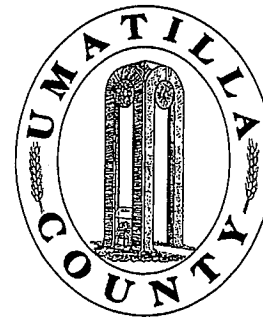


**EAST END
ROD AND GUN CLUB**

#LUD-163-13

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

December 12, 2013

MEMO

TO: Planning Commission

FROM: Tamra Mabbott *Tamra*

RE: Request for a Hearing for LUD-163-13

On October 15, 2013, staff mailed a Public Notice with preliminary Findings and preliminary approval for an application filed by the East End Rod N Gun Club. The Land Use application request was to allow the continuation of a "firearms training facility" as allowed under the provisions of ORS 197.770. The request also included an 35-acre expansion of the use.

On November 5, 2013, a request for a hearing was filed by neighboring property owners, Dennis Rea and Nathan Rea. The Rea's have retained an attorney to represent them before the Planning Commission.

Comments were submitted by the Rea's attorney, Patrick Gregg, on December 12, 2013 and are attached to the packet.

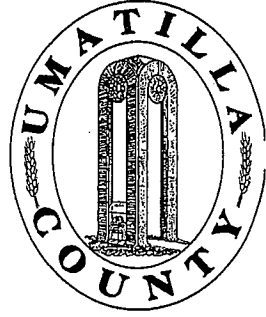
Staff will provide further an analysis of the issues at the Planning Commission hearing on December 19, 2013.

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3. Drawing of firearms training facility submitted by applicant
4. Vicinity map of subject property and neighboring properties
5. Google map of facility submitted by applicant
6. Letter dated September 10, 2013 from Andy Millar, with attachments including:
 - a. Application
 - b. Affidavit from Andy Millar
 - c. Letters from: Robert Sallee, Malcolm Millar, Buddy Birdwell, Larry Zalaznik, Andy Millar
7. Letter dated December 12, 2013 submitted by Patrick Gregg, Attorney

Umatilla County

Department of Land Use Planning



PUBLIC NOTICE

DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
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RURAL
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LIAISON, NATURAL
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ENVIRONMENT

October 15, 2013

LAND USE REQUEST, #LUD-163-13

ASSESSORS MAP #5N 36, TAX LOT #1200

Andy Millar, for East End Rod N Gun Club, APPLICANT

As an affected agency or nearby property owner you are entitled to notice of a Land Use Request that the Planning Department has reviewed and is processing.

Enclosed is a copy of the Preliminary Findings and Conclusions that have been prepared with regard to this land use request. The document includes a description of the request, background information, and an analysis of how the request conforms to the standards for land use set forth in the Umatilla County Development Ordinance. If approved, a list of "conditions of approval" will be applied. Also, enclosed is a location map of the property and a proposed site plan.

If you have information you feel should be addressed in the Findings and Conclusions, please contact our office. You may request additional conditions of approval be applied without requesting a Public Hearing. If you object to the request or feel that certain aspects need to be discussed in a public forum, you may request a Public Hearing, however there will be a \$250.00 fee for the request of a Public Hearing.

The deadline to submit additional information or request a public hearing is the close of business, (5:00PM) on:

NOVEMBER 5, 2013

For further information, please contact our office.

Cordially,

Handwritten signature of Tamra J. Mabbott in black ink.

Tamra J. Mabbott
Planning Director

**UMATILLA COUNTY PLANNING DEPARTMENT
PRELIMINARY FINDINGS OF FACT AND CONCLUSIONS OF LAW
EAST END ROD & GUN CLUB LAND USE REQUEST, #LUD-163-13
MAP # 5N 36, TAX LOT # 1200, Account # 134104**

1. APPLICANT: East End Rod & Gun Club, Verl Pressnall, P. O. Box 251, Milton-Freewater, OR 97862

2. OWNERS: Von DerAhe, Inc, 420 Parkview, Milton-Freewater, OR 97862

3. REQUEST: The applicant requests land use approval to operate a firearms training facility under the provisions of ORS 197.770. Approval would justify the continued use of an 85 acre lease area and the proposed expansion of 35 acres on the VonDerAhe property for use as a gun club by the East End Rod & Gun Club. Initial use of the property as a gun club began in the spring of 1994 with sporting clay shoots operated under the auspices of the National Sporting Clays Association. The shooting facility and gun club has operated continually since spring of 1994. The gun club was established on the VonDerAhe property to advance safe shooting sports including youth programs such as 4-H, Boy Scouts and Oregon State Hunter Safety programs. The club also holds an annual women's safety clinic and provides a place for its general membership to safely pursue a variety of shooting disciplines for competitive shooting.

The existing lease area includes developed multiple firearms ranges including a 600 yard rifle range, a 5-stand range, a muzzleloader range, a cowboy action/pistol range and a specified rim-fire range. There are three existing buildings consisting of a 12' x 150' muzzleloader lean-to, a 16' x 32' lean-to and a 12' x 16' cook shack and also one 8' x 20' shipping container and two 8' x 40' shipping containers. There are five proposed buildings: two 20' x 40' open front buildings, one 12' x 160' roof over existing shooting benches, one 24' x 60' modular classroom and one 16' x 32' lean-to within the 35 acre proposed expansion area. Four trap fields with two skeet overlay fields, a 16' x 32' lean-to, four 4.5' x 5' trap houses and four 8' x 8' skeet houses are proposed on the 35 acre lease expansion area.

4. LOCATION: The property is located along Cemetery road, approximately 1½ miles east of the City of Milton-Freewater.

5. ACREAGE: The parcel, Tax Lot 1200 = 439.40 acres (assessed). Current lease area = 85 acres, proposed expansion lease area is approximately 35 acres.

6. COMP PLAN: North/South Agriculture Region

7. ZONING: Exclusive Farm Use Zone (EFU, 160 acre parcel size)

8. ACCESS &

ROAD TYPE: Members of the East End Rod & Gun Club and occupants of an existing dwelling located on the property have access from Cemetery Road, County Road No. 564MC. Cemetery Road is a two lane paved county road. Tax Lot 1200 also adjoins Spofford Road, County Road No. 567, a gravel county road along the east property boundary.

9. EASEMENTS: No easements were listed for the property in the application materials.

10. LAND USE: In addition to the East End Rod & Gun Club activities the VonDerAhe property is used for dry land grain crops to the north of the club lease area and along the east side of the property.

11. ADJACENT USES: There is predominately dry land farming activities on lands surrounding the subject property. An area planted in grape vineyards is developed on Tax Lots 800 & 802 to the east ¼ miles from the current gun club lease area.

12. LAND FORM: Walla Walla Valley

13. IRRIGATION: There are no irrigation water rights on Tax Lot 1200

14. FARMLAND &

SOIL TYPES: Lands in Eastern Oregon, classified as predominantly Class I through VI soils, are “Agricultural Land” and include those lands necessary to permit farm practices on adjacent or nearby agricultural lands. Additionally, land in capability classes other than Class I through VI within a farm unit are likewise inventoried as agricultural land even though that land may not be cropped or grazed. A tract of land composed predominantly (greater than 50 percent) of soils classified as Class I or II are considered “High-Value Farmland.”¹ The subject property and adjacent properties are predominately composed of Class II soil and therefore, as defined, the tract of land is considered predominately “High-Value Farmland.” The table below lists the soils, as depicted in the NRCS Soil Survey for Umatilla County, in descending order of predominance. (See attached soil maps)

Soil Name, Unit Number, Description	Land Capability Class		Acreage
	Dry	Irrigated	
61C-Oliphant silt loam, 3 to 12 percent slopes.	2e	2e	309.55ac
62C-Oliphant silt loam, 3 to 25 percent slopes.	3e	---	78.20 ac
8C-Athena silt loam, 7 to 12 percent slopes.	3e	3e	32.85 ac
8B-Athena silt loam, 1 to 7 percent slopes.	2e	2e	15.15 ac
61A-Oliphant silt loam, 0 to 3 percent slopes.	2c	1	3.45 ac
112D-Waha silty clay loam, 12 to 25 percent slopes.	4s	---	.20 ac
<i>Soil Survey of Umatilla County Area, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water.</i>			

15. BUILDINGS: On the property is an existing dwelling, garage and pump house. In addition, there are various buildings in support of the gun club consisting of a blacksmith shop, black powder building, equipment shed, cook shack and several cargo containers used for storage. There is a gated and locked entrance to the Gun Club, which members are able to open and close with a card key.

16. UTILITIES: Milton-Freewater Light and Power and Century Link (Qwest) serve the area.

17. WATER/SEWER: The dwelling is served by an onsite septic system and water is provided by a domestic well located near the dwelling. There is no other water or sewer on site.

18. FIRE SERVICE: The applicant subscribes to the rural Milton-Freewater Fire Department for fire

¹ OAR 660-033-0020 (8)(a) “High-Value Farmland” means land in a tract composed predominantly of soils that area; (A) Irrigated and classified prime, unique, Class I or II; or (B) Not irrigated and classified prime, unique, Class I or II.”

protection.

19. FLOODPLAIN: The property is not in a floodplain.

20. PROPERTY OWNERS & AGENCIES NOTIFIED: October 15, 2013

21. COMMENT CLOSING DATE: November 6, 2013

22. COMMENTS RECEIVED: Information was received from the Umatilla County Public Works Director, Tom Fellows, regarding Cemetery Road. The Public Works Director indicated that Cemetery Road is in good shape and should hold up to events held at the applicant's site. The Public Works Director added no other access locations would be better suited for access onto the property. All parking is able to be entirely off the county right of way and there were no real concerns about parking.

23. NOTIFIED AGENCIES: Oregon Department of Environmental Quality Pendleton Office, Oregon Building Codes Agency Salem Attention Shane Sumption; Katherine Daniels – Department of Land Conservation & Development, Jim Johnson – Oregon Department of Agriculture, ODFW, Pendleton Office, Umatilla County Assessor, Umatilla County Public Works Director, Terry Rowan, County Sheriff, Milton-Freewater Rural Fire Department, Milton Freewater Ambulance District Board, City of Milton-Freewater Attention Gina Hartzheim and Linda Hall, Milton-Freewater Light & Power and Century Link (Qwest).

24. Gun Club History:

Affidavits submitted with the application show that organized shooting activities have been conducted on the property beginning in Spring of 1994. On April 24, 1993, the club offered Hunter Safety Education Training as part of the Oregon Department of Fish & Wildlife certification program.

On October 11, 2002, Bob Perry, then Umatilla County Assistant Planning Director, returned a conditional use permit application for a "sportsman recreation facility" that included firearm ranges and a training facility for hunter education on the VonDerAhe property. Accompanying the returned application was a letter to the applicant, Attorney R. A. "Andy" Millar. In the letter, Mr. Perry summarized the reason he was returning the application and made a recommendation to Mr. Millar to contact Ron Eber, then the Farm/Forest Specialist for the Department of Land Conservation and Development (DLCD), for details on whether a firearms shooting range or gun club had been recently added to the list of EFU uses. In 2002, it was Mr. Perry's understanding that uses allowed in an EFU zone did not include "new" firearm facilities. In a letter to Mr. Millar Mr. Perry mentioned the possibility of applying for a private park, a use allowed in EFU, although he indicated was not encouraged due to state law. Mr. Perry did not explain the option of being permitted in accordance with Oregon Revised Statute (ORS) 197.770² which allows that certain existing firearm facilities can continue operating.

On November 1, 2003, the then, and current property owner, VonDerAhe, Inc., and the East End Rod and Gun Club, an Oregon non-profit Corporation, came into a real property lease agreement for: "The

² Umatilla County has adopted uses in the EFU zoned code for the continuation of certain existing fire arms training facilities. Umatilla County Development Code (UCDC) § 152.059 (E): "Continuation of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770 (2) and as provided in §152.617 (II) (5)."

premises shall be used for an archery and firearms range and for archery and firearms safety education center to be constructed by Lessee and all other lawful uses reasonable associated with such activity.” The lease also provided that notice required or permitted under the lease would be sent to the parties of: VonDerAhe, Inc., in care of L. E. “Pete” Von Der Ahe, 84387 Grant Road, Milton-Freewater, OR 97862, and R. A. “Andy” Millar, East End Rod and Gun Club, P. O. Box 388, Milton-Freewater, OR 97862. Prior to promulgation of a formal lease agreement, the Gun Club operated in accordance with the verbal permission of the landowner.

In November 2011, two zoning permit applications for equipment storage units (containers) were received by the Planning Department for storage of materials related to the East End Rod & Gun Club at the subject location. Carol Johnson, Planner, responded to the request for the zoning permits with a letter explaining that the zoning permits, associated with the gun club, could not be processed until the gun club was permitted. That correspondence included a copy of the 2002 letter from Mr. Perry to Andy Millar. Since the zoning permit requests were associated with an unpermitted use (gun club) operating on the property, the two zoning permits were returned to the East End Rod & Gun Club on December 20, 2011.

On September 20, 2012, Planning Director, Tamra Mabbott, visited the gun club property accompanied by Andy Millar and Verl Presnall. The options for permitting the gun club were discussed generally.

On November 14, 2012 the Gun Club submitted a land use application to permit the use as a “private park.” Upon review, given the restrictions for a “private park” on high value farmland, it was determined that the Gun Club would not satisfy the minimum requirements set forth in Oregon Revised Statute. The Gun club later withdrew the application.

On September 11, 2013, Andy Millar, on behalf of the Gun Club, submitted the subject application to permit the facility as a “firearms training facility under the provisions of ORS 197.770.” Along with the application is an affidavit from Andy Millar describing the Gun Club activities that date back to April 1993. Additionally, five letters were submitted, signed by original, founding members of the Gun Club demonstrating that the organized, formal sporting clay events began in Spring of 1994.

25. SUMMARY OF APPLICABLE STANDARDS, CRITERIA, PROCEDURE:

A. Oregon Revised Statutes and Oregon Administrative Rules

ORS 215.296
OAR 660-033-0120
OAR 660-033-0130

B. Chapter 152 of the Umatilla County Development Code

Section 152.059(E) EFU Land Use Decisions – Firearms Training Facility

Section 152.617 (II) (5) EFU Land Use Decisions Standards of review

Section 152.063, EFU Development Standards – See details below.

C. Section 152.059, EFU Land Use Decisions Procedural Process

In an EFU Zone uses may be permitted through a land use decision via administrative review (152.769) and subject to applicable criteria found in 152.617. Once approval is obtained a zoning permit (152.025) is necessary to finalize the decision.

26. Oregon Revised Statutes 215.296

215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards. (1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

or (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

This ORS standard is the same as Umatilla County Development Code Section 152.061 Standards for all Conditional Uses on EFU Zoned Lands.

Finding: The farming activity on the subject property and surrounding properties in the area is dry land wheat/grains. Also located $\frac{3}{4}$ of a mile to the west is a grape vineyard. There are no forested areas on the property or nearby.

The applicant states that most of the property is outside of the "shot fall area" except for property directly west of the shotgun 5-stand area. One small portion of the land to the west will have a limited amount of shotgun lead shot possibly falling on fields currently used for dry land crops. Lead shot has not been shown to have a significant effect on dry land farming. At the current rate of use it would take over 40 years to build up enough lead in the fall zone, located outside of the leased area on the neighboring property, to become a minimum hazard. Once this happens the lead would be mined from all fall zones at the convenience of the property owner. The lease area would be monitored by private lead removal miners until it becomes viable to remove.

The closest dwelling to the lease area, not owned by the property owner, is located $\frac{3}{4}$ mile to the east of the range area and $\frac{1}{2}$ mile from the east edge of the lease area. There is a 1974 mobile home and a stick built structure built in 1910. These dwellings are owned by, Cecil Zerba, dba Farmers Produce Outlet. North approximately 1.34 miles from the subject property is a dwelling owned by neighboring property owner, Dennis Rea. West approximately 1.25 miles are residences in the City of Milton-Freewater and to the south along the Walla Walla River the closest dwelling is 1.8 miles. Handgun cartridge firearms only are fired to the east, with limited range. No firearms are fired to the north; however, if the proposed expansion area under a new lease occurs then this area would be developed for shotguns for Trap and Skeet shooting with a shot drop of approximately 150 yards. The only firearms fired to the east are shotguns with a maximum shot fall zone of approximately 150 yards. The main firing line is to the south over approximately a 500 feet elevation rise. When there is farming activities the range areas are closed in the vicinity of farming practices.

Accepted farm practices for dry land grain crops includes plowing, planting, fertilizing, weed spraying using tractors, sprayers, etc., and harvesting a grain crop with harvesters and grain trucks. The applicant did not address farming activities associated with growing a grape vineyard. This may be due to the distance between the applicant's lease area and the vineyard located on the east side of Spofford Road.

Conclusion: From the information provided by the applicant it appears that the dry land farming activities on the VonDerAhe property were considered for shot fall and removal. Information was also provided on the location of dwellings in the area in relation to shot drop distances from the East End Rod & Gun Club's various ranges. Although, a vineyard was identified in the area no information was provided about the vineyard farming operation.

The applicant has agreed that when farming activities occur near a firing range that range would be closed in the vicinity of the farming practices. Therefore, the East End Rod & Gun Club will not force a significant change in farm practices on surrounding lands devoted to farm use, or significantly increase the cost of accepted farm practices on lands devoted to farm use.

The East End Rod & Gun Club will not force a significant change in forest practices on surrounding lands devoted to forest use, or significantly increase the cost of accepted forest practices on lands devoted to forest use, because there are no forest practices occurring on the VonDerAhe property or surrounding properties.

**27. Oregon Administrative Rules OAR 660-033-0120 and OAR 660-033-0130
660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses**

The following standards apply to uses listed in OAR 660-033-0120 where the corresponding section number is shown on the chart for a specific use under consideration. Where no numerical reference is indicated on the chart, this division does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the chart as authorized by law:

(2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

Finding: The applicant provided information describing the structures on the property associated with the operation of the East End Rod & Gun Club. A small cook shack is the only enclosed structure associated with the operation of the gun club. In addition, the applicant proposes an enclosed class room to accommodate 35 people. Although the existing and proposed enclosed structures are located approximately 1 ½ miles from the City of Milton-Freewater, and within three mile of the urban growth boundary, the cumulative design capacity of existing and proposed enclosed structures would not accommodate more than 100 people.

