

**UMATILLA PLANNING COMMISSION MEETING
AGENDA
COUNCIL CHAMBERS
JANUARY 25, 2022
6:30 PM**

1. **CALL TO ORDER & ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [November 23, 2021 Minutes](#) *Suggested Action: Approval*

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [Nobles Street Vacation SV-1-21](#) *Suggested Action: The applicant in this matter, Clyde Nobles, seek approval of a street vacation for an undeveloped 10-foot portion of G Street.*

5.b [Extension of Time for Nobles RV Park CU-3-21](#) *Suggested Action:*

The applicant, Kelly Nobles, has received previous approval to develop a 60 site RV park. The applicant has requested two six-month extensions for a total of one year. The subject property is generally located between I and L Streets north of Fifth Street and the rail spur. The property is identified as Tax Lots 100, 190, 300 and 400 on Assessor's map 5N2817BD.

6. **DISCUSSION ITEMS**

6.a [Limitation on Drinking Establishments](#) *Suggested Action: Current limit on Drinking Establishments prohibits establishment of such business within 500 feet from Schools, Libraries, and Parks.*

6.b [Food Truck Pilot Program](#) *Suggested Action: City staff have operated a food truck pilot program for close to two years. There have been three applicants during that time. In Staff's opinion the pilot program and code that goes along with it has been a success. It is staff's recommendation to adopt code allowing for the food truck use to be allowed in the same manner the pilot program allowed for.*

6.c [Building Height](#) *Suggested Action: It is staff's recommendation to increase the building height in the Heavy Industrial Zone to 70 feet and the Commercial and Light Industrial Zones to 50 feet.*

6.d [Backyard Chickens](#) *Suggested Action: Example code from different municipalities for discussion*

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. Special accommodations to attend or participate in a city meeting or other function can be provided by contacting City Hall at (541) 922-3226 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance.

**UMATILLA PLANNING COMMISSION MEETING
MINUTES
COUNCIL CHAMBERS
NOVEMBER 23, 2021
6:30 PM**

1. **CALL TO ORDER & ROLL CALL**

Meeting called to order at 6:30 p.m.

A. **Present:** Commissioners; Kelly Nobles, Keith Morgan, Bruce McLane, Hilda Martinez, Devon Mitchell, Heidi Sipe

B. **Absent:** Jennifer Cooper

C. **Late arrival:**

D. **Staff present:** Senior Planner, Jacob Foutz, Community Development Director, Brandon Seitz.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [October 26, 2021 Minutes](#) *Suggested Action: Approval*

Motion to approve by Commissioner Nobles, seconded by Commissioner McLane. Motion Carried by consensus vote 5-0.

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [Cheryl's Place Phase 2 Subdivision \(SUB-3-21\)](#) *Suggested Action: The applicant, Columbia Basin Development, request approval of a tentative plat for a residential subdivision to divide an existing parcel into 31-lots for residential development. The applicant intends to develop the lots with single-family dwellings.*

Chair McLane opened the hearing and read into the record the Public Hearing Opening Statement and asked if there was any challenge to jurisdiction, conflict of interests, or ex-parte contacts.

Chair McLane asked for the staff report

Planner Foutz gave a brief overview of the staff report, recommending approval.

Chair McLane asked for testimony. None

Chair McLane called for a motion to close the hearing of SUB-3-21. Motion to close by Commissioner Nobles. Second by Commissioner Mitchell. Motion Carried by consensus vote 5-0.

Chair McLane asked for any comments or deliberation.

Commissioner Nobles said he is excited about the park in the new subdivision.

Commissioner Nobles also asked why sidewalks have not been installed on powerline road for this particular subdivision.

Director Seitz explained that due to the road being a county road during the first phase, it could not be required at that time, but will be required on the next phase.

Chair McLane asked why the fences along powerline road are not uniform.

Director Seitz explained that the goal is to get everything uniform but since the City has just recently taken over the road it is going to happen in phases and some citizens have chosen not to wait.

Commissioner Martinez asked why some of the homes have fences under the powerlines and others do not.

Planner Foutz explained that there is now a permit that homeowners can work with UEC to complete so that they are permitted to put a fence under the powerline ROW.

Commissioner Sipe shared her excitement for the new park.

Chair McLane called for a motion to approve SUB-3-21. Motion to approve by Commissioner Morgan. Seconded by Commissioner Martinez. Motion Carried by consensus vote 5-0.

5.b **ODOT Quarry Plan Amendment (PA-2-21)** *Suggested Action:*

The applicant, Oregon Department of Transportation, is requesting to have their site located in the UGB be added to the City of Umatilla Comprehensive plan Goal 5 so their resource will be protected to allow mining, processing, and stockpiling.

Chair McLane opened the hearing and read into the record the Public Hearing Opening Statement and asked if there was any challenge to jurisdiction, conflict of interests, or ex-parte contacts.

Chair McLane recused himself from the hearing because his wife was the applicants contract planner.

Commissioner Nobles shared that his father owned the neighboring quarry. No conflict was determined.

Vice Chair Sipe started to Chair the meeting.

Vice Chair Sipe asked for the staff report.

Planner Foutz gave a brief overview of the staff report, recommending approval.

Vice Chair Sipe asked for testimony.

Carla McLane, the applicant's consultant, located at 170 Van Buren Lane, Umatilla, OR 97882. Shared testimony and gave a comprehensive report on the application and asked for recommendation of approval to the City Council on behalf of the applicant.

Vice Chair Sipe asked if there was any testimony in opposition of the application. None.

Vice Chair Sipe asked if there were any questions the commission had for the applicant.

Commissioner Nobles asked how mining and blasting will be addressed by the applicant.

Carla McLane deferred to Scott billings.

Scott billing of ODOT at 63055 N HWY 97 building M, Bend, OR explained that blasting is a coordinated process that will provide notice to adjacent land owners and do pre and post surveys of homes in case reparations are needed.

Vice Chair Sipe called for a motion to close the hearing of PA-2-21. Motion to close by Commissioner Morgan. Second by Commissioner Mitchell. Motion Carried by consensus vote 4-0.

Vice Chair Sipe asked for any comments or deliberation. None.

Vice Chair Sipe called for a motion to recommend approval to the City Council of PA-2-21 with the amended language. Motion to approve by Commissioner Nobles. Seconded by Commissioner Martinez. Motion Carried by consensus vote 4-0.

Chair McLane began Chairing the meeting again.

6. **DISCUSSION ITEMS**

None

7. **INFORMATIONAL ITEMS**

7.a **Planning Commission Yearly Report** *Suggested Action: November 2020-October 2021*
Planner Foutz went over the yearly report.

7.b **Community Development Director Check In** *Suggested Action: An update on things happening within the City of Umatilla*

8. **ADJOURNMENT**
Adjourned 7:36

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City of Umatilla Planning Commission
REPORT AND RECOMMENDATION
for
STREET VACATION SV-1-21

DATE OF HEARING: January 25, 2022

REPORT PREPARED BY: Jacob Foutz, Senior
Planner

I. GENERAL INFORMATION AND FACTS

Applicants: Clyde Nobles
650 Monroe Street
Umatilla, Oregon 97882

Type of Review: Petition for Street Vacation of Public Street

Area Requested for Vacation: Vacate 10 feet of the East side of G street running
South of 8th street.

Adjacent Land Use(s): Surrounding Land Use is DR Downtown Residential
Consisting of Developed and Undeveloped
Residential Lots

**II. NATURE OF REQUEST/APPLICABLE STATE REGULATIONS; COMPREHENSIVE PLAN
AND ZONING ORDINANCE PROVISIONS**

The applicant in this matter, Clyde Nobles, seek approval of a street vacation for an undeveloped 10-foot portion of G Street. Because the City of Umatilla does not have review standards or procedures adopted as part of its municipal code, the City must follow the requirements under ORS chapter 271 for considering a request to vacate a street or public way. To the extent that any Comprehensive Plan policies or provisions apply to the request, such as the street being identified as a necessary component of the transportation system plan, such factors must be considered when deciding whether to approve or deny the request. Under ORS chapter 271, approval or denial of a request for a street vacation is not a land use decision and cannot be appealed as such. However, pursuant to ORS 271.130(4) any property owner affected by a decision approving a vacation may appeal the City's decision to circuit court.

III. Analysis

ORS Chapter 217

ORS Chapter 271 addresses the requirements and procedures for any person seeking to vacate a street and the review standards on which a decision to approve or deny a request must be based. The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners.

- (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.
- (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

Findings: The applicant submitted a street vacation request petitioning the City to vacate a 10' portion of G Street. The applicant owns the property on both sides of G street and intends to establish detached single-family dwellings on the east side of G street.

City staff mapped and identified the abutting property and the affected properties as defined by ORS 271.080(2). The applicant submitted valid written consents to vacation forms for 19 of the 28 the property owners within the affected area. The amount of property from the consenting property owners is 1,798,403 sqft, and the total amount of real property affected is 1,855,722 sqft.

Conclusion: The applicant petitioned the City for the proposed street vacation and submitted the written consent of all of the abutting property owners and not less than two-thirds of the affected property owners.

ORS 271.110 Notice of hearing.

- (1) The city recorder or other recording officer of the city shall give notice of the petition and

hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

Findings: The City's official newspaper for providing public notice is the East Oregonian. The City published a notice of the application for the proposed street vacation in the East Oregonian on January 11, 2022 and January 18, 2022. On January 11, 2022, the City posted a public notice of street vacation signs at each end of the area proposed to be vacated. The initial hearing before the City Planning Commission will be held on January 25, 2022.

The applicant paid a \$300.00 application fee for a proposed street vacation. The City will include a condition of approval to invoice the applicant for the remained of the cost incurred by the City as a result of publishing the required notices.

Conclusion: The City published in the East Oregonian notice of the proposed street vacation once each week for two consecutive weeks prior to the hearing and posted public notice of street vacation signs at each end of the area proposed to be vacated. The City will impose a condition of approval that the applicant must reimburse the City for the difference between the amount paid and the total cost incurred by the City.

ORS 271.120 Hearing; determination

At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

Findings: The required consent of two-thirds of the owners within the affected area and

public notice requirement were addressed and found to be met. In order to complete review of this provision, the City must decide whether the “public interest will be prejudiced by the vacation” if approved, and whether any reservations are necessary to protect the public interest.

Conclusion: Based on the evidence submitted with the application, and staff analysis of the potential effects to adjacent and nearby properties that could result from vacating the section of G Street proposed by the applicants, it does not appear the public interest will be prejudiced by the vacation. To ensure the public’s interest is best served and to avoid potential conflicts as future development of the area occurs, the applicants will be required to submit a survey map, prepared by an Oregon Registered Professional Land Surveyor, showing the vacated area and the location of the existing sewer line with easement language acceptable to the City.

B. City of Umatilla Comprehensive Plan

To the extent that any Comprehensive Plan policies, transportation system plans or other plan provisions apply to the area proposed for vacation, the City must give consideration to those in determining whether the public interest will be prejudiced or whether any reservations are necessary.

Findings: City staff reviewed the pertinent portions of the Comprehensive Plan, most notably Goal 11 (Public Services and Facilities) and Goal 12 (Transportation). The City has an existing sewer line located in G Street. The existing sewer line is included as part of the Comprehensive Plan inventory of the City’s sewer system. If the City approves the proposed street vacation, the sewer line will remain in the portion of ROW that is City owned.

Conclusion: No Comprehensive Plan or implementing provisions of the Plan will be adversely affected by approving the 10’ vacation of G Street.

IV. SUMMARY AND RECOMMENDATION

The applicant, Clyde Nobles, has met the procedural requirements for their request to vacate a 10’ portion of G Street. In addition, the City finds the area proposed to be vacated is not needed by the public.

Therefore, based on the information in Sections I and II of this report, and the applicable State and City regulations, findings of fact and conclusions contained in Section III, the Umatilla City Planning Commission recommends approval of this request, SV-1-21, to vacate a portion of G Street and attached alley subject to the conditions under Section V of this report.

V. CONDITIONS OF APPROVAL

1. The applicant must reimburse the City of Umatilla for all costs in excess of the \$300.00 application fee related to publishing and providing public notice of the proposed street vacation, and for recording the subsequent ordinance with the Umatilla County Records Office.
2. The applicants shall have one year from the date of this approval to complete all subsequent

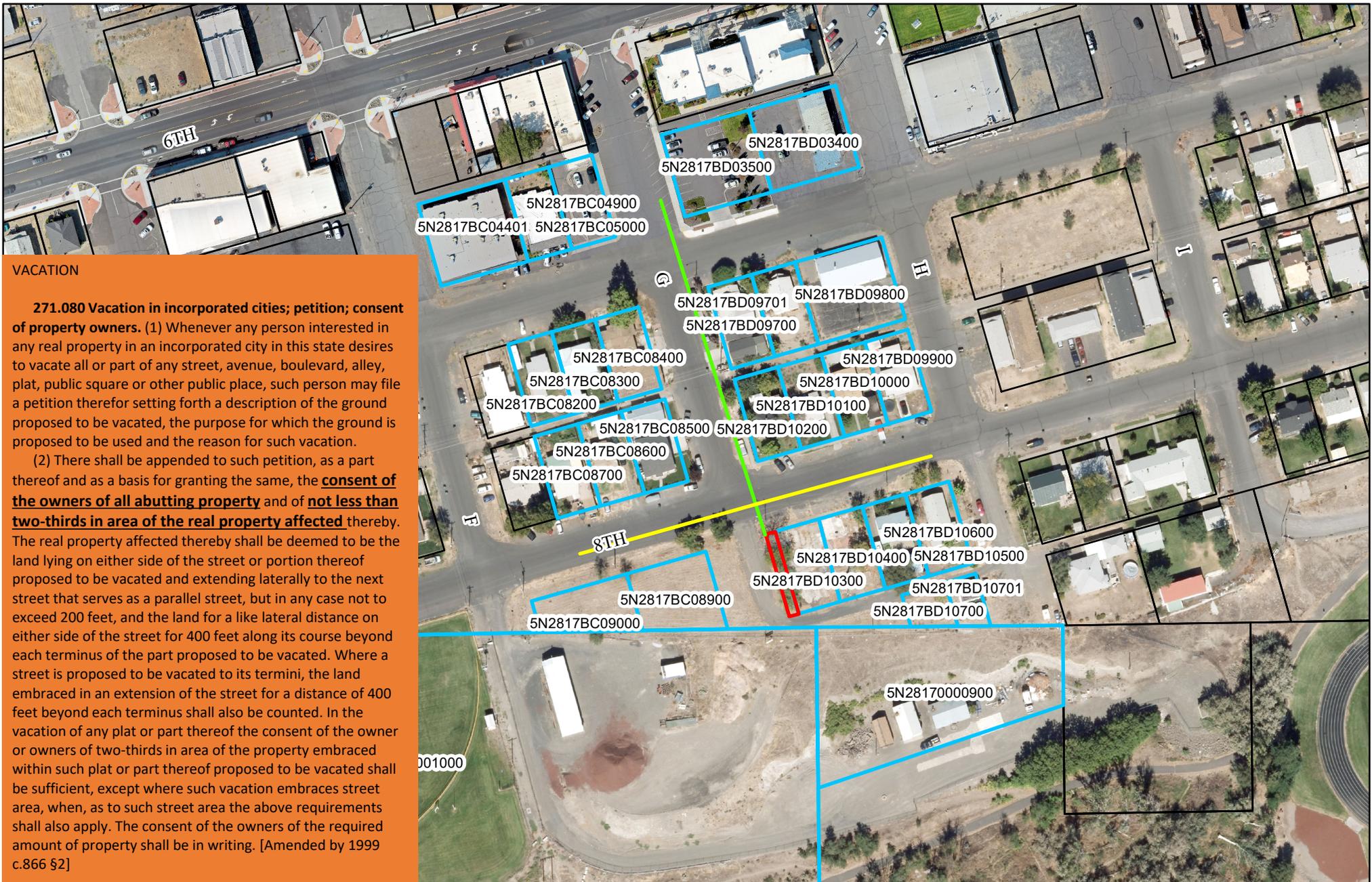
requirements for recording the ordinance adopted by the City Council that is necessary to give legal effect to the street vacation.

3. Failure to comply with all conditions of approval contained in Section V of this report will result in nullification of the approval granted herein.

VI. EXHIBITS

Exhibit A – Map showing area of street proposed to be vacated

Exhibit B – Signed consent to vacation forms.



VACATION

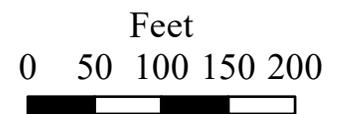
271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the **consent of the owners of all abutting property** and of **not less than two-thirds in area of the real property affected** thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

SV-1-21 NOBLES VACATION

Legend

- 200' lateral distance
- 400' from terminus
- Proposed Street Vacation
- Affected properties
- Tax Lots (9/28/2)



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 12/13/2021

CONSENT TO VACATION
Mike Filarski

I (We), Tuscan Lodge #136 AF&AM, am (are) the owner(s) of real property,
known as (Legal Description) 5N2817BD09800 (Address) 720 7th Umatilla

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 24th day of November, 2021.

Michael J. Filarski
Michael J. Filarski
Secretary
Tuscan L. #136
541 5712593

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.



CONSENT TO VACATION

I (We), J. Escobar, am (are) the owner(s) of real property known as (Legal Description) 625 7th (Address) 5N2B17BC05000.

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Vanatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

Joel Escobar Borjas

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

Street Vacation Consent (Rev. 6/7/2000)



CONSENT TO VACATION

I (We), Keith D Pruff, am (are) the owner(s) of real property known as (Legal Description) 710 7th (Address) 5N2817B009701.

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street running south of 8th street in Vanatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

Keith D Pruff

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

Street Vacation Consent (Rev. 6/7/2000)



CONSENT TO VACATION

I (We), [Signature], am (are) the owner(s) of real property known as (Legal Description) 714 Gst (Address) 5N2817BC05000.

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Vanatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

MICHAEL DIAZBARRIOS

***Note:** Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Clyde and Betty Nokes, am (are) the owner(s) of real property known as (Legal Description) 5N2817BC09000 (Address) 710 8th Unatilla

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Unatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 9 day of November, 2021

Clyde Nokes of WCY Enterprises LLC

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Connie K. Master son, am (are) the owner(s) of real property known as (Legal Description) 5N2817BC08300 (Address) 620 7th Umatilla affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G Street
running South of 9th Street, in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 15th day of November, 2021.

Connie Master

***Note:** Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Clyde and Betty Nables, am (are) the owner(s) of real property known as (Legal Description) 5N2B17BD10400 (Address) 620 & 630 8th Umatilla affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 9 day of November, 2021

Clyde Nables of LWCY Enterprises LLC

***Note:** Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Skidog LLC Randy Randall, am (are) the owner(s) of real property known as (Legal Description) 5N28178D10200 (Address) 711 8th St. Umatilla affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G Street
running South of 8th Street in Umatilla City.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 16th day of November, 2021.

Randy Randall member

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Brenda Montoya, am (are) the owner(s) of real property known as (Legal Description) 611 8th (Address) 5N2B178C08700.

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

Brenda Montoya

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Sam Califf, am (are) the owner(s) of real property *
known as (Legal Description) 814 1st (Address) 2 lots see below

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Vanatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

Sam Califf the son Alice Bryan is purchaser.

* SN2817BD10600

* SN2817BD10701

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Clyde & Betty Nobles, am (are) the owner(s) of real property known as (Legal Description) 5N2817BC08900 (Address) 700 8th Umatilla

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 9 day of November, 2021

Clyde Nobles of LWCY Enterprises LLC

***Note:** Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Bruce Williams, am (are) the owner(s) of real property known as (Legal Description) 5N2817B10600 (Address) 621 3rd Umatilla

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of 5 Street
running South of 3rd Street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 27 day of November, 2021.

* Ann Tevelde sold 621 ^A $\frac{1}{3}$ ^B to Bruce Williams who lives at 300 Monroe St Umatilla as your form shows.

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Clyde and Betty Nobles, am (are) the owner(s) of real property known as (Legal Description) 5N2817SD10300 (Address) 600 & 610 8th Umatilla affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 9 day of November, ~~20~~ 2021

Clyde Nobles - LVCY Enterprises LLC

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Julian Alaniz, am (are) the owner(s) of real property known as (Legal Description) 710 8th (Address) 5N2817BD10100,

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Unatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.



*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Vanessa Ortega, am (are) the owner(s) of real property known as (Legal Description) 721 8th (Address) 5N28178D10000,

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

Vanessa Ortega

***Note:** Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Crystal Mendoza, am (are) the owner(s) of real property known as (Legal Description) 731 8th (Address) 5N2B17BD09900,

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Vanatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.



***Note:** Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Ibalia Viesca, am (are) the owner(s) of real property known as (Legal Description) 701 8^m (Address) 5N2817BD10200,

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

Ibalia Viesca

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Eleodora Corcuera, am (are) the owner(s) of real property known as (Legal Description) 700 7th (Address) SN 28178D09700,

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

HEleodora Corcuera

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Banner Bank - Ranti Gamm, am (are) the owner(s) of real property known as (Legal Description) 5N2B17BC04900 (Address) 635 7th Umatilla

affected by the proposed vacation of property described as follows:

vacate 10 feet of the EAST side of G street
RUNNING South of 8th Street in Umatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 9th day of November, 2021.

***Note:** Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

CONSENT TO VACATION

I (We), Socorro Estrada, am (are) the owner(s) of real property known as (Legal Description) 631 8^m (Address) 5N2817BC08500,

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Unatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of NOV, 2021.

Socorro Estrada

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

Please leave for Kelly Nobles

CONSENT TO VACATION

I (We), Jaime Campos, am (are) the owner(s) of real property known as (Legal Description) 720 8th (Address) _____,

affected by the proposed vacation of property described as follows:

Vacate 10 feet of the East side of G street
running south of 8th street in Vanatilla

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6 day of November, 2021.

Jaime Campos R.

*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.



**CITY OF UMATILLA PLANNING COMMISSION
 REPORT AND RECOMMENDATION
 FOR EXTENSION FOR
 CONDITIONAL USE CU-3-21**

DATE OF HEARING: January 25, 2022

REPORT PREPARED BY: Jacob Foutz, Senior Planner

I. GENERAL INFORMATION AND FACTS

Applicant: Kelly Nobles, PO Box 368, Umatilla, OR 97882.

Property Owners: KC Nobles Enterprises LLC, PO Box 368, Umatilla, OR 97882.

Land Use Review: EXTENSION for Conditional Use establishing an RV Park.

Property Description: Township 5N, Range 28E, Section 17BD, Tax Lot 100, 190, 300 and 400.

Location: The subject property is generally located between I and L Streets north of Fifth Street and the rail spur.

Existing Development: The subject property is currently undeveloped.

Proposed Development: The applicant has received approval to develop the subject property with a 60 spot RV Park.

Zone Light Industrial (M-1).

Adjacent Land Use(s):

| Adjacent Property | Zoning | Use |
|-------------------|------------------------|--|
| North | Community Service (CS) | Old Town Site |
| South | M-1 | Rail spur and vacant lots |
| East | CS | Vacant lots and a single-family dwelling |
| West | CS & M-1 | Vacant lots |

II. NATURE OF REQUEST

The applicant, Kelly Nobles, has received previous approval to develop a 60 site RV park. *The applicant has requested two six-month extensions for a total of one year.* The subject property is generally located between I and L Streets north of Fifth Street and the rail spur. The property is identified as Tax Lots 100, 190, 300 and 400 on Assessor’s map 5N2817BD.

III. ANALYSIS

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

Section 10-14-15 specifies that all permit approvals automatically become void if any of the following events occur:

1. If, within one year of the date of the final decision, a building permit has not been issued, or
2. If, within one year of the date of the final decision, the activity approved in the permit has not commenced or, in situations involving only the creation of lots, the final plat of a land division has not been approved by the City and recorded.

Findings: Expiration of an approved permit requires a new application, fee and review process for the use, to avoid this the applicant has applied for an extension. Section 10-14-16(see below) of the City of Umatilla Zoning Ordinance authorizes the City to grant an extension of an approved permit for a period of six months to one year, based on a demonstration of substantial implementation of the permit, and no more than two extensions totaling 1 year may be approved. In order to consider an extension for a permit, the person to whom the permit was issued, or an authorized representative, must make a written request for an extension of the development approval period prior to expiration of the approval period, and state reasons that prevented the permit holder from beginning or continuing development within the approval period.

Conclusion: Written request was received from Kelly Nobles on November 30, 2021. The notice of decision for CU-3-21 was mailed out on March 31, 2021. The written request was received before one year of the date of the final decision.

Under Section 10-14-16(B), a request for an extension of the approval period requires demonstration that:

1. The permit holder has applied for all necessary additional approvals or permits required as a condition of the land use or limited land use permit.
2. The request for an extension is not sought for purposes of avoiding any responsibility imposed by this Code or the permit or any condition thereunder.
3. There have been no changes in circumstances or the law that would require significant modifications of the original approval or which would preclude approval.

The following email was received and processed as the formal written request, it states:

“I do need to extend the Umatilla city RV park conditional use permit. If I need to file a proper form, please send it to me otherwise please accept this request to extend my permit date.”

Findings: The applicant has applied for all necessary additional approvals or permits that are possible at this time. The request for an extension was timely received by the City. No local

ordinance requirements or state laws have changed since the conditional use approval was granted that would affect the outcome of the original decision, nor are any changes to existing regulations planned or currently under consideration that would require significant modification of the original approval or which would preclude approval. The original request was properly and adequately reviewed against all applicable standards and criteria. The property owner/developer will be expected to still comply with all of the terms and conditions of the original approval.

Conclusion: The applicant has met the above criteria. It is staff's recommendation to grant the applicant two 6th month extensions for a total of 1 year from original date of approval.

IV. PUBLIC COMMENT, SUMMARY AND DECISION

Comment was received from Daniel & Laura Johannesen and is attached. Although staff sympathize with their concerns, their comments do not directly apply to the clear criteria for approval that is addressed above. A silt fence and other dust control measures are a requirement of the Department of Environmental Quality, and it is expected that the applicant will follow all requirements from DEQ.

This request by the applicant, Kelly Nobles, for an extension of approval to a conditional use approval of a 60-lot RV Park on property in the Light Industrial (LI) Zone appears to meet, or be capable of meeting with appropriate conditions of approval, all of the applicable standards of the City of Umatilla City Code regarding extensions. Therefore, based on the information in Sections I and II of this report, and the above criteria and standards, findings of fact and conclusions contained in Section III, this request, Extension of CU-3-21, is recommended to be **APPROVED**, subject to the conditions of approval contained in Section V of this report.

V. CONDITIONS OF APPROVAL

1. The Applicant will begin construction before March 31st 2023.
2. The property owner/developer will comply with all of the terms and conditions of the original approval.

Daniel & Laura Johannesen
1231 Switzler Avenue
Umatilla, OR 97882
541-626-2120
laura@unitechmail.com

