

*Filed November 7, 2001
Barbara Bloodworth
Co. Clerk*

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW COUNTY)
ZONING ORDINANCE AND SUBDIVISION ORDINANCE)
TO INCLUDE AN UPDATE AND CODIFICATION OF)
EACH ORDINANCE.)

ORDINANCE NUMBER MC-*C-3-01*

The County of Morrow does ordain as follows;

WHEREAS, Morrow County adopted a Zoning Ordinance and Subdivision Ordinance in 1980; and

WHEREAS, the Land Conservation and Development Commission acknowledged the Zoning Ordinance and Subdivision Ordinance on January 30, 1986; and

WHEREAS, Morrow County has made numerous amendments to the Zoning Ordinance and Subdivision Ordinance since acknowledgment by the Land Conservation and Development Commission; and

WHEREAS, amendments have not been codified into the original documents; and

WHEREAS, other editing and minor changes to the ordinances were warranted; and

WHEREAS, the Morrow County Planning Commission acknowledged the need to update and codify the Zoning Ordinance and Subdivision Ordinance to reflect a single, contemporary document; and

WHEREAS, the Morrow County Planning Commission considered the codification and update changes presented at hearings held on August 31, 2001 at Lexington, Oregon and September 27, 2001 at Irrigon, Oregon; and

WHEREAS, the Morrow County Planning Commission voted unanimously to approve the codification and update changes and recommended the County Court also approve the changes,

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 2001 Zoning and Subdivision Ordinance update and codification amendment."

SECTION 2. TEXT AMENDMENT.

Reference Exhibit A (Zoning Ordinance) and Exhibit B (Subdivision Ordinance).

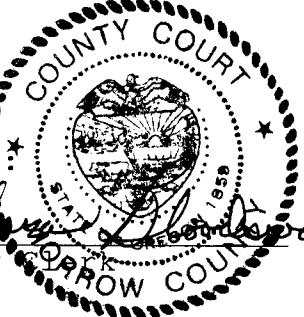
SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 90 days after the date of its adoption by the Morrow County Court.

DATE OF FIRST READING: October 17, 2001

DATE OF SECOND READING: November 7, 2001

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 7th DAY OF November, 2001.

ATTEST:  Terry K. Tallman
Terry K. Tallman, Judge
John E. Wenholz
John E. Wenholz, Commissioner
Dan Brosnan
Dan Brosnan, Commissioner

APPROVED AS TO FORM:

Will [Signature]
County Counsel



Morrow County Planning Department
Zoning Ordinance

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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

THE COUNTY OF MORROW, OREGON, ORDAINS AS FOLLOWS:

ARTICLE 1. INTRODUCTORY PROVISIONS

SECTION 1.010. TITLE. This Ordinance shall be known as the Morrow County Zoning Ordinance of 1980, amended March 6, 1985, and amended and readopted in its entirety on November 7, 2001.

SECTION 1.020. PURPOSE. The intent and purpose of this Ordinance is to promote the public health, safety and general welfare and to carry out the Comprehensive Plan of the County, the provisions of ORS Chapter 215, and the Statewide Planning Goals adopted pursuant to Oregon Revised Statutes (ORS) Chapter 197. Therefore, approvals granted pursuant to the provisions of this Ordinance shall be based on the following considerations, among others: the characteristics of the various areas in the County, the suitability of an area for particular land uses, trends in land improvement, density of development, property values, the needs of economic enterprises in the future development of an area, needed access to particular sites in the County, natural resources and the need for development or conservation thereof, and the public need for healthful, safe and aesthetic surroundings and conditions.

SECTION 1.030. DEFINITIONS. As used in this ordinance, the following words and phrases shall have the meaning set forth in this section. Words and phrases not defined shall have the meaning commonly and ordinarily understood, as determined by the Planning Director, Planning Commission, or County Court.

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

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

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

Agricultural Land. Lands classified by the U.S. Soil Conservation Service (SCS) as predominately Class I-VI soils, and other lands in different soil classes which 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 which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land in any event.

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

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, 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.

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

Automobile and Trailer Sales Area. An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is

done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

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

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

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

Camp, Tourist or Trailer Park. Any area or tract of land used or designed to accommodate two or more trailers, or two or more camping 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.

Camping Vehicles. A vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

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

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

- A. Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.

and financial provisions for long-term operation and maintenance.

Contiguous Land. Parcels of land which abut each other.

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

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

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

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

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

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

Farm Use. The employment of land, including that portion of such lands under buildings, supporting accepted farming practices 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 and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees, or to the construction and use of dwellings customarily provided in

conjunction with the farm use. The terms farm, farming and farm use shall be interpreted and applied in a manner which is consistent with ORS 215.203. (MC-C-8-96)

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

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 which 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 of 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 which results in flooding as defined hereinabove.

Flood Hazard Area. The relatively flat area or lowlands adjoining the channel of a river, stream, other watercourse, lake or reservoir which 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, labelled 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 and 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 which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

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

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

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

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

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

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

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

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

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

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

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

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

Lot. A unit of land that is created by a subdivision of land, and is intended as a unit for disposition, transfer of ownership or interest, or for development. For most purposes of this Ordinance, including but not limited to dimensional requirements, the terms "lot" and "parcel" are interchangeable.

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

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

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

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

Mobile Home or Manufactured Dwelling.

A. A Residential Trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that 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, that is intended for human occupancy, is being used for residential purposes and 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, that 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 upon property for a temporary, semi-permanent or permanent residence, or that the wheels are removed and the unit or component(s) are supported upon posts, footings or a foundation. This definition does not include travel trailers, camping trailers, motorized homes or campers, pickup coaches or other recreational type vehicles.

Mobile or Manufactured Home Park. Any place where two or more mobile 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 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 which 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, ground water, flash flooding, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

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

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

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

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

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

Parcel. A single unit of land created by a partition (ORS 95.010(5)). For most purposes of this Ordinance, such as dimensional requirements, the terms "lot" and "parcel" are interchangeable.

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

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

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

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

Recreation Camps, Resorts and Parks. An 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 whether open to the public upon payment of a fee, or an area designated by the landowner for picnicking or overnight camping and offered to the general public, whether or not a fee or charge is made for such accommodations.

Recreation Vehicles. A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.

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

Road or Street. A public or private way that is 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 yard 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.

Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly upon a building, structure, or land, and which 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.

Stable. A detached accessory building for the keeping of horses owned by the occupants of the premises and which are 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. Means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement 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 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 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 homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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

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 chasses, comprised of frame and wheels and which does not fall within the definitions of Vacation Trailer, Mobile Home, Manufactured Home, or Prefabricated House. This definition includes boat trailers, bunk trailers, portable schoolrooms, and industrial, commercial or public offices and accessory uses.

Trailer Park. A plot of ground upon which two or more travel trailers occupied for dwelling or sleeping purposes are located, the primary purpose of which is to rent space or keep space for rent.

Trailer, Vacation-Travel. A portable unit designed and built to be towed on its chassis, comprised of frame and wheels, having sleeping, cooking and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence.

Traveller's 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 which or upon which maintenance, servicing, storage or repair of commercial licensed trucks or motor vehicles is conducted or rendered. May include the dispensing of motor fuel or other petroleum products directly into the trucks or motor vehicles, the sale of accessories or equipment for trucks or similar motor vehicles. (MC-C-8-96)

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

Utility Facility. Any major structure owned or operated by a public, private or cooperative electric, fuel,

communication, sewage or water company for the generation, transmission, distribution or processing its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone.

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 which 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 or lot for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration or change of use shall be obtained from the secretary of the Planning Commission or authorized agent thereof. A zoning permit shall be void after six (6) months unless construction has commenced.

SECTION 1.060. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restriction.

SECTION 1.070. ADMINISTRATIVE TERMINOLOGY AND CONSTRUCTION.

A. Terminology. The word "County" shall mean the County of Morrow, Oregon. The words "County Court" and "Court" shall mean the County Court of the County of Morrow. The words "Planning Commission" and "Commission" shall mean

the County Planning Commission of the County of Morrow duly appointed by the County Court. The words "Planning Director", "County Roadmaster", "County Clerk", "County Sanitarian", "County Surveyor", "Tax Collector", and "Assessor" shall mean the Planning Director, County Roadmaster, County Clerk, County Sanitarian, 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.

ARTICLE 2. ESTABLISHMENT OF ZONES

SECTION 2.010. ESTABLISHMENT OF ZONE. For the purpose of this ordinance, the following zones are hereby established.

Zone Designation	Abbreviated Designation	Code Section
Exclusive Farm Use Zone	EFU	3.010
Forest Use Zone	FU	3.020
Rural Service Center Zone	RSC	3.030
Rural Residential Zone	RR	3.040
Farm Residential Zone	FR	3.041
Small Farm-40 Zone	SF	3.042
Suburban Residential Zone	SR	3.050
Suburban Residential 1A Zone	SR-1A	3.051
General Commercial Zone	C-G	3.060
General Industrial Zone	M-G	3.070
Air Industrial Park Zone	AI	3.071
Space Age Industrial Zone	SAI	3.072
Port Industrial Zone	PI	3.073
Umatilla Army Depot Transition Zone	UADTZ	3.074
Airport Approach Zone	A-A	3.090
Airport Hazard Zone	A-H	3.091
Flood Plain Combining Zone	FP	3.100
Limited Use Overlay Zone	LU	3.110
Parkland Overlay Zone	PO	3.150
Significant Resource Overlay Zone	SRO	3.200
Historic Buildings and Sites		3.300

SECTION 2.020. LOCATION OF ZONES. The boundaries for the zone listed in this ordinance are indicated on the Morrow County Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

SECTION 2.030. ZONING MAP. A zoning map or zoning map amendment adopted by Section 2.020 of this ordinance or by an amendment thereto shall be prepared by authority of the Planning Commission or by a modification by the County Court of a map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the County Clerk as long as this ordinance remains in effect.

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

A. Where a boundary line is indicated as following a street, alley, canal or railroad right-of-way, it shall be construed as following the centerline of such right-of-way.

B. Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line.

C. If a zone boundary as shown on the Zoning Map divides a lot or parcel between two zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lies, provided that this adjustment involves a distance not exceeding 100 feet from the mapped zone boundary.

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

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

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

B. DEFINITIONS

1. Agricultural Land: as defined in OAR 660-33-020 and Article 1 of this Ordinance.

2. Farm Use: as defined in ORS 215.203 and in Article 1 of this Ordinance.

3. High Value Farmland: as defined in ORS 215.710. (For information about soil classification, refer also to the "Soil Survey of Morrow County, Oregon.")

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

5. Tract: One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a County or Public Road, or contiguous at a common point. Lots divided by a State Highway are not considered contiguous.

6. Golf Course: An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for

purposes of ORS 215.213(2)(f), 215.283(2)(3) is more clearly defined in OAR 660-033-130(20).

7. Irrigated: Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, or receives water for irrigation from a water or irrigation district or other provider.

8. Farm Stand: A use or structure designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.

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

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

1. Farm use as defined by ORS 215.203 and Article 1 of this ordinance, except a use specified in subsection (2) of this section.
2. Propagation or harvesting of a forest product.
3. Buildings other than dwellings customarily provided in conjunction with farm use.
4. One single family dwelling subject to Section (E) below and Section 4.110, customarily provided in conjunction with farm use.

5. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to Section (E) below.

6. A replacement dwelling may be sited on any part of the same lot or parcel, subject to siting standards in this ordinance. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, the applicant, as a condition of approval, shall execute and record a deed with the County Clerk, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Planning Director and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.

7. Creation, restoration and enhancement of wetlands.

8. Creation, restoration and enhancement of wildlife habitat.

9. Climbing and passing lanes within a highway right-of-way existing as of July 1, 1987.

10. Reconstruction or modification of public roads and highways not including additional travel lanes, where no removal or displacement of structures would occur and not resulting in any new land parcels. (MC-C-8-98)

11. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (MC-C-8-98)

12. Minor betterment of existing public roads and highway facilities, such as maintenance yards, weight stations and rest areas, within right-of-ways existing

as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (MC-C-8-98)

13. Alteration, restoration or replacement of a lawfully established dwelling that meets all the following criteria:

- a. Has intact interior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring or interior lights;
- d. Has a heating system; and
- e. In the case of replacement, is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling.

14. Restoration or replacement of the lawful use of any building, structure or land may be permitted when the restoration is made necessary by fire, other casualty or natural disaster, and shall meet the following:

- a. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
- b. Any use interrupted or abandoned by casualty or natural disaster for more than (12) months may not be resumed unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in an inventory of historic property and is listed on the National Register of Historic Places.

16. Utility and transmission towers not exceeding 200 feet in height.

17. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4, and further that no such use may be authorized on high value farmland.

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

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

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

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

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

23. A winery as described in ORS 215.452.

24. Subdivisions and Series Partitions for the purpose of establishing "non-farm dwellings" pursuant to ORS

92.010 - 92.190, and 92.305-92.495 are prohibited in the Exclusive Farm Use Zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Planning Commission determines that:

(a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, the criterion asks whether the subject lot or parcel can be

physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use.

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

a. It meets all the following requirements:

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

(2) The accessory dwelling will be located:

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

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

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

manufactured dwelling may remain if it is reappraised under these rules.

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

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

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

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

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

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

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

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

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

4. One 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 of the resident. A medical hardship dwelling may be permitted subject to conformance with the following:

a. A manufactured dwelling allowed under this provision is a temporary use for the term of hardship suffered by the existing resident or relative.

b. The manufactured 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.

c. When the hardship ends, the manufactured home shall be removed and may not be used to justify a dwelling under any other provision of this ordinance.

d. Hardship means a medical hardship or hardship for the care of an aged or infirm person or persons.

e. The Planning Commission or Planning Director shall review the permit authorizing such manufactured home every two years.

f. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use. A temporary residence approved under this section is not eligible for replacement under ORS 215.213(1)(u) or 215.283(1)(t).

5. Residential home as defined in ORS 197.675 in an existing dwelling.

6. Room and board (bed and breakfast) arrangements for a maximum of five unrelated persons in an existing residence.

7. Livestock sales yard, hog or mink farm within one mile of a lot in a residential zone.

8. Commercial activities that are in conjunction with farm uses but not including the processing of farm crops pursuant to ORS 215.213(1)(x) and 215.283(1)(u).

9. 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).

10. 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.

11. Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and Article 6 of this Ordinance.

12. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that

asphalt production shall not be permitted within two miles of a producing orchard, which is planted as of the date that the application for asphalt production is filed, and subject to Article 6 of this Ordinance.

13. Private parks, playgrounds, hunting and fishing preserves and campgrounds except that such uses as are prohibited on high value farmland. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660 Division 4. A campground shall meet the definition and criteria established in OAR 660-033-130(19).

14. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.

15. Golf Courses except that such uses are prohibited on high value farmland.

16. 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.

17. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the factors listed in OAR 660-033-0130(16).

18. 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.

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

On High Value lands:

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

On all other EFU lands:

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

20. 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.

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

22. 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.

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

24. 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.

25. 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.

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

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

28. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

29. Operations for the extraction and bottling of water.

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

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

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

33. A living history museum as defined in and in accordance with the criteria established in OAR 660-033-0130(21).

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

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

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

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

D. LIMITATIONS ON CONDITIONAL USES In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Article 6 of this ordinance, the following limitations shall apply to a Conditional Use in the EFU Zone.

1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

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)(g), 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(1)(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 EFU Zone, the following dimensional standards shall apply:

1. A lot or parcel of 160 acres or more shall be considered a farm unit.
2. A lot or parcel of less than 160 acres may be approved as a farm unit pursuant to the Conditional Use Permit process and when found to comply with the Agricultural Lands policies of the Comprehensive Plan and the provisions of Section 5.120 of the Morrow County Subdivision Ordinance.
3. The minimum average lot width shall be 150 feet with a minimum street frontage of 150 feet, excepting lots within an approved subdivision.
4. The minimum average lot depth shall be 150 feet.
5. Big Game Range Restrictions: In the case of Farm Use areas identified as Big Game Habitat no dwelling will be authorized where the overall density within a square mile exceeds one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat.
6. New parcels for nonfarm uses only as authorized by ORS 215.263 may be created. Such new parcels shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for the nonfarm dwellings authorized by Section F. The creation of new lots or parcels for dwellings not in conjunction with farm use may be created pursuant to Section F and ORS 215.263(4). The county shall not approve a subdivision or series partition for a dwelling not provided in conjunction with farm use. The provisions of this subsection regarding a series partition apply only to applications for a land division submitted after July 1, 1997. For purposes of this subsection, "series

partition" shall have the meaning given that term in ORS 92.305.

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

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

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

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

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

I. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects

generating more than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

J. Permit Expiration Dates. In an EFU Zone, A Zoning Permit or Conditional Use Permit is void two years from the date of the final decision of the development action is not initiated in that period. An extension of up to 12 months may be granted if:

1. An applicant makes a written request for an extension;
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.
5. Approval of an extension granted under this provision 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. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed. (MC-C-9-98)

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

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

1. Forest operations or forest practices uses as defined in Section 1.030 of this ordinance including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, disposal of slash and livestock grazing.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
3. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
4. For the purposes of section (2) above "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
5. Farm use as defined in ORS 215.203.
6. Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hook-ups, including water service hook-ups.
7. Temporary portable facility for the primary processing of forest products.

8. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
9. Private hunting and fishing operations without any lodging accommodations.
10. Towers and fire stations for forest fire protection.
11. Widening of roads within existing rights-of-way in conformance with the County Transportation System Plan including public road and highway projects as described in ORS 215.213(1)(m) through (p) and 215.283(1)(k) through (n).
12. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
13. Caretaker residences for public parks and fish hatcheries.
14. Uninhabitable structures accessory to fish and wildlife enhancement.
15. Temporary forest labor camps.
16. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
17. Alteration, restoration or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structures.
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system.
 - c. Has interior wiring for interior lights.
 - d. Has a heating system.
 - e. In the case of replacement, is removed, demolished or converted to an allowable non-

residential use within three months of the completion of the replacement dwelling.

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

1. Permanent facility for the primary processing of forest products.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
5. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
6. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465 and Goal 8.
7. Private parks and campgrounds as defined in OAR 660-006-0025(4)(e). Campgrounds in private parks shall only be those allowed by this exception. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
8. Public parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization, including only those uses specified in OAR 660-034-0035.
9. Television, microwave and radio communication facilities and transmission towers.
10. Fire stations for rural fire protection.

11. Aids to navigation and aviation.
12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
13. Reservoirs and water impoundments.
14. Firearms training facility.
15. Utility facility for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.
16. Aggregate, mineral, or other resource exploration, mining and processing as defined in ORS Chapter 520, and not otherwise permitted outright, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
17. Private seasonal accommodations for fee hunting operations subject to Section (C) below, OAR 660-006-0029, and 660-006-0035 and the following requirements:
 - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.
 - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 - d. Other conditions as the county deems necessary.
18. Cemeteries.
19. New electric transmission lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.

20. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

21. A manufactured dwelling, 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 as defined in ORS 215.213 and 215.283. The manufactured 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.

22. Public road and highway projects as described in ORS 215.213(2)(q) through (s) and (10) and 215.283(2)(p) through (r) and (3).

23. Private accommodations for fishing occupied on a temporary basis subject to Section (D) below, OAR 660-0060-0029, and 660-060-0035 and the following requirements:

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

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

c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

d. Accommodations must be located within 1/4 mile of fish bearing Class I waters.

e. Other conditions as deemed necessary.

24. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

25. Expansion of existing airports.

26. Home occupation as defined in ORS 215.448 carried on by the resident as an accessory use within dwellings or other buildings

27. Dwellings authorized by ORS 215.720 to 215.750, subject to Section D below.

C. LIMITATIONS ON CONDITIONAL USES. In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided in Article 6 of this ordinance, the following shall apply to a conditional use permitted in Section B above

1. Is compatible with farm and forest use, is consistent with the intent and purposes set forth in the State Forest Practices Act, the County's Comprehensive Plan and this ordinance.
2. Does not interfere seriously with forest uses, accepted forest management practices and farming uses, on adjacent lands devoted to farm and forest use; and
3. Does not materially alter the stability of the overall land use pattern of the area; and
4. A written statement recorded with the deed is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses allowed in B.7, 13, 19, 21, and 24 of this Section.
5. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. Complies with the minimum fire safety standards listed in the Oregon Department of Forestry's publication, "Fire Safety Considerations for Development of Forested Areas."
6. Complies with such other conditions as the Commission and/or governing body of the County consider necessary.

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

1. Lot of record dwelling:

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

(1) Prior to January 1, 1985, or

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

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

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

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

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

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

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

a. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

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

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

b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

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

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

c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

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

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

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

5. If a tract 60 acres or larger described in subsection 3, above, abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road or stream. If a road crosses the tract on which

the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

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

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

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

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

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

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

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

8. The following definitions shall apply to this Section:

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

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

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

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 the forest zone. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

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

a. They have the least impact on nearby or adjoining forest or agricultural lands;

b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

d. The risks associated with wildfire are minimized.

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

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

a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

b. A water use permit issued by the Water Resources Department for the use described in the application; or

c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

4. As a condition of approval, if a road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

5. Approval of a dwelling shall be subject to the following requirements:

a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

b. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

c. If The lot or parcel is more that 30 acres, as defined in ORS 321.405, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forest rules.

d. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

e. The county shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included with the nearest such district. If the county determines that inclusions within a fire protection district or contracting for residential fire protection is impracticable, the

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

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

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

4. The dwelling shall have a fire retardant roof.

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

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

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

1. The minimum lot size for new lots or parcels in the FU Zone shall be ***. (Note: minimum lot size for

purposes of siting a dwelling is 240 acres.) A parcel 80 acres in size or larger may also be considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The front yard setback from the property line shall be 20 feet for property on a local street and 40 feet on a minor collector, 60 feet from a property line fronting on a major collector ROW, and 100 feet from a property line fronting on an arterial.

2. Each side yard setback shall be a minimum of 25 feet, and for parcels or lots with side yards adjacent to forest lands the adjacent side yards shall be a

minimum of 200 feet, except as approved by the Commission.

3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to forest lands, side yard setbacks shall be a minimum of 100 feet, except as approved by the Commission.

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

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

J. TRANSPORTATION IMPACTS

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

SECTION 3.030 RURAL SERVICE CENTER ZONE, RSC

SECTION 3.030 RURAL SERVICE CENTER ZONE, RSC. The purpose of the RSC Zone is to provide for a limited number of commercial service centers located in rural areas that serve the more immediate needs of residents from the surrounding countryside. Farm related commercial and industrial uses, such as fertilizer bulk stations and grain elevators, also need to be located in close proximity to their service areas. In an RSC Zone the following regulations shall apply:

A. USES PERMITTED OUTRIGHT. In an RSC Zone, the following uses and their accessory uses are permitted outright:

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

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

1. Commercial residential use.
2. Multi-family dwelling.

3. Tourist or travelers accommodations.
4. Mobile home park and travel trailer park.
5. Manufacturing or warehousing.
6. Kennel or animal hospital.
7. Automobile wrecking yard and/or repair garage.
8. Commercial amusement or recreation establishment.
9. Water supply and treatment facility.
10. Sewage disposal and treatment facility.
11. Agriculturally oriented industrial use.
12. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted Rural Service Center uses.

C. LOT SIZE. In an RSC Zone, the following lot sizes shall apply:

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

D. DIMENSIONAL STANDARDS. The following dimensional standards shall apply in an RSC Zone:

1. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the total lot area.

2. Building Height. No residential building or structure nor the enlargement of any such building or structure shall be hereafter erected to exceed two (2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet.

