



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

09/16/2013

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 001-13

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: Tuesday, October 01, 2013

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
Amanda Punton, DLCD Natural Resources Specialist

<paa> Y



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 20-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

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

SEP 11 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: Morrow County

Local file number: AC-059-13 AC(M)-060-13
AZ-061-13 AZ(M)-062-13

Date of Adoption: 9/4/2013

Date Mailed: 9/10/2013

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: April 1, 2013 ± E
August 15, 2013 ±

☒ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Update of Morrow County Comprehensive Plan and Zoning Ordinance relative to aggregate
production and extraction. Also to update the list of aggregate sites in the
comprehensive plan and amend the comprehensive plan map.

Does the Adoption differ from proposal? Please select one

Over the course of the hearings process as outlined in the Form 1 revision
sent approximately a month ago the scope of work grew to include related
components of the zoning ordinance relative to processing of a conditional
use permit.

Plan Map Changed from: no designations were changed / amended the Goal 5 map

Zone Map Changed from: N/A to:

Location: County wide

Acres Involved: UNKNOWN

Specify Density: Previous: N/A

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 001-13 (19775) [17604]

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

DLCD, ODOT, DOGAMI, Morrow County Public Works

Local Contact: Carla McLane

Phone: 541) 922-4624 Extension:

Address: PO Box 40

Fax Number: - -

City: Irrigon, OR Zip: 97844

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



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

September 10, 2013

AC-059-13
AC(M)-060-13
AZ-061-13
AZ(M)-062-13
Morrow County Comprehensive Plan
Morrow County Comprehensive Plan Map
Morrow County Zoning Ordinance

This notice is to inform you that on September 4, 2013, the Morrow County Court adopted Ordinance Number MC-1-2013 amending the Morrow County Comprehensive Plan, the Comprehensive Plan Map and the Morrow County Zoning Ordinance. The action incorporated changes to the review and approval process within both the Comprehensive Plan and the Zoning Ordinance to site aggregate production in Morrow County. The Comprehensive Plan Map was also amended along with the corresponding list of aggregate sites protected under Goal 5 or as Farmland Significant. To receive copies of the adopted materials you can send an email to cmclane@co.morrow.or.us.

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 September 10, 2013. The deadline to appeal is October 1, 2013.

Cordially,

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

Carla McLane
Planning Director

I certify that on September 10, 2013, 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 "Diana Lea Thompson".
Signature _____ Date 9/9/13

DLCD
Angela Houck
635 Capitol St. NW, Ste 150
Salem, OR 97301-2540

City of Irrigon
Aaron Palmquist
P.O. Box 428
Irrigon, OR 97844

Mark & Pam Wunderlich
67070 Willow Creek Rd
Heppner, OR 97836

Myrtle McMillan
69683 Petty's Canyon Ln
Lexington, OR 97839

Nola Binschus
P.O. Box 242
Heppner, OR 97836

Jack Meligan
65262 Willow Creek Rd
Heppner, OR 97836

Al Osmin
60355 Balm Fork Rd
Heppner, OR 97836

Joe Miller
P.O. Box 650
Heppner, OR 97836

Jim Kirkpatrick
51621 Kirkpatrick Rd
Heppner, OR 97836

Steve Puntenkey
P.O. Box 356
Ione, OR 97843

James Robert Jepsen
66657 Rhea Crekk Rd
P.O. Box 7
Ione, OR 97843

Tony & Elizabeth Ashbeck
71384 Hwy 207 A
Echo, OR 97826

DLCD - Portland Field Office
Amanda Punton
800 NE Oregon #18
Portland, OR 97232

DLCD
Grant Young
EOU Badgely Hall, Room 233A
La Grande, OR 97850

DOGAMI
Ben Mundie
229 Broadalbin St. SW
Albany, OR 97321

ODOT-Region 5
Teresa Penninger
3012 Island Ave
LaGrande, OR 97850

ODOT- Region 5
Patrick Knight
3012 Island Ave
LaGrande, OR 97850

DLCD - Field Representative
Jon Jinings
650 SW Columbia St
Millpoint Bldg. 7100
Bend, OR 97701

Oregon Dept of Transportation
ATTN: Russ Frost
63055 N. Hwy 97, Bldg M
Bend, OR 97701

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW
COUNTY COMPREHENSIVE PLAN, THE
COMPREHENSIVE PLAN MAP AND THE
ZONING ORDINANCE INCORPORATING
CHANGES TO REVIEW AND APPROVE
AGGREGATE RESOURCE SITES
THROUGHOUT MORROW COUNTY

COUNTY ORDINANCE

NO. OR-1-2013

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 Morrow County Comprehensive Plan, adopted in 1986, is outdated in many ways. In regard to this action, the Goal 5 rules that apply in the current Comprehensive Plan language are governed under Oregon Administrative Rules (OAR) Division 16, which no longer applies to Morrow County. The County had to update the language whereby OAR Division 23 governs how the County may permit aggregate sites as well as other Goal 5 resources; and

WHEREAS, an application was filed by the Oregon Department of Transportation (ODOT) in 2007 to amend the Morrow County Comprehensive Plan, Comprehensive Plan Map and Zoning Ordinance relative to the process to site aggregate resources; and

WHEREAS, the original application request made by ODOT was to approve several ODOT owned and/or operated gravel pits according to updated Oregon Administrative Rules specifically for aggregate sites. Additionally ODOT requested the County to identify a mechanism to protect sites not normally protected if current Oregon Revised Statute or Oregon Administrative rule were applied directly.

WHEREAS, this ODOT request represented a complex task and after several starts and stops to this process, and after much consultation with the Oregon Department of Land Conservation and Development (DLCD), a path was worked out that has been given approval by both ODOT and DLCD. To achieve the results requested by ODOT the first task involved updating the Morrow County Comprehensive Plan and Zoning Ordinance. This was needed because those documents were created before rulemaking and land use decisions by the Land Use Board of Appeals regarding aggregate. The new rules affected the processes by which aggregate is permitted in a substantial way and these new rules are wholly absent in current Morrow County documents that deal with the permitting of aggregate materials.

WHEREAS, it was determined that Morrow County would need to consider several amendments as follows: Zoning Ordinance Articles 1 - definitions, 3 - permitting and protection in zoning designations where mining is allowed, 4 - Supplementary Provisions, 6 - conditional uses, and 8 - review and revision process; Comprehensive Plan's Goal 5 protection process; Create a new process for Goal 5 approvals for mining over 500,000 tons of material; Create a new process for voluntary Goal 5 approval for mining less than 500,000 tons of material; and update of the Comprehensive Plan amendment process.

WHEREAS, the Morrow County Planning Commission held three hearings to review the request on May 7, May 21 and June 25, 2013; and

WHEREAS, the Planning Commission deliberated to decision on two important policy issues. The first is the lower threshold of significance when approving mining sites between 100,000 and 500,000 tons of material to be mined. The lower threshold of 100,000 tons was proposed by ODOT as a reasonable, protectable level, supported by Planning staff, that DLCD agreed to support. The second policy decision made by the Planning Commission was regarding the statutory limits set in Oregon law regarding the size a site must be before the permitting process sets in. State law requires a limit of 1,000 cubic yards on farmland, but the limit on land zoned for other uses where mining is allowed at 5,000 cubic yards. The Planning Commission decided to not be more restrictive than State law and determined that permitting for mining in Morrow County should follow the minimum thresholds in State law.

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

WHEREAS, the Morrow County Court held three hearings to consider the recommendation of the Morrow County Planning Commission on July 10, August 8 and August 28, 2013; and

WHEREAS, the Morrow County Court further refined the proposed amendments based on further input of staff and affected state agencies; and

WHEREAS, the Morrow County Court deemed the amendments necessary and appropriate to facilitate aggregate production in Morrow County; and

WHEREAS, the new language before the County Court sets forth the necessary pathways to approve an aggregate mine in Morrow County specifically identifying 3 paths available for mining on land zoned for Farm Use.

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 "2013 Comprehensive Plan, Comprehensive Plan Map and Zoning Ordinance Amendment Relative to Aggregate Resources."

Section 2 Affected Documents:

The Morrow County Comprehensive Plan, the Morrow County Comprehensive Plan Map and the Morrow County Zoning Ordinance are amended as follows and as attached:

- Morrow County Comprehensive Plan - Repeal and Replace the following Chapters:
Natural Resources Element
The Goal 5 Analysis
Review and Revision
- Morrow County Comprehensive Plan Map - Repeal and Replace the following map:
Inventory of Natural Resources - Aggregate and Mineral Resources
- Morrow County Zoning Ordinance - Repeal and Replace the following Articles or Sections in their entirety as listed:
Article 1 Introductory Provisions
Article 3 Section 3.010 Exclusive Farm Use
Article 3 Section 3.015 Resource Related Industrial
Article 3 Section 3.042 Small Farm 40
Article 3 Section 3.020 Forest Use
Article 3 Section 3.072 Space Age Industrial
Article 3 Section 3.200 Significant Resource Overlay Zone
Article 4 Supplementary Provisions
Article 6 Conditional Uses
Article 8 Amendments

Section 3 Effective Date

As this process has taken an extended period of time, and because ODOT requests use of these amendments to further protect aggregate sites, an emergency is declared and this ordinance shall be effective on October 1, 2013.

Date of First Reading: August 28, 2013

Date of Second Reading: September 4, 2013

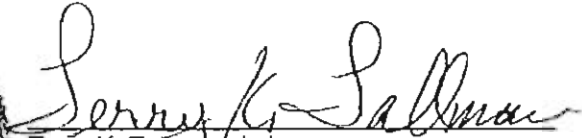
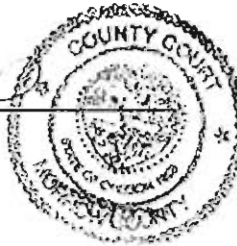
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 4th DAY OF
SEPTEMBER, 2013

ATTEST:

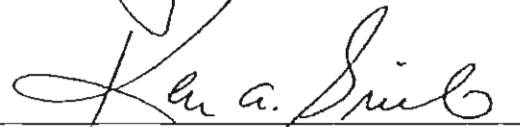
MORROW COUNTY COURT:



Bobbi Childers
County Clerk

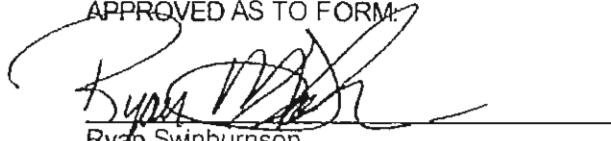


Terry K. Tallman, Judge

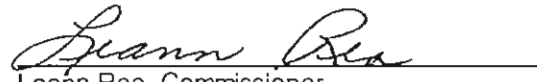


Ken Grieb, Commissioner

APPROVED AS TO FORM:



Ryan Swinburnson
County Counsel



Leann Rea, Commissioner

**MORROW COUNTY PLANNING COMMISSION
FINAL FINDINGS OF FACT
AC-059-13, AC(M)-060-13, AZ-061-13, AZ(M)-062-13: Amendments to
Comprehensive Plan and Map, Zoning Ordinance and Map
Amended for the May 21 and June 25, 2013 Public Hearings**

REQUESTS: An update of the Morrow County Comprehensive Plan and Zoning Ordinance relative to aggregate resource protection and extraction to include an update of both the list and map of Significant Aggregate Sites and Aggregate Sites on Farmland.

APPLICANTS: Oregon Department of Transportation
3012 Island Avenue
La Grande, OR 97850

AFFECTED LAND OWNERS: All Landowners within Resource Use Zones (EFU, FU, SF40, RRI) and Industrial Use Zones (MG, PI, RLI, AI, SAI) relative to the general planning process. Specific Landowners identified on the List of Aggregate and Mineral Resources.

PROPERTY DESCRIPTION: See List of Aggregate and Mineral Resources.

PROPERTY LOCATION: See List of Aggregate and Mineral Resources and the Map of Aggregate Resources.

I SUMMARY OF APPLICATION AND PROCESS:

In 2007 the Oregon Department of Transportation (ODOT) Region 5 Planning Unit made application to Morrow County with two outcomes in mind. The first to amend our Comprehensive Plan and Zoning Ordinance to more clearly identify the process to approve and maintain those approvals over time; and second to approve a number of specific aggregate sites. As part of the amendment process ODOT was interested in identifying a mechanism to protect sites not normally protected if current Oregon Revised Statute or Oregon Administrative Rule were applied directly. The additional protections were identified by Morrow County as being beneficial to aggregate sites operated by the County and may be beneficial to independent commercial operators as well.

After several starts and stops to this process, and much consultation with the Oregon Department of Land Conservation and Development a path forward has been identified and is presented as part of this packet. Amendments to both the Comprehensive Plan and Zoning Ordinance are proposed (see attached) along with creation of a better listing process for the aggregate sites themselves to be called the List of Aggregate and Mineral Resources.

The Morrow County Zoning Ordinance would require in this instance at least three public hearings to be held – two Planning Commission and one County Court – prior to approval of the requested changes. Currently planned are three Planning Commission hearings and at least one County Court hearing. A schedule is included at the end of these Findings of Fact.

- II **SUMMARY OF APPLICABLE CRITERIA** To approve the request the Planning Commission will need to make findings to show that the requests meet the necessary criteria for amendments in the Morrow County Zoning Ordinance Article 8 Section 8.050 Article 8 Amendments and the Morrow County Comprehensive Plan Review and Revision. Those criteria are presented below in **bold print** with responses in regular print.

Morrow County Zoning Ordinance Article 8 Amendments 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 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. 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 mistake was made in the original designation or drafting of the various Zoning Ordinance language related to aggregate and mineral resources and their extraction. What has changed over the past thirty plus years is Oregon Revised Statute and Oregon Administrative Rule relative to these types of activities. The most recent and more difficult of those changes were driven by case law. These proposed amendments attempt to clarify and, when possible, simplify the aggregate and mineral approval process in addition to bringing Morrow County into compliance with both statute and rule requirements.

This criterion is met.

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).

The proposed changes and additions to aggregate permitting are not any more transportation intensive than before the amendments. Public facilities should see little or no impact. Any potential impact from the aggregate facilities proposed to be allowed, either outright or conditionally, can be conditioned through the permitting process to provide enhancements or mitigate damage.

This criterion is met.

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.

No proposed actions identified as part of this amendment process will directly impact a transportation facility triggering this analysis. If that should change as the process continues this criterion will be reevaluated.

For now this criterion is met.

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)**

See comment above.

For now this criterion is met.

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.

Planning staff have, for some time, advocated for amendment of both the Comprehensive Plan and Zoning Ordinance, not only relative to this topic or use, but both documents in their entirety. This is the first of what Planning staff hope to be several actions that will begin to address deficiencies based on the age of both documents and many changes in statute, rule and case law over the past thirty plus years.

Planning staff would state that this criterion is met.

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

Not applicable as this ORS has been repealed. However Planning staff would also state that the language, as proposed, does provide for healthful, safe and aesthetic surroundings and conditions.

Morrow County Comprehensive Plan Review and Revision:

Major Legislative Revisions:

Major revisions include land use changes that have wide-spread and significant impact beyond the immediate area such as quantitative changes producing large

volumes of traffic, a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

The Plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the Plan. Areas experiencing rapid growth and development should provide for a frequent review so needed revisions can be made to keep the Plan up to date; however, major revisions should not be made more frequently than every two years.

The Plan and implementing measures should be reviewed at least every two years and a public statement issued on whether any revision is needed. They can be reviewed in their entirety in major portions. The review should begin with re-examining the data and problems and continue through the same basic phases as the initial preparation of the Plan and implementation measures.

These proposed amendments to both the Comprehensive Plan and Zoning Ordinance fit this description of a major legislative revision. When Planning staff took on this project there was probably not a full understanding of the breadth of actions that were needed, but over the time invested in this project it has become clear that this is a MAJOR revision to both documents. And a much needed revision as well.

Plan Amendment :

Following receipt of recommendations from the CAC, (i.e., the Planning Commission) the County Court and affected City shall determine that proposed amendments should be considered; at such time, amendments of the Comprehensive Plan shall be based on the following procedure and requirements.

1. The Planning Commission shall set a public hearing date and give notice thereof through a newspaper of general circulation at least ten (10) days prior to the hearing.
See below.
2. Copies of proposed amendments shall be made available for review at least ten (10) days prior to the Planning Commission hearing.
While this was not fully met for the May 7 public hearing it will be for the May 21 and June 25 Planning Commission hearings.
3. Within ten (10) days after the close of the public hearing, the Planning Commission shall make findings of fact and recommend to the County Court and affected City Council adoption, revision or denial of the proposed amendments.
This is planned for. It should be noted that no city is affected by these proposed changes.
4. Upon receipt of the Planning Commission recommendation the County Court shall set a public hearing date and give notice thereof through a newspaper of general circulation at least ten (10) days prior to the hearing. As applicable, such hearing shall be conducted jointly with the affected City.
See hearing schedule below.

5. Copies of proposed amendments and the Planning Commission recommendation shall be made available for review at least ten (10) days prior to the County Court or joint City-County hearing.

This is planned for.

6. Within ten (10) days after the close of the public hearing, the County (and affected City Council) shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments. Adoption of plan amendments is effective upon:

- A. County adoption in the case of amendments of the plan map for an area outside an Urban Growth Boundary thereof.
- B. City and County adoption in the case of amendment of plan policies or the plan map for an urban growth area; or
- C. City and County adoption and LCDC approval in the case of amendment of plan goals or Urban Growth Boundary location.

This is planned for.

III DLCD 45 DAY NOTICE: April 3, 2013

IV PROPERTY OWNER NOTICE: May 1, 2013

V LEGAL NOTICE PUBLISHED: April 17, May 1 and June 5, 2013
Heppner Gazette Times and East-Oregonian

VI AGENCIES NOTIFIED: Jon Jinings, Grant Young and Amanda Punton, Department of Land Conservation and Development; Teresa Penninger, Patrick Knight and Russ Frost, Oregon Department of Transportation; Ben Mundie, Oregon Department of Geology and Mineral Industries; Burke O'Brien, Morrow County Public Works.

VII HEARING DATES:

Planning Commission May 7, 2013
May 21, 2013
Heppner City Hall
Heppner, Oregon

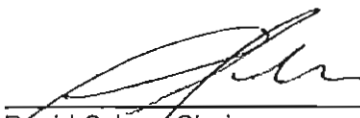
June 25, 2013
Port of Morrow Riverfront Center
Boardman, Oregon

County Court July 10, 2013
Port of Morrow Riverfront Center
Boardman, Oregon

IX RECOMMENDATION OF THE MORROW COUNTY PLANNING COMMISSION TO THE MORROW COUNTY COURT: Recommend approval of the findings as presented to include:

- Amendments of the Comprehensive Plan: Natural Resources Element, Goal 5 Analysis and Review & Revision - language as presented. Also adoption of the list of aggregate sites, both those protected under Goal 5 and those identified as farmland significant.

- Amendment of the Comprehensive Plan Map identifying both Goal 5 protected sites and aggregate sites located on Farmland.
- Amendments of the Zoning Ordinance: Article 1 Definitions, Article 3 Sections; 3.010 Exclusive Farm Use Zone, 3.015 Resource Related Industrial Zone, 3.020 Forest Use Zone, 3.042 Small Farm 40 Use Zone, 3.072 Space Age Industrial Use Zone, 3.200 Significant Resources Overlay Zone; Article 4 Administrative Provisions Section 4.160 Standards for Transportation Improvements; Article 6 Conditional Uses; and Article 8 Amendments - language as presented.
- Amendment of the Zoning Map identifying sites with Goal 5 protections.


6/26/2013

 David Sykes, Chair Date

Attachments:

Summary of Amendments
 List of Aggregate Sites
 Map of Aggregate Sites

Morrow County Zoning Ordinance
 Article 1
 Article 3 Section 3.010
 Article 3 Section 3.015
 Article 3 Section 3.020
 Article 3 Section 3.042
 Article 3 Section 3.072
 Article 3 Section 3.200
 Article 4
 Article 6
 Article 8

Morrow County Comprehensive Plan
 Goal 5 Analysis
 Natural Resources Element
 Review and Revision

**Morrow County Aggregate Project Amendments
AC-059-13, AC(M)-060-13, AZ-061-13, AZ(M)-062-13**

Zoning Ordinance

Article 1. Introductory Provisions

Article 1.030. Definitions

- Add Oregon Department of Geology and Mineral Industries (DOGAMI) 'Mining' and 'Processing' definitions

Article 3.

Section 3.010 Exclusive Farm Use, EFU Zone.

- Refinement of 'Mining' language as an allowed and conditional use.
- Removal of subsection J. Permit Expiration Dates.
- Renumber

Section 3.015 Resource Related Industrial Zone, RRI.

- Refinement of 'Mining' language as an allowed and conditional use.
- Removal of subsection G. Permit Expiration Dates.

Section 3.020 Forest Use, FU Zone.

- Refinement of 'Mining' language as an allowed and conditional use.
- Removal of subsection C. Limitations on Conditional Uses. Language already stated in Article 6.
- Renumber
- Add minimum lot size of 160 for subsection F. Dimensional Standards.

Section 3.042. Small Farm, SF-40 Zone

- 'Mining' language added as an allowed use.
- 'Mining' language refined and 'Processing' added as a conditional use, 'Processing' (D)(12) removed..
- Renumber
- Removal of subsection G. Limitations on Conditional Uses. Language already stated in Article 6.
- Change minimum lot size to 160 for subsection H. Dimensional Standards.

Section 3.072 Space Age Industrial Zone, SAI

- Refinement of 'Mining' language as an allowed and conditional use, change 'Quarry' to 'Mining'.

Section 3.200 Significant Resource Overlay Zone, SRO

- Remove Purpose Statement and subsection A-D language.
- Add new Purpose Statement, Application with Significance Categories, and Aggregate and Mineral Sites including new language for allowed, conditional, and prohibited uses, and approval criteria.
- Replace subsection 5. Termination of the Overlay Zone with new language.
- Renumber
- Remove subsection 4. Mineral Resource Sites.
- Remove (E)(4) Mineral and Aggregate Resources
- Refinement of Agency List

Article 4. Supplementary Provisions

Section 4.160 Standards for Transportation Improvements

- Added stockpile sites into the allowed uses.
- Removed subsection C. Time Limitation on Transportation Related Conditional Use Permits
- Renumber

Article 6. Conditional Uses

- Added Section 6.025 Resource Zone Standards for Approval. Same language that was removed from Limitations on Conditional Uses in FU and SF-40 zones.

Section 6.050. Standards Governing Conditional Uses.

- Subsection I. Mining or Other Extraction Activity, language removed and replaced with a description, general permitting provisions, and local permit approval criteria

Various Sections Dealing with Time Limit to initiate a Permit for a Conditional Use and Life of the Conditional Use Permit

- Title changes and additions.
- Remove language and add OAR language for conditional use permit lengths. Similar to the language removed from Permit Expiration Dates in EFU and RRI zones.

