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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY  
RECORDS

STATE OF OREGON

In the Matter of Amending )  
 Umatilla County Development ) ORDINANCE NO. 2021-01  
 Code to Revise Permitting )  
 Process for Creation of Parcels )  
 to Support Utility Facilities )  
 Necessary for Public Service )

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 Umatilla Electric Cooperative proposes text changes that would incorporate the provisions of Chapter 262 of Oregon Laws 2019, ORS 215.263 (3), to allow creation of parcels to support utility facilities necessary for public service on land zoned Exclusive Farm Use;

WHEREAS, at its December 17, 2020 meeting, the Umatilla County Planning Commission reviewed the proposed amendment and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissions held a public hearing on January 6, 2021, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance.

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

**§ 152.710 REVIEW AND APPROVAL  
 PROCEDURE; MATRIX SYSTEM .**

(A) Type IV Land Division review and approval matrix system. Review and approval of a Type IV Land Division shall be divided into four types of reviews. The following table shall be used to identify what type of review is to be used:

Type of Land Use	Parcel Size To Be Created Through a Land Division		
	Creating a Parcel 160 acres +	Creating a Parcel 80 - 160 acres	Creating a Parcel Less Than 80 acres
Continued resource use in EFU Zone	Review I, and the requirements of the Critical Winter Range (CWR) Overlay if applicable	Review II, and the requirements of the CWR Overlay if applicable	Review II if located within an approved "go-below" area per <u>OAR 660-033-0100</u>
Continued resource use in GF Zone	Review I, and the requirements of the Critical Winter Range (CWR) Overlay if applicable	Does Not Apply	Does Not Apply
Non-resource (EFU or GF Zone) new or existing dwelling	Does Not Apply	Does Not Apply	Review III Level I for parent parcels greater than 160 acres and meets the non-farm dwelling criteria,  Review III, Level II for parent parcels 40 to 160 acres and meets the non-farm dwelling criteria
Non-resource (EFU or GF Zone) uses other than dwellings	Conditional use permit required first then <u>Review IV</u>	Conditional use permit required first then <u>Review IV</u>	Conditional use permit <i>or land use decision for a Utility Facility allowed under 152.059(C)</i> required first then <u>Review IV</u>
EFU or GF Zone and UGB Parcels	Does Not Apply	Review V if portion of parcel located within UGB	Review V if portion of parcel located within UGB

(E) *Review IV*. The following review and approval standards of a Type IV, Review IV Land Division application are for the creation of parcels to establish non-farm uses on qualified parcels:

(1) The survey requirement for a Type IV, Review IV, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686 and the following standards:

(a) Shall obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways.

(b) All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type IV, Review IV Land Division.

(c) Each parcel under four acres in size, both those partitioned and the remaining piece which are to be for residential purposes, have a site suitability approval from the Department of Environmental Quality. A waiver to this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds:

(I) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition form;

(ii) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings.

(2) If the partition is a requirement of an approved conditional use, land use decision or variance request where notice has already been given to surrounding property owners, the property owner and agency notification does not have to be repeated, as long the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval.

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

(a) A proposed division of land may be approved in an exclusive farm use zone for non-farm uses as set out in ~~ORS 215.213(2)~~ or 215.283(1)(c) and (2), except dwellings, if it finds that the parcel for the non-farm use is not larger than the minimum size necessary for the use.

(I) Be an adequate size area necessary for the protection of public health;

(ii) Will be the minimum size needed to accommodate the principal use and its accessory uses, structures, and facilities;

(iii) Consider compatibility with adjoining land uses and be a size necessary to mitigate adverse impacts;

(iv) Consider possible effects on the overall land use pattern of the area and immediate vicinity;

(v) Conditional Uses under 215.283(2) ~~will~~ will comply with the development standards in § 152.063, and applicable standards in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and §§ 152.615 and 152.616. Land Use Decisions under 215.283(1)(c) will comply with the development standards in § 152.059(C) and § 152.617(II)(7).

(b) The governing body may establish other criteria as it considers necessary.

(F) *Review V.* The following review and approval standards of a Type IV, Review V Land Division application is for the creation of parcels less than 160 acres within the EFU and GF zones, where a portion of a lawfully established parcel has been included within an urban growth boundary. And that portion of the EFU or GF zoned parcel that remains outside of the urban growth boundary is smaller than the minimum parcel size of 160 acres the parcel may be divided as follows:

(1) The survey requirement for a Type IV, Review V, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the

technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686.

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

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

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

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

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

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

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

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

(d) The parcels will meet the minimum frontage and access requirements.

(e) Approval of a land division under this section, requires as a condition of

approval that the owner of the parcel sign and record in the deed records for the county in which the parcel is located an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

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 6th day of January, 2021.

UMATILLA COUNTY BOARD OF COMMISSIONERS



George L. Murdock, Chair



John M. Shafer, Commissioner



Daniel N. Dorran, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS



Records Officer

