

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. (MC OR-1-2013)
- 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 (MC-OR-1-2013)

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. (MC OR-1-2013)

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. (MC OR-1-2013)

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)