

**BEFORE THE BOARD OF COMMISSIONERS  
FOR MORROW COUNTY, OREGON**

AN ORDINANCE AMENDING THE MORROW	)	Ordinance Number
COUNTY ZONING ORDINANCE TO ADOPT	)	ORD-2021-3
A NEW RURAL RESIDENTIAL 10-ACRE ZONE	)	

**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 first acknowledged by the Land Conservation and Development Commission on January 15, 1986, with the Economic Element update acknowledged in May 2016; and

**WHEREAS**, the Morrow County Planning Department, together with the Cities in Morrow County, retained a consultant to study and evaluate housing needs inside city limits and urban growth areas, where the final product was the 2019 Morrow County Housing Strategies Report; and

**WHEREAS**, the 2019 Housing Strategies Report recommended County adopt a new Rural Residential 10-Acre Zone; and

**WHEREAS**, the Morrow County Planning Commission held public hearings on November 24, 2020, December 8, 2020 and February 23, 2021, to consider the request and voted unanimously to recommend that the Board of Commissioners adopt the new Rural Residential 10-Acre Zone; and

**WHEREAS**, the Morrow County Board of Commissioners held a public hearing on March 24, 2021 and voted unanimously to adopt the Findings and adopt a new Rural Residential 10-Acre Zone; and

**NOW THEREFORE, THE MORROW COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS: THAT THE MORROW COUNTY BOARD OF COMMISSIONERS AMENDS THE MORROW COUNTY ZONING ORDINANCE.**

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "Rural Residential 10-Acre Zone."

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Section 2 Affected and Attached Documents:

1. Board of Commissioners Staff Report and Findings of Fact Plan Amendment (AZ-134-20)

Section 3 Effective Date:

This ordinance shall be effective 90 days from April 21, 2021, on July 15, 2021

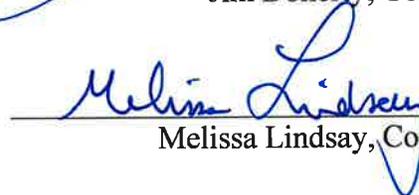
Date of First Reading: April 7, 2021  
Date of Second Reading: April 21, 2021

**ADOPTED BY THE MORROW COUNTY BOARD OF COMMISSIONERS  
THIS 21<sup>st</sup> DAY OF APRIL 2021.**

**BOARD OF COMMISSIONERS OF  
MORROW COUNTY, OREGON**

  
\_\_\_\_\_  
Don Russell, Chair

  
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Jim Doherty, Commissioner

  
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Melissa Lindsay, Commissioner

Approved as to Form:

  
\_\_\_\_\_  
Morrow County Counsel  
RICHARD S. TOLBY USB 044373

## **BOARD OF COMMISSIONERS STAFF REPORT AND FINDINGS**

### **Zoning Ordinance Update AZ-134-20**

**REQUEST:** To amend Article 3 Establishment of Zones, creating a Rural Residential 10-acre Zone in the Morrow County Zoning Ordinance.

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**APPLICANT:** Morrow County Planning Department  
P.O. Box 40  
Irrigon, OR 97844

**LOCATION:** Morrow County

#### **I SUMMARY OF APPLICATION AND PROCESS:**

Landowners and residents have expressed an interest in increasing opportunities for rural residential development. Both current residents and future residents have an interest in living within the county but on a rural setting with small acreage. The Planning Commission held four work sessions to discuss a draft zone that would be suitable for the county and also permitted under the Oregon Statewide Planning Program. The proposed draft meets local and statewide goals and objectives.

#### **II SUMMARY OF APPLICABLE CRITERIA**

**MORROW COUNTY ZONING ORDINANCE: SECTION 8.040.** The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

- A. The local conditions have changed and would warrant a change in the zoning of the subject property(ies).**  
No parcels will be rezoned as part of this legislative amendment. Rather, the new zone would allow lands to be rezoned in the future. Therefore, this standard does not apply.
- 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**

- c. adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or, Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

No lands will be rezoned as a result of this legislative amendment. Rather, this standard will apply in the future at the time a landowner files an application to rezone land and apply the RR-10 Zone. The application therefore complies with this standard.

- 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 Findings above.

- 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.**

The proposed RR-10 Zone complies with the Housing Element of the Comprehensive Plan. Specifically, the RR-10 Zone supports the followings Policies found on page 173:

Policy 1. To increase the supply of housing to allow for expected population growth and to provide for the housing needs of the citizens of Morrow County.

Policy 4. To encourage residential development which provides prospective buyers with a variety of residential lot sizes, diversity of housing types, and a range in prices.

Additionally, the proposed RR-10 Zone would not be contrary to other policies in the Housing Element where rezoning individual parcels would require that findings to show how each individual application would comply with Oregon Administrative Rules Chapter 660 and an Exception to Statewide Planning Goal 3. Together, the OAR 660 and Goal 3 Exception require the lands be compatible with adjacent resource ground such as farm or forest uses. Additionally, due to the large lot size, RR-10 development would not compete with urban development allowed inside city limits and urban growth boundaries.

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

See Findings above.

IV PROPERTY OWNER NOTICE: Not applicable.

V LEGAL NOTICE PUBLISHED: November 17, 2020, East Oregonian  
November 18, 2020, Heppner Gazette-Times

VI AGENCIES NOTIFIED: Anne Debbaut, Department of Land Conservation and Development; Mike Gorman, Morrow County Assessor's Office; Justin Nelson, Morrow County Counsel; City of Heppner; City of Lexington; City of Lone; City of Boardman; City of Irrigon. Note: 35- Day notice mailed to DLCD on October 30, 2020.

VII HEARING DATES:  
Planning Commission  
November 24, 2020  
December 8, 2020  
February 23, 2021  
Bartholomew Building, Heppner, Oregon

Board of Commissioners  
March 24, 2021 Heppner, Oregon

IX RECOMMENDATION: Approve Findings, Amend Article 3 and Adopt a new Rural Residential 10 acre Zone to add to the Morrow County Zoning Ordinance.

MORROW COUNTY BOARD OF COMMISSIONERS

  
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Don Russell, Chair

  
\_\_\_\_\_  
Melissa Lindsay, Commissioner

  
\_\_\_\_\_  
Jim Doherty, Commissioner

March 24, 2021  
\_\_\_\_\_  
Date

Attachments: RR-10 Zone  
Letters from interested parties

## **SECTION 3.042. RURAL RESIDENTIAL TEN, (RR-10) ZONE**

- A. Purpose. The RR-10 Rural Residential Zone is designed to provide lands for rural living in a rural residential atmosphere. The 10-acre minimum lot size complies with Statewide Planning Goal 14 where parcels are rural in size and are sufficiently large enough to accommodate private wells and sewage disposal systems. Standards for development are consistent with desired rural character and are compatible with adjacent farming and natural resource land management. Gardens and limited livestock are allowed outright in the zone. The RR 10 Zone may be approved when an application for rezoning lands also includes an application for exception to Statewide Planning Goal 3 and Oregon Administrative Rule Chapter 660-004-0000 and Amendment Standards found in Article 8 of the Morrow County Zoning Ordinance. A rezone application must also comply with Statewide Planning Goal 12 Transportation and the County Transportation System Plan (TSP).
- B. Uses Permit outright. In a RR-10 Zone, the following uses and their accessory uses are permitted with a zoning permit, pursuant to Section 1.050:
1. Single-family dwelling on an individual lot, including a mobile home subject to requirements set forth in Section 4.110 of this ordinance.
  2. Other public or private uses or buildings necessary to serve the rural residential use of the land.
- C. Conditional Uses Permitted. In a R R-10 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth by this section and Article 6 of this ordinance.
1. Home occupations subject to the limitations set forth in Article 6 of this ordinance.
  2. Public Park, trails, recreation area, community or neighborhood center.
  3. Agri-tourism events as defined in Section 1.030. Definitions.
  4. Utility facility necessary to serve the area or County.
- D. Limitations on use. In Rural Residential ten-acre (RR-10) zone, the number of livestock and/or animals including cattle, horses, goats, sheep, swine, poultry, or fur bearing animals is subject to the density limitations listed in this section.
1. The primary intended use for properties zoned RR-10 is residential. The raising of livestock and/or animals in these zones shall be incidental to the primary use.
  2. Livestock and/or Animal densities are calculated based on open space of each parcel as follows:
    - a. Cattle – two per acre, (10 cattle maximum) or
    - b. Horses, mules, donkeys, llamas – two animals per acre (10 maximum), or
    - c. Sheep or goats – six animals per acre (30 animals maximum), or
    - d. Emu – eight ratite per acre (40 animals maximum), or
    - e. Ostrich – four ratite per acre (20 animals maximum), or

- f. Miniature cows, horses, mules and donkeys – four per acre (20 animals maximum), or
  - g. Swine – four pigs per acre with maximum of four per parcel).
  - h. Cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostriches cannot be kept on a site having an area of less than one-half acre.
  - i. All swine shall be confined to an area not less than 500 feet from any adjacent residential dwelling (not the property of the owner of the swine). Swine are only allowed seasonally as part of 4 H or FFA projects.
  - j. Animal density listed above for livestock, including cattle, horses, mules, donkeys, llamas, sheep, goats, emu and ostrich, also allows two offspring up to six months of age, per animal.
  - k. The number of colonies of bees allowed on a property shall be limited to one (1) colony for each 1,000 square feet of lot area.
  - l. Density for Poultry – twenty fowl per acre, and for fur-bearing animals (rabbits, mink, chinchillas, etc.) – twenty animals per acre. (MC-C-5-98)
- E. Yard and setback requirements. In an RR-10 Zone, the following yards and setbacks shall be maintained:
- 1. The front setback shall be a minimum of 20 feet from a property line 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 from combining accesses are provided and approved by the County.
  - 2. There shall be a minimum side yard of 10 feet for all uses, except in the case of a non-residential use adjacent to a residential use the minimum side yard shall be 20 feet.
  - 3. The minimum rear yard shall be 20 feet.
- F. Dimensional standards. In a RR-10 Zone, the following dimensional standards shall apply:
- 1. Percent of Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the total lot area.
  - 2. The minimum lot frontage on a public street or private roadway shall be 50 feet, except that a flag lot frontage may be reduced to the width of a required driveway but no less than 20 feet and except for a cul-de-sac, where the frontage may be reduced to 30 feet.
- G. Lot size. The minimum average width of lots shall be 150 feet and have an area not less than ten (10) acres.
- H. Transportation impacts. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all land use 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)