



PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

AGENDA

Morrow County Planning Commission
Tuesday, October 24, 2023, 6:00 pm
Morrow County Government Center
Irrigon, OR

[For Electronic Participation See Meeting Information on Page 2](#)

Members of Commission

Stanley Anderson
Charlene Cooley
Stacie Ekstrom

John Kilkenny
Mary Killion
Elizabeth Peterson

Wayne Seitz
Karl Smith
Brian Thompson

Members of Staff

Tamra Mabbott, Planning Director
Stephen Wrecsics, Associate Planner, GIS
Katie Keely, Compliance Planner

Landon Jones, Planning Tech
Michaela Ramirez, Administrative Assistant

1. Call to Order

2. Roll Call

Pledge of Allegiance: I pledge allegiance to the flag of the United States of America and to the republic for which it stands: one nation under God, indivisible with liberty and justice for all.

3. Minutes: August 29, 2023 pgs. 4-10

4. PUBLIC HEARINGS to begin at 6:00 pm (COMMISSION ACTION REQUIRED): There will be no public hearings at this meeting.

5. WORK SESSION: Code Update Work Session Memo pg. 12 Multiple code amendments to implement 2021-2023 Oregon legislation and various other updates. pgs. 14-80

6. OTHER BUSINESS:

7. Correspondence –

Monthly Planning Update pgs. 82-88
Department of Energy pgs. 90-96

8. Public Comment

9. Adjourn

Next Meeting: Tuesday, December 5, 2023, at 6:00 p.m.
DLCD Planning Commission Training

Location: Bartholomew Government Building, Heppner, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: October 24, 2023, 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRrVrS1Q0SmRxUT09>

Meeting ID: 655 469 7321

Passcode: 513093

Find your local number: <https://us02web.zoom.us/u/kdmj6471tm>

Should you have any issues connecting to the Zoom meeting, please call 541-922-4624. Staff will be available at this number after hours to assist.

This is a public meeting of the Morrow County Planning Commission and may be attended by a quorum of the Morrow County Board of Commissioners. Interested members of the public are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours before the meeting to Tamra Mabbott at (541) 922-4624, or by email at tmabbott@co.morrow.or.us.

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**Draft Minutes of the Public Meeting of the
 Morrow County Planning Commission
 Tuesday, August 29, 2023, 6:00 p.m.
 Morrow County Government Center, Irrigon, Oregon
 (All meetings will be offered through video conferencing via Zoom)**

Morrow County Planning Commissioners Present: Chair Stacie Ekstrom, Mary Killion, Stanley Anderson, Karl Smith, Charlene Cooley

Attendance via Zoom: John Kilkenny, Wayne Seitz

Morrow County Staff Present: Tamra Mabbott, Planning Director, Michaela Ramirez, Administrative Assistant, Stephen Wrechsics, Katie Keely, Compliance Planner, Landon Jones, Caren Cardenas

Called to Order: Meeting was called to order by Chair Ekstrom at 6:01 PM.

Roll Call

The Pledge of Allegiance was recited.

Approval of Minutes: Chair Ekstrom asked if there was a motion to approve the minutes from the August meeting.

Commissioner Smith motioned to approve July 25th Minutes.

Commissioner Cooley seconded the motion.

Chair Ekstrom asked for a vote of approval of July's Minutes. All approved and the motion carried.

Public Hearings: Chair Ekstrom read the Planning Commission Statement and Hearing Procedures and asked if there were any conflicts of interest on part of the Commissioners, there were none.

Presented By: Compliance Planner Keely

Conditional Use Permit Compliance Review CUP-N-337-19: Joshua and Shannon Karl, applicants, and owners. The property is described as Tax Lot 202 of Assessor's Map 4N 25E 21 and is located on Kunze Lane adjacent to the intersection of Kunze Lane and S. Main Street, Boardman. The property is zoned Suburban Residential (SR)

and is within the Boardman UGB. This is a review of a previously approved conditional use permit for a home occupation supporting the applicant's towing and short-term storage of vehicles. Criteria for approval are found in the MCZO Article 3 Section 3.050 SR and Article 6 Conditional Uses. Compliance Planner Keely gave an update and presented the Planning Commission with three options for the Conditions of approval: One-find that the applicant is not in compliance with the original permit and the conditions of approval and revoke the permit, Two-find that the applicant can meet the conditions of approval and renew for one year or continue the hearing and allow time to get permits so that the applicant could get into compliance with the conditions of approval. Her recommendation to the Planning Commission was option two. The applicant could meet the conditions of approval and she would continue to do checkups on the property and review in a year. Compliance Planner Keely shared photos of the improvements on the property.

Chair Ekstrom invited the applicant and proponents to present testimony and evidence.

Josh Karl, 70270 Kunze Ln, Boardman, OR 97818. Mr. Karl wanted to make everyone aware that his son was currently employed through him.

Compliance Planner Keely replied that it was ok because that was worded in the conditions.

Mr. Karl continued and said his son would be working in the yard in Hermiston once that was approved. He stated he had filled out the applications and was told he needed to survey the property. He contacted a surveyor and he was told that he would make a preliminary drawing to get the ball rolling. He hoped to be on the property before the end of the year.

Chair Ekstrom asked the Commission if they had any questions.

Commissioner Killion asked how a record was being kept of how long the vehicles were being stored.

Compliance Planner Keely responded that the applicant allowed her to come onto the property to take notes of any and all changes.

Mr. Karl said there was only one vehicle that was past its date.

Chair Ekstrom asked if there were any opponents, there were none, nor were there any interested parties or comments.

Director Mabbott pointed out that Mr. Karl had been very cooperative. The Planning Department helped him with his application for Umatilla County. She also mentioned the Zoning Permit he had applied for was not approved because he was under review for code violations.

Compliance Planner Keely responded that they would be able to approve the permit because he had complied with the conditions.

Chair Ekstrom asked if there was anyone who wanted to continue or hold the record open. There were none and the record was closed. She then asked for a motion.

Commissioner Seitz moved to motion and go with option two- if they could find the applicant could meet the conditions of approval and renew for one year.

Commissioner Killion seconded.

Chair Ekstrom asked for a vote. Everyone approved, motion was carried.

Director Mabbott asked the Planning Commission if they wanted to see how things were going in a year or did they want to defer that to the Compliance Planner.

Chair Ekstrom said things were good so far and the Planning Department could continue to review after a year.

Director Mabbott suggested we move to item C because we were ahead of schedule.

Chair Ekstrom agreed.

Director Mabbott spoke about the spreadsheet on pages 76 and 77. It was a summary that may or may not pertain to Morrow County.

Commissioner Kilkenny asked Director Mabbott to clarify the different high-value versus cultivated certain soil types. What are those things--- when solar farms are beginning to be located around the North Plex area and would that be cultivated certain soil types or would that be high-value?

Director Mabbott responded she thought most of those would be in the mid category because they grow a crop and in an American Viticulture area. She noted that should would share the matrix to show what that means.

Commissioner Kilkenny responded he was curious how our county would fit into that. He figured the soil would be high valued and wasn't sure what the state meant by that.

Director Mabbott explained some information about the soils and continued with the spreadsheet on page 78.

Chair Ekstrom shared information on the mapping of how insurance works.

Director Mabbott continued with page 78 of the spreadsheet.

Commissioner Killion responded that her theory was that Morrow County does not have an elderly facility available. She thought they could come up with zoning that was practical and reasonable once the water situation was figured out and how they were going to address it. She felt there was a big need for accessory dwellings.

Chair Ekstrom advised we should go to the Rural Transit Equity presentation in case the internet is lost again.

Director Mabbott introduced the Rural Transit Team- Grace Donovan, the Director of Rural and Vitality Center, Madeline Phillips Program Manager of the Transportation Program, Daniel Costie Master of Public Policy Program,

Madeline Phillips Program Manager of the Transportation Program. She explained what her work entails. She serves Rural Communities. She presented an overview of the work they had done here in Morrow County.

