



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 24, 2008



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 008-07

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: February 5, 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
Thomas Hogue, Policy Analyst
Carla McLane, Morrow County

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FORM 2

D L C D NOTICE OF ADOPTION

DEPT OF

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

JAN 17 2008

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Morrow County

Local File No.: AZ-005-07
AZ(M)-006-07
(If no number, use none)

Date of Adoption: January 9, 2008
(Must be filled in)

Date Mailed: January 15, 2008
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 12, 2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: _____

(Please Specify Type of Action)

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

Provides for an Exclusive Farm Use area to have
an Industrial designation without taking a Goal 3
exception.

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."

Same Additional language was added addressing
setbacks, traffic and permit expiration dates

Plan Map Changed from: N/A to _____

Zone Map Changed from: EFU to RRI

Location: 4N 26 TL 3400 Acres Involved: 48.60

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: 1

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 008-07(16473)

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, ODOT, DECD _____

Local Contact: Carla McLane Area Code + Phone Number: 541 922 4624

Address: PO Box 40 City: Irrigon

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 - 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

January 15, 2008

Morrow County Zoning Ordinance Amendment
Resource Related Industrial Use Zone

This notice is to inform you that on January 9, 2008, the Morrow County Court adopted Ordinance Number MC-01-2008 amending the Morrow County Zoning Ordinance. Specifically Morrow County adopted a new use zone to be added to the Morrow County Zoning Ordinance as Article 3 Section 3.015 Resource Related 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 January 15, 2008. The deadline to appeal is February 5, 2008.

Cordially,

Carla McLane
Planning Director

I certify that on January 15, 2008, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

Signature

1-15-08

Date

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE ADOPTING A NEW USE
ZONE - RESOURCE RELATED INDUSTRIAL -
AS SECTION 3.015 OF THE MORROW
COUNTY ZONING ORDINANCE

COUNTY ORDINANCE
NO. MC-01-2008

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 Oregon Economic and Community Development Department, in cooperation with the Land Conservation and Development Department, identified a need for an Oregon business and suggest to Morrow County Planning staff a new use zone - Resource Related Industrial; and

WHEREAS, the Morrow County Planning Commission held two public hearings to review the request on November 27 and December 4, 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 December 19, 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 "Resource Related Industrial Use Zone Adoption"

Section 2 Affected Documents

The Resource Related Industrial Zone (RRI) Section 3.015 of the Morrow County Zoning Ordinance is attached as Exhibit 1. This document will, by adoption of this ordinance, become part of the Morrow County Zoning Ordinance Article 3 Use Zones.

Section 3. Effective Date

This ordinance shall be effective on January 20, 2008.

Date of First Reading: January 2, 2008

Date of Second Reading: January 9, 2008

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 9th DAY OF JANUARY 2008.

ATTEST: MORROW COUNTY COURT:

Bobbi Childers
Bobbi Childers
County Clerk

Terry K. Tallman
Terry K. Tallman, Judge



APPROVED AS TO FORM:

Ryan Swinham
Ryan Swinham
County Counsel

John E. Wenzel
John E. Wenzel, Commissioner

Ken Grieb
Ken Grieb, Commissioner

Section 3.015 RESOURCE RELATED INDUSTRIAL ZONE, RRI. It is the intent and purpose of the Resource Related Industrial – (RRI) Zone to be utilized in areas of Morrow County included in zones designated for farm use that have a strong potential for the extraction and processing of agricultural and other resource related commodities. It is further the intent and purpose of the RRI Zone to support commercial farm and forest activities while increasing family wage and above family wage employment opportunities in Morrow County. In an RRI Zone the following regulations shall apply:

A. Uses Permitted Outright. In the RRI Zone, the following uses and their accessory uses are permitted outright. While some uses may prompt an inquiry to, and/or action by, the Planning Director, authorization of such uses does not require notice to adjacent property owners or other interested parties and does not constitute a land use decision pursuant to ORS 197.015(10).

1. Farm Use.
2. Operations for the exploration of geothermal resources as defined by ORS 522.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
3. The propagation or harvesting of a forest product.
4. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weight stations and rest areas within the right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
5. Fire service facilities providing rural fire protection services
6. Other uses required by ORS 215.283(1) as interpreted by OAR Chapter 660, Division 33.

B. Uses Subject to Administrative Review. In the RRI Zone, the following uses and their accessory uses may be permitted outright with a Zoning Permit and subject to the provisions of this Section if determined by the Planning Director to satisfy the applicable criteria and provisions of law. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). Authorization of these uses does constitute a land use decision pursuant to ORS 197.015(10). Notice and an opportunity for a hearing must be provided in the manner described in ORS 215.416. These uses may be referred to Planning Commission for review if deemed appropriate by the Planning Director.

1. A facility for the primary processing of forest products pursuant to OAR 660-033-0130(6).
2. A facility for the processing of farm crops pursuant to ORS 215.283(1)(u).
3. A commercial activity in conjunction with farm use, including but not limited to uses with an industrial emphasis such as processing hybrid poplar trees into lumber or secondary processing, fabrication or shipping of materials or goods

produced at facilities located at the site or surrounding lands and described in paragraph b. of this subsection. Approval of this use is subject to the review criteria of Subsection D.

4. Operations conducted for the mining and processing of geothermal resources as defined in ORS 522.005 or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources and oil and gas as defined by ORS 520.005 not otherwise permitted under subsection 1.b. of this section. Approval of this use is subject to the review criteria of Subsection D.
5. Dwellings pursuant to OAR 660-033-0135(7).
6. Other uses required by ORS 215.283(1) as interpreted by OAR Chapter 660, Division 33.

C. Conditional Uses. In the RRI Zone, the following uses and their accessory uses may be permitted if determined by the Planning Commission during a public hearing to satisfy the applicable criteria and provisions of law. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). The appropriate review criteria are identified for each use.

1. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provision of law.
2. Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement. Approval of this use is subject to the review criteria of Subsection D and any other applicable criteria or provision of law.
3. Processing of other mineral resources and other subsurface resources Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provision of law.
4. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
5. Commercial utility facilities for the purpose of generating power for public use by sale. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
6. Operations for the extraction and bottling of water. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
7. Utility facilities necessary for public service subject to the provisions of ORS 215.275 and OAR 660-033-0130(16). No local legislative criteria shall be applied for consideration of establishing a utility facility necessary for public service.

8. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-096-0020. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
9. The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU Zone pursuant to the provisions of ORS 215.283(1)(Y) and ORS 215.246 to 215.251.

D. Specific Review Criteria. In the RRI Zone certain uses are subject to specific criteria, in addition to any other applicable criteria. The specific provisions of this subsection apply only when referenced within the list of uses included in Subsections B and C.

1. The use may be approved only where the review authority finds that the use will not:

- a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- c. For purposes of this subsection, items D a & b above may be considered satisfied if the proposed use is located internally to an ownership exceeding 1,000-acres from which raw materials upon which the use is dependant are derived and the nearest adjacent ownership is no closer than 3,960 feet.

2. LAND DIVISIONS. In the RRI Zone the minimum parcel size shall be:

- a. 80-acres; or
- b. If the use is listed in Section B, 1 – 3 or Section C the new parcel(s) shall be no larger than the minimum size necessary to accommodate the use.

E. Yards. In a RRI Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Planning Director; otherwise, front yards shall be 20 feet for property 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 for combining accesses are provided and approved by the County.
2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Planning Director.

3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Planning Director.

4. 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 100 feet measured at right angles to the high-water line or mark.

F. 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)

G. Permit Expiration Dates. In a RRI Zone, a Zoning Permit or Conditional Use Permit is void two years from the date of the final decision if the development action is not initiated in that period. An extension of up to 12 months may be granted if:

1. An applicant makes a written request for an extension;
2. The request is submitted to the county prior to the expiration of the approval period;
3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
5. Approval of an extension granted under this provision is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed. (MC-C-9-98)