



## Board of Commissioners

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216 S. E. 4<sup>th</sup> Street  
Pendleton, OR 97801  
541-278-6204

**Daniel N. Dorran**  
541-278-6201

**John M. Shafer**  
541-278-6203

**Celinda A. Timmons**  
541-278-6202

### **BOARD OF COMMISSIONERS MEETING**

Wednesday, June 5, 2024, 10:00am  
Vert Auditorium, Pendleton, Oregon

- A. Call to Order
- B. Chair's Introductory Comments & Opening Statement
- C. New Business

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

- D. New Business

**TEXT AMENDMENT #T-094-23, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, CHANGING THE LIMITATIONS ON USE AND DIMENSIONAL STANDARDS IN ZONES MUF, FR, MR, UC, CRC, RR-2, RR-4, RR-10 AND FU-10 AND MODIFYING THE LANGUAGE REGARDING USES PERMITTED WITH A ZONING PERMIT TO CLARIFY THE TYPE AND NUMBER OF DWELLINGS**



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

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

E. Adjournment



# PLANNING DIVISION

216 SE 4<sup>th</sup> ST, Pendleton, OR 97801, (541) 278-6252

Email: [planning@umatillacounty.gov](mailto:planning@umatillacounty.gov)

COMMUNITY &  
BUSINESS  
DEVELOPMENT

## MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Board of County Commissioners

**FROM:** Megan Davchevski, Planning Division Manager

**DATE:** May 29, 2024

CODE  
ENFORCEMENT

**RE: June 5, 2024 Board of Commissioner Meeting**

SOLID WASTE  
COMMITTEE

Umatilla County Development Code Text Amendment

SMOKE  
MANAGEMENT

Official Zoning Maps

GIS AND  
MAPPING

### ***Background Information***

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

RURAL  
ADDRESSING

LIAISON,  
NATURAL  
RESOURCES &  
ENVIRONMENT

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

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

PUBLIC TRANSIT

### ***Conclusion***

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

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). At the May 2<sup>nd</sup> 2024 Planning Commission hearing, the Planning Commission unanimously recommended approval of the proposed text amendment with a vote of 8-0.

### Attachments

- Preliminary Findings and Conclusions
- Proposed Text Amendment

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

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

**1. Request**

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

**2. Procedural Matters**

**A. Categorization of this Matter**

This matter is a legislative matter because it proposes to amend the text of the UCDC in a manner that will change the medium of the Official Zoning Maps of Umatilla County.

**B. Post-Acknowledgment Amendment**

This legislative amendment is an amendment to the County's acknowledged 1983 Zoning Ordinance. ORS 197.610(1) and OAR 660-018-0020(1) require that the County provide notice to the Director of the Oregon Department of Land Conservation and Development ("DLCD") at least 35 days prior to the initial evidentiary hearing. The County provided the 35-day notice to DLCD through DLCD's PAPA online portal on March 21, 2024. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by submitting the post-acknowledgement amendment notice so that it arrived at the office of the Director of DLCD at least 35 days prior to the initial evidentiary hearing.

UCDC 152.771(B) requires the County provide a legal notice for the Planning Commission hearing April 25, 2024 and Board of Commissioners hearing June 5, 2024 by publication in a newspaper of general circulation in the County at least ten (10) days prior to the date of the first hearing. The notice was published in the *East Oregonian* newspaper on April 13, 2024.

The County has satisfied the post-acknowledgement amendment notice required by ORS 197.610(1) and OAR Chapter 660-018-0020(1) and the legal notice of hearing publication in UCDC 152.771(B).

**C. Procedure**

UCDC 152.752 is entitled "Public Hearings on Amendments." This section provides, in relevant part:

"The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures in section 152.771 of this Chapter at its earliest practicable meeting after it is proposed. The decision of the Planning Commission shall be final unless appealed,



except in the case where the amendment is to the text of this Chapter, then the Planning Commission shall forward its recommendation to the Board of Commissioners for final action."

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

Additionally, UCDC 152.771(A)(1) provides that a public hearing is required for legislative amendments. The procedures and requirements for a quasi-judicial hearing are not applicable to this hearing. Therefore, UCDC 152.772, which applies to quasi-judicial hearings, is not applicable to this legislative proceeding.

### **3. Approval Criteria**

UCDC 152.751 requires that an amendment to the text of the UCDC shall comply with provisions of the Umatilla County Comprehensive Plan (the "Plan"), the Oregon Transportation Planning Rule (the "TPR"), OAR Chapter 660, division 12, and the Umatilla County Transportation Plan ("Transportation Plan"). The County also finds that because this text amendment is a post-acknowledgment amendment, ORS 197.175(1) requires that the Plan and Map amendment satisfy applicable Statewide Planning Goals (the "Goals") and other applicable administrative rules. The County finds that the UCDC does not contain substantive standards for an amendment to the UCDC text. The remainder of this section addresses the applicable approval criteria.

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

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

**Finding:** The County finds that UCDC 152.751 is satisfied.

#### **A. Applicable Statewide Planning Goals**

*Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

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

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

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

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

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

*Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

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

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

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

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

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

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

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

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

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

No recreation components are included in this application.

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

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

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

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

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

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

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

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

*Goal 13 Energy: To conserve energy.*

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

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

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

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

## **B. Applicable Oregon Administrative Rules**

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

**C. Applicable Plan Policies**

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

**(a) Chapter 4, “The Planning Process”**

***Finding 6: “Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and /or management responsibilities for land in the County.”***

***Policy 6: “To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code.”***

**Finding:** The County finds this policy is satisfied where the County coordinated with affected governmental entities in providing notice of the Planning Commission and Board of Commissioners' hearings on the text amendment. Coordination requires that affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable.

The County finds that this policy is satisfied.

**(b) Chapter 5, “Citizen Involvement”**

**(1) Policy 1: “Provide information to the public on planning issues and programs, and encourage citizen input to planning efforts.”**

**Finding:** The County finds Chapter 5, Policy 1, is satisfied because notice of the Planning Commission and Board of Commissioners' hearings are in a newspaper of County-wide circulation and there are two (2) *de novo* hearings where the public may testify on the proposed text amendment.

The County finds that this policy is satisfied.

**(2) Policy 5: “Through appropriate media, encourage those County residents’ participation during both city and County deliberation proceedings.”**

**Finding:** The County finds, as explained above, the publication of notice of the Planning Commission hearing and the Board of Commissioners’ hearing in a newspaper of County-wide circulation fulfills this requirement.

The County finds that this policy is satisfied.

**5. CONCLUSION**

For the reasons contained herein, the County finds the applicable approval criteria for the text amendment have been satisfied and the proposed text amendment to memorialize the County Zoning Maps of 1984, and create an official replica of the Official Zoning Map as an electronic map layer can be approved.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2024.

***UMATILLA COUNTY BOARD OF COMMISSIONERS***

\_\_\_\_\_  
John M. Shafer, *Commissioner*

\_\_\_\_\_  
Celinda A. Timmons, *Commissioner*

\_\_\_\_\_  
Daniel N. Dorran, *Commissioner*

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

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

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

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

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

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

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

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





# PLANNING DIVISION

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Email: [planning@umatillacounty.gov](mailto:planning@umatillacounty.gov)

COMMUNITY &  
BUSINESS  
DEVELOPMENT

## MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Board of County Commissioners

**FROM:** Charlet Hotchkiss, Planner I

**DATE:** May 29, 2024

CODE  
ENFORCEMENT

**RE: June 5, 2024 Board of Commissioner Meeting**

SOLID WASTE  
COMMITTEE

Umatilla County Development Code Text Amendment

#T-094-23

SMOKE  
MANAGEMENT

### Amending animal density standards in residential zones.

GIS AND  
MAPPING

#### ***Background Information***

RURAL  
ADDRESSING

LIAISON,  
NATURAL  
RESOURCES &  
ENVIRONMENT

Over the past several years the Umatilla County Planning Division and Code Enforcement Department have received numerous complaints from residents regarding roosters in rural residential zones. Noise complaints due to roosters crowing day and night are most prevalent, but also complaints of people keeping large numbers of roosters presumed to be used for cock fighting have been made. In order to remedy this ongoing situation in multiple rural residential zones within the county, the Planning Division has proposed new language within the limitations on use sections of multiple zones encompassed in the Umatilla County Development Code. The decision to do so was made at the direction of the Umatilla County Board of Commissioners. Staff also decided to modify some of the language used within those sections in order to better clarify the meaning of the code, as well as to rearrange and organize certain language to sections where it makes more sense. Such as moving the existing language regarding setbacks to animal sheltering structures (barns, large chicken or other fowl coops, etc.) to the Dimensional Standards sections instead of having it in the Limitations on Use sections of these zones.

PUBLIC TRANSIT

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

Since the public notice was mailed out to affected property owners within Umatilla County on April 5, 2024, Planning has received a large volume of calls and in person visits regarding the amendment. There seems to be a lot of confusion and misconceptions surrounding the proposed changes, below is a brief explanation of what is changing and what is not.



This proposed text amendment **does**:

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

This proposed text amendment **does not**:

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

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

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

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

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

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

### ***Co-Adoption***

County Staff are requesting the proposed amendments be applicable in the Future Urban (FU-10) zone. Which is located within Hermiston's UGB. The City of Hermiston Joint Management Agreement (JMA) Section E (10) requires County Land Development Code

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

### ***Conclusion***

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

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). At the May 2, 2024 Planning Commission hearing, the Planning Commission voted on specific sections of the proposed text amendment, piece by piece;

A motion to recommend **approval** of UCDC 152.118A, 152.133A, 152.158A, 152.163A, 152.173A, 152.218A, 152.233A, 152.263A, and 152.338A was made. (All of which address the issue of the number of goats and livestock of similar size and expand the numbers of animals from 2 per acre to 4 per acre.) Motion carried with a vote of 5-3 to recommend **approval** to the Board of County Commissioners.

A motion to recommend **denial** of UCDC 152.118B, 152.133B, 152.158B, 152.163B, 152.173B, 152.218B, 152.233B, 152.263B and 152.3388 was made. (All of which outline the new animal density standards for chickens, roosters and other fowl). Motion carried with a vote of 7-1 to recommend **denial** to the Board of County Commissioners.

A motion to recommend **denial** of UCDC 152.118C, 152.133C, 152.158C, 152.163C, 152.173C, 152.218C, 152.233C, 152.263C, and 152.338C was made. (All of which address proper sanitation in animal shelters, corrals, etc., and keeping animal feed in metal or other rodent-proof receptacles). Motion carried with a vote of 7-1 to recommend **denial** to the Board of County Commissioners.

A motion was made to alter the text under Uses Permitted with the RR-2, RR-4, RR-10, MUF, FR and MR zones under Uses Permitted (B)(1)(a) "Manufactured dwelling, as provided 152.013" to state manufactured dwelling/mobile home and to recommend **approval** to the Board of County Commissioners under Uses Permitted, subsection (B)(1), (B)(1)(a), (B)(1)(b) and (B)(1)(c), strike-through subsection (B)(3) and renumbering (B)(4) through (B)(8) to (B)(3) through (B)(7). The Planning Commission unanimously recommended approval with a vote of 8-0.

Following the May 2<sup>nd</sup>, 2024 Planning Commission Hearing, Planning Staff researched best practices for animal husbandry standards specifically in backyard chicken operations/hobby farms. This research has been included in your packet as Exhibit N, Exhibit O and Exhibit P.

## Attachments

- Preliminary Findings and Conclusions
- Proposed Text Amendment

**UMATILLA COUNTY  
BOARD OF COUNTY COMMISSIONERS HEARING – May 2, 2024  
TEXT AMENDMENT #T-094-23  
PACKET CONTENT LIST**

- |     |  |             |
|-----|--|-------------|
| 1.  | Staff Memo to Board of County Commissioners  | Pages 1-4   |
| 2.  | Table of Contents  | Page 5-6    |
| 3.  | Maps of affected zones   | Pages 7-13  |
| 4.  | Full text of proposed amendment in affected zones  | Pages 15-32 |
| 5.  | Draft Findings   | Pages 33-41 |
| 6.  | Exhibit A: Comment Letter from Joyce R Aniliker and Manford Aniliker<br><i>Received via mail April 15, 2024</i>  | Page 43     |
| 7.  | Exhibit B: Comment from Judith Hedberg-Duff<br><i>Received via mail April 25, 2024</i>   | Page 45     |
| 8.  | Exhibit C: Comment from Sheri Lynch<br><i>Received via mail April 25, 2024</i>   | Page 47     |
| 9.  | Exhibit D: Comment from Sharame Goodwin<br><i>Received via mail April 25, 2024</i>   | Page 49     |
| 10. | Exhibit E: Comment from Tamra Mabbott<br><i>Received via mail April 25, 2024</i>   | Page 51     |
| 11. | Exhibit F: Comment Letter from J.R. Cook, Director of Northeast Oregon<br>Water Association and Justin Green. Executive Director, Water for Eastern<br>Oregon<br><i>Received via mail April 25, 2024</i> | Page 53-55  |
| 12. | Exhibit G: Comment from William & Stephanie Jackson<br><i>Received via mail April 25, 2024</i>   | Page 57     |
| 13. | Exhibit H: Comment from Justin Berry<br><i>Received via mail April 25, 2024</i>  | Page 59     |

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|-----|---|--------------|
| 14. | Exhibit I: Comment with attachment from Jim Johnson, Land Use and Water Planning Coordinator, Oregon Department of Agriculture – Natural Resource Program<br><i>Received April 30, 2024</i>   | Page 61-67   |
| 15. | Exhibit J: Comment from anonymous local resident.<br><i>Received at May 2, 2024 at Planning Commission hearing</i>  | Page 69-80   |
| 16. | Exhibit K: Comment with attachment from Shannon Springer, Planning Director, Grant County Planning Department<br><i>Received May 6, 2024</i>  | Page 82-92   |
| 17. | Exhibit L: Emails between Community Development Director Robert Wahlder & Milton-Freewater resident Sharame Goodwin from 2021 (Initial Rooster Complaint)   | Page 94-98   |
| 18. | Exhibit M: Emails between Community Development Director Robert Wahlder, County Code Enforcement Officer Gina Miller, County Commissioners Dan Dorran and George Murdock, Sargent Adam Gregory and Milton-Freewater resident Sharame Goodwin from 2022 (Continuation of Rooster Complaint Discussion) | Page 100-104 |
| 19. | Exhibit N: Oregon State University Extension - Backyard Poultry in Urban Areas Presentation<br>(From Staff Research)  | Page 106-111 |
| 20. | Exhibit O: “Backyard Poultry in Clinical Avian Practice” from <i>Journal of Avian Medicine and Surgery</i><br>(From Staff Research)   | Page 112-113 |
| 21. | Exhibit P: University of Idaho Extension – 4-H Poultry Showmanship Questions<br>(From Staff Research)   | Page 114-117 |

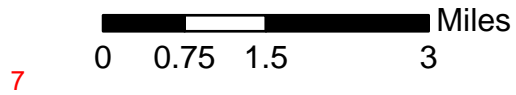




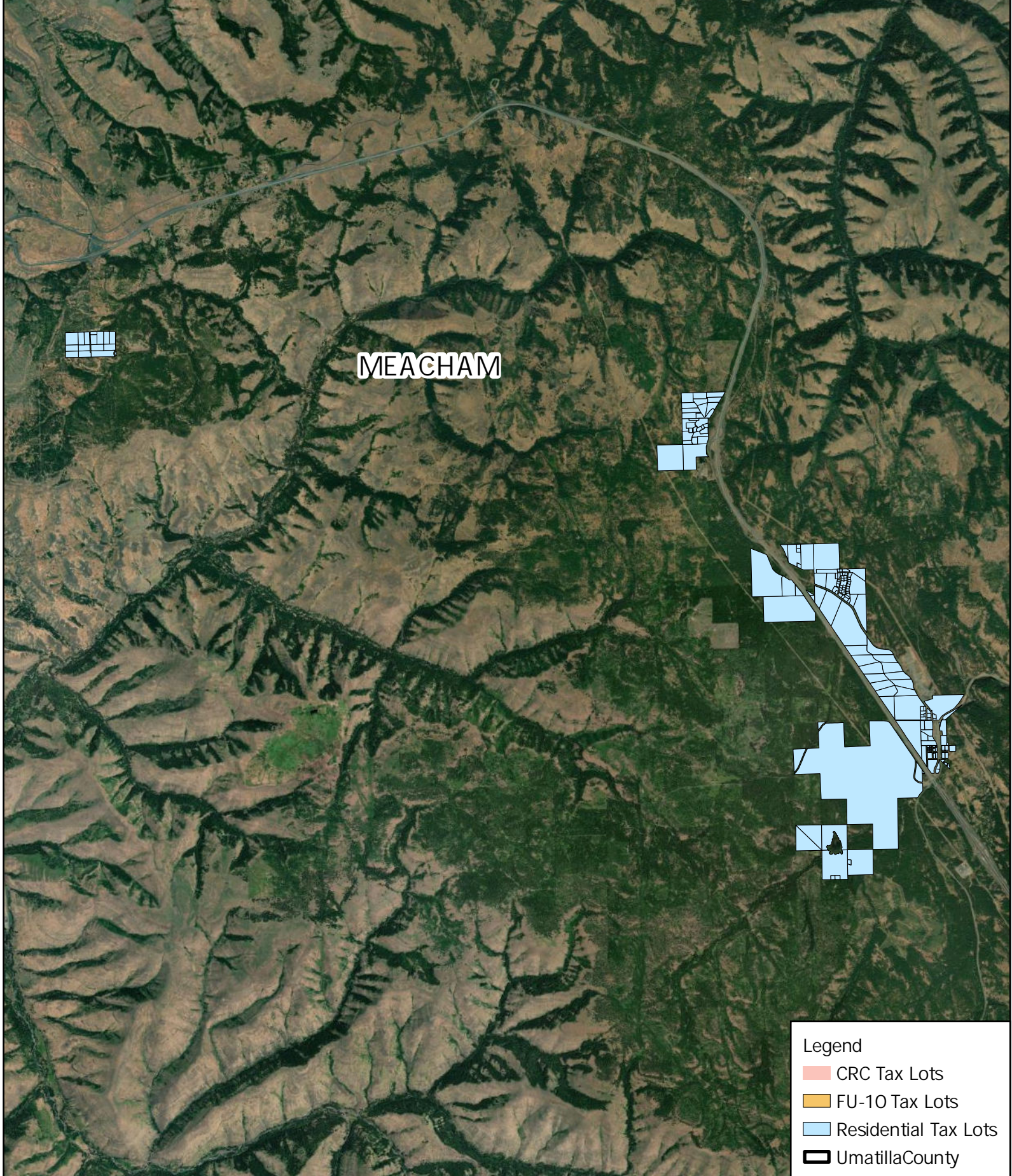
Legend

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

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





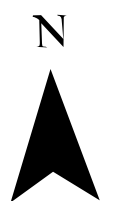


MEACHAM

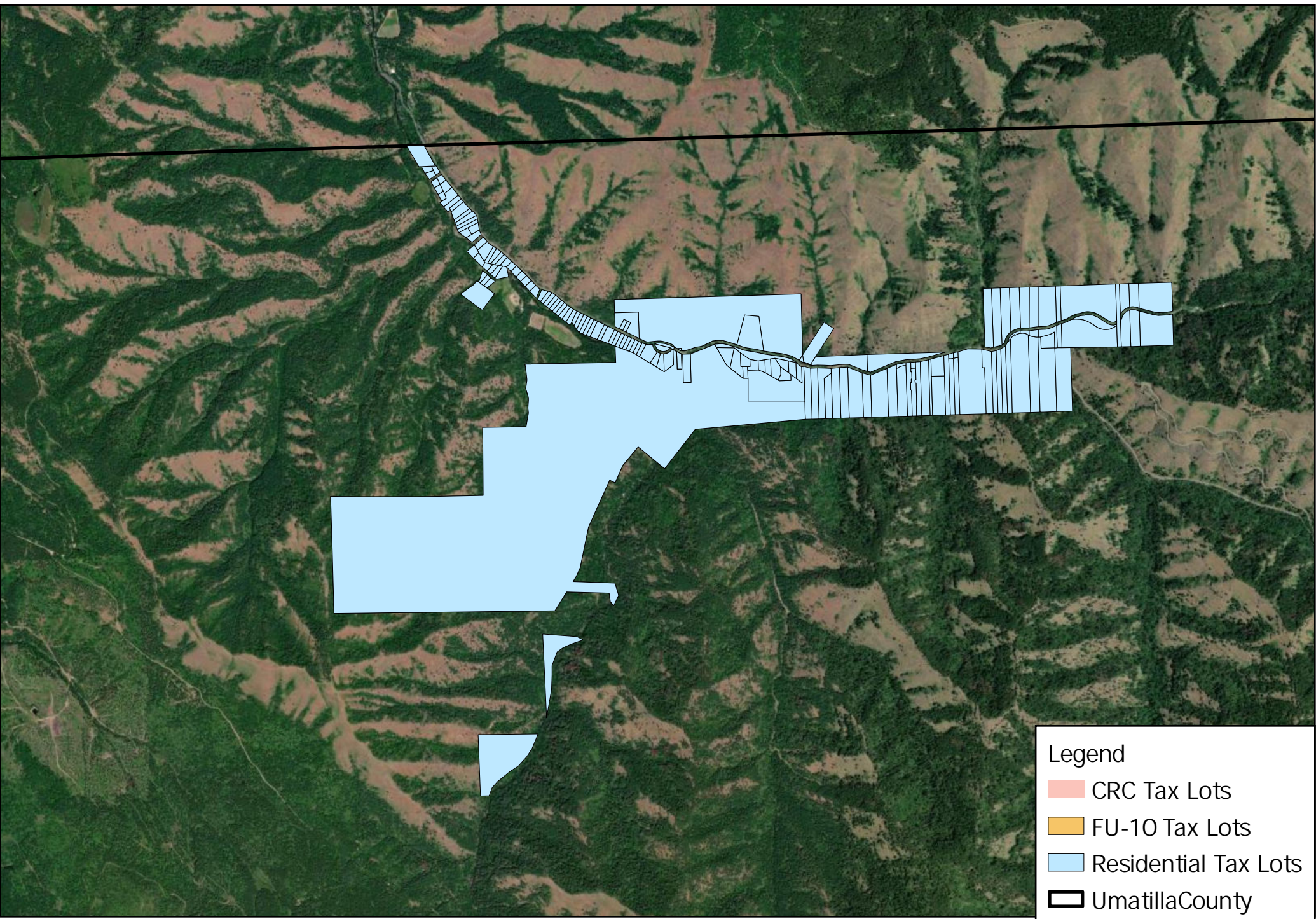
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- CRC Tax Lots
- FU-10 Tax Lots
- Residential Tax Lots
- Umatilla County

