



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: April 27, 2015

Jurisdiction: City of Irrigon

Local file no.: 234-15

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/27/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE	
File No.:	001-15 {22657}
Received:	4/27/2015

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 Irrigon

Local file no.: **234-15**

Date of adoption: 4/21/15

Date sent: 4/26/2015

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): 3/3/2015

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:

Yes - Items pertaining to "Adult Businesses" were tabled for future work and "Medical Marijuana Dispensaries and Grow Facilities were disallowed.

Local contact (name and title): Aaron Palmquist - City Manager

Phone: 541-922-3047

E-mail: manager@ci.irrigon.or.us

Street address: 500 NE Main

City: Irrigon

Zip: 97844-

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:

Providing amendments and clear land use standards "not" allowing medical marijuana facilities.

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):

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:

Ordinance 234-15 Providing amendments and clear land use standards "not" allowing medical marijuana facilities.

For a change to a zoning map:

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

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:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Irrigon; Morrow County Planning; ODOT Region 5; Morrow County School District; Irrigon Rual Fire Protection District; Morrow County Health District

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 234-15 Providing amendments and clear land use standards "not" allowing medical marijuana facilities.

ORDINANCE NO. 234-15

**AN ORDINANCE AMENDING
THE IRRIGON DEVELOPMENT CODE LAND USE STANDARDS AND USES FOR THE
CITY OF IRRIGON, OREGON AND DECLARING AN EMERGENCY**

WHEREAS, the City Charter authorizes the City of Irrigon to exercise authority within the city over matters of City concern; and

WHEREAS, the City of Irrigon adopted a Comprehensive Plan and amendments to the Development Code which was acknowledged by the Land Conservation and Development Commission on February 14, 2007; and

WHEREAS, the Oregon State Legislature passed bills in both 2013 and 2014 to authorize medical marijuana facilities and to allow local governments to enact local moratoriums to establish land use regulations; and

WHEREAS, the City did adopt a medical marijuana moratorium on April 22, 2014 as Ordinance 226-14 with a sunset of May 1, 2015; and

WHEREAS, the City plans to amend the City Development Code following a joint task force of Morrow County communities for the purpose of making determinations on medical marijuana dispensaries and medical marijuana grow facilities; and

WHEREAS, the City of Irrigon published proper and agency hearing notices as required by City Development Code and State Law; and

WHEREAS, the City of Irrigon Planning Commission held a public hearing to review the proposal on March 3, 2015; and

WHEREAS, the City of Irrigon Planning Commission considered and heard testimony from the residents of Irrigon, and after deliberation recommended approval and adopt the Final Findings of Fact; and

WHEREAS, testimony, including the proposed Findings of Fact and recommendation by the City of Irrigon Planning Commission on March 3, 2015 was in conformance with Section 10-4A-5, Type IV Procedure (Legislative), of the City of Irrigon Development Code, and forwarded a recommendation of Approval to the City Council.

WHEREAS, the City of Irrigon City Council held public hearing to consider the recommendation from the Irrigon Planning Commission on March 17, 2015; and

WHEREAS, the City of Irrigon City Council accepted the Planning Commission's proposed recommendation on March 17, 2015 of proposed land use standards and uses, but

with the deviation and deliberation that no medical marijuana dispensaries or medical marijuana grow facilities be allowed in any land use zone or standards.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRRIGON ORDAINS AS FOLLOWS:

Section 1. Title of Ordinance

This Ordinance shall be known, and may be cited, by the title.

Section 2. Affected Documents

The following items are repealed and are hereby adopted as follows:

1. Exhibit [1] Definitions of the Irrigon Development Code, dated March 17, 2015, as attached.

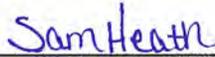
Section 3. Declaration of Emergency. The City Council declares that an emergency exists in order that no delay in implementing this ordinance.

Section 4. Effective Date

This Ordinance shall take effect on May 1, 2015 after adoption

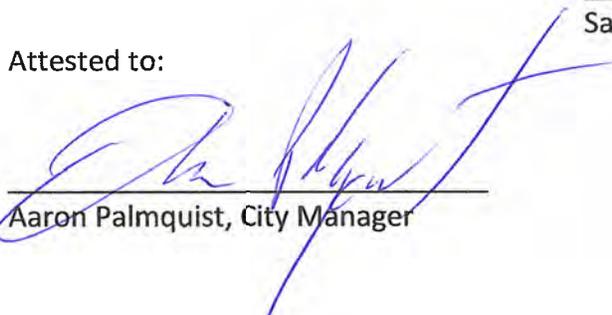
Passed by the Council this 17th day of April, 2015

Approved by:



Sam Heath, Mayor

Attested to:



Aaron Palmquist, City Manager

**Final Findings of Fact
Development Code Land Use Standards and Uses**

REQUESTS: The amended request is to add Commercial Use and Industrial Uses to Article 10, Chapter 2, Sections B1, B2, B6 and C1 that will implement new proposed definitions and uses.

APPLICANT: City of Irrigon
PO Box 428
Irrigon, OR 97844

PROPERTY LOCATION: The proposal is to add new definitions to the Irrigon Municipal Code (IMC) and amend others for improved clarification and understanding. Based on this recommendation property owners within the City of Irrigon would be affected.

I SUMMARY OF APPLICATION AND PROCESS:

Located at Exhibit 1 of this specific item provides underlined items which are new and strikeouts for deletions. The tables provide notation if a specific use is permitted (P), conditional use required (CU), or conditional use with standards (CU-S) and in which processes are noted in those respective sections (chapters). Provided in those chapters are proposed specific standard requirements for the new proposed uses.

While it is the prerogative of the specific bodies (Planning Commission and City Council) to recommend and create such requirements it must be done in accordance to time, place and manner. Additionally, any use requirements or restrictions should be equally administered to like developments and uses.

The standard requirements as they pertain to medical marijuana are recommended standards that have been generally agreed to by various groups and communities in Morrow County. There are a couple areas where such type businesses may be permitted, should the property owner(s) choose to sell and/or develop for such adventure.

A critical item newly proposed is those relating to adult businesses. Staff has provided the same standards as proposed for medical marijuana. This is to be a beginning point for discussion, public hearings, and decision-making. A strong number of community members and civic leaders desire not to have such type businesses in Irrigon.

Staff initiated development of proposed regulations that include conditional use criteria for medical marijuana facilities and the appropriate use zones. Additionally, adult businesses and their uses were also developed. Both commercial zones and the industrial use zone were identified. Several concerns were identified by the Planning Commission in relationship to the adult businesses and recommended to City Council to table any zone uses at this time.

The decision to move forward with public hearings and engage the public appropriately was recommended. Based upon the testimony of those in attendance at the March 3, 2015

Planning Commission public hearing, the Planning Commission recommends that the medical marijuana facilities be allowed in the designated use zones.

In moving forward to the City Council public hearing staff has seen Morrow County Planning Commission's findings and deliberations and that while they recommended adopting the definitions that relate to medical marijuana they did not recommend allowing any zone use. This is based on the strong public input and that the medical marijuana card holder program will not be negatively affected.

II SUMMARY OF APPLICABLE CRITERIA: To approve the Planning Commission and City Council will need to hold public hearings and show that requests meet the necessary criteria according the City of Irrigon's Development Code. Those criteria are presented below in bold print with responses in regular print.

City of Irrigon Development Code

10-4A-5: TYPE IV PROCEDURE (LEGISLATIVE)

A. Pre-application Conference: *A pre-application conference is required for all type IV applications initiated by a party other than the city. The requirements and procedures for a pre-application conference are described in subsection 10-4A-5C of this article.*

Response:

This Type IV procedure was initiated by the City, so this provision does not apply.

