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UMATILLA COUNTY RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
 Umatilla County Development) ORDINANCE NO. 2016-02
 Code to Update and Revise)
 Multiple Sections)

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS the Planning Department staff drafted a number of updates to the code and the comprehensive plan, including replacement dwelling process, kennels, dog training, park models, definitions, false permit information, land division review, parking, solar facility, wind power generation facility, secondary dwelling or structure, and incorporating legislative changes;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on February 25, 2016, and forwarded the proposed amendments to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on March 16, 2016, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance with revisions.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendments to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

§ 152.058 USES PERMITTED WITH A ZONING PERMIT.

(F) Alteration, restoration or replacement of a lawfully established dwelling . . .

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date

of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance; The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;

§ 152.083 USES PERMITTED WITH A ZONING PERMIT.

(O) Alteration, restoration or replacement of a lawfully established dwelling . . .

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance; The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;

§ 152.062 PARCEL SIZES.

(D) Creation of other non-farm and conditional use parcels. The minimum lot area for other "non-farm" uses permitted as conditional uses in this an EFU zone shall be the size necessary to accommodate the use and may be established through § 152.710 (E), Type IV, Review IV Land Division application process.

§ 152.003 DEFINITIONS.

KENNEL. Commercial Dog Boarding Kennel means a Any lot or premises on which four or more adult dogs, cats or other pets are kept, whether by owners of the animals or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is one that has reached the age of six months. (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not considered to be a kennel.)

§ 152.060 CONDITIONAL USES PERMITTED.

(K) Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.283 (1) (x) on a parcel or tract not meeting the definition of high value farmland may be conditionally permitted as provided in § 152.617 (I)(I). (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)

§ 152.085 CONDITIONAL USES PERMITTED.

(K) Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.283 (1) (x) on a parcel or tract not meeting the definition of high value farmland may be conditionally permitted as provided in §152.615 and § 152.617 (I)(I), as applicable. (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)

§ 152.058 USES PERMITTED WITH A ZONING PERMIT. (EFU)

(S) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, as described in ORS 215.283 (1) (x).

§ 152.083 USES PERMITTED WITH A ZONING PERMIT. (GF)

(V) Dog training classes or testing trials conducted outdoors or in farm buildings that

existed on January 1, 2013, as described in ORS 215.283 (1) (x).

§ 152.003 DEFINITIONS.

PARK MODEL HOME. Park Model Home is a recreational vehicle that is: (A) built on a single chassis; (B) equal to or greater than eight and a half feet in width, exclusive of slide outs or other exterior modifications; (C) not self-propelled; (D) designed primarily for use as a permanent or semi-permanent residence.

§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

(X) Dwellings (as accessory use) for the owner or operator of each existing permitted use.

(1) If a mobile home or park model home is to be used, the mobile home or park model home shall be skirted and set up to have the appearance of a residential dwelling;

(3) Any mobile home or park model home used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;

(5) Park model home used as a caretaker dwelling must have been manufactured within ten years of the approval of the care taker dwelling.

§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

(VV) Retail and service commercial.

(2) The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. ~~Large~~ All commercial activities **shall** catering to ~~regional~~ local needs ~~shall not be allowed;~~

§ 152.003 DEFINITIONS.

PRIMARY PROCESSING OF FOREST PRODUCTS. Primary processing of forest products means the initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market including, but not limited to debarking, peeling, drying, clearing, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

§152.617 (I) EFU AND GF ZONE CONDITIONAL USES

(Y) Permanent Facility for the primary processing of forest products that is:

(1) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or

(2) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or

(3) Located in a combination of indoor and outdoor areas described in paragraphs (1) and (2); and

(4) Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

§152.081 USES PERMITTED OUTRIGHT.

(W) Temporary Portable Facility for the Primary Processing of Forest Products, as defined in §152.003.

§152.031 FALSE PERMIT INFORMATION.

Land Use Permits may be revoked if permit information is found to be false or misrepresented.

§152.722 STANDARDS FOR APPROVAL.

(B) The request meets the definition of a property line adjustment per the definitions contained in § 152.003 and the adjustment does not increase the size of a parcel created as the result of an approved Measure 49 waiver as stipulated in ORS 195.

§ 152.062 PARCEL SIZES.

