

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE ADOPTING A NEW USE  
ZONE - RESOURCE RELATED INDUSTRIAL -  
AS SECTION 3.015 OF THE MORROW  
COUNTY ZONING ORDINANCE

COUNTY ORDINANCE  
NO. MC-01-2008

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 Oregon Economic and Community Development Department, in cooperation with the Land Conservation and Development Department, identified a need for an Oregon business and suggest to Morrow County Planning staff a new use zone - Resource Related Industrial; and

WHEREAS, the Morrow County Planning Commission held two public hearings to review the request on November 27 and December 4, 2007, at the North Morrow County Annex Building in Irrigon, Oregon; and

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

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on December 19, 2007, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court did consider the testimony and evidence presented to them;

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, as the "Resource Related Industrial Use Zone Adoption"

Section 2 Affected Documents

The Resource Related Industrial Zone (RRI) Section 3.015 of the Morrow County Zoning Ordinance is attached as Exhibit 1. This document will, by adoption of this ordinance, become part of the Morrow County Zoning Ordinance Article 3 Use Zones.

Section 3 Effective Date

This ordinance shall be effective on January 20, 2008.

Date of First Reading: January 2, 2008

Date of Second Reading: January 9, 2008

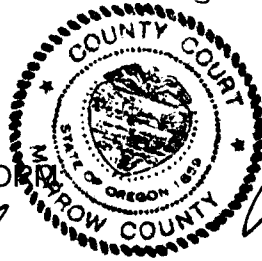
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 9<sup>th</sup> DAY OF JANUARY 2008.

ATTEST:

MORROW COUNTY COURT:

*Bobbi Childers by Theresa J. Jansen*  
Bobbi Childers  
County Clerk  
*Deputy Clerk*

*Terry K. Tallman*  
Terry K. Tallman, Judge



APPROVED AS TO FORM

*Ryan Swinburnson*  
Ryan Swinburnson  
County Counsel

*John E. Wenzholz*  
John E. Wenzholz, Commissioner

*Ken Grieb*  
Ken Grieb, Commissioner

Section 3.015 RESOURCE RELATED INDUSTRIAL ZONE, RRI. It is the intent and purpose of the Resource Related Industrial – (RRI) Zone to be utilized in areas of Morrow County included in zones designated for farm use that have a strong potential for the extraction and processing of agricultural and other resource related commodities. It is further the intent and purpose of the RRI Zone to support commercial farm and forest activities while increasing family wage and above family wage employment opportunities in Morrow County. In an RRI Zone the following regulations shall apply:

A. Uses Permitted Outright. In the RRI Zone, the following uses and their accessory uses are permitted outright. While some uses may prompt an inquiry to, and/or action by, the Planning Director, authorization of such uses does not require notice to adjacent property owners or other interested parties and does not constitute a land use decision pursuant to ORS 197.015(10).

1. Farm Use.
2. Operations for the exploration of geothermal resources as defined by ORS 522.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
3. The propagation or harvesting of a forest product.
4. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weight stations and rest areas within the right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
5. Fire service facilities providing rural fire protection services
6. Other uses required by ORS 215.283(1) as interpreted by OAR Chapter 660, Division 33.

B. Uses Subject to Administrative Review. In the RRI Zone, the following uses and their accessory uses may be permitted outright with a Zoning Permit and subject to the provisions of this Section if determined by the Planning Director to satisfy the applicable criteria and provisions of law. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). Authorization of these uses does constitute a land use decision pursuant to ORS 197.015(10). Notice and an opportunity for a hearing must be provided in the manner described in ORS 215.416. These uses may be referred to Planning Commission for review if deemed appropriate by the Planning Director.

1. A facility for the primary processing of forest products pursuant to OAR 660-033-0130(6).
2. A facility for the processing of farm crops pursuant to ORS 215.283(1)(u).
3. A commercial activity in conjunction with farm use, including but not limited to uses with an industrial emphasis such as processing hybrid poplar trees into lumber or secondary processing, fabrication or shipping of materials or goods

produced at facilities located at the site or surrounding lands and described in paragraph b. of this subsection. Approval of this use is subject to the review criteria of Subsection D.

4. Operations conducted for the mining and processing of geothermal resources as defined in ORS 522.005 or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources and oil and gas as defined by ORS 520.005 not otherwise permitted under subsection 1.b. of this section. Approval of this use is subject to the review criteria of Subsection D.
5. Dwellings pursuant to OAR 660-033-0135(7).
6. Other uses required by ORS 215.283(1) as interpreted by OAR Chapter 660, Division 33.

C. Conditional Uses. In the RRI Zone, the following uses and their accessory uses may be permitted if determined by the Planning Commission during a public hearing to satisfy the applicable criteria and provisions of law. Projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review). The appropriate review criteria are identified for each use.

1. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provision of law.
2. Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement. Approval of this use is subject to the review criteria of Subsection D and any other applicable criteria or provision of law.
3. Processing of other mineral resources and other subsurface resources Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provision of law.
4. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
5. Commercial utility facilities for the purpose of generating power for public use by sale. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
6. Operations for the extraction and bottling of water. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
7. Utility facilities necessary for public service subject to the provisions of ORS 215.275 and OAR 660-033-0130(16). No local legislative criteria shall be applied for consideration of establishing a utility facility necessary for public service.

8. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-096-0020. Approval of this use is subject to the review criteria of Subsection D, and any other applicable criteria or provisions of law.
9. The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU Zone pursuant to the provisions of ORS 215.283(1)(Y) and ORS 215.246 to 215.251.

D. Specific Review Criteria. In the RRI Zone certain uses are subject to specific criteria, in addition to any other applicable criteria. The specific provisions of this subsection apply only when referenced within the list of uses included in Subsections B and C.

1. The use may be approved only where the review authority finds that the use will not:

- a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- c. For purposes of this subsection, items D a & b above may be considered satisfied if the proposed use is located internally to an ownership exceeding 1,000-acres from which raw materials upon which the use is dependant are derived and the nearest adjacent ownership is no closer than 3,960 feet.

2. LAND DIVISIONS. In the RRI Zone the minimum parcel size shall be:

- a. 80-acres; or
- b. If the use is listed in Section B, 1 – 3 or Section C the new parcel(s) shall be no larger than the minimum size necessary to accommodate the use.

E. Yards. In a RRI Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Planning Director; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.
2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Planning Director.

3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Planning Director.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

#### F. Transportation Impacts

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 – trucks, recreational vehicles and buses – 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)

G. Permit Expiration Dates. In a RRI Zone, a Zoning Permit or Conditional Use Permit is void two years from the date of the final decision if the development action is not initiated in that period. An extension of up to 12 months may be granted if:

1. An applicant makes a written request for an extension;
  2. The request is submitted to the county prior to the expiration of the approval period;
  3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
  4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
5. Approval of an extension granted under this provision is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed. (MC-C-9-98)