



PLANNING DIVISION

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

Email: planning@umatillacounty.gov

AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, April 25, 2024, 6:30PM
Justice Center Media Room, Pendleton, Oregon**

To participate in the hearing please submit comments before 4PM, April 25th 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-095-24, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, ADOPTING THE OFFICIAL ZONING MAP AS AN ELECTRONIC MAP LAYER.** Umatilla County proposes text changes to the Umatilla County Development Code (UCDC) Section 152.029 to archive the physical County Zoning Maps of 1984 and adopt by reference the Official Zoning Map as an electronic map layer within the County Geographic Information System (GIS). The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

3. **NEW HEARING: TEXT AMENDMENT #T-094-23, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, CHANGING THE LIMITATIONS ON USE AND DIMENSIONAL STANDARDS IN ZONES MUF, FR, MR, UC, CRC, RR-2, RR-4, RR-10 AND FU-10 AND MODIFYING THE LANGUAGE REGARDING USES PERMITTED**

WITH A ZONING PERMIT TO CLARIFY THE TYPE AND NUMBER OF DWELLINGS ALLOWED IN ZONES MUF, FR, MR, RR-2, RR-4, RR-10.

Umatilla County is proposing an amendment to the Umatilla County Development Code (UCDC), modifying the limitations on use and dimensional standards regarding animal density and setbacks for animal sheltering structures in the following zones: Rural Residential 2-acre minimum (RR-2), Rural Residential 4-acre minimum (RR-4), Rural Residential 4-acre minimum (RR-10), Future Urban 10-acre minimum (FU-10), Commercial Rural Center 1-acre minimum (CRC), and Unincorporated Community (UC) Zones. Umatilla County is proposing to add this same language for animal density to standards to the Forest Residential (FR), Mountain Residential (MR) and Multiple Use Forest (MUF) Zones.

Umatilla County is also proposing an amendment to the UCDC clarifying the uses permitted with a zoning permit for the type and number of dwellings allowed in the following zones: Rural Residential 2-acre minimum (RR-2), Rural Residential 4-acre minimum (RR-4), Rural Residential 4-acre minimum (RR-10), Forest Residential (FR), Mountain Residential (MR) and Multiple Use Forest (MUF) Zones.

4. Other Business

5. Adjournment



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COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Megan Davchevski, Planning Division Manager
DATE: April 18, 2024

CODE
ENFORCEMENT

RE: **April 25, 2024 Planning Commission Hearing**
Umatilla County Development Code Text Amendment
Official Zoning Maps

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Background Information

GIS AND
MAPPING

Planning Staff have identified the need to update the Umatilla County Development Code §152.029 Zoning Maps Adopted by Reference to reflect the modern technology available for mapping. The current language refers to the physical maps adopted in 1984 as the Official Zoning Map. The proposed language archives the physical County Zoning Maps of 1984 and adopts by reference the Official Zoning Map as an electronic map layer within the County Geographic Information System (GIS).

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Criteria of Approval

The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

PUBLIC TRANSIT

Conclusion

This matter is a legislative matter because it proposes to amend the text of the Umatilla County Development Code. Therefore, the County has the authority to consider and approve the text amendment.

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The BCC must also hold a public hearing(s) and make a decision whether or not to adopt the proposed change to the Development Code. A public hearing before the BCC is scheduled for June 5, 2024.

Attachments

- Preliminary Findings and Conclusions
- Proposed Text Amendment

**UMATILLA COUNTY BOARD OF COMMISSIONERS
PRELIMINARY FINDINGS OF FACT AND CONCLUSIONS OF LAW
TEXT AMENDMENT, #T-095-24**

**AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, AMENDING LANGUAGE
REGARDING THE OFFICIAL ZONING MAP**

1. Request

Umatilla County is requesting an amendment to Umatilla County Development Code (UCDC) 152.029 Zoning Maps Adopted by Reference to reflect the modern technology available for mapping. The current language refers to the physical maps adopted in 1984 as the Official Zoning Map. The proposed language archives the physical County Zoning Maps of 1984 and adopts by reference the Official Zoning Map as an electronic map layer within the County Geographic Information System (GIS).

2. Procedural Matters

A. Categorization of this Matter

This matter is a legislative matter because it proposes to amend the text of the UCDC in a manner that will change the medium of the Official Zoning Maps of 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 Director of 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 through DLCD's PAPA online portal on March 21, 2024. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by submitting the post-acknowledgement amendment notice so that it arrived at the office of the Director of DLCD at least 35 days prior to the initial evidentiary hearing.

UCDC 152.771(B) requires the County provide a legal notice for the Planning Commission hearing April 25, 2024 and Board of Commissioners hearing June 5, 2024 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 April 13, 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 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."

The County will hold two (2) hearings for this legislative amendment, one (1) before the Planning Commission and one (1) before the Board of Commissioners.

Additionally, UCDC 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 152.772, which applies to quasi-judicial hearings, is not applicable to this legislative proceeding.

3. Approval Criteria

UCDC 152.751 requires that 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 Plan ("Transportation Plan"). The County also finds that because this text amendment is a post-acknowledgment amendment, ORS 197.175(1) requires that the Plan and Map amendment satisfy applicable Statewide Planning Goals (the "Goals") and other applicable administrative rules. The County finds that the UCDC does not contain substantive standards for an amendment to the UCDC text. The remainder of this section addresses the applicable approval criteria.

This UCDC provision sets forth the approval requirements for amendment to the text of the UCDC. This section requires that an amendment satisfy the Plan and the Oregon Transportation Planning Rule (the "TPR"), OAR 660, Division 12, as well as the Umatilla County Transportation Plan.

The County finds this request is to amend the text of the UCDC, specifically provisions to archive the physical County Zoning Maps of 1984 and adopt by reference the Official Zoning Map as an electronic map layer within the County Geographic Information System (GIS) does not further impact transportation and this criterion has been met. The TPR, OAR 660-012-0060 (1)-(3), is not implicated by this text amendment and further analysis of the Oregon Transportation Plan and Umatilla County requirements at 152.019 are not required.

Finding: The County finds that UCDC 152.751 is satisfied.

A. Applicable Statewide Planning Goals

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.

The Umatilla County Comprehensive Plan and Development Code outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state and federal agencies; and allows for public comment to the process.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their comprehensive plans and development codes. This text amendment is being requested under the Umatilla County Development Code provisions that apply to amendments, meeting the intent of Goal 2.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Goal 3 also applies to mixed farm/forest zones, such as Umatilla County's Grazing/Farm (GF) zone. The proposed text amendment complies with Goal 3.

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.

Goal 4 addresses the protection of forest lands. Goal 4 applies to this application and to the County mixed farm/forest GF zone. The proposed text amendment complies with Goal 4.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 5 addresses natural, historical and cultural resources with a focus on protecting sites. Digitizing the Official Zoning Map will have not negatively impact Goal 5 resources.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed text amendment does not seek approval of a specific development but seeks to digitize the Official Zoning Map so that is available in GIS format and readily available to the general public.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Goal 7 works to address natural hazards and disasters, and through a comprehensive plan amendment process, would seek to determine if there are known natural hazards and seek to mitigate concerns. Natural hazards would be considered as part of the land use processes that would be completed during a land division or land use decision process and are not considered for this text amendment application.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

No recreation components are included in this application.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Housing is not a direct consideration as part of this application.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. Goal 11 is not a direct consideration of this amendment request.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Goal 12 requires local governments to provide and encourage a safe, convenient and economic transportation system, implemented through the Transportation Planning Rule. Goal 12 is not a direct consideration of this amendment request.

Goal 13 Energy: To conserve energy.

Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goal 14 prohibits urban uses on rural lands. Goal 14 is not a direct consideration of this amendment request.

Finding: Umatilla County has evaluated Statewide Planning Goals 1-14. The other five goals, 15-19, are not applicable to this application request. Umatilla County finds the goals that are applicable have been satisfied.

B. Applicable Oregon Administrative Rules

Finding: The County finds that there are no Oregon Administrative Rules (OARs) applicable to this request.

C. Applicable Plan Policies

The Umatilla County Comprehensive Plan includes the following provisions that are supportive of this application:

(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 County-wide 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 County-wide circulation fulfills this requirement.

