



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/02/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Umatilla County Plan Amendment
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, August 15, 2011

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Richard Jennings, Umatilla County
Jon Jinings, DLCD Community Services Specialist

<paa> N

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

In person electronic mailed

DATE
STAMP

DEPT OF

JUL 27 2011

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Umatilla County**

Local file number: **T-11-042**

Date of Adoption: **7-21-2011**

Date Mailed: **7-22-2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **May 2011**

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

The update provides an additional conditional use in the Agri-business zone (UCDC 152.292) to allow "other buildings and uses similar."

Does the Adoption differ from proposal? **No**, Please Explain:

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- | | | |
|--|--|------------------------------------|
| 45-days prior to first evidentiary hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD file No. 001-11 (18826) [16724]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, Department of Agriculture

Local Contact: **Richard H. Jennings**

Phone: (541) 278-6249 Extension:

Address: 216 SE 4th

Fax Number: 541-278-5480

City: Pendleton

Zip: 97801-

E-mail Address: richardj@umatillacounty.net

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing larry.french@state.or.us.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also 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 - **Attention: Plan Amendment Specialist.**

Updated March 17, 2009

RECEIVED

JUL 21 2011

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
 Development Code Agri-) ORDINANCE NO. 2011-08
 Business Zone Conditional)
 Uses to Allow Other Similar)
 Buildings and Uses for)
 Pendleton Grain Growers, Inc.)

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 an application was received from Pendleton Grain Growers, Inc., text amendment #T-11-042, requesting Umatilla County to amend the Agri-Business (AB) Zone to allow other buildings and uses similar to the listed allowed conditional uses in the zone;

WHEREAS the Umatilla County Planning Commission held a public hearing on June 23, 2011 to review the application and the proposed amendment to the development code and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissioners held a public hearing on July 21, 2011, to consider the proposed amendment, and voted to approve the application.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the Umatilla County Development Code, Agri-Business Zone Conditional Uses Permitted, Section 152.292, to add the following:

(R) 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 agri-business type uses. The land use must comply with one and/or both of the following standards:

(1) Provides a commercial or industrial use related to and supportive of the agricultural activities in the local area, or

(2) Provides an agriculturally related product or service.


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

DATED this 21st day of July, 2011.

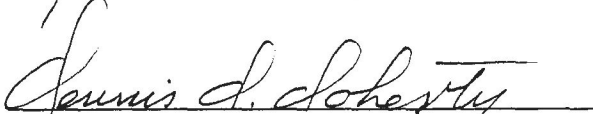
UMATILLA COUNTY BOARD OF COMMISSIONERS

ABSENT

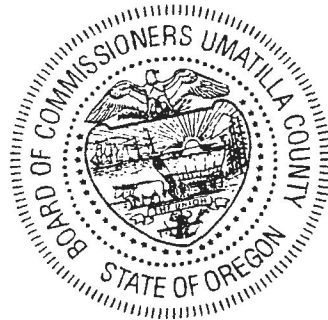
William S. Hansell, Chair



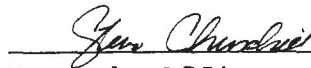
W. Lawrence Givens, Commissioner



Dennis D. Doherty, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer



**UMATILLA COUNTY BOARD OF COMMISSIONERS
FINAL FINDINGS AND CONCLUSIONS
UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT, #T-11-042**

1. **APPLICANT:** Pendleton Grain Growers INC., PO Box 1248, Pendleton, OR 97801
2. **OWNERS:** The property owners of parcels zoned Agri-business within Umatilla County:

<u>ACCT</u>	<u>MAP</u>	<u>TL</u>	<u>OWNER</u>
118223	4N283000	2400	NORTHWEST LIVESTOCK COMM
118243	4N28C000	4400	PROFFUTT LIMITED PARTNERSHIP
159152	4N28C000	4410	BLANC ROBERT
118308	4N28D000	1500	PENDLETON GRAIN GROWERS INC
113165	6N3513C0	2300	FANNION ROBERT D & BARBARA (TRS) ETAL
129880	6N3523B0	400	MACPHERSON BOB B
129881	6N3523B0	500	ORTIZ PATRICIA LOPEZ DE & ORTIZ CESAR
113546	6N3524B0	600	EQUITY TRUST COMPANY CUSTODIAN
161795	6N3524B0	605	ANLIKER MANFORD E & JOYCE R

3. **REQUEST:** The request is to amend the Agri-business (AB) Zone of the Umatilla County Development Code 152.292 *Conditional Uses Permitted* to add paragraph (R) as follows

“(R) 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 agri-business uses. The land use must comply with one or both of the following standards:

- (1) Provides a commercial or industrial use related to and supportive of the agricultural activities in the local area, or
- (2) Provides an agriculturally related product or service.”

5. **COMP PLAN:** Agri-business Plan Designation
6. **ZONING:** Agri-business Zone (AB, 1 acre minimum)
7. **NOTICES SENT:** Notices were sent to the property owners and governmental agencies on June 4, 2011.
8. **HEARING:** A public hearing before the Umatilla County Planning Commission was held on Thursday, June 23, 2011 in the Media Room of the Justice Center at 4711 Pioneer Place, Pendleton, OR 97801. The Planning Commission

recommended approving the text amendment.

A public hearing before the Umatilla County Board of Commissioners was held on Thursday, July 21, 2011 in the County Courthouse at 216 SE 4th, Pendleton, OR 97801.

9. AGENCIES: Umatilla County Assessor, County Public Works, Department of Land Conservation and Development, Department of Agriculture

10. COMMENTS: No comments were received on this application.

11. STANDARDS OF THE UMATILLA DEVELOPMENT CODE FOR A TEXT AMENDMENT TO ADD A CONDITIONAL USE WITHIN THE AGRI-BUSINESS ZONING DESIGNATION is found in UCDC 152.751 *Compliance with Comprehensive Plan to amend the Umatilla County Development Code, Section 152.292 Conditional Uses Permitted.* The following standards of approval are underlined and the findings are in normal text.

§ 152.751 COMPLIANCE WITH COMPREHENSIVE PLAN.

An amendment to the text of this chapter or to a zoning map shall comply with the provisions of the 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. The Umatilla County Board of Commissioners finds that the proposed use to be added to Section 152.292 is not a use allowed outright. Thus, a text amendment to Section 152.292 is required and must be compliant with the County Comprehensive Plan section dealing with Agri-business. The applicable portion of the Comprehensive Plan related to agri-business, found on page 18-381, reads as follows:

“AGRI-BUSINESS

Agri-Business land uses are those activities that provide a commercial or industrial use related to the agricultural activities in the area, or provide an agriculturally related product or service. The agri-business land use designation is appropriate where a commercial or industrial designation may not be compatible with the surrounding land use, or where it is not appropriate to classify existing land uses as commercial or industrial. Certain activities allowed under a commercial or industrial land designation could have detrimental impacts in an area. The agribusiness designation is designed to provide for flexibility, yet protect and preserve the integrity of an area.” (emphasis added)

The Umatilla County Board of Commissioners finds that the proposed amendment is compliant with the County Comprehensive Plan as long as the “other buildings and uses similar” complies with the following standards:

1. The first portion of the intended standard for land uses in the agri-business plan designation found in the Comprehensive Plan explains that the use must be “a commercial or industrial use related to the agricultural activities in the area”. This standard is more clearly interpreted as land uses that are commercial or industrial that directly relates to or supports the agricultural activities in the specific local area. Many of the supportive type commercial or industrial land uses are already specifically listed as conditional uses in the agri-business zone (i.e. petroleum product sales, pump and irrigation, etc.). If other uses are proposed then that use has to be a supportive type land use to the agricultural activities in the local area.
2. The second portion of the intended standard for land uses in the agri-business plan designation found in the Comprehensive Plan explains that the use must “provide an agriculturally related product or service.” Therefore, any other building or use being proposed must be directly related to an agricultural product or service. The sale of non-agricultural oriented products or services is not allowed in the agri-business zone.

The requested modification to UCDC 152.292 *Conditional Uses Permitted* reads as follows:

(R) 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 agri-business uses. The land use must comply with one or both of the following standards:

- (1) Provides a commercial or industrial use related to and supportive of the agricultural activities in the local area, or
- (2) Provides an agriculturally related product or service.”

Therefore, the requested modification to UCDC 152.292 *Conditional Uses Permitted* to add paragraph (R) complies with the Umatilla County Comprehensive Plan.

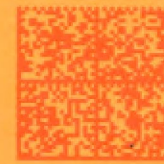
FINAL DECISION: THIS UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT TO ADD PARAGRAPH (R) “OTHER BUILDINGS AND USES SIMILAR...” TO UCDC 152.292 *CONDITIONAL USES PERMITTED* COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE 152.751.

UMATILLA COUNTY BOARD OF COMMISSIONERS


W. Lawrence Givens, *Commissioner, Vice-Chairman*

7-22-11
Date

**WATILLA COUNTY PLANNING DEPT
SE 4TH
ANDLETON, OR 97862**



UNITED STATES POSTAGE
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**ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540**