



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

03/06/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment  
DLCD File Number 004-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, March 19, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Carla McLane, Morrow County  
Jon Jinings, DLCD Community Services Specialist  
Grant Young, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

FEB 29 2012

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *Morrow County*

Local file number: *ATSP-052-11 et al*

Date of Adoption: *February 22, 2012*

Date Mailed: *February 27, 2012*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: *11/4/2011*

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: *TSP / IAMP*

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

*Adopted the Port of Morrow and Interstate 84/Highway 730 Interchange Area Management Plans as an amendment to the TSP, a boundary map amending both the Comp Plan and Zoning maps, changes to the TSP policies, and amendments to the Zoning and Subdivision ordinances*

Does the Adoption differ from proposal? Please select one  
*No.*

Plan Map Changed from: *Add IAMP Overlay* to:

Zone Map Changed from: *Add IAMP Overlay* to:

Location: *4N 25 Sec 10, 11, 15; 4N 25 Sec 12, 13; 4N 26 Sec 7, 18* Acres Involved:

Specify Density: Previous: *N/A*

New: *N/A*

Applicable statewide planning goals:

1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 004-11 (19044) [16950]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, Port of Morrow, City of Boardman

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Local Contact: *Carla McLane* Phone: *(541) 922-4624* Extension:  
Address: *PO Box 40* Fax Number: *541 922 3472*  
City: *Irrigon, OR* Zip: *97844* E-mail Address: *cmclane@co.morrow.or.us*

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE ADOPTING THE PORT OF  
MORROW AND INTERCHANGE  
84/HIGHWAY730 INTERCHANGE AREA  
MANAGEMENT PLANS AS AMENDMENTS  
TO THE MORROW COUNTY  
TRANSPORTATION SYSTEM PLAN

COUNTY ORDINANCE

NO. mc-2-2012

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

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, Morrow County adopted a Transportation System Plan in 1998, a significant update in 2005, and with minor updates in 2006, 2007, 2009 and 2010, and a major update in 2012; and

WHEREAS, the Port of Morrow received funds through HB 2001 (2010) which provides for the development of roads in the East Beach Industrial Area, and

WHEREAS, a requirement of HB 2001 (2010) the Port of Morrow is to complete Interchange Area Management Plans for both the Port of Morrow and the Interstate 84/Highway 730 interchanges, and

WHEREAS, a Technical Advisory Committee was established consisting of members from the Port of Morrow, the City of Boardman, Morrow County and the Oregon Department of Transportation, and

WHEREAS, the Technical Advisory Committee working with the consulting team lead by Kittelson and Associates drafted both Interchange Area Management Plans with associated changes to the Transportation System Plan, Comprehensive Plan and Zoning maps, and the Zoning and Subdivision Ordinances, and

WHEREAS, the Port of Morrow made application for Morrow County to adopt the Interchange Area Management Plans and related changes through the Post-Acknowledgment Plan Amendment (local file number ATSP-052-11); and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on December 20, 2011, at the Port of Morrow Riverfront Center in Boardman, Oregon; and on January 17, 2012, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Planning Commission unanimously recommended approval of the request and adopted Final Planning Commission Findings of Fact dated January 19, 2012; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on February 15, 2012, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court did consider the testimony and evidence presented to them;

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

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the 2012 "Port of Morrow and Interstate 84/Hwy730 Interchange Area Management Plans amendment to the Morrow County Transportation System Plan."

Section 2 Affected and Attached Documents

1. Adopt the Port of Morrow and Interstate 84/Highway 730 Interchange Area Management Plans (IAMPs) as amendments to the Morrow County Transportation System Plan which is, by reference, a part of the Morrow County Comprehensive Plan (both attached).
2. Amend the Comprehensive Plan and Zoning Maps to include the IAMP Management Area and define its boundary (attached).
3. Approve amendments to the Transportation System Plan, Zoning Ordinance and Subdivision Ordinance, specifically as follows:(as attached).
  - Repeal and replace Chapter 2 of the Transportation System Plan.
  - Repeal and replace Article 4 Supplementary Provisions and Article 9 Administrative Provisions of the Morrow County Zoning Ordinance.
  - Repeal and replace the Morrow County Subdivision Ordinance in its entirety.
4. Adopt, by reference, the improvements listed in Table 7-1 in both IAMPs as part of the identified projects for action as funding is identified.

Section 3 Effective Date

As this process has taken longer than anticipated, and because the project needs to be in front of the Oregon Transportation Commission for adoption as part of the Oregon Highway Plan, an emergency is declared. Therefore this ordinance and the Port of Morrow and

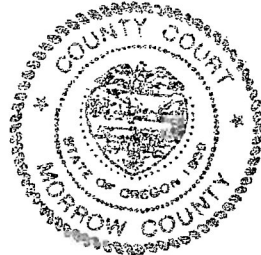
Interstate 84/Highway 730 Interchange Area Management Plans amendment to the Morrow County Transportation System Plan 2012 shall be effective on February 22, 2012.

Date of First Reading: February 22, 2012

Date of Second Reading: February 22, 2012

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 22nd DAY OF FEBRUARY, 2012.

ATTEST:



*Bobbi Childers by  
Sheresa Crawford Deputy Clerk*  
Bobbi Childers, County Clerk

MORROW COUNTY COURT:

*Reeved*  
Terry K. Tallman, Judge

*Ken A. Grieb*  
Ken Grieb, Commissioner

APPROVED AS TO FORM:

*Ryan Swinburnson*  
Ryan Swinburnson, County Counsel

*Leann Rea*  
Leann Rea, Commissioner



## PLANNING DEPARTMENT

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

### NOTICE OF DECISION

February 27, 2012

ATSP-052-11

Morrow County Transportation System Plan  
2012 Interchange Area Management Plans  
Port of Morrow Interchange  
Interstate 84/Highway 730 Interchange

This notice is to inform you that on February 22, 2012, the Morrow County Court adopted Ordinance Number MC-2-2012 adopting two Interchange Area Management Plans (IAMP); amending the Comprehensive and Zoning Maps to include the IAMP Management Area and define its boundary; and approve amendments to the Morrow County Transportation System Plan, Articles 4 and 9 of the Zoning Ordinance, and Article 8 of the Subdivision Ordinance.

The requirements for filing an appeal of the decision to the Land Use Board of Appeals (LUBA) are set forth in ORS 197.830 to 197.845. State law and associated administrative rules promulgated by LUBA describe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that a notice of intent to appeal plan or land use regulation amendments adopted pursuant to ORS 197.610 to 197.625 "shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615." Notice of this decision was mailed on February 27, 2012. The deadline to appeal is March 19, 2012.

Cordially,

Carla McLane  
Planning Director

I certify that on February 27, 2012, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

2/27/12  
Signature Date

**Planning Commission Final Findings of Fact  
Interchange Area Management Plans (IAMPs)  
Port of Morrow Interchange  
Interstate 84/Highway 730 Interchange  
ATSP-052; AC(M)-053; AZ-054; AZ(M)-055;AS-056  
Amended January 6, 2012**

**REQUEST:** To adopt the Port of Morrow and Interstate 84/Highway 730 Interchange Area Management Plans as amendments to the adopted Morrow County Transportation System Plan. The IAMPs provide transportation improvement plans and Access Management Plans for areas in the vicinity of the two Interstate 84 interchanges serving the Port of Morrow. The County is also requested to amend the Zoning and Subdivision Ordinances to include notice and access management requirements.

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**APPLICANT:** Port of Morrow  
P.O. Box 200  
Boardman, OR 97818

**OWNER:** Multiple (see landowner notice)

**LOCATION:** Area of influence around both affected interchanges as shown on the Interchange Management Study Area map, also known as Figure 1-1

**I SUMMARY OF APPLICATION AND PROCESS:**

The Morrow Transportation System Plan was originally prepared in 1997 as part of the Morrow County overall Comprehensive Plan as required by Oregon Revised Statute (ORS) 197.712 and the Transportation Planning Rule (TPR) OAR 660 Division 12 developed by the Department of Land Conservation and Development (DLCD). The TPR and its provisions are designed to encourage the development of a planning process that allows development of future transportation facilities, protect the operation of existing and future transportation facilities, coordinate the review of land use decisions, and promote safe and convenient pedestrian and bicycle circulation. The requirement for Interchange Area Management Plans is an outgrowth of the TSP planning process.

The Port of Morrow has received funding from the Oregon Legislature for road improvements within the Port's East Beach Industrial Park and to facilitate additional connections to the regional highway system. Prior to construction the Oregon Department of Transportation required that the Port complete Interchange Area Management Plans for both the Port of Morrow interchange and the Interstate 84/Highway 730 interchange. The purpose of this hearings process is to review the proposed IAMPs proposed by the consultant team and the advisory committees that have worked on this project for the past year.

The best summary of the proposed changes to each of the Morrow County documents is the attached memorandum from Darci Rudzinski of Angelo Planning Group dated October 18, 2011. In the memorandum changes to both Morrow County and City of



Boardman documents are outlined, but only the Morrow County changes are relevant to the county process. Changes to each of the documents is covered. Also shown in the attached memorandum are County Planning Director notes and comments to that memorandum that should be reflected in the implementation chapter of the proposed IAMPs, or Chapter 8.

Also attached to these Findings are the four sections of various plans or ordinances proposed to be amended by this overall action. They are as follows:

1. Transportation System Plan  
Chapter 2 Goals and Policies  
Specifically being added are Policy 1.14 and 1.15 on page 2-2
  
2. Morrow County Zoning Ordinance  
Article 4 Supplementary Provisions  
Section 4.010 Access  
Specifically being added is language having to do with access within the Influence Area of an Interchange on page 2  
  
Section 4.165 Site Plan Review  
Specifically being added is language having to do with ODOT participating in the pre-application process on page 23  
  
Section 4.170 Site Development Review  
Specifically being added is language having to do with ODOT participating in the pre-application process on page 25  
  
Article 9 Administrative Provisions  
Section 9.050 Public Hearings  
Specifically being added is language having to do with notice to ODOT of an application within the IAMP Management Area on page 4
  
3. Morrow County Subdivision Ordinance  
Article 8 Design Standards  
Section 8.020 Streets  
Specifically being added is language having to do with various aspects of Access Management within the IAMP Management Area on page 52 and 53

**II SUMMARY OF APPLICABLE CRITERIA** To approve the request the Planning Commission will need to make findings to show that the request meets the necessary criteria in the Morrow County Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance.

**MORROW COUNTY COMPREHENSIVE PLAN:** The necessary steps are outlined in the chapter Review and Revision Processes. There are no specific criteria identified, but there is a statement that “the public need and justification for the particular change should be established.” Also to be considered are changes in Oregon Revised Statutes, Oregon Case Law, Oregon Statewide Planning Goals, Requirements of the County and its Cities, Needs of Residents or Landowners, and Concerns of the County and other Affected Governmental Units.

**The public need and justification for the particular change should be established:** Planning staff would state the public need for this change is the continuing growth and development of the Morrow County transportation system coupled with the growth of the Port of Morrow East Beach Industrial Park. Additionally this update is required by the Oregon Department of Transportation prior to development funds being made available to the Port.

Planning staff would find that the need under the Comprehensive Plan for adoption of the two IAMPs has been met.

**MORROW COUNTY ZONING ORDINANCE SECTION 8.050. BURDEN AND CRITERIA.** The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighbourhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

**A. That conditions have changed since the adoption of the Comprehensive Plan and zoning map that warrant an amendment, or that there was a mistake in the original designation.**

No mistakes were made in the original adoption of either the Comprehensive Plan, Zoning Ordinance or the Zoning Ordinance Map. Growth in Morrow County, particularly at the Port of Morrow, requires that additional planning under current law, particularly the Transportation Planning Rule, be completed.

**B. That public services and facilities are sufficient to support a change in designation, including, but not limited, to streets and roads (refer to the Transportation System Plan and Transportation Planning Rule).**

**1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- a. Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

**2. A plan or land use regulation amendment significantly affects a transportation facility if it:**

- a. Changes the functional classification of an existing or planned transportation facility;**
- b. Changes standards implementing a functional classification;**
- c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**

**d. Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

The adoption of these two IAMPs will be in support of and meet a requirement of a recent zone change that was approved for the Port of Morrow in the affected area. No other zone changes are being considered as part of this approval. The Transportation System Plan policy statements will be added to, the Zoning Ordinance Map will be amended to reflect the area of influence, and the Zoning and Subdivision Ordinances will be amended to provide consistent notice provisions for actions within the area of influence.

**C. That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.**

No zone change is requested with this request. Planning staff would find that there is a public need for this action (see Comprehensive Plan review above.)

**D. The factors listed in ORS 215.055 or others which relate to the public need for healthful, safe and aesthetic surroundings and conditions.**

This particular ORS has been repealed, however the Planning Commission can review for factors related to these criteria. This particular action will provide for safer travel and better access within the Port of Morrow and onto the regional and interstate transportation system.

Planning staff would find that these criteria have been met.

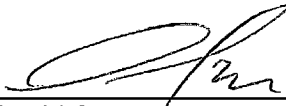
- III **DLCD 45 DAY NOTICE:** November 4 , 2011
- IV **PROPERTY OWNER NOTICE:** November 30, 2011
- V **LEGAL NOTICE:** Heppner Gazette Times and East-Oregonian  
November 30, 2011
- VI **AGENCIES NOTIFIED:** Grant Young and Angela Houck, Department of Land Conservation and Development; Teresa Penninger, Patrick Knight and Marilyn Holt, Oregon Department of Transportation; Gary Neal and Ron McKinnis, Port of Morrow; Karen Pettigrew and Barry Beyeler, City of Boardman; Burke O'Brien and Bob Nairns, Morrow County Public Works; Greg Sweek, Morrow County Assessor's Office
- VII **HEARING DATES:**  
Planning Commission  
December 20, 2011  
Port of Morrow Riverfront Center  
Boardman, Oregon

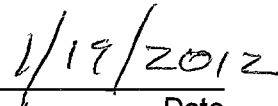
January 17, 2012  
Port of Morrow Riverfront Center  
Boardman, Oregon

County Court  
February 15, 2012  
Port of Morrow Riverfront Center  
Boardman, Oregon

**IX RECOMMENDATION OF THE MORROW COUNTY PLANNING DEPARTMENT:**

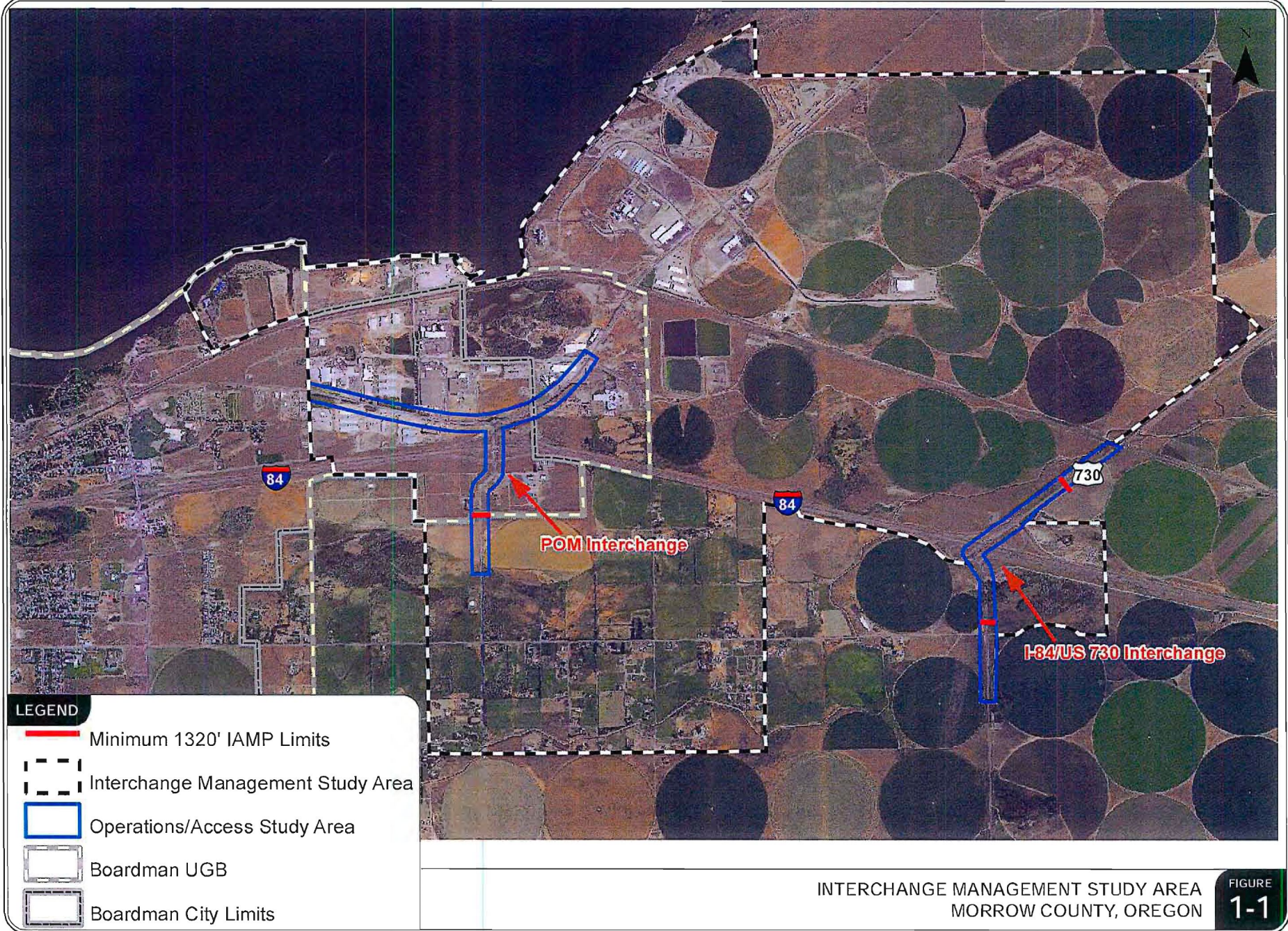
1. Recommend to the Morrow County Court approval of the Port of Morrow and Interstate 84/Highway 730 Interchange Area Management Plans as amendments to the adopted Morrow County Transportation System Plan which is, by reference, a part of the Morrow County Comprehensive Plan.
2. Recommend amendment to the Comprehensive Plan and Zoning Maps to include the IAMP Management Area and define its boundary.
3. Recommend the County Court approve proposed amendments to the Zoning and Subdivision Ordinances to implement the IAMPs.
4. Recommend the County Court adopt, by reference, the improvements listed in Table 7-1 in both IAMPs as part of the identified projects for action as funding is identified.

  
\_\_\_\_\_  
David Sykes, Chair

  
\_\_\_\_\_  
Date

**Attachments:**

- Interchange Management Study Area (Figure 101)
- Angelo Planning Group Memorandum dated October 18, 2011
- Interstate 84/Highway 730 Interchange Area Management Plan
- Port of Morrow Interchange Area Management Plan
- Select Portions of the Transportation System Plan (Chapter 2); the Zoning Ordinance (Article 4 and 9); and the Subdivision Ordinance (Article 8)



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# Memorandum

**TO:** Patrick Knight, ODOT Region 5  
**FROM:** Darci Rudzinski, AICP  
**DATE:** October 18, 2011  
**CC:** Technical Advisory Committee and Public Advisory Committee  
Frank Angelo, Principal, Angelo Planning Group  
Matt Hughart, AICP; Nick Foster; and Marc Butorac, PE, Kittelson & Associates  
**FILE #:** 024-027  
**RE:** Port of Morrow and I-84/US 730 Interchange Area Management Plans  
Implementation Report (Task 10.2.1) and Proposed Code Amendments (Task 10.2.2)

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## I. IMPLEMENTATION REPORT

### Overview

Development and implementation of Interchange Area Management Plans (IAMPs) are guided by Oregon Administrative Rule (OAR) 734-051 and OAR 660-012.

OAR 734-051-0155(7) requires that an IAMP be developed no later than the time that an interchange is designed or redesigned. The IAMP must be completed before project construction. OAR 734-051-0155(2) states "prior to adoption by the Oregon Transportation Commission, the Department will work with local governments on any amendments to local comprehensive plans and transportation system plans and local land use and subdivision codes to ensure the proposed Interchange Area Management Plan is consistent with the local plan and codes."

OAR 660-012-0045(2), a provision of the Transportation Planning Rule requires that local governments adopt land use regulations consistent with state and federal requirements "to protect transportation facilities, corridors, and sites for their identified functions."

To comply with OAR 734-051 and OAR 660-012 and ensure that future local land use actions are consistent with the transportation facility planning, the Port of Morrow and I-84/US 730 IAMPs contain policy language that, once adopted locally, will govern planning and future development within the two IAMP Management Areas.

In addition to policy language that supports the objectives of the IAMPs, the City of Boardman and Morrow County will need to have regulatory language in place that ensures that future permitted development is compatible with the improvements planned for the interchanges.

This memorandum includes proposed ordinance amendments for both the City of Boardman and Morrow County that implement the Port of Morrow (POM) IAMP and I-84/US 730 IAMP and are consistent with Oregon Administrative Rules governing transportation planning.

The City of Boardman's Development Code was revised in 2009 to include a new Chapter 2.5 - *Interchange Area Management Plan (IAMP) Overlay District*. Code changes were associated with the Main Street interchange and addressed access management, local street circulation, planned transportation improvements, and ODOT coordination. While the City's IAMP Overlay District currently only applies to the Main Street interchange, with some slight rewording much of the existing text can be applicable to both City I-84 interchange areas. Proposed amendments to the Development Code will expand IAMP-related site development requirements to lands in the vicinity of the POM interchange, while keeping distinct any requirements that are unique to either interchange. While the structure of Chapter 2.5 will change, the substantive changes necessary to include development review requirements and procedures at the POM interchange are relatively minor.

Proposed amendments to the Morrow County Zoning Ordinance and Subdivision Ordinance are also relatively few. While the County does not have an interchange area overlay, such as is found in the City of Boardman's code, County ordinances include the following requirements that will help ensure that the interchanges will continue to operate according to their identified function and consistent with the IAMPs.

- Proposals to amend the zoning map or text must show that there are services and facilities sufficient to support the change in designation, including compliance with the Transportation System Plan and Transportation Planning Rule (Article 8).
- The threshold for transportation impact analysis (TIA) requirements for all types of development is 400 daily trips.<sup>1</sup> Site Development Review standards specify what the TIA must address, including identifying necessary safety and capacity improvements to accommodate the proposed development. The analysis must demonstrate "consistency with the applicable performance standards of the affected facilities (Article 4)."
- Access spacing requirements in the Zoning Ordinance (Article 4) and Subdivision Ordinance (Section 8) include ODOT review for applications that include access onto state highways and consistency with state access management standards. OAR 743-051 is cited as applicable when a proposal includes access within the influence area of an interchange.

Proposed amendments to County ordinances include adding references to the IAMPs in existing access management requirements and ODOT notification of proposed land use actions within the IAMPs. Because there are few new development requirements and no proposed land use amendments within the IAMP boundaries, a new zoning (or overlay) district is not being proposed for the County. However, the County will need to include an IAMP management area on the official County land use and zoning map.

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<sup>1</sup> ODOT's change of use provisions in OAR 734-051 for an approach road or private road crossing are triggered at 50 trips in the peak hour, or 500 daily trips.



## Summary of Proposed Amendments

The following is a summary of the local plan and code amendments that will need to occur at both the City and County levels to support adoption of the POM IAMP and I-84/US 730 IAMP.

### City of Boardman

- Adopt the POM IAMP as part of the City of Boardman Transportation System Plan (TSP). The IAMP shall serve as the long range comprehensive management plan for providing the transportation facilities that are specifically addressed in this plan, as well as the Access Management Plan and the planned local street network for the area.
- Adopt a policy statement, as part of the TSP and included in the IAMP, that describes the transportation function of the Port of Morrow interchange.
- Amend the City's Comprehensive Plan and Zoning map to amend the Interchange Area Management Plan (IAMP) Overlay District to include the area identified in the POM IAMP.
- Amend Development Code *Chapter 2.5 – Interchange Area Management Plan (IAMP) Overlay District* to:
  - Define the area wherein regulations and requirements associated with protecting the POM interchange for its accepted function apply.
  - Require that development and redevelopment proposals within the IAMP Overlay District show consistency with the IAMP Access Management Plan as a condition of approval.
  - Distinguish transportation impact study requirements for development in the vicinity of the Main Street and POM interchanges.
  - Include evaluation and updating criteria for adopted IAMPs.

### Morrow County

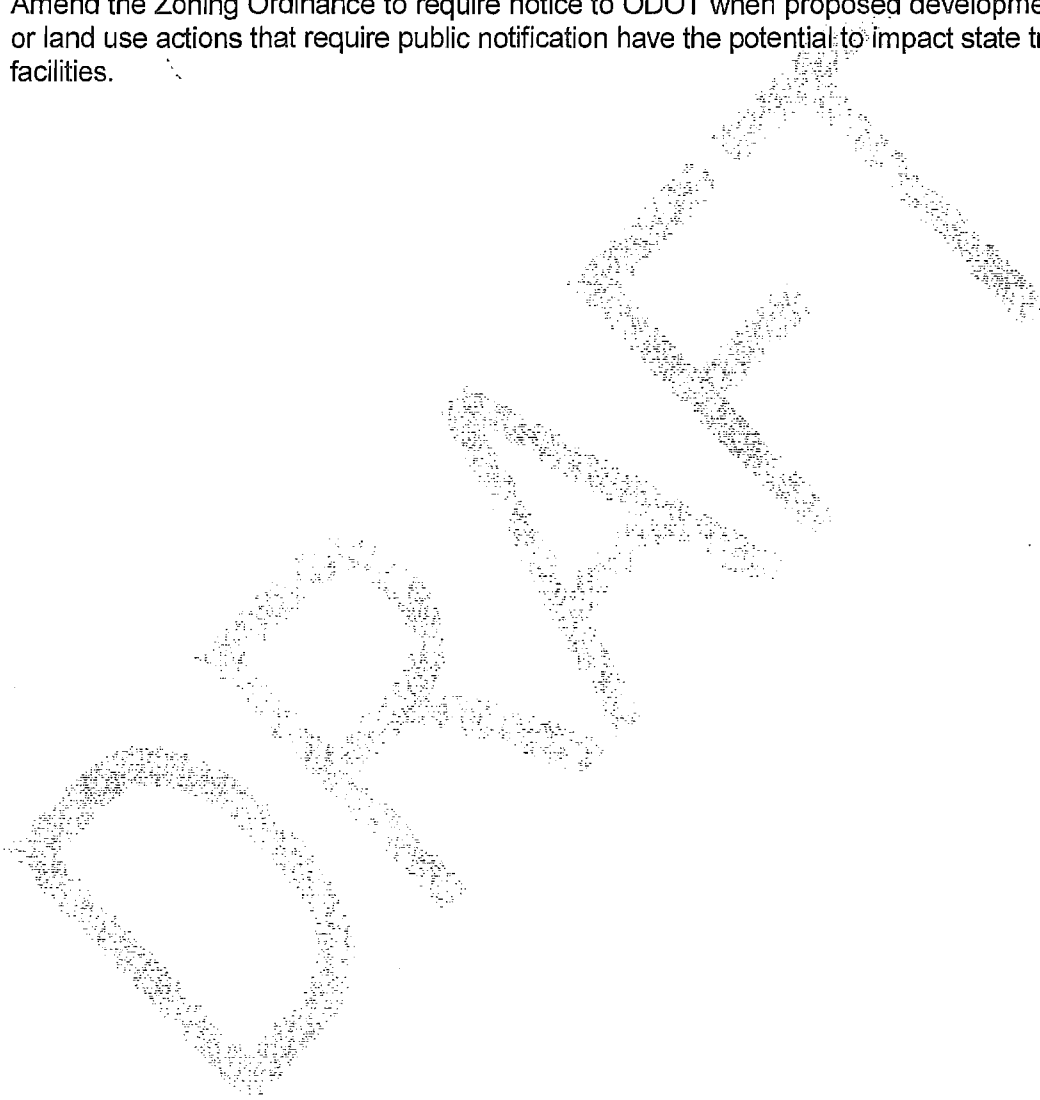
- Adopt the POM IAMP and I-84/US 730 IAMP as part of the Morrow County Transportation System Plan (TSP). The IAMPs shall serve as the long range comprehensive management plan for providing the transportation facilities that are specifically addressed in these plans, as well as the Access Management Plan and the planned local street network for areas within each IAMP.
- Adopt a policy statement for each interchange, as part of the TSP and included in the IAMPs, that describes the transportation function of the POM interchange and the I-84/US 730 interchange.
- Amend the County's Comprehensive Plan and Zoning map to include the Interchange Area Management Plan (IAMP) Management Area<sup>2</sup> to include the area defined in the POM IAMP and I-84/US 730 IAMP.

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<sup>2</sup> As noted in the *Overview* section of this memorandum, for purposes of the County land use map(s) and ordinance language the IAMP boundary for both the POM and the I-84/US 730 IAMPs is referred to as the IAMP Management Area. For the City of Boardman, the

- Amend access management standards in the Zoning Ordinance and Subdivision Ordinance to require consistency with the adopted IAMPs.
- Amend the Zoning Ordinance to include ODOT in pre-application reviews for Site Plan and Site Development Review when the proposed development is within an interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility.
- Amend the Zoning Ordinance to require notice to ODOT when proposed development proposals or land use actions that require public notification have the potential to impact state transportation facilities.

outside  
IAMP  
scope



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POM IAMP boundary will become part of the City's adopted (and mapped) IAMP Overlay District.

## II. RECOMMENDED AMENDMENTS TO LOCAL POLICY & CODE STANDARDS

The proposed policy and code amendment language is provided in adoption-ready form for both the City of Boardman and Morrow County. New language recommended for inclusion in the adopted plans and ordinances is indicated by double underlined text, and language proposed for deletion by ~~strike-through text~~.

### Proposed Policy Amendments

#### City of Boardman

- The City of Boardman shall adopt the Port of Morrow IAMP by reference as an element of the City's Transportation System Plan.
- The following interchange policy statement shall be included in the City of Boardman Transportation System Plan:

The primary function of the POM interchange is to provide truck and vehicular access to the POM, allowing goods to be transported between the Port and destinations in Oregon, Washington, and Idaho via I-84. A secondary function is to provide access to the residential areas and farm lands on the south side of I-84 and east of the City of Boardman via Laurel Lane, a City arterial.

#### Morrow County

- Morrow County shall adopt the Port of Morrow IAMP and the I-84/US 730 IAMP by reference as elements of the County's Transportation System Plan.
- The following interchange policy statements shall be included in the Morrow County Transportation System Plan:

The primary function of the POM interchange is to provide truck and vehicular access to the POM, allowing goods to be transported between the Port and destinations in Oregon, Washington, and Idaho via I-84. A secondary function is to provide access to the residential areas and farm lands on the south side of I-84 and east of the City of Boardman via Laurel Lane, a City arterial.

The primary function of the I-84 / US 730 interchange is to facilitate statewide and inter-urban and inter-regional travel to/from the I-84 corridor. A secondary function is to provide interregional connectivity via the US 730 corridor. US 730, a Regional Highway and a Federally Designated Truck Route, provides regional connectivity between numerous local jurisdictions and the I-82/I-84 interstate highways.

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## Proposed Code Amendments

### City of Boardman Development Code

#### Chapter 2.5 - Interchange Area Management Plan (IAMP) Overlay District

##### Sections:

- 2.5.100 - Purpose
- 2.5.110 - Boundary of the IAMP Overlay District
- 2.5.120 - Applicability
- 2.5.130 - Permitted Land Uses
- 2.5.140 - Access Management
- 2.5.150 - Administration
- 2.5.160 - Comprehensive Plan and Zoning Map Amendments

##### **2.5.100 Purpose**

The purpose of the IAMP Overlay District is the long-range preservation of operational efficiency and safety of the ~~Main Street Interchanges~~ that provides access from and to Interstate 84 through the City of Boardman. The Main Street Interchange is a vital link for regional travel and it provides a connection between the two sides of the community; the Port of Morrow ("POM") Interchange is vital for truck and vehicular access to and from the Port of Morrow. Preserving capacity and ensuring safety of ~~this~~ these interchanges is essential to existing businesses and residents in the western parts of the city and to the continued economic and community growth and development in the vicinity of Main Street and the interchange at the Port of Morrow.

##### **2.5.110 Boundary of the IAMP Overlay District**

The boundary of the IAMP Overlay District is shown on the Boardman Comprehensive Plan and Zoning Map.

##### **2.5.120 Applicability**

The provisions of Chapter 2.5 shall apply to all Type II, III and IV land use applications for parcels wholly or partially within the IAMP Overlay District, as defined by Section 2.5.110. Any conflict between the standards of the IAMP Overlay District and those contained within other chapters of the Development Code shall be resolved in favor of the IAMP Overlay District.

### 2.5.130 Permitted Land Uses

Uses allowed in the underlying zoning districts are allowed subject to other applicable provisions in the City of Boardman Development Code and Chapter 2.5.

### 2.5.140 Access Management

In addition to the standards and requirements of Chapter 3.1 Access and Circulation, parcels wholly or partially within the IAMP Overlay District are governed by the Access Management Plan in the Boardman Main Street Interchange Area Management Plan. The following applies to land use and development applications subject to Chapter 2.5.

#### A. Access Permit.

1. Access to public streets within the IAMP Overlay District requires an Access Permit in accordance with Chapter 3.1. An Access Permit is required as part of subdivision approval (Chapter 4.3) and approval of land use and zoning amendments (Chapter 4.7).
2. Development and redevelopment of tax lots that are identified in the Access Management Plan (see Table 5.1 and Figures 5.4, 5.5, and 5.6 in the Boardman Main Street Interchange Area Management Plan) of the applicable IAMP require an Access Permit if one or more of the following applies:
  - a. Proposed building improvements are greater than or equal to 50% of the assessed value of the existing built improvements.
  - b. Proposed building improvements are expected to generate up to or greater than 25 average daily trips.
  - c. A change in use is proposed.
3. Permits for access to City streets within the IAMP Overlay District shall be subject to joint review by the City and the Oregon Department of Transportation (ODOT). Coordination of this review will occur pursuant to Section 2.5.150.C.
4. Approval of an access permit is a Type I decision and is based on the standards contained in this Chapter, the provisions of Chapter 3.4.100 Transportation Standards, and the Access Management Plan in the Boardman Main Street Interchange Area Management Plan of the applicable IAMP. Where the recommendations of the Access Management Plan conflict with other access and spacing requirements in Chapter 3.1 of the Development Code, the Access Management Plan shall govern.

**B. Cross access easements.**

1. Prior to approving access permits for tax lots that are identified in the Access Management Plan (see Table 5.1 and, Figures 5.4, 5.5, and 5.6 in the Boardman Main Street Interchange Area Management Plan), the City shall require that:
  - a. The applicant demonstrate how cross access can be accomplished for sites contiguous to the subject property or properties, consistent with the circulation and planned local street network shown in the applicable IAMP;
  - b. If access across an adjacent parcel or parcels is necessary for the development of the subject site, a signed cross access agreement is submitted with the application; and,
  - c. For applications reviewed as part of a subdivision approval process, necessary cross access easements are shown and recorded on the final plat. Access widths shall be a minimum of 10 feet of width for every travel lane and shall not exceed 30 feet.

**C. Access Management Plan Modifications.**

Recommended actions in the Access Management Plan are based on property configurations and ownership existing at the time of the Boardman Main Street Interchange Area Management Plan's applicable IAMP's adoption. Lot consolidation and other land use actions may necessitate an amendment to the Access Management Plan. Modifications to the Access Management Plan:

1. May occur through agreement by the City of Boardman and ODOT and require an amendment to the Boardman Main Street Interchange Area Management Plan applicable IAMP; and
2. Will only be allowed if the proposed modifications meet, or move in the direction of meeting, the adopted access management spacing requirements in the Boardman Main Street Interchange Area Management Plan applicable IAMP.

**2.5.150 Administration**

Section 2.5.150 delineates the responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation impacts on the Boardman Main Street Interchange I-84 interchanges in Boardman from development approval under this section. Notwithstanding Chapter 4.10.200.A, an application for development within the IAMP Overlay District will not generally require detailed traffic analysis (i.e. a Traffic Impact Study) because the Boardman Main Street Interchange Area Management Plan (IAMP) has already established the transportation plan. Section A describes the Traffic Generation Report, and the level of transportation analysis that is generally required for development proposals in the vicinity of the Main Street interchange. Section B defines conditions under which a more detailed Traffic Impact Study is required.

A. **Traffic Generation Report.** A Traffic Generation Report is required for development proposals within the vicinity of the Main Street interchange within the IAMP Overlay District to demonstrate consistency with the assumptions of the Boardman Main Street Interchange Area Management Plan.

1. All applications for development within the IAMP Overlay District subject to this section must be accompanied by information about the amount of proposed development in sufficient detail to allow the City to prepare a Traffic Generation Report that estimates the motor vehicle traffic that will enter and exit the site.
2. In addition, an applicant may elect to prepare and submit their own Traffic Generation Report; however, the City retains discretion to accept the applicant's Traffic Generation Report or use the Traffic Generation Report prepared by the City.
3. Trip Generation Reports may assume a trip reduction factor to account for multiple stops made by a single vehicle only if the proposed use is consistent with the specific land use assumptions in the IAMP. Specifically, the following reductions for the following types of uses may be taken after using conventional techniques to estimate trips based on the size of the development:
  - a. Convenience Store – 60%
  - b. Fast Food – 43%
  - c. Retail – 35%
  - d. Gas Station – 27%
4. When a proposed development includes more than one use, trip reduction factors consistent with the ITE Trip Generation Manual shall be applied separately to each use, and those separate estimates shall be added to calculate the total for the development.
5. For approved development in the Main Street interchange within the IAMP Overlay District, The City shall keep a record of all Traffic Generation Reports and use them to calculate the total of new trips within the IAMP Overlay District for use in evaluating the conditions that may necessitate an IAMP update (see Section 2.5.170).

B. **Traffic Impact Study.**

1. A Traffic Impact Study prepared in accordance with Chapter 4.10 is required for proposals in the vicinity of the POM interchange within the IAMP Overlay District when elements of Section 4.10.200 apply. In addition, a Traffic Impact Study will be required if the location of a proposed access driveway is inconsistent with the Access Management Plan in Section 7 of the I-84/POM IAMP.
2. For proposals in the vicinity of the Main Street interchange within the IAMP Overlay District, a Traffic Impact Study prepared in accordance with Chapter 4.10 is required if elements of Section 4.10.200 apply or for the following:

- 1.a. Proposals that include a zone change or a comprehensive plan amendment that results in an increase of 10% or greater in PM peak hour traffic than the current zoning.
- 2.b. Proposals submitted when ramp terminals are operating above 0.75 volume to capacity, as measured in the most recent traffic counts performed by ODOT or the City, or the proposal would generate traffic exceeding this threshold.
- 3.c. Proposals submitted to the city during a legislative update of the Boardman Main Street Interchange Area Management Plan pursuant to Section 2.5.170.

C. **Land Use Review Coordination.**

- 1. ~~The City shall not deem the land use application complete unless it includes a Traffic Generation Report or, if required by Section 2.5.150.B, a Transportation Impact Study prepared in accordance with Chapter 4.10 and the requirements of this Chapter.~~
- 2. The City shall provide written notification to ODOT when the application is deemed complete pursuant to 4.1.700. This notice shall include an invitation to ODOT to participate in the City's site team review meeting.
- 3. ODOT shall have at least 20 days, measured from the date completion notice was mailed, to provide written comments to the City. If ODOT does not provide written comments during this 20-day period, the City staff report will be issued without consideration of ODOT comments.
- 3. If required by Section 2.5.150.A or Section 2.5.150.B, the City shall not deem the land use application complete unless it includes a Traffic Generation Report or Transportation Impact Study prepared in accordance with Chapter 4.10 and the requirements of this Chapter.

**2.5.160 Comprehensive Plan and Zoning Map Amendments**

This section applies to all Comprehensive Plan Map and Zoning Map amendments to parcels wholly or partially within the IAMP Overlay District.

A. **Transportation Planning Rule Requirements.**

Applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must meet the requirements of Oregon Administrative Rule (OAR) 660-012-0060 and Section 4.7.600 of this Development Code.

**A.B. IAMP Amendment.** The Boardman Main Street Interchange IAMP must be amended if the following applies:



1. If a proposed land use is inconsistent with the current land use zoning and is anticipated to increase PM peak hour traffic by more than 10%, the applicant will be required to undertake a legislative amendment to amend and update the Boardman Main Street Interchange Area Management Plan in order to demonstrate that the proposed amendment will be consistent with the planned improvements in the Overlay District. In such cases, the applicant will supply information to amend the IAMP that includes:
  - a. Documentation of additional trips generated by the subject site that are not anticipated in the IAMP.
  - b. Findings of consistency with the IAMP that either show how the planned improvements in the IAMP are sufficient to support the proposal, or identify additional necessary transportation improvements to bring the proposed land use action into conformance with the IAMP.

**B. Transportation Planning Rule Requirements.**

~~Applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must meet the requirements of Oregon Administrative Rule (OAR) 660-012-0060 and Section 4.7.600 of this Development Code.~~

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**2.5.170 Evaluating and Updating the Interchange Area Management Plan**

Periodically, the implementation program in an adopted IAMP shall be evaluated by the City and ODOT, and if applicable Morrow County, to ensure it is accomplishing the goals and objectives of the respective IAMP. Such an evaluation may be requested at any time by the adopting agencies and may result in an update of the subject IAMP.

- A. Events that will trigger an IAMP review include:
1. Plan map and zone changes that have a "significant affect" pursuant to the Transportation Planning Rule, Section -0060 and impact an I-84 Interchange or that are located within the IAMP Management Area.
  2. Mobility measures at the I-84 ramp terminals that exceed the adopted volume-to-capacity ratios.
- B. If the participants in the IAMP review agree that, once the impacts of the "trigger" that necessitated the review are examined, an IAMP amendment is not warranted, a recommendation of "no action" may be documented and submitted in the form of a letter to the City of Boardman City Council, Morrow County Court, and the Oregon Transportation Commission.
- C. If the findings and conclusions from the IAMP review meeting demonstrate the need for an update to the plan, review participants will initiate an IAMP update process consistent with the process outlined in the plan.
- D. In addition, for the Main Street interchange, the city shall initiate an update of the IAMP when the total of new peak hour trips from development within the IAMP Overlay District (as estimated by Trip Generation Reports required under 2.5.150) exceeds Peak Hour Trip Generation of 530 trips (which is approximately 85% of the trips assumed within the IAMP boundaries). Development proposals that are submitted during the period in which the IAMP is being updated, or that are expected to generate traffic that exceeds the identified threshold, are required to include a Traffic Impact Study, pursuant to 2.5.150.B.

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Morrow County Zoning Ordinance

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.

[...]

F. Access within the Influence Area of an Interchange

1. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted Interchange Area Management Plan (IAMP) is regulated by standards in OAR 734-051. The State standards which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

2. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.

SECTION 4.165 SITE PLAN REVIEW

Site Plan Review is a non-discretionary or “ministerial” review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex developments and land uses that do not require site development or conditional use review and approval through a public hearing.

- A. Purpose. The purpose of Site Plan Review (ministerial review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Site Plan review also addresses conformity to floodplain regulations, consistency with the Transportation System Plan, and other standards identified below.
- B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards. ODOT shall be invited to participate in the pre-

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application review for proposals within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility.

[...]

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

- A. Purpose. The purposes of site development review are to encourage site planning in advance of development that is permitted under Morrow County's Comprehensive Plan and land use regulations; assure that development is supported with appropriate types and levels of transportation improvements and public facilities and services; and implement the Morrow County Comprehensive Plan and land use regulations with respect to development standards and policies.
- B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards. ODOT shall be invited to participate in the pre-application review for proposals within an interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility.

[...]

### ARTICLE 9. ADMINISTRATIVE PROVISIONS

#### SECTION 9.050. PUBLIC HEARINGS.

- A. Each notice of hearing authorized by this Ordinance shall be published in a newspaper of general circulation in the County at least 20 days prior to the date of hearing, except that a notice for a hearing before the Planning Commission on an amendment that requires two public hearings as specified in Article 8, may be given no less than 10 days in advance of the first public hearing.
- B. In addition,;
1. aA notice of hearing on a conditional use, appeal to a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property for which the appeal, variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least twenty (20) days prior to the date of hearing.
  2. When a proposal includes a parcel or parcels in an Interchange Management Area Plan (IAMP) Management Area, the County shall provide written notification to ODOT at least twenty (20) days prior to the date of hearing.
- C. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

- D. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.
- E. The notice shall include the following information: [...]

Morrow County Subdivision Ordinance

**SECTION 8.020. STREETS. (MC-02-05)**

T. Access Management.

1. Applications for development with access onto state highways shall be provided to ODOT for review, to ensure consistency with adopted ODOT Access Management Standards shown below. These standards apply only to unsignalized access points. New traffic signals on state facilities shall meet signal spacing standards in OAR 734-020 (desired minimum spacing for new traffic signals on state highways is at least 0.5 miles from the nearest existing or planned signal) or, if applicable, the standards in the adopted Interchange Area Management Plan (IAMP). For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through an analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination.

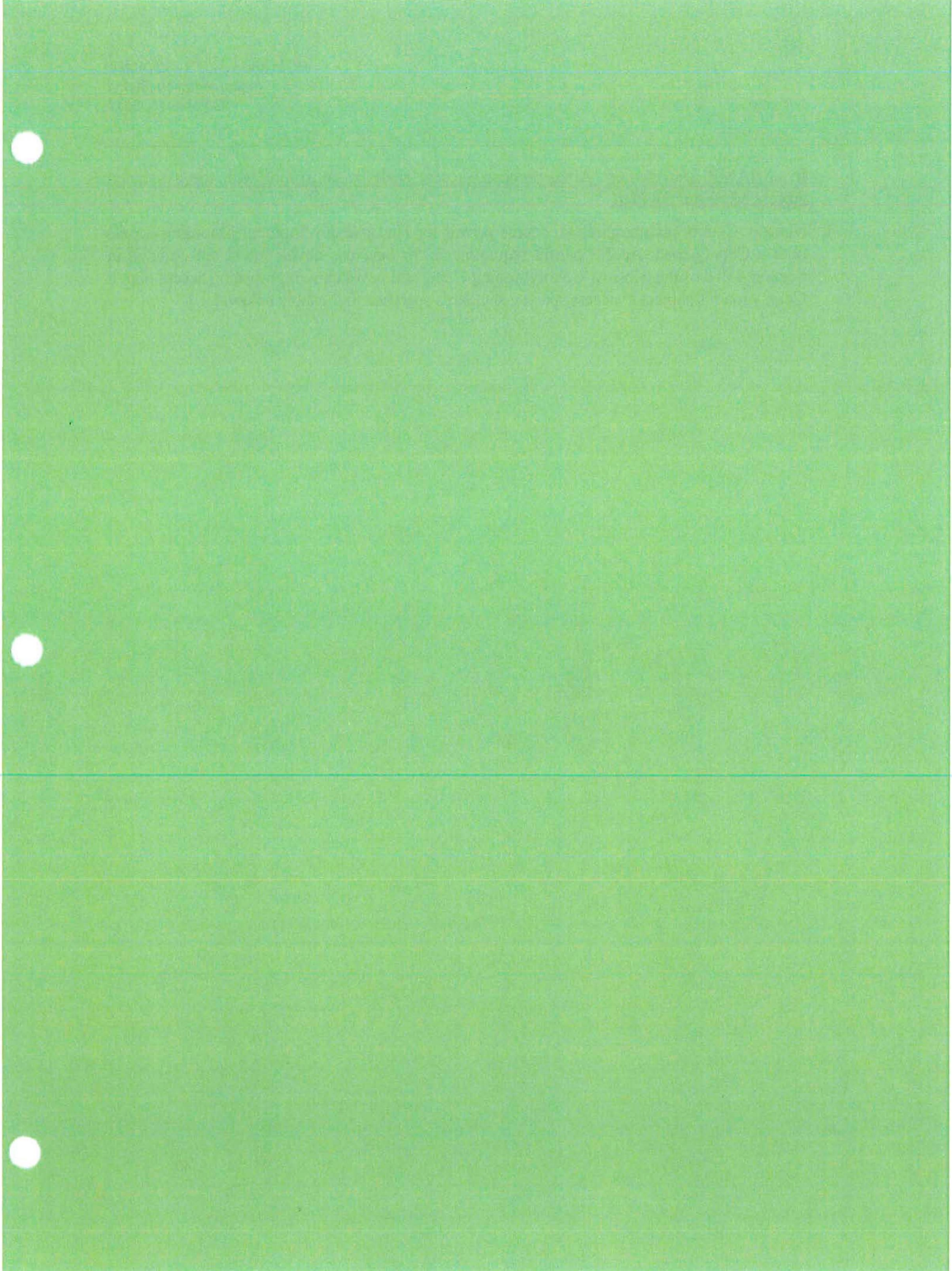
Access Management Standards for Morrow County non-Interstate Highways						
Highway	Classification	Access Spacing Standards for Public or Private				
		Unsignalized Access (ft) for Posted Speed Indicated (mph)				
		>55	50	40 & 45	30 & 35	<25
US 730, OR 74	Regional	990	830	750	600	450
OR 206, OR 207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

Source: Oregon Administrative Rules Section 734-051 (2004)

2. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted IAMP is regulated by standards in OAR 734-051, which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.
3. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange.

In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.

4. Morrow County also requires an access permit for land use development proposing access onto a County road. Access permit requirements for land use development are outlined in Section 4.010 of the Morrow County Zoning Code, and development proposing access onto a County road is subject to access spacing standards specified in the table below. [...]



## CHAPTER 2 GOALS AND POLICIES

### INTRODUCTION

Morrow County recognizes the importance of its transportation system to the long-term health and vitality of the County. Well-designed roadways contribute to the ability of an area to accommodate additional growth and development. Deficiencies in the system affect user safety and their perception of a community's character and livability. As part of this Transportation System Plan (TSP), a series of goals and policies were designed to guide the development of the transportation system over the next 20 years.

The goals and policies included in this plan have been developed by several technical advisory committees (TAC), working under the requirements of the 1991 Oregon Transportation Planning Rule (TPR), during various plan amendments. The goals and policies developed for this process reflect both the required elements of the TPR and the interests of the County.

Goals are general in nature. Each goal focuses on a particular aspect of the transportation system or the relationship between transportation and the viability of the County. The first nine goals of this TSP are coordination/process, land use, economic development, quality of life, transportation modes available in the County, and finance. A tenth goal focuses on the proposed speedway project.

Because they are general in nature, goals are difficult to implement and, therefore, make gauging plan success difficult. To assist in plan implementation, a series of policies has been developed for each goal. Policies are specific steps to be taken in plan implementation to ensure that the goals are met. Policies are directive and often outline plan requirements.

The following section presents the goals and policies of Morrow County. These goals and policies will assist in prioritizing individual transportation projects to ensure that limited transportation funding is expended efficiently to promote the development of a healthy transportation system.

### GOALS AND POLICIES

#### Goal 1      **Coordination/Process**

Ensure that the Morrow County TSP is coordinated with other transportation providers, meets applicable regulations, and considers the needs of all transportation system users.

- Policy 1.1.**      Coordinate the preparation of the TSP with transportation providers in Morrow County, including the cities of Boardman, Irrigon, Lone, Heppner, and Lexington, and the Oregon Department of Transportation (ODOT).
- Policy 1.2.**      Coordinate design standards with the cities within the county.
- Policy 1.3.**      Coordinate transportation planning with the Port of Morrow.
- Policy 1.4.**      Coordinate with ODOT for improvements on state facilities that could affect county facilities, through a ministerial or similar staff-level review



process to allow the County Public Works Department the opportunity to review improvement plans prior to final design.

- Policy 1.5.** Coordinate transportation planning with adjacent counties.
- Policy 1.6.** Fulfill the transportation planning requirements of ODOT and the Department of Land Conservation and Development (DLCD).
- Policy 1.7.** Participate actively in the North East Area Commission on Transportation (NEACT) to promote inclusion of transportation improvement projects in Morrow County in the Statewide Transportation Improvement Program (STIP).
- Policy 1.8.** Use a 20-year time horizon for all transportation planning.
- Policy 1.9.** Review annually and update the capital improvement program. Update the plan elements periodically, in conjunction with the periodic update of the county comprehensive plan, or every 5 years.
- Policy 1.10.** Evaluate the needs of all of the county's population groups, including transportation disadvantaged groups, such as older adults, young, physically challenged, and low-income residents.
- Policy 1.11.** Evaluate the needs of commercial users, including manufacturing, timber, agricultural, and recreational users.
- Policy 1.12.** Include consideration of urban issues, as appropriate, and rural issues in the TSP.
- Policy 1.13.** Provide extensive opportunities for public input throughout the transportation planning process.

**Policy 1.14** *The primary function of the I-84/US 730 interchange is to facilitate statewide and inter-urban and inter-regional travel to/from the I-84 corridor. A secondary function is to provide interregional connectivity via the US 730 corridor. A Regional Highway and a Federally Designated Truck Route, US 730 provides regional connectivity between numerous local jurisdictions and the I-82/I-84 interstate highways.*

**Policy 1.15** *The primary function of the POM interchange is to provide truck and vehicular access to the POM, allowing goods to be transported between the Port and destinations in Oregon, Washington, and Idaho via I-84. A secondary function is to provide access to the residential areas and farm lands on the south side of I-84 and east of the City of Boardman via Laurel Lane, a City arterial.*

## **Goal 2      Land Use**

Support land-use planning with appropriate transportation improvements.

- Policy 2.1.** Design all new roadways to meet county and state adopted road design standards, as a minimum.
- Policy 2.2.** Identify and reserve future road corridors.

## ARTICLE 4. SUPPLEMENTARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**F. Access within the Influence Area of an Interchange**

1. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted Interchange Area Management Plan (IAMP) is regulated by standards in OAR 734-051. The State standards which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.
2. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.

G. Signalized Intersection Spacing on State Facilities. New traffic signals proposed for state facilities, whether the intersecting facility is a public or private road, shall meet the requirements for installation of a traffic signal on a state highway in OAR 734-020-0400.

New traffic signals on state facilities must be approved by the State Traffic Engineer. For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination, based upon traffic signal warrants in the current version of the *Manual on Uniform Traffic Control Devices*.

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

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

TABLE 4.010-2  
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY ROADWAYS

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

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

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

1. All minimum distances stated in the following sections shall be governed by sight distance requirements according to this Ordinance and applicable County Road Standards.
2. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.

2. Construction of rest areas, weigh stations, temporary aggregate storage, and aggregate processing sites.
3. If review under this Section indicates that the use or activity is inconsistent with the Transportation Element of the Comprehensive Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.

C. Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use permit shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years. (MC-C-8-98)

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

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

#### **SECTION 4.165 SITE PLAN REVIEW**

Site Plan Review is a non-discretionary or "ministerial" review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex developments and land uses that do not require site development or conditional use review and approval through a public hearing.

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

B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards. ODOT shall be invited to participate in the pre-application review for proposals within an Interchange Area Management Plan (IAMP) Management Area or within a ¼ mile of an ODOT facility.

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

D. Review Criteria.

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

development and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria and the rationale for establishing the criteria to be provided by the County. Design approval shall also include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience.

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

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

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

B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards. ODOT shall be invited to participate in the pre-application review for proposals within an Interchange Area Management Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility.

C. When required.

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

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

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

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

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

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



1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the 120-day period.
  2. The 120-day period does not apply to any application for a permit that is not wholly within the County's authority and control.
  3. The 120-day period does not apply to any application for an amendment to the County's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment
- D. The approval standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

#### **SECTION 9.050. PUBLIC HEARINGS.**

A. Each notice of hearing authorized by this Ordinance shall be published in a newspaper of general circulation in the County at least 20 days prior to the date of hearing, except that a notice for a hearing before the Planning Commission on an amendment that requires two public hearings as specified in Article 8, may be given no less than 10 days in advance of the first public hearing.

**B. In addition:**

**1. A notice of hearing on a conditional use, appeal to a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property for which the appeal, variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least twenty (20) days prior to the date of hearing.**

**2. When a proposal includes a parcel or parcels in an Interchange Area Management Plan (IAMP) Management Area, the County shall provide written notification to ODOT at least twenty (20) days prior to the date of hearing.**

C. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

D. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

E. The notice shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and County-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the County will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing, and that a staff report will be prepared and made available to the public at least 7 days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the Land Use Board of Appeals must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue;
6. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge, and that copies may be obtained at cost, at the Planning Department during normal business hours; and
7. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

F. The Planning Commission and the County Court may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

G. General rules for hearing.

1. The Hearing Body conducts the hearing in a quasi-judicial capacity; there shall be no audience demonstration or other conduct which would disrupt the hearing.
2. Persons may speak only after being recognized by the Chair and must state their full name and address for the record.

M. Private Signage within County Road Right-of-Way. 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.

N. Grades and Curves. Grades shall not exceed eight (8) percent on arterials, ten percent on collector streets or 12 percent on other streets except as otherwise provided for. Center line radii of curves shall not be less than 500 feet on arterials, 250 feet on collectors, or 100 feet on other streets and shall be on an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves as specifically provided for in current County Design Standards. In flat area, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 percent.

O. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of land between the streets and railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

P. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reserve frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Q. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

R. Curbs. Curbs shall be required on all urban area streets unless otherwise approved by the County and affected City, and shall be installed by the developer in accordance with the standards set forth in current County Design and Construction Standards or other standards set forth by the affected City and County.

S. Proposed Corridors. For land adjacent to or containing a proposed corridor (see corridor map in the TSP), the Planning Commission may require the dedication of a suitable right-of-way that shall be provided at the time of land division.

**T. Access Management.**

**1. Applications for development with access onto state highways shall be provided to ODOT for review, to ensure consistency with adopted ODOT Access Management Standards shown below. These standards apply only to unsignalized**

access points. New traffic signals on state facilities shall meet signal spacing standards in OAR 734-020 (desired minimum spacing for new traffic signals on state highways is at least 0.5 miles from the nearest existing or planned signal) or, if applicable, the standards in the adopted Interchange Area Management Plan (IAMP). For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through an analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination.

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

Source: Oregon Administrative Rules Section 734-051 (2004)

2. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted IAMP is regulated by standards in OAR 734-051. ~~which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update.~~ These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

3. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan

4. Morrow County also requires an access permit for land use development proposing access onto a County road. Access permit requirements for land use development are outlined in Section 4.010 of the Morrow County Zoning Code, and development proposing access onto a County road is subject to access spacing standards specified in the table below.

RECOMMENDED ACCESS MANAGEMENT STANDARDS FOR COUNTY ROADS <sup>a</sup>				
Functional Classification	Intersection			
	Public Road		Private Drive	
	Type	Minimum Spacing	Type	Minimum Spacing
Rural Arterial	at-grade	600 ft	Left/right turns	300 ft
Rural Collector	at-grade	300 ft	Left/right turns	100 ft
Rural Local	at-grade	200 ft	Left/right turns	Access to each lot

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

Approval of a variance from the County access spacing standards is subject to the following requirements:

1. The granting of a variance for access management standards shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
  - a. Indirect or restrict access cannot be obtained;
  - b. No engineering or construction solutions can be applied to mitigate the condition; and,
  - c. No alternative access is available from a street with a lower functional classification than the primary roadway.
3. No variance shall be granted where such hardship is self-created.

U. Corner Clearance. Corner clearance at intersections shall meet or exceed the minimum connection spacing requirements for that roadway. New connections shall not be permitted within the functional area of an intersection or exchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available. Where no other alternatives exist, the Morrow County Planning Department may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections such as right-in/right-out, right-in only, or right-out only may be required.

## CHAPTER 2 GOALS AND POLICIES

### INTRODUCTION

Morrow County recognizes the importance of its transportation system to the long-term health and vitality of the County. Well-designed roadways contribute to the ability of an area to accommodate additional growth and development. Deficiencies in the system affect user safety and their perception of a community's character and livability. As part of this Transportation System Plan (TSP), a series of goals and policies were designed to guide the development of the transportation system over the next 20 years.

The goals and policies included in this plan have been developed by several technical advisory committees (TAC), working under the requirements of the 1991 Oregon Transportation Planning Rule (TPR), during various plan amendments. The goals and policies developed for this process reflect both the required elements of the TPR and the interests of the County.

Goals are general in nature. Each goal focuses on a particular aspect of the transportation system or the relationship between transportation and the viability of the County. The first nine goals of this TSP are coordination/process, land use, economic development, quality of life, transportation modes available in the County, and finance. A tenth goal focuses on the proposed speedway project.

Because they are general in nature, goals are difficult to implement and, therefore, make gauging plan success difficult. To assist in plan implementation, a series of policies has been developed for each goal. Policies are specific steps to be taken in plan implementation to ensure that the goals are met. Policies are directive and often outline plan requirements.

The following section presents the goals and policies of Morrow County. These goals and policies will assist in prioritizing individual transportation projects to ensure that limited transportation funding is expended efficiently to promote the development of a healthy transportation system.

### GOALS AND POLICIES

#### Goal 1 Coordination/Process

Ensure that the Morrow County TSP is coordinated with other transportation providers, meets applicable regulations, and considers the needs of all transportation system users.

- Policy 1.1.** Coordinate the preparation of the TSP with transportation providers in Morrow County, including the cities of Boardman, Irrigon, Lone, Heppner, and Lexington, and the Oregon Department of Transportation (ODOT).
- Policy 1.2.** Coordinate design standards with the cities within the county.
- Policy 1.3.** Coordinate transportation planning with the Port of Morrow.
- Policy 1.4.** Coordinate with ODOT for improvements on state facilities that could affect county facilities, through a ministerial or similar staff-level review

process to allow the County Public Works Department the opportunity to review improvement plans prior to final design.

- Policy 1.5.** Coordinate transportation planning with adjacent counties.
- Policy 1.6.** Fulfill the transportation planning requirements of ODOT and the Department of Land Conservation and Development (DLCD).
- Policy 1.7.** Participate actively in the North East Area Commission on Transportation (NEACT) to promote inclusion of transportation improvement projects in Morrow County in the Statewide Transportation Improvement Program (STIP).
- Policy 1.8.** Use a 20-year time horizon for all transportation planning.
- Policy 1.9.** Review annually and update the capital improvement program. Update the plan elements periodically, in conjunction with the periodic update of the county comprehensive plan, or every 5 years.
- Policy 1.10.** Evaluate the needs of all of the county's population groups, including transportation disadvantaged groups, such as older adults, young, physically challenged, and low-income residents.
- Policy 1.11.** Evaluate the needs of commercial users, including manufacturing, timber, agricultural, and recreational users.
- Policy 1.12.** Include consideration of urban issues, as appropriate, and rural issues in the TSP.
- Policy 1.13.** Provide extensive opportunities for public input throughout the transportation planning process.
- Policy 1.14** The primary function of the I-84/US 730 interchange is to facilitate statewide and inter-urban and inter-regional travel to/from the I-84 corridor. A secondary function is to provide interregional connectivity via the US 730 corridor. A Regional Highway and a Federally Designated Truck Route, US 730 provides regional connectivity between numerous local jurisdictions and the I-82/I-84 interstate highways.
- Policy 1.15** The primary function of the POM interchange is to provide truck and vehicular access to the POM, allowing goods to be transported between the Port and destinations in Oregon, Washington, and Idaho via I-84. A secondary function is to provide access to the residential areas and farm lands on the south side of I-84 and east of the City of Boardman via Laurel Lane, a City arterial.

## **Goal 2      Land Use**

Support land-use planning with appropriate transportation improvements.

- Policy 2.1.** Design all new roadways to meet county and state adopted road design standards, as a minimum.
- Policy 2.2.** Identify and reserve future road corridors.

- Policy 2.3.** Require new development proposals, plan amendments, and zone changes to conform to the TSP as required of the TPR.
- Policy 2.4.** Require new development to provide appropriate access to the transportation system.
- Policy 2.5.** Require new development to identify transportation impacts and provide appropriate mitigation.
- Policy 2.6.** Require new development to dedicate right-of-way for transportation system improvements where appropriate. Establish procedures for the dedication of right of way necessary for the transportation system.
- Policy 2.7.** Use current state statute and rule to acquire right of way necessary for the transportation system.
- Policy 2.8.** Use current state statute and rule to abandon right of way no longer needed for the transportation system.
- Policy 2.9.** Use adopted ODOT access management standards for state facilities and proposed access management standards in this TSP for county facilities.
- Policy 2.10.** Request an exception to any statewide goal before the construction of roads, highways, and other transportation facilities and improvements not otherwise allowed outright on resource lands (EFU and FU zones).

### **Goal 3 Economic Development**

Enhance economic development through transportation improvements.

- Policy 3.1.** Support transportation system improvements that contribute to economic development opportunities.
- Policy 3.2.** Pursue opportunities to improve access to business and employment centers for all modes of travel.
- Policy 3.3.** Pursue opportunities to improve access to tourist and recreation sites, such as the Columbia River Heritage Trail and the County Off-Highway Vehicle (OHV) Park, for all modes of travel.

### **Goal 4 Quality of Life**

Promote a high quality of life in Morrow County by providing a well-developed transportation system that is appropriate to its surroundings.

- Policy 4.1.** Consider community character when providing transportation system improvements in the urban growth areas.
- Policy 4.2.** Maintain the rural character of the county in the areas outside the designated urban areas.
- Policy 4.3.** Promote and maintain the Blue Mountain Scenic Byway corridor through the Blue Mountains of Morrow County.



## **Goal 5      Roadway System**

Provide and maintain a safe, efficient roadway system to provide mobility throughout the county.

- Policy 5.1.** Design and construct all new roadways to the county's adopted road design standards, as a minimum.
- Policy 5.2.** Preserve the transportation system through regular maintenance.
- Policy 5.3.** Use the county's established procedure to set speed limits.
- Policy 5.4.** Provide roadway channelization (striping, turn lanes) where needed, using American Association of State Highway Officials standards.
- Policy 5.5.** Use the *Manual on Uniform Traffic Control Devices* for traffic signal and signing standards.
- Policy 5.6.** Establish criteria for the design of surface water retention for transportation facilities.
- Policy 5.7.** Improve connectivity within the County by identifying and working to improve additional road corridors.
- Policy 5.8.** Improve emergency vehicle access to the transportation system.
- Policy 5.9.** Emphasize work zone safety for all workers.
- Policy 5.10.** Identify emergency routes for priority in snow plowing or other circumstances where access is restricted.
- Policy 5.11.** Use the County Road Committee to identify and prioritize modernization, preservation, and construction projects.
- Policy 5.12.** Use the *Highway 730 Corridor Refinement Plan* and the Interchange Area Management Plans for the Port of Morrow and I-84/U.S. 730 interchanges to further guide roadway system improvements.

## **Goal 6      Bicycle, Pedestrian, Equestrian, and Transit Modes**

Support the use of other modes of transportation (bicycles, pedestrians, equestrians, and transit) through effective transportation improvements.

- Policy 6.1.** Include design features, such as widened shoulder areas, to accommodate bicycles, pedestrians, and equestrians in the county roadway design standards.
- Policy 6.2.** Include design features, such as pullout areas and turnarounds, to accommodate school bus use in the county roadway design standards, in coordination with school bus providers.
- Policy 6.3.** Continue development of the Columbia River Heritage Trail, and other similar facilities, for recreational uses.
- Policy 6.4.** Support the efforts of private transit systems within the county, such as transporters for older adults.

- Policy 6.5.** Encourage the development of additional transit opportunities for transportation-disadvantaged groups within the county.
- Policy 6.6.** Coordinate with ODOT and the cities to construct bicycle and pedestrian improvements in unincorporated areas within urban growth boundaries.
- Policy 6.7.** Encourage and support development of van pool opportunities to move workers from population centers both within and outside of the county to job centers within the county.

## **Goal 7 Air Transportation**

Support the local and regional air transportation needs of Morrow County.

- Policy 7.1.** Provide and maintain airport facilities to serve general aviation needs.
- Policy 7.2.** Expand airport facilities as necessary to support future service needs.
- Policy 7.3.** Coordinate with the Oregon Department of Aviation when preparing airport planning documents and reviewing proposed land use development in the vicinity of the airport.
- Policy 7.4.** Encourage the establishment of passenger and freight air service in the future.
- Policy 7.5.** Maintain minimum operating standards for the county's airports as required by the Federal Aviation Authority.
- Policy 7.6.** Establish appropriate land uses near airports that are compatible with airport noise levels and support airport operations.

## **Goal 8 Freight and Goods Movement**

Promote efficient movement of freight and goods throughout the county.

- Policy 8.1.** Develop a freight and goods mobility strategy in conjunction with the Port of Morrow and others interested in freight and goods movement.
- Policy 8.2.** Evaluate roads with weight restrictions and develop an improvement strategy for those that adversely affect freight and goods mobility.
- Policy 8.3.** Encourage improvements to rail freight facilities by encouraging improved intermodal connections.
- Policy 8.4.** Establish rail crossing standards for county roads.
- Policy 8.5.** Support the development of passenger rail service.
- Policy 8.6.** Support rail development at the Port of Morrow through the TSP and the zoning ordinance.

## **Goal 9 Finance**

Use a fiscally sound approach to financing transportation system improvements.

- Policy 9.1.** Develop a financial strategy for funding transportation system improvements.

- Policy 9.2.** Explore innovative funding methods, such as system development charges, to finance transportation system improvements.
- Policy 9.3.** Coordinate with other transportation users and providers to seek joint funding opportunities for transportation system improvements.
- Policy 9.4.** Actively seek available funding sources for transportation system improvements:

## **Goal 10 Oregon Motor Speedway**

The following policies are incorporated based on the adoption of Ordinance MC-C-2-02 on July 10, 2002, which amended the *Morrow County Comprehensive Plan*, the *Morrow County Transportation System Plan*, and the *Morrow County Zoning Ordinance* to allow for the siting of a speedway and related facilities adjacent to the Boardman Airport.

- Policy 10.1.** As required by the *National Environmental Policy Act*, the Port of Morrow, in coordination with the Oregon Department of Transportation and the Federal Highways Administration, shall examine and analyze transportation network alternatives that might reasonably accommodate traffic generated by the speedway during peak events. The study shall determine whether reasonable transportation alternatives exist that are feasible to develop and meet ODOT's needs better than the transportation improvements authorized by this plan. If such alternatives exist and are desired by ODOT, the Port shall apply to Morrow County for TSP amendments, including goal exceptions if necessary, to substitute those transportation improvements for authorized improvements that would no longer be required.
- Policy 10.2.** Required transportation improvements may be developed in stages as authorized by ODOT.
- Policy 10.3.** As part of the site development review process for the Oregon Motor Speedway, the speedway owner or operator shall prepare and submit to Morrow County detailed traffic management and event management plans identifying traffic management measures, including access, circulation, and parking management measures, and event management measures to be employed during mid-sized and peak Speedway events. Those measures shall be designed to ensure reasonable roadway access, circulation, and movement for non-speedway-generated traffic traveling within or through the Boardman area before and after Speedway events. The traffic management plan shall be prepared by a licensed traffic engineering firm in coordination with ODOT, the City of Boardman, Morrow County, and the Port of Morrow.
- Policy 10.4.** Unless otherwise agreed to by federal, state or local transportation providers, the Oregon Motor Speedway operator or any successors in interest shall be responsible for payment of all expenses associated with implementing the speedway's traffic management plan.
- Policy 10.5.** Unless otherwise agreed to by federal, state or local transportation providers, the Oregon Motor Speedway operator or any successors in interest shall be responsible for payment of all expenses associated with

implementing the specific transportation improvements required for compliance with the Transportation Planning Rule.

- Policy 10.6.** Implementation of the Speedway's traffic management plan shall be an ongoing condition of approval for the speedway. Failure to substantially comply with the traffic management plan or to pay the expenses associated with implementation of that plan shall be a basis for enjoining operation of the speedway.
- Policy 10.7.** The Oregon Motor Speedway operator or any successor in interest shall work cooperatively with emergency service providers and affected state and local governments and agencies to develop one or more interagency agreements to prepare and implement a traffic management plan.

## ARTICLE 4. SUPPLEMENTARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Access within the Influence Area of an Interchange

1. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted Interchange Area Management Plan (IAMP) is regulated by standards in OAR 734-051. The State standards are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.
2. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.

G. Signalized Intersection Spacing on State Facilities. New traffic signals proposed for state facilities, whether the intersecting facility is a public or private road, shall meet the requirements for installation of a traffic signal on a state highway in OAR 734-020-0400.

New traffic signals on state facilities must be approved by the State Traffic Engineer. For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination, based upon traffic signal warrants in the current version of the *Manual on Uniform Traffic Control Devices*.

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

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

TABLE 4.010-2  
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY ROADWAYS

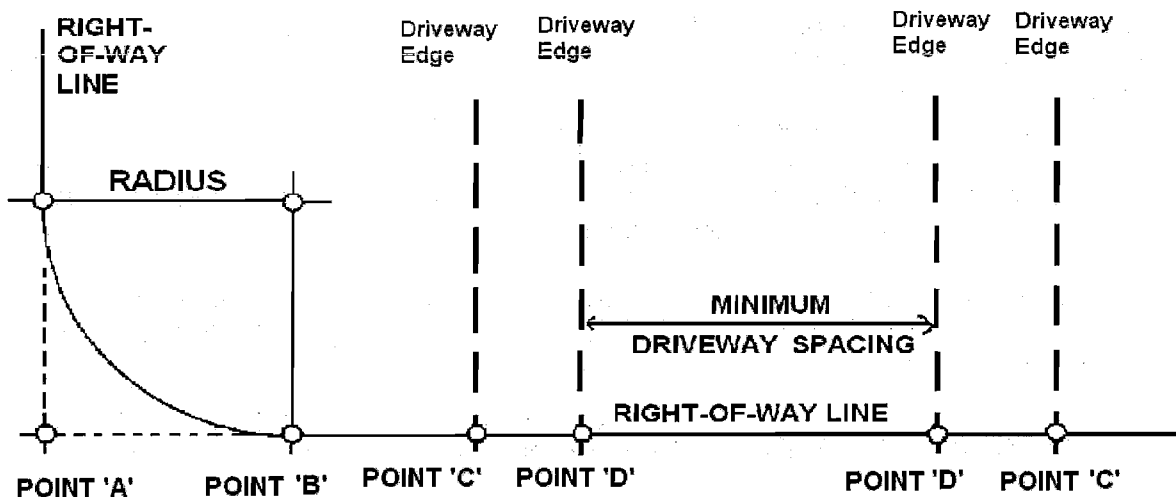
Classification	Access Spacing Standards for Public or Private Access (ft)		
	Public Roadway	Private Roadway	Private Driveway <sup>a</sup>
Arterial	600	600	300
Collector	300	300	100
Local	200	200	Access to each lot

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

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

1. All minimum distances stated in the following sections shall be governed by sight distance requirements according to this Ordinance and applicable County Road Standards.
2. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.

3. The minimum curb radius shown in the diagram below (i.e., distance from Point "A" to Point "B") shall be 15 feet. In areas zoned for industrial uses, the minimum curb radius shall be 30 feet. At intersections between facilities classified as major collector, arterial or highway, any new or modified intersection shall be designed to accommodate a WB-50 Semitrailer Design Vehicle. If either route is designated by the County as a truck route, the intersection shall be designed to accommodate a WB-65 Interstate Semitrailer Design Vehicle. The curb alignment shall be designed so that the design vehicle can complete a right turn without entering a lane used by opposing traffic.
4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
5. Minimum spacing between driveways shall be measured from Point "D" to Point "D" as shown below (i.e., the edges of adjacent driveways closest to each other).
6. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located beyond the back of any left turn refuge either existing on the affected road or required to accommodate the proposed development. This requirement may result in an access spacing greater than one hundred (100) feet in the case of a collector, or 300 feet in the case of an arterial.
7. Access onto local roads will not be permitted within ten (10) feet of Point "B" as shown below. If no radius exists, access will not be permitted within twenty-five (25) feet of Point "A".
8. Access onto collector roads will not be permitted within fifty (50) feet of Point "B" as shown below. If no radius exists, access will not be permitted within sixty-five (65) feet of Point "A". Where a common or shared access is available it shall be used, provided that such use will not result in operational or safety problems. Minimum spacing between driveways shall be one-hundred (100) feet.
9. Direct access to an arterial will be permitted provided that Point 'C' of such access is more than three hundred (300) feet from any intersection Point 'A' or other access to that minor arterial.





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

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

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

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

1. Existing access points that do not satisfy the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, are exempt from this Section. Improvements at these existing access points may be required of the applicant to maximize sight distance to the extent practicable through an Access Permit application.
2. The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following, to be selected by the County Engineer or designee.

- a. Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.
  - b. Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the County.
  - c. Eighty-fifth Percentile Speed - That speed as certified by a registered engineer (Oregon) below which 85 percent of all traffic units travel, and above which 15 percent travel. The eighty-fifth percentile speed shall be measured at the point where the sight restriction occurs.
3. The intersectional sight distance shall:
- a. Be based on an eye height of 3.5 feet and an object height of 4.25 feet above the road; and
  - b. Be assumed to be 10 feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the front of a stopped vehicle.
4. Minimum intersectional sight distance shall be equal to ten (10) times the vehicular speed of the road such as in the table below.

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

5. Intersectional sight distance values shall conform to (3) above. For significant road improvement projects, the above intersectional standards shall be met in addition to the applicable AASHTO roadway sight distance standards.
6. In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the County Engineer or designee. The request for modification of the sight distance requirements shall be subject to the following requirements:
- a. Submitted and certified by a registered engineer (Oregon);

- b. Nationally accepted specifications or standards are documented and referenced;
- c. Certification that the modification will not compromise safety or the intent of the County's transportation standards;
- d. Agreement that the cost of any modifications agreed to must be borne by the applicant; and
- e. Statement that there is no location available to provide an alternative access location which currently meets the sight distance requirements, or which can be altered to meet the sight distance requirements. Alterations needed to provide adequate sight distance include but are not limited to grading and the removal of vegetation. For the purpose of this subsection alternative access location means:
  - i. Any location on the proposed development site which meets or can meet the sight distance requirements; or
  - ii. Any location off the proposed development site which can provide access to the site by an existing access easement or through an access easement which will be provided to the site as part of the development application. Such an off-site access must be shown to meet or be able to meet sight distance requirements.

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

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

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

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

Permit Type	Plot Plan Requirements		Conditions				Review/Approval Type	
	Footprint (setbacks)	Access*	Transportation Improvements	DEQ Site Suitability	Parking	Sign	Review	Action
<b>Zoning Permit</b>								
Residential	Yes	Designated access.	Frontage improvements.	Yes	N/A	N/A	Staff	Bldg. permits Road approach permit
Commercial	Yes	Legal access via r/w or easement.	Under 400 trips: Frontage improvements. Over 400 trips: TIA.		Yes	Yes	Staff	Bldg. permits Road approach permit
Industrial	Yes	Legal access via r/w or easement.	Under 400 trips: Frontage improvements. Over 400 trips: TIA.		Yes	Yes	Staff	Bldg. permits Road approach permit
Farm Exempt	Yes	Yes	N/A	N/A	N/A	N/A	Staff	County issues a Farm Agriculture Bldg Exemption Certificate
<b>Land Partition</b>								
1 to 3 Lots		Legal access via r/w or easement.	Frontage improvements.				Planning Comm.	Approval Road Approach permit
<b>Subdivision</b>								
4 to 39 lots		Legal access via r/w.	Frontage improvements.				Planning Comm.	Approval Road Approach Permit
40 or more lots		Legal access via r/w.	Frontage improvements, TIA.				Planning Comm.	Approval Road Approach Permit
<b>Conditional Use Permit</b>								
	Yes	Legal access via r/w or easement.	Under 400 trips: frontage improvements. Over 400 trips: TIA.		Review	Review	Planning Comm.	Approval, Bldg. permit Road Approach

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

**A. Consent to Participate Agreement Required.** For those Local roads which are not improved in accordance with Morrow County Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a consent to participate agreement for the potential formation of a local improvement district or

other mechanism to improve and maintain these roads to County standards, per the Morrow County standard Consent to Participate Agreement. Applications for property line adjustments, nonbuildable parcels, temporary housing permits, land partitions in resource zones, and one dwelling on an existing vacant parcel, are not subject to this requirement.

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

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

TABLE 4.040-1

**MINIMUM PARKING REQUIREMENTS**

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
A. Residential 1. One, two, and three family dwelling 2. Residential use containing four or more dwelling units 3. Rooming or boarding house	Two spaces per dwelling unit One and one-half spaces per dwelling unit  One space per guest room
B. Commercial Residential 1. Hotel or Motel	One space per guest room, plus one space for the manager
C. Public and Institutional Uses 1. Welfare or correctional institution 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged 3. Hospital 4. Church	One space per six beds One space per four beds  Two spaces per bed One space per four seats at maximum occupancy
5. Library, reading room  6. Daycare, pre-school or kindergarten	One space per 400 gross square feet  Two spaces per FTE staff

## MINIMUM PARKING REQUIREMENTS

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
7. Elementary or junior high school	One and one-half spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room whichever is greater.
8. High school, college, commercial school for adults	One and one-half spaces per classroom plus one space for each 10 students the school is designed to accommodate, or one space for four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater.
9. Other auditorium or meeting room	One space per six seats or 12 feet of bench length, whichever is greater, or one space for each 75 gross square feet of assembly room not containing fixed seats.
<b>D. Commercial Amusement</b>	
1. Stadium, arena, theater	One space per four seats or eight feet of bench length, whichever is greater.
2. Bowling Alley	Five spaces per alley
3. Dance hall, skating rink	One space per 100 gross square feet
<b>E. Commercial</b>	
1. Retail store except as provided in subsection (f)(2) of this section	One space per 350 gross square feet
2. Service or repair shop, retail store handling exclusively bulky merchandise, such as automobiles and furniture	One space per 750 gross square feet
3. Bank, office (except medical and dental)	One space per 350 gross square feet
4. Medical and dental clinic	One space per 300 gross square feet
5. Eating or drinking establishment	One space per 100 gross square feet or one space per four seats, whichever is less.
6. Mortuaries	One space per six seats or eight feet of bench length in chapels
<b>F. Industrial</b>	
1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal	One space per employee on the largest shift.
2. Wholesale establishment	One space per employee on the largest shift plus one space per 700 square feet of patron-serving area.

### SECTION 4.045. BICYCLE PARKING REQUIREMENT.

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

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

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

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

- A. The provisions and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

B. Requirements for types of buildings and uses not specifically listed in this Ordinance shall be determined by the Planning Commission based upon the requirements for comparable use listed.

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

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

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

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

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

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

#### **SECTION 4.060. DESIGN AND IMPROVEMENT STANDARDS - Parking Lots**

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

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

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

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



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

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

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

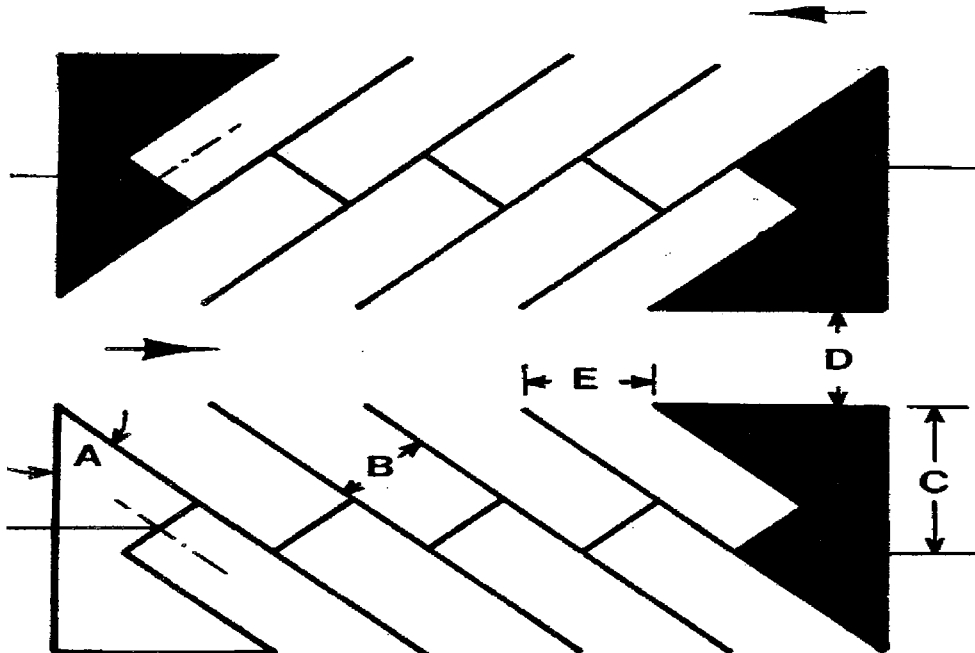
H. Driveways shall maintain minimum sight distance per the standards of Section 4.020 of this Ordinance.

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

TABLE 4.060-1  
OFF-STREET PARKING DESIGN STANDARDS

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

\*Two-way circulation



**SECTION 4.070. SIGN LIMITATIONS AND REGULATIONS.** In addition to sign limitations and regulations set forth in a specific zone, the following limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the County. In addition to the standards and limitations set forth in this Ordinance, signs shall be installed in accordance with applicable regulations of state and federal agencies. No sign will hereafter be erected, moved or structurally altered without being in conformity with the provisions of this Ordinance. Official traffic control signs and instruments of the state, county or municipality are exempt from all provisions of this Ordinance.

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

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

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

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

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

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

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

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

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

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

**SECTION 4.080. AUTHORIZATION OF SIMILAR USES.** A use that is similar to a use provided for in a zone may be allowed in that zone with Planning Commission Approval unless:

A. It is specifically provided for in another zone, or

B. It is more similar to uses provided for in another zone.

**SECTION 4.090. GENERAL PROVISIONS REGARDING ACCESSORY USES.**

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

A. A side yard or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a front lot line, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.

B. Boats, trailers, Recreational Vehicles and similar recreational equipment may be stored on a lot but not used as an accessory use in any zone provided that:

1. In a residential zone, parking or storage in a front yard or in a side yard abutting a street other than an alley shall be permitted only on a driveway.
2. Parking or storage shall be at least three feet from an interior side lot line.

**SECTION 4.100. PROJECTIONS FROM BUILDINGS.** Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three (3) feet into a required yard, provided that the projection is not closer than three (3) feet to a property line.

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

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

1. The manufactured home shall be a 14-foot single-wide, at a minimum, or a multi-sectional unit and shall contain at least 745 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.
2. The manufactured home unit shall be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department and bear the Oregon Department of Commerce 'Insignia of Compliance.' All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to installation and occupancy to insure compliance with applicable standards required for the 'Insignia of Compliance' and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare or to adjoining properties.
3. The manufactured home shall be installed according to the specifications outlined in the Oregon Manufactured Dwelling and Park Specialty Code in effect at the time of

installation and as utilized by the Morrow County Building Official. (See ORS 446 and OAR 918 Division 500.)

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

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

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

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.
2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.
4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
5. Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.

6. Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.

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

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

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

#### **SECTION 4.130 Hardship Dwellings**

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

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

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

B. As a temporary use in a residential zone, the Commission may allow as a variance one manufactured home, recreational vehicle, or temporary use of an existing building complying with the standards of Section 4.110, as applicable, and providing that no additions, except approaches or handicapped ramps, to the temporary residence shall be permitted in conjunction with a primary dwelling with the following findings:

1. That an accessory dwelling is necessary to care for or provide custody of an elderly, mentally handicapped, or infirm person who a medical professional certifies needs this kind of care or custody as required in A. above.
2. Electric, water and sewer utility connections shall be made to the temporary residence. If the hardship dwelling will not use a public sanitary sewer system, the dwelling shall use the same subsurface sewage disposal system used by the existing dwelling if that disposal system is adequate to accommodate the additional dwelling or as otherwise allowed and conditioned by the Planning Commission.
3. Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed non-residential use.

C. As a temporary use in a resource zone, the Commission may allow under a Conditional Use Permit, one manufactured home, recreational vehicle, or temporary use of an existing building complying with the standards of Section 4.110(A) as applicable, and providing that no additions, excepting approaches or handicapped ramps, to the temporary residence shall be permitted in conjunction with a primary dwelling with the following findings:

1. That the hardship dwelling use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
2. The hardship dwelling use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
3. The manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building allowed as a hardship dwelling shall be connected to electricity, domestic water, and use the same subsurface sewage disposal system used by the existing dwelling if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system such condition will not be required.
4. The landowner for the hardship dwelling shall sign and record in the deed records for the County a Right-to-Farm or a Right-to-Forest Statement binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from customary farm or forest practices.
5. Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed non-residential use.

D. A temporary use permit granted under this section is void when the elderly, mentally handicapped, or infirm existing resident or other person who is the subject of the permit no longer needs care, moves to another residence, is absent from the residence for more than 120 days or leaves the residence with no likelihood of returning for continued residency of at least 30 days. Exception to the 120-day limit can be provided for in the case of extraordinary circumstances such as extended hospitalization. These extensions can be approved by the Planning Director for up to an additional 60 days without Planning Commission approval. Additional extensions will require Planning Commission review and approval.

E. The County Planning Director or designee may review permits issued under this section at any time and may revoke permits when they are found to be out of compliance. After the initial approval by the Planning Commission any required renewal shall be applied for as a hardship dwelling extension. The decision to approve a hardship dwelling extension shall be an administrative decision of the Planning Director.

F. Any accessory dwelling placed under a permit authorized by this section must be located as close as possible to the primary dwelling. Unless there are physical limitations of the land this should be within 100 feet of the primary dwelling.

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

H. A temporary medical hardship permit is valid for up to 2 years from the date of initial issuance, i.e., permits issued in an odd-numbered year will expire in the next odd-numbered year. All permits will have an expiration date of January 31. The County will process all temporary medical hardship permit renewal requests once per year in January. The County will give permittees not less than 30 calendar days written notice of the pending expiration of their permits, advising that a renewal will be required. Failure to receive notification of pending expiration does not constitute an extension of time for the permit. The Planning Director shall not renew the hardship 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 4.140. MANUFACTURED HOME AS A SECONDARY ACCESSORY FARM DWELLING.**

(Amended 10/28/06 MC-05-2006) A manufactured home permitted as a secondary accessory farm dwelling shall only be permitted in accordance with the following requirements:

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

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

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

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

**4.145 TEMPORARY STORAGE OF A MANUFACTURED HOME.** (Amended 10/28/06 MC-05-2006) A manufactured or mobile home may be stored on an individual bare lot or parcel for not more than six months. Authorization for the storage of a manufactured home shall be obtained through application for a Zoning Permit and must meet the following conditions:

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

**4.150 TEMPORARY USE OF A RECREATIONAL VEHICLE.** (Amended 10/28/06 MC-05-2006) Recreational vehicles are not designed for residential purposes according to standards and specifications of the Uniform Building Code which has been established to protect public health, safety and welfare. Recreational vehicles shall not be used for housing or residential purposes except:

- A. When the recreational vehicle is located on an individual lot or parcel during the construction of a dwelling and meets the requirements of Section 4.120.
- B. When the recreational vehicle is located on an individual lot or parcel for use in the temporary care of a relative and meets the requirements of Section 4.130.
- C. For temporary housing to accommodate visitors of the primary residence in a residential or farm use zone not to exceed 30 days in any 12 month period.
- D. For seasonal recreational (i.e. summer camping or hunting season) use by the land owner or lessee in the Forest Use Zone after obtaining a Zoning Permit and Rural Address.

**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. 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.).



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

**B. Uses Permitted by Conditional Use Permit.**

1. Construction, major reconstruction, or widening of highways, roads, bridges, or other transportation projects that are not designed and constructed as part of a subdivision or planned development shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
  - a. The project is designed to be compatible with existing land use patterns, noise generation, safety, and zoning.
  - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Transportation Element of the Comprehensive Plan and other requirements of this Ordinance.

2. Construction of rest areas, weigh stations, temporary aggregate storage, and aggregate processing sites.
3. If review under this Section indicates that the use or activity is inconsistent with the Transportation Element of the Comprehensive Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.

C. Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use permit shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years. (MC-C-8-98)

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

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

#### **SECTION 4.165 SITE PLAN REVIEW**

Site Plan Review is a non-discretionary or “ministerial” review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex developments and land uses that do not require site development or conditional use review and approval through a public hearing.

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

B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards. ODOT shall be invited to participate in the pre-application review for proposals within an Interchange Area Management Plan (IAMP) Management Area or within a ¼ mile of an ODOT facility.

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

D. Review Criteria.

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

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

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

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

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

G. Minimum Standards for Roadway Design Plans Submitted for County Review. Any transportation facility or transportation improvement to be constructed as part of a private

development and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria and the rationale for establishing the criteria to be provided by the County. Design approval shall also include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience.

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

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

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

B. Preapplication review. Prior to filing its application for site development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards. ODOT shall be invited to participate in the pre-application review for proposals within an Interchange Area Management Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility.

C. When required.

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

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

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

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

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

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

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

proposed development over 20 years. The report shall identify existing traffic conditions and the safety and capacity improvements that are needed to accommodate the anticipated traffic, including facility reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, realignments, channelization improvements, or other needed facility improvements, including possible new transportation facilities. The analysis shall demonstrate consistency with the applicable performance standards of the affected facilities. The Morrow County Transportation System Plan provides the applicable standards for county transportation facilities. The Oregon Highway Plan provides the applicable standards for state transportation facilities.

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

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

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

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

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



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

E. Standards.

1. All development shall comply with the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ii. In determining the adequacy of the transportation system to accommodate the proposed development, consideration shall be given to the need for roadway reconstructions, modifications or widenings, additional travel or passing lanes, intersection or interchange improvements, road realignments, channelization improvements, or other needed roadway improvements, including possible new roads. Consideration also shall be given to the need for right-of-way improvements such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. For uses necessitating preparation of

a transportation management plan, a decision approving a site development review application shall include a condition requiring implementation of the transportation system management measures and transportation demand management measures that are determined to be needed to accommodate the traffic generated by the development and to comply with the Oregon Highway Plan. Unless otherwise agreed to by affected local governments or agencies or limited by constitutional constraints, the costs of paying for necessary transportation improvements and implementation of the traffic management plan shall be borne by the developer or its successors.

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

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

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

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

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

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

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

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

F. Review and Enforcement.

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

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

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

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

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

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

#### G. Expiration and Extension of Permit.

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

a. The development has commenced; or

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

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

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

- a. The permit holder has physically altered the land or structure or changed the use thereof through actions such as preliminary grading for roads, driveways or building sites, installation of utilities, construction of required off-site improvements or construction of buildings, and
- b. The alteration or change is directed toward completion of the development; and
- c. The permit holder has spent at least \$50,000 in expenditures related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.
- d. The provisions of subsection 1 of this Section shall apply independently to each discrete phase of a phased development. The commencement requirement for a subsequent phase cannot be satisfied by commencement activities conducted under an approval for an earlier phase of the development.

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

- a. In terms of time, labor or money the permit holder has been making a good faith effort to commence the development or has been precluded from doing so for reasons beyond the permit holder's reasonable control;
- b. Commencement of the development is likely during the second two year extension; and
- c. There has been no change in circumstance or the law likely to necessitate significant modification of the development approval or conditions of approval. (MC-C-1-02)

## **ARTICLE 9. ADMINISTRATIVE PROVISIONS**

**SECTION 9.010. ADMINISTRATION.** The Secretary of the Planning Commission and the County Planning Director have the power and the duty to enforce the provisions of this Ordinance. The County Court may appoint agents to issue zoning permits and to otherwise assist the Secretary or Planning Director in the processing of applications.

**SECTION 9.020.** Approval or denial of an application for a use permitted by this Ordinance shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

**SECTION 9.030. APPEALS.** A person may appeal to the County Court from a decision or requirement made by the Planning Commission. A person may appeal to the Planning Commission from a decision or requirement made pursuant to this Ordinance by the Commission Secretary, Planning Director or other county official. Written notice of the appeal must be filed with the county within 15 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for appeal.

A. The County Court or Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The County Court or Commission may continue the hearing for good cause.

B. The County Court or Planning Commission may review a lower decision upon its own motion after giving twenty (20) days notice to the parties involved in the decision, and if such review is within 15 days of receipt of notices of said initiated lower decision.

C. An appeal or review proceeding shall be based upon, but not limited to, the record of the decision being appealed or reviewed.

D. Following the hearing, the County Court or Commission may overrule or modify any decision or requirement and shall set forth findings for such decision.

E. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this Ordinance.

**SECTION 9.040. FORM OF PETITIONS, APPLICATIONS AND APPEALS.** Petitions, application, and appeals provided for in this Ordinance shall be made on forms prescribed by the county. Applications shall be accompanied by plans and specifications, drawn to scale, showing the information listed in this Section

and such other information as is needed to determine conformance with this Ordinance.

A. One copy of a completed application form that includes the following information:

1. An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application.
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s).

B. A complete list of the permit approvals sought by the applicant.

C. A current preliminary title report for the subject property(ies).

D. A complete and detailed narrative description of the proposed development that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features, a discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met, and any other information indicated by the City as being required.

E. Up to 20 copies of all reports, plans, site plans and other documents required by the section of the code corresponding to the specific approval(s) sought. At least one copy of the site plan and all related drawings shall be in a readable/legible 8-1/2 by 11 inch format for inclusion into the city's bound record of the application.

F. A site plan shall include the following information. All site plans shall have dimensions clearly indicated. An applicant may provide the information on separate sheets, if necessary or desirable for clarity.

1. North arrow and scale
2. Location of property boundaries, including adjacent public or private streets and rights of way
3. Location of existing structures and natural features
4. Topography, with contours at no greater than 10 foot intervals, preferably less
5. Location of utilities and facilities, or proposed locations (sewer, water, fire hydrants, septic system, storm water facilities, etc.)

6. Proposed landscaping
7. Exterior lighting.
8. Circulation plan for vehicles, pedestrians, and bicyclists, including existing and proposed points of access and sidewalks.
9. Parking lot layout, with circulation plan and striping details.
10. Sign location and details

G. All required application fees, including a deposit for costs of consultant review when required.

#### **SECTION 9.045. COMPLETENESS REVIEW.**

A. Upon submission, the County Planning Department shall date stamp the application form and verify that the appropriate application fee has been submitted. The Planning Director shall review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within 30 days of receipt of the application, the Planning Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and, if not, what information must be submitted to make the application complete.

B. Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the date the application was filed within which to submit the missing information or the application shall be rejected and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the 180-day period, the County shall again verify whether the application, as augmented, is complete. An application shall be rejected if it has not been made complete within the 180 day time period, unless the applicant refuses in writing to submit additional information.

C. Once the County determines the application is complete enough to process, or the applicant refuses to submit any more information, the County shall declare the application complete and take final action on the application within 120 days of that date unless the applicant waives or extends the 120-day period. The 120-day period, however, does not apply in the following situations:



1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the 120-day period.
  2. The 120-day period does not apply to any application for a permit that is not wholly within the County's authority and control.
  3. The 120-day period does not apply to any application for an amendment to the County's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment
- D. The approval standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

#### **SECTION 9.050. PUBLIC HEARINGS.**

A. Each notice of hearing authorized by this Ordinance shall be published in a newspaper of general circulation in the County at least 20 days prior to the date of hearing, except that a notice for a hearing before the Planning Commission on an amendment that requires two public hearings as specified in Article 8, may be given no less than 10 days in advance of the first public hearing.

B. In addition:

1. A notice of hearing on a conditional use, appeal to a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property for which the appeal, variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least twenty (20) days prior to the date of hearing.

2. When a proposal includes a parcel or parcels in an Interchange Area Management Plan (IAMP) Management Area, the County shall provide written notification to ODOT at least twenty (20) days prior to the date of hearing.

C. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

D. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

E. The notice shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and County-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the County will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing, and that a staff report will be prepared and made available to the public at least 7 days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the Land Use Board of Appeals must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue;
6. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge, and that copies may be obtained at cost, at the Planning Department during normal business hours; and
7. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

F. The Planning Commission and the County Court may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

G. General rules for hearing.

1. The Hearing Body conducts the hearing in a quasi-judicial capacity; there shall be no audience demonstration or other conduct which would disrupt the hearing.
2. Persons may speak only after being recognized by the Chair and must state their full name and address for the record.

3. The Hearing Body considers only testimony and information that is relevant to the issue of the requested change, and will not allow immaterial or repetitious testimony.

H. Order of Procedure.

1. Call for abstentions.
2. Staff report and summary.
3. Proponent's case. The proponent and those favoring the proposal will be heard first.
4. Cross-examination of each proponent by the Hearing Body.
5. Opponent's case. Those opposed shall be heard next. Groups who are represented by a spokesman or who were entitled to receive notice of the hearing are requested to proceed first. Opponents may submit questions of the proponent to the Chair.
6. Cross-examination of each opponent by the Hearing Body.
7. Rebuttal. Both the proponents and opponents may submit rebuttal testimony; the proponent shall have final opportunity.
8. Close the hearing.

I. Decision of the Hearing Body. Upon closing the hearing, the Hearing body will deliberate the question and reach a decision or continue the matter for further study or decision, to a time and place then announced.

J. Recess of Hearing. The Hearing Body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

K. Notice of Decision. The County shall send, by first class mail, a notice of all decisions rendered under this Ordinance to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:

1. The file number and date of decision;
2. The name of the applicant, owner and appellant (if different);

3. The street address or other easily understood location of the subject property;
4. A brief summary of the decision, and if an approval, a description of the permit authorized or approval granted;
5. A statement that the decision is final unless appealed, and description of the requirements for perfecting an appeal;
6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

**SECTION 9.060. SEWAGE DISPOSAL APPROVAL.** No zoning permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system.

**SECTION 9.070. FILING FEES.** An application required by this Ordinance shall be accompanied by a filing fee in the amount as set forth by the County Court in a County Fee ordinance. Said permit fees may be amended by County Court order after conducting a hearing thereon.

A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.

B. At its sole discretion, the County may contract for review of an application by appropriate professionals, including but not limited to a civil engineer, planner, traffic engineer, wildlife biologist, or other specialist, and may require an applicant to reimburse the County for costs of such services. The County may require a deposit from the applicant, to cover estimated costs of consulting services.

**SECTION 9.080. REVOCATION.** The Commission may revoke or modify any permit granted under the provisions of this Ordinance on any one or more of the following grounds:

A. A permit may be revoked on the basis of fraud, concealment, or misrepresentation or on the basis of wrong information supplied on the application, or wrong information given to the Commission at a public hearing.

B. A permit may be revoked on the basis that the use for which such permit was granted is not being exercised within the time limit set forth by the Commission or this Ordinance.

C. A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended for one year or more.

D. A permit may be revoked or modified on the basis that the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, code, resolution, law or regulation.

E. A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare, or in such a manner to constitute a nuisance.

F. Any permit granted pursuant to this Ordinance shall become null and void if not exercised within the time period specified in such permit, or if no time period is specified in the permit, within one year from the date of approval of said permit.

G. The Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in this Ordinance. The Commission shall render its decision within 45 days after the conclusion of the hearing. In the case where the permittee is not satisfied with the action of the Commission, he may appeal the Commission's decision to the County Court in the manner provided in section 9.030 of this Ordinance.

**MORROW COUNTY SUBDIVISION ORDINANCE**

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COUNTY ORDINANCE NO. MC-02-05 REPEALED AND REPLACED BY  
ORDINANCE NO. MC-04-05

MORROW COUNTY, OREGON

AN ORDINANCE PROVIDING SUBDIVISION, PARTITIONING, AND OTHER LAND  
DEVELOPMENT STANDARDS AND PROCEDURES WITHIN THE COUNTY OF  
MORROW, STATE OF OREGON.

THE COUNTY OF MORROW, OREGON, ORDAINS AS FOLLOWS:

**ARTICLE I. INTRODUCTORY PROVISIONS**

Chapters 92 and 215, this ordinance sets forth the minimum standards governing the approval of land development, including subdivision and partitionings, as necessary to carry out the County Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well-planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant and the future lot owner.
- D. Improve land records and boundary monumentation.
- E. Ensure equitable processing of subdivision plats and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Morrow County.
- F. Provide for orderly and efficient urban development, and to coordinate development with public facilities and service plans and capabilities.
- G. Provide for preservation of farm and forest lands, and the resource based economy of the County.

No person may subdivide or partition land within Morrow County except in accordance with ORS Chapter 92 and the provisions of this ordinance.

**SECTION 1.020. INTERPRETATION.** The provisions of this ordinance shall be construed to effect the purposes set forth in Section 1.010 of this ordinance. These provisions are declared to be the minimum requirements fulfilling such objectives, and the county may impose additional requirements deemed necessary to promote the health, safety

and general welfare, and to carry out the Comprehensive Plan of the area. Where conditions set forth herein are less restrictive than comparative condition imposed by any other provision of this ordinance, by provisions of any other local ordinance, resolution or regulation, or by provisions of state statute or administrative regulation, the more restrictive shall govern.

**SECTION 1.030. REPEALER.** The following ordinance is applicable to said urban area, together with all amendments thereto, is hereby repealed: County Ordinance No. MC-05-02

**SECTION 1.040. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES.** The repeal of any ordinance by this ordinance shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability, and for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person or a part thereof prior to the effect date of this ordinance.

**SECTION 1.060. CONSTRUCTION AND TERMINOLOGY.**

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

B. Terminology. The word “County” shall mean the County of Morrow, State of Oregon. The words “County Court” and “Court” shall mean the County Court of Morrow County. The words “Planning Commission” and “Commission” shall mean the County Planning Commission of the County of Morrow duly appointed by the County Court. The words “Planning Director”, “County Roadmaster”, “Assessor”, “County Sanitarian”, “County Surveyor”, “County Clerk”, and “Tax Collector” as applicable shall mean the Planning Director, Roadmaster, Sanitarian, Surveyor, County Clerk, Tax Collector, and Assessor of the County of Morrow, as applicable.

**SECTION 1.070. DEFINITIONS.** As used in this ordinance the following words and phrases shall mean:

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

B. Access Management. The provision of improvements, signals, and/or the regulation of access to adjacent property while preserving the flow of traffic in terms of safety, capacity, and speed.

C. Accessway. A walkway that provides the pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and land on either side of the



walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.

D. Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

E. Bikeways. Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other modes. The five types of bikeways are:

1. Multi-use path: A paved 10 to 12 foot wide way that is physically separated from motorized traffic; typically shared with pedestrians, skaters, and other non-motorized users.
2. Bike Lane: A 4 to 6 foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. Shoulder Bikeway: The paved shoulder of a roadway that is 4 feet or wider, typically shared with pedestrians in rural areas.
4. Shared Roadway: A travel lane that is shared by bicyclists and motor vehicles.
5. Multi-use trails: An unpaved path that accommodates all-terrain bicycles, typically shared with pedestrians.

F. Block. An area of land within a subdivision which area may be entirely bounded on all sides by streets or highways (except alleyways), railroad right-of-way, unsubdivided land or water courses.

G. Community Water Supply System. A domestic water supply source or distribution system which serves more than three single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water supply system nor a public utility water supply system.

H. Contiguous Land. Parcels of land under the same ownership which abut each other.

I. Corner Clearance. The distance from an intersection of a public or private road to the nearest public or private access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

J. Cross-Section. A profile of the ground surface perpendicular to the center line of a street, stream, or valley bottom.

K. Developer. Means any person, corporation, partnership or other legal entity who creates or proposes to create a land development, and includes any agent of a developer so duly authorized.

L. Driveways. A private vehicle access way or point of entry from a public or private road.

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

N. Fire Break. A break in the ground cover fuels as specified by the Fire Protection Agency involved or Commission.

O. Flood Hazard Area. The relatively flat area or low-lands adjoining the channel of a river stream or watercourse, or lake reservoir, which has been or may be covered by a Base Flood.

P. Frontage. All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and right-of-way, waterway, end of a dead-end or city boundary.

Q. Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

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

S. Interest. Includes a lot or parcel, and a share, undivided interest or a membership which includes the right to occupy the land overnight, the lessee's interest may be renewed under the terms of the lease for a total period more than three years. "Interest" does not include any interest in a condominium as that term is denied in ORS Chapter 91 or any security interest under a land sales contract, trust deed or mortgage.

T. Joint Access. A driveway connecting two or more contiguous sites to the public street system.

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

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

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

3. Lot Depth. The average horizontal distance between the front and rear lot lines.
4. Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.
5. Lot Line. The property line bounding a lot.
6. Lot Line, Front. The lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
7. Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other odd-shaped lot, a line 10 feet in length within the lot, parallel to, and at a maximum distance from the front lot line.
8. Lot Line, Side. Any lot other than that of a front or rear lot line bounding a lot.
9. Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.
10. Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

V. Map. A final diagram, drawing, or other writing concerning a major partition.

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

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

Y. Parcel. A unit of land that is created by partitioning of land.

Z. Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not reduced below the minimum lot size established by any applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner; "partition land" does not include divisions of land resulting from lien foreclosures, foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots.

1. Major Partition. A partition which includes the creation of a road or street. A private road or way exceeding 100-feet in length shall be defined as a street.

2. Minor Partition. A partition where each parcel created has frontage on and access immediately to an existing road or street, i.e. a partition that does not include the creation of a street.

AA. Pedestrian Facilities. A general term denoting improvements made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

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

CC. Plat. A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

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

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

1. Alley. A narrow street through a block primarily for vehicular service access to the back or side properties abutting on another street.

2. Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas, as identified in the County's Transportation System Plan.

3. Bicycle Route. A right-of-way for bicycle traffic.

4. Collector. A street supplementary to the arterial street and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties. Collector streets are identified in the County's Transportation System Plan

5. Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.

6. Half Street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

7. Marginal Access Street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

8. Local Street. A street intended primarily for access to abutting properties, and identified in the County's Transportation System Plan.

9. Stubbed Street. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

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

GG. Rural/Commercial Activity Center. A Rural/Commercial Activity Center consists primarily of commercial or industrial uses providing goods and services to surrounding rural area or to persons traveling through the area, but also includes some dwellings.

HH. Subdivided Lands and Subdivision. Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests or four or more interests. "Subdivided land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot however must be sold as platted and recorded.

II. Subdivider. Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

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

KK. Walkway. A hard surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

**ARTICLE 2 SUBDIVISION REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE**

**SECTION 2.010. SCOPE OF REGULATION.** Before a plat of any subdivision or the map of any partition may be made and recorded, the person proposing the subdivision or the partition or his authorized agent or representative shall make an application in writing to the county for approval of the proposed subdivision or the proposed partition in accordance with the requirements and procedures established by this ordinance.

**SECTION 2.020. MINIMUM STANDARDS.** No proposed subdivision or partition shall be approved unless said subdivision or partition complies with the Comprehensive Plan for Morrow County and an affected city, the applicable zoning, and the requirements and standards set forth in this ordinance and ORS Chapter 92.

**SECTION 2.030. SUBDIVISION REVIEW COMMITTEE.** There is hereby established a Subdivision Review Committee to review all tentative subdivision and partition plans and make recommendations to the Planning Commission. The Committee shall consist of the following members as applicable to the County and an affected City.

- A. County Planning Director (who will be chairman)
- B. Affected City Representative
- C. County Surveyor
- D. County Roadmaster and affected City Street Supt.
- E. Police – County and affected City
- F. Fire Protection Representative
- G. County Extension Agent
- H. Public Utility Representative(s)
- I. Irrigation District Representative or Watermaster
- J. Affected School District Representative
- K. Oregon State Department of Transportation District 12 (optional and ex-officio)
- L. Postal Department (optional and ex-officio)
- M. Other State and Federal Agencies (optional and ex-officio)

**SECTION 2.040. DUTIES OF COMMITTEE.** It shall be the duty of the Committee to examine all tentative subdivision and partition plans and make recommendations to the Planning Commission.

**SECTION 2.050. SUBDIVISION CONFERENCE.** The Planning Director shall schedule a meeting with the Subdivision Review Committee and the subdivider or his authorized agent and surveyor.

**SECTION 2.060. COMMITTEE REVIEW FACTORS.** In review of proposed subdivisions and partitions, the committee shall consider the following factors:

- A. Preliminary plat requirements.
- B. Conformance to Zoning and Comprehensive Plan.
- C. Possible adverse effects on the development by natural hazards.
- D. Quantity and quality of existing or proposed water supply.
- E. Adequacy of the existing or proposed sewage disposal system to support the projected population.
- F. Adequacy of public services to serve the increase in population to be created by the development; including schools, police and fire protection, health facilities, highway and arterial and collector road networks, parks, etc.
- G. Possible conflicts with adjoining property.
- H. Protective covenants, deeds or restrictions.
- I. Conformance with policies and provisions of local and State regulations.
- J. Marketable title or other interest contracted.
- K. Agreement or by-laws to provide for management, construction, maintenance or services proposed.
- L. Effects of the subdivision for continuity of public services and access to adjoining lands.

### **ARTICLE 3. TENTATIVE PLAN**

**SECTION 3.010. APPLICATION SUBMISSION.** Any person proposing a subdivision, or his authorized agent or representative, shall include with an application for a subdivision a Tentative Plan as set forth in Sections 3.040 through 3.080 for the proposed subdivision, together with improvement plans and other supplementary material as may be required, and shall submit 10 copies of said plan together with all required accompanying material to the Planning Department. A Tentative Plan for a subdivision shall be accompanied by an application for a subdivision as provided by the Planning Department, together with the appropriate filing fee, required supplemental material and subdivision application form, and thereof officially received by the Planning Department.

**SECTION 3.015. REVIEW FOR COMPLETENESS.** The Planning Department shall determine whether the application is complete and shall inform the applicant within 30 days of the application date whether additional information is required. The applicant has 180 days within which to submit the requested information or the applicant may, in writing, refuse to submit additional information, whereupon the application shall be considered complete for review. The Planning Department shall arrange for a meeting of the Subdivision Review Committee and Planning Commission for review of the tentative plan when the application has been found to be complete.

**SECTION 3.020. REQUIRED FINDINGS FOR APPROVAL.** The Commission shall not approve a Tentative Plan for a proposed subdivision unless the Commission finds, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modifies will satisfy the intent of this ordinance relating to subdivision development, the intent and requirements of the applicable zoning regulations, will be in compliance with the Comprehensive Plan, and the standards set forth in this Article; such findings shall include the following:

- A. The subdivision is an effective, efficient and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan relative to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as natural vegetation, and special terrain feature.
- B. The subdivision will be compatible with the area surrounding the project site, and will not create an excessive demand on public facilities and services required to serve the development.
- C. That there will not be any adverse impact on natural resource quality and public service and facilities.

**SECTION 3.040. TENTATIVE PLAN REQUIRED.** The Tentative Plan for a subdivision shall be prepared and submitted in compliance with the provision of Sections 3.050 through 3.080 of this Article.



**SECTION 3.050. SCALE OF TENTATIVE PLAN.** The Tentative Plan of a proposed subdivision shall be drawn on a sheet of 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 50 feet for subdivision up to 10 acre size, one (1) inch equals 100 feet for subdivisions up to 50 acre size, one (1) inch equals 200 feet for subdivision up to 100 acre in size, and for subdivision of more than 100 acres in size a scale not greater than one (1) inch equals 400 feet; or multiples thereof as approved by the Planning Department.

**SECTION 3.060. INFORMATION REQUIREMENTS.** The following information shall be shown on the Tentative Subdivision Plan or provided in accompanying materials. No Tentative Plan submittal shall be considered “complete” unless all such information is provided.

A. General Information Required

1. Proposed name of the subdivision
2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, surveyor, and any assumed business names filed or to be filed with the Corporation Commissioner by the owner or subdivider which will be used in connection with the subdivision.
3. Date of preparation, north point, scale and gross area of the proposed subdivision.
4. Appropriate identification of the drawing as a Tentative Plan for a subdivision.
5. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

B. Information Concerning Existing Conditions.

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
2. Location of any existing features such as section lines, section corners, city and special district boundary lines and survey monuments.
3. Location of existing structures, irrigation canals and ditches, pipelines, waterways, and railroads, and natural features such as rock outcroppings, marshes, wooded areas and natural hazards.
4. Location and direction of watercourses, and the location of area subject to erosion, high water tables and flood hazards.
5. Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.

6. Existing sewer lines, water mains, culverts, and underground and overhead utilities within and adjacent to the proposed subdivision, together with pipe sizes, grades and locations.

7. Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen percent, and twenty feet for slopes greater than twenty percent.

C. Information Concerning Proposed Subdivisions.

1. Location, names, width, typical improvements, cross sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.

2. Location, width and purpose of all proposed easements or right-of-ways and relationship to all existing easements or right-of-ways.

3. Location of at least one temporary bench mark within proposed subdivision boundary.

4. Location, approximate area and dimension of each lot, and proposed lot and block numbers.

5. Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed and plans for improvements or development thereof.

6. Proposed use, location, approximate area and dimensions of any lot which is intended for non-residential use.

7. An outline of the area proposed for partial recording of a final plat if phased development and recording is contemplated or proposed. If the proposed subdivision pertains to only a portion of the tract owned or controlled by the subdivider, the Planning Commission may require a tentative plan for streets and utilities in the unsubdivided portion.

8. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal and all utilities.

9. Description and location of any proposed community facilities.

10. Storm water and other drainage facility plans.

11. Solar protection statement.

**SECTION 3.070. MASTER DEVELOPMENT PLAN.** An overall “Master Development Plan” shall be submitted for all developments of more than 100 parcels or for all developments planning to utilize phase or unit development. The Master Development Plan shall include, but not be limited to, the following elements:

- A. Overall development plan, including phase or unit sequences.
- B. Schedule of improvements initiation and completion.
- C. Overall transportation and traffic pattern Plan, including a Traffic Impact Analysis (TIA) completed by a certified engineer. If the property frontage includes a state highway, the TIA must meet ODOT Traffic Impact Study requirements.
- D. Sales program timetable projection.
- E. Development plans of any common elements or facilities.
- F. Financing plan for all improvements.
- G. If the proposed subdivision is determined to have a possible impact upon adjacent lands or lands within the general vicinity, the Planning Commission may require a potential street development pattern for adjoining lands to be submitted together with the Tentative Plan as part of the Master Development Plan for the subject subdivision.

**SECTION 3.080. SUPPLEMENTAL INFORMATION REQUIRED.** The following information shall be submitted with the Tentative Plan for a subdivision. If such information cannot be shown practically on the Tentative Plan of a proposed subdivision, it shall be submitted on separate documents accompanying the plan at the time of filing.

- A. Proposed deed restriction or protective covenants, if such is proposed to be utilized for the proposed subdivision.
- B. Certified statement from each serving utility company proposed to serve the proposed subdivision as set forth in the Tentative Plan, and the conditions of such service shall be set forth.
- C. Proposed fire protection system for the proposed subdivision and written review thereof by the appropriate serving fire protection agency.
- D. Title or Subdivision Guarantee Report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property.
- E. Reasons and justifications for any variances requested to the provisions of this ordinance or any other applicable ordinance or regulation.

### **SECTION 3.090. APPROVAL OF TENTATIVE SUBDIVISION PLAN.**

A. Tentative Plan Review. The Planning Commission shall, within 45 days from the first regular Commission meeting following the determination that a Tentative Subdivision Plan is complete, review the Tentative Plan and all reports and recommendations of appropriate officials and agencies. The Commission may approve, modify, or disapprove the Tentative Plan for the proposed subdivision, and shall set forth Findings for said decision. The Planning Commission shall make its decision at a public hearing with notice and procedures as specified in Article 9 of the Development Ordinance.

B. Tentative Plan Approval. Approval or disapproval of the Tentative Plan by the Commission shall be final unless the decision is appealed to the County Court. The County Court may review the Planning Commission's decision on its own motion. County Court review shall be conducted in accordance with Article 12 of this ordinance, and failure to do so within the required time limit shall be deemed to indicate acceptance of the Planning Commission's decision.

C. Tentative Plan Approval Relative to Final Plat. Approval of the Tentative Plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such Tentative Plan shall be binding upon the County for preparation of the plat.

D. Commission Report. The decision of the Planning Commission shall be set forth in writing in a formal report and, in the case of approval, be noted on three copies of the Tentative Plan, including references to any attached documents describing conditions of approval. One copy of the appropriate material shall be sent to the subdivider, one copy sent to the affected city or the County Court, and one copy shall be retained by the Planning Commission. Such action shall be completed within ten days of Commission decision.

**SECTION 3.100. SPECIFIC APPROVAL REQUIREMENTS.** In addition to the requirements set forth by the provision of this ordinance and applicable local and State regulations, specific requirements for preliminary plat approval are as follows:

A. No Tentative Plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town", "city", "place", "court", "addition", or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party that platted the subdivision bearing that name. All plats must continue the Lot and Block numbers of the plat of the same name, last filed.

B. No Tentative Plan for a proposed subdivision shall be approved unless:

1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

2. Streets and roads to be held for private use are approved by the Commission and are clearly indicated to the Tentative Plan and all reservations or restrictions relating to such private streets and roads are set forth thereon; such as ownership and maintenance responsibilities.

3. The Tentative Plan complies with the Comprehensive Plan and zoning.

C. Approval or denial shall take into consideration the Subdivision Review Committees' recommendations and the factors listed in 2.060 of this ordinance.

D. A review and formal recommendation has been provided for by the affected city if located within the Urban Growth Boundary thereof, or as otherwise set for by the applicable Urban Growth Boundary management agreement.

**SECTION 3.110. RESUBMISSION OF DENIED TENTATIVE PLANS.** If the Tentative Plan for a subdivision is denied, resubmittal thereof shall not be accepted by the County for a period of six months after the date of the final action denying said plan. Resubmission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

## **ARTICLE 4. FINAL PLAT**

### **SECTION 4.010. SUBMISSION OF FINAL PLAT.**

A. Filing Time Period Requirements. Within twelve (12) months after the date of approval of the Tentative Plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the Tentative Plan as approved. The subdivider shall submit the original drawing, five prints, and any supplementary information required by this ordinance and the Planning Commission and the "check list" provided by the Planning Department. If the subdivider fails to proceed with the subdivision before the expiration of the twelve (12) month period following the approval of the Tentative Plan, the plan approval shall be declared void and the subdivider must submit a new plan together with the appropriate filing fee if he wishes to proceed with the development.

B. Time Period Extension. The Planning Commission may, upon submittal of a formal request for a time extension and justification therefor by the subdivider, grant a 90-day extension to the twelve (12) month time period set forth in Section 4.010 (1) of this ordinance.

**SECTION 4.020. FORM OF FINAL PLAT.** The final plat shall be submitted in the form prescribed by the State Statute and this ordinance.

A. All plats subdividing any tracts of land in the County, and dedications of streets or roads or public parks and squares and other writings made part of such plats offered for record shall be made in black India ink, upon material that is 18 inches by 24 inches in size, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County. The plat shall be of such a scale, and the lettering of the approvals thereof, and of the dedication and affidavit of the surveyor, shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon two or more sheets. Plat material may be placed on both sides of a sheet.

### **SECTION 4.030. REQUIREMENTS OF SURVEY AND PLAT OF SUBDIVISION.**

No subdivider shall submit a plat of a subdivision for record, until all the requirements for the survey and the plat of the subdivision have been met.

A. The survey of the plat of the subdivision shall be of such accuracy that the error of closure shall not exceed one foot in 4,000 feet.

B. The survey and plat of the subdivision shall be made by a surveyor who is a licensed land surveyor.

C. The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot

shall be numbered and each block shall be lettered or numbered. The length of all boundaries of each lot shall be shown, each street shall be named.

D. The locations of descriptions of all monuments shall be clearly recorded upon all plats and the proper course and distances of all boundary lines shall be shown.

#### **SECTION 4.040. MONUMENTATION REQUIREMENTS.**

A. The initial point of all subdivision plats shall be marked with a monument conforming to the following specifications. This monument shall be a galvanized iron pipe, two inch inside diameter, not less than thirty inches long, with a brass cap no less than 2 inches in diameter, solidly and permanently secured in position either with a substantial, non-corrosive rivet or a solid-metal weld. The bottom of the pipe shall end in a welded footplate or be split and flared to a minimum holding width of six inches to anchor the monument when set in the ground. Any galvanization destroyed during threading, cutting, flaring or welding must be retreated against rust. The monument shall be set with the top at finished grade elevation and the subdivision name, year of establishment, and registration number of the registered engineer or registered number of the registered land surveyor, establishing same, clearly marked with steel dyes on the brass cap. The location of the monument shall be noted with reference to a known corner established by the United States survey.

B. The intersection of all streets and roads and all points on the exterior boundary where the boundary line changes direction shall be marked with monuments either of stone, concrete, galvanized iron pipe, or iron or steel rods.

C. All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in diameter or iron steel rods not less than one-half inch in least dimension and two feet long.

D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within one-tenth of a foot.

E. All monuments for the exterior boundaries of a subdivision shall be marked and such monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for approval by the county and for recording. However, interior monuments for the subdivision need not be set prior to the approval and recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in Subsection (2) of Section 4.050 of this ordinance.

#### **SECTION 4.050. MARKING INTERIOR MONUMENTS AFTER RECORDING.**

A. If the interior monuments for a subdivision are to be marked on or before a specified date after the approval and recording of the plate of the subdivision, the person subdividing the land shall furnish, prior to approval and recording of the plat, to the

governing body of the county, a bond or cash deposit in an amount equal to 110 percent of the estimated cost of performing the work for the interior monumentation.

B. If the person subdividing any land within the county has complied with subsection A of this Section, the surveyor may prepare the plat of the monuments referenced thereof as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with Section 4.040 of this ordinance and applicable State Statutes and referenced on the plat for the subdivision as approved by the county.

C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under subsection B of this Section, the surveyor performing such work shall:

1. Within five days after completion of such work, notify the person subdividing the land involved in the County; and
2. Reference such monuments on an exact copy of the subdivision plat as previously approved and recorded; and
3. Upon approval of such plat copy under ORS Chapter 92.100, file such plat copy with the county recording officer and the city recording officer with whom the plat of the subdivision was previously recorded.

D. At the time the person subdividing the land described in subsection (1) of this Section pays the surveyor for performing the interior monumentation work and notifies the county of such payment, the county, within three months after such notice, shall release the bond or return the cash deposit upon finding that such payment has been made.

**SECTION 4.060. INFORMATION ON PLAT.** In addition to that required for the Tentative Plan or otherwise specified by law, the following information shall be shown on the plat.

A. Survey Reference. Reference points of existing surveys identified, related to the plat by distances and bearing and referenced to a filed book or map as follows:

1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
2. Adjoining corners of adjoining subdivision.
3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of the ordinance.

B. Boundary Street. The exact location and width of the street easements intercepting the boundary of the tract.



C. Boundary Lines. Tract, block, and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

D. Streets. The width of the portion of streets being dedicated and with the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

E. Easements. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the map, it shall be properly referenced in the owner's certificates of dedications.

F. Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively in each block. Pursuant to the applicable county or affected city addressing system, the address of each lot shall be shown on the plat.

G. Block numbers. Block numbers beginning with the omission or duplication throughout the subdivision. The numbers shall be solid, or of sufficient size and thickness to stand out and so placed as not to obliterate and disfigure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

H. Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

I. Building Setback Lines. Building setback lines, if any, are to be made a part of the subdivision restrictions.

J. Certificates. The following certificates are required and shall be combined where appropriate:

1. A certificate signed and acknowledged as above, all parties having record title interest in the land consenting to the preparation and recording of the plat.
2. A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of lot owners in the subdivision, their licenses, visitors, tenants and servants.
3. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

4. A certificate for execution by the affected City Public Works Superintendent or other City Representative and/or County Roadmaster.

5. A certificate for execution by the chairman of the Planning Commission.

6. A certificate for the execution by the County Planning Director.

7. A certificate for execution by the County Tax Collector.

8. A certificate for execution by the County Assessor.

9. A certificate for execution by the Irrigation District where applicable.

10. A certificate for approval for execution by the County Court.

11. All plans, plats or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be endorsed thereon by the board before approval of such plan, plat, or replat of any subdivision by the governing body of the county. Except, that if a subdivider is unable to obtain action or approval of any district or company within 45 days, the subdivider shall notify the governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objections to the plan, plat, or replat must be filed with the governing body in writing within 20 days and failure of the district or company to respond shall be considered by the governing body as approval of such plan, plat or replat and the governing body shall endorse, act and the body may thereafter approve such plan, plat or replat without the approval of such district or company endorsed thereon.

K. Other certificates required by State regulations.

**SECTION 4.070. SUPPLEMENTAL INFORMATION WITH PLAT.** The following data shall accompany the plat:

A. Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their evidence of a clear and marketable title.

B. Survey Data Sheets. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

2. The computation of distances, angles and courses shown of the plat.
3. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and state highway stationing.

C. Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.

D. Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.

E. Dedications. A copy of any dedication requiring separate documents, specific reference to parks, playgrounds, etc.

F. Taxes. A list of all taxes and assessments on the tract which have become a lien on the tract.

G. County Court Certificate. A certificate by the County Court that the subdivider has complied with requirements of Section 8.010 and 8.020 on improvement guarantee.

H. Improvement. If grading, and/or street improvements, and/or sewer, and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:

1. Cross sections of the proposed streets, showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.
2. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
3. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
4. Specification for the construction of all proposed utilities.
5. Grading plans and specifications as required for areas other than streets and ways.
6. Planting plans and specifications for street trees and other plantings in public area.

I. Access Permits. Where access is to be a county road or state highway the necessary access permits shall be obtained prior to final plat review.

#### **SECTION 4.080. TECHNICAL PLAT REVIEW.**

A. Ordinance Check. Upon receipt by the Planning Department, the plat and other data shall be reviewed by the County Surveyor, affected City Public Works Superintendent, County Roadmaster, and the County Planning Director who shall examine them to

determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plan, and there has been compliance with provisions of the law of this ordinance.

B. Field Check. The County Roadmaster, County Surveyor, County Planning Director and affected City Public Works Superintendent may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the Roadmaster or Superintendent or representative thereof may enter the property for this purpose.

C. Corrections. If the County Roadmaster, County Surveyor, affected City Public Works Superintendent and County Planning Director determine that full conformity has not been made, the subdivider shall be advised thereby of the changes or additions that must be made and the subdivider shall be afforded a reasonable opportunity to make the changes or additions.

#### **SECTION 4.090. APPROVAL OF THE FINAL PLAT.**

A. If the Planning Director does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Director determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provision for required improvements are satisfactory. Approval shall be indicated by the signature of the Planning Director. The Planning Director may refer any final plat to the Planning Commission for review, if the final plat does not substantially conform to the approved tentative plan or if any other conditions warrant review. Approval of the plat does not constitute or affect an acceptance by the public of the dedication of any street or other easement shown on the plat; nor does such approval constitute final approval, said authority for final approval being vested with the County Court.

B. No plat of a proposed subdivision shall be approved unless:

1. Streets and roads for public use are to be dedicated without any reservation nor restriction other than reversionary right upon vacation or restriction other than reversionary right upon vacation of any such street or road and easement for public utilities.
2. Streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the county.
3. The plat or map contains provision for the dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems; the dedication of which was made a condition of the approval of the tentative plan for the subdivision or the partition.

4. Explanation of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.

C. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or

2. A bond, contract, or other assurance by the subdivider to the county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the county; or

3. In lieu of paragraphs 1 and 2 of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and endorsed by the county, shall be filed by the subdivider with the final plat.

D. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat; or

2. A bond, contract or other assurance by the subdivider to the county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the county considers necessary; or

3. In lieu of paragraphs (1) and (2) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Department of Environmental Quality has approved the proposed method on an individual lot-by-lot basis or an alternative method of sewage disposal. A copy of any such statement, signed by the subdivider and endorsed by the county shall be filed by the subdivider with the final plat. The subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or

prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement.

G. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A final plat which is in compliance with the tentative plan approval and all conditions thereof.
2. A certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed or a proposed bond, contract or other assurance by the county and/or county District Attorney specifying the period within which required improvements and repairs shall be completed.
3. The plate complies with the county and affected City Comprehensive Plan and with any applicable zoning regulations and any ordinance or regulation applicable to the proposed subdivision or improvement thereof that are then in effect in the county.

**SECTION 4.100. FINAL PLAT APPROVAL.** Following approval, the final plat shall, without delay, be submitted to the County Court for final approval of the plat, supplemental documents, improvement and repair completions or assurances thereof. Such submittal shall occur within 45 days of approval.

**SECTION 4.110. RECORDING OF PLAT.** A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 45 days after the date of approval of the governing body has been obtained. After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the County Clerk's office and the affected City Recorder's office.

A. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll, have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

B. At the time of filing such plat, the person offering it for filing shall also file with the County Recording officer, an exact copy thereof, made with black India ink or photocopy upon good quality of linen tracing cloth or any other suitable drafting material having the same or better transparency. The engineer or surveyor who made the plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the plat. The copy filed with the County Recording officer shall be certified by him to be an exact copy and then shall be filed in the archives of the County, and be preserved by filing without folding. The subdivider shall provide, without cost, prints

from such copy to the County Assessor, affected City Recorder and County Planning Department.

## **ARTICLE 5. LAND PARTITIONING**

**SECTION 5.010. APPLICABILITY OF REGULATIONS.** All land partitioning within the County must be approved by the County Planning Commission, County Planning Director, and/or a designated official thereof. Said approvals will be granted in accordance with the provisions of this ordinance and more particularly this Article.

**SECTION 5.020. APPLICATION PROCEDURES AND REQUIREMENTS.** Any persons proposing a land partitioning, or his authorized agent or representative, will prepare and submit a copy of the Tentative Plan for the proposed partitioning together with an application for partitioning and the appropriate filing fee to the Planning Department at least 35 days prior to the Commission meeting at which consideration is desired, except as set forth in this Article. The Tentative Plan for partitioning, when submitted, will include the following:

1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns.
2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths, and improvement standards of existing roads.
3. Names and addresses of the land owner, the partitioner, a mortgagee if applicable, and the land surveyor employed or to be employed to make necessary surveys and prepare the Final Plat.
4. A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection, access, etc.
5. North point, scale and date of map, and property by tax lot, section, township and range.
6. Statement regarding the use for which the parcel(s) are to be created.

The Preliminary Plat may reveal the boundaries of the property to be other than thought to be correct by the landowner. An applicant is encouraged to have a Boundary Survey performed prior to submittal of the application and tentative plan.

**SECTION 5.030. REQUIREMENTS FOR APPROVAL.** No application for partitioning will be approved unless the following requirements are met:

1. Proposal is in compliance with ORS 92 and the County and affected City Comprehensive Plans and applicable Zoning.
2. Each parcel is suited for the use intended or offered; including, but not limited to, size of the parcels, topography, sewage disposal approval and guaranteed access.



Proof of access must show that each parcel has an easement sufficient for continued ingress and egress to a public, county or state highway or has a deeded access way.

3. All required public service and facilities are available and adequate.
4. Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.
5. An approved water rights diversion plan as applicable.
6. Flag lots will not be permitted when the results would be to increase the number of properties requiring direct and individual access from a State Highway or other arterial. Flag lots may be permitted to achieve planning objectives under the following conditions:
  - a. When flag lot driveways are separated by at least twice the minimum frontage distance.
  - b. The driveway must meet driveway standards described in Article 8, Section 8.020.V.
  - c. The lot meets the minimum lot area of the zoning district, without including the driveway.
  - d. Only one flag lot will be permitted per private right-of-way or access easement.
7. The depth of any lot will not be restricted as long as a buildable parcel is proposed.
8. No plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company will be approved unless the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.
9. The Commission will deny an application for partitioning when it can be shown by the Commission that the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern creating more than three (3) parcels without subdividing.
10. In addition to the requirements set forth above, the following factors may be considered for approval or disapproval of an application for land partitioning if a geographical or other factor identified by other, appropriate professionals or Plans such as the requirements of the Comprehensive Plan, FEMA requirements, Byways rules, etc., requires it:
  - a. Placement and availability of utilities.
  - b. Safety from fire, flood and other natural hazards.

- c.— The same improvements may be required for a partitioning as required of a subdivision, if required it will be installed by the applicant.
- d. Possible effects on natural, scenic and historical resources.
- e. Need for onsite or offsite improvements.
- f. Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses. If the proposed partition is located within an Urban Growth Boundary, the affected city must be given notice according to the respective Joint Management Agreement.
- g. In the approval of a land partition, the need for street and other improvements will be considered and may be required as a Condition of Approval at a different standard than for a subdivision.

**SECTION 5.060. COMMISSION ACTION.**

A public hearing is required for Planning Commission decisions concerning land partitioning. The Planning Commission will hold at least one public hearing on each application request. Notice of the hearing for the proposed land partition will be sent to the adjoining property owners within 250 feet from the property at least 20 days before the hearing. Public Notice of the hearing will be published in a newspaper of general circulation not later than 10 days prior to the date of the hearing by the Planning Director with time, place and purpose of the hearing and the place where copies of the Staff Report are to be available before the hearing. The procedures for the hearing, appeals, and administrative concerns will be as specified in Article 9 of the Zoning Ordinance.

The Planning Commission will take final action on all land partitioning decisions within 120 days after the application is deemed complete unless an extension has been requested by the applicant. If no such action is taken within a 120 day period, the subject application will be approved as submitted and it will be the duty of the Planning Director to certify the approval.

**SECTION 5.065 PRELIMINARY PLAT REQUIREMENTS.**

Following Commission approval of the Tentative Plan for a proposed partitioning, the person proposing partitioning will have prepared three copies of the preliminary plat map for the subject partitioning to be submitted to the Assessor's Office, County Surveyor and to the Planning Department. The Preliminary Plat will be prepared by a licensed Oregon land surveyor and comply with all requirements of ORS Chapter 92 or as defined in this Article. The Preliminary Plat will be drawn to meet the same requirements of the Final Plat Map described in Section 5.070.

**SECTION 5.070. FINAL PLAT MAP FOR PARTITIONING.** The Final Partition Plat will be completed within two years from the date of the Commission action or the approval of the partitioning will expire and said approval will be declared null and void. A one-year extension may be granted when a written request is made prior to the expiration of the permit with stated reasons for the request for which the applicant was not responsible. Five (5) copies of the Final Plat map will be submitted to the County for approval. The said five copies will be circulated for approval and signature in the following order: Water Rights approval (if required), County Surveyor, Planning Director, County Assessor, and the

original recorded in the office of the County Clerk. Copies of said final map will be provided by the partitioner without cost to the County Assessor, County Surveyor and County Planning Director. Two copies of the Final Plat map will be of approved reproducible material as required by ORS 92.080. Once recorded the copies will be distributed as follows: (1) approved reproducible to the County Clerk; (1) approved reproducible to the County Surveyor; one each paper copy to the Planning Director and the Assessor; and the final paper copy to be returned to the surveyor.

1. Final Plat Map Requirements:

- a. Will be drawn to an appropriate scale on a sheet 18” by 24” and as required by ORS 92.080 or the County Surveyor. The Plat will be of a scale and lettering size as required by the County Surveyor so that all details may be clearly and legibly shown.
- b. Name of owner, developer, and land surveyor will be shown on the map.
- c. Date, scale, north point, legal description of boundaries, and a tie by actual survey to a section or donation land claim corner.
- d. Parcel boundary lines, with dimensions and bearings; bearings will be to the nearest second and distances to the nearest 0.01 feet. The area of each parcel will be shown.
- e. An affidavit by the land surveyor involved in the partitioning certifying that all parcels have been surveyed and monumented as required for lots within a partition.
- f. A certification of any public dedication.
- g. A certification of approval for execution by the County Planning Director.
- h. When a partition would create parcels greater than eighty acres or when not required by the Morrow County Subdivision Ordinance, the partition need not be surveyed or monumented, but must be platted using the best available information. The approximate acreage of each unsurveyed parcel will be shown and any unsurveyed parcel will have the words “UNSURVEYED” placed in bold letters adjacent to the parcel number. Unsurveyed parcels need not comply with ORS 92.050(5), (7), and (8).

2. Approval Requirements. No final map for land partitioning will be approved by the Planning Director unless all of the following requirements are met:

- a. The final map is in strict conformance with the Tentative Plan approved by the Commission and conditions thereof have been met or guaranteed.
- b. The final map is in strict conformance with the requirements set forth in Subsection A of this Section or as otherwise approved by the Commission or as otherwise set forth in the Article.
- c. Access is guaranteed to each parcel.
- d. Each parcel is approved for subsurface sewage disposal if applicable to the intended or offered use.
- e. All required public utilities are available.
- f. A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth by the Commission.

3. No partition will be recorded unless all taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees, or other charges required by law have been paid.

**SECTION 5.075. REPLATTING.** A reconfiguration of a recorded subdivision or partition plat or a change in the number of lots in the subdivision or partition may be approved by the Planning Commission or as defined in ORS 92.180. Replats will act to vacate the platted lots or parcels and easements within the replat area with the following conditions:

1. A replat will apply only to a recorded plat.
2. Notice shall be provided when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.
3. Notice shall be provided to the owners of property adjacent to the exterior boundaries of the tentative subdivision replat.
4. When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the Planning Department in writing within 14 days of the mailing or other service of the notice.
5. A replat will not serve to vacate any public street or road.
6. A replat will comply with all subdivision provisions of this Article and all applicable Ordinances.

**SECTION 5.080. APPEAL PROCEDURE.** An appeal of a decision or requirement of the Planning Commission or the Planning Department relative to a land partitioning will be made in accordance with the provisions of Article 12 of this Ordinance.

**SECTION 5.090. PROPERTY LINE ADJUSTMENT REGULATIONS.**

Definition: A property line adjustment is an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. ORS 92.010(7)(b).

**APPLICABILITY AND PURPOSE:**

All property line adjustments within the County must be approved by the Planning Director. Said approvals will be granted in accordance with the provisions of State Statute, this Ordinance and more particularly this Article. The purpose of this Section is to provide the basis to review property line adjustments.

#### APPLICATION PROCEDURE AND REQUIREMENTS:

Applications for a property line adjustment will be required to provide a site plan which shows all of the property line dimensions and the area and dimensions to be added or reduced from each property. A survey will be filed with the County Surveyor. New or corrected Deeds which describe the adjusted configuration will be recorded in the Morrow County Deed Records. No property line adjustment may cause a new lot or parcel to be created. A property line adjustment deed will contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement.

The application will be evaluated by an Interdepartmental Review process whereby the Planning Director, Assessor, and County Surveyor will approve the application prior to final approval.

#### REQUIREMENTS FOR APPROVAL:

1. The property line adjustment will not create any additional units of land.
2. A property line adjustment will not create a unit of land which has been reduced to less than the minimum lot size for the applicable zone.
3. The property line adjustment will not eliminate access for any of the properties unless an alternative access has been provided and approved.
4. The property line adjustment will not cause an undeveloped property to become ineligible for a septic system or to maintain water supply.
5. The revised line must not result in a violation of structural setback requirements of the applicable zone.
6. Notification will be given to an irrigation district, drainage district, water control district, water improvement district or district improvement company that lies within the boundaries of a property line adjustment. The applicant must comply with any requirements of the affected district, if any.
7. A property line adjustment will not cross partition or subdivision lines. A property line adjustment will not be done in conjunction with partitioning or subdividing. Any adjustments need to be completed, including deed recording, prior to partitioning or subdividing. When a proposed property line adjustment would occur in a platted and recorded subdivision or partition, see Section 5.075 for Replatting requirements.

#### **SECTION 5.094. ADDITIONAL APPLICATION TYPES:**

**Split Zoning:** Property line adjustments may be permitted across a zoning designation boundary to create a split-zoned property if:

1. The adjusted properties lie entirely outside of an urban growth boundary and outside of an incorporated city; and;
2. Each parcel is consistent with the minimum parcel size of the applicable zoning area.

Combinations: Approval for a combination of properties is made by the County Assessor. No survey is required but the combination requires a letter of approval by the Planning Director, or designee, stating the possible land use implications of the combination.

#### **SECTION 5.100. PARTITIONING FOR FINANCIAL PURPOSES.**

1. Upon approval by the Planning Director, a special permit authorizing the creation of a security interest or leasehold in a parcel of land will be granted.
2. Permits issued under the authority of this section will be subject to the following limitations and restrictions:
  - a. A parcel possessed by a person under the terms of a lease or a security interest, and the remaining parcels, must remain in the legal use that the parcels were at the time the interest become possessory; except the parcel(s) may be put into agricultural use; but in no case may an additional structure or security interest be added to any parcel by the authority of the permit authorized in Subsection (1) of this Section. To establish uses other than agriculture or to erect structures not a part of the security interest, including farm accessory structures, the owner of the parcel must secure a land partitioning approval as required by this Ordinance and this Article.
  - b. The permit authorized in Subsection A of this Section will be valid for the time of the lease or the life of the security interest. When there is a default and foreclosure, the permit will only be valid until a land partitioning permit is granted or the parcels are once again rejoined as a contiguous unit of land.
  - c. At the end of the life of the security interest, if there is no default or foreclosure, or in the case of leaseholds at the end of the lease, the parcels will be rejoined into a contiguous unit of land and combined into a single tax lot. The owner of the property will be in violation of this ordinance if he has not within 30 days of the permit becoming void, made written application to the County Assessor for the combination of the parcels into a single tax lot.
  - d. The application will be evaluated in an Interdepartmental Review process whereby the Planning Director, Assessor, and County Surveyor will review the application prior to final approval.
3. No permit may be issued under this section until the applicant, the owners of the subject property, and the holder of the security or lease interest sign a statement indicating that all parties understand the limits being placed upon the permit. This statement will be recorded against the deed to the property.
4. The permit issued under this section will be immediately void if the owner of the property attempts any transfer of the subject parcels, except as provided by the terms of the permit.

5. The partitioning permit authorized by this section will only be granted if the applicant certifies, and the Planning Director finds that:
  - a. The intended partitioning is temporary and not created for the purpose of evasion of the requirements of this ordinance, other ordinances or regulations or State Statute and administrative rules adopted pursuant thereto.
  - b. The partitioning will not result in the need for additional roads or other access.
  - c. A partition map approved by the Planning Director is provided. A survey may be required.
  - d. The partition will not result in the need for additional public improvements or services.

**SECTION 5.120. LAND PARTITIONING IN THE EXCLUSIVE FARM USE ZONE**

Within the Exclusive Farm Use Zone, partitions must provide for the continuation of the existing commercial agricultural enterprises within the area as well as meet the minimum lot requirement. The exceptions to these requirements are:

1. The application and approval for non-farm dwellings as provided in the Morrow County Zoning Ordinance.
2. Creation of a parcel with an existing dwelling to be used for historic property that meets the requirements of ORS 215.213(1)(q).
3. To allow a provider of public parks or open space or a not-for-profit land conservation organization to purchase at least one of the resulting parcels provided:
  - a. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
  - b. A parcel created pursuant to this subsection that does not contain a dwelling:
    - i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - ii. May not be considered in approving or denying an application for siting any other dwelling.
  - c. May not be smaller than 25 acres unless the purpose of the land division is:
    - i. To facilitate the creation of a wildlife or pedestrian corridor as part of the implementation of a wildlife habitat protection plan; or
    - ii. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
4. The County may approve a division of land smaller than the minimum lot or parcel size provided:
  - a. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;

- b. The church has been approved by the Planning Commission as a Conditional Use.
- c. The newly created lot or parcel is not larger than five acres; and
- d. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size either by itself or after it is consolidated with another lot or parcel.

**SECTION 5.140 JUDICIAL AND OTHER ILLEGAL PARTITIONS:**

Land partitions authorized by Circuit Court settlements which are not part of a foreclosure, are not exempt from this Ordinance nor from ORS 92 requirements. When a Court decision has been granted authorizing a land partition, it is the landowners' responsibility to follow the procedures outlined in this Ordinance. Any action which has the effect of dividing property into new lots or parcels without the property owners obtaining the required County approval will result in those affected properties becoming undevelopable.

**SECTION 5.150. PARCEL SIZE EXCEPTIONS.**

Whereas land sections in the County are commonly affected by survey adjustment, requirements relative to parcel sizes will be considered as standard metes and bounds land section divisions; i.e. 160, 80, 40, 20, etc.; parcel sizes may, therefore, be reasonably smaller or larger than set forth by regulation if an acreage change is due to a survey adjustment. When a parcel to be created would be, because of a survey adjustment, 10 percent or less deviation from a minimum parcel or lot size, the deviation will be considered an exception and meet the minimum lot size requirement. In this instance, an Area or Minor Variance would not be necessary as described in Article 7.



## **ARTICLE 6. PLANNED UNIT DEVELOPMENT**

**SECTION 6.010. AUTHORIZATION.** When a Planned Unit Development has been authorized pursuant to applicable zoning regulations, such a development may be approved by the county in accordance with the provisions of this article and this ordinance.

**SECTION 6.020. APPLICABILITY OF REGULATIONS.** The requirements for a planned unit development set forth in this article are in addition to the requirements set forth for a standard subdivision in this ordinance.

### **SECTION 6.030. PURPOSE FOR PLANNED UNIT DEVELOPMENT**

**REGULATIONS.** The planned unit development authorization serves to encourage developing as one project tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of this ordinance and applicable zoning regulations are observed. The planned unit development approach is appropriate if it maintains compatibility with the surrounding area and creates and attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses, or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit development to take into account the following:

- A. Advances in technology and design.
- B. Recognition and resolution of problems created by increasing population density.
- C. A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placements and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- D. The potential site characterized by special or limiting features of geography, topography, size or shape, natural or historic resources.
- E. The height and bulk characteristics of buildings can vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
- F. Provision of housing and related land uses at maximum economic efficiency for the community, buyer and seller.
- G. Provision of a living environment with aesthetic qualities, common open space and recreation areas, and energy efficient access to needed services and facilities.

**SECTION 6.040. REQUIRED FINDINGS FOR APPROVAL.** The county shall approve a planned unit development only if it finds that the planned unit development will

satisfy the intent of this ordinance relating to standard subdivision development, the intent of applicable zoning regulations and the standards of this article, including the following:

- A. The planned unit development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the reservation of natural features such as natural vegetation and special terrain features.
- B. The planned unit development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

**SECTION 6.050. PLANNED UNIT DEVELOPMENT SITE SIZE.** No PUDs or subdivisions for nonfarm or nonforest purposes shall be allowed on land zoned EFU and FU unless an exception is taken to the applicable resource goal under the Statewide Planning Goals. Any such development that creates new urban development or rural land an exception to Statewide Planning Goals 11 and 14 shall be required. Consistent with OAR 660, Division 14.

**SECTION 6.060. DIMENSIONAL AND BULK STANDARDS.**

- A. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development.
- B. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this ordinance and applicable zoning on separate parcels, other design features shall provide light ventilation and other characteristics equivalent to that obtained from the spacing standards.
- C. Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the applicable zone.
- D. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed except that greater height may be approved if surrounding open space within the planned unit development, building setbacks and other design features are used to avoid any adverse impact due to the greater height on other uses within and outside the development and on any solar energy collection systems.
- E. The building coverage for any planned unit development shall not exceed 40 percent of the land area being developed exclusive of public and private streets.
- F. Common open space and other such amenities, exclusive of streets, shall constitute at least 30% of the total land area of the development.

**SECTION 6.070. PROJECT DENSITY.** The project density standards set forth hereinafter are in reference to the number of dwelling units or other potential population measures per acre after public or private street right-of-way has been excluded.

A. The planned unit development may result in a density in excess of the density otherwise permitted within the zone in which the planned unit development is to be constructed hereinafter as set forth.

1. For an approved scheme of open space, a maximum increase in density of five percent if the space is to be continuously maintained undeveloped and a maximum increase of ten percent if the space is to be continuously maintained and developed.

2. For distinctiveness and excellence in siting, design and landscaping that will provide unusual enhancement to the general area, a maximum increase in density of ten percent.

B. If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by the amount deemed necessary to avoid the creation of any of these conditions:

1. Inconvenient or unsafe access to the planned unit development or adjoining developments.

2. Traffic congestion in the streets which adjoin the planned unit development to the overall street system in the area of the development.

3. An excessive burden on sewage, water supply, parks, recreational areas, schools or other public facilities which serve or are proposed to serve the planned unit development.

**SECTION 6.080. COMMON OPEN SPACE.**

A. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

1. The location, shape, size and character of the common open space are suitable for the planned development.

2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided.

3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

4. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development.

5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate and approved assurance that the buildings, structures and improvements will be completed within a specified period of time. The county shall release the bond and other assurances when the buildings, structures and other improvements have been completed according to the development plan.

B. Land shown of the final development plan as common open space shall be conveyed under one of the following options:

1. To a public agency which agrees to accept such conveyance and to maintain the common open space and any buildings, structures or other improvements which have been placed on it. Unless such common open space and improvements thereof are of such scale to provide a public benefit outside the subject development and such open space and improvements are publicly dedicated to the appropriate public agency, said agency shall not accept the conveyance set forth by this provision without establishing by agreement with the developer an appropriate service and maintenance fee on an annual basis. Such requirement is deemed necessary to preclude general tax monies being expended for the benefit of a single development.

2. To an association of owners or tenants, created as a non profit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to and approved by the city providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and all improvements. Such provisions shall be set forth as a part of each sale, lease or rental contract or deed involving any lot, parcel, facility, component or interest in the subject development.

C. No common open space may be put to a use not specified in the final development plan unless the final plan is first amended to permit the use. However, no change of use may be authorized as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use are expressly reserved.

D. If the common open space is not conveyed to a public agency, the covenants governing the use, improvements and maintenance of the common open space shall authorize the county to enforce their provisions.

E. Bicycle and Pedestrian Circulation. Bicycle and pedestrian circulation plans shall be included in Planned Unit Development Applications. If appropriate, the Planning Commission may require the installation of bicycle and/or pedestrian facilities, as provided in Section 9.030 of the Morrow County Subdivision Code.

**SECTION 6.090. ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT.** In addition to the accessory uses of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following:

A. Golf Course.

B. Private park, lake or waterway.

C. Recreation area, building, clubhouse or social hall.

D. Other accessory structures which the Planning Commission finds are designed to serve primarily the residents of the planned unit development, and are compatible to the design and other uses of the planned unit development.

E. Any commercial use permitted as a component of a planned unit development shall be limited to those types of commercial uses specifically designed to serve the development zone and shall be subject to the following conditions:

1. Each such use shall be wholly enclosed within a building; no outside storage shall be permitted.
2. The total of such uses shall not exceed more than three percent of the total land area of the development, and no commercial use including buildings and parking shall exceed more than 70 percent of the land area designed therefor.
3. No such use or assemblage of such use shall generate more than 100 auto trips daily per acre, or one auto trip daily per dwelling unit in the development, whichever is greater.

**SECTION 6.100. APPLICATION SUBMISSION.** An applicant shall include with an application for a planned unit development either an Outline Plan or a Tentative Development Plan as described in Section 6.120. Except as otherwise set forth in this article the procedure for review and approval of a planned unit development is the same as set forth for a standard subdivision in this ordinance. An application for a planned unit development shall be accompanied by the appropriate filing fee.

**SECTION 6.110. OUTLINE DEVELOPMENT PLAN.** If an Outline Development Plan is prepared and submitted with the application for a planned unit development, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable under applicable zoning.

A. The maps which are part of the outline plan may be in general schematic form, but to scale, and shall contain the following information:

1. The existing topographic character of the land.
2. Existing and proposed land uses and the approximate location of buildings and other structures.
3. The character and approximate density of the proposed buildings.
4. The approximate location of the collector streets.
5. Public uses, including schools, parks, playgrounds and other public open spaces or facilities.
6. Common open spaces and a description of the proposed use of these spaces.
7. Landscaping plans.
8. Irrigation plans and design.

B. Written, signed statements which are part of the outline development plan shall contain the following information.

1. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
2. A statement of the present ownership of all the land included within the planned unit development.
3. A general indication of the expected schedule of development and improvements.

C. Planning Commission approval of the outline development plan shall constitute only a provisional approval of the planned unit development contingent upon the approval of the preliminary development plan.

**SECTION 6.120. TENTATIVE DEVELOPMENT PLAN.** A tentative development plan shall be prepared and submitted by the applicant for a planned unit development and shall include the following information:

A. A map to scale showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.

B. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses and facilities.

C. A plot plan for each building site and common open space area, showing the location of buildings, structures and other improvements and indicating the open spaces around buildings and structures.

D. Elevation and perspective drawings of proposed structures, including floor plans of proposed structures.

E. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin.
2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
3. The anticipated rate of development.
4. The approximate dates when each stage in the development will be completed.
5. The area, location and degree of development of common open space that will be provided at each stage.

F. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

G. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:

1. An off-street parking and loading plan.
2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians without the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

3. A landscaping and tree plan.
4. An economic feasibility report or market analysis.

**SECTION 6.130. SEPARATE APPROVAL OF THE TENTATIVE DEVELOPMENT PLAN.**

A. If an outline development plan has been submitted and the planned unit development has been provisionally approved based on the information in the outline development plan, the applicant shall file the tentative development plan with the Planning Commission within six months following the provisional approval of the outline development plan. The Planning Commission shall give notice and provide an opportunity to be heard to each of the following:

1. A person who is on record as having appeared at the hearing on the outline development plan.
2. A person who has indicated in writing a desire to be notified.
3. Other persons who may have an interest.

B. The Commission, having previously provisionally approved the proposed planned unit development, shall then either reapprove, disapprove, or reapprove with modifications the planned unit development based on the tentative development plan.

C. If an outline development plan has been submitted and approved, a tentative development plan may be submitted in stages. If a tentative development plan covering at least 30 percent of the area of the outline development plan has not been submitted within six months following the provisional approval of the planned unit development, then the provisional approval of the planned unit development by the Planning Commission shall terminate unless, for good cause, the Planning Commission extend for three months the period for filing of the tentative development plan.

D. If the Planning Commission finds evidence of a material deviation from the approved tentative development plan, the Planning Commission shall advise the applicant to submit application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application and shall be accompanied by the appropriate filing fee.

**SECTION 6.150. CONTROL OF THE DEVELOPMENT AFTER COMPLETION.**

The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

- A. The county, in issuing a certificate of completion of the planned unit development, shall note the issuance on the recorded final development plan.



B. After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building shall be governed by the approved final development plan.

C. After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:

1. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

2. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is compliance with the purpose and intent of the final development plan.

D. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the county and affected city Comprehensive Plan or related land use regulations.

E. No modification or amendment of a completed planned unit development is to be considered as a waiver of the covenants against any charge permitted by this section are expressly reserved.

**SECTION 6.160. AUTHORIZATION TO APPROVE OR DISAPPROVE PLANNED UNIT DEVELOPMENTS.** A planned unit development as set forth in this ordinance shall be approved, modified, disapproved or amended in accordance with the standards and procedures of this article, this ordinance and other applicable rules and regulations. In judging whether or not a planned unit development proposal shall be approved or disapproved the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such development, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. The proposal will be consistent with the county and affected city Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the affected city and county.

B. The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

D. A proposal will preserve environmental assets of particular interest to the community.

E. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

**SECTION 6.170. PLACING CONDITIONS ON A PLANNED UNIT**

**DEVELOPMENT.** In approving a new planned unit development or the amendment of an existing planned unit development, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the community as a whole. These conditions may include but are not limited to the following:

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

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

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

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

E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or truck loading area.

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

G. Limiting the location and intensity of outdoor lighting and requiring shielding.

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

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

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

**SECTION 6.180. PROCEDURE FOR TAKING ACTION ON A PLANNED UNIT**

**DEVELOPMENT.** The procedure for taking action on a planned unit development proposal shall be as follows:

A. Any person proposing a planned unit development, or his authorized agent or representative, may initiate an application for a planned unit development as set forth in Section 3.010 and 6.100 of this ordinance.

B. Prior to submission to the Planning Commission a proposal for a planned unit development shall be submitted to the Subdivision Review Committee and the affected city in accordance with Article 2 of this ordinance.

C. The Planning Commission shall hold a public hearing on the proposed planned unit development and shall review the proposal in accordance with Section 3.060 of this ordinance relative to the review of an outline development plan and a tentative development plan and in accordance with Section 4.080, 4.090 and 4.100 of this ordinance relative to the review of the final development plan.

**SECTION 6.190. RECORDING OF FINAL DEVELOPMENT PLAN.** A developer of a planned unit development shall, without delay, proceed with the recording of the final development plan following approval by the county in accordance with the standards and requirements set forth by this ordinance and other applicable regulations for a standard subdivision.

**SECTION 6.200. RESUBMISSION OF DENIED DEVELOPMENT PLAN.** If the outline development plan or preliminary development plan for a proposed planned unit development is denied, resubmittal thereof shall not be accepted by the county for a period of six months after the date of the final action denying said plan. Resubmission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

**ARTICLE 7 CREATION OF STREETS AND WAYS NOT PART OF A SUBDIVISION**

**SECTION 7.010. APPLICATION.** Any person desiring to create a street or way not part of a subdivision or major partition shall make written application to the Planning Department. Said application shall be made on prescribed form and shall be accompanied by the required information and appropriate filing fee.

**SECTION 7.020. CREATION OF STREETS OUTSIDE A SUBDIVISION.** The creation of a street shall be in conformance with requirements for subdivision except, however, the Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

- A. The establishment of the street is initiated by the City Council or County Court and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
- B. The tract in which the street is to be dedicated is an isolated ownership of one acre or less.
- C. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impossible to develop more than two lots.

**SECTION 7.030. PROCEDURE.**

- A. Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the Planning Commission, County Roadmaster, and affected City Public Works Department for review and recommendation. Two copies of the proposed improvements shall be forwarded to the Planning Commission at least ten days prior to a regularly scheduled meeting.
- B. Where access is to a City Street, County Road or State Highway, the necessary permits shall be obtained prior to approval by the County Commission.
- C. The Planning Commission, Roadmaster and affected City Public Works Department shall report their findings to the Planning Director and give their recommendations regarding the proposed dedication and improvements. The Planning Commission shall also recommend a classification for the proposed street.
- D. Upon receipt of written findings and recommendations from the Planning Commission, Roadmaster and affected City Public Works Department, the proposal shall be submitted to the County Court for preliminary review and approval. Such submission shall be made at least ten days prior to a regularly scheduled meeting.

E. Upon preliminary approval by the County Court, the engineering and improvements design or the roadway conforming to the requirements of this ordinance and other applicable regulations shall be submitted to the County Roadmaster and affected City Street Departments for review and approval. Said engineer and improvements design shall be prepared and signed by a licensed engineer or surveyor.

F. Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating said street to the public and an improvement guarantee. Said documents shall be submitted to the District Attorney for review and approval.

G. Following receipt of the approval set forth in subsections E and F of this section, the deed and improvements guarantee shall be submitted to the County Court for final approval.

**SECTION 7.040. CREATION OF WAYS.** Any easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer or ownership or building development, whether immediate or future, shall be in the form of a street, except that a private easement of way to be established by deed without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access. A copy of the proposed document to create the easement shall be submitted to the Planning Director at least ten days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

## **ARTICLE 8. DESIGN STANDARDS**

**SECTION 8.010. COMPLIANCE REQUIRED.** Any land division, whether by Subdivision, creation of a street or other right-of-way, partitioning or planned unit development, shall be in compliance with the design standards set forth by this ordinance.

### **SECTION 8.020. STREETS. (MC-02-05)**

A. General. The location, width and grade shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the street. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Streets shall be designed and constructed in conformance with the basic cross-sections in the County TSP Update, with horizontal and vertical alignment geometry conforming to the latest version of applicable ODOT and/or AASHTO standards.

B. Design and Construction Approval. Any facility or improvement conditioned to be constructed as part of private development activity and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department. Design approval shall include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Upon request of an applicant, the County shall provide applicable design criteria and the rationale for establishing the criteria. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience. The Public Works Department is responsible for providing regular inspections throughout construction, and performing final inspection upon completion and prior to acceptance of the improvement as public right-of-way. An equitable Plan Review and Construction Inspection fee shall be determined at the initiation of plan review and charged to the developer.

C. Minimum Right-of-Way and Roadway Width. Unless otherwise approved in the tentative plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet set forth in the following table. Additional right-of-way may be necessary to conform to standards and specifications set forth in current AASHTO and/or ODOT design standards, and other applicable affected City standards and specifications.

Where conditions, particularly topography or the size and shape of land parcels, make it impractical to provide buildable lots, narrower right-of-way may be accepted ordinarily not less than 40 feet. Slope easements, while generally undesirable, may be required in extreme cases.

The Roadway Standards set forth in the following table shall be observed unless a variance has been obtained.

ROADWAY STANDARDS					
Road Classification	Right of Way (ft)	Lane Width (ft)	Paved Shoulder Width (ft)	Pavement Width (ft)	Average Daily Traffic (ADT)
Rural Access I*	60	9	1	20	100-200
Rural Access II*	60	9	1	20	50-100
Rural Collector I	60	12	3-4	30-32	300-500
Rural Collector II	60	12	2	28	200-300
Rural Collector III	60	12	1	26	100-200
Rural Arterial I	60	12	4-8	32-40	> 700
Rural Arterial II	60	12	3-6	32-40	300-700
Rural Gravel	60	11	n/a	n/a	n/a

\* Rural Access I and Rural Access II differ in the surface type – Rural Access II is gravel.

D. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required.

E. Alignment. All streets other than minor streets, as far as is practical, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in “T” intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. The streets and roads shall be laid out so as to conform to the plat of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction, and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern. Streets and roads shall be laid out in such a way so as to connect to existing roads at the time of development or through extension at a future date by creating dead-end streets without turn-arounds.

F. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision on adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Streets and accessways are always required unless one or more of the following conditions exists:

1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided;
2. Buildings or other existing development on adjacent lands physically precludes a connection now or in the future considering the potential for redevelopment; or

3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

G. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. The intersection of more than two streets at any one point will not be approved. Right-of-way lines at street intersections shall have a minimum corner radius of 15 feet.

H. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided at the time of land division by the developer. During consideration of the tentative plan for a subdivision, the Planning Commission shall determine whether improvements are required to existing streets, either adjacent to or within the tract. They may require such improvements as a condition of approval of the tentative plan.

I. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

J. Cul-de-Sac. A cul-de-sac, while not encouraged, may be used as part of a development plan, consistent with other provisions of this section (refer to Section 8.020.E). A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 9 dwelling units unless approved otherwise by the Commission. A cul-de-sac shall terminate with a circular turn-around.

K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in the city or county. Street names and numbers shall conform to the established pattern in the affected city urban area, and shall be subject to the approval of the Planning Commission.

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



M. Private Signage within County Road Right-of-Way. 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.

N. Grades and Curves. Grades shall not exceed eight (8) percent on arterials, ten percent on collector streets or 12 percent on other streets except as otherwise provided for. Center line radii of curves shall not be less than 500 feet on arterials, 250 feet on collectors, or 100 feet on other streets and shall be on an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves as specifically provided for in current County Design Standards. In flat area, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 percent.

O. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of land between the streets and railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

P. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reserve frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Q. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

R. Curbs. Curbs shall be required on all urban area streets unless otherwise approved by the County and affected City, and shall be installed by the developer in accordance with the standards set forth in current County Design and Construction Standards or other standards set forth by the affected City and County.

S. Proposed Corridors. For land adjacent to or containing a proposed corridor (see corridor map in the TSP), the Planning Commission may require the dedication of a suitable right-of-way that shall be provided at the time of land division.

T. Access Management.

1. Applications for development with access onto state highways shall be provided to ODOT for review, to ensure consistency with adopted ODOT Access Management Standards shown below. These standards apply only to unsignalized

access points. New traffic signals on state facilities shall meet signal spacing standards in OAR 734-020 (desired minimum spacing for new traffic signals on state highways is at least 0.5 miles from the nearest existing or planned signal) or, if applicable, the standards in the adopted Interchange Area Management Plan (IAMP). For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through an analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination.

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

Source: Oregon Administrative Rules Section 734-051 (2004)

2. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted IAMP is regulated by standards in OAR 734-051. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

3. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.

4. Morrow County also requires an access permit for land use development proposing access onto a County road. Access permit requirements for land use development are outlined in Section 4.010 of the Morrow County Zoning Code, and development proposing access onto a County road is subject to access spacing standards specified in the table below.

RECOMMENDED ACCESS MANAGEMENT STANDARDS FOR COUNTY ROADS <sup>a</sup>				
Functional Classification	Intersection			
	Public Road		Private Drive	
	Type	Minimum Spacing	Type	Minimum Spacing
Rural Arterial	at-grade	600 ft	Left/right turns	300 ft
Rural Collector	at-grade	300 ft	Left/right turns	100 ft
Rural Local	at-grade	200 ft	Left/right turns	Access to each lot

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

Approval of a variance from the County access spacing standards is subject to the following requirements:

1. The granting of a variance for access management standards shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
  - a. Indirect or restrict access cannot be obtained;
  - b. No engineering or construction solutions can be applied to mitigate the condition; and,
  - c. No alternative access is available from a street with a lower functional classification than the primary roadway.
3. No variance shall be granted where such hardship is self-created.

U. Corner Clearance. Corner clearance at intersections shall meet or exceed the minimum connection spacing requirements for that roadway. New connections shall not be permitted within the functional area of an intersection or exchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available. Where no other alternatives exist, the Morrow County Planning Department may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections such as right-in/right-out, right-in only, or right-out only may be required.

V. Driveways. Driveways onto State highways shall be consistent with ODOT Access Management Standards. Driveways onto County facilities, which require an access permit from the Morrow County Department of Public Works, shall be consistent with County access management standards and meet the following standards.

All private access driveways shall meet the following standards. Those that do not meet these standards shall require an access variance.

<b>Land Use</b>	<b>Minimum (feet)</b>	<b>Maximum (feet)</b>
Single Family Residential	10	24
Multi-Family Residential	24	30
Commercial	24	40
Industrial	30	40

Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view meeting County sight distance requirements. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

For unpaved driveways connecting to paved roadways, a paved driveway apron must be provided per Morrow County Department of Public Works standards.

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

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

X. Joint and Cross Access. Adjacent commercial or office properties classified as major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites. These shall be established as a system wherever feasible including:

1. A continuous service drive consistent with access management standards.
2. Stub-outs or other design features to allow tie-ins to adjacent properties.

Pursuant to this section, property owners shall record an easement allowing joint or cross access between parcels, record an easement on the deed to dedicate access rights to the main roadway, and to close non-conforming existing driveways, and to record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

Y. Requirements for Phased Development Plans. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as a single property in relation to the access standards of this ordinance. This shall also apply to phased development plans.

Z. Nonconforming Access Features. Legal access in place as of the date of adoption that do not meet spacing and design standards shall be brought into compliance with applicable standards when new access permits are requested or when a change in land use or improvements occurs.

AA. Reverse Frontage. Lots that front on more than one street shall be required to locate motor vehicle access on the street with the lower functional classification.

AB. Shared Access. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. If access to a lower classification street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

AC. Connectivity. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this Section and in the local street plans of the TSP. Whenever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to locally extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate traffic controls, such as traffic calming measures, are preferred means of discouraging through traffic.

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

1. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance or advance

warning signage or other devices may be required where known safety hazards exist.

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

#### **SECTION 8.030. BLOCKS.**

A. General. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Minimum Block Lengths. Minimum block lengths of 600 feet shall be established within urban growth boundaries. A goal for areas outside of urban growth boundaries is a minimum of 1,200 feet. A block shall have sufficient width to provide for two tiers of building site unless topography or the location of adjoining streets justifies an exception.

C. Easements.

1. Utility Lines. Easements for sewers, water mains, electric lines or other public utilities shall be at least 12 feet wide and centered on lot or parcel rear lot lines, except for utility pole tieback easements which may be reduced to six feet in width.

2. Water Courses. If a tract is traversed by a water course, such (as) a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further

widths as will be adequate for the purpose. Streets or parkways parallel to the major watercourses may be required.

3. Pedestrian and Bicycle Ways. When desirable for public convenience, a pedestrian or bicycle way at least 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

#### **SECTION 8.040. BUILDING SITES.**

A. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of soil structure and water table as related to sewage disposal by septic tank.

2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet.

C. Through Lots and Parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as it is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

E. Division by ROW, Drainage Ways. No lot shall be divided by the boundary line of the County, City, or other taxing or service district, or by the right-of-way of a street utility line or drainage way, or by an easement for utilities or other services.

**SECTION 8.050. GRADING OF BUILDING SITES.** Grading of building sites shall conform to the following standards unless physical conditions demonstrate the priority of other standards.

- A. Cut slopes shall not exceed one foot vertically to one-half feet horizontally.
- B. Fill slopes shall not exceed one foot vertically to two feet horizontally.
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

**SECTION 8.060. BUILDING LINES.** If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat and included in the deed restrictions.

**SECTION 8.070. LARGE BUILDING SITES.** In dividing tracts into large lots or parcels, which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, so that they may so be divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**SECTION 8.080. LAND FOR PUBLIC PURPOSES.**

A. If the county or affected city has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the county has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision to be reserved for public acquisition, for a period not to exceed one year.

B. Within or adjacent to a subdivision, a parcel of land of not more than five (5) percent of the gross area of the subdivision may be required to be set aside as and dedicated to the public by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider may be required, in lieu of setting aside land, to pay into a public fund an amount equal to the value of the area required for dedication above in the subdivision. If the nature of the subdivision is being dedicated to the public for streets and other public uses, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.



## **ARTICLE 9. IMPROVEMENTS**

**SECTION 9.010. IMPROVEMENT PROCEDURES.** In addition to other requirements, improvements to be installed by a subdivider, either as a requirement of this ordinance or other applicable regulations or at his own option, shall conform to the requirements of this article.

A. Plan Review and Approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the county or a designated representative thereof. Such review and approval shall be at the expense of the developer. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan of a subdivision or the tentative development plan of a planned unit development.

B. Notification. Improvement work shall not commence until after the county has been notified and approval thereof has been granted, and if work is discontinued for any reason it shall not be resumed until after the county is notified and approval thereof granted. The cost of such inspections and approvals shall be borne by the developer.

C. Improvements as Platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of inspection.

D. Inspection. Improvements shall be constructed under the inspection and approval of an inspector designated by the county. Expenses incurred thereof shall be borne by the developer. The county, through said inspector, may require changes in typical sections and details of improvements if unusual conditions arise during construction to warrant such changes in the public interest.

E. Utilities. Underground utilities including but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm water drains, to be installed in streets shall be constructed by the subdivider prior to the surfacing of the streets.

F. As Built Plans. A map showing public improvements as built shall be filed with the affected city and county upon completion of the improvements and a copy thereof shall be recorded with the final plat. Such map shall also be provided in reproducible form (Mylar or comparable).

**SECTION 9.020. SPECIFICATIONS FOR IMPROVEMENTS.** See Appendix "A" for specifications.

**SECTION 9.030. IMPROVEMENTS IN SUBDIVISIONS.** The following improvements shall be installed at the expense of the subdivider:

A. Streets. Streets, including alleys and curbs may be required, within the subdivision, adjacent thereto, and those outside the subdivision may require to be improved as a condition of subdivision approval, and shall be improved to affected city or county specifications set forth by this ordinance and other applicable affected city and county regulations. Catch basins shall be installed and connected to drainage facilities in accordance with specifications in this and other applicable regulations. Upon completion of street improvements, monuments shall be re-established in accordance with this ordinance and ORS at every street intersection and all points of curvature and points of tangency at their centerlines.

B. Surface and Storm Sewer System. Drainage facilities shall be provided as deemed necessary within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by specifications of this ordinance and other applicable standards, shall take into account the capacity and grade necessary to maintain unrestricted flow from drainage through the subdivision and allow extension of the system to serve such areas.

C. Sanitary Sewers. Sanitary sewers as required shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is not possible to connect the subdivision to an affected city sewer system, the affected city and county may jointly authorize the use of an interim system, if lot areas are of adequate, considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

D. Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system as may be required shall be installed by specifications required by the county and/or affected city and serving water system surveyor. The design shall take into account water provisions for extension beyond the subdivision.

E. Pedestrian Facilities... Site plans shall include a pedestrian circulation plan for providing safe and convenient pedestrian access. Pedestrian facilities as may be required shall be installed on at least one side of a public street and in any special pedestrian facility or walkway within the subdivision; in the case of primary or secondary arterials, special type industrial districts, or in rural areas, the Planning Commission may approve a subdivision without appropriate pedestrian facilities, if alternative pedestrian routes are available or if applicant can demonstrate that there is no need for such facilities, and provided further that in the case of streets serving lots equivalent to two and one-half or less dwellings per gross acre, the requirement of walkways shall not apply, provided there is no evidence of special pedestrian activity along the streets involved. Walkways shall be constructed to specifications set forth by the affected city or county specifications.

F. Bicycle Facilities. Site plans shall include a bicycle circulation plan. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of bikeways or other bicycle facilities.

G. Streets Name Signs. Street name signs shall be installed at all street intersections. One street sign shall be provided at the intersection of each street. Two street signs shall be provided at four-way intersections.

H. Street Lights. Street lights may be required and if so required shall be installed and shall be served from an underground source of supply.

I. Curbs. Curbs may be required on urban area streets, and if so required shall be installed by the developer in accordance with standards set forth by the affected city or county.

J. Other. The developer shall make necessary arrangement with the utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable televisions may be required to be placed underground.

**SECTION 9.040. IMPROVEMENTS IN PARTITIONS.** The same improvements may be required for a partitioning and if so shall be installed to serve each building site of a partition as required of a subdivision.

**SECTION 9.050. APPROVAL OF IMPROVEMENTS.** All improvements shall be approved by the affected city and county inspectors prior to acceptance by the county. All costs of inspection shall be paid for by the developer.

**SECTION 9.060. ACCEPTANCE OF IMPROVEMENTS.** Improvements shall receive preliminary acceptance after inspection at the time the improvements are constructed. Final acceptance shall be considered by the county within one year after construction is completed.

**SECTION 9.070. BUILDING PERMITS.** No building permit shall be issued upon lots to receive and be served by sanitary sewer and water service as improvements required pursuant to this ordinance unless such improvements are in place and serviceable or bonded for and approved by the county. All improvements required and pursuant to this ordinance and other applicable regulations shall be completed, in service and approved by the county prior to the sale and occupancy of any building unit erected upon a lot within the subdivision, partition or planned unit development. Prior to sale and occupancy, and as a condition of acceptance of improvements, the county may require a one-year Maintenance Surety Bond in an amount not to exceed ten percent of the value of all improvements to guaranteed maintenance of said improvements for a period of not less than one year from the date of acceptance.

## **ARTICLE 10. IMPROVEMENT GUARANTEE**

**SECTION 10.010. AGREEMENT FOR IMPROVEMENTS.** Prior to final approval of a subdivision plat or partition map by the county, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in development of the property or execute and file with the county an agreement between himself and the county, specifying the period which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the county may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for payment to the affected city and county for the cost of inspection by the affected city and county.

### **SECTION 10.020. BOND.**

A. Type of Security. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following, pursuant to approval and acceptance by the County Court.

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the District Attorney.
2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
3. Such other security as may be deemed necessary by the County Court to adequately insure completion of improvements pursuant to the agreement.
4. Such other security as may be deemed necessary by the County Court to adequately insure completion of improvements pursuant to the agreement.

B. Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the county sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of affected city and county inspection.

C. Default Status. If a land divider fails to carry out provision of the agreement and the county has unreimbursed costs or expenses resulting from such failure, the county shall call on the bond or cash deposit for reimbursement. If the cost and expense incurred by the county exceed the amount of the bond or cash deposit, the land divider shall be liable to the county for the difference plus any attorney fees and costs incurred.

## **ARTICLE 11. VARIANCE AND EXCEPTIONS.**

**SECTION 11.010. APPLICATION.** The Planning Commission may authorize variances or exceptions to requirements of this ordinance. Application for a variance or an exception shall be made by a petition of the developer stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance or exception may be granted only in the event that all the following circumstances exist:

A. **Exceptional Circumstances.** Exceptional or extraordinary facts apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owner of the property, since enactment of this ordinance, has no control.

B. **Preservation of Property.** The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

C. **Not Detrimental.** The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan, any other area plan, or policy thereof.

D. **Minimum.** The variance requested is the minimum which would alleviate hardship.

E. **For a variance to access standards:** The granting of a variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.

F. **Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical.**

G. **No variance shall be granted where such hardship is self-created.**

**SECTION 11.020. PLANNING COMMISSION ACTION ON VARIANCE OR EXCEPTION.** In granting or denying a variance or exception, the Planning Commission shall make a written record of its findings and the facts in connection with, and shall describe the variance or exception granted and the conditions designated. The county shall keep the findings on file as a matter of public record, and a copy of the variance or exception granted and the conditions thereof shall be recorded together with the final plat by the developer.

## **ARTICLE 12. ADMINISTRATION, APPEALS.**

**SECTION 12.010.** Approval or denial of an application for land development shall be based upon and accomplished by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

**SECTION 12.020.** A person may appeal to the County Court a decision or requirement made pursuant to this ordinance by the Planning Commission. A person may appeal to the Planning Commission from a written decision made by the Planning Commission from a written decision made by the Planning Director or other County Official. Written notice of the appeal must be filed with the County within fifteen (15) days after the decision is made for a minor partition and within 30 days for a subdivision or major partition. The notice of appeal shall state the nature of the decision or requirement and the specific grounds for the appeal setting forth the error and the basis of error sought to be reviewed.

A. The County Court or Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The County Court or Planning Commission may continue the hearing for good cause.

B. The County Court may review a lower decision upon its own motion after giving 10 days notice to the parties involved in the decision and if such review is within 15 days of receipt of notice of said initiated lower decision.

C. In the case of an appeal to a Planning Commission action, the petition for appeal shall be accompanied by the required fee plus a deposit to cover the estimated costs of the transcript as specified by the Planning Director, which deposit shall be paid within five (5) days of such estimate by the Planning Director. Within ten (10) days of such notice of completion of a required transcript, the party seeking review shall transmit the balance due of any required transcript fee to the Planning Director and failure to do so may cause dismissal of the appeal. Any deposit in excess shall be returned to the party.

D. In the case of an appeal to a Planning Commission action, unless otherwise provided by the County Court in Subsection 12.020.E, the review of the initial action shall be confined to the record of the proceeding below which shall include:

1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Commission as evidence.
2. All materials submitted by the Planning Director with respect to the application.
3. The transcript of the hearing below.
4. The findings and action of the Commission and the petition of appeal.

5. Argument (without introduction of new or additional evidence) by the parties or their legal representative at the time of review before the County Court.

E. The County Court may, at its option, determine to admit additional testimony and other evidence by all interested parties or parties of record, to supplement the record of the proceedings held by the Commission. Such consideration may be initiated by order of the County Court or upon written motion of a party of record or interested person. Such written motion set forth with particularity to the basis for such request and the nature of evidence sought to be introduced. Prior to making the determination of whether to permit the record to be supplemented, the County Court shall provide an opportunity for all parties to be heard on the matter. The County Court may grant the opportunity to supplement the record if it finds such necessary to:

1. Prevent prejudice to parties.

2. To take into consideration the inconvenience of locating the evidence at the time of initial hearing, with such inconvenience not being the result of negligence or dilatory act by the moving party.

F. Following the hearing, the County Court may affirm, overrule or modify any decision or requirement and shall set forth findings for such decision.

G. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this ordinance.

**SECTION 12.030.** Application or filings required by this ordinance shall be accompanied by a filing fee in the amount established by this section, and set forth in the Fee Schedule Ordinance adopted by the Morrow County Court.

**SECTION 12.040.** This Ordinance, known as the Morrow County Subdivision Ordinance of 1980, amended and readopted in its entirety on November 7, 2001, further amended by the 2005 Transportation System Plan Update and a 2005 Update to Article 5, and amended again in 2012 during adoption of the Port of Morrow and Interstate 84/Highway 730 Interchange Area Management Plans, shall be effective immediately after adoption by the Morrow County Court on February 22, 2012. (MC-C-3-01) (MC-02-05) (MC-04-05)

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