

BEFORE THE BOARD OF COMMISSIONERS  
OF UMATILLA COUNTY

*Comp Plan*

An Ordinance Amending Ordinance )  
#84-6 and Ordinance #85-9; the )  
Umatilla County Comprehensive )  
Plan and Development Ordinance )  
to include changes as required )  
by the Land Conservation and )  
Development Commission to bring )  
the Plan and Development Ordinance )  
into compliance with Statewide )  
Planning Goals and into an acknow- )  
ledgeable form as required by LCDC )  
and ORS Chapter 197 )

ORDINANCE #85-10

WHEREAS, Umatilla County adopted a Comprehensive Land Use Plan and Development Ordinance on May 9, 1983 and amended it on August 29, 1983, which Umatilla County found to be in compliance with Statewide Planning Goals and other pertinent state laws; and *Also*

WHEREAS, Umatilla County submitted its Comprehensive Plan and Development Ordinance to the Land Conservation and Development Commission (LCDC) on May 15 and September 1, 1983 for acknowledgement; and

WHEREAS, LCDC found the Plan and Development Ordinance to not be in conformance with Statewide Planning Goals and gave the County until July 1, 1984 to submit amendments to its Plan and Development Ordinance to bring them into compliance with Statewide Planning Goals; and

WHEREAS, Umatilla County adopted amendments on June 28, 1984 and September 6, 1984 and submitted them to LCDC for their review in September; and

WHEREAS, In a staff report dated February 21, 1985, LCDC stated that the Comprehensive Plan and Development Ordinance were still not in compliance with Statewide Planning Goals, and recommended that the County complete its revisions by May 23, 1985 and be placed on expedited review; and

WHEREAS, The County Planning Commission and Board of Commissioners held public hearings on June 11, 1985 and June 12, 1985, respectively, and adopted amendments to the Plan and Development Ordinance which it believed would

satisfy LCDC requirements in the February 21, 1985 staff report, and subsequently submitted the materials to LCDC on September 9, 1985; and

WHEREAS, In a staff report dated October 10, 1985, the LCDC staff found ten (10) specific deficiencies which prevent acknowledgement of the plan, but noted that most changes were minor but required, and recommended to LCDC that Umatilla County's Comprehensive Plan and Development Ordinance be acknowledged upon the adoption of these specific changes; and

WHEREAS, A public hearing was held to discuss the adoption of these amendments on November 6, 1985, and adequate public notice was provided pursuant to ORS Chapters 92, 197, and 215; and

WHEREAS, The Board considered testimony and other materials presented by citizens of the County, its Planning Commission, Planning Staff, and other interested persons; and

WHEREAS, It now appears to the Board that the Plan and Development Ordinance with these amendments are now in an acknowledgeable form in conformance with ORS Chapter 197 and 215; and

WHEREAS, The health, safety and welfare of the citizens of the County would be adversely impacted because of statutory penalties, if the Plan and Development Ordinance Amendments are not adopted;

NOW THEREFORE, Be It Ordained by the Board of Commissioners of Umatilla County that:

1. All references to the Echo Road Interchange exception statement and the Peterson/Cargill Tracts and Southwest Birch Creek-Glendale Road Urban Transition Area (Kulm property) exception statement be deleted and the properties involved by designated North/South County Agriculture in the Comprehensive Plan and rezoned to EFU-Exclusive Farm Use on the County Zoning Maps.
2. Proof be shown to LCDC that in Chapter 18 of the Development Ordinance Definitions #170(a) clearly indicate that "resource activities" include forest uses as defined in Goal 4.
3. Section 10.410(2)(e)(C)(2) of the Development Ordinance be amended to read as follows:

Deed restrictions will be required as part of an approval under this subsection (Type IV, Review II, Level III review): (1) prohibiting resource dwellings from locating on tax lots created under this section; and (2) stating that authorization of this transfer of land between contiguous owners under this section does not create a separate parcel for which a sale to a third party may legally occur. These deed restrictions can be removed upon the combining of this tax lot (with one or more tax lots) into a single parcel equal to or larger than 160 acres in size.

- 4. The Grazing/Forest Policy 7(a) in the Comprehensive Plan be amended to read as follows:

Boundary adjustments that result in tax lots of less than 160 acres shall be required to record deed restrictions that: (1) no resource dwelling is allowed on the subject tax lot; and (2) that authorization of the subject boundary adjustment does not create a parcel eligible for sale or transfer to a third party. These deed restrictions can be removed upon the recombining of the subject tax lot (with one or more tax lots) into a single parcel which is 160 acres or larger.

- 5. Section 10.410(3)(e)(A)(4) of the Development Ordinance be deleted and Section 10.410(3)(e)(A)(5) be renumbered to Section 10.410(3)(e)(A)(4).

- 6. The new Section 10.410(3)(e)(A)(4) (previously Section 10.410(3)(e)(A)(5)) be amended to read as follows:

Deed restrictions will be required as part of an approval under this subsection (Type IV, Review III review): (1) prohibiting resource dwellings from locating on a tax lot created under this section; and (2) stating that authorization of this transfer of land between contiguous owners under this section does not create a separate parcel for which a sale to a third party may legally occur. These deed restrictions can be removed upon the combining of this tax lot (with one or more tax lots) into a single parcel equal to or larger than 160 acres in size.

- 7. The Technical Report be amended as follows:

- A. In the last line of the first paragraph on page D-61a, replace the word "should" with the word "shall" to read as follows:

. . . wetland area shall be classified as "3C", allow but limit conflicting uses.

- B. On the map on page D-40 under "Management Program", replace the "(see text)" with the following:

"Plan and Zoning limit conflicting uses; 100 foot setback from wetlands and streams required for structure and sewage disposal installations and Sections 4.600 and 4.700 apply."

- 8. The Open Space, Scenic and Historic Areas and Natural Resources Chapter of the Comprehensive Plan (Goal 5) be amended as follows:

A. Replace Goal 5 Plan Policy 2(b) with the following:

The County will complete the Goal 5 process, which includes an ESEE consequence analysis of conflicting uses for all identified natural areas, species occurrence and wetlands. For all 1B sites identified in the Technical Report adopted on June 12, 1985, the Goal 5 process will be completed prior to the next plan update (September 30, 1987). For all "3A" sites, the County shall apply the NA Overlay Zone and if necessary, develop a management plan to protect the resource. For all "3C" sites, the County shall apply its 100 foot riparian setback and Sections 4.600 and 4.700 of the Development Ordinance.

B. Amend Goal 5 Finding 9 to read as follows:

Significant wetlands are identified in Table D-XI(a) of the Technical Report (p. D-31).

An emergency exists and these Ordinance amendments shall take effect immediately upon the signature of the Board of Commissioners and attestation by the County Clerk.

DATED THIS 6<sup>TH</sup> day of November, 1985.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell  
William S. Hansell, Chairman

G. Glenn Youngman  
G. Glenn Youngman, Vice-Chairman

Jeanne Hughes  
Jeanne Hughes, Commissioner

ATTESTED: J. Dean Fouquette, Sr.

J. Dean Fouquette, Sr.  
County Clerk