

Umatilla County

Department of Land Use Planning



March 27, 2018

RE: Proposed text changes to the Umatilla County Development Code 2018/2019, #T-19-079

NOTE: Proposed text changes are shown in a “Mark Up” format with the original text to be removed shown in strikethrough and added text provided in bold and underlined.

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1. Update Chapter Title UCDC Section 152.001

Suggested Change:	Reason for the Change
<p>§ 152.001 TITLE.</p> <p>This chapter shall be known as the “Umatilla County Land Development Ordinance Code” (UCDC).</p>	<p>The development code has been referenced as the “Umatilla County Development Code” (UCDC) for many years. The proposed change reflects this common usage.</p>

2. Update and Add to Definition Section 152.003.

Suggested Change:	Reason for the Change
<p><u>COMMERCIAL DAIRY FARM.</u> A Commercial Dairy Farm is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by the income test in § 152.059 (K) (1) or (K) (2) (b), whichever is applicable, from the sale of fluid milk.</p> <p><u>DWELLING, SEASONAL.</u> A residential dwelling unit, including a mobile home and travel trailer, providing meals or lodging not to more than two additional persons, excluding servants, or a group of not more than five unrelated persons living together as one house-keeping unit, using one kitchen.</p> <p><u>FARM OR RANCH OPERATION.</u> A Farm or Ranch Operation means all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in § 152.003.</p> <p><u>IRRIGATED.</u> <u>IRRIGATED</u> means W<u>watered</u> by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is “irrigated” if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. <u>An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was</u></p>	<p>As found in OAR 660-033-033-135 (8) (a)</p> <p>Dwellings are allowed uses and no longer looked at as seasonal.</p> <p>See OAR-033-0020 (9)</p>

<p><u>removed or transferred to another tract.</u></p> <p><u>LAWFULLY CREATED LOT OR PARCEL.</u> <u>A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. (ORS 92.017)</u></p> <p><u>PROPERTY LINE. The division line between two units of land.</u></p> <p><u>PROPERTY LINE ADJUSTMENT.</u> (1) “Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel, 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) 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 (c) The lot is not within a platted subdivision.</p> <p>(2) An adjustment of a lot or parcel line created prior to January 1, 1990 where it can be shown by a survey from a surveyor licensed in Oregon that the surveyed property lines do not correspond with physical boundary marks (such as fences) thought to be the true property lines by adjoining property owners, when these physical boundary markers have existed for at least 10 years, proof of which shall be provided by the person seeking the change of the lot.</p> <p>(3) An amendment to a recorded subdivision or partition plat to correct errors or omissions of data on the plat, as provided in <u>ORS 92.170.</u></p> <p><u>REPLAT. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in a subdivision.</u></p> <p><u>SETBACK.</u> The open yard space on a lot <u>or parcel</u> between any building and a lot <u>or parcel</u> line or a line defining an access</p>	<p>See ORS 92.017</p> <p>See ORS 92.010 (11)</p> <p>See ORS 92.010 (12)</p> <p>See ORS 92.010 (13)</p>
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easement or road right-of-way.

SOIL CLASS & SOIL RATINGS. Soil class, soil rating, or other soil designations used to describe farmland soils are those in the NRCS Web Soil Survey, the official source of certified soils data available online that identifies agricultural land capability classes.

STRUCTURE. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, **masts and** towers, ~~cranes~~, flagpoles, antennas, smokestacks, earth formations and **utility poles for** overhead transmission lines. Structures do not include paved areas.

LAWFULLY ESTABLISHED UNIT OF LAND. ~~An area of contiguous land at least sufficient of size to meet minimum zoning requirements for use, coverage and area.~~ A lawfully established unit of land ~~may be~~ **means:**

(1) A ~~single lot of record~~ **or parcel created pursuant to ORS 92.010 to 92.192; or**

(2) A lot as defined in this section; or
Another unit of land created;

(A) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(B) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

(3) A ~~parcel as defined in this section.~~

A unit of land recorded in the County Records Office or County Assessor's Office prior to the adoption of the county zoning ordinance of 1972 on July 19, 1972.

(4) "Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account.

Units of land that do not meet the minimum zoning requirements are considered non-conforming (see the definition for **NON-CONFORMING LOT OF RECORD**).

See OAR 660-033-0030
(8)

See ORS 92.010 (3)

<p><i>YARD.</i> An open space on a lot <u>or parcel</u> which is unobstructed from the ground upward except as otherwise provided in this chapter. When determining setback, <i>YARD</i> does not include an access easement or a road right-of-way.</p> <p><u><i>UTILITY POLE.</i></u> <u>A Utility Pole is a column or post used to support overhead power lines and other public utilities, such as electrical cables, fiber optic cables, and related equipment such as transformers and street lights. Utility poles are often referred to as transmission poles, telephone poles and power poles, depending on the application. Utility poles do not include masts and towers designed to support antennas and other telecommunications and broadcasting equipment used by cellular networks and other communication networks.</u></p> <p><i>MANUFACTURE.</i> The converting of raw unfinished materials or products, or any or either of them into an article or articles or substance of a <u>into a</u> different character or for <u>to</u> use for a different character or for use as a different purpose. <u>Such finished goods may be sold to other manufacturers for the production of other, more complex products, or sold to wholesalers, who in turn sell them to retailers, who then sell them to end users and consumers.</u></p>	
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3. Clarify Statutory Provision Chapter Citing Section 152.004

