



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

March 9, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Umatilla County Plan Amendment  
DLCD File Number 007-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 23, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Patty Perry, Umatilla County

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FORM 2

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

DEPT OF MAR 06 2006 LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Umatilla County Local File No.: T-05-026 (If no number, use none)

Date of Adoption: March 1, 2006 Date Mailed: March 2, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12/12/05

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
X Land Use Regulation Amendment Zoning Map Amendment
x New Land Use Regulation Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amends RHI zone (county ord. #2005-13) removing building size limitations. Create new LRHI zone with building size limitations to be applied to property zoned industrial after January 1, 2004

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 2, 14

Was an Exception Adopted? Yes: No: x

DLCD File No.: 007-05 (14871)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: DLCD

Local Contact: Patty Perry Area Code + Phone Number: 541-278-6249

Address: 216 SE 4th St

City: Pendleton Zip Code+4: 97801

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

RECEIVED

MAR 01 2006

UMATILLA COUNTY  
RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending            )  
Development Code to Amend            )  
Rural Heavy Industrial Zone            )     ORDINANCE NO. 2006-04  
and Add Limited Rural Heavy            )  
Industrial Zone                         )

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

WHEREAS the Land Conservation and Development Commission as part of Periodic Review has issued Order #001352, required the county to justify uses currently allowed in industrial zones, as uses either appropriate in rural areas or to delete such uses from these zones, to be in compliance with Statewide Planning Goal 14, and as a result Ordinance No. 2005-13 was adopted on May 31, 2005, creating a new Rural Heavy Industrial Zone;

WHEREAS the 2005 Oregon Legislature passed HR 2458, Chapter 666, effective July 29, 2005, allowing any size and type of industrial development on certain lands outside an urban growth boundary of cities larger than 20,000 (previously 15,000), effectively granting an automatic Goal 14 exception for those areas zoned for industrial use on January 1, 2004;

WHEREAS the county proposes to amend its Rural Heavy Industrial Zone to delete any structure size limits for land that was zoned industrial on January 1, 2004, and to create a new Limited Rural Heavy Industrial Zone with structure size limits for land that was first zoned industrial after January 1, 2004;

WHEREAS the Umatilla County Planning Commission held a public hearing on January 26, 2006, to review the proposed amendments and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissioners held a public hearing on February 9, 2006 and March 1, 2006 to consider the proposed amendments, and voted for the approval of the amendments.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Umatilla County Development Code, codified at Chapter 152 of the Umatilla County Code of Ordinances, be amended to include and be as follows:

**RHI RURAL HEAVY INDUSTRIAL ZONE**

**§152.326 PURPOSE.**

The RHI Rural Heavy Industrial Zone is designed to provide for industrial uses that are appropriate for rural locations and where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The RHI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways.

This zone is applied to industrial lands outside unincorporated communities and urban growth boundaries where an exception to Goal 14 has not been approved. This rural zone will apply to lands that were zoned industrial prior to January 1, 2004.

The intent of the Rural Heavy Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, minerals and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

**§152.327 USES PERMITTED**

(B) Uses permitted with a zoning permit. In an RHI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.326 through 152.329 of this chapter:

- (1) Automobile wrecking yard;

- (2) Concrete block and pipe manufacturing;

- (3) Concrete manufacturing plant;

- (4) Contractor's equipment storage yard;

- (5) Food products processing, except meat processing and rendering plants;

- (6) Grain elevator or flour mill;

- (7) Hauling, freighting and trucking yard, (excluding truck stops);

- (8) Ice and cold storage;

- (9) Junkyard;

- (10) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage;

- (11) Industrial uses in conjunction with farm, forest or aggregate use;

- (12) Rendering plant;

- (13) Sand or gravel storage yard;

- (14) Signs: Type 3, 4, 5, 8, 9, 11;

- (15) Tire recapping;

- (16) Utility facility;

- (17) Welding shop;

- (18) Wholesale business, storage building or warehouse, in conjunction with farm or forest use;

- (19) Wood processing facilities.

**§ 152.328 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In an RHI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.329 through 152.331 and upon the issuance of a zoning permit:

(7) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed. Additional approval standards may be applied by the Planning Commission or planning staff that would address specific or unique situations that could be created by a proposed use in this section.

**§152.329 LIMITATIONS ON USE.**

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

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

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

(D) Points of access from a public street or county road to properties in an RHI Rural Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic

away from residential streets.

***LRHI – LIMITED RURAL HEAVY INDUSTRIAL ZONE***

**§ 152.332 PURPOSE.**

The LRHI Limited Rural Heavy Industrial Zone is designed to provide for industrial uses that are appropriate for rural locations and where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The LRHI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways. This zone is applied to lands outside unincorporated communities and urban growth boundaries zoned after January 1, 2004 for industrial use.

The intent of the Limited Rural Heavy Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, minerals and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

**§ 152.333 USES PERMITTED**

(A) *Uses permitted outright.* In an LRHI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing

transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In an LRHI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §152.332 through 152.334C of this chapter:

(1) Automobile wrecking yard, with a building size not to exceed 35,000 square feet of floor space;

(2) Concrete block and pipe manufacturing;

(3) Concrete manufacturing plant;

(4) Contractor's equipment storage yard;

(5) Food products processing, except; meat processing and rendering plants;

(6) Grain elevator or flour mill;

(7) Hauling, freighting and trucking yard, (excluding truck stops);

(8) Ice and cold storage;

(9) Junkyard;

(10) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage of products derived from rural areas or related to agricultural or forestry;

(11) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage of products not derived from rural areas, with building size not to exceed 35,000 square feet of floor space;

(12) Industrial uses in conjunction with farm, forest or aggregate use;

(13) Rendering plant;

(14) Sand or gravel storage yard;

(15) Signs: Type 3, 4, 5, 8, 9, 11;

(16) Tire recapping, with building size not to exceed 35,000 square feet of floor space;

(17) Utility facility;

(18) Welding shop;

(19) Wholesale business, storage building or warehouse; in conjunction with farm or forest use;

(20) Wood processing facilities.

**§ 152.334 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In an LRHI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.334A through 152.334C and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;

(2) Commercial gravel extraction and processing.

(3) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industry of products derived from rural areas or related to agriculture or forestry 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.

(4) Surface mining, rock crushing or asphalt plant;

(5) Any requested use 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, unstable chemicals, ammonium nitrate and liquified petroleum gases.

(6) Any request involving the handling or storage of radioactive waste.

(7) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed. Additional approval standards may be applied by the Planning Commission or planning staff that would address specific or unique situations that could be created by a proposed use in this section. Land uses not related to agriculture or forestry, or otherwise consistent with the rural purpose of this zone, shall be subject to a 35,000 square foot building size limitation.

(8) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

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



the basis for findings to comply with the following criteria:

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

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

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

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

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

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

(B) The following general criteria shall be used to review all conditional uses listed in the LRHI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in an LRHI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by existing adjacent industrial uses.

**§ 152.334A LIMITATIONS ON USE.**

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

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

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

(D) Points of access from a public street or county road to properties in an LRHI Limited Rural Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.

(E) Expansion of structures that existed on the date of this ordinance shall be permitted under the following circumstances:

a. If the use is not subject to a size limitation there shall be no limitations on expansion.

b. If the use is subject to a size limitation, the use may expand to a building size of 40,000 square feet or to a size that is 50% larger than the building size that existed on the date of adoption of this ordinance, whichever is larger

(F) Size limits on uses permitted in the LRHI Zone shall not apply to any properties for which an exception to Statewide Planning Goal 14, Urbanization, has been approved.

(G) Notwithstanding the size limitations for structures contained in this ordinance, a lawfully approved or lawfully constructed structure existing as of the effective date of this ordinance shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

#### **§ 152.334B DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in §152.333 of this chapter shall be accompanied by a site plan.

(B) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing the property lines, dimensions, and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the buildings or property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access, parking lots and spaces, off street parking and loading requirements, setbacks, sign, vision clearance and other standards which may now or hereafter be enacted.

#### **§ 152.334C DIMENSIONAL STANDARDS.**

In an LRHI Zone, the following dimensional standards shall apply:

(A) Lot size. The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) Minimum lot width. The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) Setback requirements. The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street loading or parking requirements, then the front

yard shall be a minimum of 40 feet; and except if the property abuts a property zoned for residential use, then the setback shall be 200 feet;

(2) Side yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(3) Rear yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(D) Stream setback. To permit better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

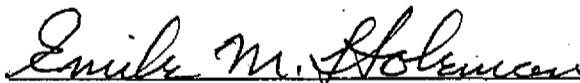
FURTHER, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety, and therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption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

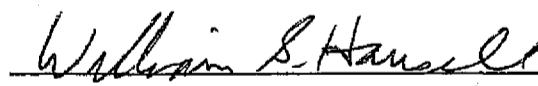
FIRST READING: February 9, 2006

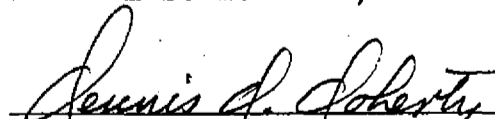
SECOND READING: March 1, 2006

DATED this 1st day of March, 2006.

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
Emile M. Holeman, Commissioner

  
William S. Hansell, Commissioner

  
Dennis D. Doherty, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS

*Jean Hampshire*

Records Officer