Article 8 Amendments

Section 8.050 Burden and Criteria

- Updated to make consistent with current statute and rule; created consistency with Comprehensive Plan Review and Revision Chapter

Comprehensive Plan

The Goal 5 Analysis

- Add introduction statement outlining why and how we are updating the analysis portion.
- Add the Aggregate permitting process which includes Goal 5 permitting, small Goal 5 permitting, CUP and farmland significance permitting and all other use zones permitting.
- Remove any references to old Division 16 analysis and old comp plan designations (1B, 2A, 3C) for aggregate and mineral resources.
- Renumbering and formatting
- Refine natural and mineral resource policies sections.

Natural Resources Element

- Removal of outdated information pertaining to minerals.
- Removal of the Division 16 Goal 5 process.
- Addition of Division 23 rules as to what and how to protect.
- Removal of references to old comp plan designations and applicable policy page numbers.
- Addition of zones that are applicable.

Review and Revision Process

- Remove all language and replace with updated descriptions, criteria and process in compliance with ORS and OAR; create consistency with Article 8 Amendments.

Inventory of Natural Resources
Aggregate and Mineral Resources

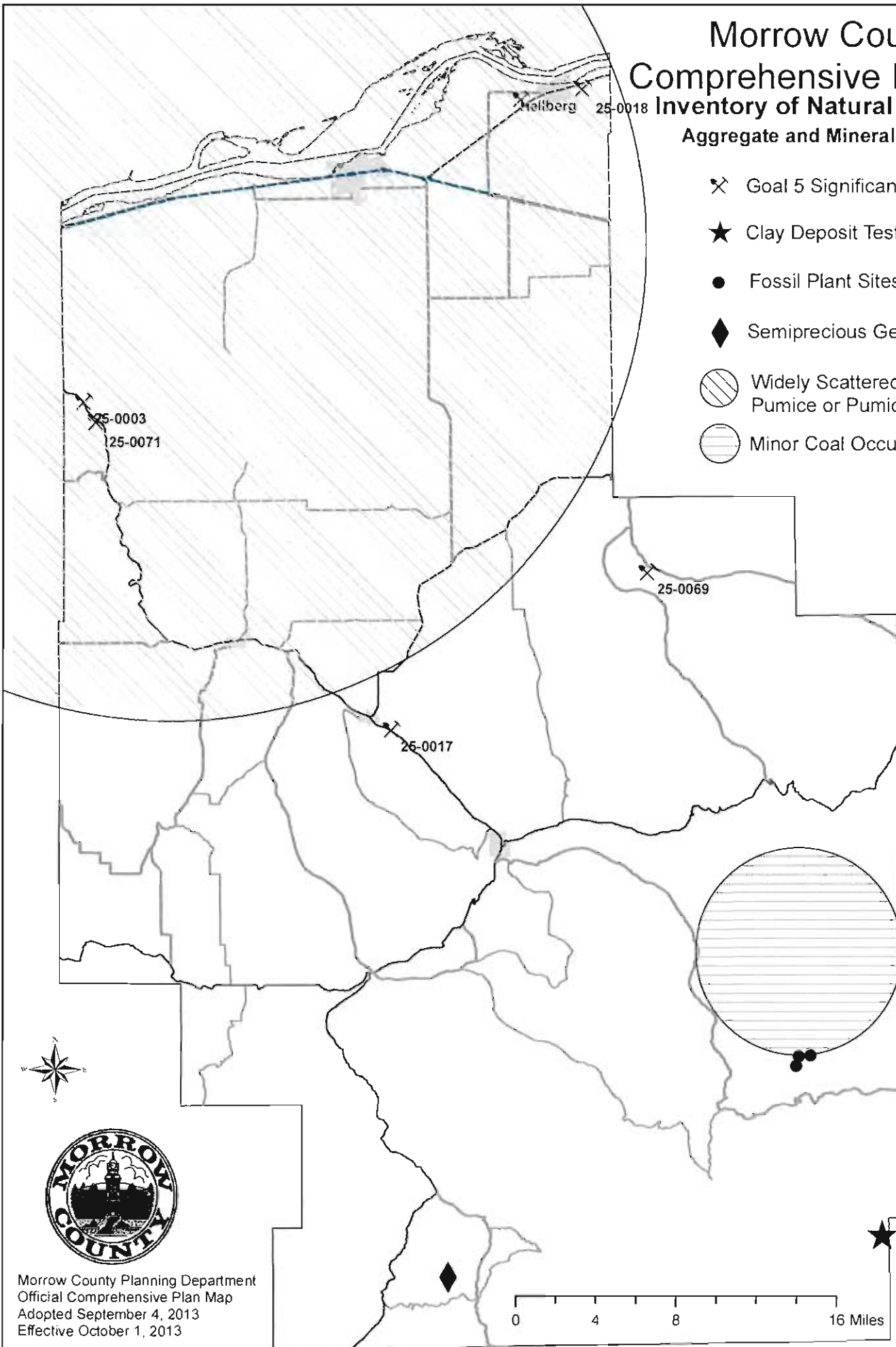
Goal 5 Significant	Farmland Significant	Site Name	Owner	Map and Tax Lot	DOGAMI #	Other Number
Yes		Cecil Quarry, Cecil Rock Production	ODOT	2N 23 6, 7 TL 1100	25-0003	ODOT #25-007
Yes		Lexington Quarry MP 39 Heppner	ODOT	1S 25 35 TL 600	25-0017	ODOT #25-009
Yes		Walpole Gravel Pit	MC/ODOT	5N 27 20 TL 1504,2200	25-0018	ODOT #25-005
Yes		Britt Quarry	Marty Britt/Sid and Randy Britt	1N 27 TL 1400	25-0069	
Yes		Willow Creek Ranch	Willow Farms, LLC/Mark Zoller	2N 23 17 TL 1401	25-0071	
Yes		Hellberg Goal 5	Max Hellberg	5N 26 26 TL 203		DLCD# 001-04
	Yes	Six-Mile Pit	Three Mile Canyon Farms	4N 23 23, 24 TL102	25-0006	
	Yes	Kinzua Resources	Port of Morrow	2S 26 21 TL 2701	25-0004	
	Yes	Boardman	Eucon Corporation	4N 24 23 TL 402	25-0015	
	Yes	So Bombing Range Pit	MC/ Irvan Rauch	1N 26 18 TL 3200	25-0020	PW #210
	Yes	J. J. Aylett	Aylett, Jeddie & Juanita	4N 27 28 TL 300, 1101	25-0023	
	Yes	East Fork Dry Ck Quarry MP 59.6 Wasco-Heppner Hwy	ODOT	3S 23 27 TL 3001	25-0024	ODOT #25-056
	Yes	Cutsforth Quarry	Cutsforth	1S 25 20 TL 2000	25-0027	CUP-N-5(1983)
	Yes	Rhea Creek Quarry	MC/Melvin Hamett	3S 26 32 TL 3200	25-0029	PW #247/220
	Yes	Zinter Quarry	MC/Zinter Dev.	3S 23 27 TL 3400	25-0030	ODOT #30-018, PW #221, Check against 25-0043!!
	Yes	Clark Canyon Quarry	MC	2S 25 15 TL 1702	25-0031	PW #201
	Yes	Skidders Fork Quarry	MC	3S 27 12 TL 400	25-0032	PW #228
	Yes	Butter Creek Quarry/Currin Pit	MC/Currin Ranch	1N 28 25 TL 700	25-0033	PW #239/224
	Yes	Dougherty Pit/Sandhollow	MC/Jerry Dougherty	1S 27 7 TL 505	25-0034	PW# 226
	Yes	Chick Quarry/Reitmann Pit North	MC/Bridston	1N 23 12 TL 3600, 2200	25-0035	PW #227
	Yes	Rugg Quarry/Road Canyon Pit	MC/James Martin	4S 26 22 TL 1502	25-0038	PW #230
	Yes	2011 Ruhl Quarry	Rich Ruhl	2S 24 10 TL 600	25-0039	PW #229
	Yes		Finley Buttes Landfill Company	2N, 3N 26 5, 32 TL 301	25-0040	
	Yes		Easy Way Contracting, Inc.	2N 26 7 TL 501	25-0041	CUP-N-34
	Yes	Hellberg Pit	MC	5N 26 26 TL 206	25-0042	PW #231/241

Inventory of Natural Resources
Aggregate and Mineral Resources

Goal 5 Significant	Farmland Significant	Site Name	Owner	Map and Tax Lot	DOGAMI #	Other Number
	Yes	Zinter Quarry MP 60.45 Wasco-Hep Hwy	ODOT	3S 23 26 TL 3400	25-0043	ODOT #25-018
	Yes	Halverson Site	MC/Halverson	1S 23 27 TL 2300	25-0044	PW #217
	Yes	Rivercrest	Rivercrest Farms/Baker Produce South	2N 26 7 TL 500 or 501?	25-0046	Check against 25-0041!!!
	Yes	Albert Wright Pit	MC/Wright Century Farm	4S 25 28, 33 TL 3800	25-0050	PW #236
	Yes	Carlson	MCPW/4C Ranches	3S 24 7 TL 1401	25-0051	PW #237
	Yes	Little Butter Creek	MCPW/Currin Ranches	1S 28 TL 1600	25-0052	PW #209
	Yes	Hellberg-Wise Pit	Wesley Wise/Max Hellberg	5N 26 26 TL 203	25-0053	
	Yes	Turner	MCPW/Turner Ranch	2S 27 17 TL 1300	25-0054	PW #219
	Yes	Madison Section 16	Madison, Kent	3N 27 16 TL 1100	25-0056	
	Yes	Sand Lake	Boardman Tree Farm	3N 26 26 TL 1401	25-0059	
	Yes	Doherty-Juniper Pit	MCPW/Doherty	1N 25 3 TL 700	25-0061	PW #238
	Yes	L & M Pit	Miller & Sons/L&M Ranch	2S 26 23, 26, TL 3402, 3301	25-0062	
	Yes	Padberg Pit	Miller & Sons/Padberg	1S 24 27 TL 3501	25-0067	
	Yes	Heideman Quarry	Heideman/4DG Land Co.	1N 23 19 TL 3102	25-0068	
	Yes	Ely Canyon Quarry, Heideman II	WI Construction /Heideman	1N 23 28 TL 6001	25-0070	
	Yes		Wade Aylett	4N 27 28 TL 800	30-0129	
	Yes	Thompson Pit	MC/Brian Thompson	4S 27 TL 900		PW #240, CUP-S-105, MC-C-5-97
	Yes		Kevin Haguewood	1N 23 28 TL 5900		CUP-N-284 AC-040-10 AC(M)-041-10
	Yes		John Kilkenny	2S 28 28 TL 1300		CUP-S-297 AC-057-12 AC(M)-058-12
	Yes		Madison Farms	3N 27 30 TL 1700		CUP-N 271 AC-018-09 AC(M)-017-09

Morrow County Comprehensive Plan Map Inventory of Natural Resources Aggregate and Mineral Resources

- ✕ Goal 5 Significant Sites
- ★ Clay Deposit Tested
- Fossil Plant Sites
- ◆ Semiprecious Gems (Opal)
- ⊘ Widely Scattered Deposits of Pumice or Pumicite
- ⊘ Minor Coal Occurances



Morrow County Planning Department
Official Comprehensive Plan Map
Adopted September 4, 2013
Effective October 1, 2013

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.

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.

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.

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.

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.

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.

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

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

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

B. DEFINITIONS

1. **Agricultural Land:** as defined in OAR 660-33-020 and Article 1 of this Ordinance.
2. **Farm Use:** as defined in ORS 215.203 and in Article 1 of this Ordinance.
3. **High Value Farmland:** as defined in ORS 215.710. (For information about soil classification, refer also to the "Soil Survey of Morrow County, Oregon.")
4. **Date of Creation and Existence:** When a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
5. **Tract:** One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a County or Public Road, or contiguous at a common point. Lots divided by a State Highway are not considered contiguous.
6. **Golf Course:** An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(3) is more clearly defined in OAR 660-033-130(20).
7. **Irrigated:** Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, or receives water for irrigation from a water or irrigation district or other provider.
8. **Farm Stand:** A use or structure designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the

sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.

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

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

1. Farm use as defined by ORS 215.203 and Article 1 of this ordinance, except a use specified in subsection (2) of this section.
2. Propagation or harvesting of a forest product.
3. Buildings other than dwellings customarily provided in conjunction with farm use.
4. One single family dwelling subject to Section (E) below and Section 4.110, customarily provided in conjunction with farm use.
5. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to Section (E) below.
6. A replacement dwelling may be sited on any part of the same lot or parcel, subject to siting standards in this ordinance. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, the applicant, as a condition of approval, shall execute and record a deed with the County Clerk, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Planning Director and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.
7. Creation, restoration and enhancement of wetlands.
8. Creation, restoration and enhancement of wildlife habitat.
9. Climbing and passing lanes within a highway right-of-way existing as of July 1, 1987.

10. Reconstruction or modification of public roads and highways not including additional travel lanes, where no removal or displacement of structures would occur and not resulting in any new land parcels. (MC-C-8-98)
11. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (MC-C-8-98)
12. Minor betterment of existing public roads and highway facilities, such as maintenance yards, weight stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (MC-C-8-98)
13. Alteration, restoration or replacement of a lawfully established dwelling that meets all the following criteria:
 - a. Has intact interior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring or interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling.
14. Restoration or replacement of the lawful use of any building, structure or land may be permitted when the restoration is made necessary by fire, other casualty or natural disaster, and shall meet the following:
 - a. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
 - b. Any use interrupted or abandoned by casualty or natural disaster for more than (12) months may not be resumed unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.
15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in an inventory of historic property and is listed on the National Register of Historic Places.
16. Utility and transmission towers not exceeding 200 feet in height.
17. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and

OAR 660, Division 4, and further that no such use may be authorized on high value farmland.

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

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

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

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

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

23. A winery as described in ORS 215.452.

24. Subdivisions and Series Partitions for the purpose of establishing "non-farm dwellings" pursuant to ORS 92.010 - 92.190, and 92.305-92.495 are prohibited in the Exclusive Farm Use Zone.

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

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

27. Mining less than 1,000 cubic yards of aggregate material or excavation of less than one acre of land annually.

28. Excavations conducted by the landowner or tenant on the landowner or tenant's property for the purpose of operations reasonably necessary for 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 being excavated reasonably necessary for farming.

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

1. Single-family residential dwellings including mobile homes subject to Section 4.110 of this ordinance not provided in conjunction with farm use, subject to approval pursuant to the limitations set forth by section (F) below.
2. One single family dwelling on a tract of record, meeting the following qualifications:
 - a. The lot or parcel on which the dwelling will be sited was lawfully created and owned continuously by the present owner as defined in the definitions section:
 - (1) Since prior to January 1, 1985; or
 - (2) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 - b. The tract upon which the dwelling is to be sited does not include another dwelling.
 - c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - d. The lot or parcel upon which the dwelling is to be sited is not on high value farmland as defined in the definitions section.
 - e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.
 - f. The director or the director's designee shall notify the county assessor of any decision to permit a dwelling under this section.
 - g. Land use approval for a single family dwelling meeting requirements of this section may be transferred one time to any other person, prior to issuance of a building permit.
 - h. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
 - i. Notwithstanding the requirements of paragraph d, a single-family dwelling may be sited on high-value farmland if:

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

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

(3) The Planning Commission determines that:

(a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, the criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use.

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

a. It meets all the following requirements:

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

(2) The accessory dwelling will be located:

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

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

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

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

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

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

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

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

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

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

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

e. As a condition of approval, the landowner for the dwelling shall sign and record in the Morrow County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or

forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A medical hardship dwelling may be permitted subject to conformance with the following:

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

b. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

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

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

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

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

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

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

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

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

9. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species. An application for insect species shall also be subject to OAR 660-033-0130(27).

10. Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.

11. Operations conducted for the mining, stockpiling, or processing of mineral, aggregate and other mineral resources or other subsurface resources not to exceed 500,000 tons subject to Article 6 of this Ordinance and provisions within the Morrow County Comprehensive Plan which requires a significance determination.

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

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

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

15. Commercial utility facilities for the purposes of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres of high value farmland or 20 acres of other land from commercial farm use unless an exception is approved pursuant to OAR 660 Division 4.

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

17. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1976 shall continue to be permitted subject to any application regulations of the Aeronautics Division.

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

On High Value lands:

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

On all other EFU lands:

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

19. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203.

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

21. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

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

23. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.

24. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
25. Farm ranch recreation, pursuant to Oregon Law Chapter 728 (1997), in conjunction with a commercial farming or ranching operation subject to Article 6.
26. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.
27. Expansion or relocation of existing county fair and rodeo grounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210. (MC-03-05)
28. Operations for the extraction and bottling of water.
29. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020.
30. A wildlife habitat conservation and management plan pursuant to ORS 215.804.
31. A facility for the processing of farm crops, subject to OAR 660-033-0130(28).
32. A living history museum as defined in and in accordance with the criteria established in OAR 660-033-0130(21).
33. Utility facility service lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 - a. A public right of way;
 - b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 - c. The property to be served by the utility.
34. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this Section.
35. Any gathering subject to review by the Planning Commission under the provisions of ORS 433.763. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period.

E. REQUIREMENTS FOR DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

1. High Value Land. On land identified as high value farm land, a dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The subject tract is currently employed for the farm use that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.
 - b. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract.
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.
 - d. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
2. 160-acre test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The parcel on which the dwelling will be located is at least 160 acres.
 - b. The subject tract is currently employed for farm use, as defined in ORS 215.203.
 - c. The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no accessory dwelling for farm help may be authorized.
 - d. There is no other dwelling on the subject tract.
3. Income Test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years gross annual income of at least \$40,000; and
 - b. There is no other dwelling on the subject tract; and
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in (a) above.
 - d. In determining the gross income required by the subsection the cost of purchased livestock shall be deducted from the total gross income attributed

to the tract. Only gross income from land owned, not leased or rented, shall be counted.

4. Capability Test. If the county prepares the potential gross sales figures pursuant to OAR 660-33-0135(4), the county may determine that, on land not identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.
- b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection a above.
- c. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection b above.
- d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres in size.
- e. Except as permitted in ORS 215.283(l)(p), there is no other dwelling on the subject tract.
- f. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection c above.
- g. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

F. REQUIREMENTS FOR DWELLING NOT PROVIDED IN CONJUNCTION WITH FARM USE. Dwelling not provided in conjunction with farm use may be authorized upon findings that:

1. There is no other dwelling on the parcel.
2. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:

a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban residential or other urban on nonresource uses shall not be included in the study area.

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

c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

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

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

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

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

G. Dimensional Standards. In an EFU Zone, the following dimensional standards shall apply:

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

series partition for a dwelling not provided in conjunction with farm use. The provisions of this subsection regarding a series partition apply only to applications for a land division submitted after July 1, 1997. For purposes of this subsection, "series partition" shall have the meaning given that term in ORS 92.305.

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

1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Commission; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.
2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Commission.
3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Commission.
4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

I. Transportation Impacts

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

SECTION 3.015 RESOURCE RELATED INDUSTRIAL ZONE, RRI.

- A. Purpose: It is the intent and purpose of the Resource Related Industrial – (RRI) Zone to be utilized in areas of Morrow County included in zones designated for farm use that have a strong potential for the extraction and processing of agricultural and other resource related commodities. It is further the intent and purpose of the RRI Zone to support commercial farm and forest activities while increasing family wage and above family wage employment opportunities in Morrow County. In an RRI Zone the following regulations shall apply:
- B. Uses Permitted Outright. In the RRI Zone, the following uses and their accessory uses are permitted outright. While some uses may prompt an inquiry to, and/or action by, the Planning Director, authorization of such uses does not require notice to adjacent property owners or other interested parties and does not constitute a land use decision pursuant to ORS 197.015(10).
1. Farm Use.
 2. Operations for the exploration of geothermal resources as defined by ORS 522.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
 3. The propagation or harvesting of a forest product.
 4. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weight stations and rest areas within the right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
 5. Fire service facilities providing rural fire protection services.
 6. Mining less than 1,000 cubic yards of aggregate material or excavation of less than one acre of land annually.
 7. Excavations conducted by the landowner or tenant on the landowner or tenant's property for the purpose of operations reasonably necessary for 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 being excavated reasonably necessary for farming.
 8. Other uses required by ORS 215.283(1) as interpreted by OAR Chapter 660, Division 33.
- C. Uses Subject to Administrative Review. In the RRI Zone, the following uses and their accessory uses may be permitted outright with a Zoning Permit and subject to the provisions of this Section if determined by the Planning Director to satisfy the applicable criteria and provisions of law. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). Authorization of these uses does constitute a land use decision pursuant to ORS 197.015(10). Notice and an opportunity for a

hearing must be provided in the manner described in ORS 215.416. These uses may be referred to Planning Commission for review if deemed appropriate by the Planning Director.

1. A facility for the primary processing of forest products pursuant to OAR 660-033-0130(6).
 2. A facility for the processing of farm crops pursuant to ORS 215.283(1)(u).
 3. A commercial activity in conjunction with farm use, including but not limited to uses with an industrial emphasis such as processing hybrid poplar trees into lumber or secondary processing, fabrication or shipping of materials or goods produced at facilities located at the site or surrounding lands and described in paragraph b. of this subsection. Approval of this use is subject to the review criteria of Subsection D.
 4. Operations conducted for the mining and processing of geothermal resources as defined in ORS 522.005 or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources and oil and gas as defined by ORS 520.005 not otherwise permitted under subsection 1.b. of this section. Approval of this use is subject to the review criteria of Subsection D.
 5. Dwellings pursuant to OAR 660-033-0135(7).
 6. Other uses required by ORS 215.283(1) as interpreted by OAR Chapter 660, Division 33.
- D. Conditional Uses. In the RRI Zone, the following uses and their accessory uses may be permitted if determined by the Planning Commission during a public hearing to satisfy the applicable criteria and provisions of law. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). The appropriate review criteria are identified for each use.
1. Operations conducted for the mining, stockpiling, or processing of mineral, aggregate and other mineral and other subsurface resources not to exceed 500,000 tons subject to Article 6 Conditional Uses and provisions within the Comprehensive Plan which requires a significance determination.
 2. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
 3. Commercial utility facilities for the purpose of generating power for public use by sale. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.

4. Operations for the extraction and bottling of water. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
 5. Utility facilities necessary for public service subject to the provisions of ORS 215.275 and OAR 660-033-0130(16). No local legislative criteria shall be applied for consideration of establishing a utility facility necessary for public service.
 6. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-096-0020. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
 7. The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU Zone pursuant to the provisions of ORS 215.283(1)(Y) and ORS 215.246 to 215.251.
- E. Yards. In a RRI Zone, the minimum yard setback requirements shall be as follows:
1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Planning Director; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.
 2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Planning Director.
 3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Planning Director.
 4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

F. Transportation Impacts

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

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

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

1. Forest operations or forest practices uses as defined in Section 1.030 of this ordinance including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, disposal of slash and livestock grazing.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
3. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
4. For the purposes of section (2) above "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
5. Farm use as defined in ORS 215.203.
6. Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hook-ups, including water service hook-ups.
7. Temporary portable facility for the primary processing of forest products.
8. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
9. Private hunting and fishing operations without any lodging accommodations.
10. Towers and fire stations for forest fire protection.
11. Widening of roads within existing rights-of-way in conformance with the County Transportation System Plan including public road and highway projects as described in ORS 215.213(1)(m) through (p) and 215.283(1)(k) through (n).
12. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
13. Caretaker residences for public parks and fish hatcheries.

