

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

AN ORDINANCE AMENDING THE MORROW)	Ordinance Number
COUNTY COMPREHENSIVE PLAN TAKING AN)	ORD-2019-2
EXCEPTION TO GOALS 3, 11 AND 14, CHANGING THE)	
COMPREHENSIVE PLAN DESIGNATION FROM)	
AGRICULTURAL TO INDUSTRIAL, AND CHANGING)	
THE ZONING MAP FROM RESOURCE RELATED)	
INDUSTRIAL TO PORT INDUSTRIAL)	

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 first acknowledged by the Land Conservation and Development Commission on January 15, 1986, with the Economic Element update acknowledged in May 2016; and

WHEREAS, the Morrow County Planning Department received an application for exceptions to Goals 3, 11 and 14, to change the Comprehensive Plan designation from Agricultural to Industrial, and to change the zoning map from Resource Related Industrial to Port Industrial, utilizing Oregon Revised Statute (ORS) 197.719 pertaining to industrial use of abandoned and diminished mill sites; and

WHEREAS, the Morrow County Planning Commission held a public hearing on Tuesday, December 4, 2018, at the Port of Morrow Riverfront Center in Boardman, Oregon, to consider the request; and

WHEREAS, the Morrow County Planning Commission received testimony in favor of the application, and after discussion, recommended approval of the request to the Morrow County Board of Commissioners. In doing so, the Morrow County Planning Commission adopted the Final Findings of Fact recommending approval of the Exceptions to Goals 3, 11 and 14, the change in Comprehensive Plan designation from Agricultural to Industrial, and the change in zoning from Resource Related Industrial to Port Industrial; and

WHEREAS, the Morrow County Board of Commissioners held a public hearing to consider the Exceptions to Goals 3, 11 and 14, the change in Comprehensive Plan designation from Agricultural to Industrial, and the request to rezone the subject property from Resource Related Industrial to Port Industrial that came to the Board of Commissioners with a 'do adopt' recommendation from the Morrow County Planning Commission on January 3, 2019, at the Bartholomew Building in Heppner, Oregon; and

WHEREAS, the Morrow County Board of Commissioners continued the public hearing to Wednesday, January 9, 2019, to further consider the request; and

WHEREAS, the Morrow County Board of Commissioners received testimony in favor of the request; and

WHEREAS, the Morrow County Board of Commissioners accepted the Planning Commission recommendation, determined the effective date to be April 1, 2019, and approved the request in a 2-1 vote.

NOW THEREFORE BE IT ORDAINED THAT THE MORROW COUNTY BOARD OF COMMISSIONERS AMENDS THE MORROW COUNTY COMPREHENSIVE PLAN URBANIZATION ELEMENT TO REFLECT APPROVAL OF EXCEPTIONS TO GOALS 3, 11 AND 14, A CHANGE IN COMPREHENSIVE PLAN DESIGNATION FROM AGRICULTURAL TO INDUSTRIAL, AND A CHANGE IN ZONING FROM RESOURCE RELATED INDUSTRIAL TO PORT INDUSTRIAL ON AN APPROXIMATELY 48 ACRE PARCEL.

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "2019 Columbia Mill Site Rezone."

Section 2 Affected and Attached Documents:

The Morrow County Comprehensive Plan Urbanization Element is amended to include information about this Exception to Goals 3, 11 and 14 and reflect the change in Comprehensive Plan designation from Agricultural to Industrial (Exhibit A). The Morrow County Zoning Map is changed from Resource Related Industrial to Port Industrial (Exhibit B).

Section 3 Effective Date:

The Morrow County Board of Commissioners does declare the effective date of this adoption to be April 1, 2019, to allow the Port Industrial use zone to be in place timely after the full closure of the Columbia Mill Site in accordance with ORS 197.719 in March 2019.

This ordinance shall be effective on April 1, 2019

Date of First Reading: February 6, 2019
Date of Second Reading: February 20, 2019

ADOPTED BY THE MORROW COUNTY BOARD OF COMMISSIONERS THIS 20TH DAY OF FEBRUARY 2019.

MORROW COUNTY, OREGON **CJ2019-0030**
Commissioners' Journal 02/21/2019 9:44:04 AM



2019-0030

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



BOARD OF COMMISSIONERS OF MORROW COUNTY, OREGON

Jim Doherty, Chair

Melissa Lindsay, Commissioner

Don Russell, Commissioner

Approve as to Form:

Morrow County Counsel

*Dustin Nels
CSB #074-16*

Application to Amend the Morrow County Comprehensive
Map and Zoning Map Implementing ORS 197.719
Authorizing Local Counties to Re-Zone Abandoned or
Diminished Wood-Product Mill Sites to Industrial, with
Supporting Findings of Fact and Statement of Reasons

Map #4N 26E

Tax Lot # 3420

Current Zoning: Resource Related Industrial (RRI)

Proposed Zoning: Port Industrial (PI)

Applicant: Port of Morrow
C/O Ryan Neal, General Manager
P.O. Box 200
2 Marine Drive
Boardman, Oregon 97812

Owner: Upper Columbia Mill, LLC
1618 SW 1st Avenue, Suite 500
Portland, Oregon 97201

I. Introduction.

Applicant Port of Morrow (the Port) requests Morrow County approval of this application to amend the Morrow County Comprehensive Plan and Zoning Map to convert approximately a 48.6-acre parcel encompassing a soon to be abandoned mill site, the "Upper Columbia Mill," currently zoned Resource Related Industrial (RRI) to industrial land zoned Port Industrial (PI).