B. Application Requirements:

- 1. Application Forms:** *Type IV applications shall be made on forms provided by the city planning official or designee.*
- 2. Submittal Information:** *The application shall contain:*
 - a.** *The information requested on the application form;*
 - b.** *A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
 - c.** *The required fee; and*
 - d.** *One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.*

Response:

This Type IV procedure has been initiated by the City, so an application and fee do not apply. This Type IV proposal consists of the following materials:

- 1. Proposed Development Code Definition Amendments, (Exhibit [1]).** The proposed staff report, of which these findings of fact are a part, and the attached exhibits constitute the narrative statement that demonstrates how this proposal satisfies the relevant approval criteria and standards established in Section 10-4A-5(F) below.

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

Response:

1. Significant testimony and deliberation centered on this criteria. Residents provided testimony to their concerns that medical marijuana and adult business related items were not welcomed in Irrigon and should not be available to the general public or children and that general nuisances that come from these uses was not desired. During deliberations by the Planning Commission it was determined that these definitions were acceptable, with a few minor language amendments. The Planning Commission felt that they should then move forward to the next level of public hearing before the City Council.
2. Either direction of decision-making does not hinder nor limit the medical marijuana card holder program or those that are participants within the program. Any proposed amendment does not detract from State Statute but provides the Irrigon community with clear and consistent facility citing and use in accordance with IMC.

D. Notice Of Hearing:

1. ***Required Hearings: A minimum of two (2) hearings, one before the planning commission and one before the city council, are required for all type IV applications, except annexations where only a hearing by the city council is required.***

Response:

This proposal has received a public hearing by the Planning Commission on March 3, 2015.

2. ***Notification Requirements: Notice of public hearings for the request shall be given by the city planning official or designee in the following manner:***
 - a. ***At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with Oregon Revised Statutes 227.186, and mailed to:***
 - (1) ***Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment).***
 - (2) ***Any affected governmental agency.***
 - (3) ***Any person who requests notice in writing.***
 - (4) ***For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with Oregon Revised Statutes 227.175.***
 - (5) ***Owners of airports shall be notified of a proposed zone change in accordance with Oregon Revised Statutes 227.175.***
 - b. ***At least ten (10) days before the scheduled planning commission public hearing date, and fourteen (14) days before the city council hearing date, public notice shall be published in a newspaper of general circulation in the city.***

- c. ***The city planning official or designee shall:***
 - (1) ***For each mailing of notice, file an affidavit of mailing in the record as provided by subsection C2a of this section; and***
 - (2) ***For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection C2b of this section.***
- d. ***The Oregon department of land conservation and development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least forty five (45) days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD certificate of mailing.***
- e. ***Notifications for annexation shall follow the provisions of this chapter.***

Response:

This proposal does not involve a zone change, an annexation, or land where airports are located. Notices of the March 3, 2015 Planning Commission hearing and the March 17, 2015 City Council hearing were published in the East Oregonian on February 11, 2015 and February 18, 2015 respectively. Affidavits of notice mailing and publishing were filed with Paula Smootz – Eastern Oregonian on February 11, 2015. Notice to the Department of Land Conservation and Development (DLCD) was sent on January 27, 2015, pursuant to current DLCD rules requiring notice at least 35 days before the first public hearing.

3. *Content Of Notices: The published notices shall include the following information:*

- a. ***The number and title of the file containing the application, and the address and telephone number of the city planning official or designee's office where additional information about the application can be obtained;***
- b. ***The proposed site location;***
- c. ***A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;***
- d. ***The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at city hall (see subsection E of this section); and***

Response:

The published notices included a brief description, dates, time, places, and item requiring such notice. Additional postings were made via the City web page and postings at various city locations

4. *CITIZEN INVOLVEMENT (Irrigon Comprehensive Plan) - To develop a citizen involvement program that insures opportunity for citizens to participate in all phases of the planning process:*

It Shall Be City Policy:

- ***To encourage people to attend and participate in planning commission and***

city council meetings and hearings.

- *To establish advisory committee as necessary to study community problems and make recommendations for their solution.*
- *To make technical reports available for public inspection.*

Response:

The map update offered several opportunities to inform and involve the community, including public hearings on March 3, 2015. A separate City Council meeting, held on March 17, 2015 provided the public opportunity to review the proposed Safe School Routes map. Draft of the map and supporting materials were made available via email to City Councilors, Planning Commissioners, and available at City Hall for public review and/or request.

E. Decision Making Criteria: The recommendation by the planning commission and the decision by the city council shall be based on the following factors:

- 1. Approval of the request is consistent with the statewide planning goals; and***
- 2. Approval of the request is consistent with the comprehensive plan; and***
- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.***

Response:

The intent of this proposal is to provide the city with a clearer process and determination clear definitions for prescription within the Irrigon Development Code. The proposal's consistency with Statewide Planning Goals and the City of Irrigon Comprehensive Plan is demonstrated in the findings of fact below.

III RECOMMENDATION OF THE IRRIGON PLANNING COMMISSION:

Based on public testimony and the deliberations of the Planning Commission it is recommended that the City of Irrigon hold their scheduled hearing and consider the following:

- Amend the Irrigon Development Code by adding new definitions identified and modified from the proposal provided by staff. The proposed definitions define adult business, assessor dwelling unit, assessor structure, basement, carport, Code of Federal Regulations, contiguous land, drug stores, frontage, community services, flood hazard area, garage, liquor store, marijuana, medical marijuana, medical marijuana dispensary or facility, medical marijuana grow facility, new construction, nursing home, operator, pharmacy, recreation facility or area, relative, safe school route, skirting, tax lot, and zoning permit.
- Findings in support of this recommendation are outlined above under the review criteria having to do with public safety, health and welfare

VI DELIBERATION OF THE IRRIGON CITY COUNCIL 3/17/2015:

Based on public testimony and the deliberations the City Council accepted the recommendation of the Planning Commission. While the City Council accepted the majority of the Planning Commission's recommendations they did not adopted, through considerable deliberation, items that refer to medical marijuana and disallowed any standard or zone use. This is based on the strong public input and that the medical marijuana card holder program will not be negatively affected.

Proposed Development Code Amendments (3-17-15)

The code amendments proposed in Table 1 were developed according to findings and are recommended to better address compliance and consistency with Oregon Revised Statutes (ORS).

Proposed code amendments in Table 1 are presented in adoption ready format. New language that is proposed to be added is underlined and strike-out for recommended deletions. All other language remains in effect. The draft amendments are presented in the order of appearance in the development code.

Table 1: Proposed Amendments to the Irrigon Development Code

Irrigon Development Code
Chapter 2 Land Use Districts
ARTICLE B. COMMERCIAL ZONES
<p>10-2B-1: DOWNTOWN COMMERCIAL ZONE, C-1:</p> <p>A. Purpose: The purpose of the C-1 commercial zone is to provide areas for downtown and "main street" (along Highway 730) commercial development, including professional and general commercial retail establishments, eating and drinking places and commercial services. Allowing residential uses above the ground floor of commercial establishments promotes development that combines commercial and residential uses in a single building or complex. This development type supports non automobile travel, provides a buffer between busy streets and residential neighborhoods, and provides new housing opportunities in the city. In addition, the C-1 zone is intended to promote the efficient use of land and urban services, provide formal and informal gathering places, create a pedestrian friendly downtown area, and emphasize the historic elements of the city.</p> <p>B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the downtown commercial zone. The uses are defined in section 10-1A-3 of this title.</p> <p>P=Permitted outright S=Permitted with standards CU=Requires a conditional use permit CU+S=Requires a conditional use permit with standards</p> <p>TABLE 10-2B-1E ALLOWED USES IN C-1 ZONE</p>

Irrigon Development Code

Use	Status Of Use
Residential uses:	
All residential uses allowed, if:	
Lawfully existing as of July 19, 2007, not including mobile home parks, or	P
New dwelling built in conjunction with a permitted commercial use (residential use is allowed above ground floor commercial only)	P
Assisted living/nursing home	P
Commercial uses:	
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per section 10-2B-6 of this article	CU+S
Bed and breakfast inn	P
Eating and drinking establishments, less than 3,000 20,000 square feet of floor area (see also drive-up uses)	P
<u>Eating and drinking establishments, less than 10,000 square feet of floor area (see also drive-up uses)</u>	<u>S</u>
<u>Eating and drinking establishments, greater than 10,000 square feet of floor area (see also drive-up uses)</u>	<u>CU</u>
Hotels, motels, inns	P
Educational services, not a school (e.g., tutoring or similar services)	P
Entertainment, major event	CU
Offices	P
Outdoor recreation, commercial	CU
Parking lot (when not an accessory use)	CU
Retail sales and service with less than 20,000 square feet of floor area (see also drive-up uses)	P
Mixed use development	P

Irrigon Development Code

<u>Medical Marijuana Dispensary or Facility</u>	<u>CU+S</u>
<u>Medical Marijuana Growery</u>	<u>CU+S</u>
<u>Medical Marijuana Processing</u>	<u>CU+S</u>
<u>Liquor Store</u>	<u>P</u>
<u>Pharmacy or Drug Store</u>	<u>P</u>
Institutional uses:	
Basic utilities	<u>P</u>
Community service, including civic centers	<u>CU</u>
Daycare, adult or child daycare; does not include family childcare (12 or fewer children) under Oregon Revised Statutes 657A.250	<u>P</u>
Parks and open space:	
Pedestrian amenities	<u>P</u>
Parks and recreation facilities	<u>CU</u>
Other open space	<u>P</u>
<u>Recreation Facility or Area</u>	<u>CU</u>
Religious institutions and houses of worship:	
Lawfully existing as of July 19, 2007	<u>P</u>
New <u>religious institutions and houses of worship</u>	<u>CU</u>
Schools:	
Lawfully existing as of July 19, 2007	<u>P</u>
New <u>Schools</u>	<u>CU</u>
<u>Government and Public Facilities</u>	<u>S</u>
Other categories:	
Accessory structures (with a permitted use)	<u>P</u>
Buildings and structures exceeding the height limits in table 10-2B-10 of this	<u>CU</u>

Irrigon Development Code

section	
Radio frequency transmission facilities	CU
Temporary uses (limited to P and CU uses), per section 10-4I-1 of this title	P/CU
Transportation facilities (operation, maintenance, preservation, and construction)	P

Note: If a proposed use is not clearly identifiable and does not match any of the uses listed in the above table, the planning official will make a similar use determination in conformance with the procedure in subsection [10-4H-2G](#) of this title.

C. Table Of Development Standards: The development standards in this table apply to all new structures, buildings, and development, and major remodels, in the C-1 zone.

10-2B-2: GENERAL COMMERCIAL ZONE, C-2:

A. Purpose: The purpose of the C-2 commercial zone is to provide areas suitable for auto oriented uses and repair, warehousing, wholesale commercial sales and services with related outdoor storage or retail sales, recreational vehicle (RV) parks and other compatible uses.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the C-2 commercial zone. The uses are defined in section [10-1A-3](#) of this title.

P=Permitted outright

S=Permitted with standards

CU=Requires a conditional use permit

CU+S=Requires a conditional use permit with standards

TABLE 10-2B-2B
ALLOWED USES IN C-2 ZONE

Use	Status Of Use
Residential uses:	
Assisted living/nursing home	P
All residential uses allowed, if lawfully existing as of July 19, 2007, not including mobile home parks	P
Commercial uses:	
Drive-up, drive-in and drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per section 10-2B-6 of this article	S

Irrigon Development Code

Bed and breakfast inn	CU
Eating and drinking establishments, <u>less than 3,000 square feet of floor area (see also drive-up uses)</u>	P
Eating and drinking establishments, <u>less than 10,000 square feet of floor area (see also drive-up uses)</u>	<u>S</u>
Eating and drinking establishments, <u>greater than 10,000 square feet of floor area (see also drive-up uses)</u>	<u>CU</u>
Hotels, motels	CU
Educational services, not a school (e.g., tutoring or similar services)	P
Entertainment, major event	CU
Offices	CU
Outdoor recreation, commercial	CU
Parking lot (when not an accessory use)	CU
Quick vehicle servicing or vehicle repair (see also drive-up, drive-in and drive-through uses, per section 10-2B-6 of this article):	
Fully enclosed (e.g., garage)	S
Not fully enclosed	CU+S
Recreational vehicle (RV) parks	CU
Retail sales and service (see definition in section 10-1A-3 of this title)	P
Self-service storage	CU
Medical Marijuana Dispensary Facility	CU+S
Medical Marijuana Grow Facility	CU+S
Adult Business	CU+S
Liquor Store	<u>P</u>
Pharmacy or Drug Store	<u>P</u>
Industrial uses:	
Industrial service (see also drive-up uses):	
Fully enclosed (e.g., office)	P
Not fully enclosed	CU
Manufacturing and production:	
Fully enclosed	P
Not fully enclosed	CU
Warehouse and freight movement	CU

Irrigon Development Code

Wholesale sales:	
Fully enclosed, less than 20,000 square feet of floor area	P
Fully enclosed, greater than 20,000 square feet of floor area	CU
Institutional uses:	
Basic utilities	P
Community service, including civic centers	CU
Daycare, adult or child daycare; does not include family childcare (12 or fewer children) under Oregon Revised Statutes 657A.250	P
Parks and open space:	
Pedestrian amenities	P
Parks and recreation facilities	CU
Other open space	P
<u>Recreation Facility or Area</u>	<u>CU</u>
Recycling center	P
Religious institutions and houses of worship:	
Lawfully existing as of July 19, 2007	P
New <u>religious institutions and houses of worship</u>	CU
Schools:	
Lawfully existing as of July 19, 2007	P
New <u>Schools</u>	CU
<u>Government and Public Facilities</u>	<u>S</u>
Other categories:	
Accessory structures (with a permitted use)	P
Buildings and structures exceeding the height limits in table 10-2B-1C of this article	CU
Radio frequency transmission facilities	CU
Temporary uses (limited to P and CU uses), per section 10-4I-1 of this title	P/CU
Transportation facilities (operation, maintenance, preservation, and construction [in accordance with the city's transportation system plan])	P

10-2B-6: SPECIAL USE STANDARDS:

A. Intent: This section supplements other applicable standards in this article. It provides standards for the following land uses to control the scale and compatibility of those uses.

Irrigon Development Code

B. Drive-Up, Drive-In And Drive-Through Uses And Facilities: When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety:

1. The drive-up or drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street (figure 2I of this section);
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop boxes, or similar facilities) are located within twenty feet (20') of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right of way; and
4. No more than one drive-up, drive-in, or drive-through facility shall be permitted for a distance of four hundred (400) linear feet along the same block face (same side of street).

~~C. Adult Business: Such adult establishments must also meet requirements of the use zone or conditional use permit including, but not limited to:~~

- ~~1) being 1500 feet from any public or private schools, Safe School Routes, day care facilities, youth sport facilities, public pools, libraries, play grounds, designated school routes, community colleges or career schools serving individuals under the age of 18, or where individuals under the age of 18 congregate;~~
- ~~2) being 400 feet from any residential zone;~~
- ~~3) operating hours defined by the use zone or conditional use permit;~~
- ~~4) must not exceed 10,000 square feet of floor space;~~
- ~~5) must be located at least 500 feet from any other adult establishment;~~
- ~~6) must be limited to one establishment per zoning lot or parcel.~~

~~D. Medical Marijuana Dispensary or Facility: The facility must also meet requirements of the use zone or conditional use permit including, but not limited to:~~

- ~~1) being 1500 feet from any public or private schools, day care facilities, youth sport facilities, public pools, libraries, play grounds, designated school routes, community colleges or career schools serving individuals under the age of 21, or where individuals under the age of 21 congregate;~~
- ~~2) being 400 feet from any residential zone;~~
- ~~3) operating hours defined by the use zone or conditional use permit;~~
- ~~4) allow only off site use;~~
- ~~5) not be sited on the same zoning lot or parcel as a medical marijuana grow facility;~~

Irrigon Development Code

~~6) must be located at least 500-1,000 feet from any dispensary or facility.~~

~~D. Medical Marijuana Grow Facility: The facility must also meet requirements of the use zone or conditional use permit including, but not limited to:~~

~~1) being 1500 feet from any public or private schools, day care facilities, youth sport facilities, public pools, libraries, play grounds, designated school routes, community colleges or career schools serving individuals under the age of 21, or where individuals under the age of 21 congregate;~~

~~2) being 400 feet from any residential zone;~~

~~3) operating hours defined by the use zone or conditional use permit;~~

~~4) allow only off site use;~~

~~5) not be sited on the same zoning lot or parcel as a medical marijuana dispensary or facility;~~

~~6) must be located at least 500-1,000 feet from any grow facility.~~

ARTICLE C. INDUSTRIAL ZONE

10-2C-1: LIGHT INDUSTRIAL ZONE, M:

A. Purpose: The purpose of the light industrial zone is to accommodate a range of light manufacturing, industrial-office uses, automobile oriented commercial uses (e.g., lodging, restaurants, auto oriented retail), and similar uses which are not appropriate in downtown or main street areas. This article guides the orderly development of industrial areas based on the following objectives:

1. Provide for efficient use of land and public services;
2. Provide appropriately zoned land with a range of parcel sizes for industry;
3. Provide transportation options for employees and customers;
4. Locate business services close to major employment centers;
5. Ensure compatibility between industrial uses and nearby commercial and residential areas;
6. Provide appropriate design standards to accommodate a range of industrial users;
7. Provide attractive locations for business to locate; and
8. Accommodate mixed use development of light industrial areas.

B. Table Of Allowed Land Uses: This table identifies the land uses that are allowed in the light

Irrigon Development Code

industrial district. The uses are defined in section [10-1A-3](#) of this title.

P=Permitted outright
 S=Permitted with standards
 CU=Requires a conditional use permit
 N=Not permitted

TABLE 10-2C-1B
 LAND USES ALLOWED IN M ZONE

Use	Status Of Use
All residential uses allowed, if: Lawfully existing as of July 19, 2007	P
Commercial categories:	
Drive-up, drive-in and drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities), per section 10-2B-6 of this title	S
Offices	CU
Quick vehicle servicing or vehicle repair (see also drive-up uses)	S
Self-service storage	CU
Wholesale sales, per subsection 10-2C-2D of this article:	CU
Medical Marijuana Grow Facility	CU
Adult Business	CU
Industrial categories:	
Industrial service (see also drive-up uses):	
Fully enclosed (e.g., office)	P
Not enclosed	CU
Manufacturing and production:	
Fully enclosed	P
Not enclosed	CU
Warehouse and freight movement	CU
Waste related	N
Wholesale sales, per subsection 10-2C-2D of this article:	
Fully enclosed	S

Irrigon Development Code

Not enclosed	CU
Institutional categories:	
Basic utilities	P
Community service	CU
Daycare, adult or child daycare; does not include family daycare (12 or fewer children) under Oregon Revised Statutes 657A.250	CU
Other categories:	
Accessory structures (with a permitted use)	P
Buildings and structures exceeding the height limits in table 10-2B-1C of this title	CU
Radio frequency transmission facilities:	
Within height limit of district	P
Exceeds height limit (freestanding or building mounted facilities)	CU
Temporary uses (limited to P and CU uses), per section 10-4I-1 of this title	P/CU
Transportation facilities (operation, maintenance, preservation, and construction)	P