non-farm dwelling suitability standards.

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

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

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

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

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

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

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

4. If a single-family dwelling is established on a lot or parcel as set forth in Subsection B.31, no additional dwelling may later be sited under the provisions of this Section.

#### I. Alteration, Restoration or Replacement of a Lawfully-established Dwelling

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

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

(1) Intact exterior walls and roof structure;

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

(3) Interior wiring for interior lights;

(4) A heating system; and

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

b. Notwithstanding Subsection I.1.a(5), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
- (2) Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.



## J. Agri-tourism and Other Commercial Events

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

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

- a. The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
- b. The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
- c. The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;
- d. The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
- e. The agri-tourism or other commercial event or activity complies with the standards described in Subsection 6.025(A). ;
- f. The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and
- g. The agri-tourism or other commercial event or activity complies with conditions established for:
  - (1) Planned hours of operation do not extend before 7 a.m. or after 11 p.m.
  - (2) Adequate off-street parking will be provided pursuant to the requirements in Article 4 of this ordinance.
  - (3) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
  - (4) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
  - (5) No parking is permitted within the right-of-way.
  - (6) Approval is required from County Public Works regarding adequate egress and access. All egress and access points shall be clearly marked.

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

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

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

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

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

- a. Must be incidental and subordinate to existing farm use on the tract;
- b. May not, individually, exceed a duration of 72 consecutive hours;
- c. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

d. Must comply with the standards described in Subsection 6.025(A). ;

e. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

f. Must comply with conditions established for:

(1) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(2) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(3) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(4) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(5) Sanitation and solid waste

(6) Must comply with the requirements of J.8.

g. A permit authorized by this Subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection 3, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

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

a. Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

b. Comply with the requirements of J.3.c, d, e, and f;

c. Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

d. Do not exceed 18 events or activities in a calendar year.

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

a. Provide public notice and an opportunity for public comment as part of the review process; and

b. Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection 4.

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

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

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

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

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

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

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

b. Approval Criteria.

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

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

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

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

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

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

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

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

(6) Overnight camping is prohibited.

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

(8) Transportation Management

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

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

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

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

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

(9) Health and Safety Compliance

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

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

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

K. Commercial Facilities for Generating Power

1. Commercial Power Generating Facility.

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

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

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

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

## 2. Wind Power Generation Facility.

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

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

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

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

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

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

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

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

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

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

(5) The criteria of Subsection c are satisfied.

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

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

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



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

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

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

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

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

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

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

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

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

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

f. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

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

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

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

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

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

(a) Non high-value farmland soils are not available on the subject tract;

(b) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

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

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

(a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

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

g. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

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

(a) Nonarable soils are not available on the subject tract;

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

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

(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;

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

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

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

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

h. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

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

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

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

(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(3) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

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

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

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

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

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

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

#### L. Land Divisions

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

2. A division of land to accommodate a use permitted by Section C, except a residential use, smaller than the minimum parcel size provided in Subsection 1 may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

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

a. The nonfarm dwellings have been approved under Subsection H;

- b. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  - c. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection 1; and
  - d. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection 1.
4. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
- a. The nonfarm dwellings have been approved under Subsection H;
  - b. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  - c. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection A but equal to or larger than 40 acres;
  - d. The parcels for the nonfarm dwellings are:
    - (1) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and
    - (2) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level; and
  - e. The parcels for the nonfarm dwellings do not have established water rights for irrigation.
5. This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
6. This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

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

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

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

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

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

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

a. A division of land may be approved provided:

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

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

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

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

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

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

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

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



- a. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
- b. The church has been approved under Subsection B.26;
- c. The newly created lot or parcel is not larger than five acres; and
- d. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection 1 either by itself or after it is consolidated with another lot or parcel.

12. Notwithstanding the minimum lot or parcel size described Subsection 1, a division for the nonfarm uses set out in Subsection B.12 if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

13. The governing body of a county may not approve a division of land for nonfarm use under Subsection 2, 3, 4, 9, 10, 11, or 12 unless any additional tax imposed for the change in use has been paid.

14. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.

15. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:

- a. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.
- b. If the parcel does not contain a dwelling, it:
  - (1) Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;
  - (2) May not be considered in approving or denying an application for any other dwelling; and
  - (3) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

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

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

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.

3. Rear yards shall be a minimum of 25 feet,.

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

#### N. 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**

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

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

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

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

11. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
12. Exploration for mineral and aggregate resources as defined in ORS chapter 517.
13. Private hunting and fishing operations without any lodging accommodations.
14. Towers and fire stations for forest fire protection.
15. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
16. Uninhabitable structures accessory to fish and wildlife enhancement.
17. Temporary forest labor camps.
18. 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.
19. An outdoor mass gathering of more than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735.
20. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.
21. Destination resorts, subject to ORS 197.435 to 197-467 and Goal 8.
22. Youth camps subject to OAR 660-006-0031.
23. Any outdoor gathering of more than 3,000 persons that is expected to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.
24. Caretaker residences for public parks and public fish hatcheries subject to Subsection D.11.
25. A large tract forest dwelling subject to Subsection D.1 and D.11.
26. Lot of record dwelling subject to Subsections D.2 and D.11.
27. A template dwelling subject to Subsection D.3 and D.11.
28. Alteration, restoration or replacement of a lawfully established dwelling subject to Subsections D.4 and D.11.

### C. Conditional Uses

In the Forest zone, the following uses and their accessory buildings and uses are permitted subject to county review, any specific standards for the use set forth in Section D, Article 6, and the general standards for the zone:

1. Log scaling and weigh stations.
2. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
3. A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative subject to D.11 and Article 7.
4. Parking of up to seven dump trucks and seven trailers.
5. Home occupations subject to Article 6.
6. Permanent facility for the primary processing of forest products subject to D.12.
7. Permanent logging equipment repair and storage.
8. Private seasonal accommodations for fee hunting operations subject to Subsections D.5.
9. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsections D.6.
10. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section C (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
11. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
12. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
13. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new parcels.
14. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.
15. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
16. Expansion of existing airports.
17. Television, microwave and radio communication facilities and transmission towers.

18. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.

19. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

20. Reservoirs and water impoundments.

21. Disposal site for solid waste approved by the governing body of a city or county or both and 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.

22. Commercial utility facilities for the purpose of generating power subject to Subsection D.7.

23. Aids to navigation and aviation.

24. Firearms training facility as provided in ORS 197.770(2).

25. Fire stations for rural fire protection.

26. Cemeteries.

27. Public parks subject to Subsection D.9.

28. Private parks and campgrounds subject to Subsection D.10.

#### D. Use Standards

1. A large tract forest dwelling authorized under ORS 215.740 may be allowed on land zoned for forest use if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:

a. The tract is 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 pursuant to paragraph c. for all tracts that are used to meet the acreage requirements of this subsection.

b. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.

c. Where one or more lots or parcels are required to meet minimum acreage requirements:

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

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

2. 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 as defined in paragraph d:

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

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

b. The tract on which the dwelling will be sited does not include a dwelling;

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

d. For purposes of this subsection, "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.

e. The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:

(1) A United States Bureau of Land Management road; or

(2) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

f. 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 shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and

g. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

3. A single family "template" dwelling authorized under ORS 215.750 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 zero 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; and
  - (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.
  
- d. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
  
- e. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
  
- f. Except as provided by paragraph g, if the subject tract 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.
  
- g. The following applies where a tract 60 acres or larger abuts a road or perennial stream.
  - (1) The measurement shall be made in accordance with paragraph f. 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 one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
    - (b) Be within one-quarter 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.



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

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

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

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

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

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

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

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

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

4. Alteration, restoration or replacement of a lawfully established dwelling, where Subsections a or b apply:

a. Alteration or restoration of a lawfully established dwelling that:

(1) Has intact exterior walls and roof structures;

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

(3) Has interior wiring for interior lights; and

(4) Has a heating system.

