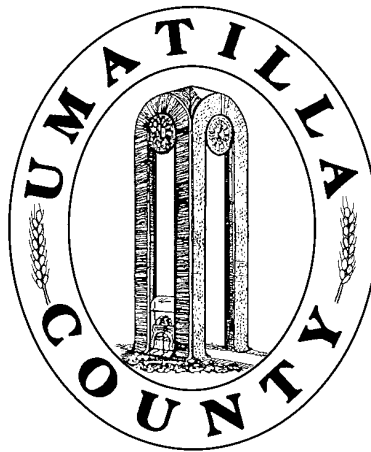


UMATILLA COUNTY

**ZONING  
ORDINANCE**



**1972, Amended**  
*Revision Date: April 14, 2026*

Umatilla County Planning Department  
216 SE 4<sup>th</sup> Street  
Pendleton, OR 97801



UMATILLA COUNTY  
ZONING ORDINANCE of July 19, 1972

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Umatilla County Board of Commissioners  
County Courthouse  
Pendleton, Oregon 97801

ACKNOWLEDGMENT

The Umatilla County Board of Commissioners acknowledges the dedicated time and effort contributed by the members of the Umatilla County Planning Commission in the revision of this ordinance. Those members are:

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# 1972 Umatilla County Zoning Ordinance

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# ARTICLE 1, INTRODUCTORY PROVISIONS

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<a href="#">1.020</a>	<a href="#">Purpose</a>
<a href="#">1.030</a>	<a href="#">Compliance with ordinance provisions</a>
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## Section 1.010 TITLE

This ordinance shall be known as the Umatilla County Zoning Ordinance of 1972.

## Section 1.020 PURPOSE.

The purpose of this ordinance shall be to promote the public health, safety and general welfare and to carry out appropriate elements of the Comprehensive Plan of Umatilla County.

## Section 1.030 COMPLIANCE WITH ORDINANCE PROVISIONS

(1) A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance permits.

(2) No lot area, yard, or other open space

existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, except where it can be shown by a survey from a surveyor licensed in Oregon that the survey lines do not correspond with physical boundary markers (such as fences) thought to be the true property lines by adjoining property owners, when these physical boundary markers have existed for at least ten (10) years, proof of which shall be provided by the person seeking the change of the lot.

(3) No lot area, yard, or other open space which is required by this ordinance for one use shall be used as the required lot area, yard, or open space for another use.

## Section 1.035 ZONING PERMIT

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 office. Within the Flood Hazard Area, a permit shall be required for all other development including mining, paving, excavation or drilling. Structures of 100 square feet or less in area and structures described in Section 1.040 do not require a zoning permit except when located in a desisnated Flood Hazard Area. A zoning permit shall be void after one year unless construction has commenced. The Planning Commission or its authorized agent may extend the permit for an additional period not to exceed one year upon written request.

## Section 1.040 EXEMPTIONS

In farm use zones F-1, F-2, and F-5

agriculture, grazing, horticulture and other commercial farm uses allowed in those zones shall be exempt from the provisions of this ordinance. This exemption includes farm buildings such as barns, sheds and silos but does not include a principle dwelling unit of an owner or tenant farmer, nor farm employee living quarters. Agriculture is interpreted to be the tilling of the soil and the raising of crops and includes land lying fallow on a rotation plan and incidental farm wood lots. Grazing is interpreted to be the pasturing of domestic, herbivorous animals such as horses, cattle, sheep or goats. Horticulture is interpreted to be the growing of fruits, vegetables, flowers, ornamental plants and similar crops. Other farm uses included in this section are beekeeping, dairying, swine raising, ranching, or fur-bearing animals, animal husbandry and similar farming operations, and the primary preparation and storage of farm products grown on the premises.

### **Section 1.050 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

### **Section 1.055 UNZONED LAND**

Any unzoned land in Umatilla County coming under the control of this ordinance shall be automatically zoned F-2 General Rural Zone. However, any land previously zoned under another Zoning Ordinance shall be assigned a similar zone under this ordinance, unless such zoning conflicts with

the Comprehensive Plan of Umatilla County. If such a conflict should occur, the zoning of that land shall be reviewed by the Umatilla County Planning Commission, and amendment proceedings initiated if such amendment be deemed desirable by the Planning Commission.

### **Section 1.060 LOCATION OF ZONES**

The boundaries for the zones listed in this ordinance are indicated on the Umatilla County Zoning Map of 1972, which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

### **Section 1.070 ZONING MAPS**

A zoning map or zoning map amendment adopted by Section 1.060 of this ordinance or by an amendment thereto shall be prepared by authority of the Planning Commission or be a modification by the County Board of Commissioners of a map or map amendment so prepared.

The map or map amendment shall be dated with the date of its approval by the Planning Commission or the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained without charge in the office of the County Clerk as long as this ordinance remains in effect.

### **Section 1.080 ZONE BOUNDARIES**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or

railroad rights-of-way, or such lines extended.

## **Section 1.090 DEFINITIONS**

As used in this ordinance the following words and phrases shall mean:

(1) Access: The way or means by which pedestrians and vehicles enter and leave property.

(2) Accessory Use or Accessory Structure: A use or structure incidental and subordinate to the main use.

(3) Alley: A street which affords only a secondary means of access to property.

(4) Automobile Wrecking Yard: A premises used for the storage or sale of used automobile or truck parts or for storage, dismantling, or abandonment of obsolete automobiles, trailers, trucks, machinery, or parts thereof.

(5) Building: A structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this ordinance, a canopy is not a building.

(6) Base Flood: The flood that has one percent chance of being equalled or exceeded in any single year as designated by the Flood Insurance Study and Rate Maps prepared by the Federal Insurance Administration dated June 15, 1978. (See also Intermediate Regional Flood.)

(7) 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 pedestrians at the entrance to a commercial or industrial

building, or for the protection of motor vehicles while being serviced or their occupants served.

(8) Commercial Residential Use: A building portion of a building, or group of buildings designed or used for human occupancy or lodging for which a fee is charged, such as a hotel, motel, tourist court or labor camp, but excluding quarters intended for permanent or semi-permanent occupancy such as a duplex or apartment. A trailer park is not included in this definition.

(9) Cross-Section: A profile of the ground surface perpendicular to the center line of a stream or valley bottom.

(10) Dwelling, Multi-Family: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(11) Dwelling, Seasonal: A residential dwelling unit, including a mobile home and travel trailer, designed for and used as a temporary dwelling by one family for recreational or seasonal purposes only.

(12) Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only, and including a Prefabricated House.

(13) Dwelling, Temporary: Any dwelling unit which, by reason of its construction, location, use or purpose cannot reasonably be considered a permanent dwelling.

(14) Dwelling, Two-Family: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

(15) Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

(16) Easement: A grant of the right to use a unit of land for specific purposes.

(17) Family: An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging not to more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit, using one kitchen.

(18) Flood: A general or temporary condition of partial or complete inundation of normally dry land areas from:

A. Overflow of inland or tidal water and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source.

(19) Flood Hazard Area: The relatively flat area or lowlands adjoining the channel of a river, stream, or water course or lake or reservoir, which has been or may be covered by a Base Flood or Intermediate Regional Flood.

(20) Flood Insurance Rate Map: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the County.

(21) Flood Insurance Study: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary and Floodway Maps, and the water surface elevation of the Base Flood.

(22) Floodproofing: A combination of structural provisions, changes, or adjustment to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area,

(23) Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot.

(24) Grade (Ground Level): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk the above ground level should be measured at the side-walk.

(25) Height of a Building: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of mansard roof or to the average height of the highest gable of a pitched or hip roof.

(26) Hog Farm: Any premises where 25 or more weaned hogs are maintained.

(27) Home Occupation: A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

(28) Intermediate Regional Flood: The flood that has a one percent chance of being equalled or exceeded in any single year as designated by the "Flood Plain Information"

reports prepared by the U. S. Army Corps of Engineers. (See Base Flood).

(29) Junkyard: Any property used for breaking up, dismantling, sorting, storing, distributing, buying or selling any waste material, scrap or junk, if such activity is not incidental to the main use on the same lot.

(30) Livestock Feed Yard: An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing.

(31) Livestock Sales Yard: An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

(32) Lot: A lot in a recorded subdivision or a tax lot of record, whichever is smaller.

(33) Lot Area: The total area of a lot measured in a horizontal plane within the lot boundary lines including the area within a County or Public road (but not a State Highway) that was originally part of the lot prior to the dedication of the right-of-way.

(34) Lot Line: The property line bounding a lot. When determining setback, Lot Line includes a line defining an access easement or road right-of-way.

(35) Lot Line, Front: In the case of an interior lot the lot line separating the lot from a street other than an alley, and in the case of a corner lot the shortest lot line along a street other than an alley.

(36) Lot Line, Rear: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line of 10 feet in length within the lot parallel to and at a maximum distance from the front line.

(37) Lot Line, Side: Any lot line not a front or rear lot line.

(38) Lot Width: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

(39) Mobile Home: A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, dependent on external utility connections, and designed without a permanent foundation for year-round residential use. A unit may contain parts that fold, collapse or telescope for towing and be expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. For the purposes of this definition it shall be immaterial: (1) whether said unit or component is placed upon property for a temporary, semi-permanent or permanent residence, or, (2) that the wheels are removed and the unit or component is supported upon posts, footings, or a foundation. This definition does not include travel trailers, motor-ized homes and campers, pick-up coaches, and camping trailers.

(40) Mobile Home Park: Any place where four or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. This definition shall not include the placing of four or more mobile homes on a lot as allowed by Section 5.020 which shall take precedence. (Revised 1/77)

(41) Mobile Home Subdivision: A subdivision as defined in Section 1.030(21) of the Umatilla County Subdivision Ordinance 1970, intended to be occupied primarily or exclusively for mobile homes.

(42) Modular Homes: See Prefabricated Homes.

(43) Nonconforming Structure or Use: A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

(44) Nonconforming Lot of Record: A plot of land which is smaller than the minimum area required in a particular zone and which either was a tax lot of record or was a lot in a recorded subdivision on the date of this ordinance. (Revised 11/72).

(45) Person: Any natural person, firm, partnership corporation, association or organization.

(46) Planned Unit Development: An area of land to be developed as a single entity for a number of dwelling units, including built house to which wheels may or may not be attached for the purpose of moving it to a home site where it is affixed to the real property on a permanent foundation.

(47) Pre-fabricated House: A pre-fabricated house must comply with the requirements for Group I occupancies in the current Uniform Building Code prepared by the International Conference of Building Officials and with the requirements for dwellings in the current National Electrical Code as prepared by the National Fire Protection Association, and Oregon Plumbing and Electrical Codes. See also

Mobile Home.

(48) Principal Dwelling Unit: A single dwelling unit owned and lived in by the owner or lessee of a parcel of land and the immediate family, not including incidental farm employee living quarters.

(49) Principal Use: The primary or predominant use which the property is or may be devoted, and to which all other uses on the premises are accessory.

(50) Public or Semi-Public Use: A use owned or operated by a public, governmental or non-profit organization for the benefit of the public generally. This does not include landfill sites, garbage dumps or utility facilities.

(51) Recreational Camps or Resorts: An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.

(52) Residential: Any dwelling unit or group of units built or used for human occupancy.

(53) Setback: The open yard space on a lot between any building and a lot line or a line defining an access easement or road right-of-way.

(54) Sign: Any medium, including its structure and component parts, used or intended to be used to attract attention to the subject matter for advertising purposes.

(55) Street: The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar

designation.

(56) Structure: Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.

(57) Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

A. Before the improvement or repair is started, or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

A. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

B. Any alteration of a structure listed on the "National Register of Historic Places" or a "State Inventory of Historic Places."

(58) Trailer: Any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, and which does not fall within the definitions of Vacation Trailer, Mobile Home or Prefabricated House.

(59) Trailer Park: A plot of ground upon

which two or more travel trailers occupied for dwelling or sleeping purposes is located, regardless of whether a charge is made for

(60) Trailer, Travel: See Vacation Trailer.

(61) Trailer Vacation: A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, having sleeping cooking, and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence.

(62) Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(63) Utility Facility: Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, trans-mission, distribution or processing of its productions or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines and similar minor facilities allowed in any zone.

(64) Vision Clearance Area: A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of

intersection.

(65) Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance. When determining setback, yard does not include an access easement or a road right-of-way.

(66) Yard, Front: A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.

(67) Yard, Rear: A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

(68) Yard, Side: A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

(69) Yard, Street Side: A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

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## **ARTICLE 2, ESTABLISHMENT OF ZONES**

### **Section 2.010 CLASSIFICATION OF ZONES**

For the purpose of this ordinance the following zones are hereby established in the County:

<b><u>Abbreviated Name of Zone</u></b>	<b><u>Designation</u></b>
Exclusive Farm Use	F-1
Fruit Tract Farm Zone	F-1A
Small Farms	F-1B
General Rural	F-2
Agribusiness	F-3
Rural Center	F-4
Forest	F-5
Park	F-6
Agricultural Residential	R-1
Two Acre Residential	R-1A
Suburban Residential	R-2
Urban Residential	R-3
Recreation Residential	R-4
General Commercial	C-1
Tourist Commercial	C-2
Light Industrial	M-1
Heavy Industrial	M-2

### **Section 2.020 SUBDISTRICTS**

The subdistrict regulations shall apply in to the regulations of the basic zone. The district shall be designated by adding the

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## ARTICLE 3, USE ZONES

### LAND USE ZONES:

[F-1, EXCLUSIVE FARM USE](#)  
[F-1A, FRUIT TRACT FARM ZONE](#)  
[F-1B, SMALL FARMS ZONE](#)  
[F-2, GENERAL FARM ZONE](#)  
[F-3, AGRIBUSINESS ZONE](#)  
[F-4, RURAL CENTER ZONE](#)  
[F-5, FOREST ZONE](#)  
[F-6, PARK ZONE](#)  
[R-1, AGRICULTURAL RESIDENTIAL ZONE](#)  
[R-1A, TWO ACRE RESIDENTIAL ZONE](#)  
[R-2, SUBURBAN RESIDENTIAL ZONE](#)  
[R-3, URBAN RESIDENTIAL ZONE](#)  
[R-4, RECREATION RESIDENTIAL ZONE](#)  
[C-1, GENERAL COMMERCIAL ZONE](#)  
[C-2, TOURIST COMMERCIAL ZONE](#)  
[M-1, LIGHT INDUSTRIAL ZONE](#)  
[M-2, HEAVY INDUSTRIAL ZONE](#)

### SUBDISTRICTS:

[F-H, FLOOD HAZARD SUBDISTRICT](#)  
[F-R, FUTURE RESERVOIR SUBDISTRICT](#)  
[PD, PLANNED UNIT DEVELOPMENT SUBDISTRICT](#)

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## F-1, EXCLUSIVE FARM USE ZONE

### *Sub-Sections:*

<a href="#">3.010</a>	<a href="#">Description and purpose</a>
<a href="#">3.012</a>	<a href="#">Uses permitted outright</a>
<a href="#">3.013</a>	<a href="#">Conditional uses</a>
<a href="#">3.014</a>	<a href="#">Dimensional standards</a>
<a href="#">3.016</a>	<a href="#">Signs</a>

### **Section 3.010 DESCRIPTION AND PURPOSE**

The F-1 Exclusive Farm Zone is designed to maintain the agricultural economy of the county by reserving farmland for exclusive agricultural use. It is directly related to certain tax provisions in Oregon Statutes and has been taken from ORS 215.203 and 215.213. Please see Addenda for further explanation.

### **Section 3.012 USES PERMITTED OUTRIGHT**

In an F-1 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit:

- (1) Farm Use, as defined in ORS 215.203;
- (2) Public or private school;
- (3) Church;
- (4) The propagation or harvesting of a forest product;
- (5) Utility facilities necessary for public service except commercial facilities for the purpose of generating power for public use by sale.
- (6) The dwelling and other buildings

customarily provided in conjunction with farm use.

(7) Parks, playgrounds, community centers or recreational vehicle parks owned and operated by a governmental agency or a non-profit community organization (in the Hermiston Urban Growth Area only).

(8) Public road and public parking (in the Hermiston Urban Growth Area only).  
(Ord. [2012-14](#) passed 9-05-12)

### **Section 3.013 CONDITIONAL USES**

In an F-1 Zone, the following uses and their accessory uses are permitted subject to the requirements of Section 7.010 through 7.040 inclusive, and upon the issuance of a zoning permit:

- (1) Commercial activities that are in conjunction with farm use.
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources.
- (3) Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- (4) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization (outside of Hermiston Urban Growth Area only).
- (5) Golf Courses.
- (6) Commercial utility facilities for the purpose of generating power for public use by sale.

(7) Single-family residential dwellings provided that each such proposed dwelling:

(a) Is compatible with farm uses; and

(b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use; and

(c) Does not materially alter the stability of the overall land use pattern of the area; and

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and

(e) Complies with such other conditions as the Planning Commission considers necessary.

(8) Personal-use airports for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guest, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(9) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use,

referred to in paragraph (a) of subsection (2) of ORS 215.203.

(10) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203. Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(11) A cemetery including, but not limited to, a burial area, columbarium, and associated outbuildings operated by a cemetery district. (Ord. [2012-14](#) passed 9-05-12, Ord. [2026-02](#) passed 4-14-26)

### **Section 3.014 DIMENSIONAL STANDARDS**

In an F-1 Zone, the following dimensional standards shall apply:

(1) *Minimum Lot Area.*: 19 acres for a principal dwelling unit.

(2) *Setback.*: No building shall be located closer than 20 ft. from a property line abutting a street or road.

(3) *Minimum Lot Area for Nonfarm Uses.*: As determined by the Department of Environmental Quality to be necessary for the protection of public health.

Note: See Addendum for an explanation of the F-1 Zone.

### **Section 3.016 SIGNS**

In an F-1 Zone, the following signs are permitted upon the issuance of a zoning permit: type 2, 3, 4, 5, and 6.

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## **F-1A, FRUIT TRACT FARM ZONE**

customarily provided in conjunction with farm use.

### *Sub-Sections:*

<a href="#">3.0170</a>	<a href="#">Description and purpose</a>
<a href="#">3.0171</a>	<a href="#">Uses permitted</a>
<a href="#">3.0172</a>	<a href="#">Conditional uses</a>
<a href="#">3.0173</a>	<a href="#">Dimensional standards</a>

### **Section 3.0170 DESCRIPTION AND PURPOSE**

The F-1A Fruit Tract Farm Zone is designed to accommodate higher intensity agriculture, such as fruit-raising and vegetable-growing by reserving farmland exclusively for agricultural use and by allowing smaller farm parcels than would be economically feasible in the wheatlands or range areas of the County. The F-1A Zone is an Exclusive Farm Use Zone directly related to certain farm tax provisions in Oregon Revised Statutes and has been derived from ORS 215.203 and 215.213. Please see addenda for further explanation.

### **Section 3.0171 USES PERMITTED**

In an F-1A Zone, the following uses and their accessory uses are permitted outright upon the issuance of a zoning permit. (Permitted farm uses are exempt from the requirement for a zoning permit).

- (1) Farm use, as defined in ORS 215.203, except livestock feedlots and sales yards, hog or poultry farms, and the raising of fur-bearing animals;
- (2) The propagation or harvesting of a forest product;
- (3) The dwelling and other buildings

### **Section 3.0172 CONDITIONAL USES**

In an F-1A Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of Section 7.010 through 7.040 and Findings by the review body that the proposed use: complies with the Comprehensive Plan, Zoning Ordinance, and other relevant County policies; will serve a useful purpose to the area; will be compatible with the surrounding neighborhood; and will be designed and built so as to reduce potential negative impacts to both neighboring parcels and the surrounding area. A zoning permit stating the required conditions will be issued following approval of a conditional use.

- (1) Commercial activities that are in conjunction with farm use;
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources or other subsurface resources; except aggregate.
- (3) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
- (4) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization;
- (5) Golf Courses;
- (6) Utilities Facilities;
- (7) Schools;

- (8) Churches;
- (9) Personal-use Airports;
- (10) Home occupations carried on by the resident as an accessory use within their dwelling or other building customarily provided in conjunction with farm use;
- (11) Boarding of horses for profit;
- (12) Livestock feedlots or sales yards, hog or poultry farms, or the raising of fur-bearing animals;
- (13) Single-family residential dwellings provided that each such proposed dwelling:
  - (a) Is compatible with farm uses;
  - (b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use;
  - (c) Does not materially alter the stability of the overall land use pattern of the area;
  - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
  - (e) Has site access to a county road;
  - (f) Is sited on a lot that has been given Site Suitability approval for an on-site sewage disposal system by the Oregon Department of Environmental Quality;
  - (g) Single-family residential dwellings and related lot be subject to the following deed requirement. "Should the site and dwelling be resold, the owner of the parcel from which the site was partitioned shall be given the first right of refusal to purchase the

lot and improvements."

**Sect on 3.0173 DIMENSIONAL STANDARDS**

In an F-1A Zone, the following dimensional standards shall apply:

(1) *Parcel Size - Farmlands:* A minimum of 9 acres is required for new farm parcels upon which a farm residence is either existing or proposed; parcels smaller than 9 acres may be created for farm purposes providing no residence is ever built on the new parcel and the substandard size of the new parcel is necessitated by circumstances pre-existing the effective date of this ordinance amendment.

(2) *Lot Area - Non-farm homesites:* Rural homesites created under the Conditional Use provisions of Section 3.0172 may not be larger than 2 acres in size. nor smaller than 1 acre (or less if acceptable with the Oregon Department of Environmental Quality).

(3) *Lot Area - Other non-farm uses:* A minimum amount of farmland will be taken out of production for non-farm uses. Minimum lot areas will be determined for each non-farm, non-residential, use by the Oregon Department of Environmental Quality as is deemed necessary for the protection of public health.

(4) *Density:* The total number of principal farm or non-farm dwellings may not exceed one for each 9 acres of site area of an original parcel existing on the effective date of this ordinance amendment. Only one rural non-farm homesite may be partitioned from an original parcel for each 9 acres of site area of the original parcel.

(5) *Pre-existing Substandard Lots:* One principal farm dwelling is allowed on each

pre-existing farm parcel smaller than 9 acres in size. One non-farm dwelling may be allowed on pre-existing rural homesites of less than 2 acres subject to the conditional use criteria of subsection 3.0173.

(6) *Setback*: No building may be located within 20 feet of a property line.

Note: To comply with ORS 215.263(2), all land partitions within an F-1A Zone that result in the creation of a parcel or lot smaller than 10 acres must be reviewed and approved by the Umatilla County Board of Commissioners.

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## F-1B, SMALL FARMS ZONE

*Sub-Sections:*

<a href="#">3.0180</a>	<a href="#">Description and purpose</a>
<a href="#">3.0181</a>	<a href="#">Uses permitted</a>
<a href="#">3.0182</a>	<a href="#">Conditional uses</a>
<a href="#">3.0183</a>	<a href="#">Dimensional standards</a>

### Section 3.0180 DESCRIPTION AND PURPOSE

The F-1B Small Farm Zone is designed to accommodate small-scale farming operations by reserving farmland exclusively for agricultural use and by allowing noncommercial farm parcel sizes within areas of existing small farm development. The F-1B Zone is an Exclusive Farm Use Zone directly related to certain farm tax provisions in Oregon Revised Statutes and has been derived from ORS 215.203 and ORS 215.213. Please see Addenda for further explanation.

### Section 3.0181 USES PERMITTED

In an F-1B Zone, the following uses and their accessory uses are permitted outright upon the issuance of a Zoning Permit, (Permitted farm uses are exempt from the requirement for a Zoning Permit).

- (1) Farm use, as defined in ORS 215,203, except livestock feedlots and sales yards, hod or poultry farms, and the raising of fur-bearing animals;
- (2) The propagation or harvesting of a forest product;
- (3) The dwelling and other buildings customarily provided in conjunction with farm use.

### Section 3.0182 CONDITIONAL USES

In an F-1B Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of Section 7.010 and Findings by the review body that the proposed use: complies with the Comprehensive Plan, Zoning Ordinance, and other relevant County policies; will serve a useful purpose to the area; will be compatible with the surrounding neighborhood; and will be designed and built so as to reduce potential negative impacts to both neighboring parcels and the surrounding area. A zoning permit stating the required conditions will be issued following approval of a conditional use.

- (1) Commercial activities that are in conjunction with farm use;
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources;
- (3) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
- (4) Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization;
- (5) Golf Courses;
- (6) Utilities Facilities;
- (7) Schools;
- (8) Churches;
- (9) Personal-use Airports;

(10) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use;

(11) Boarding of horses for profit;

(12) Livestock feedlots or sales yards, hog or poultry farms, or the raising of fur-bearing animals.

(13) Single-family residential dwellings provided that each such proposed dwelling:

(a) Is compatible with farm uses;

(b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm uses;

(c) Does not materially alter the stability of the overall land use pattern of the area;

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;

(e) Has site access to a county road;

(f) Is sited on a lot that has been given Site Suitability approval for an on-site sewage disposal system by the Oregon Department of Environmental Quality;

(g) Single-family residential dwellings and related lot be subject to the following deed requirement: "Should the site and dwelling be resold, the owner of the parcel from which the site was partitioned shall be given the first right of refusal to purchase the lot and improvements."

### **Section 3.0183 DIMENSIONAL STANDARDS**

In an F-1B Zone, the following dimensional standards shall apply:

(1) *Parcel Size - Farmlands*: A minimum of 4 acres is required for new farm parcels upon which a farm residence is either existing or proposed; parcels smaller than 4 acres may be created for farm purposes providing no residence is ever built on the new parcel and the substandard size of the new parcel is necessitated by circumstances pre-existing the effective date of this ordinance amendment.

(2) *Lot Area - Non-farm homesites*: Rural homesites created under the Conditional Use provisions of Section 3.0183 may not be larger than 1 acre in size nor smaller than ½ acre (or less if acceptable with the Oregon Department of Environmental Quality).

(3) *Lot Area - Other non-farm uses*: A minimum amount of farmland will be taken out of production for non-farm uses. Minimum lot areas will be determined for each non-farm, non-residential use by the Oregon Department of Environmental Quality as is deemed necessary for the protection of public health.

(4) *Density*: The total number of principal farm or non-farm dwellings may not exceed one for each 4 acres of site area of an original parcel existing on the effective date of this ordinance amendment. Only one rural non-farm homesite may be partitioned from an original parcel for each 4 acres of site area of the original parcel.

(5) *Pre-existing Substandard Lots*: One principal farm dwelling is allowed on each pre-existing farm parcel smaller than 4 acres in size. One non-farm dwelling may be allowed on pre-existing rural homesites of

less than 1 acre subject to the conditional use criteria of subsection 3,0182.

(6) *Setback*: No building may be located within 20 feet of a property line.

Note: To comply with ORS 215.263(2), all land partitions within an F-1B Zone that result in the creation of a parcel or lot smaller than 10 acres must be reviewed and approved by the Umatilla County Board of Commissioners.

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## F-2, GENERAL RURAL ZONE

### Sub-Sections:

<a href="#">3.020</a>	<a href="#">Description and purpose</a>
<a href="#">3.022</a>	<a href="#">Uses permitted</a>
<a href="#">3.024</a>	<a href="#">Conditional uses</a>
<a href="#">3.026</a>	<a href="#">Dimensional standards</a>

### Section 3.020 DESCRIPTION AND PURPOSE

The F-2 General Rural Zone is intended to apply to farmlands that would not be appropriate for an F-1 Exclusive Farm Use classification. It is designed to maintain the openness and rural nature of the country-side, and to provide areas which are appropriate for most kinds of typical rural development. It also allows the Planning Commission to attach special conditions to certain uses that have a potentially detrimental effect on neighboring lands.

### Section 3.022 USES PERMITTED

In an F-2 Zone, the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Agricultural experiment station;
- (2) Boarding or lodging house;
- (3) Dwelling, single-family;
- (4) Mobile home, but excluding mobile home parks;
- (5) Farm use as defined in ORS 215.203, except hog farms and feed yards;
- (6) Forest products growing and

harvesting, including processing of locally harvested crops using portable equipment;

(7) Planned Unit Development, subject to planned unit development standards, requirements, and procedures in Sections 3.180 through 3.184 inclusive;

(8) Veterinary or animal hospital;

(9) Water storage reservoir, including customary incidental uses;

(10) School;

(11) Cemetery;

(12) Church;

(13) Public or semi-public uses;

(14) Park, playground;

(15) Golf Course;

(16) Radio and television station or tower;

(17) Signs: Type 2, 3, 4, 5, 7;

(18) Horse Boarding Stable. .

### Section 3.024 CONDITIONAL USES

In an F-2 Zone, the following uses and their accessory uses are permitted subject to the requirements of Section 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

(1) Aircraft charter, rental, service, and maintenance;

(2) Airport or landing strip;

- (3) Dog pound, kennel;
- (4) Grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities;
- (5) Gun or archery range;
- (6) Hog Farm;
- (7) Sanitary landfill or other solid waste disposal facility;
- (8) Livestock feed yard;
- (9) Livestock sales yard;
- (10) Commercial mining or extractive activity; or asphalt plant (Revised 1/77).
- (11) Mobile home park, subject to the requirements of Section 7.040(13);
- (12) Roadside stand for sale of agricultural products grown by the owner;
- (13) Noncommercial gravel pit or pile;
- (14) Utility facility;
- (15) Drive-in theater;
- (16) One accessory dwelling for the owner or operator of a permitted use;
- (17) Junkyard;
- (18) Storage Yard;
- (19) Special Exemptions, as provided in Section 5.060 and 5.070.

**Section 3.026 DIMENSIONAL STANDARDS**

In an F-2 Zone, the following dimensional standards shall apply:

- (1) *Minimum Lot Area*: 19 acres for a principal dwelling unit.
- (2) *Minimum Lot Area for All Other Uses*: As determined by the Department of Environmental Quality to be necessary for the protection of public health;
- (3) *Setback*: No building shall be located closer than 20 feet from a property line abutting a street or road;
- (4) *Conditional Uses*: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided in Article 7.

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## F-3, AGRIBUSINESS ZONE

### *Sub-Sections:*

<a href="#">3.030</a>	<a href="#">Description and purpose</a>
<a href="#">3.032</a>	<a href="#">Uses permitted</a>
<a href="#">3.034</a>	<a href="#">Conditional uses</a>
<a href="#">3.036</a>	<a href="#">Dimensional standards</a>
<a href="#">3.038</a>	<a href="#">Railways</a>

### **Section 3.030 DESCRIPTION AND PURPOSE**

The F-3 Agribusiness Zone is designed to provide locations for certain types of storage, handling, or processing facilities in close proximity to commodity production areas. It may also be appropriate for certain types of agriculturally related industries with objectionable noises, odors, hazards, or other such conditions.

### **Section 3.032 USES PERMITTED**

In an F-3 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit:

- (1) Farm machinery or irrigation system equipment sales, service, and storage;
- (2) Farm use as defined in ORS 215.203, excluding livestock feed yards and hog farms;
- (3) Feed and seed processing or cleaning;
- (4) Grain elevator;
- (5) Public or semi-public use;
- (6) Greenhouse, commercial nursery;
- (7) Utility facility;

(8) Residential, but only as an accessory to a permitted use;

(9) Signs: Type 2, 3, 4, 8, and 9.

### **Section 3.034 CONDITIONAL USES**

In an F-3 Zone, the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive, upon the issuance of a zoning permit:

- (1) Hog farm;
- (2) Landing strip;
- (3) Livestock feed yard;
- (4) Sanitary landfill or other solid waste disposal facility;
- (5) Slaughterhouse;
- (6) Veterinary or animal hospital;
- (7) Other agriculturally oriented industrial or commercial use, providing the Planning Commission finds such industry is similar to other permitted uses in the zone;
- (8) Livestock sales yard;
- (9) Dog pound or kennel;
- (10) Junkyard;
- (11) Agricultural commodity collection, sorting, and packaging or processing establishment, cold storage plant;
- (12) Fertilizer and agricultural chemical sales;

(13) Petroleum products sales and storage.

### **Section 3.036 DIMENSIONAL STANDARDS**

In an F-3 Zone, the following dimensional standards shall apply:

(1) *Minimum lot area for all uses:* As determined by the Department of Environmental Quality to be necessary for the protection of the public health;

(2) *Setback:* No building shall be located closer than 20 ft. from a lot line;

(3) *Conditional Uses:* Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

### **Section 3.038 RAILWAYS**

All existing railway right-of-ways shall be zoned F-3.

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## F-4, RURAL CENTER ZONE

*Sub-Sections:*

<a href="#">3.040</a>	<a href="#">Description and purpose</a>
<a href="#">3.042</a>	<a href="#">Uses permitted</a>
<a href="#">3.044</a>	<a href="#">Conditional uses</a>
<a href="#">3.046</a>	<a href="#">Limitations on use</a>
<a href="#">3.048</a>	<a href="#">Dimensional standards</a>

### Section 3.040 DESCRIPTION AND PURPOSE

The F-4 Rural Center Zone is designed to provide for the continuation of the small rural trading center and the uses which are appropriate to these communities.

### Section 3.042 USES PERMITTED

In an F-4 Zone, the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Farm use as defined in ORS 215 203, excluding livestock feed yards and hog farms;
- (2) Industrial, except as limited by Sections 3.044 and 3.046;
- (3) Public or semi-public uses
- (4) Residential:
- (5) Retail commercial;
- (6) Service commercial;
- (7) Signs: Type 2, 3, 4, 5, and 8;
- (8) One accessory dwelling for the owner or operator of a permitted use.

### Section 3.044 CONDITIONAL USES

In an F-4 Zone, the following uses and their accessory uses are permitted subject to the requirements of Sections 7.010 through 7.040 inclusive, and upon the issuance of a zoning permit:

- (1) Airport or landing strip;
- (2) Junkyard or wrecking yard;
- (3) Livestock sales yard;
- (4) Utility facility.

### Section 3.046 LIMITATIONS ON USE

In an F-4 Zone the following limitations and conditions shall apply:

- (1) A use which creates a nuisance because of noise, smoke, odor, dust, or glare is prohibited;
- (2) A use which constitutes a fire, explosion, or other physical hazard is prohibited;
- (3) Materials shall be stored and grounds shall be maintained in a manner which will prevent vector production and sustenance, pollution of surface and ground waters, or any other health hazards.

### Section 3.048 DIMENSIONAL STANDARDS

In an F-4 Zone the following dimensional standards shall apply:

- (1) *Minimum Lot Area for Residential Use:* One acre, except if a community water supply is available for use the minimum lot

area shall be one-half acre, or if a community water supply and sewer system are available the minimum lot area shall be 6,000 square feet;

(2) *Minimum Lot Area for Nonresidential Use:* As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(3) *Setbacks:*

Residential: minimum front and rear yards: 20 ft.

All Others: minimum front yard - none required, except that if parking is to be allowed in the front yard, the minimum front yard shall be 40 ft. (Revised 11/72)

Minimum Rear Yard: 20 ft.

Minimum Side Yard: 5 ft., except that if a noncombustible masonry fire wall with no opening is installed, no side yard shall be required,

(4) *Conditional Uses:* Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

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## F-5, FOREST ZONE

*Sub-Sections:*

<a href="#">3.050</a>	<a href="#">Description and purpose</a>
<a href="#">3.052</a>	<a href="#">Uses permitted</a>
<a href="#">3.054</a>	<a href="#">Conditional uses</a>
<a href="#">3.056</a>	<a href="#">Dimensional standards</a>

### Section 3.050 DESCRIPTION AND PURPOSE

The F-5 Forest Zone is designed to provide for the continuation of forest areas and to protect the timber, soil, and water resources. Appropriate open land recreation use and grazing will also be allowed.

### Section 3.052 USES PERMITTED

In an F-5 Zone, the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Forestry, including processing of locally harvested forest crops using portable equipment;
- (2) Grazing of livestock, including customary incidental uses;
- (3) Dwelling, single-family;
- (4) Park, playground, campground;
- (5) Dwelling, seasonal;
- (6) Signs: Type 2, 3, 4, 5, and 6.

### Section 3.054 CONDITIONAL USES

In an F-5 Forest Zone, the following uses and their accessory uses are permitted, subject

to the requirements of Section 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

- (1) Commercial mining or extractive activity;
- (2) Public or semi-public use, 1.090(50)
- (3) Recreational camp or resort;
- (4) Utility facility;
- (5) Noncommercial gravel pit or pile.

### Section 3.056 DIMENSIONAL STANDARDS

In an F-5 Forest Zone, the following dimensional standards shall apply:

- (1) *Minimum Lot Area:* 5 acres for residential or recreational use. Minimum lot area for other uses: as determined by the Oregon Department of Environmental Quality to be necessary for the protection of public health;
- (2) *Setback:* No building shall be located closer than 20 ft. to a lot line.

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## F-6, PARK ZONE

*Sub-Sections:*

<a href="#">3.060</a>	<a href="#">Description and purpose</a>
<a href="#">3.061</a>	<a href="#">Uses permitted</a>
<a href="#">3.062</a>	<a href="#">Conditional uses</a>

7.040 inclusive, and upon issuance of a zoning permit:

- (1) Utility lines or substations;
- (2) Noncommercial outdoor recreation camp or resort.

### **Section 3.060 DESCRIPTION AND PURPOSE**

The F-6 Park Zone is designed to preserve natural or scenic drive areas as permanent parkland. Development, except for trails, picnic areas and some camping, will be discouraged. Preservation of existing woodlands, stream courses and other natural features will be the prime determinant of permitted uses.

### **Section 3.061 USES PERMITTED**

In an F-6 Zone, the following uses and their accessory 5.030 uses are permitted, upon the issuance of a zoning permit:

- (1) Noncommercial picnic ground, campground, nature trails;
- (2) Grazing of livestock including customary incidental uses;
- (3) Caretaker residence;
- (4) Signs: Type 3, 5, and 6.

### **Section 3.062 CONDITIONAL USES**

In an F-6 Park Zone, the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through

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## R-1, AGRICULTURAL RESIDENTIAL ZONE

*Sub-Sections:*

<a href="#">3.070</a>	<a href="#">Description and purpose</a>
<a href="#">3.071</a>	<a href="#">Uses permitted</a>
<a href="#">3.072</a>	<a href="#">Conditional uses</a>
<a href="#">3.073</a>	<a href="#">Dimensional standards</a>
<a href="#">3.074</a>	<a href="#">Limitations on use</a>

### Section 3.070 DESCRIPTION AND PURPOSE

The R-1 Agricultural-Residential Zone is designed to provide for very low density residential development along with a continuation of farm uses. Acreage tracts are required because utilities will not be available in the foreseeable future. Conflicting business and industrial uses are excluded.

### Section 3.071 USES PERMITTED

In an R-1 Zone, the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Farm use, excluding livestock feed yards, mink farms, and the raising of hogs;
- (2) Dwelling, single-family;
- (3) Mobile home;
- (4) Noncommercial outdoor recreation;
- (5) School;
- (6) Noncommercial greenhouse or nursery;
- (7) Public or semi-public use;

(8) Planned unit Developments, subject to the planned unit development standard, requirements and procedures in Sections 3.180 through 3.184 inclusive;

(9) Signs: Type 2, 3, 4, 5, and 6.

### Section 3.072 CONDITIONAL USES

In an R-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive, and upon the issuance of a zoning permit

- (1) Commercial greenhouse or nursery;
- (2) Roadside stand for the sale of agricultural products grown by the owner;
- (3) Grange hall or community center;
- (4) Boarding, lodging or rooming house;
- (5) Rest home, home for the aged, nursing home or convalescent home;
- (6) Utility facility;
- (7) Mobile home park;
- (8) Trailer park;
- (9) Veterinary clinic or animal hospital;
- (10) Church;
- (11) Horse boarding stable;
- (12) Model Home including sales office, subdivision or development sales office, development office. The residential quality of the area shall be protected by conditions including, but not limited to:

(a) No sign shall be allowed except for one free standing sign that conforms to a Type 5 sign as described in Section 4.012 of this ordinance and by a ruling of the County Hearings Officer.

(b) The exterior shall maintain a residential appearance.

(c) Yard area shall be landscaped and maintained.

(13) Special Exemptions, as provided in Section 5.060 and 5.07.

### **Section 3.073 DIMENSIONAL STANDARDS**

In an R-1 Zone, the following dimensional standards shall apply:

(1) *Minimum Lot Area for Residential Use*: 4 acres;

(2) *Minimum Lot Area for Nonresidential Use*: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(3) *Setback*: No building shall be located closer than 20 ft. from a lot line.

### **Section 3.074 LIMITATIONS ON USE.**

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-1 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum

area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur bearing animal shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be

allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.  
(Ord. [2013-02](#), passed 1-29-13)

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## **R-1A, TWO ACRE RESIDENTIAL ZONE**

*Sub-Sections:*

<a href="#">3.075</a>	<a href="#">Description and purpose</a>
<a href="#">3.076</a>	<a href="#">Uses permitted</a>
<a href="#">3.077</a>	<a href="#">Conditional uses</a>
<a href="#">3.078</a>	<a href="#">Dimensional standards</a>
<a href="#">3.079</a>	<a href="#">Limitations on use</a>

### **Section 3.075 DESCRIPTION AND PURPOSE**

The R-1A Two Acre Residential Zone is designed to provide for low density residential development mixed with farm uses in areas where soil, water or other problems necessitate spaced residential uses. City utilities are not anticipated in the foreseeable future.

### **Section 3.076 USES PERMITTED**

In an R-1A Zone the following uses and their accessory uses are permitted; upon the issuance of a zoning permit:

- (1) Farm use, excluding livestock feed yards, mink farms, and the raising of hogs;
- (2) Dwelling, single-family;
- (3) Mobile home;
- (4) Noncommercial outdoor recreation;
- (5) School;
- (6) Noncommercial greenhouse or nursery;
- (7) Public or semi-public use;

(8) Planned Unit Developments, subject to the planned unit development standard, requirements and procedures in Sections 3.180 through 3.184 inclusive;

(9) Signs: Type 2, 3, 4, 5, and 6.

### **Section 3.077 CONDITIONAL USES**

In an R-1A Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

- (1) Commercial greenhouse or nursery;
- (2) Roadside stand for the sale of agricultural products grown by the owners;
- (3) Grange hall or community center;
- (4) Boarding, lodging or rooming house;
- (5) Rest home, home for the aged, nursing home or convalescent home;
- (6) Utility facility;
- (7) Mobile home park;
- (8) Trailer park;
- (9) Veterinary clinic or animal hospital;
- (10) Church;
- (11) Horse boarding stable;
- (12) Model Home including sales office, subdivision or development sales office, development office. The residential quality of the area shall be protected by conditions including, but not limited to:

(a) No sign shall be allowed except for one free-standing sign that conforms to a Type 5 sign as described in Section 4.012 of this ordinance and by a ruling of the County Hearings Officer.

(b) The exterior shall maintain a residential appearance,

(c) Yard area shall be landscaped and maintained.

(13) Special Exemptions, as provided in Section 5.060 and 5.070.

### **Section 3.078 DIMENSIONAL STANDARDS**

In an R-1A Zone the following dimensional standards shall apply:

(1) *Minimum Lot Area for Residential Use*: 2 acres;

(2) *Minimum Lot Area for Nonresidential Use*: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(3) *Setback*: No building shall be located closer than 20 ft. from the lot line.

### **Section 3.079 LIMITATIONS ON USE.**

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-1A Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum

area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur bearing animal shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be

allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.  
(Ord. [2013-02](#), passed 1-29-13)

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## **R-2, SUBURBAN RESIDENTIAL ZONE**

### *Sub-Sections:*

<a href="#">3.080</a>	<a href="#">Description and purpose</a>
<a href="#">3.082</a>	<a href="#">Uses permitted</a>
<a href="#">3.084</a>	<a href="#">Conditional uses</a>
<a href="#">3.086</a>	<a href="#">Limitations on use</a>
<a href="#">3.088</a>	<a href="#">Dimensional standards</a>
<a href="#">3.089</a>	<a href="#">Limitaitons on use</a>

### **Section 3.080 DESCRIPTION AND PURPOSE**

The R-2 Suburban Residential Zone is designed to provide for the orderly transition from agricultural to residential use near the outer edge of urbanizing areas. Large lots are required because utilities are not immediately available.

### **Section 3.082 USES PERMITTED**

In an R-2 Zone the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Farm use, excluding livestock feed yards, mink farms, poultry farms, and the raising of hogs;
- (2) Mobile home;
- (3) Dwelling, single-family;
- (4) Planned Unit Developments, subject to the planned unit development standards, requirements and procedures in Sections 3.180 through 3.184 inclusive;
- (5) Public or semi-public use;
- (6) School;

- (7) Signs: Type 2, 3, 4, 5, and 6.

### **Section 3.084 CONDITIONAL USES**

In an R-2 Zone the following uses and their accessory uses are permitted, subject to the requirements of Section 7.010 through 7.040 inclusive and upon the issuance of a zoning permit:

- (1) Cemetery;
- (2) Church;
- (3) Golf course or other open land recreational use, but excluding intensive commercial amusement such as miniature golf, driving ranges, automobile race tracks, and amusement parks;
- (4) Mobile home park, subject to the requirements of Section 7.040(13);
- (5) Trailer park;
- (6) Radio or television transmitter or tower;
- (7) Utility facility;
- (8) Boarding, lodging, or rooming house;
- (9) Rest home, home for the aged, nursing home or convalescent home;
- (10) Dwelling, multi-family;
- (11) Dwelling, two-family;
- (12) Model Home including sales office, subdivision or development sales office, development office. The residential quality of the area shall be protected by conditions including, but not limited to:

(a) No sign shall be allowed except for one free-standing sign that conforms to a Type 5 sign as described in Section 4.012 of this ordinance and by a ruling of the County Hearings Officer.

(b) The exterior shall maintain a residential appearance.

(c) Yard area shall be landscaped and maintained.

(13) Special Exemptions, as provided in Section 5.060 and 5.070.

### **Section 3.086 LIMITATIONS ON USE**

In an R-2 Zone, the following limitations and conditions shall apply:

(1) Adequate structures, adequate corrals, or adequate fencing shall be provided for all animals;

(2) Any corral or structure for the sheltering of animals shall be located a minimum of 35 feet from a side or rear property line, and 75 feet from the front property line;

(3) In all cases the structures and enclosures must be kept reasonably free and clean of flies and accumulated materials and shall be subject to such Health Department regulations as may be now hereafter established.

### **Section 3.088 DIMENSIONAL STANDARDS**

In an R-2 Zone the following dimensional standards shall apply:

(1) *Minimum Lot Area for Residential Use:* 1 acre;

(2) *Minimum Lot Area for Nonresidential Use:* As determined by the Department of Environmental Quality to be necessary for the protection of public health.

(3) *Minimum Lot Area for Multi-family Residential:* an acre for the first four dwelling units, plus 2,000 square feet for each additional dwelling unit;

(4) *Setback:* No building shall be located closer than 20 feet from a lot line;

(5) *Conditional Uses:* Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

### **Section 3.089 LIMITATIONS ON USE.**

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-2 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur bearing animal shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident. (Ord. [2013-02](#), passed 1-29-13)

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## R-3, URBAN RESIDENTIAL ZONE

### *Sub-Sections:*

<a href="#">3.090</a>	<a href="#">Description and purpose</a>
<a href="#">3.092</a>	<a href="#">Uses permitted</a>
<a href="#">3.094</a>	<a href="#">Conditional uses</a>
<a href="#">3.096</a>	<a href="#">Dimensional standards</a>
<a href="#">3.097</a>	<a href="#">Limitations on use</a>

### **Section 3.090 DESCRIPTION AND PURPOSE**

The R-3 Residential Zone is designed to provide areas suitable for all types of residential development at a medium density. This zone is appropriate within urbanizing areas where adequate utilities are available.

### **Section 3.092 USES PERMITTED**

In an R-3 Zone the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Dwelling, single-family;
- (2) Dwelling, two-family;
- (3) Planned Unit Developments, subject to the planned unit development standards, requirements and procedures in Sections 3.180 through 3.184 inclusive;

### **Section 3.094 CONDITIONAL USES**

In an R-3 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon the issuance of a zoning permit:

- (1) Church;

(2) Clinic (except animal):

(3) Club, lodge, or fraternal organization;

(4) Golf course or other open land recreational use (excluding intensive commercial amusement use such as miniature golf, driving range, race track, amusement park, or drive-in theater):

(5) Hospital, sanitarium, rest home, home for the aged, nursing home, or convalescent home;

(6) Mobile home;

(7) Mobile home park subject to the requirements of Section 7.040(13);

(8) Trailer park;

(9) Public or semi-public;

(10) School:

(11) Utility facility:

(12) Boarding, lodging, and rooming house;

(13) Dwelling, multi-family:

(14) Model Home including sales office, subdivision or development sales office, development office. The residential quality of the area shall be protected by conditions including, but not limited to:

(a) No sign shall be allowed except for one free-standing sign that conforms to a Type 5 sign as described in Section 4.012 of this ordinance and by a ruling of the County Hearings Officer.

(b) The exterior shall maintain a

residential appearance.

(c) Yard area shall be landscaped and maintained.

(15) Special Exemptions, as provided in Section 5.060 and 5.070.

