

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE ADOPTING CHANGES TO THE MORROW COUNTY ZONING ORDINANCE, SPECIFICALLY ARTICLE 3 SECTION 3.051 AND ARTICLE 4 SECTIONS 4.110 THROUGH 4.150. THESE CHANGES HAVE TO DO PRIMARILY WITH THE SITING OF MANUFACTURED HOMES AND THE USE OF RECREATIONAL VEHICLES.

COUNTY ORDINANCE
NO. MC-OS-2006

THE COUNTY OF MORROW DOES ORDAIN AS FOLLOWS:

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

WHEREAS, Morrow County's Comprehensive Land Use Plan was acknowledged on January 30, 1986; and

WHEREAS, Morrow County adopted a Zoning Ordinance in 1980 which was amended in 1985, subsequently amended by various actions, and most recently codified in 2001; and

WHEREAS, an issue was brought forward by citizens in the Irrigon area concerning the effects to property values when older (pre 1990) manufactured and mobile homes are sited on adjacent property which both the Planning Commission and County Court wished to address; and

WHEREAS, the Morrow County Planning Commission held two public hearings to review the request on August 29, 2006, at the Morrow County School District Building in Lexington, Oregon and on September 26, 2006, at the North Morrow County Annex Building in Irrigon, Oregon; and

WHEREAS, the Morrow County Planning Commission unanimously recommended to the County Court approval of the request and adoption of the changes to the Morrow County Zoning Ordinance Article 3 Section 3.051 and Article 4 Sections 4.110 through 4.150; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on October 18, 2006, at the Port of Morrow Riverfront Center in Boardman, Oregon;

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

Section 1 Title of Ordinance

This Ordinance shall be known, and may be cited, as "The 2006 Morrow County Zoning Ordinance Amendment - Manufactured Home Siting Standards and Use of Recreational Vehicles."

Section 2 Morrow County Zoning Ordinance - Amendment

The Morrow County Zoning Ordinance shall be amended removing the current Article 3 Section 3.051 and Article 4 Sections 4.110 through 4.150 and replacing them with new Articles and Sections, as attached Exhibits 1 and 2.

- Exhibit 1: Article 3 Section 3.051
- Exhibit 2: Article 4 Sections 4.110 - 4.150

Section 3 Effective Date

Given that it is the policy of the State of Oregon that time is of the essence in deciding Land Use matters an emergency is declared to exist and this ordinance shall be effective ten (10) day after execution.

Date of first reading: October 18, 2006

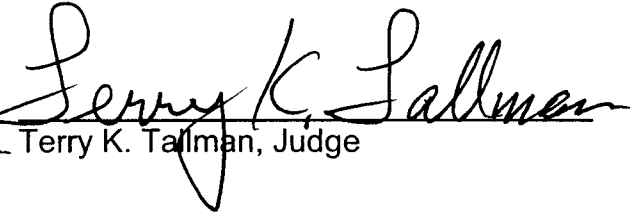
Date of second reading: October 18, 2006

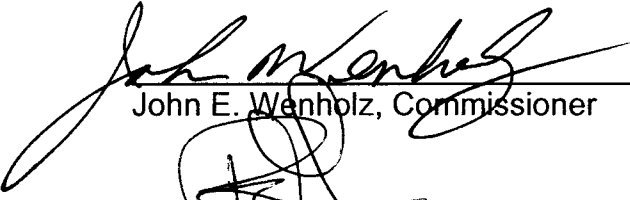
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 18th DAY OF OCTOBER, 2006.