Suggested Change:	Reason for the Change
<p>§ 152.004 AMENDED, REPEALED OR MODIFIED STATUTORY PROVISIONS. When the state legislature amends, repeals, or modifies any section of an Oregon Revised Statutes chapter quoted within this chapter, the section of the Oregon Revised Statutes chapter cited in this chapter shall be automatically amended, repealed or modified unless the county holds a public hearing pursuant to § 152.771 of this chapter.</p>	<p>Adds clarification in citing statutes.</p>

4. Clarify Fences Section 152.015

Suggested Change:	Reason for the Change
<p>§ 152.015 FENCES.</p> <p>Fences are allowed in any zone and do not require a zoning permit for construction unless located in a Special Flood Hazard Area. <u>Fences located in a Special Flood Hazard Area require an approved Floodplain Development Permit and zoning permit.</u> There shall be no <u>Fences must meet</u> height limitation except at corners of street intersections and service drives where vision clearance requirements shall be met <u>and zoning height limitation for structures.</u> Fences shall meet all Oregon Uniform Building Code requirements.</p>	<p>Adds clarification that a permit is necessary for all development within a flood hazard area.</p>

5. Add IAMP to Section 152.019.

Suggested Change:	Reason for the Change
<p>§ 152.019 TRAFFIC IMPACT STUDY.</p> <p>(B) <i>Applicability:</i></p> <p>(f) For development within the I-82/US 730 Interchange Area Management Plan (IAMP) Management Area, the location of the access driveway is inconsistent with the Access Management Plan in Section 7 of the IAMP-; <u>or</u></p> <p><u>(g) For development within the I-84/Barnhart Road Interchange Area Management Plan (IAMP) Management Area.</u></p>	<p>The Barnhart Road IAMP was left out of the list of County IAMPs under requirements for a traffic analysis.</p>

6. Modify Dimensional Standards Section 152.119

Addition:	Reason for the Addition
<p>§ 152.119 UNINCORPORATED COMMUNITY.</p> <p>(B) <i>Dimensional standards.</i> The following dimensional standards shall apply in a UC Zone: no building or structure shall be erected</p>	<p>Allows for two story dwellings to be constructed without the 25-ft height limitation.</p>

<p>or enlarged to exceed two stories or more than 25 feet in height, except <u>dwellings may be constructed with two stories, not including a basement.</u> split-level buildings, which may be increased in height to 30 feet.</p> <p>(D) <u>Building and structure setback and yards.</u> (1) The minimum front yard shall be 45 feet from the center lines of a road right-of-way or easement; <u>No building or accessory structure shall be located closer than 20 feet from a lot or parcel line, except on the street side of a corner lot or parcel the setback shall be 25 feet from the lot or parcel line;</u></p>	<p>Clarifies that both buildings and structures must meet setbacks to property lines.</p>
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7. Clarify Residential Limitation Sections

Addition:	Reason for the Addition
<p>§ 152.133 (B), § 152.158 (B), § 152.163 (B) and 152.338 (B)</p> <p>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;</p>	<p>Provides consistency that fur-bearing animals are not allowed per § 152.131 (A) (1), § 152.156 (A) (1), § 152.161 (A) (1) and 152.336 (A) (1).</p>

8. Update Rural Residential Zoning Height Limitations

Addition:	Reason for the Addition
<p>§ 152.134 (C) (2), § 152.159 (C) (2), § 152.164 (C) (2) and 152.339 (C) (2)</p> <p>Building <u>and structure</u> height. No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except <u>for utility pole structures, and dwellings that may be constructed with two stories (not including basements).</u> split level buildings, which may be increased in height to 30 feet.</p>	<p>Allows for two story dwellings to be constructed regardless of the 25-ft height limitation.</p>

<p>Clean Version: Building and structure height. No building or structure shall be erected or enlarged to exceed more than 25 feet in height, except for utility pole structures, and dwellings that are constructed with two stores (not including basements).</p>	
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9. Update Dwellings in Residential Forest Zones (MUF, FR & MR).

Addition:	Reason for the Addition
<p>§ 152.171, § 152.216 and § 152.231 (B) <i>Uses permitted with a zoning permit . . .</i> (2) Dwelling (seasonal);</p>	<p>Removes the word “seasonal”. Dwellings are allowed uses and not limited to seasonal.</p>

10. Update AR Overlay Zone Section 152.486

Suggested Change:	Reason for the Change
<p>§ 152.486 APPLICABILITY. Upon receipt of a request for an AR Overlay, the Planning Commission shall hold a public hearing within 40 days pursuant to § 152.771 if the AR Overlay is an appropriate overlay for the area requested.</p>	<p>The specific 40-days in which to hold a hearing is not always realistic for this type of application request.</p>

11. Clarify Replats for Subdivisions and Land Divisions Section 152.695

Suggested Change:	Reason for the Change
<p>UCDC Section 152.695 DEFINITION; REVIEW AND APPROVAL PROCEDURE.</p>	

<p>A Type III Land Division is <u>used to a replat of an existing a recorded subdivision (or “addition”), or addition plat, whereby the lot</u> <u>The replat may be used to achieve a reconfiguration, of an existing subdivision or addition, or used to increase or decrease the number of lots within an existing recorded subdivision or addition.</u> the public roads or streets, and/or the dedicated <u>A replat may be used to reconfigure or realign a recorded access easements within a plat.</u> are proposed to be realigned. Replatting includes adjustments to the boundary lines between adjoining lots, except as provided for survey corrections under Type V Land Divisions. <u>A replat includes a change in an exterior boundary of a subdivision or partition plat.</u> This subchapter is intended to implement the requirements of <u>ORS 92.180 through 92.190.</u></p> <p><u>The replat of an recorded Partition Plat shall follow the applicable Type II or Type IV Land Division process.</u></p> <p><u>The county allows adjustments of property lines through a property line adjustment approval, as provided in ORS 92.190 (3) & (4), and following the procedures in §§ 152.720 through 152.725.</u></p>	
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12. Clarify Classification of Land Division Types UCDC Section 152.643

Addition:	Reason for the Addition
<p>§ 152.643 CLASSIFICATION OF LANDS; LAND DIVISION TYPES. (B) Land division proposals, <u>within city urban growth boundaries,</u> consisting of subdivision, major partitions and minor partitions are steps in the land development process and shall comply with requirements and procedures in the joint management agreements co-adopted by both the county and appropriate cities, <u>y. if within an urban growth boundary, and Land division proposals, within rural Umatilla County</u> shall comply with the County Comprehensive Plan and other legal zoning requirements if proposed within rural lands;</p> <p>(C) To allow the greatest flexibility, the county shall adopt and implement four different categories for land division proposals,</p>	

<p>those being Type I, Type II, Type III, and Type IV, Land Divisions and Type V, Property Line Adjustments and Type VI Land Divisions;</p> <p>(D) Determination of whether administrative or public hearing review should be required depends on the size, location and foreseeable impacts on the community of a given land division proposal. Type II, Type III and Type IV Land Division proposals and replating of Type II and Type IV Land Divisions, as defined in this chapter, are appropriate for administrative review and decision due to their minor impacts on nearby properties and their consistency with the objectives of facilitating development in accordance with the Statewide Planning Goals, particularly No.'s 9, 10, 11, 13 and 14 and with the County Comprehensive Plan.</p>	
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13. Update Surveying Requirements Section 152.644

Addition:	Reason for the Addition
<p>(3) Final plats of Type III Land Divisions (subdivision replats). A Type III Land Division does not require a survey if the original plat was unsurveyed, unless the new parcels being created through the replat process meets the provisions of (2), (4) or (5) of this section.</p> <p>(B) While Preliminary surveys and legal descriptions are not may be required to be submitted for tentative plan approval, valid legal descriptions are required as part of an initial land division application.</p>	

14. Update Delegation of Authority for Land Divisions Section 152.645

Addition:	Reason for the Addition
<p>(A) The Planning Commission shall have the authority to approve, deny or modify tentative plans and final plats for Type I subdivisions and Type III subdivision replats. Land Divisions.</p> <p>(B) The Planning Director or designee shall have the authority to approve, deny or modify tentative plans and final plats of Type II</p>	

<p>and/or Type IV Land Divisions, partition replats and maps of Type V Land Divisions (property line adjustments).</p> <p>(C) The Planning Director or designee shall have the authority to determine into which land division classifications of a land division that a land division proposals falls under shall follow. Doubt as to the classification of a land division proposal shall be resolved in favor of a Type I classification. Disagreement on a classification determination of a land decision proposal can only be appealed to the Planning Commission. The Planning Commission shall make a final determination as to a disputed classification.</p>	
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15. Update Designated Land Division Types UCDC 152.646

Addition:	Reason for the Addition
<p>§ 152.646 PROPOSALS DESIGNATED TO LAND DIVISION TYPES.</p> <p>(A) <i>Type I Land Division.</i></p> <p>(1) The following proposals are designated Type I Land Divisions:</p> <p>(a) Subdivisions, as defined in § 152.003;</p> <p>(b) Any oOther land division proposals which, as determined by the Planning Director, will to have a substantial impact on the use or development of nearby property, and land division proposals such that the Planning Commission determines at a public hearing is to follow the Type I Land Division requirements, considering:</p> <p>(B) <i>Type II Land Division.</i></p> <p>(1) The following proposals are designated Type II Land Divisions:</p> <p>(a) Major partitions, except in the EFU or GF Zones.</p> <p>(b) Minor partitions, except in the EFU or GF Zones.</p> <p>(c) Replats of partitions, where the original partition was a recorded partition plat, except in the EFU or GF Zones.</p>	

<p>applied for since January 1, 1990.</p> <p><i>(D) Type IV Land Division.</i></p> <p>(1) The following proposals are designated Type IV Land Divisions:</p> <p>(a) Partitions of land in an EFU Exclusive Farm Use Zone.</p> <p>(b) Partitions of land in a GF Grazing Farm Zone</p> <p><u>(c) Replats of partitions in an EFU or GF Zone.</u></p> <p><i>(E) Type V Land Division – <u>property line adjustment.</u></i></p> <p>(1) The following proposals are designated Type V Land Divisions: property line adjustments, including replats of partitions applied for prior to January 1, 1990; survey corrections; and corrections to recorded plats, per ORS 92.170.</p> <p>(2) Review and approval procedures for Type V Land Divisions are set forth in §§ 152.720 through 152.725 of this chapter.</p> <p><i>(F) Type VI Land Division.</i></p> <p>(1) The following proposals are designated Type VI Land Divisions: the separation of one or more individual lots along platted lot lines, within a platted subdivision, from a block of contiguous lots under the same ownership, either to exist as a separate tract of land or to be combined into adjoining tracts of land.</p> <p>(2) Review and approval procedures for Type VI Land Divisions are set forth in §§ 152.735 through 152.739 of this chapter.</p>	
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16. Update Property Line Adjustment Procedure Section 152.724

Change:	Reason for the Change
<p>§ 152.724 PROCEDURE UPON APPROVAL. [Type V, Property Line Adjustment]</p>	<p>Clarify wording to reflect procedure for final approval of Type V,</p>

<p>(B) Once a property line adjustment has been approved by the Planning Department staff, the applicant has two years within which to exercise the approval by either:(1) <u>R</u>ecording a deed or deeds in the county deed records, if transfer of title is required in order to accomplish the property line adjustment; or . (2) If the property line adjustment is between parcels owned by the same person or persons, insure that the taxes are paid on all affected properties and that the Assessor's Office has changed the tax maps to reflect the approval.</p> <p>(C) The applicant must provide notice to the Planning Department of the actions <u>as</u> required in division (B) of this section. Failure to exercise approval of the property line adjustment and provide the Planning Department notice within one <u>two</u> years from the date of approval shall cause the <u>Planning</u> approval to become null and void.</p> <p>(D) The Planning Department will provide notice to the Assessor's Office of each property line adjustment approval, and the Assessor's Office will so alter their maps, provided that the taxes are currently paid. The complete application will serve as adequate consent on the part of the property owner(s) to empower the Assessor's Office to make the requested, approved adjustment to the tax lot boundaries. However, it is the applicant's responsibility to contact the Assessor's Office, and comply with their requirements in order for the property line adjustment approval to be exercised within one year.</p>	<p>Property Line Adjustment.</p>
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17. Update Temporary Hardship Dwelling Section 152.576

Addition:	Reason for the Addition
<p>§ 152.576 SPECIAL EXCEPTIONS FOR TEMPORARY MOBILE <u>HARDSHIP HOME DWELLING</u> PLACEMENT.</p> <p>(A) <i>Purpose.</i> The purpose of this section is to <u>the</u> <u>establishment</u> special exceptions for <u>of a</u> temporary mobile home <u>hardship dwelling</u> placement. (Temporary mobile home <u>hardship dwellings</u>, placement as provided in this section, includes <u>manufactured dwellings and the</u> placement of a temporary Park Model Home. The Park Model Home <u>used as a temporary hardship dwelling</u> must have been manufactured within ten years of the approval of the temporary hardship <u>home dwelling</u>.) These</p>	

~~exceptions are intended to provide a means for modifying mobile home placement requirements in cases where a strict adherence to them might cause unusual or undue hardship to a citizen and contravene the goals of the Comprehensive Plan for the county.~~

UNDUE HARDSHIP shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel such as a dwelling for aged or disabled family members or similar dwelling needs of a temporary nature that relate to the use of the principal use on the property in question. Nothing in this section shall be construed to require the granting of such special exception.

(B) *Circumstances for granting **a temporary hardship dwelling exception.*** A mobile home **manufactured dwelling or park model home** may be temporarily located on a ~~building site~~ **property** where ~~there exists a personal~~ **the resident of the property, or the resident's family member, has a medical need, is disabled, or the hardship is for the care of an aged family member.** ~~The temporary hardship dwelling is not necessarily~~ **for the purpose of a** financial hardship ~~on the part of~~ **suffered by the the resident or the resident's family member.** ~~applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile home.~~

(C) *Conditions.* The following conditions shall be applied in evaluating an application for special exception for temporary mobile home **hardship dwelling** placement:

(1) The temporary mobile **manufactured dwelling or park model** home shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship home **dwelling** will use a public sanitary sewer system, such condition will not be required;

(2) Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship. The mobile **manufactured dwelling or park model** home shall be removed **within** 90 days after the original need has ceased;

(3) The Planning Director or designated authority may require doctor's certification for applications based upon family member dependency due to medical reasons;

<p>(4) The location of a temporary mobile hardship manufactured dwelling or park model home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;</p> <p>(5) In granting a special exception for a temporary mobile hardship manufactured dwelling or park model home placement, the Planning Director or designated authority may impose additional reasonable conditions to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.</p>	
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18. Update Churches Conditional Use Section 152.617 (K)

Addition:	Reason for the Addition
<p>(5) Expansion of existing church facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990.</p>	<p>Removes size restriction.</p>

19. Renumber Road Standards Section 152.648

Addition:	Reason for the Addition
<p>(D) Rural Road standards</p> <p>(6) (7) <i>Access Connection and Driveway Design</i> (7) (8) <i>Requirements for Phased Development Plans</i> (8) (9) <i>Nonconforming Access Features</i> (9) (10) <i>Reverse Frontage</i> (10) (11) <i>Flag Lot Standards</i> (11) (12) <i>Lot Width-to-Depth Ratios</i> (12) (13) <i>Cul-de-Sacs and Accessways</i> (13) (14) <i>Shared Access</i> (14) (15) <i>Connectivity</i> (15) (16) <i>Subdivisions</i> (16) (17) <i>Pedestrian Access and Circulation</i></p>	<p>Organize number sequence.</p>

<p style="text-align: center;">(17) (18) <i>Commercial Development Standards</i></p> <p><i>(E) Bikeways</i></p> <p>Bikeways shall be required along urban arterials and collector roads with ADTs greater than 3,000.</p>	
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20. Remove Duplicate Variance Section 152.651

Addition:	Reason for the Addition
<p>§ 152.651 VARIANCES. <u>[Land Division Variance Section Deleted.]</u></p> <p>(A) A variance from the provisions of §§ 152.640 through 152.698 of this chapter may be authorized by the Planning Commission, as appropriate.</p> <p>(B) Such a variance may be authorized only when all of the following factors exist:</p> <ul style="list-style-type: none"> (1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity; (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the application, and extraordinary hardship would result from strict compliance with the ordinance requirements; (3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity. (4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and (5) The circumstances of any hardship are not of the applicant's making. 	<p>Removes duplicate Variance section from the Development Code.</p>

<p>(C) Application for a variance shall be filed with the Planning Department on the forms provided at the time of application for a Type I or Type II or Type III Land Division. The application shall be accompanied by the required fee. Notice of the hearing on a Type I or Type II or Type III Land Division shall include notice of the proposed variance and follow procedures in § 152.771 of this chapter.</p> <p>(D) In granting a variance, the Planning Commission shall make written findings and shall specify any conditions which the Commission feels necessary. The Planning Department shall keep the findings on file as a matter of public record.</p>	
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21. Clarify Type I Land Division Section UCDC 152.665

Change	Reason for the Changes
<p>§ 152.665 REVIEW AND APPROVAL PROCEDURE.</p> <p>(D) Upon receipt of a Once the application is determined to be completed application, the Planning Director shall schedule, not later than 45 days from receipt of the completed application, a public hearing before the Planning Commission. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility, the Planning Director shall provide written notification to ODOT when the application is deemed complete;</p>	<p>Clarifies language for Type I Land Division review.</p>

22. Clarify Type I Land Division - Contents of Tentative Plan UCDC Section 152.666

Change	Reason for the Changes
<p>§ 152.666</p> <p>(B)</p> <p>(1) (e) Proof of record ownership of the tract, <u>(e.g., copy of the deed)</u> and if a representative is acting in behalf of the owner, written authorization from the owner that the representative is acting in his behalf;</p>	<p>Clarifies language for Type I Land Division Tentative Plan.</p>

<p>(5) (m) Any other Other reasonable materials that the Planning Director deems necessary requests to assist in the review and assessment of the proposed tentative plan by the Planning Commission.</p> <p>(6) (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.</p> <p>(b) Complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged.</p> <p>(c) (b) Complies with applicable provisions of § 152.019, Traffic Impact Analysis, as applicable.</p> <p>(d) (c) Complies with applicable provisions listed in the zoning regulations of this chapter;</p> <p>(e) (d) Complies with applicable provisions, including the intent and purpose of the Type I regulations listed in this chapter;</p> <p>(f) (e) The tentative plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets and public facility through the tentative plan;</p> <p>(g) (f) Complies with other specific requirements listed in § 152.667 for approval of certain types of subdivisions.</p>	
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23. Clarify Type I Land Division UCDC Section 152.667 .
 . . Approval of Subdivisions . . .

Change	Reason for the Changes
§ 152. 667 (A)(5)	Clarifies language for Type I Land Division approvals.

(b) Radius of curvature on centerlines of all dedicated roads shall be a minimum of 100 feet. ~~Variancees~~ **Reduction** down to 80 foot minimum radii can be made for severe topography;

(c) Grade of all dedicated roads shall be a maximum of 12%. All roads having centerline curves greater than 45° arc shall have a maximum of 6% grade along such curves. On straight line portions, ~~variancees~~ **reduction** to 20% grade shall be allowed for a maximum of 200 feet in horizontal distance;

(d) Maximum length of cul-de-sac roads shall be 600 feet as measured on the centerline, and shall be terminated by a turn-around right-of-way not less than ~~90~~ **100** feet in diameter;

(C)

(1) If individual disposal systems are proposed, each lot shall be required to have a favorable site **evaluation (suitability)** report prior to final plat approval;

(D)

(2) A treated fire fuel break of ~~25~~ **30** feet wide shall be maintained around the entire perimeter of the subdivision if located in a forested area. The fuel break shall be maintained by the subdivider or a homeowners association. All dead and downed materials shall be removed. The remaining vegetation shall be thinned so that fire cannot spread from tree to tree or bush to bush. A wider fuel break may be required for areas of steeper slope. Fire fuel breaks shall be on level or near flat areas whenever possible.

(F) A forest management plan shall be required; if the Planning Commission ~~can find~~ that the undeveloped portions of the property should be managed for timber production as a condition of approving the subdivision, **or** ~~if the subdivider may also desires~~ to manage part of the land for timber production. In either case:

(I)

(3) If natural buffering cannot be provided, then landscaping shall be required, and a landscaping plan shall be **included for review and approval by** ~~submitted to the Planning Director~~ **Commission** prior to final plat signing for his approval;

(K) The applicant shall submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the **natural** landscape;

(L) The applicant must provide a plan for disposal of solid waste generated by the subdivision.	
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24. Clarify Type I Land Division Public Hearing Section UCDC 152.668

Addition:	Reason for the Addition
<p>§ 152.668</p> <p>(D) Approval or disapproval denial of the tentative plan by the Planning Commission shall be final unless the decision is appealed;</p> <p>(E) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such tentative plan shall be binding upon the county for purposes of the preparation of the final plat and the county may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision and the terms of this chapter.</p>	<p>Clarify language for Type I Land Division action.</p>

25. Update Type I Land Division Final Plat Section 152.669

Addition:	Reason for the Addition
<p>(A)(2) The final subdivision or cluster development plat shall be drawn on 18" x 24" mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three inch binding edge); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include one exact reproducible copy made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the Mylar and two one copies required by this subsection.</p> <p>(D) <i>Technical review and standards for approval of final plat.</i></p>	<p>Clarifies number of plat copies for submittal for Type I Land Division Plat.</p>

<p>(4) Following review and approval of a subdivision or cluster development plat, the applicant or subdivider shall:</p> <p style="padding-left: 40px;">(g) Submit a paper copy of the recorded plat to the Oregon Department of Water Resources in Salem.</p>	
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26. Update Type II Land Division Standards Section 152.684

Change	Reason for the Changes
<p>(F) Dedicated road or public <u>Recorded easements required as access to each parcel</u> shall be provided to each parcel and conform to right-of-way <u>width</u> and <u>road</u> improvement standards as follows:</p> <p style="padding-left: 40px;">(1) If a <u>A</u> recorded easement for <u>providing</u> access purposes in a Type II Land Division will serve <u>to</u> three or fewer parcels, and <u>where the access easement</u> will not likely <u>potentially</u> 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, the easement or right-of-way is <u>shall be</u> required to be improved to meet the Option 1 or “P-1” County Road Standard as provided in § 152.648 (D). The <u>access</u> easement or right-of-way <u>width</u> shall be a minimum of 30 feet <u>-feet</u> wide and improved with a <u>road</u> surface width of at least 16-feet <u>wide, constructed with 4 inches of nominal compacted gravel thickness and with gravel size and grading conforming to ODOT specifications.</u></p> <p>Clean Version: A recorded easement providing access to three or fewer parcels, and where the access easement will not potentially serve other parcels or lots due to existing conditions such as topography, the easement shall be required to meet the Option 1 or “P-1” County Road Standard as provided in § 152.648 (D). The access easement or right-of-way width shall be a minimum of 30-feet wide and improved with a road surface at least 16-feet wide, constructed with 4 inches of nominal compacted gravel thickness and with gravel size and grading conforming to ODOT specifications.</p> <p style="padding-left: 40px;">(2) If the p <u>Partitions</u> is located within a rural fire district or a hospital district which <u>providing</u> service, emergency</p>	<p>Clarifies requirements for easement road widths and road improvements.</p>

vehicle service to parcels where access will be provided from considerations for recorded access easements which dead-end shall ~~provide~~ have either circle drives (cul-de-sac) or driveway turnarounds. The Planning Director or Public Works Director shall determine which type of emergency vehicle access plan above is most appropriate. Circle drives (cul-de-sac) and turnarounds shall be improved to the same standard as the road they serve as provided in § 152.648 (D); Circle drives (cul-de-sac) and turnarounds shall be kept clear of objects, fences and vehicles and shall be of adequate circumference (cul-de-sac are 100-feet in diameter) to provide turn around space for emergency vehicles.

Clean Version:

Partitions located within a rural fire district or hospital district providing emergency vehicle service to parcels that are provided access from access easement which deadends shall provide either circle drives (cul-de-sac) or driveway turnarounds. The Planning Director or Public Works Director determines which type of emergency vehicle access plan is appropriate. Circle drives (cul-de-sac) and turn arounds shall be improved to the same standard as the road they serve as provided in § 152.648 (D). Circle drives (cul-de-sac) and turnarounds shall be kept clear of objects, fences and vehicles and shall be of adequate circumference (cul-de-sac are 100-feet in diameter) to provide turn around space for emergency vehicles.

(3) ~~If a public road or~~ A recorded easement for providing access ~~purposes in a Type II Land Division will serve to~~ four or more parcels, and or that potentially will likely serve additional parcels or lots, or likely will be an extension of a future road as specified in a future road plan, ~~the right-of-way or easement shall be required to be improved to meet the Option 2 or "P-2" County Road Standard as provided in § 152.648 (D). The 60-foot right-of-way or~~ access or right of way width shall be a minimum of 60-foot wide and improved with a road surface width of at least 22-feet wide, constructed with 8 inches of nominal compacted gravel thickness, and with gravel size and grading conforming to ODOT specifications. All 60-foot rights-of-way and/or access easements are roads may be required to be named prior to final approval of the partition plat and if required to be named, the road name must be included on the final partition plat map. Named Roads

must be posted with a road name signs, provided and installed by the County Public Works Department, and ~~are to be paid for~~ by the applicant prior to the final partition plat approval.