Conclusion: The evidence in the record shows that the East End Rod & Gun Club does not have an enclosed structure or group of structures with a total design capacity of greater than 100 people.

2(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010. Not applicable.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

Finding: The existing structures are drawn on the attached plot plan. New structures are also shown. The applicant is not proposing to expand any existing structure.

Conclusion: The applicant complies with this standard and future expansion identified in the plot plan also complies with this standard. Any other additions would be required to comply with this standard.

28. Umatilla County Development Code Section 152.617 (II) (5) EFU LAND USE DECISIONS:

Any firearms training facility in existence on September 9, 1995, shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility. For purposes of this section a Firearms Training Facility is an indoor or outdoor facility that provides training courses and issues certifications required for law enforcement personnel, by the State Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting and safety.

As noted in section 24, the East End Gun Club has been in operation at the current location since April 1993. An Affidavit was submitted to this fact by Andy Millar. Additionally, five founding members of the East End Gun Club submitted written statements attesting to the fact that the club activities, including recreational shootings, training and certification programs began in Spring of 1994.

Conclusion: The East End Rod and Gun Club qualifies as a Firearms Training Facility as defined in ORS 197.770 and UCDO 159.063.

29. Umatilla County Development Code Section 152.615 Additional Conditional Use Permit Restrictions. In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority *may impose* the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such an environmental effects as noise, vibration, air pollution, glare or odor;

Finding: A condition limiting the use or restricting hours of operation may be imposed to minimize effects resulting from noise, vibration, air pollution, glare or odor. The information in the record includes statements by the applicant that operation of the gun club does not cause vibration, air

pollution, glare or odor. The applicant identified noise as a possible conflict with residences which included the location of nearby residences and a plan to plant a row of trees along the west side of the lease area to minimize noise to residences located to the west in Milton-Freewater. Additionally, the applicant provides that the gun club will operate only during daylight hours and not before 7 am or after 9 pm.

Conclusion: The gun club operation does not cause vibration, air pollution, glare or odor. The applicant has plans to plant a tree row along the west side of the East End Rod & Gun Club lease area to reduce noise to residences located to the west in Milton-Freewater, as soon as water is available. The applicant will limit hours of operation to daylight hours. These hours will not be before 7 am or after 9 pm.

At this time, a condition of approval to plant a row of trees is not imposed, however, that could be a requirement in the future if county receives complaints about noise. A condition of approval to limit hours of operation of the East End Rod & Gun Club to daylight hours and not before 7 am or after 9 pm is imposed.

(B) Establishing a special yard, other open space or lot area or dimension;

Finding: A condition to establish a special yard, open space, lot area or dimension may be imposed. The applicant has an established 85 acre lease area (see applicant's site plan). In addition to this lease area the applicant would like to add 35 acres to the north of the existing lease area for trap and skeet shooting.

Conclusion: The lease area has been established along the west side of the VonDerAhe property as depicted in the applicant's site plan. Additional area located north of the current East End Rod & Gun Club lease area is also shown on the enclosed maps. The lease area contains open space around the existing and proposed range areas.

A condition to establish a special yard, other open space or lot area or dimension is not imposed.

(C) Limiting the height, size or location of a building or other structure;

Finding: A condition to limit the height, size or location of a building or other structure may be imposed. All buildings and structures constructed in the EFU zone must meet the standards in UCDC Section 152.063. According to the record information none of the structures constructed for the gun club's use are permanent structures. Most are either three sided single story wooden structures or metal cargo containers used by the gun club for storage. The height of the tallest building is 18 feet. Additionally, all cargo containers and structures over 120 square feet in size require a land use permit. None of the existing East End Rod & Gun Club structures or cargo storage containers previously received approved county land use permits.

Conclusion: All existing structures over 120 square feet in size must be permitted. All buildings and structures must meet EFU standards found in UCDC Section 152.063. None of the existing East End Rod & Gun Club structures or cargo storage containers received approved county land use permits. A condition of approval requiring all buildings and structures meet UCDC Section 152.063 and have an approved land use permit is imposed.

(D) Designating the size, number, location and nature of vehicle access points;

Finding: A condition designating the size, number, location and nature of vehicle access points may be imposed. The record provides that the applicant has applied for an access permit from the County Road

Department for an access approach from Cemetery Road. This point of access is the same access point that has been historically used by the property owner and by the East End Rod & Gun Club.

Conclusion: An existing access approach is used by the property owner and by the East End Rod & Gun Club. The applicant has applied for an access approach permit from the Public Works Department (County Road Department) for access from Cemetery Road.

A condition of approval requiring the applicant to obtain a county access approach permit is imposed.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

Finding: A condition of approval requiring street dedication, roadway width or improvements within rights of ways may be imposed. Cemetery Road is a county road that is used by the public. The County Public Works Director has provided comment that Cemetery Road is in good condition and can accommodate gun club members and visitors.

Conclusion: Verification from the County Public Works Director that Cemetery Road is in good condition and can accommodate traffic to and from the East End Rod & Gun Club was received.

A condition of approval requiring street dedication, roadway width or improvements within the right of way is not imposed.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

Finding: A condition of approval designating the size, location, screening, drainage, surfacing or other improvements of parking or loading areas may be imposed. The road system used by the members of the East End Rod & Gun Club will be graded and graveled and constructed with water bars necessary for erosion control. Adequate off street parking must be provided for members, visitors, and delivery vehicles. The applicant proposes parking for 76 vehicles at five locations as follows: 14 at the 5-stand location, 12 facing south at the rifle range and 12 facing north, 10 at the .22 area, 10 at the muzzleloader range and 18 at the pistol/cowboy action range. Each of the five parking areas will be graded, graveled and have parking area perimeters delineated with railroad ties.

A classroom building to accommodate 35 people is proposed. Parking for the proposed classroom will be provided using the rifle range and the 5-stand parking areas.

The prescribed parking in UCDC Section 152.560 does not provide a specific parking space requirement for a firearms training facility. The parking requirements do require the parking areas to be identified and clearly marked. The applicant proposes to use 8" x 12" signs to identify each of the five parking areas and each parking area will be delineated with railroad ties.

Conclusion: The road system used by the members of the East End Rod & Gun Club will be graded and graveled and constructed with water bars as necessary for erosion control.

There are no specific parking space requirements for a firearms training facility in the county ordinance.

The applicant proposes parking for 76 vehicles at five locations as follows: 14 at the 5-stand location,

12 facing south at the rifle range and 12 facing north, 10 at the .22 area, 10 at the muzzleloader range and 18 at the pistol/cowboy action range. The proposed 5 parking areas must be identified with signs and railroad ties that clearly mark where vehicle parking is allowed.

A condition of approval requiring all five parking areas to be graveled and clearly marked and designated for parking is imposed.

A condition of approval requiring signs identifying all five parking area locations is imposed.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs:

Finding: A condition of approval limiting or otherwise designating the number, size, location, height and lighting of signs may be imposed. Sign types one through six are allowed within the EFU zone as listed in the County Sign Ordinance in UCDC Section 152.545.

The parking requirements do require the parking areas to be identified and clearly marked. The applicant proposes 8"x 12" signs to mark the five parking areas.

Most of the East End Rod & Gun Club signs are information placards mounted on buildings and structures. There are proposed signs on the property to direct traffic to the rifle and 5-stand, the Pistol Range/Cowboy-Action area and the Muzzleloader area along with directional arrows. Located at the access gate is a 3'x 3' sign identifying the use of the area "East End Rod & Gun Club Shooting Park." This sign located near the gate may be replaced with a 16 square foot sign. One 4' x 4' sign with the rules of conduct and two 4'x 4' signs providing a list of sponsors are mounted on steel posts. Smaller signs for limitations on ammunition and what type of firearms may be used at different locations are located at the various ranges. Caution signs for firearms in use and keep out signs are placed at 75 yard intervals around the perimeter of the lease area. None of the signs are lighted.

Conclusion: UCDC Section 152.545 allows sign types one through six to be permitted outright or with land use approval. None of the signs are lighted.

A condition of approval requiring all of the East End Rod & Gun Club signs meet the requirements for EFU zone signs as provided in UCDC Sections 152.545 through 152.548 is imposed.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding:

Finding: A condition of approval limiting the location and intensity of outdoor lighting and requiring its shielding may be imposed. The applicant proposed one pole type mounted outdoor light.

Conclusion: One outdoor light is proposed.

A condition of approval to direct the proposed outdoor light away from the VonDerAhe dwelling is imposed.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

Finding: A condition of approval to require diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance thereof may be imposed. The applicant is applying for a land use permit to operate a gun club as a "firearms training

facility.” The facility consists of firearm ranges that require maintaining an open site space. The applicant has proposed to plant a row of evergreen trees along the west side boundary of the East End Rod & Gun Club lease area which also is in line with a portion of the VonDerAhe west property line. The applicant states that a variety of evergreen trees will be planted that requires very little water.

Conclusion: The applicant is applying for a land use permit to operate a gun club as a “firearms training facility.” Firing ranges require open site distances. The applicant proposes to plant a row of evergreen trees along west side of the East End Rod & Gun Club lease area. The variety of evergreen trees planted will require little water.

A condition of approval to plant an evergreen tree row along the west side of the East End Rod & Gun Club lease area is imposed.

A condition of approval for diking, additional landscaping or screening is not imposed.

(J) Designating the size, height, location and materials for a fence:

Finding: A condition of approval designating the size, height, location and materials for a fence may be imposed. The applicant is applying for a conditional use permit to operate a gun club as a “firearms training facility.” The facility consists of firing ranges that require maintained open site space. There is fencing installed to limit access and control traffic through the gun club security gate. Chain link fence 6 foot high is used in high security areas and t-post and 14 gauge 5 foot wire mesh will be used in low security areas as needed.

Conclusion: The applicant is applying for a land use permit to operate a gun club as a “firearms training facility.” Firing ranges require open site distances. The applicant has fencing installed to limit access and control traffic through the existing security gate. Other low security areas will utilize 5 foot wire mesh fencing as needed.

A condition for additional fencing or limitations to existing or proposed fencing is not imposed.

(K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources:

Finding: A condition of approval protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources may be imposed. The applicant’s information provides there are no existing trees to protect and preserve or water resources within the lease area or within the 35 acre proposed lease area. Erosion of existing vegetation will be protected from runoff from gun club roads by installing and maintaining water bars. Areas where soil is disturbed will be seeded with similar grasses as found in the surrounding area. No significant natural resources are known to be located on the VonDerAhe property or within the current East End Rod & Gun Club lease area or proposed lease area.

Conclusion: Erosion of existing vegetation will be protected from runoff from gun club roads by installing and maintaining water bars.

Areas where soil is removed will be seeded with similar grasses.

No significant natural resources are known to be located on the VonDerAhe property or within the current East End Rod & Gun Club lease area or proposed lease area.

A condition of approval requiring ongoing maintenance of East End Rod & Gun Club roads for erosion control is imposed.

A condition of approval requiring disturbed vegetation areas to be seeded at an appropriate germination time with grasses similar to the surrounding vegetation is imposed.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter

Finding: A condition of approval for parking areas to meet the requirements in Sections 152.560 through 152.562 may be imposed. The applicant proposes parking for 76 vehicles at five locations as follows: 14 at the 5-stand location, 12 facing south at the rifle range and 12 facing north, 10 at the .22 area, 10 at the muzzleloader range and 18 at the pistol/cowboy action range. Each of the five parking areas will be graded, graveled and have parking area perimeters delineated with railroad ties. A proposed classroom will accommodate 35 people. Parking for persons using the proposed classroom will be the same as parking for the rifle range and the 5-stand parking areas.

The prescribed parking in UCDC Section 152.560 does not provide a specific parking space requirement for a firearms training facility. The parking requirements do require the parking areas to be identified and clearly marked. The applicant proposes to use 8" x 12" signs to identify each of the five parking areas and each parking area will be delineated with railroad ties.

Conclusion: There are no specific parking space requirements for a firearms training facility parking in the county ordinance.

The applicant proposes parking for 76 vehicles at five locations. The proposed 5 parking areas must be identified with signs and railroad ties that clearly mark where vehicle parking is allowed. A condition of approval requiring all five parking areas to be graveled and clearly marked and designated for parking is imposed.

A condition of approval requiring signs identifying all five parking locations is imposed.

DECISION: Based upon the foregoing Findings of Fact and Conclusions of Law, the East End Rod & Gun Club Land Use application may be approved subject to the following conditions of approval.

CONDITIONS OF APPROVAL

PRECEDENT CONDITIONS: The following conditions of approval must be completed prior to issuance of a Zoning Permit and Final Approval.

- a. Obtain an Access Permit from County Public Works (if not already existing).
- b. Obtain a Zoning Permit for all the existing buildings and proposed buildings including cargo containers, per section UCDO 152.063.

SUBSEQUENT CONDITIONS: The following subsequent conditions apply to the use and shall be maintained throughout the life of the operation of the facility.

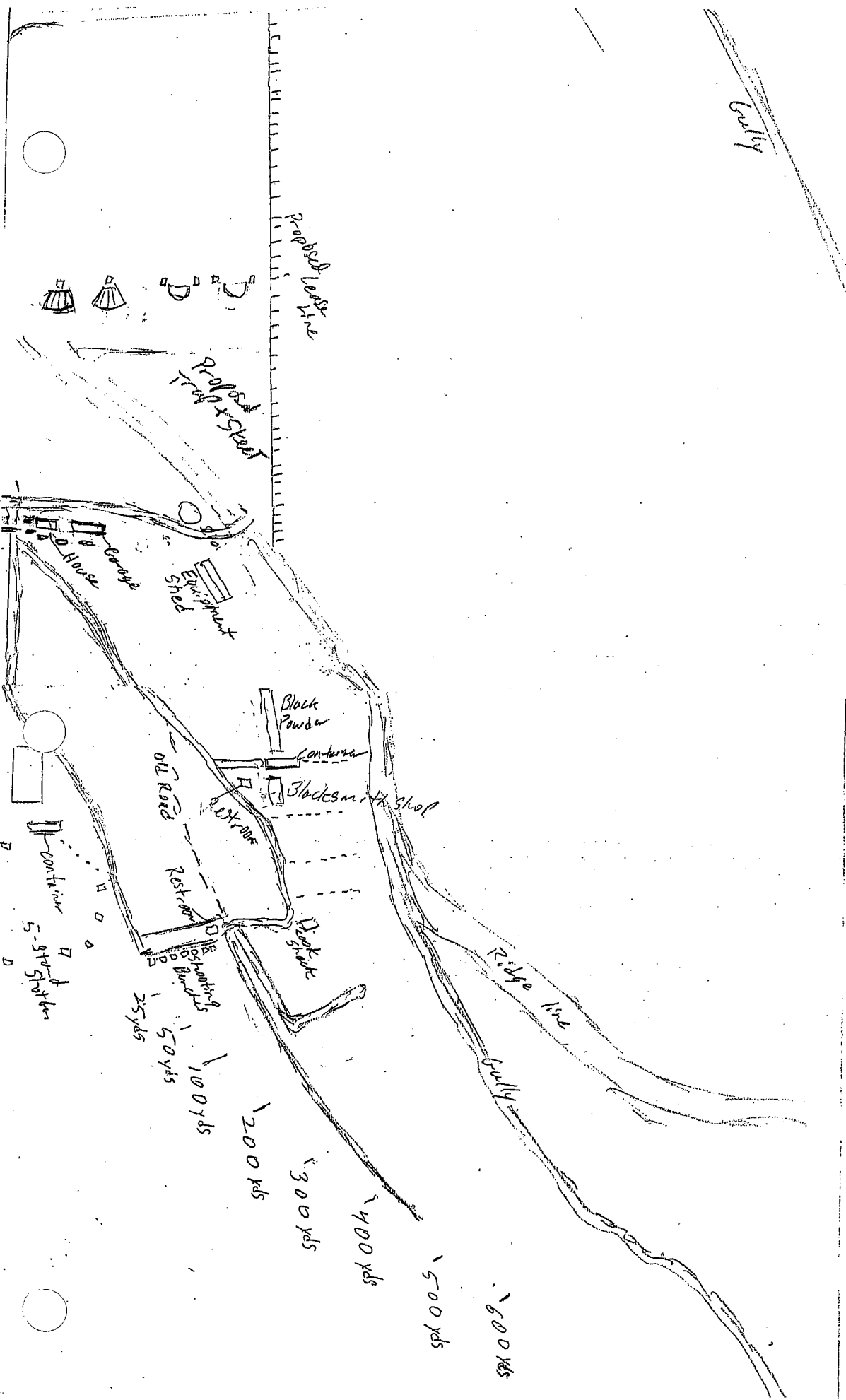
- c. Make improvements to the roadway so as to provide adequate access. Construct water bars as necessary for erosion control.
- d. Improve parking areas with gravel and install parking signs. Signs shall comply with UCDO 152.545.
- e. Outdoor lighting shall be installed so as to minimize glare to the residence on the property.
- f. Application shall be subject to an annual review by County Code Enforcement to insure compliance with the conditions of approval and this land use permit. Annual review shall be subject to fee as set forth in the County Fee Schedule.