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

1. The minimum front yard shall be 20 feet.

2. The minimum side yard shall be 10 feet, except on the street side of a corner lot, it shall be 20 feet.

3. The minimum rear yard shall be 20 feet.

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

F. OFF-STREET PARKING AND LOADING. In an RSC Zone, off-street parking and loading shall be provided in accordance with the provisions of Article 4.

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

H. TRANSPORTATION IMPACTS.

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger

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

SECTION 3.040 RURAL RESIDENTIAL, RR 1 ZONE

SECTION 3.040. RURAL RESIDENTIAL, RR 1 ZONE. The Rural Residential Zone recognizes the existence of smaller lots outside of urban growth boundaries and allows the continuation of single family dwellings on small lots in areas where this development has been established. However, state policy discourages the expansion of small lot development outside of urban growth boundaries, and effective October 4, 2000, increased the minimum lot area for rural residential development to two acres. In an RR Zone, the following regulations shall apply:

A. USES PERMITTED OUTRIGHT. In an RR 1 Zone, the following uses and their accessory uses are permitted outright.

1. Single-family dwelling on an individual lot, including a mobile home subject to requirements set forth in Section 4.110 of this ordinance.
2. Farming, subject to the restrictions on animals set forth in subsection (3) of this section, and excluding hog or mink farms, livestock feed or sales yard and slaughter houses.
3. Utility facility necessary to serve the area or County.
4. Public park, recreation area, community or neighborhood center.
5. Other public uses or buildings necessary to serve the rural residential needs for the area.

B. CONDITIONAL USES PERMITTED. In an RR 1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth by this section and Article 6 of this ordinance.

1. Dude or guest ranch.
2. Golf Course.
3. Water supply and treatment facility.
4. Sewage disposal and treatment facility.

5. Solid waste disposal site and facility.
6. Two-family dwelling (duplex).
7. Home occupations subject to the limitations set forth in Article 6 of this ordinance.

C. LIMITATIONS ON USES. In Rural Residential one acre (RR-1) 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 RR-1 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.
2. Livestock and/or Animal 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, or
 - g. Swine - four swine 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. All swine shall be confined to an area not less than 500 feet from any adjacent residential dwelling (not the property of the owner of the swine).
5. 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.

6. 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.

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

D. YARD AND SETBACK REQUIREMENTS. In an RR 1 Zone, the following yards and setbacks shall be maintained:

1. The front setback shall be a minimum of 20 feet from a property line 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 from combining accesses are provided and approved by the County.

2. There shall be a minimum side yard of 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 20 feet.

3. The minimum rear yard shall be 20 feet.

E. DIMENSIONAL STANDARDS. In an RR 1 Zone, the following dimensional standards shall apply:

1. Percent of Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the total lot area.

2. Building Height. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected to exceed two stories or more than thirty (30) feet in height.

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

F. OFF-STREET PARKING AND LOADING. In an RR 1 Zone, the off-street parking and loading shall be provided in accordance with the provisions of Article 4.

G. LOT SIZE. The minimum average width of lots shall be 150 feet and have an area not less than 2 acres.

H. TRANSPORTATION IMPACTS

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

SECTION 3.041. FARM RESIDENTIAL ZONE, FR 2

SECTION 3.041. FARM RESIDENTIAL, FR 2 ZONE. The Rural Residential Zone recognizes the existence of smaller lots outside of urban growth boundaries and allows the continuation of single family dwellings on small lots in areas where this development has been established. However, state policy discourages the expansion of small lot development outside of urban growth boundaries, and effective October 4, 2000, increased the minimum lot area for rural residential development to two acres. In an FR 2 Zone, the following regulations shall apply:

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

1. Single-Family Dwelling on an individual lot, including a mobile home subject to requirements set forth in Section 4.110 of this ordinance.
2. Farming, subject to the restrictions on animals set forth in subsection C of this section, and excluding hogs or mink farms, livestock feed or sales yard and slaughter houses.
3. Utility facility necessary to serve the area and county.
4. Public park, recreation area, community or neighborhood center.
5. Other public uses or buildings necessary to serve the Farm residential needs for the area.

B. Conditional Uses Permitted: In an FR 2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth by this section and Article (6) of this ordinance.

1. Dude or guest ranch.
2. Golf Course.
3. Water supply and treatment facility.
4. Sewage disposal and treatment facility.

5. Solid waste disposal site and facility.
6. Two-family dwelling (duplex).
7. Operations for the exploration, mining and processing of geothermal resources as defined by subsection (4) of ORS 522.005, aggregate and mineral resources.
8. Home occupations subject to the limitations set forth in article (6) of this ordinance.
9. Training stable.
10. Veterinary clinic.
11. Air strip.
12. Dog Kennel.

C. Limitations on Uses: In Farm Residential two acre (FR 2) 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 FR-2 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.
2. Livestock and/or Animal 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, or

g. Swine - four swine 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. All swine shall be confined to an area not less than 500 feet from any adjacent residential dwelling (not the property of the owner of the swine).

5. 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.

6. 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.

7. Density for Poultry - twenty fowl per acre, and for fur-bearing animals (rabbits, mink, chinchillas, etc.) - twenty animals per acre. (MC-C-5-08)

D. Yard and setback requirements: In an FR 2 Zone, the following yard and setbacks shall be maintained:

1. The front setback shall be a minimum of 20 feet from a property line 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 from combining accesses are provided and approved by the County.

2. There shall be a minimum side yard of 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 20 feet.

3. The minimum rear yard shall be 10 feet.

E. Dimensional Standards: In an FR 2 Zone, the following dimensional standards shall apply:

1. Percent of lot coverage. The main building and accessory buildings located on any building site or

lot shall not cover in excess of thirty (30) percent of the total lot area.

2. Building Height. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected to exceed two stories or more than thirty (30) feet in height.

F. Off Street Parking and Loading: In an FR 2 Zone, the off-street parking and loading shall be provided in accordance with the provisions of Article 4.

G. Lot Size: The minimum average width of lots shall be 150 feet and have an area not less than 2 acres.

H. Transportation Impacts

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

SECTION 3.042. 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).

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. One 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 of the resident. A medical hardship dwelling may be permitted subject to conformance with the following:

a. A manufactured dwelling allowed under this provision is a temporary use for the term of hardship suffered by the existing resident or relative.

b. The manufactured 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.

c. When the hardship ends, the manufactured home shall be removed and may not be used to justify a dwelling under any other provision of this ordinance.

d. Hardship means a medical hardship or hardship for the care of an aged or infirm person or persons.

e. The Planning Commission or Planning Director shall review the permit authorizing such manufactured home every two years.

f. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use. A temporary residence approved under this section is not eligible for replacement under ORS 215.213(1)(u) or 215.283(1)(t).

5. Residential home as defined in ORS 197.675 in an existing dwelling.

6. Room and board (bed and breakfast) arrangements for a maximum of five unrelated persons in an existing residence.

7. Livestock sales yard, hog or mink farm within one mile of a lot in a residential zone.

8. Commercial activities that are in conjunction with farm uses but not including the processing of farm crops pursuant to ORS 215.213(1)(x) and 215.283(1)(u).

9. 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).

10. 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.

11. Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and Article 6 of this Ordinance.

12. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard, which is planted as of the date that the application for asphalt production is filed, and subject to Article 6 of this Ordinance.

13. 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).

14. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.

15. Golf Courses except that such uses are prohibited on high value farmland.

16. 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.

17. 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.

18. 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.

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

On High Value lands:

- a. Home 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.

20. 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.

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

22. 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.

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

24. 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.

25. 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.

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

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

28. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

29. Operations for the extraction and bottling of water.

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

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

32. 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 on nonresource uses shall not be included in the study area.

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

c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished

opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

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

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

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

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

G. Limitations of Conditional Uses. In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Article 6 of this ordinance, the following limitations shall apply to a Conditional Use in the SF-40 Zone.

1. Is compatible with farm uses described in subsection (2) of ORS 215.203, and is consistent with the intent and purposes set forth in ORS 215.243, the County's Comprehensive Plan and this ordinance.

2. Does not interfere seriously with accepted farming practices as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm uses;

3. Does not materially alter the stability of the overall land use pattern of the area;

4. Is situated upon 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; and

5. Complies with such other conditions as the governing body of the County considers necessary.

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

1. The minimum lot size or parcel size shall be 80 acres.

2. The minimum average lot width shall be 150 feet.

I. 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.

J. TRANSPORTATION IMPACTS

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more

than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98) (MC-C-9-98)

SECTION 3.050. SUBURBAN RESIDENTIAL ZONE, SR.

SECTION 3.050. SUBURBAN RESIDENTIAL ZONE, SR. The SR Zone accommodates small lot development and transition to urban type densities and uses within an urban growth boundary. In an SR Zone, the following regulations shall apply:

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

1. Single-family dwellings, including a mobile home on an individual lot subject to the requirements set forth in Section 4.110 of this ordinance.
2. Two-family dwellings.
3. Multi-family dwelling complexes of 20 or less units.
4. Planned Unit Development, subdivision and land partitioning, including mobile home subdivision and PUD's.

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

1. Church.
2. Golf course and other open land recreational use, but excluding intensive commercial amusement uses such as "pitch & putt" golf course, driving range, automobile or motorcycle race track, or amusement park.
3. Governmental structure, or use including park, playground, recreation building, fire station, library or museum and limited hereto.
4. Hospital, sanitorium, rest home, home for the aged, nursing home or convalescent home, and medical or dental clinic.
5. School or college.
6. Utility facility necessary for public service.

7. Mobile home park.
8. Home occupations conducted in a structure accessory to the dwelling, provided that all other limitations of home occupations are observed.
9. Water supply and sewage treatment facility.
10. Multi-family dwelling complex of more than 20 units.
11. Privately operated kindergarten or day nursery; provided the residential character of the building is maintained.
12. Crop Cultivation or farm and truck gardens, including plant nurseries.

C. Limitations on Uses. In Suburban Residential one acre (SR-1) 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-1 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.
2. Livestock and or Animal 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 animal 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 lot 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 appropriately stored in rodent-proof receptacles.

6. No other livestock except for domestic dogs and cats are permitted.

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 animals per acre. (MC-C-5-98)

9. Within an SR-1 zoning district located outside an urban growth boundary, a manufactured home placed outside of a manufactured home subdivision or a "mobile home park" shall:

a. Be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet;

b. Be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation will not apply.

- c. Have a roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in width;
- d. Have a garage or carport with exterior materials matching the manufactured home;
- e. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010; (Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement; additional manufacturers [sic] certification shall be required);
- f. Not have bare metal siding or roofing.
- g. Single-side mobile homes that existed on or before April 24, 1996 shall not be subject to this section, (i.e., single-wide mobile homes will be "grand-fathered" for the purposes of this section; single-wide mobile homes must meet all other requirements of Section 4.110 Minimum Standards for a Mobile Home. (MC-C-4-96)

D. Lot Size. In an SR Zone, the following lot sizes shall apply; or if located within the Urban Growth Boundary of a city, the lot size standards set forth hereby shall apply:

1. For a single-family dwelling served by both an approved community or municipal water system and an approved community or municipal sewerage system, the minimum lot area shall be 7,000 square feet.
2. For a two-family dwelling served by both an approved community or municipal water system, and an approved community or municipal sewerage system, the minimum lot area shall be 10,000 square feet.
3. For a single-family dwelling not served by either an approved community or municipal water system or an approved community or municipal sewerage system, the

minimum lot area shall be 1.0 acre (43,560 square feet).

4. For a single-family dwelling served by an approved community or municipal water system, but not served by an approved community or municipal sewerage system, or a single-family dwelling served by an approved community or municipal sewerage system but not served by an approved community or municipal water system, the minimum lot area shall be 20,000 square feet.

5. For a two-family dwelling served by an approved community or municipal sewerage system but not by an approved community or municipal water system, or a two-family dwelling served by an approved community or municipal water system but not by an approved community or municipal sewerage system, the minimum lot area shall be 30,000 square feet.

6. For a two-family dwelling not served by either an approved community or municipal water system or an approved community or municipal sewerage system, the minimum lot area shall be 1.5 acre (65,340 square feet).

7. For a multi-family dwelling having one-story and not served by either an approved community or municipal water system or an approved community or municipal sewerage system, the minimum lot area shall be 1.5 acres (65,340 square feet) plus 7,500 square feet for each dwelling unit over two (2).

8. For a multi-family dwelling unit having more than one story and not served by either an approved community or municipal water system or an approved community or municipal sewerage system, the minimum lot size shall be 1.5 acres (65,340 square feet) plus 6,000 square feet for each dwelling unit over two (2).

9. For a multi-family dwelling unit having one story and served by either an approved community or municipal water system or an approved community or municipal sewerage system, but not by both, the minimum lot area shall be 30,000 square feet plus 5,000 square feet for each dwelling unit over two (2).

10. For a multi-family dwelling unit having more than one story and served by either an approved community or municipal water system or an approved community or municipal sewerage system but not by both, the minimum lot area shall be 30,000 square feet plus 3,500 square feet for each dwelling unit over two (2).

11. For a multi-family dwelling unit having one story and served by both an approved community or municipal water system and an approved community or municipal sewerage system, the minimum lot area shall be 10,000 square feet plus 2,500 square feet for each dwelling unit over two (2).

12. For a multi-family dwelling unit having more than one story and served by both an approved community or municipal water system and an approved community or municipal sewerage system, the minimum lot area shall be 10,000 square feet plus 1,500 square feet for each dwelling unit over two (2).

E. Dimensional Standards and Setback Requirements. In an SR Zone, the following requirements shall apply:

1. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the lot area.

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

3. Side Yards. There shall be a minimum side yard of 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 20 feet.

4. Building Height. No building or structure nor the enlargement of 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.

5. Vision Clearance. On corner lots there shall be a minimum of twenty (20) feet, except as otherwise set forth in Section 4.030.

6. Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

7. A rear yard shall be a minimum of 10 feet, except as set forth in Section 4.090.A.

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.

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

G. 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 3.051. SUBURBAN RESIDENTIAL 1A ZONE, SR-1A (OUTSIDE UGB)

SECTION 3.051. SUBURBAN RESIDENTIAL 1A ZONE, SR-1A. In a SR-1A Zone, the following regulations shall apply:

A. Procedures: All uses in a SR-1A 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-1A 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 one acre in size. Manufactured home on an individual lot not less than one acre in size. A manufactured home (M.H.) placed outside of a manufactured home subdivision or a mobile home park: shall:

a. Be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet;

b. Be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a sloped grade no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen(16) inch limitation will not apply;

c. Have a roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in width;

d. Have a garage or carport with exterior materials matching the manufactured home;

e. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010; (Evidence

demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement; additional manufacturers certification shall be required);

f. Not have bare metal siding or roofing;

g. Single-wide mobile homes that existed on or before April 24, 1996, shall not be subject to this section, (i.e., single-wide mobile homes will be "grandfathered" for the purposes of this section; single-wide mobile homes must meet all other requirements of Section 4.110 Minimum Standards for a Mobile Home).

2. Planned Unit Developments

C. Conditional Uses Permitted. In an SR-1 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 pipelines 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 1A One Acre (SR-1A) 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-1 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-1A Zone all lots shall be at least one acre in size.

F. Dimensional Standards and Setback Requirements. In an SR-1A 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 4.030, Measurement of Clear Vision Area.

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 and Loading. In an SR-1A Zone off-street parking and loading shall be in accordance with the provisions of Section 4.040, 4.050 and 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 3.060. GENERAL COMMERCIAL ZONE, C-G

SECTION 3.060. GENERAL COMMERCIAL ZONE, C-G. In a C-G Zone, the following regulations shall apply:

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

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

17. Sporting goods store.
18. Public or private school.
19. Business or professional office.
20. Department or furniture store.
21. Hospital or nursing home.
22. Medical or dental clinic.

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

1. Automotive sales and services.
2. Radio or TV station.
3. Boat, trailer, or mobile home sales and service.
4. Utility substation.
5. Building supply outlet.
6. Cabinet or carpenter shop.
7. Day nursery.
8. Plumbing, heating or electrical shop.
9. Farm and heavy equipment sales and service.
10. Sheet metal shop.
11. Veterinary clinic or kennel.
12. Car wash.
13. Eating or drinking establishment, including drive-in restaurants and those serving alcoholic beverages.
14. Motel, hotel.

15. Service station, truck stop.
16. Commercial activity or use directly serving agriculture.
17. Commercial recreation facility.
18. Multi-family dwelling.
19. Public or semi-public use and public utility facility.
20. Mobile home park.
21. Drive-in theater.
22. Mortuary.
23. Plant nursery or greenhouse.
24. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted General Commercial uses.
25. A single family residence in conjunction with a business. (MC-C-7-98)

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

1. A front yard shall be a minimum of 20 feet between a building or structure and the street right-of-way line.
2. A side or rear yard abutting a street shall be a minimum of 10 feet.
3. A side or rear yard abutting a residential zone shall be a minimum of 25 feet.
4. A rear yard abutting an alley shall be 10 feet when it is used for servicing the commercial establishment.

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

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

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

1. For residential uses permitted pursuant to this section the residential lot size standards set forth in the SR Zone shall apply.
2. For all other uses permitted by this section, the minimum lot size shall be governed by the combined yard, lot coverage, off-street parking requirements, and other requirements set forth by this section.
3. If the site is located within the Urban Growth Boundary of a city, the lot size standards for the city shall apply.

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

1. All parking demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street, except as approved by the Commission.
2. No use permitted by this section shall require the backing of traffic onto a public or private street, road or alley right-of-way to accommodate ingress or egress to any use or the premises thereof.
3. There shall not be more than one ingress and one egress from properties accommodating uses permitted by this section per each 300 feet of public street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
4. All uses permitted by this section shall be screened from abutting properties in a residential zone by densely planted trees and shrubs or sight-obscuring fencing.

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

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

1. No free-standing sign shall exceed 200 square feet and a height of 20 feet.
2. No sign shall exceed 25% of the area of the wall it is attached to.
3. No sign shall be located within or protrude into or over a street right-of-way.
4. All signs shall be located in such a manner so as to not shine or reflect glare directly onto a lot in an abutting residential zone or onto a street right-of-way.

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

J. Transportation Impacts

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

corridor is a State Highway, use ODOT standards. (MC-C-8-98)

SECTION 3.070. GENERAL INDUSTRIAL ZONE, M-G

SECTION 3.070. GENERAL INDUSTRIAL ZONE, M-G. In an M-G Zone, the following regulations shall apply:

A. Uses Permitted Outright. In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section.

1. Retail, wholesale or service business establishments except a use set forth in subsection B and subject to the limitations set forth in subsection C of this section.
2. Farming.
3. Residence including a mobile home for caretaker or night watchman on property with an existing industrial use, or for the owner of said industrial use.
4. Freight depot.
5. Contractor's or building materials business, and other construction related businesses including plumbing, electrical, roofing, siding, etc., provided such is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight obscuring fencing.
6. Ice or cold storage plant.
7. Wholesale distribution outlet, including warehousing, but excluding open outside storage.
8. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight obscuring fencing.
9. Veterinary clinic or kennel.
10. Laboratory for experiment, research or testing.
11. Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding all processes involving refining or rendering of fats and oils.

12. Government buildings including armories, maintenance, repair or storage facilities provided all outside storage is enclosed by sight obscuring fencing.

13. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations provided no outside storage is involved.

14. Processing, packaging and storage of foods and beverages excluding those involving distillation, fermentation, rendering of fats or oils, and slaughtering.

15. Solid waste disposal facilities and sites.

16. Airport, public or private.

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

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

2. Public or semi-public use.

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

4. Repair, rental, sales, servicing and storage of machinery, implements, equipment, trailers or mobile homes, and the manufacture thereof.

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

6. Concrete or ready-mix plant.

7. Automobile and other automotive wrecking yard.

8. Quarry, gravel pit, subsurface or surface mining, including crushing, screening, or washing of extracted materials.
9. Commercial feed lot, stock yard, sales yard, slaughter house, and rendering plant.
10. Railroad trackage and related facilities.
11. Lumber and other wood products manufacturing.
12. Agricultural products storage and processing plants.
13. Any use permitted by subsection (1) of this section which is proposed to exceed or expected to exceed the following standards:
 - a. Occupy more than 70% of the land area designed or designated for said use.
 - b. Generates any odor, fumes, glare, flashing lights or noise which is perceptible from a resident located within 500 feet from the property line of the subject use without instruments.
14. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semi-precious stone or metal, wax, wire, wood, rubber, yarn and similar materials provided such uses do not create a nuisance because of odor, noise, dust, smoke, gas, traffic, or other factors.
15. Solid waste disposal facilities and sites.
16. Airport, public or private.
17. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed. Such uses shall only be incidental and directly related to the operation of permitted General Industrial uses.

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

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

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

D. 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 3.071. AIR/INDUSTRIAL PARK ZONE, AI

SECTION 3.071. PURPOSE. The AI Zone is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and non-commercial aviation. It is intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and cargo service facilities.

An airport related use is defined as an activity or use directly servicing the airport, employees working on the airport property or air service patrons. Direct service businesses include such uses as fueling stations, repair facilities, hangars, air charter services, and the like. Employee or patron service businesses include such uses as restaurants, motels and hotels, travel agencies, gift shops, car rental agencies and the like.

An airport dependent use or activity is defined as requiring a location at or adjacent to an airport to be economically viable. Economic viability is measured by determining whether the use or activity would suffer an economic disadvantage if not located at or adjacent to an airport. One method of authorization is to determine an industry to be eligible by evaluating its airport dependence through the percentage of its business done with air-cargo; its dependence on air transportation by staff, management, sales personnel, vendors, or clientele, its site size requirements; and, its interest in locating in a non-metropolitan area of the state.

Location of all development at the Boardman Airport will be directed by the "Boardman Airport Master Plan - Airport Layout Plan."

In the AI Zone, the following regulations shall apply:

A. Uses Permitted Outright. In an AI Zone, the following uses are recognized as airport related and dependent uses which are permitted outright in the AI Zone:

1. Uses and buildings which are necessary for airport operation, including aircraft hangars,

fuel storage facilities, control tower, passenger and air freight terminals, aircraft runways, taxiways and tie-down areas, and other airport operation uses.

2. Retail sales and commercial services for air passengers or airport connected activities.

3. Air cargo warehousing and distribution facilities.

4. Aerial mapping and surveying.

5. Aircraft or aircraft component manufacturing or assembly.

6. Aircraft related research and testing.

7. Aircraft sales, repair, service and storage.

8. Schools relating to aircraft operations.

9. Aircraft or air transportation business.

10. Aviation clubs.

11. Auto rental agencies, restaurants, lounges, food preparation and food service establishments, hotels, motels and traveler service and convenience facilities.

12. Taxi, bus and truck terminals.

13. Environmental monitoring and enforcement agencies.

14. Farm use.

15. Accessory buildings normally required in connection with a use as specified in this paragraph.

16. Fire fighting equipment and facilities.

B. Conditional Uses Permitted. In an AI Zone, the following uses and their accessory uses are permitted

when authorized in accordance with the requirements set forth by this section and Article 6 of this ordinance:

1. Other airport related and airport dependent uses similar to those identified as outright uses and meeting the definition under the purpose statement of this section.

C. Dimensional Standards. In an AI Zone, the following dimensional standards shall apply:

1. The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading requirements, lot coverage limitations, and as deemed necessary to maintain air, land and water resource quality, to protect adjoining and area land uses, to insure resource carrying capacities are not exceeded, and more specifically, to protect the airport.

2. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet.

3. The minimum lot frontage shall not be less than 50 feet.

4. The minimum side setback between a structure and a property line shall be three feet, and the total of both side setbacks shall be twelve feet.

5. The minimum rear setback between any structure and a rear property line shall be 25 feet.

D. 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 3.072. SPACE AGE INDUSTRIAL ZONE, SAI

SECTION 3.072. PURPOSE. The SAI Zone is intended to recognize those areas devoted to, or most suitable for, space age technology research and development.

SECTION 3.072. PROCEDURES. Lands shown to be zoned SAI are, prior to development, subject to submittal of a detailed plot plan and with reasonable particularity the intended use, activities, structures and facilities to be built. As in the case of all zones, a zoning sign-off is required prior to the issuance of building permits.

In a SAI Zone, the following regulations shall apply:

A. Uses Permitted Outright

1. Buildings and structures (above and below ground) used for space age technology research and development.
2. Aerospace Aircraft and space vehicle testing and related research products.
3. Propulsion testing which includes commercial engines, transatmospheric space plane, remote piloted vehicle, missiles or other space age related vehicles.
4. Electronic, laser and microwave research activities.
5. Contained shock testing.
6. Fire fighting equipment and facilities.
7. Support facilities for on-site staff.
8. Quarry operation on existing sites.
9. Farm use. (MC-C-6-96)

B. Limitations on use in a SAI Zone

1. A use which has been declared a nuisance by a state statute, by action of the Morrow County Court, or by a court of competent jurisdiction is prohibited.

2. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.

3. All related Oregon Revised Statutes shall be complied with, specifically those dealing with radioactive material and hazardous substances.

C. 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 3.073. PORT INDUSTRIAL ZONE, PI

SECTION 3.073. PURPOSE. The PI zone is intended to regulate development at portions of the Port of Morrow Industrial Park and other appropriate locations. The zone is intended to provide for port-related industrial uses and aerospace-related industrial uses which are not devoted to research and development. The zone is intended to provide an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the zone.

As used in this section, a port-related industrial use includes any industrial use authorized by ORS 777.250. However, airport-related uses, to the extent they may be considered port-related uses, are not permitted within this zone. Airport-related uses are defined in Section 3.071 of the Morrow County Zoning Ordinance.

For purposes of this zone, port-related industrial uses also include effluent disposal of industrial wastes and agricultural activities in conjunction therewith, and all buildings, structures and other uses accessory to and in conjunction with port-related and aerospace-related uses. "Industrial uses", as used in this zone, includes but is not limited to manufacturing, warehousing, processing, packaging, compounding, constructing, treatment, assembly, storage, testing, finishing, refinishing, repair, and wholesale sale and distribution of products.

In the PI zone the following regulations shall apply:

A. Uses Permitted Outright

1. Water-dependent industrial uses which are related.
2. Aerospace-related industrial uses.
3. Chemical and primary metal industrial uses which are port-related.
4. Port-related industrial uses which are land intensive.
5. Lumber and wood-products manufacturing and other related industrial uses which are port-related.

6. Effluent disposal of industrial wastes, agricultural activities in conjunction therewith.
7. Manufacturing, refining, processing or assembling of any agricultural, mining or industrial product.
8. Storage, warehousing, distributing, assembly, selling, packaging or servicing any products of agriculture, mining or industry, excluding commercial uses in conjunction thereof.
9. Power generating and utility facilities.
10. Oil module production and shipping and related industrial uses which are port-related.
11. Ship building and repair.
12. Any other industrial use authorized by ORS 777.250.
13. Buildings, structures, offices and other uses customarily accessory to and in conjunction with permitted uses in the PI zone.

B. Conditional Uses.

1. Commercial uses appropriate and necessary to serve the needs of workers employed within the zone. Total cumulative square footage of retail floor space shall not exceed 10,000 square feet within areas zoned PI or 10% of the area of any building or complex of buildings, unless the applicant provides information justifying a larger area.
2. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted Port Industrial uses.

C. Limitations on Uses.

1. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.

2. All related provisions of the Oregon Revised Statutes shall be complied with, particularly those dealing with hazardous substances and radioactive materials.

D. Dimension Requirements. The following dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the PI zone, subject to subsection F of this Section.

1. Minimum front yard setback: Thirty (30) feet. No structure shall be erected closer than ninety (90) feet from the center line of any public, county or state road. Structures on corner or through lots shall observe the minimum front yard setback on both streets.
2. Minimum side and rear yard setback: ten (10) feet.
3. Minimum lot coverage: No limitation.
4. Maximum building height: No limitation.

E. Interpretation.

1. In the event that it is unclear that a proposed use is a permitted use within the PI zone, the Planning Director shall initially make such a determination. Notice of the Planning Director's decision shall be mailed to all owners of real property located within 250 feet of the subject property. Any person entitled to such notice or who is adversely affected or aggrieved by the decision may request a public hearing pursuant to Section 9.030 of this Ordinance within 15 days following the mailing of the Planning Director's decision.

F. Additional Requirements.

1. The Port will establish a master plan for the area that assures compatibility of uses with adjacent land uses. The master plan should include provisions for buffering, traffic circulation, lighting, and landscaping, as necessary, to ensure compatibility. The plan shall be subject to review by the Morrow County Planning Commission.

G. 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 3.074 UMATILLA ARMY DEPOT TRANSITION ZONE (UADTZ)

A. PURPOSE: The UADTZ Zone is intended to recognize only those areas designated in the master plan for the Morrow County area of the Depot as Phase I and VI, which are those areas devoted to, or most suitable for, development of built and committed areas.

B. PROCEDURES: Lands shown on the Depot master plan to be zoned UADTZ are prior to development of a detailed plot plan and/or a precise statement of intended use of existing structures. As in the case of all zones, a land use compatibility review and zoning signoff are required prior to the issuance of building permits or building occupancy.

C. IN A UADTZ ZONE, THE FOLLOWING REGULATIONS SHALL APPLY:

1. USE PERMITTED OUTRIGHT (subject to Plot Plan Review, Land Use Compatibility Review and Zoning Signoff):

- a. Building and structures that are existing and used for warehousing and related uses.
- b. Rail oriented warehousing and railroad related industries.
- c. Support facilities for on-site staff.
- d. Offices for administrative and transportation activities.
- e. Vehicle and railroad repair facilities.
- f. Refueling and transportation service centers.
- g. Container storage and trans-shipment facilities.
- h. Farming (EFU).
- i. Wildlife Reserve/Agriculture Wildlife.
- j. Police/Fire training.

2. LIMITATIONS ON USE IN AN UADTZ ZONE MANAGEMENT:

a. A use that has been declared a nuisance by a State Statute by action of the Morrow County Court or Planning Commission is prohibited.

b. Materials shall be stored and grounds shall be maintained in a manner which will not create a health hazard.

c. Landscaping shall be required and storm water run-off provided for in compliance with plot plan submittal.

d. No hazardous materials shall be stored or transported within the area without prior approval of the Morrow County Director of Emergency Management.

3. CONDITIONAL USES SUBJECT TO PLANNING COMMISSION REVIEW AND APPROVAL.

a. Any use not found in the permitted section of this zone.

b. Any use requiring the construction of new buildings or structures.

c. Vehicular and used metal storage and recycling facilities.

d. Feedlots.

e. Hog Raising.

f. Slaughter Houses.

g. Odoriferous Food Processing Plants.

h. Use, allocation and distribution of water, water storage facilities, pipelines and wells.

D. WATER RESOURCES

1. Distribution of water from existing wells, storage facilities and transmission lines, their use and allocation located in Morrow County subject to review by the Morrow County Planning Commission.

2. Management of this resource is critical to future implementation of the Plan.

E. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles - 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 3.090. AIRPORT APPROACH ZONE, A-A

SECTION 3.090. AIRPORT APPROACH ZONE, A-A. The A-A Zone is an overlay zone intended to restrict development in the vicinity of an airport. In an A-A Zone, the following regulations shall apply:

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

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

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

1. Farm accessory buildings and uses.
2. Mining, quarrying or other extraction activity, including the processing or refining of ore or other raw materials.
3. Utility facility necessary for public service.
4. Golf course.
5. Park, playground, other public recreation site or facility, or community service facility owned and operated by a governmental agency or non-profit community organization.
6. Veterinary clinic, animal pound, or kennel.
7. Private or public grounds and buildings for games, sports, riding arenas, race tracks, and similar activities.
8. Water supply and treatment facility

9. Sewage disposal and treatment facility.
10. Solid waste disposal site.
11. Manufacturing and warehousing.
12. Traveler's accommodation facilities.
13. Retail and wholesale trade facilities.
14. Residential use including mobile homes and development therefore.

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

1. All uses shall only be permitted if found to be in compliance with the Airport Master Plan and the standards, criteria and guidelines thereof.
2. The height of any structure or part of a structure such as chimneys, towers, antennas, etc., shall be limited according to requirements established by the County or any governmental agency relative to uses in the vicinity of an airport, but in no case shall any building or structure exceed 35 feet.
3. In approach zones beyond the clear zone areas, no meeting place for public or private purposes which is designed to accommodate more than 25 persons at any one time shall be permitted, nor shall any residential use be permitted.
4. All parking demand created by any use permitted by this section shall be accommodated on the subject premises entirely off-street as provided in Article 4.
5. Access to sites and uses shall be permitted as provided in Article 4 and applicable provisions of the Transportation System Plan.
6. Any use permitted under the provisions of this section that is determined to be incompatible with an existing or planned use adjacent thereto

or across the street from shall be screened from such incompatible uses by densely planted trees and shrubs or sight-obscuring fencing.

7. Mining or quarry operation permitted by subsection B.2 of this section may not be permitted if such use will allow or cause ponding which is likely to attract birds.

8. No use permitted by subsection B.3 of this section shall permit any power lines to be located in clear zones and any power lines located within an approach zone shall be in conformance with designated approach slope ratios.

9. No use permitted by this section shall be allowed if such use is likely to attract an unusual quantity of birds, particularly birds which are normally considered high flight.

10. No structure or object shall be erected, altered, allowed to glow or be maintained in such a manner as to penetrate any of the imaginary surfaces consistent with Federal Aviation Regulation (FAR), part 77.

D. Dimensional Standards. In an A-A Zone, the following dimensional standards shall apply.

1. The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading requirements, lot coverage limitations, and as deemed necessary by the Commission to maintain air, land and water resource quality, to protect adjoining and area land uses, to insure resource carrying capacities are not exceeded, and more specifically, to protect the airport; except that residential lot size standards shall comply with standards set forth in the SR Zone.

2. No non-residential use permitted by this section which is located adjacent to or across the street from an existing residential use or platted lot shall exceed more coverage than 70%

of the land area designed or intended for such use, including buildings, storage and loading areas.

3. No residential use permitted by this section shall be permitted to exceed 30% lot coverage by buildings and accessory structures.

4. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet.

5. The minimum setback between a non-residential structure and a property line abutting a residential use or lot shall be 50 feet; the same setback shall be required for a residential structure and a property line abutting a non-residential use or lot.

6. The minimum lot frontage shall not be less than 50 feet.

7. The minimum side setback between a structure and a property line shall be three feet, and the total of both side setbacks shall be twelve feet. (H) The minimum rear setback between any structure and a rear property line shall be 25 feet.

E. Sign Limitations. In addition to standards set forth by this ordinance, by applicable Sign Codes, or by regulations set forth by any other appropriate agency, in an A-A Zone, the following sign limitations shall apply:

1. For any use permitted by this section, the total area of all signs shall not exceed 200 square feet, no free-standing sign shall exceed 80 square feet and a height of 20 feet, no sign exceeding 50 square feet of area and 6 feet in height shall be located upon the roof of any building, no sign shall exceed 15% of the area of the wall it is attached to, no sign shall be located within or protrude into a street right-

of-way, and no sign shall flash or move, or be illuminated between the hours of 11:00 P.M. and 7:00 A.M., except as approved by the Commission.

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

G. Site Design. In an A-A Zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use. The State Aeronautics Division shall be included as a reviewing "affected party" for use applications in this Zone.

H. Design and Use Criteria. In the consideration of an application for a proposed use in an A-A Zone, the Commission shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use the Commission shall find that:

1. Proposal is in compliance with the applicable State and Federal Aviation Compatibility guidelines.
2. Proposal is in compliance with the Comprehensive Plan and the Airport Master Plan.
3. Proposal is in compliance with the intent and provisions of this ordinance and more particularly this section.
4. The Planning Commission may require establishment and maintenance of screenings, the

use of glare resistant materials in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce hazards to airport operations.

I. Additional Requirements. As a condition of approval of any use proposed within an A-A Zone, the Commission may require:

1. An increase in required setbacks.
2. Additional off-street parking and loading facilities and building standards.
3. Limitations on signs or lighting, time of operations, points of ingress and egress, and building heights.
4. Additional landscaping, screening and other improvements.
5. Additional limitations on building heights.
6. Additional sound insulation requirements.
7. Any other conditions considered necessary to achieve compliance with the intent and purposes of this ordinance, policies of the Comprehensive Plan, and to protect the airport.

J. Transportation Impacts

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

SECTION 3.091. AIRPORT HAZARD ZONE, A-H

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

This zone is adopted pursuant to the authority conferred by Morrow County. It is hereby found that an airport hazard endangers the lives and property of users of public use airports in Morrow County, and property or occupants of land in the vicinity thereof, and also if the obstruction type, in effect reduces the size of the area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of these airports and the public investment therein. Accordingly, it is declared:

That the creation of establishment of an airport hazard within the zone is a public nuisance and an injury to the region served by public use airports in the county;

That it is necessary in the interest of the public health, public safety, and general welfare and prosperity that the creation or establishment of airport hazards be prevented; and

That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

A. Definitions. As used in this section, unless the context otherwise requires:

1. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level (205 feet MSL).
2. AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
3. STRUCTURE - An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.
4. TREE - Any object of natural growth.
5. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.
6. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
7. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
8. RUNWAY - A defined area on public use airport prepared for landing and takeoff of aircraft along its length including both existing and proposed as shown on approved Airport Layout Plans for each airport.

9. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in Federal Aviation Regulations (FAR) Part 77, and shown on the approved Approach and Clear Zone Plan for each airport.

10. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on the FAA approved Airport Layout Plan.

11. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less (Runway 8-26 and 9-27 at the Morrow County Airport).

12. NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on the Airport Layout Plan.

13. PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on the approved Airport Layout Plan.

14. PRIMARY SURFACE - A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the

primary surface is the same as the elevation of the nearest point onto the runway centerline.

15. PUBLIC USE AIRPORT - Any airport, publicly or privately owned, which is open to public use and meets all appropriate state and federal operational criteria.

B. Airport Zones. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a public use airport. Such zones are shown on both the "Land Use Plan" (Drawing 3) and "Approach and Clear Zone Plan" (Drawing 2) of the Morrow County Airport Layout Plan, which are attached to this Section and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive limitations. The various zones are hereby established and defined as follows:

1. APPROACH AND CLEAR ZONES - Those areas depicted on the approved Approach and Clear Zone Plan including the horizontal conical, approach and primary surfaces which pertain to federal aviation Regulation (FAR) Part 77. Within this zone are the following defined sub-zones:

a. Utility Runway Visual Approach Sub-Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

b. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Sub-Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its

centerline being the continuation of the centerline of the runway.

c. Precision Instrument Runway Approach Sub-Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

d. Transitional Sub Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline and the runway.

e. Horizontal Sub-Zone - The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

f. Conical Sub-Zone - The conical zone is hereby established in the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

C. Airport Zone Height Limitations. Except as otherwise provided in this Section, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones and sub-zones in question as follows:

1. Utility Runway Visual Approach Sub-Zone - Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and

at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Runway Larger Than Utility with a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Sub-Zone - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3. Precision Instrument Runway Approach Sub-Zone - Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

4. Transitional Sub-Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is the highest elevation of each public use airport. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

5. Horizontal Sub-Zone - One hundred and fifty (150) feet above the airport elevation.

6. Conical Sub-Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

7. Excepted Height Limitations - Nothing in this Zone shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty five (35) feet above the surface of the land. When an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. These surfaces are shown on the approved Approach and Clear Zone Plan for each public use airport.

D. Use Restrictions. Notwithstanding any other provisions of this Section, no use may be made of land or water within airport zones established by this Section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the public use airport. Included in this restriction is any land or water use which would tend to foster or increase bird population and thereby increase the likelihood of a bird strike problem.

Notwithstanding any other provisions of this Section, no use may be made of land or water within the approved Approach and Clear Zones established by this Section in such a manner which would promote or provide for large congregations of people and/or above-ground storage of flammable substance.

E. Nonconforming Uses.

1. Regulations not Retroactive - The regulations prescribed by this Zone shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Zone and is diligently prosecuted.

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

F. Permits.

1. Future Uses - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone or sub-zone hereby created unless a permit therefore shall have been applied for and granted.

a. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

b. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulation herein prescribed. If such determination is in the affirmative, the permit shall be granted.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Zone or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed - Whenever the county determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Section may apply to the County Planning Commission for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Zone.

5. Hazard Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Zone and be reasonable in the circumstances, be so conditioned as to require the owner of the

structure or tree in question to permit the county or airport owner, at its own expense, to install, operate, and maintain thereon, such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

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

H. Appeals. Any person aggrieved, or any taxpayer affected by any decision of the county administering office made in his administration of this Zone may appeal as provided in Article 9 of this Ordinance.

SECTION 3.100. FLOOD HAZARD OVERLAY ZONE, FP. In any zone which is a FH Overlay Zone, the requirements and standards of this section shall apply in addition to those herein specified for such zone previously, provided that if a conflict in regulations or standards occurs, the provisions of this section shall govern.

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

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

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

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

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

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

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

"FLOOD" or "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) The overflow of inland or tidal waters and/or
(2) The unusual and rapid accumulation of runoff or surface waters from any source.

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

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

"FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design

requirements of this ordinance found at Section 5.2-1(2).

"MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"MANUFACTURE HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

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

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

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

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

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

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

(3) GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Morrow County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard

identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Morrow County", dated July 5, 1984, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance.

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

(1) \$500 in the case of a noncontinuing offense; or

(2) \$1000 in the case of a continuing offense.

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

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State Statutes.

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

(4) ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.1-1 Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".

4.1-2 Application for Development Permit. Application for a development permit shall be made on forms furnished by the Morrow County Planning Director and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

(2) Elevation in relation to mean sea level to which any structure has been flood proofed;

(3) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 5.2-2; and

(4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE MORROW COUNTY PLANNING DIRECTOR. The Morrow County Planning Director is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE PLANNING DIRECTOR. Duties of the Morrow County Planning Director shall include, but not be limited to:

4.3-1 Permit Review

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;

(2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required;

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

4.3-2 Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR

ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.3 FLOODWAYS.

4.3-3 Information to be Obtained and Maintained

(1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3-2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved flood proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level), and

(ii) Maintain the flood proofing certifications required in Section 4.1(3).

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 Alteration of Watercourses

(1) Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

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

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

4.4 VARIANCE PROCEDURE

4.4-1 Appeal Board

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

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

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

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

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

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

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

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

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

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

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

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

it deems necessary to further the purposes of this ordinance.

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

4.4-2 Conditions for Variances

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

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

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

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

(5) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

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

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

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

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

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

(5) PROVISIONS FOR FLOOD HAZARD REDUCTION

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

5.1-1 Anchoring

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

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

5.1-2 Construction Materials and Methods

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

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

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

5.1-3 Utilities

(1) All new and replacement water supply systems shall be designed to minimize or

eliminate infiltration of flood waters into the system;

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

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

5.1-4 Subdivision Proposals

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

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

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

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

5.1-5 Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.302), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available.

Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

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

5.2-1 Residential Construction

(1) New Construction and substantial improvement of any residential structure shall have the lowest flood, including basement, elevated to or above base flood elevation.

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

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

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

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

5.2-2 Non-residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor,

including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

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

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

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

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

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

5.2-3 Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of

subsection 5.1-1(2). This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

5.3 FLOODWAYS

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

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION 3.110. LIMITED USE OVERLAY ZONE, LU

SECTION 3.110. LIMITED USE OVERLAY ZONE, LU. The purpose of the Limited Use Overlay Zone is to limit the list of permitted uses and activities allowed in the zone to only those uses and activities which are justified in the comprehensive plan 'reasons' exception statement under ORS 197.732(1)(c). The Limited Use Overlay Zone is intended to carry out the administrative rule requirement for 'reasons' exceptions pursuant to OAR 660-14-018(3).

A. Overlay Zone Requirements. When the Limited Use Overlay Zone is applied, the uses permitted in the underlying zone shall be limited to those uses and activities specifically referenced in the ordinance adopting the Limited Use Overlay Zone. The Limited Use Overlay Zone cannot be used to authorize uses other than those expressly provided in the underlying zone. Reasonable conditions may also be imposed by the Limited Use Overlay Zone when necessary to carry out the provisions of the comprehensive plan and this ordinance. Until the overlay zone has been removed or amended through the plan amendment process the only permitted uses and activities in the zone shall be those specifically referenced in the adopting ordinance.

The Limited Use Overlay Zone is to be applied through the plan amendment and rezoning process at the time the primary plan and zone designation is being changed. The ordinance adopting the overlay zone shall include findings showing that

1. No other zoning district currently provided in the zoning ordinance can be applied consistent with the requirements of the 'reasons' exception statement because the zoning would allow uses beyond those justified by the exception;
2. The proposed zone is the best suited to accommodate the desired uses(s); and
3. It is required under the exception rule (OAR 660, Division 4) to limit the uses permitted in the proposed zone.

B. Official Plan/Zoning Map. The official plan/zoning map shall be amended to show an LU suffix on any parcel where the Limited Use Overlay Zone has been applied.

C. Site Plan Requirement. In addition to limiting the uses in the zone it may be necessary to require County approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compatibility of the permitted uses with the area. This requirement may be added by specific reference in the adopting ordinance. The ordinance shall indicate any special concerns or locational requirements that must be addressed in the site plan and be approved by the Planning Commission.

SECTION 3.150 PARKLAND OVERLAY ZONE, PO. The purpose of the Parkland Overlay Zone is to limit uses of land identified as parks. Use of lands overlaid with the PO designation are limited to those uses which are consistent with the development of parks in Morrow County and to permit only development which is compatible with such protection.

A. Application. The Parkland Overlay Zone shall be applied to those properties which have been identified as park sites in the Morrow County Comprehensive Plan with the intent of protecting the property as parkland. In addition, owners of adjacent property will benefit by knowing the extent of uses allowed on the neighboring public park property subject to this overlay designation.

B. Permissible Uses. If a use is allowed outright in the underlying zone, it will be allowed outright in the Parkland Overlay Zone but with the overriding provision that no structures are permitted unless consistent with the following list and in conjunction with park use:

1. Roads
2. RV Sites
3. Campground Sites
4. Restrooms
5. Office Structures
6. Bridges
7. Picnic Facilities
8. Playground Equipment
9. Parking
10. Trails
11. Fishing Facilities
12. Recreation Facilities

13. Maintenance to Existing Facilities

14. Expansion of Existing Facilities

15. Other Park Uses as Allowed in OAR 660-034-0040

16. In no instance shall an owner operator of a park site locate a structure or even a permissible use from the list above within one hundred feet (100') of the exterior boundary of a park without first obtaining review process approval as specified in Section 3.150.D below. In cases where it is brought, in writing, to the Planning Director's attention that implementation of a permitted use on public parkland property is not consistent with a perceived notion of recreation need as noted in the Recreation Element of the Morrow County Comprehensive Plan, the matter may be transmitted to the Planning Commission for Conditional Use Permit consideration specified in Section 3.150.C below.

C. Conditional Use. A use not permitted outright in an underlying zone or noted in the list in Section 3.150.B, shall not be allowed. In instances where the proposed use is not accepted as a permitted use by the Planning Director, the applicant can submit the proposed use to the Planning Commission in the form of a Conditional Use Permit application for a determination of similarity to permitted uses. The Conditional Use Permit review process is subject to the provisions of Article 6 and the provisions of this ordinance. The information provided to the Planning Commission will include the Planning Director's initial determination and the reason for making the determination.

D. Review Process. When a determination has been made that a proposed use is a conditional use, the Planning Commission shall conduct a conditional use hearing and consider the following matters and criteria before arriving at a decision.

1. The applicant shall submit a map(s) of the park site and a written description of the

proposed use in sufficient detail so that anticipated impacts and benefits can be evaluated.

2. The applicant shall fully describe any measures proposed to mitigate anticipated impacts on adjacent property.

3. The Planning Commission shall approve the application only if it has been determined that the proposed use does not adversely effect adjacent properties or amenities in the park. The review criteria for Conditional Use Permits must be followed.

4. The amount of area disturbed for the proposed use shall be the minimum necessary to accomplish the purpose of the proposed use.

5. There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish & Wildlife.

6. Permanent vegetation removal within the area defined as the riparian zone shall retain 75% of all layers or strata of vegetation (e.g., deciduous trees, shrubs, sedges, rushes and emergents) and maintain riparian diversity.

7. In no instance shall the minimum lot size of this section allow a smaller lot or parcel size than allowed by the underlying zone.

8. In no instance shall a permitted underlying use or a proposed conditional use adversely impact water quality or quantity of any parkland waters. (MC-C-6-98)

SECTION 3.200. SIGNIFICANT RESOURCE OVERLAY ZONE, SRO

SECTION 3.200. PURPOSE. The purpose of the Significant Resource Overlay Zone is to protect significant mineral resources, scenic areas, natural areas, and fish and wildlife habitat in Morrow County, and to permit development which is compatible with such protection.

A. Application. The Significant Resource Overlay Zone shall be applied to those sites designated as Significant Resource (1C) Sites on the Morrow County comprehensive plan Goal 5 resource map, and determined to be worthy of full protection (i.e., a "3A" site) or limited protection (i.e., a "3C" site) against conflicting uses.

B. Permissible Uses. If a use or activity permitted outright in the underlying zone, or a use or activity requiring a zoning permit in the underlying zone is listed in Section 3.200.E as a conflicting use or activity, it shall become a conditional use subject to the provisions of Article 6 and the provisions of this ordinance.

C. Review Process

1. When a "3A" decision (i.e., fully protect the resource) has been made for the significant resource site as indicated in the comprehensive plan, any application for a conflicting use or activity listed in Section 3.200.E shall be denied unless the responsible agency listed in Section 3.200.F determines that allowing the proposed use or activity at a specified intensity or location will not harm or damage the resource site. The Planning Commission's findings shall at a minimum be based on this agency determination.

2. When a "3C" decision (i.e., partial resource protection) has been made for the significant resource site as indicated in the Goal 5 Analysis of the Comprehensive Plan, any application for a conflicting use or activity listed in Section 3.200.E shall be reviewed according to the requirements below:

a. The applicant shall submit a map(s) of the location of the resource site(s), and a written description(s) of the resource type(s).

b. The applicant shall consult with the responsible resource agency listed in Section 3.200 (7) for the purpose of identifying any limitations on the siting, construction or operation of the proposed use or activity which would reduce or eliminate any negative impacts to the resource site.

c. In addition to other applicable requirements of this and other ordinances, the Planning Commission shall approve the application only if it can be clearly demonstrated that the proposed use or activity will have no significant negative impact on the resource site, and the review criteria of Section 3.200.D are met.

D. Review Criteria. The environmental, social, economic and energy consequences (i.e., benefits and costs) of allowing the proposed use or activity shall be described in sufficient detail to provide a clear demonstration that the applicable criteria below are met.

1. All Significant Resource Sites

a. The resource site shall not be altered or impacted to the point where it no longer has significant resource value. Such a point would be reached when the altered or impacted site would no longer meet the significant resource requirements used to designate the site in the comprehensive plan.

b. The amount of alteration of or impact to the significant resource shall be the minimum necessary to accomplish the purpose of the proposed use or activity.

c. There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish

and Wildlife Service or the Oregon Department of Fish and Wildlife.

d. An alternative site for the proposed use or activity, which would have less impact to the resource value of the site, does not exist on the applicant's lot or parcel or on contiguous lots or parcels. For purposes of this section, continuous means lots or parcels with a common boundary, not separated by a public road, and in which greater than possessory interests are held by the same person, spouse or single partnership or business entity, separately or in tenancy in common.

2. Sensitive Bird Nesting Sites

a. Bald and golden eagle nest sites and communal roost sites shall be protected in accordance with U.S. Fish and Wildlife Service "Oregon-Washington Bald Eagle Management Guidelines."

b. No development shall be allowed within a 300' radius of a sensitive bird-nesting site. Exceptions to this standard shall be based on written recommendations from ODFW.

3. Riparian Vegetation/Wetlands

a. Road construction within riparian zones shall be reviewed in cooperation with the responsible agency listed in Section 3.200.F. Road construction shall seek alternative methods whenever possible, to avoid disturbing wildlife; reducing the size of the riparian zone; and impacting water quality in the aquatic zone. New roads built along streams shall be avoided whenever possible unless no other alternative route is available. The safety and welfare of all road users shall be considered in determining the appropriate management strategy.

b. All dwellings and other non-water dependent structures shall be set back a minimum of 100 feet from the high water level of the stream or

the water body reaches during normal seasonal run-off.

c. Permanent vegetation removal within the area defined as the riparian zone shall retain 75% of all layers or stratas of vegetation (e.g., deciduous trees, shrubs, sedges, rushes and emergents).

4. Mineral Resource Sites.

Lots or parcels which abut a significant mineral resource site (active or potential) may be required to establish dwelling setbacks in excess of those required in the underlying zone. The required setback shall be determined by the Planning Director after meeting with the applicant and the owner of the mineral resource land to ensure visual and sound screening between present and future uses on the properties. Such setback shall be no less than 100 feet and no greater than 600 feet.

5. Big Game Range Restrictions

a. New structures shall be located as close as possible to adjacent compatible structures (a compatible structure shall be any structure which does not adversely affect the intended use of another structure).

b. Structures shall share a common access road wherever possible.

c. Where it is impractical to share a common access road, the dwelling shall be located as close as possible to the nearest existing public road in order to minimize the length of access from the nearest existing public road.

d. No dwelling will be authorized where the overall density within a square mile exceed one dwelling per 160 acres.

e. If the Planning Director finds, after consultation with the Oregon Department of Fish and Wildlife, that a proposed residential

development at a lower lot or parcel size and/or higher dwelling density would not significantly impact the resource, the minimum lot or parcel size and/or maximum density standard of this section may be waived accordingly.

f. Residential subdivisions shall have clustered dwellings, or be a planned development subject to the provisions of the Morrow County Subdivision Ordinance.

g. In no instance shall the minimum lot size or dwelling density provisions of this section allow a smaller lot or parcel size or a greater dwelling density than allowed by the underlying zone.

6. Wildlife Habitat Zone

a. Land areas incorporated in wildlife preserves, refuges or private or governmental game management areas or hunting preserves, or areas identified by the Wildlife Commission, State of Oregon or Agricultural /Wildlife Management Areas, both public or private owned and operated, and land areas providing habitat for wild, rare or endangered species listed by the Wildlife Commission, State of Oregon or by the Bureau of Sport Fisheries and Wildlife, United State Department of the Interior, upon state and federally owned land.

E. List of Conflicting Uses and Activities

1. Sensitive Bird nesting sites

a. Bald and Golden eagles

1) Use of chemicals

2) Residential development

3) Permanent structures

4) Road construction

- 5) Human activity during roost period
(November-March)
 - 6) Mining
 - 7) Powerlines
2. Riparian Vegetation/Wetlands
- a. Road construction
 - b. Campgrounds
 - c. Any long term use adversely impacting water quality and quantity (including temperature)
 - d. Any use impeding the movement of wildlife from one habitat to another.
 - e. Any long term use adversely resulting in the loss of vegetation diversity within the riparian zone.
 - f. Mining.
3. Big Game
- a. Residential uses
 - b. Road Construction
4. Mineral and Aggregate Resources
- a. Adjacent residential uses
 - b. Any use that would cover or prevent access to the site.
5. Water Resources
- a. Groundwater - Any use affecting the quality and quantity of existing groundwater resources.
 - b. Streams and ponds - Residential, commercial, and industrial development, mining, removal of vegetation.

F. Responsible Agency List The following agencies shall be consulted when a use or activity is proposed in the following resource areas.

Resource Agency

1. Fish and Wildlife Habitat:

Oregon Department of Fish and Areas (i.e., surface water, wildlife, wetland areas, big game habitat, and nest sites)

U.S. Department of Fish Wildlife when they have jurisdiction

2. Water Resources:

Division of State Lands

Department of Transportation

Department of Water Resources

3. Energy Resources:

State Department of Energy

4. Mineral and Aggregate Resources:

County Road Department

State Highway Department

Department of Transportation

Department of Geology and Mineral Industries

5. Parks and Recreation Scenic:

State Parks and Recreation Waterways

State Department of Transportation

6. Geothermal Resources:

Department of Geology and Mineral Industries

7. Riparian Habitat:

Agencies listed under subsection 1 above

Department of Environmental Quality involving water quality

Soil Conservation Services involving soil quality (erosion)

SECTION 3.300 HISTORIC BUILDINGS AND SITES

A. Alteration/Demolition Permits. A permit is required for alteration or demolition of any structure listed in the Comprehensive Plan inventory of significant historic resources.

1. Alteration as governed by this section means any addition to removal of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural detail of the exterior part of the structure but shall not include paint color.

2. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the planning commission.

3. Exemption. A permit is not required under this article for alteration of a structure when review of the proposed alteration is required by an agency of the state or federal government.

B. Review Procedure

1. Application. A property owner or his authorized agent may initiate a request for a permit for alteration or demolition of an historic structure by filing an application with the building official using forms prescribed for the purpose.

2. Public Hearing. The planning commission shall hold a public hearing to review the permit according to the procedures for public hearing, notice, and decision set forth in Article 9.

C. Planning Commission Action

1. Alteration. In the case of an application for alteration of an historic structure, the planning commission shall:

- a. Approve the request submitted;
- b. Approve the request with modifications or conditions;
or
- c. Deny the request.

2. Demolition. In the case of an application for demolition of an historic structure, planning commission shall authorize either:

- a. Immediate issuance of the permit; or
- b. Delay of issuance of the permit for up to 180 days. During this period, the planning commission shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could be carried out to prevent demolition of the site or structure.

D. Criteria

1. Exterior Alteration - The planning commission authority shall approve an application if the proposed alteration is determined to be harmonious and compatible with the appearance and character of the historical building and shall disapprove any application if found detrimental as unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, or the educational or historical value of the building. The following guidelines apply to exterior alterations to historical buildings:

- a. Retention of original construction - So far as practicable, all original exterior materials and details shall be preserved.
- b. Height - Additional stories may be added to historic buildings provided that:

- 1) The added height complies with requirements of the uniform building code and the zoning ordinance.
 - 2) The added height does not exceed that which was traditional for the style of building.
 - 3) The added height does not alter the traditional scale and proportions of the building style.
 - 4) The added height is visually compatible with adjacent historic buildings.
3. Bulk - Horizontal additions may be added to historic buildings provided that:
- a. The bulk of the addition does not exceed that which was traditional for the building style.
 - b. The addition maintains the traditional scale and proportion of the building style.
 - c. The addition is visually compatible with adjacent historic buildings.
4. Visual Integrity of Structure - The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
5. Scale and Proportion - The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.
6. Materials, Color and Texture - The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.
7. Signs, Lighting, and Other Appurtenances - Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be

visually compatible with the traditional architectural character of the historic building.

8. Demolition. The planning commission shall authorize immediate issuance of a demolition permit if it finds all of the following:

- a. The structure cannot be economically rehabilitated;
- b. A program or project does not exist which may result in preservation of the structure;
- c. Delay of the permit would result in unnecessary and substantial hardship to the applicant;
- d. Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the structure and the economic, cultural, and energy consequences of demolishing the structure; and
- e. No other reasonable alternative to demolition exists.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

SECTION 4.010. ACCESS. Access shall be provided based upon the requirements below:

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

B. 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 as part of the land use application.

C. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development.

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

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

E. Projects shall meet access management standards that are consistent with ODOT Access Management Standards. Each standard is listed by the functional classification of the roadway as specified in the table below:

ODOT Access Management Standards									
Category	Access Treatment	Level of Importance	Urban / Rural	Intersection				Signal Spacing	Median Control
				Public Road		Private Dr.			
				Type	Spacing	Type	Spacing		
1	Full Control (Freeway)	Interstate/Statewide	U	Interchange	2-3 Mi.	None	NA	None	Full
			R	Interchange	3-8 Mi.	None	NA	None	Full
2	Full Control (Expressway)	Statewide	U	At grade/Intch	1/2-1 Mi.	None	NA	1/2-1 Mi.	Full
			R	At grade/Intch	1-5 Mi.	None	NA	None	Full
3	Limited Control (Expressway)	Statewide	U	At grade/Intch	1/2-1 Mi.	Rt. Turns	800'	1/2-1 Mi.	Partial
			R	At grade/Intch	1-3 Mi.	Rt. Turns	1200'	None	Partial
4	Limited Control	Statewide/Regional	U	At grade/Intch	1/4 Mi.	Lt./Rt. Turns	500'	1/2 Mi.	Partial/None
			R	At grade/Intch	1 Mi.	Lt./Rt. Turns	1200'	None	Partial/None
5	Partial Control	Regional/District	U	At grade	1/4 Mi.	Lt./Rt. Turns	300'	1/4 Mi.	None
			R	At grade	1/2 Mi.	Lt./Rt. Turns	500'	1/2 Mi.	None
6	Partial Control	District	U	At grade	500'	Lt./Rt. Turns	150'	1/4 Mi.	None
			R	At grade	1/4 Mi.	Lt./Rt. Turns	300'	1/2 Mi.	None

Oregon Highway Plan 1991¹

F. Intersection Spacing: New intersections and traffic signals shall meet the spacing standard for their functional classification as described in the table above. (MC-C-8-98)

SECTION 4.020. ESTABLISHMENT OF CLEAR-VISION AREAS. In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

SECTION 4.030. MEASUREMENT OF CLEAR-VISION AREA. A clear-vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish clear-vision areas within the County:

A. In an agricultural, forestry, or industrial zone, the minimum distance shall be 30 feet, or at intersections including an alley, 10 feet.

¹ Oregon Highway Plan, Oregon Department of Transportation, 1991

B. In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

CLEAR VISION ROW WIDTH MEASUREMENT

80 feet & more	20 feet
60 feet	30 feet
50 feet	40 feet

SECTION 4.035 PERMIT REQUIREMENTS FOR LAND USE DEVELOPMENT.

Except where otherwise noted, all proposed projects should meet the following Plot Plan Requirements as described in the Table below: (MC-C-8-98)

Permit Requirements for Land Use Development									
Permit Type	Plot Plan Requirements			Conditions				Review/Approval Type	
	Footprint (setbacks)	Access*	Transportation Improvements	DEQ Site Suitability	Parking	Sign	Other	Review	Action
Zoning Permit									
Residential	Y	Designated access.	Frontage improvements.	Y	N/A	N/A	N	Staff	Bldg. permits Road approach
Commercial	Y	Legal access via r/w or easement.	Under 400 trips: front-age improvements. Over 400 trips: TIA.		Y	Y	N	Staff	Bldg. permits Road approach permit
Industrial	Y	Legal access via r/w or easement.	Under 400 trips: front-age improvements. Over 400 trips: TIA.		Y	Y	N	Staff	Bldg. permits Road approach permit
Farm Exempt	Y	Y	N/A	N/A	N/A	N/A	N	Staff	Copy BOA
Land Partition									
1 to 3 Lots			Frontage improvements, legal access via r/w or easement.				Y	Planning Comm.	Approval Road Approach permit
Subdivision									
More than 3 Lots		Legal access via r/w.	TIA.				Y	Planning Comm.	Approval Road Approach Permit
Conditional Use Permit	Y	Legal access via r/w or easement.	Under 400 trips: front-age improvements. Over 400 trips: TIA.		Review	Review	Y	Planning Comm.	Approval, Bldg. permit Road Approach

*1000' or less, 20' easement; 1000' or more 40' easement; 3 or more lots (current or potential), 60' easement.

SECTION 4.040. OFF-STREET PARKING REQUIREMENTS. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off-street parking space shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirement, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the

requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

MINIMUM PARKING REQUIREMENTS

USE	MINIMUM REQUIREMENTS
A. Residential	
1. One, two, and three family dwelling	One space per dwelling unit
2. Residential use containing four or more dwelling units	One and one-half spaces per dwelling unit
3. Rooming or boarding house	Spaces equal to 80 percent of the number of guest accommodations plus one additional space for the owner or manager
B. Commercial Residential	
1. Hotel	One space per two guest rooms plus one space per two employees
2. Motel	One space per guest room or suite plus one additional space for the owner or manager
C. Institutional	
1. Welfare or correctional institution	One space per six beds for patients or inmates
2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	One space per four beds for patients or residents
3. Hospital	One and one-half spaces per bed
D. Place of Public Assembly	
1. Church	One space per six seats or eight feet of bench length in the main auditorium or one space for each 75 feet of floor area of main auditorium not containing fixed seats
2. Library, reading room	One space per 400 square feet of floor area plus one space per two employees

3. Pre-school nursery, kindergarten	Two spaces per teacher
4. Elementary or junior high school	One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room whichever is greater
5. High school, college, commercial school for adults	One space per classroom plus one space per administrative employee plus one space for each six students or one space for four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater
6. Other auditorium or meeting room	One space per six seats of bench length or one space for each 75 square feet of floor area for assembly room not containing fixed seats
E. Commercial Amusement	
1. Stadium, arena, theater	One space per four seats or eight feet of bench length
2. Bowling Alley	Five spaces per alley plus one space for two employees
3. Dance hall, skating rink	One space per 100 square feet of floor area plus one space per two employees
F. Commercial	
1. Retail store except as provided in subsection (f) (2) of this section	One space per 300 square feet of floor area designated for retail sales
2. Service or repair shop, retail store handling exclusively bulky merchandise, such as automobiles and furniture	One space per 600 square feet of floor area
3. Bank, office (except medical and dental)	One space per 600 square feet of floor area plus one space per two employees

4. Medical and dental clinic	One space per 300 square feet of floor area plus one space per two employees
5. Eating or drinking establishment	One space per 250 square feet of floor area
6. Mortuaries	One space per six seats or eight feet of bench length in chapels
G. Industrial	
1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal	One space per employee
2. Wholesale establishment	One space per employee plus one space per 700 square feet of patron-serving area

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

A. The provisions and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

B. Requirements for types of buildings and uses not specifically listed in this Ordinance shall be determined by the Planning Commission based upon the requirements for comparable use listed.

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

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

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

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

SECTION 4.060. DESIGN AND IMPROVEMENT STANDARDS - Parking Lots

A. Areas used for parking for more than two vehicles shall have durable and dustless surfaces adequately maintained.

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

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

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

E. Access aisles shall be of sufficient width to permit easy turning and maneuvering.

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

G. Service drives to off-street parking areas shall be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.

H. Driveways shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.

I. The standards set forth in the table that follows shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted).

a	b	c	d	e	f(1)	f(2)
parking angle degree	stall width	stall to curb (19' long stall)	aisle width	curb length per car	center-to-center width of two parking rows with access road	curb to curb width
0	8.5	8.5	12.0	23.0	29.0	---
20	8.5	14.5	11.0	24.9	40.0	32.0
30	8.5	16.9	11.0	17.0	44.8	37.4
40	8.5	18.7	12.0	13.2	49.4	42.9
45	8.5	19.4	13.5	12.0	52.3	46.3
50	8.5	20.0	12.5	11.1	52.5	47.0
60	8.5	20.0	18.5	9.8	59.9	55.6
70	8.5	20.8	19.5	9.0	61.1	58.2
80	8.5	20.2	24.0*	8.6	64.4	62.9
90	8.5	19.0	25.0*	8.5	63.0	---

*Two-way circulation

SECTION 4.070. SIGN LIMITATIONS AND REGULATIONS. In addition to sign limitations and regulations set forth in a specific zone, the following limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the County. In addition to the standards and limitations set forth in this Ordinance, signs shall be installed in accordance with applicable regulations of state and federal agencies. No sign will hereafter be erected, moved or structurally altered without being in conformity with the provisions of this Ordinance. Official traffic control signs and instruments of the state, county or municipality are exempt from all provisions of this Ordinance.

- A. All outdoor advertising signs shall be in compliance with the provisions of this Ordinance and the provisions of ORS Chapter 377 when applicable.
- B. No outdoor advertising sign permitted by ORS Chapter 377 shall be erected within 300 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.
- C. No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- D. No sign shall cause glare, distraction or other driving hazards within a street or road right-of-way.
- E. No sign shall shine directly upon a residential dwelling or otherwise create a nuisance.
- F. In addition to the limitations on signs as provided by (1) through (5) above, additional sign restrictions may be required as determined by the Planning Commission in approving conditional uses, as provided by Article 6.

SECTION 4.080. AUTHORIZATION OF SIMILAR USES. A use that is similar to a use provided for in a zone may be allowed in that zone with Planning Commission Approval unless:

- A. It is specifically provided for in another zone, or
- B. It is more similar to uses provided for in another zone.

SECTION 4.090. GENERAL PROVISIONS REGARDING ACCESSORY USES. An accessory use shall comply with all requirements for a principal

use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

A. A side yard or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a front lot line, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.

B. Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreational equipment may be stored on a lot but not used as an accessory use in any zone provided that:

1. In a residential zone, parking or storage in a front yard or in a side yard abutting a street other than an alley shall be permitted only on a driveway.

2. Parking or storage shall be at least three feet from an interior side lot line.

SECTION 4.100. 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, provided that the projection is not closer than three (3) feet to a property line.

SECTION 4.110. MINIMUM STANDARDS FOR A MANUFACTURED HOME ON INDIVIDUAL LOTS AS A SINGLE-FAMILY DWELLING. A manufactured home permitted as a single-family dwelling on an individual lot shall be in compliance with the following standards and regulations as a minimum. In such cases when the standards set forth in a specific zone are more restrictive, the more restrictive standards shall govern.

A. The manufactured home shall be a 14-foot wide or double wide unit and shall contain at least 660 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.

B. The manufactured home unit shall be manufactured after June 15, 1976, and bear the Oregon Department of Commerce 'Insignia of Compliance' or a manufactured home manufactured prior to said date if certified to comply with such standards. 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.

C. The manufactured home shall be placed upon and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer's instructions approved by the State Department of Commerce.

D. The manufactured home shall have a continuous perimeter of skirting that shall be composed of the same material and finish as the exterior of the manufactured home or of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals, but there shall be provisions for ventilation and access to the space under the unit.

E. All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.

F. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Manufactured home accessory structures include porches and steps, awnings, cabanas, carports, or any other structure or addition that depends in part on the mobile 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 30% of the total living space of the manufactured home and such structures or additions combined. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Ramadas shall not be permitted.

G. 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.

SECTION 4.120. MANUFACTURED OR MOBILE HOME AUTHORIZED AS A TEMPORARY RESIDENCE ON AN INDIVIDUAL LOT. A manufactured or mobile home may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- A. The home shall be occupied by the owner of the lot on which the home is located.
- B. The home shall be placed upon a lot for which a building permit for a housing unit has been obtained.
- C. The home 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 mobile home.
- E. The owner of the lot agrees to remove the home from the lot 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 agrees to remove all evidence that the manufactured or mobile home has been on the lot within thirty (30) days after the removal of the home.
- G. The Planning Director may review permits issued under this section at any time and may revoke the permits when they are found to be not in compliance.
- H. Any accessory manufactured or mobile home dwelling 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 OR MOBILE HOME 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 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.