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

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

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

b. Only minor incidental and accessory retail sales are permitted; and

c. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

6. Private accommodations for fishing occupied on a temporary basis are subject to 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; and

d. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.

7. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.

8. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Article 6, and shall comply with the following requirements.

a. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.

b. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.

c. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.

d. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, including but not limited to requiring that the area surrounding the facility is kept free from litter and debris.

e. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.

f. The county may limit hours of operation for the facility to be compatible with adjacent uses.

g. Comply with other conditions deemed necessary.

9. Public parks may include:

a. All uses allowed under Statewide Planning Goal 4;

b. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:

(1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;

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

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

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

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

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

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

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

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

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

(2) Dining halls (not restaurants).

10. Private Campgrounds and Campsites.

a. Campgrounds in private parks may be permitted, subject to the following:

(1) 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.

(2) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(3) Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(4) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

b. Campsites within campgrounds meeting the requirement of D.10.a and permitted pursuant to Article 6 must comply with the following:

(1) Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to D.10.b(3).

(2) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.

(3) No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

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

12. Permanent facility for the primary processing of forest products that is:

a. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or

b. Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or

c. Located in a combination of indoor and outdoor areas described in Subsections a and b; and

d. Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

## E. 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 forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section F to identify the building site:

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 satisfying Subsection 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;
  - 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 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. Stocking survey report:
  - (1) If the lot or parcel is more than 30 acres, 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 Forestry rules;
  - (2) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that 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; and
- d. The county governing body or its designate 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.

#### F. Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent shall apply to all 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 within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards that shall comply with the following:
  - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
  - b. 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;

c. 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; and

d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

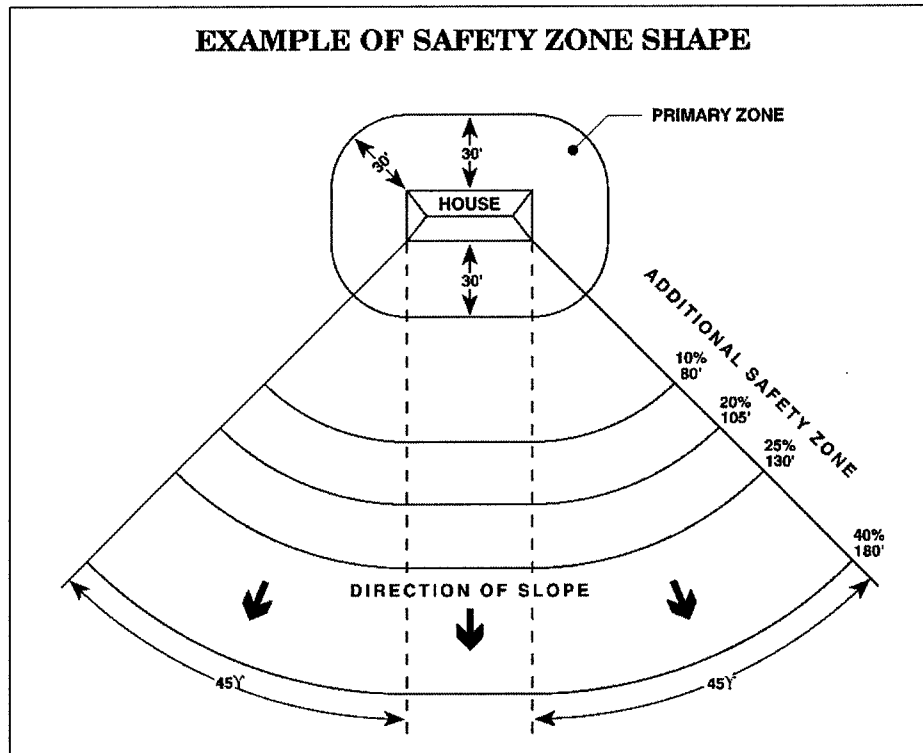
2. Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.

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" dated March 1, 1991, and published by the Oregon Department of Forestry and shall demonstrate compliance with Table 3.020-1.

TABLE 3.020-1 Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Figure 3.020-1



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.

