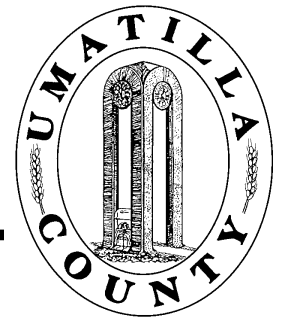


Umatilla County

Board of County Commissioners



BOARD OF COMMISSIONERS MEETING

Wednesday, August 18, 2021, 9AM
Umatilla County Courthouse, Room 130

- A. Call to Order

- B. Chair's Introductory Comments & Opening Statement

- C. New Business

PLAN AMENDMENT #P-126-20 & ZONING MAP AMENDMENT #Z-314-20

Co-adopt City of Umatilla's Urban Growth Boundary Expansion

The City of Umatilla requests that the County co-adopt a proposed change to the city's UGB. The proposed change would add 150 acres of land to the UGB which would then be rezoned from Exclusive Farm Use to City Light Industrial, and subsequently annexed into the City.

The property is identified as Map 5N28C, Tax Lots 1400 & 6601. The criteria of approval are found in UCDC 152.750-152.755 and the Joint Management Agreement between the City & County.

- D. Adjournment

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Board of County Commissioners
FROM: Megan Green, Planner
DATE: August 11, 2021

RE: August 18, 2021 Board of County Commissioners Hearing
**Comprehensive Plan Map Amendment #P-126-20 and
Zoning Map Amendment #Z-314-20
Co-adoption of City of Umatilla UGB Expansion**

CC: Robert Waldher, Planning Director

Background Information

Alan Cleaver, property owner, and the City of Umatilla request Umatilla County to co-adopt an expansion to the City of Umatilla's Urban Growth Boundary (UGB). The properties proposed to be included in the UGB are known as Tax Lot 2500 on Assessor's Map 5N28 and Tax Lot 200 on Assessor's Map 5N2832 (formerly known as Tax Lots 1400 and 6601 on Assessor's Map 5N28C). The properties are generally located south of the City of Umatilla and east of Powerline Road.

The properties received new map and tax lot numbers due to a change in the Department of Revenue's mapping requirements. This occurred after the Planning Commission hearing. The maps included in your packets are the same maps that were included in the Planning Commission's recommendation.

The City of Umatilla has been working with Mr. Cleaver on his request for over a year. Last fall, Department of Land Conservation and Development (DLCD) shared with the City several of the department's concerns. These are detailed in the letter dated October 19, 2020. The City responded with supplemental findings and conclusions, and DLCD provided additional feedback on July 20, 2021. After the City provided the supplemental findings and conclusions, DLCD's concerns had been alleviated, and only minor changes were asked to be made in the city's findings.

Criteria of Approval

The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755. In accordance with the Joint Management Agreement (JMA) between Umatilla County and the City of Umatilla, the County is required to co-adopt any amendments to the city's UGB. Therefore, the County has the authority to consider and approve the Comprehensive Plan Map and Zoning Map Amendments.

The Planning Commission's recommendation to the Board of Commissioners is based

Memo

Board of Commissioners Public Hearing – August 18, 2021
Comprehensive Plan Map Amendment #P-126-20 and
Zoning Map Amendment #Z-314-20

on substantial, factual, evidence in the record. The first County hearing on the Cleaver request was before the County Planning Commission on July 22, 2021. The Umatilla County Planning Commission, at the July 22nd, 2021 hearing, voted unanimously on a recommendation of approval to co-adopt the UGB expansion as presented.

Conclusion

Attached are the Findings and Conclusions in support of the Cleaver UGB Co-Adoption request. These are the Findings and Conclusions the Planning Commissioners adopted in their approval recommendation to the Board. The Board of Commissioners may agree with the Planning Commission's approval recommendation and approve the Co-Adoption, deny the Co-Adoption, or postpone a decision and continue the hearing. The final local decision made by the Board of Commissioners must be based on substantial, factual, evidence in the record.

Attachments

The following attachments have been included for review by the Board of County Commissioners:

- County Preliminary Findings and Conclusions
- City of Umatilla Findings and Conclusions
- Comments from DLCD dated 10/19/2020
- The City of Umatilla's supplemental findings in response to DLCD's comments
- Comments from DLCD dated 7/20/2021

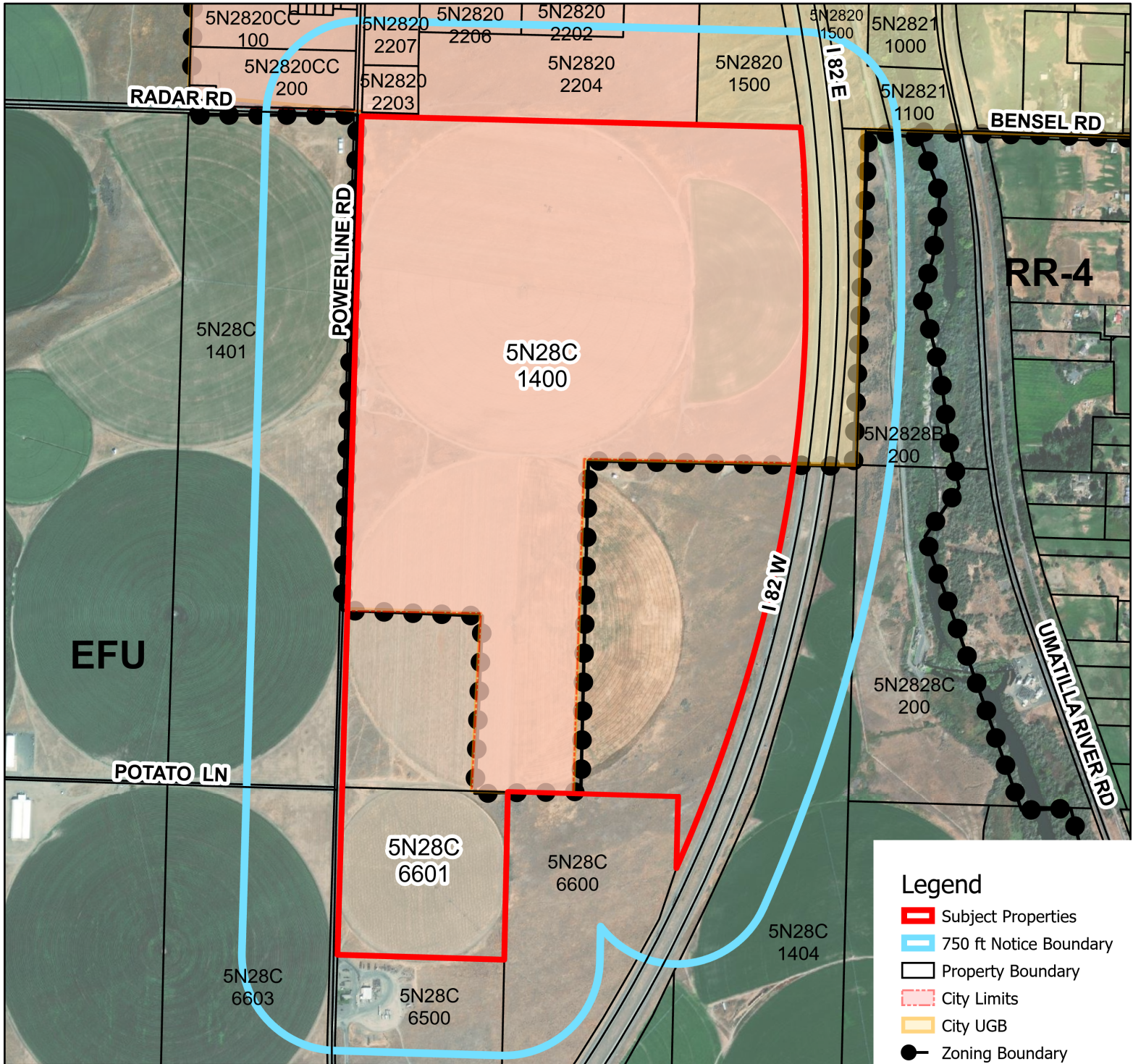
**UMATILLA COUNTY
BOARD OF COUNTY COMMISSIONERS HEARING – AUGUST 18, 2021
UMATILLA COUNTY COMPREHENSIVE PLAN AMENDMENT &
ZONING MAP AMENDMENT
UGB EXPANSION CO-ADOPTION
CLEAVER LAND, LLC, APPLICANT & OWNER
PACKET CONTENT LIST**

1.	Staff Memo to Board of County Commissioners	Page 1
2.	Notice and Vicinity Map	Page 3
3.	Soils Map	Page 4
4.	County Staff Report & Preliminary Findings	Pages 5-21
5.	City of Umatilla Findings and Staff Report	Pages 22-67
6.	DLCD Comments to City dated 10/19/2020	Pages 69-71
7.	City of Umatilla Supplemental Findings	Pages 73-103
8.	DLCD Comments to City dated 7/20/2021	Pages 105-106

APPLICANT/OWNER: CLEAVER LAND, LLC
APPLICATION FOR: COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS
P-126-20 & Z-314-20

MAP: 5N 28C TAX LOTS: 1400 & 6601

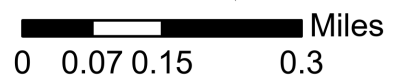
Notified landowners within 750 feet of the Subject Parcel



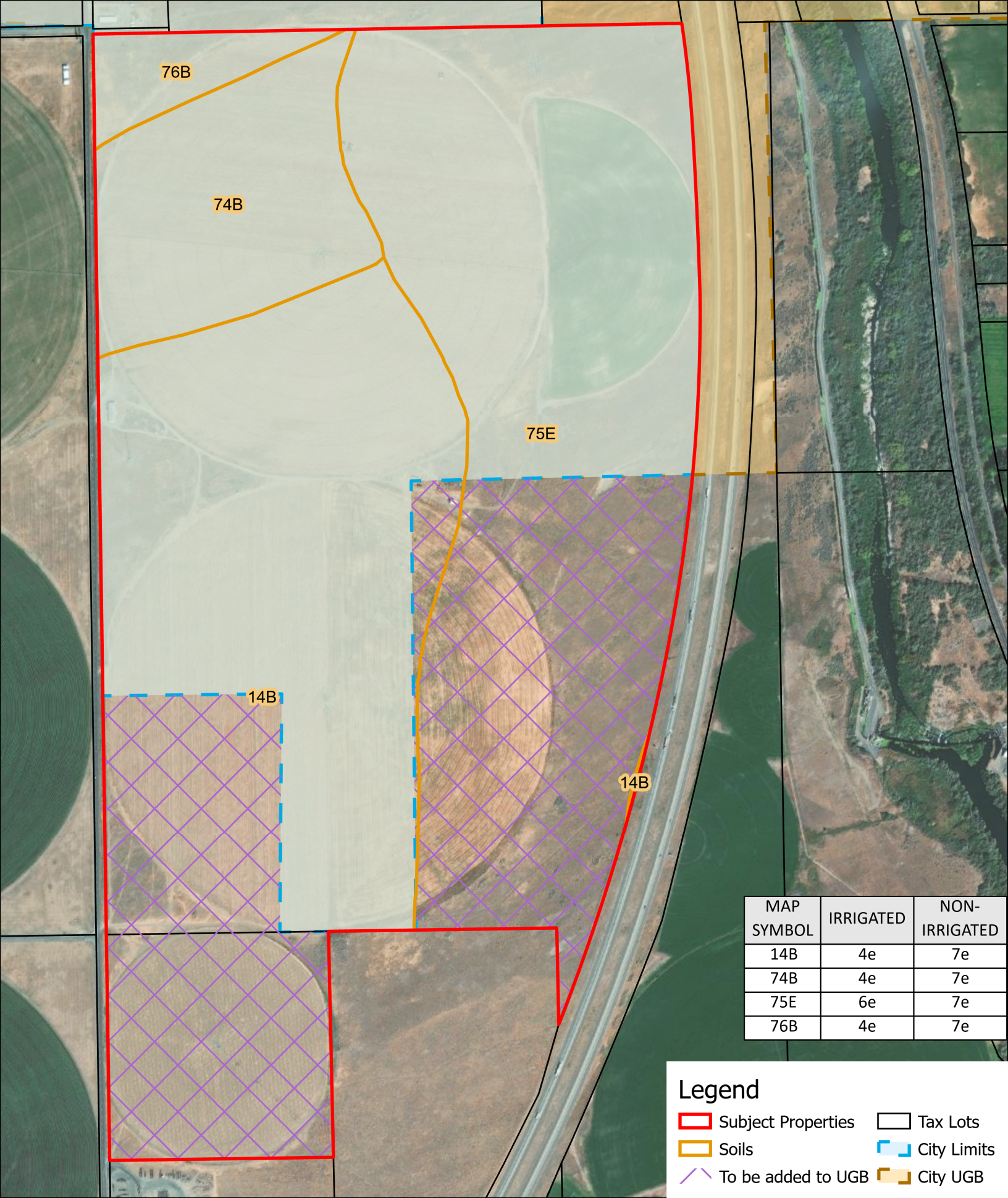
Legend

- ▭ Subject Properties
- ▭ 750 ft Notice Boundary
- Property Boundary
- City Limits
- City UGB
- Zoning Boundary

MAP	TAX LOT	OWNER	MAP	TAX LOT	OWNER
5N2821	1100	KCNOBLES ENTERPRISES LLC	5N2820	1500	USA BUREAU OF REC
5N2828B	200	USA	5N2820	2202	SOSA ANNABEL
5N28C	1400	CLEAVER LAND, LLC	5N2820	2203	POWERLINE STORAGE LLC
5N28C	1401	ONYX LAND COMPANY LLC	5N2820	2204	C C P D INC
5N28C	1404	BROKEN SPUR RANCH LLC	5N2820	2206	C C P D INC
5N28C	6500	FOX HARVESTING OF OREGON INC	5N2820	2207	MARTINEZ JUAN ANTONIO & LHISBED G
5N28C	6500A1	CLEAVER ALAN	5N2820	100	COLUMBIA BASIN DEVELOPMENT LLC
5N28C	6600	USA	5N2820	200	WOODWARD DIANA BETTS
5N28C	6601	CLEAVER LAND, LLC	5N2821	1000	WADEKAMPER LON G
5N28C	6603	ONYX LAND COMPANY LLC			



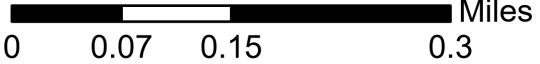
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 6/29/2021



MAP SYMBOL	IRRIGATED	NON-IRRIGATED
14B	4e	7e
74B	4e	7e
75E	6e	7e
76B	4e	7e

Legend

- Subject Properties
- Tax Lots
- Soils
- City Limits
- To be added to UGB
- City UGB



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 6/29/2021

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**UMATILLA COUNTY BOARD OF COMMISSIONERS
PRELIMINARY FINDINGS AND CONCLUSIONS
CO-ADOPTION OF CITY OF UMATILLA UGB EXPANSION
PLAN MAP AMENDMENT (File #P-126-20)
ZONING MAP AMENDMENT (File #Z-314-20)**

I. OVERVIEW

Applicants: Cleaver Land, LLC City of Umatilla
78757 Westland Rd 700 6th St PO Box 130
Hermiston, OR 97838 Umatilla, OR 97882

Consultant: Carla McLane Consulting
700 6th St PO Box 130
Umatilla, OR 97882

Property Owners: Cleaver Land, LLC
78757 Westland Rd
Hermiston, OR 97838

Proposed Action: Cleaver Land, LLC, along with the City of Umatilla request the County co-adopt a proposed change to the City’s Urban Growth Boundary (UGB). The proposed change would add 150 acres of land into the UGB; the City would then annex those acres into City Limits. Those 150 acres, along with an adjacent 300 acres are proposed to be re-zoned as Light Industrial. The proposal will result in an additional 450 acres to the city’s industrial land supply. The County is only asked to consider the expansion of the City’s Urban Growth Boundary.

A recent Economic Opportunities Analysis conducted by Johnson Economics indicated that the City of Umatilla is in need of large industrial parcels.

The UGB amendment is requested to support efforts to make City industrial-zoned property more attractive to industrial site selectors and the industries they represent, and to provide the City of Umatilla with large industrial parcels that contain City utilities and are ready for development.

Subject Property: Parcels proposed to be included in UGB: Township 5N, Range 28, Section C, Tax Lots 1400 and 6601

Due to a change in the Department of Revenue’s mapping standards, the parcels were re-mapped to Assessor’s Map 5N28, Tax Lot 2500 and 5N2832, Tax Lot 200, respectively. This

occurred after the Planning Commission hearing and before the Board of Commissioners' hearing.

(See attached mapping for an overview of the subject property included in the proposed request)

Comp. Plan Designation: Current and proposed Comprehensive Plan designations are shown in the attached exhibits.

The area proposed for inclusion into the UGB currently has a County Comprehensive Plan designation of North South Agriculture and will receive a new City Comprehensive Plan designation of General Industrial.

Zoning: Current zoning designations are shown in the attached exhibits.

The area proposed for inclusion into the UGB currently has a County zoning designation of EFU and will receive a new City zoning designation of Light Industrial as it will be annexed into the City following the UGB expansion approval.

Land Use: Tax Lot ~~1400~~ 2500 is developed with one farm structure. Both parcels are currently used as farm land.

The area proposed to be included in the UGB is currently cultivated and is in rotation of potatoes, corn, onions and grass seed.

Irrigation: The subject property has a surface water right, #42856.

Soil Types: High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. As shown in the attached soils map, the subject parcels are composed of non-high value soils.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
14B: Burbank loamy fine sand, 0 to 5 percent slopes	VIIe	IVe
74B: Quincy fine sand, 0 to 5 percent slopes	VIIe	IVe
75E: Quincy loamy fine sand, 5 to 25 percent slopes	VIIe	VIe
76B: Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	VIIe	IVe
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (Survey, page. 172).</i>		

Utilities: The parcels proposed to be brought into the UGA are located in close proximity to existing City water and sewer mainlines.

The City of Umatilla provides there is sufficient capacity in the City's water and sewer systems to service the area for future industrial development.

Transportation:

Lands proposed for inclusion into the UGA are generally located east of Powerline Road and west of Interstate-82, south of Radar Road. Access to the property is from Powerline Road.

In order to comply with the requirements of Statewide Planning Goal 12 (transportation) and the requirements of the IAMP, the applicant has provided a Traffic Impact Analysis (TIA). (See attached TIA)

Public Hearings:

A Public Hearing was held before the City of Umatilla Planning Commission on **Tuesday, August 25, 2020** at 6:30 PM in the city council chambers, 700 6th Street, Umatilla, Oregon. A Continued Public Hearing was before the City of Umatilla Planning Commission on **Tuesday, September 22, 2020** at 6:30 PM in the city council chambers, 700 6th Street, Umatilla, Oregon. A subsequent public hearing to be held before the Umatilla City Council is scheduled for **Tuesday, July 20, 2021** at 6:30 PM in the city council chambers, 700 6th Street, Umatilla, Oregon.

A subsequent Public Hearing for a recommendation of Co-adoption of the request will be held before the Umatilla County Planning Commission and is scheduled for **Thursday, July 22, 2021** at 6:30 PM. The Planning Commission's recommendation will then go before the County Board of Commissioners. The public hearing held before the Board of Commissioners is scheduled for **Wednesday, August 18, 2021** at 9:00am.

II. JOINT MANAGEMENT AGREEMENT

The City and County are authorized under the provisions of Oregon Revised Statutes (ORS) 190 to enter into intergovernmental agreements for the performance of any functions that the City or County has authority to perform. The City of Umatilla and Umatilla County entered into a Joint Management Agreement (JMA) on January 3, 2017. The JMA requires the City and County to have coordinated and consistent comprehensive plans which establish an UGB and a plan for the Urban Growth Area (UGA) within the UGB.

Statewide Planning Goal 2 (Land Use Planning) requires that the City and County maintain a consistent and coordinated plan for the UGA when amending their respective comprehensive plans, and Statewide Planning Goal 14 (Urbanization) requires that the establishment and change of a UGB shall be through a cooperative process between the City and County.

Per the provisions of the JMA, the City of Umatilla is responsible for preparing and/or reviewing all legislative and quasi-judicial amendments to the City Comprehensive Plan text and map(s). All adopted amendments to the City's Comprehensive Plan and/or maps affecting the UGA or UGB shall be referred to the County for adoption as amendments to the County Plan. The County must adopt the amendments approved by the City for these to be applicable in the UGA. The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The BCC must also hold a public hearing(s) and make a decision whether or not to co-adopt the proposed change to the City of Umatilla UGB.

Procedures for annexation shall be in accordance with relevant methods and procedures in ORS and city ordinances. At the time of annexation, the city shall apply the appropriate zoning designation to the property and amend the City Zoning Map accordingly.

III. AMENDMENT ANALYSIS

Provisions for Adjusting a UGB are contained in Oregon Administrative Rules (OAR) 660-024-0020 (UGB Adoption or Amendments). The following contains an analysis of why the proposed amendment meets the provisions of the OAR. The standards for approval are provided in underlined text and the responses are indicated in standard text.

Oregon Administrative Rules: 660-024-0020 Adoption or Amendment of a UGB

(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

Applicants Response: Based on the provisions outlined here no exceptions to any of the Statewide Planning Goals are necessary. Later analyzed are additional Division 24 requirements meeting current planning requirements for an urban growth boundary expansion.

County Finding: Neither the City nor the County are claiming a goal exception.

(b) Goals 3 and 4 are not applicable;

Applicants Response: The applicant is relying on the Economic Opportunities Analysis (October 2019) which utilizes Oregon Administrative Rule Chapter 660 Division 24. This allows for an application to expand the urban growth boundary without an exception to Goal 3 Agricultural Land. The land under consideration for this urban growth boundary expansion is zoned Exclusive Farm Use and is currently inventoried in Umatilla County as part of Goal 3 protected lands. This action would remove approximately 150 acres from that inventory, adding it to the City of Umatilla urban growth boundary and city limits (by way of the included annexation application if approved).

County Finding: Expansion of the urban growth boundary is allowed without an exception to State Goal 3 by way of Oregon Administrative Rule Chapter 660 Division 24. Goal 4 is not applicable as there are no Forest Lands found in or surrounding the City of Umatilla. Goals 3 and 4 are not applicable to this request. As demonstrated in the attached City of Umatilla findings document, the proposed UGB amendment is consistent with each of the statewide planning goals.

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

Applicants Response: The applicant is not aware of or has identified any Goal 5 resources within the subject property for either the urban growth boundary expansion and associated annexation or within the area proposed to be zoned or rezoned to Light Industrial.

County Finding: According to the Umatilla County Comprehensive Plan there are no identified Goal 5 resources on the subject property. The proposed urban growth boundary expansion would not affect any known Goal 5 resources.

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable

land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

Applicants Response: The included Traffic Impact Analysis finds that the conversion of the residential land to industrial actually creates a reduction in trips. For the land that is subject to the urban growth boundary expansion and annexation, approximately 150 acres, there would be an increase in traffic over current Exclusive Farm Use zoning. That increase is consumed by the change in zoning of nearly 300 acres with a decrease in total daily trips. Transportation impacts are further analyzed later in this narrative.

County Finding: The land to be added to the UGB is not designated urbanizable. The applicant included a Traffic Impact Analysis, completed by J-U-B Engineers. Traffic data was obtained prior to the COVID Pandemic, before stay at home orders were in place. A decrease in total daily trips is the net result from all three applications. Transportation impacts were evaluated by the applicant and the City of Umatilla concurred that the development would not have a significant increase in daily trips.

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

Applicants Response: The City of Umatilla is not within the Willamette River Greenway Boundary. Goal 15 is not considered here or elsewhere in this narrative.

County Finding: The City of Umatilla is not within the Willamette River Greenway Boundary. Goal 15 is not applicable.

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

Applicants Response: The City of Umatilla is not within a coastal shorelands boundary. Goals 16 through 18 are not considered here or elsewhere in this narrative.

County Finding: The City of Umatilla is not within a coastal shorelands boundary. Goals 16 through 18 are not applicable.

(g) Goal 19 is not applicable to a UGB amendment.

Applicants Response: Goal 19 is not considered here or elsewhere in this narrative.

County Finding: Goal 19 is not applicable.

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

Applicants Response: Maps are included as part of the application package. The area subject to the urban growth boundary expansion (and related annexation) is the portion of Tax Lot ~~1400~~ 2500 of Assessor's Map ~~5N28C~~ 5N28 that is outside of the current urban growth boundary and city limit line. Also included is Tax Lot ~~6604~~ 200 of Assessor's Map ~~5N28C~~ 5N2832. The acreage of the urban growth boundary expansion is approximately 150 acres. The Powerline Road right-of-way is also included in the urban growth boundary expansion to facilitate the

future transfer of the portion of the Road from Umatilla County to the City of Umatilla.

Applicants Note: As part of the Economic Opportunities Analysis, Johnson Economics evaluated Oregon Administrative Rule Chapter 660 Division 24 Section 0040 Land Need and Section 0050 Land Inventory and Response to Deficiency. See pages 28 through 36 of the Economic Opportunities Analysis for evaluation and analysis of these two sections of OAR 660 Division 24.

County Finding: The County Comprehensive Plan and Zoning Maps will be updated at a sufficient scale to accurately show which parcels are included in the UGB. The applicant also provided adequate maps to make this determination. The new UGB line will follow parcel lines.

Statewide Planning Goals:

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

County Finding: The required public notice process has been completed, allowing and encouraging public involvement during the decision process.

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

County Finding: The City and County actions on land use requests must be consistent with local comprehensive plans. This co-adoption process for lands proposed to be brought into the City's UGB is consistent with the City and County Joint Management Agreement.

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

County Finding: : The necessary analysis for an urban growth boundary is set out and included in this application and discusses why this particular location can support a change in designation from Agricultural to Industrial and be included in the City of Umatilla urban growth boundary.

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

County Finding: The subject property is not forest land, nor is there forest land adjacent to this property. As described in (1)(b) above, Goal 4 is not applicable to this request.

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

County Finding: The subject property does not have any inventoried or known features referenced in Goal 5.

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

County Finding: Negative impacts will be required to be mitigated at the time development is proposed, this will fall under the jurisdiction of the City of Umatilla.

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

County Finding: There are no known natural hazards on the subject property, and it is located significantly above and outside the flood plain for both the Umatilla and Columbia Rivers.

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

County Finding: Recreation is not a direct consideration of this request.

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

County Finding: The City completed an Economic Opportunities Analysis in 2019 under Goal 9. This analysis found that large lot industrial land is needed for the City. Approval of the UGB expansion will be consistent with Goal 9.

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

County Finding: Housing is not a direct consideration of this request. The co-adoption processed by the County is for the lands zoned EFU to be brought into the UGB and subsequently zoned Industrial.

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

County Finding: The City has determined that it is feasible to bring public services to the site.