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 memorialize the County Zoning Maps of 1984, and create an official replica of the Official Zoning Map as an electronic map layer can be approved.

DATED this ____ day of _____, 2024.

UMATILLA COUNTY BOARD OF COMMISSIONERS

John M. Shafer, *Commissioner*

Celinda A. Timmons, *Commissioner*

Daniel N. Dorran, *Commissioner*

Note: Proposed text changes are shown in a “Mark Up” format with the original text to be removed shown in ~~strike through~~ and added text provided in **bold and underlined**.

§ 152.029 ZONING MAPS ADOPTED BY REFERENCE; AMENDMENT; LOCATION.

(A) The boundaries for the zones listed in this chapter are indicated on the County Zoning Maps of 1984, **previously adopted** which is hereby adopted by reference **and memorialized for historical records. The Official Zoning Map exists in official replica form as an electronic map layer within the County Geographic Information System (GIS) which is hereby adopted by reference.** The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

~~(B) The zoning maps consist of several sheets, prints or pages, which pages shall be listed on a cover page together with the date and name of each page. The zoning maps shall be certified by the Board and County Records as being the official zoning maps adopted by reference in division (A) of this section. The certification of the official zoning maps shall appear on the cover page.~~

(C) A zoning map or zoning map amendment adopted by division (A) of this section or by an amendment thereto shall be prepared by authority of the Planning Commission or by a modification by the County Board of Commissioners. The map **layer or and** map amendment shall be dated with the date of its approval by the Planning Commission or the effective date of the ordinance that adopts the map or map amendment. A certified print pursuant to

division (B) of this section of the adopted map or map amendment shall be maintained in the Office of the County Records as long as this chapter remains in effect.

~~(D) There shall be two sets of official zoning maps. One shall be located in the office of the Planning Department as long as this chapter remains in effect. The second set shall be located in the Office of the County Records as long as this chapter remains in effect.~~

(D) The Official Zoning Map shall be available for review through the Umatilla County Community Development Department during office business hours and on the County’s website. Copies are available at cost.



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COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission

FROM: Charlet Hotchkiss, Planner I

DATE: April 17, 2024

CODE
ENFORCEMENT

RE: April 25, 2024 Planning Commission Hearing

SOLID WASTE
COMMITTEE

Umatilla County Development Code Text Amendment

#T-094-23

SMOKE
MANAGEMENT

Amending animal density standards in residential zones.

GIS AND
MAPPING

Background Information

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Over the past several years the Umatilla County Planning Division and Code Enforcement Department has received numerous complaints from residents regarding roosters in rural residential zones. Noise complaints due to roosters crowing day and night are most prevalent, but also complaints of people keeping large numbers of roosters presumed to be used for cock fighting have been made. In order to remedy this ongoing situation in multiple rural residential zones within the county, the Planning Division has proposed new language within the limitations on use sections of multiple zones encompassed in the Umatilla County Development Code. The decision to do so was made at the direction of the Umatilla County Board of Commissioners, who will have the ultimate decision of whether or not to adopt the amendment in the subsequent hearing on June 5, 2024. Staff also decided to modify some of the language used within those sections in order to better clarify the meaning of the code, as well as to rearrange and organize certain language to sections were it makes more sense. Such as moving the existing language regarding setbacks to animal sheltering structures (barns, large chicken or other fowl coops, etc.) to the Dimensional Standards sections instead of having it in the Limitations on Use sections of these zones.

PUBLIC TRANSIT

Through out this process other minor changes have been made with the wellbeing and proper care of animals in mind, as well as the health and quality of life for residents within the zones affected; Multiple Use Forest (MUF), Forest Residential (FR), Mountain Residential (MR), Unincorporated Community (UC), Rural Residential-2 (RR-2), Rural Residential-4 (RR-4), Rural Residential-10 (RR-10), Commercial Rural Center (CRC) and Future Urban-10 (FU-10).

Since the public notice was mailed out to affected property owners within Umatilla County on April 5, 2024, Planning has received a large volume of calls and in person visits regarding the amendment. There seems to be a lot of confusion and misconceptions surrounding the proposed changes, below is a brief a brief explanation

of what is changing and what is not.

This proposed text amendment **does**:

- Restrict the number of roosters and other fowl with loud calls in non-resource zones, such as rural residential.
- Increase the number of small livestock animals (goats, sheep, etc.) from 2 animals per acre to 4 per acre.
- Adds the same animal density standards to other non-resource zones, such as forest and mountain residential.

This proposed text amendment **does not**:

- Change the number of cows and horses allowed in non-resource zones, such as rural residential.
- Affect resource zoned land such as Exclusive Farm Use (EFU) and Grazing/Farm (GF).
- Change the property line setback standards for barns and other animal sheltering structures. As mentioned previously, it simply moves the current standard to the dimensional standards section within each zone, where it is better suited.

The current animal density standards in the RR-2, RR-4 and RR-10 zones have been no more than 2 animals (goats, sheep, cows, horses, etc.) per acre, and have been in place since 1972.

While animal density standards are present in the FU-10, RR-2, RR-4, RR-10, CRC and UC Zones, the proposed amendment will add the same animal density standards to the MR, MUF and FR zones.

A specific addition addressing sanitation and proper animal food storage will help curb disease and illness spread through rodents, animal feces and flies.

In addition, Umatilla County is proposing an amendment to the Umatilla County Development Code which clarifies the uses permitted with a zoning permit, specifically regarding dwellings in Zones, RR-2, RR-4, RR-10, FR, MR and MUF.

The changes in the uses permitted with a zoning permit are being made to define what type of dwelling may be approved and how many may be permitted on a single tax lot, dependent on the zone. The proposed amendment does not change the number of dwellings allowed on each tax lot, the new language is only being used to clarify the existing code language.

Co-Adoption

County Staff are requesting the proposed amendments be applicable in the Future Urban (FU-10) zone. Which is located within Hermiston's UGB. The City of Hermiston Joint

Management Agreement (JMA) Section E (10) requires County Land Development Code Amendments applicable in the Urban Growth Area to be processed by the City. The JMA states that amendments may be initiated by the City, the County or an affected person. Therefore, the City of Hermiston must co-adopt the text amendment for the standards to apply in the FU-10 Zone.

Hearings

This hearing before the Umatilla County Planning Commission is the County’s first evidentiary hearing for adoption. A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, June 5, 2024, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

Conclusion

The Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners to either adopt or deny this amendment to the Umatilla County Development Code.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – APRIL 25, 2024
TEXT AMENDMENT #T-094-23
PACKET CONTENT LIST**

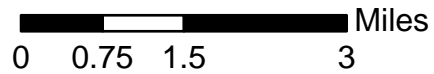
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|----|--|-------------|
| 1. | Staff Memo to Planning Commission | Pages 1-3 |
| 2. | Table of Contents | Page 5 |
| 3. | Maps of affected zones | Pages 7-13 |
| 4. | Full text of proposed amendment in affected zones | Pages 15-32 |
| 5. | Draft Findings | Pages 33-41 |
| 6. | Comment Letter from Joyce R Aniliker and Manford Aniliker
<i>Received via mail April 15, 2024</i> | Page 43 |