14. Uninhabitable structures accessory to fish and wildlife enhancement.
15. Temporary forest labor camps.
16. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
17. Alteration, restoration or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structures.
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system.
 - c. Has interior wiring for interior lights.
 - d. Has a heating system.
 - e. In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.
18. Excavations of less than 5,000 cubic yards of sand, gravel, clay, rock or other similar materials or excavations of less than one acre annually.

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

1. Permanent facility for the primary processing of forest products.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
5. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
6. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465 and Goal 8.

7. Private parks and campgrounds as defined in OAR 660-006-0025(4)(e). Campgrounds in private parks shall only be those allowed by this exception. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
8. Public parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization, including only those uses specified in OAR 660-034-0035.
9. Television, microwave and radio communication facilities and transmission towers.
10. Fire stations for rural fire protection.
11. Aids to navigation and aviation.
12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
13. Reservoirs and water impoundments.
14. Firearms training facility.
15. Utility facility for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.
16. Resource exploration, mining and processing as defined in ORS Chapter 520, and not otherwise permitted outright, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
17. Private seasonal accommodations for fee hunting operations subject to Section (C) below, OAR 660-006-0029 and 660-006-0035, and the following requirements:
 - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.
 - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 - d. Other conditions as the county deems necessary.
18. Cemeteries.

19. New electric transmission lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.

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

21. A manufactured dwelling, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

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

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

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

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

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

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

e. Other conditions as deemed necessary.

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

25. Expansion of existing airports.

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

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

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

1. Lot of record dwelling:

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

(1) Prior to January 1, 1985, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. If a tract 60 acres or larger described in subsection 3, above, abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

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

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

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

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

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

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

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

8. The following definitions shall apply to this Section:

- a. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway;
- b. "Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.

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

D. SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES. The following siting criteria or their equivalent shall apply to all new dwellings and structures in the forest zone. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

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

- a. They have the least impact on nearby or adjoining forest or agricultural lands;
- b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- c. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
- d. The risks associated with wildfire are minimized.

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

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

- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
 - b. A water use permit issued by the Water Resources Department for the use described in the application; or
 - c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
4. As a condition of approval, if a road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
5. Approval of a dwelling shall be subject to the following requirements:
- a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
 - b. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - c. If the lot or parcel is more that 30 acres, as defined in ORS 321.405, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forest rules.
 - d. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.
 - e. The county shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included with the nearest such district. If the county determines that inclusions within a fire protection district or contracting for residential fire protection is impracticable, the county may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for fire fighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to the dwelling shall meet road design standards described in Morrow County Transportation System Plan.
3. The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" date March 1, 1991 and published by the Oregon Department of forestry.
4. The dwelling shall have a fire retardant roof.
5. The dwelling shall not be sited on a slope of greater than 40 percent.
6. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

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

1. The minimum lot size for new lots or parcels in the FU Zone shall be 160. (Note: minimum lot size for purposes of siting a dwelling is 240 acres.) A parcel 80 acres in size or larger may also be considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A landowner allowed a land division under subsection (2) of this section shall sign a statement that shall be recorded with the county clerk of the county in

which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

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

1. The front yard setback from the property line shall be 20 feet for property on a local street and 40 feet on a minor collector, 60 feet from a property line fronting on a major collector ROW, and 100 feet from a property line fronting on an arterial.
2. Each side yard setback shall be a minimum of 25 feet, and for parcels or lots with side yards adjacent to forest lands the adjacent side yards shall be a minimum of 200 feet, except as approved by the Commission.
3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to forest lands, side yard setbacks shall be a minimum of 100 feet, except as approved by the Commission.
4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.
5. Big Game Range Restrictions. In the case of Forest Use areas identified as Big Game Habitat, no dwellings will be authorized where the overall density within a square mile exceed one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat.

I. TRANSPORTATION IMPACTS

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

SECTION 3.042. SMALL FARM, SF-40 ZONE

A. PURPOSE: The purpose of the Small Farm, SF-40 Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs, including economic needs, that pertain to the production of agricultural products, and to permit the establishment of only those uses that are compatible with agricultural activities.

Although the Small Farm, SF-40 Zone was acknowledged as an SF-40 Zone with a 40 acre minimum lot size in the County's Comprehensive Plan in 1985, Oregon Revised Statutes (ORS) passed subsequently by the Oregon Legislature require the minimum lot size in all SF-40 Zones to be 80 acres.

Uses, buildings, or structures hereafter erected, structurally altered, enlarged, or moved, and land hereafter used in the SF-40 Zone shall comply with the following regulations.

B. DEFINITIONS

1. Agricultural Land: as defined in OAR 660-33-020 and Article 1 of this Ordinance.
2. Farm Use: as defined in ORS 215.203 and in Article 1 of this Ordinance.
3. High Value Farmland: as defined in ORS 215.710. (For information about soil classification, refer also to the "Soil Survey of Morrow County, Oregon.")
4. Date of Creation and Existence: When a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
5. Tract: One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a County or Public Road, or contiguous at a common point. Lots divided by a State Highway are not considered contiguous.
6. Golf Course: An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(3) is more clearly defined in OAR 660-033-130(20).
7. Irrigated: Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, or receives water for irrigation from a water or irrigation district or other provider.
8. Farm Stand: A use or structure designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail

incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.

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

C. USES PERMITTED OUTRIGHT. In an SF-40 Zone, the following uses and their accessory uses thereof are permitted outright subject to the applicable provisions set forth by this ordinance.

1. Farm use, as defined in ORS/215.203(2)(a), except a use specified in subsection (2) of this ordinance.
2. Propagation or harvesting of a forest product.
3. Buildings other than dwellings customarily provided in conjunction with farm use.
4. One single family dwelling subject to Section (E) below and Section 4.110, customarily provided in conjunction with farm use.
5. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to Section E below.
6. A replacement dwelling may be sited on any part of the same lot or parcel, subject to siting standards in this ordinance. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned SF-40, the applicant, as a condition of approval, shall execute and record a deed with the County Clerk, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Planning Director and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.
7. Creation, restoration, and enhancement of wetlands.
8. Creation, restoration and enhancement of wildlife habitat.
9. Climbing and passing lanes within a highway right-of-way existing as of July 1, 1987.

10. Reconstruction or modification of public roads and highways not including additional travel lanes, where no removal or displacement of structures would occur and not resulting in any new land parcels.
11. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
12. Minor betterment of existing public roads and highway facilities, such as maintenance yards, weigh stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
13. Alteration, restoration or replacement of a lawfully established dwelling that meets all the following criteria:
 - a. Has intact interior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring or interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling.
14. Restoration or replacement of the lawful use of any building, structure or land may be permitted when the restoration is made necessary by fire, other casualty or natural disaster, and shall meet the following:
 - a. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
 - b. Any use interrupted or abandoned by casualty or natural disaster for more than (12) months may not be resumed unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.
15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in an inventory of historic property and is listed on the National Register of Historic Places.
16. Utility and transmission towers not exceeding 200 feet in height.
17. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and

OAR 660, Division 4, and further that no such use may be authorized on high value farmland.

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

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

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

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

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

23. A winery as described in ORS 215.452.

24. Subdivisions and Series Partitions for the purpose of establishing "non-farm dwellings" pursuant to ORS 92.010 - 92.190, and 92.305-92.495 are prohibited in the Exclusive Farm Use Zone.

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

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

27. Mining less than 1,000 cubic yards of aggregate material or excavation of less than one acre of land annually.

28. Excavations conducted by the landowner or tenant on the landowner or tenant's property for the purpose of operations reasonably necessary for 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 being excavated reasonably necessary for farming.

D. CONDITIONAL USES PERMITTED. In an SF-40 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 6 of this ordinance and Section (G) below:

1. Single-family residential dwellings including mobile homes subject to Section 4.110 of this ordinance, not provided in conjunction with farm use, subject to approval pursuant to the limitations set forth by Section F below.
2. One single family dwelling on a tract of record, meeting the following qualifications:
 - a. The lot or parcel on which the dwelling will be sited was lawfully created and owned continuously by the present owner as defined in the definitions section:
 - (1) Since prior to January 1, 1985; or
 - (2) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 - b. The tract upon which the dwelling is to be sited does not include another dwelling.
 - c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - d. The lot or parcel upon which the dwelling is to be sited is not on high value farmland as defined in the definition section.
 - e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.
 - f. The director or the director's designee shall notify the county assessor of any decision to permit a dwelling under this section.
 - g. Land use approval for a single-family dwelling meeting requirements of this section may be transferred one time to any other person, prior to issuance of a building permit.
 - h. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
 - i. Notwithstanding the requirements of paragraph d, a single-family dwelling may be sited on high-value farmland if:

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

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

(3) The Planning Commission determines that the lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, the criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use.

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

a. It meets all the following requirements:

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

(2) The accessory dwelling will be located:

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

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

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

(d) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently

occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

(3) In addition to the requirements in subsection (2) above, the principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

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

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

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

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

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

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

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

4. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A medical hardship dwelling may be permitted subject to conformance with the following:

- a. A manufactured dwelling allowed under this provision is a temporary use for the term of hardship suffered by the existing resident or relative.
- b. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
- c. When the hardship ends, the manufactured home shall be removed and may not be used to justify a dwelling under any other provision of this ordinance.
- d. Hardship means a medical hardship or hardship for the care of an aged or infirm person or persons.
- e. The Planning Commission or Planning Director shall review the permit authorizing such manufactured home every two years.
- f. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use. A temporary residence approved under this section is not eligible for replacement under ORS 215.213(l)(u) or 215.283(l)(t).

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

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

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

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

9. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species. An application for insect species shall also be subject to OAR 660-033-0130(27).

10. Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.

11. Operations conducted for the mining, stockpiling, or processing of mineral, aggregate and other mineral resources or other subsurface resources not to exceed 500,000 tons subject to Article 6 of this Ordinance and provisions within the Morrow County Comprehensive Plan which requires a significance determination.
12. Private parks, playgrounds, hunting and fishing preserves and campgrounds except that such use as are prohibited on high value farmland. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660 Division 4. A campground shall meet the definition and criteria established in OAR 660-033-130(19).
13. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
14. Golf Courses except that such uses are prohibited on high value farmland.
15. Commercial utility facilities for the purposes of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres of high value farmland or 20 acres of other land from commercial farm use unless an exception is approved pursuant to OAR 660 Division 4.
16. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is deemed to be "necessary" if it must be situated in an agricultural zone in order for the distribution of power to area customers.
17. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1976 shall continue to be permitted subject to any application regulations of the Aeronautics Division.
18. Home occupation. Home occupations may be permitted in accordance with the following:
- On High Value lands:
- a. Homes occupations may only be authorized in existing dwelling and structures accessory to an existing dwelling.

b. Home occupations may not be authorized in structures accessory to resource use.

c. A home occupation located on high-value farmland may employ only residents of the home.

On all other SF-40 lands:

a. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located.

b. A home occupation shall employ on the site no more than five full time or part time persons.

c. The home occupation shall be operated substantially in the dwelling; or other buildings normally associated with uses permitted in the zone in which the property is located.

d. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

e. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

19. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203.

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

21. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

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

23. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.

24. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

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

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

27. Expansion or relocation of existing county fair and rodeo grounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210. (MC-03-05)

28. Operations for the extraction and bottling of water.

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

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

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

E. REQUIREMENTS FOR DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

1. High Value Land. On land identified as high value farm land, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is currently employed for the farm use that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.

b. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract.

c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

d. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

2. 160-acre test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The parcel on which the dwelling will be located is at least 160 acres.

b. The subject tract is currently employed for farm use, as defined in ORS 215.203.

c. The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no accessory dwelling for farm help may be authorized.

d. There is no other dwelling on the subject tract.

3. Income Test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years gross annual income of at least \$40,000; and
- b. There is no other dwelling on the subject tract; and
- c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in (a) above.
- d. In determining the gross income required by the subsection the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.

4. Capability Test. If the county prepares the potential gross sales figures pursuant to OAR 660-33-0135(4), the county may determine that, on land not identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.
- b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection a above.
- c. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection b above.
- d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres in size.
- e. Except as permitted in ORS 215.283(l)(p), there is no other dwelling on the subject tract.
- f. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection c above.
- g. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

F. REQUIREMENTS FOR DWELLING NOT PROVIDED IN CONJUNCTION WITH FARM USE. Dwelling not provided in conjunction with farm use may be authorized upon findings that:

1. There is no other dwelling on the parcel.
2. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:
 - a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban residential or other urban on nonresource uses shall not be included in the study area.
 - b. Identify within the study area the broad types of farm use (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwelling (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph.
 - c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

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

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

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

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

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

1. The minimum lot size or parcel size shall be 160 acres.
2. The minimum average lot width shall be 150 feet.

H. YARDS. In an SF-40 Zone, the minimum yard setback requirements shall be as follows:

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

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

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

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

I. TRANSPORTATION IMPACTS

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)(MC-C-9-98)

SECTION 3.072. SPACE AGE INDUSTRIAL ZONE, SAI

- A. **PURPOSE.** The SAI Zone is intended to recognize those areas devoted to, or most suitable for, space age technology research and development.
- B. **PROCEDURES.** Lands shown to be zoned SAI are, prior to development, subject to submittal of a detailed plot plan and with reasonable particularity the intended use, activities, structures and facilities to be built. As in the case of all zones, a zoning sign-off is required prior to the issuance of building permits. Facilities proposed adjacent to or near an airport may be subject to Article 3 Sections 3.090 Airport Approach Zone and 3.091 Airport Hazard Zone as found in this Zoning Ordinance. Additionally structures constructed 100 feet or taller are subject to notice to the Department of Defense and the Oregon Military Department relative to impacts to the restricted airspace.
- C. The following uses are allowed without a Zoning Permit.
 - 1. Farm use as defined in Article 1 Section 1.030 Definitions of this Zoning Ordinance. (MC-C-6-96)
 - 2. Utility facility service lines, including accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.
 - 3. Mining less than 5,000 cubic yards of aggregate material or excavation of less than one acre of land conducted annually.
 - 4. Excavations by the landowner or tenant on the landowner or tenant's property for the purpose of operations reasonably necessary for 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 being excavated reasonably necessary for farming.
- D. The following uses are allowed, but require ministerial review and a Zoning Permit. If a use occupies 100 or more acres Site Development Review shall be required as outlined in Article 4 Supplementary Provisions Section 4.170 Site Development Review. Other provisions of Article 4 Supplementary Provisions may apply at the time the Zoning Permit is issued.
 - 1. Buildings and structures (above and below ground) used for space age technology research and development.
 - 2. Aerospace Aircraft and space vehicle testing and related research products.
 - 3. Propulsion testing which includes commercial engines, transatmospheric space plane, remote piloted vehicle, missiles or other space age related vehicles.
 - 4. Electronic, laser and microwave research activities.

5. Contained shock testing.
 6. Fire fighting equipment and facilities.
 7. Support facilities for on-site staff.
 8. Mining operation on existing sites.
 9. Utility facilities necessary for public service, but not commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height.
 - a. Utility facilities necessary for public service proposed in the Space Age Industrial Use Zone will need to meet the criteria found in Oregon Revised Statute 215.275.
 - b. The acreage included in the analysis to require Site Development Review would be disturbed, constructed surfaces and parking areas.
 - c. A reclamation plan is required for non-agricultural lands affected by a utility facility necessary for public service.
- E. Uses permitted with a Conditional Use Permit. The following uses are allowed with a Conditional Use Permit and other reviews as identified below. If a project is over 100 acres of disturbed and constructed surfaces Site Development Review may also be required.
1. A commercial utility facility for the purpose of generating power for public use by sale, not including wind power generation facilities, subject to Article 4 Supplementary Provisions, Article 6 Conditional Uses, other portions of this code as appropriate and pertinent sections of Oregon Revised Statute and Oregon Administrative Rule.
 2. A wind generation facility subject to the requirements found in Oregon Administrative Rule Chapter 660 Division 33 Agricultural Land, Article 4 Supplementary Provisions, Article 6 Conditional Uses, and other portions of this Zoning Ordinance.
 3. Transmission towers over 200 feet in height subject to Article 4 Supplementary Provisions and Article 6 Conditional Uses, and other portions of this Zoning Ordinance.
 4. Operations conducted for the mining, stockpiling or processing of mineral, aggregate and other mineral resources or other subsurface resources not to exceed 500,000 tons subject to Article 6 of this Ordinance.
- F. Limitations on use in a SAI Zone
1. A use which has been declared a nuisance by a state statute, by action of the Morrow County Court, or by a court of competent jurisdiction is prohibited
 2. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.

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

G. Transportation Impacts

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

SECTION 3.200. SIGNIFICANT RESOURCE OVERLAY ZONE, SRO

- A. **PURPOSE.** The purpose of the Significant Resource Overlay Zone is to provide a mechanism to recognize and protect resources deemed significant in Morrow County and listed in the Morrow County Comprehensive Plan Inventory of Significant Resources.
- B. **APPLICATION.** The Significant Resource Overlay Zone shall be applied to those sites that have been designated by Morrow County as a Significant Resource and listed in the Morrow County Comprehensive Plan. The resource categories in Division 23 that can be listed as "significant" and protected under Goal 5 are:
- Mineral and Aggregate Resources
 - Wetlands
 - Wildlife Habitat
 - Federal Wild and Scenic Rivers
 - Oregon Scenic Waterways
 - Groundwater Resources
 - Approved Oregon Recreation Trails
 - Natural Areas
 - Wilderness Areas
 - Riparian Corridors
 - Energy Sources
 - Historic Resources
 - Open Space
 - Scenic Views and Sites
- C. **CATEGORIES.**
1. **Aggregate and Mineral Sites.** The Zoning Map will be amended to apply the Overlay Zone to an approved mining site including an impact area. Mineral and aggregate sites approved in Morrow County may have an impact area of up to 1500 feet when permitted under certain Comprehensive Plan approval processes. Based on the Comprehensive Plan analysis development in an Overlay Zone impact area is subject to the following standards:
 - a. **Uses permitted Outright.** Uses permitted outright in the underlying zone, except conflicting uses described in the Comprehensive Plan Analysis may be permitted subject to the standards and criteria of the underlying zone.
 - b. **Uses Allowed Conditionally.** Uses permitted conditionally in the underlying zone and conflicting uses shall be reviewed as conditional uses subject to the standards and criteria of the underlying zone and the criteria listed in paragraph 4 below.
 - c. **Prohibited Uses.** Uses identified through the Comprehensive Plan analysis as incompatible with mining in all instances shall not be permitted within the impact area.
 - d. **Approval Criteria for proposed uses allowed conditionally in the impact area.** The applicant must demonstrate compliance with the following criteria:

- i. The proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations;
- ii. The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this Section or County approval in the Comprehensive Plan;
- iii. An application for a new noise or dust sensitive use shall demonstrate that the mining operation in the adjacent extraction area will maintain compliance with DEQ noise control standards and ambient air quality and emission standards as measured at the new noise or dust sensitive use. If deemed necessary by the Planning Director, the applicant for a new noise sensitive use shall submit an analysis prepared by an acoustical engineer, demonstrating that the applicable DEQ noise control standards are met or can be met by a specified date. If noise mitigation measures are necessary to ensure continued compliance on the part of the mining operation such measures shall be a condition of approval. If noise mitigation measures are inadequate to ensure compliance with DEQ noise control standards, the noise sensitive use shall not be approved within the impact area.

Termination of the Overlay Zone. When a significant aggregate site has been depleted or can be proven to be uneconomical to mine, and either the reclamation completed or a proposed zone change and development approved by the County that would eliminate the need for the reclamation, the Overlay Zone can be removed. Rezoning or other actions to terminate mining or the protection of the resource will not relieve requirements on the part of the owner or operator of obligations regarding the site in accordance with County approvals and Oregon State Law.

2. Sensitive Bird Nesting Sites

- a. Bald and golden eagle nest sites and communal roost sites shall be protected in accordance with U.S. Fish and Wildlife Service "Oregon-Washington Bald Eagle Management Guidelines."
- b. No development shall be allowed within a 300' radius of a sensitive bird-nesting site. Exceptions to this standard shall be based on written recommendations from ODFW.

3. Riparian Vegetation/Wetlands

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

b. All dwellings and other non-water dependent structures shall be set back a minimum of 100 feet from the high water level of the stream or the water body reaches during normal seasonal run-off.

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

4. Big Game Range Restrictions

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

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

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

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

e. If the Planning Director finds, after consultation with the Oregon Department of Fish and Wildlife, that a proposed residential development at a lower lot or parcel size and/or higher dwelling density would not significantly impact the resource, the minimum lot or parcel size and/or maximum density standard of this section may be waived accordingly.

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

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

5. Wildlife Habitat Zone

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

D. LIST OF CONFLICTING USES AND ACTIVITIES

1. Sensitive Bird nesting sites

a. Bald and Golden eagles

- 1) Use of chemicals
- 2) Residential development
- 3) Permanent structures
- 4) Road construction
- 5) Human activity during roost period (November-March)
- 6) Mining
- 7) Powerlines

2. Riparian Vegetation/Wetlands

- a. Road construction
- b. Campgrounds
- c. Any long term use adversely impacting water quality and quantity (including temperature)
- d. Any use impeding the movement of wildlife from one habitat to another.
- e. Any long term use adversely resulting in the loss of vegetation diversity within the riparian zone.
- f. Mining.

3. Big Game

- a. Residential uses
- b. Road Construction

4. Water Resources

- a. Groundwater - Any use affecting the quality and quantity of existing groundwater resources.
- b. Streams and ponds - Residential, commercial, and industrial development, mining, removal of vegetation.

E. RESPONSIBLE AGENCY LIST. The following agencies shall be consulted when a use or activity is proposed in the following resource areas.

1. Fish and Wildlife Habitat:
Oregon Department of Fish and Wildlife (i.e., surface water, wildlife, wetland areas, big game habitat, and nest sites)
U.S. Department of Fish Wildlife when they have jurisdiction
2. Water Resources:
Division of State Lands
Department of Transportation
Department of Water Resources
3. Energy Resources:
Department of Energy
4. Mineral and Aggregate Resources:
Public Works
Oregon Department of Transportation
Department of Geology and Mineral Industries
5. Parks and Recreation Scenic:
State Parks and Recreation Waterways
State Department of Transportation
6. Geothermal Resources:
Department of Geology and Mineral Industries
7. Riparian Habitat:
Agencies listed under subsection 1 above
Department of Environmental Quality involving water quality
Soil Conservation Services involving soil quality (erosion)

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 Access within the influence area of existing or proposed state highway interchanges 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.

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 ^a
Arterial	600	600	300
Collector	300	300	100
Local	200	200	Access to each lot

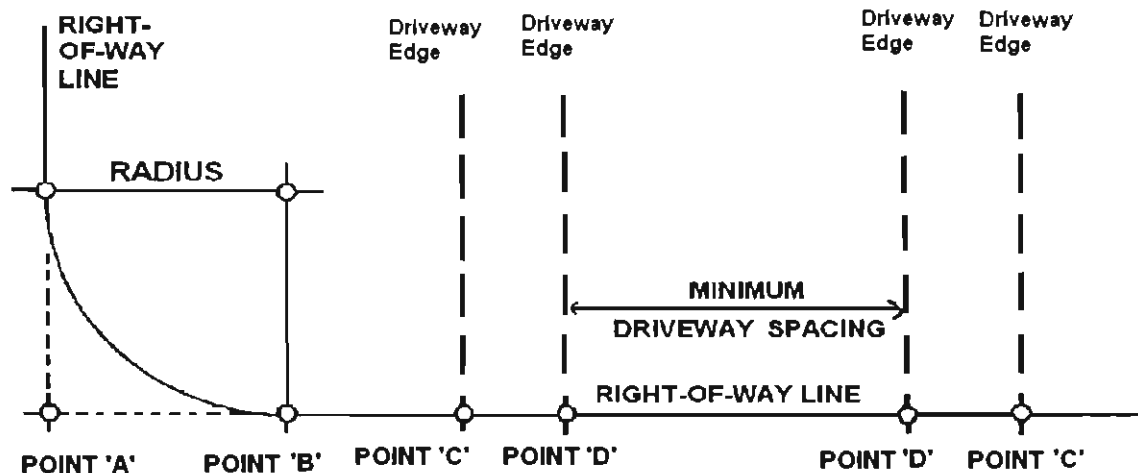
a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards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



1. 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.

INTERSECTIONAL SIGHT DISTANCE	
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			
	<u>Footprint</u> <u>(setbacks)</u>	<u>Access*</u>	<u>Transportation</u> <u>Improvements</u>	<u>DEQ Site</u> <u>Suitability</u>	<u>Parkin</u> <u>g</u>	<u>Sign</u>	<u>Review</u>	<u>Action</u>
Zoning Permit								
Residential	Yes	Designated access	Frontage improvements.	Yes	N/A	N/A	Staff	Bldg. permits Road approach permit
Commercial	Yes	Legal	Under 400 trips.		Yes	Yes	Staff	Bldg. permits

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

Permit Type	Plot Plan Requirements		Conditions	Review/Approval Type				
Industrial	Yes	access via r/w or easement.	Frontage improvements. Over 400 trips; TIA.		Yes	Yes	Staff	Road approach permit
		Legal access via r/w or easement.	Under 400 trips; Frontage improvements. Over 400 trips; TIA					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
Land Partition								
1 to 3 Lots		Legal access via r/w or easement.	Frontage improvements.				Planning Comm.	Approval Road Approach permit
Subdivision								
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
Conditional Use Permit								
	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 7. Elementary or junior high school 8. High school, college, commercial school for adults	One space per 400 gross square feet Two spaces per FTE staff 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. 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.

MINIMUM PARKING REQUIREMENTS

USE	MINIMUM VEHICLE PARKING REQUIREMENTS
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.
D. Commercial Amusement	
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
E. Commercial	
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
F. Industrial	
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.

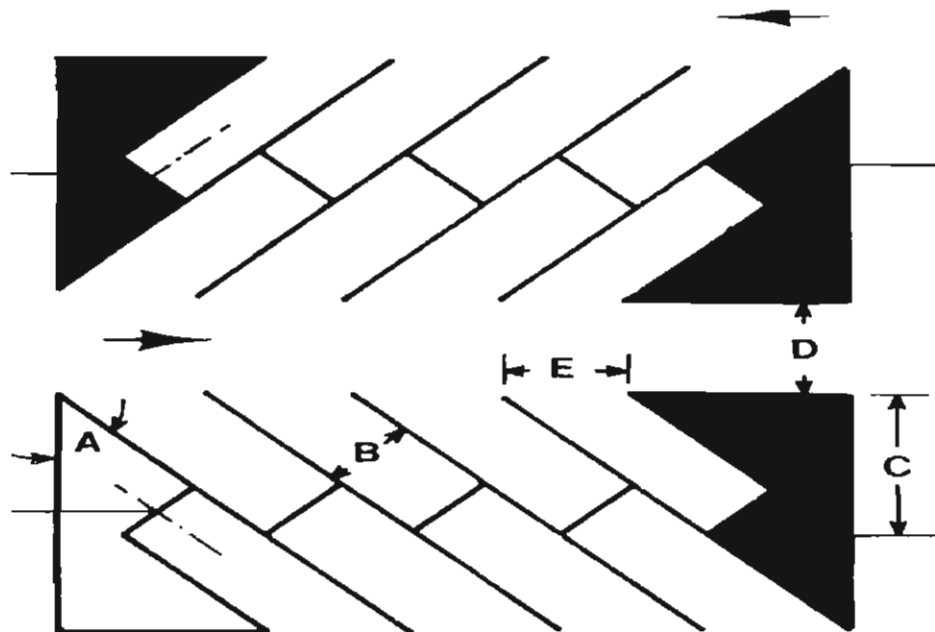
H. Driveways shall maintain minimum sight distance per the standards of Section 4.020 of this Ordinance.

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.

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

1. Normal operation, maintenance, repair, and preservation of existing transportation facilities (roadways, bridges, etc.) including the use of stockpile sites in support of operation, maintenance, repair and preservation.
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. 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.

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.

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, DLCD 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 6. CONDITIONAL USES

SECTION 6.010. AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

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

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

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

SECTION 6.020. GENERAL CRITERIA

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

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

SECTION 6.025. RESOURCE ZONE STANDARDS FOR APPROVAL.

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

3. A written statement recorded with the deed or written contract with the County is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

SECTION 6.030. GENERAL CONDITIONS.

In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size or location of a building or other structure.
- D. Designating the size, number, location and nature of vehicle access points.
 1. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.
 2. In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards.(MC-C-8-98)
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
 1. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.
- G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

J. Designating the size, height, location and materials for a fence.

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

L. Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.

SECTION 6.040. PERMIT AND IMPROVEMENTS ASSURANCE.

The Commission may require an applicant to furnish the County with a performance bond or such other form of assurance that the Commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

SECTION 6.050. STANDARDS GOVERNING CONDITIONAL USES.

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

A. Airports, aircraft landing fields, aircraft charter, rental, service and maintenance facilities not located in an Aircraft Approach Zone: The Planning Commission shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, nor that the location will unnecessarily restrict existing and future development of surrounding lands as designated by the Comprehensive Plan.

B. Automobile wrecking yard or junk yard: In considering a conditional use application for an automobile wrecking yard or junk yard, the Commission shall require that it be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height. If applicable, the Commission shall be assured that the proposal is in conformance with applicable State regulations.

C. Cemeteries: The Commission shall require evidence and shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect on ground water sources or domestic water supplies in the area of the proposed use.

D. Church, hospital, nursing home, convalescent home, retirement home:

1. Such uses may be authorized as a conditional use only after consideration of the following factors:

- a. Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).
- b. Location of the site relative to the service area.
- c. Probable growth and needs therefore.
- d. Site location relative to land uses in the vicinity.

e. Adequacy of access to and from principal streets together with the probable effects on the traffic volumes of abutting and nearby streets.

2. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.

3. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

E. Clinics, clubs, lodges, fraternal organizations, community centers and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Planning Commission may authorize the conditional use after assurance that the following are to be provided:

1. Adequate access from principal streets.

2. Adequate off-street parking.

3. Adequate building and site design provisions to minimize noise and glare from the building and site.

F. Dog Pounds and Kennels: The Planning Commission may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Planning Commission may require a sight-obscurer fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

G. Home Occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:

1. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.

2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alteration have been reviewed and approved by the Planning Commission. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.

3. One non-illuminated sign not to exceed 200 square inches and bearing only the name and occupation of the resident shall be permitted.

4. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interferences with radio or television reception, or other factors.

5. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.

6. Retail sales shall be limited or accessory to a service.

7. No persons shall be employed except members of the immediate family.

8. The permit allowing a home occupation shall be reviewed every 12 months following the date the permit was issued and may continue the permit if the home occupation continues to comply with the requirements of this section.

H. Landfill, solid waste disposal site: The Planning Commission may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

1. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.

2. The proposed site shall be located in or as near as possible to the area being served.

3. The proposed site shall be located at least one-fourth mile from any existing dwelling, home, or public road (except the access road).

4. The proposed site shall be provided with a maintained access road (all-weather).

I. Mining, or other extraction activity: The following uses shall be permitted subject to the review standards of this Ordinance: mining more than 1000 cubic yards on land zoned for Farm Use (EFU, RRI and SF40) and 5000 cubic yards in other zones (i.e. PI, MG, SAI and FU) of material, stockpiling and processing of mineral and aggregate materials. Temporary use of offices, shops or other accessory structures used for the management and maintenance of mining and processing equipment; sale of mining products extracted and processed on-site; storage of transportation equipment or storage of machinery or equipment used in conjunction with on-site mining or processing; other activities including buildings and structures necessary and accessory to development or reclamation of a mineral or aggregate resource should be part of the overall conditional permit application.

General Permitting Provisions:

1. New Permit: For an application for mining to be complete an applicant must provide a map and other documentation to show the permit area boundary, property lines and other pertinent information that will address the requirements of the Approval Criteria.

2. Continuation: When a mine has been lawfully permitted in the County and the owner or operator was issued and continuously renewed a State permit, the permit will remain valid as long as the operation still conforms to the Conditions of the local and State permits. After a period of inactivity of 12 years, and the owner or operator wishes to renew mine activity, a Zoning Permit re-validation letter (along with the usual Zoning Permit fee) must be submitted to the Planning

Department in order to review the Conditions of Approval. Approval of this type of request is not a land use decision and shall be an administrative action by the Planning Director without a public hearing but shall be subject to an at least 14-day notice to affected landowners.

3. Alteration: Requests for permit alteration shall be made when the operator or owner proposes changes to the mining activity that no longer conform to the requirements of the original permit. For alterations if the decision does not involve an amendment to the Comprehensive Plan, it shall be an administrative decision by the Planning Director without a public hearing but shall be subject to an at least 14-day public notice period to provide an opportunity for any person adversely affected, or who is entitled to notice, to file an appeal.
4. Emergency Permits. In concurrence with a DOGAMI emergency operating permit, the Planning Director may issue an emergency aggregate mining approval in response to a natural disaster with the intent to abate the imminent threat. The permit will be valid for the duration of the concurrent DOGAMI permit. If after termination of the emergency operating permit the operator wishes to continue the mining operation, the operator shall follow the procedures for an aggregate mine approval as required in the use zone the mining operation is located in.

Local Permit Approval Criteria: An application for mineral or aggregate mining must address provisions found in Article 6 Conditional Uses Section 6.020 General Criteria, Section 6.025 Resource Zone Standards for Approval when in a Farm or Forest Zone, and the following:

1. Proposed hours and/or days of operation. The conditions as to when the mining and processing would be restricted to specific hours of operation or days when mining operations would be limited. For operations conducted after dark, limiting the location and intensity of outdoor lighting and requiring its shielding.
2. Limiting or otherwise designating the number, size, location, height, and lighting of signs. Signs other than safety signs must comply with the sign requirements in Section 4 of the Zoning Ordinance.
3. A rock crusher, washer or sorter shall not be located within 500 feet from a residential or commercial use unless it can be established that the use will meet DEQ performance standards for noise and not be expected to cause a noise nuisance at nearby residential or commercial uses. In farm or forest use zones the processing of rock, aggregate or minerals shall not be within one-half mile of a noise sensitive area if the operation operates more than nine hours per day or for more than five days per week. (ORS 467.120(2)).
4. All water necessary for the proposed operation shall be appropriated and legally available to the site.
5. The discharge of airborne contaminants and dust created by mining shall comply with applicable DEQ ambient air quality and emissions standards, or approval shall be conditioned to ensure that such standards will not be violated.

6. A Reclamation Plan approved by DOGAMI will be required for mining operations. When reviewing an applicant's submittal regarding a proposed reclamation plan, Morrow County will review the plan against the following criteria:
 - a. A description of the present land use and planned beneficial use of the site following the mining activity. The applicant must demonstrate that the planned beneficial use is compatible with the Comprehensive Plan and Zoning Ordinance.
 - b. Provisions for the backfilling, recontouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding or planting rates, and schedules;
 - c. Provisions for adequate setbacks and slopes to protect adjacent property and public safety;
 - d. A proposed time schedule for surface mining and reclamation procedures for the removal or disposal of all equipment, refuse, structures, and foundations from the permit area except permanent structures that are part of an approved Reclamation Plan.
7. In accordance with the Transportation System Plan, the requirements of the Public Works Department or the Oregon Department of Transportation shall be complied with regarding the minimization of potential conflicts to local roads used for access and egress to the mining site.
8. Designating the size, number, location and nature of vehicle access points.
 - a. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.
 - b. In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards.(MC-C-8-98)
9. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way. It is the responsibility of the land owner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)
10. An application for a mining operation contiguous to an existing operation approved under this section shall be evaluated in conjunction with the existing site when it appears the sites will be managed and operated as one.
11. Ensuring adequate space for parking and loading.
12. Approvals for or that include operations that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a

planted vineyard.(one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed).

13. A plan for the control of noxious weeds.

J. Commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot in a residential zone. In any zone, permitting a commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone may be permitted as a conditional use subject to the following standards:

1. A sight-obscurating fence or evergreen hedge may be required by the Planning Commission when, in its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
2. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise, or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.
3. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

K. Commercial amusement establishment. A commercial amusement establishment may be authorized after consideration of the following factors:

1. Adequacy of access from principal streets together with the probable effect of traffic volumes of abutting and nearby streets.
2. Adequacy of off-street parking.
3. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

L. Mobile Home Park. A mobile home park shall be built to state standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the Commission's approval prior to occupancy.

1. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
2. The space provided for each mobile home shall be provided with piped potable water and electrical and sewerage connections and shall not be less than 30 feet in width nor less than 40 feet in length.
3. The number of spaces for mobile homes shall not exceed 12 for each acre of the total area in the mobile home park. Except that the Commission may vary this density as follows:

- a. If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.
 - b. If in addition to (a) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.
 - c. If in addition to (a) and (b) an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible - 25%).
4. A mobile home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the mobile homes and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.
5. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building or structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
6. A mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official.
- a. It shall have a state insignia indicating compliance with Oregon State Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.
 - b. Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the mobile home shall meet the state standards for mobile home construction evidenced by the insignia.
 - c. It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
 - d. It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.
7. A mobile home permitted in the park shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet state standards for tie down devices.
8. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
9. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height. The fence or hedge shall be maintained in a neat appearance.

10. If the park provides spaces for 50 or more mobile home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the appropriate fire department.

11. If a mobile home space or permanent structure in a park within the Urban Growth Boundary of a city is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the affected city.

12. Open Space. A minimum of at least 2,500 square feet plus 100 square feet per mobile home space shall be provided for a recreational play area group or community activities. (No play area is required if the individual mobile home spaces contain in excess of 4,000 square feet). The Planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use.

No recreation facility created within a mobile home park wholly to satisfy the requirements of this section shall be open to, or offered in itself to, the general public.

13. Parking space requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall also be provided in every mobile home park within 200 feet of the mobile home spaces and at a ratio of one parking space for each two mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

14. All mobile home parks over 10 acres in size shall be located so as to have access on a street designated as a collector street.

15. All trailer parks containing a total site area of 20 acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.

16. Lighting shall be installed along the access ways of the trailer park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wire for service to light poles and trailer spaces shall be underground.

17. Roadways within the park shall be improved with an all-weather dustless surface and shall not be less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two spaces in the park).

18. No mobile home park shall be created on a site less than one acre.

M. Multi-Family Dwelling Complex. A multi-family dwelling complex shall comply with the following provisions, and any additional conditions set forth in the Commission's approval, and shall be constructed pursuant thereto prior to occupancy.

1. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:

a. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum 10% increase in the number of units may be granted.

b. If in addition to (a) a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased 5%.

c. If in addition to (a) and (b) an approved recreational community building is provided, an additional 10% increase of units may be granted. (Maximum total increase possible is 25%).

2. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.

3. If such a complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the affected way.

4. A minimum of at least 2,500 square feet plus 100 square feet per dwelling unit shall be provided for a recreational play area, group or community activities. Such area shall be improved with grass, plantings, surfacing, equipment or buildings suitable for recreational use. The Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent. (No play area is required if more than 70% of the area is preserved as open space and is sufficiently developed and landscaped, or the development is to be occupied solely by the elderly.

5. All such complexes with more than 20 dwelling units shall be located so as to have access on a street designated as a collector unless otherwise approved by the Commission.

6. All such complexes shall provide both an ingress and egress.

7. All roadways and parking areas shall be paved, and roadways shall not be less than 20 feet in width, except as approved by the Commission.

8. A sight-obscuring fence or evergreen hedge may be required by the Commission when, in its judgement, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.

9. All accessory structures associated with such a complex shall be set back 50 feet from the property line of an abutting single-family residential lot or use.

N. Recreational Vehicle Park (RV Park). A recreational vehicle park shall be built to state building code and public health standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the Commission's approval prior to occupancy. RV Parks constructed or operated on resource land to address temporary workforce housing needs shall conform with Oregon Administrative Rule.

1. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway.

2. Roadways shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each RV space.

3. Trash receptacles for the disposal of solid waste materials shall be provided at a rate of one 30 gallon container for each four RV spaces and be located within 300 feet of each RV space.

4. Recreational Vehicles may be permitted to stay in RV Parks indefinitely provided that the following conditions are met:

a. It is lawfully connected to water and electrical supply systems and a sewage disposal system.

b. Winterizing and skirting shall be required.

c. There shall be no outdoor storage.

d. Occupancy of each RV shall not exceed the number of persons for which the RV was designed and manufactured.

e. A copy of the park rules shall be submitted by the park owner and kept on file in the Planning Department. (MC-C-1-01)

5. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park shall be equal to one space per RV space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

O. Radio, television tower, utility station or substation:

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

2. The use may be required to be fenced and provided with landscaping.

3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.

4. Transmission towers, hoses, overhead wires, plumbing stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

SECTION 6.060. PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.

The procedure for taking action on a conditional use application shall follow the procedures outlined in Article 9 and as further defined below:

A. A property owner may initiate a request for a conditional use by filing an application with the Planning Department, using forms prescribed pursuant to Article 9. Applications shall be filed with the Planning Department at least 35 days prior to the Planning Commission meeting of submittal thereto.

B. If an application for a conditional use involves property and a use located within the Urban Growth Boundary of an incorporated city the Joint Management Agreement in place with that city will govern.

SECTION 6.070. TIME LIMIT TO INITIATE A CONDITIONAL USE.

- A. On land zoned for Farm Use or Forest Use a conditional use permit is valid for two years from the date of the final decision. The County may grant ministerially where applicable criteria for the decision have not changed an extension period of up to 12 months on land zoned for Farm Use or Forest Use if:
 1. An applicant makes a written request for an extension of the development approval period;
 2. The request is submitted to the county prior to the expiration of the approval period;
 3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
 4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
- B. Non-Farm Dwelling and Forest Template Dwelling permits are valid for four years and an extension, when requested using the provisions above, is valid for two years.
- C. On land zoned other than Farm or Forest Use, a conditional use is valid for two years. In the case of appeals, the two year permit period shall be tolled until a decision by a review authority with final jurisdiction is made that is not appealed.

Additional one-year extensions may be authorized by county staff without providing notice and opportunity for a hearing under the following conditions:.

1. An applicant makes a written request for an extension of the development approval period;
2. The request is submitted to the county prior to the expiration of the approval period, excepting any request under consideration on the date of adoption of this amendment;
3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
4. The county finds that any of the following conditions occurred within the approval period:

- a. State or Federal permits were applied for, but not issued within the approval period.
 - b. At least 10 percent of the cost of development, based on estimated or actual expenditures, has been expended to develop plans, file for permits, and complete other preliminary designs such as sewage disposal, provision of potable water, storm water management and other engineering designs necessary for the development.
 - c. Provisions of the County Code applicable to the original approval have not changed.
- D. Approval of an extension granted under this Section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
- E. The time periods described above do not take effect until all appeals are complete.

SECTION 6.075. LENGTH OF PERMITS, PERMIT HOLDER, RENEWAL AND REVOCATION.

- A. Length of Permit and Permit Holder: The County may evaluate how long a particular conditional use is expected to remain valid. Some conditional uses may be considered "permanent" as a fully developed use that "runs with the land" and it attaches to and benefits the land and is not limited to a particular landowner. The County may require the owner of the original conditional use permit to record the permitted use on the deed record. The permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

A conditional use permit may allow a use that would benefit the permit owner on a sporadic or temporary basis until the purpose for the conditional use permit no longer exists. Upon termination of the use, the land must be in a condition that it may be re-developed in compliance with its current zoning designation. The County may authorize a conditional use permit until a particular date, for a stated period of time, or until the occurrence of a particular event. Additionally, the County may stipulate that a Conditional Use Permit will be reviewed or renewable after a stated time period.

- B. Reviews and Renewals. If a review or renewal date is included as a condition by which a conditional use permit is granted, initial review would be ministerial and completed by the Planning Director. The holder of the conditional use permit will be required to make application and pay the requisite fee for review. The review would evaluate the permit conditions and adherence to them, determine if any changes had taken place with the uses allowed in the zone, and determine whether any complaints had been logged concerning the property or the conditional use. If any concerns arise further review will take place at a public hearing with notice. If no concerns arise the permit will be renewed.

For conditional use permits without a review or renewal condition, or if complaints are received concerning a conditional use permit, the County may review any valid conditional use permit for compliance with the conditions of the permit. This review would be a ministerial review done by the Planning Director. If it is deemed necessary by the Planning Director to amend or revoke the permit, a public hearing with notice must be held before the Planning Commission. If action is based on a complaint the complainant may be required to pay any permit review or renewal application fees.

- C. Revocation or Vacation. Any conditional use permit may be vacated by the current landowner or by the County after appropriate notice and hearing when:
- The use has been terminated and there is no expectation by the land owner and the County that the use will continue;
 - The use is not being conducted in compliance with the stated conditions of the permit, or
 - The County finds that the use jeopardizes the public health, safety and welfare of Morrow County and the use does not conform to the Morrow County Code Enforcement Ordinance or other adopted ordinances.

SECTION 6.080. OCCUPANCY PERMIT.

The Commission may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of this Ordinance. The Commission shall consider such a requirement for any use authorized by a conditional use permit for which the conditions have been established by the Commission upon approval of such use. The requirement of an Occupancy Permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Commission. The authority to issue an Occupancy Permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the Commission at the time of approval of a specific conditional use permit to the Secretary of the Commission, the Planning Director, and/or the Building Official.

ARTICLE 8. AMENDMENTS

SECTION 8.010. AUTHORIZATION TO INITIATE AMENDMENTS. An amendment to the text of this Ordinance or to a zoning map may be initiated by the County Court, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Department using forms prescribed pursuant to Article 9.

SECTION 8.020. PUBLIC HEARINGS ON AMENDMENTS. The Planning Commission shall conduct at least one public hearing on the proposed amendment within 60 days after the amendment is proposed and shall recommend to the County Court approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the County Court shall hold at least one public hearing on the proposed amendment.

SECTION 8.030. NOTICE. Notice will be provided according to Article 9 of this Ordinance. It will be reasonably calculated to give actual notice to interested persons, including news media as required, and to those which have requested notice, of the time and place for any and all hearings.