(F) UGB Areas. Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type IV, Review V Land Division application process.

§ 152.087 PARCEL SIZES.

(F) UGB Areas. Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type

IV, Review V Land Division application process.

§ 152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.

(A) Type IV Land Division review and approval matrix system. Review and approval of a Type IV Land Division shall be divided into ~~four~~ five types of reviews. The following table shall be used to identify what type of review is to be used: [New matrix table row five shown below]

Type of Land Use	Parcel 160+	Parcel 80-160	Parcel <80
<u>EFU or GF Zone and UGB Parcels</u>	<u>Does Not Apply</u>	<u>Review V if portion of parcel located within UGB</u>	<u>Review V if portion of parcel located within UGB</u>

(F) Review V. The following review and approval standards of a Type IV, Review V Land Division application is for the creation of parcels less than 160 acres within the EFU and GF zones, where a portion of a lawfully established parcel has been included within an urban growth boundary. And that portion of the EFU or GF zoned parcel that remains outside of the urban growth boundary is smaller than the minimum parcel size of 160 acres the parcel may be divided as follows:

(1) The survey requirement for a Type IV, Review V, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(2) The procedure for processing a Type IV, Review II, Land Division application shall

follow the standards set forth in § 152.643(D) and § 152.645(B).

(3) Criteria for approval of a Type IV, Review V Land Division application:

(a) The partition must occur along the urban growth boundary; and

(b) If the parcel contains a dwelling, that portion of the parcel with the dwelling must be large enough to support continued residential use.

(c) If the parcel does not contain a dwelling:

(i) The parcel created outside of the urban growth boundary will not be eligible for siting a dwelling, except as may be authorized under ORS 195.120.

(ii) The parcel created outside of the urban growth boundary may not be considered in approving or denying an application for the siting of any other dwelling; and

(iii) The parcel may not be considered in approving a re-designation or rezoning of forestlands under the acknowledged comprehensive plan and land use regulations, except for a re-designation or rezoning to allow a public park, open space or other natural resource use.

(d) The parcels will meet the minimum frontage and access requirements.

(e) Approval of a land division under this section, requires as a condition of approval that the owner of the parcel sign and record in the deed records for the county in which the parcel is located an irrevocable

deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

§ 152.562 ADDITIONAL OFF-STREET PARKING AND LOADING REQUIREMENTS.

(I) Design requirements for parking lots:

(7) Except for parking to serve a single-family residential use, parking and loading areas must meet State Building Code Accessible Parking requirements.

§ 152.060 CONDITIONAL USES PERMITTED.

(FF) Photovoltaic solar power generation facility as provided in OAR 660-033-0130 (38).

§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

(HHH) Commercial Wind Power Generation Facility.

(6) Standards/Criteria of Approval.

(6) New electrical transmission lines associated with the wind project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way. Note: The wind project associated

~~Transmission distribution lines and substation(s) constructed and owned by the applicant that are not within the project boundary are subject to a separate land use permit. The applications for the wind project and the associated transmission line and substation(s) shall be submitted together for processing.~~

§ 152.722 STANDARDS FOR APPROVAL

(D) Legal access in conformance with the standards of this chapter is provided and/or maintained to all parcels. If necessary to comply with this standard, an easement in conformance with county standards shall be recorded in the county deed records, and a copy of the dedication document and proof of recording ~~shall~~ may be provided either prior to approval or created by recording the deed instrument to convey and complete the property line adjustment approval.

§ 152.571 PERMITTING MORE THAN ONE DWELLING OR PRINCIPAL STRUCTURE ON A LOT OR PARCEL

In a rural residential zone, more than one allowed dwelling may not be erected (excluding special exceptions for temporary hardship homes approved under §152.576) on a single parcel or lot unless a partition, subdivision or replat approval has been finalized. In a commercial or industrial zone each principal structure or use shall be on an individual parcel or lot unless the second principal structure or use is approved by a conditional use permit, and processed as 'other uses similar' to the uses permitted (allowed) in the underlying commercial or industrial zone and before a zoning permit will be issued.

§ 152.025 ZONING PERMIT.