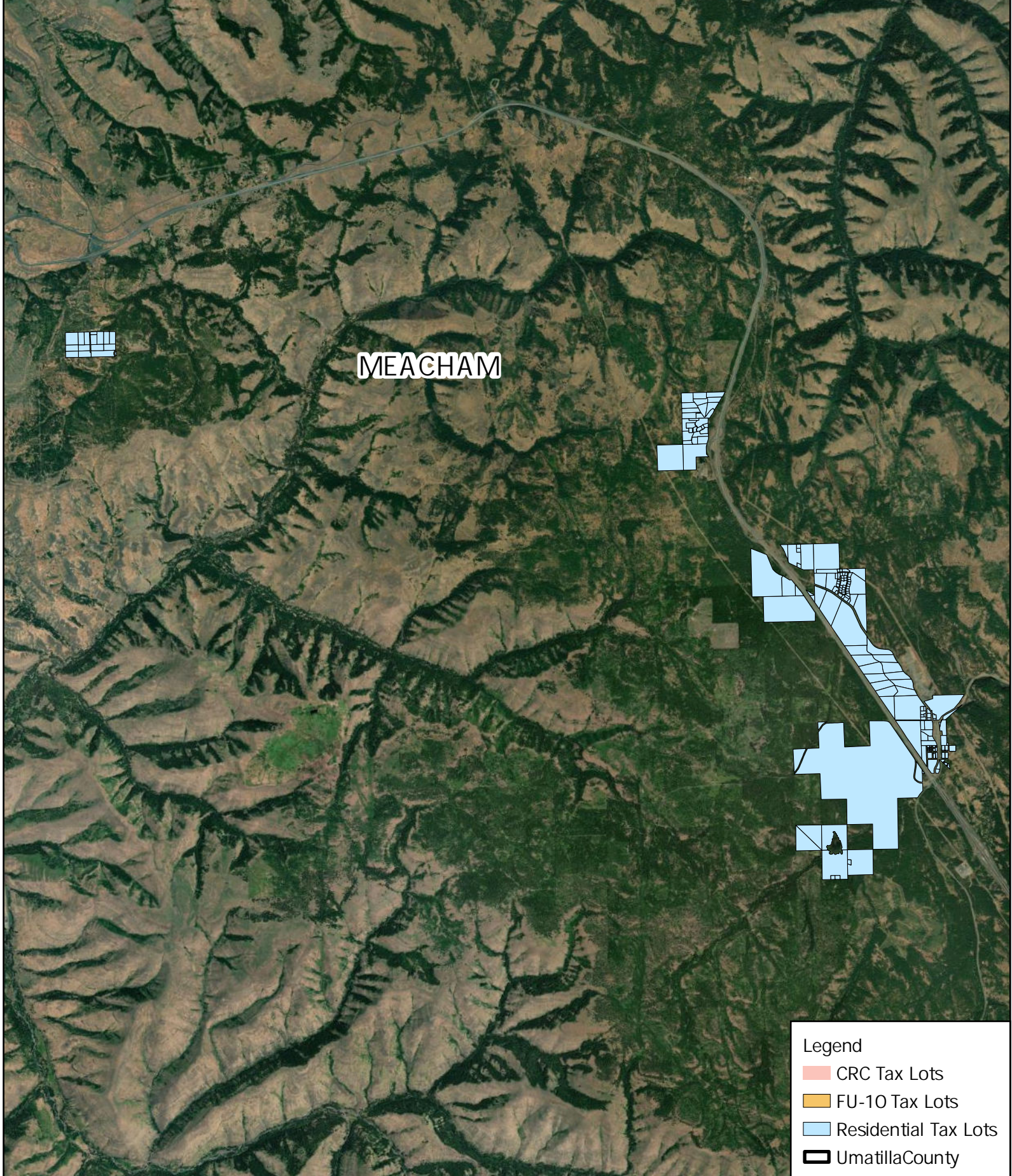


Legend

- CRC Tax Lots
- FU-10 Tax Lots
- Residential Tax Lots

TEXT AMENDMENT T-094-23
ANIMAL DENSITY STANDARDS -
CENTRAL COUNTY



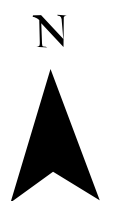


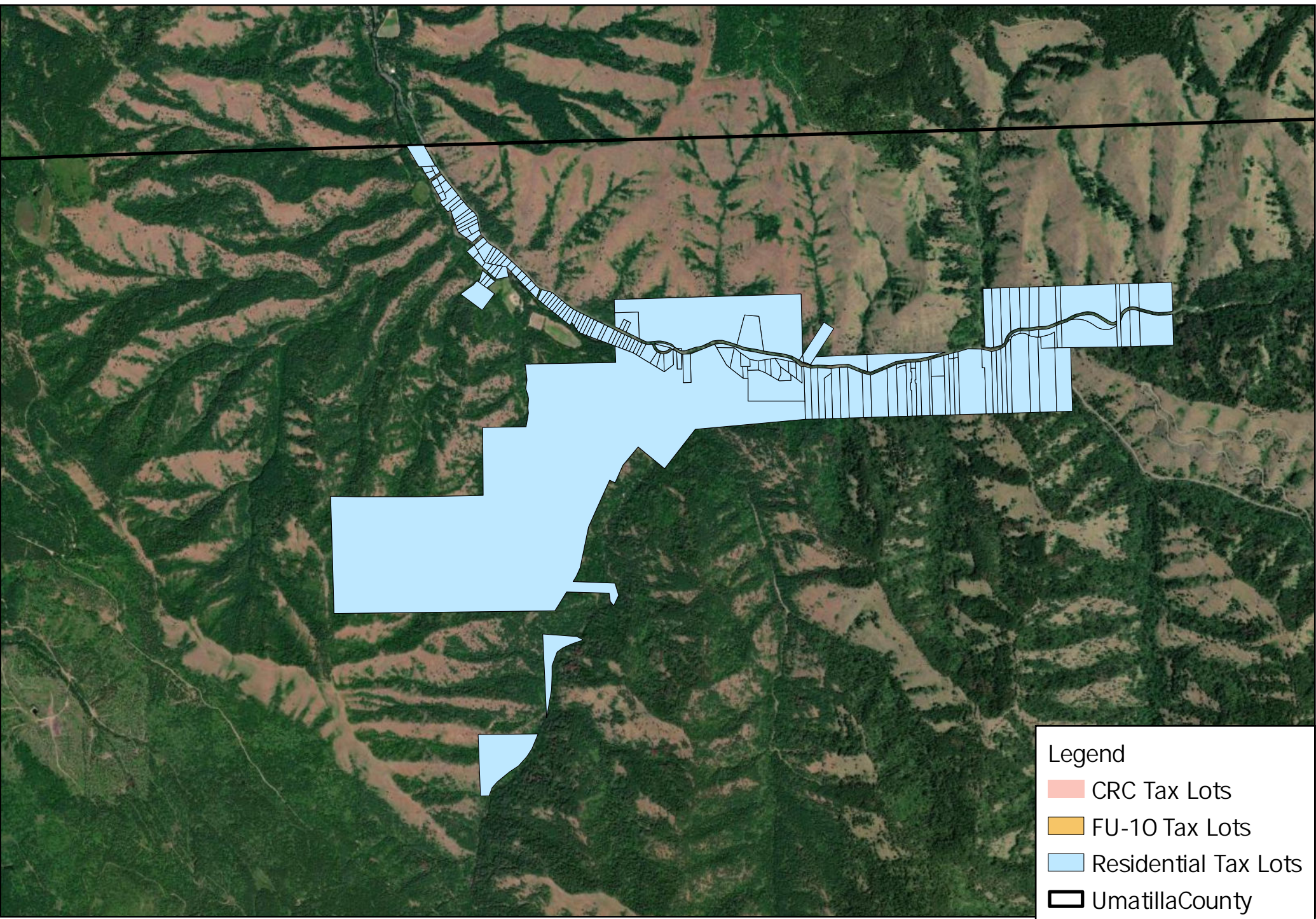
MEACHAM

Legend

- CRC Tax Lots
- FU-10 Tax Lots
- Residential Tax Lots
- Umatilla County

TEXT AMENDMENT T-094-23
ANIMAL DENSITY STANDARDS -
MEACHAM

