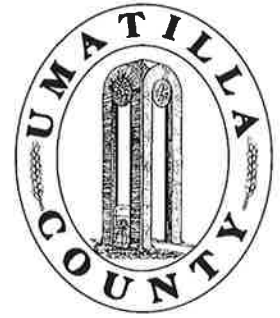


Umatilla County

Department of Land Use Planning



AGENDA

**Umatilla County Planning Commission
Public Hearing
Thursday, February 25, 2016, 6:30 p.m.
Justice Center Media Room
Pendleton, OR**

Members of Planning Commission

Randy Randall, Chair
Gary Rhinhart, Vice-Chair
Tammie Williams
Don Wysocki
Don Marlatt
Suni Danforth
Cecil Thorne
Tami Green

Members of Planning Staff

Tamra Mabbott, Planning Director
Carol Johnson, Senior Planner
Bob Waldher, Senior Planner
Brandon Seitz, Assistant Planner
Julie Alford, GIS
Gina Miller, Code Enforcement
Tierney Dutcher, Administrative Assistant

1. **Call to order**
2. **Adopt minutes** (January 28, 2016)
3. **Continued Hearing:**

REQUEST FOR A PUBLIC HEARING FOR CONDITIONAL USE REQUEST #C-1249-15, RODNEY J. RAINEY APPLICANT, KEVIN GRAY OWNER. During the public comment period, a "Request for a Public Hearing" was submitted on September 30, 2015. The property is located on the north side of Diagonal Road (State Highway No. 207) on Tax Lot #2401, in Township 04N, Range 29E, Section 06A. The request is to develop a residential adult care facility for alcohol and drug treatment for up to 15 clients. The application is being processed as a Conditional Use Request for a convalescent home. The criteria of approval are found in the Umatilla County Development Code 152.616 (UU), 152.615 and 152.560.

4. **New Hearing:**

UPDATES OF THE UMATILLA COUNTY DEVELOPMENT CODE, #T-15-064.
A summary of the updates include the following:

1. Update UCDC 152.058 (F) (5) EFU and 152.083 (O) GF Replacement Dwelling
2. Modify UCDC 152.062 EFU Parcel Sizes to allow partitions of certain non-farm uses
3. Modify Kennel Definition UCDC 152.003
4. Modify Kennel UCDC 152.060 EFU & 152.085 GF Conditional Uses Permitted
5. Modify UCDC 152.058 EFU and UCDC 152.083 Uses allowed with a Zoning Permit to add Dog Training
6. Add Definition for Park Model Home UCDC 152.003

7. Modify UCDC 152.616 (X) Conditional Use Permits to add Park Model Homes as Accessory Dwellings
8. Modify UCDC 152.616 (VV) to include rural small and large Commercial Activities
9. Add Definition for Primary Processing of Forest Products UCDC 152.003
10. Add Temporary Primary Processing of Forest Products as Outright Use in GF Zone UCDC 152.081
11. Add Provisions in General Zoning Regulations Section UCDC 152.031
12. Add State Requirements on Property Line Adjustments for Measure 49 Waiver Properties UCDC 152.722
13. Modify Creation of EFU and GF Parcels UCDC 152.062 and 152.087
14. Add Land Division requirements allowing EFU and GF Zoned Parcels to be partitioned along an Urban Growth Boundary UCDC 152.710
15. Add Accessible Parking Requirement UCDC 152.562
16. Add Solar Projects as an EFU Conditional Use Permitted UCDC 152.060
17. Add Clarification to UCDC 152.616 (HHH) (6) Standards/Criteria of Approval for Commercial Wind Power Generation Facility Conditional Uses Permitted
18. Modify Property Line Adjustment Standards for Approval UCDC 152.722
19. Modify Permitting More Than One Principal Structure or Use UCDC 152.571
20. Modify Zoning Permit Exceptions for Small Structures UCDC 152.025
21. Clarify Residential Zone Setback Requirements UCDC 152.134, 152.159, 152.164, 152.173, 152.218 & 152.233
22. Modify EFU Land Use Decision Dwelling Approvals UCDC 152.059
23. Modify Canopy Definition UCDC 152.003
24. Modify Definitions of Zoning Permit and Development Permit UCDC 152.003
25. Modify Conditional Use Permits/Land Use Decision Procedure UCDC 152.612 & 152.613
26. Clarify Administrative Language UCDC 152.776 & 152.769
27. Clarify Decision Language and Final Approval Timeline UCDC 152.683, 152.685, 152.686, 152.669, 152.698 & 152.724
28. Update Numbering UCDC in Land Use Decision UCDC 152.617 (II) (7)

5. Other Business:

Planning Commission to elect 2016 Officers.

6. Adjournment

Next Scheduled Meeting:

Thursday, March 24, 2016, 6:30 p.m., Stafford Hansell Government Center, 915 SE Columbia Drive, Hermiston, OR

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, January 28, 2016
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon**

COMMISSIONERS

PRESENT: Randy Randall, Chair, Gary Rhinhart, David Lee, Suni Danforth, Don Marlatt, Don Wysocki, Tami Green, Cecil Thorne, Tammie Williams.

ABSENT: None

STAFF: Tamra Mabbott, Carol Johnson, Bob Waldher, Brandon Seitz, Tierney Dutcher, Gina Miller.

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. A RECORDING OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.

CALL TO ORDER:

Chair Randy Randall called the meeting to order at 6:31 p.m. and read the opening statement.

MINUTES:

Chair Randall asked the Planning Commission to review the minutes from December 17, 2015 for adoption. Commissioner Danforth pointed out a grammatical error on page two. The word will be updated from peruse, to pursue. Commissioner Wysocki moved to adopt the minutes with the correction made. The motion was seconded by Commissioner Danforth. Motion carried by consensus.

NEW HEARING:

CONDITIONAL USE PERMIT REQUEST, #C-1252-15 and LAND USE DECISION, #LUD-194-15, CHOPIN WIND, LLC, Richard Nerzig, Project Manager, Applicant; Property Owners, Ferguson Ranch, Inc. & Smith Frozen Foods The applicant requests a Conditional Use Permit to construct and operate a 10 MW wind project on Ferguson Ranch land located north of Staggs Road and northeast of the City of Athena and southwest of the City of Milton-Freewater, identified as Tax Lots 3100 & 4900 on Assessors Map 5N 35. The conditional use permit request includes a project substation proposed on industrial zoned land owned by Smith Frozen Foods and identified as Tax Lot 500 on Assessors Map 4N 35 15. The proposed substation would be located on land south of the current PacifiCorp substation and east of the Smith Frozen

Foods wastewater pond. The request includes a Land Use Decision to construct a 34.5 kV underground transmission line within public right of way from Ferguson Ranch property (Tax Lot 4900) to the project substation proposed on industrial land (Tax Lot 500) within the Urban Growth Boundary of the City of Weston.

The Conditional Use Permit Standards applicable to the applicant's request are found in the Umatilla County Development Code Sections 152.616 (HHH), 152.615, 152.061 and in the City of Weston Development Code Sections 4.4 and 2.3.160. The Land Use Decision Standards applicable to the request are found in Umatilla County Development Code Sections 152.617 (II) (7).

Chair Randall called for declarations of ex-parte` contact, biases, conflicts of interest or abstentions from any member of the Planning Commission. There were none.

Staff Report: Carol Johnson, Senior Planner, presented the staff report. She stated that Chopin Wind LLC applied for a Conditional Use Permit to construct and operate a 10 MW wind project on EFU zoned land owned by Ferguson Ranch. This is a smaller version of the 99 MW Chopin project with 33 turbines that was proposed and approved in 2011, but was not constructed. The project is located north of the City of Weston. Mrs. Johnson referred to the map on the screen to point out the project area and show the route of the transmission line. The approval standards for the Conditional Use are found in Umatilla County Development Code Section 152.616 (HHH). In addition to the 10 MW project, they will add approximately 5 miles of underground transmission line from the project site to Weston's Urban Growth area, which is zoned Light Industrial, and will be the site for the project substation. The underground transmission line will follow Staggs Rd to York Rd, and then at Highway 11, there are two different routes that are conceivable to go into the city Urban Growth area. The transmission line would be in public right of way where it exits the project area all the way to where it enters into the Light Industrial land in the UGB of the City of Weston.

The approval standards for the project substation are found in City of Weston Development Code Section 4.4. The transmission line is a Land Use Decision and found in Umatilla County Development Code Sections 152.617 (II) (7). In addition, the Staff Report includes findings for the Planning Commission's consideration. Several comments have been submitted since the packets were mailed out. The comments are included in the additional packets distributed to the Commissioners. The comments were focused on access roads/access to the project site and the issue of wind projects impacts in general. There are two proposed routes from Highway 11 that come down into the Urban Growth area. The project Manager and representatives of Chopin Wind LLC are at the hearing to answer questions and provide more details about the project.

Commissioner Marlatt asked if the entire transmission line will be underground. Mrs. Johnson replied that is correct. He asked if the line will follow the road right of way and Mrs. Johnson said yes.

Chair Randall asked if the standards are met. Mrs. Johnson said there is a certain amount of subjective judgement involved in determining if they do or don't meet the set standards. It is a decision for the Planning Commission's consideration, as well as whatever revisions they find necessary.

Applicant Testimony: Steve Corey, Attorney, 222 SE Dorion in Pendleton. Mr. Corey stated that Chopin Wind, LLC is a subsidiary owned by BayWa, LLC, operating out of California. This is a 10 MW project which converts to 4-6 turbines, depending on what turbines are used. There are 3 possible turbine types that can be used. They have taken into consideration adjacent farmers and their land in deciding to bury the line, which is considerably more expensive. It would travel along county right of ways to the site in Weston. The project group has appeared twice before Weston Planning Commission and County Commissioners to obtain approval for the substation. Representatives for Chopin Wind, LLC have read the Staff Report and agree with the County's findings presented to the Planning Commission. They hope to construct the project in 2016, timing the construction to alleviate as much interruption to the farmers and harvest as possible.

Applicant Testimony: Richard Nerzig, 4365 Executive Dr., Suite 1470, San Diego, CA. Mr. Nerzig is the Project Manager/ Lead Developer. He stated that the project consists of 4-6 wind turbines to be placed on private land in 5N 35. A small substation will be constructed adjacent to the existing substation. All collection lines will be underground. An underground 34.5 kV power line will connect the turbines to the point of interconnection. At this point they expect to use GE 1.7 turbines, but that could change. Construction is expected to begin in April, or early May, with the majority of construction impacts completed by early summer. Best management practices will be prepared as part of the overall construction plan to ensure optimal road siting, minimize erosion and coordinate with other land uses.

The existing improved portions of county roads will not be widened except for certain turning points on a temporary basis. The portion of Staggs Road, which is currently a dirt track, would be widened slightly and improved with gravel. During the operational phase of the project, normal activities would consist of a standard pick-up truck visiting the site as needed. The operations office would be located either in Athena or Milton-Freewater. This project has striven to meet the standards and requirements provided in the County Development Code and they feel they fully meet the standards for approval. The project has a clearly defined and viable design, with minimal negative impacts. They believe, with wind, the good clearly outweighs the bad. They understand and respect differences of opinion.

Applicant Testimony: Patrick Gregg, 222 SE Dorion in Pendleton. Mr. Gregg stated that he appreciates the diligence and thoroughness that the staff has put into the Staff Report. From a legal prospective, they agree with the conclusions with the Staff Report and believe they have met all the requirements.

Commissioner Danforth asked Mr. Nerzig if there is any way the transmission line would not stay underground. She noted there is a possibility of archeological issues and there

has to be someone at the site during the digging. She sees this as one of the main conflicts. Mr. Nerzig said no, there is no possibility that will be changed. That's how it is designed, and that's how they will construct it. They have an archeological survey contracted and will clear the path prior to trenching or digging. They don't expect to find anything because it is a public right of way with other utilities existing there already.

Commissioner Rhinhart asked if the line will be cooled. Mr. Nerzig said it's a medium voltage line and does not need to be cooled.

Applicant Testimony: Joerg Beland, 3365 Executive Dr., Suite 1470, San Diego, CA. Mr. Beland stated that underground lines do not require cooling. Commissioner Rhinhart said he has been working with Pacific Power & Light about putting lines underground, and they have to be cooled. Mr. Nerzig said this is a very low voltage line compared to those. Commissioner Rhinhart said this project will be located on high value farm ground. He asked how many acres will be taken out of production. Mr. Nerzig said it will be 3.5 acres, including the roads. Commissioner Rhinhart asked if the bond has to be updated every 3 years. Mrs. Mabbott, Planning Director, said we could clarify that in the findings. Commissioner Danforth asked why the footprint is so much larger than the project itself. She asked if they were planning to expand the project. Mr. Nerzig said no, this was the agreement defined when the lease was established. There is no possibility at this time for more turbines.

Applicant Testimony: Micah Engum, 404 SE Dorian, Suite 226, Pendleton, OR. Mr. Engum referred to the map and stated that the blue boundary is the tax lot boundary. It shows the tax lots that are impacted and where the project lies. That's why it appears to be so much bigger. He said he cannot imagine any circumstances in which the line would not stay underground. Commissioner Danforth asked about transmission line pole locations, which are referred to on page 43 in her packet. She asked if this was language cut and pasted from another source, or if are there going to be poles. Mr. Nerzig said if there are pole locations mentioned in the report, those are typos. Mr. Engum said they had originally submitted the application with an overhead transmission line. After getting public feedback that there was concern about the overhead transmission line, they have decided to put it underground. It is an underground line and there will be no poles.

Commissioner Danforth asked about the figures provided showing estimated cost for site restoration. One turbine is estimated to cost \$17,500 to remove. They state that the salvage value will offset the cost of the removal. She asked if they are recyclable. Mr. Nerzig said the commodities that the turbines are made out of are desirable, reusable and recyclable. Commissioner Danforth said page 31 of their report says 10 acres of farmland will be taken out of production for the construction and operation of the wind project. That is in direct conflict with the 3.5 acres stated before. Mr. Engum said it's a possibility that figure was including the substation in the overhead transmission line design, near the turbines. The substation location has been updated to be located in Weston now, so that has changed. Most of the acreage will be turned back to production after construction.

Commissioner Marlatt asked if the only road construction will be on the Ferguson property. Mr. Nerzig said the last half mile of Staggs Road is currently dirt, but will be improved with gravel to match the rest of the road. Then, heading north on the Fergusons property there will be a road built with a road gate. Commissioner Marlatt asked how fire service will have access through the gate. Mr. Engum said they spoke with the Fire Chief of the East Umatilla Rural Fire District and plan to provide a junction box which would allow access through the gate using a code.

Commissioner Danforth asked what the industry standard foundation type is, and what is proposed to be used in this project. Mr. Beland said there are 2 main types of turbine foundation used in the United States. Spread mat foundation is the most conventionally used. It's 6-8 feet deep and 25-30 feet in diameter, made of reinforced concrete. There is also a P&H Tensionless Pier foundation which is a long concrete ring built 25-30 feet into the ground. It has not yet been decided which foundation will be used for this project and they have requested bids for both types. The decision will also depend on the geotechnical survey. Commissioner Danforth asked if there is any possibility this project will grow any larger in size in the future. Mr. Nerzig said they are only considering a 10 MW project at this time. Mr. Beland said there is a 2 mile set back requirement to meet and the only remaining area to build turbines is away from where the wind is. Therefore, there is no way to increase the project at this location.

Commissioner Green asked why they put the line on Ferguson Road instead of Staggs Road and asked if it could be moved. Mr. Nerzig said they designed the project this way seeking to minimize impact. He said there are a number of reasons why they wouldn't want to move. They did a lot already to improve the project by burying the line and Ferguson Road is not proving to be a viable alternative because of engineering, constructability, hauling, traffic, among other things. Staggs Road was considered favorable and less of an impact. They want to keep the road and the transmission line collinear. It makes more sense from a disturbance and construction standpoint to have them together in the same location.

Applicant Testimony: Bruce Walker, 676 W. Highland Dr., Camarillo, CA. Mr. Walker has his doctorate in Acoustical Engineering and has been working on various aspects of wind turbine measurement, analysis and modeling for about 30 years. He welcomed any questions about the Chopin Wind project. Commissioner Marlatt asked about the original study regarding noise impact. He asked if they will look at the new figures after the project is completed. Mr. Walker said he is not familiar with that. Commissioner Marlatt said machinery tends to get louder over a period of time. Mr. Gregg said the sound quality standards set by the state will be applicable from day one and continue over time. Mr. Nerzig also pointed out that the data shows the receptors are significantly below the required levels.

Applicant Testimony: Eric Hallingstad, West, Inc., Environmental & Statistical Consulting Firm, 415 W. 17th Street, Suite, 200, Cheyenne WY. Mr. Hallingstad stated that he has been a project manager with West, Inc. for 7 years. He worked on a few dozen

wind facilities, both predevelopment and post development, to assist clients in evaluating potential impacts and monitoring for impacts after development.

Applicant Testimony: Jerry Baker, PO Box 662, Athena, OR. Mr. Baker stated that he has worked for West, Inc. for 10 years. He completed the bird and bat studies in 2011 for the Chopin Wind project. They found very low bat activity in the project area. They had stations with microphones closest to the proposed turbines which indicated one bat pass per night. The area is not very attractive to bat species. Commissioner Rhinhart said the project is located in a bat migration route which is used certain times of year. This is a concern for the bat population. He asked how this will be addressed and how often they will check for bat fatalities. Mr. Hallingstad said they plan to visit the site monthly to check for bat fatalities. Commissioner Danforth asked if they have an overlay of the migratory path with the project. The project is located in close proximity to the Blue Mountains with many eagles and hawks in the region. Mr. Hallingstad said they conducted point counts throughout an annual cycle but saw no detectable spike in bird activity or presence during migration seasons. The data does not suggest that it lies along a major migration corridor.

Applicant Testimony: Charles Price, 53542 Price Ranch Ln., Weston, OR. Mr. Price stated that he owns property on York Rd, south from the intersection of Watts Road to the east side. He is the manager for Price Family Ranch, LLC and he is here representing the company. They have no objections to the power line and said it looks like progress to them. Commissioner Wysocki asked if he benefits from any wind towers. Mr. Price replied, no.

Applicant Testimony: Brooks Lieuallen, PO Box 426, Athena, OR. Mr. Lieuallen stated that he is here to talk about why he is in favor of wind towers. There are limited forms of clean power, so why not use wind. He has talked to many wind companies and is very impressed with this company changing plans to put the lines underground. Birds are a concern, but we have to have clean power. Commissioner Wysocki asked if he benefits from wind towers. Mr. Lieuallen said he doesn't have any wind towers, but does have property that qualifies. He is still deciding if he wants to have towers on his land.

Neutral Testimony: Jeff O'Harra, 53000 Highway 204, Weston, OR. Mr. O'Harra stated that he is not opposed to wind energy. His family would probably have wind energy on his property, but it is not legal in his area. He is concerned about using Staggs Road instead of Ferguson Road. He owns and farms property alongside Staggs Road. It seems to make more sense to use Ferguson Road for the power line and access to the property. He would like to see Ferguson Road used instead of Staggs Road.

Opposition Testimony: Cindy Severe, 82422 Vansycle Rd, Helix, OR. Cindy read her testimony letter. She is concerned about aerial chemical spray operations. She believes consideration of agricultural spray pilot safety and associated risk should be addressed. Regarding noise measurement standards, the applicant is relying on data gathered in a study conducted 6 years ago and did not account for all parameters known to influence sound emission. Once the windfarm is operational, the noise level may be higher than

was accounted for in the model. Noise is connected to human health, with possible long term affects. Sound propagation models cannot evaluate conditions that have vertical or horizontal turbulence, even though it is known they can add significant sound at a noise sensitive receiver when present. The result is sound levels that are understated in the noise models. She referred to several events when windfarms were initially permitted, then later the noise impact caused issues with surrounding landowners, sometimes leading to legal action. Commissioner Rhinhart asked if the state has ever spent time to do any windmill monitoring. She said she is not aware of any monitoring. When they receive complaints they hire noise experts. The applicant then hires their own noise experts and relies on the results to determine a resolution. Commissioner Wysocki asked who is responsible for monitoring noise levels. Mrs. Mabbott said it's a condition of approval. They self-monitor and we assume they are in compliance unless we have evidence to the contrary. If there is evidence, the applicant would be asked to provide information to verify they are in compliance. That is also how the condition is written for this permit. Commissioner Wysocki asked who is responsible for the burden of proof. Mrs. Mabbott said we have not had that tested yet.

Chair Randall stated that the Planning Commission did a regulatory review of the Wind Energy Code and agreed to a 2 mile setback. The intent was to account for the potential margin of error in measurements for vibration, wind, etc. The Commissioners established a setback that is far beyond what other counties have to ensure the best possible protection of land owners.

Opposition Testimony: Jesse Thompson, 51949 Johnson Rd., Weston, OR. Mr. Thompson has land on Staggs Road and read a prepared statement to the Commissioners. He stated his objection to using Staggs Road for any part of the Chopin Wind project. He is concerned about potential loss of ground at the corner of York Road and Johnson Road as the equipment is trucked in from Highway 11, requiring the widening of the corner. York Road will have to be resurfaced as it is not built for such heavy usage. Staggs Road is a dead end road that is 1.5 miles in length providing field access for 5 farmers to reach land owned by 10 different land owners. Ferguson Road provides access to 2 fields, the rest of the farmers are totally dependent on access via Staggs Road. The road is minimally maintained by the county, and not open in winter. When the county pushes snow off the road they push it off into their field, killing wheat under the snow pile. This is an added long term consequence for them to have Staggs Road be the access to the towers for maintenance. The project will result in widening and rebuilding Staggs Road and extending the road beyond its current length. They plan to start building the road in May requiring closure at times and use of heavy equipment. During this time there are no other roads to use as access. The construction of the road will interrupt their farming practices. He would like to propose Ferguson Road as a location for the project, instead of Staggs Road. Ferguson Road is closer to the towers and only one farmer operates off the road without another access. Ferguson Road is wider, maintained better by the county and kept open in the winter with minimum snow drifting problems. There is already a field access road from Ferguson's barn lot near the county road to the area where the towers will be placed. Since the Fergusons are the only beneficiaries of the project, the entire project should be on their property and on Ferguson Road, not involving the

neighbors. He would like to see the buried transmission line go down Ferguson Road to York Road and at Watts Road it should go east to the railroad right of way and use that directly to the substation in Weston. He believes property owners should have the right to do what they want with their land, as long as it does not hinder others rights. He believes this project hinders his rights to his property and farming operations. Commissioner Rhinhart asked if they would benefit by having them update Staggs Road to a nicer road. Mr. Thompson said the county upgraded the road several years back. They are pleased with the way it is now and no upgrades are needed for their use. Chair Randall asked if the applicant has visited with them and discussed the project prior to applying for the permit. Mr. Thompson said yes, and they appreciate them burying the power line because the poles were one of their biggest concerns. He said they also made the suggestion of using Ferguson Road but received no response on that issue.

Opposition Testimony: Dave Price, 80488 Zerba Rd., Athena. Mr. Price stated that he is here representing himself tonight and is primarily here to discuss the revised ordinance. He recognized that the Planning Commission put a lot of time and energy into making the necessary updates to the Wind Energy Code. The revised ordinance is of high value to the people of Umatilla County and they expect that it be implemented fully, without exception. He acknowledges that the applicant complies with the 2 mile set back, but there are several residences that are located quite close. Past experience has shown that the proposed area of wind turbines is rarely the location where they end up being constructed. The flexibility of movement is narrow so he feels there should be some condition of approval that assures the final location of the turbines meets the 2 mile setback. The other concern is with the 6 year old data used in the wildlife section of the report. He feels they have not adequately addressed how the project will impact the raptors and bats in the region. He commended the applicant for listening to the concerns of the landowners by putting the transmission line underground.

Opposition Testimony: Richard Jolly, 54462 Upper Dry Creek Rd., Weston, OR. Mr. Jolly stated that he is speaking as President of Blue Mountain Alliance. They are very happy to see the project has been downsized and the power lines have been moved underground. BMA supports the testimony of Cindy Severe, Dave Price and Jesse Thompson. The documents from the developer showed that 32% of the project is on high value farm ground. Social and economic impacts have not been identified. There is a loss of some of the property values to people adjacent to the project. The state is not enforcing sound standards and is also not taking into account cumulative effects of all the projects done in our state. He would like to have standing for further testimony if it goes any further than this.

Applicant Rebuttal: Richard Nerzig, 4365 Executive Dr., Suite 1470, San Diego, CA. Mr. Nerzig stated in terms of human health impacts of wind turbines, there are numerous studies available and recent studies show little concern. Both York Road and Staggs Road are adequate for their use in their current condition and will not be widened or improved, other than temporarily at certain limited turning locations. At those locations the home owners will be consulted with and compensated for the temporary loss of those corners. They will then be restored back to original conditions. The use of Staggs Road will result

in a very limited amount of interference due to truck deliveries for a very limited period of time. They estimate 1 to 1.5 months. They will coordinate with farmers during that time period to minimize interference with their farming activities and truck deliveries. If they can get started in April, they should be out of the way before harvest season starts, which would benefit everyone. Mr. Nerzig stated that he responded personally to all communication he has received, including late this afternoon. He has offered to meet with each land owner and that offer still stands. He is happy to commit to verification by a licensed surveyor regarding the 2 mile setback requirement, as the project is being constructed. The wildlife data is 5 years old. There has been no change in land use in the last 5 years and the data meets industry standards. They will be conducting post construction monitoring to verifying the data. Recent studies reinforce the fact that windfarms have no measurable property value impact on surrounding properties. Mr. Nerzig stated that Rod Anderson may be the contractor on the project and would like to make a comment to the Planning Commission.

Applicant Rebuttal: Rod Anderson, 4531 A Ave., Pendleton, OR. Mr. Anderson stated that he was out to review the project site earlier that day with Mr. Beland. They looked at the plans for the operation and he assures that they would cooperate with the farmers. In past jobs they always give the farmers the right of way. He has farmed 25 years, and understands they need to get things done in a timely manner. They expect approximately 2 weeks of large equipment delivery, 3 weeks of concrete trucks, and 2-3 weeks of gravel trucks and hauling. They plan to use local providers and will not be crushing on site to keep the impact small. They need to add gravel to Staggs Road, but he does not foresee needing to widen it. They will require some small turnouts for passing at appropriate places but plan to clean that up and put it back the way it was when they're done. Commissioner Rhinhart asked if he looked at Ferguson Road and if it would be an issue to change the transmission line to Ferguson instead of Staggs Road. Mr. Anderson said it could be built on either site, but he was not sure what went into the decision of choosing Staggs Road. Chair Randall asked if there would be a road closure at any time. Mr. Anderson said they would need to close for about a half day to bring cables across the narrow road. They would notify anyone affected in advance. He tries to keep landowners happy and listen to their input to create an atmosphere of team effort. They would trench to get the power line in first at Staggs Road so when they clean up the road they won't have to tear it up again. Commissioner Wysocki asked why they chose Ferguson Road instead of Staggs Road. Mr. Beland stated that it is not impossible to use Ferguson Road. When they looked at the project they looked for the area of least impact and where it would be easiest to build. Ferguson Road would require more distance to improve, pass over Tri Hollow Creek and it has ¾ miles of road which would require rebuilding before they could proceed. This could imply problems for transportation of heavy equipment. They feel Staggs Road is the best choice.

Commissioner Danforth asked about the average wind speed recorded in the 5 years of data collected from the met towers. Mr. Beland said the average was approximately 14 mph. Discussion followed about the met towers. Commissioner Danforth asked about fire suppression measures. Mr. Beland responded that they do not have a fire suppression system. The majority of wind turbines in the US do not have fire suppression systems.

The only ones that he is aware of that have fire suppression are the ones located in forests. The likelihood of a turbine catching fire is extremely low.

Commissioner Wysocki asked about noise ordinance monitoring. He asked what they plan to do to be sure they do not go above the standard. Mr. Corey said they have addressed this previously. There is no enforcement standard set by the Department of Environmental Quality. He hopes this doesn't reflect adversely on his project group. Mrs. Mabbott said the way the condition is written, it states that the applicant/project owner shall operate the project in compliance with the state noise standard. The standard is set at a receptor site. If there was concern that they were violating the noise standard, it would have to be based on data collected at a receptor site. We could clarify the condition and ask the applicant to do some measuring at the receptor site, if complaints are received. There is no guarantee they would be allowed on the receptor site property. Making a written condition can sometimes open things up for frivolous complaints. Mr. Corey said they will comply with the state standard. Mrs. Mabbott said they could revoke the permit if they received a lot of complaints and had reasonable evidence that they were in violation of the noise standard. Commissioner Danforth asked if they could have a noise study done after a few years and then a few more years down the road. Mr. Corey said those studies can be very expensive. Commissioner Williams said they made the criteria for wind projects very tough to meet and commends the applicant for meeting those standards. She acknowledged that they meet the criteria for a Conditional Use Permit. Carol Johnson noted that on page 47 under condition 9, the project owner is required to provide a final design.

Chair Randall closed the hearing and moved to deliberation.

Commissioner Marlatt stated that he feels the applicant has met the criteria. He is not a fan of windfarms but they have gone the distance and considered surrounding land owners input.

Chair Randall asked to adopt the addendums 1-36 into the record, motion passed by consensus.

Commissioner Danforth stated that she is concerned about the oil used in the turbines and loss of high value farm ground. There is other land in the area more suitable for wind power. She expressed concern about issues with fire and feels the short term financial gain is short sighted. Chair Randall feels that the applicant has met the criteria and he is satisfied with the staff findings. Commissioner Williams says she has bigger concerns with farming practices than the oil from the turbines. She sees this as a positive development. The small amount of risk involved is not enough to stop this development.

Commissioner Williams moved to approve Land Use Decision #LUD-194-15 and Conditional Use Permit #C-1252-15 with precedent and subsequent conditions set forth by planning staff. Commissioner Marlatt seconded the motion. Motion passed 7:1.

OTHER BUSINESS:

Mrs. Mabbott provided a 2015 year-end report, as well as a projection of 2016 projects. She reviewed details about permits issued and encouraged input from the Commissioners. Chair Randall asked why the numbers for Code Enforcement are down in 2015. Officer Gina Miller said they have been taking a more reserved approach in prosecuting cases that are worth prosecuting. They have limited time, budget and resources and want to make the most out of every effort.

Commissioner Rhinhart asked Mr. Waldher, Senior Planner, for an update on the transmission line in Morrow County. Mr. Waldher said the counties were given an opportunity to provide their final recommendation to the Bureau of Land Management. Umatilla County provided comment from the Board of Commissioners. Mr. Waldher did a site visit of the Umatilla South alternative, which was proposed by the Board of Commissioners in October. They determined it had the least amount of impacts to dry land and irrigated agriculture. Mrs. Mabbott noted that it is an impressive collaborative effort. Discussion about the project followed.

ADJOURNMENT:

Chair Randall adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant

(Minutes adopted by the Planning Commission on _____)

UMATILLA COUNTY PLANNING COMMISSION

February 25, 2016

CONTINUED HEARING:

REQUEST FOR A PUBLIC HEARING FOR CONDITIONAL USE REQUEST #C-1249-15, RODNEY J. RAINEY APPLICANT, KEVIN GRAY OWNER. During the public comment period, a “Request for a Public Hearing” was submitted on September 30, 2015. The property is located on the north side of Diagonal Road (State Highway No. 207) on Tax Lot #2401, in Township 04N, Range 29E, Section 06A. The request is to develop a residential adult care facility for alcohol and drug treatment for up to 15 clients. The application is being processed as a Conditional Use Request for a convalescent home. The criteria of approval are found in the Umatilla County Development Code 152.616 (UU), 152.615 and 152.560.

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commissioners
FROM: Brandon Seitz, Assistant Planner BS
DATE: February 17, 2016
RE: February 25, 2016, Planning Commission Hearing

The Umatilla County Planning Commission held a public hearing on Thursday, December 17, 2015. Upon request from the applicant the Planning Commission continued the hearing to February 25, 2016. The applicant's request for a continuation was due to issues raised by neighboring landowners concerning the existing access to the property. In addition to the information included with this memo, relevant information pertaining to this agenda item can be found in Decembers hearing packets. Previous hearing packets can be found on the County's website at: <http://www.co.umatilla.or.us/planning/plan-packets.html>

Unresolved Issues

During the public hearing three issues were raised that need to be addressed before the Commission makes a final decision.

1. Legal access to the property.
2. Comments received from the Department of Environmental Quality (DEQ). The proposed facility would exceed the capacity of the existing onsite septic system.
3. Comments received from the Oregon Health Authority (OHA). The proposed facility would need additional testing and plan review for the domestic well.

Additional Information

To resolve the access issues raised during the previous hearing the applicant widened the existing access road. The applicant has submitted photographs of the improved access road and what is believed to be the survey pin marking the property boundary. Also included is a copy of an email between the applicant and Thomas Lapp, ODOT District 12 Permit Specialist, indicating that the widened approach will meet ODOT standards.

Also included is a copy of a receipt from DEQ for the onsite septic system. The applicant has indicated there are two options for upgrading the existing septic system depending on soil analysis and possibly completing a Boundary Line Adjustment. At this time Staff recommends a Precedent Condition of Approval be add as follows:

Memo

Planning Commission Public Hearing – February 25, 2016

Obtain from the Department of Environmental Quality an Onsite Permit or Water Pollution Control Facility Permit for the proposed facility and provide a copy to County Planning.

The Planning Department received comment form William Goss, Regional Engineer, Public Health Division, in regards to the drinking water requirements. A copy of the email is enclosed for your review. Due to the comments provided staff recommends a Precedent Condition of Approval be add as follows:

Comply with all applicable requirement of the Oregon Health Authority for State Regulated Water Systems and provide verification of compliance to County Planning.

Attachments

The following attachments have been include for review by the Planning Commission:

- Email between Thomas Lapp and Kevin Gray (Property Owner)
- Pictures of access road improvements
- Copy of receipt from DEQ
- Email to Umatilla County Planning Commission from William Goss

Subject: Fw: Access permits for highway 333.
From: Kevin Gray (oregonlargemouth@yahoo.com)
To: brandon.seitz@umatillacounty.net;
Date: Tuesday, February 16, 2016 7:35 AM

On Tuesday, February 16, 2016 6:56 AM, LAPP Thomas <Thomas.Lapp@odot.state.or.us> wrote:

Kevin,

I stopped by and looked at the driveway last week. I think you made a good improvement to the radius and the width should be wide enough now. We approve of the approach as it is now.

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: oregonlargemouth [mailto:oregonlargemouth@yahoo.com]
Sent: Friday, February 12, 2016 10:05 AM
To: LAPP Thomas
Subject: RE: Access permits for highway 333.

Thomas.

I was just wondering if you had a chance to stop by and look at the driveway approach yet? I need to get all my information to the Planning Commission by Wednesday, and I know Monday is a holiday.

Kevin

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: LAPP Thomas <Thomas.Lapp@odot.state.or.us>
Date: 02/01/2016 3:43 PM (GMT-08:00)

To: oregonlargemouth <oregonlargemouth@yahoo.com>
Subject: RE: Access permits for highway 333.

I will swing by and look at it sometime soon.

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: oregonlargemouth [<mailto:oregonlargemouth@yahoo.com>]
Sent: Tuesday, January 26, 2016 3:58 PM
To: LAPP Thomas
Subject: RE: Access permits for highway 333.

Thomas,

I did a bunch of work on the approach and driveway at 32405 diagonal rd. I think it looks great, and would really appreciate if you could drive by at your convenience and let me know if there is anything more that I need to do. I am attaching a photo. There is no hurry so don't make a special trip. Thanks again for all of your help.

Kevin Gray

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: LAPP Thomas <Thomas.Lapp@odot.state.or.us>
Date: 01/05/2016 8:29 AM (GMT-08:00)
To: oregonlargemouth@yahoo.com
Subject: Access permits for highway 333.

Kevin,

Here are the permits for the three existing driveways in your area. Let me know if this is what you need. These are all project recognized approaches and the permits stay with the property when the property sells.

Wineland Lane - #25895 shared with tax lot 2401 & 700 (pictured)

Address 32349, west side of Wineland lane - #25492 serving tax lot 2400 (pictured)

Field approach East side of Wineland Lane - #25760 serving tax lot #700 (not pictured)

Thanks,

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

APPLICATION AND PERMIT TO
 CONSTRUCT ROAD APPROACH

Road Approach Permit No
200005

Name and Address of Applicant

W. C. Baird
 1810 SW 44th
 Pendleton, OR 97801

Contact purchaser
 Olin H. Lee

Applicant hereby applies to the Administrator and
 State Highway Engineer for permission to construct
 an approach road connection to the Westerly
 side of the Hermiston Highway
 Highway No. 333, Umatilla County,
 at Mile Post 3.999, Highway Engineers
 Station 212+20 as described herein.

Special Provisions

Contract No. 8922

1. Current Rules and Regulations governing Road Approach Permits as adopted by the State of Oregon, Department of Transportation, Highway Division, are by this reference made a part of this permit. Copies of said Rules and Regulations may be obtained from the District Engineer.
2. The approach(es) shall be constructed in accordance with the Type 2 Road Approach Sketch attached hereto and by this reference made a part hereof.
3. The following additional drawings are attached hereto and by this reference made a part hereof See contract plans Sheet 2.
4. Facility served by approach(es) private residence
5. Construction of the approach(es) shall commence on or after June 15, 19 79, and will be completed on or before October 31, 19 79.
6. Applicant or his contractor shall notify the District Engineer at (Not applicable), phone _____ prior to commencing work and after completing construction of the approach(es) covered by this permit.

The road approach is to be constructed by the State Highway Division under the Columbia River Highway--Hermiston Section Contract at no cost to the applicant.

Station	Milepoint	Width	Pipe Size and Width
212+20	3.999	16'	12"
<u>212+20</u>	<u>4.000</u>	<u>16'</u>	<u>12"</u>

Recommended for approval: Walter R. Sullivan
 Assistant District Engineer

[Signature]
 Regional Engineer

Applicant declares he is the owner or lessee of the real property abutting the above described highway and has the lawful authority to apply for this permit. This permit is issued subject to the terms and provisions contained herein and attached hereto; this permit is accepted and approved by the applicant subject to said terms and provisions.

Applicant W. C. Baird

ADMINISTRATOR AND STATE HIGHWAY ENGINEER

By _____

By ORIGINAL SIGNED BY J. W. VALENTINE
 UTILITY PERMIT ENGINEER

Date of Application _____

Effective Date 11-14-79









Receipt Number: 165184

Oregon Department of Environmental Quality
Pendleton Office
800 SE Emigrant Ave, Suite 330
Pendleton, OR 97801

Date Received 2/16/2016

Received From **Kevin J Gray**
(Check Name): **POB 928**
Hermiston, OR 97838

For **T04N R29E S06 A**
Property **TaxLot 700**
At: **Umatilla County**
32441 Diagonal Road
Hermiston, OR 97838

Current Payment

Amount Paid	Payment Type	Check # Money Order # Purchase Order #	Bank Number	Amount Applied
956.00	Check	1555	34-827	956.00

Total Amount Applied \$956.00

Onsite Fees	
Base Fee:	680.00
Surcharge Fee:	100.00
Plan Review Flow Fee:	
Pump Evaluation Fee:	
Flow Fee:	176.00
Reinspection Fee:	
Total Fee	\$956.00
Payments	
Previous Payments:	0.00
Current Payment:	956.00
Over Payment:	0.00
Total Payments:	\$956.00

Application Description
Application ID: 418369
Application Type: New Site Evaluation
Commercial Facility
System Type: Unknown
Pump Evaluation: No
Flow: 1350 gallons/day

Receipt Amount: \$956.00

Received By:

Robert Marshall

Date of Entry:

2/16/2016



Welcome to
Umatilla County

Brandon Seitz <brandon.seitz@umatillacounty.net>

Comments on Conditional Use Request #C-1249-15

GOSS William H <william.h.goss@state.or.us>
To: Brandon Seitz <brandon.seitz@umatillacounty.net>
Cc: "oregonlargemouth@yahoo.com" <oregonlargemouth@yahoo.com>

Tue, Feb 16, 2016 at 4:19 PM

To the Umatilla County Planning Commission:

Our office has received the following information from Kevin Gray regarding the well that serves the property at 32405 Diagonal Road outside Hermiston:

- A copy of the driller's well log UMAT 2732
 - A copy of the septic permit for the property showing setbacks from the well
 - Information on the well pump make/model and setting depth
- Water quality sample results that showed the presence of total coliform bacteria, and a nitrate concentration of 4.36 mg/l.

A preliminary review of the well construction has determined the well does not meet current construction standards, and cannot be approved as a drinking water source unless it is reconstructed so that it meets current standards.

William Goss, P.E.

Regional Engineer

Public Health Division

william.h.goss@state.or.us

1-966-0900



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This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this email in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

UMATILLA COUNTY PLANNING COMMISSION

February 25, 2016

NEW HEARING:

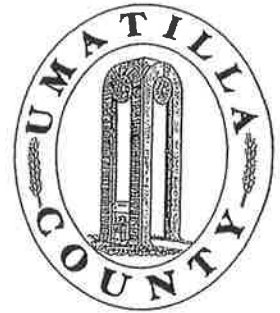
UPDATES OF THE UMATILLA COUNTY DEVELOPMENT CODE, #T-15-064. A summary of the updates include the following:

1. Update UCDC 152.058 (F) (5) EFU and 152.083 (O) GF Replacement Dwelling
2. Modify UCDC 152.062 EFU Parcel Sizes to allow partitions of certain non-farm uses
3. Modify Kennel Definition UCDC 152.003
4. Modify Kennel UCDC 152.060 EFU & 152.085 GF Conditional Uses Permitted
5. Modify UCDC 152.058 EFU and UCDC 152.083 Uses allowed with a Zoning Permit to add Dog Training
6. Add Definition for Park Model Home UCDC 152.003
7. Modify UCDC 152.616 (X) Conditional Use Permits to add Park Model Homes as Accessory Dwellings
8. Modify UCDC 152.616 (VV) to include rural small and large Commercial Activities
9. Add Definition for Primary Processing of Forest Products UCDC 152.003
10. Add Temporary Primary Processing of Forest Products as Outright Use in GF Zone UCDC 152.081
11. Add Provisions in General Zoning Regulations Section UCDC 152.031
12. Add State Requirements on Property Line Adjustments for Measure 49 Waiver Properties UCDC 152.722
13. Modify Creation of EFU and GF Parcels UCDC 152.062 and 152.087
14. Add Land Division requirements allowing EFU and

- GF Zoned Parcels to be partitioned along an Urban Growth Boundary UCDC 152.710
15. Add Accessible Parking Requirement UCDC 152.562
 16. Add Solar Projects as an EFU Conditional Use Permitted UCDC 152.060
 17. Add Clarification to UCDC 152.616 (HHH) (6) Standards/Criteria of Approval for Commercial Wind Power Generation Facility Conditional Uses Permitted
 18. Modify Property Line Adjustment Standards for Approval UCDC 152.722
 19. Modify Permitting More Than One Principal Structure or Use UCDC 152.571
 20. Modify Zoning Permit Exceptions for Small Structures UCDC 152.025
 21. Clarify Residential Zone Setback Requirements UCDC 152.134, 152.159, 152.164, 152.173, 152.218 & 152.233
 22. Modify EFU Land Use Decision Dwelling Approvals UCDC 152.059
 23. Modify Canopy Definition UCDC 152.003
 24. Modify Definitions of Zoning Permit and Development Permit UCDC 152.003
 25. Modify Conditional Use Permits/Land Use Decision Procedure UCDC 152.612 & 152.613
 26. Clarify Administrative Language UCDC 152.776 & 152.769
 27. Clarify Decision Language and Final Approval Timeline UCDC 152.683, 152.685, 152.686, 152.669, 152.698 & 152.724
 28. Update Numbering UCDC in Land Use Decision UCDC 152.617 (II) (7)

Umatilla County

Department of Land Use Planning



MEMO

DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

TO: Planning Commission *CJ*
FROM: Carol Johnson, Senior Planner
DATE: February 16, 2016

CC: Tamra J. Mabbott, Planning Director
Doug Olsen, County Counsel

SUBJECT: **February 25, 2016, Planning Commission Hearing**
2015 Annual Umatilla County Code Update
Text Amendment, #T-15-064

Over the past year staff has gathered information as prospective amendments to the Umatilla County Development Ordinance (aka our Development Code). These amendments consist of code clarifications and amendments required by recently enacted State Law.

The amendments are shown with proposed additions underlined and text to be removed in strikethrough. Included with each proposed change is a short summary or reason for the proposed change.

One comment letter concerning the proposed amendments was received from Attorney David Hadley. Mr. Hadley's letter is included for your consideration.

The proposed amendments are presented to the Planning Commission for review, discussion, and suggested changes. Planning Commission action on the proposed amendments is a recommendation to the Board of County Commissioners.

The hearing before the Board of Commissioners is scheduled for 9:00 a.m., March 9, 2016.

Umatilla County

Department of Land Use Planning



December 23, 2015

RE: Proposed text changes to the Umatilla County Development Code 2015

NOTE: Proposed text changes are shown in a “Mark Up” format with the original text to be removed shown in strikethrough and added text provided in bold and underlined.

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1. Update Replacement Dwelling Sections UCDC 152.058 (F) (5) for EFU and 152.083 (O) for GF

Suggested Change:	Reason for the Change
<p>§ 152.058 USES PERMITTED WITH A ZONING PERMIT.</p> <p>(F) Alteration, restoration or replacement of a lawfully established dwelling . . .</p> <p>(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance;</p> <p><u>The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;</u></p> <p>§ 152.083 USES PERMITTED WITH A ZONING PERMIT.</p> <p>(O) Alteration, restoration or replacement of a lawfully established dwelling . . .</p> <p>(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance;</p> <p><u>The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;</u></p>	<p>OAR 660-033-0130 (8) (b) (B) requires a statement to be recorded in County Deed Records declaring that the dwelling that was replaced has been removed, demolished or converted to an allowable non-residential use.</p>

2. Modify EFU Parcel Sizes UCDC 152.062 to allow partitions of certain non-farm uses

Suggested Change:	Reason for the Change
<p>§ 152.062 PARCEL SIZES.</p> <p>(D) <i>Creation of other non-farm and conditional use parcels.</i> The minimum lot area for other “non-farm” uses permitted <u>as conditional uses</u> in this <u>an EFU</u> zone shall be the size necessary to accommodate the use and may be established through § 152.710 (E), Type IV, Review IV Land Division application process.</p>	<p>Provide additional clarification for what category of non-farm uses that can be divided pursuant to ORS 215.263.</p>

3. Modify Kennel Definition UCDC 152.003

Suggested Change:	Reason for the Change
<p>§ 152.003 DEFINITIONS.</p> <p><i>KENNEL.</i> <u>Kennel means a</u> Any lot or premises on which four or more adult dogs, eats or other pets are kept, whether by owners of the animals or by persons providing facilities and care, whether or not for compensation. An adult dog or eat is one that has reached the age of six months. <u>(Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not considered to be a kennel.)</u></p>	<p>Update Kennel definition.</p>

4. Modify Kennel UCDC 152.060 EFU & 152.085 GF Conditional Uses Permitted.

Suggested Change:	Reason for the Change
<p>§ 152.060 CONDITIONAL USES PERMITTED.</p> <p>(K) <u>Commercial Ddog boarding kennels or dog training classes</u></p>	

<p><u>or testing trials that cannot be established under ORS 215.283</u> <u>(1) (x) on a parcel or tract not meeting the definition of high-value farmland may be conditionally permitted as provided in § 152.617 (I)(I). (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)</u></p> <p>§ 152.085 CONDITIONAL USES PERMITTED. (K) <u>Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.283</u> <u>(1) (x) on a parcel or tract not meeting the definition of high-value farmland may be conditionally permitted as provided in § 152.615 and § 152.617 (I)(I), as applicable. (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)</u></p>	<p>Implements rule changes for dog kennels in EFU and GF as provided in OAR 660-033-120 and 660-033-130.</p>
--	--

5. Modify Uses allowed with a Zoning Permit to Add Dog Training UCDC 152.058 EFU and UCDC 152.083 GF

Addition:	Reason for the Addition
<p>§ 152.058 USES PERMITTED WITH A ZONING PERMIT. (EFU)</p> <p><u>(S) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, as described in ORS 215.283 (1) (x).</u></p> <p>§ 152.083 USES PERMITTED WITH A ZONING PERMIT. (GF)</p> <p><u>(V) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, as described in ORS 215.283 (1) (x).</u></p>	<p>Implements new use allowed in the EFU zone, ORS 215.283 and OAR 660-033-120.</p>

6. Add Definition for Park Model Home UCDC 152.003.

Addition:	Reason for the Addition
<p>§ 152.003 DEFINITIONS.</p> <p>PARK MODEL HOME. <u>Park Model Home is a recreational vehicle that is: (A) built on a single chassis; (B) equal to or greater than eight and a half feet in width, exclusive of slide outs or other exterior modifications; (C) not self-propelled; (D) designed primarily for use as a permanent or semi-permanent residence.</u></p>	<p>The Planning Commission expressed support for use of Park Model Homes as a temporary care taker dwelling in Commercial and Industrial zones. Could expand to allow park models as temporary hardship home opportunity in residential zones.</p>

7. Modify Conditional Use Permits to add Park Model as an Accessory Dwelling UCDC 152.616 (X).

Suggested Change:	Reason for the Change
<p>§ 152.616 (X) <i>Dwellings (as accessory use) for the owner or operator of each existing permitted use.</i></p> <p>(1) If a mobile home <u>or park model home</u> is to be used, the mobile home <u>or park model home</u> shall be skirted and set up to have the appearance of a residential dwelling;</p> <p>(3) Any mobile home <u>or park model home</u> used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;</p> <p><u>(5) Park model home used as a caretaker dwelling must have been manufactured within ten (or fifteen) years of the approval of the care taker dwelling.</u></p>	<p>Allows Park Model Homes as possible temporary care taker dwellings in Commercial and Industrial zones.</p>

8. Modify UCDC 152.616 (VV) to include rural small and large Commercial Activities.

Suggested Change:	Reason for the Change
<p>§ 152.616 (VV) <i>Retail and service commercial.</i></p> <p>(2) The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. Large <u>All</u> commercial activities shall catering to regional <u>local</u> needs shall not be allowed;</p>	<p>Allows commercial activities that will cater to local needs in rural zones.</p>

9. Add Definition UCDC 152.003 and Conditional Use Standards UCDC 152.617 for Primary Processing of Forest Products on GF zoned lands.

Addition:	Reason for the Addition
<p>§ 152.003 DEFINITIONS.</p> <p>PRIMARY PROCESSING OF FOREST PRODUCTS. <u>Primary processing of forest products means the initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market including, but not limited to debarking, peeling, drying, clearing, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.</u></p> <p>§ 152.617 (I) EFU AND GF ZONE CONDITIONAL USES</p> <p>(Y) <u>Permanent Facility for the primary processing of forest products that is:</u></p> <p><u>(1) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or</u></p> <p><u>(2) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or</u></p> <p><u>(3) Located in a combination of indoor and outdoor areas</u></p>	<p>Definition from OAR 660-006-0005 (11), Rules for Goal 4 Forest Lands</p> <p>Temporary portable processing allowed outright in the GF zone. OAR 660-006-0025 (3) (d).</p> <p>Permanent processing in the GF zone allowed via a conditional use permit as provided in OAR 660-006-0025 (4) (a).</p>

<p><u>described in paragraphs (1) and (2); and</u> <u>(4) Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.</u></p>	
--	--

10. Add Temporary Primary Processing of Forest Products to the GF Zone Uses Permitted Outright UCDC 152.081.

Addition:	Reason for the Addition
<p><u>§ 152.081 USES PERMITTED OUTRIGHT.</u> <u>(W) Temporary Portable Facility for the Primary Processing of Forest Products, as defined in §152.003.</u></p>	<p>Add Temporary Facility for the Primary Processing of Forest Products as an outright use in the GF zone. OAR 660-006-0025 (3) (d).</p>

11. Add Provisions in General Zoning Regulations Section UCDC 152.031.

Addition:	Reason for the Addition
<p><u>§ 152.031 FALSE PERMIT INFORMATION.</u> <u>Land Use Permits may be revoked if permit information is found to be false or misrepresented.</u></p>	<p>Clarify that the County may revoke a permit, i. e. where information is deliberately misrepresented.</p>

12. Add State Requirements adopted for Property Line Adjustments involving Measure 49 Waiver Properties UCDC 152.722.

Change:	Reason for the Change
<p>§ 152.722 (B) The request meets the definition of a property line adjustment per the definitions contained in § 152.003- <u>and the adjustment does not increase the size of a parcel created as the result of an approved Measure 49 waiver as stipulated in ORS 195.</u></p>	<p>Implements new provisions from HB 2831 amending ORS 92.192.</p>

13. Modify Creation of EFU and GF Parcels UCDC 152.062 and 152.087.

Addition:	Reason for the Addition
<p>§ 152.062 and § 152.087. <u>(F) UGB Areas. Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type IV, Review V Land Division application process.</u></p>	<p>Implements new provisions from HB 2457 amends ORS 215.263</p>

14. Add Land Division requirements allowing EFU and GF Zoned Parcels to be partitioned along an Urban Growth Boundary UCDC 152.710.

Addition:	Reason for the Addition								
<p>§ 152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.</p> <p>(A) <i>Type IV Land Division review and approval matrix system.</i> Review and approval of a Type IV Land Division shall be divided into four five types of reviews. The following table shall be used to identify what type of review is to be used: [New matrix table row five shown below]</p> <table border="1" data-bbox="191 968 1063 1119"> <thead> <tr> <th>Type of Land Use</th> <th>Creating a Parcel 160+ ac</th> <th>Creating Parcels 80-160ac</th> <th>Creating a Parcel < 80 ac</th> </tr> </thead> <tbody> <tr> <td><u>EFU or GF Zone and UGB Parcels</u></td> <td><u>Does Not Apply</u></td> <td><u>Review V if portion of parcel located within UGB</u></td> <td><u>Review V if portion of parcel located within UGB</u></td> </tr> </tbody> </table> <p>(F) <u>Review V. The following review and approval standards of a Type IV, Review V Land Division application is for the creation of parcels less than 160 acres within the EFU and GF zones, where a portion of a lawfully established parcel has been included within an urban growth boundary. And that portion of the EFU or GF zoned parcel that remains outside of the urban growth boundary is smaller than the minimum parcel size of 160 acres the parcel may be divided as follows:</u></p> <p><u>(1) The survey requirement for a Type IV, Review V, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to</u></p>	Type of Land Use	Creating a Parcel 160+ ac	Creating Parcels 80-160ac	Creating a Parcel < 80 ac	<u>EFU or GF Zone and UGB Parcels</u>	<u>Does Not Apply</u>	<u>Review V if portion of parcel located within UGB</u>	<u>Review V if portion of parcel located within UGB</u>	<p>Implements new provisions from HB 2457 amends ORS 215.263</p>
Type of Land Use	Creating a Parcel 160+ ac	Creating Parcels 80-160ac	Creating a Parcel < 80 ac						
<u>EFU or GF Zone and UGB Parcels</u>	<u>Does Not Apply</u>	<u>Review V if portion of parcel located within UGB</u>	<u>Review V if portion of parcel located within UGB</u>						

§§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(2) The procedure for processing a Type IV, Review II, Land Division application shall follow the standards set forth in § 152.643(D) and § 152.645(B).

(3) Criteria for approval of a Type IV, Review V Land Division application:

(a) The partition must occur along the urban growth boundary; and

(b) If the parcel contains a dwelling, that portion of the parcel with the dwelling must be large enough to support continued residential use.

(c) If the parcel does not contain a dwelling;

(i) The parcel created outside of the urban growth boundary will not be eligible for siting a dwelling, except as may be authorized under ORS 195.120.

(ii) The parcel created outside of the urban growth boundary may not be considered in approving or denying an application for the siting of any other dwelling; and

(iii) The parcel may not be considered in approving a re-designation or rezoning of forestlands under the acknowledged comprehensive plan and land use regulations, except for a re-designation or rezoning to allow a public park, open space or other natural resource use.

<p><u>(d) The parcels will meet the minimum frontage and access requirements.</u></p> <p><u>(e) Approval of a land division under this section, requires as a condition of approval that the owner of the parcel sign and record in the deed records for the county in which the parcel is located an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.</u></p>	
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15. Add Accessible Parking Requirement UCDC 152.562.

Addition:	Reason for the Addition
<p>§ 152.562 ADDITIONAL OFF-STREET PARKING AND LOADING REQUIREMENTS.</p> <p>(I) Design requirements for parking lots:</p> <p><u>(7) Except for parking to serve a single-family residential use, parking and loading areas must meet State Building Code Accessible Parking requirements.</u></p>	<p>Adds requirement to meet State Building Code Accessible Parking Requirements provided in ORS 447.223</p>

16. Add Solar Projects to EFU Conditional Uses Permitted UCDC 152.060.

Addition:	Reason for the Addition
<p>§ 152.060 CONDITIONAL USES PERMITTED.</p> <p><u>(FF) Photovoltaic solar power generation facility as provided in OAR 660-033-0130 (38).</u></p>	<p>Adopts Solar Power as a conditional use on lands zoned EFU.</p>

17. Add Clarification to Standards/Criteria of Approval for Commercial Wind Power Generation Facility Conditional Uses Permitted UCDC 152.616 (HHH) (6).

Change	Reason for the Changes
<p>§ 152.616 (HHH) (6) <i>Standards/Criteria of Approval</i></p> <p>(6) New electrical transmission lines associated with the <u>wind</u> project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way. Note: <u>The wind project associated</u> Transmission -distribution lines <u>and substation(s)</u> constructed and owned by the applicant that are not within the project boundary are subject to a separate land use permit. <u>The applications for the wind project and the associated transmission line and substation(s) shall be submitted together for processing.</u></p>	<p>This change clarifies the interpretation of the Board of County Commissioners Findings adopted and confirmed in a Public Hearing on September 16, 2015.</p> <p>The additional language further clarifies the requirement to review and process applications for a wind project and the associated transmission line concurrently.</p>

18. Modify Property Line Adjustment Standards for Approval UCDC 152.722.

Change	Reason for the Changes
<p>§ 152.722 (D) Standards for Approval</p> <p>(D) Legal access in conformance with the standards of this chapter is provided and/or maintained to all parcels. If necessary to comply with this standard, an easement in conformance with county standards shall be recorded in the county deed records, and a copy of the dedication document and proof of recording shall may be provided <u>either</u> prior to approval- <u>or created by recording the deed instrument to convey and complete the property line adjustment approval.</u></p>	<p>The change will allow recording of a single document to establish easement access and to complete the adjustment approval.</p>

19. Modify Permitting More Than One Principal Structure or Use UCDC 152.571.

Change	Reason for the Changes
<p>§ 152.571 Permitting More Than One Dwelling or Principal Structure on a Lot or Parcel</p> <p>In a rural residential zone, more than one allowed dwelling may not be erected (excluding special exceptions for temporary hardship homes approved under §152.576) on a single parcel or lot unless a partition, subdivision or replat approval has been finalized. In a commercial or industrial zone each principal structure or use shall be on an individual parcel or lot <u>unless the second principal structure or use is approved by a conditional use permit, and processed as ‘other uses similar’ to the uses permitted (allowed) in the underlying commercial or industrial zone and</u> before a zoning permit will be issued.</p>	<p>The change will allow flexibility in permitting more than one principal commercial or industrial structure and/or use on a lot or parcel.</p>

20. Modify Zoning Permit Exceptions for Small Structures UCDC 152.025.

Addition:	Reason for the Addition
<p>§ 152.025 ZONING PERMIT.</p> <p>(A) . . . Structures of 120 square feet or less in area do not require a zoning permit except when located in a designated flood hazard area: <u>or when used for human habitation, or as an addition to an existing dwelling.</u> . . .</p>	<p>Clarifies that obtaining a zoning permit is not exempted simply because of the size of the structure when the structure will be used for habitation or is an addition onto an existing dwelling.</p>

21. Clarify Residential Zone Setback Requirements UCDC 152.134, 152.159, 152.164, 152.173, 152.218 & 152.233.

Addition:	Reason for the Addition
<p>DIMENSIONAL STANDARDS.</p> <p>§ 152.134 – RR2</p> <p>(B) <i>Setback requirements.</i> No building <u>or accessory structure</u> 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;</p> <p>§ 152.159- RR4</p> <p>(B) <i>Setback requirements.</i> No building <u>or accessory structure</u> 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.</p>	<p>Clarifies setbacks apply to all buildings and accessory structures.</p>

§ 152.164-RR10

(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.

§ 152.173- MUF

(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.

§ 152.218- FR

(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.

§ 152.233- MR

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

22. Modify EFU Land Use Decision Dwelling Approvals UCDC 152.059

Change	Reason for the Changes
<p>§ 152.059 LAND USE DECISIONS. (EFU) (K) DWELLINGS. Permits for dwellings approved under this section are valid for four years. A permit extension for an additional two years may be obtained.</p> <p><u>When a dwelling is approved through a land use decision in this section, the applicant or landowner must obtain a zoning permit pursuant to § 152.612 (D). The zoning permit will be a condition of the approval; all land use decision conditions of approval must be met within two years of the date of the signed final findings, pursuant to § 152.613 (A). A zoning permit issued for a dwelling approved under this land use decision section is authorized for four years from the date of the signed final findings and may be extended, but not for more than a total of six years from the date of the signed final findings. The date the final findings are signed signifies the final decision unless appealed as provided in § 152.769 (12).</u></p>	<p>Clarify land use decisions for EFU dwellings. The applicant or landowner must obtain a zoning permit within two years of the final decision.</p>

23. Modify Canopy Definition UCDC 152.003

Change	Reason for the Change
<p>§ 152.003 DEFINITIONS.</p> <p><i>CANOPY.</i> A stationary structure, either free-standing or partially supported on one side only by a building wall, designed and built for the protection of the protection or of pedestrians at the entrance to a commercial or industrial building, or for the protection of motor vehicles while being serviced or their occupants served.</p>	<p>Eliminate confusing and duplicate wording.</p>

24. Modify Definitions of Zoning Permit and Development Permit UCDC 152.003

Addition:	Reason for the Addition
<p>§ 152.003 DEFINITIONS.</p> <p>ZONING PERMIT. An official finding decision that a planned use of a property, as indicted by an application, complies with the requirements of this chapter; <u>a zoning permit also is used as or meets final approval</u> the special conditions of a variance, land use decision or and conditional use permit (see also DEVELOPMENT PERMIT).</p> <p>DEVELOPMENT PERMIT. Zoning permit required by this or other county ordinances as a prerequisite to the use or improvement of any land and includes ing a buildings and structures, land use, occupancy, sewer connection or other similar permits.</p>	<p>In addition to a zoning permit for a variance and conditional use approval include land use decision.</p>

25. Modify Conditional Use Permits and Land Use Decision Procedures UCDC 152.612 & 152.613

Addition	Reason for the Addition
<p>§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION.</p> <p>(D) An applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before <u>establishing the approved use and/or</u> commencing construction.</p> <p>§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.</p>	<p>Add zoning permit for procedure action to establish a use whether or not there is construction.</p>

<p>(A) A final decision for a conditional use permit or land use decision shall expire after two years (except for a land use decision for a dwelling in the EFU Zone per § 152.059 (K)) from the date the final findings are signed, unless all applicable conditions have been met and a zoning permit is obtained.</p>	<p>Clarify the time limit to act on a final decision for conditional uses permits and land use decisions.</p>
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26. Clarify Administrative Language UCDC 152.776 & 152.769

Change	Reason for the Changes
<p>§ 152.776 IMPOSITION OF CONDITIONS.</p> <p>(A) The Planning Director may impose conditions of approval on any decision subject to the administrative review procedure, following the same standards and procedures as set forth in §152.753.</p> <p>(B) The Hearings Officer may use the procedures of § 152.753 to impose conditions upon variances and conditional use permits, and any other land use requests, including appeals, that are within his authority.</p> <p>(C) The Planning Commission or Board may impose conditions of approval on any decision that comes before them, on appeal or otherwise, following the same standards and procedures as set forth in § 152.753.</p> <p>(D) Conditions of approval may be are of two following types, subsequent and precedent. When issuing presenting tentative approval, it shall be clearly noted which conditions are precedent and which are subsequent. Precedent conditions shall be fulfilled by the applicant before final approval is issued by the Planning</p>	

Department ~~issues final approval or~~ **Final approval is signified by approval of** a zoning permit. Subsequent conditions shall be imposed pursuant to § 152.753.

(1) ~~(2)~~ Subsequent conditions are ~~these~~ **conditions** that ~~will be~~ **are** implemented following ~~final approval and the~~ issuance of a zoning permit, **and** including, but **are** not limited to, those that govern operation of a use or which require substantial physical site improvements.

(2) ~~(1)~~ Precedent conditions are ~~these~~ **conditions** that must be implemented **satisfied** prior to final approval, ~~or the issuance of a zoning permit,~~ **Precedent conditions** including, but **are** not limited to, the submittal of a detailed site plan, ~~the~~ signing and recording of an irrevocable consent agreement for road improvements, **and/or** ~~the~~ signing and recording of an agreement for fulfillment of ~~the~~ **an** identified subsequent conditions, pursuant to § 152.753.

§ 152.769 ADMINISTRATIVE REVIEW.

(6) Within two business days from a tentative decision by the Planning Director, a notice of the tentative decision shall be mailed to the applicant and all registered owners of property and affected agencies pursuant to § 152.770. The notice shall inform the applicant and the surrounding property owners that the Planning Director will issue **a final approval decision**, approval with **or without** modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.

(9) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become the

Clarify administrative section wording regarding conditions and final approvals and provide consistency.

<p>final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.</p> <p>(10) Notice of the final action decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.</p>	
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27. Clarify Decision Language and Final Approval Timeline UCDC 152.683, 152.685, 152.686, 152.669, 152.698 & 152.724

Change	Reason for the Changes
<p>§ 152.683 REVIEW AND PROCESSING OF TENTATIVE PLAN. [Type II, Land Division]</p> <p>(I) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become <u>a</u> final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.</p> <p>(J) Notice of the final action decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.</p> <p>§ 152.685 DECISION ON TENTATIVE PLAN. [Type II, Land Division]</p> <p>(A) Following the expiration of the administrative review 21-day notice period, providing there has been no request for a public</p>	<p>Clarify wording in the Land Division sections regarding final decisions and provide consistency.</p>

hearing, the Planning Department ~~can~~ will issue a ~~formal~~ final decision on the tentative plan.

(B) If a public hearing has been requested, review and action on the request is issued by the decision-making body, pursuant to § 152.771 of this chapter.

(1) The findings and conclusions comprising the ~~official~~ final decision shall include two copies of the tentative plan upon which the decision is noted and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department.

(2) The decision shall be final upon signing of the findings, and stands as the county's ~~official action~~ final decision unless appealed.

§ 152.686 FINAL PARTITION PLAT. [Type II, Land Division]

(A) Within ~~one~~ two years from the date of final decision approving of a the tentative plan, the applicant shall file with the Planning Department a final plat map. This plat is intended to be recorded in the record of partition plats of the county. A final plat that is a replat of an existing recorded partition will also be referenced on the original partition plat. ~~An extension of up to one year may be granted the applicant for the filing of the final plat map upon a written request submitted to the Planning Director.~~

(B) The final partition plat shall be reviewed and processed as follows:

(1) Submission

(a) Within ~~one~~ two years from date of approval of a tentative partition plan, the applicant shall have a final partition plat prepared

Increase the time period from one year to two years in which to record the final partition plat.

in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review.

(4) *Technical review and standards for approval of final partition plat.*

(i) Approval of a final plat by the Planning Director is a ministerial action, which takes effect immediately upon signing of the plat; ~~but is subject to the standard 15-day appeal period for such actions, per § 152.766 of this chapter;~~

§ 152.669 FINAL PLAT. [Type I, Subdivision]

(A) *Submission.*

(A)(1) Within ~~one~~ **two** years from the date of approval of a tentative plan, a subdivider or owner within a cluster development shall prepare a final plat in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review. ~~An extension of up to one year may be granted the subdivider or owner within a cluster development for the filing of the final plat map upon a written request submitted to the Planning Director.~~

152.698 FINAL REPLAT. [Type III, Subdivision Replat]

Within ~~one~~ **two** years from the date of approval of a tentative plan, the applicant shall file with the Planning Department a final replat. This replat is intended to be recorded in the Town Plat Records of Umatilla County and will be referenced on the original subdivision plat. This replat shall be reviewed and processed in the same manner as a final subdivision plat, and shall conform to the standards for a

Clarify wording in the Land Division sections regarding final decisions and provide consistency.

<p>final subdivision plat, all as set forth in § 152.669 of this chapter. An extension of up to one year may be granted the applicant for the filing of the final replat map upon a written request submitted to the Planning Director.</p> <p>§ 152.724 PROCEDURE UPON APPROVAL. [Type V, Property Line Adjustment]</p> <p>(B) Once a property line adjustment has been approved by the Planning Department staff, the applicant has one <u>two</u> years within which to exercise the approval by either:</p>	<p>Provide two years in which applicant's may complete property line adjustments.</p>
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**28. Update Numbering in Land Use Decision UCDC
 152.617 (II) (7)**

Change	Reason for the Change
<p>§ 152.617 (II) (7)</p> <p>(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (C) (3) and (D) (4) of this subsection, two or more of the following criteria:</p>	<p>Correct alphabetical reference (C) and (D) to the appropriate numerical references.</p>

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January 20, 2016

RECEIVED

JAN 22 2016

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County Planning Department
Attn: Tamra Mabbott, Planning Director
216 SE 4th Street
Pendleton, OR 97801

✓ Umatilla County Planning Department
Attn: Carol Johnson, Senior Planner
216 SE 4th Street
Pendleton, OR 97801

Re: 2015 Code Update – Comments

Dear Ms. Mabbott and Ms. Johnson:

Thank you for providing me with a copy of the proposed 2015 Updates which will be reviewed by the Planning Commission at the February 25 meeting.

In review of the proposed Code Updates, I have the following comments and observations:

1. #3. Modify Kennel Definition: How hard do “working dogs” have to work? There are more than a few residents in rural residential or EFU zones that have five or more dogs. Often some are lazy and overweight, however, I suspect the landowner would always consider them “working dogs” as opposed to obtaining a permit for a kennel.
2. #6. & #7. Park Model: An excellent idea both with respect to caretaker dwellings and especially temporary hardship homes. The portability of a park model, which is a decent sized home, makes it economically advantageous to the landowner to remove and relocate upon expiration of the permit.

Is the age limit of ten years an arbitrary number? Have we looked carefully at a 2005 park model? It wouldn't be allowed. They are attractive, well constructed and with care have a useful life of another 10 or 15 years. They are not moved often which retains their structural soundness. That is quite a long time especially for a “temporary hardship home.”

Why discriminate when it comes to a park model and not a manufactured home? There may be reasons but they should be thought through. Perhaps an age limit of 15 years may well serve the objective and policies of the county. That would better serve the financial circumstances of the landowner acquiring, maintaining, and removing the dwelling when mom or dad, or grandmother or grandfather passes and the permit expires.

3. #11. False Permit Information: The added language to the code says “misrepresented.” The reason says “deliberately.” The code should specify the type of misrepresentations as they may be innocent or intentional unless further defined.

Because of the complexities of our land use laws, administrative regulations, and our now over 500 pages zone code, I am not immune from innocent misrepresentation. I am also sure a fair amount of “applicants” don’t understand the code and don’t know what they are doing but go forward with responses in a truly innocent manner, but give incorrect or false responses.

4. #15. Accessible Parking: The reason states “Accessory.” Should this be “Accessible?” ✓
Done

5. #26. & #27. Clarify Decision Language: The word choices and consistency is most welcomed as a frequent code reader.

The allowance of “two” years to file a plat and to perfect a boundary line adjustment by recording a deed is helpful. Most parties are motivated to complete the recording of the plat or their property line adjustment immediately upon approval. However, there are more than a few times, due to complexities or other anticipated events, that completion within one year is difficult. This will result in less extension requests and extension approvals.

Thank you again for sending me an advance copy the proposed Code Updates. I will be anxious to read the Planning Commission minutes.

Sincerely,



David Wm. Hadley