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DEC 08 2009 THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
 Development Code to Update) ORDINANCE NO. 2009-09
 for Legislative Changes and)
 Local Requirements)

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 Oregon Legislature has adopted a number of statutes that necessitate the update of the Umatilla County Land Development Ordinance;

WHEREAS the Planning Department staff drafted a number of updates to the code, including updates to uses within EFU/GF zones and other zones, updates to criteria for land divisions, limiting permits when violation exists on property, Stanfield Area FEMA Map modification, signs table, 120 day and 150 day rule, and OAR reference in wind power siting standards;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on November 12, 2009, and forwarded the proposed amendments, with one deletion, to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on December 8, 2009, 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 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):

§ 152.058 USES PERMITTED WITH A ZONING PERMIT.

(P) Buildings and structures accessory to farm use (i.e. barns, shops, etc.)

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 152.577:

(Q) Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.

§ 152.082 USES PERMITTED WITH A FARM EXEMPT PERMIT.

~~(A) In a GF zone, the following structures and uses are permitted upon issuance of a farm exempt permit, pursuant to § 152.026, and subject to the submittal of a site plan and description of the proposed structure or use.~~

~~(1) Non inhabited "agricultural buildings" including but not limited to workshops, machine sheds, corrals, pens, barns, storage sheds, on farm grain storage elevators or bins, which qualify for an exemption from building permits pursuant to ORS 455.315.~~

~~(B) Standards of this chapter shall apply to structures and uses approved as part of an agricultural operation.~~

§ 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:

(V) Buildings and structures accessory to a farm use (i.e. barns, shops, etc.)

(W) Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.

§ 152.056 USES PERMITTED OUTRIGHT.

In an EFU zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to § 152.007 and 152.027:

(K) The transport of biosolids by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095. The transport and the land application are allowed outright.

§ 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.

(B) Churches and a cemetery in conjunction with a church, on a parcel or tract not meeting the definition of high value farmland and, pursuant to OAR 660-033-130 (2), provided the church is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland.

§ 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:

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

(B) Public or private school, including all buildings essential to the operation of a school.

(C) Church and a cemetery in conjunction with a church provided the church is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland.

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

(II) EFU LAND USE DECISIONS

(3) Churches

(a) Such uses may be authorized only upon a finding that sufficient area is provided for the building, required yards, and off street parking. Related structures and uses such as a manse, parochial school, or parish house are considered separate uses and additional lot areas shall be required therefore.

(b) The applicant shall address the following issues in the application:

(1) Location of the site relative to the service area;

(2) Probable growth and needs thereof;

(3) Site location relative to land uses in the vicinity;

(4) Adequate access to and from a principle street and the probable effect of the proposal on the traffic volume of abutting and nearby streets.

(c) Such uses or related buildings shall be

at least 30 feet from a side or rear lot line;

(d) Such uses may be built to exceed the area and the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two thirds of the height of the principal structure.

(e) Churches shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(f) Expansion of existing church facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990. New church facilities are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(g) Churches must be consistent with ORS 215.441 and are processed as a land use decision.

§ 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.

(K) DWELLINGS.

(II) Lot of Record.

(2) A Lot of Record dwelling under this division may be allowed on farmland not defined as high value under ORS 215.710(1) & (2) if:

(A) The lot or parcel in which the

dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. Owner includes the wife, husband, son, daughter, mother, father, brother, brother in law, sister, sister in law, son in law, daughter in law, mother in law, father in law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

1. Prior to January 1, 1985; or

2. By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(VI) Non farm dwelling.

(6) If the non-farm dwelling site is being created by a land division, the parcel shall comply with the access, improvement requirements, and follow the procedures for land divisions set forth in §§152.640 710 (D) through 152.739, and shall comply with the applicable dimensional standards of §152.063;

(9) The dwelling will be sited on a lot or parcel created before January 1, 1993;

(10) If a single-family dwelling is established on a lot or parcel as set forth in §152.059 (K) (II), Lot of Record Dwelling, no additional dwelling may later be sited under the provisions of this sub-section.