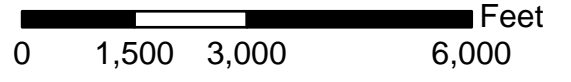


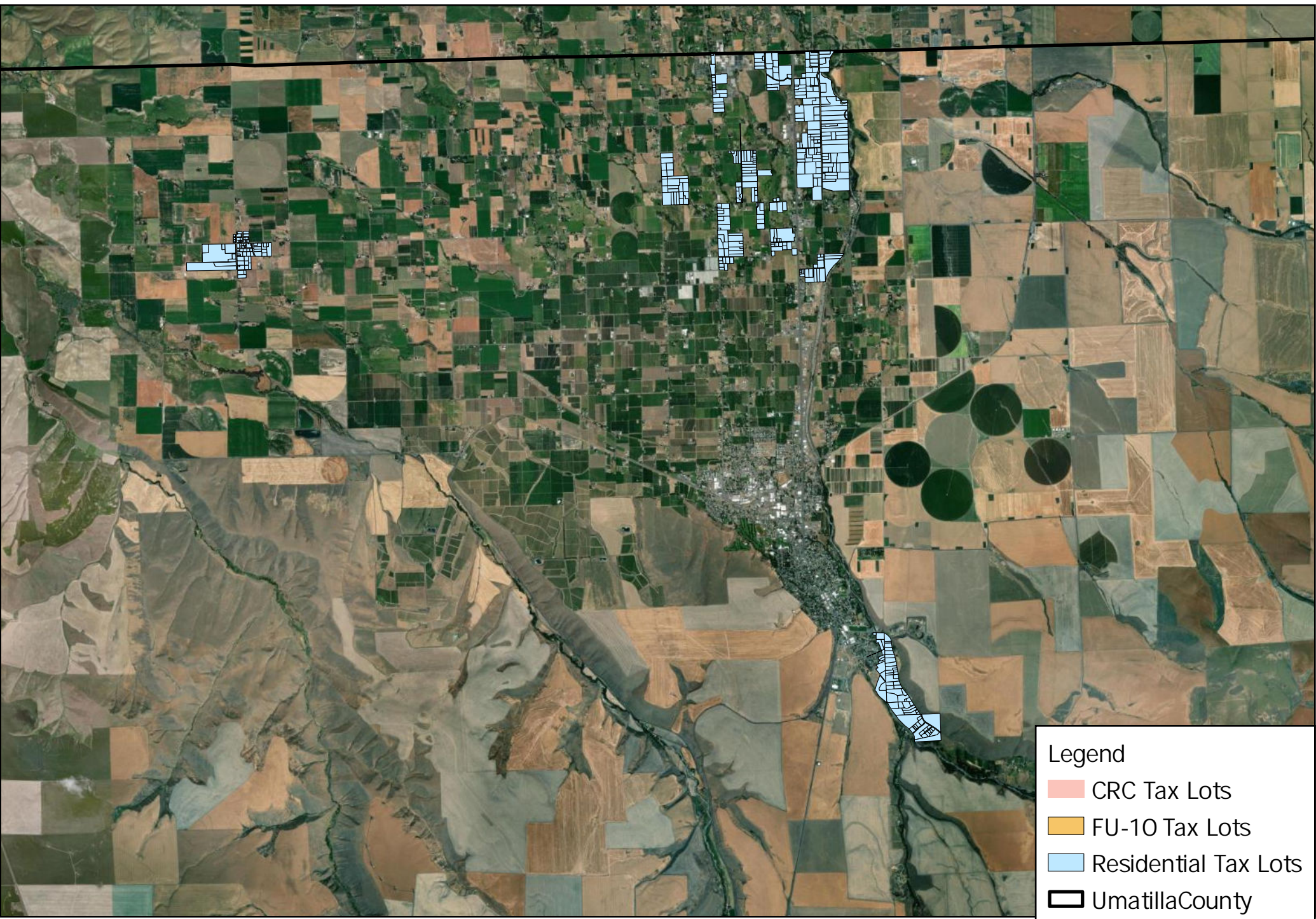


Legend

- CRC Tax Lots
- FU-10 Tax Lots
- Residential Tax Lots
- Umatilla County

TEXT AMENDMENT T-094-23
ANIMAL DENSITY STANDARDS - WESTON

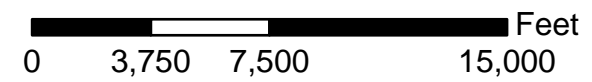




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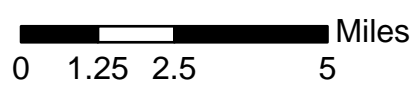
- CRC Tax Lots
- FU-10 Tax Lots
- Residential Tax Lots
- Umatilla County

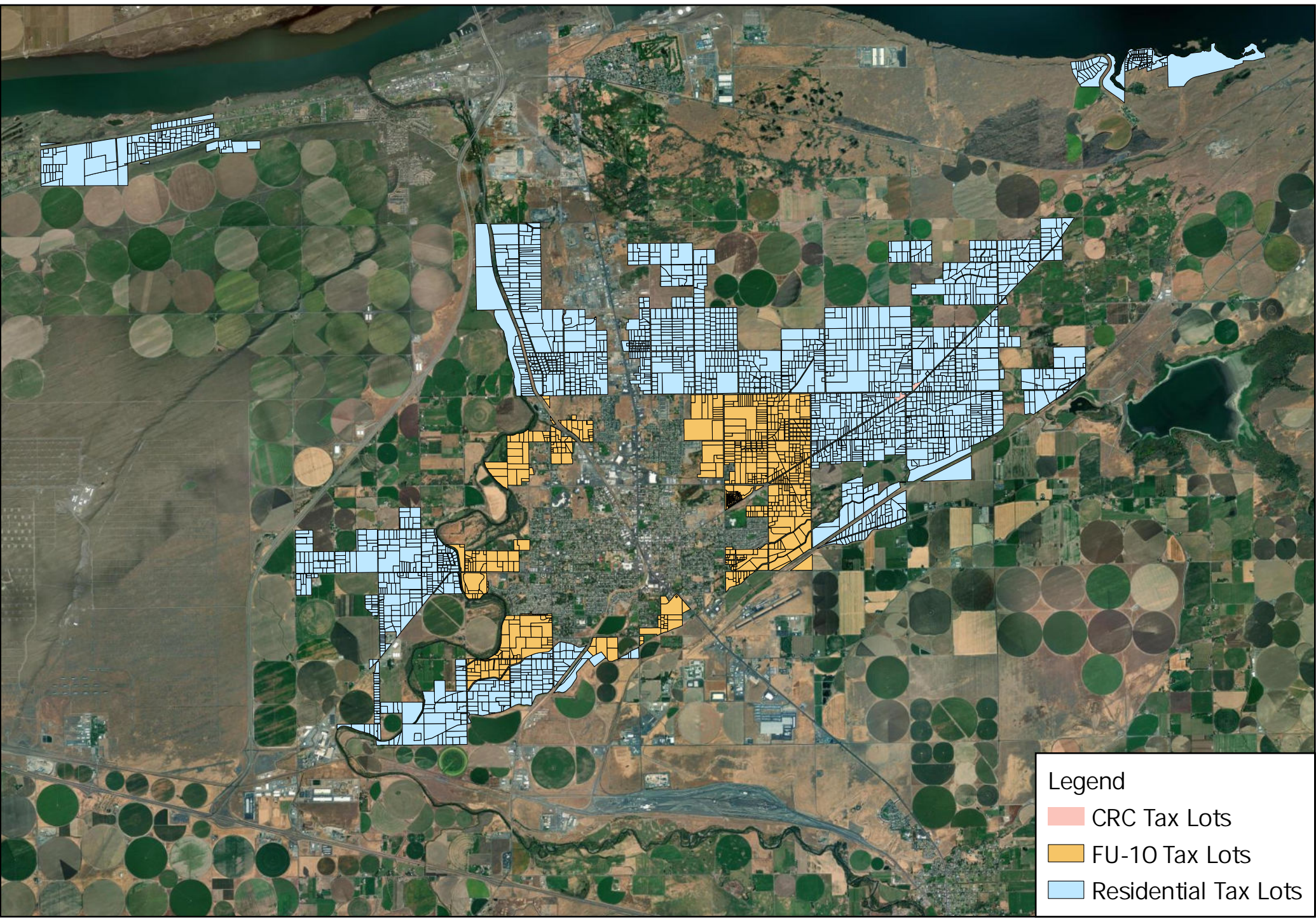
TEXT AMENDMENT T-094-23
ANIMAL DENSITY STANDARDS - MILTON-FREEWATER





TEXT AMENDMENT T-094-23
ANIMAL DENSITY STANDARDS -
SOUTH COUNTY





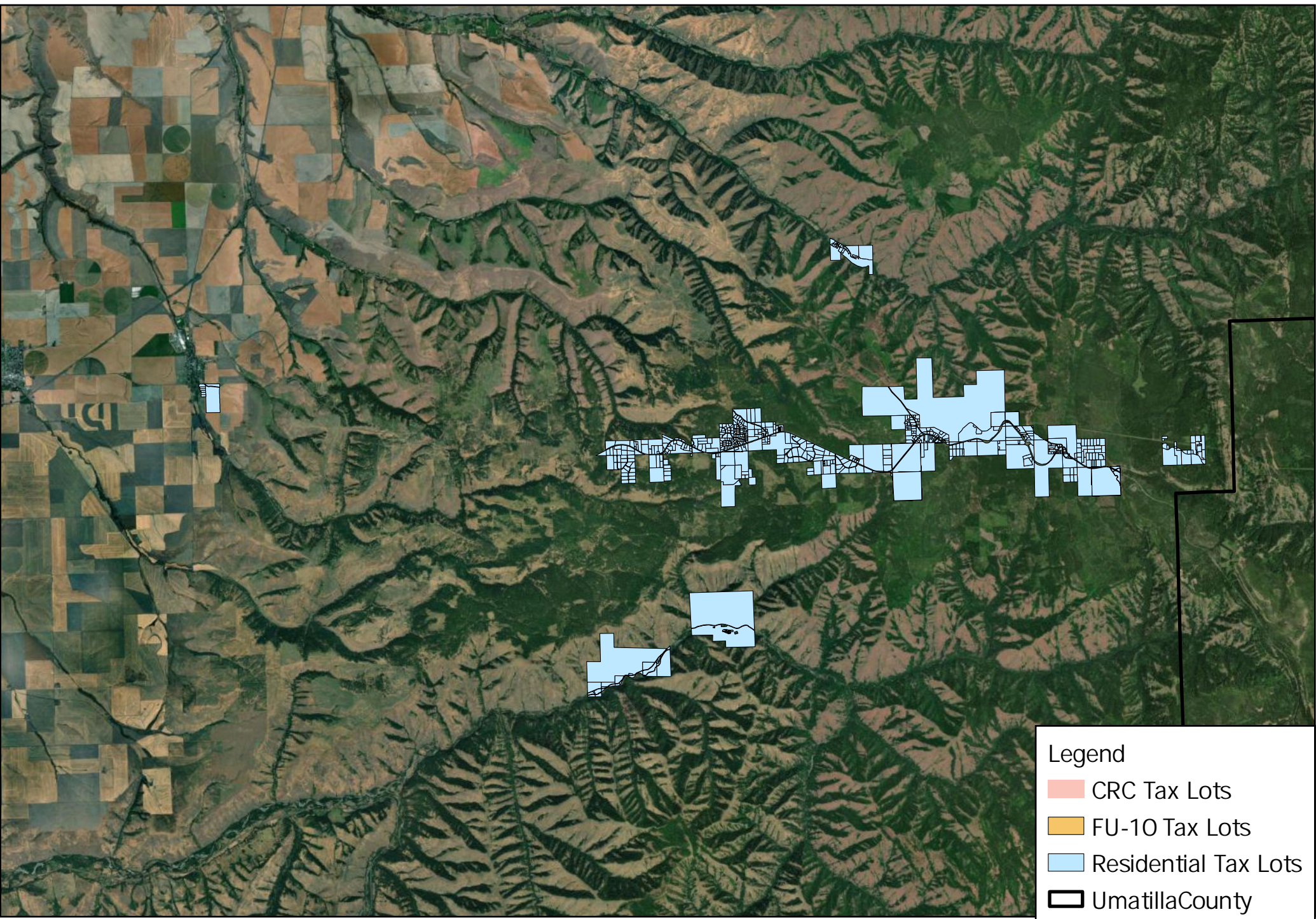
Legend

- CRC Tax Lots
- FU-10 Tax Lots
- Residential Tax Lots

TEXT AMENDMENT T-094-23
ANIMAL DENSITY STANDARDS - WEST COUNTY

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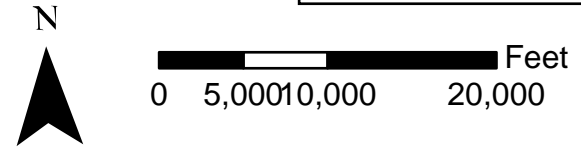
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Legend

- CRC Tax Lots
- FU-10 Tax Lots
- Residential Tax Lots
- Umatilla County

TEXT AMENDMENT T-094-23
ANIMAL DENSITY STANDARDS - WESTON



§ 152.118 LIMITATIONS ON USE.

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

(A) Cows, horses, goat 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 maximum density to the acreage of the lot divided by the minimum area required for each animal size as outlined in this section.** The **maximum density minimum area required for horses, cattle, and similar sized livestock** cows, goats or 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. **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

(B) The total number of ~~chickens, fowl, rabbits or similar sized fowl or fur-bearing animals~~ **poultry, fur-bearing animals or similarly sized domestic birds** shall be **limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.** ~~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; **Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.**

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

~~(F) (E)~~ Outdoor storage for commercial and industrial uses shall be screened from view from adjacent residential uses. (Ord. 83-4, passed 5-9-83;)

§ 152.119 DIMENSIONAL STANDARDS.

(A) Lot size. The minimum average width of lots shall be 150 feet with a minimum area of one acre;

(B) Dimensional standards. The following dimensional standards shall apply in a UC Zone: no building or structure shall be erected or enlarged to exceed more than 25 feet in height, except dwellings may be constructed with two stories, not including a basement.

(C) 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 main 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 similar 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.

(D) Building and Structure setback and yards.

(1) No building or accessory structure shall be located closer than 20 feet from a lot or parcel line, except on the street side of a corner lot or parcel the setback shall be 25 feet from the lot or parcel line;

(2) The minimum side yard shall be 20 feet, except on the street side of a corner lot it shall be 25 feet;

(3) The minimum rear yard shall be 20 feet.

(4) 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) Off-street parking and loading. Offstreet parking and loading shall be provided in accordance with the provisions of § 152.560 of this chapter. (Ord. 83-4, passed 5-9-83; Ord. 2003-10, passed 8-14-2003; Ord. 2019-03, passed 4-3-19;)

§ 152.131 USES PERMITTED

...

(B) *Uses permitted with a zoning permit.*

In a RR-2 Zone, the following used and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025;

~~(1) Dwelling, single-family;~~ **A single-family dwelling may be permitted on one tax lot as follows:**

(a) One Manufactured Dwelling, as provided in 152.013; or

(b) One on-site constructed single-family dwelling;

(c) Either (a) or (b) may be permitted, not one of each on a single tax lot, except for temporary hardship homes approved under § 152.576.

(2) Home occupations as provided in §152.573;

~~(3) Mobile home as provided in §152.013;~~

~~(3)~~(4) Non-commercial greenhouse or nursery;

~~(4)~~(5) Public or semi-public use;

~~(5)~~(6) Signs; Type 2, 4, 5, 6 as defined in §152.546;

~~(6)~~(7) Residential Home (Adult Foster Care);

~~(7)~~(8) Day Care or Nursery.

...

§ 152.133 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-2 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 maximum density** ~~to the square footage of the lot divided by the minimum area required for each animal~~ **size as outlined in this section.** ~~The minimum area required~~ **maximum density** for horses, **cattle, and similar sized livestock** ~~eows, 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.~~ **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

(B) The number of ~~chickens, fowl, rabbits or similar sized fowl~~ **poultry, fur-bearing animals or similarly sized domestic birds** shall be **limited to 40 per lot or parcel.** **For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.** ~~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; **Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.**

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

~~(F)~~ **(E)** Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

...

§ 152.134 DIMENSIONAL STANDARDS.

In a RR-2 Zone, the following standards shall apply:

(A) Minimum lot area.

(1) For principal dwellings, two acres with an average lot width of 150 feet;

(2) Non-residential structures. 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, providing that all other applicable regulations can be met.

(B) Setback requirements. No building or accessory structure 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; **Barns, 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;**

...

§152.156 USES PERMITTED

...

(B) *Uses permitted with a zoning permit.*

In a RR-4 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;~~ **A single-family dwelling may be permitted on one tax lot as follows:**

(a) One Manufactured Dwelling, as provided in 152.013; or

(b) One on-site constructed single-family dwelling;

(c) Either (a) or (b) may be permitted, not one of each on a single tax lot, except for temporary hardship homes approved under § 152.576.

(2) Home occupation as provided in §152.573;

~~(3) Mobile home as provided in §152.013;~~

~~(3)~~(4) Non-commercial greenhouse or nursery;

~~(4)~~(5) Public or semi-public use;

~~(5)~~(6) Signs; Type 2, 4, 5, 6 as defined in §152.546;

~~(6)~~(7) Residential Home (Adult Foster Care);

~~(7)~~(8) Day Care or Nursery.

...

§ 152.158 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-4 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 maximum density** ~~to the square footage of the lot divided by the minimum area required for each animal~~ **size as outlined in this section.** The **maximum density** ~~minimum area required for horses, cattle, and similar sized livestock~~ ~~eows, 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.~~ **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

~~(B) The number of chickens, fowl, rabbits or similar sized fowl~~ **poultry, fur-bearing animals or similarly sized domestic birds shall be limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.** ~~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; **Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored**

in metal or other rodent-proof receptacles.

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

~~(F)~~ **(E)** Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

...

§ 152.159 DIMENSIONAL STANDARDS.

In a RR-4 Zone, the following standards shall apply:

(A) Minimum lot area.

(1) For principal dwellings, four acres with an average lot width of 150 feet;

(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 or accessory structure 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. **Barns, 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;**

...

§152.161 USES PERMITTED

...

(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;~~ **A single-family dwelling may be permitted on one tax lot as follows:**

(a) One Manufactured Dwelling, as provided in 152.013; or

(b) One on-site constructed single-family dwelling;

(c) Either (a) or (b) may be permitted, not one of each on a single tax lot, except for temporary hardship homes approved under § 152.576.

(2) Home occupation as provided in §152.573;

~~(3) Mobile home as provided in §152.013;~~

~~(3)~~(4) Non-commercial greenhouse or nursery;

~~(4)~~(5) Public or semi-public use;

~~(5)~~(6) Signs; Type 2, 4, 5, 6 as defined in §152.546;

~~(6)~~(7) Residential Home (Adult Foster Care);

~~(7)~~(8) Day Care or Nursery.

...

§ 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 maximum density the square footage of the lot divided by the minimum area required for each animal size as outlined in this section.** The **maximum density** minimum area required for horses, **cattle, and similar sized livestock** eows, 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. **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

(B) The number of chickens, fowl, rabbits or similar sized fowl **poultry, fur-bearing animals or similarly sized domestic birds** shall be **limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.** 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; **Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.**

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

~~(F)~~ **(E)** Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

...

§ 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 or accessory structure 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. **Barns, 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;**

...

MUF, MULTIPLE USE FOREST ZONE
Sub-Sections

152.170 Purpose

152.171 Uses permitted

152.172 Conditional uses permitted

152.173 Limitations on use

~~152.173~~ **152.174** Dimensional standards

...

§ 152.171 USES PERMITTED

...

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

(1) ~~Mobile Home as provided in § 152.025:~~
One single-family dwelling unit may be permitted on one tax lot as described by this section.

(a) One Manufactured Dwelling, as provided in § 152.013; or

(b) One recreational vehicle; or

(c) One on-site constructed single-family dwelling.

(d) Either (a) or (b) or (c) may be permitted, not one of each on a single tax lot, except for temporary hardship homes approved under § 152.576.

~~(2) Dwelling;~~

~~(3) Vacation trailer or recreational vehicle;~~

~~(4) Dwelling, single-family;~~

(2) (5) Christmas tree sales;

(3) (6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(4) (7) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land.

(5) (8) Home occupations as provided in § 152.573.

(6) (9) Residential Home (Adult Foster Care);

(7) (10) Day Care or Nursery.

...

(N) Home occupation/cottage industry as provided in § 152.616 (II); (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09; Ord. 2012-02, passed 1-26-12;)

§ 152.173 LIMITATIONS ON USE.

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

(A) Cows, horses, goat 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 maximum density for each animal size as outlined in this section. The maximum density for horses, cattle and similar sized livestock is two per acre. The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.

(B) The total number of poultry, fur-bearing animals or similarly sized domestic birds shall be limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands; Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

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

§ ~~152.173~~ **152.174 DIMENSIONAL STANDARDS.**

In a MUF, Multiple Use Forest, Zone the following division, dimensions and standards shall apply:

(A) Minimum lot area.

(1) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailers, 10 acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its

accessory uses, and objective to minimize the impact on surrounding properties.

(B) Pre-existing, non-conforming lots. Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that the setback regulations are met according to division (C) of this section;

(C) Setback. No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter. **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;**

(D) Minimum lot width. For residential purposes, no lot shall be longer than two and one-half times its width;

FR, FOREST RESIDENTIAL ZONE

Sub-Sections

152.215 Purpose

152.216 Uses permitted

152.217 Conditional uses permitted

152.218 Limitations on use

~~152.218~~ **152.219** Dimensional standards

...

§ 152.216 USES PERMITTED

...

(B) *Uses permitted with a zoning permit.*

In an FR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025:

~~(1) Mobile Home as provided in § 152.013;~~
One single-family dwelling unit may be permitted on one tax lot as described by this section.

(a) One Manufactured Dwelling, as provided in § 152.013; or

(b) One recreational vehicle; or

(c) One on-site constructed single-family dwelling.

(d) Either (a) or (b) or (c) may be permitted, not one of each on a single tax lot, except for temporary hardship homes approved under § 152.576.

~~(2) Dwelling;~~

~~(3) Vacation trailer or recreational vehicles;~~

~~(4) Dwelling, single-family;~~

(2) (5) Christmas tree sales;

(3) (6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(4) (7) Home occupations as provided in § 152.573.

(5) (8) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land.

(6) (9) Residential Home (Adult Foster Care);

(7) (10) Day Care or Nursery.

...

(M) Home occupation/cottage industry as provided in § 152.616 (II). (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09;) §

§ 152.218 LIMITATIONS ON USE.

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

(A) Cows, horses, goat 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 maximum density for each animal size as outlined in this section. The maximum density for horses, cattle and similar sized livestock is two per acre. The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.

(B) The total number of poultry, fur-bearing animals or similarly sized

domestic birds shall be limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands; Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

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

§ ~~152.218~~ **152.219** DIMENSIONAL STANDARDS.

In a FR, Forest Residential, Zone the following divisions, dimensions and standards shall apply:

(A) Minimum lot area.

(1) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailer, five acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its

accessory uses, and objective to minimize the impact on surrounding properties.

(B) Pre-existing, non-conforming lots. Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that the setback regulations are met according to division (C) of this section;

(C) Setback. No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter. **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;**

(D) Minimum lot width. For residential purposes, no lot shall be longer than two and one-half times its width;

MR, MOUNTAIN RESIDENTIAL ZONE
Sub-Sections

152.230 Purpose

152.231 Uses permitted

152.232 Conditional uses permitted

152.233 Limitations on use

~~152.233~~ **152.234** Dimensional standards

...

§ 152.231 USES PERMITTED

...

(B) *Uses permitted with a zoning permit.*

In a MR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to §152.025:

~~(1) Mobile home as provided in §152.013;~~
One single-family dwelling unit may be permitted on one tax lot as described by this section.

(a) One Manufactured Dwelling, as provided in § 152.013; or

(b) One recreational vehicle; or

(c) One on-site constructed single-family dwelling.

(d) Either (a) or (b) or (c) may be permitted, not one of each on a single tax lot, except for temporary hardship homes approved under § 152.576.

~~(2) Dwelling;~~

~~(3) Vacation trailer or recreational vehicle;~~

~~(4) Dwelling, single-family;~~

(2) (5) Christmas tree sales;

(3) (6) Signs: Type 2, 4, 5, 6 as defined in §152.546;

(4) (7) Home occupations as provided in §152.573.

(5) (8) Residential Home (Adult Foster Care);

(6) (9) Day Care or Nursery.

(7) (10) Special exemptions pursuant to §§152.575 and 152.576;

(8) (11) Model homes.

...

(N) 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. (Ord. 2002-08, passed 8-14-02; Ord. 2009- 09, passed 12-8-09;)

§ 152.233 LIMITATIONS ON USE.

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

(A) Cows, horses, goat 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 maximum density for each animal size as outlined in this section. The maximum density for horses, cattle and similar sized livestock is two per acre. The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and

two goats could be kept on a two acre lot or parcel at any given time.

(B) The total number of poultry, fur-bearing animals or similarly sized domestic birds shall be limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands; Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

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

§ ~~152.233~~-152.234 DIMENSIONAL STANDARDS.

In a MR Zone, the following divisions, dimensions and standards shall apply:

(A) Minimum lot area.

(1) For dwellings, seasonal cabins, recreational vehicles, trailers, mobile homes, two acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering

the protection of public health, the size needed to accommodate the use and its accessory uses, and the objective to minimize the impact on surrounding properties.

(B) Pre-existing, non-conforming lots. Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that setback regulations are met according to division (C) of this section;

(C) Setback. No building or accessory structure shall be located closer than 20 feet from a lot line; **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;**

(D) Minimum lot width. For residential purposes, no lot shall be longer than two and one-half times its width;

§ 152.263 LIMITATIONS ON USES

The following limitations shall apply in a CRC Zone for the raising of farm animals:

(A) Cows, horses, goats, 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 maximum density to the square footage of the lot divided by the minimum area required for each animal size as outlined in this section.** The ~~minimum area required~~ **maximum density** for horses, **cattle, and similar sized livestock** ~~eows,~~ 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.~~ **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

(B) The numbers of ~~chickens, fowl, rabbits or similar sized animals~~ **poultry, fur-bearing animals or similarly sized domestic birds** shall be **limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.** ~~confined on not more than 25% of the total lot area;~~

(C) All livestock shall be located a minimum of 100 feet away from a residential dwelling on an adjacent lot;

(D) Adequate fences and corrals shall be required to keep animals off adjacent lands; **Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.**

~~(E) Notwithstanding division (C) of this section, barns, 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;~~

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

~~(G)~~ (F) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

§ DIMENSIONAL STANDARDS

In a CRC Zone the following standards shall apply:

(A) *Minimum lot area.*

(1) Use permitted with a zoning permit except utility facilities, one acre, with an average lot width of 150 feet;

(2) Conditional uses and utility facilities. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or the 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;

(3) 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 providing 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. If the area between the building and the lot line is to be used for off-street parking, then the building shall be located at least 40 feet from the lot line. **Notwithstanding UCDC § 152.263 (C) barns, 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;**

...

§ 152.338 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the FU-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 maximum density to the acreage of the lot divided by the minimum area required for each animal size as outlined in this section.** The **maximum density minimum area required for horses, cattle, and similar sized livestock** 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. **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

(B) The number of ~~chickens, fowl, rabbits,~~ or similar sized fowl **poultry, fur-bearing animals or similarly sized domestic birds** shall be **limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.** ~~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; **Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.**

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

~~(F) (E)~~ Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

...

§ 152.339 DIMENSIONAL STANDARDS.

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

(A) Minimum lot size.

(1) For all “uses permitted with a zoning permit” and “conditional uses permitted” except as modified in subdivisions (2) and (3) of this division, 10 acres;

(2) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to September 20, 1983 and which do not meet the 10-acre minimum

parcel size stated in subdivision (1) 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 preexisting non-conforming lot.

(3) Pre-existing, habitable dwellings, including several single-family dwellings on a single tax lot, may be partitioned out on individual parcels as a Type II, III or IV Land Division, subject to the following standards:

(a) The proposed parcel(s) has frontage on or legal access to a county road, state highway, or public road, or can be provided with legal access as a condition of approval; and

(b) The proposed parcel(s) is already physically developed as a home site, including, but not limited to, the following improvements:

- (1) An existing, habitable dwelling;
- (2) Existing accessory building(s) provided for the dwelling;
- (3) Existing and replacement sites for on-site septic systems;
- (4) Domestic well; and

(c) The size of the proposed parcel(s) shall be the minimum necessary to accommodate the development features listed in subdivision (3)(b) of this division, with an absolute minimum of one-half acre and a maximum of two acres, excepting that the domestic well may be located beyond the parcel boundaries and connected to it by a utility easement; and

(d) The total number of parcels allowed to be partitioned from the original parcel shall be the total number of existing, developed home sites on the parcel, except as qualified in subdivision (3)(e) of this division; and

(e) The undeveloped Umatilla County Development Code, Revision Date July 19, 2022, Page 244 of 481 (“vacant”) portion of an original parcel shall not be less than five acres following partitioning off of existing home sites. One of the existing home sites must remain with the original parcel if such would be the case (i.e. if there are two home sites on a six-acre tract, one home site could be partitioned off, but the other would have to remain with the original tax lot).

(f) Once the existing developed home sites have been partitioned off from the original parcel, no new home sites are allowable on the remainder of the property as long as the property remains in FU-10 zoning. A covenant to this effect, complete with legal description, would be required to be signed and recorded in the Umatilla County Deed Records as a condition of partitioning approval.

(B) 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. **Barns, 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;**

...

**UMATILLA COUNTY PLANNING COMMISSION *DRAFT* FINDINGS OF FACT AND
CONCLUSIONS OF LAW UMATILLA COUNTY DEVELOPMENT CODE TEXT
AMENDMENT, #T-094-23**

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.

Umatilla County is proposing an amendment to the Umatilla County Development Code, modifying the limitations on use and dimensional standards regarding animal density and setbacks for animal sheltering structures in the following zones: Rural Residential 2-acre minimum (RR-2), Rural Residential 4-acre minimum (RR-4), Rural Residential 4-acre minimum (RR-10), Future Urban 10-acre minimum (FU-10), Commercial Rural Center 1-acre minimum (CRC), and Unincorporated Community (UC) Zones.

Umatilla County is proposing to add this same language for animal density to standards to the Forest Residential (FR), Mountain Residential (MR) and Multiple Use Forest (MUF) Zones.

The new animal density language modifies space and density requirements for livestock such as goats sheep or similar sized livestock, and roosters. Additional language speaks specifically to proper sanitation of animal shelters, corrals and other living spaces, including proper animal feed storage. This amendment also proposes relocating the language regarding the setbacks for animal sheltering structures from the Limitations on Use section to the Dimensional Standards section, where it seems more fitting in the FU-10, RR-2, RR-4, RR-10, CRC and UC Zones. This same language regarding setbacks for animal sheltering structures is proposed to be added to the Dimensional Standards sections in the MR, MUF and FR zones.

Umatilla County is also proposing an amendment to the Umatilla County Development Code, clarifying the uses permitted with a zoning permit for the type and number of dwellings allowed in the following zones: Rural Residential 2-acre minimum (RR-2), Rural Residential 4-acre minimum (RR-4), Rural Residential 4-acre minimum (RR-10), Forest Residential (FR), Mountain Residential (MR) and Multiple Use Forest (MUF) Zones.

The language defines the types of dwelling that could be permitted on a single tax lot dependent on the zone and clarifies that only one dwelling of any kind may be permitted on a single tax lot except for temporary hardship homes approved under UCDC 152.576.

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 Multiple Use Forest (MUF), Forest Residential (FR), Mountain Residential (MR), Unincorporated Community (UC), Rural Residential-2 (RR-2), Rural Residential-4 (RR-4), Rural Residential-10 (RR-10), Commercial Rural Center (CRC) and Future Urban-10 (FU-10) 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 March 21, 2024. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by submitting the post-acknowledgment notice through PAPA, DLCD’s online portal on March 21, 2024, which was at least 35 days prior to the initial evidentiary hearing.

Because the proposed text amendment will potentially limit landowners’ rights regarding animal density on residential lands, a Ballot Measure 56 Notice is required. On April 5, 2024, Umatilla County mailed postcards regarding the proposed text amendment to all property owners owning lands zoned RR-2, RR-4, RR-10, FU-10, CRC, UC, FR, MR, and MUF.

UCDC Section 152.771(B) requires the County provide a legal notice for the Planning Commission hearing April 25, 2024 and Board of Commissioners June 5, 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 March 30, 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).

The FU-10 zone is only applied to certain lands within the Urban Growth Boundary of the City of Hermiston. Umatilla County provided notice to the City of Hermiston on April 5, 2024.

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.”

Notwithstanding, the JMA requires a public hearing before the Planning Commission and the Board of Commissioners. Therefore, the County will hold two (2) hearings for this legislative amendment, one (1) before the Planning Commission and the second before the Board of Commissioners.

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

Umatilla County is proposing an amendment to the Umatilla County Development Code which changes the limitations on use and dimensional standards, specifically regarding animal density and setbacks for animal sheltering structures in Zones MUF, CRC, FR, MR, UC, RR-2, RR-4, RR-10 and FU-10.

The changes in the animal density language were made with the wellbeing and proper care of animals in mind. A specific addition addressing sanitation and proper animal food storage will help curb disease and illness spread through rodents, animal feces and flies.

In addition, Umatilla County is proposing an amendment to the Umatilla County Development Code which clarifies the uses permitted with a zoning permit, specifically regarding dwellings in Zones RR-2, RR-4, RR-10, FR, MR and MUF.

The changes in the uses permitted with a zoning permit are being made to define what type of dwelling may be approved and how many may be permitted on a single tax lot, dependent on the zone. The proposed amendment does not change the number of dwellings allowed on each tax lot.

4. Approval Criteria

UCDC 152.751 requires that 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 Plan ("Transportation Plan"). The County also finds that because this text amendment is a post-acknowledgment amendment, ORS 197.175(1) requires that the Plan and Map amendment satisfy applicable Statewide Planning Goals (the "Goals") and other applicable administrative rules. The remainder of this section addresses the applicable approval criteria.

This UCDC provision sets forth the approval requirements for amendment to the text of the UCDC. This section requires that an amendment satisfy the Plan and the Oregon Transportation Planning Rule (the "TPR"), OAR 660, Division 12, as well as the Umatilla County Transportation Plan.

The County finds this request is to amend the text of the UCDC, specifically language regarding animal density and setbacks for animals sheltering structures in the MUF zone, CRC zone, FR zone, MR zone, UC zone, RR-2 zone, RR-4 zone, RR-10 zone and FU-10 zone, as well as language regarding uses permitted with a zoning permit to clarify what type of dwelling may be approved and how many may be permitted on a single tax lot in the RR-2 zone, RR-4 zone, RR-10 zone, MR zone, FR zone and MUF zone. This action of restricting and regulating the rules around animal density and animal sheltering structures, and the action of modifying the language in the uses permitted with a zoning permit regarding dwellings would not further impact transportation and this criterion has been met. The County finds the TPR, OAR 660-012-0060 (1)-(3), is not implicated by this text amendment and further analysis of the Oregon Transportation Plan are not required.

Finding: The County finds that UCDC 152.751 is satisfied.

A. Applicable Statewide Planning Goals

There are 19 Goals. The Board of Commissioners finds that Goal 1, "Citizen Involvement," and Goal 2, "Land Use Planning," 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."

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-acknowledgment amendment process, the County will satisfy Goal 1.

Finding: 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."

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.

Finding: The County finds as follows on each requirement of Goal 2. The County has given notice of the application to affected governmental entities including, but not limited to, the City of Hermiston and United States Department of Agriculture. 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) Goal 3. *"Agricultural Lands: To preserve and maintain agricultural lands."*

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203. Goal 3 does not apply to this application. This amendment does not affect Goal 3 agricultural lands as it does not apply to the County's Goal 3 Exclusive Farm Use Zone. Umatilla County finds Goal 3 is not applicable.

(d) 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."*

Goal 4 addresses the protection of forest lands. Umatilla County finds Goal 4 does not apply to this amendment as it is not affecting any forest zoned lands.

(e) Goal 5 *"Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces."*

Goal 5 addresses historical and cultural resources with a focus on protecting sites. Goal 5 does not apply to this amendment as it is only affecting residential zones and

the UC zone. Umatilla County finds Goal 5 will continue to apply to applicable open spaces, scenic and historic areas and natural resources.

(f) Goal 6 “Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.”

Goal 6 addresses the quality of air, water, and land resources. Umatilla County finds Goal 6 does not apply to this amendment.

(g) Goal 7 “Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.”

Goal 7 works to address natural hazards and disasters. Umatilla County finds Goal 7 does not apply to this amendment.

(h) Goal 8 “Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

No recreation components are included in this amendment. Umatilla County finds Goal 8 does not apply.

(i) Goal 9 “Economy: To provide adequate opportunities throughout the state for a variety of economic activities and vital to the health, welfare, and prosperity of Oregon’s citizens.”

Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Umatilla County finds Goal 9 does not apply to this amendment.

(j) Goal 10 “Housing: To provide for the housing needs of citizens of the state.”

Housing is not a component of this text amendment and would not be affected by the proposed changes. The language clarification regarding dwellings in the uses permitted with a zoning permit section of the Umatilla County Development Code in Zones RR-2, RR-4, RR-10, FR, MF and MUF, does not change the current regulations regarding the type and number of dwellings that can be permitted on a single tax lot and will not change any current housing regulations within Umatilla County. Umatilla County finds Goal 10 is unaffected and therefore satisfied.

(k) Goal 11 “Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Public Services are not a component of this amendment and are not affected by the changes suggested. Umatilla County finds Goal 11 does not apply.

(l) Goal 12 “Transportation: To provide and encourage a safe, convenient and economic transportation system.”

This action of restricting and regulating the rules around animal density and animal sheltering structures would not impact transportation. Umatilla County finds Goal 12 does not apply.

(m) Goal 13 “Energy: To conserve energy.”

Energy conservation is not a component of this amendment and is not affected by the suggested changes. Umatilla County finds Goal 13 does not apply.

(n) Goal 14 “Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The FU-10 Zone is a Goal 14 exception zone unique to Hermiston. This zone allows for new urban development in a rural area that has been accepted into the Urban Growth Boundary of Hermiston and is managed through a Joint Management Agreement between the City and County. Per the requirements of the JMA the City of Hermiston will be provided notice and it will be up to the City should co-adopt the amendment in order for it to apply to the FU-10 lands.

Finding: Umatilla County has evaluated Statewide Planning Goals 1-14. The other five goals, 15-19, are not applicable to this application request. Umatilla County finds and concludes that the applicable Statewide Planning Goals have been satisfied.

B. Applicable Oregon Administrative Rules

The County finds that there are no administrative rules implementing Goals applicable to the application.

C. Applicable Plan Policies

The County finds there are three (3) relevant plan chapters, Chapter 4, “The Planning Process,” Chapter 5, “Citizen Involvement,” Chapter 17, “Urbanization,” and five (5) policies within those chapters.

Chapter 4, “The Planning Process”

Finding 2: “Under present laws County jurisdiction over unincorporated urbanizing lands cannot be transferred to cities.”

Policy 2: “Cities’ plans for unincorporated urbanizable areas are by reference part of this plan.”

Finding: The County finds this policy is satisfied where the County and City have mutually agreed to the JMA and this legislative amendment is consistent with the JMA for plan and map amendments within the Urban Growth Area.

The County finds that this policy is satisfied.

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 County-wide circulation and there are two (2) *de novo* hearings where the public may testify on the proposed text amendment. In addition to notice in the newspaper of record, 4,131 notification post cards were mailed out to affected landowners within Umatilla County giving a 20-day notice of the initial *de novo* hearing.

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 County-wide circulation fulfills this requirement.

The County finds that this policy is satisfied.

(c) Chapter 17, "Urbanization"

Policy 1. "Adopt and enforce city plans and substantive standards for unincorporated areas within urban growth boundaries."

Finding: The County finds the proposed text amendment has the effect of upholding the substantive standards for zoning and development of FU-10 Zoned parcels in the Hermiston Urban Growth Area.

The County finds that this policy is satisfied.

Policy 3. Specify by agreement with the cities the processes for amendments to unincorporated urban growth plans.

Finding: The County finds the legislative action is consistent with the JMA.

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 Multiple Use Forest (MUF), Forest Residential (FR), Mountain Residential (MR), Unincorporated Community (UC), Commercial Rural Center (CRC), Rural Residential-2 (RR-2), Rural Residential-4 (RR-4), Rural Residential-10 (RR-10), and Future Urban-10 (FU-10) within rural Umatilla County to make changes regarding animal density and setbacks for animal sheltering structures and updating the language in the uses permitted with a zoning permit section to define what type of dwelling may be approved and how many may be permitted on a single tax lot, can be approved.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Celinda A. Timmons, Commissioner

John M. Shafer, Commissioner

Daniel N. Dorran, Commissioner

Date: _____



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