



PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, June 27, 2024, 6:30PM
Justice Center Media Room, Pendleton, Oregon**

**To participate in the hearing please submit comments before 4PM, June 27th
to planning@umatillacounty.gov or contact the Planning Department at 541-278-6252**

Planning Commission

Suni Danforth, Chair	Emery Gentry
Sam Tucker, Vice Chair	Ann Minton
Tami Green	Malcolm Millar
John Standley	Andrew Morris
Kim Gillet	

Planning Staff

Bob Waldher, Community Development Director
Megan Davchevski, Planning Division Manager
Carol Johnson, Senior Planner
Tierney Cimmiyotti, Planner / GIS
Charlet Hotchkiss, Planner
Shawna Van Sickle, Administrative Assistant

1. Call to Order

2. **NEW HEARING: TEXT AMENDMENT #T-096-24, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, ADOPTING LEGISLATIVE CHANGES OF OREGON STATUTES AND OREGON ADMINISTRATIVE RULES GOVERNING EXCLUSIVE FARM USE (EFU) AND GRAZING FARM (GF).** Umatilla County proposes text changes to the Umatilla County Development Code (UCDC) EFU zoning Sections 152.058, 152.059, 152.060, GF zoning Section 152.084 and corresponding EFU and GF Conditional Use and Land Use Decision Sections 152.617 (I) (EE) and (I) (FF). Changes also include reorganizing the County Development Code Non-Conforming Sections 152.591 – 152.600 and insertion of applicable facilities from County Plans into the Type II Land Division Code Section 152.684 for the land division of properties not zoned EFU and GF.

3. Other Business

4. Adjournment

**UMATILLA COUNTY PLANNING COMMISSION
LAND USE HEARING JUNE 27, 2024
UMATILLA COUNTY DEVELOPMENT CODE
TEXT AMENDMENT, #T-096-24**

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COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

June 20, 2024

CODE
ENFORCEMENT

To: Umatilla County Planning Commission
From: Carol Johnson, Senior Planner *CJ*

SOLID WASTE
COMMITTEE

Re: June 27, 2024 Umatilla County Planning Commission Hearing
Umatilla County Development Code Text Amendment, #T-096-24
Affecting Exclusive Farm Use (EFU) and Grazing-Forest (GF),
the Non-conforming Code Sections and Type II Land Division
Code

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

cc: Doug Olsen, County Counsel
Robert T. Waldher, Community Development Director
Megan Davchevski, Planning Manager

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Umatilla County proposes a Text Amendment affecting Exclusive Farm Use (EFU) and Grazing Farm (GF) zoned lands. The proposed changes are the result of legislative changes to Oregon Statutes and the Oregon Administrative Rules governing farm and forest zones. The scope of the Text Amendment updates Umatilla County Development Code EFU zoning Sections UCDC Section 152.058, 152.059 and 152.060, GF zoning Section 152.084 and corresponding EFU and GF Conditional Use and Land Use Decision Sections 152.617 (I) (EE) and (I) (FF).

Changes also include reorganizing the County Development Code Non-Conforming Sections 152.591 – 152.600 and insertion of applicable facilities from County Plans into the Type II Land Division Code Section 152.684 for the land division of properties not zoned EFU and GF.

The amendment process includes presentation of the proposed amendments to the Planning Commission for review and recommendation to the Board of County Commissioners. The Board of County Commissioners hearing to consider the amendment and recommendation is scheduled for 9:00 a.m., July 17, 2024. Action taken on by Board of County Commissioners on the amendment proposal results in adoption of the Board decision by County Ordinance. Conclusion of the amendment process is then completed by notification of the Board's action to the Oregon Department of Land Conservation & Development (DLCD).



June 20, 2024

RE: Proposed text changes to the Umatilla County Development Code - 2024

NOTE: Proposed text changes are in a “Mark Up” format with the original text for removal shown in ~~strike through~~ and text added is underlined.

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1. Update EFU Replacement Dwellings - Zoning Permit, UCDC Section 152.058 (F)

Suggested Change:	Reason for the Change
<p>§ 152.058 (EFU) USES PERMITTED WITH A ZONING PERMIT.</p> <p>(F) <i>Alteration, restoration or replacement dwelling.</i> A lawfully established dwelling may be altered, restored or replaced under ORS 215.283 (1) (p) if the county determines that the existing dwelling to be altered, restored or replaced has the following:</p> <ul style="list-style-type: none"> (1) Intact exterior walls and roof structures; (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (3) Interior wiring for interior lights; (4) A heating system; and (5) The existing dwelling was assessed as a dwelling for purposes of ad valorem taxation <u>since the later of:</u> <ul style="list-style-type: none"> (a) For the <u>The previous five property tax years before the date of the permit application;</u> or (b) From the time when <u>The date that</u> the dwelling was erected upon or affixed to the land and became subject to <u>property tax assessment as described in ORS 307.10.</u> (6) The replacement dwelling: <ul style="list-style-type: none"> (a) May be sited on any part of the same lot or parcel; and (b) Must comply with all applicable siting standards, and with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling. (c) <u>Must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health</u> 	<p>2023 Legislative changes to EFU replacement dwelling criteria. ORS 215.291</p>

and safety or to siting at the time of construction.

(d) Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(i) The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wild fire risk described in ORS 477.490; or

(ii) No statewide map of wildfire risk has been adopted.

(7) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use: ~~(a) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or.~~

~~(b) If the dwelling to be replaced is, in the discretion of the county, in such as state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the county that is not less than 90 days after the replacement permit is issued.~~

~~(8) (e)~~ The property owner must execute and record in the deed records of the county a statement (covenant) that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use.

~~(8) (9)~~ The property owner must sign and record a Covenant Not to Sue with regard to normal farming practices is a requirement of the replacement dwelling approval.

