

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 22nd DAY OF JANUARY, 2014

ATTEST:

MORROW COUNTY COURT:

Bobbi Childers by
Theresa Crawford Deputy
Bobbi Childers
County Clerk



Terry K. Tallman
Terry K. Tallman, Judge

Ken A. Grieb
Ken Grieb, Commissioner

APPROVED AS TO FORM:

Ryan Swinburnson
Ryan Swinburnson
County Counsel

Leann Rea 1-22-14
Leann Rea, Commissioner

MORROW COUNTY, OREGON CJ2014-0009
Commissioners' Journal 01/23/2014 11:20:41 AM



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



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.