Grace Donovan, worked with the final and present Rural Transportation Equity in Morrow County, results and recommendations. She Introduced the Agenda (presentation), Project Purpose, Future and Current Service Offerings, Data Collection Processes.

Dr. Costie read from slide-after talking with people-what did we learn?

Grace Donovan read from slide-Recommendations 1-5

Dr. Costie shared data on a map-Hopper Route.

Grace Donovan read Recommendations slide number 6.

Madeline Phillips pointed out to the Commissioners that they made great efforts to reach communities who normally don't participate or had a hard time reaching. She also pointed out that these efforts would help funding for the project, especially from the state, STIF, State Transit Improvement Fund. Morrow County has a great opportunity to capitalize on these funds because of their growth in population. This work sets the County up very well so that they can access funds for Park and Ride, transit stops, and bus shelters. The County has very strong engagement from employers offering vanpools. She wanted to highlight the great opportunity the relationship between housing and transportation.

Grace Donovan pointed out that the presentation would be offered in September and Dr. Costie would post it on the dashboard.

Director Mabbott shared that this was a good team to work with. She spoke about the Loop and said they would be sharing this information with Kayak, which is provided by the Confederated Tribe. Almost three hundred responded she thought that was really big, she didn't expect that many. The companies they reached out to were very helpful and cooperative.

Commissioner Killion commented that it was a Morrow County survey and yet the people from out of the County were being counted. Her question was, how does that work for Morrow County?

Director Mabbott pointed out they surveyed people who lived and worked here and when they saw the initial set of returns on the survey they saw it was very employer heavy and they leaned on Euvalcree. Euvalcree aimed the survey towards people who needed transportation other than work. They reached out to people in the Health Clinics and the Boardman and Irrigon Food Pantries.

Commissioner Killion suggested talking to businesses supplying a driver for van transportation services.

Grace Donovan explained that many of their employees were very young and they were looking into it.

Commissioner Killion wondered if there was a way they could coop with them somehow because there was a need.

Madeline responded that employers were working on training drivers for vanpools. They highlighted this in their report. She said businesses had a great opportunity to be reimbursed or get help with funding.

Dr. Costie spoke about helping with the Spanish marketing campaign. He also pointed out that if you looked at the dashboard it would give a better understanding of the needs of who used public transit. He offered to change the dashboard if there were any suggestions.

Director Mabbott pointed out that the dashboard would not be on the County website but there would be a link on the report.

Madeline said it would be a downloadable file on the county website and not embedded on any website and it would also be anonymous.

Director Mabbott said that this also projected Boardman's housing. Where would they put people who were in need of housing? She mentioned when she first came to the County they suggested they were going to put up housing out by the truckstop but there weren't any services out there. Transportation would be out of reach. She also spoke about how people asked about the Heritage Trail.

Grace commented that there was a lot of awareness of the Heritage Trail and wondered about its accessibility.

Director Mabbott asked the Planning Commission if they had any questions. No one did. She went on and spoke about the Heritage Trail and found, through the survey, people were using it and she also just found out they just received a grant to help fund it.

Grace Donovan said they found out the people were very interested in the Trail. Pointed out that there were students who were very involved with the project and it was a great opportunity for them to work on something like this.

Madeline thanked everyone who helped and worked on the project.

Commissioner Cooley shared her personal experience with public transportation.

Director Mabbott continued with her presentation on page 78 of the Land Use Legislation. This topic was about RV's. She said that this could be a touchy topic because currently there were code cases that Compliance Planner Keely was working on. She thought there were about 20 cases, and most of them had to do with not being hooked up to sewer.

Commissioner Smith commented that RVs were an issue because many locals had family members who couldn't afford housing.

Chair Ekstrom thought it was a public health issue because of the sewer.

Commissioner Smith asked how far out of town would one have to go so that it wasn't an issue.

Chair Ekstrom responded that no matter where you were it's always an issue.

Director Mabbott responded that there weren't any cities in the county that extend sewer or water outside the city limits.

Commissioner Killion spoke about allowing accessory dwellings so that family members could live on the same property.

Commissioner Smith responded that it works for people in Salem but not in Morrow County it makes a hardship for a lot of people.

Commissioner Killion commented that the whole transit thing reflects the housing situation which isn't being resolved because 500,000-dollar homes are being built.

Compliance Planner Keely shared that it's okay when she sees RVs that are temporarily parked, it's when she sees thirteen RVs parked in a single dwelling property and one of them has six to seven people living in it. She also said that if an RV is needed for a short time people can apply for a hardship.

Director Mabbott asked if the Commissioners would like to see the language where they would permit to have at least one RV.

Commissioner Smith responded yes.

Director Mabbott commented that they would work on some language for the RV topic. She continued to read on pages 79, 80, and 81, then moved on to the spreadsheet on page 83-85.

Compliance Planner Keely commented that one RV is the max that people should have.

Commissioner Anderson commented that maybe more dump stations should be made.

Director Mabbott responded that in the wintertime, people were not going to want to move everything they had built around the RV to go dump.

Commissioner Kilkenny agreed that only one RV should be allowed.

Director Mabbott pointed out pages 79-80 and what they pertained to. She continued with the 2019 bills. She then continued with trucking businesses that aren't allowed in the Rural Residential Zones.

Commissioner Smith commented that there were no Trucking businesses allowed but farm animals were.

Director Mabbott explained that farming is a use allowed and having a truck is allowed and hard to enforce.

Commissioner Smith pointed out that the trucks were needed because they were ag-related and the farms here need them. They didn't need them in Salem because everybody there had lots of acres. He said the people here who have trucks are filling a void that is needed and can't afford to pay Port prices for property. Amazon and Tillamook are big companies that can afford those prices.

Director Mabbott replied that we had an open house for people who had businesses in Rural Residential Zones. The Planning Department did try and help them with ideas of where to look for property for their businesses. She went on to explain Exclusive Farm Use and how they could build a shop so that they could work on their equipment.

Compliance Planner Keely explained that the businesses were very prominent and had way too many pieces of equipment and they caused damage to the roads and waste. She said neighbors were complaining about having to live with all the noise and damage.

Commissioner Killion pointed out that we had to meet in the middle because the trucking businesses are critical to our area.

Compliance Planner Keely explained that there was a big difference between having one and twenty pieces of equipment.

Commissioner Cooley commented that there was a lack of knowing what the laws were. Landowners figure that it is their property and they could do what they wanted with it.

Director Mabbott responded that they reached out to the communities to make them aware of the zoning rules.

Compliance Planner Keely went into more detail about what type of open house that was offered and pointed out that the Planning Department didn't want to close anyone's business down.

Director Mabbott said that Compliance Planner Keely did send a reminder out and if nothing came of it the next letter would be a court date. She also said they turned a negative into a positive and gave an example of what happened in that particular situation. She also mentioned she spoke to the Port about it.

Commissioner Smith commented that if these businesses left the auto part stores would follow.

Director Mabbott said she would be reaching out to the City of Boardman on the matter.

Commissioner Killion asked if there could be a map made up of properties that were available.

Chair Ekstrom responded that it would be a privacy issue.

Director Mabbott spoke about a trucking company that the Planning Department had helped out.

Commissioner Killion said they, the Planning Commission and Department, are in the business of developing the county and they do need to find a solution for the development of the zoning situation.

Commissioner Smith agreed. He also commented that maybe things should be more flexible.

Director Mabbott said that she was sure there were probably businesses that do go under the radar.

Caren Cardenas shared information on page 85 of the packet and Director Mabbott spoke a little from the same page.

Director Mabbott shared with the Planning Commission that there were no permits for the September Planning Commission meeting so in October the Planners would share more code updates.

Chair Ekstrom commented she would be okay not having a meeting in September (there were no applications) and closed the meeting at 8:00 pm.