#### G. Land Divisions

1. The minimum parcel size for new forest parcels is 80 (eighty) acres.
2. New land divisions less than the parcel size in Subsection 1 may be approved for any of the following circumstances:
  - a. For the uses listed in the following subsections provided that such uses have been approved pursuant to Article 6 and the parcel created from the division is the minimum size necessary for the use.
    - (1) 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.
    - (2) Destination resorts, subject to ORS 197.435 to 197.467 and Goal 8.
    - (3) Log scaling and weigh stations



(4) Permanent facility for the primary processing of forest products subject to D.12.

(5) Permanent logging equipment repair and storage.

(6) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection B.15 (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

(7) Television, microwave and radio communication facilities and transmission towers.

(8) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

(9) Reservoirs and water impoundments.

(10) Disposal site for solid waste approved by the governing body of a city or county or both and 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.

(11) Commercial utility facilities for the purpose of generating power subject to Subsection D.7.

(12) Aids to navigation and aviation.

(13) Firearms training facility as provided in ORS 197.770(2).

(14) Fire stations for rural fire protection.

(15) Cemeteries.

(16) Public parks subject to Subsection D.9.

(17) Private parks and campgrounds subject to Subsection D.10.

b. For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

(1) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and

(2) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(a) Meets the minimum land division standards of the zone; or

(b) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

c. 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. Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection 1 in order to conduct the forest practice. Parcels created pursuant to this paragraph:

- (1) Are not eligible for siting of a new dwelling;
- (2) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
- (3) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
- (4) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
  - (a) Facilitate an exchange of lands involving a governmental agency; or
  - (b) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

d. To allow a division of a lot or parcel zoned for forest use if:

- (1) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (2) Each dwelling complies with the criteria for a replacement dwelling under paragraph D.4.a;
- (3) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
- (4) At least one dwelling is located on each parcel created under this paragraph; and
- (5) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

e. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.

3. A lot or parcel may not be divided under paragraph G.2.d if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.

#### 4. Restrictions

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

b. 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.

5. A landowner allowed a land division under Subsection 2 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.

6. The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

7. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:

a. If the parcel contains a dwelling, it must be large enough to support continued residential use.

b. If the parcel does not contain a dwelling:

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

(2) It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and

(3) The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

#### H. Development Standards

All dwellings and structures approved pursuant to Section 3.020 shall be sited in accordance with this Section.

1. Lot Size Standards. Lot size shall be consistent with the requirements of Section G.

2. Setbacks.

a. 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.

b. Each side yard setback shall be a minimum of 25 feet.

c. Rear yards shall be a minimum of 25 feet.

d. 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.

e. Big Game Range Restrictions. Standards found in Article 3 Section 3.200 Significant Resource Overlay Zone apply.

3. Height.

a. Dwellings shall not exceed a height of 35 feet.

b. Non-residential structures shall not exceed a height of 35 feet.

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)

## **ARTICLE 6. CONDITIONAL USES**

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

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

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

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

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

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

A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.

B. If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.

C. The proposal will not exceed carrying capacities of natural resources or public facilities.

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

A. In the Exclusive Farm Use zone a conditional use may be approved only when the County finds that the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

B. In the Forest Use Zone a conditional use may be approved only when requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands are met. A conditional use may be approved only when the County finds that the use will not:

1. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
2. Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

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

**SECTION 6.030. GENERAL CONDITIONS.**

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

A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

B. Establishing a special yard or other open space or lot area or dimension.

C. Limiting the height, size or location of a building or other structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Airports, aircraft landing fields, aircraft charter, rental, service and maintenance facilities not located in an Aircraft Approach Zone: The Planning Commission shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, nor that the location will unnecessarily restrict existing and future development of surrounding lands as designated by the Comprehensive Plan.

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

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

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

1. Such uses may be authorized as a conditional use only after consideration of the following factors:
  - a. Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).
  - b. Location of the site relative to the service area.
  - c. Probable growth and needs therefore.
  - d. Site location relative to land uses in the vicinity.
  - e. Adequacy of access to and from principal streets together with the probable effects on the traffic volumes of abutting and nearby streets.

