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MAR 17 2011

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Amending)
Development Code to Update) ORDINANCE NO. 2011-02
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, including updates to farm dwellings test, enforcement, land divisions, hearing procedures, variances, non-farm dwellings, conditional uses, parking requirements, lot date creation, DEQ site suitability, mobile homes, and replacement dwellings;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on February 24, 2011, 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 March 17, 2011, 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):

§ 152.059 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.

(2) Dwellings customarily provided in conjunction with farm use on non high value farmland for the following:

(B) Income Test. A dwelling may be considered customarily provided in conjunction with farm use if:

7. For a *non*-high value farmland income test, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Except for Hood River and Wasco

(K) DWELLINGS.

(I) Primary Farm Dwellings.

counties and Jackson and Klamath counties, when a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

§ 152.006 COMPLIANCE.

Added at beginning of section:

Issues related to compliance with this chapter are outlined below. Enforcement of this chapter may be done through any means available at law, including, but not limited to, Chapter 38 of the Umatilla County Code of Ordinances.

§152.765 ADMINISTRATION BY PLANNING DIRECTOR; AUTHORIZED AGENTS.

The Planning Director shall have the power and duty to enforce the provisions of this chapter. The County Board of Commissioners may appoint agents to issue zoning permits and to otherwise assist the Planning Director in the processing of applications. References to Planning Department or Planning Department staff in this chapter refer to authorized agents of the Planning Director. Enforcement of this chapter may be done through any means available at law, including, but not limited to, Chapter 38 of the Umatilla County Code of Ordinances.

§152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.

(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).

(3) Criteria for approval of a Type IV,

Review II Land Division application (Note: Approval of a Type IV, Review II Land Division will not qualify new parcels for a farm dwelling; farm dwellings must qualify under Section 152.059(K):

(d) All parcels created will be 80 to 160 acres, in accordance with ORS 215.780; or, parcels less than 80 acres may be established if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9). Parcels created through this process can not subsequently be decreased below 80 acres or the size specified in the authorized "go below" by a land division or boundary line adjustment.

§ 152.722 STANDARDS FOR APPROVAL.

The Planning Department staff shall examine the application, make sure that it is complete, and shall act on it within five working days, provided the request complies with the following standards:

(G) If a parcel was created through a Type IV, Review II process the parcel cannot subsequently be decreased below 80 acres or the size specified in the authorized "go below".

§ 152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.

(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.

(5) Criteria for approval of a Type IV, Review III, Level II Land Division application: The following criteria apply to a parent lot or parcel that is larger than 40 acres but less than 160 acres in size. The land division is to divide a lot or parcel into two parcels, each to contain a non-farm dwelling. The parent parcel and the new parcel must both qualify as non-farm dwelling parcels.

§ 152.772 OPERATION OF A PUBLIC HEARING.

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

(F) Order of procedure. The presiding officer, in the conduct of the hearing, shall:

(12) Request for continuance or keeping the record open. The Presiding Officer shall inquire of the participants in the public hearing whether anyone *has a* wishes to submit a written request for a continuance or, ~~at the first evidentiary hearing only,~~ would like to request that the record *to* remain open for additional testimony, as provided in ORS 197.763 and §152.771(E), ~~(F)~~ and ~~(J)~~ of this chapter.

§ 152.771 PUBLIC HEARING REQUIREMENTS.

(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. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The Hearings Officer, Planning Commission and County Board of Commissioners may grant such request in accordance with ORS 197.763. 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 may not be subject to the 120 day or 150 day rule as applicable, pursuant to § 152.777.

(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 pursuant to ORS 197.763 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 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.

§ 152.003 DEFINITIONS

BOUNDARY ADJUSTMENT.

(1) Any adjustment of a tax lot or parcel line by the relocation of a common boundary where:

(a) An additional parcel is not created, except as allowed due to mortgage or ownership restrictions, and as addressed by the recording of a Covenant Not to Sell Separately; and

(b) ~~Where~~ The existing parcel reduced in size by the adjustment within an exclusive farm use zone is not reduced more than 11% below the minimum lot or parcel size established by §152.062 (A) ~~the zoning district where the proposed boundary adjustment is located unless the parcel is already substandard-sized; and~~

(c) The existing parcel reduced in size by the adjustment is not reduced below the minimum lot or parcel size established by the zoning district, unless the lot or parcel is already of a substandard size; and

~~(d) (c)~~ Where The tax lot is not within a platted

subdivision; and

~~(e)~~ (d) Where The parcel is not within a partition platted since January 1, 1990.

§ 152.591 CHANGES IN NONCONFORMING USE.

(B) A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot, which portion was arranged or designed for such nonconforming use at the time of the passage of this chapter, may be granted by administrative action as a minor variance to the provisions of this chapter;

~~§ 152.626 MINOR VARIANCES.~~

~~Variances involving the following may be granted by the Planning Director after a thorough examination and upon presentation of the following evidence:~~

~~(A) Minor variances. Minor variances involve only the following circumstances:~~

~~(1) Deviation from a minimum lot size or setback by not more than 11%;~~

~~(2) Expansion of a non conforming use by not more than 10%;~~

~~(3) Increase in the area or height of a sign by not more than 10%.~~

~~(B) Evidence. A minor variance may be granted only where the applicant can show that literal application or enforcement of this chapter would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest or the intent or spirit of this chapter;~~

~~(C) Procedure. A variance request shall be processed via administrative review, per § 152.769 of this chapter.~~

~~(D) Appeal. A decision of the Planning Director may be appealed only to the Planning Commission. A decision to the Planning Commission may be appealed only to the Board of Commissioners. An appeal must be filed in writing with the Planning Department within 15 days of the decision being appealed, or that decision will be final.~~

§ 152.628 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION.

The procedure for taking action on an application for a variance shall be as follows:

(A) A property owner or the Planning Commission may initiate a request for a variance by filing an application with the Planning Department using forms prescribed pursuant to § 152.771;

~~(B) Upon receipt of an application for a variance, the Planning Director shall follow the procedures listed in § 152.626(C) and (D);~~

(B) Procedure. A variance request shall be processed via administrative review, per §152.769 of this chapter.

(C) Zoning Permit. An applicant granted a variance must also obtain a zoning permit per §152.025 or land partition before commencing construction or dividing the land.

(D) Appeal. A decision of the Planning Director may be appealed only to the Planning Commission. A decision of the Planning Commission may be appealed only to the Board of Commissioners. An appeal must be filed in writing with the Planning Department within 15 days of the decision being appealed, or that decision will be final.

§ 152.722 STANDARDS FOR APPROVAL.

The Planning Department staff shall examine the application, make sure that it is complete, and shall act on it within five working days, provided

the request complies with the following standards:

(C) All existing buildings located on the properties are a sufficient distance from the proposed relocated property boundary to comply with the setback requirements for the zone in which the properties are located, ~~or are within a distance of not more than 11% less than those standards.~~

§ 152.723 DENIAL.

If the Planning Department staff finds that a request does not comply with the above standards, the request shall either be denied ~~or the applicant may apply for, or shall be processed as a Type II Land Division or as a minor a variance, pursuant to §§152.625 through 152.630, through an administrative review process, depending upon the circumstances involved. Payment of an additional fee will be required to cover processing costs.~~

§ 152.738 DENIAL.

If the Planning Department staff finds that a request does not comply with the above standards, the request shall either be denied ~~or the applicant may apply for, or shall be processed as a Type II Land Division or as a minor a variance, pursuant to §§152.625 through 152.630, through an administrative review process, depending upon the circumstances involved. Payment of an additional fee will be required to cover processing costs.~~

§ 152.250 DIMENSIONAL STANDARDS.

In a RSC Zone, the following dimensional standards shall apply:

(C) Setback requirements. The minimum setback requirements shall be as follows:

(4) The minimum side and rear yard setbacks may be modified by a ruling of the ~~Planning Commission or Planning Director, upon~~

the request of a property owner, pursuant to §§152.625 through 152.630 if ~~the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.~~

§ 152.256 DIMENSIONAL STANDARDS.

In an RRSC Zone, the following dimensional standards shall apply:

(C) Setback requirements. The minimum setback requirements shall be as follows:

(4) The minimum side and rear yard setbacks may be modified by a ruling of the ~~Planning Commission or Planning Director, upon the request of a property owner, pursuant to §§152.625 through 152.630 if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.~~

§ 152.280 DIMENSIONAL STANDARDS.

In a TC Zone, the following dimensional standards shall apply:

(C) Setback requirements. No building shall be located closer than 40 feet from a lot line. The minimum side and rear yard setbacks may be modified by a ruling of the ~~Planning Commission or Planning Director, upon the request of a property owner, pursuant to §§152.625 through 152.630 if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.~~

§152.286 DIMENSIONAL STANDARDS.

In an RTC Zone, the following dimensional

standards shall apply:

(C) Setback requirements. No building shall be located closer than 20 feet from a property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the center line of the road, highway, or easement, or 25 feet from the property line, whichever is greater. The minimum side and rear yard setbacks may be modified by a ruling of the ~~Planning Commission or Planning Director~~, upon the request of a property owner, pursuant to §§152.625 through 152.630 if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

§ 152.306 DIMENSIONAL STANDARDS.

In a LI Zone, the following dimensional standards shall apply:

(C) Setback requirements. The minimum setback requirements shall be as follows:

(4) The minimum side and rear yard setbacks may be modified by a ruling of the ~~Planning Commission or Planning Director~~, upon the request of a property owner, pursuant to §§152.625 through 152.630 if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

§152.312 DIMENSIONAL STANDARDS

In an RLI Zone, the following dimensional standards shall apply:

(C) Setback requirements. The minimum setback requirements shall be as follows:

(5) The minimum side and rear yard setbacks may be modified by a ruling of the

~~Planning Commission or Planning Director~~, upon the request of a property owner, pursuant to §§152.625 through 152.630 if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

§152.318 DIMENSIONAL STANDARDS

In an LRLI Zone, the following dimensional standards shall apply:

(C) Setback requirements. The minimum setback requirements shall be as follows:

(5) The minimum side and rear yard setbacks may be modified by a ruling of the ~~Planning Commission or Planning Director~~, upon the request of a property owner, pursuant to §§152.625 through 152.630 if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

§ 152.059 LAND USE DECISIONS.

(K) DWELLINGS.

(VI) Non-Farm Dwelling.

(9) The dwelling will be sited on a lot or parcel created before January 1, 1993. (This date only applies to the placement of a non-farm dwelling on an existing, lawfully created lot or parcel.)

§152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§152.769), subject to the requirements of this section, the applicable criteria in §152.061, §§152.610 through 152.617 and §§152.545 through 152.562. A zoning permit is required

following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed Oregon Administrative Rules, Chapter 660, Division 033.

§152.560 OFF-STREET PARKING REQUIREMENTS.

(B) Off-street parking requirements.

(9) Commercial uses: one space per 200 square feet of public floor space, plus one space per employee.

(10) Industrial uses: one space per 200 square feet of public floor space, plus one space per employee.

§ 152.722 STANDARDS FOR APPROVAL.

The Planning Department staff shall examine the application, make sure that it is complete, and shall act on it within five working days, provided the request complies with the following standards:

(H) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

§ 152.721 PRE-FILING CONFERENCE; LAND DIVISION APPLICATION.

(B) Within 45 days of the date of the conference, the applicant shall file with the Planning Department a completed land division application, including the following:

(7) A letter of approval from the Oregon Department of Environmental Quality; If either

of the lots or parcels will be reduced below four acres in size and where a sanitary sewage disposal system is required, submit either of the following: with respect to the adequacy of the site for accommodating new and/or replacement on site septic disposal systems; and

(A) A site suitability approval from the Department of Environmental Quality for the lot or parcel where a dwelling/building may be sited; or.

(B) Proof that the lot or parcel can accommodate a replacement drainfield if an authorized Department of Environmental Quality sanitary sewage disposal system already exists.

§ 152.013 MOBILE HOMES.

(A) Siting. Mobile homes may be maintained for residential purposes in the unincorporated portions of the county only as provided herein:

(1) Where permitted by a zoning district pursuant to a zoning permit;

(2) Mobile homes in authorized mobile home park. A zoning permit is not required for mobile homes located within authorized mobile home parks, unless the mobile home park is located in a FH Flood Hazard Overlay Zone Subdistrict;

(3) Temporary mobile home placement in conformance with §152.576(A) of this chapter.

(4) Converting a mobile home to a non-residential structure. A mobile home shall not be converted to a non-residential structure in any zone.

CONDITIONAL USES AND LAND USE DECISIONS

§ 152.610 DEFINITION.

The definition of Conditional Use and Land Use Decision are found in §152.003.

~~For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~CONDITIONAL USES: Activities that are similar to other activities permitted within a zone, but are not entirely compatible with the permitted uses or purpose and intent of the zone, or compatible with surrounding land uses on adjacent lands in another zoning district.~~

~~LAND USE DECISION: Includes a final decision by a local government concerning the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision, a land use regulation or a new land use regulation. (A Land Use Decision does not include: (1) a decision of a local government which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment, (2) a decision of a local government which approved or denies a building permit issued under clear and objective land use standards.) (Pursuant to ORS 197.015 (10))~~

§ 152.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONDITIONAL USE. An activity specified by this chapter as a principal or an accessory use, permitted when authorized by the Hearings Officer or Planning Commission after a public hearing. Activities that are similar to other activities permitted within a zone, but are not entirely compatible with the permitted uses or purpose and intent of the zone, or compatible with surrounding land uses on adjacent lands in another zoning district.

LAND USE DECISION. Includes a final

decision by a local government concerning the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision, a land use regulation or a new land use regulation. A Land Use Decision does not include: (1) a decision of a local government which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment; (2) a decision of a local government which approved or denies a building permit issued under clear and objective land use standards. (Pursuant to ORS 197.015 (10))

§152.611 NEW OR ALTERED
CONDITIONAL USES AND LAND USE DECISIONS;
CONFORMANCE WITH
REQUIREMENTS; PERFORMANCE
BONDS.

(A) Conditional uses and land use decisions listed in this chapter may be permitted, enlarged or altered contingent upon appropriate authorization, in accordance with the standards and procedures set forth in this subchapter.

(B) In permitting a new conditional use or the alteration of an existing conditional use or land use decision, the designated appropriate planning authority may impose conditions, which are considered necessary to protect the best interests of the surrounding area or the county as a whole.

(C) In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use or land use decision, any change in use or in lot area or an alteration of structure shall conform to ~~with~~ the requirements for a conditional use or land use decision.

(D) The county may require an applicant to furnish the county with a performance bond or such other form of assurance that the county deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use or land use decision.

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION.

The procedure for taking action on a conditional use or land use decision application shall be as follows:

(A) A property owner or the Planning Commission may initiate a request for a conditional use or land use decision by filing an application ~~with the secretary of the Planning Commission~~; using forms prescribed pursuant to § 152.767;

(B) A conditional use or ~~and~~ land use decision application shall be processed via administrative review per § 152.769;

(C) A conditional use permit or land use decision will not be approved unless the proposed use of the land will be in conformance with the County Comprehensive Plan;

(D) An applicant granted a conditional use permit or land use decision must obtain a county zoning permit for each tax lot before commencing construction.

(E) A conditional use may have annual reviews conducted by County Planning to ensure compliance with the conditions of approval. Annual review fees may be assessed.

(F) A conditional use or land use decision may be referred to the Planning Commission if the Planning Director deems circumstances warrant such additional review and consideration.

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

(A) A conditional use permit or land use decision shall ~~expire~~ be void after one year, unless 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. ~~or such lesser time as the permit may specify unless 20% of the total estimated project cost has occurred or the proposed use has occurred.~~ However, ~~The~~ Planning Director or the designated proper planning authority may extend authorization for a conditional use or land use decision for an additional period not to exceed one year, unless 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 ~~of~~ 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 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.

§ 152.614 LIMIT ONE APPLICATION.

No application for a conditional use permit or land use decision shall be considered within one year of the denial of such a request, unless in the opinion of the Hearings Officer, Planning

Director or designated the appropriate planning authority new evidence and/or a change of circumstances warrant it.

§ 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 designated appropriate planning authority of the specific conditional uses and land use decisions listed below in this chapter:

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

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

§ 152.058 USES PERMITTED WITH A ZONING PERMIT

(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 of the completion of the replacement dwelling;
- (6) 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) 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) If the applicant has requested a deferred replacement permit, the dwelling is to be 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. 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) (8) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.

(10)(9) Permits issued for replacement dwellings are valid for four years. A permit extension for an additional two years may be obtained.

§ 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:

(E) 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 parcels 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, the easement or right-of-way is required to be improved to meet the Option 1 or "P-1" County Road Standard as provided in § 152.684 (D). The easement or right-of-way shall be a minimum of a 30 foot wide and 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 turnarounds. 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 as provided in § 152.684 (D), 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 parcels and will likely serve additional parcels or lots, ~~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~~ the

right-of-way or easement shall be required unless otherwise granted by the Board of Commissioners to be improved to meet the Option 2 or "P-2" County Road Standard as provided in §152.684(D). The 60-foot right-of-way or 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 rights-of-way or 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 may warrant the installation of ~~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. The Public Works Director will determine if road signs are necessary at these intersections. 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 as provided in Umatilla County Code of Ordinance Chapter 93. 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.

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 17th day of March, 2011.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell
William S. Hansell, Commissioner

W. Lawrence Givens
W. Lawrence Givens, Commissioner

Dennis D. Doherty
Dennis D. Doherty, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Gene Churchin
Records Officer