### **Section 3.096 DIMENSIONAL STANDARDS**

In an R-3 Zone, the following dimensional standards shall apply:

(1) *Minimum Lot Area*: 9,000 square feet. In addition, where a sewer system is not available the Department of Environmental Quality may establish a minimum lot area greater than 9,000 square feet;

(2) *Minimum Lot Area for Multi-Family Residential*: The minimum lot area for multi-family residential shall be 9,000 square feet for the first two dwelling units plus 1,200 square feet for each additional dwelling unit;

(3) *Minimum Lot Width*: 60 feet;

(4) *Minimum Lot Depth*: 100 feet;

(5) *Minimum Front Yard*: 20 feet;

(6) *Minimum Side Yard*: 5 feet except on the street side of a corner lot it shall be 15 feet;

(7) *Minimum Rear Yard*: 20 feet;

(8) *Maximum Building Height*: 45 feet;

(9) *Maximum Lot Coverage*: Buildings shall not occupy more than 35 percent of the lot area;

(10) *Conditional Uses*: Additional dimensional standards may be required by the

Planning Commission in approving a conditional use, as provided by Article 7.

### **Section 3.097 LIMITATIONS ON USE.**

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-3 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur bearing animal shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student

resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.  
(Ord. [2013-02](#), passed 1-29-13)

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## **R-4, RECREATION RESIDENTIAL ZONE**

*Sub-Sections:*

<a href="#">3.100</a>	<a href="#">Description and purpose</a>
<a href="#">3.102</a>	<a href="#">Uses permitted</a>
<a href="#">3.104</a>	<a href="#">Conditional uses</a>
<a href="#">3.106</a>	<a href="#">Dimensional standards</a>

### **Section 3.100 DESCRIPTION AND PURPOSE**

The R-4 Recreation-Residential Zone is designed to provide areas for outdoor recreation and related residential development. It is appropriate in areas having a high recreation value, such as beside lakes, rivers and streams, and close to major recreation facilities such as winter sports areas.

### **Section 3.102 USES PERMITTED**

In an R-4 Zone the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Farm use, as defined in ORS 215.203;
- (2) Mobile home;
- (3) Dwelling, seasonal;
- (4) Vacation trailer;
- (5) Dwelling, single-family;
- (6) Planned Unit Developments, subject to the planned unit development standards, requirements and procedures in Sections 3.180 through 3,184 inclusive;
- (7) Signs: Type 2, 3, 4, 5, and 6.

### **Section 3.104 CONDITIONAL USES**

In an R-4 Zone the following uses and their accessory uses are permitted, subject to the requirements of Section 7.010 through 7.040 inclusive and upon the issuance of a zoning permit:

- (1) Airport;
- (2) Church;
- (3) Commercial activity, including but not limited to a restaurant, sporting goods supply, and souvenir or novelty shop, to support recreational or residential uses allowed in this zone;
- (4) Commercial recreation use, including marina, riding stable, gun club, resort, recreational camp, dude ranch, or similar resort-type establishment;
- (5) Public or semi-public use;
- (6) Utility facility;
- (7) Special Exemptions, as provided in Section 5.060 and 5.070.

### **Section 3.106 DIMENSIONAL STANDARDS**

In an R-4 Zone, the following dimensional standards shall apply:

- (1) *Minimum Lot Area:* 1 acre.
- (2) *Minimum Lot Width:* 150 feet.
- (3) *Setback:* No building shall be located closer than 20 feet from a lot line.

(4) *Conditional Uses*: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

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## C-1, GENERAL COMMERCIAL ZONE

### *Sub-Sections:*

<a href="#">3.110</a>	<a href="#">Description and purpose</a>
<a href="#">3.112</a>	<a href="#">Uses permitted</a>
<a href="#">3.113</a>	<a href="#">Conditional uses</a>
<a href="#">3.114</a>	<a href="#">Dimensional standards</a>
<a href="#">3.116</a>	<a href="#">Limitations on use</a>

### **Section 3.110 DESCRIPTION AND PURPOSE**

The C-1 General Commercial Zone is designed for all types of business use in order to provide for a large range of commercial needs of the county. It is appropriate in both urbanizing and rural areas.

### **Section 3.112 USES PERMITTED**

In a C-1 Zone the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Addition to an existing conforming structure of not more than 50% in area;
- (2) Automobile service station;
- (3) Blacksmith or machine shop;
- (4) Boarding, lodging or rooming house;
- (5) Bottling work;
- (6) Commercial amusement establishment;
- (7) Custom meat curing and cold storage locker;

- (8) Eating or drinking establishment;
- (9) Financial institution;
- (10) Food store;
- (11) Gift shop;
- (12) Greenhouse or nursery;
- (13) Information Center;
- (14) Motel, hotel;
- (15) Office building;
- (16) Plumbing or sheet metal shop;
- (17) Public or semi-public use;
- (18) Retail and service commercial;
- (19) Signs: Type 2, 3, 4, 5, 8, and 9;
- (20) Sporting goods or bait shop.

### **Section 3.11.3 CONDITIONAL USES**

In a C-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (2) Animal hospital or veterinary clinic;
- (3) Mini-warehouse;
- (4) Mobile home park, trailer park subject to the requirements of Section 7.040;

(5) Planned Unit Development, subject to the requirements of Sections 3.180 through 3.184 inclusive;

(6) Tire recapping;

(7) Utility facility;

(8) Welding shop;

(9) Wholesale business;

(10) Other uses similar to the uses permitted or the conditional uses and normally located in a general commercial zone, provided that it has the approval of the Planning Commission.

space, the front yard shall be a minimum of 40 feet;

(3) *Side Yard*: When abutting property in an R-3 zone, a minimum side yard of 10 feet shall be provided;

(4) *Rear Yard*: When abutting property in an R-3 zone a minimum rear yard of 20 feet shall be provided;

(5) The above minimum front, side and rear yard standards may be modified, upon the request of a property owner, by a ruling of the Planning Commission.

### **Section 3.114 LIMITATIONS ON USES**

In a C-1 Zone the following limitations and conditions shall apply:

(1) Outside storage areas shall be screened with a sight-obscuring fence so that the area shall not be exposed to view from without the property;

(2) Outside display of any scrap or salvage material shall be prohibited.

### **Section 3.116 DIMENSIONAL STANDARDS**

In a C-1 Zone the following dimensional standards shall apply:

(1) *Minimum Lot Area*: As determined by the Department of Environmental Quality to be necessary for the protection of public health.

(2) *Minimum Front Yard*: 20 feet, except if the front yard is used for off-street parking

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## C-2, TOURIST COMMERCIAL ZONE

### Sub-Sections:

<a href="#">3.120</a>	<a href="#">Description and purpose</a>
<a href="#">3.122</a>	<a href="#">Uses permitted</a>
<a href="#">3.123</a>	<a href="#">Conditional uses</a>
<a href="#">3.124</a>	<a href="#">Dimensional standards</a>

### Section 3.120 DESCRIPTION AND PURPOSE

The C-2 Tourist Commercial Zone is designed to provide areas for motels, restaurants, service stations, and similar uses for the accommodation of tourists and travelers. This zone is appropriate for freeway interchanges or areas with great tourist potential.

### Section 3.122 USES PERMITTED

In a C-2 Zone the following uses and their accessory uses are permitted upon the issuance of a zoning permit:

- (1) Addition to an existing conforming structure of not more than 50% in area;
- (2) Automobile service station;
- (3) Boarding, lodging or rooming house;
- (4) Eating or drinking establishment;
- (5) Food Store;
- (6) Gift Shop;
- (7) Information Center;
- (8) Motel, hotel;

- (9) Sporting goods or bait shop;
- (10) Signs: Type 3, 4, 5, 8, and 9.

### Section 3.123 CONDITIONAL USES

In a C-2 Zone the following uses and their accessory uses are permitted, subject to the requirements of Section 7.010 through 7.040 inclusive and upon the issuance of a zoning permit:

- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (2) Planned Unit Developments, subject to the requirements of Section 3.180 through 3.184 inclusive;
- (3) Public or semi-public use;
- (4) Trailer park, subject to the requirements of Section 7.040;
- (5) Utility facility;
- (6) Other uses similar to the uses permitted or the conditional uses and normally located in a tourist commercial zone, provided that it has the approval of the Planning Commission.

### Section 3.124 DIMENSIONAL STANDARDS

In a C-2 Zone the following dimensional standards shall apply:

- (1) *Minimum Lot Area*: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(2) *Setback*: No building shall be located closer than 40 feet from a lot line. The above minimum setback may be modified, upon request of a property owner, by a ruling of the Planning Commission.

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## M-1, LIGHT INDUSTRIAL ZONE

### Sub-Sections:

<a href="#">3.130</a>	<a href="#">Description and purpose</a>
<a href="#">3.134</a>	<a href="#">Limitations on use</a>
<a href="#">3.135</a>	<a href="#">Uses permitted</a>
<a href="#">3.136</a>	<a href="#">Conditional uses</a>
<a href="#">3.138</a>	<a href="#">Dimensional standards</a>

### Section 3.130 DESCRIPTION AND PURPOSE

The M-1 Light Industrial Zone is designed to provide areas for industrial uses which do not create nuisance problems for nearby homes, business or farm areas. It is appropriate for areas near major transportation facilities which are generally suitable for industry but because of proximity to home, business or farm areas, nuisance industry is inappropriate,

### Section 3.134 LIMITATIONS ON USE

(1) All business, commercial and industrial activities, and storage allowed in an M-1 Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in Farm, Residential or Commercial Zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road.

(2) All off-street loading areas shall be located wholly within a building or shall be screened from view if adjoining properties are in a Residential Zone.

(3) No merchandise shall be displayed outdoors in any front or side yard nor in any street right-of-way.

(4) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall be confined or reduced so as to not be unduly detrimental to surrounding properties.

### Sections 3.135 USES PERMITTED

In the M-1 Zone the following uses and their accessory uses are permitted upon the issuance of a zoning permit, except as modified by Section 3.136:

- (1) Addition to an existing conforming structure of not more than 50% in area;
- (2) Blacksmith or machine shop;
- (3) Bottling work;
- (4) Contractor's equipment storage yard;
- (5) Custom meat cutting and cold storage locker;
- (6) Food products manufacturing, excluding meat, fish, salt, sauerkraut, sugar, vinegar and yeast products;
- (7) Grain elevator or flour mill;
- (8) Hauling, freighting and trucking yard or terminal;
- (9) Ice or cold storage plant;
- (10) Manufacturing, compounding, assembling or treatment of products made from the following prepared materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint (no boiling), paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, and yarns, but not including rendering plant;

- (11) Mini-warehouses;
- (12) Plumbing or sheet metal shop;
- (13) Signs: Type 3, 4, 5, 8, and 9;
- (14) Tire recapping;
- (15) Welding shop;
- (16) Wholesale business, storage building or warehouse.

- (11) Eating or drinking establishment;
- (12) Financial institution;
- (13) Food store;
- (14) Gift shop;
- (15) Greenhouse or nursery;
- (16) Information center;
- (17) Junkyard;

**Section 3.136 CONDITIONAL USES**

In an M-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections [7.010](#) through 7.040 inclusive and upon issuance of a zoning permit:

- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (2) Animal hospital or veterinary clinic;
- (3) Automobile service station;
- (4) Automobile wrecking yard;
- (5) Boarding, lodging, or rooming house;
- (6) Commercial amusement establishment;
- (7) Commercial gravel pit;
- (8) Concrete block or pipe manufacturing;
- (9) Concrete manufacturing plant;
- (10) Day care nursery;

(18) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage industries having any one of the following characteristics:

- (a) Peak employment of more than 200 persons;
- (b) Utilizing more than 20 acres of land;
- (c) Requiring a total energy input which exceeds 6,816,000 British Thermal Units (BTU) for all energy sources combined, i.e. natural gas, propane, oil and electricity;

(19) Mobile home park or trailer park subject to requirements of Section 7.040;

- (20) Motel, hotel;
- (21) Office building;
- (22) Planned Unit Development, subject to the requirements of Section 3.180 through 8.184 inclusive;
- (23) Planing Mill or Sawmill;
- (24) Public or semi-public use;
- (25) Retail or service commercial;

(26) Sand or gravel storage yard;

(27) Sporting goods or bait shops;

(28) Utility facility;

(29) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted industrial uses.

### **Section 3.138 DIMENSIONAL STANDARDS**

In an M-1 Zone the following dimensional standards shall apply:

(1) *Minimum Lot Area*: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(2) *Setback*: No building shall be located closer than 30 feet from a lot line except by a ruling of the Planning Commission upon the request of a property owner;

(3) *Conditional Uses*: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

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## **M-2, HEAVY INDUSTRIAL ZONE**

### *Sub-Sections:*

<a href="#">3.140</a>	<a href="#">Description and purpose</a>
<a href="#">3.142</a>	<a href="#">Uses permitted</a>
<a href="#">3.143</a>	<a href="#">Limitations on use</a>
<a href="#">3.144</a>	<a href="#">Commercial uses</a>
<a href="#">3.146</a>	<a href="#">Dimensional standards</a>

### **Section 3.140 DESCRIPTION AND PURPOSE**

The M-2 Heavy Industrial Zone is designed to provide for industrial development where potential nuisances will have a minimum negative effect on adjacent property. It is appropriate for areas near major transportation facilities which are suitable for all types of industrial development.

### **Section 3.142 USES PERMITTED**

In an M-2 Zone the following uses and their accessory uses are permitted upon the issuance of a zoning permit, except as modified by Section 3.144:

- (1) Addition to an existing conforming structure of not more than 50% in area;
- (2) Contractor's equipment storage yard;
- (3) Grain elevator or flour mill;
- (4) Hauling, freighting and trucking yard;
- (5) Ice and cold storage;
- (6) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking, or storage, except as modified by Section 3.144;

- (7) Sand or gravel storage yard;
- (8) Signs: Type 3, 4, 5, 8, and 9;
- (9) Tire recapping;
- (10) Welding shop;
- (11) Wholesale business, storage building or warehouse.

### **Section 3.143 LIMITATION ON USE**

(1) A use is prohibited which has been declared a nuisance by statute, by action of the County Board of Commissioners or by a court of competent jurisdiction;

(2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard;

(3) Point of access from a public street to properties in a Heavy Industrial Zone M-2 shall be located so as to minimize traffic congestion and avoid directing traffic onto residential streets;

(4) Building entrance or other openings adjacent to or across the street from a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land uses in the residential or commercial zones.

### **Section 3.144 CONDITIONAL USES**

In an M-2 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon the issuance of a zoning permit:

- (1) Automobile wrecking yard;
- (2) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (3) Commercial gravel pit;
- (4) Concrete block or pipe manufacturing;
- (5) Concrete manufacturing plant;
- (6) Eating or drinking establishment;
- (7) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage industries having any one of the following characteristics:
  - (a) Peak employment of more than 200 persons;
  - (b) Utilizing more than 20 acres of land;
  - (c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined, i.e. natural gas, propane, oil and electricity; Junkyard;
- (8) Junkyard;
- (9) Planned Unit Development, subject to the requirements of Sections 3.180 through 3.184 inclusive;
- (10) Planing mill or sawmill; Rendering plant;
- (11) Rendering Plant;
- (12) Surface mining, rock crushing or asphalt plant;
- (13) Utility facility;

(14) Any requested uses involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, radioactive materials, unstable chemicals, ammonium nitrate and liquefied petroleum gases.

**Section 3.146 DIMENSIONAL STANDARDS**

In an M-2 Zone the following dimensional standards shall apply:

- (1) *Minimum Lot Area*: As determined by the Department of Environmental Quality to be necessary for the protection of public health;
- (2) *Setback*: No building shall be located closer than 30 feet from a lot line except by a ruling of the Planning Commission upon the request of a property owner;
- (3) *Conditional Uses*: Additional dimensional standards may be required by the Planning Department in approving a conditional use as provided by Article 7.

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## F-H, FLOOD HAZARD SUBDISTRICT

### *Sub-Sections:*

- [3.150](#)      [Purpose](#)
- [3.151](#)      [Compliance](#)
- [3.152](#)      [Location of flood hazard areas](#)
- [3.153](#)      [Zoning map](#)
- [3.154](#)      [Limitations on all uses](#)
- [3.155](#)      [Limitations of fill](#)
- [3.156](#)      [Limitations on structures](#)
- [3.157](#)      [Limitations on storage of material  
and equipment](#)
- [3.158](#)      [Procedure](#)
- [3.159](#)      [Destruction of nonconforming use  
or structures](#)

### **Section 3.150 PURPOSE**

The purpose of the Flood Hazard Subdistrict is to promote and protect the public health, safety, and general welfare and to minimize flood losses by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which because increased flood heights or velocities;
- (2) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;
- (3) Protect individuals from buying lands which are unsuited for some purposes because of flood hazard.

### **Section 3.151 COMPLIANCE**

A lot may be used and a structure or part of a structure may be constructed,

reconstructed, altered, occupied or used in a Flood Hazard Area only as this section permits.

### **Section 3.152 LOCATION OF FLOOD HAZARD AREAS**

(1) The boundaries of areas delineated as Flood Hazard Areas in Umatilla County, Oregon shall be the boundaries of those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Hazard Insurance Study for Umatilla County" dated June 15, 1978, with accompanying Flood Insurance Maps which are hereby established as the Flood Plain Zoning Map for Umatilla County. Future Flood Hazard Reports prepared by the Federal Insurance Administration and other delineations of Flood Hazard Areas may be added to this ordinance by Amendment as hereinafter provided.

(2) When base flood elevation data has not been provided in accordance with Subsection 1 of this Section the County shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer residential and non-residential construction within potential special flood hazard areas. When no base data exists, the zoning permit applications shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made through the use of historical data, high water marks, photographs of past flooding, etc., where available.

### **Section 3.153 ZONING MAP**

The official Flood Plain Zoning Map for Umatilla County with all explanatory matter

thereon and attached thereto is hereby adopted by reference and declared to be a part of this ordinance. The official copy shall have been signed by the County Board of Commissioners and County Clerk and be maintained on file in the office of the County Clerk and Planning Office.

### **Section 3.154 LIMITATIONS ON ALL USES**

No structure (temporary or permanent), fill, including fill for roads and levees, deposit, obstruction, storage materials or equipment or other uses shall be permitted in a flood Hazard Area which, acting alone or in combination with existing or future uses unduly affects the efficiency or capacity of the Floodway or unduly increases flood heights. The County shall notify adjacent communities and State coordinating agencies prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration and require that maintenance is provided within the altered or relocated portion of said water course so that flood carrying capacity is not diminished.

### **Section 3.155 LIMITATIONS OF FILL**

(1) Any fill proposed to be deposited in a Flood Hazard Area must be shown to have some beneficial purpose and the amount must not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted according to Section 3.158.

(2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

### **Section 3.156 LIMITATIONS ON STRUCTURES**

(1) The lowest floor elevation, including the basement, of a new or substantial improvement of an existing structure designed for human occupation shall be at least one foot above the elevation of a Base Flood. Human occupation includes a residential, commercial or industrial use but excludes a storage or warehouse building not in daily use.

(2) The portions of a new or substantial improvement of an existing structure below an elevation one foot above the elevation of a Base Flood shall:

(a) Be floodproofed so that below the Base Flood level the structure is watertight with walls substantially impermeable to the passage of water; and

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the County.

(3) In the case of a land subdivision, new or existing, each lot intended as a site for a structure for human occupancy shall contain a building site and access road with a ground level elevation no lower than one foot below the elevation of a Base Flood; be accessible to a roadway no portion of which is less than one foot below the elevation of a Base Flood; and be served by sewer and water supply systems designed and constructed to not create a health hazard during inundation by a Base Flood; replacement of water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood

waters into the system; and any on-site waste disposal systems existing or permitted shall be located to avoid impairment to them during flooding. Base Flood elevation data shall be provided for subdivision proposals or other proposed developments which contain at least 50 lots or 5 acres whichever is less.

(4) A permitted structure in a Flood Hazard Area shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and shall be placed approximately on the same flood flow lines as those of adjoining structures.

(5) Anchoring:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring one additional tie per side;

(2) Frame ties be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring four additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of 4,800

pounds;

(c) An alternative method of anchoring shall involve a system designed to withstand a wind force of ninety miles per hour or greater, an engineer's certification shall be provided to the County, that this standard has been met.

(6) Service facilities such as electrical and heating equipment shall be constructed above the elevation of a Base Flood.

(7) Mobile homes:

(a) Mobile homes shall be anchored in accordance with Section 3.156(5);

(b) For new mobile home parks and mobile home subdivisions; for expansions of existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction, or improvement of the streets, utilities and pads equal or exceeds fifty (50%) percent of the value of the streets, utilities and pads for repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the Base Flood level;

(2) Adequate surface drainage and access for a hauler are provided; and

(3) In the instance of elevation on pilings, that:

-lots shall be large enough to permit steps;

-piling foundations are placed in stable soil no more than ten feet apart; and

-reinforcement be provided for pilings more than six feet above the ground level.

(c) No mobile home shall be placed in an established floodway except in an existing mobile home park or existing mobile home subdivision approved prior to the date of this Ordinance Amendment.

### **Section 3.157 LIMITATIONS ON STORAGE OF MATERIAL AND EQUIPMENT**

(1) The storage or processing of materials that are buoyant, flammable, explosive or that could be injurious to human, animal or plant life in time of flooding is prohibited in a Flood Hazard Area.

(2) Storage of other material or equipment may be allowed in a Flood Hazard Area if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the limited time available after flood warning.

### **Section 3.158 PROCEDURE**

In a Flood Hazard Area, a lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied or used only after the following requirements have been met:

(1) An applicant shall submit with his application for a zoning permit, sufficient evidence to indicate that the lowest floor elevation of a structure designed for human occupancy will be at least one foot higher than the elevation of a Base Flood, and that in a subdivision the building site and access will be no lower than one foot below the elevation of a Base Flood. This evidence shall include

sketches showing:

(a) The nature, location, dimensions and elevations of the lot, and its location in relation to the channel;

(b) Development plan showing existing and proposed elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevation of streets and all existing and proposed underground facilities;

(c) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high water information;

(d) Profile showing the slope of the bottom of the channel or flow line of the stream;

(e) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvements, storage of materials, water supply and sanitation facilities;

(f) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including the basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

(g) For all new or substantially improved flood proofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level); and

(2) Maintain the flood proofing

certifications.

(3) An applicant shall submit with his application for a zoning permit sufficient evidence concerning his construction methods and materials to indicate that minimum flood damage will occur in the event of inundation. This evidence shall be sufficient to indicate that:

(a) Proposed repairs and renovations will use materials and equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage;

(b) New construction, including prefabricated and mobile homes will be protected against flood damage, will be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure, will use materials and equipment that are resistant to flood damage, and will use construction methods and practices that will minimize flood damage.

(4) All applications shall be reviewed to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

### **Section 3.159 DESTRUCTION OF NONCONFORMING USE OR STRUCTURES**

If a nonconforming structure in a Flood Hazard Area is destroyed by any cause to an extent exceeding 80 percent of its fair market value, as indicated by the records of the County Assessor, a future structure on the site shall conform to this ordinance.

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## F-R, FUTURE RESERVOIR SUBDISTRICT

*Sub-Sections:*

<a href="#">3.170</a>	<a href="#">Description and purpose</a>
<a href="#">3.172</a>	<a href="#">Uses permitted outright</a>
<a href="#">3.174</a>	<a href="#">Conditional uses permitted</a>

### Section 3.170 DESCRIPTION AND PURPOSE

The F-R Future Reservoir Subdistrict is intended for areas which may reasonably be expected to be flooded by a proposed dam, whether for irrigation, power generation, or flood control. Restrictions in this subdistrict will be subject to review by the Planning Commission every three years, or at any other time upon presentation of a petition by an affected landowner or other person. The restrictions in this subdistrict are designed to minimize the cost and difficulty of acquiring land for future reservoirs.

### Section 3.172 USES PERMITTED OUTRIGHT

In an F-R Subdistrict the following uses and their accessory uses are permitted:

- (1) Farm use, as defined in ORS 215.203, but not those uses listed in ORS 215.213;
- (2) Mobile home, vacation trailer, trailer;
- (3) Forest product growing and harvesting, including processing of locally harvested crops using portable equipment;
- (4) Accessory building for an existing dwelling;
- (5) Water storage reservoir;

- (6) Park, playground, campground;
- (7) Storage yard.

### Section 3.174 CONDITIONAL USES PERMITTED

In an F-R Future Reservoir Subdistrict, the following uses and their accessory uses are permitted subject to the requirement of Sections 7.010 through 7.040 inclusive:

- (1) Livestock feed yard;
- (2) Landing strip;
- (3) Golf course, but not an accessory building;
- (4) Mine, quarry, gravel pit;
- (5) Utility facility.

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## PD, PLANNED UNIT DEVELOPMENT SUBDISTRICT

*Sub-Sections:*

- [3.180](#)      [Description and purpose](#)
- [3.182](#)      [Standards and requirements](#)
- [3.183](#)      [Density increases](#)
- [3.184](#)      [Procedure](#)

### Section 3.180 DESCRIPTION AND PURPOSE

The PD Planned Unit Development Subdistrict is intended to encourage the appropriate development of tracts of land that are sufficiently large to allow comprehensive site planning, and to provide flexibility in the application of zoning regulations, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of an attractive, healthful, efficient and stable environment for living, shopping and working.

### Section 3.182 STANDARDS AND REQUIREMENTS

(1) The principal use of land in a Planned Unit Development shall be residential. Other uses within the development may include uses permitted in any zone.

(2) Planned Unit Developments shall not be permitted on a parcel of land less than 19 acres in area in an agricultural zone, or 10 acres in a commercial or industrial zone, or five acres in a residential zone.

(3) The tract or tracts of land included in a proposed Planned Unit Development must be in one ownership or control of the subject of a joint application by the owners of all the

property included. The holder of a written option to purchase shall be deemed the owner of such land for the purposes of this section.

(4) Performance bonds may be required to insure that a Planned Unit Development proposal is completed as submitted within the time limit agreed upon by the developer and the Planning Commission.

### Section 3.183 DENSITY INCREASES

The Planning Commission may authorize density increase for residential land in a P.U.D. at their discretion, upon the provision of certain amenities. Density increases shall be governed by the precepts listed below, which are additive and not to be compounded.

The reservation of common open space shall be considered for density increases according to the following:

Open Space Provided	Maximum Density Increase
First acre per 20 acres of gross residential land:	
Improved	up to 8%
Unimproved	up to 6%
Second acre per 20 acres of gross residential land:	
Improved	up to 4%
Unimproved	up to 3%
Each additional acre per 20 acres of gross residential land:	
Improved	up to 3%
Unimproved	up to 2%

"Gross residential land" includes all roads and improvements, and common open space.

### Section 3.184 PROCEDURE

The following procedures shall be followed when a Planned Unit Development proposal is submitted for consideration:

(1) An applicant shall submit preliminary plans and copies of all restrictive covenants, conveyances and dedications to the secretary of the Planning Commission for study at least 30 days prior to the meeting at which it will be discussed. The preliminary plan shall have the stamp thereon of an architect licensed by the State of Oregon, or a landscape architect licensed by the State of Oregon, or a registered engineer or land surveyor licensed by the State of Oregon, and be accompanied by a fee as established by the County Commissioners,

(2) The preliminary plan shall include the following information:

(a) Proposed land use, building locations, and dwelling unit densities;

(b) Proposed circulation pattern, indicating the status of street ownership;

(c) Proposed open space uses and proposed ownership of open spaces;

(d) Proposed grading and drainage pattern;

(e) Proposed method of water supply and sewage disposal;

(f) Relation of the proposed development to the surrounding area and the Comprehensive Plan of the county;

(g) A legal boundary survey;

(h) The extent, location, and arrangement

of all off-street parking and loading facilities, and all open spaces and landscaping.

(3) Prior to consideration of the plan by the Planning Commission, the secretary of the Planning Commission shall distribute copies of the preliminary plan to the County Surveyor, Assessor, Sanitarian, Engineer, Roadmaster, the Manager or Council of the nearest city, and other interested parties for study and comments.

(4) The planning staff shall consider the preliminary plan at a meeting at which time the comments of the County Surveyor, Assessor, Sanitarian, Engineer, Roadmaster, planning staff and other interested parties shall also be considered. In considering the plan, the planning staff shall seek to determine that:

(a) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard requirements;

(b) Resulting development will be consistent with the Comprehensive Plan of the county;

(c) The plan can be completed within a reasonable period of time;

(d) The area around the development can be planned to be in substantial harmony with the proposed plan;

(e) The development would not create hazards for, or otherwise conflict with, other intended uses in the zone, and would not be deleterious to uses in the adjacent area;

(f) The streets are adequate for the anticipated traffic and the development will not overload the streets outside the planned area;

(g) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed. Should the planning staff find that the foregoing provisions are satisfied, a public hearing shall be scheduled for the next regular Planning Commission meeting, following the procedures set forth in Section 10.050.

(5) Should the Planning Commission agree with the staff's findings and approve the preliminary plan, authorization shall be given to prepare the final plat according to Article 4 of the Umatilla County Subdivision Ordinance, if the Planning Commission finds to the contrary, it may deny the application or return the plan to the applicant for revision,

(6) In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the purposes of this ordinance.

(7) All zoning permits in a Planned Unit Development shall be issued only on the basis of the approved final plat. Any changes in the approved plan shall be submitted to the Planning Commission for approval.

(8) Unless otherwise provided as a condition for approval of a Planned Unit Development permit, the permittee must divide and transfer units of any development only according to the approved final plat. The transferee shall use and maintain each such unit in strict conformance with the approved permit and final plat.

(9) Whenever a planned unit development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Unit Development shall be indicated on the "Zoning Map of the County of Umatilla" as subdistrict "PD".

## ARTICLE 4, SUPPLEMENTAL REGULATIONS

*Sections:*

<a href="#">4.010</a>	<a href="#">Sign Regulations</a>
<a href="#">4.012</a>	<a href="#">Types of signs</a>
<a href="#">4.014</a>	<a href="#">Limitations on signs</a>
<a href="#">4.016</a>	<a href="#">Application material</a>
<a href="#">4.020</a>	<a href="#">Off-street parking requirements</a>
<a href="#">4.030</a>	<a href="#">Off-street loading requirements</a>
<a href="#">4.035</a>	<a href="#">General provisions off-street parking and loading requirements</a>
<a href="#">4.040</a>	<a href="#">Authorization of similar uses</a>
<a href="#">4.050</a>	<a href="#">Access</a>
<a href="#">4.060</a>	<a href="#">General provisions accessory uses</a>
<a href="#">4.070</a>	<a href="#">Vision clearance</a>
<a href="#">4.080</a>	<a href="#">Outdoor storage</a>
<a href="#">4.090</a>	<a href="#">Mobile homes</a>

### Section 4.010 SIGN REGULATIONS

No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 3 sign, and without being in conformity with the provisions of this ordinance. Official signs of the state, county, or municipalities are exempt from all provisions of this ordinance. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise. Permitted signs in the various zones are indicated by the following table: (See Types of Signs in Section 4.012)

Zone	Types of Signs Permitted
F-1	2, 3, 4, 5, 6
F-1A	2, 3, 4, 5, 6
F-1B	2, 3, 4, 5, 6
F-2	2, 3, 4, 5, 7
F-3	2, 3, 4, 8, 9

F-4	2, 3, 4, 5, 8
F-5	2, 3, 4, 5, 6
F-6	3, 5, 6
R-1	2, 3, 4, 5, 6
R-1A	2, 3, 4, 5, 6
R-2	2, 3, 4, 5, 6
R-3	1, 3, 4, 6
R-4	2, 3, 4, 5, 6
C-1	2, 3, 4, 5, 8, 9
C-2	3, 4, 5, 8, 9
M-1	3, 4, 5, 8, 9
M-2	3, 4, 5, 8, 9

### Section 4.012 TYPES OF SIGNS

#### TYPE 1

One name plate or sign not exceeding two square feet in area for each dwelling.

#### TYPE 2

One name plate not exceeding six square feet in area for each dwelling unit, indicating the name of the homesite, or the name of the occupant, or the home occupation.

#### TYPE 3

Signs permitted in all zones and exempt from zoning permit requirements. Type 3 signs include:

(1) Building plaques, cornerstones, name plates, and similar building identifications attached to the building, but not of a commercial nature;

(2) House and building numbers;

(3) Temporary signs in connection with political and civic campaigns, provided that such signs are removed within fifteen (15) days following the conclusion of the campaign;

(4) Temporary signs identifying proposed or existing construction;

(5) Signs indicating property or structures for sale, lease or rent;

(6) Signs for the purpose of protection of property, such as no hunting, trespassing, or dumping signs; or signs warning of potential danger due to physical or health hazards.

Type 3 signs shall not exceed thirty-two (32) square feet in area. Type 3 signs shall not require a zoning permit.