2. Such uses or related buildings shall be at least 30 feet from a side or rear lotline.
3. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

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

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

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

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

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



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

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

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

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

General Permitting Provisions:

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

Local Permit Approval Criteria: An application for mineral or aggregate mining must address provisions found in Article 6 Conditional Uses Section 6.020 General Criteria, Section 6.025 Resource Zone Standards for Approval when in a Farm or Forest Zone, and the following:

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

- b. In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards.(MC-C-8-98)
9. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)
10. An application for a mining operation contiguous to an existing operation approved under this section shall be evaluated in conjunction with the existing site when it appears the sites will be managed and operated as one.
11. Ensuring adequate space for parking and loading.
12. Approvals for or that include operations that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard.(one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed).
13. A plan for the control of noxious weeds. (MC OR-1-2013)

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

1. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when, in its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
2. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise, or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.
3. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

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

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

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

1. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
2. The space provided for each mobile home shall be provided with piped potable water and electrical and sewerage connections and shall not be less than 30 feet in width nor less than 40 feet in length.
3. The number of spaces for mobile homes shall not exceed 12 for each acre of the total area in the mobile home park. Except that the Commission may vary this density as follows:
  - a. If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.
  - b. If in addition to (a) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.
  - c. If in addition to (a) and (b) an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible - 25%).
4. A mobile home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the mobile homes and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.
5. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building or structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
6. A mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official:

- a. It shall have a state insignia indicating compliance with Oregon State Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.
- b. Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the mobile home shall meet the state standards for mobile home construction evidenced by the insignia.
- c. It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
- d. It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway.

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

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

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

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

b. Winterizing and skirting shall be required.

c. There shall be no outdoor storage.



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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 6.070. TIME LIMIT TO INITIATE A CONDITIONAL USE.**

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

1. An applicant makes a written request for an extension of the development approval period;

2. The request is submitted to the county prior to the expiration of the approval period;

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

4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
- B. Non-Farm Dwelling and Forest Template Dwelling permits are valid for four years and an extension, when requested using the provisions above, is valid for two years.
  - C. On land zoned other than Farm or Forest Use, a conditional use is valid for two years. In the case of appeals, the two year permit period shall be tolled until a decision by a review authority with final jurisdiction is made that is not appealed.

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.
- D. Approval of an extension granted under this Section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
  - E. The time periods described above do not take effect until all appeals are complete. (MC OR-1-2013)

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

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

A conditional use permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the conditional use permit no longer exists. Upon termination of the use, the land must be in a condition that it may be re-

developed in compliance with its current zoning designation. The County may authorize a conditional use permit until a particular date, for a stated period of time, or until the occurrence of a particular event. Additionally, the County may stipulate that a Conditional Use Permit will be reviewed or renewable after a stated time period.

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

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

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

#### **SECTION 6.080. OCCUPANCY PERMIT.**

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

## **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. Department of Environmental Quality review and removal requirements also apply.
  3. The landowner for the hardship dwelling shall sign and record in the deed records for the County a Right-to-Farm or a Right-to-Forest Statement binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from customary farm or forest practices.
  4. A temporary residence approved under this sub-section is not eligible for replacement under Section 3.010 or 3.020.
- C. A medical hardship Special Use permit granted under this section is void when the elderly, mentally handicapped, or infirm existing resident or other person who is the subject of the permit no longer needs care, moves to another residence, is absent from the residence for more than 120 days or leaves the residence with no likelihood of returning for continued residency of at least 30 days. Exception to the 120-day limit can be provided for in the case of extraordinary circumstances such as extended hospitalization. These extensions can be approved by the Planning Director for up to an additional 60 days without Planning Commission approval. Additional extensions will require Planning Commission review and approval.
- D. The County Planning Director or designee shall review permits issued under this section every two years and may revoke permits when they are found to be out of compliance. After the initial approval by the Planning Commission 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; and
  - c. be removed upon expiration of the temporary permit.