~~(9)(a)~~ (10) If the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use (split zoned property), the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling;

(11) ~~(b)~~ The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new (replacement) dwelling under this

<p>subsection including a copy of the deed restrictions filed under this section.</p> <p><u>(12) An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed in (1) (a) of this section.</u></p> <p><u>(13) Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.</u></p> <p>(10) (14) If an applicant is granted a deferred replacement permit under this section, the deferred replacement permit:</p> <p>(a) Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and</p> <p>(b) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.</p>	
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2. Update EFU Replacement Dwelling - Land Use Decision, UCDC Section 152.059 (H)

Suggested Change:	Reason for the Change
<p>§ 152.059 LAND USE DECISIONS. (H) <i>Alteration, restoration or replacement of a lawfully established dwelling</i> that has been removed or destroyed by fire or natural hazard beyond one year of the date of application <u>for a permit</u>, as provided in <u>§ 152.617 (II) (8)</u>.</p>	<p>Per ORS 215.291 Changes – effective Jan. 2, 2024</p>

3. Update EFU/GF Replacement Dwelling Criteria, UCDC Section 152.617 (II) (8)

Suggested Change:	Reason for the Change
<p>§ 152.617 (II) EFU AND GF LAND USE DECISIONS. (8) <i>Alteration, restoration or replacement of a lawfully</i></p>	<p>Per ORS 215.291 Changes – effective Jan. 2, 2024</p>

established dwelling that has been removed, or destroyed by fire or natural hazard.

(a) A lawfully established dwelling may be altered, restored or replaced under this section if the county determines based on evidence that the dwelling to be altered, restored or replaced formerly had:

(i) Intact exterior walls and roof structure;

(ii) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(iii) Interior wiring for interior lights; and

(iv) A heating system; and

(b) If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the last of: removed, destroyed or demolished:

(i) Five years before the date of the destruction or demolition; or The dwelling's tax lot does not have a lien for delinquent ad valorem taxes;

(ii) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment. Any removal, destruction or demolition occurred on or after January 1, 1973;

(c) The land use permit application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under (a) of this section.

(e) (d) The replacement dwelling ~~must be sited on the same lot or parcel:~~

(i) May be sited on any part of the same lot or parcel. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and

(ii) Must comply with applicable siting

~~standards. (However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling); For the purpose of minimizing the adverse impacts on resource use of the land in the area, within a concentration or cluster of structures or within 500 yards of another structure; and~~

~~(iii) The replacement dwelling m~~ Must comply with applicable siting standards and with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; ~~; and However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.~~

~~(iv) Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:~~

- ~~1. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or~~
- ~~2. No statewide map of wildfire risk has been adopted.~~

~~(d) (e) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:~~

~~(i) Within one year three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or and~~

~~(ii) If the dwelling to be replaced is, in the discretion of the county, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the county that is not less than 90 days after the replacement permit is issued.~~

~~(iii) (i) The applicant must record in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted to a nonresidential use.~~

~~(e) (f) Covenant Not to Sue. All dwellings approved within the EFU and GF zones require the landowners to sign and record in the deed records for the County 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.

~~(f)~~ (g) As a condition of approval, if the ~~The~~ dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and ORS215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

(h) Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

~~(g)~~ (i) The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under this subsection including a copy of the deed restrictions filed under this section.

~~(h)~~ (j) If an applicant is granted a deferred replacement permit under this section, the deferred replacement permit:

(i) Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

(ii) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

4. Add Small Processing Facilities - Zoning Permit, UCDC Section 152.058 (U)

Addition:	Reason for the Addition
<p>§ 152.058 (U) <i>A farm processing facility of less than 2,500 square feet for its processing area and complying with all applicable siting standards.</i></p>	<p>Addition of use permitted with a Zoning Permit, OAR 660-033-0130 (28).</p>

5. Update Processing Facilities - Land Use Decision, UCDC Section 152.059 (F)

Suggested Change:	Reason for the Change
<p>§ 152.059 LAND USE DECISIONS. <i>(F) A facility of between 2,500 and 10,000 square feet for the processing of farm crops, as provided in § 152.617 (II) (1).</i></p>	<p>Clarifies size of facility processed as a Land Use Decision, per OAR 660-033-0130 (28).</p>

6. Update Processing Facility Land Use Decision Criteria, UCDC Section 152.617 (II) (1)

Suggested Change:	Reason for the Change
<p>§ 152.617 (II) EFU AND GF LAND USE DECISIONS. <i>(1) Facility for Processing Farm Crops. (a) <u>A facility for Processing Farm Crops using Uses less than between 2,500 and 10,000 square feet for its processing area and complies complying with all applicable siting standards pertaining to floodplains, airport safety and fire siting standards; or</u></i></p>	<p>Clarification of criteria for Facilities Processing Farm Crops – OAR 660-033-0130 (28). Amends the Land Use Decision criteria to establish facilities.</p>

<p>(b) Uses more than 2,500 square feet but less than 10,000 square feet for its processing area standards and complies with all applicable siting standards;</p> <p>(e) (b) “Facility for the processing of farm products” means a facility for:</p> <p style="padding-left: 40px;">(i) Processing farm crops, including the production of biofuel as defined in ORS 315.141, if at least one-quarter of the farm crops come from the farm operation containing the facility; or</p> <p style="padding-left: 40px;">(ii) Slaughtering, processing or selling poultry or poultry products, <u>rabbits or rabbit products</u> from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).</p> <p>(d) (c) “Processing area” means . . .</p> <p>(e) (d) The activity has . . .</p> <p>(f) (e) The activity is located . . .</p> <p>(g) (f) Ingress and egress are . . .</p> <p>(h) (g) The operation complies with . . .</p> <p>(i) (h) The building established for . . .</p> <p>(j) (i) A land partition shall not . . .</p>	
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7. Add Natural Hazard Residence - Conditional Use, Section 152.060 (EE)

Suggested Addition:	Reason for the Addition
<p>§ 152.060 <u>(EE) Natural Hazard Temporary Hardship Residence.</u> <u>One recreational vehicle, or the temporary residential use of an existing building may be permitted in the EFU zone for a temporary natural hazard hardship use. To qualify for a Natural Hazard Temporary Residence the hardship must be the result of a natural hazard that destroyed homes, caused residential evacuations, or both, and resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165. A Natural Hazard Temporary Hardship Residence approval is pursuant to § 152.617 (I) (EE).</u></p>	<p>Per Administrative Rule, Addition to OAR 660-033-0130 (10). Add new use as a Conditional Use Permit.</p>

8. Add Natural Hazard Residence CUP Criteria, UCDC Section 152.617 (I) (EE)

Suggested Addition:	Reason for the Addition
<p>§ 152.617 (I) EFU and GF ZONE CONDITIONAL USES</p> <p><i><u>(EE) Natural Hazard Temporary Hardship Residence.</u></i></p> <p><u><i>Purpose.</i> The purpose of this section is to establish a temporary hardship residence in Umatilla County in an EFU or GF zone for the term of a hardship resulting from a natural hazard that destroyed homes, caused residential evacuations, or both, and resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165.</u></p> <p><u>(1) For a hardship based on a natural hazard event described in this section, the temporary residence may include a recreational vehicle or the temporary residential use of an existing building.</u></p> <p><u>(2) The temporary hardship residence shall be connected to the same subsurface sewage disposal system used by the existing dwelling.</u></p> <p><u>(3) The County may find that standards in § 152.061 are satisfied where the temporary hardship residence is:</u></p> <p><u>(a) Established within an existing building or, if a recreational vehicle, is located within 100 feet of the primary residence; or</u></p> <p><u>(b) The temporary hardship residence is located further than 250 feet from adjacent lands planned and zoned EFU or GF, or both.</u></p> <p><u>(4) The location of a temporary hardship residence on a parcel of EFU or GF zoned 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;</u></p> <p><u>(5) A temporary hardship residence approved under this section is not eligible for replacement under ORS 215.283 (1) (p).</u></p> <p><u>(6) A land division or property line adjustment shall not be</u></p>	<p>Criteria for approval of Natural Hazard Temporary Hardship Residences, OAR 660-033-0130 (10)</p>

approved for a lot or parcel where the land division or adjustment would separate a temporary hardship residence from the primary dwelling located on the lot or parcel.

(7) Approval of a temporary hardship residence requires the landowner(s) to sign and record in the deed records for the County 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.

(8) Approval of a temporary hardship residence requires that the landowner(s) sign and record in the deed records for the County a statement binding the landowner, to remove, demolish, or return the temporary hardship residence to an allowed nonresidential use.

(9) Conditional Use Permit approval for a temporary hardship residence must be reviewed and renewed every two years. This review will be used to determine whether the hardship still exists and for continued conditional use permit compliance.

(10) Within three months of the end of the hardship, the recreational vehicle shall be removed, or demolished, or, in the case of an existing building used as the temporary hardship residence, the building shall be removed, demolished, or returned to an allowed nonresidential use.

(11) As a condition of the approval, Department of Environmental Quality building removal requirements apply.

9. Add Emergency Campgrounds - Conditional Use, Section 152.060 (FF)

Suggested Addition:	Reason for the Addition
<p>§ 152.060 (FF) <i>Emergency campgrounds.</i></p> <p><u>Emergency campgrounds may be authorized when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county.</u></p>	<p>Addition in Administrative Rule, OAR 660-033-0130 (19). Adds new use as a Conditional Use, also see Section 152.617 (I) (FF).</p>

pursuant to §§ 152.615, 152.617 (FF) and §152.061, where applicable.

10. Add Emergency Campgrounds CUP Criteria, UCDC Section 152.617 (I) (FF)

Suggested Addition:	Reason for the Addition
<p><u>§ 152.617 (I) (FF) <i>Emergency campgrounds</i></u></p> <p><u>(1) An emergency campground is an area devoted to overnight temporary use for emergency purposes, but not for residential purposes.</u></p> <p><u>(2) Emergency campgrounds shall be located outside of flood, geological, or wildfire hazard areas identified in adopted comprehensive plans and land use regulations to the extent possible.</u></p> <p><u>(3) Emergency campgrounds may include campsites occupied by a tent, travel trailer, yurt or recreational vehicle:</u></p> <p style="padding-left: 40px;"><u>(a) Separate sewer hook-ups shall not be permitted to individual campsites.</u></p> <p style="padding-left: 40px;"><u>(b) As used in this section, a yurt is a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. Yurts shall be located on the ground or on a wood floor with no permanent foundation.</u></p> <p style="padding-left: 40px;"><u>(c) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people shall be approved in connection with the use within three miles of an urban growth boundary, unless a Goal exception is approved pursuant to ORS 197.732 and OAR Chapter 660, division 4.</u></p> <p><u>(4) Authorized emergency campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.</u></p>	<p>Adds criteria for processing a Conditional Use application for Emergency campgrounds. OAR 660-033-0130 (19).</p>

(5) Authorized emergency campgrounds may include limited mobile commissary services scaled to meet the needs of emergency campground occupants. The application submission for approval of the emergency campground must include the type and scale of commissary services proposed.

(6) Campgrounds approved under this section must be removed or converted to an allowed use within 36 months from the date of the Governor's Executive Order.

(a) The county may grant two additional 12-month extensions upon demonstration by the applicant that the campground continues to be necessary to support the natural hazard event recovery efforts because adequate amounts of permanent housing is not reasonably available.

(b) Application made for an extension described in this section must be submitted prior to the end of the 36 months period from the date of the Governor's Executive Order. Applications for a 12-month extension are processed Administratively as provided in § 152.769.

(7) Application materials for an emergency campground must include:

(a) A Plan for the removal of the emergency campground; or

(b) A Plan for the conversion of the emergency campground to a use allowed in by the property zoning where the emergency campground is located;

(c) The Plan to remove or convert the emergency campground to an allowed use must be followed at the end of the approval time, as described in the section. The removal or conversion plan will be a condition of approval of a permit to authorize and approve an emergency campground.