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

County Finding: The Traffic Impact Analysis conducted by the applicant concluded that peak PM trips will be decreased by the UGB expansion. Necessary improvements will be addressed at the time of development by the City.

Goal 13 Energy: To conserve energy

County Finding: The applicants referenced energy conservation opportunities will improve energy conservation in the City of Umatilla.

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

County Finding: This application seeks to expand the City of Umatilla urban growth boundary to allow urban light industrial uses within City limits with a co-adoption. The earlier analysis is in support of an urban growth boundary expansion.

Umatilla County Comprehensive Plan Chapter 15. TRANSPORTATION

Finding 2. Transportation planning within urban growth boundaries is important to insure adequate transportation facilities in the County.

Policy 2. To facilitate transportation system coordination within urban growth boundaries, the cities' TSPs shall apply within the UGB and shall be co-adopted by the County and addressed in the city/county joint management agreements.

Applicant Response: The Joint Management Agreement between Umatilla County and the City of Umatilla Is considered as part of this application. Powerline Road is specifically called out in the Joint Management Agreement. There has been a recent transfer of a portion of Powerline Road from Umatilla County to the City of Umatilla. The portion of Powerline Road adjacent to the subject property is still a paved Umatilla County road.

County Finding: If approved, Powerline road will be adopted by the City of Umatilla down from HWY 730 to the subject property, and be added to the City's TSP. The County co adopted the City's TSP on December 6th, 1999. The TSP was adopted via County Ordinance #99-07.

Finding 9. Many County and public roads are not constructed to an acceptable County standard, and development is increasing along these roads.

Policy 9. Subdivision of land not on road constructed to County standards or not accepted for maintenance responsibility by the County or state shall not be permitted. A subdivision road shall be public and maintained by a public agency or homeowners association.

Applicant Response: Powerline Road is a paved county road, is classified as a minor collector and is not currently built to that standard. Future development in the subject area would be subject to development standards within the City of Umatilla Zoning Ordinance with appropriate development improvements to Powerline Road with the outcome of bringing the road to the applicable development standard. This will be affected as part of the zone change undertaken by the City of Umatilla once the urban growth boundary expansion is concluded.

County Finding: Powerline Road is a paved county road, is classified as a minor collector and is not currently built to that standard. Future development in the subject area will be subject to development standards and at that time, will be under the City of Umatilla's jurisdiction.

Finding 25. The development of 1-82 after the County's Comprehensive Plan was acknowledged established new interchanges which could affect the location of industries, commercial businesses and highway-oriented business.

Policy 25A. Examine interchanges and other potential commercial and industrial locations for appropriateness of development taking into consideration access, sewer and water availability and environmental conditions.

Policy 25B. Identify and evaluate factors limiting development in this area.

Applicant Response: The Interstate 82 Powerline Road interchange offers an opportunity to the City of Umatilla to consider additional uses of land between residential areas and the interchange. This application is to expand the City of Umatilla urban growth boundary to allow for additional industrial land to serve data centers, warehousing and certain low impact manufacturing operations. Earlier analysis evaluated these factors, finding the location to be suitable for an urban growth boundary expansion. The associated proposed change in zoning to Light Industrial is compatible with the Interstate 82 Interchange and the adjacent farm uses to the south. The included Umatilla Industrial Area Utility Technical Memorandum indicates that the City of Umatilla does have the capacity to provide services to this area in support of future

industrial uses.

County Finding: The included Umatilla Industrial Area Utility Technical Memorandum indicates that the City of Umatilla does have the capacity to provide services to this area in support of future industrial uses.

The Umatilla County Transportation System Plan’s OVERALL TRANSPORTATION GOAL is “To provide and encourage a safe, convenient, and economic transportation system.” Goals 1 and 3 are applicable; the appropriate Objectives are addressed here:

Goal 1 Preserve the function, capacity, level of service, and safety of the local streets, county roads, and state highways.

Objectives

A. Develop access management standards.

F. Develop procedures to minimize impacts to and protect transportation facilities, corridors, or sites during the development review process.

Applicant Response: Upon completion of this urban growth boundary expansion and the zoning of approximately 450 acres for industrial purposes, the City of Umatilla Transportation System Plan and Development Code would be applicable to any development. Those applicable provisions would impose access and development standards meeting this Goal.

County Finding: Upon approval of the proposed UGB expansion of 150 acres to the City’s UGB, the City of Umatilla’s Transportation System Plan and Development Code will be applicable to any development on the subject property. This will fulfil the purposes of this goal.

Goal 3 Improve coordination among the cities of Umatilla County, the Oregon Department of Transportation (ODOT), the US Forest Service (USFS), the Federal Highway Administration (FHWA), and the county.

Objectives

F. Continue to work with cities planning for the county land within their urban growth boundaries.

Applicant Response: The urban growth boundary expansion process is one of cooperation between Umatilla County and the City of Umatilla. Powerline Road, a paved county road, is identified in the Joint Management Agreement for consideration to transfer to the City of Umatilla, a process that was recently completed for a portion of the road north of the proposed action.

County Finding: The City of Umatilla Planning Department has involved and informed Umatilla County Planning Department in preparation of this application. The urban growth boundary expansion process is one of cooperation between Umatilla County and the City of Umatilla. A portion of Powerline Road was transferred to the City on June 2, 2020. The City & County will continue to work together as development occurs within the UGB.

Umatilla County Development Code provisions 152.019 TRAFFIC IMPACT STUDY.

(A) Purpose: The purpose of this section of the code is to implement Section 660- 012-0045(2)(e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to specified land use proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

(B) Applicability: A Traffic Impact Analysis shall be required to be submitted to the County with a land use application, when one or more of the following actions apply:

(1) A change in plan amendment designation; or

Applicant Response: A change in plan amendment designation is requested as part of the urban growth boundary expansion process. A Traffic Impact Analysis is included as part of this application addressing the criteria in these provisions.

County Finding: A change in plan amendment designation will be completed upon approval. The attached TIA addresses the criteria in these provisions.

(2) The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(a) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the County Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or

(b) An increase in use of adjacent gravel surfaced County roads by vehicles exceeding the 10,000-pound gross vehicle weights by 20 vehicles or more per day; or

(c) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or

(d) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area; or

(e) Any development proposed within the Umatilla Army Chemical Depot boundary of the I-82/Lamb Road or I84/Army Depot Access Road Interchange Area Management Area prior to the completion of near-term improvements projects (Projects A and B) identified in the I-82/Lamb Road IAMP; or

(f) For development within the I82/US 730 Interchange Area Management Plan (IAMP) Management Area, the location of the access driveway is inconsistent with the Access Management Plan in Section 7 of the IAMP; or

(g) For development within the I84/Barnhart Road Interchange Area Management Plan (IAMP)

Management Area.

Applicant Response: The completed Traffic Impact Analysis indicates that proposed development on the subject property would decrease pm peak hour traffic by 800 trips as analyzed against the current residential zoning of most of the rezone subject property (please see the earlier analysis). There are impacts to the intersections with both Interstate-82 and Highway 730 during the planning horizon.

County Finding: The TIA indicates a decrease of pm peak hour traffic by 800 trips. Impacts to the intersections of I-82 and HWY 730 will be addressed at the time of proposed development.

(C) Traffic Impact Analysis Requirements

(1) Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer. The Traffic Impact Analysis will be paid for by the applicant.

(2) Transportation Planning Rule Compliance as provided in § 152.751.

(3) Pre-filing Conference. The applicant will meet with the Umatilla County Public Works Director and Planning Director prior to submitting an application that requires a Traffic Impact Analysis. The County has the discretion to determine the required elements of the TIA and the level of analysis expected. The County shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.

(4) For development proposed within the Umatilla Army Chemical Depot boundary of the I-82/Lamb Road or I84/Army Depot Access Road Interchange Area Management Plan (IAMP) Management Area Prior to the construction and completion of near-term improvements projects (Projects A and B) identified in the I-82/Lamb Road IAMP, the following additional submittal requirements may be required:

(a) An analysis of typical average daily vehicle trips using the latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) or other data source deemed acceptable by the County Engineer;

(b) A truck and passenger vehicle mode split analysis;

(c) An analysis that shows the traffic conditions of the project at full buildout and occupancy, assuming the background traffic conditions at the year of expected completion;

(d) Findings related to the impacts of the proposed development and the need for Projects A and B to mitigate those impacts. Once Projects A and B have been completed, this Section 4 will no longer apply to new development.

Applicant Response: The included Traffic Impact Analysis, dated May 2020, was completed by J-U-B Engineers, meeting the credential requirements. Umatilla County Development Code provisions at 152.751 are met as this application addresses the transportation requirements in the Umatilla County Comprehensive Plan, Transportation System Plan, and Development Code. Coordination with Umatilla County and the Oregon Department of Transportation was accomplished through consultation with City of Umatilla staff; in-person meetings were limited due to the COVID-19 pandemic.

County Finding: The TIA meets and addresses the above criterion.

(D) Approval Criteria: When a Traffic Impact Analysis is required; approval of the proposal requires satisfaction of the following criteria:

(1) Traffic Impact Analysis was prepared by an Oregon Registered Professional Engineer qualified to perform traffic engineering analysis;

(2) If the proposed action shall cause a significant effect pursuant to the Transportation Planning Rule, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the County's Level-of-Service and/or Volume/Capacity standards and are satisfactory to the County Engineer, and ODOT when applicable; and

(3) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(a) Have the least negative impact on all applicable transportation facilities;

(b) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;

(c) Make the most efficient use of land and public facilities as practicable;

(d) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

(e) Otherwise comply with applicable requirements of the Umatilla County Code.

Applicants Response: The Traffic Impact Analysis was completed by J-U-B Engineers and addresses both Level-of-Service and Volume/Capacity standards. The pm peak hour traffic, when compared with current zoning, is reduced by 800 trips. There are impacts to the intersections at both Interstate-82 and Highway 730 when this action is considered with background growth, creating impacts within the 20-year planning horizon.

County Finding: Future impacts forecasted by the TIA will be addressed by the City as future development is proposed.

(E) Conditions of Approval: The County may deny, approve, or approve a proposal with appropriate conditions.

(1) Where the existing transportation system is shown to be impacted by the proposed action, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed action.

(2) Where the existing transportation system is shown to be impacted by the proposed action, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed action may be required.

Applicants Response: The applicant request that the County approve this request to expand the urban growth boundary. The Traffic Impact Analysis does show that pm peak hour traffic will be lowered when compared to current zoning. Future development would be subject to City of Umatilla Development Code provisions concerning onsite and adjacent improvements.

County Finding: Future development of the site will be subject to the City of Umatilla Development Code provisions concerning onsite and adjacent improvements.

VI. DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, where it has been demonstrated the request is in compliance with the City and County Comprehensive Plans, The Umatilla Joint Management Agreement, and the State Administrative Rules for an Urban Growth Boundary Adjustment, the applicant’s request is approved.

DATED this ____ day of _____, 20____.

UMATILLA COUNTY BOARD OF COMMISSIONERS

George L. Murdock, *Commissioner*

John M. Shafer, *Commissioner*

Daniel N. Dorran, *Commissioner*

**CITY OF UMATILLA
FINDINGS AND CONCLUSIONS**

**UMATILLA PLANNING COMMISSION
REPORT AND RECOMMENDATION
FOR
PLAN AMENDMENT PA-2-20**

DATE OF HEARING: August 25, 2020/September 22, 2020

REPORT PREPARED BY: Jacob Foutz, Associate Planner

I. GENERAL INFORMATION AND FACTS

Applicant: Cleaver Land, LLC, 78757 Westland Rd, Hermiston, OR 97838

Land Use Review: An Urban Growth Boundary (UGB) expansion.

II. NATURE OF REQUEST AND GENERAL FACTS

The applicant, Cleaver Land, LLC, is requesting approval of an Urban Growth Boundary Expansion to include approximately 146.69 acres land. The applicant also submitted an Annexation and Zone Change applications with the desired outcome to have approximately 450 acres of land planned and zoned for industrial use. Current use of the property is agricultural. Crops under circle pivot irrigation regularly in rotation are potatoes, onions, corn, and grass seed. Improvements to the property include circle pivot irrigation systems and a general use storage building.

Applicants Intended Outcomes of Application Process:

The applicant is working with the City of Umatilla to achieve approval of three applications – an Urban Growth Boundary (UGB) expansion, an Annexation, and a Zone Change – with the desired outcome to have some 450 acres of available land planned and zoned for industrial use. The UGB expansion will add about 150 acres to the UGB; the Annexation will add those same acres within the City Limits; and those actions combined with a Zone Change will add about 450 acres to the industrial land supply. The proposed zoning designation of Light Industrial will support the types of uses – data centers, warehousing and light manufacturing – outlined in the Economic Opportunities Analysis completed by Johnson Economics that indicates that the City of Umatilla is in need of large lot industrial parcels. On page 43 of the Economic Opportunities Analysis it states, “For industrial users, there is an estimated deficit of sites of some sizes. Most notably there is a deficit of suitable large industrial sites, and a deficit of small industrial sites.” This statement is expanded on pages 44 and 45 providing more definition to the needs. At the top of page 45 the report states, “Given the projected short-term growth, and prospective long-term growth in this industry [data centers], Johnson Economics estimates a need for at least two sites of 100+ acres meeting serviceability requirements for data center or large manufacturing users, and at least one additional site of 50+ acres.” Johnson Economics also states on page 41 the following, “...this does not address the more specific site needs from specific categories of employment land users. Some of the forecasted growth includes employers who may have specific site needs and preferences that are not reflected in the available buildable inventory,

even though *in total* the available parcels sum to a significant amount. In particular, there is forecasted demand for more suitable large-lot industrial sites while relatively few of these sites were found in the inventory.” The Johnson Economics provided Economic Opportunities Analysis, while using acreage ranges to discuss needs, does acknowledge that needs for large lots over 100 acres might easily mean upwards of 200 acres for any single user. Examples are a data center request at more than 120 acres and the Walmart Distribution Center at 190 acres. This would also be applicable to the range of 50 to 99.9 acres which could result in users needing 65 acres or 92 acres, an example being the FedEx freight distribution facility at 62.5 acres.

This suite of applications seeks to add 450 acres to the industrial land inventory for the City of Umatilla, meeting this need with the ability to also meet future needs for smaller lot or clustered industrial development which is also identified as a need. The Johnson Economics report on page 45 states the following about small lots, “There is also a projected need from small industrial firms for smaller sites. It is also common for these types of users to also be accommodated in multi-tenant industrial buildings on larger sites.”

The zone change component of this suite of applications does propose to rezone approximately 300 acres from Residential to Industrial. In 2019 the City of Umatilla completed a Goal 10 update that included a buildable lands inventory and a Housing Strategies Report (2019) that indicates an overabundance of residential land. Removal of 300 acres of residential land from the inventory does not negatively impact the land supply for residential development in the 20-year planning period, leaving a continuing surplus of approximately 750 acres.

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.

Oregon Administrative Rule Chapter 660 Division 24 Section 0020 Adoption or Amendment of a UGB identifies which Statewide Planning Goals and related administrative rules are applicable. The following are considered:

(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

Applicants Response: Based on the provisions outlined here no exceptions to any of the Statewide Planning Goals are necessary. Later analyzed are additional Division 24 requirements meeting current planning requirements for an urban growth boundary expansion.

Conclusion: The City is not claiming a goal exception.

(b) Goals 3 and 4 are not applicable;

Applicants Response: The applicant is relying on the Economic Opportunities Analysis (October

2019) which utilizes Oregon Administrative Rule Chapter 660 Division 24. This allows for an application to expand the urban growth boundary without an exception to Goal 3 Agricultural Land. The land under consideration for this urban growth boundary expansion is zoned Exclusive Farm Use and is currently inventoried in Umatilla County as part of Goal 3 protected lands. This action would remove approximately 150 acres from that inventory, adding it to the City of Umatilla urban growth boundary and city limits (by way of the included annexation application if approved).

Conclusion: Expansion of the urban growth boundary is allowed without an exception to State Goal 3 by way of Oregon Administrative Rule Chapter 660 Division 24. Goal 4 is not applicable as there are no Forest Lands found in or surrounding the City of Umatilla.

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

Applicants Response: The applicant, based on conversations with City of Umatilla staff, is not aware of or has identified any Goal 5 resources within the subject property for either the urban growth boundary expansion and associated annexation or within the area proposed to be zoned or rezoned to Light Industrial.

Conclusion: According to the City of Umatilla Comprehensive Plan there are no identified Goal 5 resources on the subject property. The proposed urban growth boundary expansion, associated annexation, and rezone would not affect any known Goal 5 resources.

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

Applicants Response: The included Traffic Impact Analysis finds that the conversion of the residential land to industrial creates a reduction in trips. For the land that is subject to the urban growth boundary expansion and annexation, approximately 150 acres, there would be an increase in traffic over current Exclusive Farm Use zoning. That increase is consumed by the change in zoning of nearly 300 acres with a decrease in total daily trips. Transportation impacts are further analyzed later in this narrative and are evaluated in the included Traffic Impact Analysis.

Conclusion: A decrease in total daily trips is the net result from all three applications. Transportation impacts are further analyzed later in this narrative.

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

Applicants Response: The City of Umatilla is not within the Willamette River Greenway Boundary. Goal 15 is not considered here or elsewhere in this narrative.

Conclusion: The City of Umatilla is not within the Willamette River Greenway Boundary. Goal 15 is not applicable.

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

Applicants Response: The City of Umatilla is not within a coastal shorelands boundary. Goals 16 through 18 are not considered here or elsewhere in this narrative.

Conclusion: The City of Umatilla is not within a coastal shorelands boundary. Goals 16 through 18 are not applicable.

(g) Goal 19 is not applicable to a UGB amendment.

Applicants Response: Goal 19 is not considered here or elsewhere in this narrative.

Conclusion: Goal 19 is not applicable.

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

Applicants Response: Maps are included as part of the application package. The area subject to the urban growth boundary expansion (and related annexation) is the portion of Tax Lot 1400 of Assessor's Map 5N28C that is outside of the current urban growth boundary and city limit line. Also included is Tax Lot 6601 of Assessor's Map 5N28C. The acreage of the urban growth boundary expansion is approximately 150 acres. The Powerline Road right-of-way is also included in the urban growth boundary expansion to facilitate the future transfer of the portion of the Road from Umatilla County to the City of Umatilla.

Conclusion: The maps included in the application package clearly show the intention of the application. They are all at a scale sufficient to determine which particular lots or parcels are included in the UGB and subsequent applications.

Applicants Note: As part of the Economic Opportunities Analysis, Johnson Economics evaluated Oregon Administrative Rule Chapter 660 Division 24 Section 0040 Land Need and Section 0050 Land Inventory and Response to Deficiency. See pages 28 through 36 of the Economic Opportunities Analysis for evaluation and analysis of these two sections of OAR 660 Division 24.

Oregon Administrative Rule Chapter 660 Division 24 Section 0065 Establishment of Study Area to Evaluate Land for Including in the UGB is a continuation of the work embodied in the included Economic Opportunities Analysis which determines a need for large lot industrial opportunities. As part of the Economic Opportunities Analysis, Johnson Economics evaluated Oregon Administrative Rule Chapter 660 Division 24 Section 0040 Land Need and Section 0050 Land Inventory and Response to Deficiency. Section 0065 is reviewed here:

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a “study area” established pursuant to this rule. To establish the study area, the city must first identify a “preliminary study area” which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city’s acknowledged urban reserve, if any;

Applicants Response: The City of Umatilla does not have an acknowledged urban reserve. This is not applicable.

Conclusion: The City of Umatilla does not have an acknowledged urban reserve. This is not applicable.

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

Applicants Response: The applicant, working with City staff, originally identified three sites to evaluate as alternatives to the subject property. These three Sites along with the subject property are identified on maps included with this application package.

Based on comment from the Department of Land Conservation and Development additional lands have been included and are identified in the tables below. The three alternative sites that are most fully analyzed are: 1) land to the east of the Port of Umatilla development and north of Highway 730 along the banks of the Columbia River (Site 1), 2) land east and south of the Port of Umatilla and both north and south of Highway 730 (Site 2), and 3) land to the south of the City of Umatilla between Highway 395 and Interstate 82 (Site 3). The subject property is along Powerline Road to the south of the City of Umatilla. It should be noted that to the north of the City of Umatilla is the Columbia River and the State of Washington thereby restricting expansion and development.

The following sites are within the city limits and over 90 acres:

Tax Account #	Map & tax lot	OWNER	Acreage	Current Use
133088	5N28210000200	AMAZON DATA SERVICES INC	178.2	Data Center
135855	5N29B00000600	PORT OF UMATILLA	161.36	Empty land
135832	5N28A00000101	OREGON DEPT OF CORRECTIONS	268.15	Prison

<u>124632</u>	<u>5N28C0000140</u> <u>0</u>	<u>CLEAVER LAND, LLC</u>	214	Subject Property
<u>124632</u>	<u>5N28C0000140</u> <u>0</u>	<u>CLEAVER LAND, LLC</u>	106.34	Subject Property

Based on discussion with City of Umatilla staff the Amazon data center site is under development, the Port of Umatilla property is under consideration for development at the time of application, and the Oregon Department of Corrections property, while partially vacant, is considered unavailable for development. The property owned by Cleaver Land is the subject property.

The following sites are within the study area and are generally over 90 acres:

Tax Account #	Map & tax lot	OWNER	Acreage	Current Use
128455	5N28C00001300	TOPAZ LAND INC	635.74	Agriculture
129006	5N27000000401	N & C LAND LLC	432.44	Agriculture
124666	5N28C00006701	TOPAZ LAND INC	319.89	Agriculture
128459	5N28C00001401	TOPAZ LAND INC	155.45	Agriculture
158438	5N28330000200	BROKEN SPUR RANCH LLC	106.56	Agriculture
133096	5N28C00001200	TOPAZ LAND INC	595.5	Agriculture
129011	5N27000000501	N & C LAND LLC	594.29	Agriculture
148171	5N28C00001404	BROKEN SPUR RANCH LLC	135.4	Agriculture
127025	5N29B00000203	DEPT OF INTERIOR BIA	713.88	Federal Land
150061	5N29B00000601	USA Site 2	479.15	Federal Land
133108	5N28230000100	DEPT OF INTERIOR BIA Site 2	318	Federal Land
126982	5N28240000100	DEPT OF INTERIOR BIA Site 2	200.59	Federal Land
127030	5N29B00000301	OREGON DEPT FISH & WILDLIFE	160	State Land
135854	5N29B00000400	USA	102.31	Federal Land
136210	5N2828C000200	USA	95.76	Federal Land
126980	5N28A00001300	DEPT OF INTERIOR BIA Site 2	465.36	Federal Land
136246	5N28A00000400	USA	659.59	Federal Land
136258	5N28090000100	USA	256.17	Federal Land
127039	5N29B00000500	USA (TRS) Site 1	195.23	Federal Land
135814	5N28A00000100	USA	134.98	Federal Land
136249	5N28140001600	USA	105.21	Federal Land
136324	5N28180000601	USA	95.1	Federal Land
136228	5N27130001001	USA	90.82	Federal Land
136211	5N2828A000100	USA (BLM) Site 3	77.43	Federal Land

137707	5N2828D000100	USA (BLM) Site 3	77.27	Federal Land
<u>124632</u>	<u>5N28C00001400</u>	<u>CLEAVER LAND, LLC</u>	214	Subject Property
<u>124632</u>	<u>5N28C00001400</u>	<u>CLEAVER LAND, LLC</u>	106.34	Subject Property

Many of the parcels identified as Agricultural land are west of Powerline Road with better growth characteristics so have not been included for consideration. Most are captured within the study area having just a small portion of their acreage included. Two of the Agricultural parcels (Broken Spur) are situated in a location that make access difficult for industrial development.

Site 1 is Federal land under the management of the Confederated Tribes of the Umatilla Indian Reservation and is identified for future tribal uses with a Goal 11 exception in place. As Federal land it is not subject to Oregon’s statewide planning program and is not available to the City to direct economic opportunity. While the City of Umatilla would encourage economic opportunity to occur on this property it is unavailable for current inclusion in any inventory.

The McNary Dam and its associated Federal land holdings make up a large expanse of parks and natural areas. These areas would not be available for economic development opportunities. Site 2 lands are in Federal ownership, most under the purview of the Bureau of Indian Affairs. These properties are also protected in a partnership between the Confederated Tribes of the Umatilla Indian Reservation and the Bonneville Power Administration managed as the Wanaket Wildlife Mitigation Area (see attachment). There are also significant wetlands in this area, a portion identified within the Goal 5 inventory of Umatilla County.

There are two parcels in Federal ownership, managed by the Bureau of Land Management, identified as Site 3. Previous use of a portion of this land was a landfill operated many years ago and subsequently closed. Total acreage of the two parcels equals approximately 154 acres, driving its inclusion as an alternative Site.

Conclusion: Three alternative locations have been determined and evaluated. The three alternative areas are 1) land to the east of the Port of Umatilla development and north of Highway 730 along the banks of the Columbia River (site 1), 2) land east and south of the Port of Umatilla and both north and south of Highway 730 (site 2), and 3) land to the south of the City of Umatilla between Highway 395 and Interstate 82 (site 3). The City finds the subject property along Powerline Road to the south of the City of Umatilla to be the most viable location.

(2) A city that initiated the evaluation or amendment of its UGB prior to January 1, 2016, may choose to identify a preliminary study area applying the standard in this section rather than section (1). For such cities, the preliminary study area shall consist of:

- (a) All land adjacent to the acknowledged UGB, including all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency, and
- (b) All land in the city’s acknowledged urban reserve established under OAR chapter 660, division 21, if applicable.

Applicants Response: It is after January 1, 2016, making this provision not available.

Conclusion: It is after January 1, 2016, making this provision not available.

(3) When the primary purpose for expansion of the UGB is to accommodate a particular industrial use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics, and the site characteristics may be found in only a small number of locations, the preliminary study area may be limited to those locations within the distance described in section (1) or (2), whichever is appropriate, that have or could be improved to provide the required site characteristics. For purposes of this section:

(a) The definition of “site characteristics” in OAR 660-009-0005(11) applies for purposes of identifying a particular industrial use.

(b) A “public facility” may include a facility necessary for public sewer, water, storm water, transportation, parks, schools, or fire protection. Site characteristics may include but are not limited to size, topography and proximity.

Applicants Response: This application is specifically designed to identify opportunities for large lot industrial development. While no specific industrial or public facility is identified, the Economic Opportunities Analysis calls out several industry clusters with this application focusing on data centers, light industrial manufacturing, and warehousing opportunities that require 50-100 acres or more than 100 acres. Based on this requirement, at least one of the alternative sites falls out of consideration as it does not have enough land to meet the total identified need – the site south of the City of Umatilla and west of Highway 395 (site 3).

Conclusion: Site 3 which is land to the south of the City of Umatilla between Highway 395 and Interstate 82, does not have enough acreage to meet the needed lot sizes as identified in the EOA, Site 3 is not considered a viable option.

(4) The city may exclude land from the preliminary study area if it determines that:

(a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446;

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

(ii) Core habitat for Greater Sage Grouse; or

- (iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;
- (B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;
- (C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;
- (D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;
- (E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;
- (F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;
- (G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;
- (d) The land is owned by the federal government and managed primarily for rural uses.

Applicants Response: The alternative location (Site 2) east of the City of Umatilla lying both north and south of Highway 730 has significant wetlands with a portion specifically called out and protected within the Umatilla County Comprehensive Plan. Protection of wetlands and any required mitigation severely limit this site for development of large lot industrial activity, a primary objective of this application. Additionally, much of this area is also managed jointly between the Confederated Tribes of the Umatilla Indian Reservation and the Bonneville Power Administration as the Wanaket Wildlife Mitigation Area negatively impacting its availability for economic opportunity development.

The area east of the Port of Umatilla along the banks of the Columbia River (Site 1) does have an adopted Goal 11 exception which could be seen as making this an ideal location for large lot expansion. Current ownership is the primary factor in removing it from consideration as it is currently under Federal ownership and managed by the Confederated Tribes of the Umatilla Indian Reservation, is not subject to local land use authority or the statewide planning program, and is not available for development generally.

Conclusion: Due to the wetlands that are inventoried on the National Wetland Inventory as well as in the Umatilla County's Comprehensive plan found on Site 2, this alternative location becomes impracticable and not viable. Site 3 is currently owned and managed by the Confederated Tribes of the Umatilla Indian Reservation. While the City supports development on the CTUIR property, it is not subject to local land use authority or the state-wide planning goals. The City would have no authority to ensure the land was maintained or developed to meet the City's need for large lot industrial sites.

(5) After excluding land from the preliminary study area under section (4), the city must adjust the area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed for the deficiency determined under OAR 660-024-0050(4) or, if applicable, twice the particular land need described in section (3). Such adjustment shall be made by expanding the distance specified under the applicable section (1) or (2) and applying section (4) to the expanded area.

Applicants Response: The table above identifies significant lands that have been considered. Much of the agricultural land has been excluded to not impact the local agricultural economy. The subject property (the approximate 150-acre urban growth boundary expansion), when combined with the other property that is part of the change in zoning request (approximately 300 acres), does accommodate the identified need as stated in the Economic Opportunities Analysis. The need is identified as two parcels in the range of 50 to 99.9 acres and a third parcel at over 100 acres. Given regional development trends that need could easily consume up to if not more than the 450 identified acres.

Conclusion: Given regional development trends that need could easily consume up to if not more than the 450 identified acres.

(6) For purposes of evaluating the priority of land under OAR 660-024-0067, the “study area” shall consist of all land that remains in the preliminary study area described in section (1), (2) or (3) of this rule after adjustments to the area based on sections (4) and (5), provided that when a purpose of the UGB expansion is to accommodate a public park need, the city must also consider whether land excluded under subsection (4)(a) through (c) of this rule can reasonably accommodate the park use.

Applicants Response: Parks are not a part of this application.

Conclusion: Parks are not a part of this application.

(7) For purposes of subsection (4)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:

(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater, provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(b) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city’s determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

(B) The likely cost of facilities and services; and,

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

(c) As used in this section, “impediments to service provision” may include but are not limited to:

(A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;

(B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;

(C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;

(D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject to protection measures under the plan or implementing regulations, or on a

published state or federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.

Applicants Response: The City of Umatilla had J-U-B Engineers complete an Umatilla Industrial Area Utility Technical Memorandum (dated March 2020) which states that the subject property, including the area that would be subject to the change in zoning, can be served with water, wastewater and industrial wastewater. While there is slope on the subject property it is limited to the eastern edge, sloping down to Interstate 82. Most of the property, particularly the frontage along Powerline Road, is reasonably flat.

Conclusion: The City of Umatilla had J-U-B Engineers complete an Umatilla Industrial Area Utility Technical Memorandum (March 2020) which states that the subject property, including the area that would be subject to the change in zoning, can be served with water, wastewater and industrial wastewater. According to the UTM, the subject property has been deemed viable to be served with water, wastewater and industrial wastewater.

(8) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-024-0067(1)(d).

Applicants Response: Current development patterns were not a consideration in the application process. The three alternative Sites are currently bare. Development east of Umatilla, which includes alternative Sites 1 and 2, consists of significant land in Federal ownership, current economic development within the Port of Umatilla, various agricultural activities, and land maintained for habitat values. The alternative Site 3 south of Umatilla was deemed too small to meet the need, is in Federal ownership, and is configured long and narrow, which could be a hinderance to larger lot development opportunities.

Conclusion: Development patterns were not applicable to the three alternative sites, as they are currently bare.

(9) Notwithstanding OAR 660-024-0050(4) and section (1) of this rule, except during periodic review or other legislative review of the UGB, the city may approve an application under ORS 197.610 to 197.625 for a UGB amendment to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

Applicants Response: This application is not a part of the City of Umatilla's periodic review. It is submitted to meet a specific need of large lot industrial land as outlined in the Economic Opportunities Analysis that is included as part of the application. The amount of land included in the urban growth boundary expansion (150 acres), when coupled with the land in the associated change of zoning request (300 acres), meets the stated need for large lot industrial land within the Economic Opportunities Analysis

Conclusion: Neither periodic review or other legislative review of the UGB is being conducted. Filling the need of large lot industrial land highlighted by the Economic Opportunities Analysis is

the purpose of this application. As addressed above the subject property is large enough to satisfy the land need deficiency as determined under OAR 660-024-0050(4).

Oregon Administrative Rule 660 Division 24 Section 0067 Evaluation of Land in the Study Area for Inclusion in the UGB continues this analysis.

- (1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows
- (a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.
- (b) If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied, except as provided in OAR 660-024-0065(9).
- (c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.
- (d) In evaluating the sufficiency of land to satisfy a need under this section, the city may use the factors identified in sections (5) and (6) of this rule to reduce the forecast development capacity of the land to meet the need.
- (e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-024-0050 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

Applicants Response: This application is focused on an urban growth boundary amendment for large lot industrial development. This need was identified in the attached Economic Opportunities Analysis completed for the City of Umatilla in October 2019. The requirements of OAR 660-024-0065 are addressed above. The alternative sites identified in the section above where shown to have limitations removing them from consideration. The subject site meets the identified need for two sites between 50 and 99.9 acres and a third site over 100 acres. When regional patterns are considered for development patterns that need could easily be 450 acres.

Conclusion: The lack of large lot industrial parcels as identified in the Economic Opportunities Analysis can be met by the submitted applications. The requirements of OAR 660-024-0065 are addressed above. The subject site meets the identified need for 250+ acres of large lot industrial land as outlined in the Economic Opportunities Analysis. The subject property for inclusion and rezoning totals 450+/- acres.

(2) Priority of Land for inclusion in a UGB:

(a) First Priority is urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an

acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.

Applicants Response: The City of Umatilla does not have any urban reserves; no lands with an acknowledged exception are available (the parcel with the Goal 11 exception is owned or managed by the Confederated Tribes of the Umatilla Indian Reservation, is not subject to local land use authority, and is not available for development to meet current needs); and no other non-resource land has been identified as being available or of sufficient size to meet the identified need.

Conclusion: While technically Site 3 would meet the priority of land for inclusion, The City would have no authority to ensure the land was maintained or developed to meet the city's need for large lot industrial sites. Due to that exclusion, no other non-resource land has been identified as being available or of sufficient size to meet the identified need.

(b) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

Applicants Response: There are no designated marginal lands within Umatilla County.

Conclusion: There are no designated marginal lands within Umatilla County.

(c) Third Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan and that is not predominantly high-value farmland as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

Applicants Response: There are no Goal 4 or Forest Lands adjacent to the City of Umatilla. Already excluded are areas with wetlands and an area not of sufficient size to accommodate the need. The subject area is comprised of Class VIIe Soils if not irrigated. Specifically, the soils are Burbank loamy fine sand with 0 to 5 percent slopes for the area to the west and Quincy loamy fine sand with 5 to 25 percent slopes for the area to the east. The lands are not considered prime or unique.

Conclusion: As there are no Goal 4 or Forest Lands adjacent to the City of Umatilla and the subject property has no high-value farmland or prime or unique soils, the subject property is considered a suitable area for UGB expansion.

(d) Fourth Priority is agricultural land that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless

there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

Applicants Response: The land is not identified as high-value farmland, nor is it prime or unique. The approximate 150 acres identified for inclusion within the urban growth boundary is currently farmed with only about half under pivot irrigation. The balance is scrub land, unavailable based on the shape of the ownership and layout options for pivot irrigation. The most easterly portion of the property slopes down to Interstate 82.

Conclusion: The Subject property is not made up of prime or unique land as defined by the USDA NRCS.

(3) Notwithstanding section (2)(c) or (d) of this rule, land that would otherwise be excluded from a UGB may be included if:

(a) The land contains a small amount of third or fourth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or

(b) The land contains a small amount of third or fourth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

Applicants Response: This action does not seek to connect an area nor is it surrounded by land of higher priority. This action seeks to add approximately 150 acres to the urban growth boundary of which about half is under circle pivot irrigation, the balance scrub land not available for irrigation based on the shape and layout of the ownership. None of the land is prime or unique.

Conclusion: The above standards do not apply to the subject property.

(4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule,

(a) Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;

(b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;

(c) Notwithstanding subsection (4)(a), if a city initiated the evaluation or amendment of its UGB prior to January 1, 2016, and if the analysis involves more than one lot or parcel or area within a particular priority category for which circumstances are reasonably similar, these lots, parcels and areas may be considered and evaluated as a single group;

(d) When determining whether the land is predominantly high-value farmland, or predominantly prime or unique, “predominantly” means more than 50 percent.

Applicants Response: The land is not identified as high-value farmland, nor is it prime or

unique. This action seeks to add approximately 150 acres to the urban growth boundary of which about half is under circle pivot irrigation, the balance scrub land not available for irrigation based on the shape and layout of the ownership.

Conclusion: The above standards do not apply to the subject property.

(5) With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is “suitable” to satisfy a need deficiency identified in OAR 660-024-0050(4) unless it demonstrates that the land cannot satisfy the specified need based on one or more of the conditions described in subsections (a) through (g) of this section:

(a) Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified employment need; as follows:

(A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or

(B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.

(b) The land would qualify for exclusion from the preliminary study area under the factors in OAR 660-024-0065(4) but the city declined to exclude it pending more detailed analysis.

(c) The land is, or will be upon inclusion in the UGB, subject to natural resources protections under Statewide Planning Goal 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.

(d) With respect to needed industrial uses only, the land is over 10 percent slope, or is an existing lot or parcel that is smaller than 5 acres in size, or both. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals.

(e) With respect to a particular industrial use or particular public facility use described in OAR 660-024-0065(3), the land does not have, and cannot be improved to provide, one or more of the required specific site characteristics.

(f) The land is subject to a conservation easement described in ORS 271.715 that prohibits urban development.

(g) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:

(A) Public park, church, school, or cemetery, or

(B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan.

Applicants Response: None of the alternative sites have been parcelized. The alternative site east of the City of Umatilla lying both north and south of Highway 730 (site 2) has significant wetlands, some identified within the Umatilla County Comprehensive Plan, that would be subject to development restrictions limiting opportunities for large lot industrial development. The alternative site south of the City of Umatilla and west of Highway 395 (site 3) is about 160 acres, long and narrow, which could limit large lot development and not of sufficient size to fulfill the need as identified within the Economic Opportunities Analysis. The subject site is of a size and shape to meet the needs as outlined in the Economic Opportunities Analysis.

Conclusion: Due to wetlands on site 2 and the lot sizes and shapes of site 3, the subject site is the only one that is a size and shape to meet the needs as outlined in the Economic Opportunities Analysis.

- (6) For vacant or partially vacant lands added to the UGB to provide for residential uses:
- (a) Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.
- (b) In any subsequent review of a UGB pursuant to this division, the city may use a development assumption for land described in subsection (a) of this section for a period of up to 14 years from the date the lands were added to the UGB.

Applicants Response: This is not applicable as the intent is to create opportunities for large lot industrial uses.

Conclusion: This is not applicable as the intent is to create opportunities for the identified need for large lot industrial uses.

- (7) Pursuant to subsection (1)(c), if the amount of suitable land in a particular priority category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by first applying the boundary location factors of Goal 14 and then applying applicable criteria in the acknowledged comprehensive plan and land use regulations acknowledged prior to initiation of the UGB evaluation or amendment. The city may not apply local comprehensive plan criteria that contradict the requirements of the boundary location factors of Goal 14. The boundary location factors are not independent criteria; when the factors are applied to compare alternative boundary locations and to determine the UGB location the city must show that it considered and balanced all the factors. The criteria in this section may not be used to select lands designated for agriculture or forest use that have higher land capability or cubic foot site class, as applicable, ahead of lands that have lower capability or cubic foot site class.

Applicants Response: No forest lands are being considered. The land classification of the subject area is Class VIIe, not high-value, prime or unique. The applicant would assert that the subject site balances the need for industrial land against other land needs.

Conclusion: No forest lands are being considered. The land classification of the subject area is Class VIIe, not high-value, prime or unique. The subject site balances the need for industrial land against other land needs.

- (8) The city must apply the boundary location factors of Goal 14 in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. “Coordination” includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

Applicants Response: The Oregon Department of Transportation was contacted early in the application process. The applicant anticipates that both the Oregon Department of Fish and Wildlife and Department of State Lands will be provided notice of the required public hearings to consider this application. The Department of Land Conservation and Development has been

involved through pre-application contact and meetings.

Conclusion: The City of Umatilla noticed the above agencies on August 4, 2020.

(9) In applying Goal 14 Boundary Location Factor 2 to evaluate alternative locations under section (7), the city must compare relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. For purposes of this section, the term “public facilities and services” means water, sanitary sewer, storm water management, and transportation facilities. The evaluation and comparison under Boundary Location Factor 2 must consider:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and
- (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Applicants Response: An Umatilla Industrial Area Utility Technical Memorandum was completed for the subject area concluding that public services can be reasonably provided. That memorandum evaluated water, wastewater, industrial process water, and the option of irrigation water. Also evaluated was how a connection to the Umatilla Army Depot reuse areas could create efficiencies and synergies. No other area was evaluated as they were eliminated from consideration for the reasons discussed above.

Conclusion: The Utility Technical Memorandum states that water, wastewater, industrial wastewater can be reasonably provided to the subject property. No other area was evaluated as they were eliminated from consideration for the reasons discussed above.

(10) The adopted findings for UGB amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis.

Applicants Response: Please see the included Study Area map.

Conclusion: Please see the included Study Area map.

Oregon Administrative Rule Chapter 660 Division 12 Section 0060 governs Plan and Land Use Regulation Amendments.

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or
(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Applicants Response: As part of the application process the City of Umatilla accomplished a Traffic Impact Analysis (TIA), completed by J-U-B Engineers and dated May 2020. The TIA comes to several conclusions, summarized on page 17 of the Analysis, concerning the function of Powerline Road as well as its connection to both Interstate 82 and Highway 730. The effect of the urban growth boundary expansion and annexation, when coupled with the change in zoning, results in a net reduction in daily traffic including the pm peak hour (this is further discussed on page 7 of the TIA). The analysis does conclude there will be impacts to intersections at the Interstate 82 Interchange and the intersection with Highway 730. For this particular criterion the applicant would assert that the TIA provides evidence that Powerline Road along the frontage of the subject property does not require a change in functional classification or the standards to implement the functional classification, and in fact results in a lower pm peak hour by nearly 800 trips in 2040.

Comment has been received from the Oregon Department of Transportation dated August 21, 2020, and signed by Marilyn Holt, District 12 Manager (see attached letter). The letter provides the following guidance to the City of Umatilla, “Page 17 of the TIA identifies the intersection of Powerline Road/US 730 will need a higher level of traffic control such as a traffic signal or roundabout. Also, both a southbound right-turn lane at the southbound Interstate-82 ramps and a southbound left-turn will be needed at the Interstate-82 northbound ramp. Accordingly to reflect long-term changes with appropriate improvements, balancing access and circulation management require context sensitive designs to respond to growth. As this area urbanizes, frontage improvement, such as transit facilities, curb, sidewalk, crosswalk ramps(s), bikeways and street standards should be constructed as necessary to provide travel choices and to be consistent with the City’s Transportation System Plan (TSP) and ADA standards. ODOT recommends these elements should be addressed with emphasis on development contributing to implement the improvements that may be necessary to provide safe and acceptable Levels of Service in order to meet City and ODOT standards.” The applicant addresses these items in other locations within this narrative stating that City of Umatilla development standards, including requirements within the Transportation System Plan, would be applicable at the time of development, requiring many of these development components to be installed. There is also discussion within this narrative that connections to the recently adopted trails system within the City of Umatilla is possible with

this development as it occurs over time. Residential development that has been occurring north of this location within the city limits has required developers to install curb, gutter and sidewalks along with widening of Powerline Road. It is anticipated that the City would require similar installations as part of any industrial development on the subject property.

Conclusion: The effect of the urban growth boundary expansion and annexation, when coupled with the change in zoning, results in a net reduction in daily traffic including the pm peak hour for the subject property.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

Applicants Response: The TIA identifies that the function along Powerline Road could be improved based on this action. The intersections with both Interstate 82 and Highway 730 do not

fare as well and will need improvements particularly when combined with the assumed background growth along Powerline Road. Specifically, the TIA calls for signalization or a round-about at the Powerline Road and Highway 730 intersection stating that, “The traffic signal would likely be required at about 10 years of background growth and 50% of the site generated trips if the low-cost improvements described above were implemented.”

The TIA also call for work at the Interstate 82 Interchange as follows, “A southbound right turn at the southbound I-82 ramps will be needed at approximately 80% of the background growth and 80% of the industrial development. A southbound left turn will be needed at the I-82 northbound ramps at approximately 33% of the background growth and 33% of the industrial development.”

The applicant would assert that the TIA provides evidence that the proposed urban growth boundary expansion and annexation along with the change in zoning would not significantly impact the identified function, capacity, and performance of Powerline Road. There will be impacts to the intersections with both Interstate 82 and Highway 730 at a future point in time based on both background growth and development of the proposed industrial area. The applicant expects to work with the City and other transportation providers to assure that necessary projects are identified for inclusion in the City and County Transportation System Plans. Funding for those projects could be secured through system development charges on industrial projects on the subject site.

Conclusion: The TIA provides evidence that the proposed urban growth boundary expansion and annexation along with the change in zoning would not significantly impact the identified function, capacity, and performance of Powerline Road. There will be impacts to the intersections with both Interstate 82 and Highway 730 at a future point in time based on both background growth and development of the proposed industrial area. Funding for those projects could be secured through system development charges on industrial projects on the subject site.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT

reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

Applicants Response: The portion of Powerline Road that fronts the subject property is a paved county road, is not a state highway, nor is it within an interchange area or within an area with an adopted Interchange Area Management Plan. Based on the TIA the applicant would assert that Powerline Road is not significantly impacted by the urban growth boundary expansion and annexation, with the change in zoning providing a lower pm peak hour improving the future function of Powerline Road. The applicant does acknowledge the future impacts to the intersections of Powerline Road with both Interstate-82 and Highway 730. See the included comment letter from the Oregon Department of Transportation, dated August 21, 2020, and signed by Marilyn Holt, District 12 Manager.

Conclusion: Powerline Road is not significantly impacted by the urban growth boundary expansion and annexation. Future development will have impacts to the intersections on powerline road, these will be addressed at time of development.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or

local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Applicants Response: The subject area proposed for inclusion within the City of Umatilla urban growth boundary and city limits, and the larger project area proposed for a change in Zoning to Light Industrial, are located north approximately one-half mile of the Powerline Road interchange on Interstate 82. There is no adopted Interchange Area Management Plan and no corresponding interchange area that has been applied.

The portion of Powerline Road fronting the subject property is an Umatilla County paved road (City if annexation approved). Based on the Joint Management Agreement between Umatilla County and the City of Umatilla a portion of Powerline Road has been transferred from the County to the City. Both Umatilla County and City of Umatilla transportation standards are discussed more fully later in this narrative.

The applicant asserts that the TIA provides evidence that the impacts to Powerline Road are an improvement to the pm peak hour. The applicant also asserts that the proposed changes are at least one-half mile from the Interstate-82 Interchange.

Conclusion: There is no adopted Interchange Area Management Plan and no corresponding interchange area that has been applied. The proposed changes are at least one-half mile from the Interstate-82 Interchange. Upon approval of UGB expansion, the portion of powerline road adjacent to the subject property will be subject to City of Umatilla transportation standards.

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

Applicants Response: This is not an application to allow industrial development on rural lands, but an application package seeking an expansion of the City of Umatilla urban growth boundary and annexation along with an associated application requesting a change in Zoning to Light Industrial. While the Powerline Road Interchange on Interstate 82 is a beneficial transportation improvement, it is not the sole or primary reason for these applications.

Conclusion: This application package is to expand the City of Umatilla urban growth boundary to allow for more large lot industrial parcels. This application is not to allow industrial development on rural lands.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these

rule requirements at the time of development approval; and
(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

Applicants Response: The proposed uses are industrial in nature – data centers, light manufacturing and warehousing – with traffic impacts addressed in the Traffic Impact Study for these activities. The growth of residential activity to the north of the subject property does include development of sidewalks and bicycle facilities along Powerline Road that could be connected to the proposed industrial area, creating a pedestrian and bicycle connection to the commercial and downtown area of the City of Umatilla. It is not known what the potential is for workers within the industrial area to either walk or bicycle to work, but that potential does exist and should be acknowledged. The proposed development can be connected to Powerline Road and the trail network that has been adopted by the City of Umatilla.

Conclusion: The proposed development can be connected to Powerline Road and the trail network that has been adopted by the City of Umatilla. Bike and pedestrian standards will be enforced at the time of development.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan, the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

Applicants Response: This request is proposed to result in land designated Light Industrial, the City of Umatilla has an adopted Transportation System Plan and the Traffic Impact Analysis determined that there is a reduction in pm peak hour traffic. The applicant asserts that this criterion would not be applicable to this action.

Conclusion: Due to the adopted TSP and provided TIA, this criterion is not applicable.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Applicants Response: This proposal, if approved, will result in an industrial area Zoned Light Industrial. It is not proposed as a mixed-use area but could connect to the sidewalk or bicycle paths that are being incorporated along Powerline Road as the residential areas develop. As discussed above connections to the adopted pedestrian and bicycle network can be achieved to allow for industrial workers to walk or bike to work or to the downtown area of Umatilla. There may also be opportunity for future transit connections to the working Kayak system or other transit systems that may be developed.

Conclusion: The proposed subject property is not a mixed-use area. There is potential for alternative modes of transportation to future development on the property through use of walking, biking or public transit such as the CTUIR Kayak.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Applicants Response: This application addresses transportation impacts because these factors cannot be met.

Conclusion: This application addresses transportation impacts because these factors cannot be met.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements

(e.g. count on-street parking, allow long-term leases, allow shared parking); and
(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

Applicants Response: This proposal is not for a development that would meet the requirements of the MMA. It is for an urban growth boundary expansion and associated change in zoning to Light Industrial.

Conclusion: This application is not subject to requirements of the MMA.

(11) A local government may approve an amendment with partial mitigation as provided in

section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in

ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Applicants Response: This request is for the expansion of the City of Umatilla urban growth boundary with an associated request to change the Zoning on the subject property to Light Industrial. Should the City of Umatilla wish to pursue the provisions of this criterion the applicant would be willing to participate. The applicant would assert that the economic benefits of this proposal do outweigh the negative impacts of any transportation impacts that are outlined in the TIA.

Conclusion: Due to the fact that the proposed economic benefits of this application outweigh the negative impacts of transportation impacts. Staff recommendation is to not pursue the provisions of this criterion.

The Umatilla County Comprehensive Plan, Transportation System Plan and Development Code are applicable, specifically Comprehensive Plan Findings and Policies 2, 9 and 25, Transportation System Plan Goals 1 and 3, and Development Code provisions found at 152.019 Traffic Impact Study.

Umatilla County Comprehensive Plan Chapter 15. TRANSPORTATION

All segments of Umatilla County's economy depend on the County's transportation network for movement inside County borders and to markets outside of the area. Fortunately, the County and particularly the developing West County has access to five modes of transportation. Interstate and state highways flow east-west and north-south in the County. The Port of Umatilla provides commercial freight use of the Columbia River. Railroad lines including Union Pacific's major switch-yard at Hinkle, bring passenger and freight service to Umatilla County. Two municipal airports make a wide variety of services available to county and regional residents, i.e. agriculture, freight, passenger, business. Natural gas and oil pipelines transport fuel to the county and to other areas. Local traffic between urban areas and highways travels on a fairly extensive county and state roads network. Mass transit is presently limited to long distance commercial bus lines and small fleet bus systems that serves some transportation needs of senior citizens.

The ability of existing services and facilities to serve future regional needs, and the specific requirements necessary to provide balanced forms of transportation for all segments of the county's future population, hinge upon cooperative city/county development of a transportation system plan. A major mechanism insuring this cooperative effort is found within the "Transportation" section of the Joint Management Agreements entered into with all cities of

Umatilla County. A Transportation System Plan will also serve to assist state/federal transportation agencies in setting priorities and planning improvements in their areas of responsibilities.

Applicants Response: The following findings and policies are evaluated to meet Umatilla County Comprehensive Plan requirements.

Conclusion: The following findings and policies are evaluated to meet Umatilla County Comprehensive Plan requirements.

Finding 2. Transportation planning within urban growth boundaries is important to insure adequate transportation facilities in the County.

Policy 2. To facilitate transportation system coordination within urban growth boundaries, the cities' TSPs shall apply within the UGB and shall be co-adopted by the County and addressed in the city/county joint management agreements.

Applicants Response: The Joint Management Agreement between Umatilla County and the City of Umatilla is considered as part of this application. Powerline Road is specifically called out in the Joint Management Agreement. There has been a recent transfer of a portion of Powerline Road from Umatilla County to the City of Umatilla. The portion of Powerline Road adjacent to the subject property is still a paved Umatilla County road.

Conclusion: If approved, Powerline road will be adopted by the City of Umatilla down from HWY 730 to the subject property, and be added to the City's TSP. The County co adopted the City's TSP on December 6th, 1999. The TSP was adopted via County Ordinance #99-07.

Finding 9. Many County and public roads are not constructed to an acceptable County standard, and development is increasing along these roads.

Policy 9. Subdivision of land not on road constructed to County standards or not accepted for maintenance responsibility by the County or state shall not be permitted. A subdivision road shall be public and maintained by a public agency or homeowners association.

Applicants Response: Powerline Road is a paved county road, is classified as a minor collector and is not currently built to that standard. Future development in the subject area would be subject to development standards within the City of Umatilla Zoning Ordinance with appropriate development improvements to Powerline Road with the outcome of bringing the road to the applicable development standard. This will be affected as part of the zone change undertaken by the City of Umatilla once the urban growth boundary expansion is concluded.