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



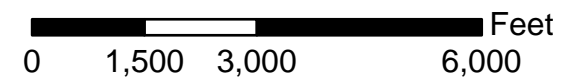




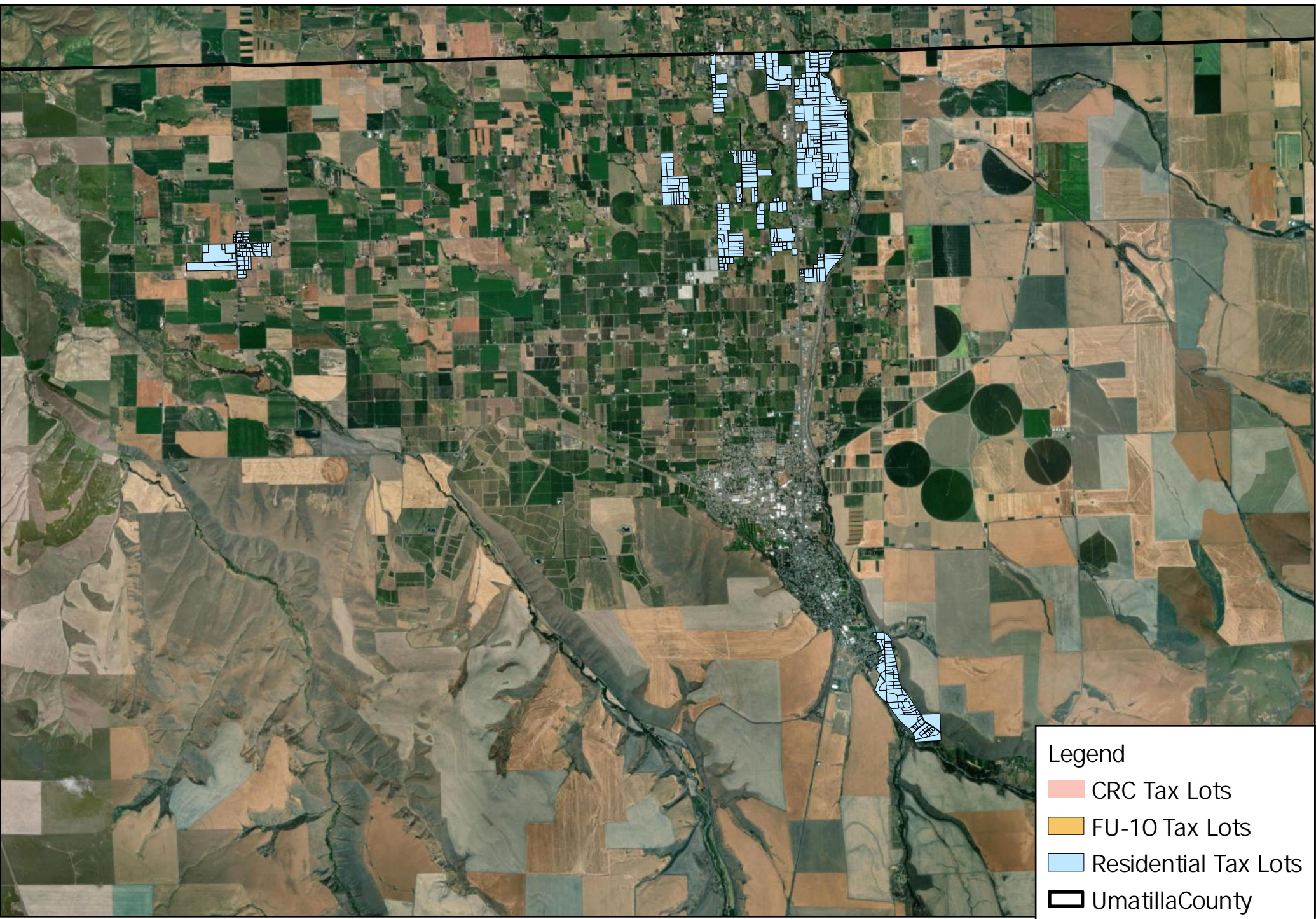
Legend

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

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



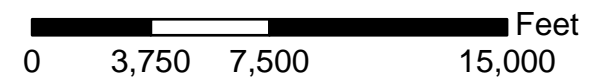




Legend

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

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





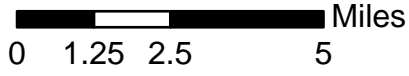


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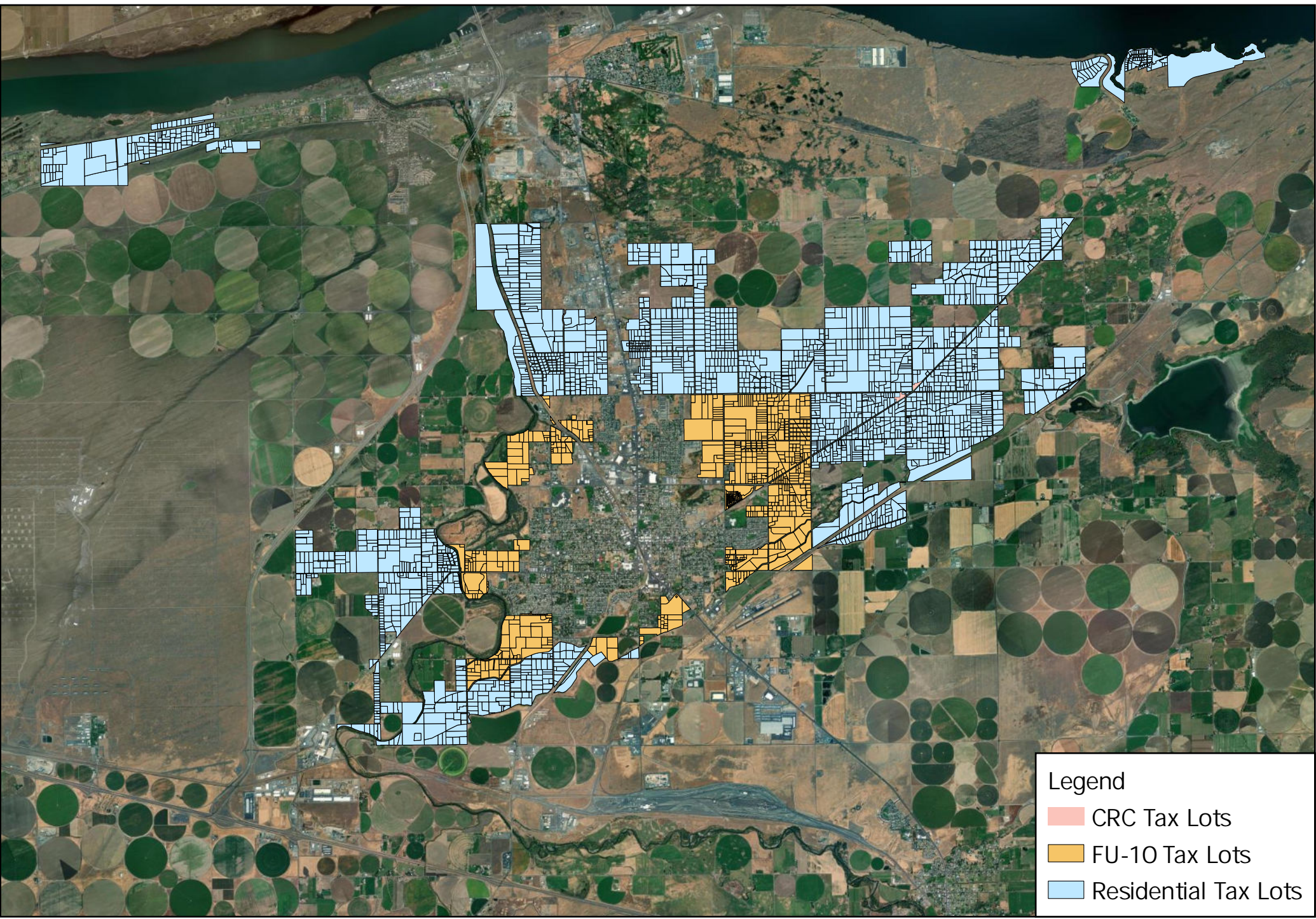
LEHMAN HOT SPRINGS

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

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



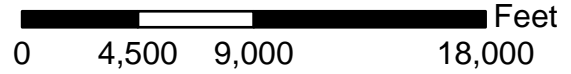




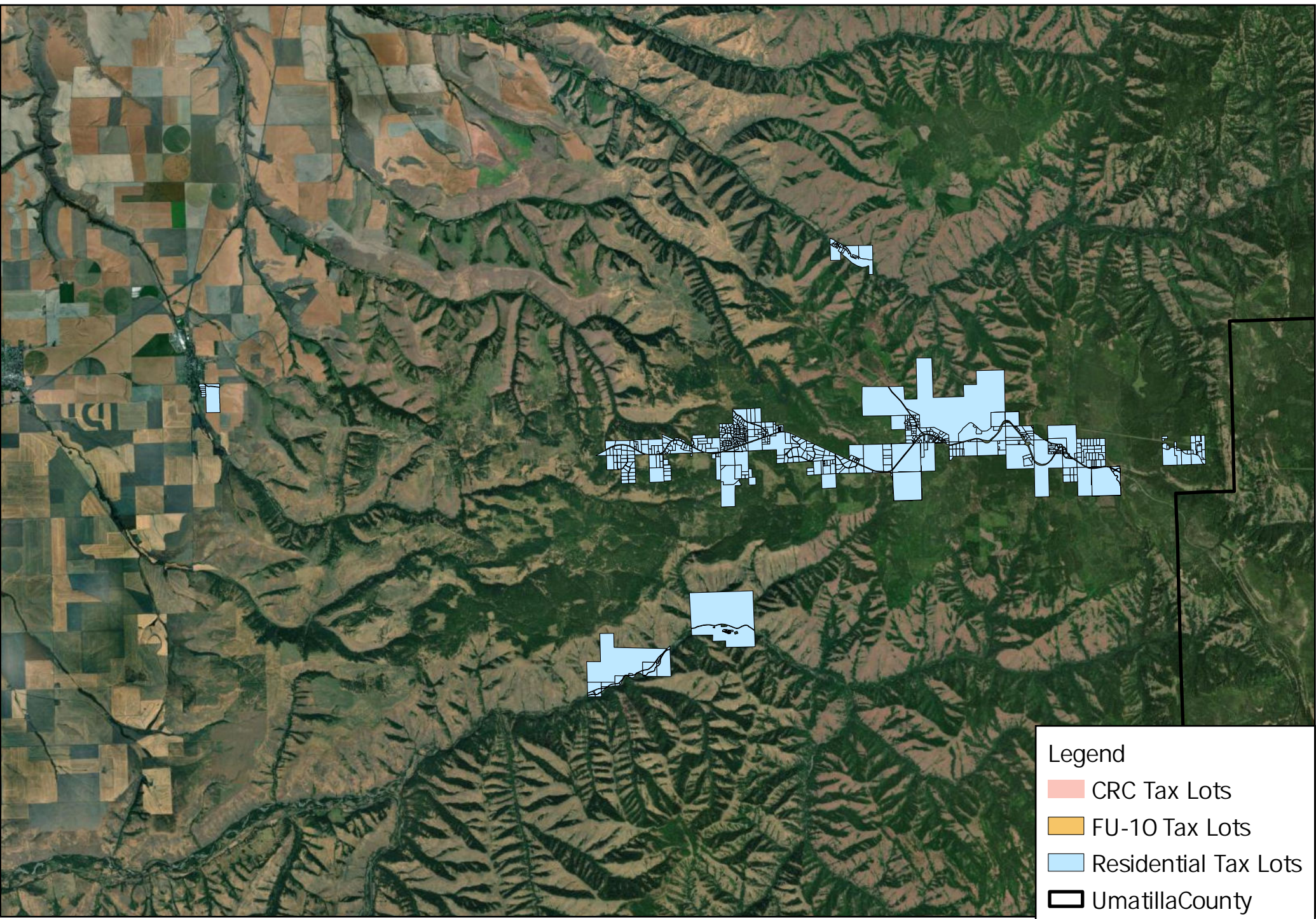
Legend

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

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



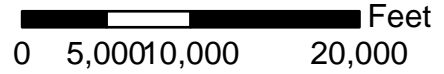




Legend

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

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







## § 152.118 LIMITATIONS ON USE.

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

(A) Cows, horses, goat or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited **to the maximum density to the acreage of the lot divided by the minimum area required for each animal size as outlined in this section.** The **maximum density minimum area required for horses, cattle, and similar sized livestock** cows, goats or sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept. **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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

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

~~(D) Barn, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;~~

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

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

## § 152.119 DIMENSIONAL STANDARDS.

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

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

(C) Stream setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and

vistas along the streams, lakes and wetlands, the following setbacks shall apply:

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

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

(D) Building and Structure setback and yards.

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

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

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

**(4) Barns, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

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

§ 152.131 USES PERMITTED

...

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

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

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

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

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

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

(2) Home occupations as provided in §152.573;

(3) Mobile home as provided in §152.013;

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

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

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

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

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

...

§ 152.133 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-2 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited **to the maximum density** ~~to the square footage of the lot divided by the minimum area required for each animal~~ **size as outlined in this section.** The ~~minimum area required~~ **maximum density** for horses, **cattle, and similar sized livestock** ~~eows, goats and sheep~~ is two per acre. ~~For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.~~ **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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

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



~~(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;~~

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

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

...

### **§ 152.134 DIMENSIONAL STANDARDS.**

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

(A) Minimum lot area.

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

(2) Non-residential structures. For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

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

minimize potential conflicts with adjacent land uses;

(4) Pre-existing non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, providing that all other applicable regulations can be met.

(B) Setback requirements. No building or accessory structure shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line; **Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

...

## §152.156 USES PERMITTED

...

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

In a RR-4 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025.

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

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

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

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

(2) Home occupation as provided in §152.573;

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

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

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

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

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

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

...

## § 152.158 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-4 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited **to the maximum density** ~~to the square footage of the lot divided by the minimum area required for each animal~~ **size as outlined in this section.** The **maximum density** ~~minimum area required for horses, cattle, and similar sized livestock~~ ~~eows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.~~ **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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

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

**in metal or other rodent-proof receptacles.**

~~(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;~~

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

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

...

**§ 152.159 DIMENSIONAL STANDARDS.**

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

(A) Minimum lot area.

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

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health,

the size needed to accommodate the use and its accessory uses and the objective to minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) Setback requirements. No building or accessory structure shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line. **Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

...

## §152.161 USES PERMITTED

...

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

In a RR-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025.

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

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

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

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

(2) Home occupation as provided in §152.573;

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

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

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

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

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

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

...

## § 152.163 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-10 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to **the maximum density the square footage of the lot divided by the minimum area required for each animal size as outlined in this section.** The **maximum density** minimum area required for horses, **cattle, and similar sized livestock** eows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept. **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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

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

~~(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;~~

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

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

...

#### **§ 152.164 DIMENSIONAL STANDARDS.**

In a RR-10 Zone, the following standards shall apply:

(A) Minimum lot area.

(1) For principal dwellings, ten acres;

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

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

minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) Setback requirements. No building or accessory structure shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater. **Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

...

MUF, MULTIPLE USE FOREST ZONE  
Sub-Sections

152.170 Purpose

152.171 Uses permitted

152.172 Conditional uses permitted

**152.173 Limitations on use**

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

...

**§ 152.171 USES PERMITTED**

...

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

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

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

**(b) One recreational vehicle; or**

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

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

~~(2) Dwelling;~~

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

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

**(2) (5) Christmas tree sales;**

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

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

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

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

**(7) (10) Day Care or Nursery.**

...

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

**§ 152.173 LIMITATIONS ON USE.**

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

**(A) Cows, horses, goat or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the maximum density for each animal size as outlined in this section. The maximum density for horses, cattle and similar sized livestock is two per acre. The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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

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

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

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

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

(A) Minimum lot area.

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

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

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

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

(C) Setback. No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter. **Barns, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

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



FR, FOREST RESIDENTIAL ZONE

Sub-Sections

152.215 Purpose

152.216 Uses permitted

152.217 Conditional uses permitted

**152.218 Limitations on use**

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

...

**§ 152.216 USES PERMITTED**

...

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

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

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

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

**(b) One recreational vehicle; or**

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

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

~~(2) Dwelling;~~

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

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

**(2)** ~~(5) Christmas tree sales;~~

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

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

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

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

**(7)** ~~(10) Day Care or Nursery.~~

...

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

**§ 152.218 LIMITATIONS ON USE.**

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

**(A) Cows, horses, goat or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the maximum density for each animal size as outlined in this section. The maximum density for horses, cattle and similar sized livestock is two per acre. The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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



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

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

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

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

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

(A) Minimum lot area.

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

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

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

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

(C) Setback. No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter. **Barns, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

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

MR, MOUNTAIN RESIDENTIAL ZONE  
Sub-Sections

152.230 Purpose

152.231 Uses permitted

152.232 Conditional uses permitted

**152.233 Limitations on use**

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

...

**§ 152.231 USES PERMITTED**

...

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

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

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

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

**(b) One recreational vehicle; or**

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

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

~~(2) Dwelling;~~

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

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

**(2) (5) Christmas tree sales;**

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

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

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

**(6) (9) Day Care or Nursery.**

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

**(8) (11) Model homes.**

...

(N) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review. (Ord. 2002-08, passed 8-14-02; Ord. 2009- 09, passed 12-8-09;)

**§ 152.233 LIMITATIONS ON USE.**

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

**(A) Cows, horses, goat or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the maximum density for each animal size as outlined in this section. The maximum density for horses, cattle and similar sized livestock is two per acre. The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and**

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

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

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

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

#### **§ ~~152.233~~-152.234 DIMENSIONAL STANDARDS.**

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

(A) Minimum lot area.

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

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

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

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

(C) Setback. No building or accessory structure shall be located closer than 20 feet from a lot line; **Barns, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

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

## § 152.263 LIMITATIONS ON USES

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

(A) Cows, horses goats, sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited **to the maximum density to the square footage of the lot divided by the minimum area required for each animal size as outlined in this section.** The ~~minimum area required~~ **maximum density** for horses, **cattle, and similar sized livestock** ~~eows,~~ goats and sheep is two per acre. ~~For the purposes of this section the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.~~ **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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

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

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

~~(E) Notwithstanding division (C) of this section, barns, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;~~

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

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

## § DIMENSIONAL STANDARDS

In a CRC Zone the following standards shall apply:

(A) *Minimum lot area.*

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

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

accommodate the use and its accessory uses, and the objective to minimize potential conflicts with adjacent land uses;

(3) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone providing that all other applicable regulations can be met.

(B) *Setback requirements.* No building shall be located closer than 20 feet from the property line except on the street/road side of a corner lot used for a side yard, the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater. If the area between the building and the lot line is to be used for off-street parking, then the building shall be located at least 40 feet from the lot line. **Notwithstanding UCDC § 152.263 (C) barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

...

**§ 152.338 LIMITATIONS ON USE.**

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

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited **to the maximum density to the acreage of the lot divided by the minimum area required for each animal size as outlined in this section.** The **maximum density minimum area required for horses, cattle, and similar sized livestock** cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept. **The maximum density for goats and livestock of a similar size is four per acre. When calculating density requirements for mixed livestock, the maximum density is two per acre. For example, a maximum of two horses and two goats could be kept on a two acre lot or parcel at any given time.**

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

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

~~(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;~~

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

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

...

**§ 152.339 DIMENSIONAL STANDARDS.**

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

(A) Minimum lot size.

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

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

parcel size stated in subdivision (1) above may be occupied only by a single-family dwelling, mobile home or modular home upon approval by the DEQ, or other authorized agent which may succeed them, to place a septic tank and drainfield on the preexisting non-conforming lot.

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

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

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

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

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

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

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

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

(B) Setback requirements. No buildings shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line. **Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;**

...



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

**1. Introduction**

The Umatilla County Development Code (UCDC) provides that “an amendment to the text of this chapter or to a zoning map may be initiated by the County Board of Commissioners, the County Planning Commission, or by application of a property owner.” (UCDC Section 152.750) Therefore, the County has the authority to consider the text amendment.

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

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

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

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

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



## **2. Procedural Matters**

### **A. Categorization of this Matter**

This matter is a legislative matter because it proposes to amend the text of the Umatilla County Development Code in a manner that will affect all Umatilla County properties zoned Multiple Use Forest (MUF), Forest Residential (FR), Mountain Residential (MR), Unincorporated Community (UC), Rural Residential-2 (RR-2), Rural Residential-4 (RR-4), Rural Residential-10 (RR-10), Commercial Rural Center (CRC) and Future Urban-10 (FU-10) within rural Umatilla County.

### **B. Post-Acknowledgment Amendment**

This legislative amendment is an amendment to the County's acknowledged 1983 Zoning Ordinance. ORS 197.610(1) and OAR 660-018-0020(1) require that the County provide notice to the Oregon Department of Land Conservation and Development (“DLCD”) at least 35 days prior to the initial evidentiary hearing. The County provided the 35-day notice to DLCD on March 21, 2024. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by submitting the post-acknowledgment notice through PAPA, DLCD’s online portal on March 21, 2024, which was at least 35 days prior to the initial evidentiary hearing.

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

UCDC Section 152.771(B) requires the County provide a legal notice for the Planning Commission hearing April 25, 2024. The Planning Commission hearing and Board of Commissioners June 5, 2024 hearing by publication in a newspaper of general circulation in the County at least ten (10) days prior to the date of the first hearing. The notice was published in the East Oregonian newspaper on March 30, 2024. The Planning Commission Hearing on April 25, 2024, was continued to May 2, 2024. Notice was published again in the East Oregonian newspaper April 30, 2024, to notify the public about the continued hearing.

The County has satisfied the post-acknowledgement amendment notice required by ORS 197.610(1) and OAR Chapter 660-018-0020(1) and the legal notice of hearing publication in UCDC Section 152.771(B).

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

### **C. Procedure**

UCDC 152.752 is entitled “Public Hearings on Amendments.” This section provides, in relevant part:

“The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures in section 152.771 of this Chapter at its earliest practicable meeting after it is proposed. The decision of the Planning Commission shall be final unless appealed, except in the case where the amendment is to the text of this Chapter, then the Planning Commission shall forward its recommendation to the Board of Commissioners for final action.”

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

Additionally, UCDC Section 152.771(A)(1) provides that a public hearing is required for legislative amendments. The procedures and requirements for a quasi-judicial hearing are not applicable to this hearing. Therefore, UCDC Section 152.772, which applies to quasi-judicial hearings, is not applicable to this legislative proceeding.

### **3. Description of Amendment**

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

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

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

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

### **4. Approval Criteria**

UCDC 152.751 requires that an amendment to the text of the UCDC shall comply with provisions of the Umatilla County Comprehensive Plan (the "Plan"), the Oregon Transportation Planning Rule (the "TPR"), OAR Chapter 660, division 12, and the Umatilla County Transportation Plan ("Transportation Plan"). The County also finds that because this text amendment is a post-acknowledgment amendment, ORS 197.175(1) requires that the Plan and Map amendment satisfy applicable Statewide Planning Goals (the "Goals") and other applicable administrative rules. The remainder of this section addresses the applicable approval criteria.

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

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

**Finding:** The County finds that UCDC 152.751 is satisfied.

#### **A. Applicable Statewide Planning Goals**

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

**(a) Goal 1. "Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."**

The County has an acknowledged citizen involvement program. The citizen involvement program is implemented through UCDC Chapter 152. The public has two (2) *de novo* opportunities to testify on this text amendment. By following the post-acknowledgement amendment process, the County will satisfy Goal 1.

**Finding:** The County finds that Goal 1 is satisfied.

**(b) Goal 2. "Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to ensure an adequate factual basis for such decisions and actions."**

Goal 2 requires that County land use actions be consistent with the County's comprehensive plan. Goal 2 also requires that the County's action on this text amendment be coordinated with affected governmental entities, as coordination is defined in ORS 197.015(5). Further, Goal 2, Guideline C.1 requires that the County have an adequate factual base for its decision adopting the text amendment.

**Finding:** The County finds as follows on each requirement of Goal 2. The County has given notice of the application to affected governmental entities including, but not limited to, the City of Hermiston and United States Department of Agriculture. Coordination requires that the affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable. The County has followed coordination requirements.

The County finds that Goal 2 is satisfied.

**(c) Goal 3. "Agricultural Lands: To preserve and maintain agricultural lands."**

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

**(d) Goal 4 "Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."**

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

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



Goal 5 addresses historical and cultural resources with a focus on protecting sites. Goal 5 does not apply to this amendment as it is only affecting residential zones and the UC zone. Umatilla County finds Goal 5 will continue to apply to applicable open spaces, scenic and historic areas and natural resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**B. Applicable Oregon Administrative Rules**

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

**C. Applicable Plan Policies**

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

**Chapter 4, "The Planning Process"**

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

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

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

The County finds that this policy is satisfied.

#### **Chapter 5, "Citizen Involvement"**

(1) ***Policy 1: "Provide information to the public on planning issues and programs, and encourage citizen input to planning efforts."***

**Finding:** The County finds Chapter 5, Policy 1, is satisfied because notice of the Planning Commission and Board of Commissioners' hearings are in a newspaper of County-wide circulation and there are two (2) *de novo* hearings where the public may testify on the proposed text amendment. In addition to notice in the newspaper of record, 4,131 notification post cards were mailed out to affected landowners within Umatilla County giving a 20-day notice of the initial *de novo* hearing.

The County finds that this policy is satisfied.

(2) ***Policy 5: "Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings."***

**Finding:** The County finds, as explained above, the publication of notice of the Planning Commission hearing and the Board of Commissioners' hearing in a newspaper of County-wide circulation fulfills this requirement.

The County finds that this policy is satisfied.

#### **(c) Chapter 17, "Urbanization"**

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

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

The County finds that this policy is satisfied.

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

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

The County finds that this policy is satisfied.

## 5. Conclusion

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

## UMATILLA COUNTY BOARD OF COMMISSIONERS

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**Celinda A. Timmons, Commissioner**

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**John M. Shafer, Commissioner**

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**Daniel N. Dorran, Commissioner**

**Date:** \_\_\_\_\_







COMMUNITY DEVELOPMENT  
216 SE 4<sup>TH</sup> STREET  
PENDLETON OR 97801



US POSTAGE IMPITNEY BOWES  
ZIP 97801 \$ 000.64<sup>0</sup>  
02 4W  
0000353690 APR 05 2024

**This is dishonest!**

*We are already  
taped to death!!*

**RECEIVED**

**APR 15 2024**

UMATILLA COUNTY  
COMMUNITY DEVELOPMENT

ANLIKER JOYCE R & ANLIKER MANFORD ESTAT  
84897 ANLIKER LN  
MILTON FREEWATER, OR 97862-7441

**You are thieves & should be fired.**

*Who bought you out - China, Russia,  
Iran / Mr. Biden!*

9786237441 R003





**Limiting Livestock**

messages

Judith Hedberg-Duff <hedbergduffj@gmail.com>  
cc: planning@umatillacounty.gov

Thu, Apr 25, 2024 at 9:28 AM

I support limiting the number of roosters and small livestock on PR2 property. My property at 53173 W. Ballou is zoned Exclusive Farm Use. I have a residence and pasture. The properties across the road are zoned PR2 - residence on two acres. I have contacted Code Enforcement several times as my neighbor has a significant number of roosters staked and housed separately on their property. The roosters crow which causes constant loud noise. The noise at times is so loud I can't talk and be heard on my front porch. One of the benefits of living in the country is peace and quiet. The noise level has reduced my quality of life and real estate value.

Please limit the number of roosters on PR2 property.

Judith Hedberg-Duff  
53173 W. Ballou Road  
Milton Freewater, OR 97862  
hedbergduffj@gmail.com

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APR 25 2024

UMATILLA COUNTY  
COMMUNITY DEVELOPMENT





## Roosters - language changes

messages

Sheri Lynch <lynchsheri@gmail.com>  
To: planning@umatillacounty.gov

Thu, Apr 25, 2024 at 11:59 AM

Thank you for addressing the rooster issue in the proposed language changes. My husband and I live on W Ballou Road. I have been one of many voices talking with the county regarding the presence of roosters in our neighborhood. The addition of large flocks of roosters to the neighborhood instantly became a significant disruption primarily because of the constant and jarring noise, 24/7. We have learned that there is no recourse through the county, sheriff's office, nor is there recourse through the humane society or PETA.

We moved here from the Portland area where you just have to live with the reality of steady road noise. We chose to live in a rural setting to get away from the racket, and where we could enjoy peace and quiet. This peaceful setting evaporated the day the roosters moved in. Their presence impacts us daily:

1. Sitting or dining outside is no longer an option unless I am willing to subject myself to the constant loud and jarring sounds that constantly drift my way except when the wind has blissfully shifted, providing some relief. Working in the yard and gardening activities are often decided on, depending on the rooster sound levels.
2. We have new double paned windows. The rooster sounds are muffled, but still occasionally come through into the house. In fact, even at night in the dead of winter with no moon shining, the roosters are still crowing. There is no such thing as leaving a window open on a summer night to allow cool air into the house.
3. I cannot speak for others, but I would imagine property values will eventually be affected. Honestly, who wants to buy a house in the neighborhood when the expected peacefulness of a rural setting is not present? The buyer can go elsewhere.
4. Some research has been done on the decibel level of one rooster crow. From Newsweek: *"As it turns out, at point-blank range a rooster crow can pass 130 decibels, which is roughly the same acoustic intensity you'd get from standing 50 feet from a jet as it takes off. One recorded crow reached 143 decibels, comparable to "standing in the middle of an active aircraft carrier," according to Science.*"

Is there any possibility to also address the transition for any "grandfathered" flocks? For instance, you could insert some reasonable expiration that gives notice to the owners so they have a target date to move out the roosters, et al? And until then, some kind of temporary noise barrier? The sooner the noise is reduced, the better!

Thank you again for addressing this issue.

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Thank you for your time and effort to propose updates to the county codes. I would like to state that I am for the new zoning amendment of changing the limitations on animals, particularly the proposal decreasing the number of fowl per acre. The issue we face on Ballou Rd with the numerous roosters has grown over the past for years and has become almost unbearable at times. We can no longer enjoy our property in peace whether we are inside or outside. We cannot have windows open to allow fresh air in without having to listen to the abundance of roosters crow and we must sleep with a TV on to drown out the noise which starts at approximately 3:30 a.m. Furthermore, the roosters are kept in small cages, some that appear to be stacked on top of each other, and numerous roosters are tied to barrels. This seems like a very inhumane way to house an animal.

I do believe that it is within the right of a property owner to as they wish on the property they pay for, but not if it is at the expense of those around them. To take away from the peace, enjoyment and potential property value is where the issues lay. I do believe that there is evidence that that is the case on Ballou Rd, and I know that I am not alone in this frustration.

Thank you again for your time.

Sharame Goodwin

**RECEIVED**

APR 25 2024

UMATILLA COUNTY  
COMMUNITY DEVELOPMENT







Megan Davchevski <megan.davchevski@umatillacounty.gov>

**Code amendment**

1 message

**Tamra Mabbott** <tamra.mabbott@gmail.com>

Thu, Apr 25, 2024 at 12:35 PM

To: Megan Green <megan.davchevski@umatillacounty.gov>, Robert Waldher <robert.waldher@umatillacounty.gov>

RE: code amendment on April 25th planning commission agenda.

Hello Bob and Megan - just a quick note to offer support for the proposed code change regarding animal density. Specially, the limitation on roosters and other fowl in residential areas.

I would prefer the county retain the current animal density for small livestock to equal the density for horses and cattle, as a tool to discourage high density animal operations in rural residential areas. As you know, most of west Umatilla county rural residential zoning is also with the Lower Umatilla Basin Groundwater Management Area. By increasing the allowed density of small livestock may be desirable for some landowners, it has the real possibility of increasing groundwater and drinking water contamination. Many hobby farms keep their animals in enclosed areas that also includes the wellhead for the household. Enforcing a setback between wellhead and animals would result in significant increase in code enforcement work.

As a rural resident in the LUBGWMA my family and I see many small lots intensely managed as small farms that are better suited for lands zoned exclusive farm use. In addition to water quality and noise concerns, these dense animal areas create a lot of dust.

Thank you for your consideration.  
Tamra Mabbott

**RECEIVED**

APR 25 2024

UMATILLA COUNTY  
COMMUNITY DEVELOPMENT





**Via Electronic Mail (Robert.waldher@umatillacounty.gov)**

Umatilla County Planning Commission  
C/O Robert Waldher, Umatilla County Planning Director  
216 SE 4<sup>th</sup> Street  
Pendleton, Oregon 97801

RE: T-094-23 (Support for Poultry Limits and General Concerns Regarding Density Increases)

Chair and Commission:

The Northeast Oregon Water Association (NOWA) and Water for Eastern Oregon (H2OEO) appreciate the opportunity to provide written comments regarding Umatilla County Development Code Text Amendment #T-094-23. NOWA and H2OEO are supportive of Umatilla County's pro-active intent to place actual number limitations on fowl and poultry production in non-resource (i.e. exception area) zones. While NOWA and H2OEO are supportive of the poultry/fowl amendments, our organizations are collectively concerned with any attempts to increase animal densities in high-density rural residential areas where it appears that existing land use practices in these exception areas may have already exceeded the carrying capacity of natural resources (specifically groundwater quality and in some areas quantity). Our concerns are heightened in the exception areas of Umatilla County within State designated Critical Groundwater Areas (Goal 5-water quantity) and the State declared Lower Umatilla Basin Groundwater Management Area (Goal 6-water quality).

NOWA and H2OEO leadership believe that this is not the right time to consider amending ordinances to allow higher densities of animals on small rural residential parcels in exception areas of the County when current densities have already proven to be beyond the carrying capacity of shallow alluvial aquifers. Additionally, we believe that evidence exists that economic, environmental, and social consequences of current practices in exception areas are negatively impacting the region, economy and agricultural practices. We request, at a minimum, a pause in consideration of this portion of the ordinance amendment until plans, economic assessments and technical data are in place to both fix current carrying capacity issues in rural residential areas and prove that allowing these uses will not exceed carrying capacity, conditions can be placed on development to ensure carrying capacity will not be exceeded and that allowing these uses will not force a significant change or increase the cost of accepted farming activities protected under Statewide Planning Goal 3. Significant progress is being made to better characterize the aquifer(s) of the region and the land use impacts impacting each aquifer. We believe that this data will help the County and Planning Commission better determine the extent of rural residential animal contribution to aquifer water quality problems and if density standards should be increased or decreased. We respectfully request that these studies be allowed to conclude prior action on increasing densities.

#### **NOWA Background**

The Northeast Oregon Water Association (NOWA) is a result based non-profit support organization to the natural resource-based economy of the Mid-Columbia region of Northeast Oregon. We represent solutions not special interests



or industries for the benefit of all needs in our region. Our organization includes landowners of over 350,000 acres of the most highly productive, irrigated food producing farmland in the world, as well as the counties, cities, ports, special districts, and private businesses that generate and support our value-added agricultural output that now contributes over \$2 billion annually to the region and State of Oregon. A sustainable, drought and climate-change resilient, conjunctively managed water supply program is critical to sustainability of our region and the quality of life of all our current and future generations.

NOWA's water sustainability goals rest on fixing past over-appropriation issues to the regions many connected and disconnected aquifer systems and beginning to rebuild aquifers to meet drought and climate resiliency needs of the region for future generations. This has taken significant commitment and vision from the region to both reduce current impacts on the water systems while building the projects necessary to rebuild systems stressed by bad practices. Some of these same lessons learned from our water quantity efforts are relevant to the current issues the region faces with water quality.

### **H2OEO Background**

Water for Eastern Oregon (H2OEO) is a non-profit coalition of businesses and community organizations in Morrow and Umatilla counties supporting efforts to provide clean drinking water to every household and resident. H2OEO is committed to supporting long-term efforts to reduce groundwater nitrate concentrations. We drive collaboration among businesses, government, and community organizations, and support the science to mitigate current impacts and restore groundwater

### **Our Collective Concerns**

*Carrying Capacity of Water Resources Has Already Been Exceeded in Some Rural Residential Zones:* The Lower Umatilla Basin Groundwater Management Area (LUBGWMA) Action Plan identifies various land uses that have led to exceedance of water quality carrying capacity. Many of those land uses are regulated land uses by other agencies. For example, agricultural practices, grazing practices (e.g. AU's or AMU's) and animal feeding operations, are guided and regulated by the Oregon Department of Agriculture. Industrial wastewater/reuse water is permitted and regulated by the Oregon Department of Environmental Quality (DEQ) and municipal water and wastewater systems are permitted and regulated by the Oregon Health Authority and DEQ. The only unregulated land uses that the LUBGWMA action plan identifies as a contributor to exceedance of carrying capacity, that is not permitted, regulated, and monitored by a state agency are exempt wells, septic systems, and recreational animals of rural residences. While permitted land uses, protected by land use goals, continue to be regulated back due to carrying capacity issues, the County Planning Department is considering adding additional density to the one unregulated land use that has already been identified in the LUBGWMA action plan as a contributor to the problems that have led to exceedance of carrying capacity of the groundwater resources. If carrying capacity has been exceeded and land uses protected by land use goals are being regulated or scrutinized further by regulatory agencies than the argument can be made that rural residential (exception area) land uses should be scrutinized and regulated in a consistent manner by their regulatory agency (counties) instead of being allowed to expand. To allow expansion of any impacts within the non-regulated sector of the land use program would put more pressure on the regulated sectors (many of which are provided land use protection under Statewide Planning Goal 3) potentially leading to more increases to the cost of accepted farming practices or forcing significant changes to agricultural practices in Goal 3 protected areas of Umatilla County.

*Density Standards are Not New and Are Generally Based on Science:* Generally accepted livestock and grazing practices, as well as regulatory standards in Oregon, all include some form of density standard or AMU/AU standard. Most involve a scientific process and factor inputs such as length of grazing season, stocking rate, climactic conditions, depth to groundwater, and vegetation/soil properties into calculations of how many animals can graze on an acre of land, for how long, without impacting animal health or the environment. Over-grazing can be detrimental to vegetation, soil health and, also lead to leaching of contaminants from animal waste into soils. Over-irrigation of acreage heavily used by one or more animals can also push contaminants through vegetation root zones and into unconfined alluvial aquifers. This can happen faster if a vegetative layer is not well established in small pasture. If wells or surface water bodies are too close to areas where animal density or animal husbandry factors are leading to contaminant leaching, the contaminants can be released into surface water bodies or captured by the cone of depression of the landowners well or neighboring wells (this is especially problematic in high-density rural residential areas). 21<sup>st</sup> century agricultural practices and agricultural regulations address these concerns, but small acreages and rural residential zones generally do not get regulated by state agencies. These small acreages are also in the closest proximity to the largest number of shallow drinking water wells. Regulatory responsibility falls upon the County to minimize impacts and the most efficient way to prevent carrying capacity impacts is through conservative density standards, strict adherence of them and strict enforcement of those out of compliance. We are supportive of clear animal density standards and recommend Umatilla County operate within a conservative density standard for livestock and poultry. It would be difficult and costly for Umatilla County to use a rigorous scientific approach on small acreages and the foreseen enforcement of regular changes in density standards would be difficult, if not impossible.

Generally, NOWA and H2OEO leadership are supportive of clear, understandable, and defensible land use standards and are supportive of ensuring that the land use goals and laws of the State of Oregon protecting resource landowners and natural resource industries from the encroachment and impacts of non-resource zoned lands are upheld. We are concerned that this is not the right time to amend ordinances to increase densities in rural residential areas while significant resources are being expended to address the current carrying capacity exceedances of the region. We are supportive of clarifying the fowl/poultry density standard but recommend that county actions to increase rural residential animal densities be postponed until the scientific studies underway clearly indicate that, amongst other land use factors, additional livestock will not exacerbate an already existing problem caused by human development exceeding the carrying capacity of the underlying compartments of alluvial aquifers.

Thank you for the opportunity to submit these comments on behalf of NOWA and H2OEO leadership and we look forward to working Umatilla County on solutions to the current carrying capacity problems of the region.

Sincerely,

*ELECTRONIC SIGNATURE (J.R. Cook)*

Northeast Oregon Water Association  
J.R. Cook, Director

*ELECTRONIC SIGNATURE (Justin Green)*

Water for Eastern Oregon  
Justin Green, Executive Director





EXHIBIT G

Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>

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## Animal changes

messages

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William & Stephanie Jackson <willandstephjackson@gmail.com>  
From: "planning@umatillacounty.gov" <planning@umatillacounty.gov>

Thu, Apr 25, 2024 at 5:15 P

Hello,

We live in the Rural Residential 4 zone outside of Hermiston and we had some questions on the new changes. What would the amount of geese and roosters be for an acre lot? Also, we have multiple properties around our area that have way more than just 4 cows/horses per acre already, nobody seems to be currently regulating this. For example, people think just because they own 5 acres of land they can have more than 10 cows on just one acre of their property, and bale the other 4 acres. We have no cows or horses but do have other animals and understand what it means to keep them at current regulations, but with the changes we aren't sure what that would mean for us and other people like us. It also seems like this new change would allow more cows and horses, but less roosters and geese, which we currently use for food and animal safety. Also, bringing in more cows and horses per acre would bring in more flies/horseflies and noise pollution, which seems to contradict the change that's being proposed (flies/horseflies being kept away and noisy animals being reduced).

(We would have attended tonight but my husband is medically disabled and it is hard for him to get around, plus with it being a school night, we wish there was a virtual option for this hearing)

Thank you for reading our concern,

-William & Stephanie Jackson

Sent from [Mail](#) for Windows





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Issue with Text Amendment #T-094-23

messages

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Justin Berry <j.berry8228@gmail.com>  
From: Planning Department <planning@umatillacounty.gov>

Fri, Apr 26, 2024 at 11:49 A

Planning Department,

I am sure that this department has received a lot of emails in relation to the proposed Text Amendment #T-094-23 but I have found what seems to be an error in which it needs revision. In all zone sections of the proposed text "Uses Permitted" Mobile Home as provided in 152.013 is deleted. The following has been inserted - A single-family dwelling may be permitted on one tax lot as follows: (a) One Manufactured Dwelling, as provided in 152.013; or (b) One on-site constructed single-family dwelling; The term Manufactured dwelling or on site constructed single-family dwelling needs to be defined because there is no reference to the definition. Secondly 152.013 does not provide the term manufactured dwelling anywhere. With that being said (a) One Manufactured Dwelling, as provided in 152.013 is a false statement in the proposed text amendment #T-094-23 and could be perceived as deceptive.

If I am incorrect please let me know where I have the wrong information.

Justin Berry  
(509) 216-7701  
[j.berry8228@gmail.com](mailto:j.berry8228@gmail.com)



EXHIBIT I

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## Animal Density Regulation Question

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JOHNSON James \* ODA <James.JOHNSON@oda.oregon.gov>

Tue, Apr 30, 2024 at 11:23 AM

From: Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>, Robert Waldher <robert.waldher@umatillacounty.gov>

Ms. Hotchkiss

The short answer is yes, it is a common practice in Oregon. I am aware of several counties that regulate in some form, livestock within rural residential zoned lands (exception areas). I have attached an inventory done several years ago by ODA that looked at county zoning codes for regulation related to limiting livestock densities in rural residential type zones. It is a bit dated, but I would suggest to you that most, if not all these code elements have not been amended.

If ODA can be of further assistance, please don't hesitate to contact us.

Jim Johnson, Land Use and Water Planning Coordinator  
**Oregon Department of Agriculture – Natural Resource Programs**  
635 Capitol St NE, Salem, OR 97301-2532  
503.986.4706 | [Oregon.gov/ODA](http://Oregon.gov/ODA)

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**From:** Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>

**Date:** Tuesday, April 30, 2024 at 10:47 AM

**To:** JOHNSON James \* ODA <James.JOHNSON@oda.oregon.gov>

**Cc:** Megan Davchevski <megan.davchevski@umatillacounty.gov>, Robert Waldher <robert.waldher@umatillacounty.gov>

**Subject:** Animal Density Regulation Question

Hi Jim,

It was nice to make your acquaintance. Thank you for all the information.

In your experience with land use planning in Oregon would you say it is common for counties to regulate animal density in Rural Residential zones?

Thank you,



Livestock density limitations in Rural Residential-type zones		
County	Ordinance citation if known	Summary
Baker	Art. 4, §407	1 acre may accommodate only 1 of the following uses: 1 horse or cow, 5 goats or sheep, 50 mature chickens, fowl and/or rabbits, 2 mature pigs. Runs, barns or pens locate on rear half of property not more than 75' from front line or 50' from any residence.
Benton		No feed lots (6 or more cattle or pigs) in UR<5 acres which create nuisance through odor or dust
Clackamas	§821.01	In urban low density residential, RR, RA-1 and HR zones, no commercial livestock, no pigs, cows, horses and similar large animals on not less than 1 acre; total number of such, other than young < 6 mo., limited to lot area used for this purpose divided by 25,000 s.f. per animal. Goats, mini horses, sheep must have no<than 10,000 sf each. No barns closer than 100 feet from <u>any</u> dwelling. Proper caging or housing and sanitation.
Clatsop	none	
Columbia	§600, RR-5; §620, RR-2 §650 Rural Community	Permitted: farm use as defined in ORS 215.203(2)
Coos	None	
Crook	Ch. 18.48, Suburban Residential (SR-1); 18.48.030	No cows, horses, sheep or goats on lots less than 20,000 s.f.; 1 cow, horse, sheep per 20,000 s.f.; no commercial; 1 chicken, fowl &/or rabbit per each 500 s.f.; 1 colony bees per 1,000 s.f.; no closer than 70' from front line and 50 from any residence. Properly housed and sanitation maintained. No other livestock except for domestic dogs and cats permitted.
Curry	None	Gen'l rule of thumb: 1 horse/cow per acre
Deschutes	Multi-use ag zone Ch. 18.32.020 Outright uses  Ch. 18.32.060	Ag uses defined in DCC Title 18; noncommercial horse stables; horse events with <10 riders, 10-25 riders no more than 2x/mo. Nonconsecutive days, or >25 riders no more than 2x/yr. On nonconsecutive days. 100' setback from ordinary high water mark.

Douglas	Art. 8, §3.8.050(4) (RR-5)	Total number limited to area of property divided by total minimum area required: 1 horse, cow, swine/acre; 1 goat, sheep, llama, alpaca or emu per 1/2 acre; min. 500 s.f. for each chicken, fowl or rabbit; 1 colony bees per 10,000 s.f.; proper housing and sanitation
Gilliam		1 horse, cow or swing per 10,000 s.f., 1 goat/sheep per 1250 s.f., minimum of 250 s.f. per each chicken, fowl or rabbit
Grant	S-R1, S-R2  RR5, 10, 20 and 40 Generally	No interference with other ppty owner's enjoyment, must be confined, pens 35' from ppty line, no commercial hog or mink farms No commercial use 100' setbacks from class 1 & 2 streams
Harney	3.090, R-1, RR-2	Ag, grazing, horticulture as authorized in EFU zone, subject to following acreage limits; hatching and raising of fowl, raising rabbits, bees, etc., and keeping of domestic animals, total # over 6 mo. Not to exceed average of 1 horse, pig or cow/10,000 s.f., sheep/goat each 5,000 s.f., 1 colony bees per each 1,000 s.f.
Hood	Art. 15, §15.10	Farm uses except poultry or animal raising on a commercial basis.
Jackson	Ch. 6, §6.3.1	Ag is Type 1 use in all but Urban Res. Districts. Intensive livestock, poultry or fur-bearing animal production is allowed in RU, RR00 and 10 zones with Type 3 permit; non-intensive ag is allowed in the preceding zones and in RR5, RR2.5 and RR-5A with Type 1 permit. Production in excess of following per each acre is intensive: Large animals – 1 acre per animal, not on parcel <30,000 s.f.; alpacas, sheep, goats, mini-horse – 3/ac.; poultry, 20/ac.; ostrich, 2/ac.; emu & rhea, 4/ac.; fur-bearing, 50/ac.
Jefferson	§407  Note: specific residential zones, i.e. Crooked River Ranch RZ, have different restrictions.	Horse/cow, 1/ac.; mature pigs, 2/ac.; goats, 4/ac.; llamas/sheep, 8/ac.; chicken, fowl and/or rabbit, no>than 50 /ac. Pens, etc 100' from front ppty line, 15' from rear and side and no< than 50' from any residence.

Josephine	Art. 61, §61.050, RR  Ord. 2006-001	Farm uses shall not interfere with the use of adjoining residential properties, all farm animals shall be confined to the property, and any enclosure except for fenced pasture no closer than 35 feet from any property line. Expands uses allowed within stream setbacks and requires pre-app review for site plan review on developments requiring review of riparian corridor development mitigation plan, erosion control plan and/or storm drainage facility plan...
Klamath	Art. 51.2 RR5; §51.220	Small animals not to exceed 24 per acre; large animals not to exceed 2 per acre
Lake	Art. 6, RR1	Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, except livestock feed yards or sales yards; dairying
Lane	16.231(2)(g)	Total number of livestock allowed limited to property area divided by total minimum area required per animal: 1 horse, cow, swine per acre; 1 goat/sheep per half acre; minimum 500 s.f. per each chicken, fowl or rabbit; 1 colony bees per each 10,000 s.f. of lot area.
Lincoln	LCC Ch. 1, §1.1335, §1.1355 §1.1630	RR2, farm and forest use. RR5, farm and forest use. Conditional use Standards for livestock: minimum lot size for horses, cows, sheep, goats or swine, 40,000 s.f.; 1 horse, cow for 1 <sup>st</sup> 40,000 sf, 1 per 15,000 s.f. thereafter (some differing restrictions for boarding stables), 1 sheep, goat or pig for first 20,000 s.f. and 1 per 10,000 s.f. thereafter; minimum lot size for fowl and rabbits 5,000 gross s.f., 1 animal per 10 s.f., caged.
Linn	Title 9, §929.620 uses allowed outright in RR zone. 929.630 conditional uses allowed	Limited farm use.  Expanded animal husbandry including raising, pasturing or breeding pigs or fur-bearing animals, not associated with any sales yard, slaughter house or animal by-products business.
Malheur	No citation available	Farm uses as defined in ORS 215.203(2) excluding feed lots allowed in RR; kennels and boarding stables as conditional uses

Marion	Ch. 128 AR (2 ac. Minimum); 128.020  113.140(b)	Farm use, including the sale of produce raised on the premises.  Outdoor storage, fill, and structures with the exception of bank stabilization structures, dams, weirs, cable crossings, power poles, docks, bridges, culverts, and ramps and streets leading thereto, are prohibited within the following setback areas: (1) 30 feet from natural lakes of 1 acre or more, reservoirs of 1 acre or more, and from the following natural waterways more than 15 feet wide: Willamette River, Santiam River, North Fork of the Santiam, Butte Creek, and the Pudding River. (See Chapter 179 - Greenway Management Overlay Zone). (2) 20 feet from all other perennial rivers and streams, and any portion of the rivers and streams in (1) that are less than 15 feet in width.
Morrow		Per acre: 2 cattle, horses, llamas, or mules; 4 mini cows, mules, horses, donkey, pigs or ostrich; 6 sheep/goats; 8 emu
Multnomah	Depends on specific area (west hills, east of Sandy R., Sauvie Is./Mult. Channel, etc.). Generally:	Farm use as defined in ORS 215.203(2) for following only: (2) Raising of livestock and honeybees. Raising fowl or furbearing animals for sale, keeping swing, or having a feed lot may or may not be allowed as an outright or conditional use, depending on RR area.
Polk	110.223 Farm use def. 128.500 AR-5 127.020(D)(2) SR	Farm use as defined in 110.223 Minimum 1 acre for first a.u., or fraction thereof, 1/2 acres for each a.u. thereafter. A.U.= 1 cow, horse, burro, donkey or other comparably-sized animal, 5 sheep or goats. No swine on <10 acre. N/A tracts 20 acres or more.
Sherman		Everything outside the city limits is EFU.
Tillamook	§3.010, RR2 and RR10	Farm uses, including aquaculture. FARM USE: The current employment of land for the primary purpose of obtaining a profit measurable in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.



Umatilla	<p>§152.131(A)(1)RR2</p> <p>§152.133(A) limitations on use.....</p> <p>§152.156 RR-4.....</p>	<p>Permitted outright- farm use as defined in ORS 215.203 and set out in §152.043, except feed and sale yards, hog or poultry farms, and the raising of fur-bearing animals or hogs.</p> <p>Cows, horses, goats, sheep or similar sized animals on lots no less than 20,000 sf. Total number all animals over 6 mo. Limited to square footage of lot divided by minimum area required per animal. Horses, cows, goats and sheep – 2 acres; the 2 acre requirement is cumulative (i.e. on 2 acres, only 4 of the animals listed above could be kept). Chickens, fowl or rabbits, confined on not more than 25% of lot size.</p> <p>Permitted outright- farm use as defined in ORS 215.203 and set out in §152.043, except feed and sale yards, hog or poultry farms, and the raising of fur-bearing animals or hogs.</p>
Union		10,000 sf per 1 horse, cow or pig; 5 sheep/goats; 24 chickens or rabbits.
Wallowa	Art. 17, §17.015 RR (5 ac) Permitted uses	Permitted uses in an EFU
Wasco	Ch. 3, §3.310(B)(3) RR-2	Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
Washington	Art. III, §350, RR 5 ac. min.	RR district for rural areas developed for suburban residential use with minimum farm and forest uses and to provide for rural residential uses. (although not stated, must presume ag. uses allowed outright) – as are boarding or training horses for profit, not to exceed 8 stalls. Over 8 requires a type-2 procedure. No other limitations found.

Wheeler	None	
Yamhill	<p>§502.02 Very Low Density Residential Districts (VLDR-5, 2.5, 1)</p> <p>§502.05(J).....</p>	<p>Farm uses. Number of livestock and other animals that may be raised on a parcel subject to limitations in 502.05(J).</p> <p>On any parcel 1/2 ac. Or less, total #fowl, rabbits or other small animals not to exceed 25, and not other kind of livestock permitted. On Any parcel less than 10 ac., total horses, cows, sheep, pigs, goats and other large animals, 1 per acre, total number fowl, rabbits or other small animals not to exceed 25 plus 1 for each 500 s.f. of parcel area in excess of 1/2 acre, and total # bee colonies not to exceed 1 per 2,000 s.f. of parcel area.</p>



# Exhibit J

Hello, my name is Roger, a living man.  
According to the map I reside in the county called Umatilla.

I know my rights and I, a living man am standing on them.

(Possible violation of my 4<sup>th</sup> amendment rights if asking for more information)

(hand out papers to the committee)

I appreciate this opportunity to speak. I ask you to please bare with me as I have a point for making this opening comment.

I have a question for everyone here. How many here own their own home? How many here still have a mortgage? How many in here feel blessed and after many years of hard work are able to hold in their hands, a piece of paper called a deed?

Congratulations, you are now property owners (with or without a mortgage). Most will spend 15 to 30 years or more of hard work for this dream of owning our own home. Now we the people, sooner or later get this letter in the mail. It is from the office of the tax assessor. You now have been given a demand to pay a tax bill (burden) on your property. So now we run into hard times and are unable to pay this tax bill (burden). So time goes by and you still can't pay your tax bill (burden). So when this happens, a process begins.

So the next step the county does, is hit us with a demand letter for non payment. It states that if you do not pay your tax bill (burden), the county will seize your property (shows lack of being owned by we the people) which will include all of our equity (value above the tax bill burden). Now they sell our property that we have worked most of our lives for. It was paid for with our time and our sweat to own our dream. Aren't we supposed to be a free people. Apparently not.

So I will ask this question again. Who in here really owns their property?

So I come to the point of this meeting.

So with these amendments and regulations the commission is now presenting, they have now placed another form of hardship on we the people. They want to impose additional fees (burdens), and with these amendments (edicts) and regulations, the county is showing, we the people who in reality, by force, owns our hard earn labors, which is our property. They want to dictate who, what,

where, and why you can do certain things on what we will call a forced seizure. By their actions, they are taking control of our property and controlling everything we can do on our property. They want to create an additional tax bill (burden) on something you have worked so hard for, by changing things that will impose an additional tax bill (burden). So the county commission is controlling or dictating what we can do around our own property, they have imposed by force that the county in their reality own our property. So with all that has been stated, I, Roger, a living man, opposes such demand on we the people and our GOD given rights.

We understand that the commission sitting here today, minus the county employees are unpaid servants of the county commissioners, who serve at the pleasure of the county commissioners (which are elected).

So in closing I handed each one of those on the commission a packet of papers. They include a copy of a statement of truth and question, a copy of Title 18 USC (US Code) section 241 and 242, the notification card for the meeting scheduled on April 25<sup>th</sup> 2024, which was rescheduled for tonight, due to the lack of room. We wanted to note the meeting scheduled on April 25<sup>th</sup> 2024, which cost the tax payers \$5,000 dollars for the mailings for a meeting that had to be rescheduled with no additional information sent out for this day and time. Also a copy of our declaration of freedom, the Declaration of Independence.

So in closing I am going to pose the question I asked on the cover page given to those on the commission board.

**We the People would like to know by what authority or who's authority, you people of the Umatilla County Planning commission and those people of the Board of County Commissioners, as elected servants, think they were given perceived authority to rule over We The People according to this Declaration?**

I perceive that you are going to ignore any objection to your proposed amendments (edicts) and regulations. Your perceived authority comes from we the people. You have overstepped we the people.

Thank you



**Statement of Truth**

By declaring the holding of this meeting you are in a perceived attempt to rule over We the People.

This Document was handed to each and every person involved in the conduction of this meeting as a reminder of why our country was established. This is to inform you that you are becoming as tyrannical as the King of England at that time.

We the People are putting you people of the county commission on notice.

**Question**

**We the People would like to know by what authority or who's authority, you people of the Umatilla County Planning commission and those people of the Board of County Commissioners, as elected servants, think they were given perceived authority to rule over We The People according to this Declaration?**

This notice is of a informative nature. First We the People did not give you the presumptive authority to infringe on our rights as living people. So as We the People, have not given the people of the Planning commission or the commissioners permission for this action.

Again this is a informative notice.

Notice 1

		<b>CHEMICAL WEAPONS</b>			
<b>18 U.S.C. § 229(a)</b> <b>(Penalties found at § 229A(a), (c))</b>	Unlawful production or acquisition of chemical weapons	Any term of years and/or \$250,000 fine, OR • If death results, death or life in prison AND • Reimbursement of costs	NMT 5yrs  NMT 5yrs	A  A	2M6.1  2M6.1
<b>18 U.S.C. § 229A(b)(1)</b>	Civil penalties for violations of § 229	NMT \$100,000 fine for each violation			
		<b>CIVIL DISORDER</b>			
<b>18 U.S.C. § 231</b>	Unlawful acts in furtherance of civil disorder	NMT 5yrs and/or \$250,000 fine	NMT 3yrs	D	N/A
		<b>CIVIL RIGHTS</b>			
<b>18 U.S.C. § 241</b>	<b>Conspiracy to violate civil rights</b>	<ul style="list-style-type: none"> <li>NMT 10yrs and/or \$250,000 fine</li> <li>If death results, or offense involves kidnaping, aggravated sexual abuse (including attempts) or attempt to kill, any term of years up to life and/or \$250,000 fine or death</li> </ul>	NMT 3yrs  NMT 5yrs	C  A	2H1.1, 2H2.1, 2H4.1
<b>18 U.S.C. § 242</b>	<b>Deprivation of rights under color of law</b>	<ul style="list-style-type: none"> <li>NMT 1yr and/or \$100,000 fine</li> <li>If bodily injury results or if offense involves use, attempted use of deadly weapon -- NMT 10yrs and/or \$250,000 fine</li> </ul>	NMT 1yr  NMT 3yrs	A (Misd)  C	2H1.1, 2H2.1

Postponed due to lack of room on April 25, 2024 6:30PM

Rescheduled May 2, 2024 at 6:00PM

At the Vert

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**NOTICE OF PROPOSED DEVELOPMENT CODE AMENDMENT**  
**THIS IS TO NOTIFY YOU THAT UMATILLA COUNTY HAS PROPOSED A LAND USE**  
**REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND**  
**OTHER PROPERTIES.**

The Umatilla County Planning Commission will hold a public hearing on April 25, 2024 at 6:30PM in the Media Room of the Umatilla County Justice Center, 4700 NW Pioneer Place, Pendleton regarding the proposed amendments to *Limitations on Use and Dimensional Standards*. The Board of County Commissioners will hold a subsequent public hearing on June 5, 2024 at 10:00AM. Umatilla County has determined that adoption of this amendment may affect the permissible uses of your property and other properties in the affected zones, and may change the value of your property

**Summary of Text Amendment #T-094-23**

#T-094-23 changes the limitations on use and dimensional standards in regards to animal density and animal sheltering structures in Zones MUF, FR, MR, UC, CRC, RR-2, RR-4, RR-10 and FU-10, and modifies the language regarding uses permitted with a zoning permit to clarify the type and number of dwellings allowed in Zones MUF, FR, MR, RR-2, RR-4 and RR-10.

**For More Information**

The proposed amendment is available for inspection at the Umatilla County Courthouse located at 216 SE 4<sup>th</sup> Street, Pendleton, OR 9780. A copy of the proposed amendment is available at a cost of 25 cents per page. Visit the County's website <https://umatillacounty.net/departments/community-development/planning-division/land-use-hearings> to download the proposed amendment. For additional information concerning the proposed amendment, call the Umatilla Planning Department at 541-278-6252.

**About this notice**

In 1998, Oregon's voters passed a law known as Ballot Measure 56. It requires that notices like the one above be mailed to landowners when a change in land-use regulations might limit use of their property. The law requires use of the above wording in all such notices. Umatilla County has no way to know how these amendments might affect the value of your property. Please participate in the public work sessions if you would like to comment.

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# Declaration of Independence: A Transcription

[Print This Page](#)

*Note: The following text is a transcription of the Stone Engraving of the parchment Declaration of Independence (the document on display in the Rotunda at the National Archives Museum.) The spelling and punctuation reflects the original.*

## **In Congress, July 4, 1776**

**The unanimous Declaration of the thirteen united States of America,** When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of

Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:



For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

**Georgia**

Button Gwinnett

Lyman Hall

George Walton

**North Carolina**

William Hooper

Joseph Hewes

John Penn

**South Carolina**

Edward Rutledge

Thomas Heyward, Jr.

Thomas Lynch, Jr.

Arthur Middleton

**Massachusetts**

John Hancock

**Maryland**

Samuel Chase

William Paca

Thomas Stone

Charles Carroll of Carrollton

**Virginia**

George Wythe

Richard Henry Lee

Thomas Jefferson

Benjamin Harrison

Thomas Nelson, Jr.

Francis Lightfoot Lee

Carter Braxton

**Pennsylvania**

Robert Morris

Benjamin Rush

Benjamin Franklin

John Morton

George Clymer

James Smith

George Taylor

James Wilson

George Ross

**Delaware**

Caesar Rodney

George Read

Thomas McKean

**New York**

William Floyd

Philip Livingston

Francis Lewis

Lewis Morris

**New Jersey**

Richard Stockton

John Witherspoon

Francis Hopkinson

John Hart

Abraham Clark

**New Hampshire**

Josiah Bartlett

William Whipple

**Massachusetts**

Samuel Adams

John Adams

Robert Treat Paine

Elbridge Gerry

**Rhode Island**

Stephen Hopkins

William Ellery

**Connecticut**

Roger Sherman

Samuel Huntington

William Williams

Oliver Wolcott

**New Hampshire**

Matthew Thornton

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**The U.S. National Archives and Records Administration**  
1-86-NARA-NARA or 1-866-272-6272

Top







Exhibit K

**Animal Density in rural residential zones**

Megan Davchevski <megan.davchevski@umatillacounty.gov>  
From: Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>

Mon, May 6, 2024 at 12:10 PM

----- Forwarded message -----

From: GCPlan <gcplan@grantcounty-or.gov>  
Date: Mon, May 6, 2024 at 12:04 PM  
Subject: RE: Animal Density in rural residential zones  
To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

We don't have any number limits, just no hog or mink farms, feed or sale yards. There is guidance about animal pen siting for our two residential zones. I have included both for your info – they are short. Suburban residential is within the UGB.

*Shannon Springer*

Planning Director

**Grant County Planning Department**

201 S. Humbolt, Suite 170

Canyon City, OR 97820

Phone 541-575-1519

**RECEIVED**  
MAY 08 2024  
UMATILLA COUNTY  
PLANNING DEPARTMENT

**From:** Megan Davchevski <megan.davchevski@umatillacounty.gov>  
**Sent:** Tuesday, April 30, 2024 10:51 AM  
**To:** Daisy Goebel <dgoebel@co.morrow.or.us>; Scott Hartell <shartell@union-county.org>; hkerns@bakercountyor.gov; GCPlan <gcplan@grantcounty-or.gov>  
**Cc:** Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>; Robert Waldher <robert.waldher@umatillacounty.gov>  
**Subject:** Animal Density in rural residential zones

Good Morning Eastern Oregon Planners,

Due to a number of complaints by residents, Umatilla County is pursuing a development code update to restrict the number of roosters and fowl in residential zones. Following the ballot measure 56 notice, we are experiencing a large amount of misinformation being spread on social media and have tried to combat the misinformation. However, many folks were not aware of our current animal density standards and will likely request that they go away all together.

For many reasons, we don't want the current standards to be removed. I think it would be helpful for our Planning Commission to see what other counties in Eastern Oregon have for animal density standards as a comparison.

Would you be able to share your current rural residential animal density standards?

Megan

**Megan Davchevski, CFM**

*Planning Division Manager*

**Community Development Department**

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

216 SE 4th Street | Pendleton, OR 97801

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

*Please Be Aware* - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

[Quoted text hidden]

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## 2 attachments



**Article 61 - Suburban Residential.docx**

19K



**ARTICLE 67 - Rural Residential Zones.docx**

17K

## **ARTICLE 61 - SUBURBAN RESIDENTIAL ZONE**

### **61.010 - PURPOSE**

The purpose of this Zone is to preserve the rural character of Grant County while providing areas for suburban residential living. This Zone provides a classification for lands already committed to residential development within an urban growth boundary, or for lands which have been excepted from the Statewide Planning Goals on Agriculture and Forest Lands. Densities established by this Zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality.

### **61.020 - PERMITTED USES (TYPE I)**

The following uses and their accessory uses shall be permitted with the issuance of a Zoning permit, processed as a Type I Review Procedure under the requirements of Section 22.030, and shall meet the standards set out in Section 61.070 when applicable:

- A. Single Family Dwelling, including a Manufactured Home/Mobile Home meeting the requirements of Article 77.
- B. One temporary sign for a subdivision not to exceed 32 square feet subject to Article 74.
- C. Farm Use, subject to Article 61.060.
- D. Residential Home or Residential Facility in accordance with 11.030.

### **61.030 - ADMINISTRATIVE PERMIT USES**

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure as set out in Section 22.040 and shall meet the standards set out in Section 61.070 when applicable:

- A. Home Occupations subject to Article 92 [possible CUP].
- B. Subdivision or PUD, including those designated to permit mobile homes.
- C. Signs subject to Article 74.
- D. Two-family dwellings.

- E. Real estate tract sales office subject to the following criteria:
  - 1. The office must be located as part of a residential subdivision or planned unit development and no sales may be made for property other than lots contained within the subject residential development;
  - 2. Upon termination of the sales activity the structure shall be removed or converted to a use permitted by this Zone.
- F. Open, non-commercial storage of up to four motor vehicles, from which parts have not been removed, when such vehicles are currently un-licensed, or when the stored vehicles are owned by an individual other than the resident or owner of the property.
- G. Boat landings and docks.

**61.040 - CONDITIONAL USES**

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Planning Commission Review Procedure under Article 24 as specified, and shall meet the standards set out in Section 61.070 when applicable:

- A. Multi-family dwelling or condominium.
- B. Mobile home park.
- C. Public or semi-public use, including government structures.
- D. Day care or kindergarten.
- E. Home Occupation [or Administrative Permit Use above].
- F. Church.
- G. Hospital, nursing home, convalescent or retirement home.
- H. Golf Course and other open land recreational uses and their customary and incidental accessory uses.



- I. Utility facilities necessary for public service to the area.
- J. Public or private school.

**SECTION 61.050 - TEMPORARY USES**

The following uses and their accessory uses are permitted as a Temporary Use under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall meet the standards set out in Section 61.070 when applicable:

- A. One additional dwelling for a medical hardship;
- B. Mass gathering;
- C. Temporary storage of an unoccupied manufactured dwelling.

**61.060 - CRITERIA FOR FARM USE**

Farm uses in the Suburban Residential Zone shall meet the following standards:

- A. Farm uses shall not interfere with the use of adjoining residential properties;
- B. All farm animals shall be confined to the property;
- C. Any stall, barn, pen, coop, or similar structure in which animals are housed, excluding fenced pastures, shall not be located closer than 35 feet from any property line, in addition to the requirements of Article 72;
- D. Farm uses shall not include hog and mink farms, livestock feed and sales yards, and shall not constitute a sanitation or health hazard.

**61.070 - PROPERTY DEVELOPMENT STANDARDS**

The following standards will apply, as appropriate, to all development and land divisions within the S-R Zone:

- A. Minimum Lot Area.
  - 1. One acre if no public facilities.

A single family dwelling or non-residential use not served by an approved community or municipal water and sewer system shall have a minimum lot area of one acre.

2. In areas that are zoned Suburban Residential after January 1, 1997.

A single-family dwelling or non-residential use not served by an approved community or municipal water and sewer system shall have a minimum lot area of:

- |    |      |                |
|----|------|----------------|
| a. | SR-1 | One (1) acre   |
| b. | SR-2 | Two (2) acres  |
| c. | SR-5 | Five (5) acres |

3. Area subject to municipal standards if public facilities.

All permitted developments served by an approved community or municipal water and sewer system shall meet the lot area standards adopted by the affected City.

B. Lot Size and Shape - See Article 71

1. Front Yard. No less than 20 feet deep.
2. Side Yards. The sum of the width of side yards shall be a minimum of 12 feet, and each side yard shall be a minimum of three feet, except that on corner lots the side yard on the street side shall be a minimum of 10 feet.
3. Rear Yard. No less than 10 feet deep.

C. Building Height.

1. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed 35 feet in height when measured from the average grade of lot, except hospitals, public schools or churches, which may be increased in height to 45 feet.

D. Vision Clearance (corner lots).

1. Measurement - clear vision triangle for corner lots. Dimensions given in this subsection are measured from the intersection laterally along the subject property lines abutting intersecting streets with a connecting line to form a triangle. Within the clear vision triangle no shrubs or fences shall be allowed from a height of two and one-half to seven feet to ensure vision clearance for traffic.
  2. Street Intersections. A minimum of 20 feet.
  3. Alley-street intersections. A minimum of seven and one-half feet.
- E. Off-Street Parking and Loading.
1. In an S-R Zone, off-street parking and loading shall be required in accordance with the provisions of the affected City.

## **ARTICLE 67 - RURAL RESIDENTIAL ZONES (RR-5, 10, 20, and 40)**

### **67.000 - RURAL RESIDENTIAL ZONES, RR-5, RR-10, RR-20 and RR-40**

#### **67.010 - PURPOSE**

The RR Zones set forth by this Section are applied to those areas of the County currently dominated by and committed to an overall pattern of land uses for rural residences and located in such a manner as to be adequately served by public facilities and services or in close proximity thereto. Said Zones are designed to provide lands to enhance the value of rural living and maintain a rural residence. Standards for rural land use and development consistent with the desired rural character and carrying capacity of the land and natural resources are vital considerations.

#### **67.020 - PERMITTED USES**

In an RR Zone, the following uses and their accessory uses shall be permitted, processed as a Type I Review Procedure under the requirements of Section 22.030.

- A. Single-family dwelling on an individual lot, including a manufactured home/mobile home meeting the requirements of Article 77.
- B. Farm use excluding commercial hog or mink operations, livestock feed or sales yard and slaughter houses.
- C. Utility facility necessary to serve the area or County.
- D. Public park, recreation area, community or neighborhood center.
- E. Other public uses or buildings necessary to serve the rural residential needs for the area.
- F. A Residential Home or Residential Facility in accordance with Section 11.030.
- G. Replacement of an existing lawfully established dwelling when;
  - 1. The old dwelling is removed, demolished or converted into an allowable nonresidential use within 3 months of the completion of the replacement dwelling.

**67.030 - ADMINISTRATIVE PERMIT USES**

In an RR Zone, the following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as Type II Review Procedure as set forth in Section 22.040:

- A. Day care or nursery.
- B. Home occupation subject to the limitations set forth in Article 92 of this Code.
- C. Roadside stand for the sale of agricultural products grown by the owner.
- D. Boarding of horses for profit, except for grazing.
- E. Model home, including temporary sales office, subdivision or development sale office.

**67.040 - CONDITIONAL USES**

In an RR Zone, the following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type II Review Procedure or as a Planning Commission Review Procedure under Article 24 as specified.

**Type II Administrative Review:**

- A. Operation conducted for the exploration, mining and processing of geothermal resources and defined by ORS 522.005, or for aggregate and other mineral resources or other surface or sub-surface resources provided that, as applicable, the:
  - 1. Subject operation is approved under a permit and reclamation plan issued by the State Department of Geology and Mineral Industries, and/or;
  - 2. Approval from the Federal Agency having jurisdiction is evident.
- B. Veterinary clinic or animal kennel.
- C. Horse boarding stables.
- D. Conversion of an existing dwelling unit to a duplex.



**Planning Commission Review**

- A. Private park, campground or other commercial recreation facility.
- B. Dude or guest ranch, or resort facility.
- C. Golf Course.
- D. Solid waste disposal site and facility.
- E. Commercial livestock feed or sales yard, hog or mink farms.

**SECTION 67.050 - LIMITATIONS OF USES**

The following limitations on uses permitted by this Section shall apply in an RR Zone.

- A. All hogs shall be confined to an area not located within 100-feet of a residential dwelling not owned by the owner(s) of said hogs.
- B. All animals, other than livestock as defined, shall be confined to the owner's premises; adequate fences shall be required to keep animals off adjacent lands.
- C. Barns, corrals, pens, sheds and other structures sheltering animals in a confined area shall be located a minimum of 35-feet from a side or rear property line, 75-feet from a front property line, and 100-feet from an existing residence on an adjoining lot or parcel.
- D. All structures and enclosures designed for animals shall be kept reasonably clean and free of flies and accumulated animal wastes.