(8) Applications submitted for emergency campgrounds may be found to satisfy §152.061, when the Governor has issued an Executive Order declaring an emergency for all of parts of Oregon pursuant to ORS 401.165 and where the following are met:

(a) The subject property for the emergency campground is not irrigated land;

<p><u>(b) The subject property for the emergency campground is not high-value farmland.</u></p> <p><u>(c) The number of proposed emergency campground campsites:</u></p> <p><u>(i) Does not exceed 12 campsites; or</u></p> <p><u>(ii) Proposed campsites and other campground facilities are located at 660 feet from adjacent lands planned and zoned for resource use under Goal 3, Goal 4, or both, and then the number of campsite may be up to 36 campsites.</u></p>	
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11. Update GF Template Dwelling - Land Use Decision, UCDC 152.084, (K) (2)

Addition:	Reason for the Addition
<p>§ 152.084 (K) (2) <i>Template Dwelling</i>.</p> <p>(2) Template Dwelling. A Template Dwelling may be allowed if the tract <u>of land</u> does not include a dwelling, and lot or parcel was lawfully created where the dwelling will be sited, if and <u>the</u> following criteria are met:</p> <p>(a) <u>Where</u> the the dwelling is <u>will be</u> sited on a lot or parcel that is predominately composed of soils that are:</p> <p>(i) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:</p> <p>a. All or part of at least three other lots or parcels that existed on January 1, 1993 are within a 160 acre square centered on the center of the subject tract, and</p> <p>b. At least three dwellings existed on January 1, 1993 on the other lots or parcels and continue to exist on the other lots or parcels; <u>or</u></p> <p>(ii) Capable of producing 21 to 50 cubic feet per acre per</p>	<p>Incorporate Legislative Changes – Forest Template Dwellings ORS 215.750</p>

year of wood fiber if:

- a. All or part of at least seven other lots or parcels that existed on January 1, 1993 are within a 160 acre square centered on the center of the subject tract, and
- b. At least three dwellings existed on January 1, 1993 on the other lots or parcels ~~and continue to exist on the other lots or parcels.~~ ; or

(iii) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

- a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
- b. At least three dwellings existed on January 1, 1993, on the other lots or parcels ~~and continue to exist on the other lots or parcels.~~

(b) If the tract under subsection (a) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(c) ~~(iv)~~ If a tract 60 acres or larger abuts a road or perennial stream, the ~~review or analysis~~ measurement shall be made by using a 160-acre rectangle ~~or template~~ that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream. However, one of the three dwellings must be on the same side of the road or stream as the tract and: If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling and one of the three required dwellings shall be on the same side of the road or stream as the tract; and (moved to (d) below)

- a (i) Be located within a 160-acre rectangle ~~or template~~ that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible

aligned with the road or stream; or

~~b~~ (ii) Be within ¼-mile from the edge of the subject tract but not outside the length of the 160-acre rectangle ~~or template~~, and on the same side of the road or stream as the tract.

~~(d)~~ If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling ~~and one of the three required dwellings shall be on the same side of the road or stream as the tract; and as the proposed dwelling.~~

~~(v)~~ If the tract under this division abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road.

~~(vi)~~ A tract shall not be considered to be less than the required acreage because it is crossed by a public road or waterway.

~~(b)~~ (e) The center of the subject tract means the mathematical centroid of the tract.

(f) A proposed dwelling under this section is allowed only if:

(i) The dwelling will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations and other provisions of law; and

(ii) The dwelling complies with the requirements of § 152.089; and

(iii) No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.

(g) Where any property line adjustments were approved to the lot or parcel the following apply:

<p><u>(i) The property line adjustment must have complied with the applicable property line adjustment provisions as provided in ORS 92.192; and</u></p> <p><u>(ii) Any property line adjustments to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and</u></p> <p><u>(iii) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.</u></p>	
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12. Update Nonconforming Use, UCDC Sections 152.591 - 152.600

Suggested Change:	Reason for the Change
<p>§ 152.591 CHANGES IN NONCONFORMING USE.</p> <p>(A) A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use;</p> <p>(B) A nonconforming use shall not be <u>altered or</u> increased, except as provided in § 152.597 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 as a variance to the provisions of this chapter;</p> <p>(C) A nonconforming mobile home may be replaced or altered if the new mobile home or alteration does not deviate further from the standards of this chapter.</p> <p>§ 152.595 RESTORATION <u>OR</u> REPLACEMENT OF NONCONFORMING BUILDING, <u>OR</u> STRUCTURE <u>OR</u> LOT.</p>	<p>Updates code for non-conforming uses per ORS 215.130. Amends current nonconforming code sections to comply with Statute.</p>

~~(A) A Only nonconforming buildings or structures which is damaged by fire, flood, wind, earthquake or other calamity or natural disaster act of God or the public enemy, may be permitted to be restored or replaced if the restoration or replacement commences within one year from the date of occurrence of the fire or natural disaster. Approval of the restoration or replacement is processed through an administrative review as provided in § 152.769 and through approval upon the issuance of a zoning permit per § 152.025, and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction, may be resumed, provided that the restoration is commenced within a period of one year and is The permit approved for the restoration or replacement of the nonconforming use must be diligently prosecuted pursued to completion. Replacement of a resource dwelling only may be replaced where the existing dwelling meets resource zoning replacement standards in the EFU or GF zoning ordinance.~~

(The above changes follow in a clean version.)

Only nonconforming buildings or structures damaged by fire or natural disaster may be permitted to be restored or replaced if the restoration or replacement commences within one year from the occurrence of the fire or natural disaster. Approval of the restoration or replacement is processed through an administrative review as provided in § 152.769 and approval of a zoning permit per § 152.025. A permit approved for the restoration or replacement of the non-conforming structure must be diligently pursued to completion. Replacement of a resource dwelling only may be approved for replacement where the existing dwelling meets resource zoning replacement standards in the EFU or GF zoning ordinance.

(A)

(1) The restoration or reconstruction of a nonconforming building or structure damaged by fire or natural disaster may not increase the floor area or create a greater non-conformance than existed at the time of damage or destruction by fire or natural disaster; and

(2) A nonconforming building or structure damaged by fire, or natural disaster only may be altered subject to § 152.597.

~~(C) (B) Nothing in this chapter section shall be construed to prevent the reconstruction or replacement of a preexisting conforming building or structure conforming as to use on a nonconforming lot or parcel, so long as such the lot or parcel did not become nonconforming in violation of the provisions of this chapter.~~

§ 152.596 CONVEYANCE OF NONCONFORMING USE.

Nothing in this chapter shall be construed to limit the sale, transfer, other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this chapter.

§ 152.597 ALTERATIONS ~~OR REPAIRS~~ OF A NONCONFORMING USE.

~~(A)~~ Alterations ~~or repairs~~ of a nonconforming use may be permitted to continue the use in a reasonable manner subject to land use review consistent with the intent of ORS 215.130 (5) - ~~(8)~~ (9), and ~~the provisions of issuance approval of a zoning permit as provided in § 152.025 of this chapter and consistent with the intent of ORS 215.130 (5) - (8).~~ Proposals for alterations of a nonconforming use are processed through administrative review (public notice) as provided in § 152.769.

~~(C)~~(A) As used in this section, ALTERATION OF A NONCONFORMING USE includes:

- (1) A change in the use of no greater adverse impact to the neighborhood; and
- (2) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

~~(B) Any proposal for the alteration or repair of a nonconforming use, pursuant to § 152.025 of this chapter, may be permitted to reasonably continue, restore or replace the use.~~

(B) Alterations must comply with lawful requirements for any proposed alteration, and with state or local health or safety requirements.

§ 152.598 NONCONFORMING LOTS AND PARCELS.

(A) Any lot or parcel which is smaller than the minimum area required in any zone, except ~~any~~ Exclusive Farm Use or Grazing/Farm Zone lots and parcels, may be occupied by an allowed use in that zone, provided that:

- (1) The lot or parcel was a tax lot as shown on the Assessor's Rolls on the date of this chapter or a lot in a recorded subdivision; and
- (2) The use conforms to all other requirements of that zone; and
- (3) Obtains a favorable on-site septic evaluation for the

installation of a septic system. Approval of the Department of Environmental Quality is obtained.

(B) A nonconforming lot or parcel of record may not be further re divided or reduced in area unless the property is rezoned and of adequate size to be divided, become legally dividable, except where it can be shown by a survey from a surveyor licensed in Oregon that the survey lines do not correspond with physical boundary markers (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. A nonconforming lot of record may be reduced in area where the nonconforming lot or parcel satisfies requirements for a property line adjustment.

§ 152.600 VERIFICATION OF NONCONFORMING USE

An applicant may make application to County Planning to verify that the use of a building, a structure or land “lawfully existed” when the zoning or land use regulations was first enacted or later amended and the structure or use existed as a lawful use and/or predated those laws.

The right to continue a use as a nonconforming use extends only to a lawful established structure or use and the applicant must include proof the structure or use existed continuously without interruption or abandonment.

The decision on an applicant’s verification of nonconforming use will be made in a public hearing established under § 152.771 after public notice.

The official Umatilla County land use and zoning regulations were first adopted July 19, 1972 and revised into the Umatilla County Development Code dated April 14, 1983.

(A) Verification Approval.

The applicant:

(1) Must provide proof that the use of the building, structure or land existed as a “lawful” use at the time the law was enacted or changed and the applicant complied with the permit requirements, if any, to establish the structure or use.

(2) May establish a “rebuttable presumption” by submission of proof of the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. Continuity means the use has continued without being interrupted

or abandoned. Proof of the use for the 10-year period is sufficient to entitle the applicant to a rebuttable presumption.

(3) This presumption may be rebutted by evidence in opposition to the applicant's proof. Proof that a use "existed" 10 years ago does not mean that the use existed when the zoning or other land use regulation was first enacted more than 10 years ago or that the use existed "legally" at that time. This burden remains on the applicant and must be met by the applicant.

(4) Must comply with all other requirements applicable to nonconforming uses including satisfying other applicable agency permits.

Replaces the following current "Verification of Nonconforming Use" Section 152.600:

~~(A) A property owner may make application to the Planning Department to verify the lawful use of a building or a structure or of any land or premises lawfully existing at the time of a change in the official zoning maps or ordinances.~~

~~(B) The Planning Director, or its designee, will review the application and make a recommendation if the use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use complies with all other requirements to constitute a nonconforming use, with the initial decision to be made in a public hearing established under § 152.771 after proper notice.~~

~~(C) The application may be approved if the applicant proves either of the following:~~

~~(1) The use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use has continued uninterrupted until the date of application, or~~

~~(2) If the presumption under Section 152.600 (D) is not rebutted, that the use continually existed for the ten year period immediately preceding the date of application, and that the use was first established prior to January 1, 1990.~~

~~(D) If the applicant submits evidence providing the existence, continuity, nature and extent of the use for the 10 year period, a rebuttable presumption is created that the use, as proven, existed at the time the Umatilla County Development Code, Revision Date July 19, 2022, Page 323 of 481 applicable zoning map or ordinance was adopted and has continued uninterrupted until the date of application. (E) In no event will the applicant be required to prove~~

<p>the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application.</p> <p>(F) Conditions may be imposed under § 152.776 on the non-conforming use to the extent provided by this Umatilla County Development Code and Oregon State law. If conditions may not be imposed under state law, this Section 152.600 shall be deemed void and revoked.</p>	
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13. Update Type II (non-resource) Land Division Standards, Section 152.684.