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 one accessory manufactured or mobile home dwelling complying with the standards of 4.140 except (a) and (c), and providing that no additions to the mobile home 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 certifies is in need of this kind of care or custody.
2. Residential utilities and facilities can be provided. Septic feasibility is required prior to approval.

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 moves to another residence

or 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 because of extraordinary circumstances such as extended hospitalization.

D. Within 30 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 Planning Director may review permits issued under this section at any time and may revoke permits when they are found to be not in 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.

SECTION 4.140. MANUFACTURED OR MOBILE HOME AS A SECONDARY ACCESSORY FARM DWELLING. A manufactured or mobile home permitted as a secondary accessory farm dwelling or other farm use structure shall only be permitted in accordance with the following requirements:

A. The unit 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 or mobile 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 units the mobile home park standards shall apply, except as approved by the Commission.

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

C. The unit shall bear the Oregon Department of Commerce 'Insignia of Compliance' or be inspected for compliance with the standards required thereof.

D. The unit shall be considered a temporary installation; therefore permits of such units shall be renewable on an annual basis unless otherwise approved by the Commission.

E. The manufactured or mobile home shall contain at least 500 square feet of space as determined by measurement of the exterior's dimensions of the unit, exclusive of any trailer hitch device.

F. The manufactured or mobile home shall be placed on and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer's instruction approved by the State Department of Commerce.

G. All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.

H. Additions or alterations to the manufactured or mobile home unit shall not exceed 15% of the square footage.

I. The manufactured or mobile home shall be provided with a water closet, lavatory, and bathtub or shower which are connected to running water and to an approved subsurface sewage disposal system, and which are located in a room or rooms which afford privacy to the occupant, and shall be provided with a kitchen area containing a sink with hot and cold running water.

J. The owner of the property shall remove the foundation and all accessory structures and permanently disconnect sewer, water and other utilities if the manufactured or mobile home is authorized by the County. In the event the owner fails to accomplish said work within 30-days from the date on which the manufactured or mobile 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 or mobile home is replaced on the original foundation, or on the original foundation as modified, or by another approved mobile home within 30-days of the original unit's removal, unless otherwise approved by the County. Such lien may be initiated by the County Court.

4.150 TEMPORARY USE OF A TRAVEL TRAILER. The temporary use of a travel trailer and/or motor home as a residence may be permitted only as a temporary residence during construction of a permanent residence. The use requires authorization on the Zoning Permit

for the permanent residence. The duration or occupancy of the temporary residence may not exceed six (6) months. (One extension may be permitted if due diligence and progress is demonstrated, for a period not to exceed six (6) months.) The use of the travel trailer as a temporary residence shall cease within two weeks of issuance of an occupancy permit for the permanent dwelling. MC-C-1-99

SECTION 4.160 STANDARDS FOR TRANSPORTATION IMPROVEMENTS.

A. Uses Permitted Outright. Except where otherwise specifically regulated by this ordinance, the following uses are permitted outright unless specifically prohibited elsewhere:

1. Normal operation, maintenance, repair, and preservation of existing transportation facilities (roadways, bridges, etc.).
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulations.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of the right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except those that are located in the exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

B. Conditional Uses Permitted.

1. Construction, reconstruction, or widening of highways, roads, bridges, or other transportation projects that are:
(1) not improvements designated in the Transportation Systems Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan

and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

d. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

2. Construction of rest areas, weigh stations, temporary storage, and processing sites.

3. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.

C. Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use permit shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years. (MC-C-8-98)

ARTICLE 5 EXCEPTIONS

SECTION 5.010. NONCONFORMING USES.

A. 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.

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

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

D. 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.

E. 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 5.020. GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS.

The following lot size exceptions shall only apply to lots within the Rural Service Center, Rural Residential, Farm Residential (FR-2) and Suburban Residential Zones.

A. If a lot or the aggregate of contiguous lots held in a single ownership, as recorded in the office of the County Clerk at the time of the passage of this Ordinance, has an area or dimension which does not meet the lot size requirements of the

zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone.

B. 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.

C. 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.

SECTION 5.030. LOT EXCEPTIONS, SPECIAL. In any zone, the state minimum lot area for residential purposes may be abolished by ruling of the Planning Commission, provided that it is replaced by a maximum gross density of equal restrictiveness. For example, given an undeveloped five-acre parcel in a Suburban Residential Zone, the Planning Commission may rule on a request that, instead of five houses on one-acre lots, there may be a cluster of five houses on a small plot of ground and the remainder of the five acres shall be kept undeveloped and shall not be re-divided for sale or building development.

SECTION 5.040. 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:

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

B. The use conforms to all other requirements of that zone.

C. If there is an area deficiency, residential use shall be limited to a single dwelling unit.

D. Approval for sewage disposal is obtained as applicable.

E. In the case of the issuance of a farm dwelling permit on a lot or parcel below the minimum lot size of the EFU or SF-40 zone, the following additional standards apply:

1. The lot or parcel is typical of the existing commercial agricultural operation within a 2 mile radius of the area and is of sufficient size to support production of food or fiber using accepted farm practices as that term is defined in ORS 215.203(2)(c) and taking into account:
 - a. soil types and patterns in the area and typical yields;
 - b. type of crops grown in the area and typical yields;
 - c. potential markets;
 - d. other relevant information included in the agricultural element of the Morrow County Comprehensive Plan; and
 - e. average size of parcels conducting agricultural farming practices in the area.
2. The lot or parcel is appropriate for an intensive commercial farm operation (e.g., nursery, berries, greenhouses, etc.);
3. The lot or parcel is currently in "farm use" as defined under ORS 215.203(2)(a);
4. The farm will help maintain agricultural processors and established farm markets;
5. The proposed use is compatible with the farm use in the area and does not interfere either in itself or in the location of improvements, with "current accepted practices" as that term is defined in ORS 215.203(2)(c);
6. The proposed use is consistent with the agricultural land use policy for the State of Oregon expressed in ORS 215.243;
7. The proposed use would not materially alter the stability of the overall land use pattern of the area, nor would substantially add to the demand for increase use of roads, groundwater during growing seasons, or public facilities and services; and

8. In the case of the issuance of a nonfarm dwelling on land zoned EFU and FR-40, the provision of ORS 215.283(3) and ORS 215.236 shall apply.

SECTION 5.060. GENERAL EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone.

A. 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.

B. Architectural features such as cornices, eaves, sunshades, gutters, chimneys, and flues may project into a required yard. Also steps, terraces, platforms, and porches having no roof covering, and fences not interfering with the vision clearance requirements may occupy a yard. Signs conforming to the requirements of this Ordinance and all other applicable Ordinances shall be permitted in required yards.

C. Canopies: The yard between a canopy and any lot line shall be a minimum of 10 feet, except that a smaller setback may be permitted if specifically allowed in a given zone.

SECTION 5.070. 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 to an Airport Approach Zone.

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

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

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

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

SECTION 6.030. GENERAL CONDITIONS. In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

A. Limiting the manner in which the use is conducted including restricting the time an activity may take place

and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6.040. PERMIT AND IMPROVEMENTS ASSURANCE. The Commission may require an applicant to furnish the County with a performance bond or such other form of assurance that the Commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

SECTION 6.050. STANDARDS GOVERNING CONDITIONAL USES. A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

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

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

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

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

1. Such uses may be authorized as a conditional use only after consideration of the following factors:

a. Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).

b. Location of the site relative to the service area.

c. Probable growth and needs therefore.

d. Site location relative to land uses in the vicinity.

e. Adequacy of access to and from principal streets together with the probable effects on the traffic volumes of abutting and nearby streets.

2. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.

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

E. Clinics, clubs, lodges, fraternal organizations, community centers and grange halls, golf courses, grounds and buildings for games or sports, country clubs,

swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Planning Commission may authorize the conditional use after assurance that the following are to be provided:

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

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

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

1. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.
2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved by the Planning Commission. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.
3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.
4. No materials or mechanical equipment shall be used which will be detrimental to the residential use of

the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors.

5. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.

6. Retail sales shall be limited or accessory to a service.

7. No persons shall be employed except members of the immediate family.

8. The permit allowing a home occupation shall be reviewed every 12 months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this section.

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

1. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.

2. The proposed site shall be located in or as near as possible to the area being served.

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

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

I. Mining, quarrying, or other extraction activity:

1. Plans and specifications submitted to the Planning Commission for approval must contain sufficient

information to allow the Planning Commission to consider and set standards pertaining to the following:

- a. The most appropriate use of the land.
 - b. Setback from the property line.
 - c. The protection of pedestrians and vehicles through the use of fencing and screening.
 - d. The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.
 - e. The prevention of the collection and the stagnation of water of all stages of the operation.
 - f. The rehabilitation of the land upon termination of the operation.
2. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which may be injurious or annoying to persons or other uses in the vicinity.
 3. The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.
 4. A rock crusher, washer or sorter shall not be located closer than 500 feet from a residential or commercial use.

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

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

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

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

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

1. Adequacy of access from principal streets together with the probable effect of traffic volumes of abutting and nearby streets.

2. Adequacy of off-street parking.

3. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

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

1. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

2. The space provided for each mobile home shall be provided with piped potable water and electrical and

sewerage connections and shall not be less than 30 feet in width nor less than 40 feet in length.

3. The number of spaces for mobile homes shall not exceed 12 for each acre of the total area in the mobile home park. Except that the Commission may vary this density as follows:

a. If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.

b. If in addition to (a) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.

c. If in addition to (a) and (b) an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible - 25%).

4. A mobile home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the mobile homes and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.

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

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

a. It shall have a state insignia indicating compliance with Oregon State Home Construction

Standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.

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

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

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

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

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

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

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

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

and shall conform in design and capacity to the public hydrants in the affected city.

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

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

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

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

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

16. Lighting shall be installed along the access ways of the trailer park and the recreation area with lights of 100 watts or better not over 100 feet apart.

Wire for service to light poles and trailer spaces shall be underground.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

N. Recreation Vehicle Park. A recreation vehicle park shall be built to state 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.

1. The space provided for each recreation vehicle shall be not less than 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than recreation vehicles, and landscaped areas.
2. 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, shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreation vehicle space.
3. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
4. No recreation vehicle shall remain in the park for more than 30 days in any 60-day period.
5. Recreation Vehicles may be permitted to stay in RV Parks 51 weeks out of 52 weeks provided that after the 31st day the following conditions are met:
 - a. Winterizing and skirting shall be of standard materials and shall not include hay bales, etc.
 - b. There shall be no outdoor storage.
 - c. Occupancy of each recreation vehicle shall not exceed the number of persons for which the RV was designed and manufactured.
 - d. Each RV space shall be a minimum of 1,000 square feet.
 - 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)
6. 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 recreation vehicle space. Parking

spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

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

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
2. The use may be required to be fenced and provided with landscaping.
3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.
4. Transmission towers, hoses, overhead wires, plumbing stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

SECTION 6.060. PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION. The procedure for taking action on a conditional use application shall be as follows:

A. A property owner may initiate a request for a conditional use by filing an application with the Planning Department, using forms prescribed pursuant to Section 9.040. Applications shall be filed with the Planning Department at least 21 days prior to the Planning Commission meeting of submittal thereto.

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

C. Before the Planning Commission may act on a conditional use application, it shall hold a public

hearing thereon, following procedure as established on Article 9.

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

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

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

SECTION 6.080. OCCUPANCY PERMIT. The Commission may require an Occupancy permit for any conditional use permitted and approved pursuant to the provisions of this Ordinance. The Commission shall consider such a requirement for any use authorized by a conditional use permit for which the conditions have been established by the Commission upon approval of such use. The requirement of an Occupancy Permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Commission. The authority to issue an Occupancy Permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the Commission at the time of approval of a specific conditional use permit to the Secretary of the Commission, the Planning Director, and/or the Building Official.

ARTICLE 7. VARIANCES

SECTION 7.010. AUTHORIZATION TO GRANT OR DENY VARIANCES. The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

SECTION 7.020. CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Planning Commission shall make all of the following findings:

A. Area Variance

1. That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit.
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
3. 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.
4. That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

B. Use Variance.

1. That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.

2. Each of the findings listed in subsection A 2, 3 and 4 of this section.

3. No use variance shall be granted for a use not allowed in the zone or allowed in another zone.

SECTION 7.025 MINOR VARIANCE. For the purposes of this Ordinance, a "Minor Variance" is an "Area or Dimensional" Variance that meets one of the following conditions.

A. A request involving a deviation from a minimum lot size requirement of not more than 10%; or

B. A request involving a deviation from a yard or setback requirement of not more than 25%; or

C. A request for the expansion of a nonconforming use by not more than 10%.

D. Circumstances for Granting a Minor Variance. A minor variance may be granted when the Planning Commission 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 affect; if in a residential zone, that the proposal will not significantly detract from the liveability 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.

SECTION 7.030. PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION. The procedure for taking action on an application for a variance shall be as follows:

A. A property owner may initiate a request for a variance by filing an application with the Planning Department, using forms and procedures prescribed pursuant to Article 9.

B. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in Article 9.

C. Within five (5) days after a decision has been rendered with reference to a variance application, the Planning Director shall provide the applicant with written notice of the decision of the Commission.

SECTION 7.040. TIME LIMIT ON A PERMIT FOR A VARIANCE.

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

ARTICLE 8. AMENDMENTS

SECTION 8.010. AUTHORIZATION TO INITIATE AMENDMENTS. An amendment to the text of this Ordinance or to a zoning map may be initiated by the County Court, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Department using forms prescribed pursuant to Section 9.040, at least 21 days prior to the Planning Commission meeting of submittal thereto.

SECTION 8.020. PUBLIC HEARINGS ON AMENDMENTS. The Planning Commission shall conduct two (2) public hearings on the proposed amendment within 60 days after the amendment is proposed and shall, within 5 days after the second hearing, recommend to the County Court approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the County Court shall hold a public hearing on the proposed amendment.

SECTION 8.030. RECORD OF AMENDMENTS. The County Clerk shall maintain records of amendments to the text and zoning map of the ordinance.

SECTION 8.040. LIMITATIONS ON REAPPLICATIONS. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the six (6) month period immediately following a previous denial application; if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it, however, the Planning Commission may permit a new application.

SECTION 8.050. BURDEN AND CRITERIA. The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighbourhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

A. That conditions have changed since the adoption of the Comprehensive Plan and zoning map that warrant an amendment, or that there was a mistake in the original designation.

B. That public services and facilities are sufficient to support a change in designation, including, but not limited, to streets and roads (refer to the Transportation System Plan and Transportation Planning Rule).

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

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

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

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

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

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

b. Changes standards implementing a functional classification;

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

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

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

D. The factors listed in ORS 215.055 or others which relate to the public need for healthful, safe and aesthetic surroundings and conditions.

ARTICLE 9. ADMINISTRATIVE PROVISIONS

SECTION 9.010. ADMINISTRATION. The Secretary of the Planning Commission and the County Planning Director have the power and the duty to enforce the provisions of this Ordinance. The County Court may appoint agents to issue zoning permits and to otherwise assist the Secretary or Planning Director in the processing of applications.

SECTION 9.020. Approval or denial of an application for a use permitted by this Ordinance shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

SECTION 9.030. APPEALS. A person may appeal to the County Court from a decision or requirement made by the Planning Commission. A person may appeal to the Planning Commission from a decision or requirement made pursuant to this Ordinance by the Commission Secretary, Planning Director or other county official. Written notice of the appeal must be filed with the county within 15 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for appeal.

A. The County Court or Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The County Court or Commission may continue the hearing for good cause.

B. The County Court or Planning Commission may review a lower decision upon its own motion after giving twenty (20) days notice to the parties involved in the decision, and if such review is within 15 days of receipt of notices of said initiated lower decision.

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

D. Following the hearing, the County Court or Commission may overrule or modify any decision or requirement and shall set forth findings for such decision.

E. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this Ordinance.

SECTION 9.040. FORM OF PETITIONS, APPLICATIONS AND

APPEALS. Petitions, application, and appeals provided for in this Ordinance shall be made on forms prescribed by the county. Applications shall be accompanied by plans and specifications, drawn to scale, showing the information listed in this Section and such other information as is needed to determine conformance with this Ordinance.

A. One copy of a completed application form that includes the following information:

1. An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application.

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

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

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

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

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

for inclusion into the city's bound record of the application.

F. A site plan shall include the following information. All site plans shall have dimensions clearly indicated. An applicant may provide the information on separate sheets, if necessary or desirable for clarity.

1. North arrow and scale
2. Location of property boundaries, including adjacent public or private streets and rights of way
3. Location of existing structures and natural features
4. Topography, with contours at no greater than 10 foot intervals, preferably less
5. Location of utilities and facilities, or proposed locations (sewer, water, fire hydrants, septic system, storm water facilities, etc.)
6. Proposed landscaping
7. Exterior lighting.
8. Circulation plan for vehicles, pedestrians, and bicyclists, including existing and proposed points of access and sidewalks.
9. Parking lot layout, with circulation plan and striping details.
10. Sign location and details

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

SECTION 9.045. COMPLETENESS REVIEW.

A. Upon submission, the County Planning Department shall date stamp the application form and verify that the appropriate application fee has been submitted. The Planning Director shall review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within 30 days

of receipt of the application, the Planning Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and, if not, what information must be submitted to make the application complete.

B. Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the date the application was filed within which to submit the missing information or the application shall be rejected and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the 180-day period, the County shall again verify whether the application, as augmented, is complete. An application shall be rejected if it has not been made complete within the 180 day time period, unless the applicant refuses in writing to submit additional information.

C. Once the County determines the application is complete enough to process, or the applicant refuses to submit any more information, the County shall declare the application complete and take final action on the application within 120 days of that date unless the applicant waives or extends the 120-day period. The 120-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the 120-day period.
2. The 120-day period does not apply to any application for a permit that is not wholly within the County's authority and control.
3. The 120-day period does not apply to any application for an amendment to the County's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment

D. The approval standards which control the County's review and decision on a complete application are those

which were in effect on the date the application was first submitted.

SECTION 9.050. PUBLIC HEARINGS.

A. Each notice of hearing authorized by this Ordinance shall be published in a newspaper of general circulation in the County at least 20 days prior to the date of hearing, except that a notice for a hearing before the Planning Commission on an amendment that requires two public hearings as specified in Article 8, may be given no less than 10 days in advance of the first public hearing.

B. In addition, a notice of hearing on a conditional use, appeal to a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property for which the appeal, variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least twenty (20) days prior to the date of hearing.

C. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

D. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

E. The notice shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and County-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the County will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing, and that a staff

report will be prepared and made available to the public at least 7 days prior to the hearing;

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

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

7. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

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

G. General rules for hearing.

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

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

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

H. Order of Procedure.

1. Call for abstentions.

2. Staff report and summary.
3. Proponent's case. The proponent and those favoring the proposal will be heard first.
4. Cross-examination of each proponent by the Hearing Body.
5. Opponent's case. Those opposed shall be heard next. Groups who are represented by a spokesman or who were entitled to receive notice of the hearing are requested to proceed first. Opponents may submit questions of the proponent to the Chair.
6. Cross-examination of each opponent by the Hearing Body.
7. Rebuttal. Both the proponents and opponents may submit rebuttal testimony; the proponent shall have final opportunity.
8. Close the hearing.

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

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

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

1. The file number and date of decision;

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

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

SECTION 9.070. FILING FEES. An application required by this Ordinance shall be accompanied by a filing fee in the amount as set forth by the County Court in a County Fee ordinance. Said permit fees may be amended by County Court order after conducting a hearing thereon.

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

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

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

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

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

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

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

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

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

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





Morrow County Planning Department
Subdivision Ordinance

MORROW COUNTY SUBDIVISION ORDINANCE

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COUNTY ORDINANCE NO. MC-C-3-01

MORROW COUNTY, OREGON

AN ORDINANCE PROVIDING SUBDIVISION, PARTITIONING, AND OTHER LAND DEVELOPMENT STANDARDS AND PROCEDURES WITHIN THE COUNTY OF MORROW, STATE OF OREGON.

THE COUNTY OF MORROW, OREGON, ORDAINS AS FOLLOWS:

ARTICLE I. INTRODUCTORY PROVISIONS

Chapters 92 and 215, this ordinance sets forth the minimum standards governing the approval of land development, including subdivision and partitionings, as necessary to carry out the County Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well-planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant and the future lot owner.
- D. Improve land records and boundary monumentation.
- E. Ensure equitable processing of subdivision plats and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Morrow County.
- F. Provide for orderly and efficient urban development, and to coordinate development with public facilities and service plans and capabilities.
- G. Provide for preservation of farm and forest lands, and the resource based economy of the County.

No person may subdivide or partition land within Morrow County except in accordance with ORS Chapter 92 and the provisions of this ordinance.

SECTION 1.020. INTERPRETATION. The provisions of this ordinance shall be construed to effect the purposes set forth in Section 1.010 of this ordinance. These provisions are declared to be the minimum requirements fulfilling such objectives, and the county may impose additional requirements deemed necessary to promote the health, safety and general welfare, and to carry out the Comprehensive Plan of the area. Where conditions

set forth herein are less restrictive than comparative condition imposed by any other provision of this ordinance, by provisions of any other local ordinance, resolution or regulation, or by provisions of state statute or administrative regulation, the more restrictive shall govern.

SECTION 1.030. REPEALER. The following ordinance is applicable to said urban area, together with all amendments thereto, is hereby repealed: County Ordinance No.

SECTION 1.040. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal of any ordinance by this ordinance shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability, and for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person or a part thereof prior to the effect date of this ordinance.

SECTION 1.060. CONSTRUCTION AND TERMINOLOGY.

A. 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” permissive; and the masculine word shall include the feminine and neuter.

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

SECTION 1.070. DEFINITIONS. As used in this ordinance the following words and phrases shall mean:

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

B. Access Management. The provision of improvements, signals, and/or the regulation of access to adjacent property while preserving the flow of traffic in terms of safety, capacity, and speed.

C. Accessway. A walkway that provides the pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and land on either side of the

walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.

D. Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

E. Bikeways. Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other modes. The five types of bikeways are:

1. Multi-use path: A paved 10 to 12 foot wide way that is physically separated from motorized traffic; typically shared with pedestrians, skaters, and other non-motorized users.
2. Bike Lane: A 4 to 6 foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. Shoulder Bikeway: The paved shoulder of a roadway that is 4 feet or wider, typically shared with pedestrians in rural areas.
4. Shared Roadway: A travel lane that is shared by bicyclists and motor vehicles.
5. Multi-use trails: An unpaved path that accommodates all-terrain bicycles, typically shared with pedestrians.

F. Block. An area of land within a subdivision which area may be entirely bounded on all sides by streets or highways (except alleyways), railroad right-of-way, unsubdivided land or water courses.

G. Community Water Supply System. A domestic water supply source or distribution system which serves 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.

H. Contiguous Land. Parcels of land under the same ownership which abut each other.

I. Corner Clearance. The distance from an intersection of a public or private road to the nearest public or private access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

J. Cross-Section. A profile of the ground surface perpendicular to the center line of a street, stream, or valley bottom.

K. Developer. Means any person, corporation, partnership or other legal entity who creates or proposes to create a land development, and includes any agent of a developer so duly authorized.

L. Driveways. A private vehicle access way or point of entry from a public or private road.

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

N. Fire Break. A break in the ground cover fuels as specified by the Fire Protection Agency involved or Commission.

O. Flood Hazard Area. The relatively flat area or low-lands adjoining the channel of a river stream or watercourse, or lake reservoir, which has been or may be covered by a Base Flood.

P. Frontage. All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and right-of-way, waterway, end of a dead-end or city boundary.

Q. Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

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

S. Interest. Includes a lot or parcel, and a share, undivided interest or a membership which includes the right to occupy the land overnight, the lessee's interest may be renewed under the terms of the lease for a total period more than three years. "Interest" does not include any interest in a condominium as that term is denied in ORS Chapter 91 or any security interest under a land sales contract, trust deed or mortgage.