§152.116 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In a U-C Unincorporated Community Zone the following uses and their accessory uses may be permitted conditionally and upon the issuance of a zoning permit, pursuant to §152.025:

(1) Dwellings, including mobile homes, principal farm or forestry dwellings, farm or forestry employee's dwelling, bunkhouses and dwellings as an accessory use for the owner or operator of a commercial or industrial use allowed in this use zone;

(2) Churches;

(3) Schools;

(4) Public and semi-public uses;

(5) Parks, playgrounds and community buildings;

(6) Cemeteries;

(7) Home occupations Residential Home (Adult Foster Care);

(8) Utility facilities;

(9) Home occupations ~~subject to the requirements of as provided in~~ §152.573;

(10) Signs: Type 2, 3, 4, 5, 8 and 9;

(11) Contractor's storage yards;

(12) Boarding, lodging, or rooming house;

(13) Day care or nursery.

§ 152.131 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In a RR-2 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(1) Dwelling, single family;

(2) Home occupations as provided in §152.573;

(3) Mobile home as provided in §152.013;

(4) Non-commercial greenhouse or nursery;

(5) Public or semi public use;

(6) Signs: Type 2, 3, 4, 5, 6.

(7) Residential Home (Adult Foster Care):

(8) Day Care or Nursery.

§ 152.156 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In a RR-4 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(1) Dwelling, single family;

(2) Home occupations as provided in §152.573;

(3) Mobile home as provided in §152.013;

(4) Non-commercial greenhouse or nursery;

(5) Public or semi-public use;

(6) Signs: Type 2, 3, 4, 5, 6.

(7) Residential Home (Adult Foster Care):

(8) Day Care or Nursery.

§ 152.161 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In a RR-10 Zone, the following uses and their

accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025:

(1) Dwelling, single family;

(2) Home occupations as provided in §152.573;

(3) Mobile home as provided in §152.013;

(4) Non-commercial greenhouse or nursery;

(5) Public or semi-public use;

(6) Signs: Type 2, 3, 4, 5, 6.

(7) Residential Home (Adult Foster Care):

(8) Day Care or Nursery.

§ 152.171 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In a MUF-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant §152.025:

(1) Mobile home as provided in §152.013;

(2) Dwelling, seasonal;

(3) Vacation trailer or recreational vehicle;

(4) Dwelling, single-family;

(5) Christmas tree sales;

(6) Signs: Type 2, 3, 4, 5, 6;

(7) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land.

(8) Home occupations as provided in §152.573.

(9) Residential Home (Adult Foster Care):

(10) Day Care or Nursery.

§ 152.216 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In an FR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to §152.025:

(1) Mobile home as provided in §152.013;

(2) Dwelling, seasonal;

(3) Vacation trailer or recreational vehicle;

(4) Dwelling, single-family;

(5) Christmas tree sales;

(6) Signs: Type 2, 3, 4, 5, 6;

(7) Home occupations as provided in §152.573.

(8) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land.

(9) Residential Home (Adult Foster Care):

(10) Day Care or Nursery.

§ 152.221 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In a MR Zone, the following uses and their accessory uses are permitted upon the issuance of

a zoning permit pursuant to §152.025:

(1) Mobile home as provided in §152.013;

(2) Dwelling, seasonal;

(3) Vacation trailer or recreational vehicle;

(4) Dwelling, single-family;

(5) Christmas tree sales;

(6) Signs: Type L, 2, 3, 4, 5, 6;

(7) Home occupations as provided in §152.573.

~~(8) Boarding of horses for profit or horse stables; Residential Home (Adult Foster Care):~~

~~(9) Home occupations carried on by residents as an accessory use with their dwelling; Day Care or Nursery.~~

(10) Special exemptions pursuant to §§152.575 and 152.576;

~~(11) Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A PERSONAL-USE LANDING STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.~~

~~(11)~~ ~~(12)~~ Model homes.

§ 152.326 USES PERMITTED.

(B) *Uses permitted with a zoning permit.* In a FU-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025:

- (1) Dwelling, single-family;
- (2) Mobile home as provided in §152.013;
- (3) Non commercial greenhouse or nursery;
- (4) Public or semi public use;
- (5) Signs: Type 2, 3, 4, 5, 6.
- (6) Residential Home (Adult Foster Care);
- (7) Day Care or Nursery.

§152.117 CONDITIONAL USES PERMITTED.