**67.060 - DIMENSIONAL REQUIREMENTS**

- A. Lot Size. In the RR Zones, the following minimum lot sizes for each respective RR-Zone shall apply:

- 1. For Residential Use:

RR-5 Zone . . . . .	5 Acres
RR-10 Zone. . . . .	.10 Acres
RR-20 Zone. . . . .	.20 Acres
RR-40 Zone. . . . .	.40 Acres

2. For non-residential uses the minimum lot size shall be as determined necessary to accommodate the intended use taking into account required setbacks, access and parking, buffer areas, potential expansion of future use conversion, resource carrying capacities, and other factors deemed necessary.

B. Setbacks. In an RR Zone, the following setbacks shall be maintained:

1. The front setback shall be a minimum of 20 feet from the front property line.
2. There shall be a minimum side setback of 10 feet from a property line for all uses, except in the case of a nonresidential use adjacent to a residential use the minimum side setback shall be 20 feet.
3. The minimum rear setback shall be 20 feet from the property line.





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## Numerous roosters

12 messages

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**Sharam Goodwin** <sharam.goodwin@gmail.com>

Thu, Sep 9, 2021 at 4:20 PM

To: Robert Waldher <robert.waldher@umatillacounty.net>, Carol Johnson <carol.johnson@umatillacounty.net>, gina.miller@umatillacounty.net, megan.green@umatillacounty.net, sheriff@umatillacounty.net

To whom it may concern,

My name is Sharam Goodwin, I reside at [53180 W Ballou Rd](#) in Milton-Freewater. I have reached out before on this issue and was not able to get far and then after exhausted resources dropped it and have just lived with the annoyance of the numerous roosters at my neighbors. I live in RR4 zoning, which allows "farming and farm animals". But the code does not protect us from folks like my neighbors who have up to 30 roosters, (currently about 20 there now). The code does not specify roosters, only fowl. As you are all aware there is a HUGE difference between roosters and a chicken. Especially in mass amounts. I have decided to pursue this issue again as we just learned the neighbors have leased the back part of their property to someone else for MORE ROOSTERS! The thought of this literally makes me sick. We cannot enjoy our home, whether it's inside or out, without hearing roosters for the majority of the day. They start crowing about 4 am and do not stop until the sun goes down. I have talked with some of the neighbors and they are all in agreement that they too cannot enjoy the simple pleasure of sitting outside in peace and quiet. These roosters are kept in very small cages, I would guess about 2/3 feet x 2/3 feet and the others are leashed to barrels. I feel very strongly we need to take action on this matter. I would love to invite you all over to sit on my back porch and enjoy a glass of tea with me to prove the extreme anguish these roosters cause.

The only code they may be breaking, as of now, is property line distance. If I remember correctly they need to be at least 35 feet, in which they are not. So if anything I would like that issue to be investigated.

I have attached photos of the roosters so you can see they are very close to my house. Photo 1 from inside my bedroom, photo 2 from my back porch, photo three roosters in cages and leashed to barrels and photo 4 new fenced in location for more roosters.

If I could please get some direction on what else we need to do to bring this issue to the Planning Commission to make changes.

Thank you for your time and I pray I will hear back from someone to help me with this issue.

Sharam Goodwin  
541-969-7467







**Robert Waldher** <robert.waldher@umatillacounty.net>

Thu, Sep 9, 2021 at 5:11 PM

To: Sharam Goodwin <sharam.goodwin@gmail.com>

Cc: Carol Johnson <carol.johnson@umatillacounty.net>, Gina Miller <gina.miller@umatillacounty.net>, Megan Green <megan.green@umatillacounty.net>, sheriff@umatillacounty.net, John Shafer <john.shafer@umatillacounty.net>

Good afternoon Sharam - Thank you for your email. I understand you have visited with planning staff about this issue in the past, and I can certainly sympathize with you regarding the noise that must come from that situation. You are correct that the Development Code is not very restrictive when it comes to the number of fowl one can have on a piece of

property zoned rural-residential. The Rural Residential Section of the Development Code states the following..." (B) The number of chickens, fowl, rabbits or similar sized fowl shall be confined on not more than 25% of the total lot area." The planners and code enforcement staff have struggled with this limitation on multiple occasions because it would be pretty rare to see a situation where 25% of lot area would be used in that way. It creates a situation that is very difficult for code enforcement to address when we receive complaints.

You asked what can be done to bring this issue to the planning commission to make changes. Anyone can propose an amendment to the text of the development code. One possible avenue could be a proposal that greatly limits the number of roosters allowed on a rural residential property. Another could be to use a clear and objective, fixed numerical standard on the number of fowl someone could have in the rural residential zone. There are probably other ways the standard could be worded, but these are just some examples. Once an application is accepted, a public hearing is scheduled before the planning commission. The planning commission would make a recommendation to the Umatilla County Board of Commissioners who would decide whether or not to approve the text amendment.

One of the likely reasons a text amendment related to this issue hasn't been attempted in the past is because it would trigger what is called a Ballot Measure 56 Notice. In 1998, Oregon voters passed a law known as Ballot Measure 56. It requires that notices are mailed to landowners when a change in land-use laws might limit property uses. Local government must mail the notice to every landowner whose property could be affected as a result of changes. I do not know off the top of my head how many rural residential properties are in Umatilla County, but it is pretty substantial. I imagine the public notice could be costly.

Let me know if you are interested in going the text amendment route and we can chat about it further via phone. The other route would be to work with the Sheriff's Office to investigate criminal activity. It does seem suspicious that somebody would have this many roosters and have several of the chained.

At any rate you have some information you can think about. Thank you!

Kind Regards -

Bob  
[Quoted text hidden]  
--

**Bob Waldher, RLA**

**Director**

Umatilla County Department of Land Use Planning

216 SE 4th ST | Pendleton, OR 97801

Phone: 541-278-6251 | Fax: 541-278-5480

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**Sharam Goodwin** <sharam.goodwin@gmail.com>  
To: Robert Waldher <robert.waldher@umatillacounty.net>  
Cc: Carol Johnson <carol.johnson@umatillacounty.net>, Gina Miller <gina.miller@umatillacounty.net>, Megan Green <megan.green@umatillacounty.net>, sheriff@umatillacounty.net, John Shafer <john.shafer@umatillacounty.net>

Fri, Sep 10, 2021 at 1:12 PM

Robert,

Thank you for getting back to me in a timely manner. I really appreciate your response. A Deputy has been to the home and did not see any issues that he could enforce at the time. I am wondering if they would be utilizing 25% of the property once they add more roosters to the new area? I would definitely like to proceed with this issue and am also hoping the

distance between the property line and the cages can still be addressed by Code Enforcement. I will call you at the number you have provided to get further direction. Thank you again for your time. I am hoping we can make a difference.

Sharame

[Quoted text hidden]

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**Robert Waldher** <robert.waldher@umatillacounty.net>  
To: Carol Johnson <carol.johnson@umatillacounty.net>

Mon, Oct 4, 2021 at 10:17 AM

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[Quoted text hidden]

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**Robert Waldher** <robert.waldher@umatillacounty.net>  
To: Gina Miller <gina.miller@umatillacounty.net>

Mon, Oct 4, 2021 at 10:18 AM

----- Forwarded message -----

From: **Sharame Goodwin** <sharame.goodwin@gmail.com>

Date: Thu, Sep 9, 2021 at 4:20 PM

Subject: Numerous roosters

To: Robert Waldher <robert.waldher@umatillacounty.net>, Carol Johnson <carol.johnson@umatillacounty.net>, <gina.miller@umatillacounty.net>, <megan.green@umatillacounty.net>, <sheriff@umatillacounty.net>

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**Robert Waldher** <robert.waldher@umatillacounty.net>  
To: Sharame Goodwin <sharame.goodwin@gmail.com>  
Cc: Gina Miller <gina.miller@umatillacounty.net>

Mon, Oct 4, 2021 at 10:33 AM

Hi Sharame - I am working with Code Enforcement to see if we can get the barrels classified as solid waste and also get a visit by the site later this week. I will also bring the up the issue with my liaison commission in our meeting tomorrow. Stay tuned.

Bob

[Quoted text hidden]

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**Sharame Goodwin** <sharame.goodwin@gmail.com>  
To: Robert Waldher <robert.waldher@umatillacounty.net>

Mon, Oct 4, 2021 at 10:45 AM

Thank you so much. I really appreciate your help more than you know! Would it be helpful if all of us neighbors started calling in noise complaints? I have talked with 4 so far who I'm sure would since we are all affected by them.

[Quoted text hidden]

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**Robert Waldher** <robert.waldher@umatillacounty.net>  
To: Sharame Goodwin <sharame.goodwin@gmail.com>  
Cc: Gina Miller <gina.miller@umatillacounty.net>

Mon, Oct 4, 2021 at 10:48 AM

The noise complaint would be really hard to enforce because the noise is coming from an allowed farm use. Farm Uses are protected and cannot be declared a public nuisance.

[Quoted text hidden]

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**Sharame Goodwin** <sharame.goodwin@gmail.com>  
To: Robert Waldher <robert.waldher@umatillacounty.net>

Mon, Oct 4, 2021 at 4:31 PM

I was hoping because that is how desperate I feel.

[Quoted text hidden]





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## Too many ROOSTERS

8 messages

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**Sharam Goodwin** <sharam.goodwin@gmail.com>

Wed, Feb 2, 2022 at 10:34 AM

To: Gina Miller <gina.miller@umatillacounty.net>, John Shafer <john.shafer@umatillacounty.net>, Robert Waldher <robert.waldher@umatillacounty.net>, dan.doran@umatillacounty.net, "george.murdock@umatillacounty.net" <george.murdock@umatillacounty.net>, planning@umatillacounty.net, sheriff@umatillacounty.net

To whom it may concern,

I am once again reaching out regarding the NUMEROUS roosters kept by my neighbors at 53164 W Ballou Rd. I have previously been in contact with Robert and he was as helpful and empathetic as he could be, and I am thankful for him getting back to me as he so far has been the only one.

I am at my whits end along with many other neighbors with the roosters. They have now added a "fenced" in section that houses many more roosters, as well as a dog left there that barks quite often throughout the night.

I have been told that it would be up to me to pay the \$1000 application fee in hopes to rewrite the code so that I might be able to enjoy my property in peace without the God awful sound of at least 40-60 roosters. Roosters that are leashed to barrels and kept in very small cages. Sounds a little inhumane to me.

There has to be something someone from the County can and is willing to do to help we surrounding home owners be able to enjoy our properties without us having to pay the large application fee.

Do I call the sheriff daily and complain about the noise?

Do I complain that he is running a "business" as he has said he raises them to sell, without a business license?

Do I contact PETA as they are kept on small cages and leashed?

Do I go to Commission meetings?

There has to be something that can be done!

I have attached just a short 22 seconds of what we have to deal with DAILY.

Thank you in advance for your concern and help.

Sharam Goodwin

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**Sharam Goodwin** <sharam.goodwin@gmail.com>

Wed, Feb 2, 2022 at 10:36 AM

To: Gina Miller <gina.miller@umatillacounty.net>, John Shafer <john.shafer@umatillacounty.net>, Robert Waldher <robert.waldher@umatillacounty.net>, dan.doran@umatillacounty.net, "george.murdock@umatillacounty.net" <george.murdock@umatillacounty.net>, planning@umatillacounty.net, sheriff@umatillacounty.net

It will not allow me to upload the shirt video.

[Quoted text hidden]

---

**Adam Gregory** <adam.gregory@umatillacounty.net>

Wed, Feb 2, 2022 at 9:03 PM

To: Terry Rowan <terry.rowan@umatillacounty.net>

Cc: Paul Wolverton <paul.wolverton@umatillacounty.net>, Josh Roberts <josh.roberts@umatillacounty.net>, Erik Palmer <erik.palmer@umatillacounty.net>, Jim Littlefield <jim.littlefield@umatillacounty.net>, John Shafer <john.shafer@umatillacounty.net>, Robert Waldher <robert.waldher@umatillacounty.net>, Dan Dorran <dan.dorran@umatillacounty.net>, George Murdock <george.murdock@umatillacounty.net>, Planning <planning@umatillacounty.net>, Gina Miller <gina.miller@umatillacounty.net>

I have reviewed the county ordinance for noise and it appears that agriculture noise from animals is not specifically addressed, but the noise from agriculture equipment activity is. I have reviewed the zoning for the area and it



appears the location in question is zoned Rural Residential 4 (RR-4) and the house is situated on a 1.85-acre lot, which allows for his fowl operation.

Might I suggest adopting a county ordinance cited below as a solution to the problem? While it does not prevent him or other parties from raising roosters, it does establish guidelines, penalties, and the number of roosters (crowing fowl).

I would also suggest a limit of roosters based acreage and zoning (RR-4, under 4 acres, 6 roosters; EFU-10, 7-10 roosters, etc...), and perhaps setbacks such as 20' from a property line, and 50' from a residence.

**Example:**

**1.1.1 - Crowing roosters.**

Any person owning, keeping, or maintaining seven or more crowing roosters, two months of age or older including but not limited to a rooster or male chicken, shall house such roosters in an acoustical structure between sunset and sunrise, so as to reduce the noise emitted by such roosters during nighttime hours. The noise reduction shall be accomplished in such a manner that the noise escaping from the acoustical structure shall not interfere with a reasonable person's use and enjoyment of his or her real property. All such roosters shall be furnished with an adequate supply of water and feed.

**1.1.2 - Crowing rooster permit.**

All roosters shall be kept and/or maintained only upon lands and in the numbers authorized under of Umatilla County ordinance (zoning permit guidelines section 152). Any person keeping or maintaining on property owned or controlled by said person seven or more crowing roosters, two months of age or older, provided the presence of such roosters is in compliance with the provisions of Umatilla County ordinance (zoning guidelines section 152), shall first obtain a permit and pay the fee prescribed below. The permit requirements shall not apply to 4-H or FFA sponsored projects.

The permit shall be for the terms and paid to the department of animal control in the amounts specified below:

Roosters	Fees
1-6 Roosters	no charge
7-10 Roosters (annual)	\$ 500
11 or more Roosters (annual)	1,500

**1.1.3 - Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be guilty of an infraction, and upon conviction thereof shall be punished by: (1) a fine not exceeding fifty dollars (\$50.00) for the first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for the second violation within one year; (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation within one year. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Notwithstanding the foregoing, a first or any subsequent violation of the ordinance codified in this chapter may be charged and prosecuted as a misdemeanor.

**1.1.4 - Remedies and penalties.**

The additional remedies, penalties, and procedures for violation of this Ordinance and for recovery of costs related to enforcement provided for in the Umatilla County ordinance (zoning guidelines section 152) are incorporated by this reference.

I have mentioned this suggestion to Ms. Goodwin.

I have also sent Deputies to the location in question in the past to investigate possible game bird operations, but it appears the owner is just selling the roosters, no training or fighting equipment was observed.

Thank you

Adam Gregory, Sergeant

On Wed, Feb 2, 2022 at 5:09 PM Terry Rowan <terry.rowan@umatillacounty.net> wrote:

I wonder if the county noise ordinance could be used in this case? Let's explore all options and continue to have discussion about this.

Thank you

----- Forwarded message -----

From: Sheriff <sheriff@umatillacounty.net>

Date: Wed, Feb 2, 2022 at 2:24 PM

Subject: Fwd: Too many ROOSTERS

To: Karen Primmer <karen.primmer@umatillacounty.net>, Justin Russell <justin.russell@umatillacounty.net>, Nicole Kellas <nicole.kellas@umatillacounty.net>, Terry Rowan <terry.rowan@umatillacounty.net>

Please create a call if needed.

[Quoted text hidden]

--

**Terry Rowan**  
**Sheriff**  
**Umatilla County Sheriff's Office**

4700 NW Pioneer Place  
Pendleton, OR 97801  
phone: (541)966-3603  
cell: (541)969-1910

Email: [terry.rowan@umatillacounty.net](mailto:terry.rowan@umatillacounty.net)



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**Adam T. Gregory, Sergeant**  
**Umatilla County Sheriff's Office**

4700 NW Pioneer Place  
Pendleton, OR 97801

Cell: (541)969-1916

Email: [adam.gregory@umatillacounty.net](mailto:adam.gregory@umatillacounty.net)



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**Terry Rowan** <terry.rowan@umatillacounty.net>

Thu, Feb 3, 2022 at 12:23 PM

To: Adam Gregory <adam.gregory@umatillacounty.net>, Doug Olsen <doug.olsen@umatillacounty.net>

Cc: Paul Wolverton <paul.wolverton@umatillacounty.net>, Josh Roberts <josh.roberts@umatillacounty.net>, Erik Palmer <erik.palmer@umatillacounty.net>, Jim Littlefield <jim.littlefield@umatillacounty.net>, John Shafer <john.shafer@umatillacounty.net>, Robert Waldher <robert.waldher@umatillacounty.net>, Dan Dorrان <dan.dorran@umatillacounty.net>, George Murdock <george.murdock@umatillacounty.net>, Planning <planning@umatillacounty.net>, Gina Miller <gina.miller@umatillacounty.net>

Adam,

Your input is greatly appreciated. I wonder if we could implement this as a county ordinance? I would appreciate Doug Olsen's input on this.

Thank you  
[Quoted text hidden]

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**Robert Waldher** <robert.waldher@umatillacounty.net> Thu, Feb 3, 2022 at 1:47 PM  
To: Terry Rowan <terry.rowan@umatillacounty.net>  
Cc: Adam Gregory <adam.gregory@umatillacounty.net>, Doug Olsen <doug.olsen@umatillacounty.net>, Paul Wolverton <paul.wolverton@umatillacounty.net>, Josh Roberts <josh.roberts@umatillacounty.net>, Erik Palmer <erik.palmer@umatillacounty.net>, Jim Littlefield <jim.littlefield@umatillacounty.net>, John Shafer <john.shafer@umatillacounty.net>, Dan Dorran <dan.dorran@umatillacounty.net>, George Murdock <george.murdock@umatillacounty.net>, Planning <planning@umatillacounty.net>, Gina Miller <gina.miller@umatillacounty.net>

Good afternoon - Thanks, Adam, for your research/suggestions on a possible amendment to the ordinance. Currently, the rural residential zoning has the following limitation for poultry: *The number of chickens, fowl, rabbits or similar sized fowl shall be confined on not more than 25% of the total lot area.* While complaints about poultry are infrequent, the planners and code enforcement staff have struggled with this limitation on a couple of occasions because it would be pretty rare to see a situation where 25% of lot area would be used in that way. It creates a situation that is very difficult for code enforcement to address when we receive complaints. Limiting the number of poultry to a fixed numerical standard (something measurable), as Adam suggests, does appear to be the most logical way of addressing the issue.

One of the likely reasons a text amendment related to this issue hasn't been attempted in the past is because it would trigger what is called a Ballot Measure 56 Notice. In 1998, Oregon voters passed a law known as Ballot Measure 56. It requires that notices are mailed to landowners when a change in land-use laws might limit property uses. Local government must mail the notice to every landowner whose property could be affected as a result of changes. My staff just completed a quick mapping exercise and the change would require public notice to over 2,500 landowners. I shared this information with Ms. Goodwin and she seemed frustrated that there would be a cost associated with the change.

I would be happy to add this to our department's strategic plan for the year if the commissioners would like. However, the BCC would need to make a decision whether or not to waive the cost of the amendment fee and the public notice. Commissioner Shafer and I visited about this earlier today. I am open to attending the next BCC staff meeting so we can discuss this matter further. Please let me know if you have questions. Thanks

Bob  
[Quoted text hidden]  
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**Bob Waldher**, RLA

**Director**

Umatilla County Department of Land Use Planning

216 SE 4th ST | Pendleton, OR 97801

Phone: 541-278-6251 | Fax: 541-278-5480

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**Robert Waldher** <robert.waldher@umatillacounty.net> Thu, Feb 3, 2022 at 2:06 PM  
To: Sharam Goodwin <sharam.goodwin@gmail.com>  
Cc: John Shafer <john.shafer@umatillacounty.net>, Gina Miller <gina.miller@umatillacounty.net>

Hi Sharame - Commissioner Shafer and I discussed the issue this morning. We agree that the best approach is likely a code amendment. As we discussed previously, code amendments of this nature are costly because of the Ballot Measure 56 requirement. That is most likely the primary reason the county has not pursued this amendment in the past. Today I had my staff perform a quick mapping exercise to determine how many landowners would have to receive notice, and it came out to over 2,500 properties. Any decision to waive or reduce application and notice fees would have to come from the full board. I plan to discuss this matter with them at an upcoming meeting. However, it is looking like it won't be until toward the end of the month when we are all able to meet again. I will keep you posted on next steps. Thank you.

Bob

On Wed, Feb 2, 2022 at 10:34 AM Sharame Goodwin <[sharame.goodwin@gmail.com](mailto:sharame.goodwin@gmail.com)> wrote:

[Quoted text hidden]

[Quoted text hidden]

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**Sharame Goodwin** <[sharame.goodwin@gmail.com](mailto:sharame.goodwin@gmail.com)>  
To: Robert Waldher <[robert.waldher@umatillacounty.net](mailto:robert.waldher@umatillacounty.net)>

Thu, Feb 3, 2022 at 2:08 PM

Thank you for your continued efforts. I greatly appreciate it. Are the meeting open to the public these days? I was planning on attending one but was unsure if the schedule as it a little confusing on the website as far as which meeting one would attend.

[Quoted text hidden]

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**Adam Gregory** <[adam.gregory@umatillacounty.net](mailto:adam.gregory@umatillacounty.net)>  
To: Robert Waldher <[robert.waldher@umatillacounty.net](mailto:robert.waldher@umatillacounty.net)>

Thu, Feb 3, 2022 at 3:12 PM

Thank you so very much for the information. I appreciate it. I just wanted to show that the County and Sheriff's Office was addressing the concern of its citizens.

Thank you again.

Gregory

[Quoted text hidden]





# Urban Poultry Considerations

Regulations vary:

No livestock (including poultry)

Specific number of chickens ( 3 to 6)

Number may vary based on lot size

No Roosters

Etc.



# Urban Poultry Considerations

## Space Requirements:

- 1 sq. foot per pound of body weight for permanent indoor confinement areas
- 3 cubic feet of air (total enclosed space) per pound of body weight for permanent indoor confinement quarters.



# Urban Poultry Considerations

## Set Backs



Check your city regulations  
Property line setbacks vary

No matter what:  
Be a good neighbor.



# Urban Poultry Considerations

Be careful when allowing chickens to roam free. Check ordinances.

Keep them on your property



Store feed in rodent proof containers.



# Urban Poultry Considerations

Clean litter and animal waste on a regular basis and dispose of promptly and properly.

Appearance and Property Values



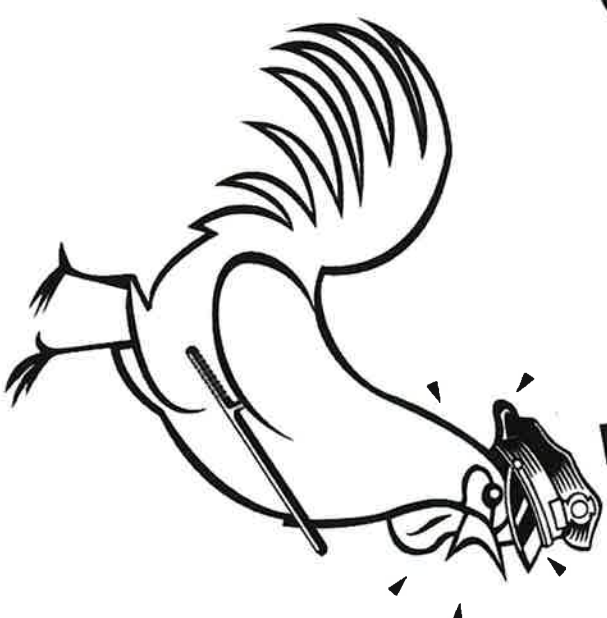
Noise, Flies and Odors





# Urban Poultry Considerations

## CHICKEN POLICE



Finally,

Problems are complaint driven:

Strong fences  
make good neighbors



Wherever chickens are outlawed,  
only outlaws will have chickens



## ROUND TABLE DISCUSSION 403

Dr Luna:

I used to deal with fighting cocks when I worked in Louisiana as it was legal there at the time. The roosters are kept separate to prevent fighting, typically tethered to a post with their own private house, just out of reach of the next bird. The roosters are not huge - they have to be able to fight, and they look more like the natural jungle fowl with red and black feathering as the primary colors. They may or may not have spurs. Sometimes the spurs are cut down so that knives or other weapons can be attached over the spur site. Owners often claim the birds are very expensive.

Dr Morishita:

Cockfighting is illegal in California, and this is not an activity that we can deal with, but for people that own that type of poultry there are many written resources available they can use. Most backyard poultry people own hens. The major reason one would have a rooster is if you want fertilized eggs for hatching chicks. The ratio might be 1 rooster to 6 or 7 hens, so it would be rare to see a rooster. Most backyard flocks may just keep hens to get eggs and to avoid having an overly aggressive rooster. In a cockfighting facility, the birds are tethered individually outside and they have a little teepee or blue barrel house so you will suspect a cockfighting facility if you are doing field calls. When fighting cocks are presented to your

hospital, they could look like the red jungle fowl variety, very light and lean, but then there are also some people that just breed these game birds so it can be difficult to differentiate. The owners, therefore, would really need to tell you about their birds or you would need to see clues because you shouldn't make assumptions.

CROSTA, L., FITZGERALD, B., LINTNER, M., LUNA, L., MORISHITA, T., NEMETZ, L., ROBERTS, V., & POLLOCK, C. (2016). Backyard Poultry in Clinical Avian Practice. *Journal of Avian Medicine and Surgery*, 30(4), 392–404. <http://www.jstor.org/stable/44805833>





**What does width of body indicate?**

*The size of the body across the pelvic bones indicates the amount of room available for eggs and vital organs.*

**Why does the judge ask to see the feet and legs of birds?**

*To check for deformities, disease, and parasites*

**What does “molt” mean relative to chickens?**

*When they molt, chickens lose their feathers, stop reproducing, and go through a renewal for another reproduction cycle.*

**Do chickens ever have teeth?**

*Yes. They have an egg tooth at hatch to help break through the shell. This tooth is different from mammalian teeth as it is not composed of enamel.*

**What is a “dual-purpose” chicken?**

*A dual-purpose chicken can be used for both meat and egg production. Examples are Rhode Island Reds and Plymouth Rocks.*

**What needs to be supplied in an artificial incubator to hatch eggs?**

*Heat, humidity, and turning*

**How many feather tracts do chickens have?**

*10: head, neck, shoulder, wings, breast, back, abdomen, rump, thigh, and legs*

**What and where are the covert feathers?**

*Small feathers on the wing that fill in the spaces between larger feathers*

**What is the function of the comb and wattles on chickens?**

*Sex differentiation, identification, and thermoregulation*

**What are some of the methods for verifying that a hen is currently laying eggs?**

*Width between pelvic bones equals the width of three human fingers; the vent is large, soft, and moist rather than small and dry; the comb is larger and redder*

**What gas that can be harmful to chickens can be produced in manure?**

*Ammonia*

**If you see a lot of manure staining on the feathers just below the vent of your bird, what health-related problem should you suspect?**

*Diarrhea*

**What is the main difference between starter feed, grower feed, and layer feed for feeding chicks, pullets, and laying hens, respectively?**

*Crude protein concentrations: starter 18 to 19%, grower 14 to 15%, and layer 16 to 17%*

**What is the difference between a broiler, a roaster, and a capon?**

*Broilers are young meat birds, usually processed at 6 to 8 weeks of age. Roasters are usually 10 to 14 weeks of age. Capons are castrated meat birds grown to about 18 to 20 weeks of age.*

**What is bumble foot?**

*An infection in the foot pad of poultry, usually caused by Staphylococcus aureus in the manure*

**What is the ratio of males to females that will provide the best fertility for a laying flock, without having more males than necessary?**

*About 1 male for every 10 females*

**What is the gizzard and what is its function?**

*The gizzard, also known as the ventriculus, is part of the chicken's digestive system. It is just behind the proventriculus, the true stomach, and it is where food is ground up to aid in digestion and absorption.*

**What is cannibalism and how can it be prevented or reduced in your flock?**

*Cannibalism is the pecking of one bird by another. It can cause injury and/or death. It can be prevented by beak trimming or decreasing the density of your flock*

**What are two other names for the breast bone of chickens?**

*Sternum and keel*

**In what part of the hen's reproductive tract is the shell produced?**

*Uterus or shell gland*

**Name a “bantam-only” breed.**

*Silver Sebright, Golden Sebright, Japanese Bantam, others*

■ **Questions the judge may ask specifically about your bird**

**Name other varieties of your breed of chicken.**

**LEVEL 3 QUESTIONS  
FOR SENIOR SHOWMEN ONLY**

**Describe the damage that results from having lice on chickens.**

*Damage to feathers, stress because of blood loss and irritation that can then lead to vulnerability to disease and death from cold, excessive pecking, infection, and a decrease in laying production*

**What is the function of the uropygial (preen) gland?**

*The preen gland produces an oily substance the bird wipes onto its feathers with its beak, called “preening.” In ducks and waterfowl preening helps to waterproof their feathers.*

**What is meant by “bleaching” in chickens?**

*It refers to the loss of skin color in laying hens, particularly in Leghorns and other yellow-skinned breeds. The yellow pigment in the skin, xanthophyll, fades to white as the pigment is used to color the yolk. Bleaching occurs in this order: vent, eye ring and earlobes, beak, bottom of feet, front of shanks, back of shanks, tops of toes, hock joints. When birds stop laying eggs, they will replace the skin pigment in reverse order.*

**Where does the yellow color of the skin, beak, and shanks of chickens come from?**

*Xanthophyll in the corn and grass they eat*

**How long (in days) is the incubation period for chickens, turkeys, ducks, and geese?**

*21, 28, 28, and 32, respectively*

**What is the purpose of turning eggs in an incubator?**

*To keep the embryo from sticking to the membranes and becoming malformed*

**Why should incubators be fumigated or disinfected prior to use?**

*To remove any bacteria, virus, or mold organisms that might infect the eggs*

**How many eyelids does a chicken have? Why?**

*Three: upper, lower, and the nictitating membrane, which moves from the front to the rear of the eye and is clear. Eyelids are for keeping foreign substances from entering the eye.*

**How many primary and secondary flight feathers do most chickens have?**

*10 primary and 14 to 18 secondary*

**Where are the axial feathers found, and how many do chickens have?**

*One on each wing, between the primary and secondary flight feathers*

**How is *Salmonella Pullorum* spread or transmitted?**

*Through the egg, either by organisms from the hen’s ovary or from manure in the nest box that contaminates the shell*

**Small flock owners should be particularly aware of which two poultry diseases that can cause high mortality and are of great concern to commercial poultry growers?**

*Avian influenza and exotic Newcastle disease*

**Why is diarrhea a concern and how can it be treated?**

*Diarrhea can lead to dehydration and possibly to death. One needs to rehydrate the bird by providing electrolytes and water and then determine why the bird had diarrhea in the*

*first place and treat that cause. A high load of worms, coccidiosis, or bacterial infection of the gut can often lead to diarrhea. A flock with diarrhea can also cause bad litter conditions—excess moisture and ammonia production—leading to foot and leg problems.*

**Some females in breeding flocks sometimes lose feathers on their lower back and on the back of the head. What is the cause of this?**

*When breeding, the male stands on the back of the female and holds onto the feathers on the back of the head with his beak, causing feather loss.*

**Many starter feeds for chickens are labeled “medicated.” What is the medication and why is it in the feed?**

*The medication is amprolium. It helps the bird build immunity to coccidiosis, a protozoal disease of the digestive tract of birds. There are nine different types of coccidiosis, so medicated feed is a good preventative measure.*

**How much floor space should be provided for standard and bantam adult laying hens reared on the floor?**

*About 1.5 to 2 square feet for standards and 0.75 to 1.5 square feet for bantams*

**What is “biosecurity” and why is it important for your flock of birds?**

*Biosecurity means preventing infectious or disease-causing organisms and other pests like insects, rodents, etc., from coming in contact with your birds. It means keeping human traffic to a minimum, not allowing your birds to have contact with any sick birds, and not visiting infected flocks.*

*Biosecurity also means keeping disease in. Be a good neighbor and don’t visit other people’s flocks without changing your clothes and footwear and thoroughly washing your hands. In other words, treat your own flock as if it were infected with something even if it isn’t. Keep a foot dip pan filled with disinfectant near the door to your coop and dip your shoes or boots prior to entering your facility. It will prevent disease transmission to your birds and is very important.*

**REFERENCES**

University of Connecticut 4-H Poultry Website. University of Connecticut Extension. <http://web2.uconn.edu/poultry/4-H%20Poultry/> (accessed January 3, 2011).

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**The authors**—Lance T. Ellis, Extension Educator, University of Idaho Extension, Fremont County, and David D. Frame, DVM, Extension Poultry Specialist, Utah Veterinary Diagnostic Laboratory, Nephi, Utah

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# 4-H Poultry Showmanship Questions

CIS 1206

by Lance T. Ellis and David D. Frame

**Congratulations!** You have decided to compete in either a county- or state-level 4-H poultry showmanship competition. In a poultry showmanship competition you will be asked questions by the poultry judge as he or she evaluates your knowledge of poultry and your preparation for the competition.

This publication lists general poultry knowledge questions and their answers. The judge will ask you questions from this list. Answering the questions correctly contributes to your points during the competition.

The judge will ask you questions of varying levels of difficulty based on your age division. Level 1 questions are the easiest, and level 3 questions are the hardest. Junior showmen should know the answers to level 1 questions. Intermediate showmen should know the answers to level 1 and level 2 questions. Senior showmen should be prepared to answer all the questions on the list.

## LEVEL 1 QUESTIONS FOR JUNIOR, INTERMEDIATE, AND SENIOR SHOWMEN

**For a female to lay eggs, does she need the presence of a male?**

*No. She needs a male only to produce fertilized eggs.*

**What are the following: pullet, hen, cockerel, rooster, capon?**

*Pullet is a young female less than 1 year old (in other words, hatched this year). Hen is a female more than 1 year old (hatched last year). Cockerel is a male chicken less than 1 year old. Rooster is a male chicken more than 1 year old. Capon is a castrated male chicken.*

**What are the major external parasites of poultry?**

*Lice and mites*

**How many eggs can a hen potentially lay in 1 year?**

*365, one a day*

**What are the most common feed ingredients in poultry diets in the United States?**

*Corn and soybean meal*

**What breed of chicken is used for most commercial egg production?**

*White Leghorn*

**Why do we measure flexibility of the pubic bones?**

*To see if they will open enough for an egg to pass*

**Why should birds be removed from and placed into cages head first?**

*To prevent possible wing and feather damage; to maintain control of them*

**Which of the nutrients, besides oxygen, should poultry have free access to at all times?**

*Water*

**What color eggs do Rhode Island Red, Barred Rock, and Buff Orpington chickens lay?**

*Brown*

**What breeds of chicken lay blue-green eggs?**

*Araucana and Ameraucana*

**At what temperature should most chicken eggs be incubated?**

*99°F*

**What are basic signs of good health in chickens?**

*Alert, active, clear eyes; good manure consistency; no external parasites*

**If the sternum of a chicken it is found to be crooked, what nutritional deficiency disease could be the cause?**

*Rickets—a lack of calcium, phosphorus, or vitamin D in the diet*

**How can you tell an adult male turkey from a female?**

*Adult males have beards and longer snoods and are generally larger than females*

**Where is a chicken's crop located and what is its function?**

*The crop is an enlargement of the esophagus. It is located on the neck just above the junction with the body cavity. It holds the food the bird eats and slowly releases it to the rest of the digestive tract.*

**How many nest boxes should be provided for a flock of laying hens?**

*Usually 1 for each 5 hens*

**How can one tell if baby chicks under a brooder light have the proper temperature?**

*They are spread evenly under the brooder light, not all bunched up under the heat source or all far away from it. If the chicks are all to one side or another, they are feeling a draft of cold air.*

**In general, what air temperature should be provided for growing chicks?**

*About 95°F for the first week, dropping by 5° per week until reaching ambient temperature*

**It has been said that eggs are an almost perfect food; however, they are missing one vitamin. What is it?**

*Vitamin C*

**To keep a flock of laying hens producing eggs year-round, what key environmental factor needs to be controlled and altered to meet the needs of the bird?**

*Light. Maintain 16 hours of light per day year-round.*

**What does depth of body indicate?**

*Size of the abdomen and ability to hold a forming egg*

**Why is it important that the flock's housing be pest free, clean, and without an accumulation of manure?**

*Flocks in unsanitary conditions are prone to diseases and stress. Also, eggs can become contaminated.*

**Name two predators from which you must protect your backyard poultry flock.**

*Foxes, skunks, dogs, raccoons, coyotes, hawks, and owls*

**What does APA stand for? ABA?**

*American Poultry Association and American Bantam Association*

**How can you usually tell what color egg a chicken lays?**

*The color of the earlobe is directly related to the color of the egg shell. For example, a hen with white earlobes will lay eggs with white shells.*

■ **Questions the judge may ask specifically about your bird**

**What is the breed and variety of your bird?**

**Is your bird a male or a female?**

*Cock, hen, cockerel, or pullet*

**Identify the parts of the bird.**

*On the head—comb, wattles, earlobes, and/or muffs. On the body—tail, breast bone or keel bone, vent, back (saddle and length). On the leg—foot, spur, shank, hock joint, and thigh.*

**What do you feed your bird?**

*Know the ingredients of the feed and what the protein percentage is.*

**What kind of comb does your chicken have?**

**What color legs should your bird have?**

**LEVEL 2 QUESTIONS  
FOR INTERMEDIATE AND SENIOR SHOWMEN**

**What is the function of the vent? Is it common to all poultry?**

*It is the urogenital opening of the bird, the external portion of the cloaca. All poultry have one. It is the common opening through which the egg, uric acid, and feces all exit.*

**Identify four dual-purpose breeds that are commonly raised in the Intermountain West for backyard egg production.**

*Plymouth Rock, Rhode Island Red, Orpington, Marans, Australorp, Wyandotte, Red Sex Link, and Black Sex Link*

**What is the importance of calcium in the diets of laying hens?**

*Calcium is needed for producing the egg shell and for developing and maintaining a strong skeletal system.*

**What precautions must be taken when you introduce new birds into your home flock?**

*Before you introduce new birds to your home flock, check them for disease and parasites. Next quarantine them for 3 weeks, and continue to check them for any symptoms. Always take care of the quarantined birds last. If you have to go back to your home flock after caring for the new birds, first change your outerwear, change your footwear, and wash your hands thoroughly with soap.*

**What are the differences between the plumage shapes of most adult male and female chickens?**

*Males have long, sharp hackle feathers; saddle feathers; and sickle feathers on the tail. Females have short, blunt hackle feathers; no saddle feathers; and no sickle feathers on the tail.*

**Other than feather shape, what anatomical features are unique to the male chicken?**

*Males have a larger comb, larger wattles, larger earlobes, different coloring, and spurs on their legs.*

**How do you perform a parasite check on chickens or other poultry?**

*Check around the vent, under the wings, and on the skin under the feathers by the preen gland. Check feather shafts for louse eggs and nits. Look for louse eggs clinging to the feathers under the wattles and the neck area.*

**What are some nutrients that chickens and other poultry require each day?**

*Protein, carbohydrates, fat, minerals, vitamins, water, and oxygen*

**Why is feeding straight wheat to a laying flock of chickens a mistake?**

*Feeding wheat or any other grain as a sole ration does not provide a balanced diet for good health and egg production.*

# **DRAFT MINUTES**

## **UMATILLA COUNTY PLANNING COMMISSION HEARING**

### **May 2, 2024**

**TEXT AMENDMENT #T-095-24, AMENDMENT  
OF UMATILLA COUNTY DEVELOPMENT  
CODE, ADOPTING THE OFFICIAL ZONING  
MAP AS AN ELECTRONIC MAP LAYER.**

Umatilla County proposes text changes to the Umatilla County Development Code (UCDC) Section 152.029 to archive the physical County Zoning Maps of 1984 and adopt by reference the Official Zoning Map as an electronic map layer within the County Geographic Information System (GIS). The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.



**TEXT AMENDMENT #T-094-23, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, CHANGING THE LIMITATIONS ON USE AND DIMENSIONAL STANDARDS IN ZONES MUF, FR, MR, UC, CRC, RR-2, RR-4, RR-10 AND FU-10 AND MODIFYING THE LANGUAGE REGARDING USES PERMITTED WITH A ZONING PERMIT TO CLARIFY THE TYPE AND NUMBER OF DWELLINGS ALLOWED IN ZONES MUF, FR, MR, RR-2, RR-4, RR-10.**

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

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

**DRAFT MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, May 2, 2024, 6:00pm**

\*\*\*\*\*

**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Sam Tucker, Ann Minton, Tami Green, Malcolm Millar, Andrew Morris, John Standley, and Kim Gillet

**COMMISSIONER**

**PRESENT VIA ZOOM:** None

**COMMISSIONERS**

**ABSENT:** Emery Gentry

**PLANNING STAFF:**

Robert Waldher, Economic and Community Development Director, Megan Davchevski, Planning Manager, Carol Johnson, Senior Planner, Tierney Cimmiyotti, Planner, Charlet Hotchkiss, Planner, and Shawna Van Sickel, Administrative Assistant

**COUNTY STAFF:**

Doug Olsen, County Counsel

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

**CALL TO ORDER**

Chair Danforth called the meeting to order at 6:04PM and read the Opening Statement.

**NEW HEARING**

**TEXT AMENDMENT #T-095-24, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, ADOPTING THE OFFICIAL ZONING MAP AS AN ELECTRONIC MAP LAYER**

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Chair Danforth called for the Staff Report.

**STAFF REPORT**

Mrs. Megan Davchevski, Planning Manager, presented the Staff Report. She stated the first request before the Planning Commission tonight is because of a need the Planning Staff have identified in order to update the Umatilla County Development Code, Section 152.029 Zoning Maps adopted by reference to reflect the modern technology available for mapping. This current language refers to the physical maps adopted in 1984 as the Official Zoning Map. She explained the proposed language archives the physical County Zoning Maps of 1984 and adopts by

reference the Official Zoning Map as an electronic map layer within the county Geographic Information System (GIS). The criteria of approval for amendments are found in the Umatilla County Development Code sections 152.750 to 152.755. She stated that this matter is a Legislative matter, because it proposes to amend the text of the Umatilla County Development Code. Therefore, the County has the authority to consider and approve the text amendment.

Mrs. Davchevski lastly explained the process of approval for a Legislative amendment by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC), the Board of County Commissioners must also hold a public hearing and decide whether or not to adopt the proposed change to the Development Code. She stated the public hearing before the Board of County Commissioners is currently scheduled for June 5th, 2024, at 10:00 AM. She concluded that within the packets there are several attachments, the first being the preliminary findings and conclusions, and the second being the proposed text amendment, the existing language that would be removed when the text amendment, if it were to be approved, is struck through and the new language would replace it is underlined and bold.

Chair Danforth asked if any Commissioners had questions for Staff. No initial response received from any of the Planning Commissioners. Chair Danforth asked if this would digitize the mapping and not continue the need for maps on paper. Mrs. Davchevski stated that in a way yes, the maps currently are generated through an old mapping program called Geomedia, which the County no longer uses, hence the reason for the request to change. She added the mapping program used by the County is ESRI ArcGIS. With the transition to ArcGIS, the County Geographic Information System (GIS) department along with the Planning department has found the old ways of making maps are no longer feasible and were much more time inclusive. She explained our work around would be to cease making the old formatted maps, which were basically a copy of the maps produced by the County Assessors office with our Zoning layer applied to them. The Assessors department is still going to make their maps, but Zoning will be available on the Umatilla County Interactive Map. She stated we'll have a similar map that's going to be digital on the website that's going to serve as the official Zoning Map for the County. Those will be available from our department to be printed for anyone who is interested

Chair Danforth stated in one of their recent hearings people looked at the maps and stated, "Well, that's not where my property line is...". She added lots of conversations about the lines weren't quite discernable based on the digitized map, and a surveyor must plot where those property lines exist. She expressed concern regarding not having paper maps any longer and the ability to get a printed map from the County, or if the power goes out. Mrs. Davchevski answered the paper maps available at the County are not survey quality. She added the County plans to keep the ones we currently have and not dispose of them, instead they will be archived. The error seen on the current Interactive Map is because of the aerial, if the aerial image is removed the lines would be as accurate as we can get them without have a surveyor on the ground.

Commissioner Minton mentioned a previous statement from Chair Danforth regarding losing the database and assumed they would be stored and have a back-up for those files. Mrs. Davchevski agreed and stated our IT department has a number of servers that store the data. She emphasized the new mapping program, ESRI ArcGIS, also has a cloud service online to back-up data. She mentioned the old historic maps with the zoning layers have more errors than our current system due to the poor mapping program that was previously used.

Chair Danforth reiterated to staff and the Planning Commissioners to clearly speak into the microphone and hold it close, so all can hear. She asked if any testimony sheets had been received, staff stated none and verified with all virtual attendees. No callers requested to speak.

**Neutral:** None

**Opponents:** None

**Public Agencies:** None

**Applicant Rebuttal:** None requested

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Tucker stated he felt this was more of a housekeeping matter that brings us closer to the 21<sup>st</sup> century and made the following motion.

Commissioner Tucker made a new motion to recommend approval of Text Amendment T-095-24 Amending of the Umatilla County Development Code, Adopting the Official Zoning Map as an electronic map layer.

Commissioner Green seconded the motion. Motion carried with a vote of 8:0 recommending approval to the Board of County Commissioners.

### **NEW HEARING**

#### **TEXT AMENDMENT #T-094-23, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, CHANGING THE LIMITATIONS ON USE AND DIMENSIONAL STANDARDS IN ZONES MUF, FR, MR, UC, CRC, RR-2, RR-4, RR-10 AND FU-10 AND MODIFYING THE LANGUAGE REGARDING USES PERMITTED WITH A ZONING PERMIT TO CLARIFY THE TYPE AND NUMBER OF DWELLINGS ALLOWED IN ZONES MUF, FR, MR, RR-2, RR-4, RR-10**

Chair Danforth read the opening statement and called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Chair Danforth called for the Staff Report.

## STAFF REPORT

Ms. Charlet Hotchkiss, Planner I, presented the Staff Report. She stated the second request before you tonight is for a proposed text amendment to the Umatilla County Development Code. The proposed amendment would affect all properties within the following zones; Multiple Use Forest (MUF), Forest Residential (FR), Mountain Residential (MR), Unincorporated Community (UC), Rural Residential-2 (RR-2), Rural Residential-4 (RR-4), Rural Residential-10 (RR-10), Commercial Rural Center (CRC) and Future Urban-10 (FU-10). These are all residential zones and other zones with existing animal density requirements. She explained over the past several years the Umatilla County Planning Division and Code Enforcement Department has received numerous complaints from residents regarding roosters in rural residential zones. Noise complaints due to roosters crowing day and night are most prevalent, but also complaints of people keeping large numbers of roosters presumed to be used for cock fighting have been made.

Ms. Hotchkiss added that in order to remedy this ongoing situation in multiple rural residential zones within the county, the Planning Division has proposed new language within the Limitations on Use sections of multiple zones encompassed in the Umatilla County Development Code. The decision to do so was made at the direction of the Umatilla County Board of Commissioners who will have the ultimate decision of whether or not to adopt the amendment in the subsequent hearing on June 5, 2024.

Ms. Hotchkiss shared a video taken outside Milton Freewater at one of the properties where we had received many complaints of exactly what was described. She added that Staff also decided to modify some of the language used within those sections in order to better clarify the meaning of the code, as well as to rearrange and organize certain language to sections where it makes more sense. Such as moving the existing language regarding setbacks for animal sheltering structures (barns, large chicken or other fowl coops, etc.) to the Dimensional Standards sections instead of having it in the Limitations on Use sections of these zones. She highlighted where sections within the UCDC have been moved because there were better suited in a different section, and no language was changed. She added this process has resulted in other minor changes made with the well-being and proper care of animals in mind, as well as the health and quality of life for residents within the zones affected.

Ms. Hotchkiss stated since the public notice was mailed out to affected property owners on April 5, 2024, Planning has received a large volume of calls and in-person visits regarding the amendment. She added there seems to be a lot of confusion and misconceptions surrounding the proposed changes; which is why she prepared this brief PowerPoint presentation to help explain what is and is not changing. She explained the code language on the left side of the slide will remain the same if the proposed amendment is not adopted. This proposed text amendment does restrict the number of roosters and other fowl with loud calls in non-resource zones such as Rural Residential. It does increase the number of small livestock animals such as goats, sheep, etc., from two animals per acre to four per acre, and it adds the same animal density standards to other



non-resource zones such as Forest and Mountain Residential. She added the proposed text amendment does not change the number of cows and horses allowed in non-resource zones, such as Rural Residential. It does not affect resource owned land such as Exclusive Farm Use (EFU) and Grazing Farm (GF). It does not change the property line set back standards for barns and other animal sheltering structures. She mentioned again, it simply moves them to the dimensional standards section within each zone where it is better suited. It does not change your property zoning.

Ms. Hotchkiss explained the current animal density standards for residential properties has been no more than two animals (goats, sheep, cows, horses, etc.) per acre, and has been in place since 1972. While animal density standards are present in the FU-10, RR-2, RR-4, RR-10, CRC, and UC Zones, the proposed amendment will add the same animal density standards to the MR, MUF and FR zones. She explained a specific addition addressing sanitation and proper animal food storage is intended to help curb disease and illness spread through rodents, animal feces and flies. She added that Planning Staff reached out to County Land Use Planners in nearby eastern Oregon counties to inquire about their current animal density regulations in rural residential zones. This slide shows those regulations within Baker, Gilliam, Grant, Morrow and Union Counties.

Ms. Hotchkiss stated Planning Staff received a number of comments regarding this amendment and summarized those for the Planning Commission. We have received at least one comment stating, “this is dishonest, and people are already taxed to death.” This comment did not share any other concerns or references to the amendment. She added several comments in support of limiting the number of roosters in Rural Residential zones were received as well. Some stating they themselves have contacted County Code Enforcement due to their neighbors having a significant number of roosters staked separately throughout their yard and causing an excessive amount of noise day and night. She expressed that multiple comments received stated having neighbors with large numbers of roosters has reduced their quality of life and ability to enjoy their property due to the noise. Some of the comments shared the sentiments that they support amending the code to limit number of roosters since they have learned there is no recourse the Sheriff’s office, Humane Society nor PETA can take based off these complaints alone.

Ms. Hotchkiss also shared a comment received from Northeast Oregon Water Association stating they are supportive of the proposed limiting of the fowl and poultry but have concerns about increasing livestock due to the ground water quality issues. A comment received from rural residential property owner within the LUBGWMA, Tamra Mabbott, shares the same support and concerns.

Ms. Hotchkiss reached out to Jim Johnson, the Land Use and Water Planning Coordinator at the Oregon Department of Agriculture – Natural Resources Program, to inquire about whether or not it is common in Oregon for counties to regulate animal density in Rural Residential zones. Mr. Johnson provided a comment stating that, yes, it is a common practice in Oregon. He shared a

table with other Oregon counties animal density regulations. She added the proposed animal density standards for Umatilla County are similar to those in other eastern Oregon counties. She stated County Staff are requesting the proposed amendments be applicable in the Future Urban (FU-10) zone. Which is located within Hermiston's UGB. The city of Hermiston's Joint Management Agreement (JMA), Section (E)(10) requires County Land Development Code Amendments applicable in the Urban Growth Area to be processed by the City. The JMA states that amendments may be initiated by the city, the County or an affected person. Therefore, the city of Hermiston must co-adopt the text amendment for the standards to apply in the FU-10 zone.

Ms. Hotchkiss expressed that, in addition, Umatilla County is proposing an amendment to the UCDC which clarifies the uses permitted with a zoning permit, specifically regarding dwelling in zones, RR-2, RR-4, RR-10, FR, MR and MUF. Those changes in the Uses Permitted with a Zoning Permit section are being made to define what type of dwelling may be approved and how many may be permitted on a single tax lot, dependent on the zone. She stated the proposed amendment does not change the number of dwellings allowed on each tax lot, the new language is only being used to clarify the existing code language.

Ms. Hotchkiss stated this hearing before the Umatilla County Planning Commission is the county's first evidentiary hearing for the adoption as subsequent public hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, June 5th, 2024 at 10:00 AM. She stated she would like to point out there's an error in your packets, which states the meeting is being held at 9am it is at 10am. It will be in room 130 of the Umatilla County Courthouse. (Location has been clarified, it will not be held at the Umatilla County Courthouse, but instead has moved to the Vert Auditorium). She concluded that the Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners to either adopt or deny this amendment to the Umatilla County Development Code.

Chair Danforth had some follow-up remarks with the packet, stating some spelling corrections were necessary. Secondly asked if questions were present for staff.

Commissioner Millar stated he is personally affected by the proposal if it were to pass. He stated he currently has 25 roosters and asked if he would be grandfathered in, and if it does pass what would happen to his property and roosters. Mrs. Davchevski stated the property would have to be compliant with the current standards, which states poultry can't be confined in an area more than 25% of the total lot area. She added if they were in compliance with the Development Code prior to the adoption of this new language they could apply for a verification of a non-conforming use, should there be a future Code Enforcement complaint about the roosters. She continued stating they would have to prove they had roosters before the new language was adopted. Chair Danforth asked if a property owner has the roosters and they are compliant with the 25% of the total lot area and sell their land, including the roosters. How would that affect the new owner of

the property? Mrs. Davchevski answered stating as long as they didn't stop the use for more than one year, they would still remain compliant. She added if the use stops, then they would lose the non-conforming use. Chair Danforth asked if verification of compliance is only needed one time and Mrs. Davchevski confirmed that was correct. Discussion continued regarding the process of how a verification of non-conforming use is determined. Mrs. Davchevski stated it would go before the Planning Commission, where an inventory would occur for the property. At that point it may be established that, at any one time, they would not be able to exceed the number allowed at that point.

Chair Danforth referred to the property, referencing the video shown during the hearing, in Milton Freewater with roosters. She asked if this property was in compliance with the current 25% confined total lot area. Mrs. Davchevski stated they were only cited for non-compliance with the noise ordinance and stated she was not sure if they were in compliance with the current standard for confinement of poultry limits.

Commissioner Standley wanted additional clarification about which animals Code Enforcement complaints primarily are received. He asked if it was specific to chickens and roosters, or cows, sheep, and horses. Mrs. Davchevski stated Code Enforcement typically does not receive complaints about cows or horses but does receive several regarding roosters. Commissioner Standley asked if any numbers could be reported, whether it was only a small number of complaints over a year, twenty to thirty calls a year, or if it was consistent individuals reporting repeatedly. Mrs. Davchevski stated she did not have a count, but the large majority of reporting individuals wrote letters of support in the hearing packet.

Commissioner Morris asked if small businesses operating on properties, listed in this proposal, could have an impact to their businesses. Ms. Hotchkiss stated it was very unlikely unless their business was selling roosters.

Commissioner Tucker stated he had heard many concerns about government regulations on property in Oregon. He mentioned a hypothetical, assuming he is convinced that the Planning Commission should eliminate all regulations concerning these matters in Oregon and eliminate those land use decisions. He asked if it would be within the power of the Planning Commissioners to approve a recommendation eliminating of rules and regulations governing the land use in Oregon or if they were confined to the general issues that was presented in the noticed proposal. Mrs. Davchevski stated their job was to make a recommendation to the Board of County Commissioners on whether they should or should not adopt the proposed language. She added that they could reword the proposed language to a certain degree within reason. She reiterated they could not make decisions about other language outside this proposal. Anything like that would have to go to public notice as required by ballot Measure 56 to all affected property owners. She described more of the process and stated if someone wanted to request a change to the Development Code they could do that, but it would be a separate application altogether.

Chair Danforth asked if this was strictly limited to roosters or if it covered peacocks as well. Ms. Hotchkiss stated all loud foul would be included in the proposal to limit numbers to two per lot/parcel. Chair Danforth asked if the primary concern was roosters why was there additional language added or changed. Ms. Hotchkiss mentioned the Board of County Commissioners tasked the Community Development department with this amendment. She added since we made changes within these sections in the code, and a Measure 56 notice was required, it would be beneficial to update other language to clarify or conform to updated standards. She stated further that immense research was done with animal density standard comparisons from neighboring counties. Many counties limit their roosters and other loud foul and we wanted to include that within our proposal. Ms. Hotchkiss explained further about the additions of increasing smaller livestock, as well as modifying language for clarity.

Chair Danforth asked if this is approved, how will property owners know and understand whether they would need to verify compliance. Mr. Robert Waldher stated the original ballot Measure 56 notice was to provide public awareness of the proposed amendments. He added if approved, affected property owners would not receive a subsequent notice, with the exception of those who requested information from the public hearings with the Planning Commission or Board of County Commissioners by signing in to those meetings. Additional notices to the general public are not required and another notice would be very costly.

Chair Danforth referred to page 17, line item 152.133(C), asking if a definition of proper sanitation existed to reference if there is a code complaint. Ms. Hotchkiss stated we do not have a definition in the Development Code relating to proper sanitation. This amendment would allow Code Enforcement a statute to reference for any circumstances surrounding extreme cases. She provided an example about a neighbor that neglected their animals and manure was building up within their enclosures for a long period of time, along with the amount of smell and flies. This circumstance would warrant the use surrounding this code and allow this situation to be remedied. Commissioner Millar asked about the storage of food in metal or other rodent-proofed receptacles. He stated personally he does not do that and doesn't know many farmers that do and followed by asking why that language is added if it will not be enforced. Ms. Hotchkiss stated it was a common practice among other Eastern Oregon Counties and thought it was a good addition to have in our code in case sanitation issues with feed occur, like rat infestations. She stated, again, Code Enforcement is not going to monitor everyone's food storage containers, but it was included so reference could be made back to the code for remedying future complaints.

Commissioner Green referred to page 16, line item UCDC 152.119(D)(4) regarding enclosures for sheltering animals. She asked if someone had a chicken house/pen twenty feet off the property line and the code is passed, would they be applying for a non-conforming use. Mrs. Davchevski stated they would not, due to the fact this language already exists in the Development under UCDC 152.118(D). She added that the proposal only moves where this language is located from Limitations of Use to the Dimensional Standards within the

Development Code, and no new language was added. She reiterated this is reflected throughout the other zones within the packet.

Commissioner Morris asked about page 38, under Applicable Statewide Planning goal findings, on Goal 6: Air, Water, and Land resource quality. He mentioned Goal 6 states it does not apply to this amendment. He inquired about the groundwater pollution in the western part of the county and how this amendment, with the increased animals, would impact the polluted groundwater. Mr. Waldher stated that was something that came to light after the notice was sent out. He stated the department received comments from the Eastern Oregon H2O Group and Northeast Oregon Water Association. Their comment stated increasing the density of animals allowed could negatively impact groundwater, especially in the west part of Umatilla County, which is already impacted by the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). Commissioner Morris asked if it would be appropriate for the Planning Commission to make a proposal to exclude the western part of the County with the increase of smaller livestock. Mr. Waldher stated the Planning Commission could recommend excluding the LUBGWMA area, but perhaps after listening to context from the public attending the hearing.

Commissioner Standley asked if any rules/regulations exist that would have minimized some of the complaints regarding similar issues to the video shown of the property outside Milton Freewater. He asked if this property could be grandfathered in. Mr. Waldher stated the current language in the Development Code states chicken, fowl, rabbits or similar-sized fowl shall be confined on no more than 25% of the total lot area. He added the standard is not very measurable and hard for Code Enforcement to address. The property in Milton Freewater had animals all over their property so it was difficult to measure whether or not they were using 25% of the total lot area. He stated this was one main reason for assigning a number to the proposed amendment, to make a more objective measurement. He reiterated those who may be in violation already could apply for verification of a non-conforming use. Commissioner Standley stated it was a bit difficult for him to address the complaints from public comment tonight and how they were going to help them understand the current situation.

Chair Danforth questioned section UCDC 152.134(B) on page 18, she stated it seemed like repetitive language for setbacks. Ms. Hotchkiss stated any text that is not bolded and underlined refers to existing language and not referring to structures sheltering animals. Mrs. Davchevski added the end of that section was a relocation in text from the Limitations on Standards Sections (UCDC 152.133(D)) and moved to the section titled Dimensional Standards and is replicated throughout the packet in the different zones, like RR-2 and RR-4.

Chair Danforth referenced page 19, UCDC 152.156(B)(a), which speaks about manufactured dwelling as provided in 152.013. She mentioned she looked up the referenced section in the Development Code and it does not mention manufactured home, but it does state mobile home. Mrs. Davchevski stated mobile home is an old term that is no longer used by Oregon State Building Codes Division and manufactured home or manufacture dwelling is often used



interchangeably. She stated the terms have become synonymous. This section was added to clarify single family dwelling. She added that issues with misinterpreting one's ability to have one single family dwelling as well as a manufactured home, which is not the case. Property owners may have one or the other. Chair Danforth stated she has more issues with the UCDC 152.013 definition of mobile home and not manufactured dwelling. She asked if this could be changed throughout the proposed amendment. Mrs. Davchevski stated this is likely something we could change.

Chair Danforth asked how the Commercial Rural Center (CRC) zone would be affected by this proposal. Mrs. Davchevski stated the CRC zone is a very limited zone only one area exists outside of Hermiston near Punkin Center Road. She added the zone intended purpose is for commercial uses serving the nearby residential areas and this zone had animal density standards in it and was included to make the standards across the board for all those zones.

Chair Danforth also asked about page 31, regarding accumulative mixed density referenced under UCDC 152.338(A). Which lists an example for mixed-size livestock the maximum density will remain two per acre, with reference to horses and goats there could only be two at any given time per acre. Chair Danforth asked if regardless of the size of acres would you still only be allowed two roosters. Ms. Hotchkiss confirmed that was correct, only two roosters could be on any sized lot. She added that the measurements are per lot and not by acre.

Chair Danforth also mentioned there was a correction on page 37 in the packet, under Goal 2, it states United States Department of Agriculture and asked if that was supposed to be Oregon Department of Agriculture. Ms. Hotchkiss agreed that was a mistype and would be corrected. Chair Danforth also asked about Goal 4, Forest lands, stating it would not affect forest zoned lands, and asked if Forest Residential would be considered forest zoned lands. Mrs. Davchevski answered stating Forest Residential (FR) zoned properties are not Goal 4 protected lands, they are called exception lands similar to how we have Goal 3, EFU land. The amendment does not apply to Goal 3 or Goal 4 lands.

Chair Danforth expressed questions on page 38, under Goal 9 Economy, does not apply to this amendment. She asked if a landowner is operating a small business with small animals or similar, could this affect them economically. Mrs. Davchevski asked if she meant that the rooster amendment would affect them economically. Chair Danforth confirmed that is what she was inquiring. Mrs. Davchevski stated the findings prepared are draft findings and the Planning Commission can make additional findings. This application does not apply to employment lands, which is what Goal 9 refers to. She stated this would not affect commercial farm uses, like hog and poultry farms, and the existing language in the Development Code regarding those zones are not included in these proposed changes. Chair Danforth asked about page 39, under Goal 14 "Urbanization" unique to Hermiston. She asked if another Future Urban (FU-10) zone could be applied somewhere else in the County in the future and how they would be impacted. Mr. Waldher agreed and stated FU-10 is unique to Hermiston within their Urban Growth Boundary

(UGB). He added it would be up to a city to decide if they wanted or needed to expand their UGB and bring additional lands into the city. He also added that was highly unlikely that another city would adopt the same zoning for FU-10.

Chair Danforth called for proponent testimony, none were present. She then called for opponent testimony.

**Opponents:** Mr. Roger Robinson, 1040 E Juniper Ave, Hermiston, OR 97838; Mr. Robinson stated he has lived at their property over the past twenty-four years and has four cows on their property. They share their livestock and rotate them on three neighboring properties, not owned by him personally. He asked what would happen if they get caught with too many livestock on his property.

Chair Danforth asked Staff to confirm if verifying compliance would be necessary if the code passes. Mrs. Davchevski stated if the property owners haven't been complying with the code they would need to comply unless they wanted to apply for verification of non-conforming use. Mr. Robinson asked why change something that has worked for them personally. They have too many cattle to keep on a single property, but between his and neighboring properties they would be compliant. Chair Danforth reiterated that Code Enforcement is complaint driven, she is not condoning non-compliance but if they were to not have all four cows on one property then it would likely not cause an issue.

**Opponents:** Mr. Juan Villarreal, 1080 W Nelson Lane, Hermiston, OR 97838; Mr. Villarreal wanted to know how many animals he could have on his two and one-half acreage. He stated they have goats. The females bear offspring and wanted to ensure he is understanding the numbers he can have so he is remaining compliant. Chair Danforth stated the current Development Code has that information included, but Staff could advise him further. Mr. Villarreal also stated he has two roosters and asked if he would have to remove them. Chair Danforth stated that if this passes property owners would have the ability to apply for verification of compliance. She also mentioned this was not the only hearing, as final decision goes through the Board of County Commissioners.

**Opponents:** Ms. Donna Daly, 77762 Honeysuckle Lane, PO Box 152, Weston, OR 97886; Ms. Daly stated she has approximately 18 goats on five acres and additionally raises bummer lambs, but then sells them. She asked if the number of smaller livestock she owns would be out of compliance. She also mentioned she has four roosters and realizes they do make a lot of noise.

**Opponents:** Mr. Justin Stewart, 310 Riley Lane, PO Box 54, Adams, OR 97810; Mr. Stewart thanked staff for giving him the ability to come and speak before the Planning Commissioners. He stated he owns five acres and has goats, chickens, and one rooster. He recalled serving on a council with the City of Adams and realizes what painstaking process it is to hear the issues being addressed and then determining a way to remedy the situation. He stated he was happy to learn a lot regarding the proposal and realized changes may need to be made.

**Opponents:** Mr. David Turk, 43220 Main St, Pendleton, OR 97801; Mr. Turk stated he came to learn that evening. He stated he does not personally own any livestock and never has. He doesn't understand the reasoning why neighbors are upset about neighboring properties livestock since that is primarily the reason for rural properties.

**Opponents:** Mrs. Renee Rueppel, 41553 Peter St, Pendleton, OR 97801; Mrs. Rueppel stated she had a few questions. The first, why not just focus on the complaints themselves, instead of trying to change everything to include everybody else. She added why reach out to other counties when we should be asking the residents to see what is and is not working for them. Mrs. Rueppel also asked about eggs hatched and roosters aren't identifiable until they are almost two to three months old. They raise roosters for food and disposing of them prior to maturity or butchering age is a waste of meat. She added they prefer to raise their own food due to knowing what their animals are consuming and feels it is healthier than what may be fed to store-bought and butchered poultry and other goods. She also asked how Code Enforcement makes determinations on complaints and their legitimacy, rather than just complaining unwarranted. She ended with stating livestock control is not necessary, animal control is and is more of an issue.

**Opponents:** Mr. Dustin Knight, 1280 Minnehaha Rd, Hermiston, OR 97838; Mr. Knight asked if a building was erected for the purpose of being a shed with a setback of 25 feet away from the property lines. He inquired if the purpose of the building was changed to animal sheltering, would he be required to now move this structure another 10 feet from the property line. Additionally, he asked if a property was 3.7 acres, how many livestock could be allowed, and would density allowance round up to be 4 acres or restricted to 3-acre standards. Mr. Knight's remaining question regarding housing development and what permits would be required, frequency, and if annual renewal for homes and those for subsidizing more livestock.

**Opponents:** Mr. Owen Hegdal, 309 S Broad St, PO Box 388, Weston, OR 97886; Mr. Hegdal was concerned with the proposal because the language seemed too general when it comes to breed sizes, specifically pertaining to rabbits (large or small breed) or miniature versus average breed cattle. He also mentioned it was difficult to determine size of a property utilized for confinement for rabbits, because typically they are underground. He expressed discontent for the changes being forced because of suspected rooster fighting. Mr. Hegdal concluded that all property owners want is to have the freedom to pursue life and how they use their land.

**Opponents:** Ms. Rochelle McMahon, 80664 Forcade Ln, Hermiston, OR 97838; Ms. McMahon stated she did not understand the number decreasing between mixed-sized livestock in UCDC 152.118. She stated four goat's excrement does not total that of one cow, and believed it was unclear how the number was derived. She also questioned the difference in breed sizes of fowl, specifically Guinea hens, ducks, or chickens. Ms. McMahon ended stating Guinea hens are just as loud as roosters. She added she felt the language was too general and wanted to request to change for more specifics.

**Opponents:** Ms. Michelle Porter, 460 Blaine St, PO Box 145, Adams, OR 97810; Ms. Porter provided background about her family's farms and what they raise. She stated they have children raising animals for 4-H or FFA and believed these changes would affect their ability to show animals. She stated the changes affect their livelihood with their cow/calf operation on other forest-use areas and will affect other small producers completely.

**Opponents:** Mr. Daniel Tejada, 82276 Hat Rock Rd, Unit #25, Hermiston, OR 97838; Mr. Tejada stated he does not share the belief that chickens crow day and night. Chair Danforth asked him if roosters crow at night. He stated that was impossible and whoever said that is lying. He added there should not be further restrictions on rights to use land, especially since they pay their property taxes. He further explained how impacts restrict their way of living and decades of hard work. Mr. Tejada expressed how he lives far away from others and his business practices are professional and do not cause disturbances to others. He concluded by stating there are more problems that exist county-wide, and this is not one of them.

**Opponents:** Mr. Jess Terry, 910 S Townsend Rd, Hermiston, OR 97838; Mr. Terry asked if the complaints being made are brought forth by individuals who live within the cities or out in the county rural areas. He suggested a standard stating that newly relocated individuals to the county rural areas should have to live there for five years before they can make a complaint to Code Enforcement. He believed this would mitigate complaints from people who just want to complain even if it is not substantiated. He stated where they live should matter and this should be considered when Code Enforcement follows up on calls.

**Opponents:** Mr. Dan McCarty, 72062 Westfield Blvd, Pendleton, OR 97801; Mr. McCarty shared a statistic from sales in Umatilla County topping almost \$400 million a year in revenue through agriculture and of that \$80.6 million from livestock industry products. He stated the complaints seem few and far between and mostly pertain to roosters. Mr. McCarty ended stating he felt this change would affect their bottom line, livelihoods, health and well-being of their families.

**Opponents:** Mr. Michael Cuneo, 71017 Arabian Dr, Pendleton, OR 97801; Mr. Cuneo thanked the audience and Staff for being there that evening. He additionally added how hard this project must have been for Staff to be tasked with from the Board of County Commissioners and the due diligence done. He stated his concern for his four-acre parcel with animal husbandry practices. He stated the general requirement for a healthy flock and egg production is 6:1 (hens to roosters). Mr. Cuneo mentioned he would be held to the same standards of a property half his size and doesn't understand that reasoning. He provided background on his family practices with stages of life with animals and raising his children. He asked if more research could be done for animal husbandry specifically and alter the numbers in the proposal. Mr. Cuneo stated the like loud-fowl terminology was not clearly defined and is open for much interpretation. He concluded they take great care of their four-acre lot, but even at certain times it is not free of flies.

**Opponents:** Mrs. Jodi Hinsley, 32945 Thorny Grove Ln, Hermiston, OR 97838; Mrs. Hinsley shared that making amendments to code that is fifty-years-old needs to be done carefully. She added context about her property and what animals she raises. She stated limiting quantities does not suddenly create sanitation. Mrs. Hinsley mentioned raising animals is always going to produce odors. She asked how Code Enforcement measures sound produced by animals. She also mentioned she has a hen that sounds like rooster especially if it is not allowed to free range within their property. She concluded stating language in this proposal needs to be carefully thought out and attention does need to be made regarding irrigated land versus non-irrigated lands.

**Opponents:** Mr. Jesus Alvarez, 33245 E Columbia Ln, Hermiston, OR 97838; Mr. Alvarez asked staff about how Code Enforcement would mitigate sound when most of it is from dogs. He stated he has a little farm and has grandchildren visit frequently and he uses that time to teach them about animals. He concluded asking staff if the goal was to take these opportunities away from the youth of the area, so they are forced into gangs instead.

**Opponents:** Mrs. Cynthia Traner, 81187 Sagebrush Rd, Hermiston, OR 97838; Mrs. Traner stated she owns 17 acres and there are peacocks on the property. She stated there are approximately thirty that are free-range. She added they have never been confined to a shelter. She asked if Code Enforcement would come shoot them if they were non-compliant. Mrs. Traner asked if staff would be monitoring the size necessary to shelter chickens, horses, cows, etc. She also asked why noise complaint aren't being addressed as the concerns are raised. She stated that Code Enforcement should increase personnel and handle those issues directly instead of forcing the masses to conform. She added that these changes will make people rely on stores for their meat and not knowing what is being put into their bodies. She questioned the definition of terms with mobile home versus manufactured home.

**Opponents:** Mr. George Klein, 51491 Highway 332, Milton Freewater, OR 97862; Mr. Klein gave some background including his dislike for animals but had to conform to raising animals due to job loss and difficulties with food/price availability during the COVID-19 pandemic. He described the importance of code, but that it can be used for good or bad reasons. He asked about what codes exist to counteract and protect the people who are raising animals against those who just want to complain and without merit. He also asked if it was necessary to create a code to mitigate the discussed problems in this proposal or if there was a different way to proceed.

**Opponents:** Mr. Adolf Klein, 50036 Schubert Rd, Milton Freewater, OR 97862; Mr. Klein contrasted the video showing roosters and compared it to the problem with dogs in the area. He stated that if the proposed changes included dogs there was a large community uproar. He gave context about his past and moving cows along the Native American Reservation. He stated an authority figure instructed them to place filters on the streams and the filters clogged up, driving the streams back underground and have never reappeared. He ended by stating rules continue to stem more rules. He believed their freedoms disintegrate with every rule that is made.



**Opponents:** Ms. Laretta Keene, 2035 W Orchard Ave, Hermiston, OR 97838; Ms. Keene stated chickens have lots of predators including skunks, predatory birds, and dogs. She asked how these changes will affect if a flock gets wiped out or needing younger chickens to continue egg production. She also made comments regarding noise with road traffic. She concluded there is already a way to deal with noise complaints with the noise ordinance.

**Opponents:** Mr. Brad McMinn, 71479 Gateway Ln, Pendleton, OR 97801; Mr. McMinn asked if a minimum of three calls could be implemented with Code Enforcement before an investigation is conducted on a property. He insisted he would be unable to maintain his flock with the proposed hen to rooster ratio. He also questioned how other fowl, like turkeys or geese, would fall under the same category of loud fowl. He ended asking if the County would be providing disposal for removal of these fowl, and if they would be forced to remove them because of the proposed limitation.

**Opponents:** Mr. Joseph Stanichak, 57894 Highway 204, Weston, OR 97886; Mr. Stanichak gave an expanded history of his background living in various larger cities, including New York City and his ability to raise chickens. He also mentioned his background with the seminary he runs and currently farms on with a variety of fowl. He stated he uses his practice in the past to teach children about farming and raising animals, he believes it is essential.

**Opponents:** Mr. Bernard Klein, 1525 NE Wagner Ln, Hermiston, OR 97838; Mr. Klein suggested the Planning Commission include the increase of smaller livestock and to dismiss the rooster limitation along with any other negative regulations. He stated he believes there are too many rules and never take anything away. He stated he believes our leadership isn't enforcing things to the letter of the law, and believes changing leadership influences those changes. He concluded stating the one positive he took from this is many neighbors were not aware of any standards being in place and now do.

**Opponents:** Mrs. Lisa Pedersen, 1530 SW 11<sup>th</sup> St, Hermiston, OR 97838; Mrs. Pedersen stated she lives in the FU-10 zone and owns sixteen acres. She is opposed to all the proposed changes because there are too many unknown variables being implied upon versus just addressing the complaints. She stated she believes this could be accomplished by becoming a better neighbor. She mentioned they lease out their land for cow/calf operations. She concluded asking if any recourse action would be taken if someone complains about when cows and calves are separated, and they are loudly crying for their young as opposed to someone playing loud music.

**Neutral Testimony:** Mrs. Deanna Garrard, 29125 Bridge Rd, Hermiston, OR 97838; Mrs. Garrard asked if this all came about because of complaints about roosters. She stated if this was the main reason why couldn't it just be settled by addressing those complaints instead of proposing a change that affects the majority. She also mentioned the notice received stated the potential proposed changes could affect the value of property and wanted to know how that would happen. She concluded by asking what the cost for a verification of non-conforming use was.

**Neutral Testimony:** Mrs. Danica Frasser-Fischer, 1055 Juanita Ave, Hermiston, OR 97838; Mrs. Frasser-Fischer stated her, and her husband own twelve acres along Cooney Lane. She stated she was concerned that she was not understanding the proposed changes due to her language barrier. She mentioned English is not her first language, understanding this information is difficult for her. She explained that fifty percent of the population in Milton Freewater and Hermiston are Spanish speakers and the need for inclusion is necessary. She asked if information could be given in multiple languages, so all citizens of the County have equal rights to be informed and to understand.

**Public Agencies:** None

**Applicant Rebuttal:** Mrs. Megan Davchevski & Ms. Charlet Hotchkiss, 216 SE 4<sup>th</sup> Street, Pendleton, OR 97801; Mrs. Davchevski stated that the Community Development Department was tasked with this application by the Board of County Commissioners, due to complaints they had received personally. She added that many in our office are just like the audience and would be affected by these changes and would need to follow the rules.

Mrs. Davchevski explained a number of people asked if their property wasn't in compliance now or they weren't aware of the current animal density standards, what would happen with them and their animals. She stated we have one part-time Code Enforcement officer currently he doesn't drive around the county counting livestock in a pasture and calculating confinement standards in place. She stated Code Enforcement is mostly complaint driven and typically those are environmental issues. She mentioned if a complaint was made regarding the number of chickens or cows on the property, they would investigate and decide whether a violation exists with the current standards. She stated that Code Enforcement takes circumstances into account and may give conditions or a warning period to come into compliance. She stated as long as the property owner is working with Code Enforcement and keeping in communication with them that's as far as it goes it's just warning.

Mrs. Davchevski addressed another question brought before staff. She stated the determination for animal density would be rounded up or down to the closest acreage as a general practice. The example given was for 3.7 acres, we would round that up to 4 acres. She added the current standard for any livestock is two per acre.

Mrs. Davchevski answered the questions regarding focusing on the complaints only instead of changing the code. She stated we must have something in the code in order to respond to a complaint. Currently, if someone has three-hundred chickens contained in one-quarter of an acre on a one-acre property they're in compliance, regardless of how much of a nuisance those chickens may be. She stated another question was asked about existing shelters and the setback requirements. The standards have not changed and are existing standards. She added if a new applicant wanted to permit a new building sheltering animal, those existing set back requirement would have to be met. This permit is an over the counter permit.

Mrs. Davchevski stated the problem with roosters is county-wide, not exclusive to Milton Freewater. She added the video shown was an example of a really extreme situation. She stated livestock do not require a permit. She explained about size differences for different rabbit breeds, and our department explored the option of defining sizes, but it got too convoluted and so in order to simplify things and make it clear, we proposed just having one standard. She added that could be changed, if found necessary.

Mrs. Davchevski stated why have these requirements, in Oregon, counties have the right and the responsibility to regulate land use regulations through their zoning ordinances. She added that Umatilla County has exercised this right since the very beginning of Planning in Oregon in 1972. She stated the main reason is to ensure compatibility with different properties. A residential zone wouldn't permit a heavy industrial type of activity, like a machine shop, because that's not compatible with a residential use.

Mrs. Davchevski reminded the Planning Commission the certain parameters around what they can and cannot recommend for approval. She stated eliminating the animal density standards altogether is not something they could do that evening. She mentioned anyone can make an application to the Community Development office at any time to amend our Development Code. This includes the Planning Commission, they could task our department with that or the Board of Commissioners.

Mrs. Davchevski stated these amendments don't apply to farm (EFU) and forest lands (GF), those are typically bigger properties zoned for exclusive farm use or exclusive forest use, they also don't necessarily apply to 4-H projects. She stated testimonies this evening brought up dogs and isn't something the county mentions frequently in our Development Code in the residential zones. She added one mention includes the maximum number of dogs you can have on a property is three, however this is not something in our proposed language change.

Mrs. Davchevski mentioned there's some issues that we're not addressing because they weren't about the proposed. She mentioned the questions about complaints and whether they lived in the city or not. She added that the county does not have jurisdiction over properties in the city, we'd refer them to the city. She expressed that the rooster video shown was on a rural residential property in the county's jurisdiction.

Mrs. Davchevski stated we cannot put anything in the language saying that if somebody's lived in a property for less than five years and they can't really make any complaints, that's not a land use standard that we could apply. She added that the Community Development department received lots of calls about this amendment. Typically, when people would call, we would explain the proposal to them and most people said, okay that makes sense, or I agree with that. She emphasized that there were a lot of people who let us know they were supportive of these changes but did not show up in person.

Mrs. Davchevski stated our Code Enforcement team cannot do anything with a complaint unless it can be tied to our Development Code. They can't enforce something that's not within the code, which is why we've tried to come up with a solution. She added that solution was the limitation on chickens and roosters that's actually objectively measurable. In the future, if there is somebody that's not in compliance, they have a code that they can point to. She stated of course dogs make noise, but it's not something we regulate unless it exceeds something in the noise ordinance. She added the County has a noise ordinance but does not have an animal control ordinance and is not regulated under land use.

Mrs. Davchevski answered the questions regarding a mobile home versus a manufactured home. She stated a mobile home is personal property and can have wheels but are no longer produced. In order to permit a new mobile home in our county, it must have a HUD label in order to be compliant. She added land use regulations don't allow both a stick-built home and a mobile/manufactured home, you could have one or the other.

Mrs. Davchevski reiterated the language on the postcard that was mailed out, stating it has a legal statement required because of ballot Measure 56 requirements. It's not that it necessarily affects the value of properties, but we have to legally reference on those notices. She stated there were questions about the cost of compliance. She added that if Code Enforcement received a complaint about a property two years from now, and they had more than two roosters causing too much noise. Code Enforcement would investigate and determine the remedy decided for that person to apply for verification of a non-conforming use. She stated an application for that would go through our office, however it is not a common application we receive.

Chair Danforth asked if there was a charge for that. Mrs. Davchevski stated the associated fee is approximately \$500 from what she could recall.

Ms. Hotchkiss continued with their rebuttal answering the following additional questions brought forth in testimonies. She answered a question regarding mixed livestock and the cumulative numbers. She stated an example with horses and goats would be two per acre because of the mixed sizes. If a property owner had just smaller livestock, like goats, you could have four per acre. She stated with comparison to other counties it made sense to limit too many animals in too small of an area. She concluded that 4-H and FFA projects would not be affected by these changes, they would still be permitted. Chair Danforth asked where the language regarding 4-H and FFA products is located. Mrs. Davchevski stated it is included in each zone in the current code. Ms. Hotchkiss expressed the language is represented in the current Development Code but is not included in this application since none of it had been changed.

Ms. Hotchkiss stated the decision to exclude specific breed sizes or types, was because it became too complicated and would ask that common sense be used with sizes of animals or like-size. Fur bearing animals would be that similar to rabbits, chinchillas, or minx.

Commissioner Tucker asked if there was a current noise ordinance and could it be used to address the noise issues with roosters and other like-fowl. He also asked why it wasn't used to address the complaints received like the one referenced in Milton Freewater. He stated that there were many written complaints about the same property included in the packet they received tonight. Mrs. Davchevski stated the County does have a noise ordinance, but it is used for excessive noise and is usually used for noisy sound systems and is enforced by the Sheriff's office. Commissioner Tucker stated evidence was listed in the record stating chickens calling and roosters can sometimes approach 130 decibels and asked if the noise ordinance lists a certain level. He also asked if it could be applicable for noise from an animal, whether it be a dog, chicken or other animal. Mrs. Davchevski stated it would likely be a question for County Counsel, Mr. Doug Olsen, who was present that evening. Mr. Olsen was unable to be heard on record but did state the noise ordinance excludes Agricultural uses.

Commissioner Morris asked to clarify if zoned farmland is excluded in this ordinance. Mrs. Davchevski confirmed this does not apply to Goal 3 agricultural land, like those who operate commercial farming operations. Commissioner Morris reiterated this would not affect those with farm businesses. Mrs. Davchevski stated this was for Rural Residential lands and other residential lands that typically have hobby farms. The primary use for those zones is residential. Commissioner Morris added that if a property was out of compliance the past twenty plus years, they'll still be out of compliance whether the ordinance was passed or not. Ms. Hotchkiss stated that was correct, and odds were that if they had been out of compliance for the last twenty years, it is likely nothing much will change. She also added that in no way would Umatilla County Code Enforcement ask for anyone to put their animals down.

Commissioner Morris asked if property owners would need to submit a form if they wish not to comply with the current ordinances, in effect since 1972. Mrs. Davchevski shared an earlier mentioned comment regarding the process of Code Enforcement and that the property owners would have to prove they complied before any proposed language was adopted.

Chair Danforth stated she felt like someone owning thirteen acres could have an actual homestead farm, actively raise animals and these changes could still impact a small farm. Commissioner Morris asked if they could get a variance to be rezoned as farmland (EFU). Mrs. Davchevski stated that would typically not happen.

Chair Danforth addressed a member of the audience because they stated there was a question that Staff did not answer regarding verifying compliance if they were not compliant with the current code; which states confinement of 25% of their property. Mrs. Davchevski stated they would only need to do that if there was a code complaint. Chair Danforth agreed but stated it would be better to verify before, so they don't wait for a complaint to come in.

Commissioner Green asked about the animal husbandry standards that were mentioned by opponent testimony from Mr. Cuneo. He stated a common animal husbandry practice was one rooster to six hens. Commissioner Green asked what research was done to address that concern.



Ms. Hotchkiss stated that our department researched and found that two roosters to forty chickens was an acceptable ratio for fertilizing and furthering egg production. Commissioner Green asked what sources were used, whether it was comparison to other counties, a veterinarian, or the Department of Agriculture. Ms. Hotchkiss stated they did comparison to other counties as well as research from the Department of Agriculture.

Commissioner Gillet asked if she heard an earlier statement correctly that Code Enforcement team consists of one part time officer or one and a half. Mrs. Davchevski stated our department has one field officer who is part-time and then a coordinator who answers calls, emails and additional correspondence with other agencies full-time

Commissioner Green asked how complaints are vetted when Code Enforcement gets a call about a property. Is it simply a name and address or do you verify whether they are within a certain distance of the property they are complaining about. Mr. Waldher responded for this particular case, the video witnessed was an actual situation where we had a code complaint. He added the Code Enforcement department received numerous complaints probably over the course of a couple years. We coordinated with the Sheriff's Office, who investigated the property. He stated we suspect there is cock fighting occurring but there is no way to prove it is happening. The roosters were chained to barrels. Mr. Waldher explained after several investigations, we actually took a noise monitor to the property and stood next to the neighbor's house. Those measurements did exceed the allowable noise levels. He concluded after consulting legal counsel, we discovered we can't pursue agricultural related noise violations.

Commissioner Green reiterated her question, if someone calls to complain what process is used to verify they are someone who lives in the area and has the right to complain. Mrs. Davchevski stated a complaint can be from anyone, they do not have to live in the vicinity. She explained the process when complaints are received as referenced previously.

Chair Danforth addressed a situation in the auditorium. She restated the appreciation with the turnout this evening and all the responses received. She explained this was time for staff and the Planning Commission to ask and answer questions since all testimony had concluded. There was a large number of the audience who were upset and decided to leave in which Chair Danforth stated was their right.

Mrs. Davchevski thanked the audience member regarding the questions that were missed in the rebuttal response. She stated a language service is not something our department currently offers; however, if a community member requested a copy of the packet in a different language, we could provide that with enough notice to prepare. Commissioner Morris asked given the county is Hispanic, could it become a practice to publish materials in both English and Spanish. Mr. Waldher explained our department does what is required by Oregon State statute but stated it would be a broader policy discussion with the Board of County Commissioners and could potentially be accommodated.

Commissioner Standley stated he felt like this was trying to kill a mosquito with a sledgehammer.

Commissioner Minton asked if there was a discussion on pursuing changes to the noise ordinance to include agriculture or was that ever considered. Mr. Waldher stated our office primarily deals with land use. He stated the noise ordinance is primarily enforced by law enforcement. He added that anyone may propose a change to a county ordinance and would recommend contacting our legal counsel and inform the interest in pursuing such a change. Furthermore, it would go before the Board of County Commissioners for their approval.

Chair Danforth closed the hearing for deliberation.

Chair Danforth adopted the following exhibits into the record:

Exhibit A; April 15, 2024, Comment submitted by Joyce Aniliker & Aniliker Manford Estate

Exhibit B; April 25, 2024, Letter to Planning Commission submitted by Judith Hedberg/Duff

Exhibit C; April 25, 2024, Letter to Planning Commission submitted by Sheri Lynch

Exhibit D; April 25, 2024, Letter to Planning Commission submitted by Sharam Goodwin

Exhibit E; April 25, 2024, Letter to Planning Commission submitted by Tamra Mabbott

Exhibit F; April 25, 2024, Letter to Planning Commission co-submitted by Northeast Oregon Water Association Director, JR Cook; Water for Easter Oregon Executive Director, Justin Green

Exhibit G; April 25, 2024, Letter to Planning Commission submitted by William & Stephanie Jackson

Exhibit H; April 26, 2024, Letter to Planning Commission submitted by Justin Berry

Exhibit I; April 30, 2024, Public Agency Comment submitted by Oregon Department of Agriculture – Natural Resource Programs, Jim Johnson, Land Use and Water Planning Coordinator

Exhibit J; Submitted during May 2, 2024 hearing, Letter to Planning Commission submitted by Roger

### **DELIBERATION & DECISION**

Commissioner Tucker stated he felt there was a pretty unanimous approval for one of the proposed items, which was the increase of small livestock from two to four animals per acre. He stated he felt it was a small improvement, but one they all agreed upon. Chair Danforth asked if

they were proposing no changes to the foul standard of twenty-five percent. Commissioner Tucker stated he wanted to address each piece separately to simplify their discussion.

Mrs. Davchevski suggested that he make the motion to exclude subsection B and to include the other language. Commissioner Standley asked if they were able to adopt or deny the packet as presented or if it was appropriate for the Planning Commission to do a line by line item analysis and vote. Chair Danforth stated that it does not have to be all or nothing, it could be a portion recommending approval or denial to the County Commissioners. She stated what she believed Mrs. Davchevski was reiterating was to include subsection A, the Limitations of Use which would include UCDC 152.133 on page 17, to include A, exclude B and asked if Commissioner Tucker wanted to also include subsections C, D, and E.

Commissioner Tucker stated for simplicity reasons he was only asking to include subsection A. He added the other issues could be addressed as they discuss later.

Commissioner Tucker made a new motion to recommend approval that include UCDC 152.118(A), 152.133(A), 152.158(A), 152.163(A), 152.173(A), 152.218(A), 152.233(A), 152.263(A), and 152.338(A). All of which address the issue of the number of animals and expand the number of animals that could be used. Commissioner Millar seconded the motion.

Commissioner Morris requested an amendment to the motion to exclude the Lower Umatilla Basin from this motion, in regard to addressing groundwater pollution and contamination. Chair Danforth asked if Commissioner Tucker would amend his motion. Commissioner Tucker stated he would not amend his motion.

There was no second for the motion to amend Commissioner Tucker's vote. Commissioner Morris' motion died.

Chair Danforth called for the vote on Commissioner Tuckers motion. Motion carried with a vote of 5:3 recommending approval to the Board of County Commissioners.

Commissioner Tucker suggested the issue concerning noise could be better addressed by a noise enforcement change in the ordinance. He asked if they could recommend the Umatilla County Board of Commissioners consider modifying this and see if there is a better way than what was proposed.

Commissioner Morris made a motion to adopt the language as it's proposed throughout the packet.

No second was received, so the motion died.

Commissioner Minton mentioned she understood the need to discuss the problems with roosters but didn't feel it was best addressed in the proposed amendment. She agreed with Commissioner Tucker that readdressing the noise ordinance might be more appropriate or other solutions could be researched and brought forth then.

Chair Danforth stated there was not an easy answer for noisy fowl. She added she does not live in the rural areas of the county but does visit it and could see the potential for noise complaints. She stated she doesn't support limiting because in most cases it is the minority that makes changes for the majority. She ended stating personally she doesn't support anything else in this proposal.

Commissioner Standley made a motion to deny this amendment as presented this evening. Chair Danforth clarified that was his request after they just approved a portion of the proposal. Commissioner Morris stated he felt it was irresponsible that this has not been updated for fifty plus years.

No second was received on this motion. Commissioner Standley's motion died.

Commissioner Tucker made a motion to recommend they revisit their noise ordinance to address the issues raised in this meeting, including those specific to Milton Freewater.

Commissioner Green seconded the motion.

Mrs. Davchevski clarified to the Planning Commission that this was not what was before them. They could only recommend approval or denial of the proposed language. She asked if Commissioner Tucker wanted to recommend denial of subsection B with the proposed language. She also added that the Planning Commissioner could suggest they revisit the noise ordinance.

Commissioner Tucker rescinded his prior motion and made a new motion to recommend denial to the County Board of Commissioners to include UCDC 152.118(B), 152.133(B), 152.158(B), 152.163(B), 152.173(B), 152.218(B), 152.233(B), 152.263(B), and 152.338(B).

Commissioner Green seconded the motion. Motion carried with a vote of 7:1 recommending denial to the Board of County Commissioners.

Commissioner Morris made a motion to recommend approval on subsection C throughout the packet.

No second was received. Commissioner Morris' motion died.

Commissioner Millar made a motion to recommend denial to the County Board of Commissioners to include UCDC 152.118(C), 152.133(C), 152.158(C), 152.163(C), 152.173(C), 152.218(C), 152.233(C), 152.263(C), and 152.338(C).

Commissioner Minton seconded the motion. Motion carried with a vote of 7:1 recommending denial to the Board of County Commissioners.

Deliberation continued regarding subsection D and E. Mrs. Davchevski stated these changes proposed were just renumbering of subsections and relocation of Limitations on Use subsection D to under the Dimensional Standards section 4 and rewording "free and clean" to be "clean and free", and then renumbering E to D, and F to E.

Commissioner Tucker made a motion to recommend approval to the County Board of Commissioners for the relocation of the statement, “Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;” from the Limitations on Use section to the Dimensional Standards subsection 4, rewording free and clean to be clean and free, and then renumbering the Dimensional Standards sections E to D, and F to E.

Commissioner Morris seconded the motion. Motion carried with a vote of 8:0 recommending approval to the Board of County Commissioners.

Mrs. Davchevski stated they needed to address 152.131, 152.156 and so on under (B) subsection (1), (1)(a), (1)(b) and (1)(c) and then striking through subsection (B)(3) and renumbering (B)(4) through (B)(8) to (B)(3) through (B)(7). Chair Danforth asked about UCDC 152.013 and the wording manufactured dwelling when the code does not define it with that language. Mrs. Davchevski stated the Planning Commission could alter the language to state one manufactured dwelling/mobile home. Or they could recommend that the language in 152.013 and throughout the rest of the County Development Code to change the terminology from mobile home to manufactured dwelling.

Commissioner Tucker asked what the easiest way to make that clear for definitional purposes. Mrs. Davchevski recommended having it state, one manufactured dwelling/mobile home.

Commissioner Tucker made a motion to alter the text under Uses Permitted within the RR-2, RR-4, RR-10, MUF, FR and MR zones under Uses Permitted (B)(1)(a) “Manufactured dwelling, as provided in 152.013” to state manufactured dwelling/mobile home. Recommend approval to the Board of County Commissioners under Uses Permitted, subsection (B)(1), (B)(1)(a), (B)(1)(b) and (B)(1)(c), strike-through subsection (B)(3) and renumbering (B)(4) through (B)(8) to (B)(3) through (B)(7).

Commissioner Minton seconded the motion. Motion carried with a vote of 8:0 recommending approval to the Board of County Commissioners.

## **OTHER BUSINESS**

Mrs. Davchevski stated the next hearing for this amendment will be going before the Board of County Commissioners recommending approval of some sections and denial of others. She stated the date for that hearing will be held at the Vert Auditorium on June 5<sup>th</sup> at 10am. She mentioned there would be a virtual option available as well and would be posted on the County’s website under the County Commissioner Agenda.

## **ADJOURNMENT**



Chair Danforth adjourned the meeting at 10:02PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

DRAFT