The 48.6 acres identified for conversion from Resource Related Industrial to Port Industrial use abuts the west side of Pole Line Road and is located approximately 3 miles south of the intersection of Pole Line Road and the County Frontage Road and Interstate 84. See attachment 1 for the vicinity map showing the subject property.

The plan and zoning amendments to convert agricultural land to industrial land to allow port-related industrial use generally require exceptions to Statewide Planning Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization). These exceptions extend to those Morrow County Comprehensive Plan policies and land use regulations adopted pursuant to those goals which would otherwise prohibit authorizing port-related industrial uses on the subject property or otherwise function to frustrate the purpose of this exception. As defined in ORS 197.732, an "exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (1) is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (2) does not comply with some or all goal requirements applicable to the subject properties or situations; and (3) complies with the standards for goal exceptions.

In 2003, ORS 197.719 was codified which allows "the governing body of a county [to] amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mills site to be zoned for any level of industrial use."¹ ORS 197.719 explicitly states that a local governing body can utilize the justification provided within ORS 197.719 notwithstanding statewide planning goals protecting agricultural lands (Planning Goal 3) or forest lands, or goals pertaining to urbanization (Planning Goal 14) or public facilities and service (Planning Goal 11).

Under Oregon Administrative Rules (OAR) 660-004-0015(1), a local government approving an exception must adopt, as part of its comprehensive plan, findings of fact that demonstrate that the standards for an exception have been met. While the normal exception standards contained within ORS 197.732 are not required for this rezone request, findings of fact are still necessary for Morrow County to document compliance with ORS 197.719 and compliance with statewide planning goals, the Morrow County Comprehensive Plan & Development Code regarding this Post Acknowledgement Plan Amendment Process to codify a zone change from resource related industrial to Port Industrial **This document has been prepared to serve as findings of fact and a statement of reasons why ORS 197.719 applies to this zone change request. Should Morrow County approve this application, the Port asks that the County incorporate this document into its comprehensive plan as its findings of fact in support of the application.**

Because this is a zone change request utilizing the criteria for industrial use of abandoned or diminished mill sites, applicable criteria include those found in ORS 197.719 (1-7). Further, plan amendments must demonstrate compliance with the statewide planning goals and with applicable Morrow County comprehensive plan policies. The relevant goals and policies are addressed below.

¹ See Attachment 2 for full text of ORS 197.719

II. Background.

The Upper Columbia Mill site encompasses a total of 48.6 acres and has been developed through a series of land use approvals since 2003².

Potlatch Corporation originally purchased the subject property and a very large tract of land to develop a hybrid poplar farm. In 2003 Potlatch obtained a Conditional Use Permit to establish a log merchandising and wood chip manufacturing facility on the subject parcel which at the time was a portion of a large, +/- 7,800 acre parcel of land. In 2005 Potlatch obtained a second Conditional Use Permit to add a chip manufacturing facility and log merchandizing facility on the subject property. Potlatch, at that time, also proposed to partition the wood manufacturing facility and associated land involved in the operation of the wood manufacturing facility away from the +/- 7,800 acre parcel zoned for Exclusive Farm Use. The actions were completed in 2006 which effectively created a parcel specifically created and sized to accommodate long-term wood manufacturing activities (Tax Lot 3420).

Between 2006 and 2007 Greenwood Resources and Upper Columbia Mill, LLC acquired the parcel from Potlatch and operated the mill until 2016 when the companies sold the poplar producing acreage to various other owners. Upper Columbia Mill, LLC notified Morrow County of their impending closure of the mill on July 21, 2016. The Port of Morrow and Upper Columbia Mill, LLC entered into a purchase option on the subject property contingent upon the ability of the Port to convert the abandoned mill into Port Industrial zoning. This application followed.

² See attachment 3 to review a letter from Morrow County Planning Director Carla McLane to Don Rice of Greenwood Resources describing past land use permits issued on the subject property.

III. Compliance with ORS 197.719 (Industrial Use of Abandoned or Diminished Mill Sites)

197.719 Industrial use of abandoned or diminished mill sites; amendment of comprehensive plans and land use regulations; sewer facilities. (1) As used in this section, "abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

(a) Is located outside of urban growth boundaries;

The applicant has provided a vicinity map (attachment 1) documenting that the subject property is located outside of the urban growth boundaries of both the City of Boardman and the City of Irrigation. This criterion is met.

