



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 16, 2015

Jurisdiction: Morrow County

Local file no.: AZ-087-15

DLCD file no.: 008-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/13/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 39 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 008-14 {22600}
Received: 3/13/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Morrow County

Local file no.: **AZ-087-15**

Date of adoption: March 4, 2015

Date sent: 3/13/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/23/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes. There were no changes made to Article 6 Section 6.050 Standards Governing Conditional Uses and, in the end, there were no properties that were affected.

Local contact (name and title): Carla McLane, Morrow County Planning Director

Phone: 541-922-4624

E-mail: cmclane@co.morrow.or.us

Street address: 205 3rd Street

City: Irrigon

Zip: 97844-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Article 1 of the Zoning Ordinance: Definitions
Article 3 of the Zoning Ordinance: General Commercial

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Oregon Dept of Agriculture, Department of Land Conservation and Development, Oregon Medical Marijuana Program, Oregon Health Authority, Lone Rural Fire Protection District, Irrigon Rural Fire Protection District Lone Mayor, Irrigon City Manager, Morrow County Assessor, Morrow County Sheriff's Office, Morrow County District Attorney, and Morrow County Public Health

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW
COUNTY ZONING ORDINANCE ARTICLE 1
SECTION 1.030 DEFINITIONS AND ARTICLE
3 SECTION 3.060 GENERAL COMMERCIAL
IN RESPONSE TO STATE LEGISLATION
CONCERNED WITH MEDICAL MARIJUANA
DISPENSARIES.

COUNTY ORDINANCE

ORD-2015-1

NO. _____

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, the Oregon State Legislature passed bills in both 2013 and 2014 to authorize medical marijuana facilities and to allow local governments to enact local moratoriums to establish land use regulations; and

WHEREAS, Morrow County did adopt a medical marijuana moratorium on April 23, 2014 as Ordinance ORD-2014-2 with a sunset date of May 1, 2015; and

WHEREAS, a task force was formed to discuss how Morrow County and the communities within Morrow County would address medical marijuana facilities and agreed that strict land use measures should be put into place; and

WHEREAS, the Morrow County Planning Commission and the County Court did hold a joint work session on December 9, 2014 to consider draft land use regulations deciding to move the action to public hearing; and

WHEREAS, the Morrow County Planning Commission held a public hearing to review the proposal on January 27, 2015, at the Heppner City Hall in Heppner, Oregon; and

WHEREAS, the Morrow County Planning Commission considered the request, heard testimony from residents of Morrow County, and after considerable deliberation changed the recommendation of staff unanimously recommended approval of the amended request and adopted Planning Commission Final Findings of Fact; and

WHEREAS, the Morrow County Court held a public hearing to consider the recommendation of the Morrow County Planning Commission on February 18, 2015, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court heard further testimony in support of the Planning Commission recommendation; and

WHEREAS, the Morrow County Court accepted the Planning Commission recommendation and incorporated into the record the Planning Commission Final Findings of Fact, written testimony of Jerry Rietmann, and the draft Planning Commission January 27, 2015 meeting minutes. The motion of the County Court made one final change to the Planning Commission recommendation, made the action final on April 30 to be in place at the point in time the moratorium expires, and instructed staff to declare an emergency in the adopting documents.

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 2015 Medical Marijuana Facilities Zoning Ordinance amendment.

Section 2 Affected Documents:

Morrow County Zoning Ordinance Article 1 Section 1.030 Definitions: Add definitions for pharmacy, drug store liquor store, medical marijuana facility or dispensary, and medical marijuana grow facility. See attached Article 1.

Morrow County Zoning Ordinance Article 3 Section 3.060 General Commercial Zone: Clarify the Uses Permitted Outright by adding 'pharmacy or liquor store' to the already listed 'drug store.' See attached Article 3 Section 3.060.

Section 3 Attached Documents:

Morrow County Zoning Ordinance Article 1

Morrow County Zoning Ordinance Article 3 Section 3.060

Morrow County Planning Commission Final Findings of Fact with attachment

Morrow County Planning Commission draft minutes January 27, 2015

Comment Letter from Jerry Rietmann dated February 8, 2015

Section 4 Findings of the County Court:

The Morrow County Court adopts the following, portions coming from the Planning Commission Findings of Fact:

- Both Irrigon and Lone, the communities where Morrow County's general commercial property exists, residents provided testimony to their concerns that such medical marijuana uses would be near schools and parks, be too available to the general public and children, and that the general nuisance that could come of these uses was not desired.
- The Planning Commission determined that the ability for an individual with a medical condition that warranted the use of medical marijuana could still obtain medical marijuana through the current card holder program. Or stated differently, medical marijuana is available to Morrow County residents who have met the necessary requirements of the Medical Marijuana program managed by the Oregon Health Authority. No additional access needs to be made available.
- Several concerns identified by the Port of Morrow Commission, including but not limited to, conflict with federal laws related to trucking industries and the need to hold a commercial driver's license, and the focus of the Port of Morrow on industries and not service oriented business more appropriate in commercial zones, were agreed to by the Planning Commission. It was agreed that it would not be appropriate to allow dispensaries, grow sites or laboratories on land zoned for industrial purposes in Morrow County.
- The risk to children, impacts to public gathering locations, and the general nuisance caused by medical marijuana dispensaries are of concern to the residents of Morrow County and their concerns are greater than any identified need for or benefit from a medical marijuana facility.

Section 5 Effective Date

The Morrow County Court declares an emergency as the Medical Marijuana Moratorium adopted by Ordinance ORD-2014-2 will expire on May 1, 2015. The effective date for this Ordinance shall be April 30, 2015 to be in place at the time the Moratorium expires.

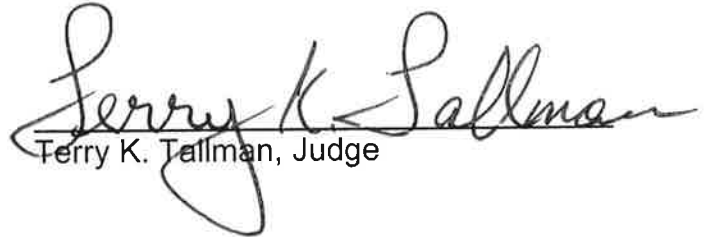
Date of First Reading: February 25, 2015


Date of Second Reading: March 4, 2015

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 4th DAY OF MARCH, 2015

MORROW COUNTY COURT:

ATTEST:


Terry K. Tallman, Judge


Bobbi Childers
County Clerk




Leann Rea, Commissioner


Don Russell, Commissioner

MORROW COUNTY, OREGON **CJ2015-0013**
Commissioners' Journal **03/06/2015 9:10:56 AM**



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk

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

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

**MORROW COUNTY, OREGON
ZONING ORDINANCE**

ARTICLE 1. INTRODUCTORY PROVISIONS

SECTION 1.010. TITLE.

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

SECTION 1.020. PURPOSE.

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

SECTION 1.030. DEFINITIONS.

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

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

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

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

Agricultural Land. Lands classified by the U.S. Soil Conservation Service (SCS) as predominately Class I-VI soils, and other lands in different soil classes that are suitable for farm use taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns,

technological and energy inputs required, and accepted farming practices. Lands in other classes that are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land in any event.

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

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

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

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

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

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

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

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

Campground. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Campsites may be occupied by a tent, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by Oregon Administrative Rules shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period. A private campground may provide yurts for overnight camping provided that no more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.

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

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

- A. Storage, distribution, and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.
- B. Farm product receiving plants, including processing, packaging, and reshipment facilities, excluding canneries.
- C. Storage, repair, or sale of fencing, irrigation pipe, pumps, and other commercial farm-related equipment and implements.
- D. Farm equipment storage and repair facilities.
- E. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
- F. Veterinarian Clinic.
- G. Horticultural specialties such as nurseries or greenhouses for retail sale of plants and products.
- H. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.
- I. Wineries for production from fruits, a portion of which are grown on the property, including retail sales.
- J. Any other such uses that may be construed as similar to the above-listed uses.
- K. The Approving Authority shall consider among other relevant criteria the Land Conservation and Development Commission Decision No. 79-003.

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

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

Contiguous Land. Parcels of land that abut each other.

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

Drug Store. A store where the primary business is the filling of prescriptions and the sale of drugs (see pharmacy), medical devices and supplies, and non-prescription medicines, but where non-medical products may be sold as well. Non-medical products may include cards, candy, and cosmetics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Liquor Store: A store that sells and is licensed to sell alcoholic beverages for consumption elsewhere. This may include dining or other establishments that also allow sales for off premises consumption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Medical Marijuana Dispensary or Facility: A facility that dispenses medical marijuana, meeting the requirements set by the Oregon Health Authority and being registered to do business with the Office of the Secretary of State.

Medical Marijuana Grow Facility: A facility that grows medical marijuana as allowed under Oregon Revised Statute and as regulated by the Oregon Health Authority. A grow facility cannot be located on the same lot or parcel as a medical marijuana dispensary or facility.

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

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

Mobile Home or Manufactured Dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel. A single unit of land created by a partition (ORS 92.010(6)). A parcel may also be a single unit of land described by deed and created prior to the establishment of the Morrow County Subdivision Ordinance (June 6, 1980).

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

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

Pharmacy. A place where drugs and medicines are prepared and dispensed by a licensed pharmacist. A pharmacy may also be a drug store.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Utility Facility. Any major structure owned or operated by a public, private, or cooperative electric, fuel, communication, sewage, or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste, or byproducts, and including power transmission lines, major trunk pipelines, power substations,

dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone.

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

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

SECTION 1.040. COMPLIANCE WITH ORDINANCE PROVISIONS

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

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

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

SECTION 1.050. ZONING PERMIT.

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

SECTION 1.060. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION 1.070. ADMINISTRATIVE TERMINOLOGY AND CONSTRUCTION.

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

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

SECTION 3.060. GENERAL COMMERCIAL ZONE, CG.

The General Commercial zone is intended to provide areas within which a variety of retail and wholesale business will occur. These areas would serve general community needs with types of activities which need not be conducted wholly within an enclosed building. In a C-G Zone, the following regulations shall apply:

- A. Uses Permitted Outright. In a C-G Zone, the following uses and their accessory uses are permitted outright.
 - 1. Bank or other financial institution.
 - 2. Agricultural or horticultural use providing no livestock or poultry is kept within 100 feet of a dwelling not on the same lot.
 - 3. Laundry or dry-cleaning institution.
 - 4. Public park, playground, or similar recreational use.
 - 5. Printing shops, newspapers or other publishing businesses.
 - 6. Personal service business.
 - 7. Retail trade establishment.
 - 8. Church.
 - 9. Drug Store, pharmacy or liquor store.
 - 10. Community meeting building, fraternal or social organization.
 - 11. Food, grocery or general merchandise store.
 - 12. Parking facility.
 - 13. Gift shop or similar tourist-oriented specialty shops.
 - 14. Eating or drinking establishment not including drive-ins or those serving alcoholic beverages.
 - 15. Self-service laundry.
 - 16. Home appliance repair.
 - 17. Sporting goods store.
 - 18. Public or private school.
 - 19. Business or professional office.
 - 20. Department or furniture store.

21. Hospital or nursing home.
22. Medical or dental clinic.

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

1. Automotive sales and services.
2. Radio or TV station.
3. Boat, trailer, Recreational Vehicle or mobile home sales and service.
4. Utility substation.
5. Building supply outlet.
6. Cabinet or carpenter shop.
7. Day nursery.
8. Plumbing, heating or electrical shop.
9. Farm and heavy equipment sales and service.
10. Sheet metal shop.
11. Veterinary clinic or kennel.
12. Car wash.
13. Eating or drinking establishment, including drive-in restaurants and those serving alcoholic beverages.
14. Motel, hotel.
15. Service station, truck stop.
16. Commercial activity or use directly serving agriculture.
17. Commercial recreation facility.
18. Multi-family dwelling.
19. Public or semi-public use and public utility facility.
20. Mobile home park.
21. Drive-in theater.

22. Mortuary.
23. Plant nursery or greenhouse.
24. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted General Commercial uses.
25. A single family residence in conjunction with a business. (MC-C-7-98)

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

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

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

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

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

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

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

1. All parking demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street, except as approved by the Commission.
2. No use permitted by this section shall require the backing of traffic onto a public or private street, road or alley right-of-way to accommodate ingress or egress to any use or the premises thereof.

3. There shall not be more than one ingress and one egress from properties accommodating uses permitted by this section per each 300 feet of public street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.

4. All uses permitted by this section shall be screened from abutting properties in a residential zone by densely planted trees and shrubs or sight-obscuring fencing.

