



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

01/27/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment  
DLCD File Number 003-13

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, February 13, 2014

This amendment was submitted to DLCD for review prior to adoption 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: Carla McLane, Morrow County  
Jon Jinings, DLCD Community Services 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.: 003-13 (20063)  
[17742]  
Received: 1/23/2014

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: Morrow County

Local file no.: **AZ-064-13**

Date of adoption: 1/24/2014 Date sent: 1/24/2014

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): 10/24/2013
- 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:

Local contact (name and title): Carla McLane

Phone: 541-922-4624 E-mail: cmclane@co.morrow.or.us

Street address: P.O. Box 40 City: Irrigon, OR 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:

NA

#### 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:

Morrow County Zoning Ordinance Article 3 Section 3.073 Port Industrial Zone

**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:

Location of affected property (T, R, Sec., TL and address): See Form 1

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List affected state or federal agencies, local governments and special districts: Port of Morrow, City of Boardman, ODOT

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.

# NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

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**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - A map showing the area changed and applicable designations, and
  - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW  
COUNTY ZONING ORDINANCE ARTICLE 3  
SECTION 3.073 PORT INDUSTRIAL ZONE  
TO CLARIFY THE PURPOSE STATEMENT,  
USES ALLOWED, UPDATING  
TRANSPORTATION ANALYSIS  
REQUIREMENTS, AND REMOVING  
REQUIREMENTS OF THE PORT OF  
MORROW

COUNTY ORDINANCE

NO. ORD-2014-1

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 Morrow County Zoning Ordinance needs to be maintained and this action accomplishes that need for the Port Industrial use zone; and

WHEREAS, Morrow County is a partner in the Local Reuse Authority (LRA) which is working to receive property at the Umatilla Army Chemical Depot (UMCD) upon its closure under the Base Realignment and Closure process and planning and zoning those lands is a necessary task; and

WHEREAS, the Morrow County Planning Department, working with the Port of Morrow and the LRA Executive Director, determined that the appropriate use zone for the industrial lands at UMCD within Morrow County would be the Port Industrial Zone; and

WHEREAS, this update to the Port Industrial use zone was done to assure the most up to date use zone language would be applied; and

WHEREAS, the Morrow County Planning Commission held a public hearing to review the request on December 3, 2013, at the Heppner City Hall in Heppner, Oregon; and

WHEREAS, the Morrow County Planning Commission heard testimony from Gary Neal, Port General Manager, in support of the changes and made minor clarifying changes; and

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

WHEREAS, the Morrow County Court held a public hearing to consider the recommendation of the Morrow County Planning Commission on January 8, 2014; and

WHEREAS, the Morrow County Court further refined the proposed use zone language based on staff comment and written comment from John Lehman with Meadow Outdoor; and

WHEREAS, the Morrow County Court deemed the amendments necessary and appropriate to facilitate development on land zoned Port Industrial.

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, by the title above.

Section 2 Affected Documents:

The Morrow County Zoning Ordinance Article 3 Section 3.073 Port Industrial Zone shall be repealed and replaced in its entirety.

Section 3 Effective Date

As this is the first step in a number of land use actions to plan and zone the UMCD and those actions are time sensitive, the Morrow County Court declares an emergency and this ordinance shall be effective on February 1, 2014.

Date of First Reading: January 15, 2014

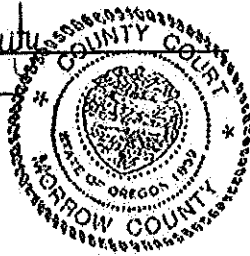
Date of Second Reading: January 22, 2014

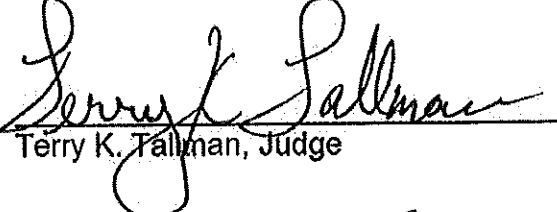
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 22<sup>nd</sup> DAY OF  
JANUARY, 2014