ATTEST:



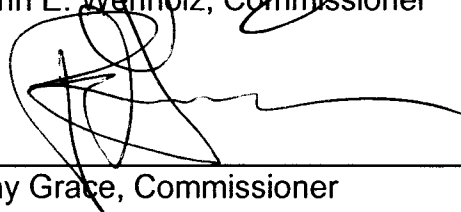
MORROW COUNTY COURT:

~~Bobbi Childers by Theresa Jagen~~ 
Bobbi Childers, County Clerk Deputy Clerk Terry K. Tallman, Judge


John E. Wenzholz, Commissioner

APPROVED AS TO FORM:

County Counsel



Ray Grace, Commissioner

SECTION 3.051. Suburban Residential 2A Zone, SR-2A. In a SR-2A Zone, the following regulations shall apply:

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

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

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

2. Planned Unit Developments

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

1. Church, Schools or Colleges

2. Golf Course

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

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

5. Home Occupations

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Dimensional Standards and Setback Requirements. In an SR-2A Zone the following requirements shall apply:

1. Percent of Coverage. The dwelling unit and accessory buildings on any building site or lot shall not cover more than thirty percent (30%) of the lot area.

2. Front Yards. Front yards shall not be less than twenty (20) feet deep.

3. Side Yards. There shall be a minimum side yard of ten (10) feet for all uses, except in the case of a non-residential use adjacent to a residential use, the minimum side yard shall be twenty (20) feet.

4. Rear Yards. A rear yard shall be a minimum of ten (10) feet.
5. Building Height. No building or structure, nor the enlargement or any building or structure, shall be hereafter erected to exceed two and one-half stories or more than thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three stories or forty-five (45) feet.
6. Lot Width. The width of any lot shall be a minimum of 150 feet.
7. Vision Clearance. On corner lots there shall be a minimum of twenty (20) feet, except as otherwise set forth in Section 4.020 Sight Distance.
8. The minimum lot frontage on a public street or private roadway shall be 50 feet, except that a flag lot frontage may be reduced to the width of a required driveway but no less than 20 feet and except for a cul de sac, where the frontage may be reduced to 30 feet.

G. Off-Street Parking, Loading and Bicycle Parking. In an SR-2A Zone off-street parking and loading shall be in accordance with the provisions of Section 4.040 through 4.060 of the Zoning Ordinance. (MC-C-4-92)

H. Transportation Impacts

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

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

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

1. The manufactured home shall be a 14-foot single-wide, at a minimum, or a multi-sectional unit and shall contain at least 745 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.
2. The manufactured home unit shall be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department and bear the Oregon Department of Commerce 'Insignia of Compliance.' All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to installation and occupancy to insure compliance with applicable standards required for the 'Insignia of Compliance' and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.
3. The manufactured home shall be installed according to the specifications outlined in the Oregon Manufactured Dwelling and Park Specialty Code in effect at the time of installation and as utilized by the Morrow County Building Official. (See ORS 446 and OAR 918 Division 500.)
4. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas,

or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40 % of the total living space of the manufactured home. Garages and carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.

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

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

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.
2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.

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

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

SECTION 4.120. MANUFACTURED OR RECREATIONAL VEHICLE AUTHORIZED AS A TEMPORARY RESIDENCE ON AN INDIVIDUAL LOT. A manufactured home or recreational vehicle shall be authorized as a temporary residence on an individual lot during the construction of the primary residence and shall comply with the following additional provisions:

A. The temporary residence shall be occupied by the owner of the lot or parcel on which the home under construction will be located.

B. The temporary residence shall be placed upon a lot or parcel for which a building permit for a housing unit has been obtained.

C. The temporary residence shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.

D. Electric, water and sewer utility connections shall be made to the temporary residence.

E. The owner of the lot agrees to remove the temporary residence from the lot or parcel not later than eighteen months from the date on which the building permit for the housing unit is issued or not later than two months following the completion of the housing unit, whichever occurs first.

F. The owner of the lot or parcel to will remove within 30 days all evidence of the temporary residence.

G. The County Planning Director or designee may review permits issued under this section at any time and may revoke the permits when they are found to be out of compliance.

H. Any accessory manufactured home or recreational vehicle used as a temporary residence placed under a permit authorized by this section must be located as close as possible to the

primary dwelling under construction. Unless there are physical limitations of the land, this should be within 100 feet of said dwelling.

SECTION 4.130. MANUFACTURED HOME OR RECREATIONAL VEHICLE AUTHORIZED AS TEMPORARY RESIDENCE FOR CARE OF A RELATIVE IN CONJUNCTION WITH EXISTING RESIDENTIAL USE.

A. Purpose and intent. It is the intent of the temporary use permit section to provide a set of procedures and standards for temporary use of structures which, because of personal physical or mental hardship needs, require social consideration for temporary usage after demonstration of temporary need and a finding of no adverse impact to the welfare of adjacent properties and the community as a whole. Financial hardship conditions, child care and other convenience arrangements not relating to physical and 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. Provided however, temporary use permits 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 temporary permit shall be granted which would have the effect of creating a permanent zoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring a special privilege for which other property within the same zone may not be equally eligible.

B. As a temporary use in every zone, the Commission may allow as a Conditional Use Permit one accessory manufactured home or recreational vehicle used as a dwelling complying with the standards of Section 4.110 as applicable, and providing that no additions, excepting porches 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 relative who a medical doctor or medical professional

certifies is in need of this kind of care or custody. This certification will be on the medical doctor/professional's stationery or stamped by the medical doctor/professional's office, and will indicate that the patient is not physically or mentally capable of maintaining him/herself in a residence on a separate property, and is dependent upon someone being close by for assistance. As an alternative the medical doctor/professional can stamp and sign the application form that is available through the Planning Department for a medical hardship.

2. Electric, water and sewer utility connections shall be made to the temporary residence.

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

C. A temporary use permit granted under this section is void when the elderly, mentally handicapped, or infirm relative who is the subject of the permit no longer needs care, moves to another residence, is absent from the residence 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. Within 60 days of the permit becoming void or revoked, the accessory dwelling shall be removed by the owner of the real property unless otherwise approved by the Commission.

E. The County Planning Director or designee may review permits issued under this section at any time and may revoke permits when they are found to be out of compliance.

F. Any accessory dwelling placed under a permit authorized by this section 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.

G. A temporary medical hardship permit is valid for up to two years from the date of initial issuance. All permits will have an expiration date of January 31. The County will process all

temporary medical hardship 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 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. All renewal requests will comply with the conditions for issuance specified in (B) above at the time of renewal. The permit will not be renewed until a review has been conducted by the County to determine the continued validity of the hardship.

SECTION 4.140. MANUFACTURED HOME AS A SECONDARY ACCESSORY FARM DWELLING. A

manufactured home permitted as a secondary accessory farm dwelling shall only be permitted in accordance with the following requirements:

A. The dwelling may only be occupied as a secondary farm accessory dwelling; i.e., there must exist on the subject property an owner-occupied primary conventional dwelling or a manufactured home complying with the conditions set forth in Section 4.110 of this ordinance, and there shall not be more than one such unit permitted for each 160 acres in the farm unit, and in the case of 4 or more dwellings manufactured home park standards shall apply, except as approved by the Commission.

B. The occupant of the manufactured home shall be an employee of the owner or an immediate family member engaged in the farm operation.

C. The manufactured home shall further meet the requirements for the siting of a manufactured home in a farm use zone as defined in Section 4.110A.

D. The dwelling shall be considered a temporary installation. If the need for an accessory dwelling ends the dwelling shall be removed. The dwelling can not be converted to other uses or used as a rental.

4.145 TEMPORARY STORAGE OF A MANUFACTURED HOME. A manufactured or mobile home may be stored 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:

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

4.150 TEMPORARY USE OF A RECREATIONAL VEHICLE. Recreational vehicles 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:

- A. When the recreational vehicle is located on an individual lot or parcel during the construction of a dwelling and meets the requirements of Section 4.120.
- B. When the recreational vehicle is located on an individual lot or parcel for use in the temporary care of a relative and meets the requirements of Section 4.130.
- C. 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.
- D. 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.