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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending )  
 Development Code to Update ) ORDINANCE NO. 2010-01  
 for Legislative Changes )  
 Pursuant to HB3099 )

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 2009 Oregon Legislature adopted HB 3099, codified as Chapter 850 Oregon Laws 2009, that requires the update of the Umatilla County Land Development Ordinance;

WHEREAS as set in HB3099 notice of the law is not required under ORS 197.047, 215.503 and 215.513;

WHEREAS HB3099 requires a county to amend its land use regulations to conform with the amendments under the statute, and that the county may adopt the amendment to its land use regulations without holding a public hearing and without adopted findings, provided notice was given to DLCD and the department confirms that the only effect of the county amendments is to conform with HB3099;

WHEREAS the Board of Commissions held a public hearing on February 16, 2010, continued to March 11, 2010, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment 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.

In an EFU zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and the regulations in §§ 152.010 through 152.017 and §§ 152.545 to 152.577:

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

(B) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation

of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(C) Operations for the exploration for minerals as defined by ORS 517.750.

(D) A winery, as described in ORS 215.452.

(E) Farm stands if:

(1) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25% of the total sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock, and does not include structures for banquets, public gatherings or public entertainment.

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

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the

replacement dwelling;

(6) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards.

(7) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the EFU portion of the lot or parcel.

A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

(8) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.

(9) Permits issued for replacement dwellings are valid for four years. A permit extension for an additional two years may be obtained.

(G) Signs: Type 2, 3, 4, 5, 6;

(H) Buildings and structures accessory to dwellings (e.g. garages, storage sheds, carports, swimming pools);

(I) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

(J) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this

paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(K) Fire service facilities providing rural fire protection services.

~~(L) The breeding, kenneling and training of greyhounds for racing on a parcel or tract not meeting the definition of high value farmland.~~

~~(L)~~ (M) A gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015 (10) or subject to review under OAR Chapter 660 Division 33.

~~(M)~~ (N) Creation of, restoration of or enhancement of wetlands.

~~(N)~~ (O) Climbing and passing lanes for public roads and highways, within the right of way existing as of July 1, 1987.

~~(O)~~ (P) Buildings and structures accessory to a farm use (i.e. barns, shops, etc.)

~~(P)~~ (Q) Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.

## § 152.003 DEFINITIONS.

FARM USE. (as defined in ORS 215.203)

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management, and sale of, or the produce of livestock, poultry, fur bearing animals or honeybees, or for dairying and the sale of dairy products or any agriculture or horticulture use; animal husbandry or any combination thereof. FARM USE includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use.

FARM USE also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. FARM USE also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subdivision (3) of this definition or land as defined in ORS 321.267 (3) or 321.824 (3).

(2) CURRENT EMPLOYMENT OF LAND FOR FARM USE means:

(a) Farmland, the operation or use of which is subject to any farm related government program;

(b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(c) Land planted in orchards or other perennials, other than land specified in subdivision (2) (d) of this definition, prior to maturity;

(d) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees, or vineyards for at least three years;

(e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable or grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(f) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283 (2)(a);

(g) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of the land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use.

(i) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of the paragraph, illness includes injury or infirmity whether or not such illness results in death;

(j) Any land described under ORS 321.267 (3) or 321.824 (3);

~~(k) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and~~

~~(k) (†) Land used for the processing of farm crops into biofuel, as defined in § 152.003 as~~

BIO-FUEL, if:

(i) Only the crops of the landowner are being processed;

(ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or,

(iii) The landowner is custom processing crops into biofuels from other landowners in the area for their use or sale.

(3) CULTURED CHRISTMAS TREES means trees are:

(a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(b) Of a marketable species;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

(4) ACCEPTED FARMING PRACTICE means a mode of operation that is common to farm of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

#### § 152.059 LAND USE DECISIONS.

In an EFU zone the following uses may be permitted through a land use decision via administrative review (§152.769) and subject to the applicable criteria found in §152.617. Once approval is obtained a zoning permit (§ 152.025)

is necessary to finalize the decision.

~~(A)~~ Public or private schools, including all buildings essential to the operation of a school, provided the school is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. Existing school facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland. [Item Deleted]

~~(A)~~ ~~(B)~~ Churches and a cemetery in conjunction with a church, on a parcel or tract not meeting the definition of high value farmland and, pursuant to OAR 660 033 130 (2).

~~(B)~~ ~~(C)~~ Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275.

~~(C)~~ ~~(D)~~ A facility for the primary processing of forest products.

~~(D)~~ ~~(E)~~ Continuation of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2).

~~(E)~~ ~~(F)~~ A facility for the processing of farm crops, or the production of bio-fuel, located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the

siting of the processing facility.

~~(F)~~ ~~(G)~~ The land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251.

~~(G)~~ ~~(H)~~ Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

~~(H)~~ ~~(I)~~ Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

~~(I)~~ ~~(J)~~ Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within 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.

~~(J)~~ ~~(K)~~ Dwellings

## § 152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in §§ 152.610 through 152.617 and §§ 152.545 through

152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed Oregon Administrative Rules, Chapter 660, Division 033.

(A) Commercial activities in conjunction with farm uses including the processing of farm crops into biofuel not permitted under ORS 215.283 (1) (u).

(B) Operations conducted for:

(1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under § 152.058 (E).

(2) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(3) Mining of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(4) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed; and

(5) Processing of other mineral resources and other subsurface resources.

(C) Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland.

(D) Public parks. A public park may be established consistent with the provisions of ORS

195.120, and includes only the uses specified under OAR 660 034 0035 or OAR 660 034 0040, whichever is applicable.

(E) Golf courses and their permitted accessory uses on a parcel or tract not meeting the definition of high value farmland as defined in ORS 195.300; meeting limitations pertaining to accessory uses in OAR 660 33 130(20), and subject to expansion limitations in OAR 660 33 130(18). Non regulation golf courses are not permitted in an EFU zone.

(F) Commercial utility facilities for the purpose of generating power for public use by sale. (For specific criteria for Wind Power Generation see Section 152.616 (HHH).)

(G) Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.

(H) Home occupations operated by a resident or employee of a resident of the property on which the business is located as an accessory use within the dwelling or other buildings customarily provided in conjunction with farm use.

(I) Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

(J) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building allowed in the EFU zone as a temporary use for the term of the hardship suffered by the existing resident or relative, as defined in ORS Chapter 215, subject to provisions in §§ 152.575, 152.576 and 152.059 (K)(IX).

(K) Dog kennels on a parcel or tract not meeting the definition of high value farmland.

(L) A site for the disposal of solid waste approved by the governing body of a city or the

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 on a parcel or tract not meeting the definition of high value farmland and may be maintained, enhanced or expanded on the same tract subject to 152.061.

(M) The propagation, cultivation, maintenance and harvesting of aquatic species.

(N) Construction of additional passing and travel lanes on public roads and highways requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(O) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

(P) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels. Improvements may be limited when located on land composed of high value soils.

(Q) A destination resort which is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high value farmland.

(R) Living History Museum. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society as depicted in OAR 660 033 0130 (21).

(S) Operations for the extraction and bottling of water.

(T) On site filming and activities accessory to on site filming for more than 45 days provided for in ORS 215.306.

(U) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(V) Residential homes as defined in ORS 197.660, in existing dwellings and subject to administrative review procedures in § 152.769 and subject to § 152.059 (K) (IX).

(W) Transmission towers over 200 feet in height.

(X) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

(Y) Room and board arrangements for a maximum of five unrelated persons in an existing residence and subject to § 152.059 (K)(IX).

(Z) A wildlife habitat conservation and management plan pursuant to ORS 215.800 to 215.808.

(AA) An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possess a wholesaler's permit to sell or provide fireworks.

(BB) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340 96 020, and which are not facilities that are a "farm use" as defined OAR 660 033 0020(7).

(CC) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(DD) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located. Provided the school is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. New facilities are not allowed on high value farmland.

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

**(I) EFU CONDITIONAL USES**

(U) Public or Private Schools

(a) The site has direct access to a dedicated public or county road or a state highway;

(b) Adequate off street area is available for the loading and unloading of vehicles and buses carrying school children;

(c) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;

(d) Landscaping on the grounds and a fence to enclose the entire school property may be required to separate it from other uses;

(e) Schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, Division 004.

(f) Complies with other conditions deemed necessary.

(g) Maintenance, enhancement or expansion standards for existing school facilities may be approved pursuant to OAR 660-033-0130(2.5) or (18).

(h) New School facilities are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

**(II) EFU LAND USE DECISIONS**

**(6) Schools**

~~\_\_\_\_\_ (a) The site has direct access to a dedicated public or county road or a state highway;~~

~~\_\_\_\_\_ (b) Adequate off street area is available for the loading and unloading of vehicles and buses carrying school children;~~

~~\_\_\_\_\_ (c) Elementary and secondary schools~~



shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;

~~(d) Landscaping on the grounds and a fence to enclose the entire school property may be required to separate it from other uses;~~

~~(e) Schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.~~

~~(f) Complies with other conditions deemed necessary.~~

~~(g) Expansion of existing school facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990. New School facilities are not allowed to be located on farm zoned land that is predominately composed of high value farm soils. [Item Deleted]~~

**§ 152.083 USES PERMITTED WITH A ZONING PERMIT.**

In a GF zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562:

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

~~(B) Public or private school, including all buildings essential to the operation of a school.~~

~~(B)(C) Church and a cemetery in conjunction with a church.~~

~~(C)(D) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height.~~

~~(D)(E) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, 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).~~

~~(E)(F) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1) (a) or (b).~~

~~(G) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.~~

~~(F)(H) Construction and maintenance of local feeder lines of utility companies and agencies.~~

~~(G)(I) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.~~

~~(H)(J) Climbing and passing lanes for public roads and highways, within the right of way existing as of July 1, 1987.~~

~~(I)(K) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no~~

new land parcels result.

