



# Oregon

John A. Kitzhaber, M.D., Governor

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 08/18/2014  
Jurisdiction: Umatilla County  
Local file no.: T-14-053  
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/11/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
002-14  
File No.: {19913}  
Received: 8/11/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Umatilla County

Local file no.: **T-14-053**

Date of adoption: July 2, 2014

Date sent: 8/11/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): April 17, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

**Several items were deleted and not adopted.**

Local contact (name and title): Tamra Mabbott

Phone: 541-278-6246

E-mail: tamra.mabbott@umatillacounty.net

Street address: 216 SE 4<sup>th</sup> Street

City: Pendleton

Zip: 97801-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Adopted findings for Comp Plan Chapter 9, Recreation

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

152.613 time Limit on CUP and LUD; 152.617 Standards for Home Occupation; 152.019 Traffic Impact Study; 152.617 Utility Facilities in EFU and GF Land Use Decisions; 152.058 Replacement Dwelling; 152.617(II) Replacement Dwelling Standards in EFU and GF Zones; 152.249 Design Review; 152.255 Design Review; 152.279 Design Review; 152.285 Design Review; 152.305 Design Review 152.311 Design Review 152.317 Design Review; 152.324 Design Review 152.330 Design Review; 152.334 Design Review

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 4N 27

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List affected state or federal agencies, local governments and special districts: DLCD, Department of Agriculture;

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Attached to this submittal is the Board Ordinance 2014-04 which includes the plan language and text language adopted.

RECEIVED

JUL 02 2014

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY  
RECORDS

STATE OF OREGON

In the Matter of Amending )  
 Comprehensive Plan and ) ORDINANCE NO. 2014-04  
 Development Code to Update )  
 and Revise Multiple Sections )

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 Planning Department staff drafted a number of updates to the code and the comprehensive plan, including time limits for conditional use permits, home occupations, traffic impact analysis, appeals, continuance of hearing, utility facility necessary for public service, signs, notice requirements, replacement dwellings, design review standards, and incorporating legislative changes;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on May 22, 2014, and forwarded the proposed amendments to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on July 2, 2014, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance with revisions.

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

1. Amendment to the Umatilla County Comprehensive Plan by adding the following to Chapter 11:

**Chapter 11: Recreational Needs**

Findings

- 12 Recreational Vehicle Parks are a valuable economic development, tourism and recreational attribute to the County.

Policy

12. Provide opportunities to both private businesses and public agencies to construct, maintain and expand RV Parks in accordance to adopted development regulations within the County.

2. Amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

**§ 152.613 TIME LIMIT ON A  
CONDITIONAL USE PERMIT AND  
LAND USE DECISION.**

(A) A conditional use permit or land use decision shall expire after one *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. ~~The Planning Director or the designated planning authority may extend authorization for a conditional use or land use decision for an additional period not to exceed one year, except for a land use decision for a dwelling in the EFU Zone per §152.059 (K) on written request from the applicant prior to the expiration of the permit. The total time allowed shall not exceed two years from the original approval date.~~

(B) If delay in establishing the use is demonstrably due to a delay by a state or federal agency in issuing a required permit, at no fault of the applicant, the Planning Director or a designee of the Planning Director may extend the time limit imposed by division (A) of this section for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish that state or federal permits have not yet been issued, and that the delay has not been caused by the applicant.

(C) Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based

on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three *two* years.

~~(D) A conditional use that was granted a zoning permit per paragraph (A) but no longer complies with the conditions of approval shall become void upon a ruling of the Planning Director or designated planning authority.~~ *Time Limitation on Utility Related Conditional Use Permits and Land Use Decisions. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on market conditions, right-of-way acquisition, and other pertinent factors. This period shall not exceed two years.*

*(E) Amendments made to paragraphs A through D by Ordinance No. 2014-04 shall apply to applications submitted after July 2, 2014.*

*(F) The County may void a conditional use permit or land use decision under the following circumstances:*

*(1) The property owner/applicant no longer complies with the conditions of approval imposed as part of the original decision, the County provided the property owner/applicant at least 30 days written notice and opportunity to correct or cure the compliance issue and the property owner/applicant failed to correct or cure the compliance issue within said notice period; or*

*(2) The use approved pursuant to the conditional use permit or land use decision*

has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided by state law;

(3) If the County intends to void a conditional use permit or land use decision under subsection (1) or (2) above, it shall do so pursuant to a public process set forth in § 152.769 and § 152.771. The County bears the burden of proving the elements set forth in subsections (1) and (2) above.

### **§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.**

#### *(II) Home occupations/cottage industry.*

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident of the property on which the business is located, within the same dwelling or in an accessory building normally associated with uses located in the zone;

(2) The home occupation/cottage industry must be operated completely within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

~~(2)~~ (3) There shall be no more than five people employed, including both full and part time employees;

~~(3)~~ (4) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward

appearance of buildings as an accessory structure to a residence;

~~(4)~~ (5) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

~~(5)~~ (6) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customers vehicles in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

~~(6)~~ (7) Retail sales shall be limited or accessory to a service;

~~(7)~~ (8) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

~~(8)~~ (9) There shall be no display other than a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

~~(9)~~ (10) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.

~~(10)~~ (11) The existence of a home occupation/ cottage industry shall not be used as justification for any future zone change.

(11) ~~(12)~~ Customers visiting the home occupation/cottage industry must use an approved off-street parking area. No more than 10 vehicles from customers/visitors/employees of the home occupation/cottage industry can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time. ~~If off-street parking is provided on a nearby parcel a written agreement between the applicant and the property owner(s) where off-street parking will occur must be provided.~~

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

*(H) Home Occupations/Cottage Industry.*

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident or employee of a resident of the property on which the business is located;

(2) The home occupation/cottage industry must be operated completely within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located.

(2) (3) There shall be no more than five people employed, including both full and part time employees;

(3) (4) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when

otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

(4) (5) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(5) (6) Retail sales shall be limited or accessory to a service;

(6) (7) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

(7) (8) There shall be no display other than a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

(8) (9) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.

(9) (10) The existence of a home occupation/ cottage industry shall not be used as justification for any future zone change.

(10) (11) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customers vehicles in

a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

(11) (12) Customers visiting the home occupation/cottage industry must use an approved off-street parking area. No more than 10 vehicles from customers/visitors/employees of the home occupation/cottage industry can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time. ~~If off-street parking is provided on a nearby parcel a written agreement between the applicant and the property owner(s) where off-street parking will occur must be provided.~~

#### § 152.019 TRAFFIC IMPACT STUDY.

(A) *Purpose:* The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to specified land use proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

(B) *Applicability:* A Traffic Impact Analysis shall be required to be submitted to the County with a land use application, when one or more of the following actions apply:

(1) A change in plan amendment designation; or

(2) The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(a) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the County Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or

(b) An increase in use of adjacent gravel surfaced County Roads streets by vehicles exceeding the 10,000 ~~20,000~~ pound gross vehicle weights by ~~10~~ 20 vehicles or more per day; or

(c) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or

(d) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area; or

(e) For development within the I-82/US 730 Interchange Area Management Plan (IAMP) Management Area, the location



of the access driveway is inconsistent with the Access Management Plan in Section 7 of the IAMP.

### § 152.766 APPEALS.

(A) An appeal from a ruling of the Planning Director or his *an* authorized agent regarding a requirement of this chapter may be made only to the Planning Commission. ~~An appeal of an administrative review decision or a ministerial action on a land use request made by the Planning Director or his authorized agent shall be made to the Hearings Officer. The Hearings Officer may refer such an appeal to the Planning Commission if the appeal involves new policies, policy interpretation, or the request would have a large impact on a wide area or county facilities and services. Such appeals must be made within 15 days of the date of the ruling or decision.~~

(B) An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the County Board of Commissioners within 15 days after from the date the written notice of the Planning Commission's decision has signed its findings of facts and conclusions of law was mailed.

### § 152.772 OPERATION OF A PUBLIC HEARING.

The following rules shall govern the operation of all public hearings conducted in accordance with this chapter:

(15) *Continuance of a hearing.* If a continuance or the keeping open of the record is requested granted per subdivision (12) of this division, the hearing shall be continued to a future public meeting, the date, time, and

place of which must then be announced. Per ORS 197.763, the submittal of further testimony at the continued hearing, can result in the request for a further continuance.

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

#### (II) EFU AND GF ZONE LAND USE DECISIONS

(7) *Utility Facility Necessary for Public Service.*

(A) A utility facility established under ORS 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:

(a) (1) Demonstrate that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Information provided in the technical and engineering feasibility;

(b) The proposed facility is locationally dependent. (It must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.)

