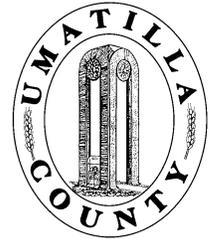


# Umatilla County

Department of Land Use Planning

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## AGENDA

**Umatilla County Planning Commission Public Hearing  
Thursday, October 24, 2019 at 6:30 pm  
Justice Center Media Room, Pendleton, Oregon**

### Planning Commission

Suni Danforth, Chair  
Don Wysocki, Vice-Chair  
Tammie Williams  
Gary Rhinhart  
Tami Green

Hoot Royer  
Molly Tucker Hasenbank  
Jon Salter  
Lyle Smith

### Planning Staff

Bob Waldher, Planning Director  
Carol Johnson, Senior Planner  
Elizabeth Ridley, Planner II/ GIS  
Gina Miller, Code Enforcement Coordinator  
Tierney Dutcher, Administrative Assistant

**1. Call to Order**

**2. New Hearing:**

**LAND USE DECISION #LUD-256-19: ANDREW & KELSEY HENDRICKS, APPLICANT & OWNER.** The applicant is requesting approval to convert the existing Primary Farm Dwelling to an Accessory Farm Dwelling. The property owners are replacing the existing manufactured home (proposed accessory farm dwelling) with a new stick built home (proposed primary farm dwelling). The property is located along the east side of Edwards Road, approximately 4.5 miles northwest of the City of Milton-Freewater. The property is identified as Tax Lot 1600, on Assessor's Map 6N 35 20. The Land Use Decision standards applicable to the applicants request are found in Umatilla County Development Code (UCDC) 152.059 (K)(5).

**3. New Hearing:**

**NUMEROUS UPDATES TO THE UMATILLA COUNTY DEVELOPMENT CODE (UCDC).** For the past year, Umatilla County has been working on amendments to the UCDC to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The proposed code amendments would apply to Commercial and Light Industrial zoned properties adjacent to this corridor. The Planning Commission will make a recommendation to the Umatilla County Board of County Commissioners. Amendment procedures include UCDC Sections 152.750-152.753.

**4. Minutes from August 22, 2019 Hearing**

**5. Adjournment**

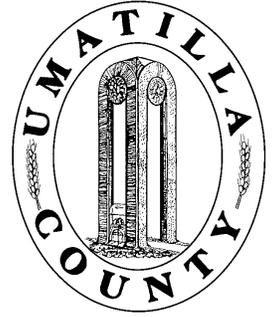
**UMATILLA COUNTY  
PLANNING COMMISSION HEARING – OCTOBER 24, 2019  
LAND USE DECISION, ACCESSORY FARM DWELLING, REQUEST #LUD-256--19  
ANDREW & KELSEY HENDRICKS, APPLICANT & OWNER  
PACKET CONTENT LIST**

1. Staff Memo to Planning Commission	Pages 1-2
2. Notice Map	Page 3
3. Preliminary Findings and Conclusions	Pages 4-12
4. Attachments	
a. Zoning Permit (ZP-18-253)	Pages 13-16
b. Replacement Dwelling Verification	Page 17
c. Covenant Not to Sue	Pages 18-19
d. Email Correspondence	Pages 20-21
e. Hendricks Land Use Decision Request Aug. 14, 2019	Page 22
f. Hendricks Land Use Decision Request Aug. 28, 2019	Pages 23-24
g. UCDC Section 152.059 (K) (5) (c)	Page 25
h. Public Comment from Douglas & Vicki Roff, Property Owners	Page 26

# Umatilla County

Department of Land Use Planning

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DIRECTOR  
ROBERT  
WALDHER

MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Planning Commission  
**FROM:** Elizabeth Ridley, Planner II / GIS  
**DATE:** October 24, 2019

CODE  
ENFORCEMENT

**RE:** October 24, 2019 Planning Commission Hearing  
Accessory Farm Dwelling Land Use Decision #LUD-256-19  
Map #6N 35 20, Tax Lot #1600

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

***Request***

The applicants, Andrew & Kelsey Hendricks, request approval of an Accessory Farm Dwelling on Tax Lot 1600. Approval of this Land Use Decision results in two (2) dwellings on the property, one (1) Primary Farm Dwelling and one (1) Accessory Farm Dwelling.

GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

***Criteria***

The applicants, Andrew & Kelsey Hendricks, request approval of an Accessory Farm Dwelling as allowed in the Exclusive Farm Use (EFU) zone, pursuant to Umatilla County Development Code (UCDC) Section 152.059 (K) (5), Accessory Farm Dwelling. Accessory Farm dwellings may be approved based on facts in the record, can Find and conclude all of the following:

- The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling;
- On land identified as high value farmland and the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, in at least three out of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract
- There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling; and
- An accessory farm dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a non-farm dwelling.

***Background Information***

In 2018, the Hendricks were issued a Zoning Permit #ZP-18-253 (Attachment 4a, Pages 12-15) for replacement of a manufactured home. The applicants also filed for a Replacement Dwelling Verification (Attachment 4b, Page 16) and recorded a Covenant Not to Sue (Attachment 4c, Pages 17-18). To complete this process, the applicants had one (1) to remove the dwelling and record Replacement Dwelling Covenant. The

**Memo – Hendricks LUD-256-19**  
**Planning Commission Hearing – October 24, 2019**

Replacement Covenant would verify and satisfy the requirement to remove the manufactured home (that was replaced) within one (1) year from occupying the new dwelling approved under #ZP-18-253.

On July 31, 2019 and prior to removing the manufactured home and recording the Replacement Dwelling Covenant, the applicants submitted a Land Use Decision for approval an Accessory Farm Dwelling. The request provided the 1994 Manufacture Home will now be converted to the Accessory Farm Dwelling.

In addition, the applicants submitted there are no other dwellings on lands designated for Exclusive Farm Use (EFU) owned by the farm operator that are vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling. Our records show the applicants own a dwelling on EFU property at 52649 HWY 323 Milton-Freewater, OR 97862. The applicant states this dwelling is used as a rental.

***Location***

The property is located along the east side of Edwards Road (County Road No. 836) at 85091 Edwards Road, Milton-Freewater, OR 97862, approximately 4.5 miles northwest of the City of Milton-Freewater (see vicinity map, page 2).

***Notice***

Notice of the applicant’s request was mailed on October 1, 2019 to the owners of properties located within 750-feet of the perimeter Tax Lot 1600. Notice was also published in the *East Oregonian* on October 12, 2019 notifying the public of the applicants request before the Planning Commission on October 24, 2019.

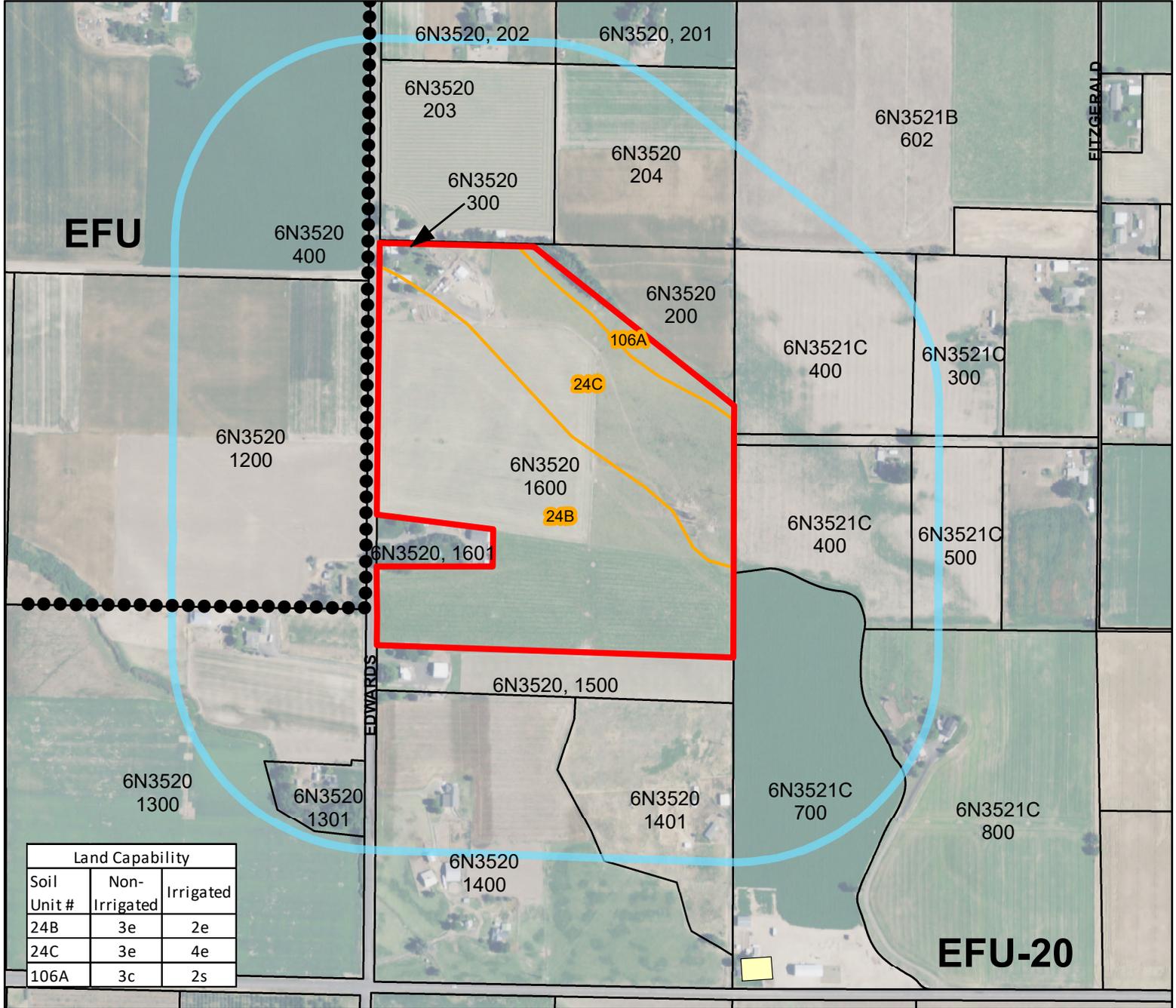
***Conclusion***

Staff questions whether or not the applicants’ rental dwelling, located on EFU zoned land, disqualifies them from approval of the Accessory Farm Dwelling. Therefore, the decision has been forwarded to the County Planning Commission for their decision.

**APPLICANT: ANDREW G & KELSEY M HENDRICKS**  
**OWNER: SAME AS ABOVE**  
**APPLICATION FOR: ACCESSORY FARM DWELLING**  
**MAP: 6N 35 20, TAX LOT: 1600**



Notified Landowners within 750 feet of Subject Parcel



MAP	TAX	OWNER
6N3520	200	LONAI DANNY D & KATHLEEN S
6N3520	201	GRIFFITH KEVIN & SARAH
6N3520	202	LONAI DANNY D & KATHLEEN S
6N3520	203	CHILDERS TERRY R JR & LAURIE A
6N3520	204	LONAI DANNY D & KATHLEEN S
6N3520	300	CHILDERS TERRY R JR & LAURIE A
6N3520	400	LEE PATRICIA PORTER (TRUSTEE)
6N3520	1200	ARNETT ALICIA & ZERBA ALLYSON
6N3520	1300	MATHWICH JOHN I & JANET
6N3520	1301	MILLER JONATHAN D
6N3520	1400	SKRAMSTAD SCOTT L & KELLY A

MAP	TAX	OWNER
6N3520	1401	DOEPKER ROBERT K & KIMBERLE A
6N3520	1500	BOLLING DOUGLAS J
<b>6N3520</b>	<b>1600</b>	<b>HENDRICKS ANDREW GAGE &amp; KELSEY M</b>
6N3520	1601	ELLIS MATTHEW & KIMBERLI
6N3521B	602	BADE TIMOTHY P
6N3521C	300	PHILLIPS EDITH M
6N3521C	400	ALEXANDER JAMES H & THERESA A
6N3521C	500	ALEXANDER JAMES H & THERESA A
6N3521C	700	HENDRICKS ANDREW G & KELSEY
6N3521C	800	ROFF DOUGLAS F & VICKIE D

- Zone\_Boundary
- Rental Dwelling
- Property Boundary
- Soil Classification
- Subject Parcel
- 750 ft. Notice Boundary

Feet  
 0 125 250 500

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by E. Ridley, Umatilla County Planning Department, Date: 10/16/2019

**UMATILLA COUNTY PLANNING COMMISSION  
PRELIMINARY FINDINGS AND CONCLUSIONS  
HENDRICKS LAND USE DECISION REQUEST, #LUD-256-19  
MAP #6N 35 20, TAX LOT #1600, Account #129431**

1. APPLICANT: Andrew Gage & Kelsey Marie Hendricks, 85091 Edwards Road, Milton-Freewater, OR, 97862
2. OWNER: Same as above.
3. REQUEST: The applicant is requesting approval to convert the existing Primary Farm Dwelling to an Accessory Farm Dwelling on Tax Lot 1600. The property owners are replacing the existing manufactured home (proposed accessory farm dwelling) with a new stick built home (proposed primary farm dwelling).
4. LOCATION: The property is located along the east side of Edwards Road (County Road No. 836) approximately 4.5 miles northwest of the City of Milton-Freewater.
5. SITUS: 85091 Edwards Road, Milton-Freewater, OR 97862
6. ACREAGE: Tax Lot 1600= 38.10 (assessed) acres
7. COMP PLAN: Special Agricultural
8. ZONING: Exclusive Farm Use (EFU)
9. ACCESS: The applicant states that an access permit from County Road Edwards Road exists. No documentation has not been submitted to verify this approach permit.
10. ROAD TYPE: Edwards Road is a two-lane paved County Road (No. 863).
11. EASEMENTS: A 70' BPA Easement borders the east property line.
12. LAND USE: The property is zoned for farm use. The applicant grows wheat and corn on their farm ground/pasture.
13. ADJACENT USE: Parcels surrounding the subject property are also zoned for farm use. Those parcels with irrigation water grow various irrigated crops.
14. LAND FORM: Columbia River Plateau
15. SOIL TYPES: The subject property contains predominately High Value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II or classified Class II when irrigated.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
24B: Ellisforde silt loam, 1 to 7 percent slopes	IIIe	Ile
24C: Ellisforde silt loam, 7 to 20 percent slopes	IIIe	IVe
106A: Umapine silt loam, reclaimed, 0 to 3 percent slopes	IIIc	IIs
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water (Survey, page. 172).</i>		

16. BUILDINGS: There is the one existing farm dwelling on the property and other general purpose structure for farm use.
17. UTILITIES: PPL Corporation service the area.
18. WATER/SEWER: There are domestic wells and septic systems on the property serving the existing dwellings.
19. RURAL FIRE DISTRICT: The property is served by the Milton-Freewater Fire District. The property owners subscribe to this service.
20. IRRIGATION: The property is located within the Hudson Bay District. According to the information in the application there are irrigation water rights on the parcel, although no permit number was provided.
21. FLOODPLAIN: The property is not in a designed Flood Hazard Area.
22. NOTICE DATE: October 1, 2019
23. COMMENT DUE DATE: October 24, 2019
24. NOTIFIED AGENCIES: Department of Land Conservation and Development, Umatilla County Environmental Health, State Water Resources, Oregon Department of Transportation, County Assessor, County Public Works, Hudson Bay Irrigation District, Milton-Freewater Fire District, PPL Corporation, 1000 Friends of Oregon
25. COMMENTS RECEIVED: None to date.
- 26. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR LAND USE DECISIONS, Section 152.059 (K) (5), *Accessory Farm Dwellings*, contains the criteria of approval to establish an accessory farm dwelling on property that has an existing farm dwelling and agricultural practices. Also applicable is OAR 660-033-0130 (24) (c) and is applied directly.** The standards of approval are underlined and the responses are in standard text.

§ 152.059 LAND USE DECISIONS. In an EFU zone the following uses may be permitted through a land use decision via administrative review (§152.769) and subject to the applicable

criteria found in §152.059 and OAR 660-033-0130 (24). Once approval is obtained a zoning permit (§152.025) is necessary to finalize the decision.