(J) ~~(L)~~ Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(K) ~~(M)~~ Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within 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.

(L) ~~(N)~~ Creation of; restoration of or enhancement of wetlands.

(M) ~~(O)~~ A winery, as described in ORS 215.452.

(N) ~~(P)~~ Farm stands if:

(1) The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25% of the total sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock, and does not include structures for banquets, public gatherings or public entertainment.

(O) ~~(Q)~~ Replacement of a lawfully established single-family dwelling that:

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable non residential use within three months of the completion of the replacement dwelling.

(P) ~~(R)~~ A gas utility line located within an existing gas utility line right of way, and not involving the construction of additional facilities or service hook ups.

(Q) ~~(S)~~ Signs: Type 2, 3, 4, 5, 6.

(R) ~~(T)~~ Buildings and structures accessory to dwellings (e.g. garages, storage sheds, carports, swimming pools).

(S) ~~(U)~~ Seasonal farm worker housing as provided in ORS 197.675 and subject to standards in § 152.014.

(T) ~~(V)~~ Buildings and structures accessory to a farm use (i.e. barns, shops, etc.)

(U) ~~(W)~~ Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.

#### **§152.085      CONDITIONAL      USES PERMITTED.**

In the GF zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of § 152.086, applicable supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and applicable §§ 152.610 through 152.615. Specific standards for some of the conditional uses listed below are contained in § 152.617. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional use and listed in this section may be expanded

subject to administrative review and subject to the requirements listed in this section, except expansions on a parcel or tract meeting the definition of high value farmland will not be permitted.

(A) Commercial activities in conjunction with farm uses.

(B) Operations conducted for:

(1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005;

(2) Exploration for aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(3) Mining of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(4) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

(5) Processing of other mineral resources and other subsurface resources.

(C) Private parks, playgrounds, hunting and fishing preserves and campgrounds on a parcel or tract not meeting the definition of non high value farmland.

(D) Parks, playgrounds or community centers owned and operated by a governmental agency or a non profit community organization.

(E) Golf courses and their permitted accessory uses on a parcel or tract not meeting the definition of high value farmland *as defined in ORS 195.300*; meeting limitations pertaining to accessory uses in OAR 660 33 130(20), and subject to expansion limitations in OAR 660 33 130(18). Non regulation golf courses are not permitted in an GF zone.

(F) Commercial utility facilities for the purpose of generating power for public use by sale.

(G) Personal use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.

(H) Home occupations carried on by residents or employee of a resident of the property on which the business is located as an accessory use within their dwellings or other buildings customarily provided in conjunction with farm use, except a home occupation located on high value farmland, as defined in § 152.003, may employ only residents of the dwelling.

(I) A facility for the primary processing of forest products.

(J) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to provisions in §§ 152.575 and 152.576.

(K) Dog kennels on a parcel or tract not meeting the definition of high-value farmland.

(L) A site for the disposal of solid waste approved by the governing body of ~~a city or the 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 on a parcel or tract not meeting the definition of high-value farmland *and may be maintained, enhanced or expanded on the same tract subject to 152.061*.

(M) The propagation, cultivation, maintenance and harvesting of aquatic species.

(N) Construction of additional passing and travel lanes on public roads and highways requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(O) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

(P) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

(Q) A destination resort which is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high value farmland.

(R) Construction of new utility facilities, including transmission lines and towers, necessary for public service, excepting as provided in §§ 152.058 (D), (H) and (R).

(S) Continuation of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2).

(T) On site filming and activities accessory to on site filming provided for in ORS 215.306.

(U) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social

patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(V) Construction of rest areas, weigh stations, temporary storage, and processing sites.

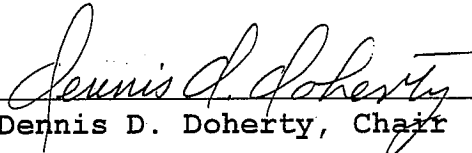
(W) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

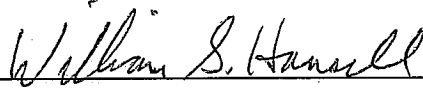
(X) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located. Provided the school is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. New facilities are not allowed on high value farmland.


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.

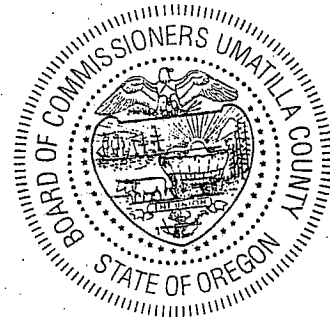
DATED this 11th day of March, 2010.

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Dennis D. Doherty, Chair

  
\_\_\_\_\_  
William S. Hansell, Commissioner

  
\_\_\_\_\_  
W. Lawrence Givens, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS

  
\_\_\_\_\_  
Records Officer