Conclusion: Powerline Road is a paved county road, is classified as a minor collector and is not currently built to that standard. Future development in the subject area will be subject to development standards.

Finding 25. The development of I-82 after the County's Comprehensive Plan was acknowledged established new interchanges which could affect the location of industries, commercial

businesses and highway-oriented business.

Policy 25A. Examine interchanges and other potential commercial and industrial locations for appropriateness of development taking into consideration access, sewer and water availability and environmental conditions.

Policy 25B. Identify and evaluate factors limiting development in this area.

Applicants Response: The Interstate 82 Powerline Road interchange offers an opportunity to the City of Umatilla to consider additional uses of land between residential areas and the interchange. This application is to expand the City of Umatilla urban growth boundary to allow for additional industrial land to serve data centers, warehousing and certain low impact manufacturing operations. Earlier analysis evaluated these factors, finding the location to be suitable for an urban growth boundary expansion. The associated proposed change in zoning to Light Industrial is compatible with the Interstate 82 Interchange and the adjacent farm uses to the south. The included Umatilla Industrial Area Utility Technical Memorandum indicates that the City of Umatilla does have the capacity to provide services to this area in support of future industrial uses.

Conclusion: The included Umatilla Industrial Area Utility Technical Memorandum indicates that the City of Umatilla does have the capacity to provide services to this area in support of future industrial uses.

The Umatilla County **Transportation System Plan**'s OVERALL TRANSPORTATION GOAL is "To provide and encourage a safe, convenient, and economic transportation system." Goals 1 and 3 are applicable; the appropriate Objectives are addressed here:

Goal 1 Preserve the function, capacity, level of service, and safety of the local streets, county roads, and state highways.

Objectives

A. Develop access management standards.

F. Develop procedures to minimize impacts to and protect transportation facilities, corridors, or sites during the development review process.

Applicants Response: Upon completion of this urban growth boundary expansion and the zoning of approximately 450 acres for industrial purposes, the City of Umatilla Transportation System Plan and Development Code would be applicable to any development. Those applicable provisions would impose access and development standards meeting this Goal.

Conclusion: Upon approval of the proposed UGB expansion the City of Umatilla's Transportation System Plan and Development Code will be applicable to any development on the subject property. These will fulfil the purposes of this goal.

Goal 3 Improve coordination among the cities of Umatilla County, the Oregon Department of Transportation (ODOT), the US Forest Service (USFS), the Federal Highway Administration (FHWA), and the county.

Objectives

F. Continue to work with cities planning for the county land within their urban growth

boundaries.

Applicants Response: The urban growth boundary expansion process is one of cooperation between Umatilla County and the City of Umatilla. Powerline Road, a paved county road, is identified in the Joint Management Agreement for consideration to transfer to the City of Umatilla, a process that was recently completed for a portion of the road north of the proposed action.

Conclusion: The City of Umatilla planning department has involved and informed Umatilla County planning department in preparation of this application. The urban growth boundary expansion process is one of cooperation between Umatilla County and the City of Umatilla. A portion of Powerline road was transferred to the City on June 2, 2020. The City & County will continue to work together as development occurs within the UGB.

Umatilla County Development Code provisions 152.019 TRAFFIC IMPACT STUDY.

(A) Purpose: The purpose of this section of the code is to implement Section 660- 012-0045(2)(e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to specified land use proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

(B) Applicability: A Traffic Impact Analysis shall be required to be submitted to the County with a land use application, when one or more of the following actions apply:

(1) A change in plan amendment designation; or

Applicants Response: A change in plan amendment designation is requested as part of the urban growth boundary expansion process. A Traffic Impact Analysis is included as part of this application addressing the criteria in these provisions.

Conclusion: A change in plan amendment designation will be completed upon approval. The attached TIA addresses the criteria in these provisions.

(2) The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(a) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the County Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or

(b) An increase in use of adjacent gravel surfaced County roads by vehicles exceeding the 10,000-pound gross vehicle weights by 20 vehicles or more per day; or

(c) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the

property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
(d) A change in internal traffic patterns that may cause safety problems, such as
back up onto the highway or traffic crashes in the approach area; or
(e) Any development proposed within the Umatilla Army Chemical Depot
boundary of the I-82/Lamb Road or I84/Army Depot Access Road Interchange
Area Management Area prior to the completion of near-term improvements
projects (Projects A and B) identified in the I-82/Lamb Road IAMP; or
(f) For development within the I82/US 730 Interchange Area Management Plan
(IAMP) Management Area, the location of the access driveway is inconsistent
with the Access Management Plan in Section 7 of the IAMP; or
(g) For development within the I84/Barnhart Road Interchange Area
Management Plan (IAMP) Management Area.

Applicants Response: The completed Traffic Impact Analysis indicates that proposed development on the subject property would decrease pm peak hour traffic by 800 trips as analyzed against the current residential zoning of most of the rezone subject property (please see the earlier analysis). There are impacts to the intersections with both Interstate-82 and Highway 730 during the planning horizon.

Conclusion: The TIA indicates a decrease of pm peak hour traffic by 800 trips. Impacts to the intersections of I-82 and HWY 730 will be addressed at the time of proposed development.

(C) Traffic Impact Analysis Requirements

(1) Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer.
The Traffic Impact Analysis will be paid for by the applicant.

(2) Transportation Planning Rule Compliance as provided in § 152.751.

(3) Pre-filing Conference. The applicant will meet with the Umatilla County Public
Works Director and Planning Director prior to submitting an application that requires a
Traffic Impact Analysis. The County has the discretion to determine the required
elements of the TIA and the level of analysis expected. The County shall also consult the
Oregon Department of Transportation (ODOT) on analysis requirements when the site of
the proposal is adjacent to or otherwise affects a State roadway.

(4) For development proposed within the Umatilla Army Chemical Depot boundary of the
I-82/Lamb Road or I84/Army Depot Access Road Interchange Area Management Plan
(IAMP) Management Area Prior to the construction and completion of near-term
improvements projects (Projects A and B) identified in the I-82/Lamb Road IAMP, the
following additional submittal requirements may be required:

(a) An analysis of typical average daily vehicle trips using the latest edition of the
Trip Generation Manual, published by the Institute of Transportation Engineers
(ITE) or other data source deemed acceptable by the County Engineer;

(b) A truck and passenger vehicle mode split analysis;

(c) An analysis that shows the traffic conditions of the project at full buildout and
occupancy, assuming the background traffic conditions at the year of expected
completion;

(d) Findings related to the impacts of the proposed development and the need for
Projects A and B to mitigate those impacts. Once Projects A and B have been
completed, this Section 4 will no longer apply to new development.

Applicants Response: The included Traffic Impact Analysis, dated May 2020, was completed by J-U-B Engineers, meeting the credential requirements. Umatilla County Development Code provisions at 152.751 are met as this application addresses the transportation requirements in the Umatilla County Comprehensive Plan, Transportation System Plan, and Development Code. Coordination with Umatilla County and the Oregon Department of Transportation was accomplished through consultation with City of Umatilla staff; in-person meetings were limited due to the COVID-19 pandemic.

Conclusion: The TIA meets and addresses the above criterion.

(D) Approval Criteria: When a Traffic Impact Analysis is required; approval of the proposal requires satisfaction of the following criteria:

(1) Traffic Impact Analysis was prepared by an Oregon Registered Professional Engineer qualified to perform traffic engineering analysis;

(2) If the proposed action shall cause a significant effect pursuant to the Transportation Planning Rule, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the County's Level-of-Service and/or Volume/Capacity standards and are satisfactory to the County Engineer, and ODOT when applicable; and

(3) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(a) Have the least negative impact on all applicable transportation facilities;

(b) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;

(c) Make the most efficient use of land and public facilities as practicable;

(d) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

(e) Otherwise comply with applicable requirements of the Umatilla County Code.

Applicants Response: The Traffic Impact Analysis was completed by J-U-B Engineers and addresses both Level-of-Service and Volume/Capacity standards. The pm peak hour traffic, when compared with current zoning, is reduced by 800 trips. There are impacts to the intersections at both Interstate-82 and Highway 730 when this action is considered with background growth, creating impacts within the 20-year planning horizon.

Conclusion: Future impacts forecasted by the TIA will be addressed as future development is proposed.

(E) Conditions of Approval: The County may deny, approve, or approve a proposal with appropriate conditions.

(1) Where the existing transportation system is shown to be impacted by the proposed action, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed action.

(2) Where the existing transportation system is shown to be impacted by the proposed action, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed action may be required.

Applicants Response: The applicant request that the County approve this request to expand the urban growth boundary. The Traffic Impact Analysis does show that pm peak hour traffic will be lowered when compared to current zoning. Future development would be subject to City of Umatilla Development Code provisions concerning onsite and adjacent improvements.

Conclusion: The City of Umatilla staff foresee no complications in regards to the approval of the UGB expansion by Umatilla County. Preliminary conversations with the County have not identified any potential issues. Future development would be subject to City of Umatilla Development Code provisions concerning onsite and adjacent improvements.

The City of Umatilla Transportation System Plan, which is a part of the Comprehensive Plan, has certain Goals and Objectives that require review and analysis as well as the Zoning Ordinance Chapter 11 Supplementary Provisions 10-11-10: Traffic Impact Analysis should the transfer of Powerline Road be accomplished prior to the submittal of this application. Additionally, these provisions are applicable to the associated application for a change in Zoning to Light Industrial for the larger subject property. Both the County and City provisions are addressed to assure compliance.

City of Umatilla Comprehensive Plan Chapter 12 Goal 12: Transportation

Section 12:0 Transportation Goal

To develop and encourage a safe, convenient and economic transportation system.

Applicants Response: The applicant supports this overall Transportation Goal of the City of Umatilla. Development of an industrial area on the south side of the City of Umatilla along Powerline Road just north of the Interstate 82 Interchange creates transportation linkages to the larger regional transportation system in a safe and efficient matter, with the opportunity to limit truck traffic within the downtown and residential areas.

Conclusion: The subject property and proposed UGB expansion will allow for development of the Transportation System in a safe and efficient manner.

TSP Goal 1

Promote a balanced, safe, and efficient transportation system.

Objectives

Develop a multi-modal transportation system that avoids reliance upon one form of transportation as well as minimizes energy consumption and air quality impacts.

Protect the qualities of neighborhoods and the community.

Provide for adequate street capacity and optimum efficiency.

Promote adequate transportation linkages between residential, commercial, public, and industrial land uses.

Applicants Response: The applicant would support connection of the proposed industrial area to the residential areas north of the proposal along Powerline Road with appropriate pedestrian and bicycle facilities such as sidewalks or bike lanes. Further connections to downtown Umatilla via the walking bridge or other connections as envisioned in the City's recent trails visioning project are worthwhile.

Conclusion: At the time of future development the Umatilla Development Code provisions will be enforced. Required improvements to adopted City standard at the time development would meet the above criterion.

TSP Goal 2

Ensure the adequacy of the roadway network in terms of function, capacity, level of service, and safety.

Objectives

Identify existing and potential future capacity constraints and develop strategies to address those constraints, including potential intersection improvements, future roadway needs, and future street connections.

Evaluate the need for modifications to and/or the addition of traffic control devices, including evaluation of traffic signal warrants as appropriate.

Provide an acceptable level of service at all intersections in the City, recognizing the rural character of the area.

Applicants Response: The Traffic Impact Study addresses these three Objectives of Goal 2 by evaluating traffic impacts from the proposed urban growth boundary expansion and change in Zoning to Light Industrial. The current growth of residential uses along Powerline Road is creating additional pressure on the Powerline Road intersection with Highway 730 and will over time reduce the Level-of-Service of the intersection. The Traffic Impact Analysis provides an evaluation of traffic impacts along Powerline Road and at the intersections with both Interstate-82 and Highway 730. The Traffic Impact Analysis does provide both timing and the types of improvements that may be appropriate to address future impacts.

Conclusion: The included TIA evaluates in detail the above criterion. The TIA will be consulted for any future development of the subject site. Subsequent development would be subject to City review to ensure the City's roadway network is adequate.

City of Umatilla Title 10 Zoning Ordinance Chapter 11 Supplementary Provisions

10-11-10: TRAFFIC IMPACT ANALYSIS (TIA)

A. Purpose: The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to specified land use proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

Applicants Response: The applicant has included with this application the Traffic Impact Analysis completed by J-U-B Engineers dated May 2020 meeting these requirements.

Conclusion: The applicant has included with this application the Traffic Impact Analysis completed by J-U-B Engineers dated May 2020 meeting these requirements.

B. Applicability: A Traffic Impact Analysis shall be required to be submitted to the City with a land use application, when the following conditions apply:

1. The application involves one or more of the following actions:
- a. A change in zoning or plan amendment designation; or
 - b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
 - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
 - 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Applicants Response: The completed Traffic Impact Analysis indicates that proposed development on the subject property would decrease pm peak hour traffic by 800 trips as analyzed against the current residential zoning of most of the rezone subject property (please see the earlier analysis). There are impacts to the intersections with both Interstate-82 and Highway 730 during the planning horizon.

Conclusion: The TIA indicates a decrease of pm peak hour traffic by 800 trips. Impacts to the intersections of I-82 and HWY 730 will be addressed at the time of proposed development.

C. Traffic Impact Analysis Requirements

- 1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.
- 2. Transportation Planning Rule Compliance. See Section 10-13-3 Amendments to the Zoning Text or Map.
- 3. Pre-application Conference. The applicant will meet with the Umatilla Public Works Director and Planning Director prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.

Applicants Response: The Traffic Impact Analysis was completed by J-U-B Engineers meeting the qualifications requirement. Section 10-13-3 of the Umatilla Zoning Ordinance is evaluated as part of the associated application for a change in zoning designation to Light Industrial. The

applicant and their representatives have met with City staff on several occasions as these applications were being developed.

Conclusion: The TIA was prepared by Shae Talley, an Oregon Registered Professional Engineer meeting the qualifications requirement. Section 10-13-3 of the Umatilla Zoning Ordinance is evaluated as part of the associated application for a change in zoning designation to Light Industrial. City staff has met with the applicant and their representatives on several occasions in preparation for these applications. City staff requested a pre-application meeting with ODOT on June 19th, 2020 and never received any comment due to what staff assume to be Covid-19 delays.

D. Approval Criteria: When a Traffic Impact Analysis is required, approval of the proposal requires satisfaction of the following criteria:

1. Traffic Impact Analysis was prepared by an Oregon Registered Professional Engineer qualified to perform traffic engineering analysis;
2. If the proposed action shall cause a significant effect pursuant to the Transportation Planning Rule, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and/or Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - a. Have the least negative impact on all applicable transportation facilities;
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;
 - c. Make the most efficient use of land and public facilities as practicable;
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - e. Otherwise comply with applicable requirements of the City of Umatilla Code.

Applicants Response: The Traffic Impact Analysis was completed by J-U-B Engineers and evaluates the proposed urban growth boundary expansion and associated change in Zoning to Light Industrial with a focus on the impacts to Powerline Road and its associated connections by evaluating both Level-of-Service and the Volume/Capacity standards. The Traffic Impact Study found that the pm peak hour traffic, when compared with current zoning, is reduced by 800 trips. There are impacts to the intersections at both Interstate-82 and Highway 730 when this action is considered with background growth, creating impacts within the 20-year planning horizon.

Conclusion: The TIA indicates a decrease of pm peak hour traffic by 800 trips. Impacts to the intersections of I-82 and HWY 730 will be addressed at the time of proposed development.

E. Conditions of Approval: The City may deny, approve, or approve a proposal with appropriate conditions.

1. Where the existing transportation system is shown to be impacted by the proposed action, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed action.
2. Where the existing transportation system is shown to be impacted by the proposed

action, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed action may be required.

Applicants Response: The applicant requests that the City approve this request to expand the urban growth boundary. The Traffic Impact Analysis provides evidence that the proposed change in zoning achieves a lowered pm peak hour by 800 trips at buildout, creating benefits to the operation of Powerline Road. There are impacts to the intersections of Powerline Road with both Interstate-82 and Highway 730 when combined with background growth during the planning horizon. There is opportunity for the industrial area to be connected to the residential area north of the subject property and to the downtown area of the City of Umatilla via sidewalks and bicycle lanes, connecting to the trails network recently adopted by the City Council.

Conclusion: Approval of this application will be determined by the City of Umatilla Planning Commission recommendation and City Council's decision. Staff recommend approval based on findings and conclusions as contained in this report.

Analysis of the Statewide Planning Goals 1 through 14 follows.

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

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

Conclusion: The required public notice process has been completed and staff hope for citizens to be involved at the Planning Commission and City Council meetings along with any other comments or participation.

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

Applicants Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This application meets those requirements for this request.

Conclusion: Established land use planning processes and policy framework were used in this application.

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

Applicants Response: The Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq.

Goal 3 does not allow nonfarm uses like industrial development on lands zoned for exclusive farm use unless a local government adopts findings to justify an exception to Goal 3 or accomplishes an expansion of their urban growth boundary. The necessary analysis for an urban growth boundary is set out and included in this application and discusses why this particular location can support a change in designation from Agricultural to Industrial and be included in the City of Umatilla urban growth boundary.

The process the applicant has utilized under Oregon Revised Statute specifically allows an applicant or the community to not consider Goal 3 or Goal 4. The applicant is aware that much of the land surrounding the City of Umatilla is part of the Columbia Valley Viticultural Area as defined in Oregon Revised Statute 195.300 and is therefore consider high-value farmland. While there is significant viticultural development on the north side of the Columbia River in the greater area, at the locations considered as part of this application the aspect of much of the land is not favorable for this type of crop development (not south facing).

Conclusion: The necessary analysis for an urban growth boundary is set out and included in this application and discusses why this particular location can support a change in designation from Agricultural to Industrial and be included in the City of Umatilla urban growth boundary.

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

Applicants Response: There are no forest lands in the City of Umatilla. The community is, however, a Tree City USA participant, encouraging tree planting to create an urban canopy of trees to provide the many benefits of an urban landscape that includes trees.

Conclusion: There is no forest land in or adjacent to the City of Umatilla.

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

Applicants Response: The subject property does not have any overlays or other known cultural or historical sites. As part of the site analysis earlier in this narrative there was an area that was eliminated from consideration because of the wetlands that are found there. There are no mapped wetlands on the subject property.

Conclusion: The subject site has no inventoried or known features referenced in Goal 5.

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

Applicants Response: Goal 6 addresses the quality of air, water and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by

explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed plan amendments do not seek approval of a specific development but seek to apply the City of Umatilla's Light Industrial zoning designation with a specific intent of creating large lot industrial opportunities to serve data centers, transport facilities and manufacturing opportunities. This action can improve air quality by better facilitating the movement of freight along Interstate 82 with connections to Interstate 84 to the south and Highway 730 to the north. Industrial uses at this location will increase impervious surface, although by no more than could have occurred at another location and are subject to environmental requirements imposed by the City of Umatilla and the State of Oregon. The use of construction techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention also can achieve compliance with clean water standards.

Noise is defined as unwanted sound. The uses authorized by the requested plan amendments should not create noise that differs from the types of industrially-related noise that could be comparable to agricultural activities already in the area. The location of these uses in very close proximity to Interstate 82 will reduce overall noise impacts because highway generated noise muffles and obscures other noises located nearby. Open space and landscaping provisions will provide additional protection from noise that may be generated.

Conclusion: As addressed above any negative impacts can be and will be required to be mitigated to the extent possible at time of proposed development.

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

Applicants Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property, and it is located significantly above and outside the flood plain for both the Umatilla and Columbia Rivers.

Conclusion: There are no known natural hazards on the subject property, and it is located significantly above and outside the flood plain for both the Umatilla and Columbia Rivers.

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

Applicants Response: No recreation components are included in this application. However as industrial activities are sited, an increase in tax base for the City of Umatilla would occur. That tax base would provide additional revenue to the City of Umatilla leading to the opportunity for increased investment in parks and recreation opportunities for its citizens and visitors.

Conclusion: The ability to meet Recreation needs will be increased in the City of Umatilla due to the potential increase of the tax base from future development on the subject site.

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

Applicants Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Both Umatilla County and the City of Umatilla have comprehensive plans that have been acknowledged to comply with Goal 9. The City of Umatilla has completed an Economic Opportunities Analysis that is scheduled to be adopted prior to this suite of applications submitted in support of an urban growth boundary expansion, annexation, and change in zoning. The Economic Opportunities Analysis does identify the current inventory of employment lands and recommends adding land to the inventory to accommodate large lot industrial development, meeting the requirement to address a 20-year planning need.

This application is based upon the findings of the October 2019 Economic Opportunities Analysis completed under Goal 9. The major finding of the Analysis was a need for additional large lot industrial land, two opportunities between 50 and 99.9 acres and a third opportunity over 100-acres in size. This application has been done with a focus on data centers, warehousing and light manufacturing. The applicant would assert that adopting the Economic Opportunity Analysis and the update to Goal 9 along with the suite of applications submitted by the applicant would be consistent with Goal 9.

Conclusion: This application is based upon the findings of the October 2019 Economic Opportunities Analysis completed under Goal 9. The major finding of the Analysis was a need for additional large lot industrial land with a focus on data centers, warehousing and light manufacturing. Approving the urban growth boundary expansion would be consistent with Goal 9.

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

Applicants Response: Housing is not a specific consideration of this application but is addressed because the associated zone change does propose to rezone just shy of 300 acres of residential land to industrial. Based on the Housing Strategies Report (2019), adopted by the City of Umatilla as part of a Goal 10 update, there is an overabundance of land zoned for single family residential development. The associated application for a change in both Comprehensive Plan and Zoning designations from residential to industrial would not negatively impact the City of Umatilla's needed inventory of residential lands, leaving at least 750 acres over the identified need in the inventory. Please see the attached Housing Strategies Report, particularly the analysis on page 26, that outlines the over 2,100-unit capacity and over 1,000-acre overabundance of residentially zoned land. Removal of 300 acres would not impact the needed residential land supply in the 20-year planning horizon.

Conclusion: Housing is not a specific consideration of this application but is addressed because the associated zone change does propose to rezone just shy of 300 acres of residential land to industrial. Based on the Housing Strategies Report (2019), adopted by the City of Umatilla as part of a Goal 10 update, there is an overabundance of land zoned for single family residential development. The associated application for a change in both Comprehensive Plan and Zoning

designations from residential to industrial would not negatively impact the City of Umatilla's needed inventory of residential lands, leaving at least 750 acres over the identified need in the inventory. Please see the attached Housing Strategies Report, particularly the analysis on page 26, that outlines the over 2,100-unit capacity and over 1,000-acre overabundance of residentially zoned land. Removal of 300 acres would not impact the needed residential land supply in the 20-year planning horizon.

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

Applicants Response: Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. Attached and discussed previously is the Umatilla Industrial Area Utility Technical Memorandum which concludes that the subject area can be adequately served and includes initial cost estimates for consideration.

Conclusion: The UTM addresses bringing public services to the Subject site and determines it to be technically feasible.

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

Applicants Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. The included Traffic Impact Analysis evaluates the urban growth boundary expansion and related change in designation and zoning based upon the requirements in both the Umatilla County and City of Umatilla Transportation System Plans and Development Codes, meeting both local and state requirements. Please see the earlier analysis and discussion for specifics or refer to page 17 of the Traffic Impact Analysis for the summary and conclusions. Also included is a comment letter from the Oregon Department of Transportation dated August 21, 2020, signed by Marilyn Holt, District 12 Manager.

Conclusion: As addressed by the TIA and findings in this report the peak PM trips will be decreased by this application. It is reasonable to believe that the subject site will not negatively impact the transportation system in a way that can not be addressed by the findings in the TIA. Needed improvements will be addressed at the time of future development.

Goal 13 Energy: To conserve energy.

Applicants Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Access to Interstate 82 creates easy connections to Interstate 84, Highway 730 and Highway 395. These connections provide energy efficiency and convenience as travel connections, for both trucks and workers, are easily accessed. It should also be noted that the proposed industrial area is also adjacent to a large and growing residential area with the ability for both pedestrian and bicycle connections creating additional energy conservation opportunities.

Conclusion: The applicants referenced energy conservation opportunities will improve energy conservation in the City of Umatilla.

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

Applicants Response: Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments must either expand their urban growth boundaries to add property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural lands. This application seeks to expand the City of Umatilla urban growth boundary to allow urban light industrial uses within the city limits. The earlier analysis is in support of an urban growth boundary expansion.

Conclusion: This application seeks to expand the City of Umatilla urban growth boundary to allow urban light industrial uses within City limits. The earlier analysis is in support of an urban growth boundary expansion.

Applicants Conclusion:

In conclusion the applicant encourages the City of Umatilla Planning Commission and City Council, along with the Umatilla County Planning Commission and Board of Commissioners, to approve this request for an urban growth boundary expansion. There are two additional applications submitted to the City of Umatilla for a change in Zoning to Light Industrial and for Annexation of the proposed industrial area. Evidence has been provided in the form of the Economic Opportunities Analysis, Housing and Residential Land Needs Assessment (2019), Umatilla Industrial Area Utility Technical Memorandum, and Traffic Impact Study to support this and the associated requests. These documents show a clear need for large lot industrial land and indicated that need can be met with city services and without impacts to the transportation system that cannot be mitigated. There is also shown to be no negative impact to the residential land supply leaving a continuing surplus of residential land at approximately 750 acres.

IV. SUMMARY AND RECOMMENDATION

The applicant, Cleaver Land LLC, is proposing to amend the City of Umatilla Comprehensive Plan. Evidence has been provided in the form of the Economic Opportunities Analysis, Umatilla Industrial Area Utility Technical Memorandum, and Traffic Impact Study to support this and the associated requests. These documents show a clear need for large lot industrial land and indicated that need can be met with city services and without impacts to the transportation system that cannot be mitigated. The request appears to meet all of the applicable criteria and standards for this type of request. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, the staff recommends approval of Plan Amendment (PA-2-20).

VI. EXHIBITS

- Exhibit A - Draft Map Change
- Exhibit B - Economic Opportunity Analysis
- Exhibit C - Umatilla Industrial Area Utility Technical Memorandum
- Exhibit D - Traffic Impact Study

**DLCD COMMENTS TO CITY OF
UMATILLA
DATED OCTOBER 19, 2020**



October 19, 2020

Brandon Seitz
Community Development Director
PO Box 130
Umatilla, OR 97882

SENT VIA Email



Re: City of Umatilla File PA-2-20 (DLCD File No. 002-20); Notice for an Annexation, Urban Growth Boundary Expansion and Rezone ---**Correction to cc's**

Mr. Brandon Seitz,

Thank you for your post acknowledgement plan amendment notice for the adoption of an Economic Opportunities Analysis (EOA), a 150 acre urban growth boundary (UGB) expansion and an annexation and rezone of 450 acres total for the purpose of accommodating land planned and zoned for industrial use. We appreciate all the work that has gone into these proposals and your willingness to address a number of the department's previous concerns. Our remaining primary concerns are addressed further below. Please include these comments in the record for this plan amendment and the proceedings of the October 20, 2020 City Council hearing.

Land Need

The city proposes to adopt the 2019 EOA with this plan amendment. The EOA is the essential background document that evaluates several required elements: the target industry analysis, the forecast of employment land need, the current employment land supply, and the buildable land inventory vs. the 20 year employment land need. The EOA is also the essential document that must support the city's proposed urban growth boundary expansion for large lot industrial lands.

Taking into consideration the site specific needs for specific categories of employment land users, the EOA report concludes that there are site deficits for large industrial parcels as follows: two sites of 100+ acres and two sites of 50-99 acres. As the estimated employment land supply includes one site of 100+ acres, this results in a land need for one site of 100+ acres and two sites of 50-99 acres.

The city's proposal for an urban growth boundary expansion of approximately 150 acres inappropriately assumes that one approximately 160 acre property identified in the EOA as part of the large lot 20 year land supply, is no longer part of the land supply due to development interest in the property. DLCD does not consider property to be encumbered until construction

has begun on the site. We take this position to prepare for the possibility that development interest may not result in actual development of the site. The department has seen this issue arise in other cities around the state, most notably the City of Springfield, and in that case our Commission determined that a city cannot assume a particular vacant property is “developed” until actual physical development activities have begun on the site.

Let us step back here and point out that we anticipate the city will develop some or all of its employment land during the 20 year planning horizon (2019-2039), and we also anticipate that the city may reevaluate the 20 year land supply frequently in order to maintain a healthy supply of employment land. In this case, however, the current EOA and inventory of developable land does not support a need for more site specific land than can be accommodated within the city’s existing urban growth boundary. Therefore, we are not in support of the urban growth boundary amendment moving forward at this time.

There are a couple of options the city may want to consider going forward: a) You may conduct another EOA, or refresh the current EOA, after construction has commenced on the Port site to reevaluate the city’s employment growth projections, or b) You can take a site characteristics approach to a UGB expansion whenever there is interest from a data center (or other large industrial use) if there is no suitable site inside the UGB.

Although we do not support an UGB amendment based on the current EOA, we would like to provide suggestions related to the evaluation of land efficiencies inside an UGB, the study area outside the UGB, and general suggestions that may help the city with a future UGB analysis and proposed amendment. These are detailed below:

Land Efficiency within the Urban Growth Boundary

We recommend that the city provide a site specific map and associated table that clearly identify all the properties inside the UGB that could meet the specific employment land use needs identified in the EOA.

Evaluation of Land Outside the UGB

We recommend that the city provide a site specific map and associated table that clearly identify all the properties within the 1/2 mile study area. For the priority analysis, all the land within the identified study area must be evaluated according to the priorities established in Oregon Administrative Rule (OAR) 660-024-0067. This requires the city to identify study area lands that are designated Urban Reserve, exception lands and nonresource lands, non-high value farmlands and high-value farmlands. In determining what are high-value farmlands, all of the subcategory criteria in Oregon Revised Statute (ORS) 195.300 must be assessed for each property in order to identify whether or not the property is considered high value farmland.

One example that concerns us is the city notes in the prioritization analysis that the property proposed to be brought into the UGB is partially irrigated, which leads us to believe that the property may have a water right which would make it high value farmland under ORS 190.300(10)(c). Another example is that the city provided a map exhibit of the American Viticulture Association (AVA) slope and aspect analysis required by ORS 195.300(10)(f) which indicates the same property is high value farmland. However, the application, staff report and sub-area maps indicate that the property is not high value farmland. There appears to be contradictory evidence in the record.

In addition, if more than one property in the study area meets the site-specific land use need and all are high value farmland, then the city must prioritize based on the Natural Resources Conservation Service (NRCS) soil capability classifications and select lower capability lands first.

Overall Suggestion

Inconsistent conclusions contained in the narrative of the EOA about unmet employment land demand for large industrial sites are cited throughout the staff report and post acknowledgement plan amendment materials submitted to DLCD. Correcting these errors in the EOA and related materials with a consistent narrative will clarify current and future discussions about demand identified in the EOA, as well as the sufficiency of the city's supply of industrial land as large properties are developed.

A fundamental issue is that additional analysis is needed to demonstrate compliance with OAR 660-024-0050(4), specifically the requirement that, "Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB."

We understand that this is a detailed process and commend the city for all the work completed to date. As noted above, we recommend that the city withdraw the proposed urban growth boundary expansion until these issues have been resolved.

Please feel free to contact your Regional Representative, Anne Debbaut, at: anne.debbaut@state.or.us or 503.804.0902, if you have further questions or concerns.

Best Regards,



Gordon Howard
Community Services Division Manager

cc: Anne Debbaut, Hilary Foote, Leigh McIlvaine, Kevin Young, DLCD (*email*)
Bob Waldher, Planning Director, Umatilla County (*email*)

**CITY OF UMATILLA
SUPPLEMENTAL FINDINGS**



CITY OF UMATILLA CITY COUNCIL

Supplemental Findings

FOR

PLAN AMENDMENT PA-2-20

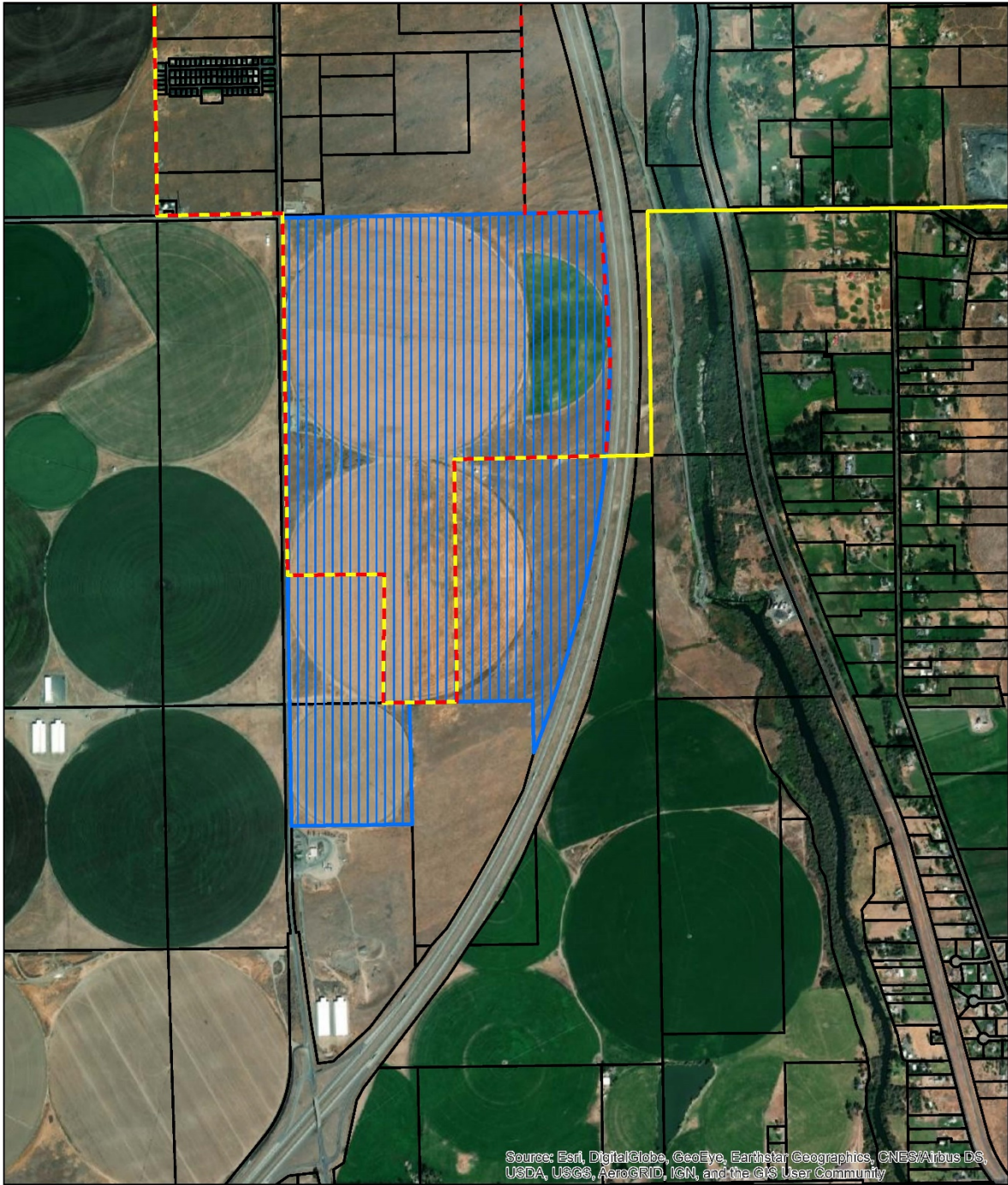
REPORT PREPARED BY: Brandon Seitz, Community
Development Director

RE: Response to comment letter from DLCD for Plan Amendment PA-2-20 (DLCD File No. 002-20); Notice for and Annexation, Urban Growth Boundary Expansion and Rezone

The intent of these supplemental findings is to directly address DLCD's comments submitted on October 19, 2020 by providing additional narrative and the requested maps and tables. To provide a brief overview the city is working with Cleaver Land to approve four applications as follows:

- City of Umatilla Plan Amendment (PA-1-20) – would amend Chapter 9 of the City of Umatilla's Comprehensive Plan to incorporate relevant sections of the recently completed EOA.
- Cleaver Land Plan Amendment (PA-2-20) – would add 146.63 acres of land to the City's Urban Growth Boundary
- Cleaver Land Plan Amendment (PA-3-20) – would rezone 294 acres of land currently designated Single-Family Residential to Light Industrial
- Cleaver Land Annexation (ANX-1-20) – would annex the 146.63 acres of land added to the City's UGB and designated the land as Light Industrial

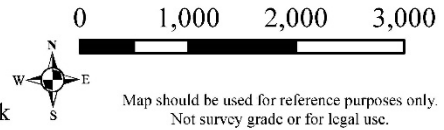
The intent of these applications is to create a new industrial park located in the South Hill neighborhood for large lot industrial development. The map below shows the existing UGB and City Limits boundary and the proposed area to be included in the "South Hill Industrial Park" assuming all 4 applications are approved.



CITY OF UMATILLA TAX LOT MAP Feet

Legend

- City Limits
- Tax Lots (3/23/20)
- Urban Growth Boundary
- Proposed South Hill Industrial Park



DLCD's comments raise two primary issues: 1) Land need and City's position to consider a 160-acre parcel of industrial land developed prior to physical development taking place, and 2) land efficiency and evaluation both within and outside the UGB.

Land Need

The City hired Johnson Economics to prepare an Economic Opportunities Analysis (EOA) and the proposed EOA would be adopted as part of Plan Amendment PA-1-20. To summarize the EOA identified the City has a projected need of two 100+ acre sites and two 50-99.9 acres sites. The EOA also identified that the City had one 100+ acres site in our inventory. The 160-acre site is located at the Port of Umatilla's McNary Industrial Park and is identified as Tax Lot 5N28B00000600. To date the City has approved several land use applications for future development of the port property, including a site plan review application approving data center building 1 of 4 and accessory structures. In addition, the City has issued the following building permits for the PDX 130 campus:

- 877-21-000145-ELEC - PDX 130 Phase 1 electrical
- 877-21-000135-STR - Security building for PDX 130
- 877-21-000120-STR – PDX 130 core and shell
- 877-21-000092-PLM – Site utilities

Physical development and construction have now commenced on Tax Lot 5N28B00000600 and the property can be removed from the City's inventory of industrial lands. City will note the above development and will refresh the current EOA to reflect this change. This results in a need of two 100+ acres sites and two 50-99.9 acres sites to meet the City's site-specific characteristics for large lot industrial sites as outlined in the EOA. No amendments to the EOA are being proposed, City will note the change in inventory.

Development of the PDX 130 further demonstrates the City's ability to attract and develop large lot industrial sites, specifically data centers. Staff acknowledges enterprise zone agreements are not binding but it should be noted that the City has approved two enterprise agreements, PDX 130 and PDX 120, for development of two new campuses located with City limits with an estimated value of 2.37 billion per campus, resulting in a total of 4.74-billion-dollar development to occur over the next several years.

Therefore, DLCD's comment regarding the City's position to consider Tax Lot 5N28B00000600 developed have been addressed. With the removal of the only 100+ acres site from the EOA the City now has a need for 300 – 399.98 acres of land suitable for large lot industrial development. It should also be noted that the EOA found the City had a combined need of 311 acres of employment lands and an inventory of 378.3 acres. With the removal of the 160 parcels from the City's inventory of industrial land the City would have a need for 93 acres of employment land. The additional need would be for additional large lot industrial sites so the City's evaluation process has not changed.

Land Efficiency & Evaluation

To address DLCD's comments about site specific maps and study area analysis staff have provided a series of maps to identify potentially suitable sites both within the UGB and sites within the study area as established in OAR 660-024-0065. To reduce the need for multiple maps

staff will address properties within the study area and UGB by region of the City. However, in addition to the evaluation criteria in OAR 660-024-0067 the City added one criterion that the final industrial area(s) must be clustered to allow for extension of City services. While properties need not be contiguous, they must be within the same general region of the City. It is simply not financially feasible for the City to extend the needed utilities to serve large lot industrial sites to multiple locations scattered throughout the City.

Staff has provided several maps and tables that identify all properties located within City Limits that are 50 acres or larger in size. Similarly parcels that could be combined to achieve similar results have been identified. All parcels 50 acres and larger in size are highlighted and labeled with County's TLID # (first 8 number are Assessor's map number last 5 numbers are tax lot number) for identification purposes.

However, it should be noted that the United States Army Corp of Engineers (USACE), Portland and Walla Walla districts, and Bureau of Land Management (BLM) hold a significant portion of vacant land both within the UGB and study area. Those properties will be identified and labeled with the appropriate agency. However, site specific analysis is not provided as by operation of federal law those properties are not subject to the state wide planning goals or local regulation. In addition, OAR 660-024-065 (4)(d) allows lands owned by the federal government and managed primarily for rural uses to be excluded from the study area.

Southshore Drive & Western US 730

The western extent of the City UGB and study area is currently designated residential by the comprehensive plan and includes a variety of residential zoning. Generally, property located north of US 730 are located along Southshore Drive and with few exceptions have been divided into 1-acre parcels, the minimum allowed by the current zoning. Property south of US 730 have 2-acre minimum lot size and have similarly been divided and developed with a typical rural development pattern. While some of the larger parcels are between 10 -15 acres, they are not contiguous and would not be suitable for redevelopment to meet the City's need for large lot industrial sites. Given the development pattern all of the properties located north of the West Extension Irrigation District (WEID) canal are not considered suitable for redevelopment of large lot industrial sites.

As shown on the map below the 4 parcels located along the river are currently undeveloped and under USACE management. In addition, parcels 5N28180000601 & 5N27130001001 are believed to be at least partially located with the 35UM1 historic site that is designated as a significant site in the National Register of Historic Places. City staff does not have access to the official site designation maps but has had extensive discussions with Oregon State Historic Preservation Office (SHPO) and Confederated Tribes of the Umatilla Indian Reservation (CTUIR) cultural resources staff.

In addition, there are several large parcels owned by Topaz Land Inc, including additional properties located on the South Hill map, that meet multiple provision of the definition of high value farm land in ORS 195.300. These lands are collectively referred to Topaz Land properties and additional analysis on site suitability/alternative locations is provided below.



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

Southshore Drive & West US 730

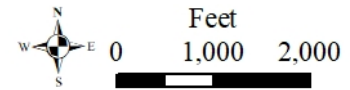
Legend

- West Extension Irrigation Canal
- City Limits
- Urban Growth Boundary

- Study Area
- Tax Lots

Alternative Sites

- Other Properties
- Topaz Land Properties
- USACE



Southshore Drive & West US 730 Properties

TLID	OWNER	ACRES
5N27000000400	TOPAZ LAND INC	48
5N27000000401	TOPAZ LAND INC	432.44
5N27000000501	TOPAZ LAND INC	594.29
5N27130001001	USA	90.82
5N27130001301	USA	12.89
5N27130003300	TOPAZ LAND INC	39.82
5N2714D000100	USA	40.95
5N2724B000100	TOPAZ LAND INC	9.18
5N28180000601	USA	95.1
5N28180000901	SCHOOL DIST #6	10
5N28180000903	MCCLANNAHAN VELMA JEAN ET AL	27
5N28180000904	MCCLANNAHAN VELMA JEAN ET AL	54.17
5N2818DD05500	SILVER RIDGE HOMES INC	9.54
5N28C00001100	UMATILLA CITY OF	38.48
5N28C00001200	TOPAZ LAND INC	595.5

The remainder of the properties identified as “other properties” on the map above total approximately 140 acres. However, TLID 5N28180000901 is owned by the Umatilla School District and was donated by the McClannahan family for future use of as a school. The School Districts is beginning to looking into the feasibility of developing the site as they are nearing capacity at existing facilities. TLID 5N28C00001100 is owned by the City of Umatilla and is currently developed with water infrastructure and the Sunset Hills Cemetery. The remainder of the property has been reserved for expansion of the existing cemetery.

The remainder of the is property is zoned for residential use and totals approximately 90 acres. While staff recognized that DLCD has stated that until physical development has occurred a property cannot be removed from the City’s inventory. However, at their July 6th meeting City Council approved Monte Vista Plan Amendment and Subdivision applications for development of “McClannahan Summit” a 326-lot subdivision for development of detached single-family dwellings. Given the City’s need for additional housing as establish in the City’s 2019 Housing and Residential Land Needs Assessment, pending residential development and the fact that the remainder of the site only partial meet the City’s for large lot industrial sites this location is not considered a viable alternative site. This land could be combined in part with a portion of the Topaz Land properties to achieve a similar result to the City proposed location. However, as addressed below in the alternative site analysis, expanding the UGB to include Topaz Land properties would result in additional high value farm land being added to the UGB an removed from crop production than the City’s preferred location.

South Hill

South Hill is generally described as the residential area located along Powerline Road laying west of I-82. However, for mapping purposes several large parcels located west of the Umatilla River were included. The Topaz Land/Onyx Land properties are collectively referred to Topaz Land properties and additional analysis on site suitability/alternative locations is provided below.

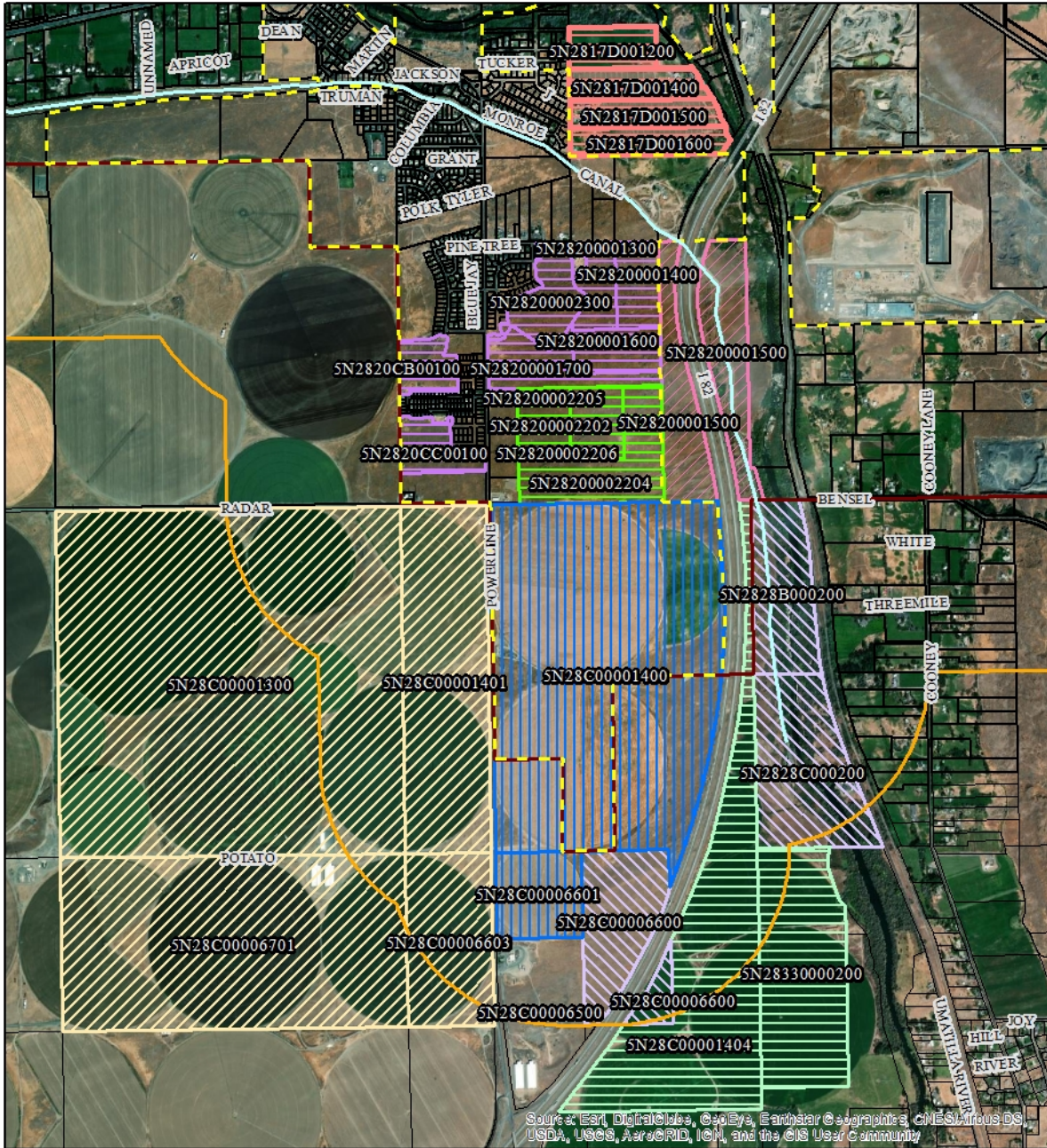
The Cleaver Land properties are the proposed site for the City's UGB expansion and a additional analysis is provided below. The other "farm" parcels identified are the Broken Spur Ranch property. The portion of the property located within the study area is approximately 90 acres in size and could meet a portion of the City need for large lot industrial sites. However, the parcels are isolated between I-82 and the Umatilla River. In addition, the property is zoned EFU and has water right for irrigation and would be considered high value farm land. As seen on the aerial imagery almost the entire portion of the property within the study area is developed with center pivot irrigation. Therefore, give the property is isolated by physical barriers from the remainder of the City and is considered high value farm land this site is not considered a suitable alternative location.

The remainder of the large undeveloped lots are in federal ownership. It is staff's belief that TLID 5N2828B000200 and 5N2828C000200 are managed by the Bureau of Reclamation given the location of the WEID canal, regardless of which federal agency manages the properties are in federal ownership and are not considered a suitable alternative location.

The Fastrack/Columbia Basin Development properties have each been approved for residential developments and are separated by an existing residential development and Powerline Road. The property is divided into 3 separate subdivisions; Ballard Subdivision, Vandalay Meadows and Cheryl's Place. The combined properties would result in a 542 new single family lots for development of detached single-family dwellings. Construction on all 49 lots on Vandalay Meadows has commenced with the first 26 homes having been completed in Phase 1. Phase 1 of Ballard, totaling 64 lots, is nearing completion with all of the road construction completed and the City anticipates the final plat application to be submitted within the coming weeks. Phase 1 of Cheryl's Place has been completed with the first 26 homes being completed. The master site plan outlined in the applicants TIA is provided below for reference. Given the City's need for housing and the approved applications for development these properties are not considered a suitable alternative location.

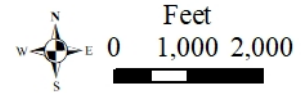
The Nobles properties are designated residential by the comprehensive plan and total 90.82 acres. The properties could meet a portion of the City's need for large lot industrial sites but are isolated by existing physical development. The property is bordered on the east and north by the Umatilla River and USACE owned lands. South of the property is the WEID irrigation canal and a major BPA easement and multiple transmission lines. The total BPA easement width is 395 feet. Lands to the west are developed with single family dwelling, the tax lots to the west are shown on the map but the aerial image does not show the 54 new homes built in 2019. Therefore, the Nobles property is not considered a suitable alternative location as existing development and physical barriers isolate the property and make it impractical to extend the needed utilities to serve large lot industrial development.

The CCPD Inc properties are zoned Medium Density Residential and are included in the site suitability/alternative locations analysis provided below. TLID 5N28C00006500 (not highlighted) is not contiguous to the City's UGB and could not be incorporated into the UGB as a stand-alone property.



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

South Hill



Legend

- Study Area
- West Extension Irrigation Canal
- City Limits
- Urban Growth Boundary
- Tax Lots

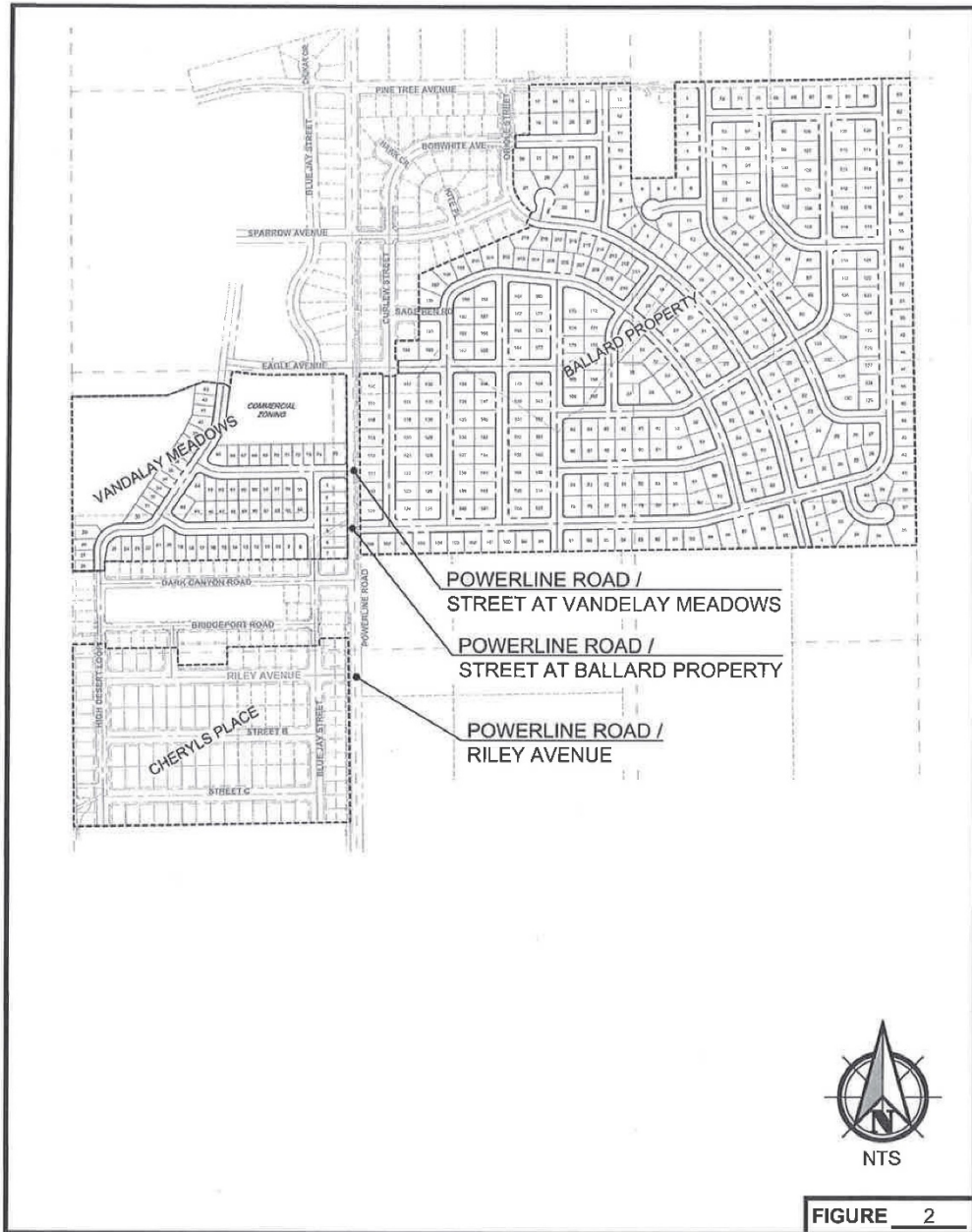
Alternative Sites

- Broken Spur Ranch
- CCPD Inc Property
- Cleaver Land
- Fastrack/Columbia Basin Development

- Nobles Property
- Topaz Land/Onyx Land
- BLM
- Bureau of Rec

South Hill Properties

TLID	OWNER	ACRES
5N2828C000200	USA	95.76
5N28330000200	BROKEN SPUR RANCH LLC	106.56
5N28C00001404	BROKEN SPUR RANCH LLC	169.4
5N28C00006500	FOX HARVESTING OF OREGON INC	61.87
5N28C00006600	USA	80
5N28C00006603	TOPAZ LAND INC	78.1
5N28C00006701	TOPAZ LAND INC	319.89
5N2817D001200	NOBLES CLYDE C JR & BETTY L	19.18
5N2817D001400	NOBLES CLYDE C JR ET AL	22.5
5N2817D001500	NOBLES CLYDE C JR & BETTY L	22.1
5N2817D001600	NOBLES CLYDE C JR & BETTY L	23.1
5N28200001300	FASTRACK INC	16.05
5N28200001400	FASTRACK INC	20
5N28200001500	USA BUREAU OF REC	88.7
5N28200001600	FASTRACK INC	20
5N28200001700	FASTRACK INC	29.21
5N28200002201	C C P D INC	4.4
5N28200002202	SOSA ANNABEL	20
5N28200002204	C C P D INC	48.58
5N28200002205	C C P D INC	7.8
5N28200002206	C C P D INC	7.8
5N28200002300	FASTRACK INC	26.65
5N2820CB00100	COLUMBIA BASIN DEVELOPMENT LLC	15.23
5N2828B000200	USA	63.28
5N28C00001300	ONYX LAND COMPANY LLC	635.74
5N28C00001400	CLEAVER LAND, LLC	1.26
5N28C00001401	ONYX LAND COMPANY LLC	155.45
5N28C00006601	CLEAVER LAND, LLC	39.09



Site Plan
Umatilla Residential Development



April 2020
PBS Project 66127.000

Downtown & McNary Dam

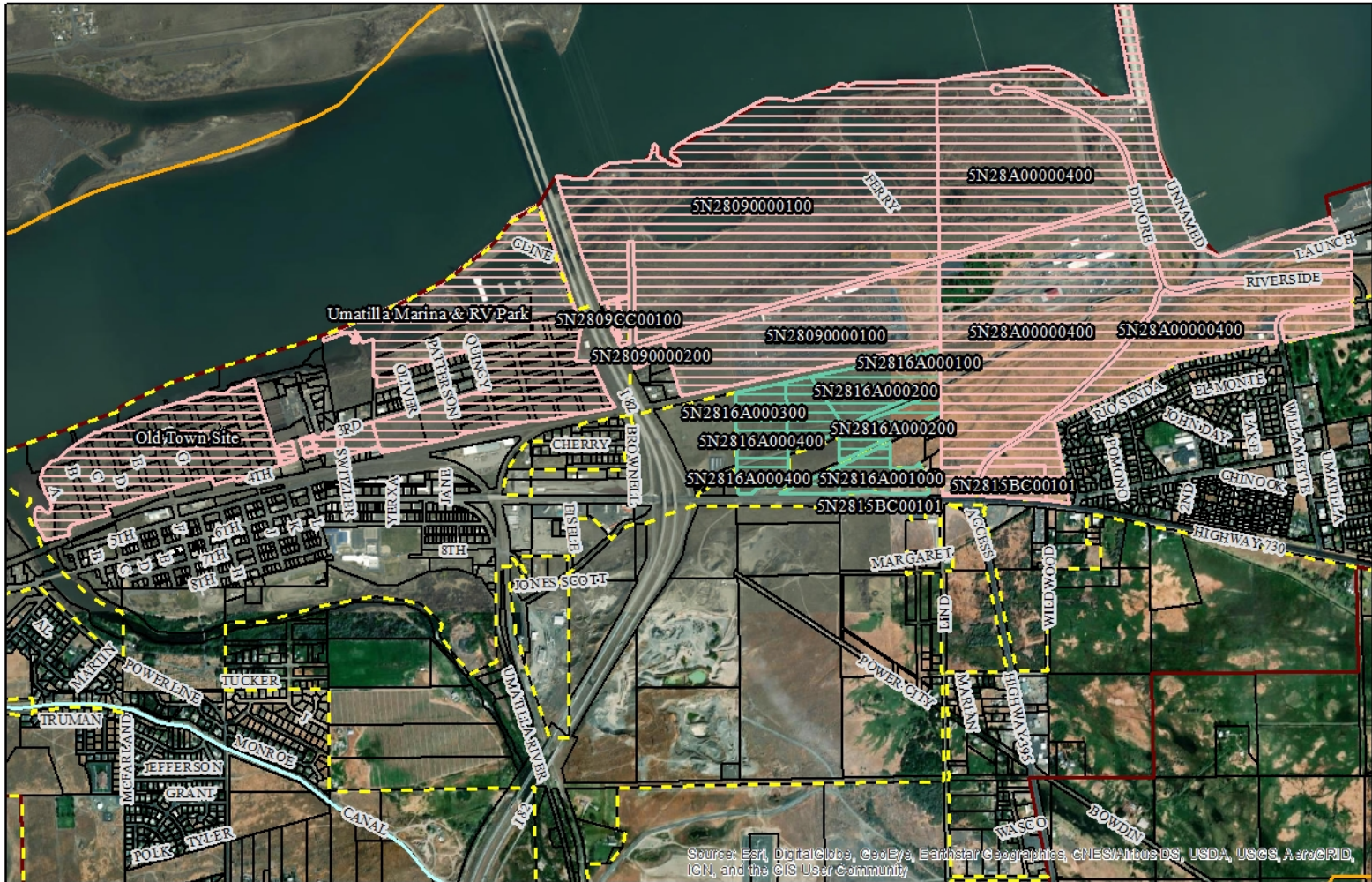
The downtown area is generally described as the land laying north/east of the Umatilla River and west of I-82. The McNary Dam area is generally described as the land laying east of I-82 and north of US 730. The McNary dam area contains multiple large acreage parcels that are largely undeveloped. However, there are very few parcels that are not in federal ownership. Staff has attempted to identify which federal agency manages the property but County assessor's data primarily shows BLM as the property owner when they are actually managed by USACE or Bonneville Power Administration (BPA). Management areas do not directly match property lines so there are some inaccuracies in which federal agency manages the property but all properties identified are in federal ownership and are not considered suitable alternative locations.

The downtown area has been mostly developed to an urban density, with few properties available for larger development. The two exceptions are lands managed USACE that is currently developed with the City's 3rd street soccer field and the Umatilla Marina & RV Park. The other large cluster of undeveloped land is commonly referred to as the "old town site". While the property is also managed by USACE it is known to be located within the 35UM1 historic site. No other properties that could meet the City's need for large lot industrial site have been identified. Therefore, no sites within the downtown and McNary Dam areas are considered suitable alternative locations.

MAP & TABLE NOTE: Within the downtown area County tax lot data still show multiple smaller parcels and rights of way. Those property lines are not accurate and USACE owns all properties highlighted regardless of property line boundaries. For simplification of mapping staff has grouped those areas together to show a more accurate ownership area. The tax lot boundaries shown are remnants of the original township plats and do not align with actual ownership. Individual parcel information for the properties in the downtown area is provided in the table.

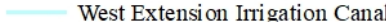
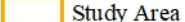
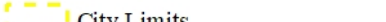
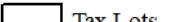
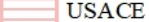
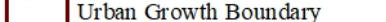
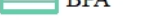
McNary Dam Area Properties

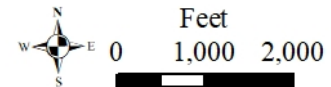
TLID	OWNER	ACRES
5N28090000100	USA	256.17
5N28090000200	USA	2.53
5N2809CC00100	USA	1.65
5N2809CC02800	USA	0.42
5N2815BC00101	USA	12.75
5N2816A000100	USA BPA	1.31
5N2816A000200	USA BPA	23.99
5N2816A000300	USA	10.75
5N2816A000400	USA	25.08
5N2816A001000	USA	11.38
5N2817AB00701	USA	3.69
5N2817AB00801	USA	1.63
5N2817BA03800	USA	0.87
5N2817BA04200	USA	1.05
5N28A00000400	USA	659.59



Downtown & McNary Dam

Legend

- | | | |
|---|--|---|
|  West Extension Irrigation Canal |  Study Area | Alternative Sites |
|  City Limits |  Tax Lots |  USACE |
|  Urban Growth Boundary | |  BPA |



Downtown Area Properties

TLID	OWNER	ACRES
5N2808DC00100	USA (CORP OF ENGR)	5.32
5N2808DD00300	USA (CORP OF ENGR)	10.07
5N2808DD00500	USA (CORP OF ENGR)	1.1
5N2808DD00600	USA (CORP OF ENGR)	2.2
5N2809CC01490	USA (CORP OF ENGR)	1.43
5N2809CC01700	USA (CORP OF ENGR)	1.61
5N2809CC01800	USA (CORP OF ENGR)	1.88
5N2809CC02500	USA (CORP OF ENGR)	1.69
5N2809CC03400	USA	2.2
5N2816BB01300	USA	2.22
5N2816BB02000	USA	1.31
5N2816BB02200	USA	1.46
5N2816BB02400	USA	1.61
5N2816BB02700	USA	1.23
5N28170001900	USA	2.23
5N28170002100	USA	9.76
5N2817AA00100	USA	2.2
5N2817AA00200	USA	2.2
5N2817AA00300	USA	4.36
5N2817AA00500	USA	1.22
5N2817AA00600	USA	1.58
5N2817AB00300	USA (CORP OF ENGR)	6
5N2817AB00701	USA	3.69
5N2817AB00801	USA	1.63
5N2817BA01300	USA	0.91
5N2817BA02000	USA	1.2
5N2817BA03000	USA	0.91
5N2817BA03100	USA	1.05
5N2817BA03200	USA	1.27
5N2817BA03500	USA	1.09

5N2817BA03800	USA	0.87
5N2817BA04200	USA	1.05
5N2817BA04500	USA	1.05
5N2817BA05600	USA	2.73
5N2817BB00100	USA	7
5N2817BB00300	USA	1.1
5N2817BB01000	USA	0.92
5N2817BB01900	USA	0.92
5N2817BB02500	USA	0.92
5N2817BB03000	USA	1.8
5N2817BB03800	USA	0.92
5N2817BB04100	USA	0.92
5N2817BB04700	USA	0.92
5N2817BB05300	USA	1.1
5N2817BB05900	USA	1.32
5N2817BB06200	USA	1.1
5N2817BB06900	USA	1.1
5N2817BB07500	USA	1.1
5N2817BB08400	USA	1.1
5N2817BC00101	USA	2.56
5N2818AA00100	USA	7.75
5N2818AA00300	USA	3.46
5N2818AA01200	USA	2.39
5N2818AA02000	USA	4.6
5N2818AD00100	USA	3.63
5N28B00000490	USA	44
5N28B00000490	USA	5.39

US 730 & 395

The US 730 and 395 area is generally described as the property laying east of the Umatilla River and south of US 730 along US 395. The properties located along US 395 have been divided into smaller lots and are primarily developed with a mix of residential, commercial and industrial uses. There are several properties that are located west of US 395 that are completely encumbered with large BPA easements and are not identified on the map below. Those properties while not physically developed are not considered developable as they would conflict with the BPA easements and are not considered in the alternative site analysis.

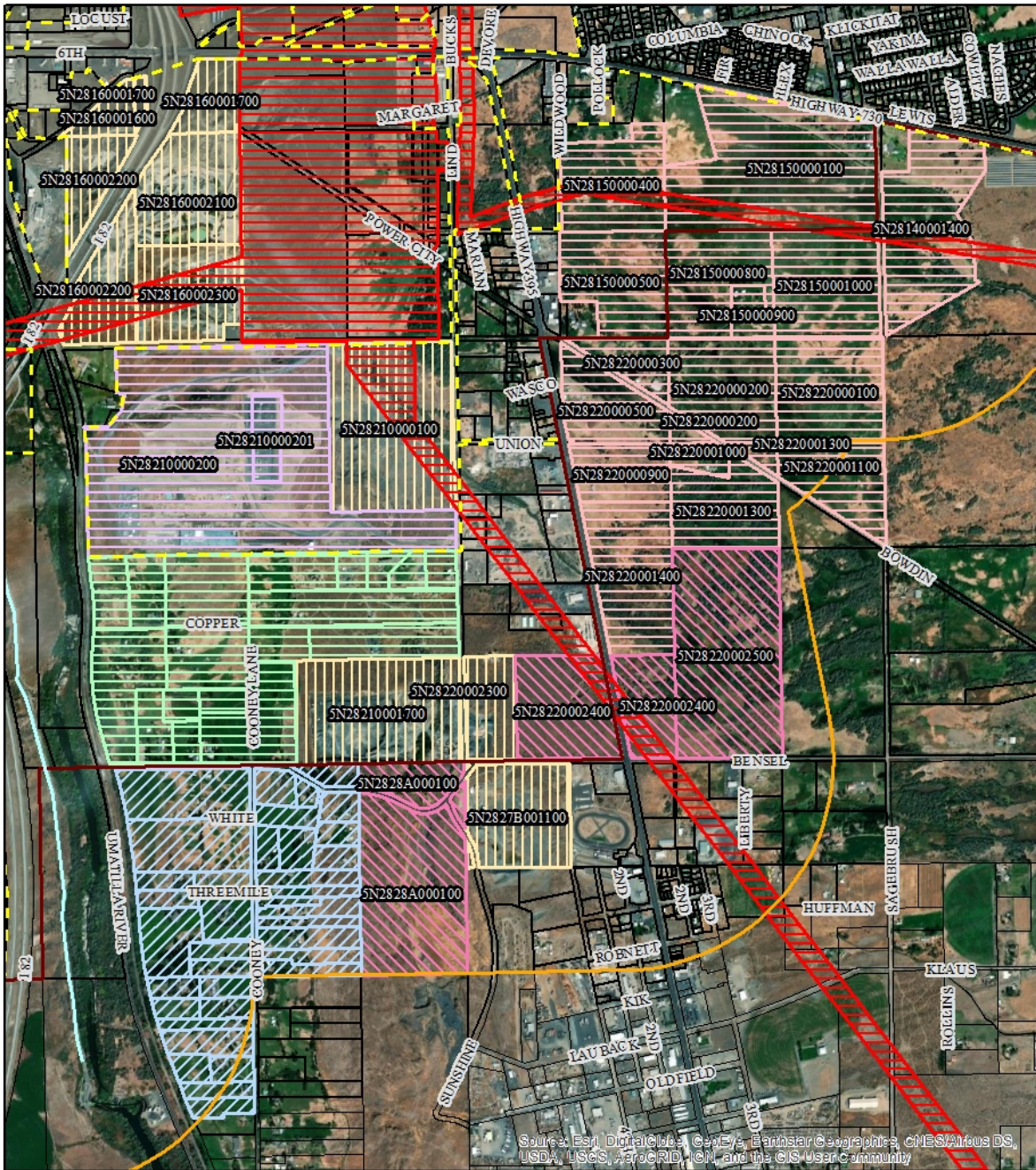
The PDX 63 site is not visibly developed on the aerial image but has been developed with four data center building and associated substation. To date the City has issued building permits for four data center building (PDX 63, PDX 65, PDX 67 and PDX 69). The properties are identified on the map below but are considered developed in the EOA as permits had been issued for PDX 63.

There are several sites with active Department of Geology and Mineral Industries (DOGAMI) permits in the US 730 and 395 area. All of the site are visibly developed for rock extraction and while not developed with structures are considered developed in the EOA and are not considered suitable alternative locations.

The properties identified as East 395 are properties located east of US 395 and south of US 730. The properties are split between the UGB and study area and could meet the City's need for large lot industrial sites. The East 395 properties are included in the alternative site analysis below.

The Cooney Lane Ext Residential properties are located within the UGB and are developed with a typical rural residential patter with housing on lots ranging from 4 to 26 acres. While the properties do not qualify for the safe harbor provision allowed by OAR 660-024-0050 (2). The properties were considered partially vacant or vacant respectively in the City's residential BIA and corresponding Comprehensive Plan Amendment acknowledged by DLCD (City # PA-1-19, DLCD file # Umatilla 002-19). Ultimately the properties have been divided into smaller lots with multiple owners and could not practically be recombined to accommodate redevelopment. Therefore, due the small lot size and multiple ownership these properties are not considered a reasonable alternative location for redevelopment of large lot industrial sites.

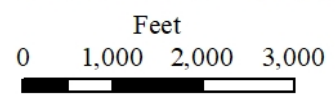
The properties identified as County Rural Residential area currently located outside the UGB and are zoned Rural Residential - 4 by the County. These properties share a similar development pattern to the Cooney Lane Ext Residential properties but are included alternative site anlysis as the land evaluation criterion in OAR 660-024-0067 (2) "priority of land for inclusion" requires nonresource land to be considered as a first priority. **NOTE** see sub map showing residential properties TLID numbers.



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

- Legend**
- BPA Easement
 - Study Area
 - WEID Canal
 - City Limits
 - Urban Growth Boundary
 - Tax Lots

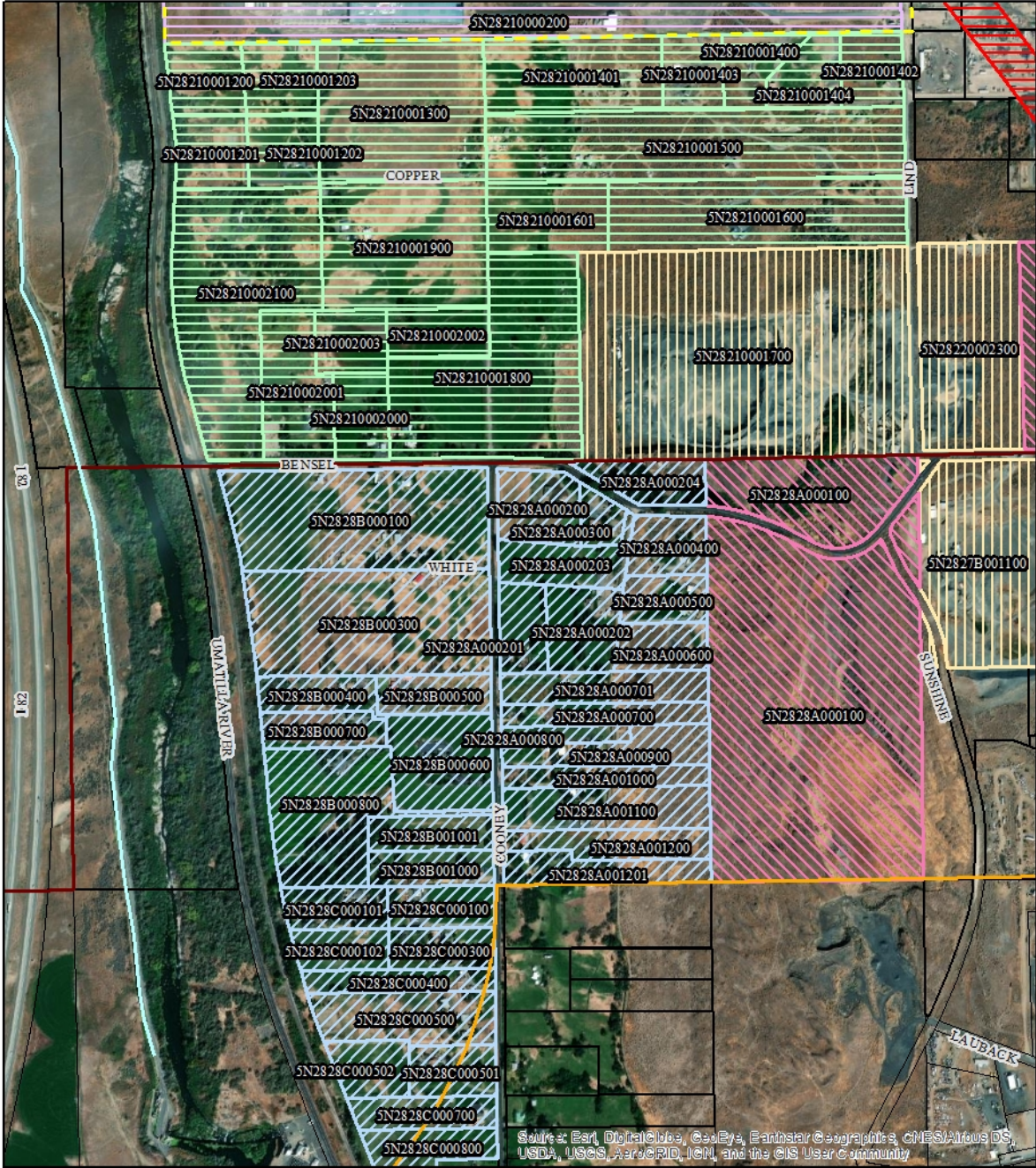
US 730 & 395



Alternative Sites

- BLM
- Cooney Lane Ext Residential
- County Rural Residential
- DOGAMI Sites
- East 395
- PDX 63 Site



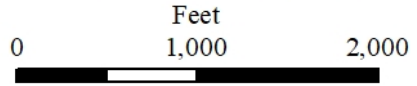


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

- BPA Easement
- Study Area
- WEID Canal
- City Limits
- Urban Growth Boundary
- Tax Lots

US 730 & 395 Residential Areas



Alternative Sites

- BLM
- Cooney Lane Ext Residential
- County Rural Residential
- DOGAMI Sites
- East 395
- PDX 63 Site



US 730 & 395 Table

TLID	OWNER	ACRES
5N28140001400	B. KIK PROPERTIES LLC	53.87
5N28150000100	B. KIK PROPERTIES LLC	86.75
5N28150000400	JARED GREG SCOTT	34.24
5N28150000500	MADRIGAL CERVANTES EDUARDO ROSARIO	34.9
5N28150000800	B. KIK PROPERTIES LLC	33
5N28150000900	TURNEY WILLARD F & PATRICIA E	7
5N28150001000	B. KIK PROPERTIES LLC	39
5N28160001600	MORRISON JOHN K ET AL	7.9
5N28160001700	UMATILLA COUNTY OF	16
5N28160002100	MORRISON JOHN K ET AL	40.29
5N28160002200	MORRISON JOHN K ET AL	46.13
5N28160002300	BONNEY KEN ET AL	0
5N28210000100	VADATA INC	79.68
5N28210000200	AMAZON DATA SERVICES INC	178.2
5N28210000201	UMATILLA ELECTRIC COOPERATIVE ASSOC	9.1
5N28210001200	BARTH LAUREN	4.79
5N28210001201	FOLEY CHRISTOPHER J & SCHULTZ SALLY A	4.76
5N28210001202	WALTON JOSHUA C & JAMIE L	4.76
5N28210001203	PARKINS VAUGHN EDWARD & TAMARA ROSE	4.75
5N28210001300	RIVERA PEDRO & MARIA	20.98
5N28210001400	NOBLES SAM K & NANCY C	4

5N28210001401	NOBLES SAM K & NANCY C	12
5N28210001402	RANNE DONALD L	4.19
5N28210001403	MCCLURE LINDA F	4
5N28210001404	NOBLES SAM K & NANCY C	4
5N28210001500	NOBLES CLYDE C & BETTY L	26.41
5N28210001600	GILCHER NEVA A	18.77
5N28210001601	KNOEPFLER JASON S & NOBLES-FISHER NICOLE	8
5N28210001700	NOBLES CLYDE JR 1/4 ETAL 3/4	61.43
5N28210001800	NOBLES JAMES B & SANDRA K	25.89
5N28210001900	WOOD TRAVIS J & BRITNEY M	19.02
5N28210002000	RICHMAN BECKY A & PETERSON RONALD	4.18
5N28210002001	BETTS ROBERT D & MONICA L	8.64
5N28210002002	NOBLES JAMES B & SANDRA K	4.49
5N28210002003	NOBLES JAMES BRUCE & SANDRA KAY	4.04
5N28210002100	LYMAN KATHERINE H	26.11
5N28220000100	B. KIK PROPERTIES LLC	40
5N28220000200	TURNEY WILLARD F & PATRICIA E	38.92
5N28220000300	CERVANTES JAIME M & RIVERA VENANCIA R	12.88
5N28220000500	UMATILLA SAGE RIDERS	24.49
5N28220000900	BONNEY KEN ET AL	20
5N28220001000	WARR STEVEN & ANNETTE	5

5N28220001100	B. KIK PROPERTIES LLC	25.68
5N28220001300	PARKS ETHAN	32.37
5N28220001400	BONNEY KEN ET AL	40.84
5N28220002300	UMATILLA COUNTY OF	8
5N28220002400	USA	55.56
5N28220002500	USA	79
5N2827B001100	LOGSDON NORRIS	0
5N2828A000100	USA (BLM)	77.43
5N2828A000200	POMEROY MICHAEL S & ASHLEY M	5.3
5N2828A000201	GUTIERREZ JULIAN & MARGARET	3.76
5N2828A000202	POTTER LYLE GENE	5.47
5N2828A000203	NOBLES KIMBERLY JEAN ET AL	5.02
5N2828A000204	EVANS DANNY EARLE & PAULINE KAY	4.17
5N2828A000300	HALLUM JOHN M & VALERIE L	1.5
5N2828A000400	MCDONOUGH PAUL M & JENNIFER L	4.1
5N2828A000500	JOHNSON MILTON J & JEANNE FAYE (LE)	3.68
5N2828A000600	PARKINS VAUGHN EDWARD & TAMARA ROSE	3.93
5N2828A000700	CLARK NATHANIAL ALVA & KIMBERLY	4
5N2828A000701	KONTUR FRANK J & WANDA J	5.76
5N2828A000800	JONS WILLIAM	2.08
5N2828A000900	ZWALD NICHOLAS C & MARY G	5.5
5N2828A001000	THOMAS CLINTON R & NORMA J	3.94

5N2828A001100	MURPHY CHANCE & ANDREA	7.77
5N2828A001200	SANCHEZ GABRIELA & CARILLO FERNANDA	5.01
5N2828A001201	PADILLA JOSE J & RAQUEL	5.02
5N2828B000100	NOBLES CLYDE C & BETTY L	22.18
5N2828B000300	ELYUTH TATAR & INGRID TATAR	24.54
5N2828B000400	POWELL GARY L & SANDRA L	4
5N2828B000500	RHEA ROBERT W & PATRICIA R	4
5N2828B000600	SARGENT MARK P & GAIL A	8.82
5N2828B000700	SWAGGART BENJAMIN C & TERRI L	4
5N2828B000800	WOOD THOMAS J & DANA A	14.06
5N2828B001000	CARLSON JEREMY C & ANGELA C	4
5N2828B001001	ENNIS GERALD L & CHERYL A	4
5N2828C000100	PADILLA DAVID M	3.82
5N2828C000101	KONTUR FRANK & WANDA	3.98
5N2828C000102	KONTUR FRANCIS J & WANDA J	3.71
5N2828C000300	LANGERMAN JEREME R ET AL	3.82
5N2828C000400	CLAASSEN MICHAEL E & LEAH D	3.83
5N2828C000500	MCNEIL DAN P & KIM K	8.53
5N2828C000501	SMITH TAMARA L & RANDALL C (TRS)	4
5N2828C000502	R & T SMITH TRUST ET AL	4
5N2828C000700	ASCENCIO GREGORIO L & TORRES MONICA R	4.14
5N2828C000800	JONS WILLIAM	4.15

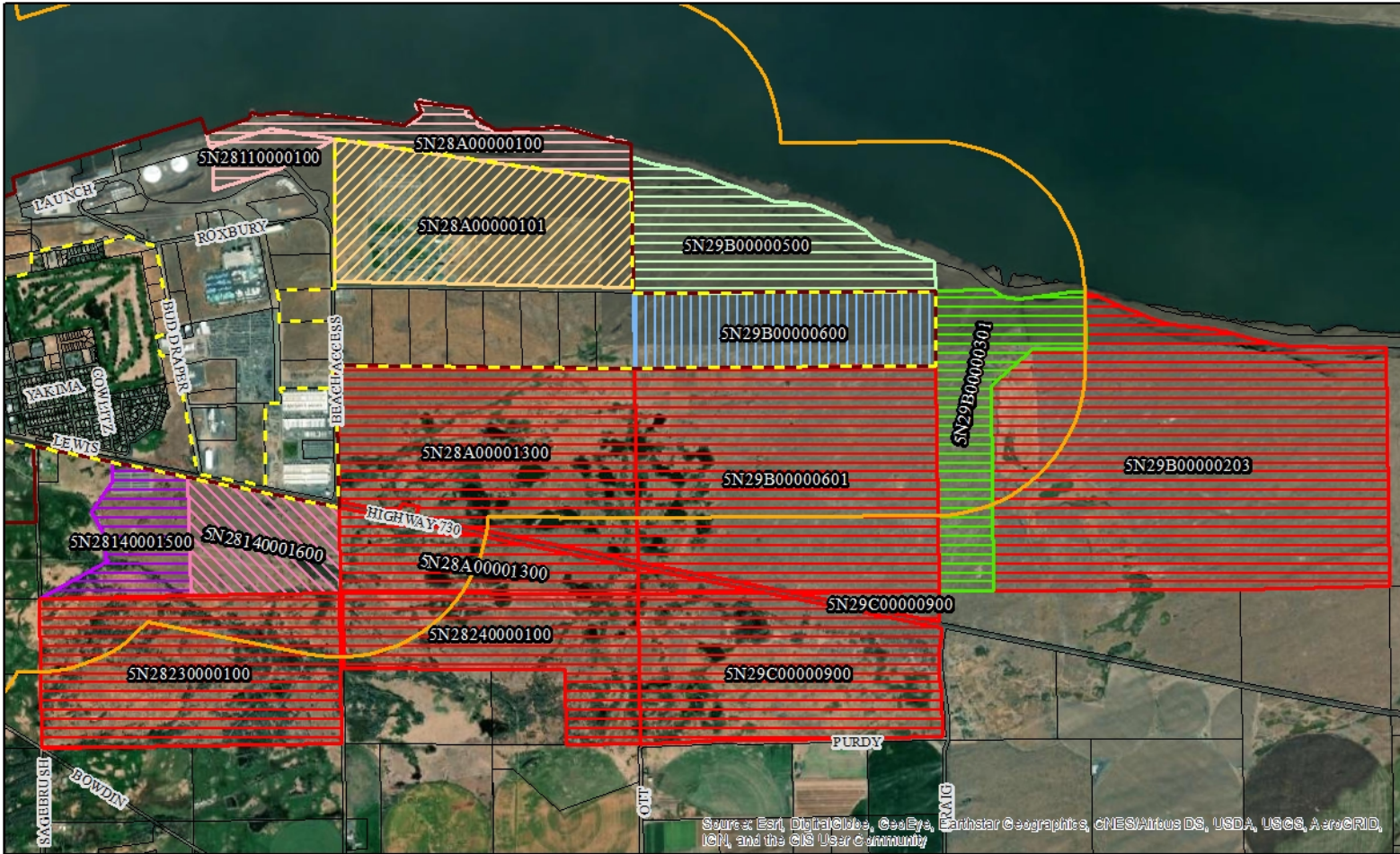
Port of Umatilla Industrial Park

Expansion of industrial lands at the existing industrial park is the most logical location to look for expansion of the UGB. However, with the exception of a parcel (TLID 5N29B00000301) owned by Oregon Department of Fish & Wildlife, all of the surrounding properties are in federal or tribal ownership. To the south and east is the Wanaket Wildlife Area that is owned by Bureau of Indian Affairs (BIA) and held in trust for CTUIR. In addition, the area is generally identified as the “McNary Potholes” in the Umatilla County Comprehensive Plan Technical Report and designated a significant wetland site. The goal 5 analysis identifies the McNary Potholes as a 3C resource to limit conflicting uses. Therefore, given the Wanaket Wildlife area is in federal ownership is actively being managed by CTUIR as a wildlife and wetlands area the properties are not considered a suitable alternative location.

In addition to the Wanaket Wildlife area, CTUIR also owns and manages the Wanapa Industrial Site. The City has an acknowledged Goal 11 exception to provide sanitary sewer to the site. The City acknowledges the property is zoned industrial and would be considered a First Priority land under OAR 660-024-0050. While City has taken steps to facilitate development, existing goal exceptions to provide sanitary and agreements to provide potable water, of the Wanapa Industrial Site the City does not have regulatory jurisdiction of the property. In addition, properties held in fee by CTUIR are generally not eligible to be subdivided and sold to private developers. This would further reduce potential development opportunities. Therefore, the Wanapa Industrial Site is not considered a suitable alternative location.

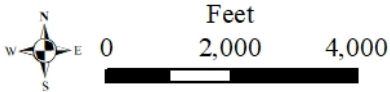
The Umatilla Electric Cooperative property (UEC), TLID 5N28140001500, appears to be a suitable location based on aerial imagery but has existing physical barriers that would prohibit development of the site to meet the need for large lot industrial sites. As shown on the map below the property is divided by a significant BPA transmission lines and the “O line” irrigation canal/ditch, managed by the Hermiston Irrigation District. Due to the existing utilities the property is broken into three small sections not suitable for development of large lot industrial site. This property is not considered a suitable alternative location.

The remaining highlighted sites are the PDX 130 site, TLID 5N28B00000600, as addressed in the land need section above, the property is now considered developed as permits have been issued for construction of the first data center building and associated accessory structures. TLIDs 5N28110000100, 5N28A00000100 and 5N28140001600 are owned by USACE or BLM and given their federal ownership are not considered suitable alternative locations. The TRCI property, TLID 5N28A00000101, is the current site of the Two Rivers Correctional Institution and is only highlighted for discussion purposes as a large portion of the eastern side of the property is undeveloped. As allowed by OAR 660-024-0050 (3)(b) the property is larger than five acres in size and the existing permanent building exceeds the minimum required one-half acre to be considered developed. Therefore, the TRCI property is considered developed and not a suitable alternative location.



Port of Umatilla Industrial Park

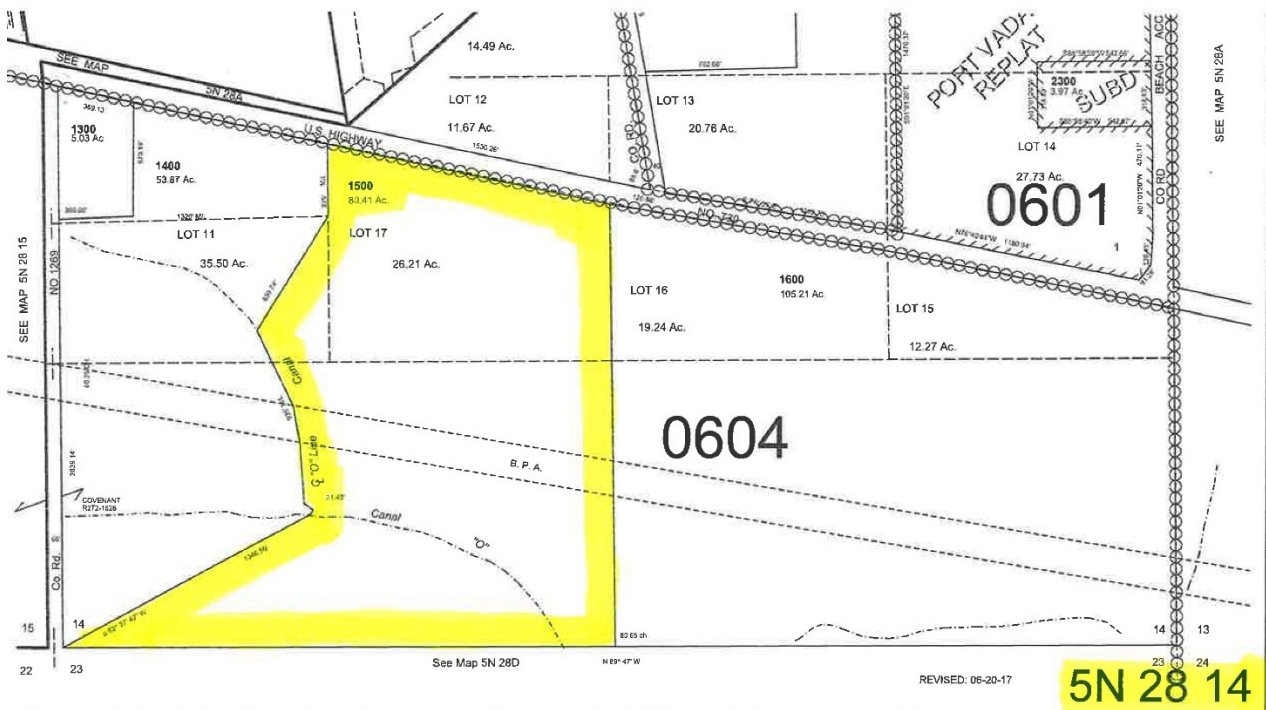
- | | | | |
|-----------------------|------------------------|--------------------------|------------------------|
| Legend | | Alternative Sites | |
| Study Area | BLM | UEC | USACE |
| City Limits | Oregon Fish & Wildlife | Wanaket Wildlife Area | Wanapa Industrial Site |
| Urban Growth Boundary | PDX 130 Site | | |
| Tax Lots | TRCI | | |



Port of Umatilla Industrial Park

TLID	OWNER	ACRES
5N29B00000600	AMAZON DATA SERVICES	161.36
5N29B00000203	DEPT OF INTERIOR BIA	713.88
5N29B00000301	STATE OF OREGON DEPT FISH & WILDLIFE	160
5N28110000100	USA	27.66
5N28140001500	UMATILLA ELECTRIC COOP ASSN	80.41
5N28140001600	USA	105.21
5N28230000100	DEPT OF INTERIOR BIA	318
5N28A00000100	USA	134.98
5N28A00000101	STATE OF OREGON DEPT OF	268.15
5N28A00001300	DEPT OF INTERIOR BIA	465.36
5N29B00000500	USA (TRS)	195.23
5N28240000100	DEPT OF INTERIOR BIA	200.59
5N29B00000601	USA	479.15
5N29C00000900	DEPT OF INTERIOR BIA	315.16

UEC Property (County Assessors Map)



Alternative Site Analysis – Within the UGB

OAR 660-024-0050 establishes the procedures for evaluation of existing inventory of land located within the UGB. The City has recently completed the BIA process for both residential and employment lands, with the residential update being completed and adoption acknowledged by DLCD. The City completed the pending EOA in fall of 2019 and is seeking to adopt an update to the City's Goal 9 inventory and overall land needs. OAR 660-024-0050 (4) specifically requires that if the City demonstrates that prior to expanding the UGB the need cannot be reasonable accommodated on land already within the UGB.

OAR 660-0024-0050 (4) - If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and applicable rules at OAR 660-024-0060 or 660-024-0065 and 660-024-0067.

The following map shows the same information provided above but highlighting properties located within the UGB. Ultimately within the UGB seven locations were identified that could meet a portion of the City's need for large lot industrial sites. Five of the locations are in the south hill area and are planned or zoned residential, including the City's proposed location for the pending UGB expansion. No federal properties located within the UGB were considered viable alternative locations.

The East 395 properties appear capable of meeting the City's need for large lot industrial site but similar to the proposed UGB expansion area would require expansion of the UGB as the City's entire need could not be meet on lands located solely within the UGB. Given this location would also require expansion of the UGB the site will be considered below using the evaluation priorities provided by OAR 660-0024-0067.

The Cooney Lane Ext Residential area as outlined above has been parceled and developed with a typical rural residential development pattern. Of the twenty individual properties half of them have been divided to near the minimum lot size of 4 acres. While all of the parcels have not been developed one of the large parcels was developed with multiple pre-existing dwellings. Based on City and County zoning permit records there are 18 existing single-family dwellings located in the Cooney Lane Ext Residential area. Therefore, given parcelization and existing development pattern the City finds that the area could not be reasonably combined or redeveloped to meet the City determined need for large lot industrial sites and is not considered a suitable alternative location.

The remaining areas identified as capable of partially meeting the City need are all located within the south hill area. The Fastrack/Columbia Basin Development properties, as outlined above, have already seen new residential development with the first phase of each project having

been completed or nearing completion with physical development having commenced at all three locations. Given the properties have been physically develop and new construction ongoing the City does not consider these properties to be a suitable alternative location.

The McClannahan Summit properties appears to be a viable alternative location. However, once the City owned property that is committed to use as a cemetery is removed the remaining 90 acres, including the School District property, would only partially meet the City's need. To meet the City's entire need for large lot industrial sites the UGB would need to be expanded to include properties located outside the UGB. Any expansion in this area would affect the Topaz Land properties and as addressed below would result in additional high value farm land being taken out of production. In addition, it should be noted that the City has approved a plan amendment and subdivision application for development of 326 new single-family dwellings on the subject property. The City finds that the McClannahan Summit properties would only partially meet the City's need for large lot industrial site without expanding the UGB. Inclusion of additional lands would remove more high value farm land from production than the City's proposed site. Therefore, the City finds that the McClannahan Summit property is not a suitable alternative location.

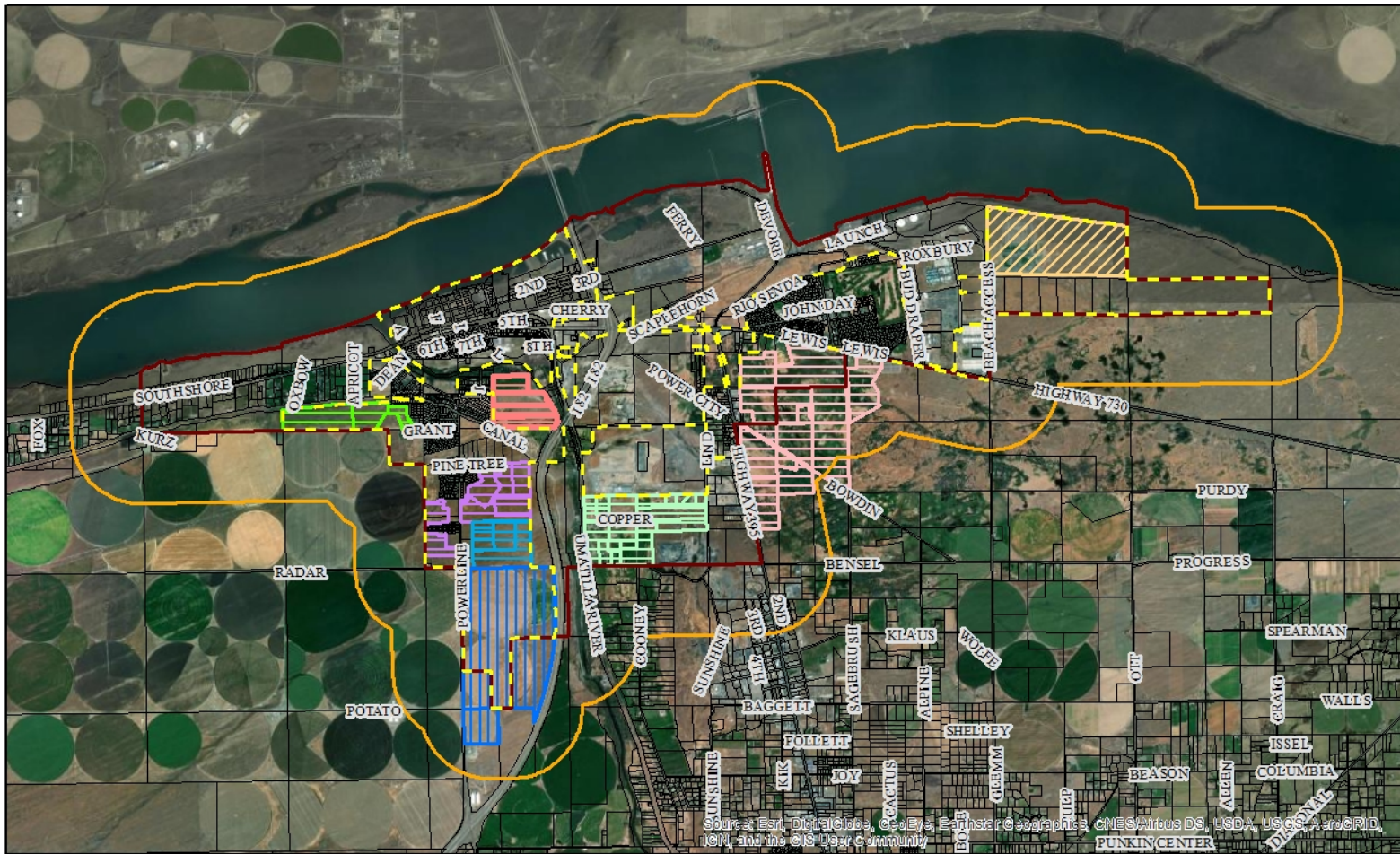
The Nobles properties are also located in the south hill area and are currently designated residential by the comprehensive plan and are zoned Exclusive Farm Use and Agricultural Residential by the Umatilla County 1972 zoning ordinance that is in affect for the UGA. However, as addressed in this report the property could only partially meet the City's need for large lot industrial sites and are physically isolated from other developable areas of the City by the Umatilla River, existing residential development and significant BPA easement and the WEID irrigation canal. Given the properties are isolated from other developable areas of the City and could not meet the City's need for large lot industrial sites these properties are not considered a viable alternative location.

The CCPD Inc properties, owned primarily by CCPD Inc but includes a parcel owned by Annabel Sosa, are located adjacent to the City's proposed parcel for rezone and expansion of the UGB. The City's adopted Housing Needs Assessment (Figure 5.3 in the City's Housing and Residential Land Needs Assessment and Section 101.7.700 of the City's Comprehensive Plan) concludes that the City has projected need for 21 acres of land zoned Medium Density Residential and an inventory of 203 acres. This results in an assumed surplus of 182 acres of Medium Density Residential zoned lands. However, since adoption in September of 2019 the City has seen significant development occur in the Medium Density Residential Zone. Since adoption the City has approved 4 residential subdivision all located in the Medium Density Residential Zone. The four approved subdivision total approximately 60.99 acres as follows:

- Riverwood Estates – 5.15 acres converted to a 20 lot subdivision
- Cheryl's Place – 24.37 acres converted to a 104 lot subdivision
- Vandelay Meadows – 19.57 acres converted to a 49 lot subdivision, an approximately 7 acre remnant parcel remains that has significant topographic issues and is identified in the Comprehensive Plan as having slopes form 18-25%. The remnant 7 acres parcel is not considered developable.
- Sunrise Estates – 11.9 acres converted to a 81- lot subdivision

Given the City has already permitted development on 60 acres of land zoned Medium Density Residential, nearly three times the City projected need through the 20 year planning period, in less than two years the City feels that the project need specifically within the Medium Density Residential zone is low. The City has experienced unprecedented growth in both the industrial and residential sectors for the last 4 years and is surpassing our projected growth rate. With the emphasis towards development of new housing at both the state and federal level the City feels it is appropriate to maintain an inventory of Medium Density Residential zoned lands within the City's primary residential area. Therefore, the CCPD Inc properties are not considered a suitable alternative location.

The lone remaining property inside the UGB identified to be suitable is the Cleaver Land properties, the City's proposed site for the UGB expansion and rezone. City acknowledges that the Housing Needs Assessment identified a large residential land surplus, specifically an 873 acres surplus in the Single-Family Residential Zone. However, the subject property alone is not large enough to accommodate the City's projected need of 300 -399.98 acres of industrial land for large lot industrial development, when considering existing development constrains. Additional analysis for the portion of the property outside the UGB and development constrains is provided below with the alternative location analysis for properties outside the UGB.



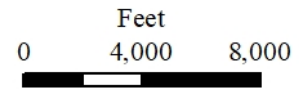
Alternative Site Analysis - Inside The UGB

Legend

- Study Area
- City Limits
- Urban Growth Boundary
- Tax Lots

Alternative Sites

- | | |
|---|--|
| TRCI | McClannahan Summit Properties |
| CCPD Inc Property | Cooney Lane Ext Residential |
| Cleaver Land | East 395 |
| Fastrack/Columbia Basin Development | |
| Nobles Property | |



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

Alternative Site Analysis – Outside the UGB

Except for the proposed site, four alternative locations were identified for additional analysis. The Wanapa Industrial Site is included in the analysis as it is one of two sites identified as First Priority land. First Priority lands are defined as urban reserve, exception land and non-resource lands.

- (2) Priority of Land for inclusion in a UGB:
 - (a) First Priority is urban reserve, exception land, and non-resource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:
 - (A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;
 - (B) Land that is subject to an acknowledged exception under ORS 197.732; and
 - (C) Land that is non-resource land.

The City of Umatilla does not have an acknowledged urban reserve. Properties located to the west of the UGB on land zoned residential are highly parcellated and not suitable for redevelopment of large lot industrial site. Non-resource lands zoned commercial or industrial located along US 395, south of the US 730 & 395 map are also highly parcellated and are not suitable for redevelopment. The remaining properties that are considered first priority have been identified as the Wanapa Industrial Site and the County Rural Residential areas. As discussed previously the Wanapa Industrial Site is not considered a viable alternative location as it is in federal ownership and is not subject to state wide planning goals or local review. While the City has taken steps to help facilitate development of the site the City finds that it is not reasonable to incorporate a site to meet the City's development needs when the City has no regulatory control over use or development on the property. Therefore, the Wanapa Industrial Site is not considered a viable alternative location.

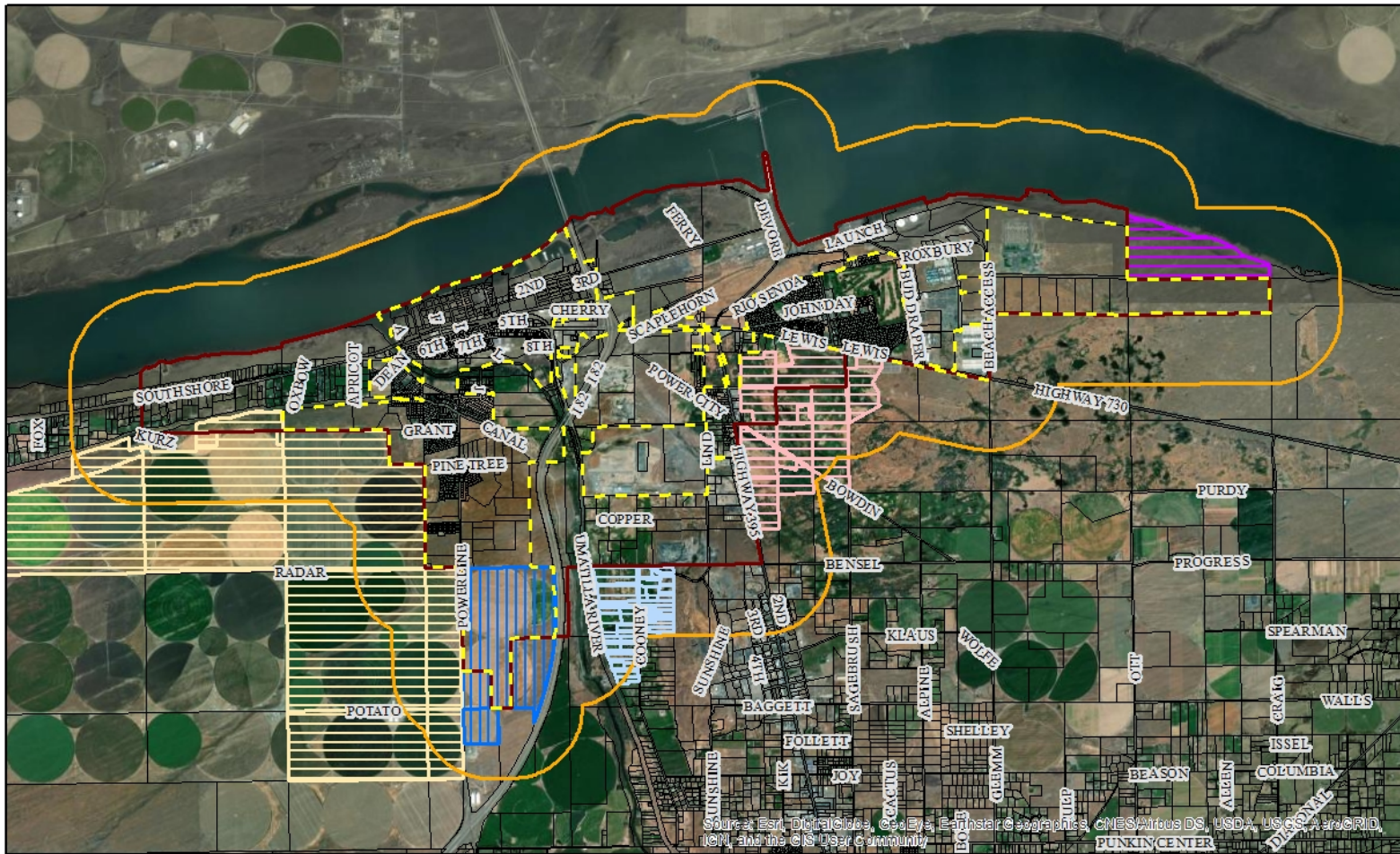
The County Rural Residential area share similar developmental issues as the Cooney Lane Extension area. The area has been subdivided into individual properties with existing single-family dwellings. Of the 36 parcels located within the County Rural Residential area only 3 are larger than 10 acres in size and the average parcel size is 5.8 acres. Given the development pattern and as allowed OAR 660-0240-0067 (5) a city may find land is unsuitable if the development pattern of rural residential land make it unreasonable to redevelop during the planning period. Therefore, due to the existing development pattern the City finds that the County Rural Residential area cannot be reasonably redeveloped to meet the City's need for large acre industrial sites. It is also worth noting that the entire County Rural Residential area identified is 209 acres and would not meet the City's need for large lot industrial sites.

The remaining properties adjacent to the UGB and considered as part of this evaluation are in federal ownership and excluded from consideration or would be considered forth priority as they zoned EFU and would be considered high-value farm land as defined by ORS 195.300. The three properties are identified as the Cleaver Land Property, the location of the proposed UGB expansion, the Topaz/Onyx Land properties and the East 395 properties.

The East 395 property as discussed above could reasonably meet the City identified need if a similar rezone and UGB expansion application were pursued by the City but land both within the UGB and outside the UGB would be required. The East 395 properties are considered high value farmland as the tract is predominantly composed of “Adkins fine sandy loam, wet, 0 to 3 percent slopes” and are a Class 2 soil by the Natural Resources Conservation Service (NRCS) soil capability classification (see soils maps below). This is the only alternative location identified that has a class 2 soil capability classification without irrigation. In addition, to the soil classification the East 395 properties have a significant portion of the property covered by mapped wetlands as shown on the National Wetland Inventory and Statewide Wetland Inventory. Therefore, given the East 395 properties have the highest soil classification and are encumbered by mapped wetlands these properties are considered the lowest priority for inclusion into the UGB.

The Topaz and Cleaver Land Properties are both considered high values as they are zoned EFU and have water irrigation rights issued by the Oregon Water Resources Department. As shown on the soils map below the two properties largely have similar soil capability classifications, largely dependent on slope. The sites would therefore be considered high value where water rights are available and non-high value farmland between circles. All of the lands not considered a place of use, the land between the circles, are class seven soils. Given the soil classification for the two sites are largely identical the Cleaver Land properties should be considered the highest priority for inclusion into the UGB. Of the 150 acres proposed for inclusion in the UGB approximately 91 acres would be considered high value farm land. The remaining area is composed of class seven non high value soils. Therefore, any inclusion of either the Cleaver Land properties or the Topaz Land properties would result in high value farm land being taken out of production. The Cleaver land property is considered the most suitable as it would require the least amount of farm land to be taken out of production to meet the City’s need. Approximately 226 acres of land on the Cleaver Land properties in irrigation crop production is located inside the UGB and therefore, not considered high value farm land. The Topaz Land properties are considered a suitable alternative location but would have significantly more impacts to high value farmland than the Cleaver Land properties as any expansion of the UGB to include Topaz Land properties would impact irrigation crop circles.

In addition to soil classifications the City has identified that a portion of the Cleaver Land properties are identified in the comprehensive plan (figure 7.1-2) as having 10 -25% slopes. OAR 660-024-0067 (5) (d) allows land for industrial uses to be excluded from consideration if the land has over a 10% slope. Appendix A of the City’s EOA also identifies slope as a physical site requirement and with a maximum 0 – 7% slope being considered suitable. The map below shows the lidar data available from DOGAMI for the area. This results in a pretty significant slope from the existing crop circles down to I-82. This creates a physical barrier that would limit future development on the site. Based on available slope data staff estimates that 130 acres along the eastern side of the property is impacted by slopes greater than 7%. The result is approximately 310 acres of land with no slope impacts and an additional 130 acres of land with varying limitations due to slope. The City find that the Cleaver land property is the most suitable location to meet the City’s need for large lot industrial sites when considering the applicable OARs and other considerations.



Alternative Site Analysis - Outside the UGB

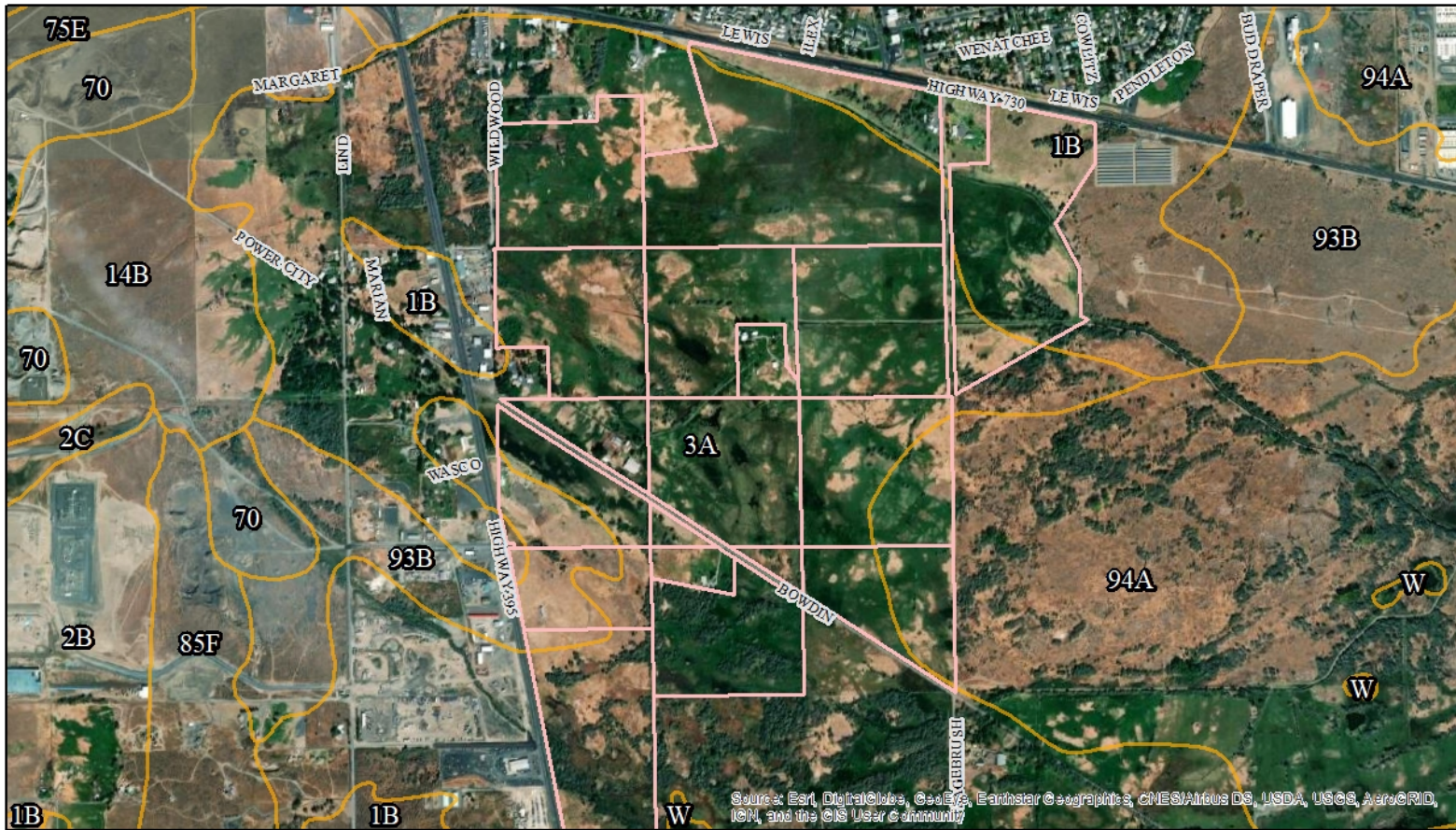
Legend

- Study Area
- City Limits
- Urban Growth Boundary
- Tax Lots

Alternative Sites

- Wanapa Industrial Site
- Cleaver Land
- Topaz/Onyx Land Properties
- County Rural Residential
- East 395



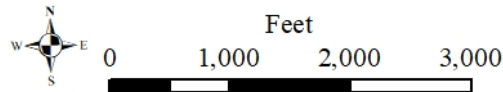


East 395 Properties - Soil Map

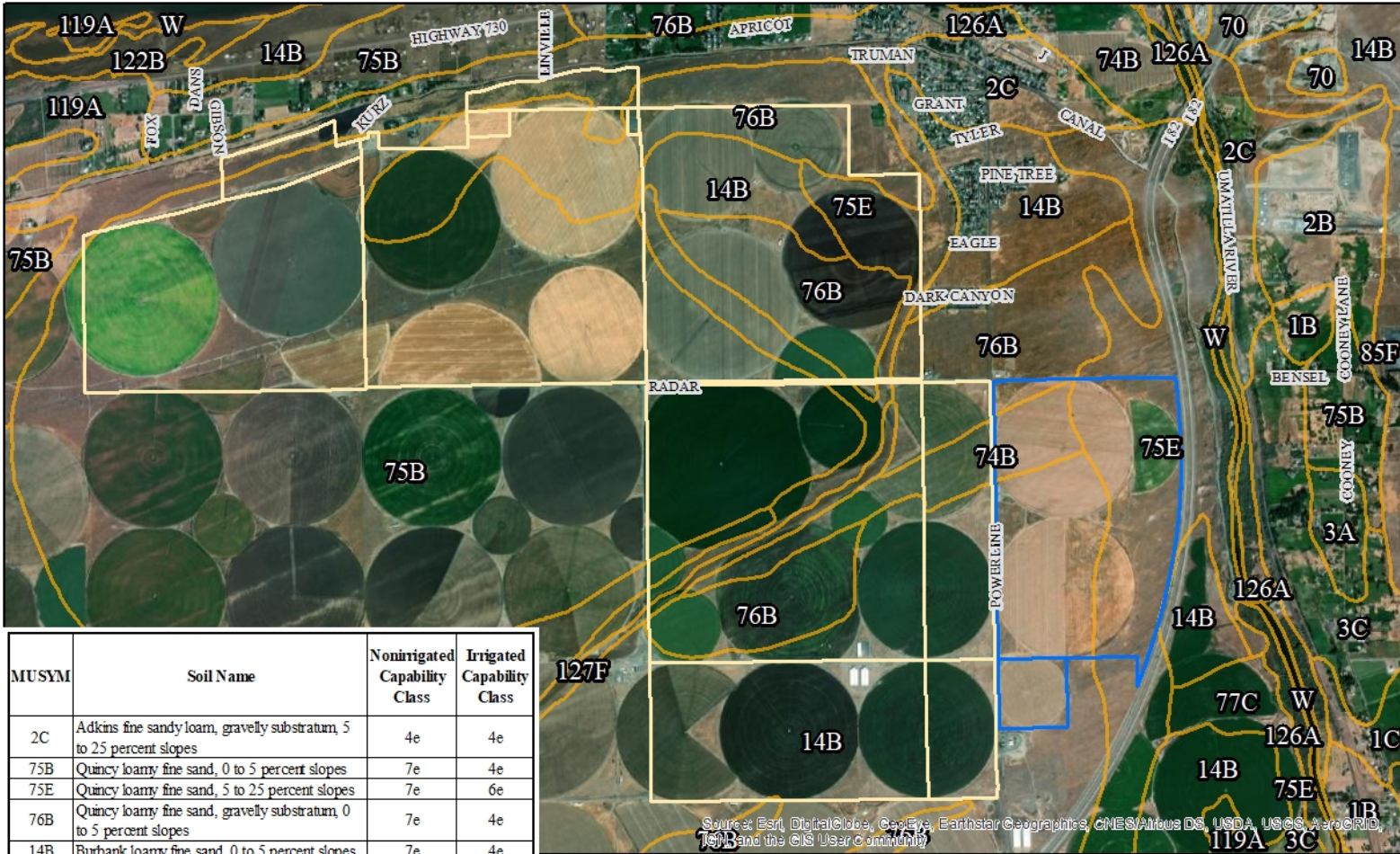
Legend

Name

- East 395 Properties
- Soils



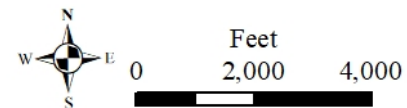
MUSYM	Soil Name	Nonirrigated Capability Class	Irrigated Capability Class
70	Pits, gravel	8	
14B	Burbank loamy fine sand, 0 to 5 percent slopes	7e	4e
1B	ADKINS FINE SANDY LOAM, 0 TO 5 PERCENT SLOPES	4E	2E
2B	ADKINS FINE SANDY LOAM, GRAVELLY SUBSTRATUM, 0 TO 5 PERCENT	4E	2E
2C	Adkins fine sandy loam, gravelly substratum, 5 to 25 percent slopes	4e	4e
3A	ADKINS FINE SANDY LOAM, WET, 0 TO 3 PERCENT SLOPES	2W	2W
85F	Rock outcrop-Xeric Torriorthents complex, 10 to 70 percent slopes	8	
93B	Starbuck very fine sandy loam, 2 to 20 percent slopes	6e	4e
94A	Starbuck-Rock outcrop complex, 0 to 5 percent slopes	6e	4e
W	Water		



MUSYM	Soil Name	Nonirrigated Capability Class	Irrigated Capability Class
2C	Adkins fine sandy loam, gravelly substratum, 5 to 25 percent slopes	4e	4e
75B	Quincy loamy fine sand, 0 to 5 percent slopes	7e	4e
75E	Quincy loamy fine sand, 5 to 25 percent slopes	7e	6e
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	7e	4e
14B	Burbank loamy fine sand, 0 to 5 percent slopes	7e	4e
127F	Xerollic Durorthids, 30 to 60 percent slopes	7e	
14B	Burbank loamy fine sand, 0 to 5 percent slopes	7e	4e
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	7e	4e
74B	Quincy fine sand, 0 to 5 percent slopes	7e	4e
75B	Quincy loamy fine sand, 0 to 5 percent slopes	7e	4e
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	7e	4e
75E	Quincy loamy fine sand, 5 to 25 percent slopes	7e	6e
14B	Burbank loamy fine sand, 0 to 5 percent slopes	7e	4e

Legend

- Soils
- Cleaver Land
- Topaz/Onyx Land Properties








South Hill - Soil Map

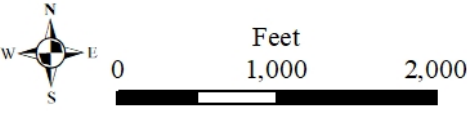
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Legend

Cleaver Slope Map

	Cleaver Land	Oregon DOGAMI LiDAR Slope
		0 - 7
		7.000000001 - 10
		10.000000001 - 15
		15.000000001 - 89.30650354



**DLCD COMMENTS TO CITY OF
UMATILLA
DATED JULY 20, 2021**



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

July 20, 2021

Brandon Seitz
Community Development Director
PO Box 130
Umatilla, OR 97882

SENT VIA Email



Re: City of Umatilla File PA-2-20 (DLCD File No. 002-20); Notice for an Annexation, Urban Growth Boundary Expansion and Rezone; Supplemental Findings

Mr. Brandon Seitz,

Thank you for the Supplemental Findings for the city's post acknowledgement plan amendment for the adoption of an Economic Opportunities Analysis (EOA), an approximately 150-acre urban growth boundary (UGB) expansion and an annexation and rezone of approximately 450 acres total for the purpose of accommodating land planned and zoned for industrial use. We appreciate all the work that has gone into these proposals and your willingness to address several of the department's previous concerns. Our remaining concerns, as discussed with you on 7.19.21, are addressed below. Please include these comments in the record for this plan amendment and the proceedings of the July 20, 2021, City Council hearing.

Land Need

The city proposes to adopt the 2019 EOA with this plan amendment. The EOA is the essential background document that evaluates several required elements: the target industry analysis, the forecast of employment land need, the current employment land supply, and the buildable land inventory vs. the 20-year employment land need. The EOA is also the essential document that must support the city's proposed urban growth boundary expansion for large lot industrial lands.

Based on our conversation yesterday, the approximately 160-acre Port property that was part of the "large lot 20-year land supply" appears to be under construction. You indicated grading and leveling of the property has begun in addition to the extension of road, water and wastewater infrastructure. This actual physical development of the property is sufficient to remove it from the land supply as identified in the EOA. Therefore, the EOA must reflect this change in status consistently throughout the document and conclude that the unmet need is now one single site of 100+ acres, rather than two, and two sites of 50-99 acres (Note the summary on p.45 of the findings).

Based on the 160-acre reduction in land supply and the more extensive evaluation of alternative sites both inside and outside the city's urban growth boundary in the Supplemental Findings, we now support the proposed urban growth boundary amendment moving forward at this time.

Given the pace of employment land absorption resulting from data center development in the city, we encourage Umatilla to update its EOA and employment buildable lands inventory within the next several years to assess its ability to meet land demand by this industry going forward. DLCD recognizes the significant investment that Umatilla has made in planning for growth in this industry and we encourage the city adopt policies that support its unique needs.

Please keep in mind that the process for adopting an urban growth boundary amendment for a city with a population of 2,500 or more within its urban growth boundary and greater than 50 acres in size, must proceed "in the manner of periodic review", following local and county adoption. The process is outlined in Oregon Administrative Rule 660-025 and linked here: [Division 25](#), beginning in Section 175.

Please feel free to contact Anne Debbaut, Regional Representative at: anne.debbaut@state.or.us or 503.804.0902 if you have further questions or concerns.

Regards,



Gordon Howard
Community Services Division Manager

cc: Jacob Foutz, City of Umatilla
Bob Waldher, Planning Director, Umatilla County
Megan Green, Umatilla County
Hilary Foote, Leigh McIlvaine, Kevin Young, Anne Debbaut, DLCD (*email*)

DRAFT MINUTES

**PLAN AMENDMENT #P-126-20 &
ZONING MAP AMENDMENT #Z-314-20**

**Co-adopt City of Umatilla's
Urban Growth Boundary Expansion**

**PLANNING COMMISSION HEARING
JULY 22, 2021**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, July 22, 2021, 6:30 pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
VIRTUAL MEETING VIA ZOOM

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Hoot Royer, Jon Salter, Lyle Smith, Cindy Timmons & Sam Tucker

ABSENT: Tammie Williams & Tami Green

STAFF: Bob Waldher, Planning Director, Megan Green, Planner II/ GIS & Tierney Cimmiyotti, Administrative Assistant

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE

CALL TO ORDER

Chair Danforth called the meeting to order and read the Opening Statement

NEW HEARING

PLAN AMENDMENT #P-126-20 & ZONING MAP AMENDMENT #Z-314-20 to Co-adopt City of Umatilla Urban Growth Boundary (UGB) Expansion. The City of Umatilla requests the County co-adopt a proposed change to the City’s UGB. The proposed change would add 150 acres of land to the UGB which would then be rezoned from Exclusive Farm Use (EFU) to City Light Industrial and subsequently annexed into the City. The property is identified as Map 5N28C, Tax Lots 1400 & 6601. The criteria of approval are found in UCDC 152.750-152.755 and the Joint Management Agreement (JMA) between the City and County.

STAFF REPORT

Megan Green, Planner II/ GIS, presented the staff report. Ms. Green stated that the property owner, Alan Cleaver, and the City of Umatilla request that Umatilla County co-adopt an expansion to the City of Umatilla’s UGB. The property proposed to be included in the UGB is known as Tax Lots 1400 and 6601 on Assessor’s Map 5N28C and are located south of the City of Umatilla, east of Powerline Road. The criteria of approval for amendments are found in UCDC 152.750-152.755.

Ms. Green explained that in accordance with the JMA between Umatilla County and the City of Umatilla, the County is required to co-adopt any amendments to the city’s UGB. Therefore, the County has the authority to consider and approve the Comprehensive Plan Map and Zoning Map Amendments. The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioner’s (BCC). The BCC will make a decision whether or not to adopt the proposed change to the Development Code at the public hearing scheduled for August 18, 2021.

Ms. Green stated that, at the July 20, 2021 Umatilla City Council hearing, the expansion was approved unanimously. She noted that several attachments have been included in the commissioner's packets for review, including the County & City's Preliminary Findings & Conclusions. Additionally, several items were emailed to the commissioners at 4pm including; DLCDC Comments from October 19, 2020 & July 20, 2021 and the City of Umatilla's Supplemental Findings in response to DLCDC's comments.

Mr. Waldher stated that the City Council continued the hearing that originated on July 20, 2021. He added that Mr. Seitz would offer further explanation.

Applicant Testimony: Carla McLane, Consultant, Carla McLane Consulting, 170 Van Buren Drive, Umatilla, Oregon, 97882. Ms. McLane indicated that she represents the applicant, Cleaver Land, LLC.

Ms. McLane stated that the applicant's request was submitted in the form of three applications; the UGB expansion request, a zone change request and the annexation of property into the City of Umatilla. If approved, 300 acres of land will be incorporated into the City under an industrial classification for future industrial development. She explained that the City of Umatilla conducted an Economic Opportunities Analysis (EOA) which identified a deficiency in large-lot industrial land exceeding 50-100 acres in size. Data center growth in this area of the county has created a need for larger industrially-zoned pieces of land.

Ms. McLane made it clear that she understands the commissioner's apprehension concerning a request to take farmland out of production. However, she feels that Mr. Seitz will explain the results of the analysis submitted to Oregon Department of Land Conservation and Development (DLCDC) and offer further details about how they came to this conclusion.

Ms. McLane stated that there is an abundance of federally owned land in the City of Umatilla as a result of the McNary Dam, as well as a significant amount of land designated to the tribes and wetlands. These unique challenges made it difficult to identify large lots that could be made available for industrial uses. After careful consideration they believe this is the best location because the area is located at the south end of the City with easy access to Interstate 82. Furthermore, as the City continues to improve Powerline Road there will be access to the north onto Highway 730. She believes the location is especially desirable from an industrial prospective because it has good transportation networks and consists of relatively flat land.

Proponent Testimony: Brandon Seitz, Community Development Director, City of Umatilla, 700 Sixth Street, Umatilla, Oregon, 97882. (Jacob Foutz, Associate Planner, City of Umatilla was also in attendance.)

Mr. Seitz stated that the City started an extensive analysis process back in 2018. They were experiencing a housing boom and needed to update their Goal 10 inventory. He explained that Goal 10 is an Oregon Statewide Planning Goal regarding housing which requires cities to keep

an inventory of buildable lands inside the UGB that have been identified as suitable and available for residential use. As part of the research and analysis they determined the City had a surplus of residentially-zoned land. City followed up with the EOA which addressed Oregon Statewide Planning Goal 9: Economic Development in 2019. The EOA found that the City has a surplus of industrial land in the form of small parcels. However, they did not have a sufficient amount of large parcels of land available to realize economic growth and development opportunities, specifically pertaining to commercial and industrial development expected to occur over the next 20 years.

Mr. Seitz referred to the DLCD letter dated October 19, 2020 presented at the first Umatilla City Council hearing pertaining to this matter. He noted that the letter raised two issues; they wanted the City to reconsider a 160 acre parcel of land, and they had concerns about the site analysis. The City has since removed the 160 acre parcel from their land inventory because it no longer qualifies as they issued a permit for development on the site two weeks ago and physical construction has already begun.

Mr. Seitz stated that the City's Supplemental Findings detail the criteria for site selection and requirements for setting up the study area around the UGB. He explained that OAR Chapter 660, Division 24, Urban Growth Boundaries, provides clear parameters and guidance for both; Establishment of Study Area to Evaluate Land for Inclusion in the UGB (660-024-0065) and Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities (660-024-0067).

Mr. Seitz clarified that 280 acres of the proposed Cleaver Land property currently being used for irrigated crop production, is already inside Umatilla City Limits and the UGB. He noted that, while the property is being used for farm production at this time, as part of the statewide process they are not required to consider this property to be classified as high-value farmland.

Mr. Seitz addressed the second letter from DLCD dated July 20, 2021. He stated that DLCD requested a few modifications to the EOA, which the City made. No additional issues have been raised and DLCD supports the application moving forward. He added that the Umatilla City Council was also supportive and would have approved the request at the last hearing, but the decision was made to leave the record open on staff's recommendation. Staff felt it was important to allow for consideration of additional comments and/or concerns raised at the County's Planning Commission hearing to be incorporated into the Final Findings before they officially close the hearing.

Commissioner Royer asked if he is correct in his understanding that the acreage being considered, even though it is being farmed, is not considered high-value farmland. Mr. Seitz stated that is correct, the administrative rules interpret it this way. Commissioner Royer asked about the source of the water right associated with the land. Mr. Seitz stated that Cleaver property has a surface water right out of the Umatilla River.

Commissioner Timmons stated that she appreciated the City of Umatilla's attention to detail in presenting the request to the commissioners. She is pleased that Mr. Seitz thoroughly addressed her greatest concern, the removal of farm ground.

Opponent Testimony: No comments.

Public Agencies: No additional comments.

Chair Danforth moved to adopt three exhibits into the hearing record;

Exhibit A; DLCD Letter dated 10/19/20 Re: City of Umatilla File PA-02-20; Notice for an Annexation, UGB Expansion & Rezone

Exhibit B; DLCD Letter dated 07/20/21 Re: City of Umatilla File PA-02-20; Notice for an Annexation, UGB Expansion & Rezone; Supplemental Findings

Exhibit C; City of Umatilla City Council Supplemental Findings for Plan Amendment PA-2-20

Motion approved by consensus.

Chair Danforth closed the hearing for deliberation.

DELIBERATION

Commissioner Tucker moved to recommend approval of the Cleaver Land, LLC, Comprehensive Plan Amendment #P-126-20 & Zoning Map Amendment #Z-314-20 to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law. Commissioner Smith seconded the motion. Motion passed with a vote of 7:0.

A public hearing before the BCC is scheduled for August 18, 2021, 9 am at the Umatilla County Courthouse.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:55 pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant