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UMATILLA COUNTY RECORDS

8:20 AM

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
 Ordinance No. 83-04, codified)
 in Chapter 152, Flood Hazard) ORDINANCE NO. 99-06
 Subdistrict)

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting a flood hazard subdistrict;

WHEREAS the Umatilla County Board of Commissioners desires to amend the flood hazard subdistrict ordinance;

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Flood Hazard Subdistrict Ordinance, No. 83-04, passed May 9, 1983, shall be amended as follows:

I. Definitions - Section 152.003

FLOOD HAZARD AREA. The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or lake or reservoir, which has been or may be covered by a base flood or intermediate regional flood. Excludes any area within the Floodway.

FLOOD HAZARD OVERLAY ZONE. The area containing the Flood Hazard Area and the Floodway.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Excludes any area within the Flood Hazard Area.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a recreational vehicle.

II. Any reference to Flood Hazard Subdistrict shall be changed to Flood Hazard Overlay Zone.

III. Compliance - Section 152.351

A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used in the Flood Hazard Overlay Zone only as this section permits.

IV. Location of Flood Hazard Overlay Zone - Section 152.352

(New Maps of Wildhorse Creek and Mill Creek dated September 8, 1999)

The boundaries of areas delineated as the Flood Hazard Overlay Zone shall be the boundaries of those areas of special flood hazards . . .

V. LIMITATIONS ON ALL USES - Section 152.354

(A) In a Flood Hazard Area, no structure (temporary or permanent), fill (including fill for roads and levees), deposits, obstruction, storage materials or equipment, or other uses shall be permitted which increases flood heights, acting alone or in combination with existing or future uses.

(B) In a Floodway, any encroachment, including fill, new construction, substantial improvements, and other development, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(C) The county shall notify adjacent communities and state coordinating agencies prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration, and require that maintenance is provided within the altered or relocated portion of said water course so that flood carrying capacity is not diminished.

VI. LIMITATIONS ON STORAGE OF MATERIAL AND EQUIPMENT - Section 152.357

(A) The storage or processing of materials that are buoyant, flammable, explosive or that could be injurious to human, animal or plant life in time of flooding is prohibited in the Flood Hazard

Overlay Zone.

VII. Variance - Section 152.359

(1) The Planning Commission shall hear and decide requests for variances from the requirements of the Flood Hazard Overlay Zone.

(2) In passing on the application for a variance, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other section of this ordinance, and;

(A) The danger that materials may be swept onto other lands to the injury of others;

(B) The danger to life and property due to flooding or erosion damage;

(C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity to the facility of a waterfront location, where applicable;

(F) The availability of alternative locations to the proposed use which are not subject to flooding or erosion damage;

(G) The compatibility of the proposed use with existing and anticipated development;

(H) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(I) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(K) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(3) Upon consideration of the factors of section 152.359 and the purposes of the flood hazard overlay zone ordinance, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(4) While the granting of variances generally is limited to a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, deviations from that limitation may occur. As the lot size increases the technical justification required for issuing the variance increases.

(5) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in section 152.359.

(6) Variances shall not be issued within the zone if any increase in flood levels during the base flood discharge would result.

(7) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(8) Variances shall only be issued on:

(A) A showing of good and sufficient cause;

(B) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 152.359(2), or conflict with existing local laws or ordinances;

(D) Applicant signing an acknowledgment that if the variance is granted any structure built may cause an increase in the cost of flood insurance commensurate with any increased risk.

(9) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 152.359(4), and otherwise complies with the requirements of the Flood Hazard Overlay Zone.

IV. Warning and Disclaimer - Section 152.360

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. The ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Umatilla County, or any officer or employee of the county, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made under it.


FIRST READING: August 19, 1999

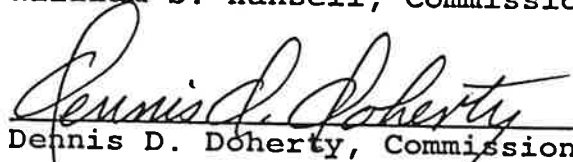
SECOND READING: September 9, 1999

DATED this 9 day of September, 1999.

UMATILLA COUNTY BOARD OF COMMISSIONERS


Emile M. Holeman, Chairman


William S. Hansell, Commissioner


Dennis D. Doherty, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS


Records Officer



UMATILLA COUNTY
ORDINANCE #99-07

IN THE MATTER OF CO-ADOPTING CITY OF UMATILLA'S COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS PER CITY ORDINANCES #688 AND #689 AFFECTING THE CITY AND LAND WITHIN ITS URBAN GROWTH BOUNDARY.

WHEREAS, The City of Umatilla, as part of its Periodic Review Work Plan, has adopted Ordinances #688 and #689 at a public hearing on June 15, 1999, amending its Comprehensive Plan affecting the City and land within its Urban Growth Boundary; and

WHEREAS, A Ballot Measure 56 notification has been sent to property owners within the Urban Growth Boundary pertaining to this hearing; and

WHEREAS, A total of nine plan designation changes are proposed. Six of the proposed changes are intended to resolve conflicts between the existing zoning and the city's plan; and three are additional changes requested by individual property owners. Also some changes to the Comprehensive Plan text are proposed; and

WHEREAS, The City and County have previously entered into a Joint Management Agreement applying to lands within the Urban Growth Area, and the provisions of the Joint Management Agreement are applicable to this application; and

WHEREAS, At their October 14, 1999 meeting, the Umatilla County Planning Commission reviewed the proposed plan map and text amendments and recommended co-adoption to the Board of Commissioners, subject to several conditions; and

WHEREAS, The Board of Commissioners held a public hearing on November 10, 1999, at which time they voted to co-adopt the City of Umatilla's Comprehensive Plan Map and Text Amendments, based on the recommendations of the County Planning Commission, subject and conditioned on the following:

- (1) The subtitle on the map presented by the City be changed so that it reads "Official City and Urban Growth Boundary Comprehensive Plan and City Zoning Map."
- (2) The six listed "Conflict Areas" Changes and Additional Map Changes A through C (listed on pages 2 and 3 of the City's 8/26/99 Memorandum) be adopted, with the correction of changing the word "Manufacturing" to "Industrial" as noted on B and C.
- (3) In the first paragraph following the "Conflict Areas" Changes language on page 2 of the City's findings document, the words "no zoning changes are proposed at this time" be underlined; and immediately following this the following language be inserted: "The City's Comprehensive Plan designation has been changed to match county zoning and does not change currently allowable uses on any properties."

- (4) For purposes of discussion with the Commissioners only, the proposed Comprehensive Plan Map be modified so that the specific county zone shows on the map along with the generic plan designations proposed by the City of Umatilla; or else two separate maps be provided.
- (5) The Comprehensive Plan designation for the area marked as NR south of property "A" (Tax Lot 505) be changed to Residential.
- (6) A similar process be used for future conflict resolutions between the plan map and county zoning.
- (7) The proposed amendments be adopted with the understanding that this is another stage in an on-going process of updating the Umatilla Plan Map and coordinating the management of the Urban Growth Boundary with the County.
- (8) The County move in the direction of encouraging the cities to take greater management roles within their respective urban growth boundaries.
- (9) On page 4, under "Residential (R)", line 7, the following sentence be omitted: "The BLA recommends a lot size of 10 acres."
- (10) Conflict Area Change #6 be amended to reflect that the current zoning of the Shady Rest manufactured home park property is Commercial, which allows the present use of the property.

NOW THEREFORE, BE IT ORDAINED that the attached City of Umatilla Ordinances #688 and #689 are hereby co-adopted by Umatilla County, Oregon, subject to the above noted conditions.

Signed this 10th day of December, 1999.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Emile M. Holeman
Emile Holeman, Chairman

ABSENT
William Hansell, Vice-Chairman

Dennis Doherty
Dennis Doherty, Commissioner



CITY OF UMATILLA, OREGON

By: *Steve Johnson*

Date: 9/5/2000

ATTEST:

Linda Guttman
Records Officer

9/5/2000
Date

Office of County Records
Attest *Jean Humphreys*
Records Officer



ORDINANCE NO. 702

AN ORDINANCE AMENDING ORDINANCES NO. 688, 689 AND 699

WHEREAS, the City Council of the City of Umatilla adopted Ordinance No. 688 which amended the text of its Comprehensive Plan, Zoning Title, and Subdivision Title, and Ordinance No. 689 to amend its Comprehensive Plan and Zoning Map to be consistent with and implement findings of Periodic Review, a Buildable Lands Analysis, and a Transportation System Plan, and Ordinance No. 699, amending Ordinance No. 688 and 689, and

WHEREAS, the Joint Management Agreement between the City of Umatilla and Umatilla County regarding administration of planning and zoning in the area within the Urban Growth Boundary but outside of the City limits requires that Umatilla County co-adopt amendments to the City's Comprehensive Plan policies and map that apply in this area, thereby becoming part of Umatilla County's Comprehensive Plan for the area, and

WHEREAS, the Umatilla County Planning Commission considered the City's Ordinance No. 688 and 689, on October 14, 1999, making a recommendation to the Umatilla County Board of Commissioners, and

WHEREAS, the Umatilla County Board of Commissioners considered the amendments for co-adoption and the County Planning Commission's recommendation on November 10, 1999, and adopted Ordinance #99-07, incorporating certain changes to the City's Ordinance No. 688 and 689, and

WHEREAS, the City of Umatilla will need to amend Ordinance No. 688, 689 and 699 to be consistent with Ordinance #99-07 approved by Umatilla County, and

WHEREAS, the City of Umatilla's Planning Commission considered the ordinance adopted by Umatilla County and recommends that City Council make appropriate changes to Ordinances No. 688, 689 and 699.

THEREFORE THE CITY OF UMATILLA DOES ORDAIN AS FOLLOWS:

Section 1. Umatilla County Ordinance No. 99-07, corrected to reference City Ordinance #688 instead of #668 and attached to this ordinance and incorporated by this reference, is hereby co-adopted by the City of Umatilla.

Section 2. To the extent of any conflict with this ordinance, Ordinance No. 688, 689 and 699 are amended to be consistent with this ordinance.

PASSED and ADOPTED this 5th day of September, 2000,

Voting yes, council Members: Shirley Frost, Valerie Jorstad, Floyd Mathews and Karla Stuck

Voting no, Council Members:

Absent Council Members: Mayor George Hash and George Fenton

Abstaining Council Members:

And SIGNED by the Mayor this 5th day of September, 2000.

Signature of Steve Johnson, Council President, and text: GEORGE HASH, MAYOR Steve Johnson, Council President

ATTEST:

Signature of Linda Gettmann, City Recorder, and text: Linda Gettmann, City Recorder

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SEP 15 '00

UMATILLA COUNTY PLANNING DEPARTMENT