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PLANNING DEPARTMENT

PO Box 40 • Irrigon, Oregon 97844
(541) 922-4624

October 16, 2023

TO: Planning Commission
FROM: Tamra Mabbott, Planning Director
RE: October 24 Commission Meeting: Code Update Work Session

Staff has drafted code language for your consideration. The code language is draft – ready for your suggestions - but is based on the feedback you shared at the August meeting. The changes primarily implement legislation from the 2021-2023 Oregon Legislature. We have also included several “housekeeping” items that we have identified over the past couple years.

Landon has put together a good summary of the updates – attached.

Thank you for your work on this and your dedication to Morrow County. You are a hard working group!

As always, please feel free to give me or any staff a call if you would like to discuss the materials in the packet.

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Legislative Code Update Summary

Article 1: Introductory Provisions (Definitions)

- Definition of "Accessory Dwelling Unit" (SB 644)
- Definition of "Average Electric Generating Capacity" (HB 2109)
- Definition of "Commercial Truck"; see also "Limitations On Uses" in residential zones
- Definition of "Energy Generation Area" (HB 2109)
- Definitions for "Renewable Energy Facilities" (HB 2109)
- Definition of "Useable Floor Area" (SB 644)

Article 3: Zoning

- *Section 3.010 Exclusive Farm Use*
 - Addition of Confined Animal Feeding Operation as an outright use with use standards (SB 85)
 - Addition of use standards for a Confined Animal Feeding Operation (SB 85)
 - Update of siting standards for Photovoltaic Solar Power Generation Facilities (HB 3179)
 - Update of Land Division language and standards (SB 408)
- *Section 3.020 Forest Use*
 - Update of language related to replacement dwellings (HB 2192)
- *Section 3.040 Rural Residential*
 - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
 - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.041 Farm Residential*
 - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
 - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.042 Rural Residential Ten*
 - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
 - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.050 Suburban Residential*
 - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
 - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.051 Suburban Residential 2A*
 - Addition of Accessory Dwelling Unit as a conditional use (SB 644)
 - Addition of Limitations On Uses related to Commercial Trucks
- *Section 3.070 General Industrial*
 - Addition of use standards for Data Centers
- *Section 3.073 Port Industrial*
 - Addition of use standards for Data Centers
- *Section 3.076 Airport Light Industrial*
 - Addition of use standards for Data Centers

Article 4: Supplementary Provisions

- Addition of manufactured home standards correlating with tax regulations of the county

Article 6: Conditional Uses

- Addition of conditional use standards for Accessory Dwelling Unit in residential zones (SB 644)

Article 7: Dimensional Adjustments, Variances, Special or Temporary Use Permits, and Non-Conforming Uses

- Update of temporary use of recreational vehicle to match MC-C-1-99
- Additional temporary use of a recreational vehicle in the case of natural disasters (HB 2809)

**MORROW COUNTY, OREGON
ZONING ORDINANCE**

ARTICLE 1. INTRODUCTORY PROVISIONS

SECTION 1.010. TITLE.

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

SECTION 1.020. PURPOSE.

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

SECTION 1.030. DEFINITIONS.

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

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

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

Accessory Dwelling Unit. A dwelling which is subordinate to and serves a primary building and is subordinate in area, extent, or purpose to the primary building and contributes to the comfort, convenience, or necessity of occupants of the primary building, and is located on the same lot as the primary building.

Commented [LJ1]: SB 644 (2023)

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

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

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

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

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

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

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

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

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

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

Auxiliary. As used in the Forest Use Zone, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An

auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

Average Electric Generating Capacity: The peak generating capacity of the facility divided by the factors for wind facilities, for geothermal energy facilities, or for all other energy facilities.

Commented [LJ2]: HB 2109 (2021)

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

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

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

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

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

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

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

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

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

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

1. Generates energy using means such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;
2. Is intended to provide energy for sale; and
3. Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

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

Commercial Truck. A vehicle or tractor unit used for the transportation of persons for compensation or profit; or is designed or used primarily for the transportation of property.

Commented [LJ3]: Continuity with code enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

Energy Generation Area: An area within which the effects of two or more small generating plants may accumulate so the small generating plants have effects of a magnitude similar to a single generating plant of 35 megawatts average electric generating capacity or more. An "energy generation area" for facilities using a geothermal resource and covered by a unit agreement, as provided in ORS 522.405 to 522.545 or by federal law, shall be defined in that unit agreement. If no such unit agreement exists, an energy generation area for facilities using a geothermal resource shall be the area that is within two miles, measured from the electrical generating equipment of the facility, of an existing or proposed geothermal electric power generating plant, not including the site of any other such plant not owned or controlled by the same person.

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

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

Farm Use. The current employment of land, including that portion of such land under buildings, for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of or the produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics, and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance, and harvesting of

aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in pertinent sections of this Ordinance. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees. The terms farm, farming, and farm use shall be interpreted and applied in a manner consistent with ORS 215.203. (MC-C-8-96) (MC-03-05)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

High-Value Farmland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Mobile Home or Manufactured Dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Primary processing of forest products. The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not

limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

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

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

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

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

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

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

Public Park. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the Morrow County Comprehensive Plan and this Zoning Ordinance.

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

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

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

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

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

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

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

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

Renewable Energy Facility includes the following:

- A. A solar photovoltaic power generation facility.
- B. Geothermal energy at a single plant or within a single energy generation area.
- C. Wind energy at a single plant or within a single energy generation area.

Commented [U6]: HB 2109 (2021)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. Also anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels, food stands, in ground swimming pools, and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

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

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

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

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

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

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

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

Useable floor area: The area of the accessory dwelling unit included within the surrounding insulated exterior walls, exclusive of garages, carports, decks and porch covers.

Commented [LJ7]: SB 644 (2023)

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

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

Utility facility service lines. Utility lines of the necessary voltage to serve the area, including those up to 230 kilovolts, and associated facilities or structures that ultimately end at the point

where the utility service is received by the customer, and that are located on one or more of the following:

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

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

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

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

SECTION 1.040. COMPLIANCE WITH ORDINANCE PROVISIONS.

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

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

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

SECTION 1.050. ZONING PERMIT.

Prior to the construction, reconstruction, alteration, or change of use of any structure larger than 100 square feet or use for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use or uses shall be obtained from the Planning Director or authorized agent thereof. A zoning permit shall become void after 1 year unless the development action has commenced. A 12-month extension may be granted when submitted to the Planning Department prior to the expiration of the approval period. At the Planning Director's sole discretion, the Director may refer any Zoning Permit application to the Planning Commission for consideration and decision, following notice and public hearing consistent with the public hearing procedures in Section 9.050.

SECTION 1.060. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION 1.070. ADMINISTRATIVE TERMINOLOGY AND CONSTRUCTION.

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

County of Morrow duly appointed by the Morrow County Board of Commissioners. The words "Planning Director," "County Roadmaster," "County Clerk," "County Surveyor," "Tax Collector," and "Assessor" shall mean the Planning Director, County Roadmaster, County Clerk, County Surveyor, Tax Collector, and Assessor of the County of Morrow, as applicable.

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

SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE

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

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

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

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

25. Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection D.10.

26. Churches, and cemeteries in conjunction with churches, subject to Subsection D.17. This use is not permitted on high-value farmland except that existing churches on high-value farmland may be expanded subject to Subsection D.19.

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

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

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

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

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

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

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

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

35. Confined animal feeding operation subject to Subsection D.20.

Commented [LJ1]: SB 85 (2023)

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

1. A facility for the primary processing of forest products subject to Subsection D.2.

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

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

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

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

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

20. Confined animal feeding operations. A confined animal feeding operation may exist within a farm use zone if:

a. A Land Use Compatibility Statement must be issued for the site.

b. A new large confined animal feeding operation is to include a setback or buffer, composed of a natural or created vegetative barrier, berm or terrain, if the parcel of land on which the new large confined animal feeding operation would be located is adjacent to a parcel on which:

(1) A residential structure is lawfully sited; or

(2) A structure that was lawfully sited when constructed, but no longer conforms with or is allowed under new or changed land use requirements, is sited.

Commented [LJ2]: SB 85 (2023)

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

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

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

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

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

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

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

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

Commented [LJ3]: HB 3179 (2023): Siting standards for solar facilities

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

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

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

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

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

f. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 240 acres from use as a commercial enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4 or the requirements of paragraph (7) are met. The governing body or its designate must find that:

Commented [LJ4]: HB 3179 (2023)

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

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

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

(7) A photovoltaic solar generation facility may be sited on more than 240 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:

Commented [LJ5]: HB 3179 (2023)

(a) Is not located within the boundaries of an irrigation district;

(b) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;

(c) Is located within the service area of an electric utility described in ORS 469A.052(2);

(d) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(3); and

(e) Does not qualify as high-value farmland under any other provision of law.

g. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 2560 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

Commented [LJ6]: HB 3179 (2023)

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

- (a) Nonarable soils are not available on the subject tract;
- (b) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
- (c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

(2) No more than 240 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;

Commented [LJ7]: HB 3179 (2023)

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

- (a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
- (b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

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

h. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 3840 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

Commented [LJ8]: HB 3179 (2023)

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

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

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

(2) No more than **240** acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Commented [LJ9]: HB 3179 (2023)

(3) No more than **2560** acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

Commented [LJ10]: HB 3179 (2023)

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

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

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

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

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

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

L. Land Divisions

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

2. A division of land to accommodate certain uses permitted by Section B and Section C, except a residential use, smaller than 160 acres, may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use as allowed in ORS 215.263.

Commented [LJ11]: SB 408 (2019)

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

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

SECTION 3.020. FOREST USE, FU ZONE

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Alteration, restoration or replacement of a lawfully established dwelling as described in ORS 215.291, where Subsections a or b apply:

a. Alteration or restoration of a lawfully established dwelling that has, or formerly had:

(1) Has intact exterior walls and roof structures;

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

(3) Has interior wiring for interior lights; and

(4) Has a heating system.

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

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

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

Commented [LJ1]: HB 2192 (2023)

Commented [LJ2]: HB 2192 (2023)

Commented [LJ3]: HB 2192 (2023)

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.
(MC-03-05)

1. Golf Course.
2. Water supply and treatment facility.
3. Sewage disposal and treatment facility.

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

7. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

C. LIMITATIONS ON USES.

1. 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.

A. 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.

B. 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. strich - four ratite per acre, or

f. Miniature cows, horses, mules and donkeys - four per acre, or

g. Swine - four swine per acre.

C. 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.

D. 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).

E. 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.

F. 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.

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

2. In Rural Residential one acre (RR-1) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [U2]: Continuity with code enforcement.

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. Golf Course.
2. Water supply and treatment facility.
3. Sewage disposal and treatment facility.
4. Solid waste disposal site and facility.

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

12. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

C. Limitations on Uses.

- 1. 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.

A. 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.

B. 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.

C. 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.

D. 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).

E. 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.

F. 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.

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

2. In Rural Residential one acre (RR-1) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [U2]: Continuity with code enforcement.

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.

SECTION 3.042. RURAL RESIDENTIAL TEN, (RR-10) ZONE

- A. Purpose. The RR-10 Rural Residential Zone is designed to provide lands for rural living in a rural residential atmosphere. The 10-acre minimum lot size complies with Statewide Planning Goal 14 where parcels are rural in size and are sufficiently large enough to accommodate private wells and sewage disposal systems. Standards for development are consistent with desired rural character and are compatible with adjacent farming and natural resource land management. Gardens and limited livestock are allowed outright in the zone. The RR 10 Zone may be approved when an application for rezoning lands also includes an application for exception to Statewide Planning Goal 3 and Oregon Administrative Rule Chapter 660-004-0000 and Amendment Standards found in Article 8 of the Morrow County Zoning Ordinance. A rezone application must also comply with Statewide Planning Goal 12 Transportation and the County Transportation System Plan (TSP).
- B. Uses Permit outright. In a RR-10 Zone, the following uses and their accessory uses are permitted with a zoning permit, pursuant to Section 1.050:
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. Other public or private uses or buildings necessary to serve the rural residential use of the land.
- C. Conditional Uses Permitted. In a R R-10 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. Home occupations subject to the limitations set forth in Article 6 of this ordinance.
 2. Public Park, trails, recreation area, community or neighborhood center.
 3. Agri-tourism events as defined in Section 1.030. Definitions.
 4. Utility facility necessary to serve the area or County.
 5. Accessory dwelling unit.
- D. Limitations on use.
1. In Rural Residential ten-acre (RR-10) 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.
 - A. The primary intended use for properties zoned RR-10 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.
 - B. Livestock and/or Animal densities are calculated based on open space of each parcel as follows:
 - a. Cattle – two per acre, (10 cattle maximum) or
 - b. Horses, mules, donkeys, llamas – two animals per acre (10 maximum), or

Commented [U1]: SB 644 (2023)

- c. Sheep or goats – six animals per acre (30 animals maximum), or
- d. Emu – eight ratite per acre (40 animals maximum), or
- e. Ostrich – four ratite per acre (20 animals maximum), or
- f. Miniature cows, horses, mules and donkeys – four per acre (20 animals maximum), or
- g. Swine – four pigs per acre with maximum of four per parcel).
- h. Cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostriches cannot be kept on a site having an area of less than one-half acre.
- i. 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). Swine are only allowed seasonally as part of 4 H or FFA projects.
- j. 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.
- k. 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.
- l. Density for Poultry – twenty fowl per acre, and for fur-bearing animals (rabbits, mink, chinchillas, etc.) – twenty animals per acre. (MC-C-5-98)

2. In Rural Residential one acre (RR-1) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [U2]: Continuity with code enforcement.

- E. Yard and setback requirements. In an RR-10 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.
- F. Dimensional standards. In a RR-10 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.

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.

13. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

C. Limitations on Uses.

1. 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:

A. 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.

B. 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.)

2. In Rural Residential one acre (RR-1) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [U2]: Continuity with code enforcement.

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:

SECTION 3.051. Suburban Residential 2A Zone, SR-2A. (Amended 10/28/06 MC-05-2006) In a SR-2A Zone, the following regulations shall apply:

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

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

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

2. Planned Unit Developments

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

1. Church, Schools or Colleges

2. Golf Course

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

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

5. Home Occupations

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

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

8. Accessory dwelling unit.

Commented [LJ1]: SB 644 (2023)

D. Limitations on Uses.

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

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

B. 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)

2. In Rural Residential one acre (RR-1) zone, commercial trucks and trucking businesses are not an allowed use.

A. A landowner may be allowed to use a "tractor unit" as personal transportation to the resident parcel. No more than one (1) "tractor unit" is allowed per parcel.

Commented [LJ2]: Continuity with code enforcement.

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)

SECTION 3.070. GENERAL INDUSTRIAL ZONE, MG.

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

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

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

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

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

16. Data center. Subject to review of compliance with Statewide Planning Goals 11 Public Facilities and 14 Urbanization and Article 9.

Commented [L1]: Use Standards for Data Center.

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

1. Any use permitted when authorized by subsection (1) of this section on a lot within a duly platted subdivision or residential zone.
2. Utility, transmission and communications towers 200 feet in height and taller.
3. The resumption of a residential use including a mobile home where the subject use has previously been conducted and has not been discontinued for a period exceeding six months.
4. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes. Retail sales and rentals shall only be associated with these primary uses.
5. Any use permitted by subsection A of this section where open outside storage is involved.
6. Concrete or ready-mix plant.
7. Automobile and other automotive wrecking yard.
8. Quarry, gravel pit, subsurface or surface mining, including crushing, screening, or washing of extracted materials.
9. Commercial feed lot, stock yard, sales yard, slaughter house, and rendering plant.
10. Railroad trackage and related facilities.
11. Lumber and other wood products manufacturing.
12. Agricultural products storage and processing plants.

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

- a. Occupy more than 70% of the land area designed or designated for said use.
- b. Generates any odor, fumes, glare, flashing lights or noise which is perceptible from a resident located within 500 feet from the property line of the subject use without instruments.

