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UMATILLA COUNTY, OREGON
ORDINANCE # 94-01

94 APR -4 P 3:36

CO-ADOPTING THE CITY OF PENDLETON ORDINANCE #3481, "DEVELOPMENT IMPROVEMENTS ORDINANCE" FOR APPLICATION WITHIN THE PENDLETON URBAN GROWTH AREA.

WHEREAS, The City of Pendleton adopted Ordinance #3481, The Development Improvements Ordinance, on January 5, 1993; and

WHEREAS, The purpose of Ordinance #3481 is to assure equal and fair treatment of all individuals seeking to improve property within the Urban Growth Boundary of the City of Pendleton; and

WHEREAS, The City has requested the County co-adopt this Ordinance for applicability within the Pendleton Urban Growth Area, so as to insure consistency of standards between county and city areas within the Urban Growth Boundary; and

WHEREAS, The County and the City have entered into a Joint Management Agreement to apply city planning, development, subdivision, and zoning regulations on areas within the Urban Growth Boundary, which have not yet been annexed to the city, to carry out the requirements of ORS 197 and 227; and

WHEREAS, The Umatilla County Planning Commission reviewed the Ordinance on June 24, 1993, and recommended unanimously that Ordinance #3481 be co-adopted; and

WHEREAS, The County Board of Commissioners held a duly-advertised public hearing on July 6, 1993, at which time no opposition was raised; and

WHEREAS, Immediately following their hearing, the Board of Commissioners voted to co-adopt City of Pendleton Ordinance #3481. [Note that due to an oversight this Ordinance has been prepared a number of months after the Board's action].

NOW THEREFORE, be it ordained that the attached City of Pendleton Ordinance #3481 is hereby co-adopted for application within the Pendleton Urban Growth Area.

BE IT ALSO ORDAINED that an "emergency" exists in order for these amendments to be applicable immediately, so as to conform to the City's action of January 5, 1993.

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Co-Adoption of Pendleton Ordinance #3481
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SIGNED this 4th day of April, 1994.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell
William S. Hansell, Chairman

Glenn Youngman
Glenn Youngman, Vice-Chairman

Emile M. Holeman
Emile Holeman, Commissioner

ATTEST:

Thomas L. Groat, Deputy
Thomas L. Groat, County Clerk

ATTACHMENT: City of Pendleton Ordinance #3481

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drive-up windows, traffic islands or similar alterations which channelize, alter or increase the traffic volume or pattern on adjacent roadways. The term development for purposes of this chapter shall NOT mean interior remodeling, repairs, maintenance of improvements to any existing structure which does not increase the volume of the structure. Specifically exempted under this ordinance are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.

SECTION 3. From and after the effective date of this Ordinance, no building or development permit may be issued for any development within the City of Pendleton Urban Growth Boundary unless said development has met the terms of this ordinance.

SECTION 4. Implementing Action. The following development shall fall within the scope of this ordinance and shall be required to comply with the requirements identified herein:

- A. New residential, commercial, public/institutional or industrial development.
- B. Expansion of single-family or duplex residential development valued in excess of 30% of the most recent assessed value of the improvements on the property.
- C. Reconstruction of a single-family or duplex residential casualty loss valued in excess of 130% of the most recent assessed value of the structure.
- D. Expansion of multiple family, commercial, public/institutional or industrial development valued in excess of fifteen percent (15%) of the most recent assessed value of the improvements on the property.
- E. Reconstruction of multiple family, commercial, public/institutional or industrial casualty loss in excess of 115% of the most recent assessed value of the structure.
- F. Change in use ("occupancy class") of a building as defined by the Uniform Building Code.

Development values within this section shall be determined by the City Manager based on the "Building Valuation Data" published and updated periodically by the State of Oregon Building Codes Agency for use in determining building permit valuations and the records of the Umatilla County Assessor's office.

SECTION 5. Development Requirements. The following requirements shall pertain to all development falling under the categories identified in Section 4.

- A. The developer shall complete a building or development permit application and a site plan. The site plan shall be drawn to scale and show all existing and proposed structures and their exterior dimensions; all streets, alleys and other public rights-of-way; existing and proposed utility lines and/or easements; building setbacks; location of utilities and proposed connection routes; off-street parking; curb cut and sidewalk locations and dimensions, 100 year flood level (if applicable) and drainage plan.
- B. The developer shall provide proof of review and approval by all affected state and/or county agencies, such as the State Department of Transportation or County Public Works Department.
- C. Where the development site abuts existing curb and gutter, sidewalks in conformance with City standards shall be constructed in conjunction with the development. If sidewalks exist on none of the abutting properties, the developer may be required to irrevocably consent to participate in an improvement district to install the sidewalk in the future. This requirement may be waived by the City Manager if sidewalks are impractical due to topography.

D. If city standard public facilities do not exist at the time of development, the developer shall be required to irrevocably consent to participate in a future improvement district to construct and dedicate all public facilities, such as water, sewer, storm drainage, pavement, curb, gutter, sidewalk and street right-of-way adjacent to the development in conformance with City standards and provide easement or deeds to the City for all such public facilities. However, where it is determined by the City Manager that delaying the design and construction of any or all such facilities is not appropriate and logical, or causes an adverse impact on surrounding properties, the City may require the developer to construct and dedicate all such improvements as a condition of development. The City Manager may waive certain improvement requirements based on topography or other locational factors that make provision of the improvement(s) impractical.

E. When it has been determined that the extension of public facilities is required, costs related to such extension shall be borne by the developer as they relate to the development. In addition, any extension of such facilities shall be continued and extended in a logical fashion through the development site so as to be readily available for adjacent development. This subsection shall not prevent the City from choosing to participate in engineering design and public facility construction or oversizing costs.

F. Where such improvement(s) installed by a developer benefit other properties, a settlement shall be arrived at between the City and the developer prior to installing the improvements. This agreement shall identify the benefiting properties, actual costs to be charged and method of repayment to the developer. Where prior agreement exists for improvements benefitting the subject property, the developer shall make arrangements with the City for the payment of such improvements prior to issuance of any City permit.

SECTION 6. Final Approval. No final approval or certificate of occupancy will be issued by the City until such time as the applicant has complied with all requirements of this Ordinance. Final approval or certificate of occupancy shall not be issued if there is any major variance from the site plan.

SECTION 7. Appeal. Any person aggrieved by a decision of the City Manager regarding this ordinance may appeal to the City Council. Such appeal must be in writing and submitted to the City Manager within ten (10) calendar days after the action or decision appealed. Review of such appeals shall be held at the next regularly scheduled City Council meeting if filed no less than ten (10) calendar days prior to such scheduled meeting. Otherwise, the review shall be held at the next regular meeting. This shall not preclude the City from waiving these minimum time requirements or calling for a special meeting.

The decision of the City Council shall be final.

SECTION 8. Enterprise Zone Exception. A business which is precertified by the City as a "qualified business firm," in accordance with the Oregon Enterprise Zone Act, may request an exception from this ordinance from the City Council. Such requests will be reviewed on a case by case basis. Exceptions may take the form of a waiver of the requirements of this ordinance or a delay in the time that a given improvement shall be installed. Agreements for exceptions authorizing a delay in the installation of public improvements shall be filed in the Umatilla County Deed Records at the expense of the business.

SECTION 9. Violations and Penalties.

A. A violation of this Ordinance shall be punishable by a fine not to exceed One Thousand and No/100 (\$1,000.00) Dollars.

B. Every full day during which an activity continues to be conducted in violation of this Ordinance shall be considered a separate offense.

C. Offenses under this Section shall be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court appointed counsel.