



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/11/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Pendleton Plan Amendment  
DLCD File Number 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 27, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Evan MacKenzie, City of Pendleton  
Gordon Howard, DLCD Urban Planning Specialist  
Grant Young, DLCD Regional Representative

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-14 (20193)  
[17794]  
Received: 3/6/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Pendleton

Local file no.: **AMD14-01**

Date of adoption: 03/04/2014

Date sent: 3/6/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/20/2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No changes. Council approved with motion to take effect immediately instead of after 30 days.

Local contact (name and title): Evan MacKenzie, Planner

Phone: 541-966-0261

E-mail: [evan.mackenzie@ci.pendleton.or.us](mailto:evan.mackenzie@ci.pendleton.or.us)

Street address: 500 SW Dorion Avenue

City: Pendleton

Zip: 97801-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |                                                |
|-------------|----|--------|------------------------------------------------|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address): All lands in the M-1 Light Industrial zone

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Zoning Ordinance (No. 3250) Section 3 (definitions); Sections 52 and 53 (Permitted and Conditional Uses in M-1 Light Industrial zone; Section 88 (Development Standards in Prison/Hospital Industrial Subdistrict); Section 165 (Applicability of Zoning regulations).

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): All lands zoned M-1 Light Industrial within the UGB

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List affected state or federal agencies, local governments and special districts: Some County, State and Federal agencies own lands within the M-1 zone; the amendments do not directly impact any of those lands other than by allowing consideration of additional uses.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance No. 3846 and associated February 10 staff report to the City Council.

**ORDINANCE NO. 3846**

AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 3850),  
ADDING NEW PERMITTED AND CONDITIONAL USES TO THE M-1  
INDUSTRIAL ZONE, AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Pendleton Comprehensive Plan states: "Light Industrial areas are intended primarily for small business whose operation is principally enclosed with a single structure and is basically a non-pollutant;" and

**WHEREAS**, the City of Pendleton Zoning Ordinance, which implements the Comprehensive Plan, omits certain uses that fall into this description from those that are permitted outright or conditionally in the M-1 Light Industrial zone; and

**WHEREAS**, City staff has proposed adding certain uses that fall under the umbrella of Light Industrial and are consistent with the language in the Comprehensive Plan to the list of permitted and conditional uses in the M-1 Light Industrial zone; and

**WHEREAS**, the Planning Commission considered the proposal at their February 20, 2014 meeting and concluded that it is consistent with the Comprehensive Plan, and recommended approval of the request to the City Council; and

**WHEREAS**, the City Council considered the matter at its March 4, 2014 meeting and, after testimony and deliberation, agreed with the recommendation of the Planning Commission, declared an emergency justifying immediate action, and voted to approve the request.

Now, therefore, the following sections of the City of Pendleton Zoning Ordinance (No. 3250) are hereby amended:

(New language in **bold**; deleted language in ~~strikethrough~~)

**ARTICLE I. TITLE AND PURPOSE**

**SECTION 3. DEFINITIONS.**

**Light Industrial. General manufacturing activity including but not limited to the assembly, disassembly, fabricating, finishing, manufacturing, packaging, and repairing or processing of materials, generally within an enclosed building.**

**ARTICLE VIII. INDUSTRIAL ZONES**

**LIGHT INDUSTRIAL ZONE (M-1)**

**SECTION 51. DESCRIPTION AND PURPOSE.** Except as modified in Sections 58-60, to provide, enhance and protect areas to accommodate a wide range of manufacturing and allied uses that need generally flat topography and easy access to arterials and internodal shipping facilities, and to reserve industrial sites near the airport for specific employment uses identified in the Pendleton Economic Opportunities Analysis (EOA). (Section 51, as amended by Ord No. 3760, passed October 16, 2007.)

**SECTION 52. USES PERMITTED OUTRIGHT.** In a Light Industrial (M-1) zone, the following uses and their accessory uses are permitted outright:

- A. Air Transportation Facilities (SIC Major Group 45);
- B. Automobile and vehicle dealers, repairs, services and service stations (SIC Major Groups 55 and 75);
- C. Building Materials, retail (SIC Major Group 52);