### (K) DWELLINGS

The following permanent, single family dwellings may be authorized in an EFU zone. The dwellings may be conventional “stick built,” modular homes, manufactured homes or mobile homes meeting the definition of a dwelling and the standards in § 152.013(B) (5). All farm dwelling applications are subject to review and comment by the Department of Land Conservation and Development.

Permits for dwellings approved under this section are valid for four years. A permit approval extension for an additional two years may be obtained prior to the expiration of the four year approval date.

#### (5) Accessory Farm Dwelling.

The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

#### Information/Evidence

The applicant typically has four employees; two (2) full time and two (2) part time. One (1) of these employees will reside in the accessory farm dwelling. The employee that originally planned to live in the proposed access farm dwelling, quit for another job that offer housing. The farm workers’ main responsibility will be changing hand irrigation line, moving wheel lines for irrigation, driving truck, putting out bees, building fence and helping with cattle operations. Tractor work includes cutting and raking hay, plowing, planting alfalfa, planting corn and any other crops in a given year, mowing pasture, stacking bales and loading out semi-trucks with bales.

#### Findings and Conclusions

State Administrative Rules allow several types of farm related dwellings. The State Rules for dwellings on Exclusive Farm Use land are locally implemented by County Ordinance and include the opportunity for a dwelling for assistance (accessory farm dwelling)<sup>1</sup> in the management of the farm use occurring on the farm. The County must evaluate to what extent the occupant of the proposed dwelling will be engaged in the farm use of the property and may then allow the dwelling only if the occupant will be “principally engaged” in the farm use. Farm use is specifically described as “planting, harvesting, marketing or caring for livestock,” and that “is or will be required by the farm operator.” The information shared with staff is that the farm worker will work full time for the farming operation and will be principally engaged in the farm use of the farm. The application for an accessory farm dwelling (farm hand) is based on the need for someone to live on the property who is principally engaged in planting, harvesting, marketing, and/or caring for livestock.

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<sup>1</sup> OAR 660-033-0130 (24) and UCDC 152.059 (K) (5)

Based on the applicant's information staff finds that the occupant of the accessory farm dwelling will be principally engaged in the farming operation.

(a) The accessory farm dwelling will be located:

(i) On the same lot or parcel as the primary farm dwelling; or

(ii) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(iii) On a lot of parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the Records Office and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules; or

(iv) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(v) On a lot of parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot sized under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135 (3); and

**Information/Evidence**

The applicant's map confirms that the accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling. The dwelling currently located on Tax Lot 1600 is considered the primary farm dwelling; this request would justify an additional farm (accessory) dwelling. The applicant requests that the new replacement dwelling to be considered the primary farm dwelling and the dwelling the was replaced remain on the property and become the accessory farm dwelling.

**Findings and Conclusions**

Both dwellings would be located on the same parcel as described in (a) (i). Both dwellings would meet the income test for either a primary farm dwelling or an accessory farm dwelling (see primary farm dwelling income test below). The criterion is satisfied.

(b) In addition to the requirements above in (a) of this section, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(i) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as

defined in Section 152.003, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, in at least three out of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. See Primary Farm dwelling Income Test (K) (2) (b) below.

(c) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling; and

**Information/Evidence**

In order to approve the request, Planning must find the farm operator does not own another dwelling on lands designated for Exclusive Farm Use that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling, as defined in § 152.059 (K) (5) (c).

The applicant states their additional property on land zoned EFU is owned personally and not by the farm. The applicant files a Schedule E on their taxes to have a separation between farm use and personal use. This land is rented by the farm and the house rent is used to pay the mortgage on the property.

Therefore, with an additional property with a dwelling, located at 52649 Highway 332, Milton-Freewater, zoned EFU, the questions becomes, does the applicant's second dwelling on EFU zoned land disqualify the applicant from meeting the standard as follows, "the farm operator does not own another dwelling on lands designated for exclusive farm that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling."

**Findings and Conclusions**

Planning finds the property at 52649 Highway 332 will or will not disqualify the applicant from being approved from an Accessory Dwelling on the property at Map 6N 35 20, Tax Lot 1600.

(d) An accessory farm dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a non-farm dwelling.

**Findings and Conclusions**

Accessory farm dwellings are not allowed to be converted to non-farm dwellings. Therefore, a County's approval of an Accessory Farm Dwelling must include a condition of approval restricting future approval to convert the accessory farm dwelling to a non-farm dwelling status.

A subsequent condition of approval to prohibit the conversion of an accessory farm dwelling to a non-farm dwelling satisfies the criterion.

(e) Sign and record a Covenant Not to Sue as provided in § 152.059 (K)(11).

**Section 152.059(K), (11) Covenant Not to Sue:**

All dwellings approved within the EFU zone require the landowners to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

**Information/Evidence**

The applicant has indicated willingness to sign a Covenant Not to Sue as documented in the applicant's Land Use Request Application.

**Findings and Conclusions**

A precedent condition requiring the land owner to sign and record the Covenant Not to Sue document satisfies the criterion.

(K) (2) (b) Primary Farm Dwelling – Income Test.

(v) Only gross income from land owned, not leased or rented, shall be counted; and

(vi) Gross farm income earned from a lot or parcel, which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(vii) For a non-high value farmland income test, noncontiguous lots or parcels zoned for farm use in Umatilla County or contiguous counties may be used to meet the gross income requirements. When a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

(viii) Prior to the final approval for a dwelling authorized by this division that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

1. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
2. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

(ix) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Umatilla County or counties, where the property subject to the covenants, conditions and restrictions is located.

(x) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located;

(xi) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

(xii) The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

**Applicant Information/Evidence**

The applicant's parcel is considered high-value. The applicant submitted documentation verifying that the \$80,000 income requirement for 2017 and 2018 is satisfied.

**Findings and Conclusions**

Soil mapping demonstrates that the Land Capability Class of the soils on the applicant's tract consists of a majority of Class II soils; and the applicant has demonstrated compliance with the \$80,000 income requirement meeting a gross farm income of \$80,000 for the last two years.

Income from one or more lots or parcels of the farm operation used to comply with the gross farm income requirements shall require the applicant to record a covenant, in the office of County Records. Therefore, a condition of approval is imposed to record a covenant for the parcel used to meet the income requirement and shall preclude the use of the farm income earned from the parcel to qualify another lot or parcel for a primary farm dwelling.

OAR 660-033-0130 (24)(c) The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of OAR 660-033-0135, a parcel may be created consistent with the minimum parcel size requirements in 660-033-0100.

The county shall not approve any proposed division of a parcel that is approved for an accessory farm dwelling. The County's approval for the Hendricks accessory farm dwelling shall include a condition of approval restricting future land divisions of the parcel approved for the Hendricks accessory farm dwelling.

**Findings and Conclusions**

The Planning Department finds that the parcel approved for the Hendricks Accessory Farm Dwelling shall be restricted from future land divisions. The subsequent condition of approval prohibiting future land division of the parcel approved for the Hendricks Accessory Farm Dwelling satisfies the criterion.

## **CONCLUSION**

Approval of a land use request requires the applicant to meet each and every standard. Due to the doubt about the applicant meeting all the standards below, the applicant's request has been directed for decision to the County Planning Commission. The decision made by the Planning Commission will be final unless timely appealed to the County Board of Commissioners.

### Standards:

- On the same lot or parcel as the primary farm dwelling
- On land identified as high value farmland as defined in § 152.003, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in § 152.003, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract
- There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling
- An accessory farm dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a non-farm dwelling
- Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11)

### **Options for Planning Commission Motions:**

#### **A. Motion to Recommend Denial based on Evidence in the Record**

I, Commissioner \_\_\_\_\_, make a motion to deny the Hendricks Land Use Decision, #LUD-256-19, based on that all of adopted land use criteria are not met, based on the facts supplied by the applicant and placed in the record.

#### **B. Motion to Recommend Approval with Additional Findings**

I, Commissioner \_\_\_\_\_, make a motion to approve the Hendricks Land Use Decision, #LUD-256-19, based on the following additional Findings of Fact:

\_\_\_\_\_.

And the following Conditions of Approval:

### **Precedent Conditions:**

1. Sign and record a Covenant Not to Sue document.
2. Sign and record a Covenant prior to the final approval for the Accessory Dwelling for the noncontiguous farm operation parcel used to comply with the gross farm income requirement. The applicant shall provide evidence that the covenant, conditions and restrictions form has been recorded in Umatilla County where the property, subject to the

covenants, conditions and restrictions, is located.

3. Verify/obtain an access approach permit from the Umatilla County Public Works Department from Edwards Road (County Road No. 863).
4. Pay public notice fee charges of \$26 to the Umatilla County Planning Department

**Subsequent Conditions:**

5. Obtain a County Zoning Permit for the construction of a single-family dwelling and obtain all applicable state permits. (Land use approval for the Hendricks Accessory Farm Dwelling is valid for four years from the date of the signed Final Findings. An approval extension for an additional two years may be obtained prior to the expiration of the four year approval date.)
6. The Accessory Farm Dwelling shall not be used in the future to justify requirements for conversion to a non-farm dwelling.
7. The parcel approved for the Accessory Farm Dwelling shall not be approved for any future land division unless the accessory farm dwelling meets the requirements in OAR 660-033-0135 and the parcel meets minimum parcel size requirements as provided in 660-033-0100.

UMATILLA COUNTY PLANNING COMMISSION

Dated \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
*Suni Danforth, Planning Commission Chair*

Mailed \_\_\_\_\_ day of \_\_\_\_\_, 2019



UMATILLA COUNTY ZONING PERMIT

DEPARTMENT OF LAND USE PLANNING
216 SE 4TH ST, Pendleton, OR 97801
Phone: 541-278-6252 • Fax 541-278-5480

For information visit- www.umatillacounty.net/planning

Table with permit details: Permit No. ZP - 18 - 253. Includes fees for Zoning Permit (\$100), Code Violation (\$100), Design Review (\$350), Floodplain Dev. (\$250), Replace Dwelling (\$75), Rural Address (\$35), and Towers (\$200).

Home or Cell (541) 310-1843

APPLICANT'S NAME Andrew and Kelsey Hendricks PHONE Work ( )

MAILING ADDRESS 85091 Edwards Rd Milton Freewater OR 97862

PROPERTY OWNER(S) Andrew and Kelsey Hendricks PHONE (541) 310-1843

MAILING ADDRESS 85091 Edwards Rd Milton Freewater OR 97862

TWP 6N RNG 36 SEC 20 ACCT # 129431 Map # 6N3520:1600 Tax Lot 1600

LAND USE ZONE EFU SQ FT / ACRES 38.10 SITE ADDRESS 85091 Edwards Rd

REQUIRED SETBACKS (Stream Setback 100 ft) FRONT 30 ft. SIDE 20 ft. and 20 ft. REAR 20 ft.

Is the property in a FLOODPLAIN? [X] No [ ] Yes, FLOOD ZONE Is a Flood Development Permit required? [X] No [ ] Yes

If the permit is for an accessory building located within the EFU/GF Zones, how will it be used? [ ] Personal Use, or [ ] Farm Use

ACCESS PERMIT: Has an access permit been issued from the County or ODOT? [ ] No [ ] Yes [ ] In Process [X] Not Applicable

MANUFACTURED HOME (placement/removal) - Has the County Assessor's Office issued applicable permits? [ ] No [ ] Yes [X] Not Applicable

PROPOSED USE(S): Replacement Dwelling - 2 story stick built YEAR - SIZE 2728 SF
Briefly describe the use Replaces 1994 Manuf. Home YEAR - SIZE

These conditions apply to various uses authorized via a zoning permit. Planning Staff will check those that apply, if any.

- [ ] Manufactured Home Placement, pursuant to UCDC 152.013 the mobile home unit shall be manufactured after January 1, 1972, and bear the "Insignia of Compliance" if prior to 1976.
[X] Replacement of a dwelling in a resource zone. The dwelling to be replaced MUST be removed, demolished or converted to an approved nonresidential use within one year of the date of certification of occupancy of the new dwelling. A Replacement Covenant and the Covenant Not to Sue must be recorded.
[ ] Met Towers, Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.
[ ] Temporary Mobile Home/Temporary Hardship Dwelling. The home MUST be removed, demolished or converted within 90 days from the date the hardship ends. Contact County Planning as soon as the hardship ends.

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. The applicant must notify the Planning Department if there are ANY changes in the details of this Zoning Permit. This Zoning Permit may be REVOKED if the information provided is found to be false.

\* SIGNATURE OF ALL PROPERTY OWNERS REQUIRED (additional signature pages are available upon request)

Signatures and dates of property owners: Andrew G. Hendricks (10/15/18) and Kelsey M. Hendricks (10/15/18)

DATE APPROVED 10/15/18 APPROVED BY Robert T. Wild PERMIT NO. ZP-18-253

RELATED: LUD, CUP and/or VARIANCE NO.

EXTENDED or AMENDED, DATE APPROVED: APPROVED BY:

VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED. This is NOT a Building or Subsurface Disposal Permit. Revision Date: July 1, 2016

# Site Plan for ZP - 18 - 253

County Assessor's Office Approval Stamp  
for a Manufactured Home (if applicable)

APPROVED BY Robert T. Walden

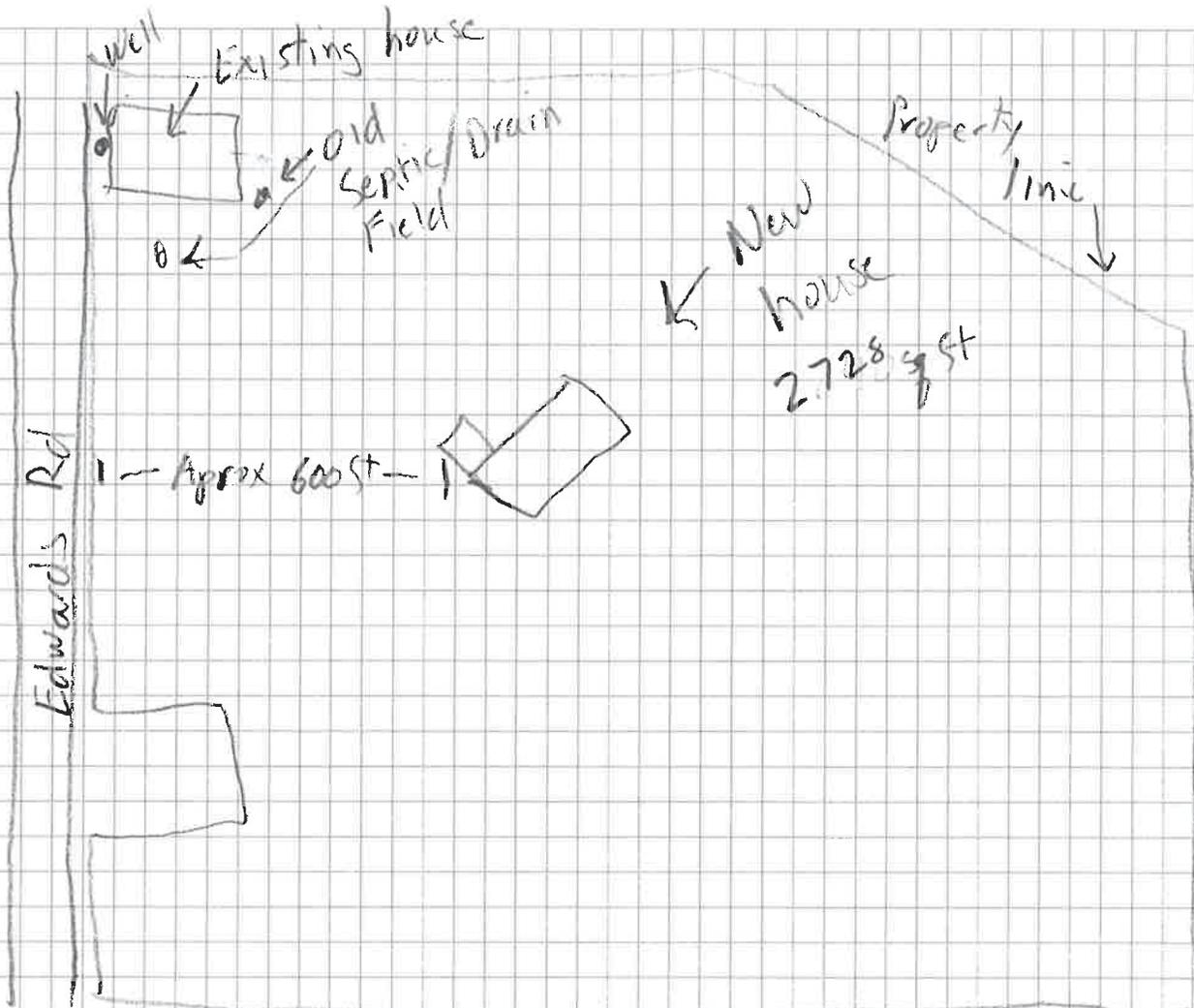
DATE 10/15/18

Include the following features in the Site Plan:

- Site area showing **property boundaries** and dimensions
- **Proposed and existing structures** with dimensions and the distance from all property lines
- Location of existing **wells** and existing **septic systems** (i.e. tanks, drain fields)
- Widths and names of **roads** adjacent to the site which provide direct access to the property.
- Existing **access points** (driveways, lanes, etc.)
- **Easements** and rights-of-ways
- Existing **utility lines** (above and below ground)
- Approximate location of any unusual **topographical** features.
- Location of all **creeks, streams, ponds, springs** and other drainage ways



North Arrow indicates  
map orientation.





# Structural Permit Application

Department of Consumer and Business Services  
 Building Codes Division • Pendleton Field Office  
 800 S.E. Emigrant Ave., #360, Pendleton, OR 97801  
 800-452-8156 or 541-276-7814 • Fax: 541-276-9244  
 Web: bcd.oregon.gov

DEPARTMENT USE ONLY	
Permit no.:	
This project has final land-use approval:	DEQ approved:
Signature: <i>Robert Walden</i>	Signature:

**This permit is issued under OAR 918-460-0030. Permits expire if work is not started within 180 days of issuance or if work is suspended for 180 days.**

Flood plain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
CATEGORY OF CONSTRUCTION	
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial
<input type="checkbox"/> Detached accessory structure building	<input type="checkbox"/> Accessory
<input checked="" type="checkbox"/> Manufactured dwelling	<input type="checkbox"/> Industrial
<input type="checkbox"/> Single-family dwelling	<input type="checkbox"/> Mixed use
<input type="checkbox"/> Two-family dwelling	<input type="checkbox"/> Multi-family
<input type="checkbox"/> Townhouses	<input type="checkbox"/> Other
<input type="checkbox"/> Other	
TYPE OF CONSTRUCTION	
<input type="checkbox"/> Addition	<input type="checkbox"/> Alteration
<input type="checkbox"/> Move	<input type="checkbox"/> New
<input type="checkbox"/> Repair	<input checked="" type="checkbox"/> Replacement
<input type="checkbox"/> Other	<input type="checkbox"/> Tenant improvement
APPLICANT INFORMATION	
Name: <i>Andrew &amp; Kelsey Hendricks</i>	
Mailing address: <i>85091 Edwards Rd</i>	
City/state/ZIP: <i>Milton Freewater, OR 97862</i>	
Phone: <i>509-520-0953</i>	Mobile phone: <i>(541) 310-1843</i>
Email: <i>kelsey-marie18@hotmail.com</i>	
JOB SITE INFORMATION AND LOCATION	
Job site address: <i>85091 Edwards Rd</i>	
City/state/ZIP: <i>Milton Freewater, OR 97862</i>	
Project name: <i>New house</i>	
Directions to job site:	
Parcel no.:	
PROPERTY OWNER INSTALLATION	
Name:	
Mailing address:	
City/state/ZIP:	
Phone:	Mobile phone:
Email:	
This installation is being made on residential or farm property owned by me or a member of my immediate family.	
<b>Sign here:</b>	
CONTRACTOR INSTALLATION	
Business name:	
Address:	
City/state/ZIP:	
Phone:	Mobile phone:
Fax:	Email:
CCB license no.:	
Signature:	

LOCAL GOVERNMENT APPROVAL	
Zoning approval verified? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
VALUATION INFORMATION	
Job description:	
Declared job value: \$ _____	
Occupancy type:	
Occupancy load:	
Number of housing units:	
Number of buildings:	
Publicly owned: <input type="checkbox"/> Yes <input type="checkbox"/> No	
New building square footage:	
Existing building square footage:	
Number of stories:	
Building height: _____ feet _____ inches	
Existing fire sprinklers: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Fire sprinklers included in project: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Existing fire alarm system: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Fire alarms included in project: <input type="checkbox"/> Yes <input type="checkbox"/> No	



440-2546-PNDTN (5/15/COM)



# Umatilla County Public Health Environmental Health Division



## Land Use Compatibility Statement

This form must be completed by the Umatilla County Planning Department to ensure the proposed activity is consistent with zoning and land use regulations. Please submit completed form to Umatilla County Environmental Health.

### Section 1: To be completed by the applicant:

Applicant Name: Andrew and Kelsey Hendricks Telephone: 509-520-0953  
Mailing Address: 95091 Edwards Rd Email: \_\_\_\_\_  
City: Milton-Freewater State: OR Zip Code: 97862

### Property Information:

Property Owner: Same as above Physical Address: \_\_\_\_\_  
Township: 6N Range: 35 Section: 20 Tax Lot No: 11000 Account #: 129431  
Map: 6N3520; 11000 Directions to property: \_\_\_\_\_

Describe the proposed use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Section 2: To be completed by the Umatilla County Planning Official

Approval being requested (check all that apply):  New construction  Repair  Alteration  
 Replacement dwelling  Bedroom addition  Land use changes involving potential sewage flow increases  
 Single Family Dwelling  Accessory Structure  Other \_\_\_\_\_

Property Zoning: EFU Location is:  Inside UGB  Outside UGB

Subject to:  County Jurisdiction  Shared City/County Jurisdiction  City Jurisdiction  
 Permit Not Required  PROPERTY IN FLOODPLAIN  
 Permit Required  Zoning Permit  Design Review  Conditional Use  Land Use Decision  
 Permit(s) Issued: ZP-18-253

Print Name: Robert T Waldher Title: Director

Planning Official Signature: Robert T Waldher

Signature date: 10/15/18 Telephone: 541-278-6251

THIS DOCUMENT IS VALID FOR ONE (1) YEAR FROM THE DATE SIGNED

Umatilla County Environmental Health  
200 SE 3<sup>rd</sup> Street  
Pendleton, OR 97801  
Ph: (541)278-6394  
Fax: (541)278-5433  
health@umatillacounty.net

Umatilla County Planning Department  
214 SE 4<sup>th</sup> Street  
Pendleton, OR 97801  
Phone: (541)278-6252  
Fax: (541) 278-5480  
planning@umatillacounty.net

## Replacement Dwelling Verification

Provide details about the existing dwelling. The purpose of this application is to provide a method for replacing a lawfully established single-family dwelling (either stick built or manufactured home) in an EFU or GF Zone.

1. How and when was the existing dwelling legally established? **Provide documentation.** If the dwelling is extremely old and no land use permits were issued then paperwork from the County Assessor can be submitted to show that the home was placed prior to land use planning regulations (prior to 1972).

1994 Manuf. Home - Permit 2P-95-119

2. Describe the condition of the existing dwelling. The features described are still required even if the dwelling has been vacant for several years and possibly unlivable. The applicant may be required to provide proof of these features by providing photos of the required improvements along with assessment records as described below.

- Has intact exterior walls and roof structures;
- Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- Has interior wiring for interior lights;
- Has a heating system; and

*Please Note:* If the dwelling had all of these features, but has already been destroyed or removed from the parcel then it may be possible to replace the dwelling under **UCDC 152.617 (II) (8)**.

3. **The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.**

- Assessed as dwelling, as prescribed. **Attach assessment records that show the home proposed for replacement has been assessed as a dwelling for the previous five tax years.**

4. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy of the new dwelling.

\_\_\_\_\_ date Replacement  
Covenant is recorded

The property owner(s) shall sign and record in the County Records Department a covenant (attached) certifying that the replaced dwelling was removed, demolished or converted to an allowable nonresidential use.

5. A Covenant Not to Sue (attached) with regard to normal farming practices shall be recorded.

10/15/18 date Covenant Not to Sue  
is recorded

201/2  
**ATTACHMENT C**

Umatilla County  
Received:10/15/2018



**COVENANT NOT TO SUE**

In the consideration of the issuance of the following described development permit by Umatilla County, Replacement Dwelling Permit, # ZP-18-253, issued on property owned by, Andrew and Kelsey Hendricks, the undersigned owner of the property described in Exhibit "A" attached to the document, the undersigned owners, their successors, heirs and assigns do hereby covenant and agree to forever refrain from instituting or prosecuting any action against the owners, operators, and contractors of property zoned for farm use, their successors, heirs, and assigns, for or on account of any and all losses, injuries, damages or claims arising out of the conduct of any generally accepted farming practices on such property, which have interfered or may interfere with the use and enjoyment of the property described in Exhibit A. Nothing herein contained shall be construed as an admission or any legal liability, and it is expressly understood that this is a compromise of all claims, past, present or future, against the parties to this covenant and all those in interest with them. As provided by ORS 30.938, in any action or claim for relief alleging nuisance or trespass, and arising from a practice that is alleged by either party to be a farming or forest practice, the prevailing party shall be entitled to judgment for reasonable attorney fees and costs incurred at trial and on appeal.

State of Oregon  
County of Umatilla



Instrument received and recorded on  
10/15/2018 1:07:21 PM

in the record of instrument  
code type DE-CCR

Instrument number 2018-6780018  
Fee \$101.00

Office of County Records  
*Steve Churchill*  
Records Officer  
1087939 P2

It is also agreed that if this covenant is breached and action is instituted against its successors, heirs, and assigns, that this covenant may be pleaded as a defense.

DATED this 15 day of October, 2018.

Owner: Andrew Hendricks Owner: Kelsey Hendricks

State of Oregon )  
County of Umatilla )

ON the 15 day of October, 2018 personally appeared before me the above named, Andrew Hendricks & Kelsey Hendricks, acknowledged the foregoing to be their voluntary act and deed.



*[Signature]*  
Notary Public for Oregon

My Commission Expires: July 29, 22

**EXHIBIT "A"**

Beginning at a point 45 rods West and 12 feet South of Northeast corner of Southeast Quarter of Section 20, Township 6 North, Range 35; thence West 35 rods, more or less, to West line of East Half of Southeast Quarter of said Section 20; thence South 89 rods, 4.5 feet; thence Southeasterly 81 rods, more or less, to a point on East line of said Section 20, 91 rods South of Northeast corner of Southeast Quarter; thence North 56 rods; thence Northwesterly about 57 rods, more or less, in a straight line to the place of beginning;

EXCEPTING THEREFROM, beginning at a point on West line of East Half of Southeast Quarter of said Section 20, which point is 1167 feet South, measured along West line from Northwest corner of Northeast Quarter of Southeast Quarter of Section 20; thence North along said West line 165 feet; thence East 184 feet; thence South, parallel to aforesaid West line 146 feet; thence Southwesterly in a straight line 184.96 feet to the point of beginning;

Also Excepting therefrom that portion conveyed in Deed's Recorded October 4, 2007, Instrument No. 2007-5260482 and Instrument No. 2007-5260483, Umatilla County Microfilm Records.

EXCEPTING that portion lying in County Road on the West side;

All being East of the Willamette Meridian, Umatilla County, Oregon.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Serial No. 129431

6N 35 20 1600 7-14



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## Information Request - Accessory Farm Dwelling #LUD-256-19

4 messages

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**Elizabeth Ridley** <elizabeth.ridley@umatillacounty.net>  
To: hendricksfarm@gmail.com

Wed, Aug 14, 2019 at 10:01 AM

Andrew and Kelsey,

Please see the attached letter for the current status of your application for the Accessory Farm Dwelling at Map 6N 35 20, Tax Lot 1600.

If you have any questions, please let me know.

Elizabeth

--

**Elizabeth Ridley, Planner II / GIS**  
Umatilla County Department of Land Use Planning  
Tel: 541-278-6246 | Fax: 541-278-5480  
216 SE 4th Street | Pendleton, OR 97801  
<http://www.umatillacounty.net/planning>



**Hendricks LUD-256-19 Information Request Letter.pdf**  
228K

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**Kelsey Hendricks** <kelsey\_marie18@hotmail.com>  
To: "elizabeth.ridley@Umatillacounty.net" <elizabeth.ridley@umatillacounty.net>

Thu, Aug 22, 2019 at 6:50 AM

In response to the letter

1.) The farm's employees main responsibilities are changing hand irrigation line, moving wheel lines for irrigation, driving tractor, driving truck, putting out bees, building fence and helping with cattle operations. Tractor work includes cutting hay, raking hay, disc, plowing, planting alfalfa, planting corn, planting any other crops on a given year, mowing pasture, stacking bales and loading out semi-trucks with bales.

2.) The employee that was going to live in the house quit last Monday, he found a job in Hood River that did provide a house for his family to live in. So we are currently looking for a new full time employee and if we had the house to offer as a employee benefit we believe it might help with the turn around of employees.

3.) The property that is located at [52649 HWY 332 Milton Freewater, OR 97862](#) is owned personally by Andrew and Kelsey and not by the farm. We file a Schedule E on our taxes to so seperation. The land that is associated with the property is rented by the farm. The house is rented out and the rent income is needed to pay the mortgage that is on the property.

4.) Andrew and Kelsey own land on east side road outside of Milton Freewater, but the county will not allow for a house to be built on it.

Andrew Gage Hendricks

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**From:** Gage Hendricks <[hendricksfarm@gmail.com](mailto:hendricksfarm@gmail.com)>  
**Sent:** Wednesday, August 14, 2019 10:09 AM  
**To:** [kelsey\\_marie18@hotmail.com](mailto:kelsey_marie18@hotmail.com) <[kelsey\\_marie18@hotmail.com](mailto:kelsey_marie18@hotmail.com)>  
**Subject:** Fwd: Information Request - Accessory Farm Dwelling #LUD-256-19

[Quoted text hidden]

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**Elizabeth Ridley** <[elizabeth.ridley@umatillacounty.net](mailto:elizabeth.ridley@umatillacounty.net)> Thu, Aug 22, 2019 at 8:12 AM  
To: Robert Waldher <[robert.waldher@umatillacounty.net](mailto:robert.waldher@umatillacounty.net)>, Carol Johnson <[carol.johnson@umatillacounty.net](mailto:carol.johnson@umatillacounty.net)>

In case you two are interested.

[Quoted text hidden]

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**Elizabeth Ridley** <[elizabeth.ridley@umatillacounty.net](mailto:elizabeth.ridley@umatillacounty.net)> Wed, Aug 28, 2019 at 9:57 AM  
To: Kelsey Hendricks <[kelsey\\_marie18@hotmail.com](mailto:kelsey_marie18@hotmail.com)>  
Cc: Robert Waldher <[robert.waldher@umatillacounty.net](mailto:robert.waldher@umatillacounty.net)>, [hendricksfarm@gmail.com](mailto:hendricksfarm@gmail.com)

Andrew and Kelsey,

Please see the attached letter for the current status of your application for the Accessory Farm Dwelling at Map 6N 35 20, Tax Lot 1600.

Best regards,

Elizabeth

[Quoted text hidden]

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**2 attachments**

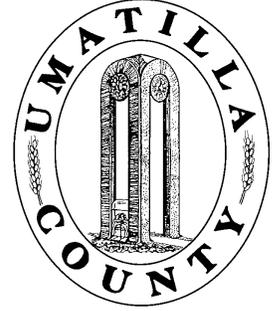
 **Hendricks LUD-256-19 Application Update.pdf**  
204K

 **UCDC 152.059 (K) (5) (c).pdf**  
76K

# Umatilla County

Department of Land Use Planning

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DIRECTOR  
ROBERT  
WALDHER

August 14, 2019

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

Andrew G & Kelsey M Hendricks  
85091 Edwards Road  
Milton-Freewater, OR 97862

CODE  
ENFORCEMENT

**Re: Hendricks Land Use Decision Request  
Information Request Letter – Application for Accessory Farm Dwelling  
Map 6N 35 20, Tax Lot 1600, Account 129431**

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

Dear Andrew and Kelsey:

RURAL  
ADDRESSING

Thank you for providing details about your plans for your property. We are seeking some additional information to assist us in our review of your application. Please provide responses to the following:

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

1. Your application states that four (4) employees (two full-time and two part-time) are currently employed in your farm operation. Please provide more details on how these persons are principally engaged in the farm use of the property. What are the day-to-day responsibilities of the individual who will occupy the accessory dwelling?
2. Please provide the name of the employee who will occupy the accessory farm dwelling.
3. Your application indicates that there are no other dwellings on lands designated for Exclusive Farm Use (EFU) owned by the farm operator that are vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling. Our records show you own an EFU property at 52649 HWY 323 Milton-Freewater, OR 97862. Is this property part of the farm operation, and who is the occupant of that dwelling?
4. Does the farm operation own any additional land? If so, please provide the addresses or the Map and Tax Lot for these properties.

In conclusion, if you have questions please feel free to contact me, at (541) 278-6246, or if it is more convenient you may e-mail me at [Elizabeth.Ridley@umatillacounty.net](mailto:Elizabeth.Ridley@umatillacounty.net).

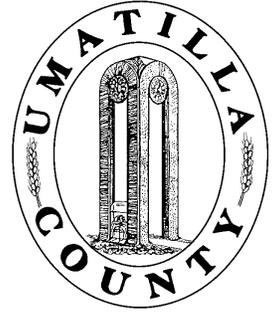
Kind Regards,

Elizabeth Ridley, Planner II / GIS

# Umatilla County

## Department of Land Use Planning

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**DIRECTOR  
ROBERT WALDHER**

August 28, 2019

**LAND USE  
PLANNING,  
ZONING AND  
PERMITTING**

Andrew G & Kelsey M Hendricks  
85091 Edwards Road  
Milton-Freewater, OR 97862

**CODE  
ENFORCEMENT**

Re: Hendricks Land Use Decision Request  
Accessory Farm Dwelling  
Map 6N 35 20, Tax Lot 160, Account 129431

**SOLID WASTE  
COMMITTEE**

**SMOKE  
MANAGEMENT**

Dear Andrew and Kelsey,

**GIS AND  
MAPPING**

Thank you again for providing additional information about your plans for your property. Much time has been spent reviewing your application and the facts in support of your application. Also, your request has resulted in much discussion with other Planners in the Department.

**RURAL  
ADDRESSING**

**LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT**

State regulations, codified in Umatilla County Development Code (UCDC) 152.059 (K) (5) (c) requires the following... "There is no other dwelling on lands designated for exclusive farm use owned by the *farm operator* that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling."

Our office has identified an additional dwelling located 52649 Highway 332 that is owned by the farm operators (Andrew and Kelsey Hendricks). The information provided to our department stated that the dwelling is a rental occupied by someone other than a person working on the subject farm or ranch. However, you also indicate that the operators file a "Schedule E" tax form to separate the rental from the farm operation, and you noted that the income from the rental is used to help pay the property mortgage.

After reviewing the standards for accessory dwellings against the additional information provided, it is not clear to planning staff whether or not this additional dwelling on land zoned exclusive farm use could reasonably be used as an accessory dwelling. Therefore, the Planning Director has deemed that circumstances warrant additional review and consideration, and the matter should be referred to the Planning

Commission.

Please contact me at [elizabeth.ridley@umatillacounty.net](mailto:elizabeth.ridley@umatillacounty.net) or 541-278-6246 if you wish to proceed with the application and send it to the Planning Commission for consideration at an upcoming hearing. Alternatively, you may choose to withdraw your application. Thank you for your attention to this matter.

Best regards,

Elizabeth Ridley  
Planner II / GIS

Enclosures: UCDC 152.059 (K) (5) (c)

CC: Robert Waldher, Planning Director

the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(ii) On land identified as high value farmland as defined in § 152.003, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in § 152.003, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

(iii) It is located on a commercial dairy farm as defined by OAR 660-033-0135 (8); and

1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

2. The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.230; and a Producer License for the sale of dairy products under ORS 621.072.

(c) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling; and

(d) An accessory farm dwelling

approved pursuant to this division cannot later be used to satisfy the requirements for a non-farm dwelling.

(e) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

*(6) Farm relative dwelling.*

(a) A dwelling on real property used for farm use, if the dwelling is located on the same lot or parcel as the dwelling of the farm operator; and occupied by a relative, which means grandparent, grandchild, parent, child, sibling, stepparent, step-grandparent, stepsibling, niece, nephew or first cousin of either the farm operator or the farm operator's spouse, whose assistance in the management of the farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(b) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

*(7) Forest Use Dwelling.*

A dwelling on a parcel or tract determined to have a predominate forest use as of January 1, 1993 and subject to criteria in the Grazing/Farm zone, § 152.084(K).

*(8) Non-farm dwelling.*



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## Land Use Decision #LUD-256-19: ANDREW & KELSEY HENDRICKS

3 messages

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**Vickie Roff** <vickie@roffrealestate.com>  
To: Elizabeth.Ridley@umatillacounty.net

Mon, Oct 14, 2019 at 2:38 PM

Good Afternoon Elizabeth,

I am writing this afternoon to find out if I have to write a letter to voice our support for this application? Owner of 6N3521C Roff, Douglas F. and Vickie D., we are in FAVOR of the Hendrick's request of the Primary Farm Dwelling be allowed to remain as Accessory Farm Dwelling. Is this email sufficient or do I need to write a letter?

Thank You for your help.

Sincerely,

Douglas and Vickie Roff

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**Elizabeth Ridley** <elizabeth.ridley@umatillacounty.net>  
To: Vickie Roff <vickie@roffrealestate.com>

Mon, Oct 14, 2019 at 3:10 PM

This email will be added to the file. Thank you!

[Quoted text hidden]

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**Elizabeth Ridley, Planner II / GIS**

Umatilla County Department of Land Use Planning

Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.net/planning>

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**Vickie Roff** <vickie@roffrealestate.com>  
To: Elizabeth Ridley <elizabeth.ridley@umatillacounty.net>

Tue, Oct 15, 2019 at 1:59 PM

Thank you for your help!

Vickie & Douglas Roff

**PLANNING COMMISSION HEARING**  
**OCTOBER 24, 2019**

Scheduled to go before the Board of County Commissioners on **Wednesday, November 6, 2019, at 9:00 AM** in Room 130 of the County Courthouse, 216 SE 4<sup>th</sup> Street, Pendleton.

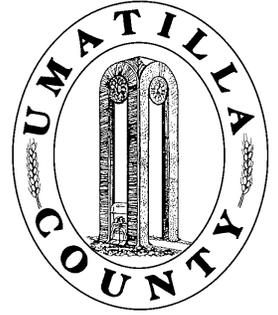
**UPDATES TO THE UMATILLA COUNTY  
DEVELOPMENT CODE (UCDC).**

For the past year, Umatilla County has been working on amendments to the UCDC to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The proposed code amendments would apply to Commercial and Light Industrial zoned properties adjacent to this corridor. The Planning Commission will make a recommendation to the Umatilla County Board of County Commissioners. Amendment procedures include UCDC Sections 152.750-152.753.

# Umatilla County

Department of Land Use Planning

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DIRECTOR  
Robert Waldher

## MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

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RESOURCES &  
ENVIRONMENT

**TO:** Umatilla County Planning Commissioners  
**FROM:** Bob Waldher, Director  
**DATE:** October 17, 2019

**RE: October 24, 2019 Planning Commission Hearing**  
**Text Amendment #T-19-081**

### ***Background Information***

For the past year, Umatilla County has been working on amendments to the Umatilla County Development Code (UCDC) to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The proposed text amendment would apply to Commercial and Light Industrial zoned properties adjacent to this corridor.

The proposed amendments have been reviewed by County Counsel, the project Technical Advisory Committee and Planning Commission during a series of public meetings. Since some of the proposed code amendments are considered more restrictive, a Measure 56 Notice (see attached) was provided to affected landowners.

### ***Criteria of Approval***

Amendment procedures are outlined in UCDC Sections 152.750-152.753. An overview of the project and a summary of the recommended code amendments are attached.

### ***Conclusion***

The proposed amendments are presented to the Planning Commission for review, discussion, and suggestions. Planning Commission's 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., November 6, 2019.

### ***Attachments***

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

- Recommended Code Amendments
- Measure 56 Notice



## MEMORANDUM

### Code Amendments (Final Adoption Draft)

#### Umatilla County U.S. Highway 395 North Zoning Code

DATE 6/3/19  
TO Umatilla County Planning Commission & Project Technical Advisory Committee  
FROM Emma Porricolo, Jamin Kimmell, and Darci Rudzinski, APG  
CC Project Management Team

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The purpose of this memorandum is to propose amendments to the Umatilla County Development Code (UCDC) consistent with the objectives of the Highway 395 Code Update project. The objectives of the project are identified in the background section of this memo. The code amendments are based on recommendations developed through stakeholder and public involvement activities. This memo is organized into three sections designed to provide context for the proposed code amendments:

- 1. Project Background.** This section provides background information on the project, lists the project objectives, and provides maps of the study area. For more detail on the background for the project and an evaluation of the plans, policies, and regulations that apply in the study area, see the *Evaluation of Existing Plans and Regulations Memorandum*.
- 2. Recommendations.** This section summarizes the recommended code amendments and outlines the sections of the UCDC that are proposed to be amended. For more detail on the recommendations, see the *Code Amendments Matrix Memorandum*.
- 3. Proposed Code Amendments.** This section includes the proposed code amendments in ~~strikeout~~ (text to be removed) and underline (text to be added) format. The section is annotated with commentary to provide additional information on proposed amendments and pose questions for discussion.

## 1. PROJECT BACKGROUND

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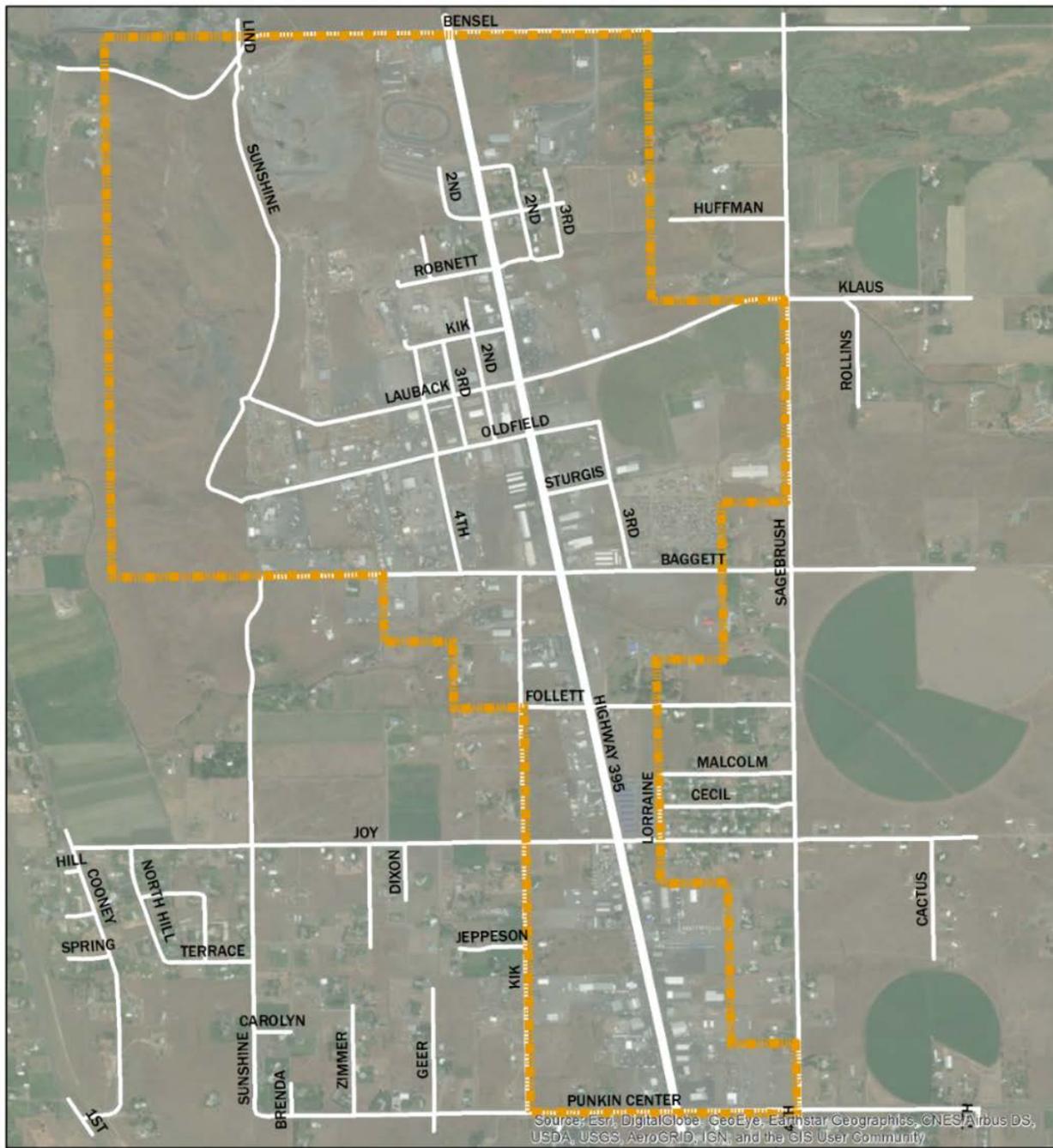
Umatilla County, in partnership with business and property owners, is working to improve the aesthetic character and economic vitality of the Highway 395 North corridor. The focus of this planning project is commercial and industrial zoned properties along the highway between the Urban Growth Boundary of the cities of Hermiston and Umatilla (see Figures 1 and 2). The County was awarded a grant for the project from the Transportation and Growth Management (TGM) program, a joint effort of the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD).<sup>1</sup> The goal of this project is to create, and guide through adoption, amendments to the UCDC for the Highway 395 North Project Area. The stated project objectives include:

- *Create context-sensitive land use and design standards for the U.S. Highway 395 North frontage, that allow more flexibility in use, won't preclude more intensive urban development once the area is served by utilities, and create an attractive environment (including landscape, building, and site design, and landscape) that supports transit and active transportation modes, while accommodating the industrial and freight traffic common to the Project Area;*
- *Include access management standards for the Project Area, taking into account future planned parallel road networks, based on the recommendations of the TSP, the US 395 North Corridor Plan, and current best practices;*
- *Improve multi-modal connectivity in the Project Area in order to provide safe and comfortable active transportation options within the Project Area and between City of Hermiston and the City of Umatilla; and*
- *Recognize the importance of maintaining economically vibrant and livable downtowns in the cities of Hermiston and Umatilla, and not facilitate the creation of a highway commercial strip that could damage the vitality of those downtowns*

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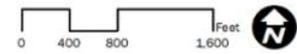
<sup>1</sup> This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program. The TGM Program is a joint effort of the Oregon Department of Transportation (ODOT) and DLCD. The goals of TGM are to strengthen the capability of local governments to effectively manage growth and comply with the Oregon Transportation Planning Rule (Oregon Administrative Rule 660-012-0000), to integrate transportation and land use planning, and to encourage transportation-efficient land uses that support modal choice and the efficient performance of transportation facilities and services. Specifically, TGM supports efficient use of land and resources; human-scaled, walkable communities; good connections between local destinations; and pedestrian, bicycle, and transit-oriented development.

Figure 1: Project Study Area



**Figure 1**  
**Project Study Area**

— County Road  
— Highway 395  
Project Study Area

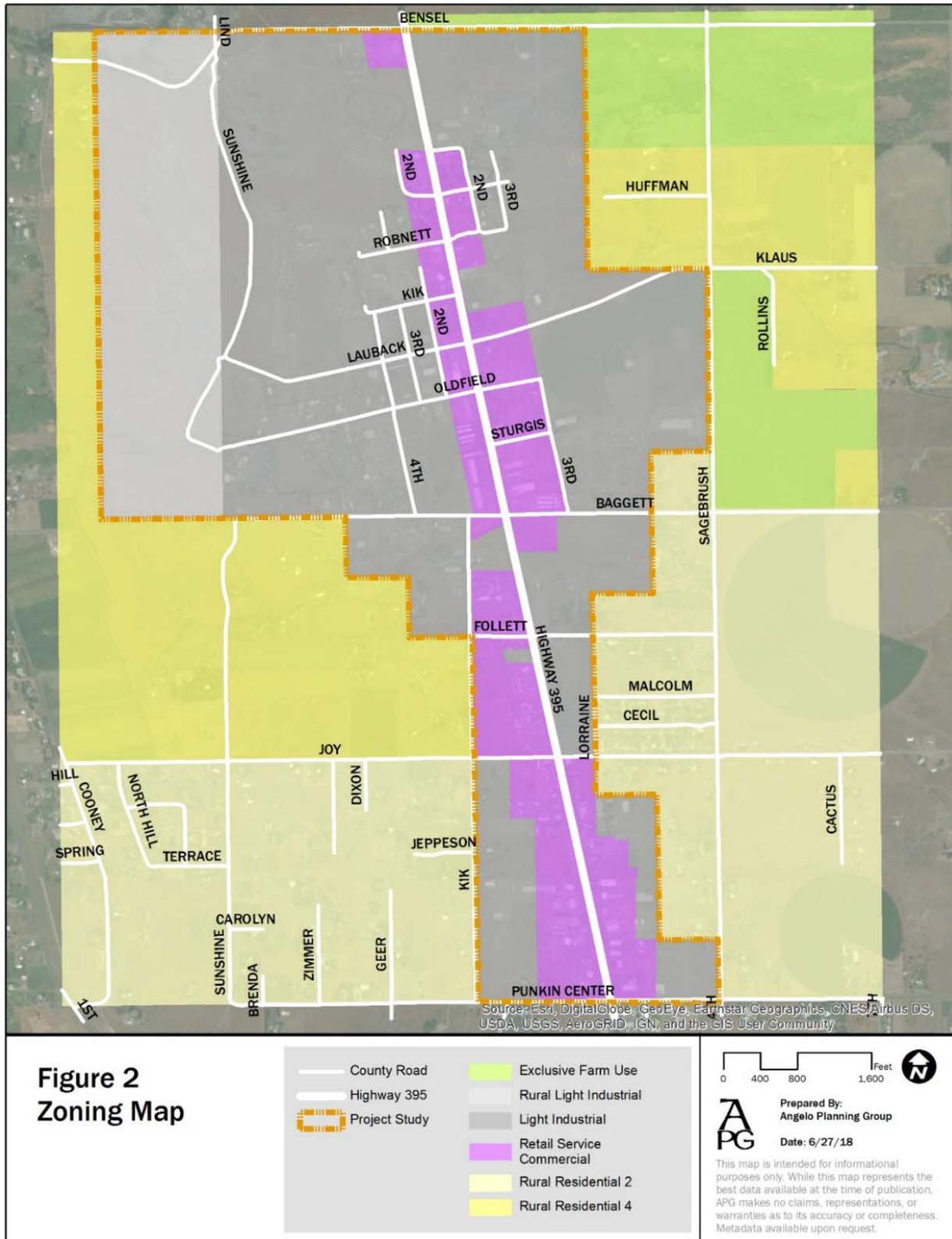


**APG**  
Prepared By:  
Angelo Planning Group  
Date: 6/27/18

This map is intended for informational purposes only. While this map represents the best data available at the time of publication, APG makes no claims, representations, or warranties as to its accuracy or completeness. Metadata available upon request.



Figure 2. Zoning Map (Source: Evaluation of Existing Plans and Regulations Memo)



## 2. RECOMMENDATIONS

Recommended amendments to the UCDC are based upon the project objectives, the evaluation of existing plans and regulations, and feedback from the public. The proposed amendments focus additional requirements in areas that will have a large impact on the future form and function of the corridor. Table 1, below, outlines the sections of the UCDC that are proposed to be amended, and identifies the related recommendations that are being addressed by each amendment. This table serves as a guide for the proposed code language in section 3 of the memo.

*Table 1. Outline of Recommendations and Proposed Amendments*

UCDC Section	Recommendation
<b>GENERAL PROVISIONS</b>	
152.003 Definitions	Add definition for “Bulk Materials,” new term to be used in describing screening requirements.
<b>RSC, RETAIL/SERVICE COMMERCIAL ZONE</b>	
152.248 Limitations on uses	Modify screening standards to allow for display of merchandise but prohibit general outdoor storage and display of bulk goods inventory that does not need to be displayed.
152.249 Design review	Broaden Design Review requirement to ensure that both new developments and larger improvements to existing developments are subject to proposed design standards. Add provisions to create a procedure for design review in the RSC zone which includes a pre-application conference, notice, and submittal requirements.
152.250 Dimensional and design standards	Amend to implement several key recommendations: <ol style="list-style-type: none"> <li>1. Implement maximum setback standards.</li> <li>2. Establish a requirement for window area.</li> <li>3. Establish landscaping requirements.</li> <li>4. Require parking lot lighting.</li> <li>5. Add standards for drive-up and drive-through facilities.</li> <li>6. Establish a design points system.</li> </ol>

UCDC Section	Recommendation
<b>LI, LIGHT INDUSTRIAL ZONE</b>	
152.303 Conditional uses permitted general criteria	<p>Amend use regulations in the LI zone in order to unify the commercial character of the corridor. This is achieved by allowing more commercial uses in the LI zoned properties and restricting industrial uses that do not contribute to the streetscape or are inconsistent with the active uses desired for the corridor.</p> <ol style="list-style-type: none"> <li>1. Restrict “heavy” industrial uses on LI-zoned parcels with frontage on Highway 395.</li> <li>2. Allow RSC uses on LI-zoned parcels with Highway 395 frontage.</li> </ol>
152.304 Limitations on use	Require properties in the LI zone with frontage on Highway 395 to meet the screening standards of the RSC zone.
152.305 Design review	Require properties in the LI zone with frontage on Highway 395 to meet the design and dimensional standards of the RSC zone.
<b>SIGN REGULATIONS</b>	
152.003 Definitions	Define new types of temporary signs and clarify under what circumstances these types of signs are permitted and limit flashing or moving signs.
152.546 Types of signs	Modify sign regulations that apply to the corridor to encourage consolidation of signs and limit overall area of wall-mounted signs.
<b>OFF-STREET PARKING AND LOADING</b>	
152.560 Off-street parking requirements	Require bicycle parking for properties on the corridor.
<b>GENERAL PROVISIONS</b>	
152.018 Access management and street connectivity	<p>Amend this section to implement two recommendations:</p> <ol style="list-style-type: none"> <li>1. Modify access management requirements to improve safety and enhance mobility along Highway 395.</li> <li>2. Establish street connectivity standards in preparation for future development and street improvements in the areas east and west of Highway 395.</li> </ol>

UCDC Section	Recommendation
152.021 Pedestrian access and circulation (new section)	Establish pedestrian circulation standards to promote more pedestrian activity along the corridor and create a safer and more comfortable experience for pedestrians.

### 3. PROPOSED CODE AMENDMENTS

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## GENERAL PROVISIONS

### § 152.003 DEFINITIONS.

[...]

**BULK GOODS AND MATERIALS.** Goods and materials that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; and landscaping materials (except for plant nurseries), including sod, wood chips, sand, gravel, mulch, and topsoil.

### § 152.021 RULES FOR ROUNDING OF NUMBERS.

(A) Whenever these regulations require consideration of aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction, the results will be rounded as prescribed below:

(1) Rounding to Whole Numbers. When quantities in these regulations are expressed as whole numbers, fractions of one-half (1/2) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (1/2) shall be rounded down to the nearest whole number.

(2) Linear Dimensions. Linear dimensions that do not require computation, such as heights, setbacks, and parking space dimensions, shall not be rounded.

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## RSC, RETAIL/SERVICE COMMERCIAL ZONE

### *Sub-Sections*

152.245 Purpose

152.246 Uses permitted

152.247 Conditional uses permitted

152.248 Limitations on uses  
 152.249 Design review  
 152.250 Dimensional and design standards

**§ 152.245 PURPOSE.**

The RSC, Retail/Service Commercial, Zone is designed to provide areas outside of urban growth boundaries where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service- oriented commercial activities to accommodate rural residences. The RSC zone is intended to create and maintain a built environment that is conducive to pedestrian and bicycle accessibility, reducing dependency on the automobile for short trips. The zone is also intended to promote economic development by creating an attractive and safe commercial corridor through the application of design standards that require sufficient lighting, appropriate screening and landscaping, and high-quality building design. (Ord. 83-4, passed 5-9-83, Ord. 2019-XX, passed X-X-19)

**§ 152.246 USES PERMITTED.**

[...]

**§ 152.247 CONDITIONAL USES PERMITTED.**

[...]

**§ 152.248 LIMITATIONS ON USES.**

In the RSC Zone, the following limitations and conditions shall apply:

(A) Outdoor storage. Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property, except the outdoor display of merchandise is allowed as provided in subsection (B).

(B) Outdoor merchandise display. Outdoor display of merchandise is permitted, except the Outside display or storage of any scrap or salvage material, damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products shall be shall not be exposed to view from outside the property.

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.

(Ord. 83-4, passed 5-9-83; Ord 2015-07, passed 9-22-15, Ord. 2019-XX, passed X-X-19)

**§ 152.249 DESIGN REVIEW.**

(A) An application for a zoning permit for a use permitted in § 152.246 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) Applicability of Design Review Application. A Design Review application ~~may is not be~~ required if the proposal includes one or more of the following circumstances exist:

~~(1) The existing structure and business previously received a design review approval from the County Planning Department; and,~~

~~(2) No new construction is being requested on the subject property; and,;~~

~~(3) A similar business will be operated on the subject property.~~

(1) New construction of building or structure.

(2) A building addition or expansion of more than 500 square feet, or 10 percent of the existing floor area on the site, whichever is greater.

(3) A change of the exterior façade of a building, including any new or change to existing doors or windows, excluding changes in color, that exceeds 15 percent of the area of the existing façade.

(4) A change in on-site landscaping, either additional or replacement, that exceeds 15 percent of the existing landscaped area.

(5) An addition to existing on-site vehicular parking or circulation area that adds paving or parking spaces that exceeds 15 percent of the existing parking area.

(C) Applicability of Design Standards - General.

(1) New developments are subject to all applicable design standards in §152.250.

(2) Proposals that meet one or more of the thresholds for Design Review in §152.249

(B)(2)-(5) are subject to all applicable standards, as specified in the Applicability provisions in §152.250(D)-(H).

(3) The following is exempt from design standards in §152.250:

(a) Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.

(b) Regular maintenance, repair, and replacement of materials (e.g., exterior painting, roof, siding, awnings, etc.), parking restriping, repaving (limited to an area that does not exceed 15 percent of the existing parking area pursuant to 152.249.B(5)), and similar maintenance or repair of existing structure(s) and site improvements.

(4) A project that increases building floor area, as described in §152.249(B)(2), within an existing development is subject to all applicable design standards of §152.250. The standards only apply to the building addition or expansion. Expansions or additions must not increase the length of an existing street-facing facade that does not conform to the maximum setback standard of § 152.250(B)(1), as illustrated in Figure 152.250-1.

(D) Procedure.

(1) Pre-application.

(a) The purpose of the pre-application conference is to acquaint County staff and outside agencies and service providers with a potential application, and to acquaint the applicant with the requirements of this Code, the Comprehensive Plan, and other relevant criteria and procedures. Any comments or commitments made by any member of County staff during this pre-application conference are only preliminary

in nature. It is not intended to be an exhaustive review of all potential issues, and the conference does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application conference.

(b) Prior to submission of a Design Review application, the applicant shall request the Planning Director or authorized agent to arrange a pre-application conference. The request shall include three copies of a preliminary sketch of the proposal and other general information needed to explain the development. The conference shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning, development, and design review requirements.

~~(E)~~ Submittal Requirements. The Planning Director or an authorized agent shall review the site plan Design Review application to determine if the application includes the following submittal requirements for completeness and compliance with the following requirements:

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

- ~~(a) An accurate map showing 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 an authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;~~

(1) Existing site conditions map. The existing site conditions shall include the following information, applicable to the site:

- (a) A location map with the subject property and the surrounding property to a distance sufficient to determine the location of the development in the County, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
- (c) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
- (d) Areas subject to overlay zones;
- (e) Site features, including existing structures, pavement, large rock outcroppings, wetland, drainage ways, canals, and ditches;
- (e) The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;

- (f) North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and
- (g) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
- (2) Proposed site plan. The site plan shall include the following information, as the Planning Director deems applicable:
- (a) The proposed development site, including boundaries, dimensions, and gross area;
- (b) Features identified on the existing site analysis maps that are proposed to remain on the site;
- (c) Features identified on the existing site map, if any, that are proposed to be removed or modified by the development;
- (d) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- (e) The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- (f) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- (g) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- (h) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- (i) Loading and service areas for waste disposal, loading, and delivery;
- (j) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- (k) Location, type, and height of outdoor lighting;
- (l) Location of mail boxes, if known;
- (m) Name and address of project designer, if applicable;
- (n) Locations of bus stops and other public or private transportation facilities; and
- (o) Locations, sizes, and types of signs.
- (3) Architectural drawings. Architectural drawings shall include the following information, as the Planning Director deems applicable :
- (a) Building elevations with dimensions;
- (b) Building materials and type; and
- (c) Name and contact information of the architect or designer

(4) Landscape plan. The landscape plan shall include the following information, as the Planning Director deems applicable:

- (a) The location and height of existing and proposed fences, buffering, or screening materials;
- (b) The location of existing and proposed terraces, retaining walls, decks, patios, and shelters;
- (c) The location, size, and species of the existing and proposed plant materials (at time of planting);
- (d) Existing and proposed building and pavement outlines;
- (e) Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and

(5) Narrative. Letter or narrative report documenting compliance with the applicable requirements contained in §152.249(E).

(6) Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

(7) Traffic Impact Analysis, when required by Section §152.019.

(8) Other information determined by the Planning Director. The County may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

~~(DF)~~ Design Review Standards Requirements. The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

- (1) An access permit has been issued by the County Road Department and/or ODOT for the subject property and applicable access, circulation, and street connectivity requirements are met as provided in § 152.018 and § 152.021;
  - (2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;
  - (3) ~~Setbacks standards are met as provided in the particular zoning district where the subject property is located~~ Applicable building, site design, and dimensional standards are met as provided in § 152.250;
  - (4) Signs are permitted as provided in § 152.545 through § 152.548;
  - (5) Vision clearance standards are met as provided in § 152.011.
- (Ord. 83-4, passed 5-9-83; Ord. 2014-04, passed 7-2-14; Ord. 2019-XX, passed X-X-19)

**§ 152.250 DIMENSIONAL AND DESIGN STANDARDS.**

In the RSC Zone, the following dimensional and design standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre.

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

~~(C)~~(B) *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 parking space, then the front yard shall be a minimum of 40 feet;~~

(a) Minimum Setback: ten feet.

(b) Maximum Setback: thirty feet. For expansions and additions, see § 152.249(C)(2) and Figure 152.250-1.