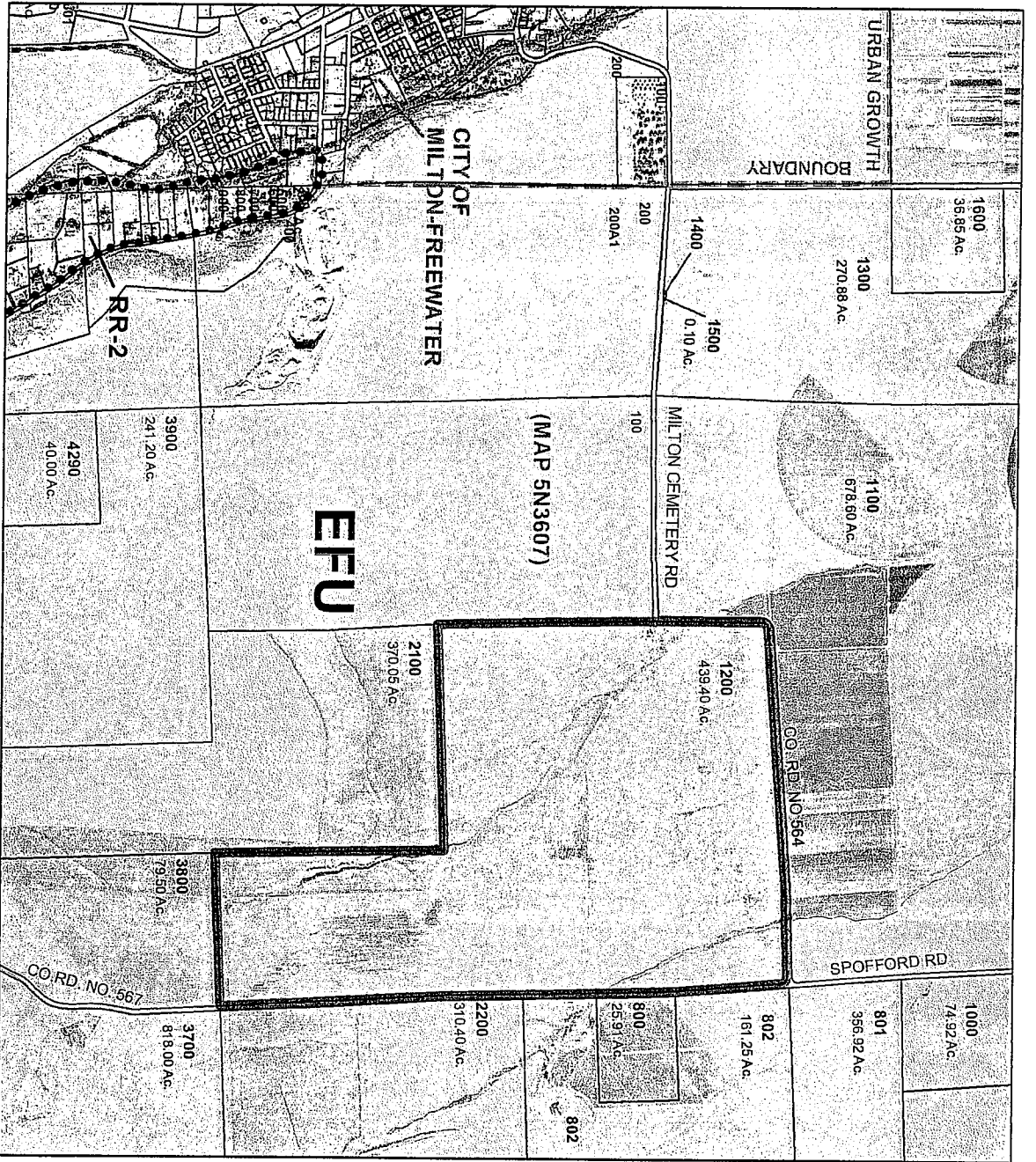
UMATILLA COUNTY PLANNING DEPARTMENT

Dated _____ day of _____, 20____

Tamra J. Mabbott, *Umatilla County Planning Director*

Mailed _____ day of _____, 20____





LAND USE DECISION #LUD-163-13
 EAST END ROD & GUN CLUB, APPLICANT
 MAP 5N36, TAX LOT 1200

SUBJECT PARCEL

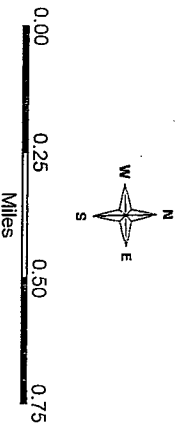
2012 AERIAL PHOTO

PROPERTY OWNERS WITHIN 750'
 NOTICE AREA OF SUBJECT PARCEL

MAP 5N36

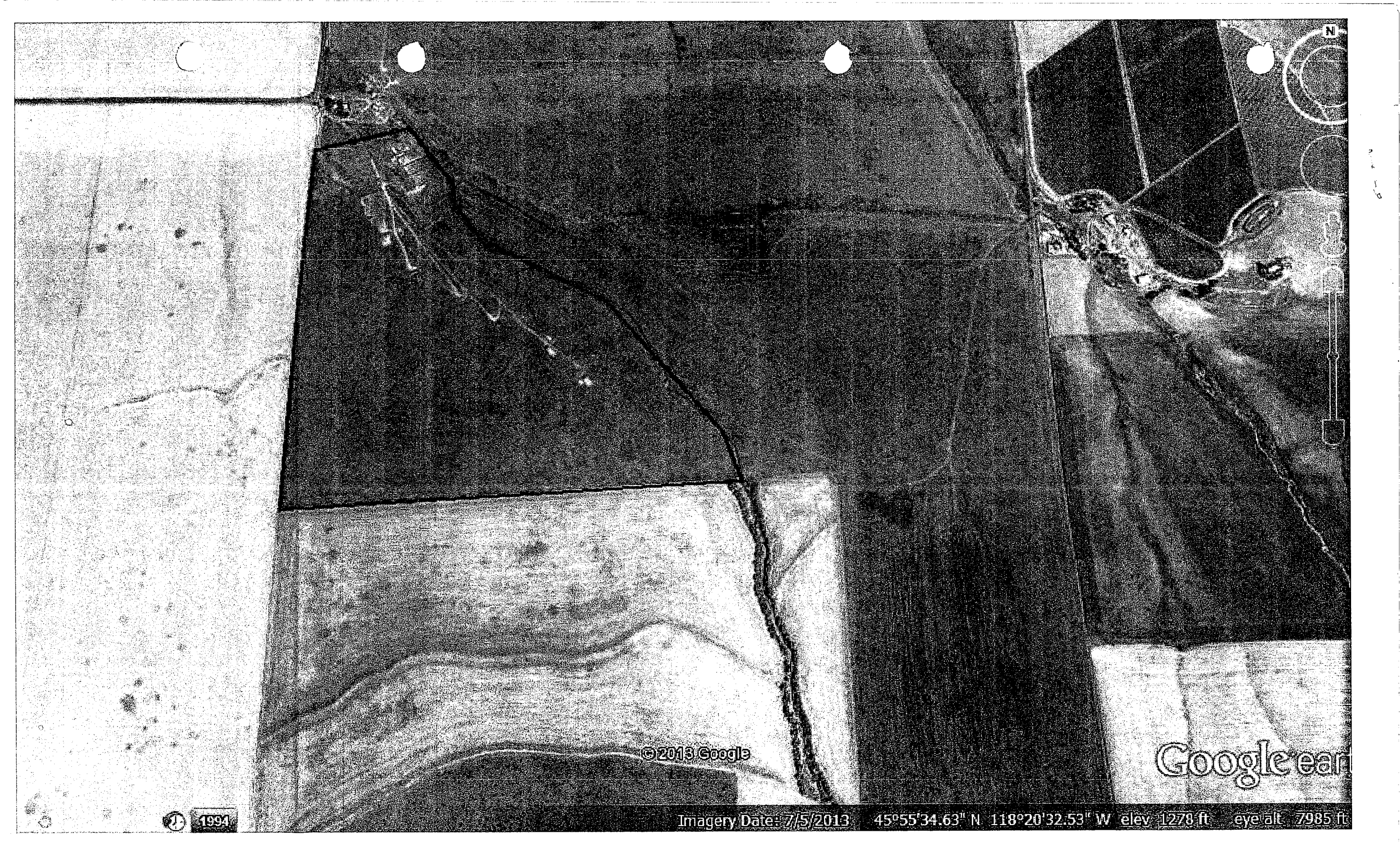
- 800 FARMERS PRODUCE OUTLET INC
- 801 PETERSON LES A & MARY M
- 802 FARMERS PRODUCE OUTLET INC
- 1100 REA DENNIS C
- 1200 VONDERAHE INC
- 2100 GARRIOTT MARCENE (TRS)
- 2200 KINMAN BERTON & BEVERLY
C/O BERTON K KINMAN
- 3700 & LAWRENCE RANCHES
C/O LAWRENCE RANCES INC
- 3800 KINMAN BERTON & BEVERLY
C/O BERTON K KINMAN

MAP 5N3607
 100 SCHULTZ GARY



DATE: 9/18/13

MAP DISCLAIMER: No warranty is made by Unalaska County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only.
 Created by J. Alford, Unalaska County Planning Dept.
 Y:\workspace\planning\vicinity maps\E-HEastEndSunClub_LUD_163_13.gws



© 2013 Google

Google ear

1994

Imagery Date: 7/5/2013 45°55'34.63" N 118°20'32.53" W elev 1278 ft eye alt 7985 ft

R.A. "ANDY" MILLAR, P.C.
ATTORNEY AT LAW

EIN # 93-1171033
amillar2012@gmail.com

Fee waived by
BOC on 9-18-13
T.M.

920 S. MAIN, P.O. BOX 388...MILTON-FREEWATER, OR 97862...TELEPHONE (541) 938-4485...FAX 938-0328

September 10, 2013

RECEIVED

SEP 11 2013

Tamra Mabbott
Umatilla County Planning Department
416 NE 4th Street
Pendleton, OR 97862

UMATILLA COUNTY
PLANNING DEPARTMENT

Re: Land Use Application East End Rod & Gun Club

Dear Tamra:

Attached is the land use application for firearms training facility under the provisions of ORS 197.770.

As I understand from Commissioner Givens, the \$500.00 filing fee has been waived.

Attached to the application is my affidavit dated August 14th, 2013 and statements of min, Robert Sallee, Larry Zalaznik, Buddy Birdwell, and Malcolm Millar which sets forth when initial use began by the club in the spring of 1994 of the 5 stand sporting clay shoots which were conducted under the auspices of the National Sporting Clays Association.


We are attempting to get some more information on when law enforcement shoots commenced on the property; however additional research is necessary on that end.

Suffice it to say however, the statements of myself and others as well as my affidavit of August 14th establish that:

1. Hunter Safety Education Training commenced on April 24th, 1993 at the present site. This training is conducted as a program of Oregon Department of Fish and Wildlife and provides certification for successful completion, and
2. The Sporting clay shoots conducted initially in the Spring of 1994 and continually thereafter, provide training for shotgunners under a nationally recognized program known as the National Sporting Clays Association to promote shooting matches, target shooting and safety.

If there is any additional information your department needs to finalize this application, please contact me soonest. Thanks to both you and your staff for all your patience and professional courtesies in this drawn out matter.

Sincerely yours,



Andy Millar

Am. - 541 379-9735

LUD-163-13

Umatilla County Department of Land Use Planning Land Use Request Application

*500⁰⁰

This application must be submitted to the Umatilla County Department of Land Use Planning, 216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252, and must be accompanied by a non-refundable application fee. Acceptance of the application and fee does not guarantee approval or a Determination of Completeness. **PLEASE COMPLETE THIS APPLICATION PRINTING CLEARLY WITH A BLACK INK PEN**

Section 1: Type of Application(s) to Submit

Complete the applicable Supplemental Application that corresponds with the application you are submitting.

Amendment: Comprehensive Plan Text/Map, Zoning Text/Map

Conditional Use (briefly describe) _____

Land Division Type I, Type II, Type III, Type IV

Land Use Decision Farm Dwelling, Non-Farm Dwelling, Lot of Record Dwelling

(OTHER LUD, briefly describe) Continue Equestrian Training Facility per ORS 197.770

Pre-Application Dwellings on resource land (specify) _____

Variance Lot Size, Setbacks, Other (specify) _____

Section 2: Contact Information

Name of Applicant: ANNY MILLAR FOR EAST END RODEO GUN CLUB

Address: PO Box 251

City, State, Zip: MILTON-FREEWATER, OR 97862

Telephone Number & Email Address: 541 938-4485 amillar2012@gmail.com

The APPLICANT is the ... Legal Owner, Contract Purchaser, Agent, Realtor

Name of Current Property Owner(s):
If Property Owner is not the applicant. Von Der Ahe, Inc % Janis Bledsoe

Address: 401 Parkview

City, State, Zip: MILTON-FREEWATER, OR 97862

Telephone Number: 541 938-5213

Section 3: Property Information

Complete for all land use request applications.

1. Location of Property (Provide directions you would give someone to get to the property):

2. Account Number(s) of Property:

Account # _____

Account # _____

3. Map Number(s) of Property:

Township _____ Range _____ Section _____ Tax Lot _____

Township _____ Range _____ Section _____ Tax Lot _____

Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".

4. Has the Property or dwelling received a Rural Address? If so, what is it?

Yes _____

No _____

5. Current size of the Property:

Note: A "TRACT OF LAND" is contiguous property within the same ownership. A Tract is viewed differently at times in terms of land use.

Acres _____

Acres _____

6. Current Zoning Designation:

There are some 22 zoning designations in Umatilla County.

EFU

Other Zone _____

GF

7. Comprehensive Plan Designation:

A Comprehensive Plan Designation is different than a Zoning Designation in that it distinguishes land that should be developed for various uses, where zoning actually specifies the uses. There can be multiple zoning designations within a Comprehensive Plan Designation.

Agri-business

North/South Agriculture

Commercial

Orchard District

Grazing/Forest

Rural Residential

Industrial

Special Agriculture

Multi-Use

West County Irrigation District

8. Buildings on the Property:

9. Current Use of the Property. If the use is farming, explain the types of crops grown.

10. Surrounding Uses of the Property. If the use is farming, explain the type of crops grown.

Farming - CEP

Section 3: Property Information

Complete for all land use request applications.

1. Location of Property (Provide directions you would give someone to get to the property):
54752 Cemetery Rd. Milton-Freewater, OR 97862. Turn east on SE 9th Ave. Milton-Freewater staying on this street until you cross the bridge over the Walla Walla River. Continue on Cemetery Rd for 1 1/2 miles until you come to a 90 deg corner. Pull in the driveway on this corner and follow it to the right through the gate.

2. Account Number(s) of Property: Account # 134104
Account # _____

3. Map Number(s) of Property: Township T5N Range R36E Section 5&8 Tax Lot 1200
Township _____ Range _____ Section _____ Tax Lot _____

Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".

4. Has the Property or dwelling received a Rural Address? If so, what is it? Yes 54752 Cemetery Rd Milton-Freewater
 No

5. Current size of the Property:
Note: A "TRACT OF LAND" is contiguous property within the same ownership. A Tract is viewed differently at times in terms of land use.
Acres 439.40
Acres _____

6. Current Zoning Designation: EFU Other Zone _____
There are some 22 zoning designations in Umatilla County. GF

7. Comprehensive Plan Designation:
A Comprehensive Plan Designation is different than a Zoning Designation in that it distinguishes land that should be developed for various uses, where zoning actually specifies the uses. There can be multiple zoning designations within a Comprehensive Plan Designation.
 Agri-business North/South Agriculture
 Commercial Orchard District
 Grazing/Forest Rural Residential
 Industrial Special Agriculture
 Multi-Use West County Irrigation District
wrong N/S Ag

8. Buildings on the Property:
House, Garage, Equipment Sheds, portable containers

9. Current Use of the Property:
Farmland, non-irrigated

10. Surrounding Uses of the Property:
Agriculture dry land farm, Vineyard and irrigated farm land.

11. Does the Property reside in a Floodplain?
If so, an Elevation Certificate and the
criteria of the Flood Hazard Overlay
Zone will need to be completed prior to
construction.

- No, the Property is not in a floodplain.
 Yes, the Property is in a floodplain:

Zone _____

Community Number _____

Panel Number _____

12. If the Property is in a Floodplain then is
it also located in a wetland as listed on
the National Wetlands Inventory maps?

- Yes, provide documentation.
 No, the Property is not in a wetlands

13. How is ACCESS provided to the
Property? (i.e. provide name of road that
directly serves the Property.) What type
of surface does the roadway have?

Name of Road or Lane

Milton-Freewater Cemetery Road

- Paved, Gravel, Dirt

14. Will the Property need an Access Permit
onto a County Road or State Highway?
If so contact the County Public Works
Department, 541-278-5424, or ODOT,
541-276-1241.

- Yes, if so please contact the proper authority and
provide that documentation
 No, one already exists (provide a copy)

15. EASEMENTS: Are there any easements
on the Property that provide the MAIN
ACCESS for the Property OR adjacent
properties? Are there any other
easements on the property? Attach
easement documentation.

Attach easement documentation:

- Access easements exist
 Utility line easements exist
 Irrigation easements exist
 Other easements exist: _____
 No, other easements exist.

check deed

16. Which Rural Fire District/Department
covers your Property with fire
protection?

Fire Services:

- East Umatilla
 Echo Rural
 Helix Rural
 Hermiston Rural
 Pendleton FD
 Pilot Rock FD
 Stanfield Rural
 Umatilla Rural

Private Companies:

- Meacham
 Milton-Freewater
(subscriber) *confirm*
 Tribal
 Not in a RFD
 Other, _____

17. Is the Property within an Irrigation
District? If the property is served by an
Irrigation District, a confirmation letter
from that office discussing any concerns
of the proposed development must be
submitted with this application.

Irrigation District:

- Hermiston
 Stanfield
 West Extension
 Westland

- Hudson Bay or
Walla Walla River
Irrigation

- Not in an ID
 Other, _____

*Documentation
states no
water rights
on property.*

18. Describe the soils on the Property by listing the map name and land capability. Visit <http://websoilsurvey.nrcs.usda.gov> or contact NRCS at (541) 278-8049.

Map Unit	Description	Class
OR667	Farmland of statewide importance	8C
OR667	All areas are prime farmland	8B
OR667	Prime Farmland if Irrigated	61A

See Applicant's map.

19. What type of water use(s) exist on the Property? If there are none currently, will there be water uses developed in the future?

- No current water uses exist
 Water Uses to be developed:

- Yes, there are water uses
 Domestic Well
 Irrigation Well
 Stock Well
 Other: _____

20. Are there Water Rights on the Property? If there are Water Rights, the water permit, certificate and/or other documentation from the Oregon Water Resources Department shall be included with this application.

- No current water rights exist
 Will apply for Water Rights
 Yes, there are water rights, please provide documentation (permit #, etc.)
 Surface Water Right, # _____
 Ground Water Right, # _____

21. What are the water needs of the proposed development? Provide an explanation that shows how the determination was obtained that shows daily usage of water for the development.

Expected Water Usage:

- Exempt Domestic Well (<15,000 gal daily)
 Exempt Commercial Well (<5,000 gal daily) ← ? N/A per user
 Water Right required, estimated number of gallons to be used daily: _____ gallons
 No water is necessary for the development

22. What is the source of your water supply for the proposed development? Please explain your response on a separate sheet of paper.

Water Source:

- Surface Water, explanation attached
 Alluvial Groundwater, explanation attached
 Basalt Groundwater, explanation attached
 No water is necessary for the development

23. Who is the provider of the utilities for the Property?

Water well, or _____
 Sewer septic, or dry well _____

Telephone Century Link
 Electrical Milton Freewater City Light & Power
 Garbage Disposal Humbert Refuse

24. Provide a description of your proposal (attach a description if necessary):

We would like to develop a private park dedicated to the advancement of safe shooting sports with a commitment to youth programs such as 4-H, Boy Scouts as well as Oregon State Hunter Safety programs. For the last several years we have also hosted the Milton-Freewater Junior show small-bore competition. We also hold a women's safety clinic annually in affiliation with the NRA. We would like to provide a place to do this safely as well as offer a place for our general membership to safely pursue their interest in the shooting sports. We also offer a variety shooting disciplines for competitive shooting.

AFFIDAVIT IN SUPPORT OF
EAST END ROD AND GUN CLUB
CONDITIONAL USE APPLICATION

STATE OF OREGON)
)
County of Umatilla)

I, R. A. Andy Millar, under penalty and perjury, say the following:

1. I am a certified Oregon Hunter Education/Safety Instructor for the Milton-Freewater area. In late fall of 1992, I approached Pete VonDerAhe who owned the property located at 54752 Milton-Freewater Cemetery Road in regards to utilizing a portion of that property for a firearms training facility for Hunter Education Students. A major part of the training of Hunter Education Students is firearms handling and proficiency as well as live fire of rifles and shotguns. The VonDerAhe property location layout and terrain was safe and conducive for realistic training of the students. The property was in the USDA Conservation Reserve Program at that time. This type of training was allowed by USDA rules and the Pendleton USDA CRP officials. Mr. VonDerAhe gave me approval to start with the Hunter Education Range and Field activities in our next spring class.
2. On April 24th, 1993, we conducted the first Range and Field Day at the present facility. Not only were the students trained in marksmanship and conducted live fire of rifles and shotguns, the students also demonstrated their proficiency in handling firearms when crossing fences and other obstacles, entering and exiting a vehicle, hunting 3 abreast, walking on trails with others in front, behind, or to the side and shoot-don't-shoot scenarios. After successfully completing the training and testing at the site, the students were certified by Oregon Department of Fish and Wildlife.
3. Beginning in 1993 a minimum of two classes of student per year have participated in the firearms training and testing with the resulting certification from ODF&W which was required for juvenile hunters to be able to hunt.
4. In early spring of 1994 the East End Rod & Gun Club began conducting 5 stand sporting clay shoots on a monthly basis at Mr. VonDerAhe's urging.

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AUG 15 2013

UMATILLA COUNTY
PLANNING DEPARTMENT

5. The training programs have grown to include certification of shooters, as well as Range and Safety officers for Single Action Shooters Society, National Rifle Association and Washington State Department of Corrections SWAT and Sniper training.

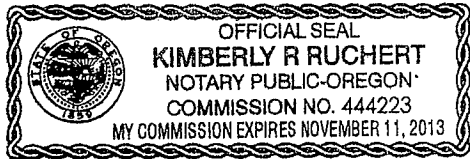
Dated this 14th day of August, 2013.

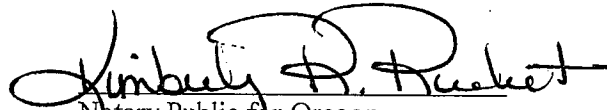

R. A. ANDY MILLAR


STATE OF OREGON)
) ss.
COUNTY OF UMATILLA)

DATED: 8/14/2013

Personally appeared the above named, R. A. Andy Millar and acknowledged the foregoing to be a voluntary act. Before me:




Notary Public for Oregon
My Commission Expires: 11/11/13

Sherry Sallee <redsherry@charter.net> 
To: Robert Sallee <redsherry@charter.net>
Lt...

August 21, 2013 2:08 PM

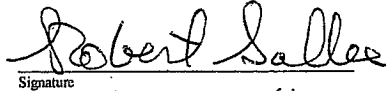
1 Attachment, 5 KB

To: Umatilla County Planning Commission
Attn: Tamra Mabbott
216 SE 4th Street
Pendleton, OR 97801

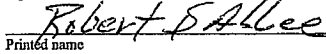
RE: East End Rod & Gun Club Conditional Use Application

I am a former member of the East End Rod and Gun Club in Milton-Freewater, Oregon. I was a member of this same organization when we began shooting sporting clays on a monthly basis in the spring of 1994 on the property, then owned by Pete VonDerAhe, located at 54752 Milton-Freewater Cemetery Road.

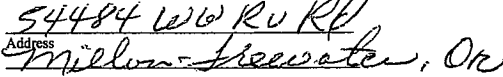
Not only was I a member of the East End Rod & Gun Club at that time, but I also participated in the sporting clay shoots on a regular basis in the spring of 1994 and subsequent, so I have personal knowledge of the activities we conducted on that property since 1994.



Signature



Printed name



Address

97862

To: Umatilla County Planning Commission
Attn: Tamra Mabbott
216 SE 4th Street
Pendleton, OR 97801

RE: East End Rod & Gun Club Conditional Use Application

I am a current member of the East End Rod and Gun Club in Milton-Freewater, Oregon. I was also a member of this same organization when we began shooting sporting clays on a monthly basis in the spring of 1994 on the property, then owned by Pete VonDerAhe, located at 54752 Milton-Freewater Cemetery Road.

Not only was I a member of the East End Rod & Gun Club at that time, but I also participated in the sporting clay shoots on a regular basis in the spring of 1994 and subsequent, so I have personal knowledge of the activities we conducted on that property since 1994.

malcolm J. millar
Signature

MALCOLM J. MILLAR
Printed name

52794 County Road
Address

Milton-Freewater Oregon
97862

To: Umatilla County Planning Commission
Attn: Tamra Mabbott
216 SE 4th Street
Pendleton, OR 97801

RE: East End Rod & Gun Club Conditional Use Application

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Not only was I a member of the East End Rod & Gun Club at that time, but I also participated in the sporting clay shoots on a regular basis in the spring of 1994 and subsequent, so I have personal knowledge of the activities we conducted on that property since 1994.

Buddy Birdwell
Signature

Buddy Birdwell
Printed name


54346 Walla Walla River Rd.
Address
Milton-Freewater OR. 97862

To: Umatilla County Planning Commission
Attn: Tamra Mabbott
216 SE 4th Street
Pendleton, OR 97801

RE: East End Rod & Gun Club Conditional Use Application

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Signature _____
Larry Zalaznik
Printed name _____

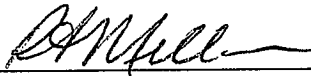
1321 Rooster Rd.
Address _____
Walla Walla, WA 99362

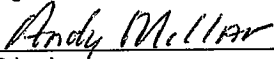
To: Umatilla County Planning Commission
Attn: Tamra Mabbott
216 SE 4th Street
Pendleton, OR 97801

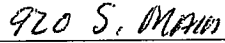
RE: East End Rod & Gun Club Conditional Use Application

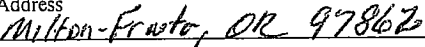
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Signature


Printed name


Address


COREY, BYLER, REW, LORENZEN & HOJEM, L.L.P.
ATTORNEYS AT LAW

STEVEN H. COREY*
DOUGLAS E. HOJEM
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TIMOTHY P. O'ROURKE
STEVEN N. THOMAS
KARIN E. DALLAS
JENNIFER E. CURRIN
PATRICK M. GREGG

222 S.E. DORJON AVE.
P.O. BOX 218
PENDLETON, OREGON 97801-0218

TELEPHONE (541) 276-3331
FAX (541) 276-3148

HENRY C. LORENZEN, OF COUNSEL

ROBERT E. O'ROURKE, RETIRED
GEORGE H. COREY, DECEASED
ALEX M. BYLER, DECEASED
LAWRENCE B. REW, DECEASED

*Admitted in Oregon and Washington

December 12, 2013

Ms. Tamra Mabbot
Planning Director
Umatilla County Department of Land Use Planning
216 S.E. 4th Street
Pendleton, OR 97801

Re: East End Rod & Gun Club
Land Use Request #LUD-163-13
Our File No. 113-398

Dear Tamra:

As you know our law firm represents H.T. Rea Farming Corp., a fourth generation family farming corporation that owns and operates an irrigated and dry land farm near Milton-Freewater. H.T. Rea Farming Corp. is operated by Dennis and Laura Rea and their son Nathan Rea. Dennis and Laura Rea's home is less than 1.3 miles from the East End Rod & Gun Club's location.

You have asked that we provide to you a summary of the Rea's objections to the East End Rod & Gun Club's efforts to obtain a Conditional Use Permit. The application filed by the East End Rod & Gun Club seeks the Planning Commission's approval of the continued operation of the gun club's activities on an 85 acre parcel, an expansion onto an additional 35 acres not previously used by the gun club, and an increase in the intensity of the use of the 85 acre parcel. The Reas object to the East End Rod & Gun Club's Conditional Use Application.

This letter is being provided at your request so that you can incorporate it into your staff report. Please note the Reas intend to appear at the hearing and present additional testimony, evidence, and analysis regarding their opposition to the East End Rod & Gun Club. Thus, this letter is not an exhaustive, nor exclusive, listing of their objections nor do the Reas intend to waive any arguments that might be available to them but that are not set out in this letter. Consistent with the applicable laws and regulations that permit them to do so the Reas intend to appear and present testimony and evidence consisting of their complete objections to the East End Rod & Gun Club's proposal to the Planning Commission on December 19, 2013, at 6:00 p.m.

Ms. Tamara Mabbot

December 12, 2013

Page 2 of 3

The Reas generally object to the continued presence of the East End Rod & Gun Club in its present location. The East End Rod & Gun Club's has never obtained land use approval for its operations. With respect to the club and its members, its use is inconsistent with the EFU zone in which it is located and a gun club conflicts with the farming activities of the EFU zone. Respectfully, the Reas believe the East End Rod & Gun Club facility should be located elsewhere, in a non-EFU zoned area of Umatilla County.

With regard to specific issues the Reas note, at this time, the following deficiencies with the East End Rod & Gun Club's application:

i. ORS 215.296 was improperly applied.

The analysis on pages 5 and 6 of the Preliminary Findings and Conclusions fails to address the impact of the East End Rod & Gun Club on the accepted farm practices on the surrounding lands. Specifically, the Preliminary Findings and Conclusions fail to address the impact on or the activities related to irrigated agriculture. H.T. Rea Farming Corp. has irrigated farm land adjacent to the East End Rod & Gun Club, and immediately bordering the land the East End Rod & Gun Club proposes to expand to. The County needs to consider the impact of the East End Rod & Gun Club on this labor intensive irrigated agriculture operation. The Preliminary Findings and Conclusions contain no discussion of this issue.

The Reas intend to present evidence that the entire East End Rod & Gun Club is inconsistent with the purposes of the EFU zone and that the proposed increase in use on the 85 acre parcel and the 35 acre proposed expansion will increase conflicts with the farming in the area beyond the conflicts that already exist and will increase the cost of existing farm practices under ORS 215.296 (1)(b) and force significant changes in their irrigated agricultural operations, thus causing the East End Rod & Gun Club to violate ORS 215.296 (1)(a). Thus, the Reas believe the East End Rod & Gun Club's conditional use permit should be denied.

ii. The conditions applied under Ordinance 152.615 require further definition and expansion.

In addition, the Preliminary Findings and Conclusions do not contain specific conditions applicable to the East End Rod & Gun Club's Conditional Use Permit. At present, pages 7 through 12 contain insufficient analysis and do not impose specific enough conditions. First, the East End Rod & Gun Club's hours should be limited—shooting to occur no earlier than 8:00 a.m. on weekdays, 10:00 a.m. on weekends, and ceasing at 7:00 p.m. or dark, whichever is earlier, at all times of the year. Allowing shooting to occur at earlier or later times will interfere with the activities of the neighbors and the Reas and will unduly disturb weekend mornings. The Reas intend to present evidence to this effect. Imposing a condition that limits shooting to “daylight hours” is too broad and is not enforceable.

And, there is no specificity regarding when “farming practices” will force the closure of the

Ms. Tamara Mabbot
December 12, 2013
Page 3 of 3

East End Rod & Gun Club. Farming practices should be more specifically defined and a specific condition imposed, in accordance with Umatilla County Development Code Ordinance 152.615, indicating that the closure is required when "farming practices" are occurring.

Thank you for considering this information. The Reas intend to address these issues, and any others they identify before the December 19, 2013, hearing, in more detail at the hearing.

Please contact me if you wish to discuss anything further. Thank you.

Sincerely yours,



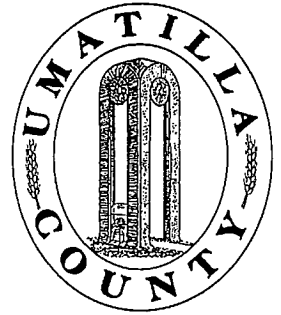
Patrick M. Gregg

**REPLACEMENT
DWELLING IN
EFU ZONE**

#ZP-13-274

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

December 12, 2013

LAND USE
PLANNING,
ZONING AND
PERMITTING

MEMO

CODE
ENFORCEMENT

TO: County Planning Commission

SOLID WASTE
COMMITTEE

FROM: Richard H. Jennings, Senior Planner

SMOKE
MANAGEMENT

RE: Replacement Dwelling in an EFU Zone

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

An application for a Replacement Dwelling was received November 14, 2013 from property owner, Norm Kralman. A lawfully established dwelling that meets standards such as a heating source, kitchen/bathroom connected to a septic system, roof, walls, etc is termed a "Replacement Dwelling" per per Umatilla County Development Code 152.058 (F). A lawfully established dwelling often is replaced with a newer home while the older home is used as an accessory structure or removed altogether. Typically, an application to replace a dwelling is processed via an over the counter zoning permit with an attached site plan. In the current case, there was question whether the stick built home was replaced by the 1979 doublewide manufactured home currently located on the property. If so, the stick built home could not now be replaced again. Since the features of this zoning permit application are not clear and objective, the application is directed to a hearing before the Planning Commission for a decision.

Facts:

1. The stick built home was constructed in 1925 prior to zoning.
2. Tax Lot 380 has been no more than 16 acres since 1979.
3. Tax Lot 380 was zoned F-1 (Exclusive Farm Use) in 1972.
4. The F-1 Zone allowed a dwelling density of 19 acres.
5. The zoning on this property was changed in 1983 to the current EFU-10 Zone.
6. No other permits have been issued on the property.
7. A zoning permit was issued in 1979 for the doublewide home.
8. The code in the F-1 Zone did not allow multiple homes on a substandard parcel (below 19 acres) without additional permit approval, such as a conditional use permit.

Determination

Was the stick-built replaced by the 1979 zoning permit (#ZP-79-313) allowing placement of the doublewide?

If your answer is yes – Then the zoning permit did replace the stick-built home with the doublewide manufactured home. In that case, the stick-built home cannot be replaced again.

If your answer is no - Then the doublewide did not replace the stick built home in 1979. That means that both structures were allowed to be on the property and used as dwellings. If that is the case, then what facts or evidence do we rely upon that would approve a second dwelling on the parcel?

November 14, 2013

Umatilla County Planning Department
216 SE 4th St.
Pendleton, OR 97801

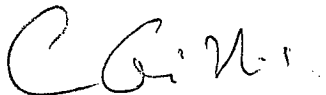
Re: Application for Replacement Dwelling

Dear Umatilla County Planning Department:

Enclosed please find the Replacement Dwelling application for Mr. Norm Kralman to replace the 1925 stick-built home which is currently located on Umatilla County Tax Lot 380. Included is Umatilla County Zoning Permit application with supporting documents which demonstrate that the dwelling was lawfully built in 1925, and that show it is still intact with intact exterior walls, roof, indoor plumbing, toilet and bathing facilities, interior wiring for interior lights, and a heating system. It is Mr. Kralman's intent to have the dwelling removed within three months of receiving the permit. Mr. Kralman requests a replacement deferral for building a new dwelling at any time in the future.

Also enclosed are the Permit Application Form for construction of road approaches onto county and public roads.

Sincerely,



Charles H. Gillis
Attorney at Law

Enclosure

Cc: Norm Kralman
Daniel Kearns
file

RECEIVED

NOV 14 2013

UMATILLA COUNTY
PLANNING DEPARTMENT

Reeve Kearns PC

Attorneys at Law

1225 American Bank Building
621 S.W. Morrison Street
Portland, Oregon 97205
Telephone: 503-225-0713
Facsimile: 503-225-0276
Email: dan@reevekearns.com

Daniel H. Kearns
Direct Dial: 503-225-1127

November 22, 2013

Richard Jennings
Senior Planner
216 SE 4th Street
Pendleton, OR 97801

**Re: Norm Kralman Replacement Dwelling – ORS 215.283(1)(p)
TL 380 in Twp5N, R36E, Sec21**

Dear Mr. Jennings:

I, along with Charles Gillis, represent Norm Kralman in his application for a replacement dwelling on TL 380. This property is zoned EFU and is therefore subject to the farmland rights and protections in ORS 215.283, the related statutes and administrative rules and the Umatilla County Development Code provisions promulgated there under. As you and I have discussed, this application seeks to replace the 1925 stick-built house that currently exists on TL 380, just west of Linton Mountain Road. The exact proposal and a detailed description of the 1925 stick-built house are included in the application materials that Mr. Gillis submitted on November 14, 2013. The purpose of my letter is to support that application with additional discussion about the legal effect of ORS 215.283.

From the evidence I have seen documenting the condition of the 1925 stick-built house, it was lawfully established/constructed prior to the imposition of restrictive zoning, has remained all that time and currently meets the structural and other physical requirements listed in ORS 215.283(1)(p). As such, it appears to qualify for a replacement dwelling as Mr. Gillis proposes in the application. While I understand your concern about the manufactured dwelling also situated on TL 380, the County's documentation clearly shows that dwelling was lawfully permitted and established in 1979 with no conditions. As things currently stand, the evidence shows there are two lawfully established, intact and existing dwellings on TL 380. If you uncover any additional documents or other evidence that show otherwise, please let me know immediately.

As I acknowledged to you on the phone, it is somewhat unusual and contrary to the policy of many jurisdictions to have two dwellings on a single legal lot. To help allay those concerns,

November 22, 2013

Page 2

we would also propose to reconfigure TLs 370 and 380 through a lot line adjustment to have Linton Mountain Road become the dividing line between these two lots, thus eliminating the double dwelling situation. That application will be ready soon, but we wanted to make sure there were no problems with the replacement dwelling application before proceeding to adjust the boundary between TLs 370 and 380.

So far as this replacement dwelling is concerned, however, it is governed quite strictly by ORS 215.283, which Umatilla County is obligated to follow. The Supreme Court has reviewed the scope of a county's authority to impose additional siting criteria beyond those listed in state law for uses allowed under this statute and concluded that counties are prohibited from imposing any additional criteria on Subsection (1) uses, which include this replacement dwelling. LUBA summarized this rule recently in a case involving wind turbines in Umatilla County on EFU land:

"The statutory EFU zone that has evolved over the years has become lengthy and quite complex. As relevant here, the statutory EFU zone distinguishes between "[u]tility facilities necessary for public service," which are permitted uses under ORS 215.283(1)(c), and "[c]ommercial utility facilities for the purpose of generating power for public use by sale," which are nonfarm uses under ORS 215.283(2)(g) that are allowed subject to county approval and the statutory approval standards set out at ORS 215.296. For purposes of this appeal there is one important difference between the uses that are allowed under subsection (1) of ORS 215.283 and the uses that are allowed under subsection (2) of 215.283. As the Oregon Supreme Court has interpreted those statutes, the uses allowed under subsection (1) are permitted outright and are only subject to statutory standards. Subsection (1) uses may not be subject to additional regulation under local law. *Brentmar v. Jackson County*, 321 Or 481, 496, 900 P2d 1030 (1995) (The legislature "intended to create two categories of use. Subsection (1) uses were 'uses as of right,' or uses that a local governing body could not prevent. [S]ubsection (2) uses were 'conditional uses,' or uses that were 'subject to approval of the governing body of the county'")."^{FN10}

^{FN10} The Supreme Court subsequently clarified that the legislative prohibition against additional regulation of Subsection (1) uses extends only to counties and was not intended to prohibit additional regulation of subsection (1) uses by the Land Conservation and Development Commission. *Lane County v. LCDC*, 325 Or 569, 583, 942 P2d 278 (1997).

WKN Chopin v. Umatilla County, __ Or LUBA __ (LUBA No. 2012-016, slip op. July 11, 2012) (underline emphasis added)

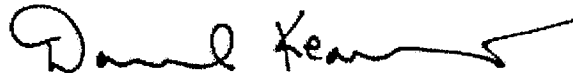
In light of *Brentmar v. Jackson County*, Norm Kralman's replacement dwelling should be simple and straight forward under ORS 215.283(1)(p). As your evaluation of the replacement

Reeve Kearns P.C.

November 22, 2013
Page 3

dwelling application progresses, please stay in contact with Charlie Gillis and let him know when it is appropriate to apply for the lot line adjustment. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Daniel Kearns". The signature is written in a cursive style with a long horizontal stroke at the end.

Daniel Kearns

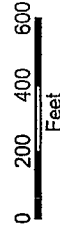
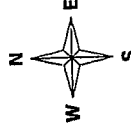
cc: Norm Kralman
Charles Gillis, Esq.

PROPERTY OWNERS WITHIN 750'
NOTICE OF SUBJECT PARCEL

MAP 5N3620
1090 KELLY PATRICK

- MAP 5N3621
- 200 CUSTER KITTEE (TDD)
- 201 RICH ROBERT D & VESPER JOY
- 202 MILTON-FREEWATER CITY OF
- 300 DEMARIS DAVE
- 370 KRALMAN NORMAN F
- 380 KRALMAN NORMAN F
- 390 DEMARIS DAVE
- 400 MEEKS SUSAN & LARRY J
- 401 BULLOCK LANCE
- 401A1 KRALMAN NORMAN F
- 501 KELSAY ALLAN T & KIM L
- 600 STOLZ MILO
- 601 ONEILL MARK J & MARY J
- 602 CHAVEZ BRENNNA & PAUL
- 700 HOLDERNESS TIMOTHY
- 1200 REID TED W
- 1300 KNOWLES KENNETH WAYNE (TRS)

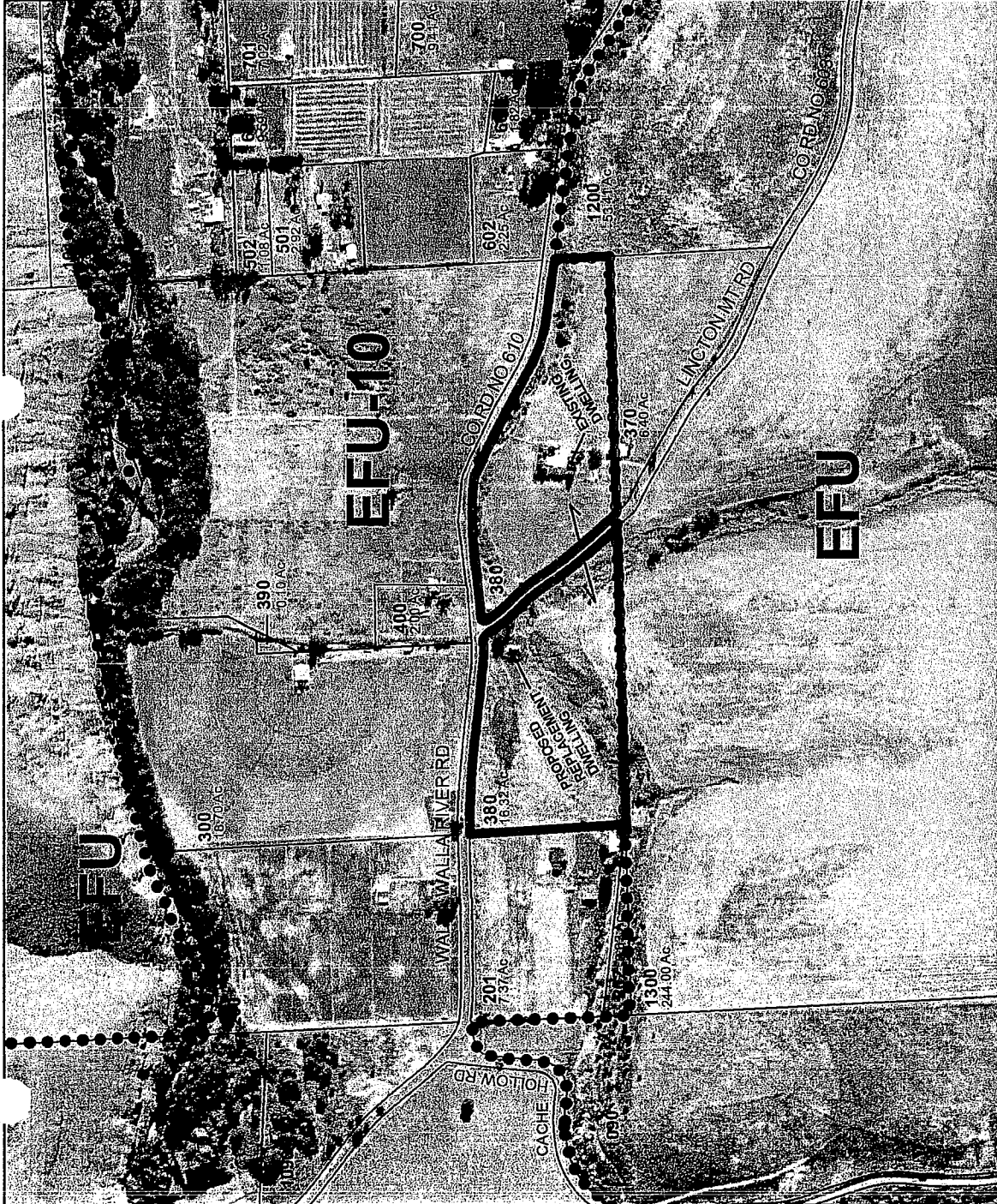
2012 AERIAL PHOTO




DATE: 11/25/13

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not for legal use. Created by J. Alford, Umatilla County Planning Dept.

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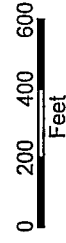
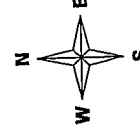
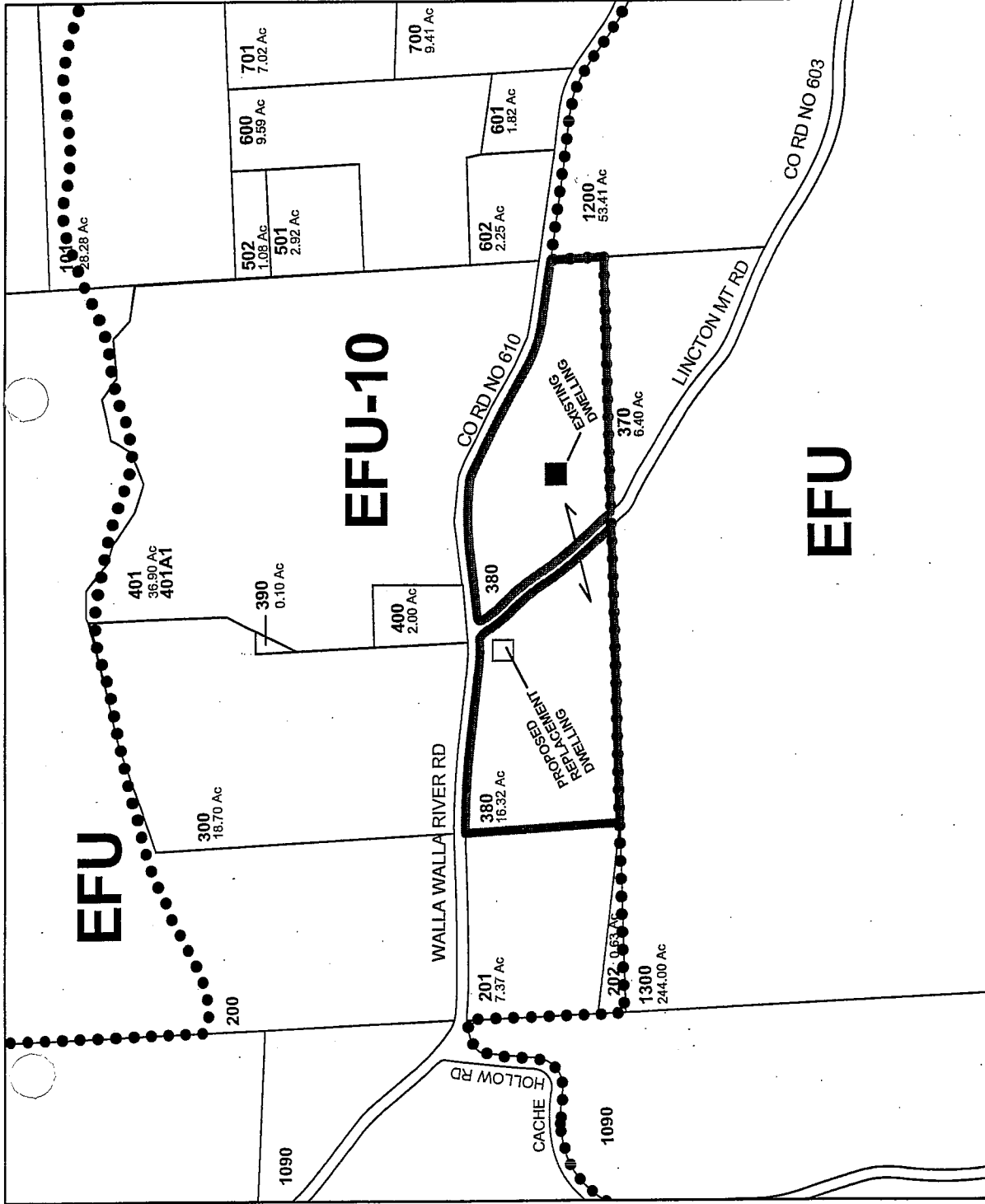
ZONING PERMIT APPLICATION FOR REPLACEMENT DWELLING IN RESOURCE ZONE
NORM KRALMAN, APPLICANT/TOWNER
MAP 5N3621, TAX LOT 380

 SUBJECT PARCEL

PROPERTY OWNERS WITHIN 750'
NOTICE OF SUBJECT PARCEL

MAP 5N3620
1090 KELLY PATRICK

MAP 5N3621
200 CUSTER KITTEE (TDD)
201 RICH ROBERT D & VESPER JOY
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300 DEMARIS DAVE
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400 MEEKS SUSAN & LARRY J
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401A1 KRALMAN NORMAN F
501 KELSAY ALLAN T & KIM L
600 STOLZ MILO
601 ONEILL MARK J & MARY J
602 CHAVEZ BRENNNA & PAUL
700 HOLDERNESS TIMOTHY
1200 REID TED W
1300 KNOWLES KENNETH WAYNE (TRS)



DATE: 11/25/13

ZONING PERMIT APPLICATION FOR REPLACEMENT DWELLING IN RESOURCE ZONE

NORM KRALMAN, APPLICANT/OWNER
MAP 5N3621, TAX LOT 380



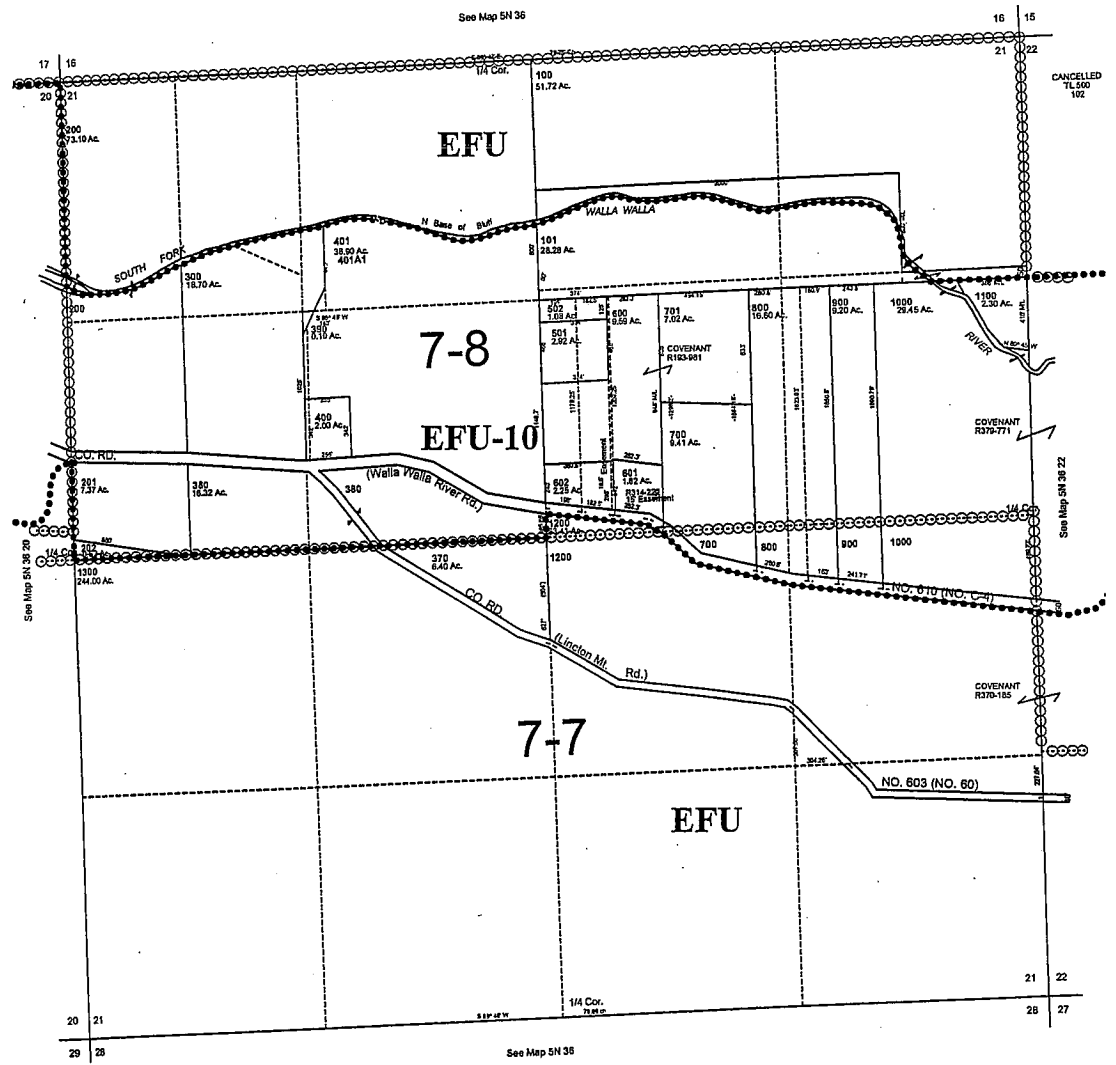
MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not for legal use. Created by J. Alford, Umatilla County Planning Dept.
y:\workspace\planning\vicinity maps\JKralman_ZP_app1_11_25_13.gws

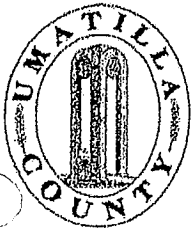
This map was prepared for assessment purposes

SEC 21 T5NR36E WM UMATILLA COUNTY SCALE 1"=400'

9-28-05

5N3621





UMATILLA COUNTY ZONING PERMIT

DEPARTMENT OF LAND USE PLANNING
216 SE 4TH ST, Pendleton, OR 97801
Phone: 541-278-6252 • Fax 541-278-5480

For information visit- www.umatillacounty.net/planning

Permit No.	
ZP - 13 - 274	
<input type="checkbox"/> Zoning Permit Fee	\$75
<input type="checkbox"/> Code Violation Fee	\$75
<input type="checkbox"/> Design Review	\$350
<input type="checkbox"/> Floodplain Dev. Permit	\$250
<input type="checkbox"/> Replace Dwelling Verify	\$75
<input type="checkbox"/> Rural Address	\$35
<input type="checkbox"/> Towers (Cell, Met, etc.)	\$200

APPLICANT'S NAME Norman Kralman PHONE Home or Cell (509) 520-1786 Work (541) 938-7370

MAILING ADDRESS 52151 Fruitvale Rd Hilton Freemaster OR 97862
STREET CITY STATE ZIP

PROPERTY OWNER(S) as above PHONE ()

MAILING ADDRESS _____
STREET CITY STATE ZIP

TWP 5N RNG 36E SEC 21 ACCT# 134340 Map # _____ Tax Lot 380

LAND USE ZONE EFU SQFT/ACRES 16.32 SITE ADDRESS 81965 Lincoln Mtn Rd, Hilton Freemaster OR 97862

REQUIRED SETBACKS (Stream Setback 100 ft) FRONT 30 ft. SIDE 20 ft. and 20 ft. REAR 20 ft.

Is the property in a FLOODPLAIN? No Yes, FLOOD ZONE _____ Is a Flood Development Permit required? No Yes

If the permit is for an accessory building located within the EFU/GF Zones, how will it be used? Personal Use, or Farm Use

ACCESS PERMIT: Has an access permit been issued from the County or ODOT? No Yes In Process Not Applicable attached

MANUFACTURED HOME (placement/removal) - Has the County Assessor's Office issued applicable permits? No Yes Not Applicable

PROPOSED USE(S): 2,000 sq ft residence YEAR - SIZE _____
Briefly describe the use YEAR - SIZE _____

- These conditions apply to various uses authorized via a zoning permit. Planning Staff will check those that apply, if any.
- Manufactured Home Placement**, pursuant to UCDC 152.013 the mobile home unit shall be manufactured after January 1, 1972, and bear the "Insignia of Compliance" if prior to 1976.
 - Replacement of a dwelling in a resource zone.** The dwelling to be replaced MUST be demolished or removed within 90 days of the new dwelling being built. Fill out and attach the "Replacement Dwelling" supplemental form.
 - Met Towers.** Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.
 - Temporary Mobile Home/Temporary Hardship Dwelling.** The home MUST be removed, demolished or converted within 90 days from the date the hardship ends. Contact County Planning as soon as the hardship ends.

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. The applicant must notify the Planning Department if there are ANY changes in the details of this Zoning Permit. This Zoning Permit may be REVOKED if the information provided is found to be false.

* SIGNATURE OF ALL PROPERTY OWNERS REQUIRED (additional signature pages are available upon request)

Norman Kralman 11/26/13 Norman Kralman
Signature of Property Owner, Title Date Signature of Property Owner, Title Date
NORMAN KRALMAN Norman Kralman
Printed Name of Property Owner Printed Name of Property Owner

DATE APPROVED _____ APPROVED BY _____ PERMIT NO. ZP-13-274

EXTENDED or AMENDED, DATE APPROVED: _____ APPROVED BY: _____

VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED. This is NOT a Building or Subsurface Disposal Permit. Revision Date: October 14, 2013

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2013

November 14, 2013 12:08:56 pm

Account # 134340
 Map # 5N3621-00-00380
 Code - Tax # 0708-134340

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name KRALMAN NORMAN F

Deed Reference # 2009-5570167

Agent

Sales Date/Price 09-28-2009 / \$250,000.00

In Care Of

Appraiser SHELLY, TERRI LEE

Mailing Address 52151 FRUITVALE RD
 MILTON FREEWATER, OR 97862

Prop Class 559 MA SA NH Unit
 RMV Class 559 04 51 000 134340-1

Situs Address(s)	Situs City
ID# 1 81965 LINCTON MOUNTAIN RD	MILTON FREEWATER

Value Summary						
Code Area		AV	RMV	MAV	RMV Exception	CPR %
0708	Land	17,106	54,770	12,720	Land	0
	Impr.	108,200	116,800	108,200	Impr.	0
Code Area Total		125,306	171,570	120,920		0
Grand Total		125,306	171,570	120,920		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
0708					CITY OSD - RESIDENTIAL FULL	100					
0708					DO NOT USE -	100					
0708	1	R		EFU	Farm Site	100	A	1.00	H		
0708	3	R		EFU	Farm Use Zoned	100	A	4.51	4-2		
0708	2	R		EFU	Farm Use Zoned	100	A	6.91	4-U		
0708	4	R		EFU	Farm Use Zoned	100	A	3.90	7-F		
Grand Total								16.32			0.00

Improvement Breakdown											
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV		
0708	1	1925	121	One story	124	1,040			22,250		
0708	2		140	Class 4 - 2nd Garage	124	0			27,240		
0708	4		300	Farm Bldg	100	80			210		
0708	5		355	BURIED MAINLINE	100				570		
0708	1	1979	462	Double wide	94	1,876		E - 802287	45,170		
0708	6		300	Farm Bldg	100	80			210		
0708	7		300	Farm Bldg	100	2,400			19,680		
0708	8		300	Farm Bldg	100	0			1,470		
Grand Total						5,476			116,800		

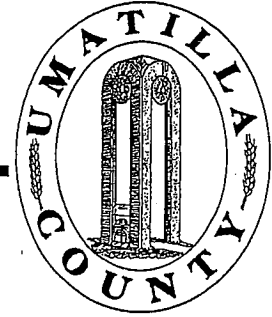
Code Area		Exemptions/Special Assessments/Potential Liability									
Area	Type										
0708		NOTATION(S): ■ POTENTIAL ADDL TAX LIABILITY ADDED 2005									

MS Account(s): 0708-E-802287

Umatilla County

Department of Land Use Planning

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252



Replacement Dwellings In Resource Zones

The replacement of a lawfully established dwelling is possible through a Zoning Permit. Replacement dwellings are allowed in the EFU Zone (152.058 (F)) and the GF Zone (152.083 (O)). The residential zones (i.e. RR-2, RR-4, UC, etc.) provide for the placement of homes as a "permitted use with a zoning permit."

A zoning permit for a replacement dwelling in the EFU or GF Zones may be permitted if the existing dwelling complies with the following criteria:

§ 152.058 (F) Alteration, restoration or replacement of a lawfully established dwelling that:

- (1) Has intact exterior walls and roof structures;
- (2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (3) Has interior wiring for interior lights;
- (4) Has a heating system; and
- (5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;
- (6) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards.
- (7) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, execute and record in the deed records for the

county where the property is located a deed restriction prohibiting the siting of a dwelling on the EFU portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

- (8) If the applicant has requested a deferred replacement permit, the dwelling is removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time
- (9) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.
- (10) Permits issued for replacement dwellings are valid for four years. A permit extension for an additional two years may be obtained.

FEE & PROCESSING

Field Inspection, Removal Verification - \$75.00. Complete the attached form and a Zoning Permit application and submit to the Planning Office. A public notice is not required.

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application

Version: July 2, 2012
File Location: H:\shared\FORMS_Master\Replacement_Dwellings.doc

Replacement Dwelling Verification

Provide the details of the existing dwelling. The purpose of this application is to provide a method for replacing a lawfully established dwelling (either stick built or manufactured home) in an EFU or GF Zone.

1. How and when was the existing dwelling legally established? Provide documentation. If the dwelling is extremely old and no land use permits were issued then paperwork from the County Assessor can be submitted to show that the home was placed prior to land use planning regulations (prior to 1972).

Stick frame dwelling built circa 1925. County Assessor paperwork is attached.

2. Describe the condition of the existing dwelling. The features described are still required even if the dwelling has been vacant for several years and possibly unlivable. Provide proof of these features through photos.

- Has intact exterior walls and roof structures;
- Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- Has interior wiring for interior lights;
- Has a heating system; and

Please Note: If the dwelling had all of these features, but has already been removed from the parcel then the possibility of replacing the dwelling may have been forfeited.

3. **Replacement Deferral.** The dwelling is removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void.

- The new dwelling will be built within one year.
- I would like to request the Replacement Deferral to build a new dwelling at any time in the future.

Please Note: A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

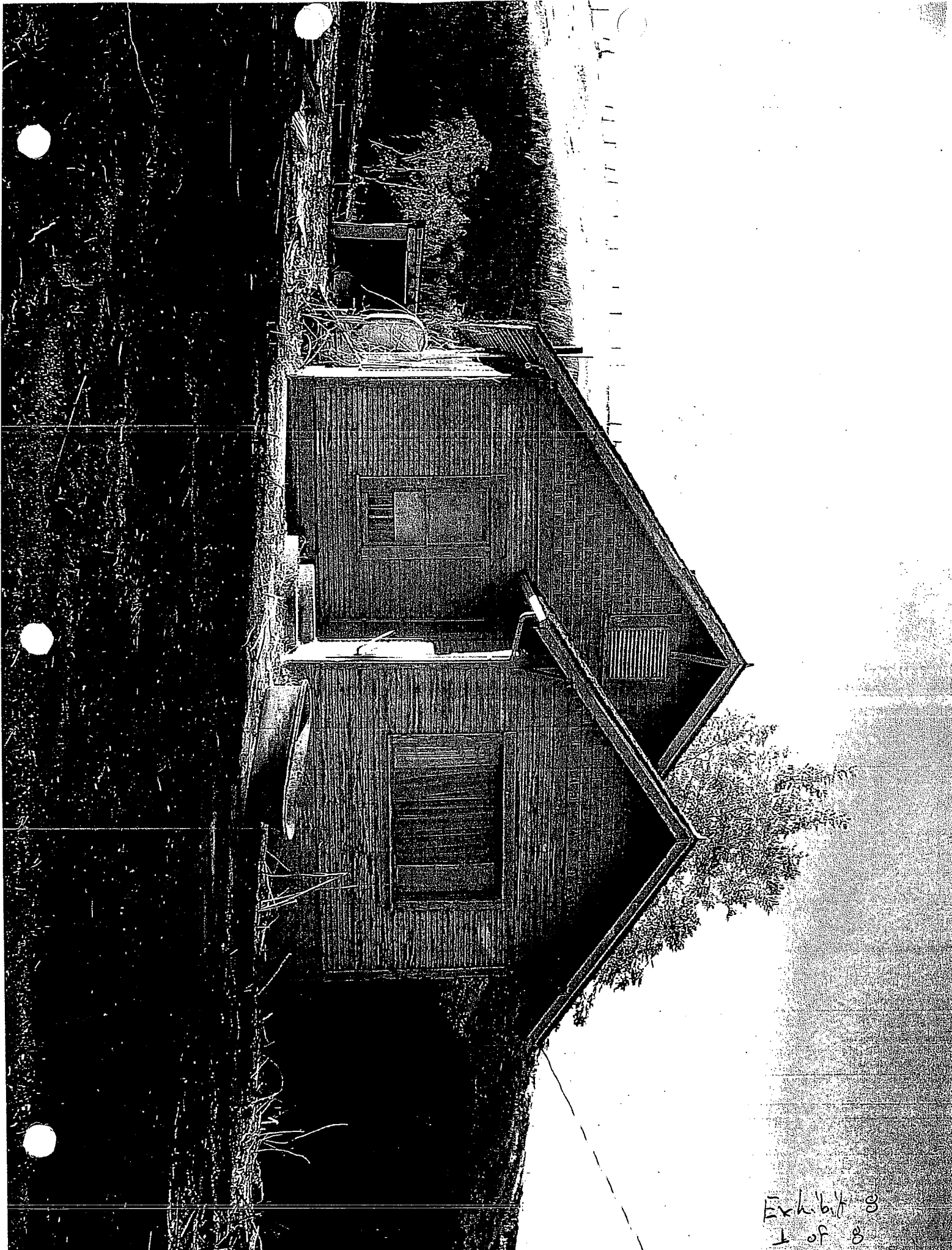
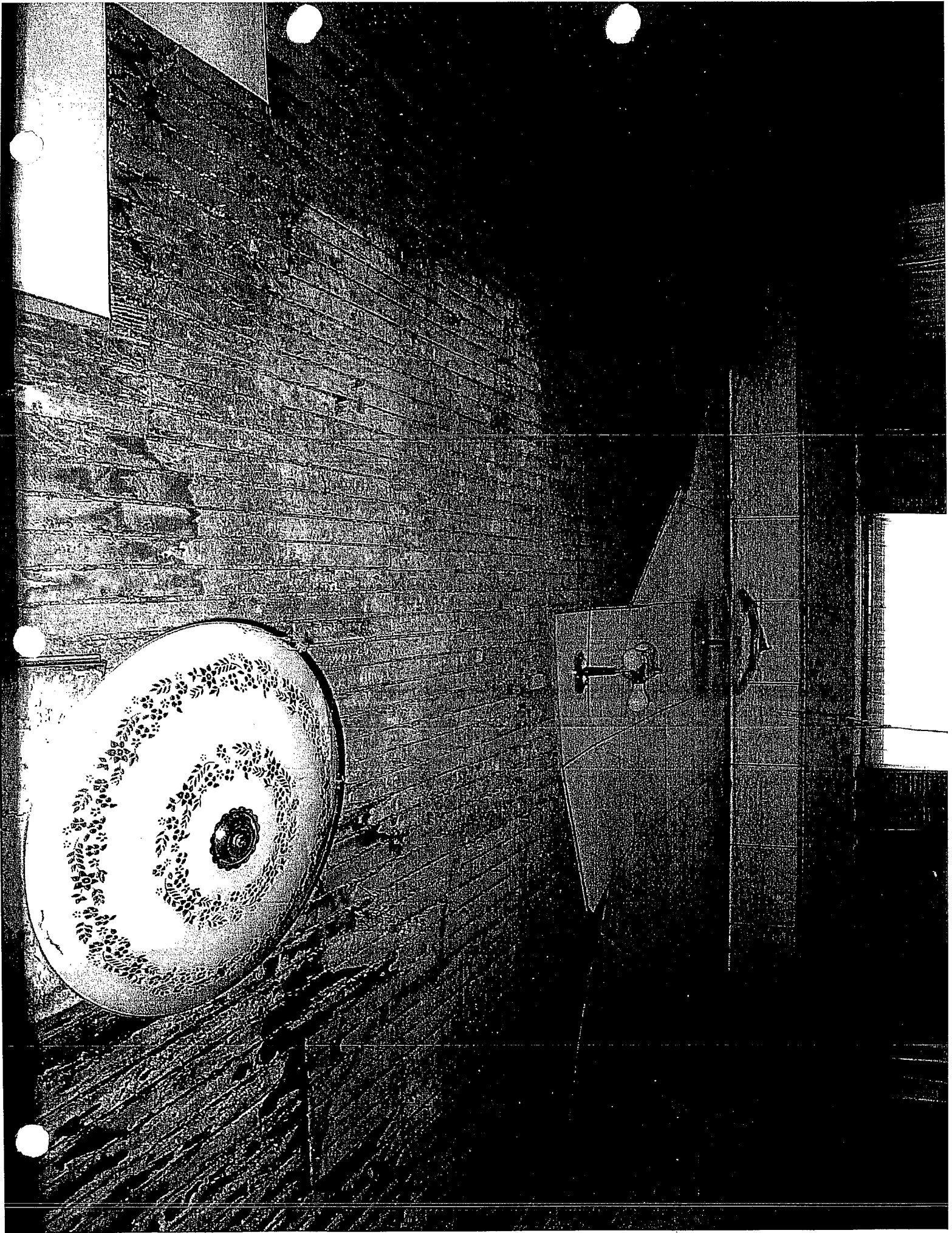
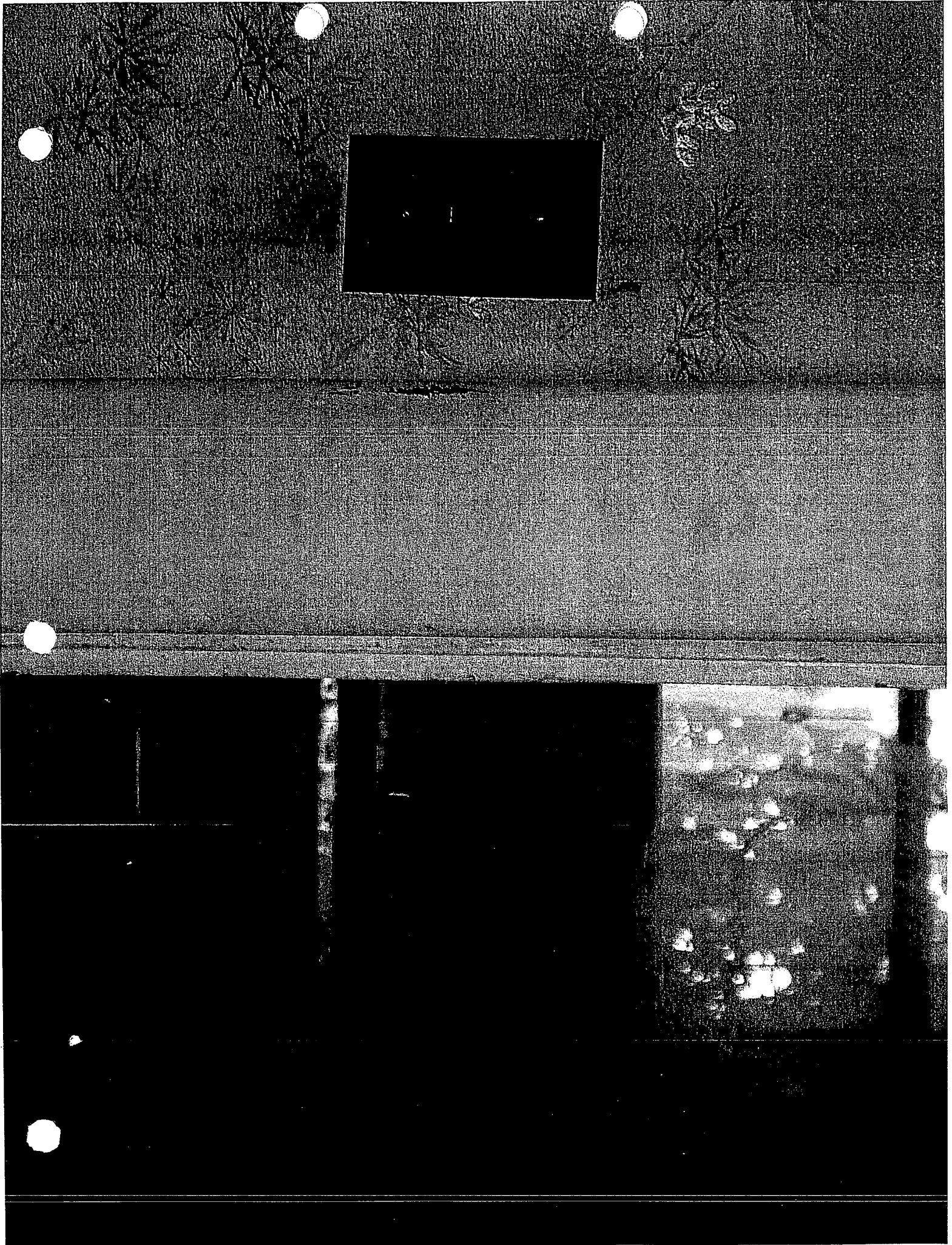
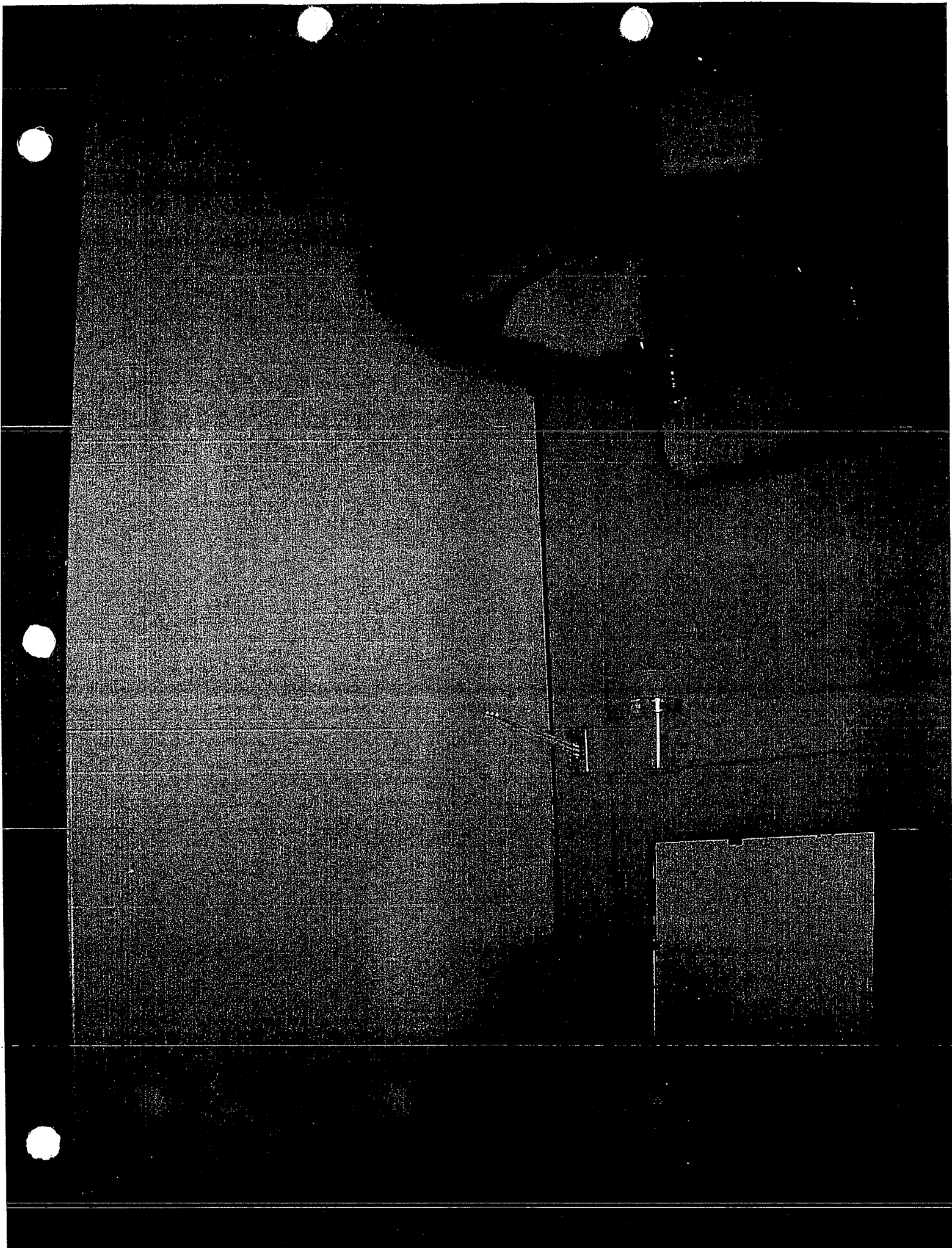
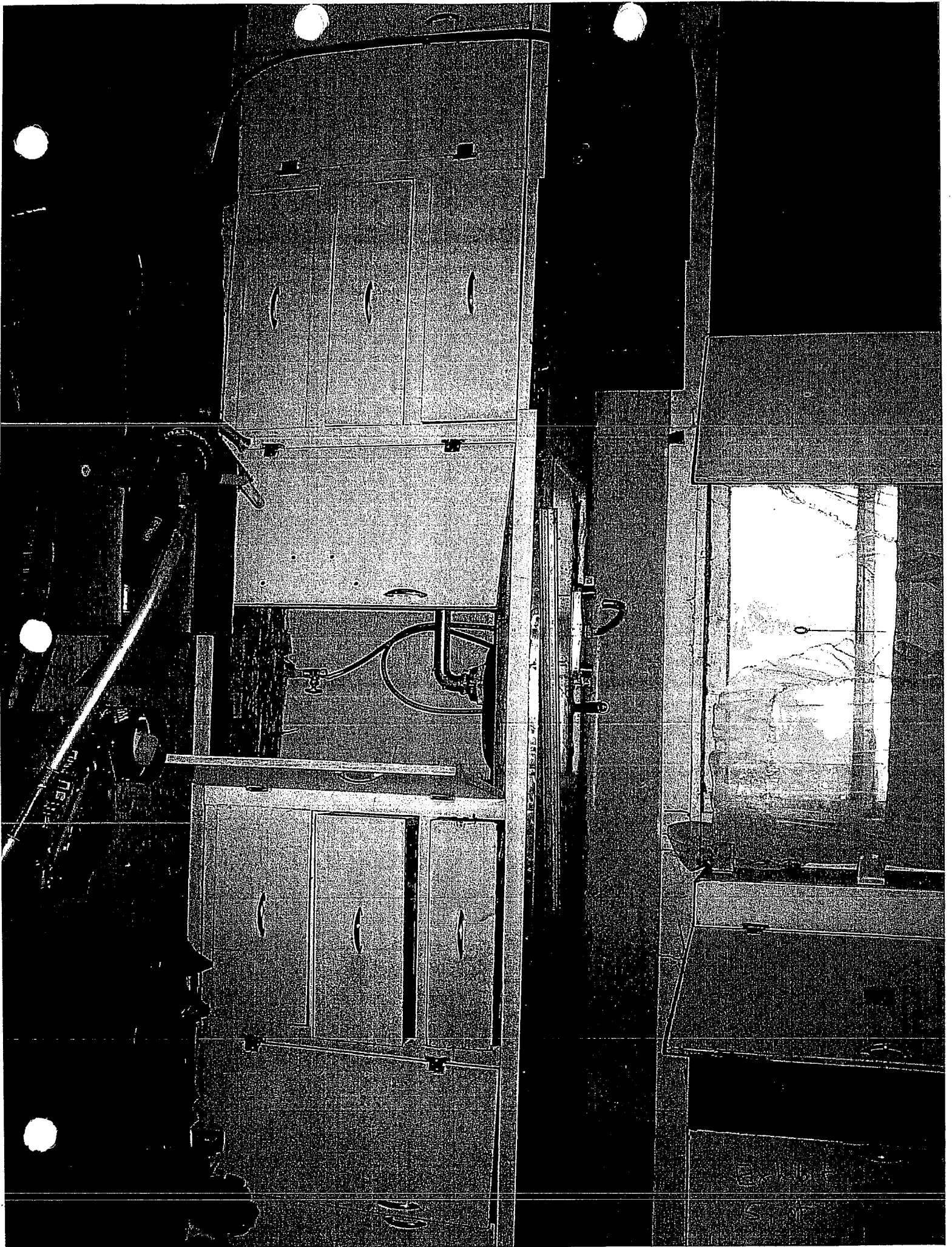


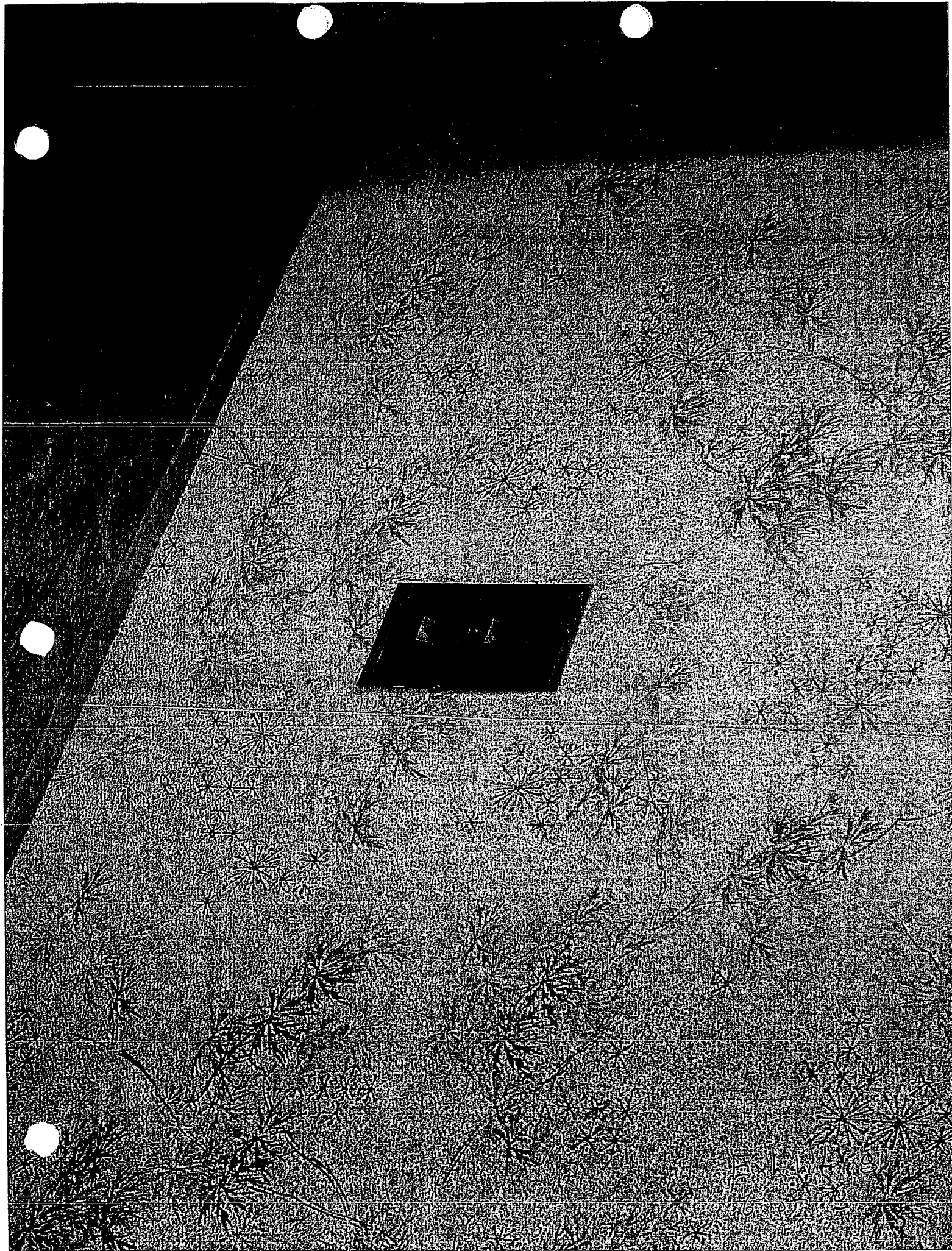
Exhibit 8
1 of 8



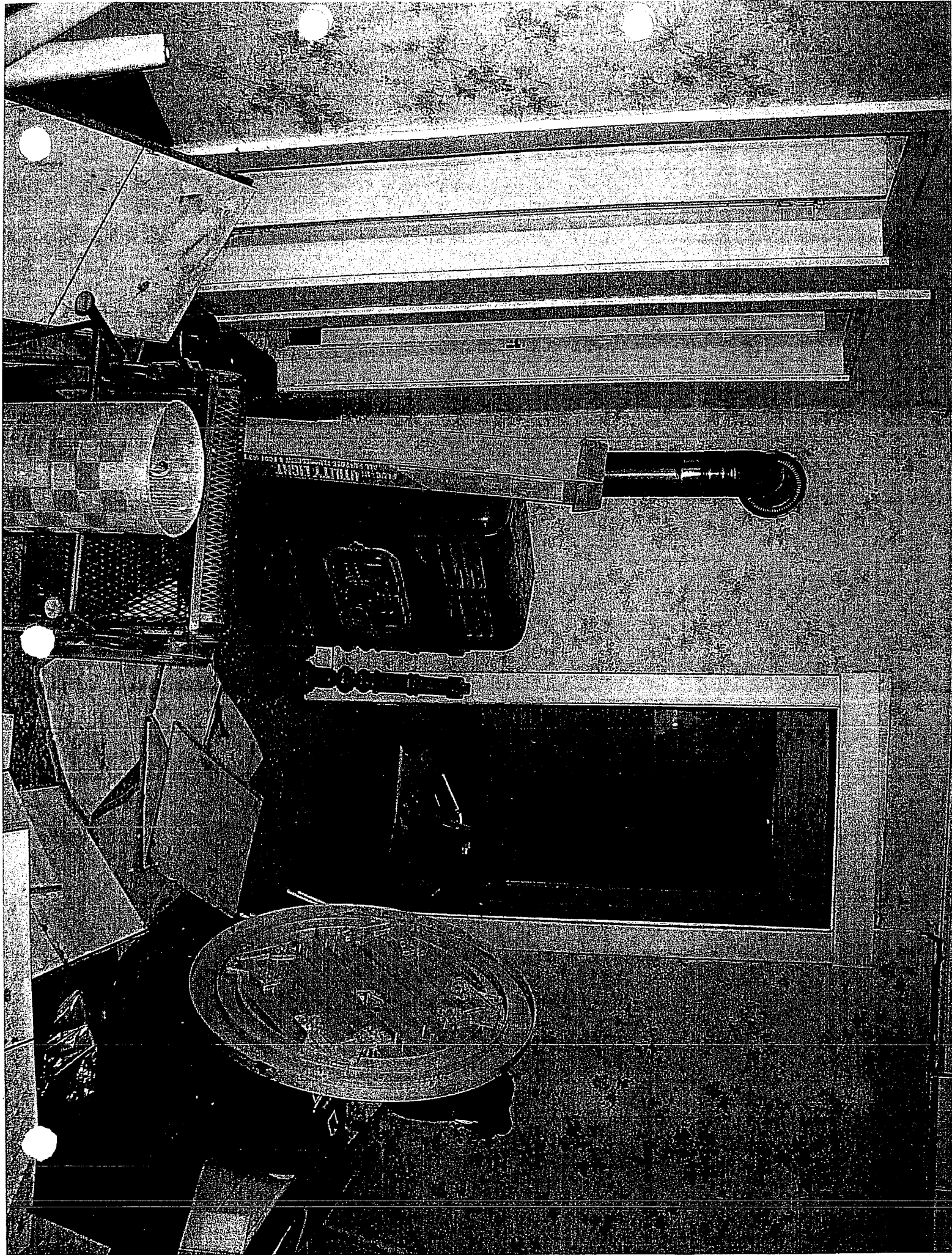


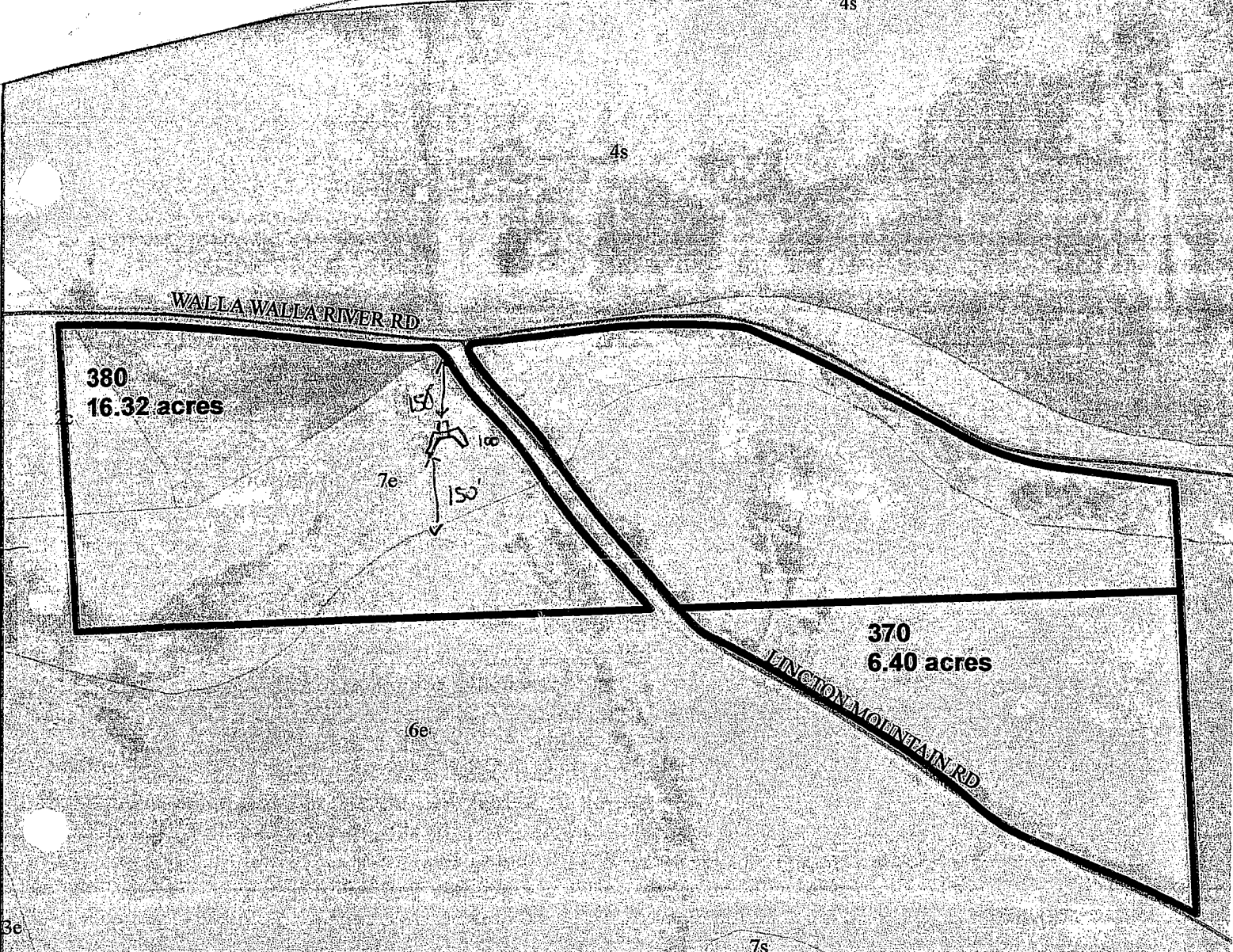












NORM F. KRALMAN
81965 Lincton MTN RD
Milton-Freewater, OR 97862

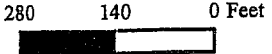
TSN, R36E, Sec. 21, TL 370, #134157
TSN, R36E, Sec. 21, TL 380; #134340
EFU Zone

CAPABILITY CLASSES, the broadest groups, are designated by Roman numerals I through VIII. The numerals indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows: Class I soils have few limitations that restrict their use. Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices. Class III soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both. Class IV soils have very severe limitations that reduce the choice of plants or that require very careful management, or both. Class V soils are not likely to erode but have other limitations, impractical to remove, that limit their use. Class VI soils have severe limitations that make them generally unsuitable for cultivation. Class VII soils have very severe limitations that make them unsuitable for cultivation. Class VIII soils and miscellaneous areas have limitations that nearly preclude their use for commercial crop production.

Capability subclasses are soil groups within one class. They are designated by adding a small letter, e, w, s, or c, to the class numeral, for example, IIe. The letter "e" shows that the main limitation is risk of erosion unless close-growing plant cover is maintained; "w" shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); "s" shows that the soil is limited mainly because it is shallow, droughty, or stony; and "c", used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry. (p. 172, 1999 Umatilla County Soil Survey, NRCS)

2012 Parcel Boundary

SOILS MAP using GIS data provided by NRCS



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notifications. GIS data used by Umatilla County is not survey grade. Coordinate and spatial locations of data should be used for reference purposes only. Coordinates have an error factor of a minimum of + or - 50 feet. Subsequently, there are many error factors that contribute to the inaccuracy. Umatilla County uses the best available data; Over time the accuracy levels will be improved. Prepared by: Richard Jennings.

Legend

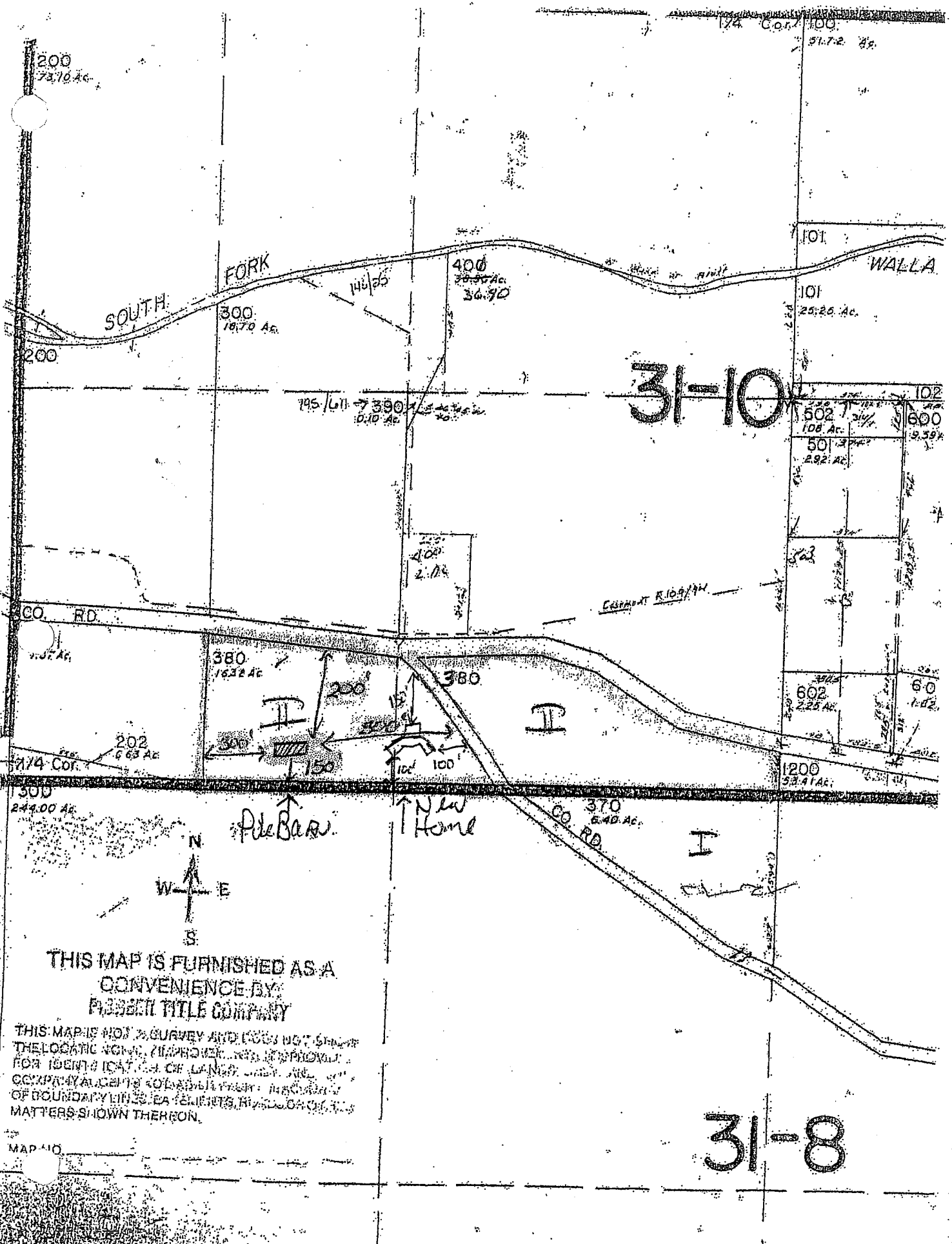
- Kralman Property
- Roads
- Water Courses - FEMA

- SOILS, Land Capability**
- 5w
 - 6e; 6s; 6w
 - 7e; 7s; 7w
 - 8
 - 2c; 2e; 2s; 2w
 - 3c; 3e; 3w
 - 4c; 4e; 4s



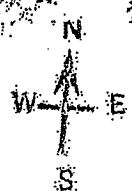
UMATILLA COUNTY
 541-278-6249
 www.co.umatilla.or.us
 Map Created: 2013; jr

Exhibit 6
Page 4 of 4



31-10

31-8



THIS MAP IS FURNISHED AS A
CONVENIENCE BY:
PUEBLO TITLE COMPANY

THIS MAP IS NOT A SURVEY AND DOES NOT SHOW
THE LOCATIONS OF IMPROVEMENTS OR RECORDS
FOR IDENTIFICATION OF LANDS. THE COMPANY
ACCEPTS NO LIABILITY FOR THE ACCURACY
OF BOUNDARY LINES, EASEMENTS, RIGHTS OR OTHER
MATTERS SHOWN THEREON.

MAP 10

**Zoning Permit
#ZP-79-213**

Historic Maps

F-1 Zone Text, 1972

UMATILLA COUNTY ZONING PERMIT

Paid
250

UMATILLA COUNTY PLANNING COMMISSION

P. O. BOX 1427, COURTHOUSE, PENDLETON, OR 97801

AREA CODE (503) 276-7111 EXT. 314

FEE: 250

STAFF: DL

INSPECTION DATE

Please print or type

APPLICANT Leland Demaris

HOME 938-7080

OFFICE _____

MAILING ADDRESS Route 1 Box 58 A
(street or route) (city) (state) (zip code)

LEGAL OWNER Same ADDRESS Same #134340

LEGAL DESCRIPTION SE 1/4 OF NW 1/4 OF SEC. 21 TWP. 5N RNG. 36 EWM MAP NO. 5N3621 TAX LOT 380

SUBDIVISION _____ LOT _____ BLOCK _____ PRESENT ZONE F-1 EFU-10 SQ. FT. OR ACRES 7-1/2 16.3

LOT WIDTH _____ LOT DEPTH _____ LEGAL ACCESS Linton Mt. Road

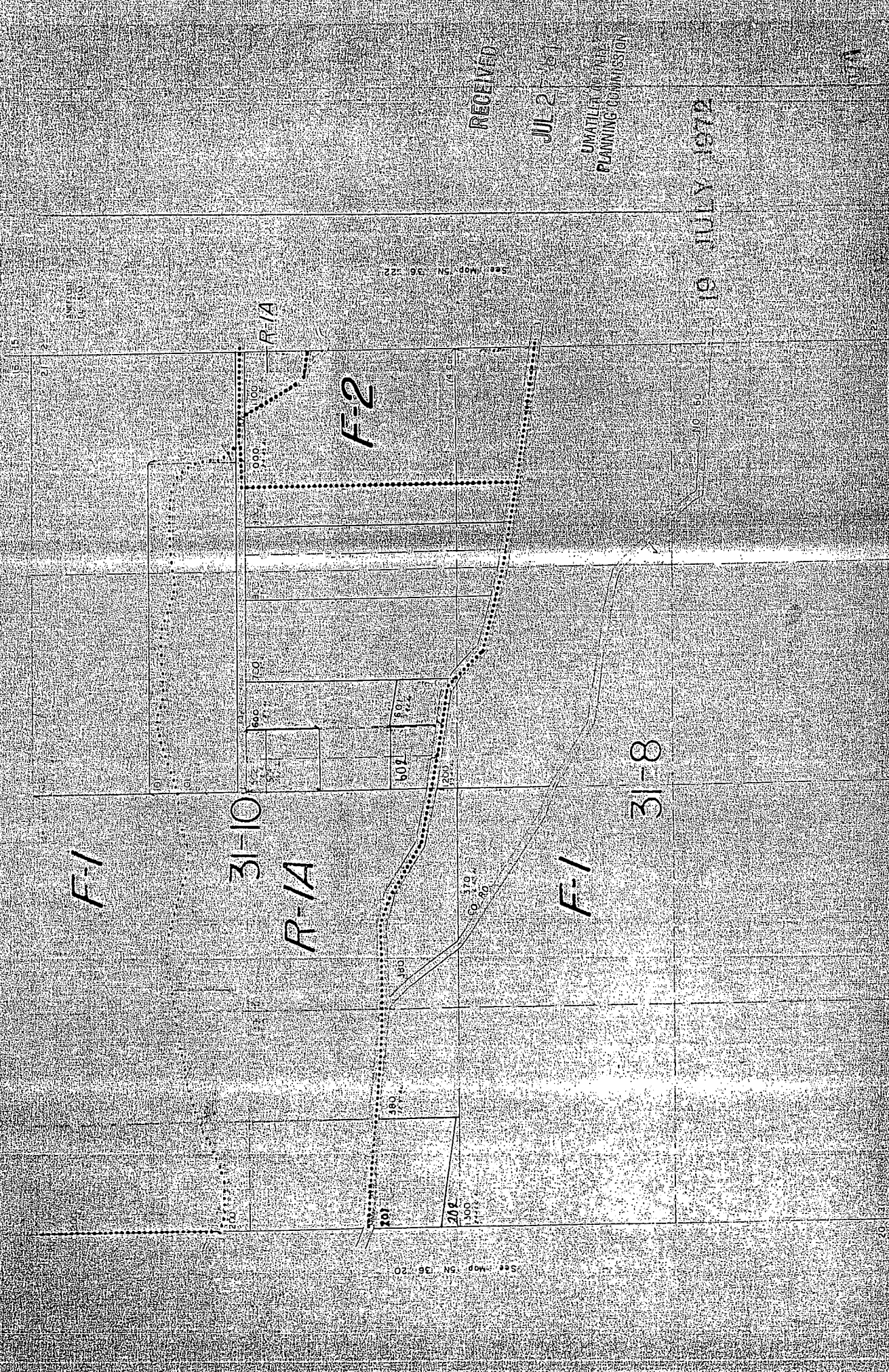
REQUIRED SETBACKS: FRONT 20 FT. SIDE 20 FT. AND 20 FT. REAR 20 FT.

PROPOSED USE 1. m/h SIZE 28X66 3. Shed SIZE 20X20
2. garage SIZE 38X24 4. - SIZE _____
11-12-91
BLB

PLOT PLAN

Umatilla - Umatilla Road

WISCONSIN COUNTY



See Map No. 35-20

See Map No. 35-22

See Map No. 35-22

RECEIVED

JUL 2 1972

UNIVERSITY OF WISCONSIN
PLANNING COMMISSION

19 JULY 1972

17A

EFU

31-10

EFU-10



ARTICLE 3, USE ZONES

LAND USE ZONES:

F-1, EXCLUSIVE FARM USE

F-1A, FRUIT TRACT FARM ZONE

F-1B, SMALL FARMS ZONE

F-2, GENERAL FARM ZONE

F-3, AGRIBUSINESS ZONE

F-4, RURAL CENTER ZONE

F-5, FOREST ZONE

F-6, PARK ZONE

R-1, AGRICULTURAL RESIDENTIAL
ZONE

R-1A, TWO ACRE RESIDENTIAL ZONE

R-2, SUBURBAN RESIDENTIAL ZONE

R-3, URBAN RESIDENTIAL ZONE

R-4, RECREATION RESIDENTIAL ZONE

C-1, GENERAL COMMERCIAL ZONE

C-2, TOURIST COMMERCIAL ZONE

M-1, LIGHT INDUSTRIAL ZONE

M-2, HEAVY INDUSTRIAL ZONE

SUBDISTRICTS:

F-H, FLOOD HAZARD SUBDISTRICT

F-R, FUTURE RESERVOIR SUBDISTRICT

PD, PLANNED UNIT DEVELOPMENT
SUBDISTRICT

F-1, EXCLUSIVE FARM USE ZONE

Sub-Sections:

<u>3.010</u>	<u>Description and purpose</u>
<u>3.012</u>	<u>Uses permitted outright</u>
<u>3.013</u>	<u>Conditional uses</u>
<u>3.014</u>	<u>Dimensional standards</u>
<u>3.016</u>	<u>Signs</u>

Section 3.010 DESCRIPTION AND PURPOSE

The F-1 Exclusive Farm Zone is designed to maintain the agricultural economy of the county by reserving farmland for exclusive agricultural use. It is directly related to certain tax provisions in Oregon Statutes and has been taken from ORS 215.203 and 215.213. Please see Addenda for further explanation.

Section 3.012 USES PERMITTED OUTRIGHT

In an F-1 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit:

- (1) Farm Use, as defined in ORS 215.203;
- (2) Public or private school;
- (3) Church;
- (4) The propagation or harvesting of a forest product;
- (5) Utility facilities necessary for public service except commercial facilities for the purpose of generating power for public use by sale.
- (6) The dwelling and other buildings

customarily provided in conjunction with farm use.

(7) Parks, playgrounds, community centers or recreational vehicle parks owned and operated by a governmental agency or a non-profit community organization (in the Hermiston Urban Growth Area only).

(8) Public road and public parking (in the Hermiston Urban Growth Area only).
(Ord. 2012-14 passed 9-05-12)

Section 3.013 CONDITIONAL USES

In an F-1 Zone, the following uses and their accessory uses are permitted subject to the requirements of Section 7.010 through 7.040 inclusive, and upon the issuance of a zoning permit:

- (1) Commercial activities that are in conjunction with farm use.
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources.
- (3) Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- (4) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization (outside of Hermiston Urban Growth Area only).
- (5) Golf Courses.
- (6) Commercial utility facilities for the purpose of generating power for public use by sale.

(7) Single-family residential dwellings provided that each such proposed dwelling:

(a) Is compatible with farm uses; and

(b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use; and

(c) Does not materially alter the stability of the overall land use pattern of the area; and

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and

(e) Complies with such other conditions as the Planning Commission considers necessary.

(8) Personal-use airports for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guest, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(9) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use,

referred to in paragraph (a) of subsection (2) of ORS 215.203.

(10) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203. Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(Ord. 2012-14 passed 9-05-12)

Section 3.014 DIMENSIONAL STANDARDS

In an F-1 Zone, the following dimensional standards shall apply:

(1) *Minimum Lot Area.*: 19 acres for a principal dwelling unit.

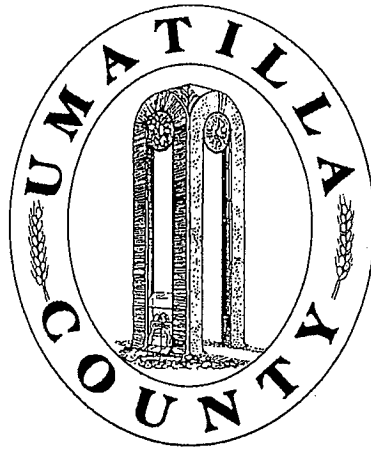
(2) *Setback.*: No building shall be located closer than 20 ft. from a property line abutting a street or road.

(3) *Minimum Lot Area for Nonfarm Uses.*: As determined by the Department of Environmental Quality to be necessary for the protection of public health.

Note: See Addendum for an explanation of the F-1 Zone.

UMATILLA COUNTY

**ZONING
ORDINANCE**



1972, Amended

Revision Date: January 29, 2013

Umatilla County Planning Department
216 SE 4th Street
Pendleton, OR 97801