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).

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)

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

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

SECTION 8.050. LIMITATIONS ON REAPPLICATIONS. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the six (6) month period immediately following denial of a previous application; if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it, however, the Planning Commission may permit a new application.

SECTION 8.060. FINAL DECISION. The decision of the County Court will be final unless appealed. Eligibility to appeal is governed by Oregon Revised Statute and Oregon Administrative Rule.

THE GOAL 5 ANALYSIS

In 2013 the mineral and aggregate Goal 5 analysis and policies were updated. This update included a change from OAR Division 16 to OAR Division 23 protection procedures and thereby eliminated the old Division 16 Goal 5 categories with numbers and letters such as 1B, etc. This change is reflected only in the Mineral and Aggregate references. When the County updates the remaining sections of this part of the Comprehensive Plan, the references to the old Division 16 categories will be gradually eliminated and replaced with Division 23 protections.

Open Space: 1B

References: Plan (p. 69, general description of land resources). Applicable policies: 1A-E (p. 79); 1F, I, K, M (p. 80); 2 B-G (p. 81).

Analysis: Morrow County is very rural with only 0.2% of the county in urban development (p. 69); other land uses include rangeland (about 1/2 of the county), cropland (1/4) and forest (1/4). Maintaining open space, even in urbanizable areas, does not pose a problem.

Although the County Plan does not specifically address open space, plan policies insure that it is incorporated in county planning.

Conclusion: The county has not identified a need for open space or specific areas where it would be desirable. Open space has been accorded a category of 1-B.

Mineral and Aggregate Resources

When an application has been received to protect an aggregate or mineral resource, or the County decides to inventory mineral and aggregate resources in its jurisdiction, the County will use the definitions in OAR 660 Division 23. The protection process will meet the requirements as outlined below dependent upon the zoning of the subject property and the size of the mining operation.

Option 1. Large sites on land zoned for Farm Use (EFU, RRI and SF40) with more than 500,000 tons of material to be mined:

- I. Significance. Quality, quantity, and location of the resource must meet the following criteria:
 - A. A representative sample of aggregate material on the site must meet ODOT specifications for base rock for air degradation, abrasion, and soundness,
 - B. The estimated amount of material is more than 500,000 tons over the duration of the mining operation;
 - C. Location criteria involves whether or not more than 35 percent of the proposed mining area consists of soil classified as Class II or a combination of Class II and Class I or Unique soil. Generally, Morrow County soils are not of these prohibitive classifications where aggregate sites are concerned. A Soils Map must be included in the analysis, however.
- II. Impact Analysis: The possible conflicts to be analyzed are specifically limited to dwellings, noise, dust and other discharges, transportation issues, safety, conflicts with agricultural practices and other Goal 5 protected resources. Once conflicts have been identified, reasonable and practicable measures that can be taken to reduce the conflicts are analyzed. If no conflicts exist or if they can be minimized, mining must be

allowed. If conflicts do exist and they cannot be minimized, an economic, social, environmental, and energy (ESEE) analysis must be fully done. The analysis may address each of the identified conflicts, or it may address a group of similar conflicts. The County may develop one ESEE analysis for mining sites within similar zoning designations that will contain a matrix of commonly occurring conflicts and apply the matrix to future mining analyses.

- A. Determine an impact area for the purpose of identifying conflicts with the proposed mining and processing activities. The impact area shall be large enough to include existing uses allowed in the Zone, but shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance.
- B. Determine existing or approved land uses within the impact area that are conflicting uses and the potential conflicts created by the proposed mining operation. Conflicts shall be limited to those as follows:
- C. Determine reasonable and practicable measures that would minimize the conflicts identified. The measures shall meet the following standards:
 1. They shall not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use
- D. Dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted;
 1. Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities that are sensitive to such discharges;
 2. Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the Transportation System Plan. Conflicts shall be determined based on clear and objective standards.
 3. Safety conflicts with existing public airports due to bird attractants;
 4. Conflicts with other Goal 5 resource sites within the impact area included in the Comprehensive Plan's Inventory of Significant Resources;
 5. Conflicts with agricultural practices; and
 6. Other conflicts for which consideration is necessary in order to carry out the goals and policies of the Comprehensive Plan and Oregon State regulations.
- E. An analysis of the ESEE consequences is not necessary if reasonable and practicable measures are identified to minimize the identified conflicts and mining shall be allowed at the site.
- F. ESEE Consequences Analysis for conflicts that cannot be minimized: The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. An ESEE analysis will:
 1. define the impact area;
 2. identify dwellings within the impact area, either existing or for which conditional or final approvals have been granted, that will be adversely affected by the proposed mining operations;
 3. identify other conflicts due to noise, dust, other discharges, transportation, safety to public airports, other Goal 5 resources sites

- within the impact area, conflicts with agricultural practices, and other conflicts for which consideration is necessary in order to carry out the requirements of DOGAM;
 - 4. analyze the economic, social, environmental, and energy (ESEE) consequences of the conflicts. This analysis will include information regarding future conflicts to a proposed mining site in order to contribute to the resource's protection plan if the mining would be allowed.
 - G. Present the County's decision whether or not to allow mining based on the ESEE analysis by either allowing, limiting, or not allowing mining at the site with consideration to the following:
 - 1. The degree of adverse effect on existing land uses within the impact area;
 - 2. Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
 - 3. The probable duration of the mining operation and the proposed post-mining use of the site.
- III. Resource Protection Program. When mining is allowed at a site, the County must then consider whether to limit new uses that might occur in the impact area in order to protect the significant mining resource. One of the following determinations will be reached with regard to new, conflicting uses in the impact area:
 - A. Prohibit the conflicting use. This would be because the mining operation as a resource is more important compared to the conflicting use, and the ESEE consequences of allowing the conflicting use would be detrimental to the resource.
 - B. Allow the conflicting use in a limited way. The County may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.
 - C. Fully allow the conflicting use. The county may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the mine. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided.
- IV. Comprehensive Plan Amendments. Whenever the County Court has deemed a mining operation to be significant by the standards set forth in this Plan, the site will be included in the County's Comprehensive Plan Inventory of Natural Resources - Aggregate and Mineral Resources, the Comprehensive Plan Map of Significant Aggregate and Mineral Resources, and the Significant Resource Overlay Zone Map to include the site, including the impact area. The amendment to the Comprehensive Plan Inventory of Natural Resources will have the following information:
 - A. Description, including a map, of the resource area including the impact area;
 - B. Information on quality and quantity of the resource and the significance of the site;
 - C. The analysis language regarding the resource conflicting uses at the site and impact area and ESEE analysis, if any;
 - D. The analysis language regarding whether or not mining is allowed, including levels of allowed conflicting uses;

- E. Provisions for post mining use, which shall be determined in coordination with DOGAMI.

Option 2. Small sites on land zoned for Farm Use (EFU, RRI and SF40) with 500,000 tons or less of material to be mined:

- I. Significance: The aggregate site must meet the following conditions to be considered significant under this section:
 - A. The quantity of material proposed to be mined from the site is estimated to be 500,000 tons or less over the duration of the mining operation;
 - B. Not more than 35 percent of the proposed mining area consists of Class I, Class II, or a combination or Unique soil.
- II. Approval Criteria. When determined to be significant under this section, an aggregate site on farmland must meet the following criteria:
 - A. The proposed aggregate mine shall satisfy the standards of the Conditional Use Permit approval process outlined in the Zoning Ordinance;
 - B. Post mining use of the site shall be a use allowed under in the Zoning Ordinance and provided for in coordination with DOGAMI regarding the regulation and reclamation of aggregate sites, except where exempt.
 - C. The Conditional Use Permit shall not allow mining of more than 500,000 tons of material.
- III. Comprehensive Plan Amendments. The site will be included in the County's Comprehensive Plan Inventory of Natural Resources - Aggregate and Mineral Resources.

Option 3. Mining 500,000 tons or less of aggregate material on land zoned for Farm Use (EFU, RRI and SF40) AND applicant desires long-term protection of the resource via application of an Impact Area:

- I. Significance (based on OAR 660-023-0180(3.)(b) allowing a lower County threshold for significance). Quality, quantity, and location of the resource must meet the following criteria:
 - A. The estimated amount of material to be mined is between 100,000 tons and 500,000 tons over the duration of the mining operation;
 - B. A representative sample of aggregate material on the site must meet ODOT specifications for base rock for air degradation, abrasion, and soundness;
 - C. Soils analysis must show that not more than 35 percent of the proposed mining area consists of soil classified as Class II or a combination of Class II and Class I or Unique soil.
- II. Impact Analysis. The possible conflicts to be analyzed are specifically limited to dwellings, noise, dust and other discharges, transportation issues, safety, conflicts with agricultural practices and other Goal 5 protected resources. Once conflicts have been identified, reasonable and practicable measures that can be taken to reduce the conflicts are analyzed. If no conflicts exist or if they can be minimized, mining must be allowed. If conflicts do exist and they cannot be minimized, an economic, social, environmental, and energy (ESEE) analysis must be fully done. The analysis may address each of the identified conflicts, or it may address a group of similar conflicts. The County may develop one ESEE analysis for mining sites within similar zoning

designations that will contain a matrix of commonly occurring conflicts and apply the matrix to future mining analyses.

- A. Determine an impact area for the purpose of identifying conflicts with the proposed mining and processing activities. The impact area shall be large enough to include existing uses allowed in the Zone, but shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance.
- B. Determine existing or approved land uses within the impact area that are conflicting uses and the potential conflicts created by the proposed mining operation. Conflicts shall be limited to those as follows:
- C. Determine reasonable and practicable measures that would minimize the conflicts identified. The measures shall meet the following standards:
 1. They shall not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use
- D. Dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted;
 1. Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities that are sensitive to such discharges;
 2. Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the Transportation System Plan. Conflicts shall be determined based on clear and objective standards.
 3. Safety conflicts with existing public airports due to bird attractants;
 4. Conflicts with other Goal 5 significant resource sites within the impact area included in the Comprehensive Plan's Inventory of Natural Resources;
 5. Conflicts with agricultural practices; and
 6. Other conflicts for which consideration is necessary in order to carry out the goals and policies of the Comprehensive Plan and Oregon State regulations.
- E. An analysis of the ESEE consequences is not necessary if reasonable and practicable measures are identified to minimize the identified conflicts and mining shall be allowed at the site.
- F. ESEE Consequences Analysis for conflicts that cannot be minimized: The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. An ESEE analysis will:
 1. define the impact area;
 2. identify dwellings within the impact area, either existing or for which conditional or final approvals have been granted, that will be adversely affected by the proposed mining operations;
 3. identify other conflicts due to noise, dust, other discharges, transportation, safety to public airports, other Goal 5 resources sites within the impact area, conflicts with agricultural practices, and other conflicts for which consideration is necessary in order to carry out the requirements of DOGAMI;

4. analyze the economic, social, environmental, and energy (ESEE) consequences of the conflicts. This analysis will include information regarding future conflicts to a proposed mining site in order to contribute to the resource's protection plan if the mining would be allowed.
- G. Present the County's decision whether or not to allow mining based on the ESEE analysis by either allowing, limiting, or not allowing mining at the site with consideration to the following:
1. The degree of adverse effect on existing land uses within the impact area;
 2. Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
 3. The probable duration of the mining operation and the proposed post-mining use of the site.
- III. Resource Protection Program. When mining is allowed at a site, the County must then consider whether to limit new uses that might occur in the impact area in order to protect the significant mining resource. One of the following determinations will be reached with regard to new, conflicting uses in the impact area:
- A. Prohibit the conflicting use. This would be because the mining operation as a resource is more important compared to the conflicting use, and the ESEE consequences of allowing the conflicting use would be detrimental to the resource.
 - B. Allow the conflicting use in a limited way. The County may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.
 - C. Fully allow the conflicting use. The County may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the mine. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided.
- IV. Comprehensive Plan Amendments. Whenever the County Court has deemed a mining operation to be significant by the standards set forth in this Plan, the site will be included in the County's Comprehensive Plan Inventory of Natural Resources - Aggregate and Mineral Resources, the Comprehensive Plan Map of Aggregate and Mineral Resources, and the Significant Resource Overlay Zone Map to include the site, including the impact area. The amendment to the Comprehensive Plan Inventory of Natural Resources will have the following information:
- A. Description, including a map, of the resource area including the impact area;
 - B. Information on quality and quantity of the resource and the significance of the site;
 - C. The analysis language regarding the resource conflicting uses at the site and impact area and ESEE analysis, if any;
 - D. The analysis language regarding whether or not mining is allowed, including levels of allowed conflicting uses;
 - E. Provisions for post mining use, which shall be determined in coordination with DOGAMI.

Option 4. Mining in land use zones other than Exclusive Farm Use Zones.

Morrow County has land use zones, such as Port, General and Space Age Industrial and the Forest Use Zone, which have extensive tracts of land, much of it traditionally used for agricultural or forest purposes. This section will provide applicants for mineral and aggregate sites of 100,000 tons or more to be included in Morrow County's Inventory of Natural Resources - Aggregate and Mineral Resources and the Significant Resources Overlay Zone. It should be clear that this process as outlined is voluntary and is not required in any of these zones to allow mining. These provisions would provide additional protections not otherwise available with a Conditional Use Permit.

In response to an application for a Post Acknowledgment Plan Amendment (PAPA) to include a mineral or aggregate site on Morrow County's Inventory of Natural Resources - Aggregate and Mineral Resources, the County may process the application as follows:

- A. Mines producing minerals other than aggregate that will produce more than 5,000 cubic yards of material - follow OAR 660-023-0040 and OAR 660-023-0050 for approval. Amend the Comprehensive Plan Map and Inventory of Natural Resources - Aggregate and Mineral Resources to include the site.
- B. Aggregate sites that will produce more than 100,000 tons of material will follow the procedures in Option 3 the exception being the amount of material mined is over 100,000 tons with no upper limits.

Aggregate Mines with Goal 5 Protection. A list of aggregate sites, attached as Appendix, includes both those with protections under Goal 5 and those located on farmland required to be listed in the Comprehensive Plan. Some were declared significant when the Comprehensive Plan was adopted in 1980 and acknowledged in 1986, and others were on Morrow County's inventory of significant aggregate sites as of September 1, 1996, thus meeting the requirements of OAR 660-023-0180(3)(c). The remainder, approved since that date, were protected under the rules prescribed in OAR 660 Division 023, some being protected under Goal 5 with the majority being on farmland and meeting the requirement of listing in the Comprehensive Plan.

Coal/Methane

References: Mineral Resource Map; Water Resources Map; Wildlife Resources Map; Plan Text

Location; Quality/Quantity: The location of coal and methane is not site specific but area specific. Geologic reports indicate that the coal is low-grade and at present, uneconomical to extract (Plan, p. 70). Methane, also uneconomical to extract at this time, is associated with the coal deposits. The coal/methane area is located in forest use and exclusive farm use zones. The land is in public (FU) and private (EFU) ownership.

If coal/methane extraction becomes feasible, economic benefits must be weighed against those derived from forest use, and sensitive wildlife habitat. These uses may be mutually exclusive. Hydro-electric sites are not considered to be economically feasible at this time. Economic trade-offs can only be considered when conditions change (i.e., when it becomes economical to extract coal/methane). Local communities could grow if coal/methane extraction became a reality.

Environmental impacts would be a significant consideration. These would include but not limited to impacts on watershed and fish and wildlife habitat. Much of the coal/methane area is on federal land. Energy gains include the utilization of coal/methane. Expenditures include the building and/or upgrading of roads.

Conclusion: Morrow County considers the extraction of coal/methane a remote possibility. Any development on public land must be preceded by an environmental impact statement as required by federal regulations. Coal/methane is area specific, but its quantity has not been fully determined. The resource's future prospects are insured by the County's natural resource policies and mineral resource policy. At each plan update, the County will consider available mineral resource data.

Gemstones (Opal)

References: Mineral Resources Map; Plan text; Applicable Plan Policies.

Location; Quality/Quantity: Gem opal is area specific; quantity is not known. Mining of this mineral is not considered to be economically feasible at this time.

The gem opal location is within the County's forest use (FU) zone. Mining is a conditional use. At present, mining gem opal in Morrow County is not economically feasible. Large scale mining could have a discernible impact on nearby communities. The extent, however, is yet to be determined. Environmental impacts of mining include the possibility of stream pollution, soil erosion, and disturbance of wildlife habitat. Energy would be expended in the mining process. The cost, however, would be off-set by the value of the mineral. Access roads are nearby.

Goal 5 Designation: The extent of gem opal occurrence is largely unknown. The quality of the mineral, however, does not support mining at this time. Morrow County has designated the gem opal site as a mine extracting less than 500,000 tons of material.

Plant Fossils

References: Plan (reference); Mineral Resource map (fossil plants); DOGAMI (reference).

Location; Quality/Quantity: Plant fossils are known to occur in at least three locations (Mineral Resources map) and are associated with coal bearing formations. Their value is of scientific/historical interest rather than economic. The three sites are within the National Forest boundary which is not subject to county regulation.

Goal 5 Designation: None. The three identified sites are point locations of a larger formation. The federal government has jurisdiction over the land use.

Pumice/Pumicite

References: Mineral Resources Map, DOGAMI (Mineral and Water Resources of Oregon, Bul. 64, 1969); Water Resources Map (comparison);

Location; Quality/Quantity: Widely scattered deposits of pumice or pumicite occur in northern half of Morrow County (Mineral Resource map). The resource is area specific, not site specific. Quantity has not been assessed. There is not an indication, however, that deposits have commercial value. Pumice/pumicite occurs in the county's EFU zone and may be extracted through a conditional use permit. The general area also includes potential hydro-electric sites,

wildlife refuges, and critical groundwater situations. Impacts would have to be assessed through a site-specific conditional use permit.

Goal 5 Designation: None. The county's pumice/pumicite deposits do not appear to have economic value at this time. Deposits occur over a wide area, consequently, little is known about quantity.

Energy Resources

Hydro-electric - 1A

References: Plan, p. 71, p. 154 (general discussion); Water Resources map (potential dam sites). Applicable plan policies: 2 A (p. 80), 2 C (p. 81), 3 B (p. 81), 1, 2 (p. 155); 10, 11 (p. 156), 16 (p. 157).

Location; Quality/Quantity: There is not an abundance of water in Morrow County, therefore, hydro-electric dam sites are, at best, minimal (p. 155). The State of Oregon has recently completed a low-head hydro study of Morrow County streams -- indicating that no sites are feasible (p. 154). None of the potential dam sites listed in the plan or depicted on the water resource map have been identified as hydro-electric sites.

Solar - 1B

References: Plan (p. 153); Applicable policies: 1-3 (p. 155); 4, 5, 9, 10, 11 (p. 156), 15 (p. 157); Subdivision Ordinance.

Location; Quality/Quantity: The county plan does not treat solar resources as site specific. National Weather records indicate 107 clear days per year for Pendleton. Non-mountain areas in Morrow County would be similar. Solar easements are addressed in the Morrow County Subdivision Ordinance 5.040(7).

Conflicting Uses: Potential conflicting uses exist (e.g., structures, trees). Conflict, however, can only be addressed generally until specific sites are identified.

Conclusion: Solar energy resources have been accorded a 1B designation.

Wind - 1B

References: Plan, p. 153 (general information). Test area for wind-power generation depicted on archeology map (Boardman Bombing Range). Applicable plan policies: 1-3 (p. 155), 10, 11 (p. 156).

Analysis. Prevailing air flow in eastern Oregon is westerly. Almost any location below 1,400 feet elevation, where most of the population lives, is subject to sustained wind. Mean wind speed for Pendleton is about 9.2 mph; this would be expected for similar Morrow County locations. Some testing was completed at the Boardman Bombing Range but data are not readily available. Average wind speed required for energy production is about 12 miles per hour (p. 155).

Conclusion: Wind-generated power may be feasible. Data may be available for wind consistency and velocity at the Boardman Bombing Range. Other data sources or potential wind generated power sites are not known. Goal 5 Designation: 1B.

Wildlife Habitat

Big Game - 3C

References: Plan (p. 76); Wildlife Resources Map; Fish and Wildlife Protection Plan for Morrow County (January, 1979); Applicable Plan policies: s. B-E (p. 81); 5, F-H (p. 83).

Analysis: Morrow County's big game includes mule deer, elk, pronghorn antelope, black bear, and cougar (Plan, p. 76). Big game sensitive habitat are those areas less than 3,000 feet elevation that provide the necessary food, cover, and water during the winter months. Two areas for elk and deer are depicted on the Sensitive Big Game Habitat map in the Protection Plan (note reference above). One of these areas is under federal jurisdiction and is not shown on the County plan's Wildlife Resources map. Antelope are confined to the Army Ordinance Depot lands and is also under federal jurisdiction (Plan, p. 76).

Quality/Quantity: Big game habitat occurs within the County's Exclusive Farm Use (EFU) and Forest Use (FU) zones. This is a mixture of public and private land ownership. Antelope are confined to Army Ordinance Depot land. This land has consequently been accorded a Goal 5 designation of 2A (no conflicting use).

The quality of these areas is insured through the County's plan policies and zoning classifications. The zones in which big game habitat are located meet either Exclusive Farm Use (ORS 215.213) or stringent Forest Use standards. Minimum parcel size for EFU land is 160 acres; the FU zone minimum is 80 acres. In addition, EFU and FU ordinances specifically address Big Game Range Restrictions. Within the big game winter range, the dwelling density is one unit per 160 acres (Ord. 3.010(5)(E)). Big game ranges within the FU zone require a density of not more than one dwelling per 160 acres.

Conflicting Uses: Conflicting uses are those which, if allowed, could negatively impact big game habitat. Primary conflicting uses include dwellings and any activity that would physically destroy the habitat itself. The EFU and FU zones allow dwellings outright and conditionally. Other land uses may occur in either zone; although usually small in scale, they could be detrimental (e.g., mineral extraction). The intent of the zone itself (e.g., agriculture and forest use) could conflict with wildlife habitat.

Economic, Social, Environmental, and Energy (ESEE) Considerations

Economic impacts of allowing conflicting uses are complex. Diminishing critical wildlife habitat results in the reduction of animals. This in turn impacts hunting--which contributes to area economy. According to ODFW data, the 1977 gross economic impact of big game hunting in Morrow County was \$4,530,545 (Source ODFW Habitat Protection Plan, February 1979, Table 5, p. 14). There are also impacts associated with maintaining critical wildlife habitat areas. Dwelling density is restricted. In addition, large game animals migrate from management areas onto private land and eat hay crops. This constitutes an economic loss to the farmer or rancher. Social impacts do not appear to be significant.

Adverse environmental impacts also arise from allowing conflicting use. The presence of dwellings tends to drive animals away. This is especially serious in designated critical wildlife areas. Impacts associated with energy do not appear to be significant.

Goal 5 Designation: Big game habitat is accorded a 2A designation where it coincides with public land (no conflicting use) and a 3C designation where it coincides with private land (specifically limit conflicting use). Conflicting uses are inherent in EFU and FU zones.

Program to Achieve the Goal: Protection of big game habitat is achieved through plan policies; the County's adoption of ODFW's Fish and Wildlife Habitat Protection Plan for Morrow County, 1979, the 160-acre density standards established under the resource zones (EFU and FU zone) and the siting standards under the SR zone.

Upland Game Birds; Waterfowl - 3C, 2A (Public Land)

References: Plan (ref.); Wildlife map shows three sensitive habitat areas; Fish and Wildlife Protection Plan for Morrow County, ODFW, 1979, pp. 15-19 (upland game birds), pp. 19-21 (waterfowl); Applicable policies: 1. (F) pp. 79-80, I. (I,K), p. 80; 2. (b), p. 81, 5. (A, B, D, E, G, H), pp. 82-83; Riparian setback ordinance 3.010 (6)(D); 3.020 (6)(D).

Location: Upland game bird and waterfowl habitats are both specific (Irrigon WMA, Coyote Springs WMA, Umatilla National Wildlife Refuge) and general (county-wide). The three natural areas are protected by the federal government (2A). ODFW's Habitat Protection Plan also identifies riparian areas as Sensitive Upland Game birds and waterfowl habitat areas (p. 16).

Conflicting Use: Habitat diversity is the key to providing optimum upland game bird populations. Any land use that changes the characteristics of riparian areas, inundates large expanses of sage brush-grassland areas or reduces the diversity in the forest areas will adversely affect the population and production of upland game bird species in Morrow County. Modern farming practices of utilizing the maximum amount of land, such as removing brushy areas, wood lots and riparian vegetation, can only reduce habitat that is needed by upland game birds. Overgrazing or improper logging techniques on large blocks of land in the foothill and forest areas will remove habitat needed for optimum populations of upland game birds in those areas.

Areas that provide resting and feeding areas for wintering waterfowl in Morrow County should be considered important habitat areas. Land use activities that destroy wetlands, marshy areas, riparian areas or disturb resting areas will adversely affect waterfowl habitat.

Zone	Outright and Conditional Uses that Constitute Conflicts in Sensitive Habitat Areas
EFU	Agricultural practices, farm and non-farm dwellings, buildings, aggregate extraction.
SF-40	Agricultural practices, residences, buildings, aggregate extraction.
FU	Timber harvesting, residential development, airports, aggregate extraction, processing plants.
MG	Service buildings and establishments, farming, residences, airport, manufacturing facilities.

Economic, Social, Environmental, Energy and (ESEE) Considerations

Economic Impacts: Upland game birds and some waterfowl are managed for hunting activity. Revenues associated with hunting can be considerable. Gross economic impact for Morrow County game bird hunting in 1977 was \$352,000; that for waterfowl was \$105,000.

Social Consequences: Social consequences of permitting conflicts include decreased hunting activity (for lack of birds).

Environmental: Upland game birds and waterfowl are part of the local ecosystem. The impact of reduced numbers of birds, resulting from habitat loss, has not been determined.

Energy: Conflicts between wildlife habitat and energy conservation are vague. impacts would not be significant.

Program to Achieve the Goal: The Goal is achieved through federal administration of public land, the federal Migratory Bird Act, County resource zoning and riparian setbacks and vegetation standards of the SR zone on private land.

Goal 5 Designation: Upland game bird and waterfowl habitats located on public land are accorded a 2A designation (i.e., no conflicting use). Those riparian habitat areas located on private land are accorded a 3C designation (specifically limit conflicting use) subject to the SR zone. County resource zoning (EFU and FU) provides adequate protection for remaining "county-wide" habitats.

Riparian Habitat - 2A/3C

References: Plan, pp. 74, 75; Fish and Wildlife Protection Plan for Morrow County (ODFW, 1979); Wildlife Habitats in Managed Rangelands -- the Great Basin of Southeast Oregon, Riparian Zones (PNW for. and Range Exp. Stn., USFS, USDA, For. Ser. 1979).

Location: ODFW's Protection Plan for Morrow County recommends protection of riparian vegetation. Riparian vegetation can be identified by the presence of vegetation that requires free or unbound water or conditions that are more moist than normal. For purposes of implementation, riparian habitat in Morrow County are areas identified by ODFW as Sensitive Upland Game Bird Habitat (Fig. 3) along streams and Sensitive Fish Habitat (Fig. 1) (Protection Plan for Morrow County (ODFW, 1979). Ponds, lakes, and wetlands identified as sensitive habitat areas are also considered as having riparian habitat.

Definition of Riparian Habitat Area: Riparian habitats vary depending on the type of water source. But in general, they are identified by the presence of vegetation (generally more productive in terms of biomass-plant and animal - than the remainder of the area) that requires large amounts of free or unbound waters.

Conflicting uses: Any use which disturbs the microclimate, vegetation structure and composition, and water quality and quantity. Most riparian habitat in Morrow County is located on agricultural land and zoned EFU. Specially, the conflicting uses are: road construction; campgrounds, mining and any use which impacts water quality and quantity (including temperature); results in the loss of vegetation diversity; or impedes the movement of wildlife from one habitat to another. In some cases, improper agricultural practices (i.e., overgrazing) impacts riparian habitat.

ESEE Consequences: Riparian zones are disproportionately important to many uses including uses which may conflict with the resource. The relative gentle topography, particularly in areas otherwise rugged topography, makes riparian zones attractive for road construction. Recreationalists concentrate their use in such areas. Streams, rivers and their banks are also handy sources of rock and gravel for constructions. On the other hand, riparian habitat protection is not only important to wildlife but is necessary to maintain water quality which benefit all users. Water is increasingly becoming more important particularly in dry climates. Riparian management may increase initial cost of certain projects, but water quality and quantity degradation and the loss of dependent wildlife will have short and long range impacts on the entire County. The economic and energy input of addressing this issue first is much less than the economic and energy input required to restore disturbed areas. The social consequences of water degradation is obvious. The consequences of the loss of wildlife dependent on riparian habitat are discussed throughout the text.

Program to Achieve the Goal: The Goal is achieved through federal administration on public land (2A decision), structural setback standards and riparian vegetation standards of the SR zone on private land (3C decision). For the propagation and harvesting of forest products on forest lands zoned for forest uses, the County will rely on the Oregon Forest Practice Act, Rules and supplemental agreements between State Board of Forestry and Oregon Fish and Wildlife Commission.

Washington Ground Squirrel - 2A

References: Wildlife Resources map (Sensitive Non-Game Habitat); Washington Ground Squirrel Study, Lewis and Clark College, 1979; Applicable policy; 5.(0), p. 82.

Location: The Washington Ground Squirrel, once thought to be extinct in Oregon, is still present in limited numbers in Morrow County. Their habitat is within the boundary of the US Navy Bombing Range near Boardman, Oregon.

Quality/Quantity: The Bombing Range is the only habitat known in Oregon. The site has been designated a research natural area and is supervised by The Nature Conservancy. The animal is rare and cannot survive in areas of intensive agriculture (Puget Sound Museum of Natural History, UPS, September 4, 1973. Letter contained in Lewis and Clark study).

Goal 5 Designation: The Boardman Bombing Range is public land administered by the U.S. Navy. The area has been accorded a 2A designation (no conflicting use).

Non-Game Birds and Mammals - 3C/2A

References: Plan, p. 74; Fish and Wildlife Protection Plan for Morrow County (ODFW, 1979); Applicable Plan Policies: (General), 1. (B, C, E-M) pp. 79-80, 5. (D, E, G, H).

Location; Quality/Quantity: Morrow County's non-game species includes a variety of hawks, owls, songbirds, shorebirds, and small mammals. The Washington Ground Squirrel, an endangered species, is treated separately in the County's Goal 5 analysis.

Conflicts: The habitat of non-game species coincides with that of big game, upland game birds, and furbearers (EFU, FU, SF-40, MG zones). Any activity that reduces or places stress on a wildlife habitat represents a conflict. Construction projects, pollution and human habitation are common conflicts.

Economic Impacts of Conflicts: The amount of time the public spends in observing non-game species has economic implications. In addition, non-game species are an important part of local ecosystems. The elimination of some species could have far reaching impacts on the county's economy.

Social Considerations: Observing non-game species is a popular past-time. The response of humans to wildlife management problems is sometimes emotional and well known. Any activity that poses a serious threat to some non-game species will produce a social reaction.

Environmental: Non-game species are an important link in local ecosystems. Any conflict must be assessed in terms of environmental impact.

Energy Considerations: Includes transportation to and from wildlife viewing areas.

Goal 5 Designation: Those riparian habitat areas located on private lands are accorded a 3C designation subject to the SR zone. Non-game species located within designated fish and wildlife management areas (e.g., Umatilla NWR, Coyote Springs WMA, Irrigon WMA) are protected (2A).

Protected Species: Bald Eagle (3C) and Golden Eagle Nest Sites (3C)

References: Wildlife Resource map; Cooperative Agreement document: Oregon State Board of Forestry and the Oregon State Fish and Wildlife Commission, February 1984.

Two bald eagle and five golden eagle nest sites have been identified in Morrow County and are identified on the SR zone map as sensitive bird sites.

Conflicting Uses: The principal conflicting uses would include tree removal, dwellings, mineral and aggregate extraction and roads. The economic impacts of conflicts discussed for non-game birds apply here.

Economic: The economic impacts of conflicts discussed for non-game birds apply here. In addition, these species have special importance because of their endangered status. The economic benefits of having present an endangered species is important to the County.

Social Impacts discussed for non-game birds apply here. In addition, the social benefits of having present an endangered species is important to the County.

Environmental: The eagle fills an important ecological niche. Impacts on the ecosystem, however, have not been determined.

Energy: Other than food chain considerations, there is no apparent relationship with energy or energy resources.

Program for Achieving the Goal: Eagles are protected by the federal Endangered Species Act. In addition, they are protected by state statute.

Goal 5 Designation: Bald eagle and golden eagle nests are accorded a 3C designation (protect the site by limiting conflicting uses). The SR Zone applied to the sensitive bird nest sites provides a 300 foot buffer.

Three-Mile Island - 2A: ODFW has identified Three-Mile Island as sensitive habitat for: Ring-billed gulls; Caspian terns, Black Crowned Nite heron and California gulls. Three-Mile Island is under federal ownership (Army Corps of Engineer) and has been designated 2A.

Osprey Nest Site - 2A (Private): The osprey nest site is located on a snag about 50 yards off shore Lake Penland. There are no conflicts associated with this resource (personal communication, Mark Henjum, ODFW, December 16, 1985).

Goshawk Nest and Prairie Falcon Nest Sites - 2A: Both of these nest sites are located on public lands (U.S. National Forest) and designated 2A.

Long-billed Curlew - 2A; 1B

References: Long-billed Curlew Study: Morrow and Umatilla Counties, 1976-77 (ODFW)

The Oregon Department of Fish and Wildlife (ODFW) has identified the long-billed curlew as a protected bird. The curlew prefers the County's rolling grassland for its nesting sites. Some birds nest in marginal areas defined by ODFW as "biscuit-scabland with small rocks" or "ridge tops that have few or no shrubs and grasses not more than 12 inches tall" (p. 50). These areas coincide with some exclusive farm use zones. Nesting, however, was not observed where farming exists, whether dryland or irrigated. Curlews gravitate to the irrigated areas after nesting and also feed in these areas during nesting (pp. 50-51).

The Department of Fish and Wildlife's '76-77 report identifies several preferred nesting areas. These include:

<u>Area</u>	<u>Ownership Management</u>	<u>Goal 5 Designation</u>
Quensel Park	Army Corps of Engineers	2A
Boeing Co. Lease	Boeing/State of Oregon	1B
Boardman Bombing Range	U.S. Navy	2A
Umatilla Natl. Wildlife	Bureau of Sport Fish & Wildlife	2A
Army Ordinance Depot	U.S. Army	2A

The report also notes the occurrence of curlew nests on private lands beside Boeing but is not site specific (1B).

Goal 5 Designation

Long-billed curlew nesting areas on federal land are accorded as 2A designation (no conflicting use). Nesting areas on private land also coincide with EFU land and are not site specific. They are accorded a 1B designation (i.e., some information is available but it is inadequate to identify the resource site). The 1B designation is supported by the Natural Resource (General) policy P.

Furbearers - 2A; 3C

References: Plan (ref.), Wildlife habitat map (depicting Irrigon WMA, Coyote Springs WMA, and Umatilla NWA). Applicable plan policies: same as those associated with other wildlife resources.

Location; Quality/Quantity: Furbearers are found throughout the County. Aquatic furbearers (e.g., beaver, muskrat, mink and otter) are generally associated with brushy streambanks. Terrestrial forms (e.g., skunk, bobcat, badger, and coyote) are found throughout the county in suitable habitat areas; food, cover, and water requirements are varied and similar to those for big game, upland game birds and waterfowl.

Conflicts: Any land use detrimental to big game, birds or waterfowl will also have an adverse impact on furbearers. They are primarily within the County's FU and EFU zones. Conflicts include houses, and agricultural and forest uses that would remove brush, especially streamside vegetation.

Economic Impacts of Conflicts: During 1984, pelts obtained in trapping in Morrow County amounted to \$5,300 (ODFW). Although not a large figure, the pelts did contribute to the county economy. Reduction of habitat would adversely affect trapping.

Social Consequences: Many local ranchers would favor the elimination of the coyote and perhaps other furbearers considered as pests. In this sense, loss of habitat might be beneficial economically. The social or aesthetic value placed on some of the furbearers, however, might exceed their cost to the ranching community.

Environmental: Furbearers fill an important ecological niche. Their impact on Morrow County's environment is probably substantial but largely unknown.

Energy: There is no clear association with energy expenditure or conservation.

Program to Achieve the Goal: The habitat of furbearers is protected through the County's wildlife policies, resource zoning (e.g., large minimum lot sizes in resource zones), and stream setbacks standards of the SR zone.

Goal 5 Designation: The three wildlife management areas are administered by federal or state government and designated 2A. Riparian habitat areas are designated 3C.

Fish Habitat - 3C

References: Plan (pp. 74-76). Applicable policies: 3. A-C (p. 81); 5. A-C (p. 82); 5. G, p. 83; Fish and Wildlife Habitat Protection Plan for Morrow County (1979); Wildlife Resources Map; Zoning Ordinance requiring 100 feet setback from streams in EFU and FU zones.

Location; Quality/Quantity: Morrow County's sport fishery includes rainbow trout, large mouth bass, white crappie, summer and fall chinook, summer and winter steelhead, small mouth bass, sturgeon, brown bullhead, and brook trout. The Oregon Department of Fish and Wildlife has identified sensitive fish habitats, conflicts with those habitats, and has produced a protection plan in response.

Conflicts: There are a number of conflicts. Some pertain to all fish; other conflicts pertain to specific fish. General management strategies include maintaining adequate stream flow, stream-side vegetation (see: Riparian Habitat), insuring fish passage and preventing any activity that seriously affects water quality. Any action that interferes with these strategies is a conflict. Conflicts are most likely to occur in EFU and FU zones. These include removal of stream-side vegetation or water pollution associated with farming or forest practices.

Economic Consequences of Conflicts: In 1975, there were 8,615 angler days in Morrow County. The economic value of rainbow trout, water species and sturgeon amounted to \$92,355 (ODFW statistics). Value for all fish is most significant. Conflicts, however, must be considered on a case-by-case basis. In some instances, conflicts may be mitigated and contribute more to the economic welfare of the county than the intrinsic value of the fish.

Special Considerations. Fishing is a favorite American past-time and a deeply ingrained part of the American lifestyle. Any action that would seriously affect this activity would probably be considered as unacceptable. There are also economic factors. Many people depend on sport fishing for their livelihood.

Environmental. Fish are a link in the food chain and an important part of local ecosystems. Care must be taken to avoid harmful and especially irreversible actions.

Energy Consequences of Conflicting Use. Energy considerations cover a wide range of scenarios. There are biological considerations (e.g., food chain) and those associated with man's activities (e.g., construction, transportation). Each conflict must be addressed on a case-by-case basis.

Program for Achieving the Goal: The retention of stream-side vegetation is addressed through the County's riparian vegetation/wetland standards of the SR zone. Water quality programs are administered by the state Department of Environmental Quality. The Department of Water Resources administers water permits.

Goal 5 Designation: Some conflict with fish habitat is probably unavoidable. It would be impractical to prohibit any land or water use that may have a short-term detrimental impact or that can be mitigated. It is prudent, however, to specifically limit conflicting use: 3C.

Ecologically and Scientifically Significant Natural Areas

References: Plan, pp. 76-77; Applicable plan policies (General), pp. 79-80; Land-Use policies pp. 80-81; Fish and Wildlife policies, pp. 82-83; Scientific - Cultural Resource policies, p. 83.

Location; Quality/Quantity: Morrow County contains several unique scientific/natural areas. These areas have been inventoried by the county and The Nature Conservancy. Ownership is either public or private. In some cases, the federal government retains ownership but has entered into a management agreement with another agency (e.g., state; private. Note table below). The Nature Conservancy has listed 13 natural areas in Morrow County and has prepared reports for four of the sites (Boardman Bombing Range, Botanic Site: Umatilla National Wildlife Refuge, Eight-Mile Grassland, and Sand Hollow Grassland).

The federal government owns an additional four natural areas in Morrow County: Umatilla National Wildlife Refuge, Boardman Bombing Range, Coyote Springs Wildlife Management area and Irrigon Wildlife Management Area. The US Navy administers the Boardman Bombing Range and maintains a management agreement with The Nature Conservancy for portions of the range. Coyote Springs and Irrigon WMA are leased to the State of Oregon. Federal and state-managed land have been accorded a 2A designation (no conflicting use).

GOAL 5 - ANALYSIS (SUMMARY)

Goal 5 Area/Site	Ownership	Designation	Remarks
Boardman Bombing Range	Federal	2A	Management agreement with the Nature Conservancy for portions of the range.
Umatilla National Wildlife	Federal	2A	Contains special botanic area identified by The Nature Conservancy.
Coyote Springs Wildlife Management Area	Federal	2A	Long-term lease to Oregon Department of Fish and Wildlife.
Irrigon Wildlife Management Area	Federal	2A	Long-term lease to Oregon Department of Fish and Wildlife.
Plant fossils	Federal	2A	Extensive geologic formation within national forest.
Sand Hollow Grassland	Private	1B	Identified by The Nature Conservancy. EFU zone. Additional information needed.
Eight Mile Grassland	Private	1B	Identified by The Nature Conservancy. EFU zone. Additional information needed.
Three-Mile Island	Federal	2A	Sea bird colony. Identified by The Nature Conservancy.
La Fevre Prairie	Private	1B	Wildflower area; historic features. Identified by The Nature Conservancy. FU zone. Additional information needed.
Service Canyon	Private	1B	EFU zone. Bluebunch wheatgrass-Sandberg's Grasslands bluegrass. Additional information needed.
Gene Wood Creek	Private	1B	Grassland identified by The Nature Conservancy. EFU and FU zones. Additional information needed.
Houselog Creek Grassland	Private	1B	Grassland identified by The Nature Conservancy. FU zone. Additional information needed.
Rhea Creek	Private	1B	Western brook lamprey identified by The Nature Conservancy. FU and EFU zones. Additional information needed.

Boardman Bombing Range - 2A

References: County resource maps.

Location; Quality/Quantity: The 73 square mile Boardman Bombing Range is unique in several respects: (1) The range contains relict grassland communities (i.e., native grasses undisturbed by agricultural practices); (2) The range contains the only known colony of Washington Ground Squirrels in Oregon; and (3) The range contains a portion of the Oregon Trail and an historic cemetery. The US Navy administers the range; part is used for bombing practice, part leased for grazing and part (3 separated parcels; A, B and C) managed as a Natural Research Area (NRA).

Goal 5 Designation: The Boardman Bombing Range is administered by the federal government. It has been accorded a 2A designation (no conflicting use).

Federal/State Wildlife Areas - 2A

References: Plan, p. 76; Map of Wildlife Resources; Map of Identified Natural Areas (The Nature Conservancy); Morrow County Natural Resources (The Nature Conservancy). Applicable plan policies: (General Policies) pp. 79-80; (Fish and Wildlife) pp. 82-83.

Location; Quality/Quantity: There are three protected wildlife areas in Morrow County: Umatilla National Wildlife Refuge, Coyote Springs WMA and Irrigon WMA. Coyote Springs and Irrigon wildlife management areas are owned by the federal government but leased to the Oregon State Department of Fish and Wildlife. All three areas provide a habitat for waterfowl. In addition, the Umatilla National Wildlife Refuge contains a Great Blue Heron rookery and a variety of raptors, including bald and golden eagles.

Goal 5 Designation: The three wildlife areas are administered by federal or state government. They have been accorded a 2A designation (no conflicting use).

Scenic Views and Sites - 1B: Morrow County contains a variety of landscapes, many of which may be considered to be scenic. The County has not, however, designated any sites or areas as being particularly high in scenic-resource value.

Water Resources (General)

Morrow County's water resources include groundwater (3C), streams (3C), and ponds (2A). These resources are utilized for domestic, industrial, and agricultural purposes. In addition, streams and ponds are fish and wildlife habitats. Water requirements often result in conflicts. Problems which must be addressed by governing bodies include quality and quantity. Efforts to resolve or alleviate the problems are usually approached in the form of a project. Two projects would enhance the county's water resources: Snipe Creek and Stanfield-Westland.

The Snipe Creek and Stanfield-Westland projects are proposals to augment water resources in specific areas of Morrow and Umatilla counties. The Snipe Creek project would transmit water from John Day basin streams to the Butter Creek critical groundwater area. Stanfield-Westland is comprised of several projects designed to replenish water now committed to agricultural use. All projects are tied to Bureau of Reclamation funding. In short, the projects have been proposed for some time but depend on federal assistance. Forthcoming funds are speculative.

Wetlands - 2A

There are wetlands located on the Umatilla National Wildlife Refuge and Coyote Springs Wildlife Management area and are administered by federal and state government (see Natural Areas). Wetlands are designated 2A (Public Lands).

Groundwater - 3C; 2A

References: Plan (pp. 71-73), Water Resources map; Groundwater Report 30 (1984); applicable plan policies: 1 B (p. 79); G, H, L, M (p. 80); 1 B-E (p. 81); 3 A-C (p. 81); D-E (p. 82).

Location; Quality/Quantity: Groundwater is essential to the development of Morrow County and its occurrence is fairly well understood. Water use is administered by the Oregon Department of Water Resources through a permit system. The Butter Creek critical groundwater area has been analyzed (Groundwater Report 30, 1984) and depicted on the Water Resource Map. Groundwater is used for domestic and agricultural purposes.

Conflicting Use: A conflicting use is one which, if allowed, could negatively impact groundwater resources. The County is concerned with two aspects: quantity and quality. Groundwater underlies the entire County and consequently all of its land use zones. Although conflicts are inevitable, they can be minimized through conservation programs and water pollution standards.

Zone Typical Conflicting Uses (Outright and Conditional)

EFU	Depletion:	Irrigation, domestic, ag processing
	Pollution:	Ag practices; domestic
SF-40	Depletion:	Irrigation, domestic
	Pollution:	Ag practices, domestic
FU	Depletion:	N.A.
	Pollution:	Forest practices (timber harvest; spraying)
MG	Depletion:	Irrigation, industrial use
	Pollution:	Industrial use

Economic, Social, Environmental Energy (ESEE Considerations)

Economic Considerations: The recharge area is broad. Most of it is zoned for resource use (e.g., farm and forest). Low water tables brought about by excessive pumping and/or development result in added cost to water users. Added costs are associated with new well drilling and the extraction of water from deeper levels.

Social Impacts: Low water tables affect residential densities, industrial use, and farm practices. The movement of people to another area is one of the social consequences.

Environmental: Impacts associated with low water tables include the destruction of springs and wet areas.

Energy: Low water tables require additional energy to pump from lower levels and/or the transportation of water from other sources.

Program to Achieve the Goal: Two state agencies are charged with maintaining the state's water resources: Department of Water Resources and the Department of Environmental Quality. Control is accomplished through a permit system. It is important that the County implement a program that will insure water quality and quantity.

As policy, the County will consult with the Department of Water Resources and the Department of Environmental Quality before taking any action that directly affects ground water quantity and quality.

Goal 5 Designation: Groundwater resources constitute a system; they occur on public and private land. Land use activities at higher elevations of the watershed (usually public land) affect groundwater at lower elevations. Conflicts, then, do occur on public land. Although public land is not regulated by local government, a 2A designation (no conflict) is inappropriate. The County's groundwater resources have been accorded a 3C designation--recognizing that conflicting uses are inevitable but controllable.

Water Resources (Streams and Ponds) - 3C

References: Plan (pp. 71-73); Water Resources Map; Wildlife Resources Map (sensitive fish habitat areas); Applicable plan policies: 1 B, G, H, J, L, M (p. 80); 3 A-D (p. 82); Fish and Wildlife Habitat Protection Plan for Morrow County (1979).

Location: Morrow County recognizes the need to protect its water resources (Plan, p. 71) and has adopted conservation policies. In adopting the Fish and Wildlife Habitat Protection Plan, the county has insured the protection of ponds and wetlands:

Pond/Wetland	Zone	Remarks	Goal 5 Designation
Boardman Ponds	EFU	Public Land	2A
Cutsforth Pond	FU	Public Land (County Park)	2A
Pendland Lake	FU	Public Land (County Park)	2A

Morrow County's principal streams include:

Columbia River and tributaries:

Willow Creek	Balm Creek
Sand Hollow Creek	Rock Creek
Butter Creek	Six Mile Creek
Johnson Creek	Eight Mile Creek
Rhea Creek	Matlock Canyon Creek
Hinton Creek	Service Creek
Clarks Canyon Creek	

Tributaries of the John Day River:

Wall Creek	Potamus Creek
Ditch Creek	Matlock Creek
Skookum Creek	

Conflicting Uses: Conflicting use constitutes any activity that would diminish water quantity or quality. This includes, but is not limited to residential and industrial development. Improper farm or forest management can also be detrimental.

Economic: Maintaining water quantity and quality is costly. The cost of correcting damage to streams and ponds may be greater. Clean-up and rehabilitation costs are passed on to the consumer/taxpayer.

Social Consequences: The loss of sensitive streams and wetlands is detrimental to the ecosystem and constitutes a social cost as well (e.g., wildlife enjoyment).

Environmental: Environmental costs include the loss of fish and wildlife habitat.

Energy: There are energy costs associated with stream/pond clean-up and/or rehabilitation.

Program to Achieve the Goal: Morrow County insures pond (lake) and stream quality and quantity through plan policies, stream setback ordinance, resource zoning (e.g., EFU and FU), adoption of ODFW Fish and Wildlife Protection Plan, and state statutes governing water quality and quantity.

Goal 5 Designations: Morrow County's principal ponds are within public land. They are consequently accorded a 2A designation (no conflicting use). The principal streams are within EFU and/or FU zones. Most traverse public and private land. Conflicting uses are to be anticipated but also controlled, hence a 3C designation (specifically limit conflicting use).

Potential Dam Sites - 1A

References: Plan (p. 71, 154); Water Resources Map; Applicable plan policies; 1B (p. 79); 1 G, I, J, M, 2 A (p. 80); 2 C, E, 3 A, B (p. 80); D, E, (p. 81); 5C (p. 82). List of 24 sites in Table.

Location; Quantity/Quality: Three federal agencies have identified 24 potential dam sites in Morrow County. Targeted uses include irrigation, recreation, fish/wildlife and flood control (Table). None of the dams are economically feasible at this time (Plan, p. 81).

The potential sites are located in the county's EFU, FU and MG zones. One site is located within the Boardman Bombing Range (Water Resources Map).

Goal 5 Designation: Potential dam site locations have been mapped, studied, and rejected as infeasible. The dam sites are accorded a 1A designation.

Historical Areas, Sites, Structures, and Objects

References: Plan, pp. 76-78; Archeology map (on file in county planning department); applicable plan policies: 1. (I), p. 80; 7. (A-F), pp. 83-84, Historic Sites and Buildings of Morrow County, Historic Bridge Study (Oregon Department of Transportation).

Analysis. (1) Archeological Sites - 3A: Many sites are known and others are suspected. The location of sites is confidential to insure their protection. The University of Oregon maintains a file which describes each site. Morrow County also has this information and a location map prepared by the university.

Conflicts: Any activity which alters the site constitutes a conflict--construction activities being the most common. Sites are also damaged or destroyed by some construction activities, timber harvesting, water impoundments, etc. Conflicts include construction of buildings, roads or streets that require excavation, mining activities (e.g., sand and gravel); virtually any activity that requires excavation.

Economic Considerations: It is difficult to place economic value on archeological sites. Construction projects financed wholly or in part by federal funds require an archeological investigation. If the investigation reveals significant finds, the project may be delayed until a proper excavation has been completed.

Social Impacts: The loss of archeological sites through negligence or vandalism is a loss of a national heritage. Those non-renewable resources are protected by state and federal law.

Environmental Impacts: The investigation of archeological sites is standard procedure in the preparation of environmental impact statements.

Energy Considerations: The destruction of archeological sites has no conventional tie with energy conservation or expenditure.

Program to Achieve the Goal: Archeological sites are a natural heritage and are protected by state and federal law. Goal 5 designation: 3A for known sites. Suspected sites: 1B.

(2) **Historic Structures:** Historic structures outside corporate city limits include:

<u>Structure</u>	<u>Goal 5 Designation</u>	<u>Remarks</u>
Emigrant Graveyard/ Station Ruin	2A	Within boundary of Boardman Bombing Rg
Cecil General Store	3C	Private Property. EFU zone. State Hist. Pres. office list
Rhea Creek (Spring Hollow) Bridge	3A	ODOT Historic Bridge Study. Eligible for National Register.
Willow Creek Bridge	3A	ODOT Historic Bridge Study. Eligible for National Register
Hardman Townsite	1B	Early townsite 1870, ODOT inventory

Rationale for Goal 5 Designations

(1) **Emigrant Graveyard/Stage Station Ruin:** Is within the boundaries of federal property (i.e., federal jurisdiction). There are no conflicting uses. The sites have been accorded a 2A designation.

(2) **Cecil General Store:** Is private property and is used for what it was intended. The store is on the State Historic Preservation office list and subject to county historical resource policy and ordinances.

Conflicts: Any action that would alter or destroy the store.

Economic Impact of Conflict: Although the structure is now empty, alterations may be desired at some future date. Economic impacts of allowing the conflict may be positive. Alterations may be essential for reopening the store. Although of local historical interest, the store is not a tourist attraction.

Social Impacts: Any diminution of our national heritage constitutes an adverse impact on the social environment.

Environmental: No significant environmental impacts.

Energy: No significant impacts are associated with energy conservation or expenditure.

Program to achieve the Goal: Historical structures and sites are protected through County Historical Resource policies (pp. 83-84) and the Historic Buildings and Sites Ordinance (Zoning Ordinance Section 3.300).

(3) (4) Rhea Creek Bridge and Willow Creek Bridge Near Cecil: Have been identified by the Oregon Department of Transportation (ODOT) as historic bridges--worthy of preservation. They are included in that agency's study of historic bridges and eligible for the National Register of Historic Places (5-2-85). ODOT's Environmental Section encourages protection of the bridges because of their architecture and historic significance. Preservation of the bridges would not interfere with necessary bridge replacement. ODOT suggests that the bridges be moved just off the present alignment or relocated in a county park.

Conflicts: The historic bridges serve important stream crossings. They are dated (1909) and should be replaced. The most obvious conflict is destruction of the bridges and replacement with new structures. Bridge dismantlement and storage is another option, but less desirable than keeping the bridges in tact. The Environmental Section believes this will ultimately result in bridge loss as parts are displaced, carried away, etc., over a period of time. They may ultimately be considered as just "junk".

Economic Considerations: The bridges are old and should be replaced. Preserving the bridges in tact will require some expenditure. The cost of moving the bridges can probably be financed with FHWA (Federal Highway Administration) dollars. Other financial obligations (e.g., site, maintenance) have not been determined. There is some indication that bridge removal and relocation may be as economically feasible as bridge destruction (ODOT Environmental Section, June 1985).

Social Impacts: There is nationwide interest in historic bridges. The loss of these bridges constitutes a loss in national heritage.

Environmental Impacts: The principal environmental impacts are social. The impact of bridge removal to some other location has not been determined. Bridge replacement is necessary to insure highway safety.

Energy: Dismantling or destroying the bridges requires an expenditure of energy. Bridge relocation also constitutes an energy expenditure. No comparative study has been undertaken but will be required in the preparation of an environmental impact study.

Achieving the Goal: The County insures the protection of the Rhea Creek and Willow Creek bridges through Historical Resource Policy G.

(5) Hardman Townsite - 1B: Located 20 miles southwest of Heppner along Highway 207. Early townsite (1870). This area has potential as an historical district. However, additional information is needed. A "1B" designation is applied to the entire Hardman townsite.

(3) Historical Trails, Campgrounds and Battlefields: Are primarily located in the northern portion of the county. They are:

<u>Historical Site/Area</u>	<u>Goal 5 Designation</u>	<u>Remarks</u>
Oregon Trail: Wells Spring segment	2A	Fenced. Located within the Boardman Bombing Range
Willow Creek Campground	2A	Private Property (Homestead)
Cayuse Battlefield	2A	Fenced. Monument and plaque.

Rationale for Goal 5 Designations

(1) Oregon Trail: Wells Spring Segment: This portion of the Oregon Trail contains visible wagon ruts. It is fenced and within the boundary of the Boardman Bombing Range. Designation: 2A (No conflicts).

(2) Willow Creek Campground (Near Cecil): Was used by travelers along the Oregon Trail. There are no distinguishing features. The campground site is part of a private homestead.

Conflicts: The campground site is within an agricultural section of the county. Homesteads and crop land usually occupy flats along stream courses. Although land use may change, the character of the land will most likely remain the same. The campground site is under private ownership and no conflicts anticipated. Designation 2A (no conflicts).

Energy: There are no significant impacts associated with energy conservation and expenditure.

(4) The Cayuse Battlefield Site: Covers all undetermined area. It is marked by a monument and plaque. No conflicting uses have been identified. The monument is "protected" as "historical".

Findings

1. Land Resources

- A. A 1974 survey by the Columbia-Blue Mountain Resource Conservation and Development Project, State of Oregon, shows the general land use in the County. Exclusive of residential areas, the County is roughly divided into 1/2 range land, 1/4 crop land and 1/4 forest land. As the County develops, competition for land increases, driving up land prices and creating a precarious balance in the ecological use of land. Proper land use planning at this point should alleviate the economic pressures forced on this limited resource.

- B. Solid waste disposal facilities are felt to be inadequate to serve both city and county needs. One County land fill site exists but only on a limited basis. A Hermiston firm provides services to two of the cities. Several illegal dumps are located within the County and are recognized by the D.E.Q. as a public health threat.
 - C. Wind and flood erosion have been serious problems in Morrow County in the past.
 - D. The presently most valuable mineral resource (other than soil) is construction and road aggregate, both crushed gravel and round rock and soil.
2. Water Resources
- A. Water quality within Morrow County is good and remains within D.E.Q. standards.
 - B. Degradation of water quality in Morrow County streams and ground reserves could adversely affect municipalities by reducing acceptable water supplies or by requiring improved or larger water treatment facilities.
 - C. Timber harvest activities and road building are the major contributors to water quality degradation on the upper reaches of Morrow County streams, while animal wastes, and industrial discharges may be the major contributors to water quality degradation to the lower reaches. Septic systems are probably the major causes of groundwater quality degradation in and around communities.
 - D. Water resources are vital to the County's growth and development.
 - E. Stream floods in Morrow County are characterized by "feast or famine" situation. Flood flows can occur in late winter or early spring from rapid snow melt on frozen soil from intense summer convection storms. Many of these streams will have little or no flow by late summer or early fall. These conditions are detrimental to in-stream water quality criteria such as siltation, stream bank erosion, and elevated water temperatures. Other uses which include municipal needs, fisheries and wildlife, recreation, irrigation, and livestock are also adversely affected.

Natural Resource Policies

1. General Policies

- A. All sites designated in the Goal 5 inventory shall be protected and managed so as to preserve their original character and/or public benefit.
- B. Where conflicting uses are identified and cannot be mitigated; economic, energy, environmental and social consequences shall be evaluated in determination of use designation.
- C. Agriculture, forest, open space, and recreational uses shall be considered consistent with natural and scenic values dependent on resource carrying capacities.

- D. Outdoor advertising signs as described in ORS 377.710 (23) shall only be permitted within commercial and industrial zones.
- E. Designated natural, scenic or buffer areas shall serve a valid public purpose and property owners should be duly compensated for the right of public use if deemed justifiable. Compensation can be in various forms including tax differentials, development densities transfer, market value reimbursements, public-private exchanges, etc.
- F. It shall be the policy of the County to conserve open space and protect natural and scenic resources.
- G. It shall be the policy of the County to maintain and improve the quality of the air, water, and land resources of Morrow County.
- H. It shall be the policy of the County to consider the carrying capacities of all affected natural resources in development proposals and to not permit any development which exceeds said capacities.
- I. The County shall continue in its efforts to identify open spaces, scenic and historical areas, and natural resources which should be preserved from urban or other development.
- J. County policy as expressed in other elements of the Comprehensive Plan shall recognize the present importance of resource conservation and potential economic significance to Morrow County of the relatively undegraded environment, as well as the benefits to the health, welfare and productivity of its residents of living and working in clean, orderly developed and naturally attractive surroundings. This will require close coordination with conservation programs of the USDA, County extension agency and private landowners.
- K. The County shall emphasize the preservation of open space and provisions for such open space in private developments shall be set forth as deemed necessary and in the public interest.
- L. To limit all discharges from existing and future developments to meet applicable state or federal environmental quality statutes, rules and standards.
- M. To establish a policy of analysis of requests for zone changes, use permits and the like to determine their affect on air, water, and land quality.
- N. The Fish and Wildlife Habitat Protection Plan for Morrow County (1979) prepared by the Oregon Department of Fish and Wildlife is hereby adopted by reference as part of the Morrow County Comprehensive Plan.
- O. Morrow County recognizes that the long-billed curlew is a protected bird. Nesting habitat located on public land is protected by state and federal statutes. As policy, the County encourages these governments to properly consider long-billed curlew habitat when preparing land use plans for their respective properties. The County also recognizes that curlew habitat exist on private land; however, there is not enough information to support adoption

of site specific protection measures. As policy, the County will examine information as it becomes available and determine whether nesting sites should or shouldn't be protected. The nesting sites of the long-billed curlew will be considered during periodic review along with other Goal 5 resources.

2. Land Resource Policies

- A. The County shall conserve land resources in the manner most supportive of the County's economic base.
- B. The County shall recognize the predominate need for the maximum preservation of land for agricultural and forestry uses.
- C. All land use policies and programs shall be designed to minimize land use conflicts and to maximize conservation and utilization.
- D. Current land use patterns shall be a major factor of consideration in development decisions.
- E. The County shall encourage and support land resource management and conservation programs.
- F. The County shall encourage farmers to reduce attrition of topsoil through wind and water erosion control measures such as planting wind break cover crops, practicing new no-till agricultural techniques, and best management practices.
- G. The County, using the provisions provided in both the Natural Resources Element and the Goal 5 Analysis, shall protect to the best of its ability significant aggregate and mineral mining sites throughout the County.

3. Water Resource Policies

- A. County government shall work with appropriate agencies (EPA, SCS, U.S.F., County Extension Agent) to promote maintenance or enhancement of water quality in streams and ground reserves, especially the 208 Water Quality Program. The County should encourage best land management practices which minimize agricultural chemical run-off and soil erosion.
- B. The County shall encourage and support the construction of multi-purpose impoundment reservoirs in the headwaters of stream systems to store water during periods of excessive run-off and help reduce the problems caused by high flows and at the same time provide stored water which can be used to supplement flows during low flow periods.
- C. It shall be the policy of the County to encourage and cooperate in programs for the application of stream corridor management systems which include mechanical, vegetative, and management practices such as rock rip rap and jetties. fencing, grass seedings, shrub plantings, and debris removal will help re-establish a suitable riparian zone.

- D. The County shall emphasize programs for improved irrigation management and efficiencies designed to reduce runoff and possible stream pollution, increase yields, make possible a wider selection of crops, reduce problems with roads, help reduce the increasing vector control problem, and make more water available for additional uses.
 - E. The County shall support all programs directed at attaining additional water sources and allocations for prime users in the County.
 - F. Where information is available, county shall take into consideration the quality and quantity of groundwater resources, prior to approving projects or developments that would impact those resources.
 - G. The County will consult with the Department of Water Resources and the Department of Environmental Quality before taking any action that directly affects groundwater quality or quantity.
4. Air Resource Policies
- A. The County shall consider the impacts of air quality in evaluating the desirability of new industries and economically significant activities, as well as the potential for development of Morrow County's air conditions over industries and power plants faced elsewhere with problems relating to already over-exploited airsheds.
 - B. No development shall be permitted which will not meet applicable air quality standards.
5. Fish & Wildlife Policies
- A. The County shall seek to protect its fish and game resources.
 - B. The County shall cooperate with private landowners and with responsible state and federal agencies to preserve the quality of fish and wildlife habitat in the County, and should encourage the development of planned recreational sites such as Penland Lake and the Irrigon Marina in order to increase the local circulation of recreational dollars and create employment opportunities in service industries.
 - C. The County shall ensure that any future impoundments provide for the maintenance of the fisheries resource.
 - D. All crucial wildlife areas shall be classified as exclusive agriculture, grazing, forest or open space, and protected whenever feasible by maintaining low densities at least 1:160 on both public and private lands.
 - E. To preserve valuable upland game bird habitat, urban sprawl and scattered residential use on agricultural lands shall be prohibited.
 - F. Road construction shall not occur except as deemed necessary in crucial deer, elk and antelope wintering areas. Off-road travels should be limited within crucial areas during winter periods.

- G. Intensive recreational developments shall not locate within sensitive crucial habitat areas.
 - H. It shall be the policy of the County to encourage needed predator control programs.
6. Scientific - Cultural Resource Policies
- A. Where no conflicting uses have been identified, such resources shall be managed so as to preserve their original character.
 - B. Where conflicting uses have been identified, economic, energy, environmental and social consequences shall determine designation.
7. Historical Resource Policies
- A. Historical resources are non-renewable and shall be identified and preserved for future generations.
 - B. There shall be formulated and adopted a definitive set of standards pertaining to the preservation of historical resources, and such standards shall be utilized as guidelines in the review and approval of development proposals involving the alteration of historical resources.
 - C. The detailed historical inventory shall be retained on file in the appropriate location, however, such information shall not be disseminated to the public at large, but primarily retained for availability to local decision makers and historical researchers.
 - D. When no conflicting uses are identified, historic resources shall be managed in such a manner as to maximize the preservation of their original character.
 - E. Where conflicting uses are identified, the economic, social, environmental and energy consequences of the alternatives shall be evaluated in determining actual use decisions.
 - F. Property owners of designated historical resources shall be informed personally in order to preserve the individual's privacy from public trespass. Public fee acquisition, easement, preferential assessment, development rights acquisition or transfer, public-private exchange and other techniques should be investigated and utilized in maximizing preservation of endangered historical resources.
 - G. The County will maintain its historic bridges as a resource. The bridges may be relocated or dismantled and stored until a suitable site is found for their permanent location.
8. Mineral Resource Policies
- A. At each plan update, the County will consider the status of mineral resource inventories. When data are sufficient, the County will complete the Goal 5 process as specified in OAR 660 Division 23.
 - B. Aggregate mining operations are recognized as a valuable County resource and should be protected, as appropriate, in order to preserve the resource.

NATURAL RESOURCES ELEMENT

The Natural Resources Element of the Comprehensive Plan provides a general overview of all natural resources common to the County. Specific resources such as forest lands and recreation resources are dealt with in greater detail in their respective element of the Comprehensive Plan. In general, natural resources are considered vital to the County's historical and future development, and are recognized as a primary base for the County's economy. The resources captured within this element can be evaluated under Goals 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and 6 (Air, Water, and Land Resources Quality), with some limited applicability of Goal 7 (Areas Subject to Natural Disasters and Hazards). Goal 5 has a specific protection mechanism, discussed later in this element.

Land Resources

Morrow County encompasses a total of 1,317,760 acres, which (exclusive of residential areas) is generally divided into 1/2 rangeland, 1/4 cropland and 1/4 forest land. Urban areas occupy only approximately 0.2% of the total County.

Soils

The soils in Morrow County have formed in a variety of parent materials. In the northern part of the County soils have developed from a mixture of aeolian and water deposited sands and gravel over basalt bedrock. The central part of the County has soils developing from loess deposits ranging from a few inches to more than 15 feet in thickness. These deposits are generally deeper and coarser textured in the northern part of the County. In a southerly direction, the deposits become finer textured and thinner. Where a thin deposit of loess occurs, the soils developed from a mixture of loess and basalt. In the southern part of the County, soils have developed from a mixture of fine sediments and recent volcanic ash deposits. There is a general soils map for the entire County. It shows only the general pattern of soils, but does give interpretation for both general and detailed soil mapping units. Detailed soil maps for Morrow County can be seen at the Soil Conservation Service Office in Heppner. The general soils map, showing soil associations, is useful to people who want a general idea of the soils in the County, who want to know the location of large tracts that are suitable for a certain kind of land use.

The general soil map, however, is too broad to be suitable for planning the management of a farm or field, or for designing foundations, roadways, ditches, parks, or septic tank absorption fields. These uses require detailed soil survey maps and information and often, onsite investigations.

Minerals

Mineral resources located in Morrow County include small deposits of gem opal in the southern County area, minor coal deposits on Willow Creek south of Heppner and aggregate resources found throughout the County. Except for aggregate resources, development of these minerals has not been economically feasible (Carty coal power plant presently imports its coal from Wyoming). At present, aggregate resources are the only minerals that economically can be mined in the County. Aggregate resources are crushed or uncrushed gravel, stone or sand used in building as cement, asphaltic concrete and fill. The County's best quarry rock for aggregate is Columbia River Basalt which covers a large part of the County, particularly the north end.

See accompanying map titled Inventory of Natural Resources Aggregate and Mineral Resources. Those shown are currently used by private, local and state agencies. All of these aggregate sites are in Columbia River basalt which affords an easily available and nearly limitless source of good quality road metal, rip rap, rock fill, and common stone.

Vegetation

Natural, drought-tolerant grasslands cover the North and Central portions of the County, a good setting for dry land and irrigation farming. The Southeast quarter of the County generally lies in forestlands of the Ponderosa Pine and Grand Fir variety, providing the economy with timber, grazing, hunting and fishing resources. These vegetation areas closely follow the County's general geographical and climatic formations of plateau in the Northwest and mountain highlands in the Southeast.

Water Resources

Five river systems, the Willow-Rhea Creek, Butter Creek, Rock Creek, (a John Day tributary) and the Columbia, supply the County with water for fish and wildlife, domestic needs, recreational uses, agriculture, industrial transportation and general vegetation growth. Additional groundwater sources add to total supply.

Water is a critical factor to development in Morrow County. Agriculture, industry, fish, wildlife, natural vegetation, municipalities, power generation interests, environment and pollution abatement all depend on an adequate supply. To maintain the water supply and economic health of the County, water management programs must be operative.

Present County water supplies result from precipitation, spring run-off from snowpack, groundwater and riverwater. Water impoundments, both natural and man-made, help to store, control and distribute water supplies throughout the year. Water control projects affecting the County include the John Day Dam on the Columbia River, the West Extension Irrigation District, the proposed Snipe Creek and Stanfield Westland projects and the U.S. Army Corps of Engineers Flood Control dam. Other possible water control projects are listed on the accompanying table "Potential Dam Site." Most of these have been determined not to be economically feasible under current economic conditions. This may change in the future. Age-old groundwater pools supply part of the County with good deep-water wells.

Problems and Potential

Morrow County is susceptible to extremes in water supply. Shortage of water in summer months brings near-drought conditions to many parts of the County while flash floods threaten low-lying areas. Seasonal flash floods cause serious water erosion, sediment deposits and flooding problems. Although water management projects, such as check pond construction and other erosion control measures will do much to control these problems, more work is needed.

The Columbia River has long been recognized as a valuable resource, but it has taken on new significance in view of the recent Water Resource Board's declaration of a critical groundwater area in northern Morrow County. Since the State Engineer has not issued any new permits for groundwater development for irrigation for several years and has issued shutdown orders on some existing wells, irrigators, industrialists and some municipalities are looking to the Columbia as a water source. Consequently, a comprehensive inter-state policy for utilization of the Columbia River is most important to Morrow County and its agricultural and food processing industries.

Recent electrical usage rate increases have altered the future of large scale irrigation pumping and the amount of water needed for agriculture.

There are minimal conflicts between uses for the water resources for streams and rivers. Any flood control project built would not interfere with Irrigation rights, except for ground taken out of production, and in fact would enhance most of the downstream irrigation rights. A State of Oregon study has not identified any potential low head hydroelectric sites so this is not viewed as a conflict.

Overall water and stream quality provides another continuing challenge to County residents. Recent studies by the Department of Environmental Quality (August, 1978) indicate that Morrow County water stream quality is relatively high compared with other parts of the state. However, the study identified parts of Willow, Rhea and Butter Creeks as having water withdrawal and moderate elevated water temperature and sedimentation problems. No areas in Morrow County were tagged as major non-point source problems in the report.

As federal and State laws (Water Quality Act) strengthen quality requirements for water supplied to the human population, water treatment becomes more difficult and more expensive. Proper management of those activities that reduce water quality would help to maintain high water quality, thus, reducing costs for improving water treatment facilities. Unfortunately, authority for monitoring and regulating those activities does not lie with local government, but will have to be done at the State and Federal level with recommendations made by local County governments.

Air Resources

The air mass lying over Morrow County represents a positive natural resource. Compared with the rest of the state, the County's air quality is usually high. Windy conditions at field harvest or cultivation do cause dust storms which erode the land and temporarily lower the air quality. But the generally high air quality has attracted many residents, tourists, industries and energy facilities to the County. State and Federal air pollution standards, if properly enforced, should help maintain the air quality. Local activities, such as development of wind and solar energy facilities and transportation planning, would help strengthen these air quality standards. In addition, wind studies made at the Carty Coal Plant site near the Boardman Bombing Range indicate that Morrow County receives a fairly steady supply of west blowing wind that makes development of wind-generated power supplies in the County a very real possibility.

Air, Water, and Land Quality

There is very little specific information available about the quality of these three resources in Morrow County. The information included here is from the Pendleton office of the Department of Environmental Quality.

Air quality is good in the County area. There are no industrial emissions. Strong winds, generally from the west or southwest, may occur at any time of year and cause soil and dust movement.

Water quality is also good. During the summer months of 1977, D.E.Q. sampled 10-15 wells in Irrigon and found none contaminated. Septic tank drainfields have been adequate to date to keep wells free of contaminants.

Solid waste management (land quality) is a problem in Morrow County, outside of city limits. There is one landfill operation south of Lexington and one site north of Heppner for limited use only, and there are no facilities for solid waste disposal in northern Morrow County. At the present time, waste materials in the northern County area are disposed of through a franchise-contract agreement with the City of Hermiston. Since services provided by the cities are somewhat inadequate, several illegal dumps are found throughout the County. There are no County health officials to work at cleaning up and monitoring these dumps. They are recognized as a public health threat by D.E.Q.

Inventory of significant noise discharges:

1. P.G.E. Coal Fired Plant - Was conditioned by the Oregon Department of Environmental Quality and meets all applicable standards.
2. Oregon Potato and Gourmet Brands, Port of Morrow - Have proper muffling devices from steam release.
3. The Boeing Engine Test Site - Inactive.

Other Natural Resources

Fish and Wildlife

Morrow County contains several species of amphibians and reptiles, birds (game birds, waterfowl, shore birds, hawks, and owls), mammals (big game, non-game, furbearing, and fish, migratory fish, resident trout and warm-water game fish). Many of these animals (particularly birds) live within the Umatilla National Wildlife Refuge.

Fisheries

The County's fisheries resource is based upon the Columbia River which is the Northern boundary of the County. Steelhead, Trout, Chinook, and Coho Salmon all migrate up the Columbia River to enter tributaries such as the Umatilla and Walla Walla Rivers to spawn in headwater areas. Other species found in the Columbia include sockeye, chum, shad, smelt, and sturgeon.

Fish habitat is affected by water use and management techniques. Dams constructed on the Columbia and smaller streams for hydroelectric and irrigation purposes have severely restricted fish migration while streamside habitat destruction (on the headwaters of area rivers) has reduced available spawning and rearing grounds. In order to maintain a viable fisheries resource, future management will have to include means to correct past mistakes and compensate for any future adverse development.

TABLE 2
Species, Recreational Days Provided and Economic Value
of the Sport Fishery in Morrow County, 1975

<u>Species</u>	<u>Angler Days Provided</u>	<u>Value/Day (1975 Dollars)</u>	<u>Economic Value</u>
Rainbow Trout	7,410	\$11	\$81,510
Warm-water	935	9	8,415
Sturgeon	270	9	2,430
TOTALS	8,615		\$92,355

TABLE 3
Streambank Ownership in Morrow County, 1975

<u>Ownership</u>	<u>Miles Controlled</u>
Public	
Federal	117.5
State	0
County	0
Private	491.5
	609 Miles*

*Ownership for both sides of stream, except Columbia River

Wildlife

There is great diversity of wildlife and wildlife habitat in Morrow County. Rocky Mountain elk and mule deer are the most common big game animals. Both are found in higher elevation forests during the summer months and on the lower elevation bench lands in central and southern Morrow County, during the winter. Black bear and cougar are also present.

TABLE 4
Big Game Species and Their Estimated Summer Populations in Morrow County, 1977

<u>Species</u>	<u>Estimated Population</u>
Mule Deer	19,000
Elk	2,775
Pronghorn Antelope	200*
Black Bear	30
Cougar	5

*Antelope are confined to Ordinance Army Depot lands and are to be used for stocking other suitable areas in eastern Oregon.

Wildlife in some instances is limited by lack of water or by shortages resulting from water-use practices. The Fish & Wildlife Commission has a strong program of habitat enhancement for wildlife in the area.

The Umatilla Wildlife Refuge is located west of Irrigon and is federally managed.

Problems and Potential

Fish and wildlife populations are sensitive to changes in habitat. Since these resources make an important contribution to the County and its livability, the factors affecting wildlife habitat, food sources and population levels (such as increasing number of fishers, hunters, road construction, logging activity and pollution) must be monitored and balanced with the needs of human populations (as for food, fiber, jobs, recreation and solitude). Potential irrigation projects, logging sales and wilderness area allocations must be evaluated in light of their impact on all Morrow County resources. Present individual, industrial and agency efforts should result in a balanced future for Morrow County lands, people and resources.

Unique Scientific and Cultural Resources

Approximately 70% of Oregon has been surveyed by Historians to identify sites and buildings of importance in Oregon's history. Only about 3% of the state has been surveyed for archeological sites of significance. The results of these surveys indicate a high density of possible archeological sites in northern Morrow County along the Columbia River. According to "Archeological Reconnaissance at the Proposed Water Improvements at Irrigon, Oregon" (Cynthia R. Swanson, Bellingham, Washington, February, 1977), Irrigon is located in an area utilized by the Umatilla Indians.

There are no known archeological sites recorded with the Museum of Natural History for Irrigon, though several are recorded within a mile to the east and west along the Columbia River. A permanent village on both sides of the mouth of the Umatilla (about 7 miles from Irrigon) with a population of 500-600 has been identified. A survey conducted by Gilbert Conner and David Temple in 1941 identified a village on the "Washington side of the Columbia River and along the banks of Blalock Island just west of Irrigon." A subsistence area of the Warm Springs Indians has also been identified west of Irrigon.

Local residents of Irrigon have found artifacts along the Columbia and also within the town indicating there are archeological sites present though none have been recorded.

Historical Resources

Morrow County has several historic sites that are included in the "Oregon Inventory of Historic Sites and Buildings." The Oregon Trail, used primarily from 1843-1857, crosses Morrow County. The Emigrant Graveyard/Stage Station Ruin, located on the Oregon Trail, is known for military and Indian activities. It is located on the southern boundary of the Boardman Bombing Range. The Willow Creek Campground, also on the Oregon Trail is located north of Cecil. Five miles east of Upper Well Spring, the Cayuse War Battlefield of 1848 has been identified. The Abiqua Trail, another trail crossing Morrow County, is recognized for prehistory-anthropology significance.

Morrow County has an outstanding museum located at Heppner. The museum is funded by Morrow County. Exhibits include paleontological finds from the area, (others are on display at the Oregon Museum of Natural History at the University of Oregon), Indian artifacts, early American displays, and displays of early Oregon history. Six of the museum rooms are decorated in period furnishings. A costume collection is also included.

A detailed inventory - description of historical buildings and sites in the County has been completed and is on file in the County Courthouse.

The Goal 5 Process

In response to an application for a Post Adoption Plan Amendment (PAPA) to the Comprehensive Plan, or a periodic review work task regarding the protection of a proposed or existing Goal 5 resource site, Morrow County will meet the requirements of Oregon Administrative Rule (OAR) 660 Division 23. The process will thereby protect the listed natural resources for present and future generations. The following resources may be inventoried and protected under the Goal 5 process:

1. Open space;
2. Mineral and Aggregate Resources

3. Riparian corridors, including water and riparian areas and fish habitat;
4. Wetlands;
5. Wildlife habitat;;
6. Federal Wild and Scenic Rivers;
7. State Scenic Waterways;
8. Groundwater Resources;
9. Approved Oregon Recreation Trails;
10. Natural Areas;
11. Wilderness Areas;
12. Energy sources;
13. Cultural areas;
14. Historic resources;
15. Scenic Views and Sites.

The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050(f) consists of procedures and requirements for all Goal 5 resource categories, except when superseded by specific rules applied to a given resource. The specific rule for mineral and aggregate resources is outlined in OAR 660-023-0180, which prescribed the Morrow County guidelines in the Goal 5 Analysis in the Comprehensive Plan. Other natural resources with specific protection guidelines are wetlands, wildlife habitat, groundwater resources, natural areas, historic resources, open space and scenic views and sites. Generally for each resource the County will follow a 4-step process to identify and protect the resource:

1. **Determination of Significance.** Determine whether the resource meets the requirements for protection as a significant resource site based on quality, quantity and location information;
2. **Impact Analysis.** Conduct an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. There are basically 3 steps to be followed in an ESEE analysis, except as allowed for under specific resource categories. The basic steps are:
 - Determine the impact area;
 - Identify conflicting uses;
 - Analyze the ESEE consequences.
3. **Resource Protection Program.** Based on the ESEE analysis, the County will describe the degree of protection intended for the resource site. The analysis and implementing ordinances shall clearly identify those conflicting uses that are prohibited, allowed and the specific conditions or limitations that apply to the allowed uses. A program to achieve protection will utilize the Significant Resource Overlay Zone that will prohibit, partially or fully allow conflicting uses and describe the process of allowing for development within the resource zone and the impact area.
4. **Amendments.** The County will amend the Comprehensive Plan Inventory of Significant Resources, the Comprehensive Plan Map of Significant Resources, and the Significant Resource Overlay Zone Map to include the site. The amendment to the Comprehensive Plan will have the following information:
 - A. Description, including a map, of the resource area including the impact area;

- B. Information on quality and quantity of the resource;
- C. The analysis language regarding the resource conflicting uses at the site and impact area, and EESE analysis, if any;
- D. The analysis language regarding the significance of the site.

Summary of Goal 5 Resource Designations

In 2013 Morrow County did adopt amendments to the Comprehensive Plan Natural Resources Element, Goal 5 Analysis and Review and Revision Chapters as part of a comprehensive update focused on aggregate and mineral resource protections. As part of that update the previously used Division 16 standards were replaced with Division 23 standards, however the Division 23 process was only applied to aggregate and mineral resources. Application of Division 23 standards will be applied to other resource categories when future updates are undertaken. The following list still retains, for the most part, the historical Division 16 categorization of 1B, 2A and 3C. Additionally the text pages are known to be out of order and will need further refinement.

<u>Resource</u>	<u>Text(pp)</u>	<u>Remarks</u>	<u>Designation</u>
Open Space	14	Not site or area specific. General description of land resources p. 69 (only 0.2% of County is urban). Natural Resource Policies A-E (p. 79); F, I, K, M, (p. 80); Land Resources policies B-G, (p.81). Policies sufficient to support 1B designation.	1B
Minerals Coal/Methane	14	General area; not site specific. Public and private land. EFU and FU zones. Additional information needed. Natural Resource Policy B; F, I, J Land Resource Policies A, C, E,	
Gemstones	15	General area; not site specific. Plan Policies as above (i.e., Coal/Methane). Additional information needed.	
Plant Fossils	15	Public land. FU zone. Note Ecological and Scientific Areas.	
Pumice/cite	16	General area (Map); not site specific. Public and private land. Applicable plan policies as in Coal/Methane (above). EFU zone. Additional information needed.	
Clay Deposit	ZZ	Public land (Umatilla Nat. Forest). FU zone. Site specific (Map); DOGAMI report	

Aggregate	16	Site specific (Note Map). Public and private land. Applicable policies A, B, F, I, J, M, A, C, D, E, G. EFU, FU, SF-40, MG, PI, SAI, RRI zones.	
Energy Sources Coal/Methane	14	Public and private land. Note Coal/Methane under Minerals heading. EFU and FU zones. Additional information needed.	1B
Hydro-Electricity	19	Site specific (Map); Sites presently uneconomical (p. 71, 154). Applicable policies: B (p. 79); G, I, J, M, A (p. 80); 2.C, E, 3A, B (p. 80), D, E (p. 81), Policy 2 (p. 155), 5C (p. 82).	1A
Solar	19	General information (p. 153). Not site specific. Additional information needed. Applicable policies: 1-3 (p. 155); 4, 5, 9, 10, 11 (p. 156); 15 (p. 157).	1B
Wind	19	General information (p. 153). Test area in Boardman Bombing Range (Note archeology map). Additional information needed. Applicable policies 1-3 (p. 155), 10, 11 (p. 156).	1B
Fish and Wildlife Big Game	20	General information (pp. 75-76). Public and private land. Area specific. Residential dwellings, the principal conflict, is resolved through density standards under resource zoning (FU, EFU zones) and siting standards under the SR zone. Applicable policies (in addition to general resource policies): A, B, D (p. 82); F, G, H (p. 83).	3A/3C;2A
Upland Game Birds/Waterfowl	21	Three specific wildlife management areas and in riparian habitat areas. Applicable policies: 5A, D (p. 82); 5E, G, H (p. 83).	2A/3C
Riparian Habitat	23	Specific streams and water bodies identified. Other wildlife depend on Riparian Habitat.	2A/3C
Non-Game Birds and mammals	25	Located within specific WMA's and throughout the County.	2A;3C
Bald Eagle and Golden Eagle nest sites	26	Bald eagles and golden eagle nest sites located on private land	3C
Long-billed Curlew	26	Only general habitat identified. Some nesting habitat areas located on public lands.	2A; 1B

Three-Mile Island	26	Habitat for a variety of birds. Public ownership (Army Corps of Engineers)	2A
WA Ground Squirrel	26	Specific area. Located on federal land. (Boardman Bombing Range). Designated Research Natural Area by Nature Conservancy.	2A
Furbearers	27	Principal habitat near streams. Conflicting uses; furbearers also within protected wildlife areas (federal/state).	2A/3C
Fish Habitat	28	Sensitive ponds and streams identified. Riparian Habitat.	3C
Ecological/Scientific Natural Areas	29		
Umatilla Natl. Wildlife Ref.		Owned and managed by federal government.	2A
Coyote Springs WMA		Owned by federal government. Long-term lease to state.	2A
Irrigon WMA		Owned by federal government. Long-term lease to state.	2A
Boardman Bombing Range		Owned and managed by federal government.	2A
Plant fossils		Geologic formation within national forest (public land).	2A
Sand Hollow		Natural Grassland. Identified by The Nature Conservancy. Additional information needed.	1B
Eight-mile Grassland		Natural Grassland. Identified by The Nature Conservancy. Additional information needed.	1B
Three Mile Island		Federal ownership. Sea bird colony.	2A
LaFevre Prairie		Private ownership. Wildflower area. Additional information needed.	1B
Boardman Slough		Federal ownership. Wildlife habitat.	2A
Service Canyon Grassland		Private ownership. Identified by The Nature Conservancy. Additional information needed.	1B

Gene Wood Creek	Private ownership. Natural Grassland. Additional information needed.	1B
Houselog Creek	Private ownership. Natural Grassland. Additional information needed.	ZZ
Rhea Creek	Sensitive stream. Western brook lamprey. Additional information needed.	1B
Scenic Views; 32 sites	Addressed in plan (p. 69) but none identified.	1B
Water Areas, 32 Watershed, Wetlands and Groundwater	Area specific (groundwater). Applicable policies: 3A, B, C (p. 81); E (p. 82). Critical groundwater area identified (Butter Creek area on Water Resource map).	3C/2A
Wilderness Areas	County does not contain wilderness areas.	NA
Historic Sites, 36 Structures & Objectives		
Archeological	Information available for some sites (Map); other sites exist but not recorded. Applicable policies: 7A, B, C, D (p. 83); 7E F (p. 84).	3A;1B
Historical Oregon Trail	Wells spring segment. Public land. National Register. Bombing Range (Note discussion of Boardman Bombing Range).	2A
Willow Creek Campground	Private property. EFU zone.	2A
Cayuse Battlefield	Fenced monument and plaque. Public land.	2A
Willow Creek Bridge	Co. Rd. 546. Eligible for National Register (5-2-85).	3A
Rhea Creek Bridge	Co. Rd. 705. Eligible for National Register (5-2-85). Applicable Historic Resource policies: 1A, B, E (p. 79); 11 (p. 80); 7A, F (pp. 83-84).	3A
Emigrant Graveyard	Protected within Boardman Bombing Range.	2A
Stage Station Ruin	Range (Public land).	

Cecil General Store	Private property.	3C
Hardman Townsite	Additional information needed.	1B
Cultural Areas	Morrow County does not contain unique cultural area.	N/A
Potential/Approved Recreation Trails	Morrow County does not contain potential or approved recreation trails.	N/A
Potential/Approved Federal Wild and Scenic Waterways; State Scenic Waterways	Morrow County does not contain potential or approved state/federal wild or scenic waterways.	N/A

REVIEW AND REVISION OF THE COMPREHENSIVE PLAN

AUTHORIZATION TO INITIATE AMENDMENTS. The Comprehensive Plan for Morrow County may be periodically amended upon authorization of the County Court, Planning Commission, or when a property owner or an authorized representative makes application to the Planning Department. The need may arise from changes in State law or rule, or as a result of case law. Additionally, changes may be necessary due to growth and development within the County, such as urban growth boundary adjustments or by rezoning. Various Oregon statutes and rules provide the basis for Morrow County's Comprehensive Plan review and revision process. A Comprehensive Plan Amendment may be one or a combination of:

Legislative decisions - made when considering changes or additions to the language of the Zoning Ordinance, Comprehensive Plan, inventories, or maps. Legislative revisions include land use changes that have widespread or significant impact beyond an immediate area. Legislative revisions address quantitative changes such as significant impact to a transportation system, or qualitative changes in the character of the land use itself, such as a zoning conversion of residential to industrial use;

Quasi-judicial decisions - made when a land use decision considers issues normally related to one or a limited number of parcels and apply existing criteria. Examples may be changes to an urban growth boundary, or inventory, map, or zone changes where the revisions do not have significant effect beyond the immediate area of the change.

PUBLIC HEARINGS ON AMENDMENTS. The Planning Commission shall conduct at least one public hearing on the proposed amendment within 60 days after the amendment is proposed and shall recommend to the County Court approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the County Court shall hold at least one public hearing on the proposed amendment.

NOTICE. Notice will be provided according to Article 9 of the Morrow County Zoning Ordinance.

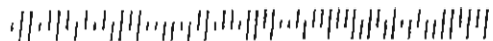
PROCESS. All proposed changes to the Comprehensive Plan and implementing ordinances must be submitted to the Oregon State Department of Land Conservation and Development (DLCD) at least 35 days before the first evidentiary hearing on adoption of the proposed change. Where two or more local governments propose to agree on and mutually adopt a change to a comprehensive plan, such as an urban growth boundary amendment, the local governments must jointly submit the required notice to DLCD meeting the 35-day requirement.

CRITERIA. The following criteria must be considered before approval of an amendment to the Comprehensive Plan is given:

1. Address the Criteria found in the Morrow County Zoning Ordinance Article 8 Amendments; and
2. Show how the request complies with the relevant statewide land use planning Goals. Include evidence of coordination and compliance with State agencies regarding the statewide planning Goals.

LIMITATIONS ON REAPPLICATIONS. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the six (6) month period immediately following denial of a previous application; if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it, however, the Planning Commission may permit a new application.

FINAL DECISION. The decision of the County Court will be final unless appealed. Eligibility to appeal is governed by Oregon Revised Statute and Oregon Administrative Rule.



DEPT OF

SEP 11 2013

LAND CONSERVATION
AND DEVELOPMENT

DLCD
Angela Houck
635 Capitol St. NW, Ste 150
Salem, OR 97301-2540