(A) In a UC Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of §§152.610 through 152.616 of this chapter:

(17) Special exemptions, as provided in §§152.575 and 152.576 of this chapter:

§152.132 CONDITIONAL USES PERMITTED.

In a RR-2 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§152.610 through 152.616 of this chapter:

(A) Church;

~~(B)~~ Day care or nursery;

~~(B)~~ ~~(E)~~ Commercial greenhouse or nursery;

~~(C)~~ ~~(D)~~ Roadside stand for the sale of agricultural products grown by the owner;

~~(D)~~ ~~(E)~~ Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non profit community agency;

~~(E)~~ ~~(F)~~ Boarding, lodging or rooming house;

~~(F)~~ ~~(G)~~ Rest home, home for the aged, nursing home, or convalescent home;

~~(G)~~ ~~(H)~~ Utility facility;

~~(H)~~ ~~(I)~~ Veterinary clinic or animal hospital;

~~(J)~~ Boarding of horse for profit;

~~(K)~~ Horse boarding stable;

~~(L)~~ ~~(E)~~ Model home including sales office, subdivision or development sales office;

~~(J)~~ ~~(M)~~ Special exemptions, as provided in §§152.575 and 152.576 of this chapter;

~~(K)~~ ~~(N)~~ Cemetery;

~~(L)~~ ~~(O)~~ Home occupation/cottage industry as provided in §152.616 (II);

~~(M)~~ ~~(P)~~ Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003. ~~A PERSONAL-USE LANDING STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or~~



forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

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

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

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

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

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

(Q) ~~(R)~~ Construction of rest areas, weigh stations, temporary storage, and processing sites.

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

§152.157 CONDITIONAL USES PERMITTED.

In a RR-4 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ 152.610 through 152.616:

(A) Church;

~~(B)~~ Day care or nursery;

(B) ~~(C)~~ Commercial greenhouse or nursery;

(C) ~~(D)~~ Roadside stand for the sale of agricultural products grown by the owner;

(D) ~~(E)~~ Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non profit community agency;

(E) ~~(F)~~ Boarding, lodging or rooming house;

(F) ~~(G)~~ Rest home, home for the aged, nursing home, or convalescent home;

(G) ~~(H)~~ Utility facility;

(H) ~~(I)~~ Veterinary clinic or animal hospital;

(I) ~~(J)~~ Boarding of horse for profit;

~~(K)~~ Horse boarding stable;

(L) ~~(M)~~ Model home including sales office, subdivision or development sales office;

(J) ~~(M)~~ Special exemptions, as provided in §§152.575 and 152.576 of this chapter;

~~(K)~~ ~~(N)~~ Cemetery;

~~(L)~~ ~~(O)~~ Home occupation/cottage industry as provided in §152.616 (II);

~~(M)~~ ~~(P)~~ Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003. A ~~PERSONAL-USE LANDING STRIP~~, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

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

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

(2) The project is designed to minimize avoidable environmental impacts to identified

wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

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

~~(O)~~ ~~(R)~~ Construction of rest areas, weighs stations, temporary storage, and processing sites.

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

§152.162 CONDITIONAL USES PERMITTED.

In a RR-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§152.610 through 152.616:

(A) Church;

~~(B)~~ ~~Day care or nursery;~~

~~(B)~~ ~~(C)~~ Commercial greenhouse or nursery;

~~(C)~~ ~~(D)~~ Roadside stand for the sale of agricultural products grown by the owner;

~~(D)~~ ~~(E)~~ Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non profit community agency;

~~(E)~~ ~~(F)~~ Boarding, lodging or rooming house;

~~(F)~~ ~~(G)~~ Rest home, home for the aged, nursing home, or convalescent home;

~~(G)~~ ~~(H)~~ Utility facility;

~~(H)~~ ~~(I)~~ Veterinary clinic or animal hospital;

~~(J)~~ Boarding of horse for profit;

~~(K)~~ Horse boarding stable;

~~(L)~~ ~~(M)~~ Model home including sales office, subdivision or development sales office;

~~(J)~~ ~~(M)~~ Special exemptions, as provided in §§152.575 and 152.576 of this chapter;

~~(K)~~ ~~(N)~~ Cemetery;

~~(L)~~ ~~(O)~~ Home occupation/cottage industry as provided in §152.616 (II);

~~(M)~~ ~~(P)~~ Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003. A ~~PERSONAL-USE LANDING STRIP~~, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

~~(N)~~ ~~(Q)~~ Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed

as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

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

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

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

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

~~(O)~~ ~~(R)~~ Construction of rest areas, weigh stations, temporary storage, and processing sites.

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

§152.172 CONDITIONAL USES PERMITTED.

In a MUF-10 Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§152.610 through 152.616 and upon the issuance of a zoning permit:

(A) Church or church camp retreat;

(B) Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources;

(C) Commercial activity to support recreational/ residential (mountain recreational) uses allowed in this zone including, but not limited to, a restaurant, sporting goods supply, and souvenir or novelty shop;

(D) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch, or similar resort type establishment;

(E) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill;

(F) Utility facility;

(G) Park, playground, campground, and fishing and hunting preserves for public or private use;

(H) Public or semi public use;

(I) Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities *as defined in §152.003*. ~~A PERSONAL USE LANDING STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975,~~

~~shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.~~

~~(J) The boarding of horses for profit;~~

~~(J) (K) Special exceptions pursuant to §§152.575 and 152.576.~~

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

~~(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.~~

~~(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.~~

~~(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.~~

~~(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.~~

~~(L) (M) Construction of rest areas, weigh stations, temporary storage, and processing sites.~~

~~(M) (N) If review under this Section indicates~~

that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(N) Home occupation/cottage industry as provided in §152.616 (II).

**§152.217 CONDITIONAL USES
PERMITTED.**

In a FR Zone, the following uses and their accessory uses are permitted, subject to and upon the issuance of a zoning permit:

- (A) Church or church camp retreat;
- (B) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources;
- (C) Commercial activity to support mountain residential uses allowed in this zone including, but not limited to, a restaurant, sporting goods supply, and souvenir or novelty shop;
- (D) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch or similar resort type establishment;
- (E) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill;
- (F) Utility facility;
- (G) Park playground, campground and fishing and hunting preserves for public or private use;
- (H) Public or semi-public use;
- (I) Personal use landing strip for airplanes and helicopter pads, including associated hangar,

maintenance and service facilities as defined in §152.003. ~~A PERSONAL-USE LANDING STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.~~

~~(J) Boarding of horse for profit;~~

(J) (K) Special exemptions, as provided in §§152.575 and 152.576 of this chapter;

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

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

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

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

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

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

(M) Home occupation/cottage industry as provided in §152.616 (II).

§152.232 CONDITIONAL USES PERMITTED

In a MR Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of § 152.610 through 152.616 and upon the issuance of a Zoning Permit. Note for commercial development proposed in Tollgate area: see also specific Multiple Use Plan Map section for Tollgate exception area policies in Comprehensive Plan.

(A) Church or church camp retreat;

(B) Commercial activity, including but not limited to a restaurant, sporting goods supply, and souvenir or novelty shop to support recreational-residential uses allowed in this zone;

(C) Commercial recreational use, including but not limited to marina, riding stable, gun club, resort, motel, lodge, recreational camp, dude ranch or similar resort type establishment;

(D) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill;

(E) Utility facility;

(F) Park, playground, campground, and fishing and hunting preserves for public or private use;

(G) Public or semi-public use;

~~(H) Boarding of horse for profit;~~

~~(H) (F) Home occupations carried on by residents as an accessory use with their dwellings; cottage industry as provided in §152.616 (II);~~

~~(I) (F) Special exemptions, as provided in §§152.575 and 152.576;~~

~~(J) (K) Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003. A PERSONAL-USE LANDING STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.~~

~~(K) (L) Model homes;~~

~~(L) (M) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review,~~

shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

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

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

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

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

(M) ~~(N)~~ Construction of rest areas, weigh stations, temporary storage, and processing sites.

