

UMATILLA COUNTY, OREGON  
ORDINANCE #89-02

AN ORDINANCE AMENDING THE DEVELOPMENT ORDINANCE, #84-03, AS PREVIOUSLY AMENDED, TO ALLOW FOR THE PARTITIONING OF EXISTING HOMESITES IN THE FU-10, FUTURE URBAN ZONE, APPLIED WITHIN THE HERMISTON URBAN GROWTH BOUNDARY

WHEREAS, the FU-10, Future Urban Zone, currently has a minimum lot size of 10 acres, with no exceptions; and

WHEREAS, there is a need to allow for the partitioning off of smaller tracts for existing homesites in cases of multiple homesites on an individual parcel or for sale of farmland or vacant developable land separate from the established homesite; and

WHEREAS, staff prepared a set of proposed criteria for allowing the partitioning off of existing homesites, which as been reviewed, modified, and subsequently approved by the County and City of Hermiston planning commissions, and by Brent Lake, Field Representative for the State Dept. of Land Conservation and Development (DLCD); and

WHEREAS, a public hearing on this proposal was scheduled before the Board of Commissioners on Thursday, 18 May 1989, at 1:30PM, in Room 114 of the County Courthouse, Pendleton, and was duly advertised in the 6 May 1989 edition of the East Oregonian, and timely notice was provided to DLCD on 13 March 1989; and

WHEREAS, no objections were received at or prior to the hearing,

NOW THEREFORE, the Umatilla County Board of Commissioners does hereby ordain that Section 3.200 - 3.208(4), the FU-10, Future Urban Zone, of the Umatilla County Development Ordinance #84-03, as previously amended, is further amended by the text set forth in Attachment A, which is hereby incorporated into this ordinance. The Board also declares that an Emergency Exists since this issue has been under consideration for one year and applications are pending.

ENACTED this 18th day of May, 1989.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William H. Hansell  
Chairman William H. Hansell

ABSENT

Glenn Youngman  
Vice-Chairman Glenn Youngman

Jeanne Hughes  
Commissioner Jeanne Hughes

ATTEST:

J. Deak Fouquette, Sr.  
J. Deak Fouquette, Sr.  
County Clerk

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ATTACHMENT A

AMENDMENTS TO THE UMATILLA COUNTY DEVELOPMENT CODE:  
Section 3.200-3.208(4), the FU-10, Future Urban Zone

Amend 3.208(1)(a), under Minimum Lot Sizes, as shown in underlining below:

"For all "Uses Permitted with a Zoning Permit" and "Conditional Uses Permitted" except as modified in (b) and (c) below - 10 acres;"

ADD SUBSECTION (c) TO 3.208(1)

(c) Pre-existing, habitable dwellings, including several single-family dwellings on a single tax lot, may be partitioned out on individual parcels as a Type II, III or IV Land Division, subject to the following standards:

- (1) The proposed parcel(s) has frontage on or legal access to a county road, state highway, or public road, or can be provided with legal access as a condition of approval; and
- (2) The proposed parcel(s) is already physically developed as a homesite, including but not limited to the following improvements: (a) an existing, habitable dwelling; (b) existing accessory building(s) provided for the dwelling; (c) existing and replacement sites for on-site septic systems; (4) domestic well; and
- (3) The size of the proposed parcel(s) shall be the minimum necessary to accommodate the development features listed in (2) above, with an absolute minimum of 1/2 acre and a maximum of 2 acres, excepting that the domestic well may be located beyond the parcel boundaries and connected to it by a utility easement; and
- (4) The total number of parcels allowed to be partitioned from the original parcel shall be the total number of existing, developed homesites on the parcel, except as qualified in (5) below; and
- (5) The undeveloped ("vacant") portion of an original parcel shall not be less than 5 acres following partitioning off of existing homesites. One of the existing homesites must remain with the original parcel if such would be the case. (For example, if there are 2 homesites on a 6 acre tract, one homesite could be partitioned off, but the other would have to remain with the original tax lot); and

FU-10 FUTURE URBAN ZONE [NEW]

Section 3.200

Description and Purpose

The FU-10 Future Urban Zone is designed to implement the growth management policies around the Hermiston Urban Growth Boundary; to provide for interim uses consistent with the plan policies until conversion to urban uses; to retain the land suitable for future urban development in large parcels which will enable more cost effective urban redevelopment of the land. Lots are kept large as urban services are not yet available to these areas and development is limited to the land capability of accepting septic tanks and drainfield while still providing safe drinking water.

Section 3.202

Uses Permitted Outright

In a FU-10 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to Section 1.080:

- (1) Farm Use, as defined in ORS 215.203, except livestock feed yards and sales yards, hog or poultry farms and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm uses referred to in paragraph (9) of sub-section (2) of ORS 215.203.

Section 3.204

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 Section 1.050.

- (1) Dwelling, single family;
- (2) Mobile home;
- (3) Non-commercial greenhouse or nursery;
- (4) Public or semi-public use;
- (5) Signs: Type 2, 3, 4, 5, 6.

Section 3.206

Conditional Uses Permitted

In a FU-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of Section 7.010 - 7.060:

- (1) Church;
- (2) Day care or nursery;
- (3) Commercial greenhouse or nursery;
- (4) Roadside stand for the sale of agricultural products grown by the owner;
- (5) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency;

- (6) Rest home, home for the aged, nursing home, or convalescent home;
- (7) Utility facility;
- (8) Boarding of horses for profit;
- (9) Horse boarding stable;
- (10) Special exemption as provided in Section 5.100 through 5.204;
- (11) Cemetery;
- (12) Home occupations.

Section 3.207

Limitations on Use

Notwithstanding any other section of this ordinance, the following limitations and conditions shall apply in the FU-10 Zone:

- (1) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal as listed below:  
Horses, cows, goats or sheep . . . . . 2 per acre.  
For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.
- (2) The number of chickens, fowl, rabbits, or similar sized fowl or fur-bearing animal shall be confined on not more than 25% of the total lot area;
- (3) Adequate fences and corrals shall be required of the animal owner to keep animals off from adjacent lands;
- (4) Barn, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 ft. from a side or rear property line and 75 feet from the front property line;
- (5) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (County, State or Federal) as may be now hereafter established.

Section 3.208

Dimensional Standards

In a FU-10 Zone the following standards shall apply:

- (1) Minimum lot size:
  - (a) For all "Uses Permitted with a Zoning Permit" and "Conditional Uses Permitted" except as modified in (b) below - 10 acres;

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- (b) Pre-existing, non-conforming lots of records: Lots which were lawfully in existence prior to September 20, 1983 and which do not meet the 10 acre minimum parcel size stated in (a) above may be occupied only by a single family dwelling, mobile home or modular home upon approval by the DEQ, or other authorized agent which may succeed them, to place a septic tank and drainfield on the pre-existing non-conforming lot.
- (2) **Setback Requirements:** No buildings shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line.
- (3) **Lot Coverage and Building Heights:**
- (a) **Lot Coverage:** The main building and accessory buildings located on any building site or lot shall not cover more than thirty (30) percent of the total lot area;
- (b) **Building Height:** No building or structure shall be erected or enlarged to exceed two (2) stories or more than twenty-five (25) feet in height, except split level buildings, which may be increased in height to thirty (30) feet.
- (4) **Stream Setback:** To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams and lakes, the following setback shall apply:
- (a) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream or lake, but in no case closer than 50 feet.
- (b) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

- (6) Once the existing developed homesites have been partitioned off from the original parcel, no new homesites are allowable on the remainder of the property as long as the property remains in FU-10 zoning. A covenant to this effect, complete with legal description, would be required to be signed and recorded in the Umatilla County Deed Records as a condition of partitioning approval.