T. Joint Access. A driveway connecting two or more contiguous sites to the public street system.

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

1. 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.

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

3. Lot Depth. The average horizontal distance between the front and rear lot lines.
4. Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.
5. Lot Line. The property line bounding a lot.
6. Lot Line, Front. The lot line separating the 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.
7. Lot Line, Rear. The lot line which is 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.
8. Lot Line, Side. Any lot other than that of a front or rear lot line bounding a lot.
9. Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.
10. 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.

V. Map. A final diagram, drawing, or other writing concerning a major partition.

W. 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 which has independent tax levying powers to support the system.

X. 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 county tax assessment roll or county recorder's records.

Y. Parcel. A unit of land that is created by partitioning of land.

Z. Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not reduced below the minimum lot size established by any applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner; "partition land" does not include divisions of land resulting from lien foreclosures, foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots.

1. Major Partition. A partition which includes the creation of a road or street. A private road or way exceeding 100-feet in length shall be defined as a street.

2. Minor Partition. A partition where each parcel created has frontage on and access immediately to an existing road or street, i.e. a partition that does not include the creation of a street.

AA. Pedestrian Facilities. A general term denoting improvements made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

BB. 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.

CC. Plat. A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

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

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

1. Alley. A narrow street through a block primarily for vehicular service access to the back or side properties abutting on another street.

2. Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas, as identified in the County's Transportation System Plan.

3. Bicycle Route. A right-of-way for bicycle traffic.

4. Collector. A street supplementary to the arterial street and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties. Collector streets are identified in the County's Transportation System Plan

5. Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.

6. Half Street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

7. Marginal Access Street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

8. Local Street. A street intended primarily for access to abutting properties, and are identified in the County's Transportation System Plan.

9. Stubbed Street. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

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

GG. Rural/Commercial Activity Center. A Rural/Commercial Activity Center consists primarily of commercial or industrial uses providing goods and services to surrounding rural area or to persons traveling through the area, but also includes some dwellings.

HH. Subdivided Lands and Subdivision. Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests or four or more interests. "Subdivided land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot however must be sold as platted and recorded.

II. Subdivider. Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

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

KK. Walkway. A hard surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

ARTICLE 2 SUBDIVISION REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE

SECTION 2.010. SCOPE OF REGULATION. Before a plat of any subdivision or the map of any partition may be made and recorded, the person proposing the subdivision or the partition or his authorized agent or representative shall make an application in writing to the county for approval of the proposed subdivision or the proposed partition in accordance with the requirements and procedures established by this ordinance.

SECTION 2.020. MINIMUM STANDARDS. No proposed subdivision or partition shall be approved unless said subdivision or partition complies with the Comprehensive Plan for Morrow County and an affected city, the applicable zoning, and the requirements and standards set forth in this ordinance and ORS Chapter 92.

SECTION 2.030. SUBDIVISION REVIEW COMMITTEE. There is hereby established a Subdivision Review Committee to review all tentative subdivision and partition plans and make recommendations to the Planning Commission. The Committee shall consist of the following members as applicable to the County and an affected City.

- A. County Planning Director (who will be chairman)
- B. Affected City Representative
- C. County Surveyor
- D. County Roadmaster and affected City Street Supt.
- E. Police – County and affected City
- F. Fire Protection Representative
- G. County Extension Agent
- H. Public Utility Representative(s)
- I. Irrigation District Representative or Watermaster
- J. Affected School District Representative
- K. Oregon State Department of Transportation District 12 (optional and ex-officio)
- L. Postal Department (optional and ex-officio)
- M. Other State and Federal Agencies (optional and ex-officio)

SECTION 2.040. DUTIES OF COMMITTEE. It shall be the duty of the Committee to examine all tentative subdivision and partition plans and make recommendations to the Planning Commission.

SECTION 2.050. SUBDIVISION CONFERENCE. The Planning Director shall schedule a meeting with the Subdivision Review Committee and the subdivider or his authorized agent and surveyor.

SECTION 2.060. COMMITTEE REVIEW FACTORS. In review of proposed subdivisions and partitions, the committee shall consider the following factors:

- A. Preliminary plat requirements.
- B. Conformance to Zoning and Comprehensive Plan.
- C. Possible adverse effects on the development by natural hazards.
- D. Quantity and quality of existing or proposed water supply.
- E. Adequacy of the existing or proposed sewage disposal system to support the projected population.
- F. Adequacy of public services to serve the increase in population to be created by the development; including schools, police and fire protection, health facilities, highway and arterial and collector road networks, parks, etc.
- G. Possible conflicts with adjoining property.
- H. Protective covenants, deeds or restrictions.
- I. Conformance with policies and provisions of local and State regulations.
- J. Marketable title or other interest contracted.
- K. Agreement or by-laws to provide for management, construction, maintenance or services proposed.
- L. Effects of the subdivision for continuity of public services and access to adjoining lands.

ARTICLE 3. TENTATIVE PLAN

SECTION 3.010. APPLICATION SUBMISSION. Any person proposing a subdivision, or his authorized agent or representative, shall include with an application for a subdivision a Tentative Plan as set forth in Sections 3.040 through 3.080 for the proposed subdivision, together with improvement plans and other supplementary material as may be required, and shall submit 10 copies of said plan together with all required accompanying material to the Planning Department. A Tentative Plan for a subdivision shall be accompanied by an application for a subdivision as provided by the Planning Department, together with the appropriate filing fee, required supplemental material and subdivision application form, and thereof officially received by the Planning Department.

SECTION 3.015. REVIEW FOR COMPLETENESS. The Planning Department shall determine whether the application is complete and shall inform the applicant within 30 days of the application date whether additional information is required. The applicant has 180 days within which to submit the requested information or the applicant may, in writing, refuse to submit additional information, whereupon the application shall be considered complete for review. The Planning Department shall arrange for a meeting of the Subdivision Review Committee and Planning Commission for review of the tentative plan when the application has been found to be complete.

SECTION 3.020. REQUIRED FINDINGS FOR APPROVAL. The Commission shall not approve a Tentative Plan for a proposed subdivision unless the Commission finds, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modifies will satisfy the intent of this ordinance relating to subdivision development, the intent and requirements of the applicable zoning regulations, will be in compliance with the Comprehensive Plan, and the standards set forth in this Article; such findings shall include the following:

- A. The subdivision is an effective, efficient and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan relative to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as natural vegetation, and special terrain feature.
- B. The subdivision will be compatible with the area surrounding the project site, and will not create an excessive demand on public facilities and services required to serve the development.
- C. That there will not be any adverse impact on natural resource quality and public service and facilities.

SECTION 3.040. TENTATIVE PLAN REQUIRED. The Tentative Plan for a subdivision shall be prepared and submitted in compliance with the provision of Sections 3.050 through 3.080 of this Article.

SECTION 3.050. SCALE OF TENTATIVE PLAN. The Tentative Plan of a proposed subdivision shall be drawn on a sheet of 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 50 feet for subdivision up to 10 acre size, one (1) inch equals 100 feet for subdivisions up to 50 acre size, one (1) inch equals 200 feet for subdivision up to 100 acre in size, and for subdivision of more than 100 acres in size a scale not greater than one (1) inch equals 400 feet; or multiples thereof as approved by the Planning Department.

SECTION 3.060. INFORMATION REQUIREMENTS. The following information shall be shown on the Tentative Subdivision Plan or provided in accompanying materials. No Tentative Plan submittal shall be considered “complete” unless all such information is provided.

A. General Information Required

1. Proposed name of the subdivision
2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, surveyor, and any assumed business names filed or to be filed with the Corporation Commissioner by the owner or subdivider which will be used in connection with the subdivision.
3. Date of preparation, north point, scale and gross area of the proposed subdivision.
4. Appropriate identification of the drawing as a Tentative Plan for a subdivision.
5. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

B. Information Concerning Existing Conditions.

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
2. Location of any existing features such as section lines, section corners, city and special district boundary lines and survey monuments.
3. Location of existing structures, irrigation canals and ditches, pipelines, waterways, and railroads, and natural features such as rock outcroppings, marshes, wooded areas and natural hazards.
4. Location and direction of watercourses, and the location of area subject to erosion, high water tables and flood hazards.
5. Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.

6. Existing sewer lines, water mains, culverts, and underground and overhead utilities within and adjacent to the proposed subdivision, together with pipe sizes, grades and locations.

7. Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen percent, and twenty feet for slopes greater than twenty percent.

C. Information Concerning Proposed Subdivisions.

1. Location, names, width, typical improvements, cross sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.

2. Location, width and purpose of all proposed easements or right-of-ways and relationship to all existing easements or right-of-ways.

3. Location of at least one temporary bench mark within proposed subdivision boundary.

4. Location, approximate area and dimension of each lot, and proposed lot and block numbers.

5. Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed and plans for improvements or development thereof.

6. Proposed use, location, approximate area and dimensions of any lot which is intended for non-residential use.

7. An outline of the area proposed for partial recording of a final plat if phased development and recording is contemplated or proposed. If the proposed subdivision pertains to only a portion of the tract owned or controlled by the subdivider, the Planning Commission may require a tentative plan for streets and utilities in the unsubdivided portion.

8. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal and all utilities.

9. Description and location of any proposed community facilities.

10. Storm water and other drainage facility plans.

11. Solar protection statement.

SECTION 3.070. MASTER DEVELOPMENT PLAN. An overall “Master Development Plan” shall be submitted for all developments of more than 100 parcels or for all developments planning to utilize phase or unit development. The Master Development Plan shall include, but not be limited to, the following elements:

- A. Overall development plan, including phase or unit sequences.
- B. Schedule of improvements initiation and completion.
- C. Overall transportation and traffic pattern Plan, including a Traffic Impact Analysis (TIA) completed by a certified engineer. If the property frontage includes a state highway, the TIA must meet ODOT Traffic Impact Study requirements.
- D. Sales program timetable projection.
- E. Development plans of any common elements or facilities.
- F. Financing plan for all improvements.
- G. If the proposed subdivision is determined to have a possible impact upon adjacent lands or lands within the general vicinity, the Planning Commission may require a potential street development pattern for adjoining lands to be submitted together with the Tentative Plan as part of the Master Development Plan for the subject subdivision.

SECTION 3.080. SUPPLEMENTAL INFORMATION REQUIRED. The following information shall be submitted with the Tentative Plan for a subdivision. If such information cannot be shown practically on the Tentative Plan of a proposed subdivision, it shall be submitted on separate documents accompanying the plan at the time of filing.

- A. Proposed deed restriction or protective covenants, if such is proposed to be utilized for the proposed subdivision.
- B. Certified statement from each serving utility company proposed to serve the proposed subdivision as set forth in the Tentative Plan, and the conditions of such service shall be set forth.
- C. Proposed fire protection system for the proposed subdivision and written review thereof by the appropriate serving fire protection agency.
- D. Title or Subdivision Guarantee Report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property.
- E. Reasons and justifications for any variances requested to the provisions of this ordinance or any other applicable ordinance or regulation.

SECTION 3.090. APPROVAL OF TENTATIVE SUBDIVISION PLAN.

A. Tentative Plan Review. The Planning Commission shall, within 45 days from the first regular Commission meeting following the determination that a Tentative Subdivision Plan is complete, review the Tentative Plan and all reports and recommendations of appropriate officials and agencies. The Commission may approve, modify, or disapprove the Tentative Plan for the proposed subdivision, and shall set forth Findings for said decision. The Planning Commission shall make its decision at a public hearing with notice and procedures as specified in Article 9 of the Development Ordinance.

B. Tentative Plan Approval. Approval or disapproval of the Tentative Plan by the Commission shall be final unless the decision is appealed to the County Court. The County Court may review the Planning Commission's decision on its own motion. County Court review shall be conducted in accordance with Article 12 of this ordinance, and failure to do so within the required time limit shall be deemed to indicate acceptance of the Planning Commission's decision.

C. Tentative Plan Approval Relative to Final Plat. Approval of the Tentative Plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such Tentative Plan shall be binding upon the County for preparation of the plat.

D. Commission Report. The decision of the Planning Commission shall be set forth in writing in a formal report and, in the case of approval, be noted on three copies of the Tentative Plan, including references to any attached documents describing conditions of approval. One copy of the appropriate material shall be sent to the subdivider, one copy sent to the affected city or the County Court, and one copy shall be retained by the Planning Commission. Such action shall be completed within ten days of Commission decision.

SECTION 3.100. SPECIFIC APPROVAL REQUIREMENTS. In addition to the requirements set forth by the provision of this ordinance and applicable local and State regulations, specific requirements for preliminary plat approval are as follows:

A. No Tentative Plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town", "city", "place", "court", "addition", or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party that platted the subdivision bearing that name. All plats must continue the Lot and Block numbers of the plat of the same name, last filed.

B. No Tentative Plan for a proposed subdivision shall be approved unless:

1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

2. Streets and roads to be held for private use are approved by the Commission and are clearly indicated to the Tentative Plan and all reservations or restrictions relating to such private streets and roads are set forth thereon; such as ownership and maintenance responsibilities.

3. The Tentative Plan complies with the Comprehensive Plan and zoning.

C. Approval or denial shall take into consideration the Subdivision Review Committees' recommendations and the factors listed in 2.060 of this ordinance.

D. A review and formal recommendation has been provided for by the affected city if located within the Urban Growth Boundary thereof, or as otherwise set for by the applicable Urban Growth Boundary management agreement.

SECTION 3.110. RESUBMISSION OF DENIED TENTATIVE PLANS. If the Tentative Plan for a subdivision is denied, resubmittal thereof shall not be accepted by the County for a period of six months after the date of the final action denying said plan. Re-submission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

ARTICLE 4. FINAL PLAT

SECTION 4.010. SUBMISSION OF FINAL PLAT.

A. Filing Time Period Requirements. Within twelve (12) months after the date of approval of the Tentative Plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the Tentative Plan as approved. The subdivider shall submit the original drawing, five prints, and any supplementary information required by this ordinance and the Planning Commission and the “check list” provided by the Planning Department. If the subdivider fails to proceed with the subdivision before the expiration of the twelve (12) month period following the approval of the Tentative Plan, the plan approval shall be declared void and the subdivider must submit a new plan together with the appropriate filing fee if he wishes to proceed with the development.

B. Time Period Extension. The Planning Commission may, upon submittal of a formal request for a time extension and justification therefor by the subdivider, grant a 90-day extension to the twelve (12) month time period set forth in Section 4.010 (1) of this ordinance.

SECTION 4.020. FORM OF FINAL PLAT. The final plat shall be submitted in the form prescribed by the State Statute and this ordinance.

A. All plats subdividing any tracts of land in the County, and dedications of streets or roads or public parks and squares and other writings made part of such plats offered for record shall be made in black India ink, upon material that is 18 inches by 24 inches in size, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County. The plat shall be of such a scale, and the lettering of the approvals thereof, and of the dedication and affidavit of the surveyor, shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon two or more sheets. Plat material may be placed on both sides of a sheet.

SECTION 4.030. REQUIREMENTS OF SURVEY AND PLAT OF SUBDIVISION. No subdivider shall submit a plat of a subdivision for record, until all the requirements for the survey and the plat of the subdivision have been met.

A. The survey of the plat of the subdivision shall be of such accuracy that the error of closure shall not exceed one foot in 4,000 feet.

B. The survey and plat of the subdivision shall be made by a surveyor who is a licensed land surveyor.

C. The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon, Each lot

shall be numbered and each block shall be lettered or numbered. The length of all boundaries of each lot shall be shown, each street shall be named.

D. The locations of descriptions of all monuments shall be clearly recorded upon all plats and the proper course and distances of all boundary lines shall be shown.

SECTION 4.040. MONUMENTATION REQUIREMENTS.

A. The initial point of all subdivision plats shall be marked with a monument conforming to the following specifications. This monument shall be a galvanized iron pipe, two inch inside diameter, not less than thirty inches long, with a brass cap no less than 2 inches in diameter, solidly and permanently secured in position either with a substantial, non-corrosive rivet or a solid-metal weld. The bottom of the pipe shall end in a welded footplate or be split and flared to a minimum holding width of six inches to anchor the monument when set in the ground. Any galvanization destroyed during threading, cutting, flaring or welding must be retreated against rust. The monument shall be set with the top at finished grade elevation and the subdivision name, year of establishment, and registration number of the registered engineer or registered number of the registered land surveyor, establishing same, clearly marked with steel dyes on the brass cap. The location of the monument shall be noted with reference to a known corner established by the United States survey.

B. The intersection of all streets and roads and all points on the exterior boundary where the boundary line changes direction shall be marked with monuments either of stone, concrete, galvanized iron pipe, or iron or steel rods.

C. All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in diameter or iron steel rods not less than one-half inch in least dimension and two feet long.

D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within one-tenth of a foot.

E. All monuments for the exterior boundaries of a subdivision shall be marked and such monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for approval by the county and for recording. However, interior monuments for the subdivision need not be set prior to the approval and recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in Subsection (2) of Section 4.050 of this ordinance.

SECTION 4.050. MARKING INTERIOR MONUMENTS AFTER RECORDING.

A. If the interior monuments for a subdivision are to be marked on or before a specified date after the approval and recording of the plate of the subdivision, the person subdividing the land shall furnish, prior to approval and recording of the plat, to the

governing body of the county, a bond or cash deposit in an amount equal to 110 percent of the estimated cost of performing the work for the interior monumentation.

B. If the person subdividing any land within the county has complied with subsection A of this Section, the surveyor may prepare the plat of the monuments referenced thereof as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with Section 4.040 of this ordinance and applicable State Statutes and referenced on the plat for the subdivision as approved by the county.

C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under subsection B of this Section, the surveyor performing such work shall:

1. Within five days after completion of such work, notify the person subdividing the land involved in the County; and
2. Reference such monuments on an exact copy of the subdivision plat as previously approved and recorded; and
3. Upon approval of such plat copy under ORS Chapter 92.100, file such plat copy with the county recording officer and the city recording officer with whom the plat of the subdivision was previously recorded.

D. At the time the person subdividing the land described in subsection (1) of this Section pays the surveyor for performing the interior monumentation work and notifies the county of such payment, the county, within three months after such notice, shall release the bond or return the cash deposit upon finding that such payment has been made.

SECTION 4.060. INFORMATION ON PLAT. In addition to that required for the Tentative Plan or otherwise specified by law, the following information shall be shown on the plat.

A. Survey Reference. Reference points of existing surveys identified, related to the plat by distances and bearing and referenced to a filed book or map as follows:

1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
2. Adjoining corners of adjoining subdivision.
3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of the ordinance.

B. Boundary Street. The exact location and width of the street easements intercepting the boundary of the tract.

C. Boundary Lines. Tract, block, and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

D. Streets. The width of the portion of streets being dedicated and with the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

E. Easements. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the map, it shall be properly referenced in the owner's certificates of dedications.

F. Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively in each block. Pursuant to the applicable county or affected city addressing system, the address of each lot shall be shown on the plat.

G. Block numbers. Block numbers beginning with the omission or duplication throughout the subdivision. The numbers shall be solid, or of sufficient size and thickness to stand out and so placed as not to obliterate and disfigure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

H. Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

I. Building Setback Lines. Building setback lines, if any, are to be made a part of the subdivision restrictions.

J. Certificates. The following certificates are required and shall be combined where appropriate:

1. A certificate signed and acknowledged as above, all parties having record title interest in the land consenting to the preparation and recording of the plat.
2. A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of lot owners in the subdivision, their licenses, visitors, tenants and servants.
3. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

4. A certificate for execution by the affected City Public Works Superintendent or other City Representative and/or County Roadmaster.

5. A certificate for execution by the chairman of the Planning Commission.

6. A certificate for the execution by the County Planning Director.

7. A certificate for execution by the County Tax Collector.

8. A certificate for execution by the County Assessor.

9. A certificate for execution by the Irrigation District where applicable.

10. A certificate for approval for execution by the County Court.

11. All plans, plats or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be endorsed thereon by the board before approval of such plan, plat, or replat of any subdivision by the governing body of the county. Except, that if a subdivider is unable to obtain action or approval of any district or company within 45 days, the subdivider shall notify the governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objections to the plan, plat, or replat must be filed with the governing body in writing within 20 days and failure of the district or company to respond shall be considered by the governing body as approval of such plan, plat or replat and the governing body shall endorse, act and the body may thereafter approve such plan, plat or replat without the approval of such district or company endorsed thereon.

K. Other certificates required by State regulations.

SECTION 4.070. SUPPLEMENTAL INFORMATION WITH PLAT. The following data shall accompany the plat:

A. Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their evidence of a clear and marketable title.

B. Survey Data Sheets. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

2. The computation of distances, angles and courses shown of the plat.
3. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and state highway stationing.

C. Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.

D. Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.

E. Dedications. A copy of any dedication requiring separate documents, specific reference to parks, playgrounds, etc.

F. Taxes. A list of all taxes and assessments on the tract which have become a lien on the tract.

G. County Court Certificate. A certificate by the County Court that the subdivider has complied with requirements of Section 8.010 and 8.020 on improvement guarantee.

H. Improvement. If grading, and/or street improvements, and/or sewer, and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:

1. Cross sections of the proposed streets, showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.
2. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
3. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
4. Specification for the construction of all proposed utilities.
5. Grading plans and specifications as required for areas other than streets and ways.
6. Planting plans and specifications for street trees and other plantings in public area.

I. Access Permits. Where access is to be a county road or state highway the necessary access permits shall be obtained prior to final plat review.

SECTION 4.080. TECHNICAL PLAT REVIEW.

A. Ordinance Check. Upon receipt by the Planning Department, the plat and other data shall be reviewed by the County Surveyor, affected City Public Works Superintendent, County Roadmaster, and the County Planning Director who shall examine them to

determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plan, and there has been compliance with provisions of the law of this ordinance.

B. Field Check. The County Roadmaster, County Surveyor, County Planning Director and affected City Public Works Superintendent may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the Roadmaster or Superintendent or representative thereof may enter the property for this purpose.

C. Corrections. If the County Roadmaster, County Surveyor, affected City Public Works Superintendent and County Planning Director determine that full conformity has not been made, the subdivider shall be advised thereby of the changes or additions that must be made and the subdivider shall be afforded a reasonable opportunity to make the changes or additions.

SECTION 4.090. APPROVAL OF THE FINAL PLAT.

A. If the Planning Director does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Director determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provision for required improvements are satisfactory. Approval shall be indicated by the signature of the Planning Director. The Planning Director may refer any final plat to the Planning Commission for review, if the final plat does not substantially conform to the approved tentative plan or if any other conditions warrant review. Approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat; nor does such approval constitute final approval, said authority for final approval being vested with the County Court.

B. No plat of a proposed subdivision shall be approved unless:

1. Streets and roads for public use are to be dedicated without any reservation nor restriction other than reversionary right upon vacation or restriction other than reversionary right upon vacation of any such street or road and easement for public utilities.
2. Streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the county.
3. The plat or map contains provision for the dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems; the dedication of which was made a condition of the approval of the tentative plan for the subdivision or the partition.

4. Explanation of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.

C. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or

2. A bond, contract, or other assurance by the subdivider to the county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the county; or

3. In lieu of paragraphs 1 and 2 of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and endorsed by the county, shall be filed by the subdivider with the final plat.

D. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat; or

2. A bond, contract or other assurance by the subdivider to the county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the county considers necessary; or

3. In lieu of paragraphs (1) and (2) of this subsections, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Department of Environmental Quality has approved the proposed method on an individual lot-by-lot basis or an alternative method of sewage disposal. A copy of any such statement, signed by the subdivider and endorsed by the county shall be filed by the subdivider with the final plat. The subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or

prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement.

G. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A final plat which is in compliance with the tentative plan approval and all conditions thereof.
2. A certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed or a proposed bond, contract or other assurance by the county and/or county District Attorney specifying the period within which required improvements and repairs shall be completed.
3. The plate complies with the county and affected City Comprehensive Plan and with any applicable zoning regulations and any ordinance or regulation applicable to the proposed subdivision or improvement thereof that are then in effect in the county.

SECTION 4.100. FINAL PLAT APPROVAL. Following approval, the final plat shall, without delay, be submitted to the County Court for final approval of the plat, supplemental documents, improvement and repair completions or assurances thereof. Such submittal shall occur within 45 days of approval.

SECTION 4.110. RECORDING OF PLAT. A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 45 days after the date of approval of the governing body has been obtained. After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the County Clerk's office and the affected City Recorder's office.

A. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll, have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

B. At the time of filing such plat, the person offering it for filing shall also file with the County Recording officer, an exact copy thereof, made with black India ink or photocopy upon good quality of linen tracing cloth or any other suitable drafting material having the same or better transparency. The engineer or surveyor who made the plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the plat. The copy filed with the County Recording officer shall be certified by him to be an exact copy and then shall be filed in the archives of the County, and be preserved by filing without folding. The subdivider shall provide, without cost, prints

from such copy to the County Assessor, affected City Recorder and County Planning Department.

ARTICLE 5. LAND PARTITIONING

SECTION 5.010. APPLICABILITY OF REGULATIONS. All land partitioning within the County shall must be approved by the County Planning Commission, County Planning Director, and/or a designated official thereof. Said approvals shall be granted in accordance with the provisions of this ordinance and more particularly this Article.

SECTION 5.020. FILING PROCEDURES AND REQUIREMENTS. Any persons proposing a land partitioning, or his authorized agent or representative, shall prepare and submit five (5) copies of the Tentative Plan for the proposed partitioning together with an application for partitioning and the appropriate filing fee to the Planning Department at least 30 21 days prior to the Commission meeting at which consideration is desired, except as set forth in this Article.

A. The Tentative Plan of a proposed partitioning shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 50 feet for a partitioning up to 50 acres in size, one (1) inch equals 200 feet for a partitioning of more than 100 acres in size, a scale not greater than one (1) inch equals 400 feet; or as otherwise approved by the County Planning Director and/or Surveyor.

B. The Tentative Plan for partitioning, when submitted, shall include the following:

1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns.
2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths, and improvement standards of existing roads.
3. Names and addresses of the land owner, the partitioner, a mortgagee if applicable, and the land surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created.
4. A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection, access, etc.
5. North point, scale and date of map, and property by tax lot, section, township and range.
6. Statement regarding past, present and intended use of the parcel(s) to be created, or the use for which the parcel(s) are to be created.

SECTION 5.030. REQUIREMENTS FOR APPROVAL. No application for partitioning shall be approved unless the following requirements are met:

A. Proposal is in compliance with the County and affected City Comprehensive Plan and applicable Zoning.

B. Each parcel is suited for the use intended or offered; including, but not limited to, sewage disposal approval and guaranteed access.

C. All required public service and facilities are available and adequate or are proposed to be provided by the partitioner.

D. Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.

E. An approved water rights diversion plan as applicable.

F. Flag lots will not be permitted when the results would be to increase the number of properties requiring direct and individual access from a State Highway or other arterial. Flag lots may be permitted to achieve planning objectives under the following conditions:

1. When flag lot driveways are separated by at least twice the minimum frontage distance.
2. The driveway must meet driveway standards described in Article 8, Section 8.020.Q.
3. That the flag lots are less than 10 percent of the total number of building sites, or three lots or more, whichever is greater.
4. The lot meets the minimum lot area of the zoning district, without including the driveway.
5. Only one flag lot shall be permitted per private right-of-way or access easement.

G. The depth of any lot shall not exceed 4 times its width (3 times its width in urban areas) unless there is a topographical or environmental constraint or man-made feature such as a railroad line.

H. The commission shall deny an application for partitioning when it appears to the Commission that the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern having the effect of creating more than three (3) parcels without subdividing.

SECTION 5.040. ADDITIONAL FACTORS TO BE CONSIDERED. In addition to the requirements set forth in Section 5.030, the following factors may be considered for approval or disapproval of an application for land partitioning:

- A. Placement and availability of utilities.
- B. Safety from fire, flood and other natural hazards.
- C. Adequate provision of public facilities and services.
- D. Possible effects on natural, scenic and historical resources.
- E. Need for onsite or offsite improvements.
- F. Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses.

SECTION 5.050. IMPROVEMENT REQUIREMENTS. In the approval of a land partition the need for street and other improvements shall be considered and such may be required as a condition of approval, as may be required for a subdivision under the provisions of this Ordinance.

SECTION 5.060. COMMISSION APPROVAL. Within 45 days from the first regular Planning Commission meeting follow submission of an application for a land partitioning, the Planning Commission shall review the plans and application submitted, and shall either approve or deny the application. If no such action is taken within said 45-day period the subject application shall be deemed approved as submitted and it shall be the duty of the Planning Director to certify the approval.

SECTION 5.070. FINAL PLAT MAP FOR PARTITIONING. Following Commission approval of the Tentative Plan for a proposed partitioning, the person proposing the subject partitioning shall prepare and submitted to the Planning Department the final plat map for the subject partitioning. The survey shall be prepared by a licensed Oregon land surveyor and comply with all requirements of ORS Chapter 92. Such filing shall be completed within one year from the date of the Commission action or the approval of the partitioning shall expire and said approval shall be declared null and void. The final plat map shall be prepared in accordance with the following requirements, two (2) copies thereof submitted to the Planning Director for approval, and the original recorded in the office of the County Clerk following approval by the County Planning Director. Copies of said final map shall be provided by the partitioner without cost to the County Assessor, County Surveyor and County Planning Director.

A. Final Plat Map Requirements:

1. Shall be drawn to the same scale as required for the Tentative Plan or as otherwise approved by the Commissioner.
2. Name of owner, developer, and land surveyor shall be shown on the map.

3. Date, scale, north point, legal description of parcel(s), boundaries, and a tie by actual survey to a section or donation land claim corner.
4. Parcel boundary lines, with dimensions and bearings; bearings shall be to the nearest second and distances to the nearest 0.01 feet. The area of each parcel shall be shown.
5. An affidavit by the land surveyor having surveyed the land involved in the partitioning and certifying that all parcels have been surveyed and monumented as required for lots within a subdivision.
6. A certification of any public dedication.
7. A guarantee of proposed or required improvements.
8. A certification of approval for execution by the County Planning Director.

B. Approval Requirements. No final map for land partitioning shall be approved by the Planning Director unless all of the following requirements are met:

1. The final map is in strict conformance with the Tentative Plan approved by the Commission and conditions thereof have been met or guaranteed.
2. The final map is in strict conformance with the requirements set forth in Subsection A of this Section or as otherwise approved by the Commission or as otherwise set forth in the Article.
3. Access is guaranteed to each parcel.
4. Each parcel is approved for subsurface sewage disposal if applicable to the intended or offered use.
5. All required public utilities are available.
6. A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth by the Commission.

C. Parcels created in excess of 80 acres do not need to be shown on a partition plat.
(MC-C-1-00)

SECTION 5.080. APPEAL PROCEDURE. An appeal of a decision or requirement of the Planning Commission, Planning Commission Secretary, or the Planning Department relative to a land partitioning shall be made in accordance with the provisions of Article 12 of this Ordinance.

SECTION 5.090. SPECIAL PARTITIONING REGULATIONS.

A. The partitioning of a tract of land in which not more than one (1) parcel is created and said parcel is being transferred to a public or semi-public agency for the purpose of a road, railroad, or canal right-of-way may be approved by the Planning Department and no filing fee shall be required. No survey is required unless otherwise ordered by the Commission.

B. The partitioning of land by the adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced by more than 5% of the total area and not reduced below the minimum lot size established by the applicable zoning provided that the common boundary involved is relocated an equal distance in its entirety, and that there are no dwellings or other structures located within the area involved in the adjustment, may be approved by the Planning Department. No survey shall be required.

SECTION 5.100. PARTITIONING FOR FINANCIAL PURPOSES.

A. Upon application to the Planning Director, said person may grant a special permit authorizing creation of a security interest or leasehold in a parcel of land.

B. Permits issued under the authority of this section shall be subject to the following limitations and restrictions:

1. A parcel possessed by a person under the terms of a lease or a security interest, and the remaining parcels, must remain in the legal use that the parcels were at the time the interest become possessory; except the parcel(s) may be put into agricultural use; but in no case may an additional structure or security interest, be added to any parcel by the authority of the permit authorized in Subsection (1) of this Section. In order to establish uses other than agriculture or to erect structures, not a part of the security interest, including farm accessory structures, the owner of the parcel must secure a land partitioning approval as otherwise required by this Ordinance and this Article.

2. The permit authorized in Subsection A of this Section shall only be valid for the time of the lease or the life of the security interest; except when there is a default and foreclosure, the permit shall only be valid until a land partitioning permit is granted or the parcels are once again rejoined in a contiguous unit of land under the same ownership.

3. At the end of the life of the security interest, if there is no default or foreclosure, or in the case of leaseholds at the end of the lease, the parcels shall be rejoined into a contiguous unit of land under one ownership and, if possible, shall be reunited or combined into a single tax lot. The owner of the property shall be in violation of this ordinance if he has not, within 30 days of the permit becoming void, made written

application to the County Assessor for the combination of the parcels into a single tax lot.

C. No permit may be issued under this section until the applicant, the owners of the subject property, and the holder of the security or lease interest sign a statement indicating that all parties understand the limits being placed upon the permit.

D. The permit issued under this section shall be immediately void if the owner of the property attempts any transfer of the subject parcels, except as provided by the terms of the permit.

E. The partitioning permit authorized by this section shall only be granted if the applicant certifies and the Planning Director finds that:

1. The intended partitioning is temporary and not created for the purpose of evasion of the requirements of this ordinance, other ordinances or regulations or State Statute and administrative rules adopted pursuant thereto.
2. The partitioning will not result in the need for additional roads or other access, except for access to a use for which the subject use is collateral of the financial partitioning.
3. A partitioning map as required and approved by the Planning Director is provided. No survey shall be required.
4. The partitioning will not result in the need for additional public improvements on services.

SECTION 5.110. LAND PARTITIONING IN NON EFU-ZONES WITHIN AN URBAN GROWTH BOUNDARY.

A. An application for a land partitioning involving land that is located within an Urban Growth Boundary shall be submitted to the Planning Department. Such applications may be approved or denied by the Planning Commission pursuant to the provisions of this ordinance, this article, and more specifically this section. No land partitioning application submitted under this section may be approved by the Commission unless in compliance with the following criteria:

1. The partitioning is in compliance with the Comprehensive Plan and applicable policies thereof.
2. The partitioning and intended use of each parcel is in compliance with the applicable zoning.
3. Each parcel is suited for the use intended or offered and that for any use requiring sewage disposal that provisions for such are approved.

4. Access is guaranteed to each parcel.
5. All required public services and facilities are available and adequate, or are proposed to be provided by the applicant a guarantee to such is provided.
6. Proposal will not have adverse impacts on adjoining or area land uses, public services and facilities and natural resource carrying capacities.
7. The final map is prepared and submitted in compliance with Section 5.060 of this Article.

SECTION 5.120. LAND PARTITIONING FOR FARM USE.

A. An application for a land partitioning creating not more than two (2) parcels, none of which are less than 160-acres and are to be used exclusively for farm use shall be submitted to the Planning Department. Such application may be approved or denied pursuant to the provisions of this ordinance, this article, and more specifically this section, and provisions of ORS 215.263-215.265.

SECTION 5.140. PARTITIONING FOR COMMERCIAL OR INDUSTRIAL USE.

A. An application for a land partitioning whereby all proposed parcels are to be used exclusively for commercial or industrial use in accordance with an approved Tentative Plan and in compliance with the applicable zoning shall be submitted to the Planning Director. Such applications may be approved or denied by the Planning Commission pursuant to the provision of this ordinance, this article, and more specifically as in compliance with an existing Commission approved Commercial or Industrial Tentative Plan.

B. An application for a land partitioning submitted pursuant to this section shall not be approved by the Planning Director unless said person finds that:

1. The partitioning and intended parcel use is in compliance with the Comprehensive Plan and applicable Zoning.
2. Access is provided and guaranteed to each parcel.
3. All required public services and facilities are provided or available to each parcel.
4. If part of a Commission Approved Commercial or Industrial Tentative Plan, that compliance therewith is evident.
5. All required improvements are completed or guaranteed.

C. The partitioning of land exclusively for commercial or industrial use by the adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created, and where the existing parcel reduced in size by the adjustment is not reduced below a minimum of 20,000 square feet, and provided that the common boundary is relocated an equal distance in its entirety, may be approved or denied by the Planning Director.

SECTION 5.150. EXCEPTIONS.

A. Parcel Size Exceptions. Whereas land sections in the County are commonly affected by survey adjustment, requirements relative to parcel sizes shall be considered as standard metes and bounds land section divisions; i.e. 160, 80, 40, 20, etc.; parcel sizes may, therefore, be reasonably smaller than set forth by regulation if an acreage reduction is due to a survey adjustment.

B. Survey Requirement Exception. The survey requirements set forth for land partitionings may be exempted for any parcel which is legally definable by a standard metes and bounds description and larger than 80 acres in size, when authorized by ORS Chapter 92.

SECTION 5.160. SPECIAL PROVISIONS.

A. Access Requirements. No Tentative Plan application for land partitioning will be considered or put on meeting agendas prior to the applicant providing proof of guaranteed access as required to each parcel created. The proof must show that each parcel has an easement sufficient for continued ingress and egress to a public, county or state highway or has a deeded access way. In addition, the applicant must prove that the governmental authority in charge of the county or state highway has approved a residential access onto the highway.

B. Sewage Disposal Feasibility. No Tentative Plan application for land partitioning will be considered or put on meeting agendas prior to the applicant providing proof of sewage disposal feasibility for every parcel proposed to have an area less than 40 acres.

C. Improvements in Partitionings. The same improvements may be required for a partitioning as required of a subdivision, and if so required shall be installed to serve each building site of a partition by the applicant.

ARTICLE 6. PLANNED UNIT DEVELOPMENT

SECTION 6.010. AUTHORIZATION. When a Planned Unit Development has been authorized pursuant to applicable zoning regulations, such a development may be approved by the county in accordance with the provisions of this article and this ordinance.

SECTION 6.020. APPLICABILITY OF REGULATIONS. The requirements for a planned unit development set forth in this article are in addition to the requirements set forth for a standard subdivision in this ordinance.

SECTION 6.030. PURPOSE FOR PLANNED UNIT DEVELOPMENT

REGULATIONS. The planned unit development authorization serves to encourage developing as one project tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purpose for the standards are achieved and the general provisions of this ordinance and applicable zoning regulations are observed. The planned unit development approach is appropriate if it maintains compatibility with the surrounding area and creates and attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses, or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit development to take into account the following:

- A. Advances in technology and design.
- B. Recognition and resolution of problems created by increasing population density.
- C. A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placements and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- D. The potential site characterized by special or limiting features of geography, topography, size or shape, natural or historic resources.
- E. The height and bulk characteristics of buildings can vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
- F. Provision of housing and related land uses at maximum economic efficiency for the community, buyer and seller.
- G. Provision of a living environment with aesthetic qualities, common open space and recreation areas, and energy efficient access to needed services and facilities.

SECTION 6.040. REQUIRED FINDINGS FOR APPROVAL. The county shall approve a planned unit development only if it finds that the planned unit development will

satisfy the intent of this ordinance relating to standard subdivision development, the intent of applicable zoning regulations and the standards of this article, including the following:

A. The planned unit development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the reservation of natural features such as natural vegetation and special terrain features.

B. The planned unit development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

SECTION 6.050. PLANNED UNIT DEVELOPMENT SITE SIZE. No PUDs or subdivisions for nonfarm or nonforest purposes shall be allowed on land zoned EFU and FU unless an exception is taken to the applicable resource goal under the Statewide Planning Goals. Any such development that creates new urban development or rural land an exception to Statewide Planning Goals 11 and 14 shall be required. Consistent with OAR 660, Division 14.

SECTION 6.060. DIMENSIONAL AND BULK STANDARDS.

A. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development.

B. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this ordinance and applicable zoning on separate parcels, other design features shall provide light ventilation and other characteristics equivalent to that obtained from the spacing standards.

C. Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the applicable zone.

D. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed except that greater height may be approved if surrounding open space within the planned unit development, building setbacks and other design features are used to avoid any adverse impact due to the greater height on other uses within and outside the development and on any solar energy collection systems.

E. The building coverage for any planned unit development shall not exceed 40 percent of the land area being developed exclusive of public and private streets.

F. Common open space and other such amenities, exclusive of streets, shall constitute at least 30% of the total land area of the development.

SECTION 6.070. PROJECT DENSITY. The project density standards set forth hereinafter are in reference to the number of dwelling units or other potential population measures per acre after public or private street right-of-way has been excluded.

A. The planned unit development may result in a density in excess of the density otherwise permitted within the zone in which the planned unit development is to be constructed hereinafter as set forth.

1. For an approved scheme of open space, a maximum increase in density of five percent if the space is to be continuously maintained undeveloped and a maximum increase of ten percent if the space is to be continuously maintained and developed.
2. For distinctiveness and excellence in siting, design and landscaping that will provide unusual enhancement to the general area, a maximum increase in density of ten percent.

B. If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by the amount deemed necessary to avoid the creation of any of these conditions:

1. Inconvenient or unsafe access to the planned unit development or adjoining developments.
2. Traffic congestion in the streets which adjoin the planned unit development to the overall street system in the area of the development.
3. An excessive burden on sewage, water supply, parks, recreational areas, schools or other public facilities which serve or are proposed to serve the planned unit development.

SECTION 6.080. COMMON OPEN SPACE.

A. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

1. The location, shape, size and character of the common open space is suitable for the planned development.
2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided.

3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

4. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development.

5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate and approved assurance that the buildings, structures and improvements will be completed within a specified period of time. The county shall release the bond and other assurances when the buildings, structures and other improvements have been completed according to the development plan.

B. Land shown of the final development plan as common open space shall be conveyed under one of the following options:

1. To a public agency which agrees to accept such conveyance and to maintain the common open space and any buildings, structures or other improvements which have been placed on it. Unless such common open space and improvements thereof are of such scale to provide a public benefit outside the subject development and such open space and improvements are publicly dedicated to the appropriate public agency, said agency shall not accept the conveyance set forth by this provision without establishing by agreement with the developer an appropriate service and maintenance fee on an annual basis. Such requirement is deemed necessary to preclude general tax monies being expended for the benefit of a single development.

2. To an association of owners or tenants, created as a non profit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to and approved by the city providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and all improvements. Such provisions shall be set forth as a part of each sale, lease or rental contract or deed involving any lot, parcel, facility, component or interest in the subject development.

C. No common open space may be put to a use not specified in the final development plan unless the final plan is first amended to permit the use. However, no change of use may be authorized as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use are expressly reserved.

D. If the common open space is not conveyed to a public agency, the covenants governing the use, improvements and maintenance of the common open space shall authorize the county to enforce their provisions.

E. Bicycle and Pedestrian Circulation. Bicycle and pedestrian circulation plans shall be included in Planned Unit Development Applications. If appropriate, the Planning Commission may require the installation of bicycle and/or pedestrian facilities, as provided in Section 9.030 of the Morrow County Subdivision Code.

SECTION 6.090. ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following:

A. Golf Course.

B. Private park, lake or waterway.

C. Recreation area, building, clubhouse or social hall.

D. Other accessory structures which the Planning Commission finds are designed to serve primarily the residents of the planned unit development, and are compatible to the design and other uses of the planned unit development.

E. Any commercial use permitted as a component of a planned unit development shall be limited to those types of commercial uses specifically designed to serve the development zone and shall be subject to the following conditions:

1. Each such use shall be wholly enclosed within a building; no outside storage shall be permitted.
2. The total of such uses shall not exceed more than three percent of the total land area of the development, and no commercial use including buildings and parking shall exceed more than 70 percent of the land area designed therefor.
3. No such use or assemblage of such use shall generate more than 100 auto trips daily per acre, or one auto trip daily per dwelling unit in the development, whichever is greater.

SECTION 6.100. APPLICATION SUBMISSION. An applicant shall include with an application for a planned unit development either an Outline Plan or a Tentative Development Plan as described in Section 6.120. Except as otherwise set forth in this article the procedure for review and approval of a planned unit development is the same as set forth for a standard subdivision in this ordinance. An application for a planned unit development shall be accompanied by the appropriate filing fee.

SECTION 6.110. OUTLINE DEVELOPMENT PLAN. If an Outline Development Plan is prepared and submitted with the application for a planned unit development, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable under applicable zoning.

A. The maps which are part of the outline plan may be in general schematic form, but to scale, and shall contain the following information:

1. The existing topographic character of the land.
2. Existing and proposed land uses and the approximate location of buildings and other structures.
3. The character and approximate density of the proposed buildings.
4. The approximate location of the collector streets.
5. Public uses, including schools, parks, playgrounds and other public open spaces or facilities.
6. Common open spaces and a description of the proposed use of these spaces.
7. Landscaping plans.
8. Irrigation plans and design.

B. Written, signed statements which are part of the outline development plan shall contain the following information.

1. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
2. A statement of the present ownership of all the land included within the planned unit development.
3. A general indication of the expected schedule of development and improvements.

C. Planning Commission approval of the outline development plan shall constitute only a provisional approval of the planned unit development contingent upon the approval of the preliminary development plan.

SECTION 6.120. TENTATIVE DEVELOPMENT PLAN. A tentative development plan shall be prepared and submitted by the applicant for a planned unit development and shall include the following information:

- A. A map to scale showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- B. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses and facilities.
- C. A plot plan for each building site and common open space area, showing the location of buildings, structures and other improvements and indicating the open spaces around buildings and structures.
- D. Elevation and perspective drawings of proposed structures, including floor plans of proposed structures.
- E. A development schedule indicating:
 - 1. The approximate date when construction of the project can be expected to begin.
 - 2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - 3. The anticipated rate of development.
 - 4. The approximate dates when each stage in the development will be completed.
 - 5. The area, location and degree of development of common open space that will be provided at each stage.
- F. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
- G. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:
 - 1. An off-street parking and loading plan.
 - 2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians without the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

3. A landscaping and tree plan.
4. An economic feasibility report or market analysis.

SECTION 6.130. SEPARATE APPROVAL OF THE TENTATIVE DEVELOPMENT PLAN.

A. If an outline development plan has been submitted and the planned unit development has been provisionally approved based on the information in the outline development plan, the applicant shall file the tentative development plan with the Planning Commission within six months following the provisional approval of the outline development plan. The Planning Commission shall give notice and provide an opportunity to be heard to each of the following:

1. A person who is on record as having appeared at the hearing on the outline development plan.
2. A person who has indicated in writing a desire to be notified.
3. Other persons who may have an interest.

B. The Commission, having previously provisionally approved the proposed planned unit development, shall then either reapprove, disapprove, or reapprove with modifications the planned unit development based on the tentative development plan.

C. If an outline development plan has been submitted and approved, a tentative development plan may be submitted in stages. If a tentative development plan covering at least 30 percent of the area of the outline development plan has not been submitted within six months following the provisional approval of the planned unit development, then the provisional approval of the planned unit development by the Planning Commission shall terminate unless, for good cause, the Planning Commission extend for three months the period for filing of the tentative development plan.

D. If the Planning Commission finds evidence of a material deviation from the approved tentative development plan, the Planning Commission shall advise the applicant to submit application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application and shall be accompanied by the appropriate filing fee.

SECTION 6.150. CONTROL OF THE DEVELOPMENT AFTER COMPLETION.

The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

- A. The county, in issuing a certificate of completion of the planned unit development, shall note the issuance on the recorded final development plan.

B. After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building shall be governed by the approved final development plan.

C. After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:

1. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

2. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is compliance with the purpose and intent of the final development plan.

D. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the county and affected city Comprehensive Plan or related land use regulations.

E. No modification or amendment of a completed planned unit development is to be considered as a waiver of the covenants against any charge permitted by this section are expressly reserved.

SECTION 6.160. AUTHORIZATION TO APPROVE OR DISAPPROVE PLANNED UNIT DEVELOPMENTS. A planned unit development as set forth in this ordinance shall be approved, modified, disapproved or amended in accordance with the standards and procedures of this article, this ordinance and other applicable rules and regulations. In judging whether or not a planned unit development proposal shall be approved or disapproved the Planning Commission shall weigh its 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 development, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. The proposal will be consistent with the county and affected city Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the affected city and county.

B. The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

D. A proposal will preserve environmental assets of particular interest to the community.

E. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

SECTION 6.170. PLACING CONDITIONS ON A PLANNED UNIT

DEVELOPMENT. In approving a new planned unit development or the amendment of an existing planned unit development, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the community as a whole. These conditions may include but are not limited to the following:

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

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

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

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

E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or truck loading area.

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

G. Limiting the location and intensity of outdoor lighting and requiring shielding.

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

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

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

SECTION 6.180. PROCEDURE FOR TAKING ACTION ON A PLANNED UNIT

DEVELOPMENT. The procedure for taking action on a planned unit development proposal shall be as follows:

A. Any person proposing a planned unit development, or his authorized agent or representative, may initiate an application for a planned unit development as set forth in Section 3.010 and 6.100 of this ordinance.

B. Prior to submission to the Planning Commission a proposal for a planned unit development shall be submitted to the Subdivision Review Committee and the affected city in accordance with Article 2 of this ordinance.

C. The Planning Commission shall hold a public hearing on the proposed planned unit development and shall review the proposal in accordance with Section 3.060 of this ordinance relative to the review of an outline development plan and a tentative development plan and in accordance with Section 4.080, 4.090 and 4.100 of this ordinance relative to the review of the final development plan.

SECTION 6.190. RECORDING OF FINAL DEVELOPMENT PLAN. A developer of a planned unit development shall, without delay, proceed with the recording of the final development plan following approval by the county in accordance with the standards and requirements set forth by this ordinance and other applicable regulations for a standard subdivision.

SECTION 6.200. RESUBMISSION OF DENIED DEVELOPMENT PLAN. If the outline development plan or preliminary development plan for a proposed planned unit development is denied, resubmittal thereof shall not be accepted by the county for a period of six months after the date of the final action denying said plan. Resubmission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

ARTICLE 7 CREATION OF STREETS AND WAYS NOT PART OF A SUBDIVISION

SECTION 7.010. APPLICATION. Any person desiring to create a street or way not part of a subdivision or major partition shall make written application to the Planning Department. Said application shall be made on prescribed form and shall be accompanied by the required information and appropriate filing fee.

SECTION 7.020. CREATION OF STREETS OUTSIDE A SUBDIVISION. The creation of a street shall be in conformance with requirements for subdivision except, however, the Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

- A. The establishment of the street is initiated by the City Council or County Court and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
- B. The tract in which the street is to be dedicated is an isolated ownership of one acre or less.
- C. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impossible to develop more than two lots.

SECTION 7.030. PROCEDURE.

- A. Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the Planning Commission, County Roadmaster, and affected City Public Works Department for review and recommendation. Two copies of the proposed improvements shall be forwarded to the Planning Commission at least ten days prior to a regularly scheduled meeting.
- B. Where access is to a City Street, County Road or State Highway, the necessary permits shall be obtained prior to approval by the County Commission.
- C. The Planning Commission, Roadmaster and affected City Public Works Department shall report their findings to the Planning Director and give their recommendations regarding the proposed dedication and improvements. The Planning Commission shall also recommend a classification for the proposed street.
- D. Upon receipt of written findings and recommendations from the Planning Commission, Roadmaster and affected City Public Works Department, the proposal shall be submitted to the County Court for preliminary review and approval. Such submission shall be made at least ten days prior to a regularly scheduled meeting.

E. Upon preliminary approval by the County Court, the engineering and improvements design or the roadway conforming to the requirements of this ordinance and other applicable regulations shall be submitted to the County Roadmaster and affected City Street Departments for review and approval. Said engineer and improvements design shall be prepared and signed by a licensed engineer or surveyor.

F. Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating said street to the public and an improvement guarantee. Said documents shall be submitted to the District Attorney for review and approval.

G. Following receipt of the approval set forth in subsections E and F of this section, the deed and improvements guarantee shall be submitted to the County Court for final approval.

SECTION 7.040. CREATION OF WAYS. Any easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer or ownership or building development, whether immediate or future, shall be in the form of a street, except that a private easement of way to be established by deed without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access. A copy of the proposed document to create the easement shall be submitted to the Planning Director at least ten days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

ARTICLE 8. DESIGN STANDARDS

SECTION 8.010. COMPLIANCE REQUIRED. Any land division, whether by Subdivision, creation of a street or other right-of-way, partitioning or planned unit development, shall be in compliance with the design standards set forth by this ordinance.

SECTION 8.020. STREETS.

A. General. The location, width and grade shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the street. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain.

B. Minimum Right-of-Way and Roadway Width. Unless otherwise approved in the tentative plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet set forth in the following table and shall be in conformance with standards and specifications set forth in current "Design & Construction Standards for Streets & Roads in Morrow County, ORE" and other applicable affected City standards and specifications.

Where conditions, particularly topography or the size and shape of land parcels, make it impractical to provide buildable lots, narrower right-of-way may be accepted ordinarily not less than 40 feet. If necessary, slope easements may be required.

1. The Roadway Standards set forth in the following table shall be observed unless a variance has been obtained.

Recommended Roadway Standards				
Road Classification	Right of Way (feet)	Lane Width (feet)	Paved Shoulder Width (feet)	Pavement Width (feet)
Rural Access I	60	9	1	20
Rural Access II	60	9	1	20
Rural Access III (within UGA)	60	9	2 foot bike lanes with sidewalks	22
Rural Collector I	60	12	3-4	30-32
Rural Collector II	60	12	2	28
Rural Collector III	60	12	1	26
Rural Arterial I	60	12	4-8	32-40
Rural Arterial II	60	12	3-6	32-40

Source: Morrow County Transportation System Plan

C. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required.

D. Alignment. All streets other than minor streets, as far as is practical, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. The streets and roads shall be laid out so as to conform to the plat of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction, and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern. Streets and roads shall be laid out in such a way so as to connect to existing roads at the time of development or through extension at a future date by creating dead-end streets without turn-arounds.

E. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision on adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Streets and accessways are always required unless one or more of the following conditions exists:

1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided;
2. Buildings or other existing development on adjacent lands physically precludes a connection now or in the future considering the potential for redevelopment; or
3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

F. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. The intersection of more than two streets at any one point will not be approved. Right-of-way lines at street intersections shall have a minimum corner radius of 15 feet.

G. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided at the time of land division by the developer. During consideration of the tentative plan for a subdivision, the Planning Commission shall determine whether improvements to existing streets,

adjacent to or within the tract, are required and may require such improvements as a condition of approval of the tentative plan.

H. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

I. Cul-de-Sac. A cul-de-sac may be used as part of a development plan, consistent with other provisions of this section. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 9 dwelling units unless approved otherwise by the Commission. A cul-de-sac shall terminate with a circular turn-around.

J. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in the city or county. Street names and numbers shall conform to the established pattern in the affected city urban area, and shall be subject to the approval of the Planning Commission.

K. Grades and Curves. Grades shall not exceed eight (8) percent on arterials, ten percent on collector streets or 12 percent on other streets except as otherwise provided for. Center line radii of curves shall not be less than 500 feet on arterials, 250 feet on collectors, or 100 feet on other streets and shall be on an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves as specifically provided for in current County Design Standards. In flat area, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 percent.

L. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of land between the streets and railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

M. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reserve frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

N. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

O. Curbs. Curbs shall be required on all urban area streets unless otherwise approved by the County and affected City, and shall be installed by the developer in accordance with the standards set forth in current County Design and Construction Standards or other standards set forth by the affected City and County.

P. Proposed Corridors. For land adjacent to or containing a proposed corridor (see corridor map in the TSP), the Planning Commission may require the dedication of a suitable right-of-way that shall be provided at the time of land division.

Q. Access Management. Projects shall meet access management standards that are consistent with ODOT Access Management Standards.

ODOT Access Management Standards									
Category	Access Treatment	Level of Importance	Urban / Rural	Intersection				Signal Spacing	Median Control
				Public Road		Private Dr.			
				Type	Spacing	Type	Spacing		
1	Full Control (Freeway)	Interstate/Statewide	U	Interchange	2-3 Mi.	None	NA	None	Full
			R	Interchange	3-8 Mi.	None	NA	None	Full
2	Full Control (Expressway)	Statewide	U	At grade/Intch	1/2-1 Mi.	None	NA	1/2-1 Mi.	Full
			R	At grade/Intch	1-5 Mi.	None	NA	None	Full
3	Limited Control (Expressway)	Statewide	U	At grade/Intch	1/2-1 Mi.	Rt. Turns	800'	1/2-1 Mi.	Partial
			R	At grade/Intch	1-3 Mi.	Rt. Turns	1200'	None	Partial
4	Limited Control	Statewide/Regional	U	At grade/Intch	1/4 Mi.	Lt./Rt. Turns	500'	1/2 Mi.	Partial/None
			R	At grade/Intch	1 Mi.	Lt./Rt. Turns	1200'	None	Partial/None
5	Partial Control	Regional/District	U	At grade	1/4 Mi.	Lt./Rt. Turns	300'	1/4 Mi.	None
			R	At grade	1/2 Mi.	Lt./Rt. Turns	500'	1/2 Mi.	None
6	Partial Control	District	U	At grade	500'	Lt./Rt. Turns	150'	1/4 Mi.	None

1. Access permit requirements for land use development are outlined in Table 6-3 of the Morrow County TSP and Section 4.035 of the Morrow County Zoning Code.

2. The granting of a variance for access management standards shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.

3. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

a. Indirect or restrict access cannot be obtained;

b. No engineering or construction solutions can be applied to mitigate the condition; and,

c. No alternative access is available from a street with a lower functional classification than the primary roadway.

4. No variance shall be granted where such hardship is self-created.

R. Corner Clearance. Corner clearance at intersections shall meet or exceed the minimum connection spacing requirements for that roadway. New connections shall not be permitted within the functional area of an intersection or exchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available. Where no other alternatives exist, the Morrow County Planning Department may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections such as right-in/right-out, right-in only, or right-out only may be required.

S. Driveways. Driveway spacing standards shall be consistent with ODOT Access Management Standards. Driveways shall meet the following standards:

1. If the driveway is a one-way in or out drive, then the driveway shall be a minimum width of 10 feet and shall have the appropriate signage designating the driveway as a one way connection.
2. For two-way access, the driveway shall have a minimum width of 20 feet.
3. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lands and tapers shall be avoided due to the potential for vehicular weaving conflicts.
4. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

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

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

U. Joint and Cross Access. Adjacent commercial or office properties classified as major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites. These shall be established as a system wherever feasible including:

1. A continuous service drive consistent with access management standards.
2. Stub-outs or other design features to allow tie-ins to adjacent properties. Pursuant to this section, property owners shall record an easement allowing joint or cross access between parcels, record an easement on the deed to dedicate access rights to the main roadway, and to close non-conforming existing driveways, and to record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

V. Requirements for Phased Development Plans. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as a single property in relation to the access standards of this ordinance. This shall also apply to phased development plans.

W. Nonconforming Access Features. Legal access in place as of the date of adoption that do not meet spacing and design standards shall be brought into compliance with applicable standards when new access permits are requested or when a change in land use or improvements occurs.

X. Reverse Frontage. Lots that front on more than one street shall be required to locate motor vehicle access on the street with the lower functional classification.

Y. Shared Access. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. If access to a lower classification street becomes available, then conversion to that access is encouraged, along with closing the stat highway access.

Z. Connectivity. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this Section and in the local street plans of the TSP. Whenever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to locally extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.

Appropriate traffic controls, such as traffic calming measures, are preferred means of discouraging through traffic.

SECTION 8.030. BLOCKS.

A. General. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Minimum Block Lengths. Minimum block lengths of 600 feet shall be established within urban growth boundaries. A goal for areas outside of urban growth boundaries is a minimum of 1,200 feet. A block shall have sufficient width to provide for two tiers of building site unless topography or the location of adjoining streets justifies an exception.

C. Easements.

1. Utility Lines. Easements for sewers, water mains, electric lines or other public utilities shall be at least 12 feet wide and centered on lot or parcel rear lot lines, except for utility pole tieback easements which may be reduced to six feet in width.

2. Water Courses. If a tract is traversed by a water course, such (as) a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as will be adequate for the purpose. Streets or parkways parallel to the major watercourses may be required.

3. Pedestrian and Bicycle Ways. When desirable for public convenience, a pedestrian or bicycle way at least 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

SECTION 8.040. BUILDING SITES.

A. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of soil structure and water table as related to sewage disposal by septic tank.

2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes

shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet.

C. Through Lots and Parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as it is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radical to the curve.

E. Division by ROW, Drainage Ways. No lot shall be divided by the boundary line of the County, City, or other taxing or service district, or by the right-of-way of a street utility line or drainage way, or by an easement for utilities or other services.

SECTION 8.050. GRADING OF BUILDING SITES. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the priority of other standards.

A. Cut slopes shall not exceed one foot vertically to one-half feet horizontally.

B. Fill slopes shall not exceed one foot vertically to two feet horizontally.

C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

SECTION 8.060. BUILDING LINES. If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat and included in the deed restrictions.

SECTION 8.070. LARGE BUILDING SITES. In dividing tracts into large lots or parcels, which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, so that they may so be divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

SECTION 8.080. LAND FOR PUBLIC PURPOSES.

A. If the county or affected city has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the county has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision to be reserved for public acquisition, for a period not to exceed one year.

B. Within or adjacent to a subdivision, a parcel of land of not more than five (5) percent of the gross area of the subdivision may be required to be set aside as and dedicated to the public by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider may be required, in lieu of setting aside land, to pay into a public fund an amount equal to the value of the area required for dedication above in the subdivision. If the nature of the subdivision is being dedicated to the public for streets and other public uses, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.

ARTICLE 9. IMPROVEMENTS

SECTION 9.010. IMPROVEMENT PROCEDURES. In addition to other requirements, improvements to be installed by a subdivider, either as a requirement of this ordinance or other applicable regulations or at his own option, shall conform to the requirements of this article.

A. Plan Review and Approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the county or a designated representative thereof. Such review and approval shall be at the expense of the developer. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan of a subdivision or the tentative development plan of a planned unit development.

B. Notification. Improvement work shall not commence until after the county has been notified and approval thereof has been granted, and if work is discontinued for any reason it shall not be resumed until after the county is notified and approval thereof granted. The cost of such inspections and approvals shall be borne by the developer.

C. Improvements as Platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of inspection.

D. Inspection. Improvements shall be constructed under the inspection and approval of an inspector designated by the county. Expenses incurred thereof shall be borne by the developer. The county, through said inspector, may require changes in typical sections and details of improvements if unusual conditions arise during construction to warrant such changes in the public interest.

E. Utilities. Underground utilities including but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm water drains, to be installed in streets shall be constructed by the subdivider prior to the surfacing of the streets.

F. As Built Plans. A map showing public improvements as built shall be filed with the affected city and county upon completion of the improvements and a copy thereof shall be recorded with the final plat. Such map shall also be provided in reproducible form (Mylar or comparable).

SECTION 9.020. SPECIFICATIONS FOR IMPROVEMENTS. See Appendix "A" for specifications.

SECTION 9.030. IMPROVEMENTS IN SUBDIVISIONS. The following improvements shall be installed at the expense of the subdivider:

A. Streets. Streets, including alleys and curbs may be required, within the subdivision, adjacent thereto, and those outside the subdivision may require to be improved as a condition of subdivision approval, and shall be improved to affected city or county specifications set forth by this ordinance and other applicable affected city and county regulations. Catch basins shall be installed and connected to drainage facilities in accordance with specifications in this and other applicable regulations. Upon completion of street improvements, monuments shall be re-established in accordance with this ordinance and ORS at every street intersection and all points of curvature and points of tangency at their centerlines.

B. Surface and Storm Sewer System. Drainage facilities shall be provided as deemed necessary within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by specifications of this ordinance and other applicable standards, shall take into account the capacity and grade necessary to maintain unrestricted flow from drainage through the subdivision and allow extension of the system to serve such areas.

C. Sanitary Sewers. Sanitary sewers as required shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is not possible to connect the subdivision to an affected city sewer system, the affected city and county may jointly authorize the use of an interim system, if lot areas are of adequate, considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

D. Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system as may be required shall be installed by specifications required by the county and/or affected city and serving water system surveyor. The design shall take into account water provisions for extension beyond the subdivision.

E. Pedestrian Facilities.. Site plans shall include a pedestrian circulation plan for providing safe and convenient pedestrian access. Pedestrian facilities as may be required shall be installed on at least one side of a public street and in any special pedestrian facility or walkway within the subdivision; in the case of primary or secondary arterials, special type industrial districts, or in rural areas, the Planning Commission may approve a subdivision without appropriate pedestrian facilities, if alternative pedestrian routes are available or if applicant can demonstrate that there is no need for such facilities, and provided further that in the case of streets serving lots equivalent to two and one-half or less dwellings per gross acre, the requirement of walkways shall not apply, provided there is no evidence of special pedestrian activity along the streets involved. Walkways shall be constructed to specifications set forth by the affected city or county specifications.

F. Bicycle Facilities. Site plans shall include a bicycle circulation plan. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of bikeways or other bicycle facilities.

G. Streets Name Signs. Street name signs shall be installed at all street intersections. One street sign shall be provided at the intersection of each street. Two street signs shall be provided at four-way intersections.

H. Street Lights. Street lights may be required and if so required shall be installed and shall be served from an underground source of supply.

I. Curbs. Curbs may be required on urban area streets, and if so required shall be installed by the developer in accordance with standards set forth by the affected city or county.

J. Other. The developer shall make necessary arrangement with the utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable televisions may be required to be placed underground.

SECTION 9.040. IMPROVEMENTS IN PARTITIONS. The same improvements may be required for a partitioning and if so shall be installed to serve each building site of a partition as required of a subdivision.

SECTION 9.050. APPROVAL OF IMPROVEMENTS. All improvements shall be approved by the affected city and county inspectors prior to acceptance by the county. All costs of inspection shall be paid for by the developer.

SECTION 9.060. ACCEPTANCE OF IMPROVEMENTS. Improvements shall receive preliminary acceptance after inspection at the time the improvements are constructed. Final acceptance shall be considered by the county within one year after construction is completed.

SECTION 9.070. BUILDING PERMITS. No building permit shall be issued upon lots to receive and be served by sanitary sewer and water service as improvements required pursuant to this ordinance unless such improvements are in place and serviceable or bonded for and approved by the county. All improvements required and pursuant to this ordinance and other applicable regulations shall be completed, in service and approved by the county prior to the sale and occupancy of any building unit erected upon a lot within the subdivision, partition or planned unit development. Prior to sale and occupancy, and as a condition of acceptance of improvements, the county may require a one-year Maintenance Surety Bond in an amount not to exceed ten percent of the value of all improvements to guaranteed maintenance of said improvements for a period of not less than one year from the date of acceptance.

ARTICLE 10. IMPROVEMENT GUARANTEE

SECTION 10.010. AGREEMENT FOR IMPROVEMENTS. Prior to final approval of a subdivision plat or partition map by the county, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in development of the property or execute and file with the county an agreement between himself and the county, specifying the period which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the county may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for payment to the affected city and county for the cost of inspection by the affected city and county.

SECTION 10.020. BOND.

A. Type of Security. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following, pursuant to approval and acceptance by the County Court.

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the District Attorney.
2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
3. Such other security as may be deemed necessary by the County Court to adequately insure completion of improvements pursuant to the agreement.
4. Such other security as may be deemed necessary by the County Court to adequately insure completion of improvements pursuant to the agreement.

B. Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the county sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of affected city and county inspection.

C. Default Status. If a land divider fails to carry out provision of the agreement and the county has unreimbursed costs or expenses resulting from such failure, the county shall call on the bond or cash deposit for reimbursement. If the cost and expense incurred by the county exceed the amount of the bond or cash deposit, the land divider shall be liable to the county for the difference plus any attorney fees and costs incurred.

ARTICLE 11. VARIANCE AND EXCEPTIONS.

SECTION 11.010. APPLICATION. The Planning Commission may authorize variances or exceptions to requirements of this ordinance. Application for a variance or an exception shall be made by a petition of the developer stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance or exception may be granted only in the event that all the following circumstances exist:

- A. **Exceptional Circumstances.** Exceptional or extraordinary facts apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owner of the property, since enactment of this ordinance, has no control.
- B. **Preservation of Property.** The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.
- C. **Not Detrimental.** The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan, any other area plan, or policy thereof.
- D. **Minimum.** The variance requested is the minimum which would alleviate hardship.
- E. **For a variance to access standards:** The granting of a variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.
- F. **Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical.**
- G. **No variance shall be granted where such hardship is self-created.**

SECTION 11.020. PLANNING COMMISSION ACTION ON VARIANCE OR EXCEPTION. In granting or denying a variance or exception, the Planning Commission shall make a written record of its findings and the facts in connection with, and shall describe the variance or exception granted and the conditions designated. The county shall keep the findings on file as a matter of public record, and a copy of the variance or exception granted and the conditions thereof shall be recorded together with the final plat by the developer.

ARTICLE 12. ADMINISTRATION, APPEALS.

SECTION 12.010. Approval or denial of an application for land development shall be based upon and accomplished by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

SECTION 12.020. A person may appeal to the County Court a decision or requirement made pursuant to this ordinance by the Planning Commission. A person may appeal to the Planning Commission from a written decision made by the Planning Commission from a written decision made by the Planning Director or other County Official. Written notice of the appeal must be filed with the County within fifteen (15) days after the decision is made for a minor partition and within 30 days for a subdivision or major partition. The notice of appeal shall state the nature of the decision or requirement and the specific grounds for the appeal setting forth the error and the basis of error sought to be reviewed.

- A. The County Court or Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The County Court or Planning Commission may continue the hearing for good cause.
- B. The County Court may review a lower decision upon its own motion after giving 10 days notice to the parties involved in the decision and if such review is within 15 days of receipt of notice of said initiated lower decision.
- C. In the case of an appeal to a Planning Commission action, the petition for appeal shall be accompanied by the required fee plus a deposit to cover the estimated costs of the transcript as specified by the Planning Director, which deposit shall be paid within five (5) days of such estimate by the Planning Director. Within ten (10) days of such notice of completion of a required transcript, the party seeking review shall transmit the balance due of any required transcript fee to the Planning Director and failure to do so may cause dismissal of the appeal. Any deposit in excess shall be returned to the party.
- D. In the case of an appeal to a Planning Commission action, unless otherwise provided by the County Court in Subsection 12.020.E, the review of the initial action shall be confined to the record of the proceeding below which shall include:
 - 1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Commission as evidence.
 - 2. All materials submitted by the Planning Director with respect to the application.
 - 3. The transcript of the hearing below.
 - 4. The findings and action of the Commission and the petition of appeal.