

ORDINANCE # 83-07

UMATILLA COUNTY

STATE OF OREGON

AN ORDINANCE CO-ADOPTING THE CITY OF HERMISTON COMPREHENSIVE PLAN, (ORD.#1482` ; THE ZONE DESCRIPTIONS, STANDARDS AND DEFINITIONS OF THE CITY OF HERMISTON ZONING ORDINANCE, #1480; AND THE DEVELOPMENT STANDARDS OF THE CITY OF HERMISTON SUBDIVISION ORD #858; AND ESTABLISHING A FUTURE URBAN 10 ACRE (FU-10) ZONE, ALL FOR APPLICATION WITHIN THE HERMISTON URBAN GROWTH BOUNDARY, AND THEREBY AMENDING THE FOLLOWING ORDINANCES:

UMATILLA COUNTY COMPREHENSIVE PLAN OF 2 APRIL 1972, AS AMENDED;

UMATILLA COUNTY DEVELOPMENT ORDINANCE OF 9 MAY 1982;

WHEREAS, On July 20 1977, the Umatilla County Board of Commissioners adopted by resolution procedures and standards for County review of City Comprehensive Plans, in fulfillment of County's mandated coordination responsibilities pursuant to ORS 197.190 and 197.255; and

WHEREAS, pursuant to said resolution, the original 1978 City of Hermiston Comprehensive Plan and Urban Growth Area Joint Management Agreement were formally reviewed by Umatilla County in the Winter and Spring of 1979; and

WHEREAS, due to disagreement between the City and County as to the City's approach to planning within the Urban Growth Area, the City and County petitioned the Oregon Department of Land Conservation and Development (DLCD), in June 1979, to conduct a draft review of the City's plan; and

WHEREAS, following several DLCD Staff reviews of City proposed amendments, over a period of several years, the Oregon Land Conservation and Development Commission (LCDC) in January 1983, ordered the City to produce an acceptable plan and resolve the City-County differences by September 1 1983 or face an Enforcement Order; and

WHEREAS, in early 1983 the City hired Cogan and Associates of Portland, to remake their 1978 Plan into an "acknowledgeable" document and one that Umatilla County would co-adopt; and

WHEREAS, following City and DLCD review of Cogan and Associates draft proposals and considerable negotiations between the City and County via Sumner Sharpe and Bev Bookin of Cogan and Associates and Steve Randolph, the County Planning Coordinator, the City formally adopted a new Comprehensive Plan, and Amendments to the Implementing Ordinances, on August 15 1983; and

WHEREAS, following additional negotiations and review, the City adopted a number of minor amendments to the Comprehensive Plan and implementing ordinances and approved the 6th draft of the new City-County Hermiston Planning Area Joint Management Agreement (JMA) on 12 September 1983; and

WHEREAS, the City sent out notices of the new Plan proposals and a public hearings schedule to all City water users, and to all property owners, in mid-July 1983; and

WHEREAS, said notice included scheduled County co-adoption public hearings as follows:

UMATILLA COUNTY PLANNING COMMISSION
25 August 1983; 7:30 p.m.
LARIVE JR. HIGH SCHOOL, HERMISTON

UMATILLA COUNTY BOARD OF COMMISSIONERS
31 August 1983; 3:30 p.m.
LARIVE JR. HIGH SCHOOL, HERMISTON;

and

WHEREAS, notice of said hearings were published in the East Oregonian on August 13 1983 and August 20 1983; and

WHEREAS, at both hearings Sumner Sharpe and Steve Randolph discussed the Plan proposals with the Commissioners, and, in the absence of significant public opposition, the Planning Commission recommended the Hermiston Plan be approved and the Board, indeed, approved the Plan in concept, and recessed the hearing to 10:00 a.m., Tuesday, 20 September 1983, in Room 114 of the Umatilla County Courthouse in Pendleton; and

WHEREAS, following favorable staff review of the City's 12 September 1983 Amended Plan, the new JMA, and proposal of the language for Future Urban-10 Acre (FU-10) Zone to be applied in much of the Urban Growth Area (UGA), and in the absence of significant public opposition, the Board concurred with the new, amended Hermiston Comprehensive Plan, and approved and signed the Hermiston Planning Area JMA;

NOW THEREFORE,

In fulfillment of the Hermiston Planning Area Joint Management Agreement, the Umatilla County Board of Commissioners hereby ordains the following:

1. That the Hermiston Comprehensive Plan of 12 September 1983, as contained in Attachment "B", is co-adopted and amended into the Umatilla County Comprehensive Plan of 1972, as amended, and
2. That the Zone descriptions, standards, and definitions of the Hermiston Zoning Ordinance #1480 of 12 September 1983, as contained in attachment "B", are co-adopted and amended into the Umatilla County Development Ordinance as an appendix, and
3. That the Standards of the Hermiston Subdivision Ordinance #858, of 14 April 1975, as contained in Attachment "B", are co-adopted and amended into the Umatilla County Development Ordinance as an appendix, and

4. That Chapter 3 of the Umatilla County Development Ordinance be amended to include the FU-10, Future Urban - 10 Acre Zone, as contained in Attachment: "A"; and
5. That, all property within the designated "Urban Area" of the Hermiston Comprehensive Plan, be rezoned from County Zones to the corresponding City Zones, as shown on the City's Comprehensive Plan Map and as identified via Policy 4 of the City's Comprehensive Plan, all contained in Attachment "B"; and
6. That, all property within th designated "Urbanizable Area" of the Hermiston Comprehensive Plan, be rezoned as follows:

R-1, R-1A, R-2, R-3 to FU-10

County or C-1 or C-2 to City C-2

County M-1 or M-2 to City M-1


Excepting that property zoned F-1 or F-2 is not rezoned at this time, pending contact with property owners to determine if they desire rezoning to the FU-10 or EFU-40 Zones, and


7. That, above items 1 through 6 of this Ordinance are applicable only within the Hermiston Urban Growth Boundary.

The Umatilla County Board of Commissioners does hereby declare that an emergency exists, in order to formally submit the Hermiston Plan to LCDC, and that this Ordinance is effective at 5:00 p.m. the day it is signed.

APPROVED this 20th day of September, 1983

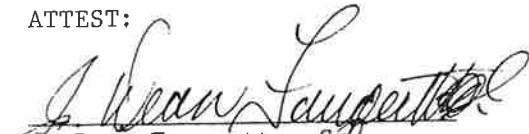
UMATILLA COUNTY BOARD OF COMMISSIONERS


 Robert E. Ten Eyck, Chairman


 A.L. "Bud" Draper, Vice-Chairman


 William Hansell

ATTEST:


 J. Dean Fouquette, Sr.
 Umatilla County Recorder

NOTE: Attachment "B", the Hermiston Comprehensive Plan Book, which includes the Zoning Annexation, and Subdivision Ordinances, and JMA, is also on file at Hermiston City Hall and the Umatilla County Planning Department.

FU-10 FUTURE URBAN ZONE

Section (number to be assigned
at a later date)

Description and Purpose

The FU-10 Future Urban Zone is designed to implement the growth management policies within the Hermiston Urban Growth Boundary; to provide for interim uses consistent with the plan policies until conversion to urban uses; to retain the land suitable for future urban development in large parcels which will enable more cost effective urban redevelopment of the land. Lots are kept large as urban services are not yet available to these areas and development is limited to the land capability of accepting septic tanks and drainfield while still providing safe drinking water. This zone is only applied to lands designated Urbanizable within the Hermiston Urban Growth Boundary.

Section

Uses Permitted Outright

In a FU-10 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to section 1.080:

- (1) Farm Use, as defined in ORS 215.203, except livestock feed yards and sales yards, hog or poultry farms and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm uses referred to in paragraph (9) of sub-section (2) of ORS 215.203.

Section

Uses Permitted with a Zoning Permit

In a FU-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to section 1.050.

- (1) Dwelling, single family:
- (2) Mobile Home:
- (3) Non-commercial greenhouse or nursery:
- (4) Public or semi-public use:
- (5) Signs: Type 2,3,4,5,6:

Section

Conditional Uses Permitted

In a FU-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of section 7.010 - 7.060:

- (1) Church;
- (2) Day Care or nursery;
- (3) Commercial greenhouse or nursery;
- (4) Roadside stand for the sale of agricultural products grown by the owner;
- (5) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency;
- (6) Rest home, home for the aged, nursing home, or convalescent home;
- (7) Utility facility;
- (8) Boarding of horses for profit;
- (9) Horse boarding stable;
- (10) Special exemption as provided in section 5.100 - 5.204;
- (11) Cemetery;
- (12) Home occupations;

Section

Limitations on Use

Notwithstanding any other section of this ordinance, the following limitations and conditions shall apply in the FU-10 Zone:

- (1) 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 as listed below:
 - Horses.....2 per acre
 - Cows.....2 per acre
 - Goats.....2 per acre
 - Sheep.....2 per acre

Limitations on Use Cont'd

- (2) The number of chickens, fowl, rabbits, or similar sized fowl or fur-bearing animal shall be confined on not more than 25% of the total lot area:
- (3) Adequate fences and corrals shall be required of the animal owner to keep animals off from adjacent lands:
- (4) Barn, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 ft. from a side or rear property line and 75 feet from the front property line:
- (5) 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 now hereafter established:

Section

Dimensional Standards

In a FU-10 zone the following standards shall apply:

- (1) Minimum lot size:
 - a. For all "Uses permitted with a zoning permit" and "Conditional Uses Permitted" except as modified in (b) below - 10 acres:
 - b. Pre-existing, non-conforming lots of records:
Lots which were lawfully in existence prior to September 20, 1983 and which do not meet the 10 acre minimum parcel size stated in (a) above may be occupied only by a single family dwelling, mobile home or modular home upon approval by the DEQ, or other authorized agent which may succeed them, to place a septic tank and drainfield on the pre-existing non-conforming lot:
- (2) Setback Requirements: No buildings shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line:
- (3) Lot coverage and Building Heights
 - a. Lot Coverage: The main building and accessory buildings located on any building site or lot

Dimensional Standards Cont'd

shall not cover more than thirty(30) percent of the total lot area:

- (b) Building Height: No building or structure shall be erected or enlarged to exceed two (2) stories or more than twenty-five (25) feet in height, except split level buildings, which may be increased in height to thirty (30) feet.
- (4) 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 and lakes, the following setback shall apply:
 - a. 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 or lakes 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 or lake, but in no case closer than 50 feet:
 - (b) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high water line or mark.

UMATILLA COUNTY
ORDINANCE # 83-07

ATTACHMENT B

20 September 1983

ATTACHMENT B, the FINAL DRAFT CITY OF HERMISTON COMPREHENSIVE PLAN document, is on file in the Umatilla County Planning Department, elsewhere in this Courthouse, due to limited numbers of the document being available. The document contains not only the HERMISTON COMPREHENSIVE PLAN, Ordinance #1482, but also the HERMISTON PLANNING AREA JOINT MANAGMENT AGREEMENT, HERMISTON ZONING ORDINANCE, HERMISTON ANNEXATION ORDINANCE, and HERMISTON SUBDIVISION ORDINANCE. It is legally attached to this Ordinance 83-07 and contains language relevant only to the City as well as language co-adopted by Umatilla County for application within the Urban Growth Boundary as enumerated in this ordinance.