January 14, 2022

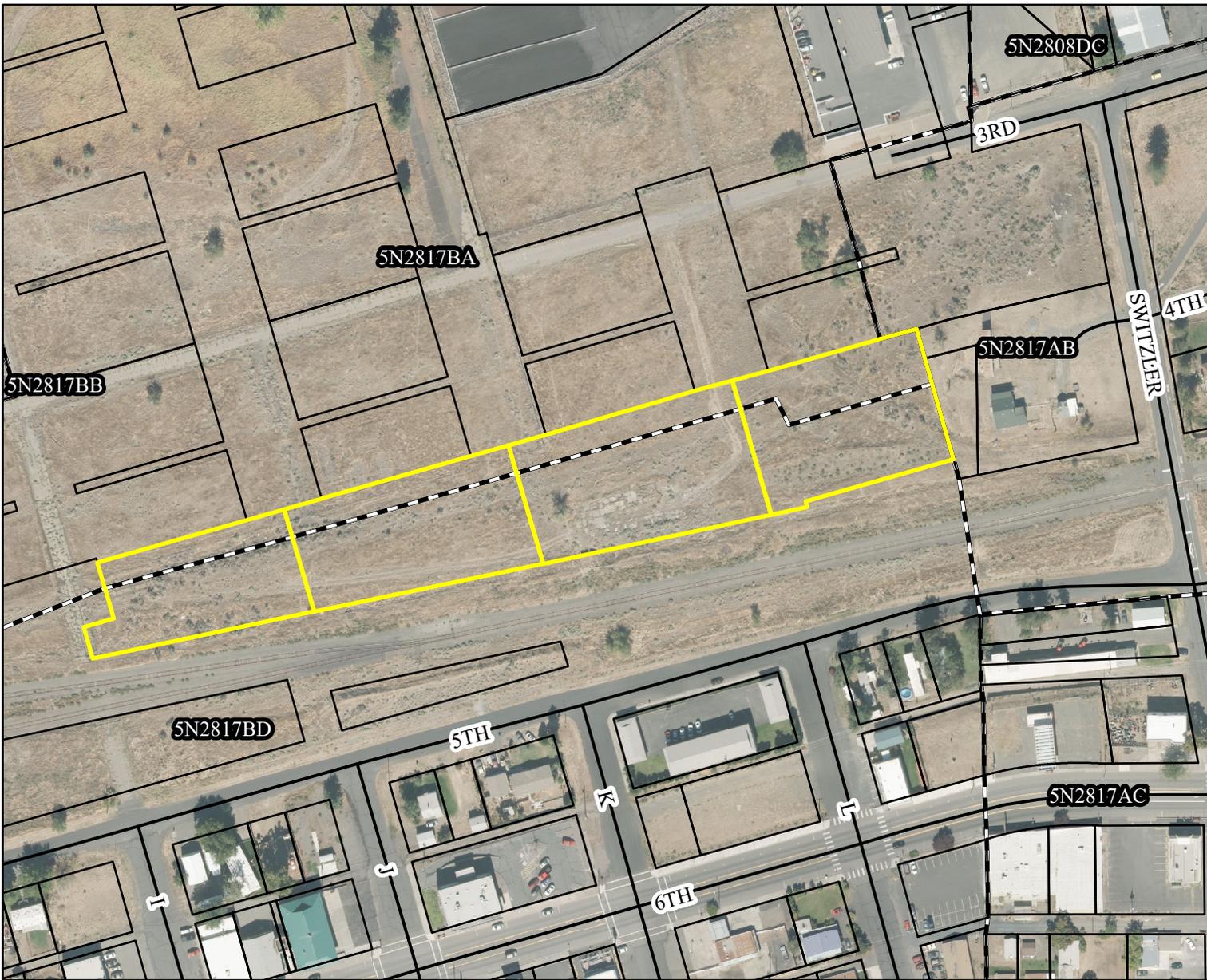
City of Umatilla
Planning Commission
City Planner

Dear Mr. Foutz,

We would like to address the proposed Nobles RV Park Conditional Use Extension CU-3-21. The project has already been going on for three years. During this time, the blowing sand from the Nobles' property has killed ten of our trees and our back lawn and blasted our home with sand. The sand has not been watered properly and a silt fence was never installed. We've even used our hose and sprinkler to try to stop the sand from blowing. We have no objection to the RV park but we do object to our home and property constantly being bombarded with sand. We would like to see a silt fence properly installed before any more work is done on the site. We also want Mr. Nobles to have his crew properly water the disturbed ground to keep the sand from blowing.

Sincerely,

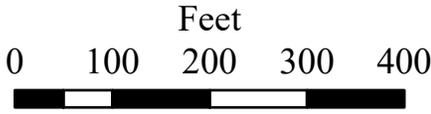
Laura & Daniel Johannesen



**PROPERTY OWNERS WITHIN 100'
NOTICE AREA
FROM SUBJECT PROPERTY**

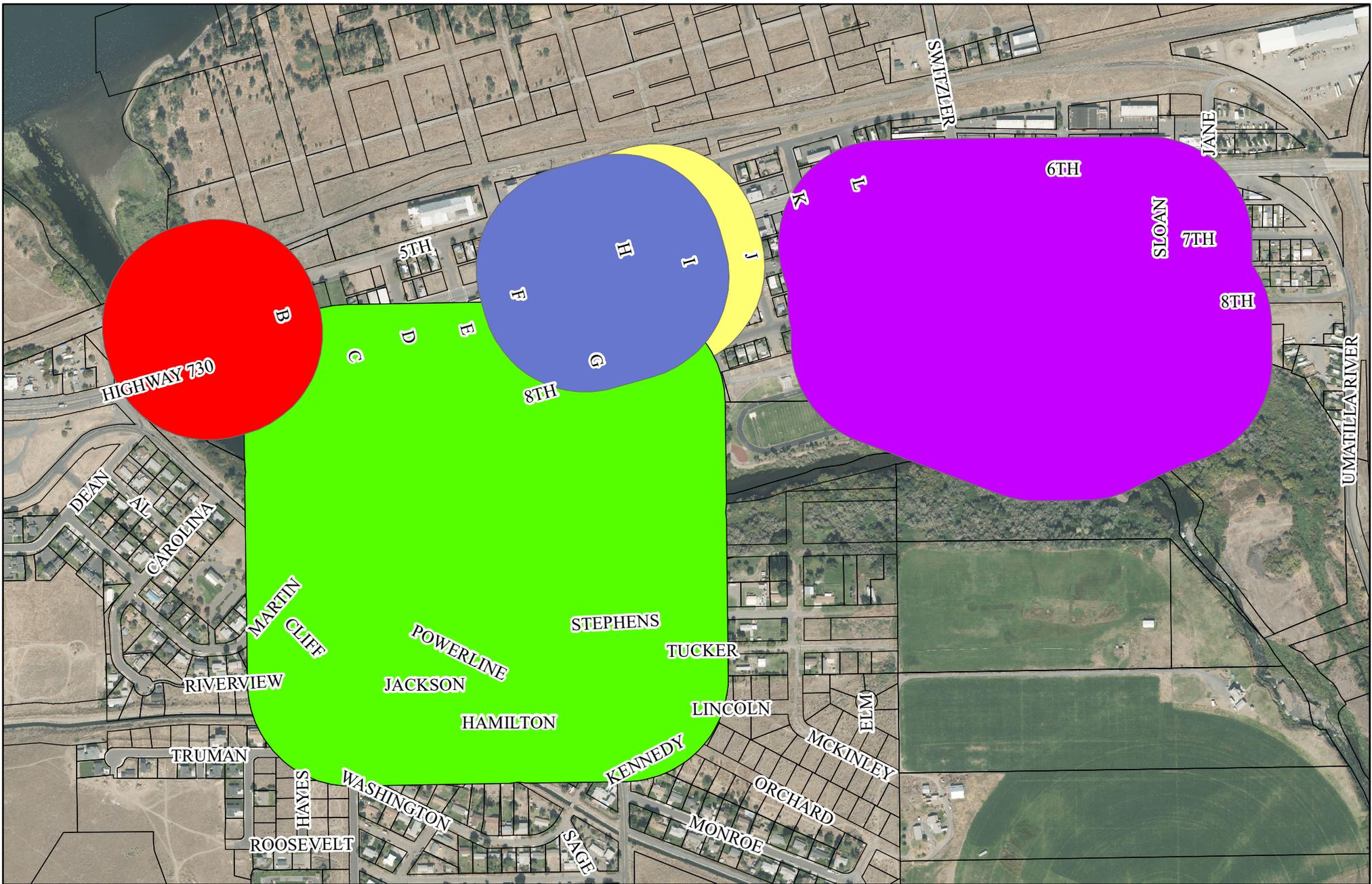
| MAP | TAXLOT | OWNER |
|----------|--------|---------------------------|
| 5N2817AB | 800 | JOHANNESEN DANIEL & LAURA |
| 5N2817AB | 801 | USA |
| 5N2817AB | 802 | JOHANNESEN DANIEL & LAURA |
| 5N2817BA | 3800 | USA |
| 5N2817BA | 4200 | USA |
| 5N2817BA | 4500 | USA |
| 5N2817BA | 5600 | USA |
| 5N2817BD | 100 | KC NOBLES ENTERPRISES LLC |
| 5N2817BD | 190 | KC NOBLES ENTERPRISES LLC |
| 5N2817BD | 300 | KC NOBLES ENTERPRISES LLC |
| 5N2817BD | 400 | KC NOBLES ENTERPRISES LLC |
| 5N2817BD | 13300 | MRT EXPLORATION CO |

**NOBLES RV PARK CONDITIONAL USE EXTENSION(CU-3-21)
KELLY NOBLES, APPLICANT
KC NOBLES ENTERPRISES LLC, OWNER
MAP #5N2817BD, TAX LOTS 100, 190, 300 & 400**



- Legend**
- Subject Prop
 - taxlots09_28_2021
 - Streets
 - City Limits
 - Assessor's Maps

MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes Not survey grade or for legal use. **38**
Created by Jacob Foutz, on 12/14/2021

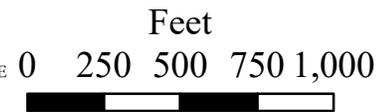


500 Foot restriction on Drinking Establishments

MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data.

Map should be used for reference purposes only. Not survey grade or for legal use.

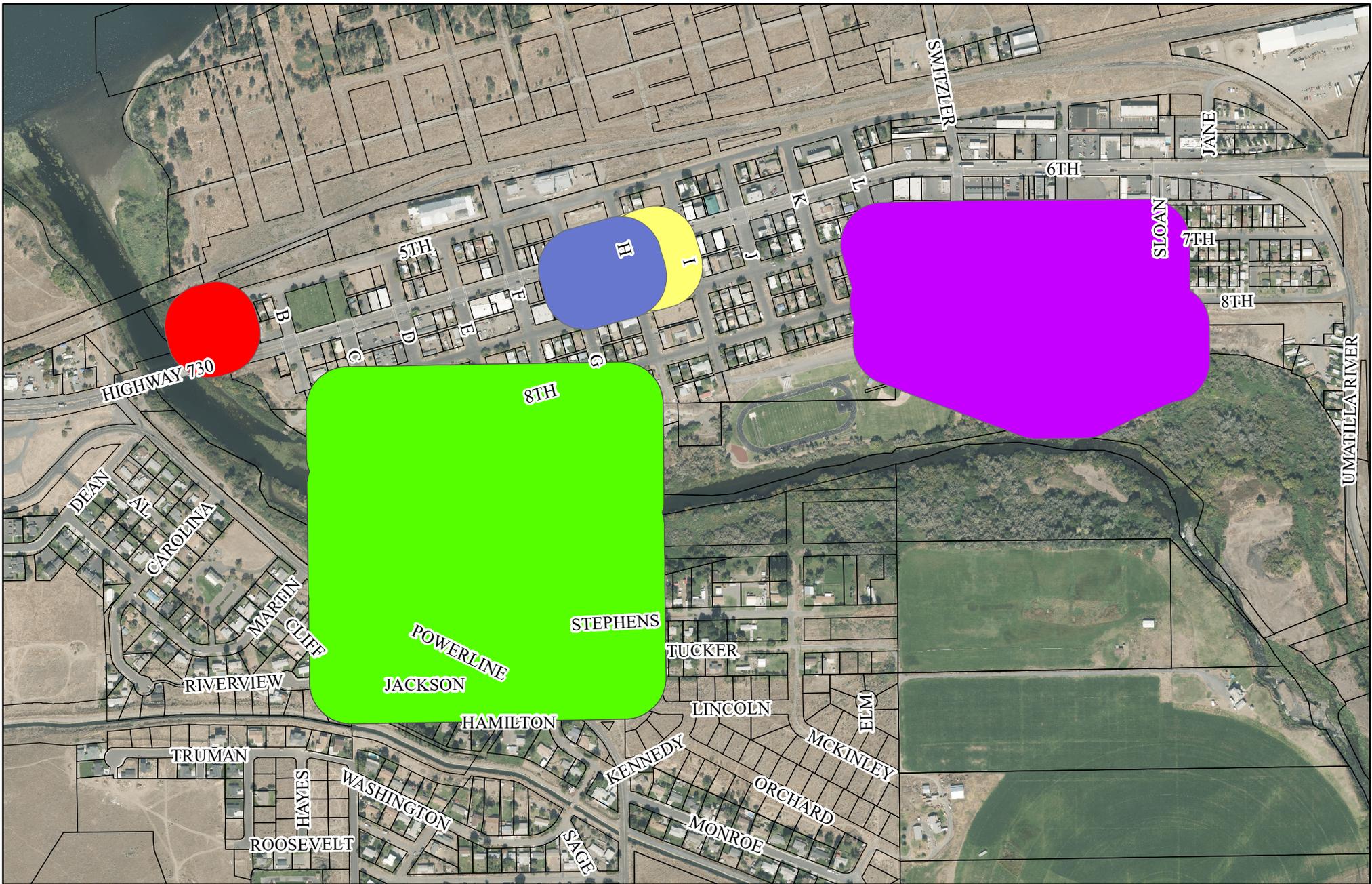
Created by Jacob Foutz, on 7/21/2021



Legend

- Umatilla Public Library
- Umatilla Landing Park
- Nugent Park
- Middle & High School
- Village Square Park





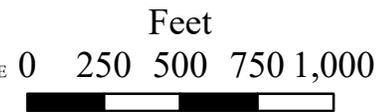
200 Foot restriction on Drinking Establishments

MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data.

Map should be used for reference purposes only.

Not survey grade or for legal use.

Created by Jacob Foutz, on 7/21/2021



Legend

- Middle & High School-200
- Umatilla Public Library-200
- Village Square Park-200
- Nugent Park-200
- Umatilla Landing Park-200





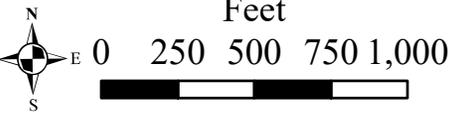
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

250 Foot restriction on Drinking Establishments

Legend

 250 Feet

MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 1/19/2022





City of Umatilla

700 6th Street, PO Box 130, Umatilla, OR 97882
 City Hall (541) 922-3226 Fax (541) 922-5758

MOBILE FOOD VENDOR PILOT PROGRAM APPLICATION

Please print legibly, fill out completely, and return to City Hall.

NON-TRANSFERABLE

| | | | |
|---|--|--|--|
| Name of Business | | | |
| Owner/Contact Person | | | |
| Owner Phone Number | | Owner Email | |
| Business Phone Number | | Emergency Number | |
| Location(s) of Service & Operation Hours | | | |
| Mailing Address | | | |
| County Environmental Health Permit Number | | City of Umatilla Business License Number | |
| Signature | | Date | |

The City of Umatilla is establishing a pilot program to evaluate potential impacts from allowing mobile food operating as an accessory off-street use to operate 7 days a week. Mobile food vendor operating under this permit are allowed to operate as an accessory off-street use 7 days a week but shall not leave the vehicle on site for more than 48 consecutive hours. Permit holder must submit bi-weekly tracking information to Umatilla City Hall on the form provided. This permit expires October 6th, 2020. No more than 5 permits at a time. Will be issued first come first serve.

By signing above permit holder acknowledges and agrees to 10-11-12: MOBILE FOOD VENDORS (see attached) in Umatilla city code.

OFFICE USE ONLY

| | | | |
|---------------------------|--|-----------------|--|
| Date Received: | | Receipt Number: | |
| Received By: | | | |
| Date Approve: | | Approved By: | |
| PERMIT EXPIRES ON: | | | |



City of Umatilla

700 6th Street, PO Box 130, Umatilla, OR 97882
 City Hall (541) 922-3226 Fax (541) 922-5758

MOBILE FOOD VENDOR PILOT PROGRAM QUESTIONNAIRE

Please print legibly, fill out completely, and return to Jacob at City Hall bi-weekly. Failure to do so may result in revocation of permit.

| | |
|---|--|
| Name of Business | |
| Date | |
| Owner/Contact Person | |
| Days Open <small>(Circle those that apply)</small> | Monday Tuesday Wednesday Thursday Friday Saturday Sunday |
| Hours Open | |
| Busiest days <small>(Circle those that apply)</small> | Monday Tuesday Wednesday Thursday Friday Saturday Sunday |
| Busiest time | |
| Average customers per day | |
| Average customers per week | |
| Number of employees | |
| Benefits of location and/or disadvantages of location | |

SITE INFORMATION

Please use the space below to provide a sketch of a site plan, including the following elements:

- Boundaries of the property and any nearby streets
- The location of the mobile unit, and side where food is being sold/served
- Location of signs, if any
- The distance in feet between any structure or sign and any other structure, sign, property line, street right-of-way, gasoline pump, oil storage tank or flammable liquid storage area
- Driveways into and out of the site
- Please note any impact to existing parking spaces and access to the site (both vehicular and pedestrian)
- North arrow

A large rectangular area filled with a light gray grid, intended for drawing a site plan. The grid consists of small squares, approximately 1/4 inch by 1/4 inch each, covering the majority of the page below the instructions.

(35x35)

10-11-12: MOBILE FOOD VENDORS:

- A. Mobile food vendors shall maintain all required licenses by the appropriate State and/or local agency, including but not limited to a city business license.
- B. Any vehicle utilized as a mobile food vendor shall be in full operational condition. The vehicle shall have a valid state vehicle license from any state and shall be capable of leaving a site at any time under its own power or that of an available towing vehicle.
- C. Mobile food vendors shall not operate within any public right-of-way.
- D. Mobile food vendors shall maintain the area in and around the vehicle, keep the area free from litter and waste, and shall supply a suitable container for waste collection. Mobile food vendors shall be responsible for the proper collection and disposal of onsite litter and waste.
- E. Outdoor seating and equipment is permitted; provided that the placement of any outdoor seating or equipment shall not be placed in a manner so as to reduce the amount of available off-street parking spaces below the minimum off-street parking required for the site. If outdoor seating is provided restroom facilities including handwashing facilities shall be provide onsite or via adjacent restroom facility access for customers (e.g. in an adjacent business with owner permission). Required restrooms shall be available during operating hours.
- F. Location and Use:

Mobile food vendors operating as an accessory off-street use shall meet the following standards:

- a. Mobile food vendors are allowed on legally established parking or vehicle areas only.
- b. Mobile food vendors operating as an accessory off-street use shall not remain onsite for more than 48 consecutive hours during any seven (7) day period.

Mobile food vendor pods shall meet the following standards:

- a. Mobile food vendors shall be located on a hard surface with concrete, asphaltic cement, or similar surface that is resistant to dust and mud.
- b. Mobile food vendors shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.
- c. Mobile food vendors shall not be located in the vision clearance area described in section 10-11-4 of this title.
- d. A minimum of one (1) off street parking space per food vendor space shall be provided consistent with chapter 9 of this title.

Mobile food vendors may, with city's permission, operate as a concessionaire on publicly owned and operated facilities.

Utilities: All utilities shall be placed or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

Wastewater shall be addressed in one of the following two ways:

- a. Mobile food vendors may connect to the sanitary sewer consistent with applicable state plumbing codes, and will include an approved grease separator for disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.
- b. Mobile food vendors may connect to an individual wastewater holding tanks. The operator shall be responsible to comply applicable City, County and State regulations and licensing requirements for use an individual holding tank and disposal of wastewater.

Potable water shall be addressed in one of the following two ways:

- a. Mobile food vendors may connect to a permanent water source in conformance with applicable state plumbing codes.
- b. Mobile food vendors may be connected to a potable water tank consistent with all applicable City, County and State rules, regulations and licensing requirements.

Mobile food vendors may connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food vendors. Connections to a permanent power source shall be consistent with applicable state electrical codes.

Livestock Residential on poultry:

The number of fowl or other poultry or rabbits over the age of six months shall not exceed one for each 2,000 square feet of unimproved lot area. The number of young (under the age of six months) allowed on the property at any time shall not exceed three times the allowable number of adults.

General animal care. Animals being kept in a residential environment must be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community. Animals may not be slaughtered in city limits except for personal use or animal welfare. If the slaughtering of the animal involves the discharge of a firearm, notice shall be provided to the Umatilla Police Department at least two hours prior to the discharge of the firearm. The notice shall be made by phone to the Umatilla Police Department nonemergency number and shall include the location of the discharge, the time of the discharge, and the reason for discharge.

Sanitation, waste, and odors. All animal structures and roaming areas must be kept sanitary and free from accumulations of animal excrement and objectionable odors. All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

Animal shelter. 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; adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands.

Current code:

4-1-5-18: RAISING LIVESTOCK, POULTRY OR EXOTIC, WILD OR DANGEROUS ANIMALS PROHIBITED: No person may raise or keep livestock, poultry, exotic, wild or dangerous animals in the City. "Livestock" means horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and furbearing animals bred and maintained commercially or otherwise, within outdoor pens, cages and hutches. "Exotic, wild or dangerous animal" means any animal which is not commonly domesticated, or which is not native to North America, or a domesticated or wild animal which because of its size, disposition or its vicious, venomous, wild or predatory nature, or its other characteristics, could constitute an unreasonable danger to human life or property. "Poultry" includes domesticated fowl, chickens, ducks, turkeys or geese or any other bird raised for meat or eggs. (Ord. 778, 9-4-2012)

**Chapter 6.15
BACKYARD CHICKENS AND FOWL**

Sections:

6.15.010 Title.

6.15.020 Purpose.

6.15.030 Definitions.

6.15.040 Standards for single-family residential and urban development zones.

6.15.050 Standards for acreage residential zones.

6.15.060 Enforcement responsibility and authority.

6.15.010 Title.

This chapter shall be known as the Marion County backyard chicken and fowl ordinance. [Ord. 1395 § 2 (Exh. A), 2018; Ord. 1357 § 1, 2015.]

6.15.020 Purpose.

The purpose of this chapter is to establish regulations for the keeping of chickens and other fowl on residentially zoned properties of Marion County. This chapter establishes standards and enforcement authority. [Ord. 1395 § 2 (Exh. A), 2018; Ord. 1357 § 2, 2015.]

6.15.030 Definitions.

"Chicken" means the common domestic fowl (*Gallus gallus domesticus*) or its young.

"Chicken run" means an outdoor enclosed or fenced area where chickens feed or exercise.

"Coop" means a cage or roofed enclosure in which chickens are kept.

"Fowl" means a domesticated or wild, heavy-bodied, largely terrestrial bird including pheasants, turkeys, grouse, peacock, and the common domestic chicken.

"Hen" means a female adult chicken.

"Rooster" means a male adult chicken. [Ord. 1395 § 2 (Exh. A), 2018; Ord. 1357 § 3, 2015.]

6.15.040 Standards for single-family residential and urban development zones.

The keeping and raising of chickens shall be allowed on properties zoned single-family residential (RS) or urban development in Marion County subject to the following conditions and limitations:

A. A resident of a single-family dwelling or duplex in the single-family residential or urban development zone may keep hens on the lot on which the resident resides.

B. The maximum number of hens allowed shall be six, except in the Woodburn or Silverton urban growth boundary where the maximum is three.

C. Hens are allowed only in a fully fenced rear yard.

D. Hens shall be confined at all times within a coop, pen or chicken run, except when under the personal supervision of an owner or custodian.

E. A coop shall not exceed 120 square feet in area or 10 feet in height.

F. There shall be a minimum six square feet of run space per hen.

G. A chicken coop shall be set back at least three feet from any building on the subject property and 25 feet from any residence on a neighboring property.

H. Chicken feed must be kept secure from pests.

I. All animal byproducts and waste must be collected and removed on a regular basis, allowing the storage of one sealed 20-gallon container.

J. Roosters are prohibited.

K. No sales of eggs, chickens, chicks, slaughtered chicks or chickens, or fertilizer are allowed. [Ord. 1395 § 2 (Exh. A), 2018; Ord. 1357 §§ 4, 5, 2015.]

6.15.050 Standards for acreage residential zones.

The keeping and raising of fowl shall be allowed on properties zoned acreage residential (AR) in Marion County subject to the following conditions and limitations:

A. All fowl shall be confined to the property on which they are being kept. [Ord. 1395 § 2 (Exh. A), 2018.]

6.15.060 Enforcement responsibility and authority.

A. Upon receipt of a complaint, this chapter shall be enforced pursuant to Chapter [1.25](#) MCC.

B. Chickens that are not kept as provided in MCC [6.15.040](#) shall be deemed a public nuisance under Chapters [1.25](#) and [8.10](#) MCC. [Ord. 1395 § 2 (Exh. A), 2018; Ord. 1357 § 6, 2015.]

The Marion County Code is current through Ordinance 1438, passed July 14, 2021.

Disclaimer: The Clerk of the Board's Office has the official version of the Marion County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <https://www.co.marion.or.us/>

County Telephone: (503) 588-5212

[Code Publishing Company](#)



City of Gold Beach

29592 Ellensburg Avenue
Gold Beach, Oregon, 97444
541-247-7029
www.goldbeachoregon.gov



BACKYARD CHICKEN PERMIT APPLICATION

Name of Applicant: _____

Property Address: _____

Mailing Address (if different than property address): _____

City/State/Zip: _____

Phone #: _____ Email: _____

Name, address & phone of Property Owner (if different than applicant): _____

A completed land use Permit Clearance Form must be submitted with this application. If you have questions regarding the applications please contact the City Planning Department.

This application for a permit to allow chickens is subject to the following conditions and is only permitted when consistent with the following standards:

1. A permit shall be obtained from the City prior to the keeping of chickens. A permit is issued to the property and renters must obtain written approval from the property owner to apply for a permit.
2. The keeping of chickens shall be limited to the purpose of egg collection for personal, non-commercial use.
3. No more than six (6) chickens are allowed on any one parcel, and the **keeping of a rooster is prohibited.**
4. Chickens shall only be kept upon property occupied by a single family dwelling.
5. Chickens may not be slaughtered or killed except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia (for example due to an injury or sickness) when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
6. Chickens shall be kept in an enclosed coop or run at all times.
7. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

8. All chickens shall be housed in a coop.
9. Chickens and chicken coops shall only be located in a rear yard.
10. Chicken coops shall be limited to eighty (80') square feet and the highest point of the coop shall be no more than six feet tall above grade.
11. Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.
12. Chicken coop and/or run shall be setback a minimum ten feet from all property lines.
13. In order to minimize potential impacts to aquatic habitat, no coop shall be sited within a riparian area as defined by the Zoning Ordinance.

Applicant acknowledges that upon issuance of any permit by the City of Gold Beach that it is the obligation of the applicant to comply with any and all laws, ordinances and regulations governing the type of project permitted whether or not specified in the permit. The granting of an approval by the City of Gold Beach does not give the applicant any authority to violate or modify the provisions of any other federal, State or local law, ordinance or regulation with respect to regulation of construction, performance of construction and/or operation of the project.

Regarding property boundaries, the applicant acknowledges that the only accurate way to locate property lines is by a land survey conducted by a licensed professional. The City of Gold Beach makes no representation as to the accuracy or location of any boundaries related to the project and the applicant, by virtue of issuance of a permit by the City of Gold Beach, and agrees to hold harmless, defend and indemnify the City in any legal action related to property lines or boundaries.

I have read and understand the above application and I hereby certify that all conditions will be continually met, and that I will abide by all restrictions, administrative rules and applicable City Codes and Ordinances.

Applicant Signature: _____ **Date:** _____

Property Owner Signature: _____ **Date:** _____

**** PERMIT REVOCATION**** Failure to comply with the above statement will result in the revocation of the permit and possible further action including fines.

FINAL PERMIT APPROVAL

APPROVED: _____ DATE: _____

Conditions of Approval:

DENIED: _____ DATE: _____

Reason for Denial:

City of Ashland Chicken Code:

1. No more than five (5) chickens shall be kept or maintained on properties of less than five thousand (5000) square feet in area;
2. No more than one (1) chicken for each one thousand (1,000) square feet of lot area, up to a maximum of twenty (20) chickens, shall be kept or

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maintained on properties greater than five thousand (5000) square feet in area,

3. No chickens shall be allowed on properties containing multi-family complexes, including duplexes;
4. In residential zones chickens shall be kept for personal use only, and not for the commercial exchange of goods or commodities with the exception of the sale of surplus eggs directly to the end consumer.
5. No roosters shall be allowed;
6. Chickens must be secured at all times and located at least twenty feet (20') from dwellings on adjoining properties:
 - a. During non-daylight hours a secure chicken coop shall be provided to protect chickens from predators;
 - b. During daylight hours, chickens shall be located in a chicken run that meets the requirements of AMC 18.68.140(C)(2) or in a securely fenced backyard;
7. To protect public health, the areas in which chickens are kept must be maintained in compliance with AMC 9.08.060 and the following requirements:
 - a. Chicken feed must be kept in rodent- and raccoon-proof containers;
 - b. Chicken manure must be collected, stored, and removed from the property on a regular basis in accordance with the following requirements:

- i. All stored manure shall be within a non-combustible, air-tight, container and located in accordance with the Oregon Fire Code relating to the outdoor storage of combustibles;
 - ii. No more than one 20-gallon container of manure shall be stored on any one property housing chickens; and
 - iii. All manure not used for composting or fertilizing shall be removed;
8. Chicken coops and runs shall be built in compliance with AMC 18.68.140(C)(2) and with all applicable building and zoning codes;
9. The requirements of AMC 18.20.020(D) regarding of the keeping of livestock shall not apply to the keeping of chickens or the buildings and structures that house chickens.
10. Noise resulting from the keeping or maintaining of chickens must not exceed the limitations set forth in AMC 9.08.170.