

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

TO: Board of Commissioners
FROM: Carol Johnson, Senior Planner
DATE: March 8, 2016
CC: Tamra J. Mabbott, Planning Director
Doug Olsen, County Counsel
SUBJECT: **March 16, 2016, Board of Commissioners
Hearing**
2015 Annual Umatilla County Code Update
Text Amendment, #T-15-064

.....

Over the past year staff has gathered information as prospective amendments to the Umatilla County Development Ordinance (aka our Development Code). These amendments consist of code clarifications and amendments required by recently enacted State Law.

The amendments are shown with the proposed additions underlined and the text to be removed in strikethrough. Included with each proposed change is a short summary or reason for the change.

One comment letter concerning the proposed amendments was received from Attorney David Hadley. Mr. Hadley's letter is included for your consideration.

The proposed amendments were presented to the Planning Commission for review, discussion, and recommendation to the Board of Commissioners. The Planning Commission made minor language changes and unanimously passed a motion to recommend approval of the Code Update to the Board of Commissioners.

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, February 25, 2016
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon**

COMMISSIONERS

PRESENT: Vice Chair, Gary Rhinhart, David Lee, Suni Danforth, Don Marlatt, Don Wysocki, Tami Green, Cecil Thorne
ABSENT: Chair, Randy Randall, Tammie Williams
STAFF: Tamra Mabbott, Carol Johnson, Bob Waldher, Brandon Seitz, Tierney Dutcher

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. A RECORDING OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.

CALL TO ORDER:

Vice Chair Gary Rhinhart called the meeting to order at 6:30 p.m. and read the opening statement.

MINUTES:

Vice Chair Rhinhart asked the Planning Commission to review the minutes from January 28, 2016 and moved for adoption. Motion carried by consensus.

CONTINUED HEARING:

REQUEST FOR A PUBLIC HEARING FOR CONDITIONAL USE REQUEST #C-1249-15, RODNEY J. RAINEY APPLICANT, KEVIN GRAY OWNER. During the public comment period, a “Request for a Public Hearing” was submitted on September 30, 2015. The property is located on the north side of Diagonal Road (State Highway No. 207) on Tax Lot #2401, in Township 04N, Range 29E, Section 06A. The request is to develop a residential adult care facility for alcohol and drug treatment for up to 15 clients. The application is being processed as a Conditional Use Request for a convalescent home. The criteria of approval are found in the Umatilla County Development Code 152.616 (UU), 152.615 and 152.560.

Vice Chair Rhinhart called for declarations of ex-parte` contact, biases, conflicts of interest or abstentions from any member of the Planning Commission and there were none.

Staff Report: Brandon Seitz, Assistant Planner, presented the staff report. He stated that Conditional Use Permit #C-1249-15 is for a drug treatment facility for up to 15 patients and is being processed as a convalescent home. A Conditional Use Permit application was submitted on August 17, 2015 and deemed complete on September 4, 2015. A public notice was sent to surrounding property owners and public agencies on September 9, 2015. A request for public hearing was submitted by James Carmack on September 30, 2015 and the first hearing was held before the Planning Commission on December 17th, 2015. Due to issues raised by Mr. Carmack, as well as concerns with the access easement and its location in relation to the property line, the applicant requested a continuance to allow for more time to resolve the issues. The three main issues needing to be addressed at this time are access, onsite septic and the well. Criteria of approval is found in County Code sections 152.616 (UU), 152.615 and 152.560.

Mr. Seitz referred to a picture projected on the screen and it was also included in the Planning Commission's packets. He pointed out that the applicant has widened the existing access road to provide access on their own side of the property line. The other pictures show additional improvements that have been made. The Planning Department received an email from Tom Lapp, Oregon Department of Transportation (ODOT), District 12 Permit Specialist, indicating that the improvements made to the access road meet ODOT standards. The Planning Department has received a copy of the receipt from Department of Environmental Quality (DEQ). They have started the process towards working on obtaining a new permit and updating the septic system. There are a couple options depending on the results of the soil survey and possibly a boundary line adjustment. Mr. Seitz has been in touch with Bill Goss, Oregon Health Authority (OHA), and was told some repairs and improvements will need to be made to the existing well, or a new well will need to be put in.

Staff recommends that some conditions of approval be added to the permit. The applicant would be required to obtain an onsite permit from the DEQ, or a water pollution control facility permit for the proposed facility and provide a copy to county planning. They would be also be expected to comply with all applicable requirements from OHA for state regulated water systems and provide verification of compliance to Umatilla County Planning. These conditions directly address the comments raised by DEQ and OHA.

Applicant Testimony: Kevin Gray, PO Box 928, Hermiston, OR. Mr. Gray stated that he did some work to improve several neighbors' driveways and removed a row of stumps for Mr. Carmack. He and Mr. Carmack have solved the driveway issue and have much better relations now. Regarding the DEQ issue and the well, he has discussed options with the Carmacks, including purchasing an acre of their property to put in a drain field. He is in the process of purchasing at least an acre from Mr. Carmack and possibly more with the intention to build a home. Mr. Carmack has signed the permission slips to dig the test holes for the septic system. Brady Rettkowski from Done-Rite Septic has finished digging 6 large test holes. Bernie Duffy, DEQ, finished the soil samples that day and reported that everything looks great and is on track to move forward. Mr. Rettkowski has a plan for the septic system and will move forward when he gets the

official approval from Mr. Duffy. They hope to have the septic completed in the next 30-45 days, weather permitting.

Regarding the well, the water was tested and meets standards. He hired Chad from Zollman's Larry Bird Well Drilling, LLC to camera the well and they pulled the pump out to check everything. They thought everything looked great. Erik Thomasser with Oregon Water Resources Department (OWRD) came out to review the site. Mr. Gray provided a DVD to Bill Goss, OHA, who reviewed the material and forwarded it to the geologist. The geologist and Mr. Thomasser discussed the project and decided to accept payment and move forward. They are expecting to get final approval tomorrow. He has been working hard to resolve neighborly issues and feels like this hearing was a blessing in disguise. The relationship is positive between neighbors moving forward.

Applicant Testimony: Rob Rainey, 19026 Couch St. Portland, OR. Mr. Rainey stated that they have a bid on another well as a backup plan, if they find issues with the current well. It would only take one day to drill, case and cement the well. If they have to do another well, they are prepared. If the property purchase with Mr. Carmack falls through they have discussed putting in a sand well and they have enough property to do that. He commended Mr. Gray for all the hard work he has put into resolving the issues presented at the first hearing.

Applicant Testimony: Melissa Homan, 32405 Diagonal Rd. Hermiston. Ms. Homan stated that Mr. Carmack made several accusations about the behavior of the clients in the last hearing. When she and Mr. Gray visited with Mr. Carmack after the hearing he said anything that was stolen off of his property was from a previous tenant, not their clients. Mr. Carmack toured the treatment facility, met with the clients, and seemed satisfied. Mr. Rainey said he and Mr. Carmack spoke about the possibility of something going wrong at the facility. After discussion, Mr. Carmack seemed to agree they are quieter and have less traffic than a family would. They have no night traffic and provide 24 hour surveillance. Ms. Homan noted that they have exchanged telephone numbers so they can address anything that may come up immediately.

Neutral Testimony: James & Jan Carmack, 32441 Diagonal Rd., Hermiston. Mr. Carmack stated that he and Mr. Gray have come to a personal agreement allowing him access to the road. In the future he may need to sell the property and the access with it, but for now they have come to a neighborly agreement. They are discussing Mr. Gray purchasing a portion of his property.

Commissioner Danforth moved to approve Conditional Use Permit #C-1249-15 with additional conditions set forth by planning staff. Commissioner Green seconded the motion. Motion passed 6:0.

NEW HEARING:
UPDATES OF THE UMATILLA COUNTY DEVELOPMENT CODE, #T-15-064.
A summary of the updates include the following:

1. Update UCDC 152.058 (F) (5) EFU and 152.083 (O) GF Replacement Dwelling
2. Modify UCDC 152.062 EFU Parcel Sizes to allow partitions of certain non-farm uses
3. Modify Kennel Definition UCDC 152.003
4. Modify Kennel UCDC 152.060 EFU & 152.085 GF Conditional Uses Permitted
5. Modify UCDC 152.058 EFU and UCDC 152.083 Uses allowed with a Zoning Permit to add Dog Training
6. Add Definition for Park Model Home UCDC 152.003
7. Modify UCDC 152.616 (X) Conditional Use Permits to add Park Model Homes as Accessory Dwellings
8. Modify UCDC 152.616 (VV) to include rural small and large Commercial Activities
9. Add Definition for Primary Processing of Forest Products UCDC 152.003
10. Add Temporary Primary Processing of Forest Products as Outright Use in GF Zone UCDC 152.081
11. Add Provisions in General Zoning Regulations Section UCDC 152.031
12. Add State Requirements on Property Line Adjustments for Measure 49 Waiver Properties UCDC 152.722
13. Modify Creation of EFU and GF Parcels UCDC 152.062 and 152.087
14. Add Land Division requirements allowing EFU and GF Zoned Parcels to be partitioned along an Urban Growth Boundary UCDC 152.710
15. Add Accessible Parking Requirement UCDC 152.562
16. Add Solar Projects as an EFU Conditional Use Permitted UCDC 152.060
17. Add Clarification to UCDC 152.616 (HHH) (6) Standards/Criteria of Approval for Commercial Wind Power Generation Facility Conditional Uses Permitted
18. Modify Property Line Adjustment Standards for Approval UCDC 152.722
19. Modify Permitting More Than One Principal Structure or Use UCDC 152.571
20. Modify Zoning Permit Exceptions for Small Structures UCDC 152.025
21. Clarify Residential Zone Setback Requirements UCDC 152.134, 152.159, 152.164, 152.173, 152.218 & 152.233
22. Modify EFU Land Use Decision Dwelling Approvals UCDC 152.059
23. Modify Canopy Definition UCDC 152.003
24. Modify Definitions of Zoning Permit and Development Permit UCDC 152.003
25. Modify Conditional Use Permits/Land Use Decision Procedure UCDC 152.612 & 152.613
26. Clarify Administrative Language UCDC 152.776 & 152.769
27. Clarify Decision Language and Final Approval Timeline UCDC 152.683, 152.685, 152.686, 152.669, 152.698 & 152.724
28. Update Numbering UCDC in Land Use Decision UCDC 152.617 (II) (7)

Staff Report: Carol Johnson, Senior Planner, presented the staff report. She stated that the code update is comprised of issues and suggestions the planning staff discovered in the code over the last year. The goal was to make it a better document as well as to comply with legislative updates and state law. The packet includes a summary for each proposed change for the Planning Commission's review. She included a PowerPoint presentation.

The first item Mrs. Johnson wanted to address was concerning the kennel code update, "#3, Modify Kennel Definition UCDC 152.003". Mr. David Hadley, Land Use Attorney, provided a comment letter after reviewing the proposed update. The letter is included in the Commissioners packets. Mr. Hadley was concerned about the definition of 'working dogs'. He suspected land owners will always consider their dogs to be working dogs, instead of obtaining a permit. Mrs. Johnson asked the Commissioners if they would like to better define the term. Vice Chair Rhinhart asked how this issue of working dogs came to light. Mrs. Johnson said the planning staff has been presented with situations where people are encouraged to obtain a permit for a kennel because they have more than 4 dogs, which is the maximum number allowed under the current definition. These people are frustrated because they feel they have working dogs which act as an integral part of their operation and should not have to be permitted for a kennel. Mrs. Tamra Mabbott, Planning Director, said there have been a few circumstances in the past when they have had conflicting issues. One situation included a land owner outside of Pilot Rock with 6 dogs he uses as working dogs. His neighbors did not like all the dogs and complained. The way the code is written today, he had more than 4 dogs and required a permit for a kennel, which staff was not able to issue on that piece of property. She noted that some of the larger ranches in the area have more than 4 dogs, and it's not uncommon for a single household to have more than 4 dogs. The intent of the new definition is to recognize that a working dog is part of a farming operation in EFU and GF zones and minimize subjectivity in the term.

Commissioner Marlatt stated that there is a definition of dog breeds for working dogs. Without a definition that says what their specific purpose is, one can say anything meets the standards of a working dog, even though they don't actually do anything on a farm or ranch. Mrs. Johnson stated that kennels are only allowed as a use in EFU and GF zone. The only other place a kennel is allowed as a use is in an Industrial zone, where it may be associated with a veterinary clinic or something of that nature. Rural Residential zoning does not allow a kennel as a use. Mrs. Mabbott said there is no option to get a Conditional Use Permit for a kennel if you are located in a Rural Residential zone and have more than 4 dogs. Commissioner Danforth said they need to consider uniformity in the language. For this purpose, the definition of kennel should have the word 'commercial' in it so they match and the definition offers more clarity. Mrs. Mabbott agreed and stated that the intent is to distinguish between a commercial kennel and an everyday kennel. Mrs. Johnson stated that this modification is from language that is new and taken from the Oregon Administrative Rules (OAR). The kennel definition we have had in our code currently has been used for a number of years. Mrs. Johnson said she modified the current kennel definition and added two new uses. She asked if it will make it clearer if they modify the term 'kennel' and replace with 'commercial dog

boarding kennel'. Commissioner Danforth agreed they need to be uniform across the definitions but didn't have a suggestion on how it should be worded. Mrs. Johnson agreed to change the definition to be uniform in wording.

Mrs. Johnson asked the Planning Commission to review the code update, "#11, Add Provisions in General Zoning Regulations Section UCDC 152.031". She asked if someone is knowingly misrepresenting themselves in a land use issue, should this be addressed. Commissioner Danforth asked how we would prove if they knowingly misrepresent themselves. Mrs. Johnson noted that we would only really find out after the fact. Commissioner Marlatt stated that it is probably not enforceable, but would likely encourage honesty. Commissioner Danforth stated she is aware of people who have testified in at Planning Commission hearings in the past and knowingly provided false information. Mrs. Johnson said it comes down to which set of facts you believe. Mrs. Mabbott said even if misleading facts are innocently presented, we approve what we approve based on the facts presented as truth. If the applicant does not comply with what they say they are going to do, it is always grounds for revoking the permit, depending on the severity. Mrs. Johnson said she thinks it is another tool that can be used in Code Enforcement. The question is whether to add the word 'knowingly' to the code. The Planning Commission agreed the original language is best.

Mrs. Johnson asked the Planning Commission to review the code language for update "#6, Add Definition for Park Model Home UCDC 152.003". She provided a definition for the Planning Commissions consideration, including the addition of a Park Model Home as an available use for a caretaker dwelling. The Planning Department approved such a dwelling this past year and it should be written in the code if we plan to use it that way. Vice Chair Rhinhart said he encourages the use as a caretaker dwelling as opposed to a mobile home. It is cheaper, smaller and easier to remove. Mrs. Johnson said in addition to allowing a Park Model Home as a caretaker dwelling, use of a Park Model Home as a temporary hardship home should be considered for the same reasons Vice Chair Rhinhart mentioned. She said Mr. Hadley suggested that the Park Model Homes should have a rotating date on them. This would serve to avoid the current situation we have with older manufactured homes, where as long as they are manufactured after 1976, or 1972 in some cases, they are still able to be placed on rural properties. Vice Chair Rhinhart said he disagrees with Mr. Hadley's suggestion. He would recommend 10 years, rather than 15 years. However, other Commissioners agreed with 15 years.

There was a discussion about Park Model Homes being used for longer term dwellings in other places across the United States. Commissioner Marlatt said he believes the code is fine as it's written. The Planning Commission agreed to move forward with presenting the issue to the Board of County Commissioners with 10 or 15 year options and have them make the final decision. Mrs. Mabbott stated that the original intent was to allow for a night watchman/caretaker in a Commercial zone. She asked the Commissioners if they intend to allow for use of a park model home as a medical hardship home in a residential area. Vice Chair Rhinhart said anywhere they permit a modular home they should also permit park model homes, strictly as a temporary solution for night watchman or medical hardship situation. Mrs. Johnson stated that a park model home is considered

by the state to be a recreational vehicle at this time. Mrs. Mabbott said it's difficult to get land owners to remove manufactured homes after the temporary hardship is over. They invest a lot of money in getting the home placed on the property and it costs quite a bit to get it removed. Park model homes are a more modest investment and encourage compliance with removal of the home.

Mrs. Johnson asked the Planning Commission if they had any other questions about the code updates. Commissioner Danforth had questions about code update "#16, Add Solar Projects as an EFU Conditional Use Permitted UCDC 152.060". She referred to OAR 660-033-0130(38)(a)(E), "...[P]hotovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's Comprehensive Plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local Comprehensive Plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures." She expressed concern for the bird migration in the area. The research she has done into solar projects shows they are vaporizing birds. Mike Denny, President of the Blue Mountain Audubon Society, has stated that we live in a migratory area, and he is an expert. The Audubon Society has recently completed a ten year study on raptors in the area, and the numbers show a decline. She suggested that we require applicants to overlay bird migration routes over maps of proposed project areas. If there is conflict with migration routes, we can have some mitigation measures. Commissioner Marlatt said photovoltaic energy does not harm birds. Directed energy uses a series of parabolic mirrors which direct the energy toward a source that boils water and generates energy through steam, and it is a different process. Solar panels simply collect sunlight without concentrating heat and do not use directed energy, and it is an entirely different category. Commissioner Danforth said she was confused about the type of solar panels used, and is pleased we are using solar panels that are safe for birds.

Commissioner Danforth asked to discuss code update "#17, Add Clarification to UCDC 152.616 (HHH) (6) Standards/Criteria of Approval for Commercial Wind Power Generation Facility Conditional Uses Permitted". She asked why transmission lines are subject to separate permits even though they are required to be submitted together for processing. Mrs. Johnson said there are different standards that apply. There is a Conditional Use Standard that is applied to the energy generating facility. The transmission falls under a separate set of guidelines and approval standards. In our code the transmission is found under the heading of a Land Use Decision. They are often tied together in one report and in one findings document and are processed together. In the past we have run into problems when they are reviewed separately. There have been instances when the state has allowed certain projects to move forward, one without the other. We saw a need to clarify and make certain that anyone who does business in

Umatilla County understands that we will process those together. Commissioner Danforth agrees with the update and wanted to be sure she understood it properly.

She asked if the Conditional Use Permit for a transmission line will ever expire if it not acted upon. Mrs. Johnson said our code states that there is a two year time limit to act on the permit. Commissioner Danforth pointed out a misspelled word under 152-003, as indicated, instead of as indicted. Mrs. Johnson agreed to make the correction.

Mrs. Johnson wanted to clarify that the Board of Commissioners hearing for the code update will be on March 16, 2016. She stated that the action that the Planning Commission will take is used as a recommendation to the Board of Commissioners. The Planning Commission moved forward the proposed code amendments to the Board of Commissioners with the changes discussed and the option of either 10 or 15 rotating years for the Park Model Homes.

Vice Chair Rhinhart asked if the Planning Commission had any other questions about the code updates. There were none. Commissioner Danforth made a motion to send the Updates to the Umatilla County Development Code, Text Amendment #T-15-064 with corrections and a recommendation of approval to the Board of County Commissioners. Commissioner Marlatt seconded the motion. Motion passed 6:0.

OTHER BUSINESS:

Vice Chair Rhinhart led a discussion about election of officers. He suggested they keep the Officers that same. The Planning Commission voted unanimously to keep the officers the same as before; Commissioner Randy Randall as Chair, and Commissioner Gary Rhinhart as Vice Chair.

Mrs. Mabbott commended the work of the Planning Commissioners in reviewing the Wheat Ridge Wind Project. She met with the developer, who said he was put to the test at the hearing. He recognized that Umatilla County correctly interpreted their code. He wants to be a good neighbor and is willing to submit a letter for the record that states if he moves forward with an alternative to put a transmission line in Umatilla County, he would be willing to forgo the use of condemnation.

Vice Chair Rhinhart asked Mr. Waldher, Senior Planner, for an update on the Boardman to Hemmingway transmission line project. Mr. Waldher announced that he and Mrs. Mabbott had a meeting with Carla McLane, Morrow County Planning Director and Jeff Maffucio, Project Manager for Idaho Power. Mr. Waldher noted that Idaho Power has met with many of the land owners along the Idaho Power Preferred Route; however, they are precluded from meeting with landowners along the "Umatilla South" route until the Agency Preferred Route is determined by the Bureau of Land Management. Mrs. Mabbott said we do not yet know what route they will choose as a final determination. The County continues to provide as much information to landowners that they are allowed but no final decision for a route has been made. Malheur County and Baker County recently made a recommendation for the "No-build" Alternative. The project has been ongoing for 8 years now and if it is approved, would likely be 6-7 years out before

Idaho Power commences construction.

Mrs. Johnson reminded the Planning Commission that the April Planning Commission hearing will be at the Stafford Hansell Government Center in Hermiston. There was a discussion about how we could possibly hold Planning Commission hearings at the Umatilla County Courthouse in Pendleton.

ADJOURNMENT:

Vice Chair Rhinhart adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant

(Minutes adopted by the Planning Commission on _____)

Umatilla County

Department of Land Use Planning



December 23, 2015

RE: Proposed text changes to the Umatilla County Development Code 2015

NOTE: Proposed text changes are shown in a "Mark Up" format with the original text to be removed shown in strikethrough and added text provided in bold and underlined.

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1. Update Replacement Dwelling Sections UCDC 152.058 (F) (5) for EFU and 152.083 (O) for GF

Suggested Change:	Reason for the Change
<p>§ 152.058 USES PERMITTED WITH A ZONING PERMIT.</p> <p>(F) Alteration, restoration or replacement of a lawfully established dwelling . . .</p> <p>(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance;</p> <p><u>The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;</u></p> <p>§ 152.083 USES PERMITTED WITH A ZONING PERMIT.</p> <p>(O) Alteration, restoration or replacement of a lawfully established dwelling . . .</p> <p>(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance;</p> <p><u>The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;</u></p>	<p>OAR 660-033-0130 (8) (b) (B) requires a statement to be recorded in County Deed Records declaring that the dwelling that was replaced has been removed, demolished or converted to an allowable non-residential use.</p>

2. Modify EFU Parcel Sizes UCDC 152.062 to allow partitions of certain non-farm uses

Suggested Change:	Reason for the Change
<p>§ 152.062 PARCEL SIZES.</p> <p>(D) <i>Creation of other non-farm and conditional use parcels.</i> The minimum lot area for other “non-farm” uses permitted as conditional uses in this an EFU zone shall be the size necessary to accommodate the use and may be established through § 152.710 (E), Type IV, Review IV Land Division application process.</p>	<p>Provide additional clarification for what category of non-farm uses that can be divided pursuant to ORS 215.263.</p>

3. Modify Kennel Definition UCDC 152.003

Suggested Change:	Reason for the Change
<p>§ 152.003 DEFINITIONS.</p> <p><i>KENNEL. Commercial Dog Boarding Kennel means a</i> Any lot or premises on which four or more adult dogs, eats or other pets are kept, whether by owners of the animals or by persons providing facilities and care, whether or not for compensation. An adult dog or eat is one that has reached the age of six months. <u>(Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not considered to be a kennel.)</u></p>	<p>Update Kennel definition.</p>

4. Modify Kennel UCDC 152.060 EFU & 152.085 GF Conditional Uses Permitted.

Suggested Change:	Reason for the Change
<p>§ 152.060 CONDITIONAL USES PERMITTED.</p> <p>(K) <u>Commercial dog boarding kennels or dog training classes</u></p>	

<p><u>or testing trials that cannot be established under ORS 215.283 (1) (x) on a parcel or tract not meeting the definition of high-value farmland may be conditionally permitted as provided in § 152.617 (D)(I). (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)</u></p> <p>§ 152.085 CONDITIONAL USES PERMITTED.</p> <p>(K) <u>Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.283 (1) (x) on a parcel or tract not meeting the definition of high-value farmland may be conditionally permitted as provided in § 152.615 and § 152.617 (D)(I), as applicable. (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)</u></p>	<p>Implements rule changes for dog kennels in EFU and GF as provided in OAR 660-033-120 and 660-033-130.</p>
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5. Modify Uses allowed with a Zoning Permit to Add Dog Training UCDC 152.058 EFU and UCDC 152.083 GF

Addition:	Reason for the Addition
<p>§ 152.058 USES PERMITTED WITH A ZONING PERMIT. (EFU)</p> <p><u>(S) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, as described in ORS 215.283 (1) (x).</u></p> <p>§ 152.083 USES PERMITTED WITH A ZONING PERMIT. (GF)</p> <p><u>(V) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, as described in ORS 215.283 (1) (x).</u></p>	<p>Implements new use allowed in the EFU zone, ORS 215.283 and OAR 660-033-120.</p>

6. Add Definition for Park Model Home UCDC 152.003.

Addition:	Reason for the Addition
<p>§ 152.003 DEFINITIONS.</p> <p><u>PARK MODEL HOME. Park Model Home is a recreational vehicle that is: (A) built on a single chassis; (B) equal to or greater than eight and a half feet in width, exclusive of slide outs or other exterior modifications; (C) not self-propelled; (D) designed primarily for use as a permanent or semi-permanent residence.</u></p>	<p>The Planning Commission expressed support for use of Park Model Homes as a temporary care taker (night watchman) dwelling in Commercial and Industrial zones. The County also could expand the use of park models for use as a temporary hardship home in all zones.</p>

7. Modify Conditional Use Permits to add Park Model as an Accessory Dwelling UCDC 152.616 (X).

Suggested Change:	Reason for the Change
<p>§ 152.616 (X) <i>Dwellings (as accessory use) for the owner or operator of each existing permitted use.</i></p> <p>(1) If a mobile home <u>or park model home</u> is to be used, the mobile home <u>or park model home</u> shall be skirted and set up to have the appearance of a residential dwelling;</p> <p>(3) Any mobile home <u>or park model home</u> used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;</p> <p><u>(5) Park model home used as a caretaker dwelling must have been manufactured within ten (or fifteen) years of the approval of the care taker dwelling.</u></p>	<p>Allows Park Model Homes as possible temporary care taker dwellings in Commercial and Industrial zones.</p>

8. Modify UCDC 152.616 (VV) to include rural small and large Commercial Activities.

Suggested Change:	Reason for the Change
<p>§ 152.616 (VV) <i>Retail and service commercial.</i></p> <p>(2) The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. Large <u>All</u> commercial activities <u>shall</u> catering to regional <u>local</u> needs shall not be allowed;</p>	<p>Allows commercial activities that will cater to local needs in rural zones.</p>

9. Add Definition UCDC 152.003 and Conditional Use Standards UCDC 152.617 for Primary Processing of Forest Products on GF zoned lands.

Addition:	Reason for the Addition
<p>§ 152.003 DEFINITIONS.</p> <p>PRIMARY PROCESSING OF FOREST PRODUCTS. <u>Primary processing of forest products means the initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market including, but not limited to debarking, peeling, drying, clearing, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.</u></p> <p>§ 152.617 (I) EFU AND GF ZONE CONDITIONAL USES</p> <p><u>(Y) Permanent Facility for the primary processing of forest products that is:</u></p> <p><u>(1) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or</u></p> <p><u>(2) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or</u></p> <p><u>(3) Located in a combination of indoor and outdoor areas</u></p>	<p>Definition from OAR 660-006-0005 (11), Rules for Goal 4 Forest Lands</p> <p>Temporary portable processing allowed outright in the GF zone. OAR 660-006-0025 (3) (d).</p> <p>Permanent processing in the GF zone allowed via a conditional use permit as provided in OAR 660-006-0025 (4) (a).</p>

<p><u>described in paragraphs (1) and (2); and</u> <u>(4) Adequately separated from surrounding properties to</u> <u>reasonably mitigate noise, odor and other impacts generated by</u> <u>the facility that adversely affect forest management and other</u> <u>existing uses, as determined by the governing body.</u></p>	
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10. Add Temporary Primary Processing of Forest Products to the GF Zone Uses Permitted Outright UCDC 152.081.

Addition:	Reason for the Addition
<p><u>§ 152.081 USES PERMITTED OUTRIGHT.</u> <u>(W) Temporary Portable Facility for the Primary Processing of</u> <u>Forest Products, as defined in §152.003.</u></p>	<p>Add Temporary Facility for the Primary Processing of Forest Products as an outright use in the GF zone. OAR 660-006-0025 (3) (d).</p>

11. Add Provisions in General Zoning Regulations Section UCDC 152.031.

Addition:	Reason for the Addition
<p><u>§ 152.031 FALSE PERMIT INFORMATION.</u> <u>Land Use Permits may be revoked if permit information is</u> <u>found to be false or misrepresented.</u></p>	<p>Clarify that the County may revoke a permit, i. e. where information is misrepresented.</p>

12. Add State Requirements adopted for Property Line Adjustments involving Measure 49 Waiver Properties UCDC 152.722.

Change:	Reason for the Change
<p>§ 152.722 (B) The request meets the definition of a property line adjustment per the definitions contained in § 152.003- <u>and the adjustment does not increase the size of a parcel created as the result of an approved Measure 49 waiver as stipulated in ORS 195.</u></p>	<p>Implements new provisions from HB 2831 amending ORS 92.192.</p>

13. Modify Creation of EFU and GF Parcels UCDC 152.062 and 152.087.

Addition:	Reason for the Addition
<p>§ 152.062 and § 152.087. <u>(F) UGB Areas. Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type IV, Review V Land Division application process.</u></p>	<p>Implements new provisions from HB 2457 amends ORS 215.263</p>

14. Add Land Division requirements allowing EFU and GF Zoned Parcels to be partitioned along an Urban Growth Boundary UCDC 152.710.

Addition:	Reason for the Addition								
<p>§ 152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.</p> <p><i>(A) Type IV Land Division review and approval matrix system. Review and approval of a Type IV Land Division shall be divided into four five types of reviews. The following table shall be used to identify what type of review is to be used: [New matrix table row five shown below]</i></p> <table border="1" data-bbox="186 961 1063 1113"> <thead> <tr> <th>Type of Land Use</th> <th>Creating a Parcel 160+ ac</th> <th>Creating Parcels 80-160ac</th> <th>Creating a Parcel < 80 ac</th> </tr> </thead> <tbody> <tr> <td>EFU or GF Zone and UGB Parcels</td> <td>Does Not Apply</td> <td>Review V if portion of parcel located within UGB</td> <td>Review V if portion of parcel located within UGB</td> </tr> </tbody> </table> <p><u>(F) Review V. The following review and approval standards of a Type IV, Review V Land Division application is for the creation of parcels less than 160 acres within the EFU and GF zones, where a portion of a lawfully established parcel has been included within an urban growth boundary. And that portion of the EFU or GF zoned parcel that remains outside of the urban growth boundary is smaller than the minimum parcel size of 160 acres the parcel may be divided as follows:</u></p> <p><u>(1) The survey requirement for a Type IV, Review V, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to</u></p>	Type of Land Use	Creating a Parcel 160+ ac	Creating Parcels 80-160ac	Creating a Parcel < 80 ac	EFU or GF Zone and UGB Parcels	Does Not Apply	Review V if portion of parcel located within UGB	Review V if portion of parcel located within UGB	<p>Implements new provisions from HB 2457 amends ORS 215.263</p>
Type of Land Use	Creating a Parcel 160+ ac	Creating Parcels 80-160ac	Creating a Parcel < 80 ac						
EFU or GF Zone and UGB Parcels	Does Not Apply	Review V if portion of parcel located within UGB	Review V if portion of parcel located within UGB						

§§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(2) The procedure for processing a Type IV, Review II, Land Division application shall follow the standards set forth in § 152.643(D) and § 152.645(B).

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

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

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

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

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

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

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

<p><u>(d) The parcels will meet the minimum frontage and access requirements.</u></p> <p><u>(e) Approval of a land division under this section, requires as a condition of approval that the owner of the parcel sign and record in the deed records for the county in which the parcel is located an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.</u></p>	
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15. Add Accessible Parking Requirement UCDC 152.562.

Addition:	Reason for the Addition
<p>§ 152.562 ADDITIONAL OFF-STREET PARKING AND LOADING REQUIREMENTS.</p> <p>(I) Design requirements for parking lots:</p> <p><u>(7) Except for parking to serve a single-family residential use, parking and loading areas must meet State Building Code Accessible Parking requirements.</u></p>	<p>Adds requirement to meet State Building Code Accessible Parking Requirements provided in ORS 447.223</p>

16. Add Solar Projects to EFU Conditional Uses Permitted UCDC 152.060.

Addition:	Reason for the Addition
<p>§ 152.060 CONDITIONAL USES PERMITTED.</p> <p><u>(FF) Photovoltaic solar power generation facility as provided in OAR 660-033-0130 (38).</u></p>	<p>Adopts Solar Power as a conditional use on lands zoned EFU.</p>

17. Add Clarification to Standards/Criteria of Approval for Commercial Wind Power Generation Facility Conditional Uses Permitted UCDC 152.616 (HHH) (6).

Change	Reason for the Changes
<p>§ 152.616 (HHH) (6) <i>Standards/Criteria of Approval</i></p> <p>(6) New electrical transmission lines associated with the <u>wind</u> project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records.</p> <p>Exceptions to the 500 feet setback include transmission lines placed in a public right of way. Note: <u>The wind project associated</u></p> <p>Transmission -distribution lines <u>and substation(s)</u> constructed and owned by the applicant that are not within the project boundary are subject to a separate land use permit. <u>The applications for the wind project and the associated transmission line and substation(s) shall be submitted together for processing.</u></p>	<p>This change clarifies the interpretation of the Board of County Commissioners Findings adopted and confirmed in a Public Hearing on September 16, 2015.</p> <p>The additional language further clarifies the requirement to review and process applications for a wind project and the associated transmission line concurrently.</p>

18. Modify Property Line Adjustment Standards for Approval UCDC 152.722.

Change	Reason for the Changes
<p>§ 152.722 (D) Standards for Approval</p> <p>(D) Legal access in conformance with the standards of this chapter is provided and/or maintained to all parcels. If necessary to comply with this standard, an easement in conformance with county standards shall be recorded in the county deed records, and a copy of the dedication document and proof of recording shall may be provided <u>either</u> prior to approval: <u>or created by recording the deed instrument to convey and complete the property line adjustment approval.</u></p>	<p>The change will allow recording of a single document to establish easement access and to complete the adjustment approval.</p>

19. Modify Permitting More Than One Principal Structure or Use UCDC 152.571.

Change	Reason for the Changes
<p>§ 152.571 Permitting More Than One Dwelling or Principal Structure on a Lot or Parcel</p> <p>In a rural residential zone, more than one allowed dwelling may not be erected (excluding special exceptions for temporary hardship homes approved under §152.576) on a single parcel or lot unless a partition, subdivision or replat approval has been finalized. In a commercial or industrial zone each principal structure or use shall be on an individual parcel or lot <u>unless the second principal structure or use is approved by a conditional use permit, and processed as ‘other uses similar’ to the uses permitted (allowed) in the underlying commercial or industrial zone and</u> before a zoning permit will be issued.</p>	<p>The change will allow flexibility in permitting more than one principal commercial or industrial structure and/or use on a lot or parcel.</p>

20. Modify Zoning Permit Exceptions for Small Structures UCDC 152.025.

Addition:	Reason for the Addition
<p>§ 152.025 ZONING PERMIT.</p> <p>(A) . . . Structures of 120 square feet or less in area do not require a zoning permit except when located in a designated flood hazard area: <u>or when used for human habitation, or as an addition to an existing dwelling.</u> . . .</p>	<p>Clarifies that obtaining a zoning permit is not exempted simply because of the size of the structure when the structure will be used for habitation or is an addition onto an existing dwelling.</p>

21. Clarify Residential Zone Setback Requirements UCDC 152.134, 152.159, 152.164, 152.173, 152.218 & 152.233.

Addition:	Reason for the Addition
<p>DIMENSIONAL STANDARDS.</p> <p>§ 152.134 – RR2</p> <p>(B) <i>Setback requirements.</i> No building <u>or accessory structure</u> shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line;</p> <p>§ 152.159- RR4</p> <p>(B) <i>Setback requirements.</i> No building <u>or accessory structure</u> shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line.</p>	<p>Clarifies setbacks apply to all buildings and accessory structures.</p>

§ 152.164-RR10

(B) *Setback requirements.* No building or accessory structure shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater.

§ 152.173- MUF

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

§ 152.218- FR

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

§ 152.233- MR

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

22. Modify EFU Land Use Decision Dwelling Approvals UCDC 152.059

Change	Reason for the Changes
<p>§ 152.059 LAND USE DECISIONS. (EFU) (K) DWELLINGS. Permits for dwellings approved under this section are valid for four years. A permit extension for an additional two years may be obtained.</p> <p><u>When a dwelling is approved through a land use decision in this section, the applicant or landowner must obtain a zoning permit pursuant to § 152.612 (D). The zoning permit will be a condition of the approval; all land use decision conditions of approval must be met within two years of the date of the signed final findings, pursuant to § 152.613 (A). A zoning permit issued for a dwelling approved under this land use decision section is authorized for four years from the date of the signed final findings and may be extended, but not for more than a total of six years from the date of the signed final findings. The date the final findings are signed signifies the final decision unless appealed as provided in § 152.769 (12).</u></p>	<p>Clarify land use decisions for EFU dwellings. The applicant or landowner must obtain a zoning permit within two years of the final decision.</p>

23. Modify Canopy Definition UCDC 152.003

Change	Reason for the Change
<p>§ 152.003 DEFINITIONS. CANOPY. A stationary structure, either free-standing or partially supported on one side only by a building wall, designed and built for the protection of the protection or of pedestrians at the entrance to a commercial or industrial building, or for the protection or of motor vehicles while being serviced or their occupants served.</p>	<p>Eliminate confusing and duplicate wording.</p>

24. Modify Definitions of Zoning Permit and Development Permit UCDC 152.003

Addition:	Reason for the Addition
<p>§ 152.003 DEFINITIONS.</p> <p>ZONING PERMIT. An official finding decision that a planned use of a property, as indicted indicated by an application, complies with the requirements of this chapter; <u>a zoning permit also is used as or meets final approval the special conditions of a variance, land use decision or and conditional use permit (see also DEVELOPMENT PERMIT).</u></p> <p>DEVELOPMENT PERMIT. Zoning permit required by this or other county ordinances as a prerequisite to the use or improvement of any land and includes <u>ing a buildings and structures</u>, land use, occupancy, sewer connection or other similar permits.</p>	<p>In addition to a zoning permit for a variance and conditional use approval include land use decision.</p>

25. Modify Conditional Use Permits and Land Use Decision Procedures UCDC 152.612 & 152.613

Addition	Reason for the Addition
<p>§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION.</p> <p>(D) An applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before <u>establishing the approved use and/or</u> commencing construction.</p> <p>§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.</p>	<p>Add zoning permit for procedure action to establish a use whether or not there is construction.</p>

<p>(A) A final decision for a conditional use permit or land use decision shall expire after two years (except for a land use decision for a dwelling in the EFU Zone per § 152.059 (K)) from the date the final findings are signed, unless all applicable conditions have been met and a zoning permit is obtained.</p>	<p>Clarify the time limit to act on a final decision for conditional uses permits and land use decisions.</p>
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26. Clarify Administrative Language UCDC 152.776 & 152.769

Change	Reason for the Changes
<p>§ 152.776 IMPOSITION OF CONDITIONS.</p> <p>(A) The Planning Director may impose conditions of approval on any decision subject to the administrative review procedure, following the same standards and procedures as set forth in §152.753.</p> <p>(B) The Hearings Officer may use the procedures of § 152.753 to impose conditions upon variances and conditional use permits, and any other land use requests, including appeals, that are within his authority.</p> <p>(C) The Planning Commission or Board may impose conditions of approval on any decision that comes before them, on appeal or otherwise, following the same standards and procedures as set forth in § 152.753.</p> <p>(D) Conditions of approval may be are of two following types, subsequent and precedent. When issuing presenting tentative approval, it shall be clearly noted which conditions are precedent and which are subsequent. Precedent conditions shall be fulfilled by the applicant before final approval is issued by the Planning</p>	

~~Department issues final approval or~~ **Final approval is signified by approval of** a zoning permit. Subsequent conditions shall be imposed pursuant to § 152.753.

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

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

§ 152.769 ADMINISTRATIVE REVIEW.

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

(9) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become the

Clarify administrative section wording regarding conditions and final approvals and provide consistency.

<p>final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.</p> <p>(10) Notice of the final action decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.</p>	
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27. Clarify Decision Language and Final Approval Timeline UCDC 152.683, 152.685, 152.686, 152.669, 152.698 & 152.724

Change	Reason for the Changes
<p>§ 152.683 REVIEW AND PROCESSING OF TENTATIVE PLAN. [Type II, Land Division]</p> <p>(I) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become <u>a</u> final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.</p> <p>(J) Notice of the final action decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.</p> <p>§ 152.685 DECISION ON TENTATIVE PLAN. [Type II, Land Division]</p> <p>(A) Following the expiration of the administrative review 21-day notice period, providing there has been no request for a public</p>	<p>Clarify wording in the Land Division sections regarding final decisions and provide consistency.</p>

hearing, the Planning Department ~~can~~ will issue a ~~formal~~ final decision on the tentative plan.

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

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

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

§ 152.686 FINAL PARTITION PLAT. [Type II, Land Division]

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

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

(1) Submission

(a) Within ~~one~~ two years ~~from date of approval of a tentative partition plan,~~ the applicant shall have a final partition plat prepared

Increase the time period from one year to two years in which to record the final partition plat.

in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review.

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

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

§ 152.669 FINAL PLAT. [Type I, Subdivision]

(A) Submission.

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

152.698 FINAL REPLAT. [Type III, Subdivision Replat]

Within ~~one~~ **two** years from the date of approval of a tentative plan, the applicant shall file with the Planning Department a final replat. This replat is intended to be recorded in the Town Plat Records of Umatilla County and will be referenced on the original subdivision plat. This replat shall be reviewed and processed in the same manner as a final subdivision plat, and shall conform to the standards for a

Clarify wording in the Land Division sections regarding final decisions and provide consistency.

<p>final subdivision plat, all as set forth in § 152.669 of this chapter. An extension of up to one year may be granted the applicant for the filing of the final replat map upon a written request submitted to the Planning Director.</p> <p>§ 152.724 PROCEDURE UPON APPROVAL. [Type V, Property Line Adjustment]</p> <p>(B) Once a property line adjustment has been approved by the Planning Department staff, the applicant has one <u>two</u> years within which to exercise the approval by either:</p>	<p>Provide two years in which applicant's may complete property line adjustments.</p>
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28. Update Numbering in Land Use Decision UCDC 152.617 (II) (7)

Change	Reason for the Change
<p>§ 152.617 (II) (7)</p> <p>(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (C) (3) and (D) (4) of this subsection, two or more of the following criteria:</p>	<p>Correct alphabetical reference (C) and (D) to the appropriate numerical references.</p>

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January 20, 2016

RECEIVED

JAN 22 2016

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County Planning Department
Attn: Tamra Mabbott, Planning Director
216 SE 4th Street
Pendleton, OR 97801

✓ Umatilla County Planning Department
Attn: Carol Johnson, Senior Planner
216 SE 4th Street
Pendleton, OR 97801

Re: 2015 Code Update – Comments

Dear Ms. Mabbott and Ms. Johnson:

Thank you for providing me with a copy of the proposed 2015 Updates which will be reviewed by the Planning Commission at the February 25 meeting.

In review of the proposed Code Updates, I have the following comments and observations:

1. #3. Modify Kennel Definition: How hard do “working dogs” have to work? There are more than a few residents in rural residential or EFU zones that have five or more dogs. Often some are lazy and overweight, however, I suspect the landowner would always consider them “working dogs” as opposed to obtaining a permit for a kennel.
2. #6. & #7. Park Model: An excellent idea both with respect to caretaker dwellings and especially temporary hardship homes. The portability of a park model, which is a decent sized home, makes it economically advantageous to the landowner to remove and relocate upon expiration of the permit.

Is the age limit of ten years an arbitrary number? Have we looked carefully at a 2005 park model? It wouldn't be allowed. They are attractive, well constructed and with care have a useful life of another 10 or 15 years. They are not moved often which retains their structural soundness. That is quite a long time especially for a “temporary hardship home.”

Why discriminate when it comes to a park model and not a manufactured home? There may be reasons but they should be thought through. Perhaps an age limit of 15 years may well serve the objective and policies of the county. That would better serve the financial circumstances of the landowner acquiring, maintaining, and removing the dwelling when mom or dad, or grandmother or grandfather passes and the permit expires.

3. #11. False Permit Information: The added language to the code says “misrepresented.” The reason says “deliberately.” The code should specify the type of misrepresentations as they may be innocent or intentional unless further defined.

Because of the complexities of our land use laws, administrative regulations, and our now over 500 pages zone code, I am not immune from innocent misrepresentation. I am also sure a fair amount of “applicants” don’t understand the code and don’t know what they are doing but go forward with responses in a truly innocent manner, but give incorrect or false responses.

4. #15. Accessible Parking: The reason states “Accessory.” Should this be “Accessible?” ✓ Done

5. #26. & #27. Clarify Decision Language: The word choices and consistency is most welcomed as a frequent code reader.

The allowance of “two” years to file a plat and to perfect a boundary line adjustment by recording a deed is helpful. Most parties are motivated to complete the recording of the plat or their property line adjustment immediately upon approval. However, there are more than a few times, due to complexities or other anticipated events, that completion within one year is difficult. This will result in less extension requests and extension approvals.

Thank you again for sending me an advance copy the proposed Code Updates. I will be anxious to read the Planning Commission minutes.

Sincerely,



David Wm. Hadley