#### **SECTION 7.500 NONCONFORMING USES**

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

Subject to the provisions of this section, a nonconforming use or structure may be continued, but may not be altered or 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.

## **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.~~

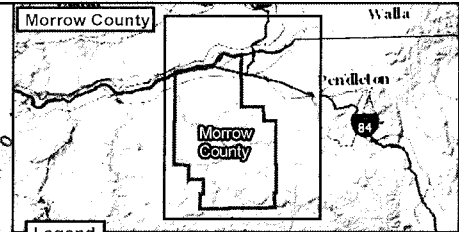
#### ~~I. TRANSPORTATION IMPACTS~~

~~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)~~



# Morrow County Oregon

## EFU and FU Zoned Lands



### Legend

- County Boundary
- County Seat
- City
- Highway
- Arterial/Collector
- City Limits
- Airport

Coordinate System: NAD 1983 NRSR2007 StatePlane Oregon North FIPS 3601 Ft Intl  
 Projection: Lambert Conformal Conic  
 Datum: NAD 1983 NRSR2007

Cartography By: Stephen Wreccics  
 Date Saved: 4/17/2017  
 Morrow County Planning Department

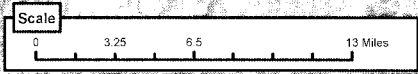
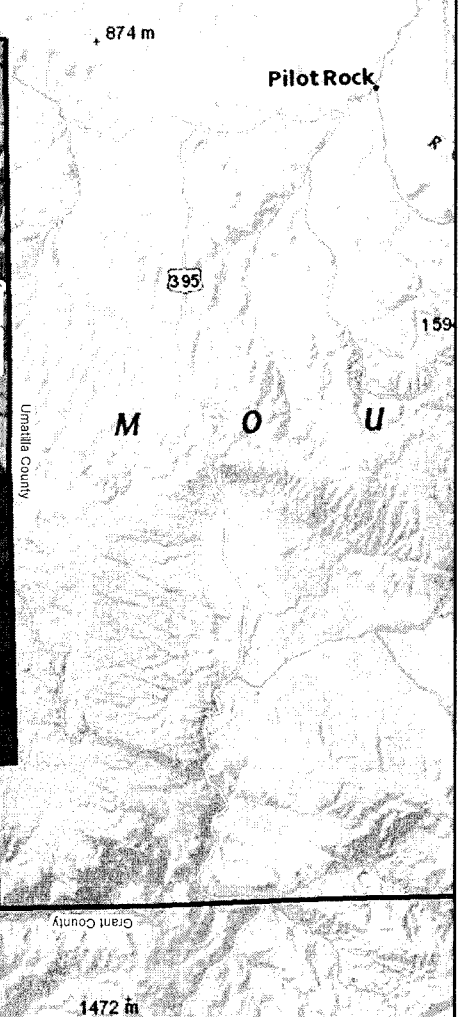
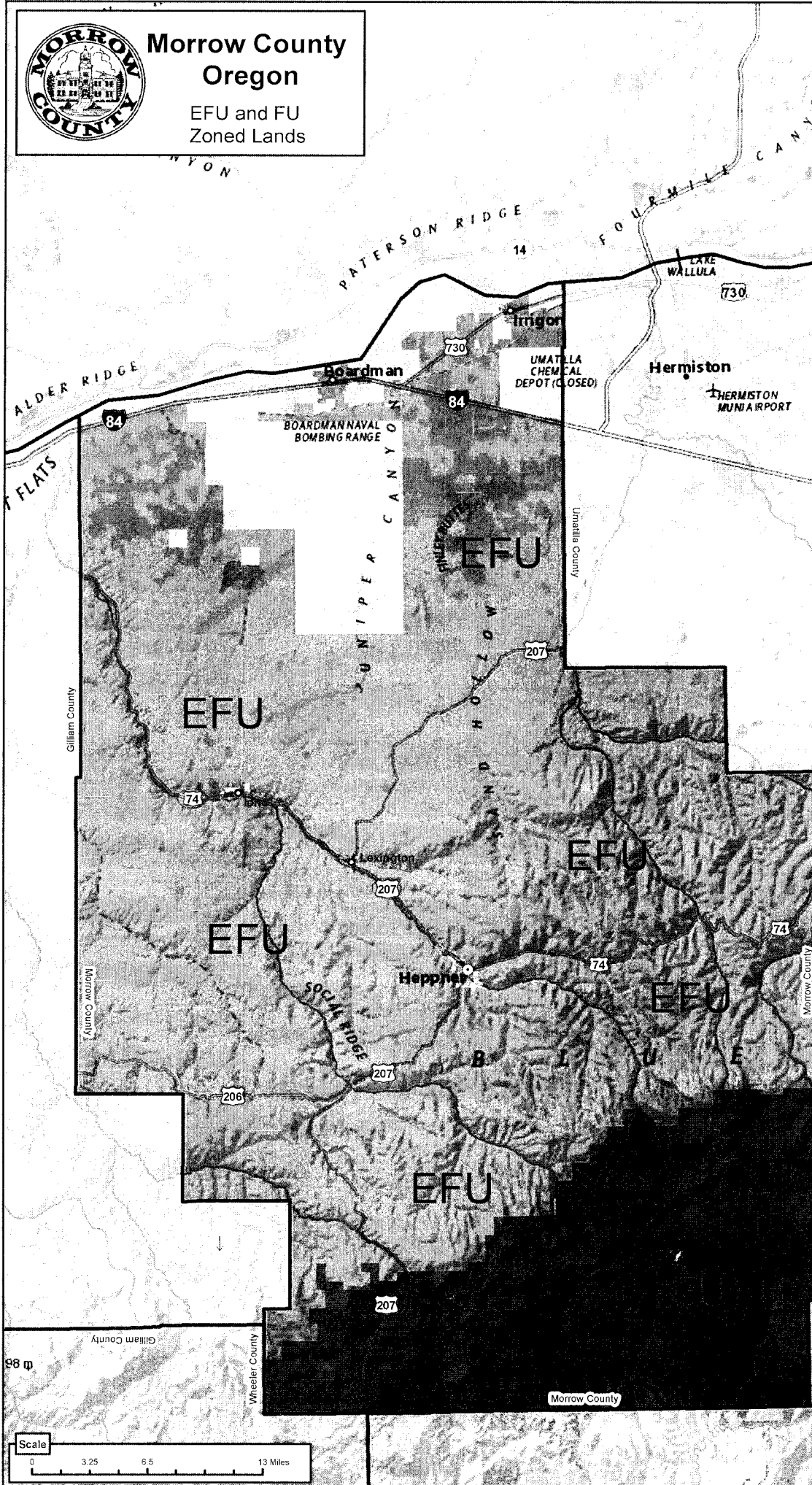
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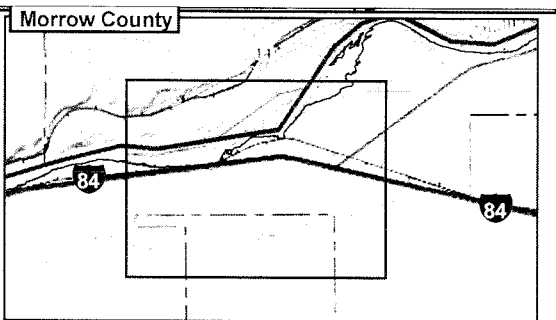
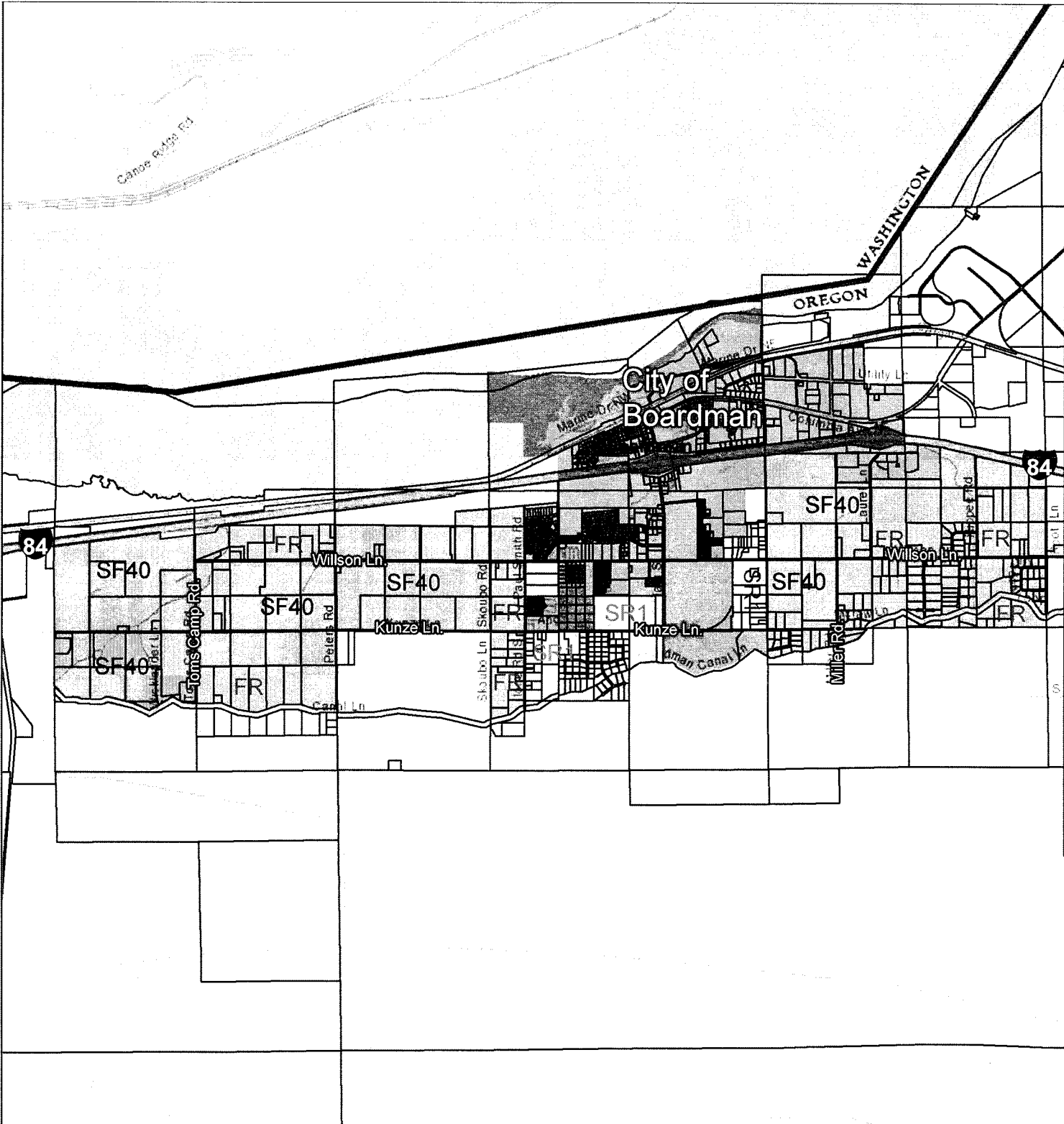
Service Layer Credits: USGS The National Map, National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line, HERE Road Data  
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### Land Use Zones

EFU Exclusive Farm Use

FU Forest Use





**Legend**

	County Boundary		City Limits
	County Seat		Highway
	City		Arterial/Collector
	Runway Length		Airport

Coordinate System: NAD 1983 NSRS2007 StatePlane Oregon North FIPS 3601 Ft Intl  
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Cartography By: Stephen Wreccics  
 Date Saved: 5/10/2017  
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**Land Use Zones**

**SF40** Small Farm 40  
 Zone Subject to Change.

**SR1** Suburban  
 Residential within UGB

**FR** Farm Residential