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

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

1. No free-standing sign shall exceed 200 square feet and a height of 20 feet.

2. No sign shall exceed 25% of the area of the wall it is attached to.

3. No sign shall be located within or protrude into or over a street right-of-way.

4. All signs shall be located in such a manner so as to not shine or reflect glare directly onto a lot in an abutting residential zone or onto a street right-of-way.

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

J. Transportation Impacts

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

**Morrow County Planning Commission
Final Findings of Fact
AZ-087-15: Amendments to Article 1 and the
General Commercial Zone related to
Medical Marijuana Facilities**

REQUESTS: The amended request is to add five new definitions to Article 1 Section 1.030 Definitions and to clarify Article 3 Section 3.060 General Commercial use zone's list of allowed uses adding both pharmacy and liquor store to the list along side drug store.

APPLICANT: Morrow County
P.O. Box 788
Heppner, OR 97836

PROPERTY LOCATION: The original proposal was to allow conditionally medical marijuana facilities within the General Commercial zone, the recommendation of the Planning Commission is to not allow such facilities within any use zone in Morrow County. Based on this recommendation no property within Morrow County would be affected.

I SUMMARY OF APPLICATION AND PROCESS:

Oregon has had a medical marijuana program for about 15 years which is regulated by the Oregon Health Authority. It allows for individuals with certain medical conditions to receive a medical marijuana card as well as providing for individuals to grow marijuana for medical purposes. During the 2013 legislative session House Bill 3460 was passed which allowed medical marijuana dispensaries to be established. This poorly written legislation states that a "medical marijuana facility must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land..." The intent of the legislation was to keep facilities out of residential areas, but the drafters did not consider how this statement would meld with Oregon's land use system and created more problems than solved them. Also problematic is a conflict between the allowance in the above statement that the use could be on agricultural land and a requirement that the activity not be for profit, a requirement in Oregon's land use system for land zoned for agricultural purposes.

House Bill 3460 was followed by Senate Bill 1531 passed during the 2014 short session which allowed local jurisdictions to enact a moratorium in order to promulgate local regulations for medical marijuana facilities (dispensaries, laboratories and grow sites). Morrow County and the incorporated communities within Morrow County all adopted the moratorium and have been working cooperatively on implementing local ordinances appropriate for each community.

Planning staff have initiated development of proposed regulations that include new definitions, conditional use criteria for medical marijuana facilities, and the identification of appropriate use zones. Initially both general commercial and general industrial use zones were identified, however based on discussion with the Port of Morrow Commission industrial use zones have been withdrawn from consideration. Several

concerns were identified by the Commission, including but not limited to, conflict with federal laws related to trucking industries and the need to hold a commercial driver's license, and the focus of the Port of Morrow on industries and not service oriented business more appropriate in commercial zones. The Commission agreed by consensus that it would not be appropriate to allow dispensaries, grow sites or laboratories on land zoned for industrial purposes in Morrow County.

The decision to move forward with public hearings to consider this action was made during a joint work session of the Morrow County Court and the Planning Commission held in early December. While there was concern with moving forward all involved felt that holding public hearings and engaging with affected and adjoining landowners would provide the necessary information to make a final informed decision.

Based on the testimony of those in attendance at the January 27, 2015 Planning Commission public hearing and the one letter that was received, the Planning Commission will be recommending that medical marijuana facilities not be allowed in any use zone within unincorporated Morrow County.

II SUMMARY OF APPLICABLE CRITERIA To approve the requests the Planning Commission will need to make findings to show that the requests meet the necessary criteria in the Zoning Ordinance Article 8 Amendments Section 8.040 Criteria. Those criteria are presented below in **bold** print with responses in regular print.

SECTION 8.040. 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 neighborhood, 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. The local conditions have changed and would warrant a change in the zoning of the subject property(ies).

No change in zoning is being considered. The original proposal would have allowed conditionally in the General Commercial use zone medical marijuana facilities. This proposal was based upon a change in state law allowing for medical marijuana dispensaries. See discussion above.

B. The public services and facilities are sufficient to support a change in designation including, but not limited to, water availability relevant to both quantity and quality, waste and storm water management, other public services, and streets and roads.