Clean Version:

A recorded easement providing access to four or more parcels, or that potentially will serve additional parcels or lots, or will be an extension of a future road as specified in a future road plan, shall be required to meet the Option 2 or "P-2" County Road Standard as provided in § 152.648 (D). The access easement or right of way width shall be a minimum of 60-feet wide and improved with a road surface of at least 22-feet wide, constructed with 8 inches of nominal compacted gravel thickness, and with gravel size and grading conforming to ODOT Specifications. All 60-foot rights-of-way and/or access easement road may be required to be named prior to final approval of the partition plat and if required to be named, the road name must be included on the final partition plat map. Named roads must be posted with a road name sign, provided and install by the County Public Works Department, and paid for by the applicant prior to the final partition plat approval.

(4) Recorded easements or dedicated public roads ~~required~~ **established** in the Type II Land Division may warrant the installation of 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 by the County, provided the partitioner pays for the cost ~~and maintenance~~ of the sign.

(5) Existing County ~~Roads~~ **or and Dedicated** Public Roads shall be improved pursuant to the requirements of this chapter. **Lands dedicated to the public, such as public roads, must be accepted by the County Board of Commissioners prior to recording the final survey plat or the instrument authorizing the approval.**

Clean Version:

Existing County Roads and Dedicated Public Roads shall be improved pursuant to the requirements of this chapter. Lands dedicated to the public, such as public roads, must be accepted by the County Board of Commissioners prior to recording the final survey plat or the instrument authorizing the approval.

(6) Parcels created through a Type II Land Division shall obtain are required to have necessary access approvals and ~~or~~ permits from either the State Highway Department onto state highways, or from the County Public Works Director Department for access onto County Roads and public roads. Access points onto County and public roads are reviewed for location, spacing standards, and design, and improvement standards of access points onto County Roads, (approved) public roads, as provided by the County Public Works Director and § 152.010 ~~or state highways~~.

Clean Version:

Parcels created through a Type II Land Division are required to have access approvals and permits from the State Highway Department onto state highways, or from the County Public Works Department for access onto County Roads and public roads. Access points onto County and public roads are reviewed for location, spacing standards, and design and improvement standards, as provided by the County Public Works Director and § 152.010.

(G) As a condition of approval Each parcel under four acres in size, both those partitioned, ~~or~~ and the remaining remnant piece parcel which are zoned residential, or to be used, for residential purposes, must have a site evaluation (suitability) approval from the Umatilla County Health Department ~~Department of Environmental Quality~~. A waiver ~~to~~ of this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds:

...

(H) The land division plan Sshall provide easements along existing irrigation ditches that traverse or abut the partition property where ~~no such~~ easements have yet not been recorded. The purpose of the easement ~~shall be~~ is for perpetual maintenance

<p>of the ditch and <u>the easement width and purpose shall be recommended by the Ditch Company, if the land division is located</u> within an irrigation district, said easement width and purpose shall be approved <u>recommended</u> by the Irrigation District Board.</p> <p>(I) <u>The land division plan must</u> C 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.</p> <p>(J) 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. <u>As a condition of approval, all improvement agreements required by this chapter, must be agreed to, and signed by, the property owner and the Board of County Commissioners, as appropriate. The required agreements shall be recorded in the County Records Office prior to, or at the time, the final plat survey is recorded.</u></p> <p>(K) <u>The land division plan must</u> A adequately addresses any known development limitations within the proposed Type II Land Division, <u>and provide</u> outlining appropriate measures to mitigate the limitation.</p> <p>(L) <u>As a condition of approval, the applicant shall work, with and Address,es</u> the comments of <u>from</u> the appropriate water agency <u>where the property</u> if the proposed Type II Land Division has a water right.</p>	
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27. Update Type II Land Division Final Partition Plat 152.686

Change	Reason for the Change
<p>(B) (1) Submission</p> <p>(b) The final partition plat shall be drawn on 18" x 24" Mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three</p>	<p>Corrects parcel identification.</p>

~~inch binding edge~~); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include one exact reproducible copy made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the Mylar and ~~two copies~~ required by this subsection.

(2)

(j) Parcels shall be identified ~~with capital letters~~ numerically, beginning with ~~the letter "A"~~ number "1" and continuing consecutively without omission or duplication throughout the partition. The ~~letters~~ numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. ~~Parcel identification letters in an addition to a partition of the same original tract shall be a continuation of the lettering in the original partition;~~

(4) *Technical review and standards for approval of final partition plat.*

~~(g) Within three business days of the signing of the plat by the Planning Director, and Planning Commission Chairperson and/or Board of Commissioners, as required, the Planning Department shall so notify the applicant by certified mail, advising the applicant that the signed, approved plat is being held for them at the Planning Department, pending their arrival at the Courthouse to record the plat and accompanying documents.~~

~~(h)~~ (g) Approval of a final plat by the Planning Director shall not constitute or effect an acceptance by the public of the dedication of any street, easement or public road shown on the plat; however, signing of a final plat for a "major" partition by the County Board of Commissioners does constitute acceptance of a public road or street right-of-way, but not the road improvements;

~~(i)~~ (h) Approval of a final plat by the Planning Director is a ministerial action, which takes effect immediately upon signing of the plat.

~~(j)~~ (i) Within 60 days following review and approval of a partition plat, the applicant shall:

(i) Deliver the signed, approved Final partition plat Mylar, a paper copy thereof (for the Assessor's Office), and an silver halide, exact Mylar reproducible copy of

<p>the plat, signed by the surveyor preparing the plat that the copy is a they are true copies thereof, and any accompanying documents to the Records Department of the County Records Office for recording, and pay the required recording fees;</p> <p>(iii) Notify the Planning Director in writing that the approved partition plat and accompanying documents have been delivered to the Records Department and County Surveyor, and submit two paper copies of the recorded plat and all accompanying documents;</p> <p>(iv) Submit a paper copy of the recorded plat to the Oregon Department of Water Resources in Salem.</p>	
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28. Update Type V Land Division – Property Line Adjustment Standards Section UCDC 152.722

Addition:	Reason for the Addition
<p>§ 152.722 STANDARDS FOR APPROVAL. The Planning Department staff shall examine the application, make sure that it is for complete<u>ness</u>, and shall act on it within five working days, provided the request complies ance with the following standards:</p>	<p>This time line contradicts the 20 working days allowed for completeness review.</p>

29. Update Type V – Property Line Adjustment Procedure upon Approval Section UCDC 152.724

Addition	Reason for the Addition
<p>§ 152.724</p> <p>(B) Once a property line adjustment has been approved by the Planning Department staff, the applicant has two years within which to exercise the approval by either: (1) R recording a deed or deeds in the County deed records, if transfer of title is required in order to accomplish the property line adjustment; or(2) If the property line adjustment is between parcels owned by the same</p>	<p>Clarifies property line adjustment procedure.</p>

<p>person or persons, insure that the taxes are paid on all affected properties and that the Assessor's Office has changed the tax maps to reflect the approval.</p> <p>(C) The applicant must provide notice to the Planning Department of complete the actions required in division (B) of this section. Failure to exercise approval complete the action in division (B) of this section of the property line adjustment and provide the Planning Department notice within one two years from the date of the property line adjustment approval shall cause the approval to become null and void.</p> <p>(D) The Planning Department will provide notice to the Assessor's Office of each property line adjustment approval, and the Assessor's Office will so alter their County Assessor maps, provided that the each property's taxes are currently paid and the action in division (B) has been completed. The complete application will serve as adequate consent on the part of the property owner(s) to empower the Assessor's Office to make the requested, approved adjustment to the tax lot boundaries. However, it is the applicant's responsibility to contact the Assessor's Office, and comply with their requirements in order for the property line adjustment approval to be exercised shown on the Assessor's map within one year.</p>	
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30. Remove Type VI Land Division UCDC Sections 152.725 – 152.739 and Replace with new - Part 7, Amending Recorded Plats and Affidavit of Corrections

Change	Reason for the Change
<p>§ 152.735 CORRECTING AMENDMENTS TO PLATS. If the request is a correcting amendment to a recorded subdivision or partition plat, the following standards and procedural requirements, as set forth in ORS 92.170, shall be applied in addition to those cited in §§ 152.721 through 152.724:</p> <p>(A) Any plat of a subdivision or partition filed and recorded under the provisions of ORS 92.018 to 92.190 and/or the provisions of this chapter may be amended by an affidavit of correction:</p> <p>(1) To show any courses or distances omitted from the</p>	<p>This section relocated from Type V Land Division (Property Line Adjustment) Section 152.725 and renumbered to Section 152.735.</p> <p>Replaces deleted Type VI Land Division Section 152.725.</p>

subdivision or partition plat;

(2) To correct an error in any courses or distances shown on the subdivision or partition plat;

(3) To correct an error in the description of the real property shown on the subdivision or partition plat; or

(4) To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the final subdivision or partition plat as recorded.

(B) Nothing in this section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations, which are classified as “replatting” and are processed as Type II **and Type IV** Land Divisions for partitions or as Type III Land Divisions for subdivisions

(C) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision or partition. In the event of the death, disability or retirement from practice of the surveyor who filed the subdivision or partition plat, the County Surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.

(D) The County Surveyor shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this section.

(E) Once the correction has been ~~approved~~ **reviewed** by the Planning Department staff ~~as a Type V Land Division~~, the surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the Office of County Records where the subdivision or partition plat is recorded. The affidavit shall bear a signature block for the County Surveyor, and this signature of approval must be shown on the affidavit prior to recording. The Office of County Records shall return the recorded copy of the affidavit to the County Surveyor. The County Surveyor shall make any corrections pursuant to ORS 92.170.

(F) For recording the affidavit in the county deed records,

<p>County Records shall collect a fee set by the County Board of Commissioners. County Records shall also collect a fee set by the County Commission to be paid to the County Surveyor for services provided under this section.</p> <p><u>(G) Corrections or changes shall not be allowed on the original plat once it is recorded with the County records Office.</u></p>	
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31. Relocate Correcting Amendments to Plats, Section UCDC 152.725

Change	Reason for the Change
<p>§ 152.725 CORRECTING AMENDMENTS TO PLATS [Relocate]</p>	<p>Removes this section and replaces deleted Section 152.725.</p>

32. Corrects Public Notice Distance

Change	Reason for the Change
<p>§ 152.770 (A) (3) Within 500 750 feet of the property which is the subject of the notice where the subject property is within an Exclusive Farm Use, or Forest Zone or Mixed Farm/Forest Zone.</p>	<p>Corrects the Notice distance required by Oregon Administrative Rules.</p>