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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS 11:40am

STATE OF OREGON

In the Matter of Amending)
 Ordinance No. 83-04, codified) ORDINANCE NO. 2000-04
 in Chapter 152, County Land)
 Development Ordinance)

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, which includes the application of nonconforming uses;

WHEREAS the Oregon Legislature passed ORS 215.130(10) providing that a local government may adopt standards and procedures, inter alia, to provide for verification and continuation of uses of property that were lawful at the time of the enactment of the county zoning ordinance;

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the County Land Development Ordinance, No. 83-04, passed May 9, 1984, will be amended to include the following:

Section 152.600 VERIFICATION OF NON-CONFORMING USE

(A) A property owner may make application to the Planning Department to verify the lawful use of a building or a structure or of any land or premises lawfully existing at the time of a change in the official zoning maps or ordinances.

(B) The Planning Director, or its designee, will review the application and make a recommendation if the use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use complies with all other requirements to constitute a nonconforming use, with the initial decision to be made in a public hearing established under Section 152.771 after proper notice.

(C) The application may be approved if the applicant proves either of the following:

(1) The use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use has continued uninterrupted until the date of application, or

(2) If the presumption under Section 152.600 (D) is not rebutted, that the use continually existed for the ten year period immediately preceding the date of application, and that the use was first established prior to January 1, 1990.

(D) If the applicant submits evidence providing the existence, continuity, nature and extent of the use for the 10 year period, a rebuttable presumption is created that the use, as proven, existed at the time the applicable zoning map or ordinance was adopted and has continued uninterrupted until the date of application.

(E) In no event will the applicant be required to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application.

(F) Conditions may be imposed under Section 152.776 on the non-conforming use to the extent provided by this Umatilla County Development Code and Oregon State law. If conditions may not be imposed under state law, this Section 152.600 shall be deemed void and revoked.

FIRST READING: June 12, 2000

SECOND READING: July 26, 2000

DATED this 26 day of July, 2000.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell
William S. Hansell, Chairman

Dennis D. Doherty
Dennis D. Doherty, Commissioner

Emile M. Holeman
Emile M. Holeman, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS

Jean Hopkins

Records Officer