(A)) Prior to the construction, reconstruction, addition to or change of use of a structure, or the change of use of a lot, or the installation or replacement of a mobile home on a lot, a zoning permit shall be obtained from the County Planning Department. Within the flood hazard area, a zoning permit shall be required for all other developments including placement of fill, mining, paving, excavation or drilling. Structures of 120 square feet or less in area do not require a zoning permit except when located in a designated flood hazard area or when used for human habitation, or as an addition to an existing dwelling. . . .

§ 152.134 DIMENSIONAL STANDARDS-RR2

(B) Setback requirements. No building or accessory structure shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line;

§ 152.159 DIMENSIONAL STANDARDS-RR4

(B) Setback requirements. No building or accessory structure shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line.

§ 152.164 DIMENSIONAL STANDARDS RR10

(B) Setback requirements. No building or accessory structure shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the

centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater.

§ 152.173 DIMENSIONAL STANDARDS-MUF

(C) Setback. No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

§ 152.218 DIMENSIONAL STANDARDS-FR

(C) Setback. No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

§ 152.233 DIMENSIONAL STANDARDS-MR

(C) Setback. No building or accessory structure shall be located closer than 20 feet from a lot line;

§ 152.059 LAND USE DECISIONS. (EFU) (K) DWELLINGS.

~~Permits for dwellings approved under this section are valid for four years. A permit extension for an additional two years may be obtained.~~ When a dwelling is approved through a land use decision in this section, the applicant or landowner must obtain a zoning permit pursuant to § 152.612 (D). The zoning permit will be a condition of the approval; all land use decision conditions of approval must be met within two years of the date of the signed final findings, pursuant to § 152.613 (A). A zoning permit issued for a dwelling approved under this land use decision section is authorized for four years from the date of the signed final findings and may be extended, but not for more than a total of six years from the date of the signed final findings. The date the final findings are signed signifies the final decision unless appealed as provided in §152.769 (12).

§ 152.003 DEFINITIONS.

CANOPY. A stationary structure, either free-standing or partially supported on one side only by a building wall, designed and built for the protection ~~of the protection~~ or of pedestrians at the entrance to a commercial or industrial building, or for the protection ~~or~~ of motor vehicles while being serviced ~~or their occupants served~~.

ZONING PERMIT. An official ~~finding~~ decision that a planned use of a property, as ~~indicted~~ indicated by an application, complies with the requirements of this chapter; a zoning permit also is used as ~~or meets final approval~~ the special conditions of a variance, land use decision ~~or and~~ conditional use permit (see also DEVELOPMENT PERMIT).

DEVELOPMENT PERMIT. Zoning permit required by this or other county ordinances as a prerequisite to the use or improvement of any land ~~and~~ including a building s and structures, land use, occupancy, sewer connection or other similar permits.

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION.

(D) An applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before establishing the approved use and/or commencing construction.

§152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(A) A final decision for a conditional use permit or land use decision shall expire after two years ~~(except for a land use decision for a dwelling in the EFU Zone per § 152.059 (K))~~ from the date the final findings are signed, unless all applicable conditions have been met and a zoning permit is obtained.

§ 152.776 IMPOSITION OF CONDITIONS.

(A) The Planning Director may impose conditions of approval on any decision subject to the administrative review procedure, following the same standards and procedures as set forth in §152.753.

(B) The Hearings Officer may use the procedures of § 152.753 to impose conditions upon variances and conditional use permits, and any other land use requests, including

appeals, that are within his authority.

(C) The Planning Commission or Board may impose conditions of approval on any decision that comes before them, on appeal or otherwise, following the same standards and procedures as set forth in § 152.753.

(D) Conditions of approval ~~may be~~ are of two following types, subsequent and precedent. When ~~issuing~~ presenting tentative approval, it shall be clearly noted which conditions are precedent and which are subsequent. Precedent conditions shall be fulfilled by the applicant before final approval is issued by the Planning Department ~~issues final approval or~~ Final approval is signified by approval of a zoning permit. Subsequent conditions shall be imposed pursuant to § 152.753.

(+) ~~(2)~~ Subsequent conditions are ~~those~~ conditions that ~~will be~~ are implemented following ~~final approval and the~~ issuance of a zoning permit, and ~~including~~, but are not limited to, those that govern operation of a use or which require substantial physical site improvements.