Suggested Change:	Reason for the Change
<p>§ 152.684 STANDARDS FOR APPROVAL. In granting approval of a Type II Land Division, the Planning Director shall <u>must</u> find that the <u>applicant has satisfactorily addressed the Type II Tentative Plan requirements and Type II Land Division standards for approval as listed in this section and required supplementary material:</u></p> <p>(A) (B) If approved, Explain how the Type II Land Division will permits development and access on to the remainder of the property under the same ownership, if any, or of and to adjoining lands, or access thereto, in accordance with this and other applicable ordinances;</p> <p>(B) (C) Explain how the proposed parcels in the Type II Land Division C complies with the property zoning requirements including purpose, intended (permitted) uses, and parcel dimensional standards, or a proposed change thereto associated with the partition map proposal;</p> <p>(A) (C) Address how the land division C complies with the applicable elements policies of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and the transportation elements sections of the Comprehensive Plan and Transportation System Plan, as set out in (1) through (6):</p>	<p>Type II Land Division for compliance with the elements of the Comprehensive Plan and Transportation System Plan to capture specific services, and reword and clarify standards of approval.</p>

~~(1) (G)~~ Municipal sewer facilities are unavailable outside of cities and most city urban growth boundaries thus rural parcels must rely on on-site septic systems or small community sewage systems.

~~(a)~~ The applicant must obtain a septic system site evaluation (suitability) from Umatilla County Environmental Health As a condition of approval, for each parcel under four acres in size, both those partitioned, and the remnant parcel which are zoned residential, or to be used, for residential purposes, must have a site evaluation (suitability) approval from the Umatilla County Public Health Department, The applicant must provide a copy of each septic site evaluation to County Planning, as a condition of approval.

~~(b)~~ A waiver of this requirement may be granted, if where the applicant makes a written request to the Planning Director and the Planning Director finds:

~~(1) (i)~~ The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition form; or

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

~~(2) (D)~~ The applicant must show ~~Complies~~ compliance with provisions of §152.019, Traffic Impact Analysis, ~~when~~ where applicable.

~~(E)~~ (3) The applicant's proposed ~~R~~ roads and recorded easements for access purposes are must be laid out so as to conform, within the limits of the development standards, to the plats of subdivisions and ~~maps of~~ partitions ~~already~~ approved for on adjoining property, unless the Planning Director determines it is in the public interest to modify the road pattern;

~~(F)~~ (4) ~~Recorded~~ Proposed easements required as access to each parcel shall conform to access easement right-of-way width and road improvement standards as follows:

~~(1) (a)~~ A ~~recorded~~ Where a proposed access easement will provide ing 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, 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 the access road shall be improved with a road surface width at least 16-feet wide, constructed with 4 inches of nominal compacted gravel thickness and with gravel size and grading conforming to ODOT specifications; ~~or~~

~~(3)~~ (b) ~~A recorded~~ Where a proposed access easement will provide ~~ing~~ access to four or more parcels, or ~~that~~ potentially will serve additional parcels or lots, or ~~will~~ could be an extension of a future road as specified in ~~a future road~~ the Transportation System ~~p~~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 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.

(c) All 60-foot ~~rights-of-way and/or wide~~ access easements and public roads may be required by this section to ~~must~~ be named prior to final approval of the partition plat and ~~if required to be named,~~ the road name must be included identified on the final partition survey plat map. Naming the roads must follow “road naming standards” in § 93.20 of the County Code of Ordinances.

The 60-foot wide access easement and dedicated public road ~~Named roads~~ must be posted with a road name sign, at intersections with county roads, state highways, and with other existing easements or public roads within or abutting the proposed land division. All proposed E easements or and public roads names or numbers shall be the same as existing named or numbered county or public roads if an that are extensions of an such county or public existing named road must be identified on the final survey plat with the same road name. Road signs required by this section will be of a type approved by the Public Works Director and will be provided and installed by the County Public Works Department, and paid for by t The applicant/developer is required to pay for the road sign prior to recording the final partition plat approval.

~~(4) Recorded easements or dedicated public roads 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 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 of the sign.~~

~~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 of the sign.~~

~~(2) (d) Partitions located within a rural fire district or within a hospital district providing emergency vehicle service to parcels where access will be provided from a All access easements which that dead-end shall are have either must be developed with circle drives (cul-de-sac) or driveway hammerhead turnarounds. The Planning Director or Public Works Director determines which type of emergency vehicle access plan is appropriate. Circle drives 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 hammerhead turnarounds shall be kept clear of objects, fences, and vehicles and shall be of adequate circumference (cul-de-sac are 100-feet in diameter, hammerhead turnaround must accommodate a full size fire truck) to provide turn around space for emergency vehicles.~~

~~(5) (e) Existing County Roads and Proposed access easements 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 partition plat or the instrument authorizing the approval. The Board of Commissioners must sign the partition plat to accept public roads dedicated on the plat.~~

~~(6) (5) 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. The applicant shall provide copies of approved access approach permits to each proposed parcel created through a Type II Land Division. (The Oregon Department of Transportation approves and issues access approach permits to state highways and the County Public Works Department approves and issues access approach permits to 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 in the County Transportation System Plan and the County Public Works Director and § 152.010.)~~

~~(J) (6) As a condition of approval, all Road improvement participation agreements are a requirement by this chapter, of the Type II Land Division for all access easements, public roads, and County roads. must be agreed to, and signed by the p Property owners and the Board of County Commissioners, as appropriate. The required sign the agreements and the agreement shall be is recorded in the County Records Office prior to, or at the time, the final plat survey is recorded. The agreements are binding to the parcels created by the partition plat.~~

~~(H) (D)~~

~~(1) The applicant shall provide a land division plan shall provide that includes proposed easements along existing irrigation ditches that traverse or abuts the partition property where easements have not been recorded. The purpose of the easement is for perpetual maintenance of the ditch, and t The easement width and purpose shall be recommended by the Ditch Company, where a land division or by the Irrigation District where the easements are is located within an irrigation district, said easement width and~~

~~purpose shall be recommended by the Irrigation District.~~

(2) Easements for utilities shall be in combination with proposed access easements. Additional utility easements may be necessary in a land division plan for other utilities serving the property including irrigation easements for access to irrigation water rights that serve the property. Utility easements shall be identified and shown in the land division plan and on the final partition plat survey.

~~(H) (E)~~ The land division plan must consider energy conservation measures (e.g. road, lot and building orientation for solar and wind usage) unless vegetation, topography, terrain, or adjacent development will not allow these energy conservation measures.

~~(K) (F)~~ The land division plan must adequately address known development limitations within the proposed Type II Land Division and provide appropriate measures to mitigate the limitation

~~(L) (G)~~ ~~As a condition of approval, t~~The applicant shall work with and supply information regarding property water rights and address comments from made by the appropriate managing water agency where the property has a water right.

**UMATILLA COUNTY BOARD OF COMMISSIONERS
DRAFT FINDINGS OF FACT AND CONCLUSIONS OF LAW
UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT, #T-096-24**

1. Introduction

The Umatilla County Development Code (UCDC) provides that “an amendment to the text of this chapter or to a zoning map may be initiated by the County Board of Commissioners, the County Planning Commission, or by application of a property owner.” (UCDC Section 152.750) Therefore, the County has the authority to consider the text amendment.

2. Procedural Matters

A. Categorization of this Matter

This matter is a legislative matter because it proposes to amend the text of the Umatilla County Development Code in a manner that will affect all Umatilla County properties zoned Exclusive Farm Use (EFU) and Grazing-Farm (GF) within rural Umatilla County.

B. Post-Acknowledgment Amendment

This legislative amendment is an amendment to the County's acknowledged 1983 Zoning Ordinance. ORS 197.610(1) and OAR 660-018-0020(1) require that the County provide notice to the Oregon Department of Land Conservation and Development (“DLCD”) at least 35 days prior to the initial evidentiary hearing. The County provided the 35-day notice to DLCD on May 23, 2024. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by mailing the post-acknowledgement amendment notice so that it arrived at the office of DLCD at least 35 days prior to the initial evidentiary hearing.

UCDC Section 152.771(B) requires the County provide a legal notice for the Planning Commission hearing June 27, 2024 and Board of Commissioners July 17, 2024 hearing by publication in a newspaper of general circulation in the County at least ten (10) days prior to the date of the first hearing. The notice was published in the *East Oregonian* newspaper on June 15, 2024.

The County has satisfied the post-acknowledgement amendment notice required by ORS 197.610(1) and OAR Chapter 660-018-0020(1) and the legal notice of hearing publication in UCDC Section 152.771(B).

C. Procedure

UCDC 152.752 is entitled “Public Hearings on Amendments.” This section provides, in relevant part:

“The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures in section

152.771 of this Chapter at its earliest practicable meeting after it is proposed. The decision of the Planning Commission shall be final unless appealed, except in the case where the amendment is to the text of this Chapter, then the Planning Commission shall forward its recommendation to the Board of Commissioners for final action.”

Therefore, the County will hold two (2) hearings for this legislative amendment, one (1) before the Planning Commission on June 27, 2024 and the second before the Board of Commissioners on July 17, 2024.

Additionally, UCDC Section 152.771(A) (1) provides that a public hearing is required for legislative amendments. The procedures and requirements for a quasi-judicial hearing are not applicable to this hearing. Therefore, UCDC Section 152.772, which applies to quasi-judicial hearings, is not applicable to this legislative proceeding.

3. Description of Amendment

The Oregon Legislature and the Land Conservation and Development Commission has made changes to Oregon Revised Statutes and Oregon Administrative Rules for the list of uses and processes found in ORS 215 and OAR 660 chapter 33. These changes are now incorporated through amendment of the text of the Umatilla County Development Code (UCDC) by adopting ordinance. The amendment applies to both uses permitting outright and conditionally permitted in the County’s Exclusive Farm Use (EFU) and Grazing Farm (GF) zones, and to the non-resource land division approval standards and non-conforming code sections.

4. Approval Criteria

UCDC Section 152.751 requires an amendment to the text of the UCDC shall comply with provisions of the Umatilla County Comprehensive Plan (the “Plan”), the Oregon Transportation Planning Rule (the “TPR”), OAR Chapter 660, division 12, and the Umatilla County Transportation System Plan (“Transportation Plan”).

Umatilla County has adopted a County Transportation System Plan and implementing ordinances, including the requirement for a Traffic Impact Analysis, as provided in UCDC Section 152.019. The County Public Works Director was provided notice of the amendment and responded the amendment could move forward as presented.

The County finds OAR 660-012-0060 (3), is not directly implicated by this text amendment; resulting applications for development where significant impacts are believed could occur, would require applicants to conduct Traffic Impact Analysis to assure that proposed development is consistent with the function, capacity and performance standards of identified transportation facilities.

The County finds that UCDC Section 152.751 is satisfied.

A. Applicable Statewide Planning Goals

There are 19 Goals. The Board of Commissioners finds that Goal 1, “Citizen Involvement,” Goal 2, “Land Use Planning,” and Goals 3 and 4 “Agriculture and Forest lands,” are relevant to this application.

(a) **Goal 1. “Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”**

Finding: The County has an acknowledged citizen involvement program. The citizen involvement program is implemented through UCDC Chapter 152. The public has two (2) *de novo* opportunities to testify on this text amendment. By following the post-acknowledgement amendment process, the County will satisfy Goal 1.

The County finds that Goal 1 is satisfied.

(b) **Goal 2. “Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to ensure an adequate factual basis for such decisions and actions.”**

Finding: Goal 2 requires that County land use actions be consistent with the County's comprehensive plan. Goal 2 also requires that the County's action on this text amendment be coordinated with affected governmental entities, as coordination is defined in ORS 197.015(5). Further, Goal 2, Guideline C.1 requires that the County have an adequate factual base for its decision adopting the text amendment.

The County finds as follows on each requirement of Goal 2. The County has provided notice of the application to affected governmental entities including, but not limited to, the Department of Land Conservation and Development (DLCDC), County Surveyor and the County Public Works Department. Coordination requires that the affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable. The County has followed coordination requirements.

The County finds that Goal 2 is satisfied.

(c) **Goals 3 and 4.**

Goal 3. Agricultural Lands. “To preserve and maintain agricultural lands.” “. . . land shall be preserved and maintained for farm use, consistent with existing and future need for agricultural products, forest and open space and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.

Counties may authorize farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices.”

Goal 4. Forest Lands. *“To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”*

The County has applied EFU zoning to open spaces and agricultural lands and GF zoning to open spaces and mixed agricultural and forest lands and has established minimum parcel sizes for farm uses and for mixed farm and forest uses in the County’s resource zones that are accepted as appropriate to maintain commercial agricultural and forest practices. Non-farm uses are limited within the resource use zones to those non-farm uses permitted by statute in ORS 215. 283 (2) – (4) and uses defined by commission rule.

This proposed adoption of the text amendment is consistent with the terms of Goal 3 and Goal 4 to permit outright uses and certain non-farm uses on agricultural and mixed agricultural/forestlands where implementation can show the use will not significantly adversely affect accepted farm and/or forest practices.

The County finds that Goal 3 and Goal 4 are satisfied.

(d) **Conclusion**

The other fifteen Goals are not applicable to this application request. The County finds the applicable Goals are satisfied.

B. Applicable Oregon Administrative Rules

The County finds applicable rules are found in both OAR 660 chapter 6 and OAR 660 chapter 33 and apply to the text amendment.

C. Applicable Plan Policies

The County finds there are four (4) relevant plan chapters, Chapter 4, “The Planning Process”, Chapter 5, “Citizen Involvement”, Chapter 6, “Agriculture” and Chapter 7, “Grazing-Forest.

(a) **Chapter 4, “The Planning Process”**

Finding 6: “Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and /or management responsibilities for land in the County.”

Policy 6: “To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code.”

Finding: The County finds this policy is satisfied where the County coordinated with affected governmental entities in providing notice of the Planning Commission and Board of

Commissioners' hearings on the text amendment. Coordination requires that affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable.

The County finds that this policy is satisfied.

(b) **Chapter 5, "Citizen Involvement"**

(1) ***Policy 1: "Provide information to the public on planning issues and programs, and encourage citizen input to planning efforts."***

Finding: The County finds Chapter 5, Policy 1, is satisfied because notice of the Planning Commission and Board of Commissioners' hearings are in a newspaper of countywide circulation and there are two (2) *de novo* hearings where the public may testify on the proposed text amendment.

The County finds that this policy is satisfied.

(2) ***Policy 5: "Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings."***

Finding: The County finds, as explained above, the publication of notice of the Planning Commission hearing and the Board of Commissioners' hearing in a newspaper of countywide circulation fulfills this requirement.

The County finds that this policy is satisfied.

(c) **Chapter 6, "Agriculture"**

Finding 8. "The non-farm uses allowed in ORS 215.283 exist in the county and new ones can be accommodated without major conflict in most of the county's agricultural regions."

Policy 8. "The county shall require appropriate procedures/standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture."

Finding: The County finds Agriculture policy 8 and finding 8 is met by the proposed text amendment and has the effect of upholding the policy with the inclusion of conditional use permit standards.

The County finds that this policy is satisfied.

(d) **Chapter 7, "Grazing-Forest"**

Finding 7. "Many of the compatible non-resource uses allowed in the mixed use forest area pursuant to EFU zone (ORS 215) and state administrative policies can be accommodated within the County's designated Grazing/Forest areas."

Policy 7. "The County shall require that appropriate procedures (conditional uses), review standards and policies be met in the Comprehensive Plan and Development Ordinance, pursuant to appropriate state administrative rules when reviewing new non-resource uses for compatibility with resource activities now taking place within areas designated Grazing/Forest."

Finding: The County finds Grazing/Forest policy 7 and finding 7 is met by the proposed text amendment and has the effect of upholding the policy with the adoption of substantive conditional use permit standards through this legislative text amendment action consistent with the amendment process.

The County finds that this policy is satisfied.

5. CONCLUSION

For the reasons contained herein, the County finds the applicable approval criteria for the text amendment have been satisfied and the proposed text amendment to the EFU and GF zones can be approved.

UMATILLA COUNTY BOARD OF COMMISSIONERS

John M. Shafer, Commissioner

Daniel N. Dorran, Commissioner

Celinda A. Timmons, Commissioner

Date: _____



Carol Johnson <carol.johnson@umatillacounty.gov>

Land Division Update

3 messages

Carol Johnson <carol.johnson@umatillacounty.gov>
To: Tom Fellows <tom.fellows@umatillacounty.gov>
Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Thu, May 16, 2024 at 9:04 AM

Hi Tom,

Please review and provide your comments to the proposed changes to the Type II Land Division § 152.684 standards.

Thank you,
Carol

--



Carol Johnson

Senior Planner

Department of Land Use Planning

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<http://www.umatillacounty.gov/planning>

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 **Type II Land Div Standards.docx**
20K

Tom Fellows <tom.fellows@umatillacounty.gov>
To: Carol Johnson <carol.johnson@umatillacounty.gov>

Wed, May 22, 2024 at 8:03 AM

CArol

This looks good to me. It appears to cover the bases very well.

Tom

[Quoted text hidden]

--

Tom Fellows
Umatilla County
Public Works Director
3920 Westgate
Pendleton, OR 97801
541 278-5424



Carol Johnson <carol.johnson@umatillacounty.gov>
To: Tom Fellows <tom.fellows@umatillacounty.gov>

Wed, May 22, 2024 at 8:26 AM

Thank you Tom.
[Quoted text hidden]