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)**

No change in zoning is proposed; a new use was being considered to be added to the list of uses allowed Conditionally. As the proposal has changed this analysis is no longer pertinent.

- 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.**

There is no current application to site a medical marijuana facility. The proposed change to the General Commercial use zone would have made the opportunity available within Morrow County should someone wish to establish such a facility. After careful consideration by Planning staff, input from the Port of Morrow Commission and others, it was determined to move forward with public hearings to determine the public need and desire for this type of use, and to determine if there is any additional burden to the residents and businesses in the vicinity. Public testimony at the Planning Commission public hearing held on January 27, 2015 in Heppner led the Planning Commission to recommend that definitions be added and certain uses within the General Commercial use zone be clarified, but no new opportunities for uses is being recommended.

- D. **The request addresses issues concerned with public health and welfare, if any.**

Significant testimony and deliberation centered on this criteria. In both Irrigon and Lone, where Morrow County's general commercial property exists, residents provided testimony to their concerns that such medical marijuana uses would be near schools and parks, be too available to the general public and children, and that the general nuisance that could come of these uses was not desired. During deliberations by the Planning Commission it was determined that the ability for an individual with a medical condition that warranted the use of medical marijuana there is still a process in place for them to gain access.

- III DLCD 45 DAY NOTICE:** December 19, 2014
- IV PROPERTY OWNER NOTICE:** January 7, 2015
- V LEGAL NOTICE:** Heppner Gazette Times and East-Oregonian
January 7 and 28, 2015
- VI AGENCIES NOTIFIED:** Jim Johnson, Oregon Department of Agriculture; Grant Young and Angela Houck, Department of Land Conservation and Development; Oregon Medical Marijuana Program, Oregon Health Authority; Virgil Morgan, Ione Rural Fire Protection District; Larry Burns, Irrigon Rural Fire Protection District; Linda LaRue, Ione Mayor; Aaron Palmquist, Irrigon City Manager; Mike Gorman, Assessor; Terry Harper, Morrow County Sheriff's Office; Justin Nelson, District Attorney, Sheree Smith and Shelly Wight, Public Health
- VII HEARING DATES:** Planning Commission
January 27, 2015
Heppner City Hall
Heppner, Oregon
- County Court
February 18, 2015
Port of Morrow Riverfront Center
Boardman, Oregon
- IX RECOMMENDATION OF THE MORROW COUNTY PLANNING COMMISSION:**
Based on public testimony and the deliberations of the Planning Commission it is recommended that the County Court hold their scheduled public hearing and consider the following:
- Adopt the definitions identified within Article 1 Section 1.030 Definitions as modified from the proposal provided by staff. The proposed definitions define drug stores, pharmacies, liquor stores, medical marijuana dispensaries and medical marijuana grow facilities.
 - Amend the General Commercial use zone changing the current allowed use of a 'drug store' to 'drug store, pharmacy and liquor store.'
 - Do not adopt conditional use criteria as part of Article 6 Conditional Uses for medical marijuana dispensaries or grow facilities as originally proposed by Planning staff.
 - Do not add medical marijuana dispensaries or grow facilities to Article 3 Section 3.060 General Commercial as originally proposed by Planning staff.
 - Findings in support of this recommendation are outlined above under the review criteria having to do with public safety, health and welfare. Medical marijuana is available to Morrow County residents who have met the necessary requirements of the Medical Marijuana program managed by the Oregon Health Authority. No additional access needs to be made available.

- The risk to children, impacts to public gathering locations, and the general nuisance caused by medical marijuana dispensaries are of concern to the residents of Morrow County and their concerns are greater than any identified need for or benefit from a medical marijuana facility.



David Sykes, Chair

2/6/2015

Date

Attachments:

Article 1 DRAFT

Article 3 Section 3.060 General Commercial (CG) DRAFT

Toni and Brad Emerson Letter dated January 23, 2015

Toni & Brad Emerson
350 SW Second Street
Irrigon, OR 9844

January 23, 2015

Carla McLane, Planning Director
Morrow County Planning Department
P.O. Box 40
Irrigon, OR 08944

Dear Ms. McLane:

This letter is in behalf of the January 7, 2015, letter we received concerning adjoining property owners “affected” or “adjoining landowner” and land use regulations concerning the growing, testing and dispensing of medical marijuana.

We are “affected or adjoining landowners” and **DO NOT APPROVE** of any facility on the North or South Side of HWY 730 and SW Second street, nor the North or South Side of SW Third Street.

One of several reasons, are that our properties along SW Second Street, is a currently known route for the kids on their way to and from school, the alternative, middle, and junior/senior high schools, for both walking and school bus routes.

Crime, theft and trespassing in particular, is a concern amongst our neighborhoods. Irrigon is already considered a high crime area amongst a large part of the area citizens now. What will this stigma bring to the table when trying to encourage new businesses and new residents to move to the area? Consideration should taken by those involved if these businesses are allowed so close to a large residential area and the city limits of Irrigon.

If allowed to be created, what amount of revenue will the Morrow County Sheriff’s Department reap from these businesses, and if so, will it be enough to cover the area with the necessary patrols to cover the crime that will necessitate it? An example, are some of the problems in the local news, that The Tri-Cities is having and has had, concerning trespassing and theft.

Lastly, and extremely high on our concern list, is how will these businesses, if allowed, so close in proximity to our property, affect the value and sales of it?

Sincerely,



Toni & Brad Emerson

February 8, 2015

From: Jerry L. Rietmann
69105 Ella Rd.
Ione, Or. 97843

To: Morrow County Court

Subject: Morrow County Planning Commission Final Findings of Fact
AZ-087-15

Dear Commissioners,

Having attended the Planning Commission hearing on January 27, 2015 and hearing both the testimony and lengthy deliberation of the Planning Commission, I am writing in support of the Final Finding of Fact dated 2/6/15. I feel the final conclusion of the Planning Commission fully represents the vast majority of citizens of Morrow County.

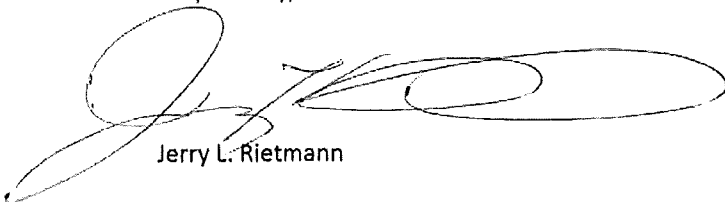
The Planning Commission's conclusion that:

"The risk to children, impact to public gathering locations, and the general nuisance caused by medical marijuana dispensaries are of concern to the residents of Morrow County and their concerns are greater than any identified need for, or benefit from, a medical marijuana facility."

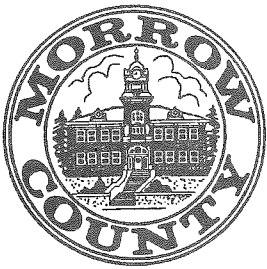
Not calling out Medical Marijuana Facilities as permissible uses does not preclude, at some future point in time, a legitimate request to place a Medical Marijuana Facility in Morrow County. It simply places the burden upon someone making a request of the county to permit such a facility. The above stated conclusion of the Planning Commission would need to be resolved prior to changing the zoning standards to allow for such a facility. If, at some future date in time, someone could convince the Planning Commission, the County Court and most importantly the citizens of the county that they are able to protect our children, not impact public gathering locations and, rather than being a nuisance, would be a benefit to the residents of Morrow County, then that would be the appropriate time to make a change to allow such use in Morrow County Zoning.

I strongly encourage your support of the Planning Commission's Findings.

Respectfully,



Jerry L. Rietmann



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

March 13, 2015

AZ-087-15

Morrow County Zoning Ordinance
Article 1 Section 1.030 Definitions
Article 3 Section 3.060 General Commercial

This notice is to inform you that on March 4, 2015, the Morrow County Court adopted Ordinance Number ORD-2015-1 amending the Morrow County Zoning Ordinance Article 1 Section 1.030 Definitions and Article 3 Section 3.060 General Commercial. Specifically the amendment responds to the State legislation concerned with medical marijuana dispensaries. Enclosed are the adopted ordinance sections; other documents are available by request.

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 March 13, 2015. The deadline to appeal is April 3, 2015.

Cordially,

A handwritten signature in cursive script that reads "Carla McLane".

Carla McLane
Planning Director

I certify that on March 13, 2015, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

A handwritten signature in cursive script that reads "Stephen N. Harris".
Signature 3/13/15
Date