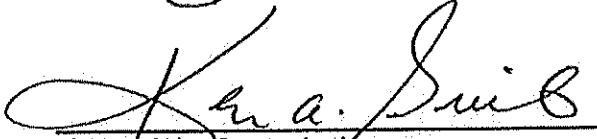
ATTEST:

MORROW COUNTY COURT:


~~Bobbi Childersby~~  
~~Theresa Crawford Deputy~~  
Bobbi Childers  
County Clerk



  
Terry K. Tallman, Judge

  
Ken Grieb, Commissioner

APPROVED AS TO FORM:

  
Ryan Swinburnson  
County Counsel

 1-22-14  
Leann Rea, Commissioner



## 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 24, 2014

AZ-064-13  
Morrow County Zoning Ordinance  
Article 3 Section 3.073 Port Industrial

This notice is to inform you that on January 22, 2014, the Morrow County Court adopted Ordinance Number ORD-2014-1 amending the Morrow County Zoning Ordinance Article 3 Section 3.073 Port Industrial Zone. Specifically the amendment clarifies the purpose and uses allowed, updates the transportation analysis requirements, and removes requirements of the Port of Morrow. Enclosed is the adopted Port Industrial Zone; other documents are available by request.

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 24, 2014. The deadline to appeal is February 14, 2014.

Cordially,

Carla McLane  
Planning Director

I certify that on January 24, 2014, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

1/23/14  
Signature Date



**Planning Commission Findings of Fact  
Zoning Ordinance Amendment  
AZ-064-13**

**REQUEST:** To update Article 3 Section 3.073 Port Industrial use zone to clarify uses and limitations on property.

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**APPLICANT:** Morrow County Planning Department  
P.O. Box 40  
Irrigon, OR 97844

**OWNER:** Multiple

**LOCATION:** North of Interstate 84 and Highway 730 to the Columbia River; east of the City of Boardman. Includes the Port's Food Processing Park and the East Beach Industrial Park.

**I SUMMARY OF APPLICATION AND PROCESS:**

The proposed changes to the Port Industrial use zone are in anticipation of work to Plan and Zone the Umatilla Chemical Depot (UMCD). It has been determined that the most appropriate use zone to apply to the Morrow County portion of the UMCD is the Port Industrial use zone, but some minor changes were identified to further clarify uses, limitations on uses, and how transportation impacts are evaluated.

**II SUMMARY OF APPLICABLE CRITERIA**

**MORROW COUNTY COMPREHENSIVE PLAN: CRITERIA.** The following criteria must be considered before approval of an amendment to the Comprehensive Plan is given:

1. Address the Criteria found in the Morrow County Zoning Ordinance Article 8 Amendments; and
2. Show how the request complies with the relevant statewide land use planning Goals. Include evidence of coordination and compliance with State agencies regarding the statewide planning Goals. (MC OR-1-2013)

The Morrow County Zoning Ordinance criteria follow with the necessary analysis. Coordination with DLCD and ODOT has been ongoing in regards to the Planning and Zoning of the UMCD. Both are noticed of this action. Staff would find these criteria met.

**MORROW COUNTY ZONING ORDINANCE: SECTION 8.040.** The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

- A. The local conditions have changed and would warrant a change in the zoning of the subject property(ies).

The proposed language changes were identified by Planning staff and further reviewed by the Angelo Planning Group who have been engaged to support the Planning and Zoning work being done at the UMCD. No specific change in local conditions has taken place, but by using the use zone provisions and working with the Port and others, minor deficiencies have been identified. These proposed changes address those concerns.

- B. The public services and facilities are sufficient to support a change in designation including, but not limited to, water availability relevant to both quantity and quality, waste and storm water management, other public services, and streets and roads.**
- 1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
    - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
    - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
    - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

No land use designations are changing and no new land will be zoned Port Industrial with this action. The area currently zoned Port Industrial is supported by two Interchange Area Management Plans and the UMCD is currently undergoing a planning process to adopt three Interchange Area Management Plans. Planning staff would find these criteria met.

- 2. A plan or land use regulation amendment significantly affects a transportation facility if it:**
  - a. Changes the functional classification of an existing or planned transportation facility;**
  - b. Changes standards implementing a functional classification;**
  - c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
  - d. Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

See above analysis.

- C. That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so**

zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.

Planning staff would find that the proposed changes are not in conflict with this criterion.

- D. **The request addresses issues concerned with public health and welfare, if any.** Planning staff have not identified any concerns with public health or welfare.

III **DLCD 35 DAY NOTICE:** October 24, 2013

IV **PROPERTY OWNER NOTICE:** November 13, 2013

V **LEGAL NOTICE:** Heppner Gazette Times and East-Oregonian  
November 13, 2013


VI **AGENCIES NOTIFIED:** Grant Young and Angela Houck, Department of Land Conservation and Development; Teresa Penninger and Marilyn Holt, Oregon Department of Transportation; Mike Gorman, Morrow County Assessor's Office; Karen Pettigrew, City of Boardman; Gary Neal and Lisa Mittelsdorf, Port of Morrow

VII **HEARING DATES:**

Planning Commission  
December 3, 2013  
Heppner City Hall  
Heppner, Oregon

County Court  
January 8, 2014  
Port of Morrow Riverfront Center  
Boardman, Oregon

- IX **RECOMMENDATION:** The Planning Department recommends that the Planning Commission recommend to the Morrow County Court adoption of the amended Port Industrial use zone. See attached.

  
\_\_\_\_\_  
David Sykes, Chair

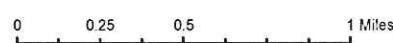
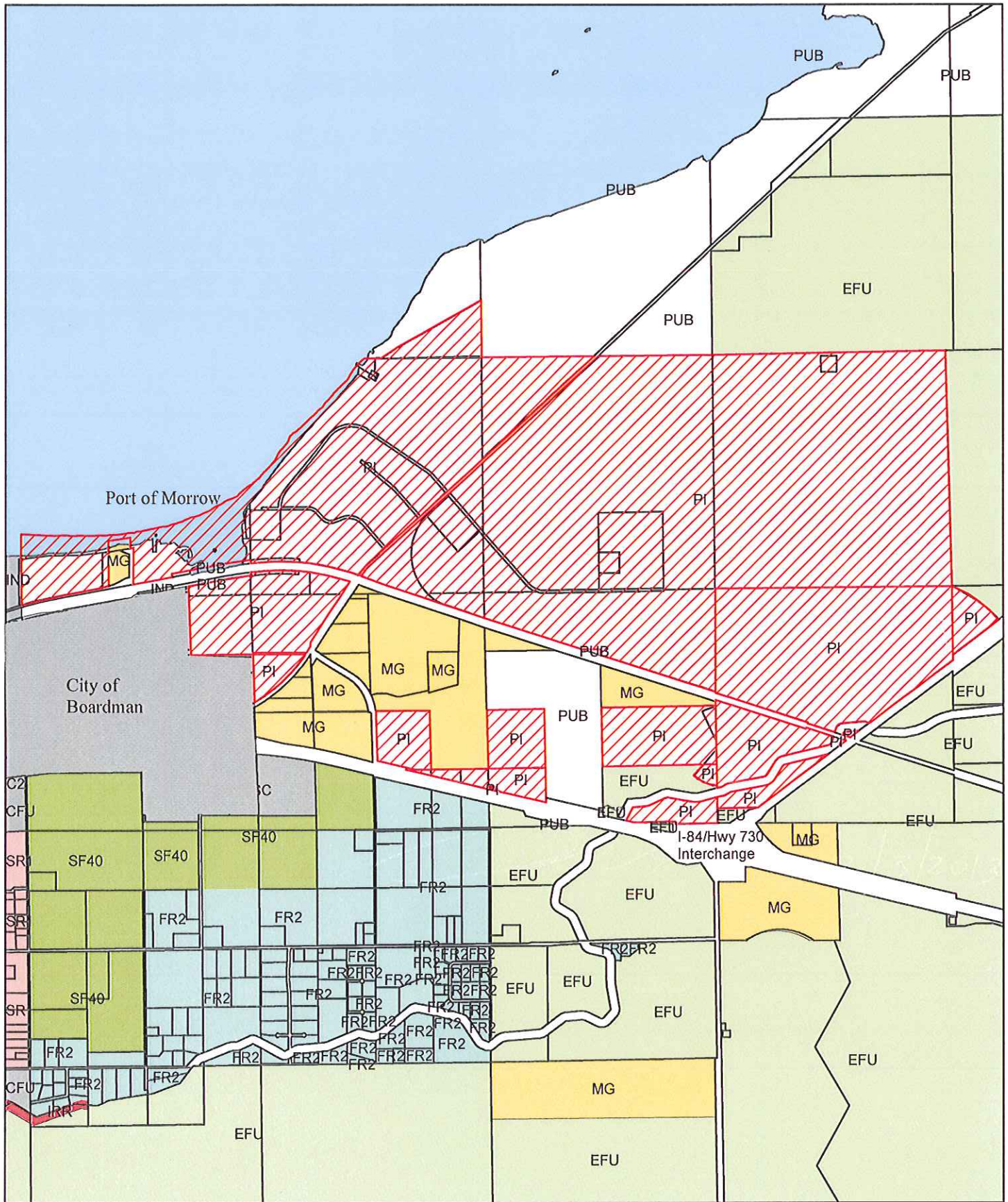
12/3/2013  
\_\_\_\_\_  
Date

Attachments:  
Vicinity Map  
Article 3 Section 3.073 Port Industrial Zone



Vicinity Map  
 Zoning Ordinance Amendment AZ-064-13  
 Port Industrial Use Zone

 Port Industrial Zoning



## 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 and be 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 3.074 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. Port Industrial projects ~~Projects larger than~~ utilizing more than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).

1. Water-dependent and related 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 and 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(1) through (3) unless Site Development Review is triggered.

13. Buildings, structures, offices and other uses customarily accessory to and in conjunction with permitted uses in the PI zone.

14. Rail facilities, including but not limited to rail lines, spurs, turnouts, switches, signals, rail car storage and related facilities.

~~4415.~~ Rail loop and spur dependent uses.

~~4516.~~ Concrete or ready-mix manufacturing plant.

~~4617.~~ 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.

~~4718.~~ Uses allowed outright in the General Industrial Zone, not including residential caretaker use.

~~4819.~~ 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.

~~4920.~~ Intermodal transportation facilities not requiring an Oregon Department of Environmental Quality Solid Waste Disposal Site Permit, such as a truck intermodal facility or rail to truck.

#### 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.

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.~~ Based on the temporary nature of these activities this decision is final and is not subject to appeal or hearing.

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.~~

GF. Transportation Impacts. Transportation Impacts will be evaluated using provisions within Article 4 Supplementary Provisions Section 4.010(F) Access within the Influence Area of an Interchange. If that provision is not applicable a Traffic Impact Analysis as outlined in the Morrow County Transportation System Plan will be required if the necessary thresholds are triggered.

~~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 B trucks, recreational vehicles and buses B 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)~~



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

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 be an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the zone.

In the PI zone the following regulations shall apply:

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

1. Water-dependent and related industrial uses.
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 and 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(1) through (3) unless Site Development Review is triggered.
13. Buildings, structures, offices and other uses customarily accessory to and in conjunction with permitted uses in the PI zone.
14. Rail facilities, including but not limited to rail lines, spurs, turnouts, switches, signals, rail car storage and related facilities.
15. Rail loop and spur dependent uses.

16. Concrete or ready-mix manufacturing plant.
17. Data Center.
18. Uses allowed outright in the General Industrial Zone, not including residential caretaker use.
19. 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.
20. Intermodal transportation facilities not requiring an Oregon Department of Environmental Quality Solid Waste Disposal Site Permit, such as a truck intermodal facility or rail to truck.
21. Outdoor Advertising Sign or Billboard.

**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.

**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.

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 and 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. Based on the temporary nature of these activities this decision is final and is not subject to appeal or hearing.

F. Transportation Impacts. Transportation Impacts will be evaluated using provisions within Article 4 Supplementary Provisions Section 4.010(F) Access within the Influence Area of an Interchange. If that provision is not applicable a Traffic Impact Analysis as outlined in the Morrow County Transportation System Plan will be required if the necessary thresholds are triggered.