- D. Business Services (SIC Major Groups 73 and 89);
- E. Communication Facilities (SIC Major Group 48);
- F. Contractors (SIC Major Groups 15, 16 and 17);
- G. Light Industrial (SIC Major Groups 20 except 2077, 22, 23, 24, 25, 26 except 261, 27, 282, 283, 284, 307, 31, 34 except 348, 35, 36, 37, 38 and 39);
- H. Repair Services (SIC Major Group 76);
- I. Transportation Facilities and Services (SIC Major Groups 40, 41, 42 and 47);
- J. Wholesaling (SIC Major Groups 50 and 51).
- K. Solid Waste Transfer Stations, if the solid waste transfer station:
  - (1) Is not within 1,000 feet of an existing residential structure or residential zone, or
  - (2) The location of the transfer station has been approved by a vote of the people approving the facility.
- L. **Governmental, public, or semi-public use or structure, including, but not limited to SIC Major Groups 43, 91-96**

**SECTION 53. CONDITIONAL USES PERMITTED.** Except as modified in Sections 58-60, in a Light industrial (M-1) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. Commercial Amusement and Recreation (SIC Major Group 79);
- B. Eating and Drinking Establishments (SIC Major Group 58);
- C. Fuel and Ice Dealers (SIC Group 598);
- ~~D. Governmental, public, or semi-public uses or structure, including, but not limited to SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;~~
- E. Hotels, motels, other lodging (SIC Major Group 70);
- F. Junk yard, wrecking yard;
- G. Light Industrial (SIC Groups 281, 285, 286, 287, 289, 32, 33, 46);
- H. Mining (SIC Major Group 14);
- I. Petroleum pipeline facilities;
- J. Sanitary landfills, solid waste disposal or treatment facilities;
- K. Transportation Equipment (SIC Major Group 37);
- L. Utilities (SIC Major Group 49);
- M. Horticultural Services (SIC Groups );
- N. Social Services (SIC Major Group 83);
- O. Dwelling, Caretaker or Manager Only. This use is subject to the condition that this use not result in the application of any ordinance, charter provision, or other regulation that would limit, hinder, or prevent the continued operation of any preexisting use.
- P. Animal Clinic, Kennel, or Hospital
- Q. **Ordinance (SIC Group 348)**

### **ARTICLE XIII. PRISON/HOSPITAL INDUSTRIAL SUBDISTRICT (P/HIS)**

**SECTION 87. DESCRIPTION AND PURPOSE.** The Prison/Hospital Industrial Subdistrict is intended to insure the appropriate harmonious development of the prime industrial lands that are located in proximity to the Eastern Oregon Correctional Institution and Mental Health facilities. By restricting the types and design of development on this property, prison/mental health operations will be protected, while light industrial development is encouraged.

### **SECTION 88. DEVELOPMENT STANDARDS.**

- A. Uses allowed in the Subdistrict shall be limited to the following, as identified by Standard Industrial Classification Code: 20 (except 2077), 22, 23, 2431, 2434, 245, 25, 26 (except 261), 27, 282, 283, 284, 307, 31 (except 3111), 36, 38, 39, 41, 42, 47, 48. Other buildings and uses similar to the list above which have no greater detrimental effects upon the adjoining uses may be allowed provided that such uses are approved by the Planning Commission.
- ~~B. The minimum lot size shall be 2 acres.~~

- ~~C. Site Plan Review and approval by the Director of Planning and Building shall be required prior to the issuance of a building permit. The plan shall include:~~
- ~~(1) Vehicular/Truck Street Access & On-site Circulation.~~
  - ~~(2) Employee & Visitor Parking Areas.~~
  - ~~(3) Truck Loading and Unloading Areas.~~
  - ~~(4) Railroad Servicing (if part of the business operation).~~
  - ~~(5) Landscaping (trees, shrubs, flower beds, grass areas, etc.).~~
- ~~Any submitted plan shall be reviewed, approved, modified, or disapproved in writing within ten (10) days after submission, otherwise such plan shall automatically be approved.~~

**ARTICLE XXII. ADMINISTRATIVE PROVISIONS**

**SECTION 165. APPLICABILITY OF ZONING REGULATIONS.**

- A. Private agreements. The zoning regulations are not intended to abrogate, annul, or impair any easement, covenant or other agreement between parties, except that where the zoning regulations impose a restriction or higher standard than that required by such agreement the zoning regulations shall control.
- B. The boundaries of the zone are hereby established as shown on the official zoning map of the City of Pendleton, Oregon, which accompanies this Ordinance and is on file in the office of the City Recorder.
- C. Unless otherwise shown on the zoning map of the City, the boundaries of the zone are lot lines, center lines of streets and alleys, railroad right-of-way lines or corporate limit lines as they existed at the time of the enactment of this Ordinance. (If a zone boundary as shown on the map divides a lot between zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot is.)
- D. The schedule of permitted uses cannot include all uses that may be a good fit for a particular zone of the City. A proposed use may be reviewed as a conditional use where the Director determines that the proposed use is consistent with the Comprehensive Land Use Plan and with other uses allowable within the subject district due to similar characteristics.**


This ordinance is effective immediately upon passage.

PASSED by the City Council and approved by the Mayor March 4, 2014.


Approved as to form

APPROVED

  
 \_\_\_\_\_  
 Nancy Kerns, City Attorney

  
 \_\_\_\_\_  
 Phillip W. Houk, Mayor



ATTEST  
  
 \_\_\_\_\_  
 Andrea Denton, City Recorder




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**REQUEST FOR CITY COUNCIL ACTION**

Type of Action Requested:  
 Resolution  
 **Ordinance 3846**  
 Formal Action/Motion  
 Other

**Subject:** Legislative amendments to Zoning Ordinance; addition of permitted and conditional uses in the M-1 Light Industrial zone.

**Date Submitted:**

February 10, 2014

**Date Action Requested:**

March 4, 2014 - Second Reading and consideration

TO: Mayor and City Council

FROM: Evan MacKenzie, City Planner

**RECOMMENDATION:**

Second Reading, Consideration and Adoption March 4, 2014

This report was prepared prior to the Planning Commission's February 20, 2014 hearing on the matter. It is conceivable that the Commission may not make a motion to send this forward to the Council for the March 4 meeting. If that is the case, it will be rescheduled for the March 18 meeting.

**DISCUSSION:** City staff, acting as applicant, requests the City Council consider certain amendments to the City of Pendleton Zoning Ordinance (No. 3250). The proposed amendments would add certain uses to the list of permitted and conditional uses in the M-1 Light Industrial zone. The uses, and their descriptions from the United States Department of Labor, are detailed below. The electronic version of this report includes hyperlinks.

Addition of the following SIC Groups to the list of permitted uses in the City's M-1 Light Industrial zone:

[16 \(Heavy Construction Contractors\)](#)  
[25 \(Furniture and Fixtures\)](#)  
[34 \(Fabricated Metal Products\)](#)  
[35 \(Industrial and Commercial Machinery and Computer Equipment\)](#)  
[43 \(United State Postal Service\)](#) (currently a conditional use)  
 Public Administration (currently a conditional use), consisting of:  
[91: Executive, Legislative, And General Government, Except Finance](#)  
[92: Justice, Public Order, And Safety](#)  
[93: Public Finance, Taxation, And Monetary Policy](#)  
[94: Administration Of Human Resource Programs](#)  
[95: Administration Of Environmental Quality And Housing Programs](#)  
[96: Administration Of Economic Programs](#)

Addition of the following SIC Groups to the list of conditional uses in the City's M-1 Light Industrial zone:

[32 \(Stone, Clay, Glass, And Concrete Products\)](#)  
[33 \(Primary Metal Industries\)](#)  
[46 \(Pipelines, Except Natural Gas\)](#)  
[348 \(Ordnance and Accessories, except Vehicles and Guided Missiles\)](#)

Staff also suggests adding a definition for Light Industrial: General manufacturing activity that uses moderate amounts of partially processed materials for the assembly, disassembly, fabricating, finishing, manufacturing, packaging, and repairing or processing of materials to produce items of relatively high value per unit weight, which generally takes places wholly within an enclosed building.

Staff is recommending a second amendment that will enable staff, and in some cases the Planning Commission, to exercise reasonable discretion when reviewing development proposals that may not neatly fit into the prescribed uses listed in the Zoning Ordinance. The Zoning Ordinance cannot anticipate each and every development proposal that may be received. The reliance on Standard Industrial Classifications (SICs) to determine permitted and conditional uses has the effect of micro-managing its application, which is not beneficial to either staff or the general public. Staff contends that adding language allowing staff to treat a proposed use that may not be explicitly listed the same as other (listed) uses with similar impacts.

No amendments are proposed that would reduce or eliminate any existing property rights.

**FISCAL IMPACT:** Approval of the proposal should have no direct fiscal impact on the City or any individual property owners. Approval of the request may enable property owners and/or potential businesses to more easily identify suitable lands for development within the City of Pendleton and its urban growth boundary. This could lead to additional development in the City, which will increase jobs and potentially the tax base as well through increased assessed values.

**ALTERNATIVES:** Staff recommends consideration and approval of the request.

Prepared by:

Concurrence:

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Evan MacKenzie, City Planner

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Robb Corbett, City Manager

Reviewed by:

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Nancy Kerns, City Attorney