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

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

16. Rail loop and spur dependent uses.

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

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

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

- 1. No use permitted under the provisions of this section that requires a lot area exceeding two (2) acres shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone, except as approved by the Commission.
- 2. No use permitted under the provisions of this section that is expected to generate more than 20 auto-truck trips during the busiest hour of the day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

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

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

2. Setbacks: No specific side or rear yard setbacks are identified within this zone, but may be dictated by provisions of the Building Code or other siting requirements. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet. There shall be no setback requirement where a property abuts a railroad siding or spur if the siding or spur will be utilized by the permitted use.

3. Stream Setback: All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 10 feet measured at right angles to the high-water line or mark.

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

E. Transportation Impacts

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

SECTION 3.073. PORT INDUSTRIAL ZONE, PI

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 be an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the zone. (MC OR-2014-1)

In the PI zone the following regulations shall apply:

A. Uses Permitted with a Zoning Permit and subject to the provisions of this Section. Outside activities are permitted within the scope of allowed uses outlined below. Port Industrial projects utilizing more than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). (MC OR-2014-1)

1. Water-dependent and related industrial uses.
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 and agricultural activities in conjunction therewith.
7. Manufacturing, refining, processing or assembling of any agricultural, mining or industrial product.
8. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes with retail sales and rentals only associated with the primary use.
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(1) through (3) unless Site Development Review is triggered.
13. Buildings, structures, offices and other uses customarily accessory to and in conjunction with permitted uses in the PI zone.
14. Rail facilities, including but not limited to rail lines, spurs, turnouts, switches, signals, rail car storage and related facilities. (MC OR-2014-1)
15. Rail loop and spur dependent uses.

16. Concrete or ready-mix manufacturing plant.

17. Data Center. Subject to review of compliance with Statewide Planning Goals 11 Public Facilities and 14 Urbanization and Article 9.

Commented [LJ1]: Use Standards for Data Center.

18. Uses allowed outright in the General Industrial Zone, not including residential caretaker use.

19. Facility for security personnel and activities involved in the policing, control, regulation and management of property which may include sleeping facilities, but which is not a dwelling.

20. Intermodal transportation facilities not requiring an Oregon Department of Environmental Quality Solid Waste Disposal Site Permit, such as a truck intermodal facility or rail to truck.

21. Outdoor Advertising Sign or Billboard.

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.

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

4. Asphalt plant.

5. Intermodal transportation facilities that have been designated a transfer station by the Department of Environmental Quality and must acquire a Solid Waste Disposal Site Permit. These facilities must meet the requirements of the Morrow County Solid Waste Ordinance.

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

SECTION 3.076 AIRPORT LIGHT INDUSTRIAL ZONE, ALI

Purpose. The ALI zone is intended to permit airport-compatible light industrial uses and other airport-compatible uses on existing industrial land near the Boardman airport. Light industrial uses are manufacturing, assembly, processing, packaging and other industrial uses that do not generate noise, odor, dust, glare, or vibration in amounts that might otherwise be objectionable to nearby land uses. Airport-compatible uses are uses that do not create glare, light, smoke, dust, steam, bird attractants or electrical interference in amounts that could interfere with airport operations and airport safety.

- A. Airport Safety and Compatibility. Uses permitted within the ALI zone that are also located within the Airport Safety and Compatibility Overlay Zone shall comply with applicable standards in the Airport Safety and Compatibility Overlay Zone.
- B. Notice: Timely notice of applications for permits in the ALI zone shall be provided to the Oregon Department of Transportation, the Oregon Department of Aviation, and the United States Department of Navy.
- C. Uses Permitted Outright. In the ALI zone, the following uses are permitted outright:
 - 1. All uses permitted outright in the Air/Industrial Park Zone, AI.
 - 2. Data Center. Subject to review of compliance with Statewide Planning Goals 11 Public Facilities and 14 Urbanization and Article 9.
 - 3. Storage buildings and warehouses.
 - 4. Utility structures.
- D. Uses Permitted under Prescribed Conditions. In the ALI zone, the following uses are permitted upon demonstration of compliance with the standards in this section.
 - 1. Solar energy projects. Where the United States Department of Navy indicates that the location of solar panels would impact Navy flight operations, consideration shall be given to any design recommendations offered by the Navy.
 - 2. Light industrial uses, where the Department of Aviation does not provide evidence demonstrating that such activity would create a safety hazard or limit approved airport uses.
 - 3. Agricultural processing, where the Department of Aviation does not provide evidence demonstrating that such activity would create a safety hazard or limit approved airport uses.
 - 4. Speedway uses, subject to compliance with the standards in the Speedway Limited Use Overlay Zone.
- E. Dimensional Requirements. In the ALI zone, the following dimensional standards shall apply:

Commented [L1]: Use Standards for Data Center.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The manufactured home shall be a 14-foot single-wide, at a minimum, or a multi-sectional unit and shall contain at least 745 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.
2. The manufactured home unit shall be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department and bear the Oregon Department of Commerce 'Insignia of Compliance.' All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to installation and occupancy to insure compliance with applicable standards required for the 'Insignia of Compliance' and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.
3. The manufactured home shall be installed according to the specifications outlined in the Oregon Manufactured Dwelling and Park Specialty Code in effect at the time of installation and as utilized by the Morrow County Building Official. (See ORS 446 and OAR 918 Division 500.)
4. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40 % of the total living space of the manufactured home. Garages and carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.
6. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.
7. In the case of a manufactured structure being utilized as an Accessory Dwelling Unit, a manufactured structure is recognized as any manufactured dwelling, or prefabricated structure more than 8 ½ feet wide that can be moved to a new location.

Commented [L1]: Continuity with tax regulations.

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

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.
2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.
4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
5. Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.
6. Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.
7. All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40% of the total living space of the manufactured home. Garages or carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.
8. When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Court.
9. In the case of a manufactured structure being utilized as an Accessory Dwelling Unit, a manufactured structure is recognized as any manufactured dwelling, or prefabricated structure more than 8 ½ feet wide that can be moved to a new location.

Commented [LJ2]: Continuity with tax regulations.

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

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

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

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

B. Uses Permitted by Conditional Use Permit.

1. Construction, major reconstruction, or widening of highways, roads, bridges, or other transportation projects that are not designed and constructed as part of a subdivision or planned development shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental

ARTICLE 6. CONDITIONAL USES

SECTION 6.010. AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

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

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

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

SECTION 6.020. GENERAL CRITERIA.

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

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

SECTION 6.025. RESOURCE ZONE STANDARDS FOR APPROVAL.

- A. In the Exclusive Farm Use zone a conditional use may be approved only when the County finds that the use will not:
 - 1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- B. In the Forest Use Zone a conditional use may be approved only when requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands are met. A conditional use may be approved only when the County finds that the use will not:
 - 1. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - 2. Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

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. Accessory dwelling units: The Planning Commission shall require that the location and site design for an accessory dwelling unit adhere to the following limitations:

1. The proposed lot or parcel is zoned rural residential and is a minimum of 2 acres.
2. Proposed lot or parcel must lie outside the Urban Growth Boundary.
3. Proposed lot or parcel must not lie within a CGWA or LUBGWMA unless landowner can prove adequate water supply and water quality meets federal and state drinking water standards.
4. The accessory dwelling unit shall use the same subsurface sewage disposal system used by the existing dwelling if that disposal system is adequate to accommodate the additional dwelling or as otherwise allowed and conditioned by the Planning Commission.
5. Proposed lot or parcel must contain an existing single-family dwelling.
6. Accessory dwelling unit must be no bigger than 900ft² of useable floor area.
7. Accessory dwelling unit must be installed no more than 100ft from existing single-family dwelling.
8. Accessory dwelling unit will be served by the same water source or water supply system as the existing single-family dwelling. If served by a well, the accessory dwelling shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.
9. The accessory dwelling unit shall adhere to all setbacks required for its zoning as described in Article 3 of this Ordinance.

B. 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

Commented [LJ1]: SB 644 (2023); adopted from Deschutes Co.