(b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

The Upper Columbia Mill officially notified Morrow County of its closure on July 21, 2016 which meets this criterion requiring that a mill be closed after January 1, 1980.

(c) Contains or contained permanent buildings used in the production or manufacturing of wood products.

The subject property contains multiple permanent buildings on site including a wood manufacturing building with attached office, a scale and scale house as well as associated outbuildings and storage buildings. All buildings located on-site were used in the production of wood products on site. The application meets this criterion.

(2) Notwithstanding statewide land use planning goals protecting agricultural lands or forestlands or administrative rules implementing those goals, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

The applicant is requesting that the current mill site be converted from Resource Related Industrial to Port Industrial under the authorization provided above. The application meets this criterion.

(3) Notwithstanding a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

Pursuant to this section the applicant is requesting a zone change from Resource Related Industrial to Port Industrial to allow for urban scale industrial uses consistent with other industrial zoned property owned by the Port of Morrow.

(4) Notwithstanding a statewide land use planning goal relating to public facilities and services or administrative rules implementing that goal, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on June 10, 2003, are zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

This criterion is not applicable as the site was not zoned for industrial use on or before June 10, 2003. The applicant intends to develop water and sewer facilities to service the site consistent with the criteria in 4(b) below.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

The applicant has provided a facilities and service map showing existing and proposed water and sewer extensions to the proposed site (attachment 4) The map proves that the applicant intends to only provide for the extension of sewer service outside of existing urban growth boundaries to the abandoned mill site. This criterion is met.

(c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

This criterion is not applicable as the site was not zoned for industrial use on June 10, 2003. Additionally, the applicant has already proven that their sewer plan meets 4(b) above.

(5)(a) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

The applicant owns the sewer line and will ensure that no sewer connections between the abandoned mill site and any urban growth boundary or boundary of an unincorporated community are allowed unless compliance with ORS 197.732 is established.

(b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732. The presence of the sewer

facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.

The applicant agrees to this standard and supports any conditions Morrow County may need to add to ensure compliance with this criterion.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

A land partition to pare the land encompassing the Upper Columbia Mill site away from a larger resource zone was approved by Morrow County in 2005 and legally completed and recorded in 2006³. As a condition of the approval of both the Conditional Use and Land Partition the parcel partitioned away from the resource parcel (Tax Lot #3420) was required to be no larger than necessary to accommodate the needs of the Upper Columbia Mill. The applicant is requesting a zone change on the Tax Lot #3420 which has already proven, via previous conditions of approval or previous land use request applications, that it includes only those areas that were improved for the processing or manufacturing of wood products. The application meets this criterion.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

The applicant is proposing a zone change to Port Industrial which specifically limits commercial uses and is designed to be used as "an industrial sanctuary." In addition to the limitations on retail, commercial or residential development already guaranteed by imposition of the Port Industrial zone, the applicant agrees to any conditions deemed necessary by Morrow County to ensure current and future compliance with this criterion.

(7) For land that on June 10, 2003, is zoned under statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732. [2003 c.252 §2; 2003 c.688 §3]

³ See attachment 3 describing all previous land use approvals and permits related to the Upper Columbia Mill site

The applicant agrees to any conditions or references by Morrow County which would ensure current and future compliance with this statutory requirement.

IV. Compliance with Statewide Planning Goals.

While ORS 197.719 enables the local governing body to utilize the criteria within ORS 197.719 in lieu of normally relevant exception standards, the statewide planning goals apply to all plan amendments and require findings documenting compliance. The goals identified below are the only goals applicable to the plan amendments requested in this application. Goals not identified do not apply.

A. Goal 1 (Citizen Involvement).

Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. For plan amendments, Goal 1 is satisfied when a local government follows the public involvement procedures for plan amendments set out in its acknowledged comprehensive plan and land use regulations.

Morrow County's regulations for comprehensive plan amendments include notice to the public and to the Department of Land Conservation and Development (DLCD)⁴; public hearings before the Morrow County Planning Commission (which makes a recommendation to the County Court); and public hearings before the Morrow County Court. Compliance with these regulations results in compliance with Goal 1.

B. Goal 2 (Land Use Planning), Part I.

Goal 2, Part I requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The proposed amendments' consistency with applicable provisions in Morrow County's Comprehensive Plan is demonstrated in Section V. below.

Goal 2, Part I also requires coordination with affected governments and agencies, and an adequate factual base. In preparing the application, the Port met with Morrow County's planning director and contacted representatives of both DLCD and the Oregon Department of Transportation (ODOT) through its 35 day notice requirement.

The process followed, findings and supporting documentation showing compliance with ORS 197.719 meet the requirement of Goal 2 Part I. For these reasons, Goal 2, Part I is met.

C. Goal 2 (Land Use Planning), Part II.

⁴ ORS 197.610 requires local governments to provide DLCD with notice of proposed comprehensive plan or land use regulation amendments.

