

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 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, 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.

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

Automobile and Trailer Sales Area. An open area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

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.

Camp, Tourist or Trailer Park. Any area or tract of land used or designed to accommodate two or more trailers, or two or more camping 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.

Camping Vehicles. A vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and intended for human occupancy and that is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet.

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.

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 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 equalled or exceeded in any given year.

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 hereinabove.

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.

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 travel trailers, camping trailers, motorized homes or campers, pickup coaches, or other recreational-type 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.

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 Camp, Resort and Park. An 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 or overnight camping and offered to the general public, whether or not a fee or charge is made for such accommodations.

Recreational Vehicle. A vacation trailer or other unit with or without motive power, that is designed for human occupancy and is to be used temporarily for recreational or emergency purposes.

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.

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 Vacation Trailer, Mobile Home, Manufactured Home, or Prefabricated House. This definition includes boat trailers, bunk trailers, portable schoolrooms, and industrial, commercial or public offices and accessory uses.

Trailer Park. A plot of ground on which two or more travel trailers occupied for dwelling or sleeping purposes are

located, the primary purpose of which is to rent space or keep space for rent.

Trailer, Vacation-Travel. A portable unit designed and built to be towed on its chassis, consisting of frame and wheels, having sleeping, cooking and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence.

Traveller's 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.

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 lot for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use 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.