

RECEIVED

MAY 05 2021

UMATILLA COUNTY RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
 Umatilla County Development) ORDINANCE NO. 2021-03
 Code to Revise Permitting)
 Process for Creation of Parcels)
 When Parcel Contains at Least)
 Two Lawfully Established)
 Dwellings)

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 Alan and Nan Heilman propose text changes that would incorporate the provisions of ORS 215.780(2)(e), to allow creation of parcels between two and five acres in size, each to contain an existing dwelling, on land zoned for forest use or mixed farm and forest use;

WHEREAS, at its April 22, 2021 meeting, the Umatilla County Planning Commission reviewed the proposed amendment and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissions held a public hearing on May 5, 2021, 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 amendments 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):

§ 152.087 PARCEL SIZES.

(E) For existing dwellings on a parcel zoned for mixed farm and forest use. Creation of a parcel under this division shall meet the following:

(1) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993.

(2) Each dwelling complies with the

criteria for a replacement dwelling under UCDC Section 152.083 (O).

(3) The dwellings were not subject to a permit that required removal of the dwelling.

(4) The dwellings were not approved under a provision that prohibited division of the lot or parcel.

(5) The dwellings were not approved

under provisions listed in UCDC Sections 152.084 (K) and/or 152.059 (K).

(6) Each parcel created under this section is between two and five acres in size, except for one parcel.

(7) Each parcel created under this section will have one existing dwelling located on the parcel.

(8) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded in the Umatilla County Records. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed on behalf of Umatilla County indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use.

(9) Covenant Not to Sue. All dwellings approved within the mixed farm forest zone require the landowners to sign and record in the Umatilla County Records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.935 or 30.937.

(10) The resulting parcels shall be added to the County's inventory of parcels that cannot be further divided.

~~(E)~~ (F) For other non-farm/non-resource and conditional uses. The minimum lot area for other "non-farm" and "non-resource" uses permitted outright or conditionally in this zone shall be the size necessary to accommodate the use and may be established through §152.710 (E), Type IV, Review IV Land Division application.

~~(F)~~ (G) UGB Areas. Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the §152.710 (F), Type IV, Review V Land Division application process.

§ 152.710 REVIEW AND APPROVAL PROCEDURES; MATRIX SYSTEM.

(A) Type IV Land Division review and approval matrix system. Review and approval of a Type IV Land Division shall be divided into ~~four~~ six types of reviews. The following table shall be used to identify what type of review is to be used:

Type of Land Use	Parcel Size To Be Created Through a Land Division		
	Creating a Parcel 160 acres +	Creating a Parcel 80 - 160 acres	Creating a Parcel Less Than 80 acres
Continued resource use in EFU Zone	Review I, and the requirements of the Critical Winter Range (CWR) Overlay if applicable	Review II, and the requirements of the CWR Overlay if applicable	Review II if located within an approved "go-below" area per OAR 660-033-0100
Continued resource use in GF Zone	Review I, and the requirements of the Critical Winter Range (CWR) Overlay if applicable	Does Not Apply	Does Not Apply
Non-resource (EFU or GF Zone) new or existing dwelling	Does Not Apply	Does Not Apply	Review III Level I for parent parcels greater than 160 acres and meets the non-farm dwelling criteria, Review III, Level II for parent parcels 40 to 160 acres and meets the non-farm dwelling criteria
Non-resource (EFU or GF Zone) uses other than dwellings	Conditional use permit required first then Review IV	Conditional use permit required first then Review IV	Conditional use permit or land use decision for a Utility Facility allowed under 152.059(C) required first then Review IV
EFU or GF Zone and UGB Parcels	Does Not Apply	Review V if portion of parcel located within UGB	Review V if portion of parcel located within UGB
<u>GF Zone - two or more existing dwellings</u>	<u>Does Not Apply</u>	<u>Does Not Apply</u>	<u>Review VI parcels for lawfully existing dwellings</u>

(G) Review VI.

Criteria for approval of a Type IV, Review VI Land Division application for the creation of parcels for lawfully existing dwellings located on GF Zoned land.

(1) The parcel was lawfully created on and at least two dwellings lawfully exist on the lot or parcel prior to November 4, 1993.

(2) Each dwelling complies with the criteria for a replacement dwelling under UCDC Section 152.083 (O).

(3) The dwellings were not subject to a permit that required removal of the dwelling.

(4) The dwellings were not approved under a provision that prohibited division of

the lot or parcel.

(5) The dwellings were not approved under provisions listed in UCDC Sections 152.084 (K) and/or 152.059 (K).

(5) Each parcel created under this section is between two and five acres in size, except for one parcel.

(6) Each parcel created under this section will have one existing dwelling located on the parcel.

(7) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded

in the Umatilla County Records. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed on behalf of Umatilla County indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use.

(8) Covenant Not to Sue. All dwellings approved within the mixed farm forest zone require the landowners to sign and record in the Umatilla County Records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(9) Survey requirements for a Type IV, Review VI, Land Division application will meet the provisions for a partition and follow the technical standards of submittal the same as that for a Type II Land Division, and are

therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(10) Access easements are subject to §152.684 (E) – (F).

(11) Obtain necessary approval and/or permits from either the State Highway Department or Umatilla County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways.

(12) 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 Umatilla County Records at the time, and as a condition of approval for a Type IV, Review VI Land Division.

(13) The resulting parcels shall be added to the County's inventory of parcels that cannot be further divided.

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 5th day of May, 2021.

UMATILLA COUNTY BOARD OF COMMISSIONERS




George L. Murdock, Chair





John M. Shafer, Commissioner



Daniel N. Dorran, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer