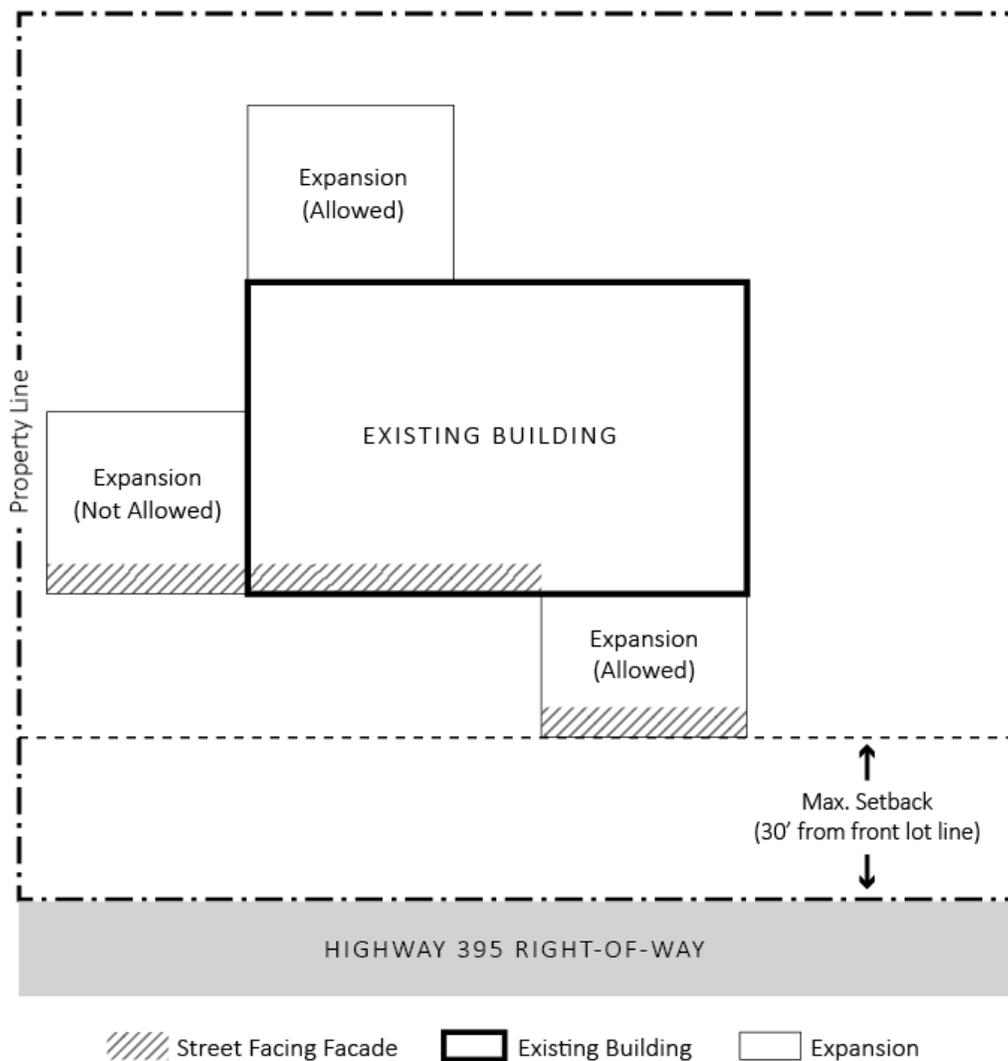
(2) Side yard: minimum of ten feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: minimum of twenty feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(5) Vision clearance standards, found in § 152.011, may require greater setbacks those in 152.250(C), pursuant to §152.005(B), which determines that the most restrictive provision shall apply.

**Figure 152.250-1. Applicability of Maximum Setback Standard for Expansions or Additions to Existing Buildings**



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

- (1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the streams, lakes or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

(D) Window area. Windows are required to make up a minimum area of any building façade that faces a public street.

(1) Applicability. Proposals that include one or more of the following are subject to the standards of this section, § 152.250(D):

(a) New construction of a building or structure.

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater. The standards of §152.250(D) only apply to the area of building expansion or addition.

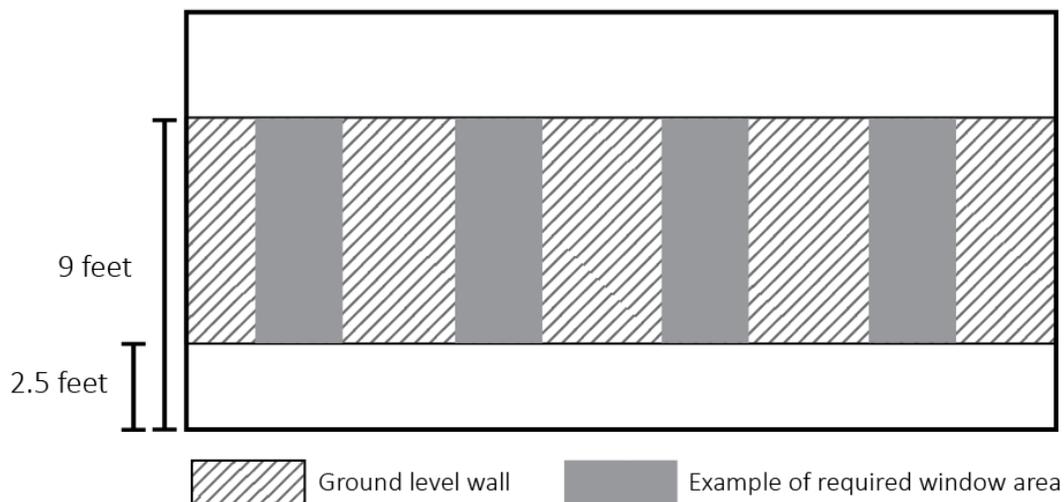
(c) Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding changes in color, that exceeds 15% of the area of the existing façade. The standards of § 152.250(D) only apply to the area of change in the building exterior.

(2) Minimum Area. Building facades facing a public street must have qualifying window features for at least 40 percent of the area of the ground level wall area (see Figure 152.250-2). Windows, display areas, and glass doorways are qualifying window features.

(3) Measurement. The ground level wall area is defined as the area above 30 inches and below 108 inches, as measured from finished grade.

(4) Transparency. Only ground floor window features that are clear or transparent are eligible to meet the minimum area requirement in § 152.250(D)(2).

**Figure 152.250-2. Measurement of Ground Floor Window Area**



(E) Landscaping.

(1) Applicability. Proposals that includes one or more of the following are subject to the standards of this section, § 152.250(E):

(a) New construction of building or structure.

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater.

(c) Change in landscaping areas that exceeds 15% of the existing landscaping area.

(d) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Minimum Site Landscape Area. At least 15 percent of the lot area must be landscaped according to the standards of this section.

(3) Planting Standards. The following are the minimum planting requirements for required landscaped areas:

(a) Trees. One tree shall be provided for every 1,500 square feet of required landscaped area. If the calculation of the number of plantings results in a fraction of 0.5 or greater, the applicant shall round up to the next whole number. If the calculation of the number of plantings results in a fraction of 0.4 or less, the applicant shall round down to the next whole number. A minimum of 50 percent of the required trees must be planted within 30 feet of the front lot line, and located outside of the Clear Zone, pursuant to § 152.250(E)(3)(d). Evergreen trees shall have a minimum planting height of six feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting. Tree species must be selected from the County's Approved Tree Species List or other tree species approved by the Planning Director.

(b) Shrubs. Shrubs shall be planted from at least two-gallon containers. Shrubs shall be spaced in order to provide the intended canopy cover within two years of planting.

(c) Ground Cover. Live ground cover consisting of low-height shrubs, perennials or ornamental grasses shall be planted in the portion of the landscaped area not occupied by trees or shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 50 percent of the required landscape area.

(d) All landscaping over two feet high, as measured from the ground level elevation, must be placed outside of the ODOT Highway Design Manual Clear Zone, pursuant to and as determined by ODOT.

(e) The Planning Director may allow credit toward the minimum site landscape area for existing landscape area that is retained in the development if the existing landscape area meets the standard for minimum number of trees of subsection 2(a) and minimum area of live ground cover of subsection 2(c).

(4) Parking Lot Landscaping. In addition to the minimum site landscape area requirement, all parking areas with more than 20 spaces shall provide landscape islands that break up the parking area into rows of not more than 12 contiguous parking spaces. See example in Figure 152.250-3.

(a) Minimum Dimensions. Landscape islands shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

(b) Planting Standards. All landscape islands must be planted with one tree selected from the County's Approved Tree Species List, other trees species approved by the Planning Director, or landscaping materials identified in § 152.50(E)(3)(b) and (c). All other required parking lot landscape areas not including islands or not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of the area within each landscape island(s) is covered with living plants.

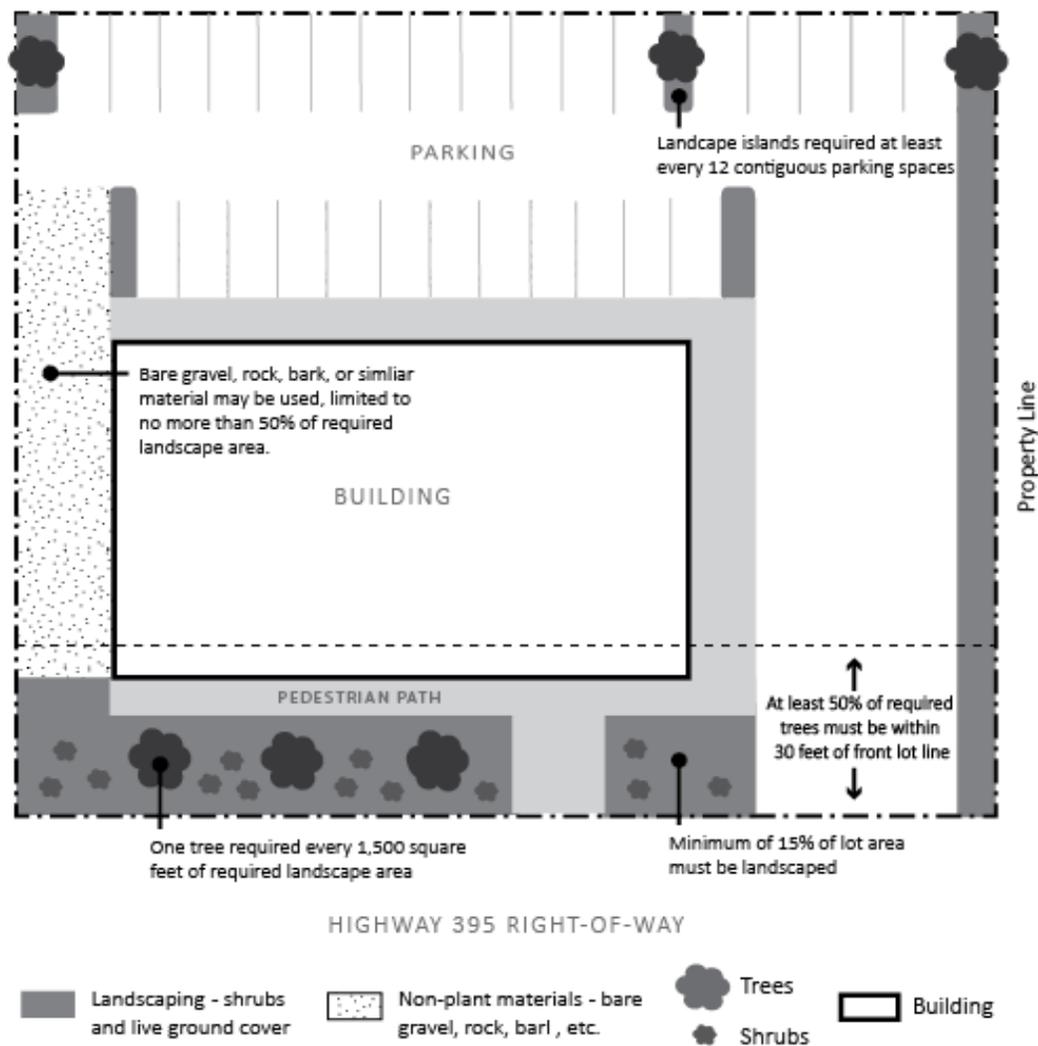
(5) Plant Selection and Maintenance.

(a) Only plants that are appropriate to the local climate, exposure, and water availability will be eligible to meet the landscaping requirements. The availability of utilities and drainage conditions shall also be considered in the selection of planting materials.

(b) Plant species that require little or no irrigation once established (naturalized) are preferred over species that require irrigation. Expansive areas of turf are discouraged.

(c) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.

(d) Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.

**Figure 152.250-3. Landscaping Requirements Example**

(F) Lighting. Lighting improves safety and enhances the attractiveness of areas visible to the public. The following requirements ensure adequate levels of outdoor lighting while minimizing negative impacts of light pollution. The intent of the required lighting levels is to provide illumination no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.

(1) Applicability. Proposals that include one or more of the following are subject to the standards of this section, § 152.250(F):

(a) New construction of building or structure.

(b) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Illumination of Vehicular Areas. Parking areas, vehicular circulation areas, and outdoor services areas, including vehicle quick service areas, shall be illuminated to a level that provides for safe vehicle and pedestrian movements.

(3) Fixture Standards.

(a) Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet. This limitation does not apply to flag poles, utility poles, and streetlights.

(b) Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.

(c) Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.

(d) Where a light standard or other raised source of light is placed over a sidewalk or walkway, a minimum vertical clearance of eight feet shall be maintained.

(e) Where a light standard or other raised source of light is placed within a walkway, an unobstructed pedestrian through zone not less than four feet wide shall be maintained.

(f) Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.

(G) Drive-through design.

(1) Applicability. Proposed development that includes a drive-up and/or drive-through facility (i.e. driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) is subject to all of the following standards:

(a) The drive-up or drive-through facility must be located at least 50 feet from any existing residential zoned property.

(b) The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated in Figure 152.250-4 (below).

(c) The drive-up or drive-through facility shall not be oriented to a street corner.

(d) The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.

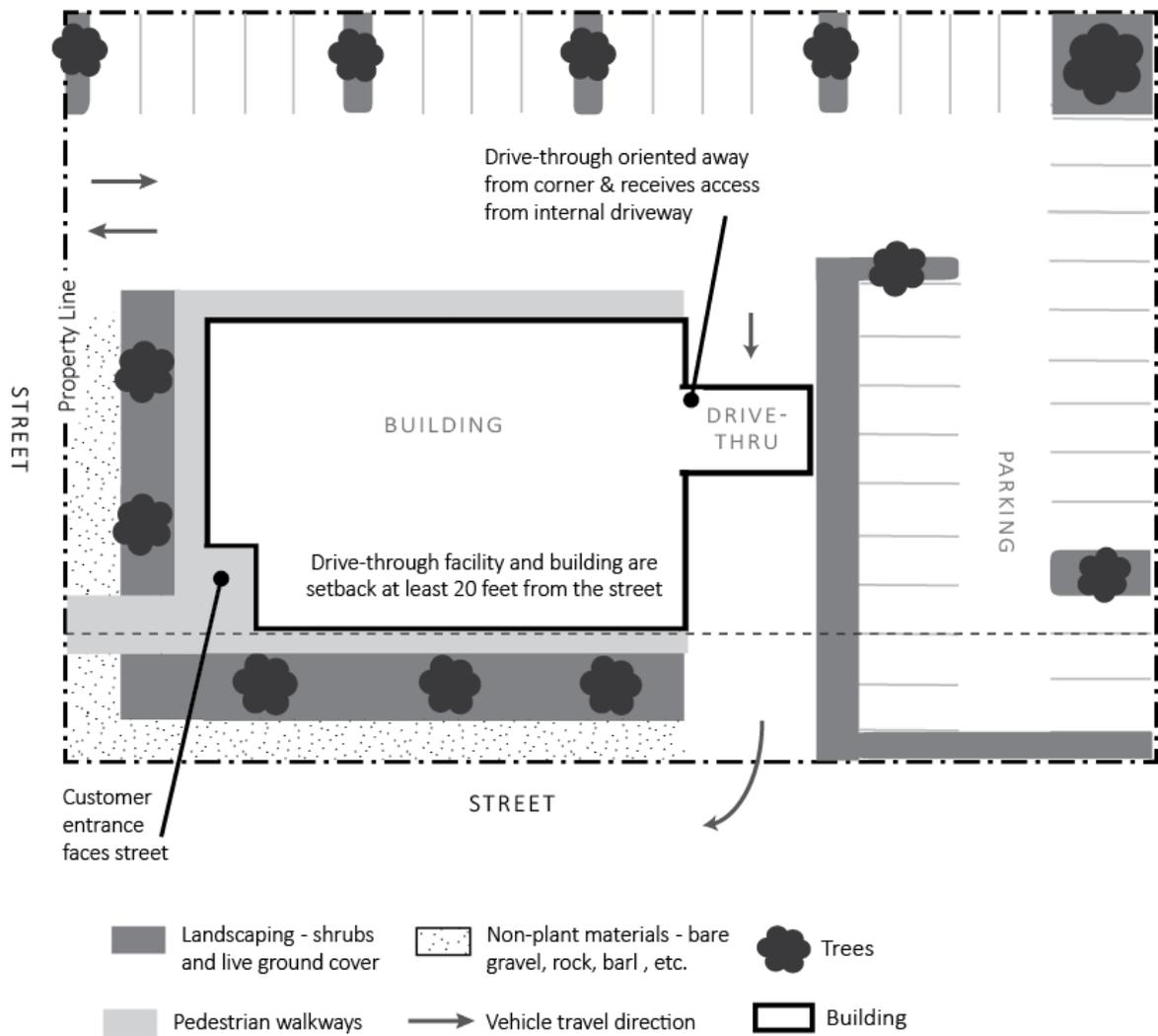
(e) Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.

(f) If ATMs are provided, at least one ATM shall be located adjacent to and accessible from a planned or existing sidewalk.

- (g) Bicycle and pedestrian access to the drive-up or drive-through facility shall be allowed and indicated with signage and pavement markings.

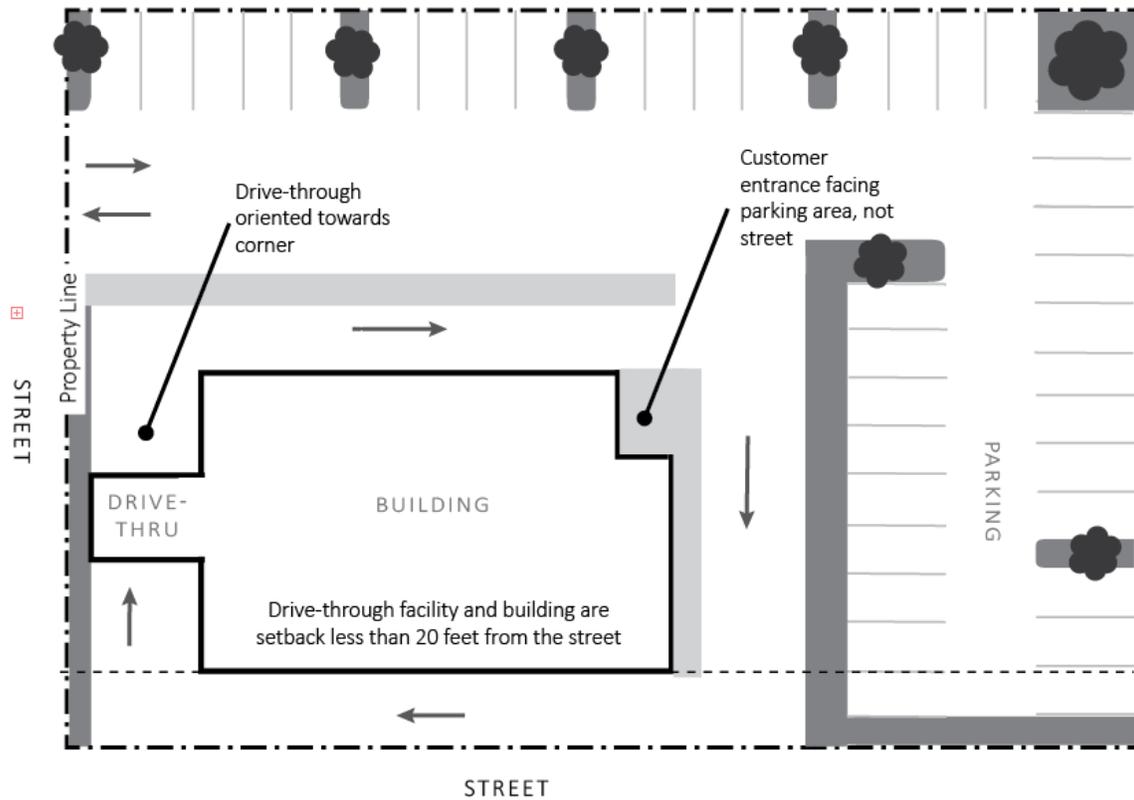
**Figure 152.250-4. Drive-up and Drive-through Facilities Example**

**Acceptable**



**Figure 152.250-4. Drive-up and Drive-through Facilities Example (con't.)**

**Not Acceptable**



- Landscaping - shrubs and live ground cover
  - Pedestrian walkways
- Non-plant materials - bare gravel, rock, barl, etc.
  - Building
- Trees
  - Vehicle travel direction

(H) Design Points System. In order to encourage pedestrian-friendly and sustainable design, while providing flexibility in style and implementation, all projects must include a combination of design features that achieves a minimum number of points, as set forth below.

(1) Applicability. The following projects are subject to the standards of this section, § 152.250(H):

- (a) New construction of building or structure.
- (b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater.
- (c) Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding changes in color, that exceeds 15% of the area of the existing façade.
- (d) Change in landscaping areas that exceeds 15% of the existing landscaping area.
- (e) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Minimum Point Requirement.

- (a) New developments or complete redevelopment of an existing site must include elements from Table 152.250-1 that have a combined value of 20 or more points.
  - (b) Projects for which the one or more of the applicability criteria in §152.250(H)(1)(b) – (e) apply must include elements from Table 152.250-1 that have a combined value of 6 or more points.
- (3) Design Features Matrix. Points are earned by including features from the following Design Features Matrix (Table 152.250-1).

**Table 152.250-1. Design Features Matrix**

<b>DESIGN FEATURE</b>	<b>POSSIBLE POINTS</b>			<b>SUBTOTAL</b> <i>Use this column to tally points</i>
Building Design Features				
<p><b>Natural siding materials.</b> May include:</p> <ul style="list-style-type: none"> <li>• Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks.</li> <li>• Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood.</li> </ul>	<p>Minimal or no use of natural materials (less than 5 percent of street-facing facade area, excluding area dedicated to windows)</p> <p style="text-align: center;"><b>+0 points</b></p>	<p>5 to 40 percent of both total building facade area and street-facing facade area covered with natural siding materials (excluding area dedicated to windows)</p> <p style="text-align: center;"><b>+2 points</b></p>	<p>Over 40 percent of both total building facade area and street-facing facade area covered with natural siding materials (excluding area dedicated to windows)</p> <p style="text-align: center;"><b>+ 3 points</b></p>	
<p><b>Window area.</b> Windows promote an interesting pedestrian experience and architectural variety. See Figure 152.250-1.</p>	<p>Window area meets base requirement of § 152.250(E)</p> <p style="text-align: center;"><b>+0 points</b></p>	<p>41 to 50 percent of the area of the street-facing facade covered with windows.</p> <p style="text-align: center;"><b>+ 3 points</b></p>	<p>Over 50 percent of the area of street-facing facade covered with windows.</p> <p style="text-align: center;"><b>+ 5 points</b></p>	
<p><b>Detailed window treatments.</b> May include windows recessed at least 4 inches from facade, trim or moldings at least 3 inches in width, or projecting sills extending at least 2 inches from the window pane.</p>	<p>No use of detailed window treatments</p> <p style="text-align: center;"><b>+0 points</b></p>	<p>Use of detailed window treatments on all street-facing windows.</p> <p style="text-align: center;"><b>+1 points</b></p>	<p>Use of detailed window treatments on all exterior windows.</p> <p style="text-align: center;"><b>+ 2 points</b></p>	
<p><b>Weather protection.</b> May include awnings, covered porches, building overhangs, or</p>	<p>No weather protection at entrances or windows</p>	<p>Weather protection provided over the primary building entrance</p>	<p>Weather protection provided over all building entrances and required ground floor</p>	

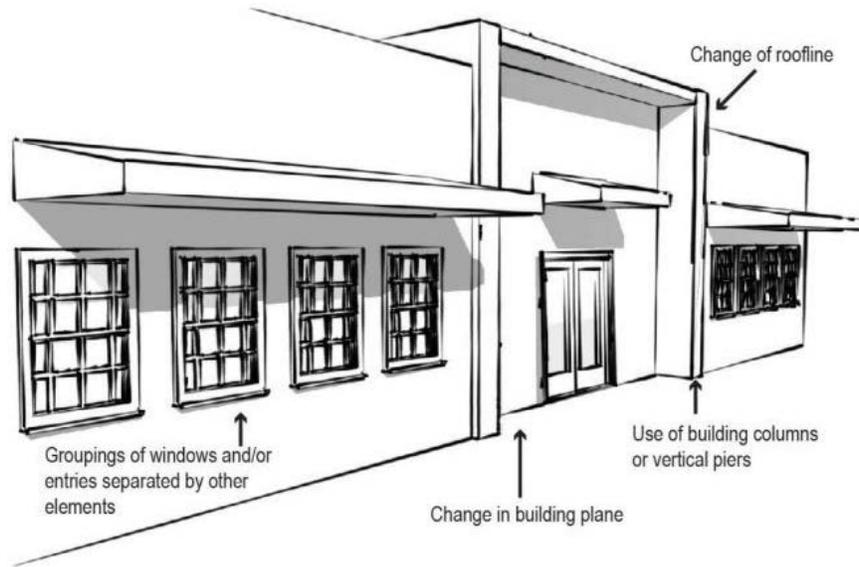


<b>DESIGN FEATURE</b>	<b>POSSIBLE POINTS</b>			<b>SUBTOTAL</b>
				<i>Use this column to tally points</i>
<b>Shared parking with adjacent uses.</b> Sharing parking spaces with adjacent uses is a more efficient means of providing off-street parking and can reduce impervious surface area. Must meet requirements of § 152.562(D).	No shared parking          <b>+ 0 points</b>	More than one (1) space but less than half of required parking spaces shared with adjacent uses          <b>+ 4 points</b>	More than half of required parking spaces shared with adjacent uses          <b>+ 5 points</b>	
<b>Trees.</b> Tree species that are appropriate for local climate are listed in § 152.250(E).	Number of trees meets base requirement of § 152.250(E).          <b>+ 0 points</b>	25% above base requirement for on-site trees.          <b>+ 3 points</b>  Additional trees are located within 30 feet on the property line but located outside clear zone pursuant to § 152.250(E)(2)(d).          <b>+ 1 point</b>	50% above base requirement for on-site trees.          <b>+ 4 points</b>  Additional trees are located within 30 feet on the property line but located outside clear zone pursuant to § 152.250(E)(2)(d).          <b>+ 1 point</b>	
<b>Additional landscaping.</b> Landscaped area beyond the minimum required by § 152.250(E) can soften the edges of a development, enhance sustainability, and create a more comfortable pedestrian experience.	Minimal or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement of § 152.250(E))          <b>+ 0 points</b>	5% to 10% additional gross lot area landscaped beyond base requirement.          <b>+ 3 points</b>	More than 10% additional gross lot area landscaped beyond base requirement.          <b>+ 4 points</b>	
<b>Plant selection.</b> Diversity of plant species creates more interesting landscape areas.	Two or fewer distinct plant species included in landscaping plan.          <b>+ 0 points</b>	Three or more distinct plant species included in landscaping plan.          <b>+ 3 points</b>	Five or more distinct plant species included in landscaping plan.          <b>+ 4 points</b>	

<b>DESIGN FEATURE</b>	<b>POSSIBLE POINTS</b>			<b>SUBTOTAL</b> <i>Use this column to tally points</i>
<b>Bicycle parking.</b> Dedicated bicycle parking encourages bicycling by offering convenient and secure parking options.	Number of bicycle parking spaces meets base requirement of § 152.560.  <b>+ 0 points</b>	10% to 20% additional bicycle parking spaces provided beyond base requirement and at least half of all bike parking spaces are covered.  <b>+ 1 point</b>	10% to 20% additional bicycle parking spaces provided beyond the base requirement and all bike parking spaces are covered.  <b>+ 2 points</b>	
<b>Lighting.</b> Lighting can improve safety and enhance the attractiveness of a development in evening hours.	Lighting meets base requirement for parking lots as specified in § 152.250(F).  <b>+ 0 points</b>	1 point may be assigned for the following outdoor lighting features: <ul style="list-style-type: none"> <li>• Pedestrian walkway lighting, pedestal- or bollard-style lighting</li> </ul> <b>+ 3 points</b>	2 points may be assigned for both of the following outdoor lighting features: <ul style="list-style-type: none"> <li>• Pedestrian walkway lighting</li> <li>• Accent lighting on structure</li> </ul> <b>+ 4 points</b>	
<b>Electric vehicle charging station.</b> Manufacturer specifications for the charging station must be submitted with design review application.	Site does not include electric vehicle charging station.  <b>+0 points</b>	Site includes electric vehicle charging station.  <b>+ 1 point</b>		
<b>TOTAL POINTS:</b>				

(Ord. 2019-XX, passed X-X-19)

**Figure 152.250-2. Examples of Façade Articulation Methods**



**Figure 152.250-3. Example of Façade Composition (Base-Middle-Top)**



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## LI, LIGHT INDUSTRIAL ZONE

### *Sub-Sections*

152.301 Purpose

152.302 Uses permitted

152.303 Conditional uses permitted general criteria

152.304 Limitations on use

152.305 Design review

152.306 Dimensional standards

### **§ 152.301 PURPOSE.**

The LI Light Industrial Zone is designed to provide areas for industrial use that are less intensive than heavy industrial uses, and are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The LI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads, and waterways. (Ord. 83-4, passed 5-9-83)

### **§ 152.302 USES PERMITTED.**

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

(B) *Uses permitted with a zoning permit.* In an LI 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 §§152.304 through 152.306 of this chapter:

### **§ 152.303 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.303 and 152.306 and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in §152.616 (X);

(2) Automobile service station as provided in §152.616 (D);

(3) Automobile, truck, or motorcycle sales lot, limited to properties with frontage on Highway 395;

(4) Automobile, truck, or motorcycle repair shop or parts store, limited to properties with frontage on Highway 395;

~~(3)~~ (5) Automobile wrecking yard as provided in §152.616 (E), except this use is prohibited on properties with frontage on Highway 395;

~~(4)~~ (6) Boarding, lodging or rooming house in conjunction with an industrial use located in the property as provided in § 152.616 (H);

- ~~(5)~~ (7) Commercial amusement establishment as provided in § 152.616 (P);
- ~~(6)~~ (8) Commercial gravel extraction and processing as provided in §152.616 (Q), except this use is prohibited on properties with frontage on Highway 395;
- ~~(7)~~ (9) Concrete block or pipe manufacturing as provided in §152.616 (U); except for properties with frontage on Highway 395, where this use is permitted only when conducted wholly outdoors;
- ~~(8)~~ (10) Concrete manufacturing plant as provided in §152.616 (U), except this use is prohibited on properties with frontage on Highway 395;
- ~~(9)~~ (11) Day care center as provided in § 152.616 (V);
- ~~(10)~~ (12) Junkyard as provided in § 152.616 (E), except this use is prohibited on properties with frontage on Highway 395;
- ~~(11)~~ (13) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage as provided in §152.616 (LL) 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);
- ~~(12)~~ (14) Mobile home or trailer park as provided in § 152.616 (NN);
- ~~(13)~~ (15) Public or semi-public use as provided in § 152.616 (SS);
- ~~(14)~~ (16) Sand or gravel storage yard as provided in § 152.616 (XX), except this use is prohibited on properties with frontage on Highway 395;
- ~~(15)~~ (17) Wood processing facilities as provided in § 152.616 (GGG);
- ~~(16)~~ (18) Utility facility as provided in § 152.616 (CCC);
- ~~(17)~~ (19) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission.

[...]

(Ord. 2019-XX, passed X-X-19)

### **§ 152.304 LIMITATIONS ON USE.**

#### **(A) Screening Requirements.**

(1) General Standards. All business, commercial and industrial activities, and storage allowed in an LI, Light Industrial, Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm,

residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(2) Off-Street Loading Areas. All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(3) Properties on Highway 395 Corridor. All properties in the LI zone with frontage on Highway 395 are exempt from the standards of this section and subject to the standards of § 152.248.

~~(B)~~ All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

~~(C)~~ The growing, harvesting or processing of marijuana is prohibited in this zone.

(Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-05; Ord. 2015-07, passed 9-22-15, Ord. 2019-XX, passed X-X-19)

### § 152.305 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § 152.302 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

- (1) The existing structure and business previously received a design review approval from the County Planning Department; and,
- (2) No new construction is being requested on the subject property; and,
- (3) A similar business will be operated on the subject property.

(C) Properties on Highway 395 Corridor. All properties in the LI zone with frontage on Highway 395 are subject to the design review application requirements, standards, and approval criteria of the RSC zone, see § 152.249.

~~(D)~~ The Planning Director or an 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 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 his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

~~(E)~~ Design Review Standards.

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

- (1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;
  - (2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;
  - (3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;
  - (4) Signs are permitted as provided in § 152.545 through § 152.548;
  - (5) Vision clearance standards are met as provided in § 152.011.
- (Ord. 83-4, passed 5-9-83; Ord. 2014-04, passed 7-2-14, Ord. 2019-XX, passed X-X-19)

[...]

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## SIGN REGULATIONS

### § 152.003 DEFINITIONS.

[...]

**A-FRAME SIGN.** A double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

[...]

**BALLOON SIGN.** A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

**BANNER SIGN.** A sign made of fabric or other nonrigid material with no enclosing framework.

[...]

### § 152.545 ZONING PERMIT REQUIRED TO ERECT, MOVE, OR ALTER SIGNS; EXEMPTIONS; PERMITTED SIGNS.

(A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 1 and Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise.

(B) Allowed signs in the various zones are indicated by the following tables (for types of signs, see § 152.546):

<i>Zone</i>	<i>Types Allowed</i>
EFU-10, EFU-20, EFU-40, EFU, GF	1, 2, 3, 4, 5, 6
UC	1, 2, 3, 4, 5, 8, 9
RR-2, RR-4, RR-10	1, 2, 3, 4, 5, 6
MUF, FR, MR	1, 2, 3, 4, 5, 6
RSC, RRSC, CRC	1, 2, 3, 4, 5, 7, 8, 9, 10, 11
TC, RTC	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
AB	1, 3, 4, 5, 7, 8, 9, 11
LI	1, 3, 4, 5, 7, 8, 9, 10, 11, 12

(Ord. 83-4, passed 5-9-83 updated via Ord. 2008-09, passed 6-16-08, Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2014-06, passed 7-2-14, (Ord. 2019-XX, passed X-X-19))

### § 152.546 TYPES OF SIGNS.

(H) Type 8. Signs identifying the use of the premises or the sale of products produced on the premises, provided that any such sign shall be attached to, parallel with, and no larger than the wall on which it is mounted. In the RSC zone and for properties zoned LI with frontage on Highway 395 the total face area of Type 8 wall-mounted signs must not exceed 20 percent of the wall area of the wall on which the sign(s) are mounted.

(I) Type 9. One projecting or free-standing sign not to exceed 20 feet in height nor 65 square feet in area for each face. The minimum setback for any part of a sign shall be 10 feet, or shall be at the discretion of the Planning Director and shall be measured horizontally from the lot line to the nearest part of the sign. A projecting or freestanding sign shall be allowed only by a ruling of the Planning Director and shall be limited to those businesses for which an attached flat sign is not suitable due to the nature of the business or the characteristics of the lot. Signs mounted to fences are classified as free-standing signs. The following additional standards apply to Type 9 signs on properties in the RSC zone and in the LI zone where the subject property has frontage on Highway 395:

(a) Large Properties. When the lineal frontage of a property exceeds 300 feet, an additional freestanding sign shall be permitted for each 300 feet of lineal property frontage. Each freestanding sign must be at least 150 feet from any other freestanding sign on the same site along the lineal property frontage.

(b) Combined Signs. Two or more owners of adjacent separate properties may combine their respective frontages and erect one freestanding sign with combined square footage per face of 100 square feet. No other freestanding signs shall be permitted on the premises and agreement between property owners for this purpose shall be recorded for posterity.

(c) Sign Construction. A free-standing sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross braces, guy wires, "T"

frames, “A” frames, “trusses,” or similar bracing systems shall be used to buttress, balance, or support a freestanding sign.

(d) Temporary Signs. One temporary banner sign, balloon sign, or A-frame sign shall be permitted for each principal use and shall be limited to a display period of a maximum of 30 continuous days twice during the calendar year. Maximum sign area shall not exceed 50 square feet.

### **§ 152.547 LIMITATIONS ON SIGNS.**

(A) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

(B) No sign shall be illuminated by flashing light. Any sign that contains or is illuminated by a light source that produces a brilliant flash and darkness on an alternating basis, resulting in a pulsating effect designed primarily to attract attention, or any sign that produces apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation, or any similar effect of animation that is designed or operated in a manner primarily to attract attention is prohibited.

(C) No sign shall contain, include, or be composed of any conspicuous animated part.

(D) Light from signs shall be directed away from and not be reflected upon adjacent premises.

(E) Signs shall be maintained in a neat, clean and attractive condition.

(Ord. 2019-XX, passed X-X-19)

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## **OFF-STREET PARKING AND LOADING**

### **§ 152.560 OFF-STREET PARKING REQUIREMENTS.**

(A) Each use shall provide the following minimum off-street parking spaces. Each parking space shall be a minimum of nine feet wide and 20 feet in length.

(B) Off-street parking requirements.

[...]

(C) Bicycle parking requirements.

(1) Applicability. Bicycle parking spaces are required for new development, or changes of use, under the following conditions:

(a) A site with 10 or more off-street vehicle parking spaces

(b) All properties zoned RSC or LI that have frontage on Highway 395.

(2) Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses.

(3) Standards. A minimum of two bicycle spaces for the first 10 motorized vehicle parking areas is required, plus one additional bicycle space for each additional 10 motorized vehicle parking spaces thereafter.

(4) Design. Unless otherwise identified in (3), bicycle parking shall consist of staple-design steel racks or other County-approved racks, lockers, or storage bins providing a safe and secure means of storing a bicycle.

(5) Location. For institutional, employment, and commercial uses, the designated area for bicycle parking shall be within 50 feet of a public entrance.

(6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with vision clearance standards of Section § 152.011.

(Ord. 2019-XX, passed X-X-19)

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## GENERAL PROVISIONS

152.018 Access management and street connectivity

152.019 Traffic impact study

152.020 Storage containers

152.021 Pedestrian access and circulation

### § 152.018 ACCESS MANAGEMENT AND STREET CONNECTIVITY

[...]

F) Joint Use Driveways and Cross Access.

(1) Adjacent commercial, retail, or office properties identified as major traffic generators (if both properties generate ~~ing~~ more than 400 daily trips, collectively, as defined by the Institute of Transportation Engineers Trip Generation Manual), shall provide a cross access drive and pedestrian access to allow circulation between sites.

(2) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

(a) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

- (b) A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles
  - (c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
  - (d) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- (3) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- (4) Pursuant to this section, property owners shall:
- (a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - (b) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to Umatilla County and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - (c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- (5) Umatilla County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
- (a) Joint access driveways and cross access easements are provided in accordance with this section.
  - (b) The site plan incorporates a unified access and circulation system in accordance with this section.
  - (c) The property owner enters into a written agreement with the county, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway
- (6) Umatilla County may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.

[...]

#### (J) Street Connectivity

(1) Applicability. The following street connectivity standards apply to site developments proposed in the LI or RSC zone.

(2) Purpose. The purpose of these standards is to create an interconnected street network throughout the Highway 395 corridor in order to promote efficient and safe vehicular and pedestrian circulation.

(3) Block Length Standard. Developments in the RSC or LI zone must be designed to allow for a minimum block length of 100 feet and a maximum block length of 600 feet. Distances are measured from the edge of street rights-of-way.

(4) General Connectivity Standards

(a) Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) shown on the plan.

(b) Where required local street connections are not shown on an adopted County street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code.

(c) Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.

(d) Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions, a pedestrian access way connection shall be provided pursuant to § 152.648(12).

(e) Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

[...]

(Ord. 2019-XX, passed X-X-19)

**152.021 PEDESTRIAN ACCESS AND CIRCULATION**

(A) Purpose. This section implements the pedestrian access and connectivity policies of the Umatilla County Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

(B) Applicability. The provisions of this Section apply to:

(1) Properties in the RSC zone

(2) Properties in the LI zone that have frontage on Hwy 395 south of Bensel Road and north of E Punkin Center Road. (C) Standards. Developments shall conform to all of the following standards for pedestrian access and circulation:

(1) Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent existing or planned sidewalks, if any, and to all future phases of the development, as applicable.

(2) Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, transit stops, and public rights-of-way conforming to the following standards:

(a) The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.

(b) The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The county road master may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.

(c) The walkway network connects to all primary building entrances consistent with Americans with Disabilities Act (ADA) requirements.

(3) Vehicle/Walkway Separation. Except as required for crosswalks, per subsection (d), below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the County road master may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

(4) Crosswalks. Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material) or painted crosswalk striping. The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

(5) Walkway Width and Surface. Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the county road master, and not less than six feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to County transportation standards.

(Ord. 2019-XX, passed X-X-19)

The public is invited to attend and testify at a public hearing for the Highway 395 North - Umatilla County Development Code Amendment Project.

For the past year, Umatilla County has been working on amendments to the Umatilla County Development Code to improve the aesthetic character and economic vitality of the Highway 395 North Corridor.

The proposed Development Code amendments relax standards in some cases and add standards in others. You are receiving this notice since the amendments may apply to property you own.

**Planning Commission Public Hearing Information**

Date: Thursday, October 24, 2019

Time: 6:30 pm

Place: Umatilla County Justice Center Media Room  
4700 NW Pioneer Place  
Pendleton, OR 97801

**Board of Commissioners Public Hearing Information**

Date: Wednesday, November 6, 2019

Time: 9:00 am

Place: Umatilla County Courthouse, Room 130  
216 SE 4<sup>th</sup> Street  
Pendleton, OR 97801

Contact: Robert Waldher, Planning Director by phone at (541) 278-6252 or email at [planning@umatillacounty.net](mailto:planning@umatillacounty.net)

Copies of all documents pertaining to the hearing listed above, and all relevant criteria are available for inspection at no cost and will be duplicated at printing cost. A copy of the staff report will be available for inspection or duplicated at least seven days before the hearing. A complete hearing packet will also be posted on the county website at [www.umatillacounty.net](http://www.umatillacounty.net). Hearings are governed by Section 152.772 of the Umatilla County Development Code.

**PLANNING COMMISSION HEARING  
AUGUST 22, 2019  
DRAFT MINUTES**

**LAND DIVISION, TYPE III;  
REPLAT REQUEST  
#LD-1N-124-19**

**JANET BRINDLE & MILES  
AGEE, APPLICANTS/ OWNERS**

**DRAFT MINUTES  
UMATILLA COUNTY PLANNING COMMISSION  
Meeting of Thursday, August 22, 2019, 6:30 pm**

**Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR**

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**COMMISSIONERS**

**PRESENT:** Gary Rhinhart, Molly Tucker Hasenbank, Tammie Williams, Hoot Royer, Jon Salter

**ABSENT:** Suni Danforth, Chair, Don Wysocki, Vice Chair, Tami Green, Lyle Smith

**STAFF:** Bob Waldher, Planning Director; Elizabeth Ridley, Planner/GIS; Tierney Dutcher, Administrative Assistant

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

**CALL TO ORDER**

Commissioner Rhinhart called the meeting to order at 6:30 p.m. and read the Opening Statement.

**NEW HEARING**

**TYPE III LAND DIVISION; REPLAT REQUEST #LD-1N-124-19, JANET BRINDLE & MILES AGEE, APPLICANTS/ OWNERS.** The applicants request approval to replat Lots 3, 4, 12, and 13, of Block 4 of the Papoose Woodlands Subdivision Plat, Book 9, Page 32, Assessor's Map 1N 35 28DD, Tax Lots 2000, 2100, 2900 and 3000. The applicant's proposed replat consolidates Lots 3, 4, 12, and 13 into a single lot. The property is located approximately two (2) miles north of Meacham, north of Old Highway 30. The Land Use Decision standards applicable to the applicants request are found in Umatilla County Development Code (UCDC) 152.697(C), Type III Land Divisions.

Commissioner Rhinhart called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none.

**STAFF REPORT**

Elizabeth Ridley, Planner/GIS, stated that the applicants, Janet Brindle and Miles Agee request approval of a replat, Type III Land Division, of 4 tax lots; 2000, 2100, 2900 and 3000. The choice to consolidate these 4 lots was made due to setback requirements in the Forest Residential Zone (FR). The UCDC states that within the FR Zone, no building or accessory structure shall be located closer than 35 feet (ft.). from a lot line. The applicants first approached the Planning Department with a request to build a cover over their existing dwelling for the purpose of snow protection. Staff determined that the current dwelling does not meet the FR Zone setback requirements, and any future construction would be required to meet the 35 ft. standard. The applicants decided to consolidate the lots to ensure they are able to meet the setback requirements for the proposed structure. The standards of approval are found in UCDC

152.697(C), Type III Land Divisions. Standards of reviewing a replat generally consist of complying with development standards and surveying plat requirements. The notice of the applicants request was mailed to property owners located within 250 ft. of the perimeter of lots 3, 4, 12 and 13, on August 1, 2019 and public notice was published in the East Oregonian newspaper on August 10, 2019. Ms. Ridley stated that she received an email comment from Gregory Smith in support of the replat and provided a copy of the email to the Planning Commissioners.

Ms. Ridley stated that the proposed conditions of approval address the survey and recording requirements. Final approval will be accomplished by recording the final survey plat. The decision made by the Planning Commission will be final unless timely appeal is submitted to the Board of County Commissioners (BCC).

### **TESTIMONY**

**Applicant Testimony:** Janet Brindle, PO Box 927, Pendleton, Oregon and Miles Agee, 43654 Brower Lane, Pendleton, Oregon. Ms. Brindle stated that they have had a trailer at the location since 1988 and replaced it approximately 10 years ago. She stated that the winter snow has caused issues with the roof and roof vents on the trailer. They requested to build a pole barn cover over the trailer with a steep pitch to help save the roof. She stated that they do not plan to change anything else on the property. They are simply requesting to build a protective structure over the top of their existing trailer.

Mr. Agee stated that over time it has become more difficult and dangerous to manage the snow on the roof. He believes the cover will also help with longevity of the trailer. He stated that when the trailer was placed 10 years ago the property line was not quite 35 ft. from the structure, but they were still able to get it permitted. He assumed that he would be able to put a roof over the top, however when they submitted the paperwork they were made aware that it would not be possible. After consulting with the County Planning and Tax & Assessment Departments, they decided that their best move would be to convert the 4 lots into 1 large lot. Consolidation of the lots will help them to save on annual taxes and achieve the goal of meeting setback requirements for the trailer cover they are seeking to build.

**Public Agencies:** No additional comments.

Commissioner Rhinhart added the email from Mr. Gregory Smith to the record as Exhibit A and closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Williams made a motion to approve Replat Request, Land Division #LD-1N-124-19, Janet Brindle and Miles Agee, owners. Commissioner Royer seconded the motion. Motion passed with a vote of 5:0.

## **MINUTES**

Commissioner Rhinhart called for any corrections or additions to the minutes from the July 25, 2019 meeting. Commissioner Hasenbank moved to approve the minutes. Commissioner Williams seconded the motion. Motion carried by consensus.

## **OTHER BUSINESS**

Mr. Waldher stated that, on August 7th the BCC approved Plan Amendment #P-124-19 to co-adopt Hermiston City Ordinance 2271 amending the Comprehensive Plan Map from urbanizable to urban status for 71.02 acres on the north side of East Theatre Lane and on the west side of Northeast 10th Street. He reminded them that the Planning Commission recommended approval to the BCC at their meeting on July 25, 2019.

The next Planning Commission Hearing is scheduled for Thursday, October 24, 2019, 6:30pm at the Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, Oregon.

## **ADJOURNMENT**

Commissioner Rhinhart adjourned the meeting at 6:51 p.m.

Respectfully submitted,

Tierney Dutcher,  
Administrative Assistant