(-) ~~(1)~~ Precedent conditions are ~~those~~ conditions that must be implemented satisfied prior to final approval, ~~or the issuance of a zoning permit,~~ Precedent conditions ~~including~~, but are not limited to, the submittal of a detailed site plan, ~~the~~ signing and recording of an irrevocable consent agreement for road improvements, and/or ~~the~~ signing and recording of an agreement for fulfillment of ~~the~~ an identified subsequent conditions, pursuant to § 152.753.

§ 152.769 ADMINISTRATIVE REVIEW.

(6) Within two business days from a tentative

decision by the Planning Director, a notice of the tentative decision shall be mailed to the applicant and all registered owners of property and affected agencies pursuant to § 152.770. The notice shall inform the applicant and the surrounding property owners that the Planning Director will issue a final approval decision, approval with *or without* modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.

(9) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become the final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

(10) Notice of the final ~~action~~ decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.

§ 152.683 REVIEW AND PROCESSING OF TENTATIVE PLAN.

[Type II, Land Division]

(I) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become a final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

(J) Notice of the final ~~action~~ decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.

§ 152.685 DECISION ON TENTATIVE PLAN.

[Type II, Land Division]

(A) Following the expiration of the administrative review 21-day notice period, providing there has been no request for a public hearing, the Planning Department ~~can~~ will issue a ~~format~~ final decision on the tentative plan.

(B) If a public hearing has been requested, review and action on the request is issued by the decision-making body, pursuant to §152.771 of this chapter.

(1) The findings and conclusions comprising the ~~official~~ final decision shall include two copies of the tentative plan upon which the decision is noted and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department.

(2) The decision shall be final upon signing of the findings, and stands as the county's ~~official action~~ final decision unless appealed.

§ 152.686 FINAL PARTITION PLAT.

[Type II, Land Division]

(A) Within ~~one~~ two years from the date of final decision ~~approvating of a~~ the tentative plan, the applicant shall file with the Planning Department a final plat map. This plat is intended to be recorded in the record of partition plats of the county. A final plat that is a replat of an existing recorded partition will also be referenced on the original partition plat. ~~An extension of up to one year may be granted the applicant for the filing of the final plat map upon a written request submitted to the Planning Director.~~

(B) The final partition plat shall be reviewed and processed as follows:

(1) Submission

(a) Within ~~one~~ two years from date of approval of a tentative partition plan, the applicant shall have a final partition plat prepared in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review.

(4) Technical review and standards for approval of final partition plat.

(I) Approval of a final plat by the Planning Director is a ministerial action, which takes effect immediately upon signing of the plat, but is subject to the standard 15-day appeal period for such actions, per § 152.766 of this chapter;

§152.669 FINAL PLAT.

[Type I, Subdivision]

(A) Submission.

(A)(1) Within ~~one~~ two years from the date of approval of a tentative plan, a subdivider or owner within a cluster development shall prepare a final plat in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review. ~~An extension of up to one year may be granted the subdivider or owner within a cluster development for the filing of the final plat map upon a written request submitted to the Planning Director.~~

§152.698 FINAL REPLAT.

[Type III, Subdivision Replat]

Within ~~one~~ two years from the date of approval of a tentative plan, the applicant shall file with the Planning Department a final replat. This replat is intended to be recorded in the Town Plat Records of Umatilla County and will be referenced on the original subdivision plat. This replat shall be reviewed and processed in the same manner as a final subdivision plat, and shall conform to the standards for a final subdivision plat, all as set forth in § 152.669 of this chapter. ~~An extension of up to one year may be granted the applicant for the filing of the final replat map upon a written request submitted to the Planning Director.~~

§ 152.724 PROCEDURE UPON APPROVAL.

[Type V, Property Line Adjustment]

(B) Once a property line adjustment has been approved by the Planning Department staff, the applicant has ~~one~~ two years within which to exercise the approval by either:

§ 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND LAND USE DECISIONS ON EFU AND GF ZONED LANDS.

(II) (7) Utility Facility Necessary for Public Service

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs ~~(C)~~ (3) and ~~(D)~~ (4) of this subsection, two or more of the following criteria:

FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

DATED this 16th day of March, 2016.

UMATILLA COUNTY BOARD OF COMMISSIONERS



George L. Murdock, Chair



W. Lawrence Givens, Commissioner

ABSENT

William J. Elfering, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer

