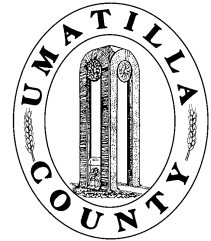


Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission Public Hearing

Thursday, July 22, 2021, 6:30 PM

VIRTUAL MEETING

IF YOU WISH TO PARTICIPATE IN THE HEARING PLEASE SUBMIT COMMENTS BY 4PM, JULY 22ND 2021, TO planning@umatillacounty.net OR CONTACT THE PLANNING DEPARTMENT AT, 541-278-6252.

Planning Commission

Suni Danforth, Chair
Don Wysocki, Vice-Chair
Tammie Williams
Tami Green
Hoot Royer

Jon Salter
Lyle Smith
Cindy Timmons
Sam Tucker

Planning Staff

Bob Waldher, Planning Director
Carol Johnson, Senior Planner
Megan Green, Planner II/ GIS
Gina Miller, Code Enforcement Coordinator
Tierney Cimmiyotti, Administrative Assistant

1. Call to Order

2. New Hearing:

TYPE I LAND DIVISION, SUBDIVISION REQUEST #S-059-21: James Magoteaux, Applicant/ Magoteaux Enterprise LLC, Owner. The applicant requests approval to subdivide the property located on Assessor's Map 5N2714D, Tax Lot 1200. The applicant's proposed subdivision will create six (6) lots of at least 2 acres in size. The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code (UCDC) 152.665, Type I Land Divisions.

3. New Hearing:

TYPE III LAND DIVISION, REPLAT REQUEST, #LD-5N-887-21; Ron McKinnis, Applicant/ Doug & Kari Rothrock, Owners. The applicant requests approval of a replat of Lot 1 of Lee Estates Subdivision, recorded in Book 13, Page 104, Lot 1 also identified as Tax Lot 1100 on Assessors Map 5N2714DD. The applicant's replat proposal creates two lots, Lot 1 and Lot 2 of the Rothrock Replat. The property is located on the south side of State Highway 730 approximately 3 miles west of the City of Umatilla. Replat approval standards are found in UCDC 152.697(C).

4. New Hearing:

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

5. Minutes from May 27, 2021 Hearing

6. Adjournment

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT
WALDHER

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Megan Green, Planner II / GIS
DATE: July 15, 2021

CODE
ENFORCEMENT

RE: July 22, 2021 Planning Commission Hearing
Type I (Subdivision) Land Division, #S-059-21
Map 5N 27 14D, Tax Lot 1200

SOLID WASTE
COMMITTEE

CC: Robert Waldher, Planning Director

SMOKE
MANAGEMENT

GIS AND
MAPPING

Request

The applicant, James Magoteaux, requests approval of a Subdivision (Type I Land Division) of Tax Lot 1200 located on Map 5N 27 14D. Approval of the Magoteaux Estates Subdivision would result in six (6) subdivision lots of at least 2-acres in size.

RURAL
ADDRESSING

Location

The property is located south of Highway 730 and west of Lee Estates Lane, about 2.2 miles west of Umatilla City Limits.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

Standards

The Standards of Approval are found in the Umatilla County Development Code Section 152.665, Type I Land Divisions. Standards for reviewing a Subdivision generally consist of complying with development code standards, Traffic Impact Analysis standards and subdivision plat requirements.

Notice

Notice of the applicant's request and the public hearing was mailed on July 1, 2021 to the owners of properties located within 250-feet of the perimeter of Tax Lot 1200. Notice was also published in the *East Oregonian* on July 10, 2021 notifying the public of the applicants request before the Planning Commission on July 22, 2021.

Conclusion

The proposed Conditions of Approval address road improvement and access standards, including road naming and an Irrevocable Consent Agreement, and the survey and recording requirements with final approval accomplished through the recording of the final subdivision plat.

Decision

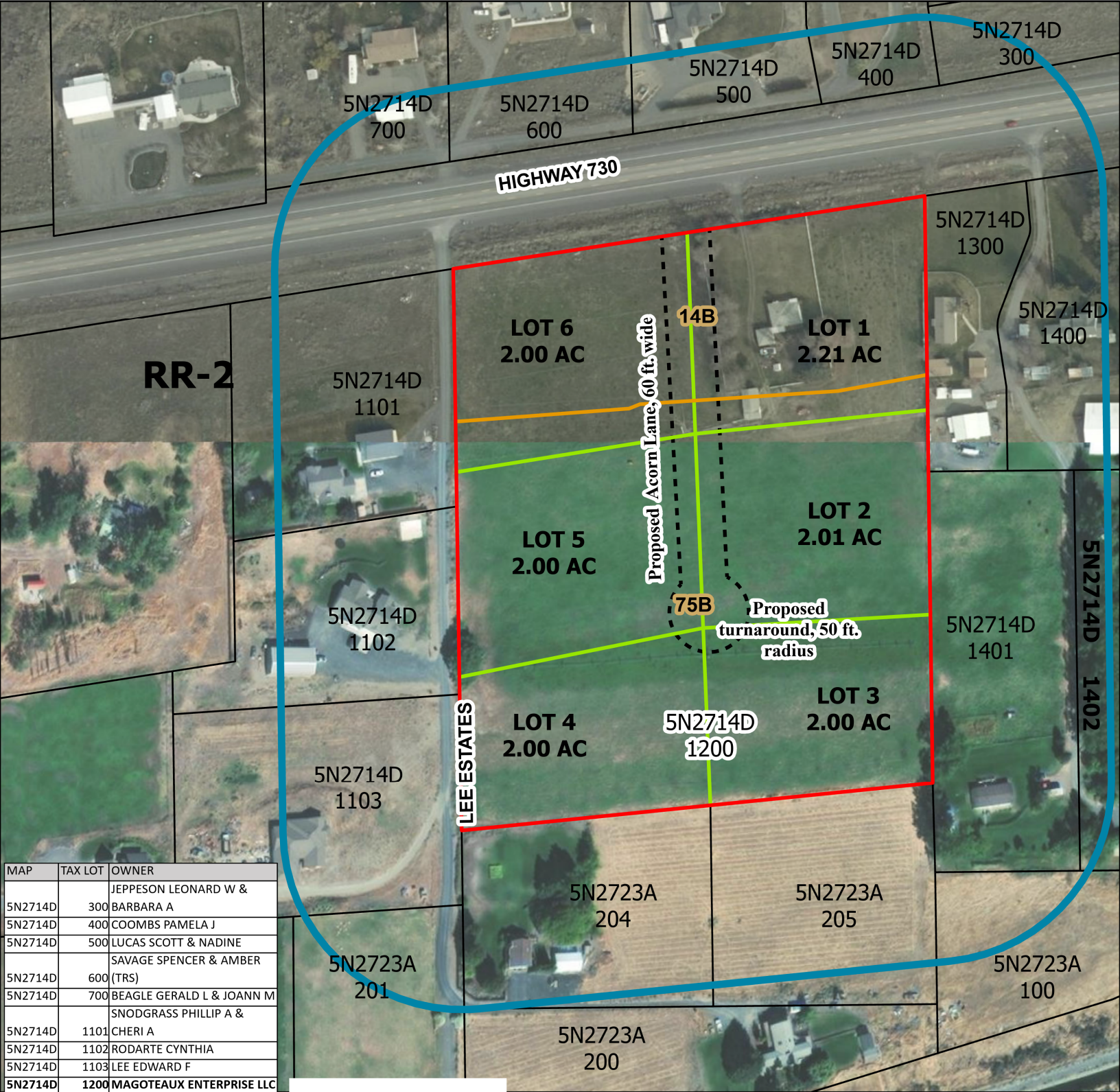
The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – JULY 22, 2021
TYPE I LAND DIVISION, SUBDIVISION REQUEST #S-059-21
JAMES MAGOTEAUX, APPLICANT
MAGOTEAUX ENTERPRISE, LLC, OWNER
PACKET CONTENT LIST**

- | | | |
|----|--|-------------|
| 1. | Staff Memo to Planning Commission | Page 1 |
| 2. | Vicinity and Notice Map | Page 3 |
| 3. | Tentative Subdivision Plan | Pages 4-5 |
| 4. | Staff Report & Preliminary Findings | Pages 6-13 |
| 5. | West Extension Irrigation District Information (Attachment A) | Pages 14-18 |
| 6. | County Road “S-1” Standard (Attachment B) | Page 19 |
| 7. | Oregon Department of Transportation Information (Attachment C) | Page 20 |



Notified property owners within 250 feet of Subject Parcel

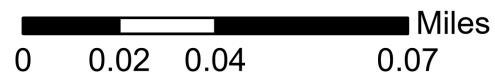


MAP	TAX LOT	OWNER
5N2714D	300	JEPPESON LEONARD W & BARBARA A
5N2714D	400	COOMBS PAMELA J
5N2714D	500	LUCAS SCOTT & NADINE
5N2714D	600	SAVAGE SPENCER & AMBER (TRS)
5N2714D	700	BEAGLE GERALD L & JOANN M
5N2714D	1101	SNODGRASS PHILLIP A & CHERI A
5N2714D	1102	RODARTE CYNTHIA
5N2714D	1103	LEE EDWARD F
5N2714D	1200	MAGOTEAUX ENTERPRISE LLC
5N2714D	1300	TRACY DONALD L & MARY E
5N2714D	1400	COLE LESLIE D & MARY K
5N2714D	1401	CLARK RINDA
5N2714D	1402	GALBRAITH JACOB D & BRANNON HANNAH L
5N2723A	100	CLEAVER KEVIN L & GEORGIA L
5N2723A	200	CLEAVER KEVIN L & GEORGIA L
5N2723A	201	MARTIN MICHAEL O & GREEN DEBRA BERNICE
5N2723A	204	BERTELSON STEVE D
5N2723A	205	CLEAVER KEVIN & GEORGIA L

