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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
 Development Code to Comply)
 with Goal 14 and Creation) ORDINANCE NO. 2005-13
 of Rural Heavy Industrial Zone)

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

WHEREAS the Land Conservation and Development Commission as part of Periodic Review has issued Order #001352, requiring the county to justify uses currently allowed in commercial and industrial zones, as uses either appropriate in rural areas or to delete such uses from these zones, to be in compliance with Statewide Planning Goal 14 (Subtask E);

WHEREAS the county chose to create new rural zones and change the zoning on certain properties to come into compliance with Goal 14 for the rural heavy industrial zone;

WHEREAS the Umatilla County Planning Commission held a public hearing on May 12, 2005, to review the proposed amendments and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissioners held a public hearing on May 31, 2005, to consider the proposed amendments, and voted for the approval of the amendments.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Umatilla County Development Code, codified at Chapter 152 of the Umatilla County Code of Ordinances, be amended to include and be as follows:

RHI RURAL HEAVY INDUSTRIAL ZONE

§152.326 PURPOSE.

The RHI Rural Heavy Industrial Zone is designed to provide for industrial uses that are appropriate for rural locations and where potential conflicts with adjacent land uses will

have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The RHI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways. This zone is applied to industrial lands outside unincorporated communities and urban growth boundaries.

The intent of the Rural Heavy Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally small-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, minerals and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

§152.327 USES PERMITTED

(A) Uses permitted outright. In an RHI Zone, the following uses and their accessory uses are permitted without a zoning permit:

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

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

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

(4) Landscaping as part of a transportation facility.

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

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

(7) Construction of a street or road as part of an approved subdivision or

land partition approved consistent with the applicable land division ordinance.

(B) Uses permitted with a zoning permit. In an RHI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.323 through 152.325 of this chapter:

(1) Automobile wrecking yard, with a building size not to exceed 35,000 square feet of floor space;

(2) Concrete block and pipe manufacturing;

(3) Concrete manufacturing plant;

(4) Contractor's equipment storage yard;

(5) Food products processing, except meat processing and rendering plants;

(6) Grain elevator or flour mill;

(7) Hauling, freighting and trucking yard, (excluding truck stops);

(8) Ice and cold storage;

(9) Junkyard;

(10) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage of products derived from rural areas or related to agricultural or forestry;

(11) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage of products not derived from rural areas, with building size not to exceed 35,000 square feet

of floor space;

(12) Industrial uses in conjunction with farm, forest or aggregate use;

(13) Rendering plant;

(14) Sand or gravel storage yard;

(15) Signs: Type 3, 4, 5, 8, 9, 11;

(16) Tire recapping, with building size not to exceed 35,000 square feet of floor space;

(17) Utility facility;

(18) Welding shop;

(19) Wholesale business, storage building or warehouse, in conjunction with farm or forest use;

(20) Wood processing facilities.

§ 152.328 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In an RHI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.323 through 152-325 and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;

(2) Commercial gravel extraction and processing.

(3) Major manufacturing, repairing, compounding, fabricating, assembling,

processing or storage of products derived from rural areas or related to agriculture or forestry industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined, i.e. natural gas, propane, oil and electricity.

(4) Surface mining, rock crushing or asphalt plant;

(5) Any requested use involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, unstable chemicals, ammonium nitrate and liquefied petroleum gases.

(6) Any request involving the handling or storage of radioactive waste.

(7) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed. Additional approval standards may be applied by the Planning Commission or planning staff that would address specific or unique situations that could be created by a proposed use in this section. Land uses not related to agriculture or forestry, or otherwise consistent with the rural purpose of this zone, shall be subject to a 35,000 square foot building size

limitation.

(8) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

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

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

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

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and

other requirements of this ordinance.

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

(11) 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.

(B) The following general criteria shall be used to review all conditional uses listed in the RHI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in a RHI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by existing adjacent industrial uses.

§152.329 LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of

the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street or county road to properties in a RHI Rural Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.

(E) Expansion of structures that existed on July 1, 2005 shall be permitted under the following circumstances:

a. If the use is not subject to a size limitation there shall be no limitations on expansion.

b. If the use is subject to a size limitation, the use may expand to a building size of 40,000 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger

(F) Size limits on uses permitted in the RHI Zone shall not apply to any properties for which an exception to Statewide Planning Goal 14, Urbanization, has been approved.

(G) 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.

§ 152.330 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.321 of this chapter shall be accompanied by a site plan.

(B) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing the property lines, dimensions, and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the buildings or property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access, parking lots and spaces, off-street parking and loading requirements, setbacks, sign, vision clearance and other standards which may now or hereafter be enacted.

§ 152.331 DIMENSIONAL STANDARDS.

In an RHI Zone, the following dimensional standards shall apply:

(A) Lot size. The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) Minimum lot width. The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) Setback requirements. The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street loading or parking requirements, then the front yard shall be a minimum of 40 feet; and except if the property abuts a property zoned for residential use, then the setback shall be 200 feet;

(2) Side yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(3) Rear yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

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

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ 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 along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

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

DATED this 31st day of May, 2005.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Emile M. Holeman
Emile M. Holeman, Chair

William S. Hansell
William S. Hansell, Commissioner

Dennis D. Doherty
Dennis D. Doherty, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS

Jean Kempkins
Records Officer

