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AUG 17 2004

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Amending)
Ordinance No. 83-04, codified) ORDINANCE NO. 2004-13
in Chapter 152, County Land)
Development Ordinance, to)
Create RR-10 Rural)
Residential Zone)

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, and codified as Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS applicant Terry Perkins has filed an application to amend the County Development Code to create a new Rural Residential 10-acre minimum lot size zone (RR-10);

WHEREAS pursuant to §152.751, an amendment to the text of the County Development Code shall comply with the provisions of the County Comprehensive Plan Text and Comprehensive Land Use Map;

WHEREAS OAR 660-04-0040 sets out how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential use;

WHEREAS pursuant to OAR 660-04-0040(7)(i) any new lot or parcel having an area of at least ten acres may be created without the requirement for an exception to Goal 14;

WHEREAS a new Rural Residential 10-acre minimum lot size zone would comply with Statewide Planning Goals, including Goal 14, and the provisions of the County Comprehensive Plan;

WHEREAS the Umatilla County Planning Commission held a public hearing on July 29, 2004 to review the proposed amendment and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissioners held a public hearing on August 17, 2004, to consider the proposed amendment, and voted for the approval of the amendment.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the County Land Development Ordinance, No. 83-04, passed May 9, 1984, is amended to revise §152.040 and to add §§152.160 to 152.164, as follows:

§ 152.040 ESTABLISHMENT

For the purpose of this chapter, the following use zones are hereby established:

<i>Zones</i>	<i>Abbreviated Designation</i>
Rural Residential 10	RR-10

RR-10 RURAL RESIDENTIAL ZONE

§ 152.160 PURPOSE.

The RR-10 Rural Residential Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.

§ 152.161 USES PERMITTED.

(A) Uses permitted outright. In a RR-10 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §152.027:

(1) Farm use, as defined in ORS 215.203 and set out in §152.043, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur bearing animals or hogs, and except the dwellings and other buildings

customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property.

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) Uses permitted with a zoning permit. In a RR-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025:

(1) Dwelling, single family;

(2) Home occupation as provided

in §152.573;

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

§152.162 CONDITIONAL USES PERMITTED.

In a RR-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§152.610 through 152.616:

- (A) Church;
- (B) Day care or nursery;
- (C) Commercial greenhouse or nursery;
- (D) Roadside stand for the sale of agricultural products grown by the owner;
- (E) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non profit community agency;
- (F) Boarding, lodging or rooming house;
- (G) Rest home, home for the aged, nursing home, or convalescent home;
- (H) Utility facility;
- (I) Veterinary clinic or animal hospital;
- (J) Boarding of horses for profit;

(K) Horse boarding stable;

(L) Model home including sales office, subdivision or development sales office;

(M) Special exemptions, as provided in §§152.575 and 152.576;

(N) Cemetery;

(O) Home occupations/cottage industry as provided in §152.616(II);

(P) Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. PERSONAL-USE LANDING STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies or use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(Q) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(R) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(S) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

§ 152.163 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-10 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed

above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl or fur bearing animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

§ 152.164 DIMENSIONAL STANDARDS.

In a RR-10 Zone, the following standards shall apply:

(A) Minimum lot area.

(1) For principal dwellings, ten acres;

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses and the objective to minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) Setback requirements. No building shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater.

(C) Lot coverage and building heights.

(1) Lot coverage. The main building and accessory building located on any building site or lot shall not cover more than 30% of the total lot area.

(2) Building height. No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split level buildings, which may be increased in height to 30 feet.

(D) Stream setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger

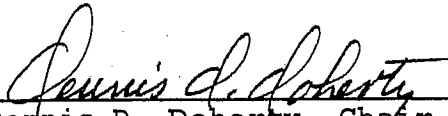
health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or smaller permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

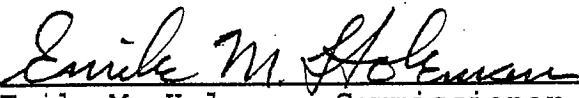
FURTHER, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety, and therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption by the Umatilla County Board of Commissioners.

DATED this 17th day of August, 2004.

UMATILLA COUNTY BOARD OF COMMISSIONERS



Dennis D. Doherty, Chair




Emile M. Holeman, Commissioner

ABSENT

William S. Hansell, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer