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

**§152.337 CONDITIONAL USES
PERMITTED.**

In a FU-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§152.610 through 152.616 of this chapter:

(A) Church;

~~(B) Day care or nursery;~~

(B) ~~(C)~~ Commercial greenhouse or nursery;

(C) ~~(D)~~ Roadside stand for the sale of agricultural products grown by the owner;

(D) ~~(E)~~ Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non profit community agency;

(E) ~~(F)~~ Rest home, home for the aged, nursing home, or convalescent home;

(F) ~~(G)~~ Utility facility;

~~(H) Boarding of horse for profit;~~

~~(I) Horse boarding stable;~~

(G) ~~(J)~~ Special exemptions, as provided in §§152.575 and 152.576;

(H) ~~(K)~~ Cemetery;

(I) ~~(L)~~ Home occupation/cottage industry as provided in §152.616 (II);

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

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

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

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

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

~~(K)~~ ~~(N)~~ Construction of rest areas, weigh stations, temporary storage, and processing sites.

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

§152.684 STANDARDS FOR APPROVAL.

In granting approval of a Type II Land Division, the Planning Director shall find that the Type II Tentative Plan and required supplementary material:

(A) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and the transportation elements of the Comprehensive Plan.

~~(B) Complies with applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said goals under ORS Chapter 197;~~

~~(B)~~ ~~(C)~~ If approved, will permit development on the remainder of the property under the same

ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

~~(D) Complies with the applicable provision, including the purposes and intent of this chapter;~~

~~(C)~~ ~~(E)~~ Complies with the zoning requirements or a proposed change thereto associated with the partition map proposal;

~~(D)~~ ~~(F)~~ Roads and recorded easements for access purposes are laid out so as to conform, within the limits of the development standards, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the Planning Director determines it is in the public interest to modify the road pattern;

~~(E)~~ ~~(G)~~ Dedicated road or public recorded easement shall be provided to each parcel and conform to right-of-way and improvement standards as follows: [subsections]

~~(F)~~ ~~(H)~~ Each parcel under four acres in size, both those partitioned or 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: [subsections]

~~(G)~~ ~~(I)~~ Shall provide easements along existing irrigation ditches that traverse or abut the partition where no such easements have yet been recorded. The purpose of the easement shall be for perpetual maintenance of the ditch and if within an irrigation district, said easement width and purpose shall be approved by the Irrigation District Board.

~~(H)~~ ~~(J)~~ Considers energy conservation measures (e.g. road, lot and building orientation for solar and wind usage) unless vegetation, topography, terrain, or adjacent development will not allow these energy conservation measures.

~~(K)~~ Conforms with any other county policies that may be adopted by the Planning Commission or Board of Commissioners after approval of this chapter.

~~(L)~~ 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 II Land Division.

~~(M)~~ Adequately addresses any known development limitations within the proposed Type II Land Division, outlining appropriate measures to mitigate the limitation.

~~(N)~~ Addresses the comments of the appropriate water agency if the proposed Type II Land Division has a water right.

§152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.

(B) *Review I.* The following review and approval standards of a Type IV, Review I Land Division application is for the creation of parcels equal to or greater than 160 acres, within a resource zone and/or identified Critical Winter Range with or without a new or existing dwelling:

(1) The ~~procedure~~ survey requirement for reviewing a Type IV, Review I, Land Division application will meet the provisions of §152.644. If it is determined that a survey and a partition plat is necessary then and 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 §§152.680 ~~681~~ through 152.683, and §§152.685 and 152.686.

(C) *Review II.* The following review and approval standards of a Type IV, Review II Land Division application is for the creation of parcels

equal to or greater than 80 acres, within the EFU zone and/or identified Critical Winter Range. Parcels less than 80 acres may be established if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9).

(1) The survey requirements for a Type IV, Review II, 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 for submittal of the ~~Type IV, Review II Land Division~~ application shall be the same as that for a Type II Land Division application, and are therefore subject to §§152.680 ~~681~~ through 152.683, and §§152.685 and 152.686.

(D) *Review III.* The following review and approval of a Type IV, Review III Land Division application may create, upon approval, of up to two new non-farm dwelling parcels that will be smaller than the minimum parcel size for land zoned EFU.

(2) ~~The procedure~~ survey requirement for reviewing a Type IV, Review III, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then and 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 §§152.680 ~~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 III 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:

(1) 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:

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

(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 procedure survey requirement for reviewing 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 and 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 §§152.680 681 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 III 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:

(1) 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:

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

§152.059 (K) (VII) Conversion of existing farm related dwelling to a non farm dwelling.