~~(A)~~ (c) Show a lack of available urban and non-resource lands;

~~(B)~~ (d) Due to availability of

existing rights of way.

~~(C)~~(e) Due to public health and safety concerns; and

~~(D)~~(f) Show it must meet other requirements of state and federal agencies.

~~(b)~~(2) Costs associated with any of the factors listed *in subsection (1)* above may be considered, but cost alone, including the cost of land, may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

~~(c)~~(3) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

~~(d)~~(4) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

~~(e)~~(5) Utility facilities necessary for

public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to OAR 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

~~(f)~~(6) In addition to the provisions of paragraphs (1) to (4) of this subsection, the establishment or any proposed extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

~~(7)~~ The provisions of ~~this section paragraphs (1) to (4) of this subsection~~ do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

~~(B)~~ An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.283(1)(c) demonstrates to the governing body of the county or its designee that the associated transmission line meets either the requirements of paragraph (1) of this subsection or the requirements of paragraph (2) of this subsection.

(1) An applicant demonstrates that the entire route of the associated transmission

line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(b) The associated transmission line is co-located with an existing transmission line;

(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (3) and (4) of this subsection, two or more of the following criteria:

(a) Technical and engineering feasibility;

(b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(d) Public health and safety; or

(e) Other requirements of state or federal agencies.

(3) As pertains to paragraph (2), the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(4) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

#### **§ 152.546 TYPES OF SIGNS.**

(J) Type 10. One off-premise free-standing sign (billboard) not to exceed 600 square feet in area for each face nor 20 feet in elevation height as measured from the bottom of the sign face to the ground level below the sign or the level of the abutting roadway surface, whichever is higher. No billboard shall be allowed to have more than four steel exposed supports and all illumination devices shall be concealed within the non-structural trim. The minimum setback for any part of a sign shall be 10 feet and shall be measured horizontal from the lot line to the nearest part of the sign. Billboards allowed in the county shall be subject to the requirements

of ORS Chapter 377 and shall be approved by the Planning Director.

### § 152.771 PUBLIC NOTICES.

(F) The notice shall be posted by first class mail at least ~~10~~ 20 days in advance of a public ~~the evidentiary hearing, unless two evidentiary hearings are required then 10 days before the first evidentiary hearing,~~ or 21 days in advance of the response deadline set forth under administrative review.

### § 152.771 PUBLIC HEARING REQUIREMENTS.

(B) A legal notice of hearing authorized by this chapter for amendments to the map or text of this chapter shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of the hearing. ~~Published legal notices are not required by state law for any other types of hearings, so are not required by this chapter.~~

(C) At least ~~10~~ 20 days in advance, a notice of public hearing on a Type I, II, III or IV Land Division, a conditional use, a land use decision, or a variance application. ~~or If two evidentiary hearings are required, notice of the hearing shall be sent 10 days before the first evidentiary hearing for applications such~~ as a quasi-judicial amendment to the zoning map or Comprehensive Plan Map, or appeals thereof, shall be mailed to all owners of property, affected state, local, or federal agencies, and affected municipalities pursuant to §152.770.

### § 152.058 USES PERMITTED WITH A ZONING PERMIT.

In an EFU zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and the regulations in §§ 152.010 through 152.017 and §§ 152.545 to 152.562:

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

(1) Has intact exterior walls and roof structures;

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

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within ~~three months~~ 1 year of the completion of the replacement dwelling from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance;

(6) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.

~~(6)~~ (7) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.

~~(7)~~ **(8)** If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the EFU portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

~~(8)~~ **(9)** ~~If the applicant has requested a deferred replacement permit, the dwelling is removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.~~

~~(9)~~ **(10)** A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.

~~(10)~~ **(11)** Permits issued for replacement dwellings are valid for four years.

~~A permit extension for an additional two years may be obtained. A replacement dwelling permit issued under this section does not expire.~~

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

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

(O) Alteration, restoration or replacement of a lawfully established single-family dwelling that:

(1) Has intact exterior walls and roof structures;

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

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within three months 1 year of the completion of the replacement dwelling from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance;

(6) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if

the dwelling has existed for less than five years from that time.

(7) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.

(8) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned GF, then the applicant shall, as a condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the GF portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

(9) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

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

(11) A replacement dwelling permit issued under this section does not expire.

#### **§ 152.059 LAND USE DECISIONS.**

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

(H) ~~[Item Deleted]~~ Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard as provided in § 152.617 (II) (8).

#### **§ 152.084 LAND USE DECISIONS.**

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

(H) ~~Item left open.~~ Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard as provided in § 152.617 (II) (8).

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

#### **(II) EFU AND GF ZONE LAND USE DECISIONS**

(8) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard.

(a) A lawfully established dwelling may be altered, restored or replaced under this section if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that :

(A) The dwelling to be altered, restored or replaced has, or formerly had:

(i) Intact exterior walls and roof structure;

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

(iii) Interior wiring for interior lights; and

(iv) A heating system; and

(B) The dwelling was assessed as a dwelling on the tax roll for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time; and

(C) Notwithstanding paragraph (B), if the value of the dwelling was eliminated as a result of either of the following:

(i) The dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated by the destruction (i.e. by fire or natural hazard), or demolition for the restoration of the dwelling; or

(ii) The applicant establishes that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the

county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(b) The dwelling to be replaced must be:

(A) Removed, demolished or converted to an allowable nonresidential use within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055;

(B) The applicant must record in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

(A) The replacement dwelling must be sited on the same lot or parcel:

(i) Using all or part of the footprint of the replaced dwelling; or

(ii) near a road, ditch, river, property line forest boundary or another natural boundary of the lot or parcel; and

(iii) if possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

(d) A replacement dwelling permit that is issued under this section is not subject to the time to act limits of ORS 215.417.

**§ 152.249 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in §152.246 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or his an 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 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 his an authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

~~(3) (D) Design Review Standards.~~

Applicable standards listed in this chapter

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in §152.011 and other standards which may now or hereafter be enacted.

**§ 152.255 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in §152.252 ~~or 152.253~~ of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not



be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or an 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 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 building(s) or the property lines to insure conformance with county policies;

~~(3)~~ (D) Design Review Standards.

~~Applicable standards listed in this chapter~~

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

**§ 152.279 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in § 152.276 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being

requested on the subject property; and.

(3) A similar business will be operated on the subject property.

(C) The Planning Director or his an 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 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 his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

~~(3)~~ (D) Design Review Standards.

Applicable standards listed in this chapter

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

#### **§ 152.285 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in §152.282 or §152.283 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) 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 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 building(s) or the property lines to insure conformance with county policies;

~~(3)~~ (D) Design Review Standards.

~~Applicable standards listed in this chapter~~

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

#### **§ 152.305 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in §152.302 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or his an 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 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 his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

~~(3)~~ (D) Design Review Standards.

~~Applicable standards listed in this chapter~~

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in §152.560 through §152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in §152.011 and other standards which may now or hereafter be enacted.

**§152.311 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in §152.308 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) 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 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 building(s) or the property lines to insure conformance with county policies;

~~(3)-(D) Design Review Standards.~~

Applicable standards listed in this chapter

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

**§152.317 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in §152.314 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances

exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

**(C)** 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 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 building(s) or the property lines to insure conformance with county policies;

~~(3)-(D) Design Review Standards.~~

Applicable standards listed in this chapter

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

#### **§ 152.324 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in § 152.321 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

**(C)** 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 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 ~~his~~ an authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

~~(3)-(D) Design Review Standards.~~

~~Applicable standards listed in this chapter~~

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

### § 152.330 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.327 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) 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 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 building(s) or the property lines to insure conformance with county policies;

~~(3)~~ (D) Design Review Standards.

~~Applicable standards listed in this chapter~~

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided

in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

### § 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 and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) 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 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 building(s) or the property lines to insure conformance with county policies;

~~(3)~~ (D) Design Review Standards.

Applicable standards listed in this chapter

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

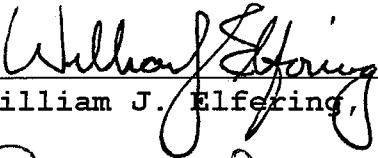
(5) Vision clearance standards are met as provided in § 152.011 and other standards which may now or hereafter be enacted.

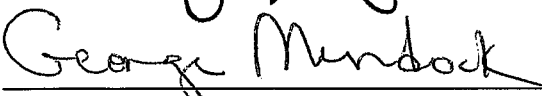


FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and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

DATED this 2nd day of July, 2014.


UMATILLA COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
William J. Elfering, Chair

  
\_\_\_\_\_  
George L. Murdock, Commissioner

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

ATTEST:  
OFFICE OF COUNTY RECORDS

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

