

SECTION 3.200. SIGNIFICANT RESOURCE OVERLAY ZONE, SRO

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

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

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

C. Review Process

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

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

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

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

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

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

1. All Significant Resource Sites

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

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

c. There shall be no significant loss of habitat for threatened or endangered species of

animals or plants as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife.

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

2. Sensitive Bird Nesting Sites

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

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

3. Riparian Vegetation/Wetlands

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

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

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

4. Mineral Resource Sites.

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

5. Big Game Range Restrictions

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

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

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

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

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

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

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

6. Wildlife Habitat Zone

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

E. List of Conflicting Uses and Activities

1. Sensitive Bird nesting sites

a. Bald and Golden eagles

1) Use of chemicals

2) Residential development

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

a. Groundwater - Any use affecting the quality and quantity of existing groundwater resources.

b. Streams and ponds - Residential, commercial, and industrial development, mining, removal of vegetation.

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

Resource Agency

1. Fish and Wildlife Habitat:

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

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

2. Water Resources:

Division of State Lands

Department of Transportation

Department of Water Resources

3. Energy Resources:

State Department of Energy

4. Mineral and Aggregate Resources:

County Road Department

State Highway Department

Department of Transportation

Department of Geology and Mineral Industries

5. Parks and Recreation Scenic:

State Parks and Recreation Waterways

State Department of Transportation

6. Geothermal Resources:

Department of Geology and Mineral Industries

7. Riparian Habitat:

Agencies listed under subsection 1 above

Department of Environmental Quality involving water quality

Soil Conservation Services involving soil quality
(erosion)