#### TYPE 4

One temporary sign per tract of land or subdivision, advertising the sale of the tract or the lots, and not exceeding 50 square feet in area nor 12 feet in height.

#### TYPE 5

Signs not exceeding 12 square feet in area, directing vehicular traffic to places of interest which would otherwise be difficult to find, or temporary signs referring to seasonal sales outlets,. There shall be not more than two such signs relating to any one such use, one of which may be an off-premise sign if allowed by a ruling of the Planning Commission.

#### *TYPE 6*

One sign not exceeding 30 square feet in area for buildings other than dwellings, provided that such sign shall be attached to and parallel with the front wall of the building.

#### TYPE 7

One sign facing each bordering street, not

exceeding 32 square feet in area nor 8 feet in height, for buildings other than dwellings.

#### TYPE 8

Signs identifying the use of the premises or the sale of products produced on the premises, provided that any such sign shall be attached to, parallel with, and no larger than the wall on which it is mounted.

#### TYPE 9

One projecting or free-standing sign not to exceed 20 feet in height nor 65 square feet in area for each face. The minimum setback for any part of a sign shall be 10 feet, or shall be at the discretion of the Planning Commission, and shall be measured horizontally from the lot line to the nearest part of the sign. A projecting or free-standing sign shall be allowed only by a ruling of the Planning Commission and shall be limited to those businesses for which an attached flat sign is not suitable due to the nature of the business or the characteristics of the lot.

### **Section 4.014 LIMITATIONS ON SIGNS**

(1) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection;

(2) No sign shall be illuminated by flashing light;

(3) No sign shall contain, include, or be composed of any conspicuous animated part;

(4) In addition to the limitations on signs as provided by (1) through (3) above, additional sign restrictions may be required as determined by the Planning Commission in approving conditional uses, as provided by

Article 7.

administrative employee

**Section 4.016 APPLICATION MATERIAL**

An applicant shall submit with his application for a zoning permit for a sign, in addition to the site plan required for a zoning permit, a plan and four elevations of the sign itself.

High School

One space per classroom plus one space per administrative employee

Retail business service, and commercial establishments

One space for each 200 sq. ft. of floor space amusement

**Section 4.020 OFF-STREET PARKING REQUIREMENTS**

(1) Each use shall provide the following minimum off-street parking spaces. Each parking space shall be a minimum of nine feet wide.

Industrial Use

One space per 2000 sq. ft. of floor space one space per employee, whichever is greater

Conditional Use

To be determined by the Planning Commission in approving conditional uses, as provided by Article 7.

Use	Minimum Required
Single-family Residential	One space per dwelling unit
Two or More Family Residential	1 ½ spaces per dwelling unit
Commercial-Residential	One space per guest room plus one space per employee
Institutional Use	One space per bed
Places of Assembly Church or auditorium	One space per four seats or 8 feet of bench length in the main auditorium
Club, lodge, grange hall	One space per 100 square feet of floor space
Elementary or Junior High School	One space per classroom plus one space per

**Section 4.030 OFF-STREET LOADING REQUIREMENTS**

(1) Passengers: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(2) Merchandise: Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods they are not required for parking.

**Section 4.035 GENERAL PROVISIONS:  
OFF-STREET PARKING AND  
LOADING**

(1) Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin such altered use until the required increase in off-street parking or loading is provided.

(2) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(3) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(4) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the secretary of the Planning Commission in the form of deeds, leases, or contracts to establish the joint use.

(5) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

(6) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or

materials or for the parking of trucks used in conducting the business or use.

(7) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard.

(8) Plans shall be submitted as provided in Section 10.030(3).

(9) Design requirements for parking lots:

(a) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks;

(b) Except for parking to serve residential uses, parking and loading areas adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet in height except where vision clearance is required;

(c) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail;

(d) Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling;

(e) Service drives to off-street parking areas of four or more spaces shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives;

(f) Service drives shall have a minimum vision clearance area bounded by the driveway center line, the street right-of-way

line, and a straight line joining said lines 20 feet from their intersection.

#### **Section 4.040 AUTHORIZATION OF SIMILAR USES**

The Planning Commission may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance.

#### **Section 4.050 ACCESS**

Every building hereafter erected or moved shall be on a lot that abuts a public street or a recorded easement. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

#### **Section 4.060 GENERAL PROVISIONS REGARDING ACCESSORY USES**

An accessory use shall comply with all requirements for a principal use in each zone, except as follows:

(1) An accessory structure in an R-3 Zone shall not exceed 15 feet in height, except radio and TV. antennas, nor 800 square feet in area, and must be detached from other buildings by 5 feet or more and be more than 65 feet from a front lot line, and may be located not less than three feet from a rear or side lot line.

#### **Section 4.070 VISION CLEARANCE**

Vision clearance areas shall be provided, with the following distance establishing the size of the vision clearance area:

(1) In an agricultural or residential zone the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet;

(2) In all other zones the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except that when the angle of intersection between streets is less than 30 degrees the distance shall be 25 feet;

(3) The vision clearance area shall not contain any planting, wall, structure, or obstruction of any kind exceeding 2½ feet in height measured from the grade of the street center line.

#### **Section 4.080 OUTDOOR STORAGE**

(1) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use in any zone provided that:

(a) In an R-3 Zone, parking or storage in a front yard or in a side yard abutting a street other than an alley shall be permitted only on a driveway;

(b) Parking or storage shall be at least three feet from an interior side lot line.

(2) Automotive vehicles or trailers of any kind or type without current license plates, where required, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

#### **Section 4.090 MOBILE HOMES**

*Siting.* Mobile homes may be maintained for residential purposes in the unincorporated

portions of Umatilla County only as provided herein:

- (1) Where permitted by a zoning district pursuant to a zoning permit;
- (2). Mobile homes in authorized mobile home park. A zoning permit is not required for mobile homes located within authorized mobile home parks;
- (3) Temporary Mobile Home placement in conformance with Sections 5.050(b)(3) and 5.070.

*Application.* An application for a zoning permit for a mobile home shall be made to the Planning Department. Except as provided herein, the Planning Department shall issue zoning permits for mobile homes and accessories thereto as authorized by other sections of this ordinance upon compliance with the following requirements:

- (1) The site and location of a mobile home shall meet area, frontage, access, setback, and other requirements of this ordinance;
- (2) The mobile home shall be served by an approved water supply;
- (3) The mobile home shall be served by a sewage disposal system approved by the Department of Environmental Quality;
- (4) All construction and all installation of plumbing, gas piping, electrical equipment and wiring shall comply with all laws and regulations of the State of Oregon;
- (5) The mobile home shall be skirted on its lower perimeter by a fire resistant siding.

*Nonconforming Use.* Mobile homes not conforming with this subsection on the date of

adoption of this ordinance shall be allowed to continue as a nonconforming use. If a mobile home site is discontinued for any reason for more than one year, it shall not be re-established.

*Abatement.* An occupied, abandoned, or unoccupied mobile home may be abated if it constitutes a menace to the public health, safety and welfare, thereby rendering it a public nuisance.

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## ARTICLE 5, EXCEPTIONS

### Sections:

<a href="#">5.010</a>	<a href="#">Yard exceptions</a>
<a href="#">5.015</a>	<a href="#">Lot exceptions</a>
<a href="#">5.020</a>	<a href="#">Erection on more than one principal structure on a lot</a>
<a href="#">5.025</a>	<a href="#">Boundary adjustments</a>
<a href="#">5.030</a>	<a href="#">Home occupations</a>
<a href="#">5.040</a>	<a href="#">Conversion of easement to tax lot</a>
<a href="#">5.050</a>	<a href="#">Temporary special permit</a>
<a href="#">5.060</a>	<a href="#">Special exceptions to minimum area requirements</a>
<a href="#">5.070</a>	<a href="#">Special exceptions for temporary mobile home placement</a>
<a href="#">5.080</a>	<a href="#">Use of existing agricultural buildings in residential zones</a>

### Section 5.010 YARD EXCEPTIONS

(1) Architectural features such as cornices, eaves, sunshades, gutters, chimneys, and flues may project into a required yard. Also steps, terraces, platforms and porches having no roof covering and fences not interfering with the vision clearance requirements may occupy a yard. Signs conforming to the requirements of this ordinance and all other applicable ordinances shall be permitted in required yards.

(2) Canopies: The yard between a canopy and any lot line shall be a minimum of 10 feet. Except that a smaller setback may be permitted if specifically allowed in a given zone.

### Section 5.015 LOT EXCEPTIONS

In any zone, the stated minimum lot area for residential purposes may be abolished by a ruling of the Planning Commission, provided that it is replaced by a maximum gross

density of equal restrictiveness. For example, given an undeveloped five acre parcel in an R-2 Suburban Residential Zone, whether or not subdivided or under one ownership, the Planning Commission may rule on request that, instead of five houses on one-acre lots, there may be a cluster of five houses on a small plot of ground and the remainder of the five acres shall be kept undeveloped and shall not be re-divided for sale or building development.

### Section 5.020 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any farm or residential zone, more than one allowed principal structure or use may be erected on a single lot under one ownership, provided that yard and other requirements of this ordinance are met for each structure as though it were an individual lot no smaller than the minimum allowed in that zone and as though there were lot lines between them. In a commercial or industrial zone each principal structure or use shall be on an individual tax lot. Should a portion of a single tax lot be under separate ownership, either by sale or by an undivided interest, a new separate tax lot must be created before a zoning permit will be issued.

### Section 5.025 BOUNDARY ADJUSTMENTS

(1) Land parcels of less than the minimum allowed in a zone may be transferred by legal document from one tax lot to another, on approval of the Planning Director and the Department of Environmental quality, provided that no resulting tax lot is less than the minimum allowed in that zone.

(2) Adjoining parcels of land under one ownership but on two or more Assessor's maps may be considered as separate parcels or as one combined parcel, at the option of the owner. Once the owner of contiguous parcels has made a declaration that the parcels are to be considered as one, that declaration shall be final, irrevocable, and binding on all future owners, heirs and assigns, and shall be filed for record in the office of the County Clerk and shall be considered for all purposes a covenant attached to and running with the land and binding on subsequent interests.

### **Section 5.030 HOME OCCUPATIONS**

A home occupation is a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, and shall be allowed in any zone, provided that:

(1) The residence character of the building is maintained;

(2) The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

### **Section 5.040 CONVERSION OF EASEMENT TO TAX LOT**

A recorded easement of a specific size on the date of this ordinance may be converted to a tax lot of record only if it is immediately dedicated to the public irrevocably and forever, and such public dedication is approved by the Board of Commissioners.

### **Section 5.050 TEMPORARY SPECIAL PERMIT**

*Authorization:* The Planning Commission, Planning Director or County Commissioners may issue a Temporary Special Permit in any zone for a use not otherwise permitted, for the following purposes and after the following procedures. A Temporary Special Permit may be issued with or without conditions and/or prerequisites, or be denied. A time limit on the permit shall always be imposed.

#### *Procedures and Purposes:*

(a) The Planning Commission, the Board of County Commissioners, a public agency or a property owner may initiate an application for a temporary special permit by filing an application with the secretary of the Planning Commission, using forms prescribed by the Commission;

(b) A Temporary Special Permit may be issued, without a public hearing, by the Planning Director for the following purposes:

(1) For environmental enhancement, or the abatement of environmental pollution of any kind.

(2) For construction purposes, where a permit has been issued.

(3) For temporary placement of a mobile home while a dwelling is being constructed if said dwelling is to be for the applicant's personal use. However, the installation of a separate subsurface sewage disposal system for a temporary mobile home permit granted pursuant to this subsection is prohibited.

(c) A Temporary Special Permit may be

issued by the Planning Commission, after holding a hearing according to Section 10.050, for the following purposes:

(1) To alleviate an unforeseen situation that has arisen since the enactment of this ordinance until a stated permanent solution may be affected.

(2) For a public purpose by a governmental agency, or by a private firm under contract to a public agency for a public purpose, such as a gravel extraction and crushing operation, an asphalt plant and related operations, or a construction storage site, with concrete mixing machines and related operations.

(3) For any other temporary purpose where it can be shown that an overriding public purpose will be served by the issuance of a temporary special permit, and no other mechanism is available to accomplish that purpose.

(d) Within 5 days after a decision has been rendered regarding a temporary special permit, the secretary of the Planning Commission shall give written notice to the applicant of the decision.

(e) An applicant granted a temporary special permit must also obtain a zoning permit before commencing construction.

*Time Limit:* A Temporary Special Permit shall be void after one year unless the permit has been acted upon, or after such lesser time as the permit may specify. However, a permit may be extended for up to one additional year, on request.

### **Section 5.060 SPECIAL EXCEPTIONS TO MINIMUM AREA REQUIREMENTS**

The purpose of this section is to establish

Special Exceptions to the Minimum Area Requirements of certain residential districts. The Special Exception to the Minimum Area Requirements is intended to provide a means for modifying such area requirements in cases where a strict adherence to them might cause unusual or undue hardship to a property owner and contravene the goals of the Comprehensive Plan for Umatilla County. The Special Exception to Minimum Area Requirements is not intended to authorize directly or indirectly speculative land division otherwise prohibited by zoning area requirements. Nothing in this section shall be construed to require the granting of such a Special Exception. A result of this section shall be the preservation of family farms and the preservation of large parcels of farm and forestry lands. The overall density provisions of the applicable zoning district should be retained whenever possible.

*Requirements for the Granting of a Special Exception:* The provisions of this section shall apply only to those residential zoning districts in which applications for Special Exceptions to Minimum Area Requirements are specifically authorized. In such zoning districts, the Special Exception is appropriate for use in the following kinds of situations:

(1) The applicant wishes to create a parcel with an area smaller than that required by the existing zoning for the purpose of establishing a building site for the residence of a relative by blood, marriage, or legal adoption, where such relative has need to reside near the applicant's residence in order to share in the operation and maintenance of the applicant's farm or timber raising activity.

(2) Where there exists a personal, but not necessarily financial hardship on the part of the applicant and because of this hardship the applicant wishes to partition his or her land

for sale, but reserving for the applicant a homestead of less than minimum parcel size required by existing zoning and where:

(a) The applicant owned the parcel at a time when the proposed partitioning would not have been in violation of the zoning ordinance; and

(b) Relocation of the applicant's house or house hold from the property would be detrimental to the applicant's well-being,

*Criteria:* The Hearings Officer shall consider the following criteria in evaluating an application for Special Exception to Minimum Area Requirements:

(1) Unusual Need or Circumstances: The applicant shall be required to show that an unusual combination of circumstances and needs similar to those expressed in 1 or 2 above necessitates the granting of a Special Exception.

(2) Lack of Suitable Alternatives: A Special Exception should be granted only in cases where the applicant's needs cannot be satisfied in a suitable manner under the other procedures and provisions of this ordinance, except for those dealing with zone changes.

(3) Preservation of Economic Land Units: While this granting of any single Special Exception is unlikely to cause significant detrimental effects upon any residential zoning district, the cumulative effects of such exceptions should be analyzed carefully. The trends and patterns in division of land to insure that the granting of a Special Exception will not initiate, accelerate, or otherwise cause the conversion of a zoning district's agricultural or forest lands to more intensive development and uses.

(4) Conformance with Land Division

*Regulations:* Any parcel to be created as the result of the granting of a Special Exception shall conform with all applicable provisions of this ordinance and the Umatilla County Subdivision Ordinance except for those dealing with minimum parcel area..

The Hearings Officer may develop and recommend to the Board for adoption additional criteria and policies regarding applications for Special Exceptions.

*Partition Process Required:* The granting of a Special Exception by the Hearings Officer shall be considered only a waiver of Minimum Area Requirements. Such a granting does not constitute an approval to partition land; any applicant granted a Special Exception shall be required to conform to all appropriate procedures and requirements for partitioning land.

*Multiple Applications:* Application for a Special Exception to circumstances or needs of the applicant; the burden of demonstrating such circumstances or needs shall be successively greater for any application beyond the first by the same property owner or for the same parcel,

*Conditions:* In granting a Special Exception, reasonable conditions may be imposed as are necessary to meet the purposes and criteria of this section and the goals and policies of the Umatilla County Comprehensive Plan. Guarantees and evidence of compliance with such conditions may be required.

## **Section 5.070 SPECIAL EXCEPTIONS FOR TEMPORARY MOBILE HOME PLACEMENT**

The purpose of this section is to establish Special Exceptions for temporary mobile home placement. These exceptions are

intended to provide a means for modifying mobile home placement requirements in cases where strict adherence to them might cause unusual or undue hardship to a citizen and contravene the goals of the Comprehensive Plan for Umatilla County. Undue hardship shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel such as a dwelling for seasonal farm labor, aged or disabled family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal use on the property in question. Nothing in this section shall be construed to require the granting of such a Special Exception.

*Circumstances for Granting a Special Exception for Temporary Mobile Home Placement:* A mobile home may be temporarily located on a building site or lot under the following circumstances:

(1) Where there exists a personal, but not necessarily financial, hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile home; however, the installation of a separate subsurface sewage disposal system for a temporary mobile home permit granted pursuant to this sub-section is prohibited.

(2) Where the resident of the mobile home is to be engaged in bona fide agricultural, forestry management or mineral extraction work on the subject property. Conditions: The following conditions shall be applied by the Hearings Officer in evaluating an application for Special Exception for Temporary Mobile Home Placement:

(1) Approval shall clearly set forth the conditions under which the temporary mobile home placement is allowed.

(2) Approval shall be for a period of one year which may be renewed. However, the mobile home shall be removed thirty (30) days after the original need has ceased.

(3) The Hearings Officer may require doctor's certification for applications based upon family member dependency due to medical reasons.

(4) The location of a temporary mobile home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply.

(5) In granting a Special Exception for Temporary Mobile Home Placement, the Hearings Officer may impose additional reasonable conditions to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.

### **Section 5.080 USE OF EXISTING AGRICULTURAL BUILDINGS IN RESIDENTIAL ZONES**

Agricultural buildings (barns, sheds, etc.) no longer used for agricultural purposes and located in residential zoning districts may be used for other uses such as, but not limited to, storage, warehouse, home occupations (in accordance with Section 5.030(2)), or very limited commercial or manufacturing uses, as a conditional use in accordance with Article 7.

The Hearings Officer shall approve said Conditional Uses if it is determined that:

(1) The use does not contravene the goals of the Comprehensive Plan.

(2) The use would be in keeping with the general purpose and intent of the zoning district involved.

(3) The residential quality of the area is protected by conditions including, but not limited to:

(a) Any storage shall be contained entirely within the building;

(b) Stored material shall not be in view of the general public from any street, road or easement used for residential access;

(c) A site obscuring fence or hedge may be required to provide an attractive setting;

(d) The traffic generated by the use should not exceed a weekly average of five trips per day and on no one day exceed ten trips;

(e) Artificial lighting shall be discouraged, but if a need is shown for lighting then it shall be directed away from surrounding residences;

(f) No sign shall be allowed except for one freestanding sign that conforms to a Type 5 sign as outlined by Section 4.012 of this ordinance and by a ruling of the County Hearings Officer.

(g) Department of Environmental Quality noise regulations that may apply.

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## ARTICLE 6, NONCONFORMING USES

*Sections:*

- [6.010](#)     [Continuation of nonconforming use or structure](#)
- [6.020](#)     [Discountenance of nonconforming use](#)
- [6.030](#)     [Change of nonconforming use](#)
- [6.040](#)     [Destruction of nonconforming use or structure](#)
- [6.050](#)     [Completion of structure](#)
- [6.060](#)     [Nonconforming lots of record](#)
- [6.065](#)     [Setbacks on nonconforming lots of record](#)

### **Section 6.010 CONTINUATION OF NONCONFORMING USE OR STRUCTURE**

Subject to the provisions of ORS 215.130 and provisions of Section 6.010 through 6.070 of this ordinance, a nonconforming use or structure may be continued but may not be altered or extended, except as follows:

- (1) The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use;
- (2) A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance;
- (3) A nonconforming mobile home may be replaced or altered if the new mobile home or alteration does not deviate further from the standards of this ordinance.

### **Section 6.020 DISCONTINUANCE OF A NONCONFORMING USE**

If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.

### **Section 6.030 CHANGE OF NONCONFORMING USE**

If a nonconforming use is replaced by another use the new use shall conform to this ordinance.

### **Section 6.040 DESTRUCTION OF NONCONFORMING USE OR STRUCTURE**

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause except intentional destruction by the owner to an extent exceeding 80 percent of its fair market value as indicated by the records of the County Assessor and is not begun to be reconstructed within one year from the date of destruction, a future structure or use on the site shall conform to this ordinance.

### **Section 6.050 COMPLETION OF STRUCTURE**

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which construction has commenced prior to the adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed or shows reasonable progress toward completion within two years of the effective date of this ordinance. If after two years time, reasonable

progress has been shown, an extension of time must be requested from the Planning Commission.

overhang. (Revised 11/72)

### **Section 6.060 NONCONFORMING LOTS OF RECORD**

Any lot which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone, provided that:

(1) The lot was a tax lot of record on the date of this ordinance, or was a lot in a recorded subdivision, and

(2) The use conforms to all other requirements of that zone, and

(3) If there is an area deficiency, residential use shall be limited to Single-family dwelling or a Two-family dwelling, and (Revised 11/72)

(4) Approval of the Department of Environmental Quality is obtained.

A nonconforming lot of record may not be re-divided or reduced in area unless it is rezoned to become legally dividable, except as provided for by Section 1.030(2).

### **Section 6.065 SETBACKS ON NONCONFORMING LOTS OF RECORD**

Any structure built on a nonconforming lot of record 100 feet or less in width shall be exempt from the side yard setback requirements of the various zones, except that no structure shall be located less than five feet from a side property line or ten feet from a structure on an adjoining lot unless the facing wall of the new structure is a noncombustible masonry fire-wall without openings or roof

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## ARTICLE 7, CONDITIONAL USES

*Sections:*

- [7.010](#) [General provisions regarding conditional uses](#)
- [7.020](#) [Procedure for taking action on a conditional use application](#)
- [7.030](#) [Time limit on a conditional use permit](#)
- [7.035](#) [Limit on reapplication](#)
- [7.040](#) [Suggested standards governing conditional uses](#)

### Section 7.010 GENERAL PROVISIONS REGARDING CONDITIONAL USES

Conditional uses listed in this ordinance may be permitted, enlarged, or altered upon authorization by the Hearings Officer in accordance with the standards and procedures set forth in Sections 7.010 through 7.040 inclusive.

(1) In permitting a new conditional use or the alteration of an existing conditional use the Hearings Officer may impose additional conditions which the Hearings Officer considers necessary to protect the best interests of the surrounding area or the county as a whole.

(2) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.

(3) The county may require an applicant to furnish the county with a performance bond or such other form of assurance that the county deems necessary to guarantee development in accordance with the standards

established and conditions attached in granting a conditional use.

### Section 7.020 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION

The procedure for taking action on a conditional use application shall be as follows:

(1) A property owner or the Planning Commission may initiate a request for a conditional use by filing an application with the secretary of the Planning Commission, using forms prescribed pursuant to Section 10.030.

(2) Within 60 days of receipt of the application, the Hearings Officer of the county shall hold a hearing and take action thereon. Applicant shall be given written notice of the decision by the Planning Director or the secretary of the Planning Commission within five days of the decision,

(3) A Conditional Use Permit shall not be approved unless the proposed use of the land would be in compliance with the Umatilla County Comprehensive Plan.

(4) An applicant granted a conditional use permit must also obtain a zoning permit before commencing construction.

### Section 7.030 TIME LIMIT ON A CONDITIONAL USE PERMIT

A Conditional Use Permit shall be void after one year or such lesser time as the permit may specify unless the permit allowed has been acted upon. However, the Hearings Officer may extend authorization for an additional period not to exceed one year, on

request.

### **Section 7.035 LIMIT ON REAPPLICATION**

No application for a Conditional Use Permit shall be considered by the Hearings Officer within one year of the denial of such a request, unless in the opinion of the Hearings Officer new evidence or a change of circumstances warrant it.

### **Section 7.040 SUGGESTED STANDARDS GOVERNING CONDITIONAL USES**

In addition to the standards of the zone in which the conditional use is located and the general standards of this ordinance, the Hearings Officer shall consider the following additional requirements:

(1) Conditional uses, generally:

(a) Yards:

In an F-2, F-4, F-5, R-2, R-3 and R-4 Zone, yards may be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.

(b) Limitations on access to property and on openings to buildings:

In an R-3 and R-4 Zone, the Hearings Officer may limit or prohibit vehicle access from a conditional use, and it may limit or prohibit building openings within 50 feet of residential property if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

(2) Automobile wrecking yard, junkyard:

In considering a conditional use

application for an automobile wrecking yard, or junkyard, the Hearings Officer may require that it be enclosed by a sight-obscuring fence not less than six feet high.

(3) Airports and aircraft landing fields, aircraft charter, rental, service and maintenance facilities:

The Hearings Officer shall be satisfied that the location and site design of the facility will not be hazardous to the safety and general welfare of surrounding properties, nor that the location will unnecessarily restrict future development of surrounding lands to their highest and best use.

(4) Cemeteries:

The Hearings Officer may require evidence that the terrain is suitable for interment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies. It should not be placed where residential development is desired. Room for expansion should be provided, as required.

(5) Church, hospital, nursing home, convalescent home:

A church, hospital, nursing home, convalescent or retirement home may be authorized as a conditional use after consideration of the following factors: sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses with additional lot area required); location of the site relative to the service area of the church, hospital, or home; probable growth and growth needs; site location relative to land uses in the vicinity; and adequacy of access from principal streets together with the probable effect on the traffic

volumes of abutting and nearby streets.

A church, hospital, nursing home, convalescent home, retirement home, or related building shall be at least 30 ft. from a side or rear lot line.

(6) Clinics, clubs, lodges, fraternal organizations, community centers and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs and similar activities, governmental structures and land uses, parks, playgrounds.

In considering the above, the Hearings Officer may authorize the conditional use after assurance that the following is to be provided:

(a) Adequate access from principal streets;

(b) Adequate off-street parking;

(c) Adequate building and site provisions to minimize noise and glare from the building and site.

(7) Dog Pounds and kennels:

The Hearings Officer may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Hearings Officer may require a sight obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

(8) Dwellings, permanent and seasonal or vacation, summer or weekend cottages, hunting and fishing cabins: The Hearings Officer may authorize either permanent or

seasonal dwellings, cottages, and cabins in the county's forest and other recreation areas, after assurance that the applicant is prepared to provide for and maintain their own public service needs without creating hazards to public health or placing unreasonable demands of public agencies, such as the county and the school district, that are normally responsible for providing certain public services.

(9) Gun and archery ranges:

The Hearings Officer may allow gun and archery ranges after satisfaction that the ranges are to be located and designed to avoid endangering persons or livestock in adjacent areas.

(10) Hog farm, livestock feed yard, livestock sales yard:

(a) In considering a conditional use application for a hog farm, livestock sales yard, or livestock feed yard, the Hearings Officer may require:

(1) That the hog farm, livestock sales or livestock feed yard be located no closer than 1000 feet to a lot in a residential zone;

(2) That the hog farm, livestock sales or livestock feed yard be located no closer than 100 feet to a principal highway or major county road as shown on the Comprehensive Plan;

(3) That provisions have been made for adequate drainage and pest control.

(b) In addition to any other requirements of this ordinance, the Hearings Officer may consider and impose such other requirements as it deems necessary to the health, safety, and welfare of the citizens of the county, including location of the use with respect to

prevailing wind patterns and other existing or potential development, and limitations of the number of animals to be kept on the premises.

(11) Landfill, solid waste disposal site:

The Hearings Officer may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

(a) The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area;

(b) The proposed site shall be located in or as near as possible to the area being served;

(c) The proposed site shall be located at least one-fourth mile from any existing dwelling, house or public road (except the access road);

(d) The proposed site shall be provided with a maintained all-weather access road.

(12) Mining, quarrying, or other extraction activity:

(a) Plans and specifications submitted to the Hearings Officer for approval must contain sufficient information to allow the Hearings Officer to consider and set standards pertaining to the following:

(1) The most appropriate use of the land;

(2) Setback from the property line;

(3) The protection of pedestrians and vehicles through the use of fencing and screening;

(4) The protection of fish and wildlife habitat and ecological systems

through control of potential air and water pollutants;

(5) The prevention of the collection and the stagnation of water at all stages of the operation;

(6) The rehabilitation of the land upon termination of the operation.

(b) Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which may be injurious or annoying to persons or other uses in the vicinity.

(c) The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.

(13) Mobile home park, trailer park:

A mobile home park or trailer park may be permitted as a conditional use provided it meets the requirements of Chapter 446, Oregon Revised Statutes, and the Rules and Regulations Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trailer Parks adopted by the Oregon State Board of Health. In addition, the following minimum standards may apply:

(a) Parking space requirements:

A parking space shall be provided for each mobile home or trailer space on the site. In addition, guest parking spaces shall also be provided in every mobile home or trailer park within 200 feet of the spaces served and at a ratio of one parking space for each two mobile home or trailer spaces. Parking spaces shall have durable and dustless surfaces

adequately maintained for all-weather use and shall be properly drained.

(b) In order to protect the character of the neighborhood and to provide maximum privacy within the mobile home or trailer park, the officer may require a sight-obscuring fence or hedge not less than six feet in height enclosing the mobile home or trailer park except at points of ingress and egress. Suitable landscaping may also be required.

(c) The site must have its primary direct access to a major arterial street as shown on the master road plan.

(d) No mobile home or trailer park should be created on a site of less than one acre in area.

(e) Minimum lot area:

Mobile Homes - 3,000 square feet.

Vacation Trailers - 1,200 square feet.

Or as determined by the Department of Environmental Quality.

(f) Minimum lot width:

Mobile Homes - 40 feet.

Vacation Trailers - 30 feet.

(14) Radio, television tower, utility station, or substation:

(a) In a residential zone, all equipment storage on the site may be within an enclosed building;

(b) The use may be fenced and provided with landscaping;

(c) The minimum lot size for a public

utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property;

(d) Transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designed, and installed as to minimize their conflict with scenic values,

(15) Recreational camps, resorts:

In considering a conditional use application for a recreational camp or resort the Hearings Officer may require:

(a) Sufficient off-street parking space for owners, employees, and patrons, with ingress and egress properly designed for maximum traffic safety;

(b) Evidence that the use of the property shall not be detrimental to nor substantially interfere with the effective use of surrounding lands for agricultural purposes;

(c) Evidence that access roads and other land clearing will not cause excessive erosion;

(d) Certification by the Oregon Department of Environmental Quality that subsoil sewage disposal facilities have been properly designed;

(e) That the development will not materially detract from the scenic value of the immediate locale.

(16) Roadside stands for the sale of agricultural products:

In considering roadside stands the Hearings Officer may authorize a conditional use after assurance that adequate off-street parking will be provided, and that ingress and egress will not create traffic hazards.

(17) Rock crushers, asphalt plants:

A rock crusher or asphalt plant shall not be located closer than 500 feet to an existing residence or a residential zone. Access roads shall be constructed, maintained and operated in such a manner as to eliminated, as far as is practicable, noise, vibration or dust which may be injurious or substantially annoying to persons living in the vicinity.

(18) Schools:

(a) Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from abutting lots and from a street.

(b) Elementary schools shall provide a basic site area of five acres plus one additional acre for each 100 pupils of predicted enrollment.

(c) Secondary schools shall provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.

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## ARTICLE 8, VARIANCES

*Sections:*

- [8.010 Authorization to grant or deny variances](#)
- [8.015 Minor variances](#)
- [8.020 Circumstances for granting variances](#)
- [8.030 Procedure for taking action on a variance](#)
- [8.040 Time limit on a permit for a variance](#)
- [8.045 Limit on reapplication](#)

### **Section 8.010 AUTHORIZATION TO GRANT OR DENY VARIANCES**

The Hearings Officer of the county may grant a variance to the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Hearings Officer may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity or otherwise achieve the purposes of this ordinance.

### **Section 8.015 MINOR VARIANCES**

Variations involving the following may be granted by the Planning Director after a thorough examination and upon presentation of the following evidence:  
Minor variances involve only the following circumstances:

- (1) Deviation from a minimum lot size or

setback by not more than 11%.

- (2) Expansion of a nonconforming use by not more than 10%.

- (3) Increase in the area or height of a sign by not more than 10%.

- (4) Any provision of Section 4.060(1) governing accessory structures.

*Evidence:*

A minor variance may be granted only where the applicant can show that literal application or enforcement of the ordinance would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest or the intent or spirit of the ordinance.

*Procedure:*

Upon receipt of the application form and payment of the usual application fee for a variance, the Planning Director shall render a decision within 5 working days, or he may elect to defer the decision to the Planning Commission. Additional information may be requested by the Planning Director in arriving at his decision.

*Notice to property owners:*

Should the Planning Director or the Planning Commission decide to grant a minor variance, the decision shall not become final until 15 days have elapsed. A notice of the proposed variance shall be mailed within 2 days to all owners of property within 250 feet of the subject property, and objections and comments solicited. If written objections to the proposed variance are received within the 15 day period, a public hearing shall be held according to Section 10.050 of this ordinance.

If no objections to the variance are received, the decision shall become final and effective at the end of the 15 day period.

*Appeal:*

A decision of the Planning Director may be appealed only to the Planning Commission. A decision of the Planning Commission may be appealed only to the Board of Commissioners. An appeal must be filed in writing with the Secretary of the Planning Commission within 15 days of the decision being appealed, or that decision will be final.

**Section 8.020 CIRCUMSTANCES FOR GRANTING A VARIANCE**

A variance may be granted under some or all of the following circumstances:

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this ordinance have had no control;

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owners of other property in the same zone or vicinity;

(3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy;

(4) The variance requested is the minimum variance which would alleviate the

hardship.

**Section 8.030 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION**

The procedure for taking action on an application for a variance shall be as follows:

(1) A property owner or the Planning Commission may initiate a request for a variance by filing an application with the secretary of the Planning Commission, using forms prescribed pursuant to Section 10.030;

(2) Within 60 days of receipt of the application, the Hearings Officer of the county shall hold a hearing and render a decision thereon. Applicant shall be given written notice of the decision by the Planning Director or the secretary of the Planning Commission within five days of the decision;

(3) An applicant granted a variance must also obtain a zoning permit before commencing construction.

**Section 8.040 TIME LIMIT ON A PERMIT FOR A VARIANCE**

A variance shall be void after one year unless the variance allowed has been substantially completed. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request.

**Section 8.045 LIMIT ON REAPPLICATION**

No application for a variance shall be considered by the Hearings Officer within one year of the denial of such a request, unless, in

the opinion of the Hearings Officer, new evidence or a change of circumstances warrant it.

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## ARTICLE 9, AMENDMENTS

Sections:

- [9.010](#)      [Authorization to initiate amendments](#)
- [9.015](#)      [Compliance with comprehensive plan](#)
- [9.020](#)      [Public hearings on amendments](#)
- [9.030](#)      [Appeal of less intensive use than requested](#)
- [9.040](#)      [Conditions to amendments](#)
- [9.050](#)      [Record of amendments](#)
- [9.060](#)      [Limitations on reapplication](#)

### **Section 9.010 AUTHORIZATION TO INITIATE AMENDMENTS**

An amendment to the text of this ordinance or to a zoning map may be initiated by the County Board of Commissioners, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the secretary of the Planning Commission, using forms prescribed pursuant to Section 10.030.

### **Section 9.015 COMPLIANCE WITH COMPREHENSIVE PLAN**

An amendment to the text of this ordinance or to a zoning map shall comply with the provisions of the Umatilla County Comprehensive Plan text and Comprehensive Land Use Map. Any deviation from this section shall be preceded by an amendment to the Comprehensive Plan Text or to the Comprehensive Land Use Map. However, if the existing use of the property is allowed outright in the requested zone, compliance with the Comprehensive Plan is not necessary.

### **Section 9.020 PUBLIC HEARINGS ON AMENDMENTS**

The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures of Section 10.050 at its earliest practicable meeting after it is proposed.

The decision of the Planning Commission shall be final unless appealed. Appeal shall be to the County Board of Commissioners who shall hold a public hearing on any appeal, pursuant to Section 10.020. Appeal shall be heard on a de novo basis.

### **Section 9.030 APPEAL OF LESS INTENSIVE USE THAN REQUESTED**

The Planning Commission, or the County Board of Commissioners, if appealed, may approve a less intensive use or zone than requested without readvertising or holding an additional hearing. However, the granting of a remedy other than the one requested shall be prohibited.

*Example:* A request for a zoning amendment from R-1 (4 acres) to R-2 (1 acre) may be granted R-1A (2 acres). However a Conditional Use Permit or a Variance shall not be granted instead of a Zone Amendment.

### **Section 9.040 CONDITIONS TO AMENDMENTS**

The Planning Commission may adopt or reject an amendment, or any portion thereof, as set forth in the request, or may impose conditions to the amendment or portions thereof.

(1) Conditions to amendments shall be completed within the time limitations set forth by the County, or if no such time limitation is set, within a reasonable time.

(2) Such conditions shall directly benefit the property described in the amendment and shall be imposed only if the County finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare.

(3) Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the petition in the following respects:

(a) Protection of the public from potentially deleterious effects of the proposed use; or

(b) Fulfillment of the need for public service demands created by the proposed use.

(4) Changes or alterations of conditions shall be proposed in the manner set forth in Sections 9 and 10 of this Ordinance, for amendments.

(5) Such conditions shall be set forth in a contract executed between the County, acting by and through the Board of County Commissioners, and the property owner and any contract purchasers. No amendments with conditions shall be effective until such properly executed contract is filed with the County Clerk, and proof of filing be submitted to the Planning Office. Such contract shall be properly signed and executed within 45 days after Commission actions on the amendment with conditions, provided, however, that the Commission may grant reasonable extensions in cases of practical difficulty. Such extensions shall not restrict the power of the County to rezone with or

without conditions. In return for the granting of the petition for amendment, the property owner, contract purchasers and their heirs, successors and assigns shall perform those conditions set forth therein for the benefit of the public health, safety and welfare. Said contract shall be enforceable against the signing parties, their heirs, successors and assigns by the County by appropriate action in law or suit in equity.

(6) Failure to fulfill any conditions to amendments within the time limitations may be grounds for amendments to the zoning map (changes in zone) upon initiation by the proper parties pursuant to the procedure set forth in Sections 9, 10, and 11 of this ordinance.

(7) The County may require a bond in a form acceptable to the County or cash deposit from the property owner or contract purchaser in such an amount as will assure compliance with the conditions imposed pursuant to this section. Such bond shall be posted at the same time the contract containing the conditions to the amendment is filed with the County Clerk.

#### **Section 9.050 RECORD OF AMENDMENTS**

The County Clerk shall maintain records of amendments to the text and zoning map of the ordinance.

#### **Section 9.060 LIMITATION ON REAPPLICATION**

No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except that the

Planning Commission may permit a new application if in the opinion of the Planning Commission new evidence or a change of circumstances warrant it

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## ARTICLE 10, ADMINISTRATIVE PROVISIONS

*Sections:*

<a href="#">10.010</a>	<a href="#">Administration</a>
<a href="#">10.020</a>	<a href="#">Appeals</a>
<a href="#">10.030</a>	<a href="#">Form of petitions, applications, and appeals</a>
<a href="#">10.040</a>	<a href="#">Filing fees</a>
<a href="#">10.050</a>	<a href="#">Public hearings</a>
<a href="#">10.055</a>	<a href="#">Hearings officer</a>
<a href="#">10.060</a>	<a href="#">DEQ approval</a>

### **Section 10.010 ADMINISTRATION**

The secretary of the Planning Commission shall have the power and duty to enforce the provisions of this ordinance. The County Board of Commissioners may appoint agents to issue zoning permits and to otherwise assist the secretary in the processing of applications.

### **Section 10.020 APPEALS**

(1) An appeal from a ruling of the secretary of the Planning Commission or his authorized agent regarding a requirement of the ordinance may be made only to the Planning Commission,

(2) An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the County Board of Commissioners within 15 days after the Planning Commission has rendered its decision. Written notice of the appeal shall be final. If the appeal is filed, the County Board of Commissioners shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing

on the appeal. The Planning Commission report shall be read into the record of the public hearing.

(3) An action or decision of the Hearings Officer may be appealed to the Board of Commissioners within 15 days of his decision. The appeal must be in writing and be filed with the Planning Director or the secretary of the Planning Commission. A decision not appealed within 15 days shall be final. If an appeal is filed, the County Board of Commissioners shall receive the written findings of the Hearings Officer, his decision, and a copy of the minutes of the hearing, and shall hold a public hearing on the appeal.

The Board of Commissioners may amend, rescind or affirm the action of the Hearings Officer.

### **Section 10.030 FORM OF PETITIONS, APPLICATIONS, AND APPEALS**

Petitions, applications, and appeals provided for in this ordinance shall be made on forms prescribed by the county. Applications shall be accompanied by plans and specifications, drawn to scale, showing the following:

- (1) Actual shape and dimensions of the site;
- (2) The size and location of all existing and proposed structures;
- (3) Existing land forms and land uses in the surrounding area;
- (4) Relative size and location of major arterial and local roads;
- (5) Access points adjoining streets and areas designated for off-street parking and

loading;

(6) Proposed road and lot layout;

(7) Location of wells, septic tanks or extensions of necessary community facilities;

(8) Such other information as needed in order to determine conformance with this ordinance.

### **Section 10.040 FILING FEES**

An application required by this ordinance shall be accompanied by a filing fee in an amount as established by order of the County Board of Commissioners. A filing fee under this ordinance may be waived as follows:

(1) By the Planning Director where the strict application of this ordinance would result in the payment of a double fee for a single event, or where an application has resulted from an apparent staff error;

(2) By the Board of County Commissioners or the Planning Commission for good cause at the request of an applicant.

### **Section 10.050 PUBLIC HEARINGS**

(1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the county at least 10 days prior to the the date of the hearing.

(2) In addition, a notice of hearing on a conditional use, a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property for which the variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be

mailed at least ten days prior to the date of hearing.

(3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(4) The notice provisions of this sections shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

(5) The Planning Commission and the County Board of Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

### **Section 10.055 HEARINGS OFFICER**

(1) The County Board of Commissioners may appoint or designate (one or more qualified persons as planning and zoning hearings officers, to serve at the pleasure of and at a salary fixed by the Board of Commissioners. The Hearings Officer shall have power to conduct hearings on applications for Variances and Conditional Use Permits under this ordinance.

(2) In the absence of a hearings officer or his inability to serve, the Planning Commission shall serve as hearings officer with all the same powers and duties.

(3) The Hearings Officer shall use the same procedures for the conduct of hearings as does the Planning Commission.

(4) An action or decision of the Hearings Officer may be appealed to the County Board

of Commissioners, following the procedures set forth in Section 10.010, and the Board of Commissioners shall hold a hearing thereon.

(5) The Hearings Officer may use the procedures of Section 9.040 to impose conditions upon Variances and Conditional Use Permits.

#### **Section 10.060 DEQ. APPROVAL**

No zoning permit shall be issued for any use or structure which will have plumbing of any kind, or be connected to a sanitary subsurface disposal system until written approval is obtained by the applicant from the Oregon Department of Environmental Quality.

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## ARTICLE 11, GENERAL PROVISIONS

*Sections:*

<a href="#">11.010</a>	<a href="#">Interpretation</a>
<a href="#">11.020</a>	<a href="#">Severability</a>
<a href="#">11.030</a>	<a href="#">Remedies</a>
<a href="#">11.040</a>	<a href="#">Repeals</a>

### Section 11.010 INTERPRETATION

Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, the provisions which are more restrictive shall govern.

### Section 11.020 SEVERABILITY

The provisions of this ordinance are severable if any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

### Section 11.030 REMEDIES

A person violating a provision of the ordinance shall be subject to the provisions of ORS 215.180; 215.185, 215.190; and 215.990 as follows:

*"215.180:* Unlawful construction or use a nuisance: The location, erection, construction, maintenance, repair, alteration or use of a building or other structure, or the subdivision, other partitioning, or use of land, in violation of an ordinance or regulation authorized by ORS 215.010 to 215.190 shall be deemed a nuisance." *"215.185: Remedies*

for unlawful structures or land use: In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used in violation of an ordinance or regulation authorized by ORS 215.010 to 215.190, the governing body or district attorney of the county or a person whose interest in real property in the county is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under ORS 22.010, the person shall furnish undertaking as provided in ORS 32.010 to 32.060."

*"215.190:* Violation of regulations: No person shall locate, construct, maintain, repair, alter, or use a building or other structure or use or transfer land in violation of an ordinance or regulation authorized by ORS 215.010 to 215.190."

*"215.990:* Penalties: (1) Violation of any provision of ORS 215.010 to 215.190, or of any ordinance or regulation adopted pursuant to ORS 215.010 to 215.190, is punishable, upon conviction, by:

(a) A fine of not more than \$100 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.

(b) A fine of not more than \$500 where the offense is not a continuing offense.

(2) Justices' courts, district courts and circuit courts have concurrent jurisdiction

over prosecutions under subsection (1) of this section.

(3) Violation of subsection (3) of ORS 215.520 is a misdemeanor."

### **Section 11.040 REPEAL**

All previous Umatilla County Zoning Ordinances, whether permanent, interim or special purpose, and all amendments thereto are hereby repealed.

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## **ADDENDA: Explanation of the F-1 Zone**

The F-1 Exclusive Farm Zone is based on, and copied from, Oregon Revised Statutes (ORS), Chapter 215.203 and 215.213, as revised by Chapter 503, Oregon Laws 1973. The F-1 Zone has been created to take advantage of the property tax provisions of ORS Chapter 308.370(1) which provides that “Any land which is within a farm use zone. . . and which is used exclusively for farm use as defined in subsection (2) of ORS 215,203, shall be assessed at its true cash value for farm use.” This zone, therefore, allows the farmer to receive the special “farm use” tax assessment (also known as the “tax deferral”) as usual, but with the following important differences:

(1) The special “farm use” land valuation for tax purposes is automatic and need not be applied for, and

(2) No “deferred tax” will be recorded for the property, and previously accumulated deferred tax on record will be forgiven and wiped off the tax records.

Note that there are two conditions which must be met before the above provisions come into effect:

(1) The land must be zoned F-1, and

(2) Use of the land must fall within the definitions in ORS 215.203.

### **OREGON STATUTES**

The F-1 Exclusive Farm Zone is based on Oregon Revised Statutes 215.203 and 215.213, as reproduced below:

215.203: Adoption of zoning ordinances establishing farm use zones: “farm use” defined.

(1) Zoning ordinances may be adopted under ORS 215.010 to 215.190 to zone designated areas of land within the county as farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213. Farm use zones shall be established only when such zoning is consistent with the overall plan of development of the county.

(2) (a) As used in this section, "farm use" means the current employment of land including that portion of such lands under buildings supporting accepted farming practice for the 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 other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS chapter 321, or to the construction and use of dwellings customarily provided in conjunction with the farm use.”

(2) (b) “Current employment” of land for farm use includes (A) land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P. L. 84-540, 70 Stat. 188); (B) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; and (C) land planted in orchards or other perennials prior to maturity.

215.203: Nonfarm Uses Permitted Within Farm Use

(1) The following nonfarm uses may be established in any area zoned under ORS 215.010 for farm use:

- (a) Public or private schools.
- (b) Churches.
- (c) The propagation or harvesting of a forest product.
- (d) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- (e) The dwellings and other buildings customarily provided in conjunction with farm use, referred to in paragraph (a) of subsection (2) of ORS 215.203.

(2) The following nonfarm uses may be established, subject to the approval of the governing body of the County, in any area zoned under ORS 215.010 to 215.190 for farm use:

- (a) Commercial activities that are in conjunction with farm use.
- (b) Operations conducted for the exploration, mining, and processing of geothermal resources as defined by subsection (4) of ORS 522.010, aggregate and other mineral resources or other subsurface resources.
- (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds,
- (d) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit

community organization.

(e) Golf Courses

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

(3) Single-family residential dwellings, not provided in conjunction with farm use, may be established, subject to the approval of the governing body of the County in any area zoned under ORS 215.010 to 215.190 for farm use upon a finding by the governing body that each such proposed dwelling:

(a) Is compatible with farm uses described in subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243; and

(b) Does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use; and

(c) Does not materially alter the stability of the overall land use pattern of the area; and

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and

(e) Complies with such other conditions as the governing body of the County considers necessary.

NOTE: Land in the F-1 Zone falls under the provisions of ORS 380.370 (1). This does not mean, however, that land must be zoned F-1 to get the special farm use assessment. ORS 308.270(2) also provides as follows:

“Any land which is not within a farm use zone (F-1) but which is being used, and has been used for the preceding two years, exclusively for farm use as defined in subsection (2) of ORS 215.203 shall (upon application and approval) be assessed at its true cash value for farm use and not at the true cash value it would have if applied to other than farm use.”

NOTE: Other parts of ORS referred to above are as follows:

ORS 215.010 to 215.190: Authorizes the creation of County Planning Commissions, gives them certain powers and duties, sets procedures.

ORS 231: Governs Eastern Oregon Forest Products Harvest Tax.