Goal 2, Part II sets out the standards for goal exceptions. For urban uses and urban scale public facilities and services on rural lands, Goal 2 Part II is implemented through OAR 660, Division 4 and OAR 660-014-0040. Goal 2, Part II is not applicable due to the provisions within ORS 197.719. Therefore compliance with Goal 2, Part II is not applicable to this request.

D. Goal 3 (Agricultural Lands).

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with ORS 215.203 et. seq.

Goal 3 does not allow nonfarm uses like industrial development on lands zoned for exclusive farm use unless a local government adopts findings justifying an exception to Goal 3 or, as in this case, the development involves industrial use of abandoned or diminished mill sites consistent with the statutory requirements of ORS 197.719. Based upon ORS 197.719 the application is compliant with this statewide planning goal.

E. Goal 6 (Air, Water and Land Resources Quality).

Goal 6 addresses the quality of air, water and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

Industrial uses at the new location may increase impervious surface, although by no more than could have occurred at the site when the mill was in operation. Where areas are paved, water cannot penetrate the soils so it rushes over the surface. This can increase erosion, increase the movement of fine sediments, and increase pollutant loads in watercourses. However, these impacts can adequately be mitigated using effective land-based stormwater treatment systems. The use of construction techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention also can achieve compliance with clean water standards.

Noise is defined as unwanted sound. The uses authorized by the requested plan amendments should not create noise that differs from the types of industrially-related or agricultural noise already in the area. All noise related to uses authorized by the proposed Port Industrial zone will be of a nature that is consistent with the previous noise generated by wood processing and manufacturing on the subject property. Additionally, the site is located in an area of intense agricultural operations where activity and noise generation occurs

frequently and at all hours of the day and night. Therefore, any noise generated from re-development of the subject property should not cause any additional impacts to neighboring landowners or property uses.

F. Goal 9 (Economic Development).

Goal 9 requires local governments to adopt comprehensive plans and policies that "contribute to a stable and healthy economy in all regions of the state." Morrow County's comprehensive plan has been acknowledged to comply with Goal 9. The plan recognizes and encourages port-related industrial development on lands suitable for industrial development (Morrow County Economic Goal #4) and to expand job opportunities and reduce unemployment (Morrow County Economic Goal #2). Industrial development of an abandoned mill site should enable Morrow County to back fill lost jobs resulting from the closure of the mill as well as expand job opportunities for the work force.

In addition to Goal 9 compliance by Morrow County, The Oregon Department of Land Conservation and Development partnered with the Oregon Department of Environmental Quality, the Oregon Health Authority and Business Oregon to promote the reuse of Oregon mill sites. Attachment 5 includes a white paper documenting the coalition that supports the redevelopment of mill sites for rural economic development.

G. Goal 11 (Public Facilities and Services).

Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The goal provides that urban and rural development "be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served." The Public Facilities Planning Rule, OAR 660, Division 11, implements Goal 11.

ORS 197.719 allows the County to authorize urban level sewer services to the abandoned mill site as well as authorizes the applicant and county to enable services to be rendered to the site of a scale necessary to accommodate industrial development of the subject property. Based upon ORS 197.719 the application is compliant with Goal 11

H. Goal 12 (Transportation).

Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule, OAR 660, Division 12. That rule encourages a multi-modal transportation system.

OAR 660-012-0060 provides that where a plan amendment would significantly affect an existing or planned transportation facility, measures must be taken to assure that the allowed land uses are consistent with the identified function, capacity and performance standards of the facility. The public access to the subject property is primarily through Pole Line road which is classified as a major collector road within the Morrow County Transportation System Plan. It would not appear that the zone change from Resource Related Industrial to Port Industrial would lead to a significant change in trip generation as the same amount of acreage (48.6 acres) will remain in an industrial zone that was found to be in compliance with Goal 12 during a zone change in 2007. Additionally, through the provisions codified within the Morrow County Zoning Ordinance and through a site development review process required by Morrow County of any future development requests, the County has the codified tools necessary to ensure both current and future compliance of this zone change request with Statewide Planning Goal 12.

I. Goal 13 (Energy Conservation).

Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. The Oregon State Buildings Codes will ensure that any new industrial structures built on-site as a result of this zone change request meet the standards of Oregon for energy conservation.

J. Goal 14 (Urbanization).

As relevant to this application, Goal 14 prohibits urban uses on rural lands. Usually, to locate urban uses on rural lands, local governments either must expand their UGBs to include the subject property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural land and explaining why the urban use cannot reasonably be located inside the UGB. ORS 197.719 enables a local governing body to rezone an abandoned mill site to include urban uses on rural lands if they meet the requirements contained within that statute. Based upon the findings of fact above that the application meets the requirements of ORS 197.719 the normal procedures requiring findings to show justification for an exception to Statewide Planning Goal 14 are not relevant. Based upon the applications compliance with ORS 197.719 the application is also compliant with Statewide Planning Goal 14.

V. Compliance with Morrow County Comprehensive Plan and Land Use Regulations.

A. Compliance with Morrow County Comprehensive Plan.

The Morrow County Comprehensive Plan policies identified below are the policies that are relevant and applicable to the plan amendments identified in this application. No other policies apply. Some of the applicable policies contain

mandatory ("shall") language. The application must demonstrate compliance with these policies to gain approval. The remaining policies are either more aspirational or directory to the County or more general in nature, directing or encouraging or supporting an action or result rather than requiring that action or result. While it is appropriate to address these policies where relevant to this application, the policies do not in themselves constitute applicable review criteria upon which approval or denial is based.

1. Citizen Involvement.

The Citizen Involvement Goal is to develop and implement a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Citizen Involvement Policy 3 encourages people to attend and participate in Morrow County Planning Commission and County Court meetings and hearings. The goal and policy are satisfied through the opportunities afforded to the public to participate at public hearings before the Planning Commission and County Court on the proposed amendments, as provided for by state law and the County's land use regulations.

2. General Land Use.

General Land Use Policy 9 requires that all plan and zone changes comply with all applicable statewide planning goals and County policies and procedures. This policy is satisfied for the reasons set out in the analysis of compliance with the statewide goals, the Morrow County Comprehensive Plan, and applicable County zoning provisions that are contained in this application.

3. Agricultural Lands.

Agricultural Land Objective 3 seeks to minimize and prevent conflict between farm and nonfarm uses. The proposed exceptions are consistent with this policy because, as demonstrated by their decades of co-existence, port-related industrial and agricultural uses are compatible. Indeed, Port industrial users provide effluent used by agriculture as irrigation water for crops.

Agricultural Land Policy 1 is an aspirational policy that seeks to balance economic and environmental considerations, limit incompatible nonagricultural development, and maintain a high level of livability in the County. While not a mandatory review criterion, this policy is met because this application seeks to rezone a parcel to Port Industrial that has already been developed to industrial uses with minimal to no conflict since 2003.

Agriculture Policy 2 permits development outside of urban growth boundaries only where conflicts with productive agricultural areas are minimal and where the development complies with the Comprehensive Plan. As described above, conflicts between port industrial and agricultural uses are minimal. Port industrial

development is consistent with the Comprehensive Plan, as reflected by the existence of a Port Industrial zone.

4. Economy.

Several Economic goals and policies apply to these proposed plan amendments. Most of these goals and policies are aspirational or directory to the County, rather than mandatory to an applicant.

Economic Goals 1 and 2 and Economic Policy 1 promote the improvement and diversification of the County's industrial potential and overall economy. Goal 5 seeks diversity in local businesses, industries and commercial activities and the promotion of economic growth and stability in Morrow County.

Economic Goal 3 seeks to ensure an adequate water supply to economic interests. For reasons set out in the findings of compliance with exceptions criteria, the Port has the capability to provide that supply. Economic Goal 6 and Policies 10 and 11 seek new industries that will hire local residents and accommodate the growth of the County labor force. Through this zone change, the Port wishes to provide economic and job opportunities to the lands, previously lost by the notice of the closure. One of the businesses that would have had to re-locate (owned by Nash Contracting) will be able to remain in business as a result this zone change as the business will be able to source materials from outside of the original boundaries of the farm operation. Currently that opportunity is precluded by the current zoning and would require the business to either cease operation or re-locate out of the area.

5. Public Facilities and Services.

Several Public Facilities and Services goals and policies apply to this application. These include General Policies A, B, C, D, E, F, G, and K; Utilities Policy F; Water and Sewer Policy A; and Solid Waste Policies A and B.

General Policy A provides for a level of service appropriate for, but limited to, the needs of the development to be served. General Policy B provides that such service levels support optimum (maximum density) development, and General Policy C provides that rural areas shall be provided with public facilities and services appropriate for rural use. General Policy A is met through the criterion included within ORS 197.719 allowing urban scale public facilities and services to serve urban uses of an abandoned mill site This includes extensions of public sewer and water to the area that originally encompassed the boundaries of the abandoned or diminished mill site. General Policy B is met because the services to be provided will be at levels developed to be in compliance with ORS 197.719(4)(b).

General Policy D requires that the provision of public facilities and services to rural areas being changed to urban use shall be based on (1) the least time required to provide the service; (2) the most reliable service; (3) lowest financial cost; and (4) adequate levels of service that satisfy long range needs. General Policy E calls for the coordinated development of all necessary urban facilities and services appropriate to an urban area. Because the existing industrial park already has adequate levels of facilities and services in the ground and available to serve existing and future development, such services can be extended to the subject site in the least amount of time and in the most reliable manner at lowest cost. Further, the Port can and will coordinate with local service providers, including the Boardman Rural Fire District, Century Telephone, Cascade Natural Gas, and local law enforcement officials, to provide those needed facilities and services that the Port is not providing.

General Policy F calls for the siting of utility lines and facilities on or adjacent to existing public or private right-of-way or through generally unproductive lands to avoid dividing existing farm units. Utility lines already serve the abandoned mill site. No other farm units would be divided by utility lines or facilities.

General Policy G requires that public facilities and services not exceed the carrying capacity of the air, land and water resources. The Boardman area is an area with very good air quality, with pollution concentrations far below the average ambient air quality standards for the state. Through compliance with DEQ air quality regulations for industries, high air quality standards can be maintained. Similarly, water quality can be maintained through the permitting process.

General Policy K is an aspirational policy that establishes a goal of achieving a maximum balance of public costs versus benefits and revenues in the provision of public facilities and services. While this policy is not a mandatory review criterion, it will be satisfied because industrial development locating at the abandoned mill site will contribute to the costs of the facilities and services they use.

Utilities Policy F calls for coordination of development with utilities providing electrical, natural gas, cable television and telephone services. The Port uses services provided by Umatilla Electric Cooperative, Cascade Natural Gas, and Century Telephone to serve the industrial park.

Water and Sewer Policy A provides that when development occurs in unincorporated areas, minimum State sanitation and health requirements be met, including an approved subsurface sewage disposal system. The Port has an approved community sewage system that can accommodate industrial development at the abandoned mill site. Solid Waste Policies A and B can be met by new industrial development using the same processes for which solid waste management occurs elsewhere on port owned lands.

6. Transportation.

The Comprehensive Plan contains transportation policies and objectives. Transportation goals and policies also are included in the 1998 Morrow County Transportation System Plan, addressed in Subsection B below. This section deals only with those policies contained in the Comprehensive Plan.

The applicable Transportation Policies are policies 6, 7, 9, 10, and 11. Policy 1 parrots LCDC Goal 12.

Transportation Policy 6 seeks to avoid dividing existing economic farm units unless no feasible alternative exists. Because goal exceptions are justified to convert existing farm land to industrial land, economic farm units won't be divided. No public roads will divide lands as internal road networks and a major collector road (Pole Line Road) currently exist.

Transportation Policy 7 provides that plans for transportation systems shall consider the carrying capacity of the air, land and water resources and be consistent with applicable Comprehensive Plan policies. The road system will not impact any water resources as the road system is already in existence with no major changes planned for Pole Line Road.

Policy 9 provides for Morrow County to consider transportation according to street classification policies in extending existing development or approving new development. The affected road is Pole Line Road, a major collector road. movement of freight by trucks from one portion of the region to another or from this region to other regions of the state will occur through an already classified major collector road of the County.

Policy 10 requires that road improvements necessitated by development be constructed in accordance with street classification policies and financed by the developer. Future improvements within the area to be added can and will be paid by the Port.

Policy 11 requires the County to limit development that would prevent streets from serving their identified functions. Pole Line Road is already classified as a major collector road. Changing the zoning of the subject property from Resource Related Industrial to Port Industrial will not result in any changes to the intended function of Pole Line Road.

7. Energy Conservation.

Energy Conservation Policies 1 and 14 are applicable to these proposed plan and land use regulation amendments. As with many other Comprehensive Plan policies identified herein, these policies are directory or aspirational in nature,

rather than mandatory to an applicant. While they are not standards upon which approval or denial is based, all development that would occur as a result of this zone change request would be required to meet Oregon State Building Code standards for energy conservation and therefore can meet the guidelines and recommendations of this chapter.

8. Urbanization.

The Urbanization element of the Morrow County Comprehensive Plan contains provisions to allow nonresource uses outside of urban growth boundaries. As this zone change is specifically allowed under ORS 197.719, ORS 197.719 can be used to justify that the subject property is one of the areas where non-resource use outside of urban areas is legally allowed.

9. Review and Revision Processes.

The Comprehensive Plan provides a process to consider major plan revisions. Major revisions include land use changes that have wide-spread and significant impacts beyond the immediate area, such as quantitative changes producing large traffic volumes and qualitative changes in the character of the land use itself. The Plan allows for amendments when such revisions occur.

The Comprehensive Plan establishes standards for biennial review of the Comprehensive Plan. Because these amendments are Port-initiated rather than County-initiated, they fall more into the category of quasi-judicial amendments rather than legislative amendments, and the standards for biennial review do not apply. Still, this application is generally consistent with those standards, as its review will include public notice, opportunity for public review and comment, review and recommendation by the Planning Commission, and review and decision-making by the County Court.

The Comprehensive Plan element addressing plan review and revision also contains language requiring that the plan and its implementing regulations be evaluated in relation to changing public policies and circumstances. Because this provision is directory to the County and appears in the context of a discussion calling for periodic plan review and update, it is not a mandatory approval standard applicable to landowner-initiated quasi-judicial amendments.

B. Compliance with Morrow County Transportation System Plan.

The Morrow County Transportation System Plan (TSP) is an element of the County's Comprehensive Plan that Morrow County adopted pursuant to LCDC's Transportation Planning Rule, OAR 660, Division 12. It includes transportation related goals and policies, some of which are relevant to this application. The

applicable goals and policies are identified below. Those not identified do not apply to this application.

TSP Goal 1 addresses coordination and process. The goal is to ensure that the Morrow County TSP is coordinated with other transportation providers, meets applicable regulations, and considers the needs of all transportation system users.

TSP Goal 2 requires that land use planning be supported with appropriate transportation improvements. Policy 2.3 requires that new development proposals, plan amendments and zone changes conform to the TSP, as required by OAR 660-012-0045(2)(g). Under that rule, local governments must adopt regulations that assure "that amendments to land use designations, densities and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP." Compliance with this policy is addressed in the analysis of compliance with OAR 660-012-0060, set out in Section IV above. Policy 2.4 requires new development to provide appropriate access to the transportation system. The area proposed for industrial development will be provided with internal circulation connecting it Pole Line Road, a major collector in the County road network.

Policy 2.5 requires new development to identify transportation impacts and provide appropriate mitigation. This standard can be met through the provisions of the Zoning Ordinance for Zoning Approval and Site Development Review, as well as the Traffic Impact Analysis component to ensure that any future uses are manageable relative to their potential impacts.

Policy 2.6 requires new development to dedicate right-of-way for transportation system improvements where appropriate. To the extent Port property is affected, required right-of-way can be dedicated if required.

TSP Goal 3 and Policy 3.1 address economic development. The goal seeks to enhance economic development through transportation improvements.

TSP Goal 4 directs the County to promote a high quality of life by providing a well developed transportation system that is appropriate to its surroundings.

TSP Goal 5 calls for a safe and efficient roadway system. Consistent with the Goal and Policy 5.1, roadway improvements can and will be constructed in accordance with applicable County or State of Oregon design standards. Policy 5.7 provides for improved roadway connectivity in the county. Policy 5.8 provides for improved access for emergency vehicles. An existing road network meeting these policies has already been developed to serve the abandoned mill site.

TSP Goal 8 promotes efficient movement of freight and goods throughout the county. Pole Line Road, a major collector road, has been constructed and maintained to meet this Goal.

C. Compliance with Morrow County Zoning Ordinance.

Section 8.050 of the Morrow County Zoning Ordinance sets out criteria for the Morrow County Planning Commission and Morrow County Court to consider, respectively, in preparing a recommendation for and reaching a decision on a proposed zoning ordinance text or map amendment. Through the discussion provided below, these matters are considered as required by the ordinance.

Section 8.050(A) provides for consideration of whether conditions have changed since the adoption of the Comprehensive Plan and zoning map that warrant an amendment, or whether there was a mistake in the original designation. The principal change in conditions since initial plan adoption is the development and abandonment of a wood manufacturing facility and the codification of ORS 197.719 that allows a local governing body to approve zone changes for industrial use of abandoned mill sites.

Section 8.050(B) provides for the County to consider the sufficiency of public facilities and services to support a change in designation, including streets and roads. The adequacy of public facilities and services, including transportation, to support the industrial uses permitted by this plan amendment, is addressed in Section IV of this application, incorporated herein by this reference.

Section 8.050(C) provides for the County to consider whether the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports the goals and policies of the Comprehensive Plan, and whether there is a public need for the proposal that would best be served by allowing the request. If there are other areas of the county designated for the requested use, then the County must consider why it is necessary to introduce the use into an area not now so zoned and why the owners there should bear the burden of introducing that zone into their area.

Section 8.050(D) directs the County to consider the factors listed in ORS 215.055 or others that relate to public need for healthful, safe and aesthetic surroundings and conditions. This section no longer appears applicable because it requires consideration of factors in a statute, *former* ORS 215.055, that was repealed in 1977 following LCD's adoption of the statewide planning goals. The thrust of that former statute was to direct counties to adopt comprehensive plans that promote the public health, safety and general welfare, based on considerations such as characteristics of the county, the suitability of areas for particular land uses, the land uses and improvements in the area, the need for economic enterprise in the future development of the areas, needed access, natural

resources, prospective needs for development, and the public need for healthful, safe and aesthetic surroundings and conditions. These issues are addressed in the application, although in the context of compliance with statewide planning goals and acknowledged comprehensive plan policies in this section and in Section IV of this application.

In addition to Section 8.050, this application considers Section 3.110 of the Zoning Ordinance, which describes the purpose and overlay zone requirements of the Limited Use (LU) Overlay Zone. The zone's purpose is to limit the list of permitted uses and activities allowed within the allowing zone to only those uses and activities which are justified in the comprehensive plan "reasons" exception statement. The "requirements" section provides that when the LU zone is applied, the uses permitted in the underlying zone shall be limited to those uses and activities specifically referenced in the ordinance adopting the LU zone. This section also authorizes the County to impose reasonable conditions that it deems necessary to carry out the provisions of the Comprehensive Plan and Zoning Ordinance. A limited use overlay zone is not necessary because the PI zone limits the uses to those that are consistent with the proposed plan amendment to industrial. The PI zone was specifically developed for Port-owned lands identified for industrial uses.

Zoning Map

Comprehensive Plan Designation:
Industrial

City of
Boardman

84

730

730

84

Poleline Road

Bombing Range Road

Homestead Lane

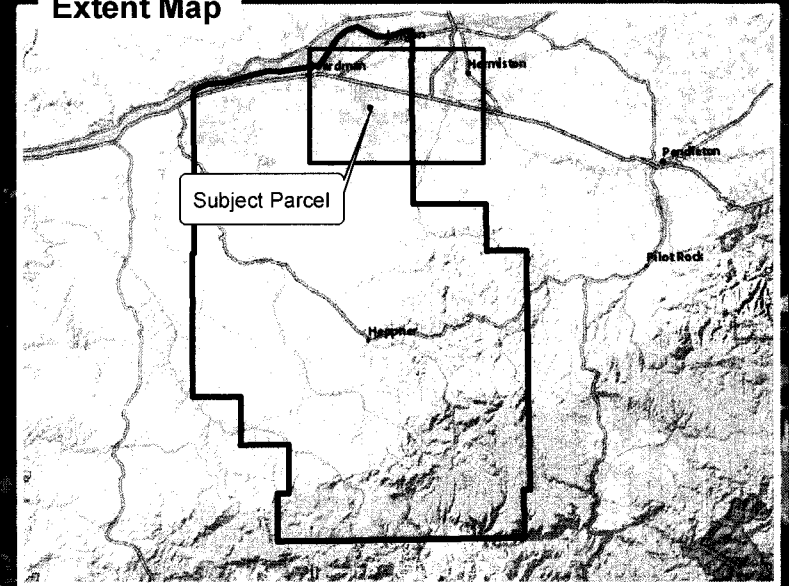
Naval Weapons Systems
Training Facility
Boardman

Subject Parcel

Scale

0 1 2 Miles

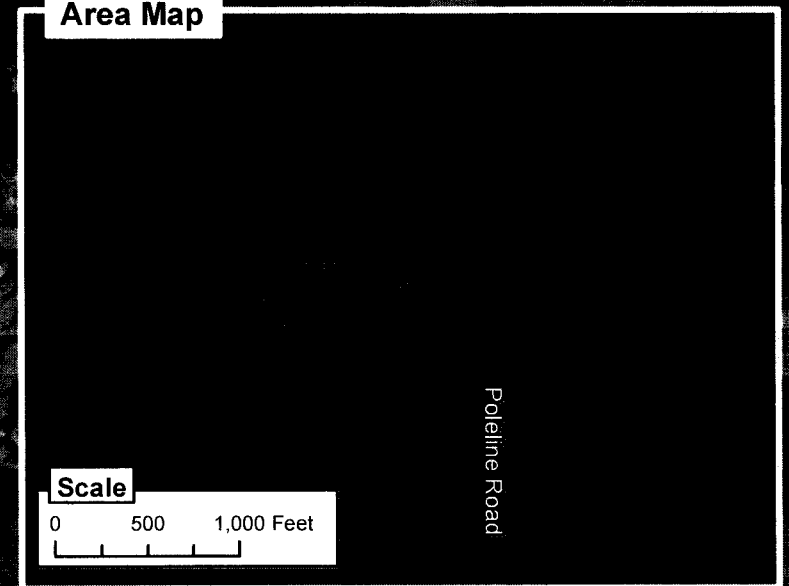
Extent Map



Subject Parcel

84

Area Map



Scale

0 500 1,000 Feet

Poleline Road



ORD-2019-2
Exhibit B

Legend

Taxlots



City Limits



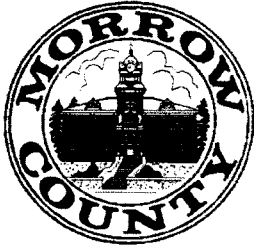
Subject
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Cartography By: Stephen Wreccics
Morrow County Planning Department
Date Saved: 2/1/2019 9:40:40 AM

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AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
66

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Staff Contact: Carla McLane
Department: Planning

Phone Number (Ext): 541-922-4624
Requested Agenda Date: 02-20-2019

Short Title of Agenda Item: Port of Morrow Columbia Mill Site Rezone
(No acronyms please) Adopting Ordinance 2nd Reading (ORD-2019-2)

This Item Involves: (Check all that apply for this meeting.)

- Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Carla McLane 02112019 Department Head Required for all BOC meetings
Admin. Officer/BOC Office Required for all BOC meetings
Rich Tovey (via email) 02062019 County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Based on the outcome of the Public Hearing that was held on January 3 and continued to January 9, the item before you is the 2nd Reading of the Adopting Ordinance.

2. FISCAL IMPACT:

There is no direct fiscal impact based on this action.

3. SUGGESTED ACTION(S)/MOTION(S):

After the 2nd Reading the motion would be,
"I move approval of Ordinance Number ORD-2019-2 amending the Morrow County Comprehensive Plan taking an Exception to Goals 3, 11 and 14, changing the Comprehensive Plan designation from Agricultural to Industrial, changing the Zoning Map from Resource Related Industrial to Port Industrial, and authorizing this to be effective on April 1, 2019."

Attach additional background documentation as needed.