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

SECTION 7.010 PURPOSE

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

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

SECTION 7.020 INTENT

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

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

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

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

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

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

hardship Special Use permit until the permittee has shown compliance with the conditions for issuance specified in this Section at the time of renewal and the County has received evidence of the continued validity of the medical hardship.

SECTION 7.400 TEMPORARY USES

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

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

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

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

1. When the recreational vehicle is located on an individual lot or parcel during the construction of a dwelling not to exceed six (6) months with one extension period not to exceed six (6) months (MC-C-1-99). The Zoning Authorization for the approved dwelling must also authorize this temporary use.
 2. For temporary housing to accommodate visitors of the primary residence in a residential or farm use zone not to exceed 30 days in any 12 month period. Property owners found in violation of this requirement will be subject to enforcement action.
 3. For seasonal recreational (i.e. summer camping or hunting season) use by the land owner or lessee in the Forest Use Zone after obtaining a Zoning Permit and Rural Address.
- or
4. When the recreational vehicle is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disaster, including wildfires, earthquakes, flooding or storms, until no later than the date.

Commented [LJ1]: MC-C-1-99

- a. The dwelling has been repaired or replaced and an occupancy permit has been issued;
- b. The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
- c. Twenty-four months after the date the dwelling first became uninhabitable.

Commented [LJ2]: HB 2809 (2021)

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

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

1. The proposed Temporary Use is not specified in this Ordinance and is not so recurrent as to require a specific or general regulation to control it.
2. The proposed Temporary Use will not become permanent.
3. Approval of the Temporary Use does not create a violation(s) of any other adopted ordinance or code standard;
4. An application for a Temporary Use is limited to one (1) lot or parcel per application;
5. Requests for more than one Temporary Use on the same lot or parcel shall be consolidated on one application and reviewed concurrently by the County;
6. Not more than three (3) Temporary Uses may be approved for one lot or parcel in a continuous 12-month period;
7. Temporary uses will not exceed 12 months, can be renewed up to two time, but will not exceed a total of 36 months; and
8. All applicable building code requirements and engineering design standards shall be met.
9. Any Temporary Use permit shall clearly set forth the purpose for which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant.

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

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

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To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: October 18, 2023
 RE: Monthly Planning Update

Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short term and long-range planning in land use, to sustain and improve the county's lands for future generations. Our goal is to foster development where people can live, work & play.

Planning Commission Since the regular Planning Commission meeting on August 29th during which staff presented a summary of Oregon bills and laws, staff have been working on draft code updates to implement changes based on state legislation. A draft will be considered at the October meeting. Multiple staff are working on the code update. Use of recreational vehicles and accessory dwelling units (ADU's) was a popular topic in the 2023 Oregon Legislature. Staff prepared an information sheet to illustrate how and in what zones RV's are permissible based on current Zoning Code. See attached.

Staff Changes The office bid farewell to our 2022-2023 Irrigon student intern and summer hire Caren Cardena, who left on September 16th to be a full time engineering student at Oregon State University. Caren became a vital part of the team and is missed by all. Beginning the school year, a new student intern, Alynna Estrada, Irrigon High School student, began working a few hours a week in the office. She is off to a great start.

<u>Planning Permits</u>	<u>September 2023</u>
Zoning Permits	5
Land Use Compatibility Reviews	7
Land Partitions	0
Property Line Adjustments	0
Land Use Decisions	3
Rural Addresses	3
Plan and Zone Amendment	0
Farm Ag Exempt Permit	0

Energy Projects

Planning staff had several meetings with developers to discuss existing and proposed new projects. Staff have been coordinating with developers from Sunstone Solar who are proposing mitigation for the removal of approximately 10,000 acres of farm land. A meeting with stakeholders and Board of Commissioners will transpire soon. Planning and Public Works staff are collaborating with one energy developer to relocate a portion of roadway which will be a benefit to the wind development and to Morrow County.

Status of energy projects in Morrow County is found here

<https://www.co.morrow.or.us/planning/page/renewable-energy-1>

Morrow County Heritage Trail Update

It is official. Good news! A grant application to update the Heritage Trail Master Plan was approved for funding on September 20th by the Local Government Grant Program (LGGP) Advisory Committee. Work on the project will begin after county has an executed formal Agreement and Notice to Proceed Letter from OPRD. First step for county will be to begin the formal procurement process to hire a consultant and engineer. The project will be a full update of the 2000 Concept Plan including an assessment of existing conditions, conceptual trail alignment and capital improvement plan design guidelines, policies and procedures and an implementation and funding plan. Public involvement will be vital for this planning effort. Planning Department is looking for people who live near the trail or use the trail or would like to be involved.

Interpretive Panel Update

Consultants Sea Reach Ltd continue to work on the panel update. This meeting will be held November 13, 2023 at 10:00 am in the Don Adams Conference Room. Metal trail marker signs were refinished and prepped for replacement throughout the trail. Staff worked on a press release and advertisement for the November 13th meeting.

The existing panels can be viewed on the Planning webpage:

<https://www.co.morrow.or.us/planning/page/heritage-trail-panels>

Access to Transportation – Rural Transit Equity (RTE) Pilot Project

The final report is in! Please see the final version on the Planning Department website. The next and final steps of the project is to distribute the report to stakeholders and then work toward implementation. In addition to adding value to transit, the project was intended to help local governments adapt public involvement techniques to involve historically under-represented populations. That target was met, including robust engagement with non-English speaking members of Boardman and Irrigon communities.

WATER AND PLANNING ACTIVITIES

Water Advisory Committee

Director meets regularly with GSI Water Solutions Inc. Planning staff and GSI Water Solutions Inc., finalized four Briefing Papers (water quality, quantity and drinking water and special projects in the region) after receiving final comments from the Water Advisory Committee who met on September 11th in Irrigon. Final papers will be presented to the Board of Commissioners on

October 18th. Staff is developing materials about water issues in Morrow County for the department website. Additional materials such as research, reports, data, etc. will be added later. <https://www.co.morrow.or.us/planning/page/water>

The next WAC meeting is scheduled for Monday, November 6, 4-6 pm at the North Morrow County Building in Irrigon. Meetings are open to the public. The WAC will hear from some local organizations on water recharge and water planning projects from the NE region as well as a presentation on the nexus of land use and water.

LUBGWMA

The regular LUBGWMA meeting was held on Friday, September 8th, in Hermiston. Meetings and other materials on the LUBGWMA are posted here: <https://lubgwma.org/> Planning Director and Commissioner Drago helped host a driving tour of the LUBGWMA with Umatilla County and senior staff of the Oregon Department of Environmental Quality.

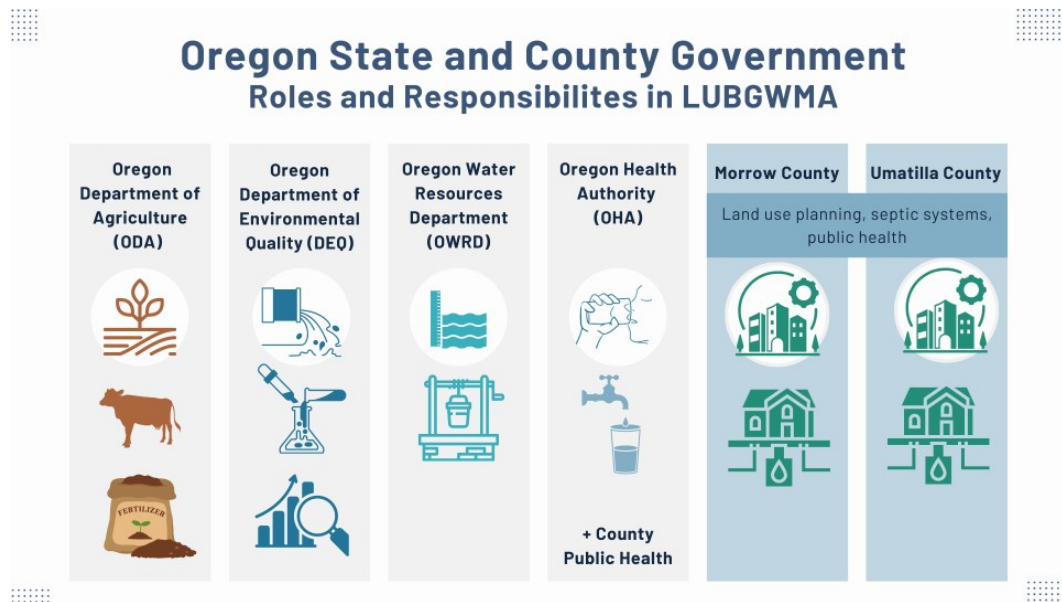
The relationship of water quality and land use was the topic of a panel presentation by Morrow and Umatilla County Planning Directors at the September annual conference of the Western Planners Association. In Oregon, every local comprehensive plan must address water quantity (Statewide Planning Goal 5) and water quality (Statewide Planning Goal 6). It works differently in other states. A sample from the bi-county presentation is below.

Current Planning

Water Coordination in Land Use Decisions

Permit Type	Findings Required	Address Water	Address Impact	Refer to P.C. for Review and Decision
Conditional Use Permit	Yes	Yes	If new development will impact existing uses	If staff observes that impacts may occur
Land Partition	Yes	Yes	Yes	If partition will add to water consumption
Subdivision	Yes	Yes	Yes	Yes
Replat	Yes	Yes	Yes	Yes
Land Use Decision	Yes	Yes	If use impacts water	Yes
Design Review	Varies	Maybe	Depends on Dev. Code and proposed use	Depends on Dev. Code and proposed use
Zoning Permit	No	No	OWRD manages use of water.	No
Variance	Yes	Maybe	If use impacts adjacent landowners	If use impacts adjacent landowners
Legislative Actions	Yes	Yes	Yes	Yes

Agency Roles in Water Quality



Drinking Water mid- and long-term solutions.

County received formal notice of approval from the Environmental Protection Agency (EPA) for the grant application required to access the \$1.7 million congressional earmark. Staff is working on next steps, including internal coordination and coordination with Umatilla County. Staff is also working on procurement of engineering services.

Water Data and Mapping

Data and map layers from Oregon Water Resources Department (OWRD) and Oregon Department of Environmental Quality (ODEQ) have arrived and Associate Planner/GIS Planner, Stephen Wrecsics will begin to develop an enhanced mapping project of the LUBGWMA. The data will allow county to develop and maintain a comprehensive dataset of parcels in the LUBGWMA.

CODE COMPLIANCE

- 2 new complaints- RV's as dwellings, Animal Density (Roosters)
- 1 complaint- Multiple RV's on property believed to be used as dwellings
- 1 complaint- ¼ Acre rooster pens, roosters being brought in pick up loads at a time.
- 2 closed complaints - RV as Dwelling, Abandoned Vehicles
- 1 complaint- RV as dwelling, spoke to property owner and son had been visiting from out of state. Site inspection confirmed RV is not occupied.
- 1 complaint- Abandoned vehicle, 3 Vehicles removed from the property.

- Communicating with 20 non-permitted trucking business operations located in residential zone. Looking for property in Boardman area that might be suitable for a truck parking and repair business.
- Other outstanding/ongoing cases – 41

Natural Hazard Mitigation Plan (NHMP) Update No NHMP meetings in September. Staffing adjustments at Oregon's Department of Land Conservation and Development (DLCD) have slightly affected schedules. Stakeholders are adapting to these modest changes as they work within the revised scheduling framework. Anyone interested in the NHMP Update please contact Stephen Wreccsics swreccsics@co.morrow.or.us The plan update is scheduled to be complete the first half of 2024.

Oregon Farm and Forest Conservation Improvement Plan

Planning Director continues to participate on the Technical Working Group for the Department of Land Conservation Development Farm and Forest Conservation Program Improvement Plan. The group is reviewing the historical policy and statutory rules for farm and forest land in Oregon. Participation is a voice for issues eastern Oregon; other committee members are from western Oregon. Working Group recommendations will be forwarded to the Land Conservation & Development Commission in early 2024.

Data Centers

Staff held numerous meetings regarding permitting for AWS data center development in Morrow County. Additionally, staff is coordinating with Oregon Department of Transportation (ODOT) and Port of Morrow on an agreement to defer transportation mitigation work until a cluster of data centers are complete. This would allow affected entities to design and construct a single large intersection improvement project rather than smaller, more modest improvements.



Drone Update

The drone was down at the Morrow County OHV Park capturing images in support of the Parks Plan Review. Approximately 150-acres of the park was imaged, with approximately 1,000 images captured.





Morrow County Off Highway Vehicle (OHV) Park

In addition to taking drone footage of the OHV Park, staff spent time with Public Works and Parks staff reviewing existing Parks Plan and identifying uses that will require code and plan amendments. Both department are preparing for the plan amendment. This project will carry over into 2024 but the goal is to complete prior to the next round of Oregon Parks grant programs.

Other

Planning Director is working with an Eastern Oregon University graduate student in the Masters of Public Administration. The student, a Heppner resident, is researching funding options, challenges and opportunities for the city of Heppner water system.

In September Planning Director attended the Western Planners Conference in Anchorage, Alaska. and presented on three panels (trail planning, Water and Land Use: LUBGWMA Case Study, and county and tribal coordination). A highlight of the conference was a bicycle tour of trails in Anchorage, which has an extensive system of well-maintained trails. Uniquely Anchorage, bicycle and hiking trails are maintained for cross-country skiing in the winter months. And, moose along the trail!



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550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

October 13, 2023

Morrow County Board of Commissioners

Via email: dsykes@co.morrow.or.us; jwenholz@co.morrow.or.us; rdrago@co.morrow.or.us; rlutcher@co.morrow.or.us

Re: Request for Review/Comment on the Notice of Intent and Appointment of Board of Commissioners as a Special Advisory Group for the Umatilla-Morrow County Connect Project

On September 22, 2023, the Oregon Department of Energy (ODOE), staff to the Energy Facility Siting Council (EFSC), received a Notice of Intent to file a Site Certificate Application (NOI) from Umatilla Electric Cooperative (applicant), for the proposed Umatilla-Morrow County Connect Project.

The applicant proposes to construct, operate and maintain a 14-mile 230 kV transmission line with four route alternatives (A, B, C and D), and would include 90 to 120 foot tall steel structures, and a potential distribution line rebuild along the same route as the proposed facility. The facility would be located within a site boundary of up to 255 acres in unincorporated areas of eastern Morrow and western Umatilla counties, primarily north of I-84. Proposed related or supporting facilities include temporary and permanent access roads; temporary laydown, fly yard, and construction yard areas.

Pursuant to OAR 345-015-0115, the Department designates the Morrow County Board of Commissioners as a Special Advisory Group (SAG) for EFSC proceedings for this proposed facility. A SAG is the governing body of any local government within whose jurisdiction the facility is proposed to be located.

As a SAG, the Morrow County Board of Commissioners will be asked to perform several important functions during this review process. First, you will be asked to provide ODOE a list of all applicable substantive criteria from the local comprehensive plan and land use regulations that would be required if the County itself were conducting the review.

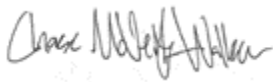
Those applicable substantive criteria, as well as any local interpretations the Morrow County Board of Commissioners has made regarding those criteria will be incorporated into ODOE's review process, and included in the Project Order, which will outline the application requirements for the proposed facility. Once the application is submitted, your second task will be to review the application for compliance with the County's substantive criteria, as outlined in the Project Order, and provide comments regarding any deficiencies in the application. And finally, you will be invited to provide comments or otherwise participate in a hearing on the Draft Proposed Order, which will include ODOE's preliminary recommendation regarding the application.

You may find it helpful to consult with the Morrow County Planning Department and staff throughout this process. The applicable substantive criteria and your comments may be communicated to EFSC either by the County directly or by a staff person (for instance, the Planning Director) acting on behalf of the Morrow County Board of Commissioners. If a staff member conveys criteria or comments to ODOE on behalf of the Morrow County Board of Commissioners, please confirm your concurrence with the comments either by a written statement from the Board of Commissioners or by having the staff member describe in writing, that the criteria or comments are conveyed “on behalf of the Morrow County Board of Commissioners

Costs associated with reviewing the NOI, application and preparing comments may be eligible for reimbursement. To receive reimbursement, the Department must have an interagency or intergovernmental agreement in place with your organization. If you do not have an agreement and would like to establish one, please contact the Department’s financial analyst Sisily Fleming at sisily.fleming@energy.oregon.gov or 503-378-8356.

If you have any questions about your role as SAG for this process, or wish to schedule a presentation by the ODOE staff to the Board of Commissioners regarding the EFSC site certificate process and your role in it, please contact me at (971) 600-5323 or chase.mcveigh-walker@energy.oregon.gov.

Sincerely,



Chase McVeigh-Walker
Senior Siting Analyst, Oregon Department of Energy

cc: Tamra Mabbot, Planning Director, Morrow County Planning Department
tmabbot@co.morrow.or.us
Todd Cornett, Assistant Director for Siting, Oregon Department of Energy
Sarah Esterson, Senior Policy Advisor, Oregon Department of Energy
Patrick Rowe, Assistant Attorney General, Oregon Department of Justice



Oregon

Tina Kotek, Governor



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MEMORANDUM

To: Reviewing Agencies for the Umatilla-Morrow County Connect Project

From: Chase McVeigh-Walker, Senior Siting Analyst, Oregon Department of Energy

Date: October 13, 2023

Re: Comments requested by November 17, 2023 on the Notice of Intent to Apply for a Site Certificate for the Umatilla-Morrow County Connect Project, located in Umatilla and Morrow counties.

Introduction

On September 22, 2023, the Oregon Department of Energy (Department), staff to the Energy Facility Siting Council (Council), received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Umatilla-Morrow County Connect Project. The NOI was submitted by Umatilla Electric Cooperative (applicant).

Your agency has been identified as a “reviewing agency” for the EFSC review. Accordingly, the Department requests your comments and recommendations on the NOI by **November 17, 2023**. Additional details and specific information requests are included below. The NOI can be downloaded at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/UMCC.aspx>

Proposed Facility Description

As described in the NOI, the Umatilla-Morrow County Connect Project is a proposed 14-mile 230 kV transmission line with four route alternatives (A, B, C and D), and would include 90 to 120 foot tall steel structures, and a potential distribution line rebuild along the same route as the proposed facility. The facility would be located within a site boundary of up to 255 acres in unincorporated areas of eastern Morrow and western Umatilla counties, primarily north of I-84. Proposed related or supporting facilities include temporary and permanent access roads; temporary laydown, fly yard, and construction yard areas.

EFSC Review Process

The applicant expects to submit a preliminary Application for Site Certificate (ASC) in July 2024.

During the review of the ASC, the Council will determine if the proposed facility complies with the Council's standards established under Oregon Administrative Rule (OAR) chapter 345; other Oregon statutes and administrative rules applicable to the issuance of a site certificate; and the statewide planning goals adopted by the Land Conservation and Development Commission.

Before submitting an ASC, each applicant must submit an NOI providing information about the proposed facility and site. The information provided in the NOI, and any comments provided by state and local agencies, tribal governments and the general public are used to prepare a Project Order outlining the legal and study requirements for the ASC.

Reviewing agencies play an important role in the review of the NOI by providing information about what resources could be affected siting, construction, and operation of the proposed facility; what statutes, rules, and standards are applicable to the Council's review, and what information is needed to determine compliance. While the application review process includes additional opportunities for reviewing agency comment and input, your comments on the NOI are critical to ensure your agency's requirements are accurately reflected and addressed in the Project Order.

A complete description of the EFSC review process is available at:

<http://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Process-Flowchart.pdf>

Information Requests

In accordance with ORS 469.350 and OAR 345-015-0120, the Department requests the following information:

- 1) The name, address and telephone number of the contact person assigned to review the application for your agency.
- 2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.
- 3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.
- 4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.
- 5) Recommendations regarding the size and location of analysis areas (see below for more information).
- 6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

The NOI, announcements and notices about the proposed facility will be posted on ODOE's website at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/UMCC.aspx>

Evaluation of Study/Analysis Areas

As described above, the Department requests your assistance determining the appropriate size of the analysis areas for potential impacts that may result from the construction and operation of the proposed facility.

Analysis areas are the minimum areas an applicant must study for potential impacts from the construction and operation of a proposed facility in its Application for Site Certificate. In its Notice of Intent, the Applicant recommended the analysis areas shown in the table below. If you believe that any of these analysis areas should be increased or decreased based upon nearby resources, please provide this information in your comments on the NOI. This information will be used to assist the Department in development of the Project Order.

Impacted Resource	Analysis Area*
Waters of the State/Wetlands	Site Boundary
Wildlife and Wildlife Habitat	0.5 miles
Threatened and Endangered Species	5 miles
Historic, Cultural, and Archaeological Resources	Site Boundary
Recreational Opportunities	5 miles
Scenic Resources	10 miles
Protected Areas	20 miles
Public Services (e.g. waste disposal, fire, water, traffic, housing)	10 miles
Wildfire Risk	0.5 miles
Land Use	0.5 miles
Seismic and Non-seismic Hazards	Site Boundary
*The analysis area includes the area within and extending the indicated distance from the site boundary.	

Information Submittal

Please send your comments with the information requested above by **November 17, 2023** to:

Oregon Department of Energy
 ATTN: Chase McVeigh-Walker, Senior Siting Analyst
 550 Capitol Street NE
 Salem, OR 97301
 Phone: (971) 600-5323
 Fax: (503) 373-7806
 Email: chase.mcveigh-walker@energy.oregon.gov

If you require additional time to prepare comments, please contact the project Siting Analyst, Chase McVeigh-Walker, at the email above, or by phone at (971) 600-5323, as soon as possible.

Cost Recovery

The time that your agency spends during the EFSC review process may be eligible for reimbursement. To be able to be reimbursed, the Department needs an executed Interagency Agreement in place with your agency. If you have questions about whether your agency has an

agreement in place, or how or what type of work may be reimbursed, contact ODOE's Fiscal Analyst Sisily Fleming at sisily.fleming@energy.oregon.gov or by phone at (503) 559-7081.

Facility Location Map and Additional Information

A vicinity map is included on the next page. Additional maps and other information can be found in the NOI, and we can provide GIS shape files of the facility site boundary upon request. Additional information will be posted to the Council's webpage for the project as it becomes available.

Informational Meeting

There will be a public informational meeting to provide additional opportunities for the public to learn about the proposed facility and state siting review process, provide comments, and ask questions. Reviewing agencies are welcome to attend and participate in the informational meeting.

Date: November 1, 2023

Time: 5:00 PM - In person Meet and Greet and 1 on 1 questions with ODOE and Applicant
6:00 PM - Presentation/Webinar by ODOE and Applicant followed by Q&A or comment

Location: Port of Morrow Riverfront Center
Riverfront Room
2 Marine Dr NE Boardman, OR 97818

Participate Remote Via Webinar: 6:00 PM

Connect Via Webex Link:

<https://odoe.webex.com/odoe/j.php?MTID=mf4f67d7bd9b8ad6343ab3e07568e5c75>

Webinar number is: 2350 529 5022

Webinar Password is: EFSC (3372)

Join by Phone: 6:00 PM

Call: +1-408-418-9388 United States Toll

Access code: 2350 529 5022

Oral comments on the NOI will be accepted at the informational meeting. The informational meeting is not a public hearing, and participation in the informational meeting is not required to establish eligibility to participate in the contested case during the review of the ASC.

If you are interested in receiving GIS shape files of the facility site boundary, please contact Chase McVeigh-Walker at the contact information provided above.