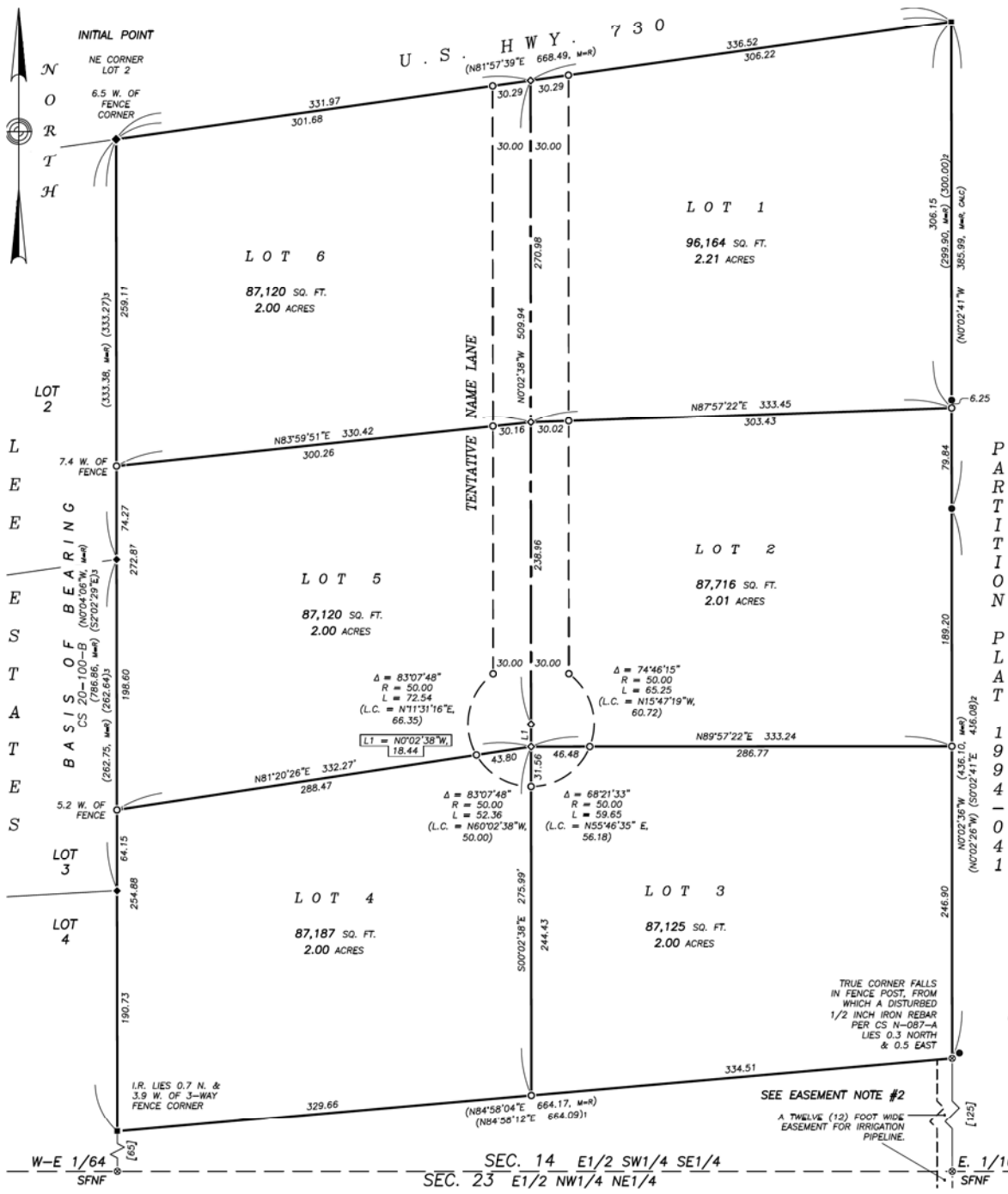
Legend

- Property Boundary
- Proposed Easements
- Subject Parcel
- Proposed Lot Lines
- 250 ft Buffer
- Soil Types

MAP SYMBOL	IRRIGATED	NON-IRRIGATED
14B	4e	7e
75B	4e	7e



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 6/17/2021



LEGEND

- ◆ FOUND, A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MKD: "OR PLS 1106, WA PLS 17372, PER "LEE ESTATES SUBDIVISION.
- FOUND, A 5/8 IRON ROD WITH YELLOW PLASTIC CAP MKD: "L.S. 2431," PER PPLAT 1994-41, UNLESS OTHERWISE NOTED.
- FOUND, A 5/8 INCH IRON REBAR WITH LT. BLUE PLASTIC CAP MKD: "WALLOWA ASSOC.," PER CS 20-100-B
- ◇ SET, A 5/8 X 30 INCH IRON REBAR LOT CORNER, OR CENTERLINE MONUMENT, WITH LT. BLUE PLASTIC CAP MKD: "WALLOWA ASSOC.," SET BELOW ROAD SURFACE.
- SET, A 5/8 X 30 INCH IRON REBAR WITH A 1/2 INCH ALUM. CAP MKD: "WALLOWA ASSOC.," AT LOT CORNERS OR UPON LOT LINES AT EDGE OF ROAD EASEMENT.
- PROPERTY LINES
- - - EXISTING EASEMENT, SERVING PROPERTY
- - - EASEMENT LINES, DEDICATED THIS SUBDIVISION
- [XXX.XX] RECORD DIMENSION PER UMATILLA COUNTY DEED 2020-7100012
- (XXX.XX) RECORD DATA PER CS 20-100-B
- (XXX.XX)1 RECORD DIMENSION PER CS N-087-A
- (XXX.XX)2 RECORD DIMENSION PER PPLAT 1994-41
- (XXX.XX)3 RECORD DIMENSION PER "LEE ESTATES SUBDIVISION"
- XXX.XX, M=K RECORD MEASURED EQUALS RECORD, PER SURVEY NOTED
- XXX.XX, CALC RECORD CALCULATED DIMENSION PER SURVEY NOTED
- CS COUNTY SURVEY
- PPLAT PARTITION PLAT
- SFNF SEARCHED FOR, NOT FOUND
- I.R. IRON REBAR

(TENTATIVE NAME)
MAGOTEAUX ESTATES
 SW1/4 SE1/4, SEC. 14
 TWN. 5 N., RA. 27 E, W.M.
 APPROXIMATELY 2 MILES
 WEST OF UMATILLA
 UMATILLA COUNTY, OREGON

APPROVALS
 UMATILLA COUNTY SURVEYOR
 EXAMINED AND APPROVED
 ON THIS _____ DAY OF _____, 2021
 UMATILLA COUNTY SURVEYOR

UMATILLA COUNTY COMMISSIONERS
 EXAMINED AND APPROVED
 ON THIS _____ DAY OF _____, 2021
 UMATILLA COUNTY COMMISSIONERS

UMATILLA COUNTY ASSESSOR AND TAX COLLECTOR
 WE CERTIFY THAT THE TAXES HAVE BEEN PAID AND THERE ARE NO LENS UPON THE TRACT HERE DESIGNATED AS "MAGOTEAUX ESTATES," EXAMINED AND APPROVED
 ON THIS _____ DAY OF _____, 2021
 ASSESSOR / TAX COLLECTOR

WEST EXTENSION IRRIGATION DISTRICT
 EXAMINED AND APPROVED
 ON THIS _____ DAY OF _____, 2021
 WEST EXTENSION IRRIGATION DISTRICT

I CERTIFY THIS IS A TRUE AND EXACT COPY OF THE PLAT OF MAGOTEAUX SUBDIVISION

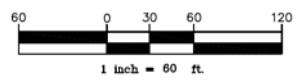
 RODNEY J. LEWIS, P.L.S.

MAGOTEAUX ESTATES
 FOR MAGOTEAUX ENTERPRISE, LLC

LOCATED WITHIN
 SW1/4 SE1/4, SECTION 14
 TOWNSHIP 5 NORTH, RANGE 27 EAST, W.M.
 UMATILLA COUNTY, OREGON

Wallowa Associates
 303 S.F. Alamo Street
 Enterprise, Oregon 97828
 (541) 426-9049

SCALE 1 INCH = 60 FT.	SHEET No. 2 OF 2	DATE OF SURVEY Beginning: XX XXX XX Ending: XX XXX XX
DRAWN BY R J L	CHECKED K L P	PROJECT No. D218 / 3135jm



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 OREGON
 JULY 14, 1998
RODNEY J. LEWIS
 2872
 EXPIRES 12-31-22

**UMATILLA COUNTY PLANNING COMMISSION
STAFF REPORT AND PRELIMINARY FINDINGS
MAGOTEAUX ESTATES SUBDIVISION REQUEST, #S-059-21
Map #5N 27 14D, Tax Lot #1200, Account #132996**

1. APPLICANT: James Magoteaux, PO Box 939, Umatilla, Oregon 97882
2. PROPERTY OWNER: Magoteaux Enterprises, LLC, 28493 Southshore Drive, Umatilla, Oregon 97882
3. LOCATION: The property is located south of Highway 730 and west of Lee Estates Lane, about 2.2 miles west of Umatilla City Limits.
4. PARCEL ACREAGE: Tax Lot 1200 = 12.50 acres (assessed), 12.22 acres (surveyed)
5. REQUEST: The applicant requests approval of a rural residential subdivision. The proposed subdivision establishes six lots, which is the maximum amount of lots under current zoning regulations. Tax lot 1200 is currently developed with a single family dwelling and several accessory structures. (See the applicant's tentative plan map for lot configuration, plan details and proposed access.)

According to the applicant, each undeveloped lot will have its own water source from an individual exempt domestic well. Individual septic systems are proposed for each lot. However, the applicant has not submitted site suitability reports from County Environmental Health, indicating if the lots can be approved for individual septic systems. The subject parcel currently contains a well and septic system which serve the existing single family dwelling, located on Lot 1.

The applicant has not submitted a draft of the proposed Subdivision Covenants, Conditions and Restrictions.

6. PROPOSED LOT ACREAGE: (Gross)

Lot 1=2.21 ac	Lot 3=2.00 ac	Lot 5=2.00 ac
Lot 2=2.01 ac	Lot 4=2.00 ac	Lot 6=2.00 ac

7. COMPREHENSIVE PLAN MAP DESIGNATION: Rural Residential

8. ZONING: RR-2 Zone (Rural Residential two-acre minimum parcel/lot size)

9. ACCESS: Access will be provided from a newly created private lane to State Highway 730. Lots 1 through 6 are proposed to be served by a 60-ft wide access and utility easement, proposed to be named Acorn Lane. The proposed lane will be located west from the current access point along Highway 730. The applicant has been working with ODOT to relocate the current access approach so that it may better serve the six proposed lots.

10. ROAD TYPE: State Highway 730 is a two lane paved State Highway. Proposed Acorn Lane is required to be improved with 22-ft wide gravel road surface within the proposed 60-ft wide access utility easement. A Road Naming Application for Acorn Lane has been submitted to Planning and applicable fees have been paid.

11. **EASEMENTS:** The applicant provides that three separate easements exist on the property: a utility easement serving Umatilla Electric Cooperative, an irrigation pipeline easement serving West Extension Irrigation District, and an easement serving Oregon Department of Transportation. None of the three easements are shown on the preliminary plat, nor on the County Tax Lot Maps.

12. **LAND USE:** The property is planned and zoned for rural residential use; for rural home sites and to provide space for rural services, gardens, a limited number of farm animals, and pasture.

13. **ADJACENT LAND USE:** The property is zoned rural residential, RR-2. Likewise, the properties to the north, east, south and west of the property are zoned RR-2.

14. **SOILS:** The properties consist of the following soils:

Unit Number, Soil Name, Description & Slope	Land Capability Class	
	Dry	Irrigated
14B: Burbank loamy fine sand, 0 to 5 percent slopes	7e	4e
75B: Quincy loamy fine sand, 0 to 5 percent slopes	7e	4e
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” – soil limitations and “w” – water (Survey, page. 172).</i>		

15. **BUILDINGS:** Proposed Lot 1 is currently developed with a single family dwelling and several accessory structures. One accessory structure does not appear to meet setback standards to the new lot lines.

16. **UTILITIES:** Electricity is provided by Umatilla Electric Cooperation.

17. **WATER AND SANITATION:** Proposed Lot 2 contains a septic system and well that serve the existing single family dwelling. The applicant provides that future purchasers will be responsible for installing wells and septic systems on the remaining lots.

18. **IRRIGATION:** The property is located within West Extension Irrigation District (WEID). The applicant provides that the property contains 12.50 acres of irrigation water rights from WEID. The applicant provided a letter from the district with the application. WEID confirmed that the property does have 12.50 acres of Umatilla River primary water rights under Certificates 79925 and 79928, and also has Columbia River supplemental water rights under Certificate 79929. WEID added that the property contains a pipeline easement from the main canal, according to WEID, this pipeline has sufficient capacity to serve all six proposed lots. WEID’s comment letter is included as an attachment, Attachment A.

19. **OTHER:** Before subdivisions can be accepted for recording, all property taxes must be paid in full including, if applicable, prepayment of the current tax year. This will be noted in the conditions

that taxes must be paid prior to recording the final subdivision plat. The property may need to be disqualified from the Farm Deferral program, and may have to pay the last 10 years of deferred taxes. It is recommended that the applicant consult with the County Taxation department, however, the removal from farm deferral is not a condition of this approval, rather, the deferral will be addressed as due property taxes.

20. PROPERTY OWNERS & AGENCIES NOTIFIED: July 1, 2021

21. PUBLIC HEARING DATE: July 22, 2021

22. AGENCIES NOTIFIED: Oregon Department of Transportation, County Surveyor, County Environmental Health, Umatilla Rural Fire Protection District, County Assessor, County GIS/Mapping Department, Oregon State Water Resources, County Rural Address Coordinator, City of Umatilla, West Extension Irrigation District and Umatilla Electric Cooperation.

23. COMMENTS RECEIVED: None.

24. CRITERIA FOR APPROVAL, TYPE I LAND DIVISION "SUBDIVISION", contained in Section 152.666(6) of the Development Code.

Following are a list of the standards of approval applied to a rural residential subdivision¹. Included is information gathered from the tentative plan and the review of the proposed access, road improvements, traffic potential, and rural facilities to serve rural residential development. The standards are provided in underlined text and responses are provided in standard text.

(a) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and transportation elements of the Comprehensive Plan.

Sewage Disposal: The property owner understands individual septic systems are necessary to serve each undeveloped lot. The proposed lots are smaller than four acres, and therefore, require site evaluations. This is required even when a lot contains an existing system (Lot 2) to ensure adequate space for a replacement drain field. A precedent condition of approval is imposed that Lots 1-6 receive a favorable site evaluation from County Environmental Health.

Domestic Water: Domestic water wells are under the authority of Oregon State Water Resources. Domestic wells are exempt wells and do not require a water right. Each exempt well allows 15,000 gallons per day of household usage including irrigation of up to one half acre of lawn and landscaping per well. The applicant provides that the future purchaser of each subdivision lot will be responsible for receiving exempt well approval and costs of drilling a well.

Irrigation Water: The applicant provides that the subject parcel has irrigation water rights from West Extension Irrigation District (WEID). The applicant submitted a letter from WEID with the

¹ ORS 92.010 (16) "Subdivide land" means to divide land to create four or more lots within a calendar year.'
UCDC 152.003 "Subdivide Land. To divide land into four or more lots within a calendar year."

application materials. WEID stated that the property contains 12.50 acres of Umatilla River primary water rights under Certificates 79925 and 79928, and also has Columbia River supplemental water rights under Certificate 79929. WEID added that the property contains a pipeline easement from the main canal, according to WEID, this pipeline has sufficient capacity to serve all six proposed lots. The irrigation district stated that proper irrigation easements are required to be dedicated, to serve each proposed lot. WEID requested that the existing and new irrigation pipeline easements be shown on the face of the plat, as well as the location of the centerline of the former Oregon Land and Water Company canal. The applicant is required to submit a plan for dividing the irrigation water rights and meet the district's standards as a precedent condition of approval; this can be satisfied with a signature on the Recorded Subdivision Plat.

Fire Protection: The subject property is within Umatilla Rural Fire Protection District. The district provides fire protection services to the area and received notification of the applicant's subdivision proposal. The road is planned with a 50-foot radius turn-around area (cul-de-sac) providing space for emergency vehicles to ingress and egress. The proposed turn-around area also is required to be improved to the S-1 County Road Standard to accommodate large firefighting equipment by the fire protection service provider. The applicant is required, as a condition of approval, to provide confirmation from Umatilla Rural Fire Protection District that both the access easement and the turn-around area are adequate for emergency vehicles ingress and egress. This may be satisfied by a letter or email from the Fire Chief.

Access and Road Improvements: Access approach permits from the State Highway for proposed Acorn Lane must be confirmed by Oregon Department of Transportation (ODOT) and is imposed as a precedent condition of approval.

The County's Transportation Plan (TSP) requires right-of-ways within subdivisions to have a width of 60-feet with a minimum of two, 11-foot travel lanes. The County Road Department standard for subdivisions is a Subdivision "S-1" standard. The S-1 standard consists of a 22-foot wide improved roadway, consisting of a nominal crushed gravel surface compacted to a thickness of at least 8 inches. The applicant's plan proposes a 60-foot access/utility private right of way with a 22-foot wide improved surface.

County Planning finds a precedent condition of approval is imposed to improve the proposed roadway, Acorn Lane, to the Subdivision S-1 road standard including the proposed turn around area. A diagram of the County Subdivision "S-1" road standard is attached, Attachment B.

US 730 Corridor Refinement Plan: In 2008, Umatilla County adopted Ordinance No. 2008-02, amending the County TSP and Comprehensive Plan to include the US 730 Corridor Refinement Plan. The refinement plan was initiated by ODOT in order to improve circulation and access management along Highway 730. The plan identified existing highway approaches, many of which were privately owned, serving single or multiple private properties. The goal and intent of the refinement plan is to limit the number of new access points for single driveways on Highway 730, and encourage shared access points among properties.

The subject property's current access point is included in the Refinement Plan's inventory, and is identified as Access ID #54, shown on Figure C-7. This access point currently only serves the

existing single family dwelling. The tentative site plan shows that the proposed subdivision access point for Acorn Lane is approximately 30-feet west of the existing highway access point. ODOT has communicated with County Planning that ODOT is actively working with the applicant to remove the existing approach and build a new approach to serve Magoteaux Estates. The email from Thomas Lapp from ODOT is included as an attachment, Attachment C.

County Planning finds a precedent condition of approval is imposed that the new highway approach for Acorn Lane receive an approach permit from ODOT.

Road Signs and Addresses: Private roads serving as access to three or more buildings² are to be named. The applicant proposes that Acorn Lane serve all six of the rural residential subdivision lots. Therefore, the Lane is recommended to be named and a road sign installed as a condition of approval. The condition requiring the installation of the road sign is imposed. The applicant is responsible for paying for the sign and the County Road Department is the agency that will install the sign. The sign may be installed either on the applicant's property near the State right of way, or within the State right of way, where allowed by ODOT. In addition, a "Private Drive" Sign is required due to the road connecting to a State Highway. The applicant has submitted all applicable road naming fees.

Currently a single family dwelling is sited on proposed Lot 1, the dwelling is addressed as 28142 Highway 730. Lot 1's proposed access will change from State Highway 730 to Acorn Lane. Therefore, Lot 1's existing situs address will need to change to an Acorn Lane address, the applicant has submitted the applicable fee for the change of address.

County Planning finds the applicant has submitted the Road Naming Application and required fees.

County Planning finds a precedent condition of approval is imposed that the applicant receive Road Naming approval for Acorn Lane. Satisfaction is pending.

Road Improvement Agreements: Over time additional road impacts occur and future upgrading and realignment of roads become necessary. An Irrevocable Consent Agreement (ICA) is required when there are new parcels and lots added along county roads, public roads and private lanes. The ICA is for participation in this future road upgrading. The Irrevocable Consent Agreement runs with the property and is binding on the heirs, assigns and all other successors in interest to the owner of the property, according to the interest of the property, and does not operate as a personal contract of the owner.

An Irrevocable Consent Agreement (ICA) is part of the subdivision approval. The agreements for future participation in improvements Acorn Lane serving Lots 1 through 6, if and when, a Local Improvement District is formed for road improvements along this roadway. County Planning finds by the property owner signing and recording the ICA agreement, the road improvement agreement requirement is fulfilled. Signing and recording the Irrevocable Consent Agreement for future participation in road improvements to the 60-ft access utility easement, Acorn Lane, serving Lots 1

² County Code of Ordinances, Addressing Chapter 93.05 – Definitions. "Building. A building designed for human occupancy, such as a residence or place of business, or other buildings as determined by the Planning Department."

through 6 is a condition of approval.

(b) Complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission (LCDC), until the comprehensive Plan is “acknowledged.” The Umatilla County Comprehensive Plan was acknowledged October 24, 1985, by the State Land Conservation & Development Commission (LCDC). The Plan designates the subject property and surrounding properties for rural residential use. The applicant’s proposal will create a total of six rural residential lots. This property and properties in the vicinity are designated rural residential as part of the County adopted and State acknowledged Comprehensive Plan. This criterion is satisfied.

(c) Complies with provision of 152.019, Traffic Impact Analysis, as applicable. A Traffic Impact Analysis (TIA) is required to be submitted with a land use application when the proposal is projected to cause an increase in traffic volume by 250 or more Average Daily Trips (ADT). A single family dwelling generates approximately 9.52 ADT on week days. The applicant’s proposal will add five developable lots (one lot of six is already developed), one dwelling per lot, and therefore total less than 250 ADT. Thus, the TIA is not applied to the applicant’s request. This criterion is not applicable.

(d) Complies with applicable provisions listed in the zoning regulations of this chapter;
The subject property is zoned Rural Residential – two acre minimum (RR-2).

Lot Size: All proposed lots will conform to or exceed the 2-acre minimum parcel size for the RR-2 zone.

Setbacks: All proposed lots show adequate area available for dwellings, accessory structures, septic systems and a water source within the zoning setback requirements. Setback standards on Lots 2-6 will be enforced at the time development is proposed. Based on the aerial photo submitted with the application, it appears that an existing accessory structure located on Lot 1 will not meet the required setback of 20 feet from the new lot line. An individual acting on behalf of the applicant has indicated that the structure will be removed before the final Subdivision Plat is submitted.

County Planning finds and concludes that the accessory structure located on the southwest portion of Lot 1 be removed or relocated to meet the required setback of 20 feet. A precedent condition of approval is imposed that the applicant submit photos that the accessory structure been removed to meet a 20 foot setback, or that the applicant obtain a zoning permit to relocate the structure to meet setback requirements.

Flood Hazard Areas: The subject parcel is not located within a Special Flood Hazard Area.

(e) Complies with the applicable provisions, including the intent and purpose of the Type I regulations listed in this chapter;

Subdivision Name: The applicant has selected Magoteaux Estates as the subdivision name. The County Surveyor or the County GIS Manager must approve new subdivision names to avoid duplicate names. The applicant’s subdivision name, Magoteaux Estates, has been confirmed by the County GIS Manager as an acceptable subdivision name. A condition of the subdivision approval is imposed to place the approved subdivision name, Magoteaux Estates on the Final Subdivision Plat, prior to

recording the plat.

(f) The Tentative Plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets [roads] and public facilities through the tentative plan; The subject property and the surrounding properties are plan designated and zoned for rural residential development. The existing development scheme is rural residential parcels with some pasture land used as rural home sites. One access and utility easement is proposed, which will be dedicated as a private easement on the final Subdivision Plat and is required to be named. There are no public facilities such as public water and sewer systems that may be extended into the rural area and no abutting streets or roads that would be logically extended onto or through the subject property.

Subdivision plans submitted to County Planning must contain topography maps. The applicant did not provide a topography map to County Planning. Planning finds and concludes a precedent condition of approval that the applicant submit a topography map of the proposed subdivision layout to Planning.

(g) Complies with other specific requirements listed in Section 152.667 for approval of subdivisions within multiple use areas. The subdivision is not proposed within an adopted Comprehensive Plan multiple use designated area. Therefore, specific requirements in Section 152.667 are not applied.

DECISION: THE MAGOTEAUX ESTATES SUBDIVISION, #S-059-21, REQUEST COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

The following "Precedent Conditions" shall be completed prior to issuance of final approval signified by recording of the final subdivision plat.

1. Receive favorable site evaluations for Lots 1 through 6 from County Environmental Health and submit the evaluations to County Planning.
2. Submit verification from Oregon Department of Transportation that a new approach permit from Highway 730 has been issued for Acorn Lane.
3. Receive Road Naming Approval for Acorn Lane.
4. Sign and record an Irrevocable Consent Agreement for Lots 1 through 6, for participation in future road improvements to the 60-ft access easement and turn around, Acorn Lane. (Document provided by the Planning Department.)
5. Improve the 60-ft access easement, Acorn Lane, serving Lots 1 through 6, and the proposed 50-ft radius turn-around to the County Subdivision "S-1" road standard. The S-1 road standard consists of a 22-ft wide, nominal compacted 8-inch crushed gravel surface road.

[Verification roadway improvements have been completed to County Subdivision (S-1) standards may be provided by a combination of photos of the road improvements and receipt copies for gravel and services by the road contractor, or by written verification from a licensed

Civil (road) Engineer that County Subdivision (S-1) standards have been met.]

6. Provide confirmation from Umatilla Rural Fire Protection District that both the easement access road and turn-around areas, proposed Acorn Lane, consist of adequate area for emergency vehicles to ingress and egress.
7. Submit photos to County Planning demonstrating that the accessory structure located on Lot 1 has been removed to meet a 20 foot setback, or obtain a zoning permit to relocate the structure to meet setback requirements.
8. Provide verification from West Extension Irrigation District that irrigation standards have been met. This may be satisfied with a signature on the final subdivision plat.
9. Pay and/or pre-pay property taxes prior to recording the final subdivision plat map.
10. Provide a draft copy of the Subdivision Covenants, Conditions and Restrictions to County Planning.
11. Submit a topography map with the proposed subdivision layout to County Planning.
12. Submit a preliminary subdivision plat that meets county and state plat requirements to County Planning, County GIS, and the County Surveyor.

The following "Subsequent Conditions" may consist of on-going requirements and conditions to be fulfilled following approval of the Tentative Subdivision Plan Plat:

1. Within two years, record the final subdivision plat that meets county and state plat requirements. The subdivision name, Magoteaux Estates, must be placed on the subdivision plat. The plat shall show the 60-ft access/utility easement, Acorn Lane, including turnaround and name, as represented on the tentative plan survey map.

UMATILLA COUNTY PLANNING COMMISSION

Dated the _____ day of _____, 20____

Suni Danforth, Chair
Umatilla County Planning Commission



West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
westex@oregontrail.net

May 20, 2021

Magateaux Enterprises LLC
P. O. Box 939
Umatilla, OR 97838

RECEIVED

JUN 01 2021

UMATILLA COUNTY
PLANNING DEPARTMENT

STATEMENT OF WATER RIGHTS & DELIVERY
Map No. 5N 27 14D Tax lot 1200

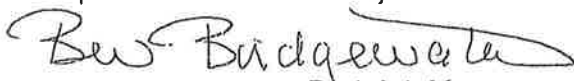
Thank you for contacting the District to discuss your planned development on the above listed property. Here are our preliminary findings.

1. The land is within the boundaries of the West Extension Irrigation District and is served by the District.
2. The property has 12.50 acres of Umatilla River primary water rights under Certificates 79925 and 79928 with Columbia River supplemental water rights under Certificate 79929.
3. The parcel receives its delivery from the District's Main Canal via a gravity flow pipeline.
4. You have provided an easement for the pipeline from the main canal to your property.
5. The delivery pipeline has sufficient capacity to serve all the lots.

We have discussed the need to assure that proper irrigation easements are in place so that each parcel will have delivery valve. A 15-foot easement will be required for 4-inch pipe and 20-foot easement for pipe above 4-inches. These easements should be on the final plat.

We further ask that you show the centerline of the former Oregon Land and Water Company canal on your property. We are not requiring an easement for the canal. We want it located not only for historic purposes, but it may hold a federal interest and we want to be able to identify it so any federal interest can be abandoned.

The District will sign off on the final plat to assure all criteria has been met. Water rights will be apportioned to each lot upon our signing of the final plat. We will comment on the preliminary findings of the Umatilla County Planning Department when they are received. Thank you.


Bev Bridgewater, District Manager

West Extension Irrigation District - Umatilla County

SCALE 1" = 400 FT.

C79924
C79925

- 1893 - Umatilla River Rights w/ Supplemental Rights
- 1905 - Umatilla River Rights w/ Supplemental Rights
- 1909 - Umatilla River Rights w/ Supplemental Rights
- 1956 - Umatilla River Rights w/ Supplemental Rights
- 1906 - Umatilla River Rights w/ No Supplemental Rights

Delivery Point



ENGINEERING - SURVEYING - WATER RIGHTS
R. MCKINNIS ENGINEERING
 R11 Box 1122 Hermiston, Oregon 97838
 541-567-2017

R 72 PAGE 908

68322

EASEMENT AGREEMENT

In consideration of valuable consideration given by the grantees, receipt of which is hereby acknowledged, the grantors, Rolland E. Fletcher and Eileen E. Fletcher, and Audrey G. Thurston, husband and wife, husband and wife, convey to Clifford E. Thurston, an easement for an irrigation pipeline over and under a strip of land twelve feet in width, the east line of which is described as follows:

Beginning at a point on the North-South centerline of the Southeast Quarter of Section 14, Township 5 North, Range 27 East, Willamette Meridian, Umatilla County, Oregon, which lies 125.00 feet North of the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 14 and running thence South along said North-South centerline and along the North-South centerline of the Northeast Quarter of Section 23, Township 5 North, Range 27 East, a distance of 377.54 feet to a point on the North line of the West Extension Main Canal.

The terms of this easement are as follows:

- 1) The grantee, his agents, successors and assigns shall use the easement strip for the irrigation pipeline purposes only and shall have the right to enter upon the strip for purposes of construction, repair and maintenance of the irrigation pipeline thereon.
- 2) All costs for repair, maintenance, or replacement of the line shall be the sole responsibility of the grantee, who agrees to pay these costs in full.

One. EASEMENT AGREEMENT

THOMAS J. DUTTON, P.C.
ATTORNEY AT LAW
415 NORTH FIRST STREET, SUITE 105
P.O. BOX 102
HILLSBORO, OREGON 97123

R 72 ^{WSE} 933

Grantee agrees to indemnify and defend the grantor from any loss, claim or liability to the grantor arising in any manner out of grantee's use of the easement strip.

This easement shall be perpetual; however, in the event it is not used by the grantee for a period of more than three years, or if otherwise abandoned by the grantee, the easement shall automatically expire and grantee shall upon request execute a recordable document evidencing such expiration.

This easement is apurtenant to the real property owned by the grantee described below:

Beginning at a point on the North and South centerline of the Southeast Quarter of said Section 14, which point is 125 feet North of the Southeast corner of the Southwest Quarter of the Southeast Quarter; thence North along said North and South centerline to the Southerly right of way of the Oregon-Washington Railroad and Navigation Company; thence Southwesterly along said Southerly right of way line to intersect the North and South centerline of the Southwest Quarter of the Southeast Quarter of said Section 14; thence South along said North and South centerline of said Southwest Quarter of the Southeast Quarter to a point which is 65.0 feet North of the Southwest corner of the East Half of the Southwest Quarter of the Southeast Quarter of said Section 14; thence Northeasterly to the point of beginning; All in Township 5 North, Range 27, East of the Willamette Meridian, in the County of Umatilla and State of Oregon. Excepting any and all water rights of way.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

TWO. EASEMENT AGREEMENT

THOMAS J. DUTTON, P.C.
ATTORNEY AT LAW
427 NORTH FIRST STREET, SUITE 100
P.O. BOX 800
MADRAS, OREGON 97550

R 72 REC 910

Rolland E. Fletcher
Rolland E. Fletcher, Grantor

Eileen E. Fletcher
Eileen E. Fletcher, Grantor

Clifford E. Thurston
Clifford E. Thurston, Grantee

Audrey G. Thurston
ss. Audrey G. Thurston, Grantee

STATE OF OREGON)
County of Umatilla)
October 17, 1980

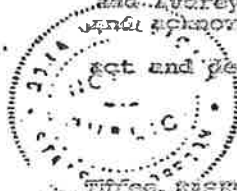
Personally appeared the above-named Rolland E. Fletcher and Eileen E. Fletcher and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Don R. Johnson
Notary Public for Oregon
My commission expires: 1-20-83

STATE OF OREGON)
County of Umatilla) ss.
October 22, 1980

Personally appeared the above-named Clifford E. Thurston and Audrey G. Thurston, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Don R. Johnson
Notary Public for Oregon
My commission expires: 1-20-83

THOMAS J. BATTON, INC. **TRUST AGREEMENT**
ATTORNEYS AT LAW
66 SOUTH FIRST STREET, SUITE 800
PALMDALE
METROPOLITAN OREGON 91000

BINDER
PAGE 00

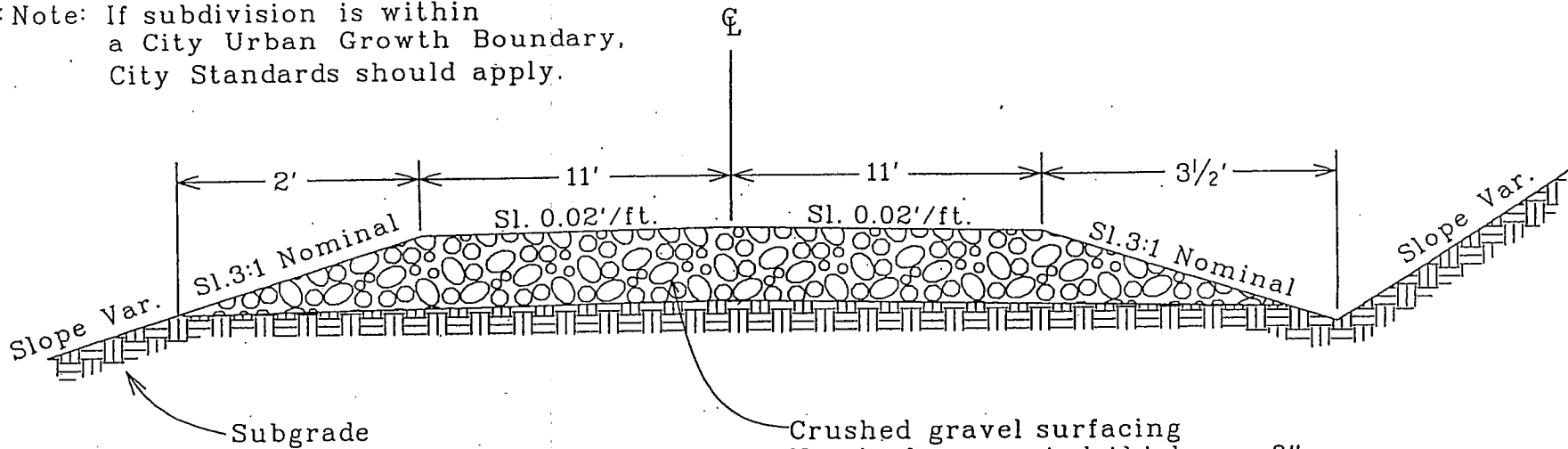
"S-1"

(Subdivision)

ATTACHMENT B

To be used in cases where access is
to 4 or more parcels.

*Note: If subdivision is within
a City Urban Growth Boundary,
City Standards should apply.



* Culvert pipes to be installed in locations
determined by the Director of Public Works.
Materials & workmanship shall conform
to current ODOT Standard Specifications

* All other construction details and
specifications to conform to current
ODOT Standard Specifications and to
be approved by the Director of
Public Works.

* Any changes to surfacing width or
depths or variance from current
Oregon Department of Transportation
Standard Specifications must be
approved by the Director of Public
Works.

Crushed gravel surfacing
Nominal compacted thickness 8"
(size and grading requirements
to conform to current Oregon
Department of Transportation
Specifications).

Umatilla Co. Rd. Dept.

"S-1"

Drawn By: JG

Checked By: GR

Date: July 1997

Road Standard

Colter M

From: LAPP Thomas <Thomas.Lapp@odot.state.or.us>
Sent: Thursday, May 06, 2021 7:20 AM
To: robert.waldher@umatillacounty.net
Cc: Colter M
Subject: Magoteaux subdivision on US730.
Attachments: W-A SD PROP 2 3 (From Surveyer).pdf; 93265 map5N2714D [84058].pdf

Robert,

I met onsite with Jim Magoteaux last summer and we looked at his property to find the best, or optimized location for a single driveway to his proposed subdivision. Last month I requested access control research for the proposed new driveway and I have the research back indicating no access control to the property.

With this I can now tell you the department is actively working with Mr. Magoteaux for application to remove the existing approach to the site and build the new approach for the subdivision. ODOT prefers to identify all parcels served by a highway approach at the time of application. It would be my preference to see the subdivision done to the point where all tax lot numbers were identified for the approach application. If they wish to apply prior to your approval we will base the application on serving the current use, which is a single residence on the 12.50 acre site. If I can assist further please don't hesitate to contact me.

Thanks,

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

Umatilla County

Department of Land Use Planning



July 14, 2021

DIRECTOR
ROBERT
WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

MEMO

To: Umatilla County Planning Commissioners

From: Carol Johnson, Senior Planner

Re: July 22, 2021, Planning Commission Hearing,
Ronald McKinnis, Applicant/Surveyor
Doug and Lori Rothrock, Property Owners
Rothrock Replat, #LD-5N-887-21
Map #5N 27 14DD, Tax Lot #1100

CC: Robert Waldher, Planning Director

Location and Request:

The subject property is located south of State Highway 730 approximately 2 ½ miles west of the City of Umatilla. The applicant requests a replat ("Rothrock Replat") of Lot 1 of the Lee Estates Subdivision into two lots. The property is currently a four-acre lot developed with one dwelling; the approval of the replat would result in one additional residential lot.

Notice:

Notice of the applicant's request was mailed July 1, 2021, to agencies and property owners of properties located within 250-ft of the perimeter of the subject property. Notice was also published in the *East Oregonian* newspaper July 10, 2021, to notify the public of the applicant's request before the July 22, 2021, Planning Commission meeting.

Standards:

The Standards of Approval are covered in the Umatilla County Development Code Section 152.697(C), Type III (Replat) Land Divisions. The Standards generally consist of complying with the RR-2 zone development requirements (i.e., parcel/lot size, setbacks, etc.), conformance to the existing development scheme in the area, including existing roads and any public facilities within, and on, adjoining sites. Additionally, the applicant is required to supply a survey plat meeting county and state regulations.

Conditions & Decision:

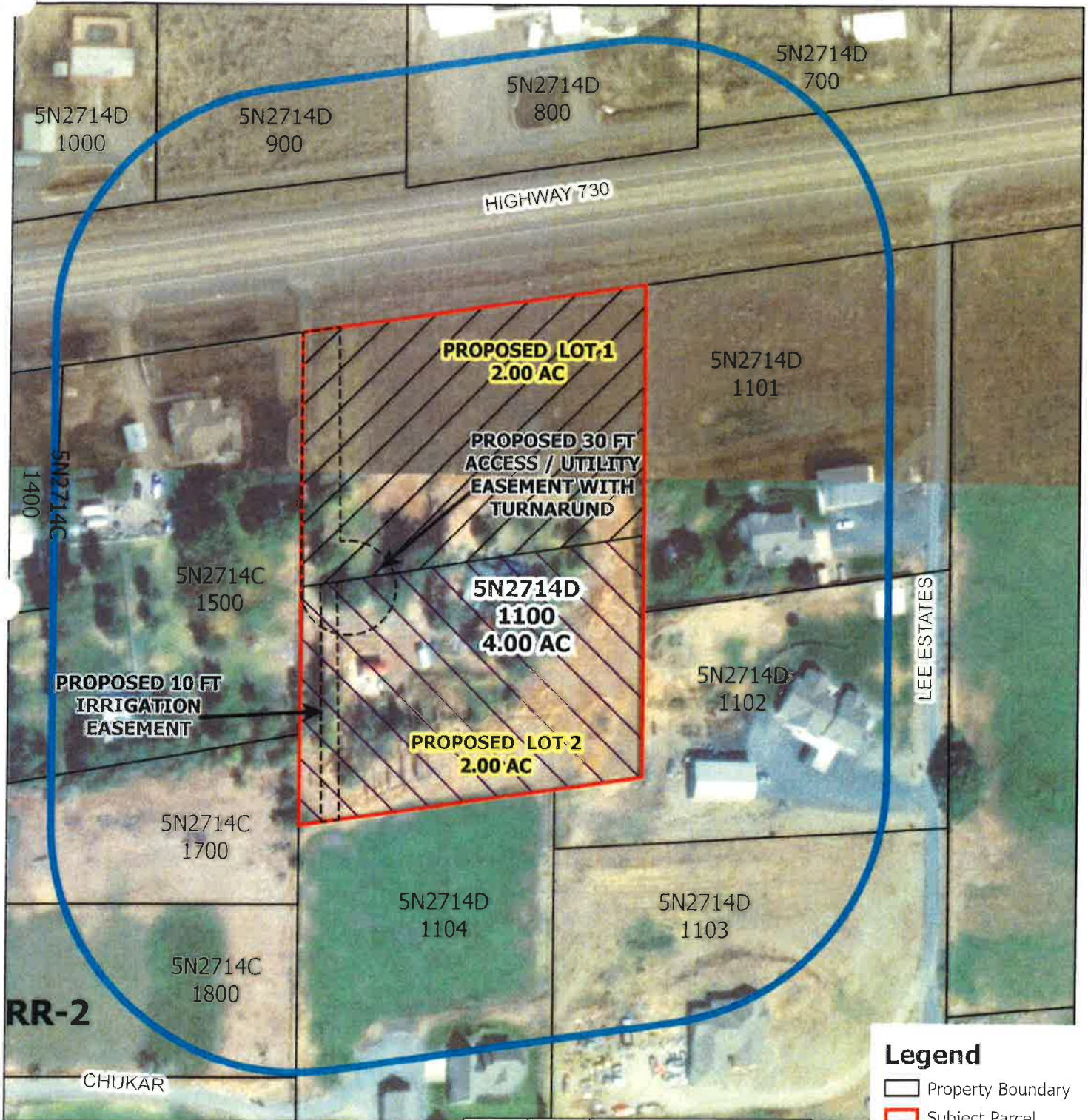
The proposed Conditions of Approval are related to access, road improvements, septic site evaluation, access to irrigation water and submission of the final replat survey. The Planning Commission's decision is final unless appealed.

APPLICANT: RONALD V. MCKINNIS
OWNER: DOUGLAS & KARI ROTHROCK
MAP: 5N 2714D TAX LOT: 1100

#LD-5N-887-21

N

Notified Property Owners with 250 feet of Subject Parcel



Legend

- Property Boundary
- Subject Parcel
- 250 ft Notice Boundary
- Lot 1
- Lot 2

MAP	TAX LOT	OWNER
5N2714C	1400	ESSLINGER DAVID B MCWHINNIE JOHN T JR & BOULLESTER
5N2714C	1500	TOSHIKO
5N2714C	1700	BAUMGART CLIFFORD F
5N2714C	1800	BAUMGART C FRED
5N2714D	700	BEAGLE GERALD L & JOANN M
5N2714D	800	POTTER THEODORE G & CARMEN L

MAP	TAX LOT	OWNER
5N2714D	900	BUCHANAN WAYNE & DIANE WOODBURN ROBERT A &
5N2714D	1000	PATRICIA M
5N2714D	1100	ROTHROCK DOUGLAS & KARI
5N2714D	1101	SNODGRASS PHILLIP A & CHERI A
5N2714D	1102	RODARTE CYNTHIA
5N2714D	1103	LEE EDWARD F
5N2714D	1104	MORONEY RICHARD M & SANDRA F TRS

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data.
Parcel data should be used for reference purposes only.
Created by M. Green, Umatilla County Planning Department
Date: 6/23/2021

ROTHROCK REPLAT

A Replat of Lot 1 of Lee Estates Subdivision
 Umatilla County, Oregon
 Township 5 North, Range 27 East, W.M.,
 Southeast 1/4 of Section 14,

for:

Doug & Kari Rothrock
 28058 Hwy. 730
 Umatilla, Oregon 97882

PROPERTY DESCRIPTION:

The legal description of this property being partitioned is as found in Deeds 2017-6640352, of the Umatilla County Records of Deeds, Recorded October 23, 2017, and is more particularly described as:

Lot 1 of Lee Estates Subdivision in the County of Umatilla, and State of Oregon.

C.L. U.S. HWY No. 730

SURVEYORS CERTIFICATE & STATEMENT:

I, Ronald V. McKinnis, being a Registered Professional Surveyor of the State of Oregon, certify that I have correctly Surveyed and Monumented the lands depicted on this Plat, and that this Plat meets all the requirements as established by Chapter 92, Oregon Revised Statutes. The INITIAL POINT of this survey is a 5/8" x 30" rebar with a yellow plastic cap stamped R.V. McKinnis, PLS 2431, set at the Northwest Corner of Lot 1 of this Plat.

This survey is based on Wells' survey for Lee Estates Subdivision, County Survey #97-182-B for Hewett. I held Wells' Bearing along East side of Lot 1 as my Bearing Base. I held Wells' Bearings & Distances to re-establish the West line of Lot 1 of Lee Estates and divided this property as shown to maintain proper setback of the existing residential dwelling. This survey was completed with a Trimble 5800 GPS RTK Total Station.

OWNERS DECLARATION & DEDICATION:

We, the undersigned owners of the lands as shown on this plat, do hereby acknowledge that we have caused this plat to be created. We authorized that this Plat be prepared in accordance with the provisions of ORS Chapter 92. We recognize this Plat as the Official Plat and Map of the Replat as filed in the County of Umatilla, State of Oregon, and We dedicate the 30 foot wide Access & Utility Easement, the 50' Radius Turn A Round, and the 10 foot wide Irrigation Easement, both along the West side of this Plat as depicted.

By OWNERS:

Doug Rothrock

Kari Rothrock

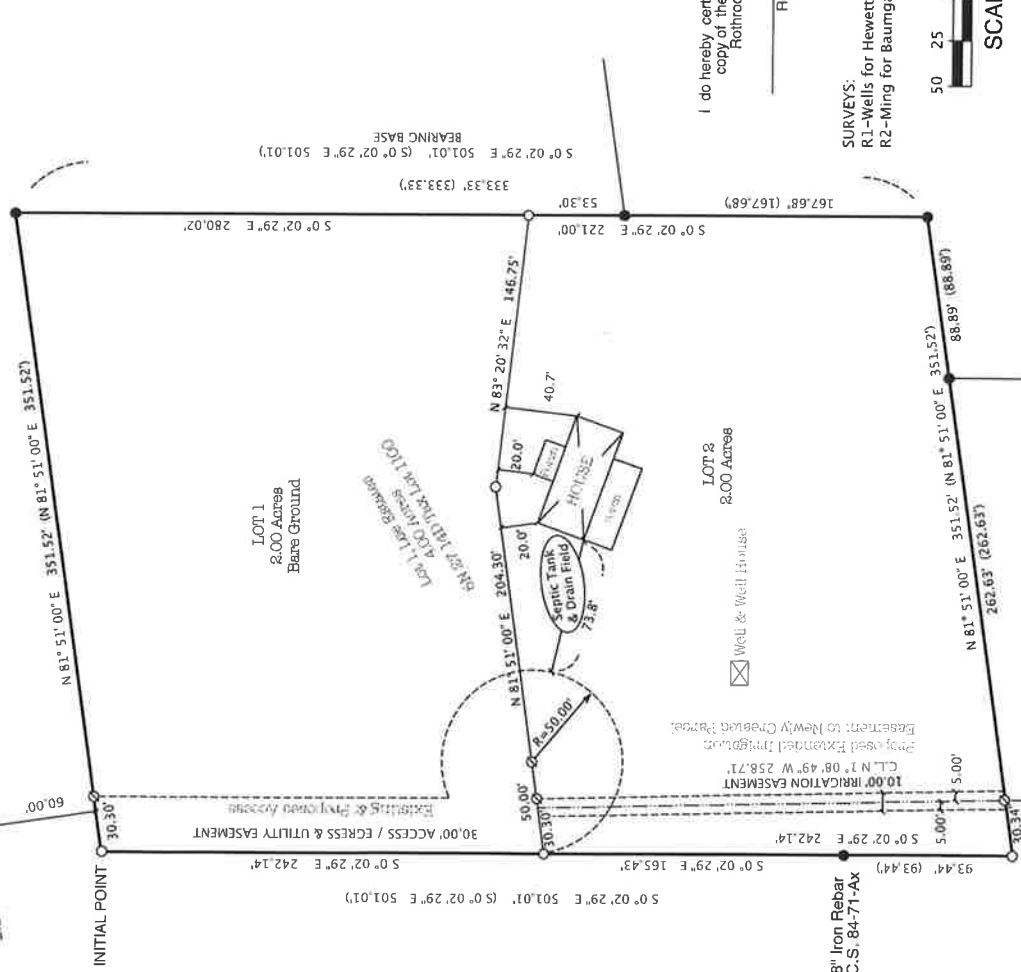
On this _____ day of _____, 2021, the above individuals appeared personally before me and are known to me to be the identical individuals who executed the plat dedication and acknowledged that they did so freely and voluntarily.

Before me: _____ Notary Public for Oregon

My Printed Name is _____

My Commission No. is _____

My Commission Expires _____



ROVALS:
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Surveyor
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Planning Director
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Assessor
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Tax Collector
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Commissioner
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Commissioner
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Commissioner
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Commissioner
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Umatilla County Commissioner
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Umatilla County Commissioner
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Umatilla County Commissioner
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

Umatilla County Commissioner
 I certify that I have examined and approved this Replat on this _____ day of _____, 2021

LEGEND

- SET MONUMENTS - 5/8" x 30" Iron Rebar
- W/ Plastic Caps Stamped - L.S. # 2431
- FOUND MONUMENTS - 5/8" x 30" Iron Rebar
- W/ Plastic Caps, L.S. 11106, Or As Noted
- ∅ CALCULATED CORNER (Not Set)
- SECTION LINES
- STREET / HWY CENTER LINES
- PARTITION BOUNDARY
- (000) RECORD BEARING - DISTANCE RT



I do hereby certify that this is a true and exact copy of the Original Plat as filed for Rothrocks in Umatilla County.

Ronald V. McKinnis

SURVEYS:
 R1-Wells for Hewett, Lee Estates, C.S. #97-182-B, 1997
 R2-Ming for Baumgart, C.S.#84-071-Ax, 1984



SCALE 1" = 50 FT.

ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING
 79980 Prindle Loop Road
 Hermiston, Oregon 97838
 (541) 567-2017

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
ROTHROCK REPLAT, #LD-5N-887-21
A Replat of Lot 1 of Lee Estates Subdivision,
Assessor Map #5N 27 14D, Tax Lot #1100, Account #132994**

1. **APPLICANT:** Ron McKinnis, on behalf of Doug and Kari Rothrock, 79980 Prindle Loop Road, Hermiston, Oregon 97838
2. **OWNERSHIP:** Doug and Kari Rothrock, 28058 Hwy 730, Umatilla, Oregon 97882
3. **PROPERTY LOCATION:** Subject property is located south of State Highway 730 approximately miles 2 ½ miles west of the City of Umatilla.
4. **REQUEST:** The request is a replat of Lot 1 in the Lee Estates Subdivision into two lots.
5. **EXISTING ACREAGE:** Lot 1 = 4 acres
6. **RESULTING ACREAGE:** New Lot 1 = 2 acres, new Lot 2 = 2 acres
7. **COMPREHENSIVE PLAN:** Rural Residential
8. **PROPERTY ZONING:** Rural Residential 2-acre (RR-2)
9. **ACCESS:** The property has access via State Highway 730. The applicant proposes a 30-ft access easement along the existing driveway crossing the west side of new Lot 1, extending to the southwest corner of new Lot 2, as shown on the survey drawing. The current State Highway access approach will be used.
10. **PROPERTY EASEMENTS:** An irrigation easement is proposed to be extended to new Lot 1 as shown on the preliminary survey. The applicant also proposes a 30-ft access easement to new Lot 2 along an existing driveway currently located along the west property line.
12. **EXISTING LAND USE:** The property is zoned residential and presently developed with one home site. The applicant proposes to replat the property into two lots.
13. **UTILITIES:** The area is served by Umatilla Electric and Century Link.
14. **WATER/SEWER:** There is one septic and well on proposed new Lot 2. This lot is where the property owners home is presently located.
15. **STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE:**
The criteria for approval contained in Section 152.697(C), Type III Land Divisions, are provided in underlined text. The evaluation responses follow in standard text.
(1) Complies with applicable elements of the Comprehensive Plan;

(2) Complies with applicable provisions listed in the zoning regulations of the Umatilla County Development Code Chapter; The County's state-acknowledged Comprehensive Plan allows the subject property and properties surrounding property to be designated and zoned rural residential. The proposed replat lot size is consistent with the RR-2 dimensional standards of two acres.

Each new lot will be two-acres. The County Development Code requires new divided residential zoned lots and parcels to submit a favorable septic site evaluation. A septic site evaluation is required for new undeveloped Lot 1, as a condition of the approval.

The proposed access ingress and egress easement road and turn around area must be created for access in compliance with the County Comprehensive Plan/Transportation Plan and County Development Code. Both require that access to three or fewer lots be established following the County P-1 easement and road standards. The County P-1 road standard includes an improved 16-ft wide gravel road consisted of 4-inches of nominal compacted gravel (conforming to current ODOT specifications) within a 30-ft wide access easement. The access easement road is required to be constructed prior to final approval, as a condition of the approval.

(3) Conforms and fits into the existing development scheme in the area, including logical extension of existing roads and public facilities within and adjoining the site; The replated lots will have access from State Highway 730 at the northwest corner of Lot 1.

(4) Complies with the standards and criteria of Section 152.667 (Forest/Multiple use Areas), if applicable due to the size, scope, and/or location of the request. The proposed replat is not for property located within a Forest/Multiple use designated area. Therefore, the standards found in Section 152.667 for Forest/Multiple Use areas are not applied.

(D) Decision on a tentative replat plan. The findings and conclusions of the Planning Commission shall include two copies of the tentative plan upon which the decision is noted and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department. Approval by the Planning Commission shall be final upon signing of the findings, and stands as the county's official action unless appealed. Approval of the tentative plan shall not constitute acceptance of the final replat for recording. However, such approval shall be binding upon the county for purposes of preparation of the replat, and the county may require only such changes in the replat as are necessary for compliance with the terms of its approval of the tentative plan. The above decision for the tentative replat plan is followed.

16. PROPERTY OWNERS & AGENCIES NOTIFIED: July 1, 2021

17. PLANNING COMMISSION HEARING DATE: July 22, 2021

18. AGENCIES NOTIFIED: ODOT, OWRD, County Public Works, County Assessor, County GIS, County Environmental Health, Umatilla Rural Fire District, County Surveyor, Umatilla Electric, and Century Link

19. COMMENTS: None to date.

DECISION: BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE UMATILLA COUNTY PLANNING COMMISSION COULD APPROVE THE ROTHROCK REPLAT, TYPE III LAND DIVISION REQUEST, #LD-5N-887-21, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

The following precedent conditions must be fulfilled prior to final approval of this request.

1. Pay and/or pre-pay property taxes prior to recording the Final Subdivision Replat.
2. Submit a Subdivision Replat complying with State and County regulations. The survey shall show all easements and includes naming the Replat.
3. Submit a septic site evaluation for proposed Lot 1.
4. Create a 30-ft wide access easement and 50-ft radius turn-around area (as shown on the Replat) and improve the access road and turn-around area to the County P-1 road standard. Extend the current irrigation easement to new proposed Lot 1.

Verification of the access road improvements to the P-1 road standard must be provided to the Planning Department prior to the final approval of the proposed Replat. Verification should consist of photos of the improvements and receipts for a sufficient volume of gravel to build and cover a 16-ft wide access road with 4-inches of compacted gravel the length of the access easement, as well as, improvements to the 50-ft radius emergency turn-around area.

The following subsequent condition must be fulfilled for final approval of the Replat.

5. Record the Final Subdivision Replat.

Umatilla County Planning Commission
Preliminary Findings and Conclusions,
Rothrock Replat, Type III Land Division, #LD-5N-887-21
Page 4 of 4

UMATILLA COUNTY PLANNING COMMISSION

Dated _____ day of _____, 20 ____

Suni Danfort, *Planning Commission Chair*

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commissioners

FROM: Megan Green, Planner

DATE: July 15, 2021

RE: July 22, 2021 Planning Commission Hearing
**Comprehensive Plan Map Amendment #P-126-20 and
Zoning Map Amendment #Z-314-20
Co-adoption of City of Umatilla UGB Expansion**

CC: Robert Waldher, Planning Director

Background Information

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

Criteria of Approval

The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

Conclusion

In accordance with the Joint Management Agreement (JMA) between Umatilla County and the City of Umatilla, the County is required to co-adopt any amendments to the city's UGB. Therefore, the County has the authority to consider and approve the Comprehensive Plan Map and Zoning Map Amendments.

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The BCC must also hold a public hearing(s) and make a decision whether or not to adopt the proposed change to the Development Code. A public hearing before the BCC is scheduled for August 18, 2021.

Attachments

The following attachments have been included for review by the Planning Commission:

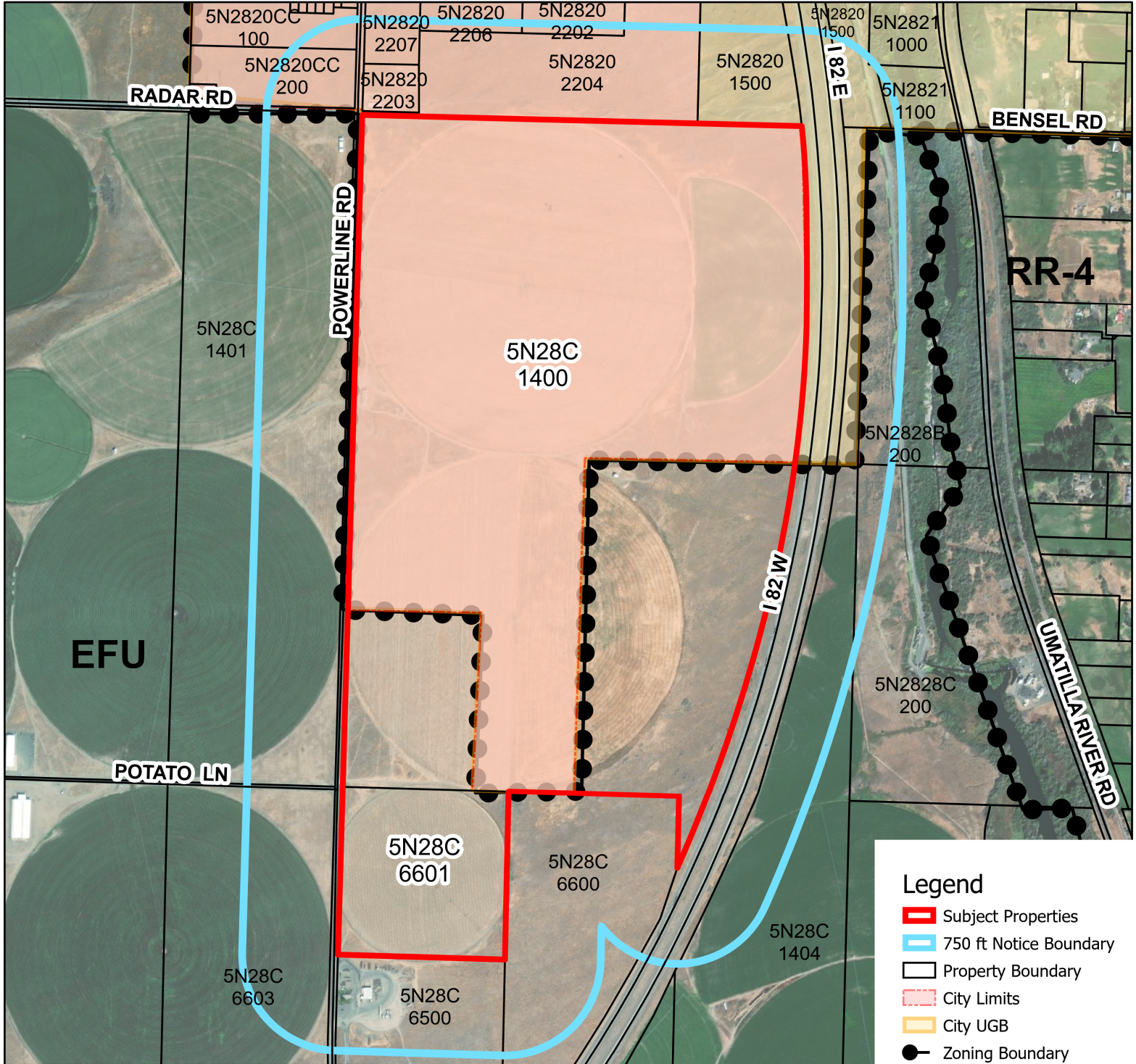
- County Preliminary Findings and Conclusions
- City of Umatilla Findings and Conclusions

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – JULY 22, 2021
UMATILLA COUNTY COMPREHENSIVE PLAN AMENDMENT &
ZONING MAP AMENDMENT
CLEAVER LAND, LLC, APPLICANT & OWNER
PACKET CONTENT LIST**

- | | | |
|----|--|-------------|
| 1. | Staff Memo to Planning Commission | Page 1 |
| 2. | Notice and Vicinity Map | Page 3 |
| 3. | Soils Map | Page 4 |
| 4. | County Staff Report & Preliminary Findings | Pages 5-20 |
| 5. | City of Umatilla Staff Report & Findings | Pages 21-65 |

APPLICANT/OWNER: CLEAVER LAND, LLC
APPLICATION FOR: COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS
P-126-20 & Z-314-20
MAP: 5N 28C TAX LOTS: 1400 & 6601

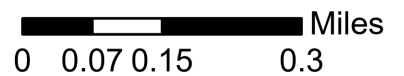
Notified landowners within 750 feet of the Subject Parcel



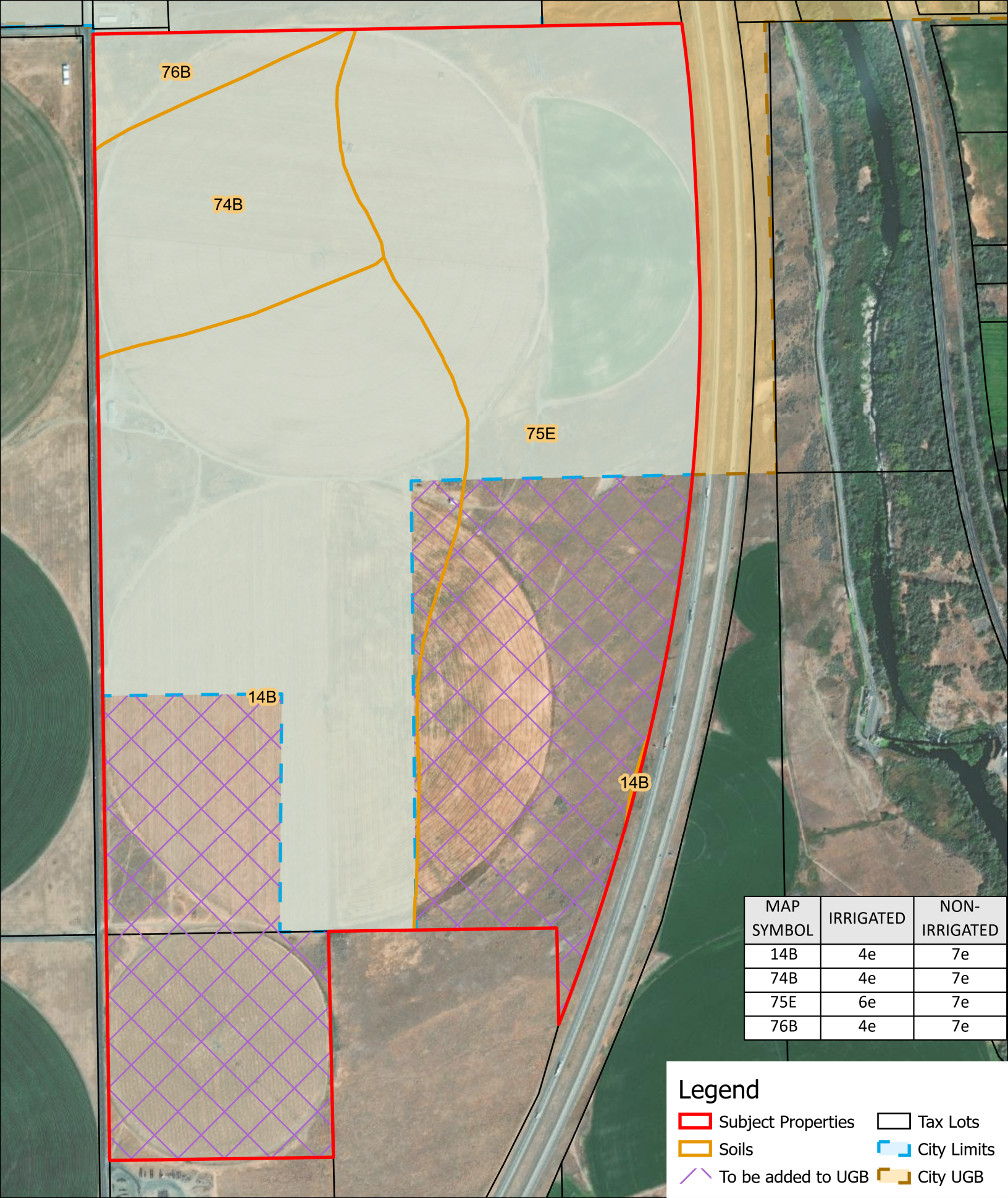
Legend

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

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



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



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

Legend

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



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

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

I. OVERVIEW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
14B: Burbank loamy fine sand, 0 to 5 percent slopes	VIIe	IVe
74B: Quincy fine sand, 0 to 5 percent slopes	VIIe	IVe
75E: Quincy loamy fine sand, 5 to 25 percent slopes	VIIe	VIe
76B: Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	VIIe	IVe

Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water (Survey, page. 172).

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

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

Transportation: Lands proposed for inclusion into the UGA are generally located

east of Powerline Road and west of Interstate-82, south of Radar Road. Access to the property is from Powerline Road.

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

Public Hearings:

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

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

II. JOINT MANAGEMENT AGREEMENT

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

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

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

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

III. AMENDMENT ANALYSIS

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

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

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

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

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

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

(b) Goals 3 and 4 are not applicable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County Finding: Goal 19 is not applicable.

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

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

the Road from Umatilla County to the City of Umatilla.

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

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

Statewide Planning Goals:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Goal 13 Energy: To conserve energy

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

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

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

Umatilla County Comprehensive Plan Chapter 15. TRANSPORTATION

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

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

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

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

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

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

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

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

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

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

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

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

industrial uses.

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

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

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

Objectives

A. Develop access management standards.

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

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

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

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

Objectives

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

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

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

Umatilla County Development Code provisions 152.019 TRAFFIC IMPACT STUDY.

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

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

(1) A change in plan amendment designation; or

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

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

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

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

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

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

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

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

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

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

Management Area.

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

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

(C) Traffic Impact Analysis Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. DECISION

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

PLANNING COMMISSION UGB ADJUSTMENT CO-ADOPTION RECOMMENDATION OPTIONS

A. Motion to Recommend Approval Based on Evidence in the Record

I, Commissioner _____, make a motion to recommend approval of the Cleaver Land, LLC, Comprehensive Plan Amendment, number P-126-20 and Zoning Map Amendment, number Z-314-20, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

B. Motion to Recommend Approval with Additional Findings

I, Commissioner _____, make a motion to recommend approval of the Cleaver Land, LLC, Comprehensive Plan Amendment, number P-126-20 and Zoning Map Amendment, number Z-314-20, to the Board of Commissioners with the following additional Findings of Fact: _____.

C. Motion to Recommend Denial Based on Evidence in the Record

I, Commissioner _____, make a motion to recommend denial of the Cleaver Land, LLC, Comprehensive Plan Amendment, number P-126-20 and Zoning Map Amendment, number Z-314-20, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

DATED this ____ day of _____, 20 ____.

UMATILLA COUNTY BOARD OF COMMISSIONERS

George L. Murdock, *Commissioner*

John M. Shafer, *Commissioner*

Daniel N. Dorran, *Commissioner*

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

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

REPORT PREPARED BY: Jacob Foutz, Associate Planner

I. GENERAL INFORMATION AND FACTS

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

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

II. NATURE OF REQUEST AND GENERAL FACTS

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

Applicants Intended Outcomes of Application Process:

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

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

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

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

III. ANALYSIS

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

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

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

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

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

Conclusion: The City is not claiming a goal exception.

(b) Goals 3 and 4 are not applicable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion: Goal 19 is not applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Core habitat for Greater Sage Grouse; or

(iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;

(d) The land is owned by the federal government and managed primarily for rural uses.

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

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

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

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

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

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

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

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

Conclusion: Parks are not a part of this application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

acknowledged comprehensive plan;

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

(C) Land that is nonresource land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

involved through pre-application contact and meetings.

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

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

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

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

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

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

Applicants Response: Please see the included Study Area map.

Conclusion: Please see the included Study Area map.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Interstate interchange area means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Any one of the following:

(A) An existing central business district or downtown;

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

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

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

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

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

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

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

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

(B) Generally include civic or cultural uses;

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

(D) Buildings and building entrances oriented to streets;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Entirely within an urban growth boundary;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) For the purpose of this section:

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

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

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

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

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

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

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

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

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

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

(A) Proposed amendment.

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

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

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

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

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

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

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

Umatilla County Comprehensive Plan Chapter 15. TRANSPORTATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

businesses and highway-oriented business.

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

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

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

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

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

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

Objectives

A. Develop access management standards.

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

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

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

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

Objectives

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

boundaries.

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

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

Umatilla County Development Code provisions 152.019 TRAFFIC IMPACT STUDY.

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

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

(1) A change in plan amendment designation; or

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

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

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

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

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

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

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

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

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

(C) Traffic Impact Analysis Requirements

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

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

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

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

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

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

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

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

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

Conclusion: The TIA meets and addresses the above criterion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City of Umatilla Comprehensive Plan Chapter 12 Goal 12: Transportation

Section 12:0 Transportation Goal

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

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

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

TSP Goal 1

Promote a balanced, safe, and efficient transportation system.

Objectives

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

Protect the qualities of neighborhoods and the community.

Provide for adequate street capacity and optimum efficiency.

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

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

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

TSP Goal 2

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

Objectives

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

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

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

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

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

City of Umatilla Title 10 Zoning Ordinance Chapter 11 Supplementary Provisions

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

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

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

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

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

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

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

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

C. Traffic Impact Analysis Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

Analysis of the Statewide Planning Goals 1 through 14 follows.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Goal 13 Energy: To conserve energy.

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

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

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

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

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

Applicants Conclusion:

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

IV. SUMMARY AND RECOMMENDATION

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

VI. EXHIBITS

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

**PLANNING COMMISSION HEARING
MAY 27, 2021**

DRAFT MINUTES

**ZONING MAP AMENDMENT
#Z-316-21**

**Zone Change from
F-2, General Rural Zone, 19-acre minimum to
FU-10, Future Urban Zone, 10-acre minimum**

&

**LAND DIVISION; TYPE II
#LD-4N-1054-21**

**RICHARD & SANDRA HUNSAKER,
OWNERS**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, May 27, 2021, 6:30 pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
Virtual meeting via Zoom

** **

COMMISSIONERS

PRESENT: Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Hoot Royer, Cindy Timmons & Sam Tucker

ABSENT: Suni Danforth, Chair, Jon Salter & Lyle Smith

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

** ****

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

CALL TO ORDER

Commissioner Wysocki called the meeting to order at 6:30 pm and read the Opening Statement.

NEW HEARING

ZONING MAP AMENDMENT #Z-316-21, Zone Change from F-2, General Rural Zone 19-acre minimum to FU-10, Future Urban Zone, 10-acre minimum & LAND DIVISION; TYPE II #LD-4N-1054-21. The applicant & property owners, Richard & Sandra Hunsaker, propose changes to the Umatilla County Zoning Map, Map 4N2804, Tax Lots 1000 & 1200 (formerly known as Map 4N28B, Tax Lots 1500 & 1505). The parcels are currently located within the Urban Growth Boundary (UGB) of the City of Hermiston and zoned F-2, General Rural Zone. The F-2 Zone is from Umatilla County’s 1972 Zoning Code and is primarily located within UGBs. The property owners are requesting a re-zone to FU-10 (Future Urban Zone - 10 acre minimum). Both F-2 and FU-10 Zoned properties inside of Hermiston’s UGB are managed by Umatilla County. The criteria of approval for Amendments are found in Umatilla County Development Code (UCDC) 152.750-152.755.

STAFF REPORT

Megan Green, Planner II/ GIS, presented the staff report. Ms. Green stated that property owners, Richard & Sandra Hunsaker, are requesting to rezone and partition 2 parcels located within Hermiston’s UGB. The properties are located north of West Elm Extension and east of the Umatilla River, approximately one-half mile west of Hermiston City Limits. The applicants’ properties and the surrounding properties are all located within the City of Hermiston’s UGB.

Ms. Green explained that the standards applied are from the Statewide Planning Goals, Joint Management Agreement, City Comprehensive Plan and County Zoning Ordinance. This request requires the Planning Commission to address two separate actions; a recommendation to the

Board of Commissioners for approval or denial of the rezone and the final appealable decision on the Land Division request. The criteria for approval for the Zoning Map Amendment are found in UCDC Sections 152.750-152.755. The criteria for approval of the Type II Land Division are found in UCDC Sections 152.680-152.686.

Ms. Green stated that the process of zone change approval by the county involves review by the Planning Commission with a recommendation on the rezone request to the Board of County Commissioners (BCC). The BCC must also hold a public hearing and make a decision whether or not to adopt the proposed zoning change. A public hearing before the BCC is scheduled for June 16, 2021 at 9:00 am.

Ms. Green explained to the Commissioners that staff has provided Findings and Conclusions that they may determine provide support, or do not support the criteria of approval. The conclusions the Planning Commission members reach and use for a recommendation on the rezone to the BCC, and for a decision on the land division request, must be based on substantial, factual, evidence in the record.

Commissioner Wysocki asked Ms. Green to explain more about the information in the hearing packet. Ms. Green stated that that the City of Hermiston provided comment in support of the requests. Clint Spencer, Hermiston City Planner, provided information indicating that water is located approximately 2,188 feet from the existing line on Elm to the subject properties. The sewer is located 650 feet away. Mr. Spencer stated that the city is not actively processing applications for development in this area. They annexed a 20 acre parcel in 2019 but have not received any development applications. Additionally, the property is bound by a 10 year agreement with the City of Hermiston to only develop single-family residential housing. Mr. Spencer stated that the city recommends maintaining the 30 foot access easement as an easement for this partition. He believes that maintaining the access as an easement will avoid dedication of right of way which later must be transferred to the city, changing a county road to a city street. He requested that the county require the easement to be brought up to the standard necessary for easements serving this level of development under county standards. Also, if additional gravel base and additional gravel width is necessary, the city requests this to be added as a condition of development. Ms. Green pointed out that the county's Land Division Standards for Approval require that the road be brought up to the P-2 Road Standard, which is referenced in the findings located on page 24 in the hearing packet.

Ms. Green received comments provided by Annette Kirkpatrick with Hermiston Irrigation District. Ms. Kirkpatrick stated that both properties included in the request have water rights in the name of the Bureau of Reclamation, Certificate #89006. She explained that the D Line Easement comes in from the east and ends at the southeast corner of tax lot #1200.

Ms. Green shared her screen and reviewed the email comment submitted by Jean Dahlquist representing the Fair Housing Council of Oregon (FHCO). She stated that the FHCO requested

information and asked to review the Findings for this request because they were concerned about Statewide Planning Goal 10 related to housing. Ms. Dahlquist commented that she felt it was a little unclear if the statement, "Housing is not a direct consideration of this request." is correct or not (page 20 in the packets, Preliminary Findings & Conclusions #20 Statewide Planning Goals, Goal 10, Housing). She suggested that a zone change from rural to future urbanizable, as well as a lot partition, would make future residential development more feasible on the site. She went on to say that if this were the case, she believes more elaborate Goal 10 findings would be required. However, she recognized that she is unfamiliar with the counties' particular urbanization process and requested clarification.

Ms. Green responded to the email from Ms. Dahlquist explaining that the current zoning is F-2, which is designated urbanizable. Likewise, the proposed zoning of FU-10 is designated urbanizable. She clarified that the only urban lands within Hermiston's UGB are those that are city zoned. Thus, the proposed zone change would not result in a change of the urbanizable status. Although the applicants' properties are located within the UGB, they are managed by the county under current and proposed zoning. The more dense residential zoned areas within the UGB are managed by the city. The F-2 Zone is a 19 acre minimum zone and allows one single-family dwelling (SFD) and one Accessory Dwelling Unit (ADU) per parcel. The FU-10 Zone is a 10 acre minimum zone and allows one SFD and one ADU per parcel. Once approved, the zone change and partition will create one additional parcel and therefore create the opportunity for one additional SFD and one additional ADU. Ms. Dahlquist replied thanking Ms. Green and stated that her summary clarified things nicely. She asked if there was a possibility that the explanation Ms. Green provided could be added to the Goal 10 Findings. Ms. Green responded that unfortunately, it was too late to add to the Goal 10 findings but she agreed to share the feedback with the Planning Commission. After review, the Commission can choose whether or not to add language to the Goal 10 findings as part of their recommendation to the BCC.

Commissioner Tucker asked if there would be any disadvantages to incorporating the language suggested by Ms. Dahlquist and the FHCO. Ms. Green replied that she does not believe it would be a disadvantage to add the requested the language for clarification purposes.

Applicant Testimony: Richard Hunsaker, 1590 W Elm Avenue, Hermiston, Oregon. Mr. Hunsaker was present, but he had technical difficulties and was unable to get his microphone to work so he was not able to provide verbal testimony.

Ms. Green read Mr. Hunsaker's written testimony and displayed the Umatilla County Wetlands Inventory Map, Flood Insurance Rate Map (FIRM) Panel 41056C0577G and Partition Plat #1999-37 provided by the applicant to staff in advance of the hearing:

“Chairperson and Commissioners, Umatilla County Planning Commission:

Thank you for the opportunity to add my testimony to the written record prior to your decision and recommendation to the Board of Commissioners in response to my applications for comp plan amendment zone change and partition plat. My written testimony will be offered in the same order as the staff addresses each issue.

Page 6 Flood plain / Wetlands Map: What is marked Umatilla Co. wetlands does not match the wetlands inventory provided to me by the county (attached copy for your reference). The area on page 6, referred as wetland, is a seasonal irrigation pond. The source of water for the pond is D line from the Hermiston Irrigation District normally from April to October each year. The remainder of the year the pond is completely dry.

Page 25 / 26 F2: I request that the Planning Commission make this condition applicable as a condition of the issuance of a building permit for the development of each parcel. Currently the condition is met for each of the parcels (3) served by the easement. It is unknown as to location of any new dwelling on any of the newly created parcels as this condition places an undue burden on the property owner at this time.

Page 26 / F3, Page 27 4,5,6: The existing easement has historically been called "West Elm Extension". US Mail delivers to mailing address on Elm St. To name the road differently would cause undue hardship on the existing home owners served by the access easement. The US Mail is delivered to mail boxes on the dedicated portion of Elm St. The addition of 2 additional mail boxes at the current location makes common sense. Further, to name and sign the easement would encourage additional traffic on the existing private road. There is an existing turn around for local traffic at the end of the public ROW and "private drive" signs posted at the intersection of the private easement and public ROW. The property that abuts the easement (TL1802) to the east is not a beneficiary to the private road easement. I request that precedent condition of a road naming application, road naming approval, and the approved road name to be shown on the plat, be waived at this time.

When this rezone, comprehensive plan amendment, and zone change are approved, I will record CCR's over the three newly created parcels that limit construction to 1 single family dwelling with no less than 2,850 square feet of living area in size on each parcel. I will transfer a pro rata share of the existing water right to each newly created parcel, modify the access easement, and easement maintenance agreement to reflect the required changes. I have met,

discussed, and agreed to these issues with my neighbors, Dr. Richard Flaize and Todd Dimbat. Thank you for this opportunity to add my testimony and I would be glad to answer any questions.”

Proponent Testimony: No comments.

Opponent Testimony: No comments.

Public Agencies: No additional comments.

Commissioner Wysocki closed the hearing for deliberation.

DELIBERATION

Commissioner Tucker asked for more information about the two deviations Mr. Hunsaker requested in his written testimony regarding the Standards of Approval. Planning Director, Bob Waldher, started by addressing Mr. Hunsaker’s request that Precedent Condition of a road naming application, road naming approval and the approved road name to be shown on the plat, be waived at this time. Mr. Waldher reiterated that under UCDC 152.684(A), County Land Division Standards for Approval require that the road be brought up to the P-2 Road Standard which requires a 60 foot right of way with a 22 foot improved surface. He pointed out that this is a lesser requirement than what is required by the City of Hermiston’s Transportation System Plan (TSP). The city requirement includes a 24 foot wide paved surface. However, the city has requested that the county road standard be applied at this time. When the subject parcels are annexed into the city the road will need to be improved because the City of Hermiston’s TSP road standards will apply.

With regard to the comments about addressing and the emergency vehicle turn-around request, staff recommends that the conditions remain the same. This request is a Land Use Decision and applicants must meet all of the Standards for Approval and there is no option to pick and choose which standards will apply. Mr. Waldher acknowledged that some of the standards may seem impractical given the rural location of the property. However, he explained that the standards exist for a reason and any deviation could set precedence for future applicants to deviate from the required standards as well.

Commissioner Timmons stated that this property is located in the middle of the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). She noted that she is concerned about high levels of nitrate in this critical groundwater area and the addition of dwellings will add to the problem. Mr. Waldher stated that the LUBGWMA is a Department of Environmental Quality (DEQ) designation indicating high nitrate levels and there are a number of studies taking place to determine the leading contributing factors and how they can be addressed. Mr. Waldher stated that Commissioner Timmons concern is valid. However, the Planning Department does not have

any provision or language in our code which would preclude this property from being rezoned as part of this request.

Commissioner Tucker made a motion to recommend approval of the Hunsaker Zoning Map Amendment #Z-316-21 to the Board of County Commissioners based on the foregoing Findings of Fact and Conclusions of Law with the addition of staff comments addressing Goal 10 added to the record. Commissioner Williams seconded the motion. Motion passed with a vote of 6:0.

Commissioner Williams made a motion to approve the Hunsaker Land Division #LD-4N-1054-21 based on the foregoing Findings of Fact and Conclusions of Law. Commissioner Wysocki seconded the motion. Motion passed with a vote of 6:0.

MINUTES

Commissioner Wysocki called for any corrections or additions to the minutes from the April 22, 2021 meeting. Commissioner Timmons moved to approve the minutes as presented. Commissioner Royer seconded the motion. Motion carried by consensus.

OTHER BUSINESS

Mr. Waldher stated that the County has been working on a project for the last 8 months to update Umatilla County's Natural Hazard Mitigation Plan (NHMP). The plan has been reviewed by the Oregon Office of Emergency Management (OEM) & Federal Emergency Management Agency (FEMA) and comments provided have been addressed by the stakeholder committee. Once approved, the NHMP will be adopted by all 12 cities within the county, as well as several special districts.

Mr. Waldher stated that the Planning Department is seeking to fill a full-time Planner II position. The ideal candidate will have experience in Land Use Planning (or a related field) as well as a GIS background. We are advertising on multiple platforms but it has been challenging to find the right candidate. Ms. Green will soon be transitioning to her new role as Transit Coordinator.

ADJOURNMENT

Commissioner Wysocki adjourned the meeting at 7:25 pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant