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95 AUG -4 A 9:07 UMATILLA COUNTY
ORDINANCE # 95-06

CO-ADOPTING THE CITY OF PENDLETON ORDINANCE #3518 AMENDING THE CITY'S ZONING ORDINANCE FOR APPLICATION WITHIN THE PENDLETON URBAN GROWTH AREA.

- WHEREAS, The City of Pendleton adopted Ordinance #3518 on June 30, 1995, amending the Pendleton Zoning Ordinance; and
- WHEREAS, The Ordinance amends the Pendleton Zoning Ordinance with respect to solid waste facilities and caretaker dwellings in industrial zones; 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 the county and city areas within the Urban Growth Boundary, and to insure compliance with state laws; and
- WHEREAS, The County and the City have entered into a Joint Management Agreement to apply city planning, 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 July 13, 1995 and recommended unanimously that Ordinance #3518 be co-adopted; and
- WHEREAS, The County Board of Commissioners held a duly-advertised public hearing on Tuesday, August 1, 1995, 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 #3518.

NOW THEREFORE, be it ordained that the attached City of Pendleton Ordinance #3518 is hereby co-adopted for application within the Pendleton Urban Growth Area, as an amendment to the City's Zoning Ordinance (#3251), which is already co-adopted, and thereby amending the following Ordinances:

#83-08, the initial co-adoption of the Pendleton Comprehensive Plan and zoning and subdivision ordinances, as amended; and

#84-03, the current Umatilla County Comprehensive Plan and Development Ordinance, as amended.

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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 June 30, 1995.

SIGNED this 3rd day of August, 1995.

UMATILLA COUNTY BOARD OF COMMISSIONERS

absent at hearing
Glenn Youngman, Chairman

Emile M. Holeman
Emile Holeman, Vice-Chairman

William S. Hansell
William S. Hansell, Commissioner

ATTEST:

James M. ...
Records Officer

ATTACHMENT: City of Pendleton Ordinance #3518



H9 1061

ORDINANCE NO. 3518

AN ORDINANCE AMENDING ORDINANCE 3250, PENDLETON'S ZONING ORDINANCE TO IMPLEMENT A CHARTER AMENDMENT APPROVED BY THE VOTERS ON MARCH 28, 1995, AND TO CLARIFY PROVISIONS GOVERNING FACILITIES FOR HANDLING SOLID WASTE AND DECLARING AN EMERGENCY AND AN EFFECTIVE DATE.

WHEREAS, On March 28, 1995, the voters of Pendleton approved an amendment to the Pendleton City Charter as follows:

"Notwithstanding any other provision of the city charter or any city ordinance to the contrary, no solid waste transfer station shall be sited, constructed, or operated within 1000 feet of an existing residential structure or residential zone without a vote of the people approving the facility," and

WHEREAS, the City of Pendleton intends to incorporate the charter limitations on siting solid waste transfer stations into the Pendleton Zoning Ordinance; and

WHEREAS, permits from the Oregon Department of Environmental Quality for the temporary solid waste transfer station expire September 30, 1995; and

WHEREAS, the temporary solid waste transfer station now in use will be difficult or impossible to operate for an extended period; and

WHEREAS, the City of Pendleton intends to clarify the existing zoning provisions that describe provisions for handling solid waste, because at least one group of citizens contends that the ordinance should be interpreted differently than the interpretation of the Pendleton City Council and that group has initiated litigation concerning that subject; and

WHEREAS, the litigation described above has the effect of stalling the construction of any transfer station at any location in an industrial zone within the urban growth boundary and the citizens of Pendleton will not be able to have the benefit of a permanent solid waste transfer station as long as that litigation is pending unless this ordinance clarification is enacted; and

WHEREAS, Pendleton's franchised solid waste collection and disposal service desires to proceed to construct a transfer station at a location which will comply with the Pendleton City Charter, not at the previously proposed "H" Avenue location, the site objected to by those pursuing the litigation described above; and

WHEREAS, those pursuing the litigation described above have indicated an intent to pursue the litigation to the Oregon Supreme Court, even though the Pendleton City Charter prohibits locating a solid waste transfer station at the "H" Avenue location without a vote of the people of Pendleton; and

- K. Solid waste transfer stations, if the solid waste transfer station:
 - a. Is not within 1,000 feet of an existing residential structure or residential zone, or
 - b. The location of the transfer station has been approved by a vote of the people approving the facility."

SECTION 4. Section 53 of Ordinance 3250 is amended as follows:

"SECTION 53. CONDITIONAL USES PERMITTED. In a Light industrial (M-1) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. Commercial Amusement and Recreation (SIC Major Group 79);
- B. Eating and Drinking Establishments (SIC Major Group 58);
- C. Fuel and Ice Dealers (SIC Group 598);
- D. Governmental, public, or semi-public uses or structure, including, but not limited to SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- E. Hotels, motels, other lodging (SIC Major Group 70);
- F. Junk yard, wrecking yard;
- G. Light Industrial (SIC Major Groups 281, 285, 286, 287, and 289);
- H. Mining (SIC Major Group 14);
- I. Petroleum pipeline facilities;
- J. Sanitary landfills, solid waste disposal or treatment facilities;
- K. Transportation Equipment (SIC Major Group 37);
- L. Utilities (SIC Major Group 49);
- M. Veterinary and Horticultural Services (SIC Groups 074 and 078); and
- N. Dwelling, caretaker or manager only. This use is subject to conditional use criterion specified at Section 132 C. of this ordinance and is subject to the additional condition that this use not result in the application of any ordinance, charter provision, or other regulation that would limit, hinder, or prevent the continued operation of any pre-existing use."

SECTION 5. Section 55 of ordinance 3250 is amended as follows:

"SECTION 55. USES PERMITTED OUTRIGHT. In a Heavy Industrial (M-2) zone, the following uses and their accessory uses are permitted outright:

- A. Contractors (SIC Major Groups 15-17);
- ~~B. Dwelling, caretaker only;~~
- ~~C.B.~~ Fuel and Ice Dealers (SIC Major Group 598);
- ~~D.C.~~ Light Industrial (SIC Major Groups 20, 22-25, 27, 31, 36, 38, 39).
- ~~E.D.~~ Heavy Industrial (SIC Major Groups 26, 34 except 348, and 35).
- ~~F.E.~~ Transportation Facilities and Services (SIC Major Groups 40, 41, 42, 46, and 47);
- ~~G.F.~~ Wholesaling (SIC Major Groups 50 and 51);