An existing farm related dwelling converted to a farmer retirement dwelling or a non farm dwelling shall be subject to the following criteria:

(1) Meets the non-farm dwelling criteria in this section except (VI) (2).

(2) The provisions of §152.710(D) are applicable if a non-farm parcel will be created for the non-farm dwelling.

§152.684 STANDARDS FOR APPROVAL.

(G) Dedicated road or public recorded easement shall be provided to each parcel and conform to right-of-way and improvement standards as follows:

(1) If a recorded easement for access

purposes in a Type II Land Division will serve three or fewer lots and will not likely serve other parcels or lots due to existing conditions, such as topography or the size or shape of land, or the parcels are not buildable lots, a minimum of a 30 foot right-of-way shall be required. The 30-foot easement shall be improved with a surface width of at least 16-feet and be improved to a standard as determined by the Umatilla County Public Works Director.

(2) If the partition is located within a rural fire district or a hospital district which provides service, emergency vehicle considerations for recorded easements which dead-end shall provide either circle drives or driveway turn-arounds. The Planning Director or Public Works Director shall determine which type of emergency vehicle access above is most appropriate. Circle drives and turnarounds shall be improved to the same standard as the road they serve, shall be kept clear and shall be of adequate circumference to provide turn around space for emergency vehicles.

(3) If a public road or recorded easement for access purposes in a Type II Land Division will serve four or more lots and will likely serve additional parcels due to development pressures in the area, or likely be an extension of a future road as specified in a future road plan, a minimum of a 60 foot right-of-way shall be required unless otherwise granted by the Board of Commissioners. The 60-foot easement shall be improved with a surface width of at least 22-feet and be improved to a standard as determined by the Umatilla County Public Works Director. All 60 foot easements are to be named prior to final approval of the partition plat and the road name must be included on the final partition plat map. Road signs are to be paid for and installed prior to the final partition plat approval.

(4) All recorded easements or dedicated public roads required in the Type II Land Division shall install road signs at intersections with named or numbered county roads, state

highways, or with other existing easements or public roads within or abutting the partitioned land. Such signs shall be of a type approved by the Public Works Director. Easement or public road names or numbers shall be the same as existing named or numbered county or public roads if an extension of such county or public road. All other road names or numbers shall be selected by the Planning Director. Road signs shall be installed and maintained by the county, provided the partitioner pays the expense of the initial investment of making and placing the sign.

(5) Existing County or Public Roads shall be improved pursuant to the requirements of this chapter.

(6) 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.

§152.006 COMPLIANCE.

(A) Land use.

(1) A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this chapter permits. No new structure shall be constructed on any lot of less area than the minimum for the zone in which it is located, except as provided by this chapter ~~and ORS 215.203 et seq.~~

(2) No dimensional requirement of this chapter shall be violated after its terms become effective unless specifically provided for herein.

(3) No lot area, yard or other open space which is required by this chapter for one use shall be used as the required lot area, yard or open space for another use (i.e. required parking area cannot be included as required yard area).

(4) No lot area, yard, or other open space existing on or after the effective date of this chapter shall be reduced below the minimum required except as provided by this chapter and ORS 215-203.

(5) The requirements of this chapter apply to the person undertaking a development or the user of a development and to the person's successors in interest.

(6) No land may be divided in the unincorporated area of the county except in accordance with this chapter.

(7) No person shall create a street for the purpose of dividing land without the approval of a subdivision or major partition as provided by this chapter.

(8) No land for which a way of necessity is established shall be divided without approval of this chapter.

(9) No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat, cluster development or partition map is a violation of this chapter.

(10) It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of these are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this chapter. The primary control or regulations is for the purpose of preventing a concentration of these uses in any one area.

(11) No development permit shall be issued for the improvement or use of any property in the unincorporated area of the County that has a land use violation or a solid waste violation, unless the remedy of the violation requires a development permit (i.e. build a structure to house cars, parts or other items).

§152.025 ZONING PERMIT.

(B) Zoning permits shall be issued by the Director according to the provisions of this chapter. The Planning Director shall not issue a zoning permit for the improvement or use of land that has been previously divided ~~or otherwise developed~~ in violation of this chapter or contains a land use or solid waste violation, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development.

§152.352 LOCATION OF FLOOD HAZARD AREAS.

(A) The boundaries of areas delineated as the Flood Hazard Overlay Zone in Umatilla County shall be the boundaries of those areas of special flood hazards identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Hazard Insurance Study for Umatilla County" dated June 15, 1978 and March 4, 1987, Maps of Wildhorse Creek and Mill Creek dated September 8, 1999 and Stanfield dated August 17, 2009, with accompanying Flood Insurance Maps which are hereby established as the Flood ~~Plain~~ Hazard Overlay Zoning Map of Umatilla County. Future Flood Hazard Reports prepared by the FEMA and other delineations of Flood Hazard Areas may be added to this subchapter by amendment as hereinafter provided:

(B) When base flood elevation data has not been provided in accordance with division (A) above, the county shall obtain, review and

reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer residential and nonresidential construction within potential special flood hazard areas. When no base data exists, the zoning permit applications shall be revised to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made through the use of historical data, high water marks, photographs of past flooding, etc., where available.

(C) Where AO Zones are delineated, the standards found in §152.358(D) shall apply.

§ 152.545 ZONING PERMIT REQUIRED TO ERECT, MOVE, OR ALTER SIGNS; EXEMPTIONS; PERMITTED SIGNS.

(A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise.

(B) Permitted signs in the various zones are indicated by the following tables (for types of signs, see §152.546):

<i>Zone</i>	<i>Types Permitted</i>
EFU-10, EFU-20, EFU-40	2, 3, 4, 5, 6
EFU, GF	2, 3, 4, 5, 6
UC	2, 3, 4, 5, 6, <u>8, 9</u>
RR-2, RR-4, RR-10	2, 3, 4, 5, 6
MUF-10, FR-5	2, 3, 4, 5, 6
MR	1, 2, 3, 4, 5, 6
CRC	2, 3, 4, 5, 7, 8, 9, 10, 11
RSC, RRSC	2, 3, 4, 5, 7, 8, 9, 10, 11
TC	3, 4, 5, 6, 7, 8, 9, 10, 11, 12
RTC	3, 4, 5, 6, 7, 8, 9, 10, 11, 12
AB	3, 4, 5, 7, 8, 9, 11

LI	3, 4, 5, 7, 8, 9, 10, 11, 12
RLI, LRLI	3, 4, 5, 7, 8, 9, 10, 11
HI, RHI, LRHI	3, 4, 5, 8, 9, 11
FU-10	2, 3, 4, 5, 6

§152.771 PUBLIC HEARING REQUIREMENTS.

(A) Public hearings are required for the following types of land use requests:

(1) Legislative amendments to the map or text of this chapter.

(2) Quasi judicial amendments to the map or text of this chapter.

(3) Type I and III Land Divisions.

(4) Upon the request of an affected property owner, state, local, or federal agency, or at the discretion of the Planning Director, for Type II and IV Land Divisions, conditional uses, variances, farm dwellings, or any other request processed through the administrative review procedures set forth in § 152.769.

(5) Appeals of a land use decision, per § 152.766.

(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 days in advance, a notice of public hearing on a Type I, II, III or IV Land Division, a conditional use, a variance, or 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.

(D) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing provided that the county's mailing affidavit indicates that notice was indeed sent in accordance with this chapter.

(E) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and be made available to the public by the date the notice required in division (C) of this section is mailed. If additional documents or evidence is provided in support of the application after that date, any party shall be entitled to a continuance of the hearing. A request for a continuance shall be filed in writing either before or during the hearing, following the rebuttal period. This request shall state the reasons for the continuance. Such continuance ~~shall~~ may not be subject to the 120 day or 150 day rule limit as applicable, pursuant to §152.777 ~~of ORS 215.428.~~

(F) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

(G) A staff report shall be prepared for each request requiring a public hearing. This staff report shall be available at least seven calendar days prior to the hearing.

(H) The Hearings Officer, Planning Commission and County Board of Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

(I) Unless a continuance of the hearing is requested per division (E) of this section, any participant at the first evidentiary hearing may request prior to the conclusion of the hearing that the record remain open for at least seven days after the hearing for the submittal of additional

testimony. Such requests shall be made after the rebuttal period in the hearing, and must state the reason for the request and the type of information the hearing participant intends to submit for the record. This request will require that the hearing body delay a decision to another public meeting at least seven days later. Such a delay ~~is likewise~~ may not be subject to the 120 day or 150 day rule as applicable, pursuant to §152.777.

(J) When the record for a hearing is reopened, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue. Therefore, further continuances may be requested.

(K) The Hearings Officer, Planning Commission and Board of County Commissioners shall conduct their public hearings pursuant to the requirements of §152.772.

§152.777 TIME LIMITS ON DECISION MAKING.

(A) ~~Pursuant to ORS 215.427, once an application for a land use request is deemed to be complete, the county has 120 days within which to render a final decision on the request. For land within an urban growth boundary and applications for mineral aggregate extraction, the governing body or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under §152.766, within 120 days after the application is deemed complete. The county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under §152.766, within 150 days after the application is deemed complete, except as provided in subsections (3) and (5) of this section.~~

(B) The time limit mentioned in division (A) shall have the following exceptions:

~~_____ (1) When extended for a reasonable time at the request of the applicant;~~

~~_____ (2) When the decision is not wholly within the authority and control of the county;~~

~~_____ (3) When the request is for an amendment to an acknowledged Comprehensive Plan or land use regulation that was forwarded to the Department of Land Conservation and Development for review under ORS 197.610(1);~~

~~_____ (4) when action on the request was delayed due to continuance requests, and or the request to keep the record open at the first evidentiary hearing, as provided in ORS 197.763 and § 152.771(E), (I) and (J) of this chapter.~~

(B) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of division (A) of this section upon receipt by the governing body or its designee of:

(1) All of the missing information;

(2) Some of the missing information and written notice from the applicant that no other information will be provided; or

(3) Written notice from the applicant that none of the missing information will be provided.

(C)(1) If the application was complete when first submitted or the applicant submits additional information, as described in division (B) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) If the application is for industrial or

traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(D) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under division (B) of this section and has not submitted:

(1) All of the missing information;

(2) Some of the missing information and written notice that no other information will be provided; or

(3) Written notice that none of the missing information will be provided.

(E) The period set in division (A) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(F) The period set in division (A) of this section applies:

(1) Only to decisions wholly within the authority and control of the governing body of the county; and

(2) Unless the parties have agreed to mediation as described in ORS 197.319 (2)(b).

(G) Notwithstanding division (F) of this section, the period set in division (A) of this section does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610 (1).

(H) Except when an applicant requests an extension under division (E) of this section, if the governing body of the county or its designee does not take final action on an application for a

permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(I) A county may not compel an applicant to waive the period set in division (A) of this section or to waive the provisions of division (H) of this section or ORS 215.429 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(J) The provisions outlined in division (A) shall have the following exceptions:

(1) Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of division (A) as provided in § 152.771 (E) and (I) of this chapter

(2) The request to keep the record open for seven days after the first evidentiary hearing.

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

The following standards shall apply for review by the Hearings Officer, the Planning Director or appropriate planning authority of the specific conditional uses and land use decisions listed in this chapter:

(HHH) Wind Power Generation Facility

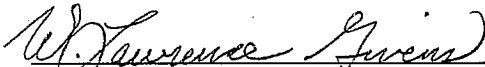
(2) The following information shall be provided as part of the application:

(J) If the All Wind Power Generation Facilityies must show compliance with the standards exceeds 20 acres in size, a Goal 3 exception is required as found in OAR 660-033-0130 ~~(22)~~ (37).

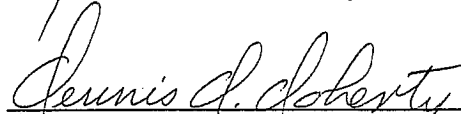
FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and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

DATED this 8th day of December, 2009.

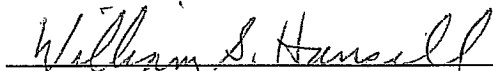
UMATILLA COUNTY BOARD OF COMMISSIONERS



W. Lawrence Givens, Chair



Dennis D. Doherty, Commissioner



William S. Hansell, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer

