



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

December 21, 2007



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment  
DLCD File Number 007-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 2, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Carla Mclane, Morrow County

<paa> ya

**FORM 2**

**DEPT OF**

**DEC 17 2007**

**LAND CONSERVATION  
AND DEVELOPMENT**

**D L C D NOTICE OF ADOPTION**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: Morrow County Local File No.: AZ-003-07  
(If no number, use none)

Date of Adoption: December 5, 2007 Date Mailed: December 12, 2007  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 10, 2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amend the Zoning Ordinance language for both the Port Industrial and General Industrial Zones. Allows MG uses in the PI Zone; adds language about rail loop and spur development; incorporates set back and other dimensional standards; allows mining as a Conditional Use in PI zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Minor changes to refine request and ordinance

Plan Map Changed from: N/A to \_\_\_\_\_

Zone Map Changed from: N/A to \_\_\_\_\_

Location: Varies Acres Involved: MG 9510 ±  
PI 2416 ±

Specify Density: Previous: N/A New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 007-07(16300)



Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: DLCD, Port

Morrow  
Local Contact: Carla McLane Area Code + Phone Number: 541 922 4624  
Address: PO Box 40 City: Irrigon, OR  
Zip Code+4: 97844 Email Address: cmclane@co.morrow.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



## 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

December 12, 2007

Morrow County Zoning Ordinance Amendment  
Port Industrial Use Zone  
General Industrial Use Zone


This notice is to inform you that on December 5, 2007, the Morrow County Court adopted Ordinance Number MC-04-2007 amending the Morrow County Zoning Ordinance. Specifically Morrow County adopted amendments to Article 3 Section 3.073 Port Industrial and Article 3 Section 3.070 General Industrial.

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 December 12, 2007. The deadline to appeal is December 31, 2007.

Cordially,

  
Carla McLane  
Planning Director

I certify that on December 12, 2007, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

  
Signature \_\_\_\_\_ Date 12/12/07



BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE ADOPTING UPDATES TO  
THE PORT INDUSTRIAL AND GENERAL  
INDUSTRIAL USE ZONES SECTIONS 3.073  
AND 3.070 RESPECTIVELY OF THE  
MORROW COUNTY ZONING ORDINANCE

COUNTY ORDINANCE  
NO. MC 04-2007

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 Port of Morrow and Morrow County Planning staff met and mutually agreed to the need for amendments; and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on September 25, 2007, at the Morrow County School District Building in Lexington, Oregon, and on October 30, 2007, at the North Morrow County Annex Building in Irrigon, Oregon; and

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

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on November 21, 2007, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court did consider the testimony and evidence presented to them;

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 "Port Industrial and General Industrial Use Zone 2007 Update."

Section 2 Affected Documents

1. The Port Industrial Zone (PI) Section 3.073 of the Morrow County Zoning Ordinance is attached as Exhibit 1. All previous versions of the Port Industrial Zone are repealed and replaced.

2. The General Industrial Zone (MG) Section 3.070 of the Morrow County Zoning Ordinance is attached as Exhibit 2. All previous versions of the General Industrial Zone are repealed and replaced.

Section 3 Effective Date

This ordinance shall be effective on January 1, 2008.


Date of First Reading: November 28, 2007

Date of Second Reading: December 5, 2007

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 5<sup>th</sup> DAY OF DECEMBER, 2007.

ATTEST:

MORROW COUNTY COURT:

  
Bobbi Childers  
County Clerk



  
Terry K. Tallman, Judge

APPROVED AS TO FORM:

  
Ryan Swinburnson  
County Counsel

  
John E. Wenzel, Commissioner

  
Ken Grieb, Commissioner



# Exhibit 1

## **SECTION 3.073. PORT INDUSTRIAL ZONE, PI**

Section 3.073. Purpose. The PI zone is intended to regulate development at portions of the Port of Morrow Industrial Park and other appropriate locations. The zone is intended to provide for port-related industrial uses and aerospace-related industrial uses which are not devoted to research and development. The zone is intended to provide an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the zone.

As used in this section, a port-related industrial use includes any industrial use authorized by ORS 777.250. However, airport-related uses, to the extent they may be considered port-related uses, are not permitted within this zone. Airport-related uses are defined in Section 3.071 of the Morrow County Zoning Ordinance.

For purposes of this zone, port-related industrial uses also include effluent disposal of industrial wastes and agricultural activities in conjunction therewith, and all buildings, structures and other uses accessory to and in conjunction with port-related and aerospace-related uses. "Industrial uses", as used in this zone, includes but is not limited to manufacturing, warehousing, processing, packaging, compounding, constructing, treatment, assembly, storage, testing, finishing, refinishing, repair, and wholesale sale and distribution of products.

In the PI zone the following regulations shall apply:

A. Uses Permitted Outright with a Zoning Permit and subject to the provisions of this Section. Outside activities are permitted within the scope of allowed uses outlined below. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).

1. Water-dependent industrial uses which are related.
2. Aerospace-related industrial uses.
3. Chemical and primary metal industrial uses which are port-related.
4. Port-related industrial uses which are land intensive.
5. Lumber and wood-products manufacturing and other related industrial uses which are port-related.
6. Effluent disposal of industrial wastes, agricultural activities in conjunction therewith.
7. Manufacturing, refining, processing or assembling of any agricultural, mining or industrial product.
8. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes with retail sales and rentals only associated with the primary use.
9. Power generating and utility facilities.

10. Oil module production and shipping and related industrial uses which are port-related.
11. Ship building and repair.
12. Any other industrial use authorized by ORS 777.250.
13. Buildings, structures, offices and other uses customarily accessory to and in conjunction with permitted uses in the PI zone.
14. Rail loop and spur dependent uses.
15. Concrete or ready-mix manufacturing plant.
16. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes with retail sales and rentals only associated with the primary use.
17. Uses allowed outright in the General Industrial Zone, not including residential caretaker use.
18. Facility for security personnel and activities involved in the policing, control, regulation and management of property which may include sleeping facilities, but which is not a dwelling.
19. Intermodal transportation facilities not requiring an Oregon Department of Environmental Quality Solid Waste Disposal Site Permit.

**B. Conditional Uses.**

1. Commercial uses appropriate and necessary to serve the needs of workers employed within the zone. Total cumulative square footage of retail floor space shall not exceed 10,000 square feet within areas zoned PI or 10% of the area of any building or complex of buildings, unless the applicant provides information justifying a larger area.
  2. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted Port Industrial uses.
  3. Quarry, gravel pit, subsurface or surface mining, including crushing, screening or washing of extracted materials.
  4. Asphalt plant.
  5. Intermodal transportation facilities that have been designated a "transfer station" by the Department of Environmental Quality and must acquire a Solid Waste Disposal Site Permit. These facilities must meet the requirements of the Morrow County Solid Waste Ordinance.
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C. Limitations on Uses.

1. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.
2. All related provisions of the Oregon Revised Statutes shall be complied with, particularly those dealing with hazardous substances and radioactive materials.

D. Dimension Requirements. The following dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the PI zone, subject to subsection F of this Section.

1. Minimum front yard setback: Thirty (30) feet. No structure shall be erected closer than ninety (90) feet from the center line of any public, county or state road. Structures on corner or through lots shall observe the minimum front yard setback on both streets.
2. Minimum side and rear yard setback: ten (10) feet.
3. Minimum lot coverage: No limitation.
4. Maximum building height: No limitation.
5. Exceptions to the setback regulations are as follows:
  - a. There shall be no setback requirement where a property abuts a railroad spur if the spur will be utilized by the permitted use.
  - b. Side and rear lot requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinating vehicular access and parking development. Party wall or adjoining building walls must meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the Port of Morrow as to form and content, recorded in the Morrow County Clerk's office and a copy must be provided to the Planning Department.

E. Interpretation.

1. In the event that it is unclear that a proposed use is a permitted use within the PI zone, the Planning Director shall initially make such a determination. Notice of the Planning Director's decision shall be mailed to all owners of real property located within 250 feet of the subject property. Any person entitled to such notice or who is adversely affected or aggrieved by the decision may request a public hearing pursuant to Section 9.030 of this Ordinance within 15 days following the mailing of the Planning Director's decision.
2. When an intermodal transportation facility handles solid waste in a situation that is considered temporary or when solid waste is transferred in a non-containerized or non-typical manner the Planning Director shall make a notice of decision concerning this action. This notice shall be mailed to all owners of real property located within 250 feet of the subject property but will not require an appeal deadline.

F. Additional Requirements.

1. The Port will establish a master plan for the area that assures compatibility of uses with adjacent land uses. The master plan should include provisions for buffering, traffic circulation, lighting, and landscaping, as necessary, to ensure compatibility. The plan shall be subject to review by the Morrow County Planning Commission.

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)



## Exhibit 2

### **SECTION 3.070. GENERAL INDUSTRIAL ZONE, M-G**

SECTION 3.070. General Industrial Zone, M-G. In an M-G Zone, the following regulations shall apply:

A. Uses Permitted Outright. In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section. A Zoning Permit is required and projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).

1. Retail, wholesale or service business establishments except a use set forth in subsection B and subject to the limitations set forth in subsection C of this section.
2. Farming.
3. Residence including a mobile home for caretaker or night watchman on property with an existing industrial use, or for the owner of said industrial use.
4. Freight depot.
5. Contractor's or building materials business, and other construction related businesses including plumbing, electrical, roofing, siding, etc., provided such is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight obscuring fencing.
6. Ice or cold storage plant.
7. Wholesale distribution outlet, including warehousing, but excluding open outside storage.
8. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight obscuring fencing.
9. Veterinary clinic or kennel.
10. Laboratory for experiment, research or testing.
11. Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding all processes involving refining or rendering of fats and oils.
12. Government buildings including armories, maintenance, repair or storage facilities provided all outside storage is enclosed by sight obscuring fencing.
13. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations provided no outside storage is involved.
14. Processing, packaging and storage of foods and beverages excluding those involving distillation, fermentation, rendering of fats or oils, and slaughtering.

B. Conditional Uses. In an M-G Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 6 of this ordinance:

1. Any use permitted when authorized by subsection (1) of this section on a lot within a duly platted subdivision or residential zone.
2. Public or semi-public use.
3. The resumption of a residential use including a mobile home where the subject use has previously been conducted and has not been discontinued for a period exceeding six months.
4. Manufacturing, repair, servicing and storage of machinery, implements, equipment, trailers, recreational vehicles or manufactured homes with retail sales and rentals only associated with the primary use.
5. Any use permitted by subsection A of this section where open outside storage is involved.
6. Concrete or ready-mix plant.
7. Automobile and other automotive wrecking yard.
8. Quarry, gravel pit, subsurface or surface mining, including crushing, screening, or washing of extracted materials.
9. Commercial feed lot, stock yard, sales yard, slaughter house, and rendering plant.
10. Railroad trackage and related facilities.
11. Lumber and other wood products manufacturing.
12. Agricultural products storage and processing plants.
13. Any use permitted by subsection (1) of this section which is proposed to exceed or expected to exceed the following standards:
  - a. Occupy more than 70% of the land area designed or designated for said use.
  - b. Generates any odor, fumes, glare, flashing lights or noise which is perceptible from a resident located within 500 feet from the property line of the subject use without instruments.
14. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semi-precious stone or metal, wax, wire, wood, rubber, yarn and similar materials provided such uses do not create a nuisance because of odor, noise, dust, smoke, gas, traffic, or other factors.
15. Solid waste facilities and sites as governed by the Morrow County Solid Waste Plan and Ordinance.
16. Rail loop and spur dependent uses.
17. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed. Such uses shall only be incidental and directly related to the operation of permitted General Industrial uses.



C. Use Limitations. In an M-G Zone, the following limitations and standards shall apply to all permitted uses:

1. No use permitted under the provisions of this section that requires a lot area exceeding two (2) acres shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone, except as approved by the Commission.
2. No use permitted under the provisions of this section that is expected to generate more than 20 auto-truck trips during the busiest hour of the day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

D. Dimension Requirements. The following Dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the MG zone.

1. Lot size and frontage: A minimum lot size has not been determined for this zone although the lot must be of a size necessary to accommodate the proposed use, however, it is anticipated that most, if not all uses will be sited on lots of at least two acres. The determination of lot size will be driven by the carrying capacity of the land given the proposed use. Minimum lot frontage shall be 300 feet on an arterial or collector; 200 feet on a local street.
2. Setbacks: No specific side or rear yard setbacks are identified within this zone, but may be dictated by provisions of the Building Code or other siting requirements. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet. There shall be no setback requirement where a property abuts a railroad siding or spur if the siding or spur will be utilized by the permitted use.
3. 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 10 feet measured at right angles to the high-water line or mark.
4. Uses adjacent to residential uses. A sight-obscuring fence shall be installed to buffer uses permitted in the General Commercial Zone from residential uses. Additional landscaping or buffering such as diking, screening, landscaping or an evergreen hedge may be required as deemed necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

E. 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)



UNITED WE STAND

MORROW COUNTY PLANNING DEP  
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IRRIGON, OR 97844

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