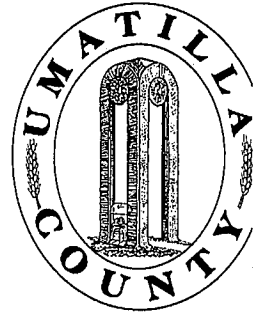


# Umatilla County

Department of Land Use Planning

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DIRECTOR  
TAMRA  
MABBOTT

February 5, 2014

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

Verl Presnall, President  
East End Rod & Gun Club  
P.O.Box 251  
Milton-Freewater, OR 97862

✓ Mike Robinson, Attorney  
Perkins Coie  
1120 NW Couch St, Tenth Floor  
Portland, OR 97209-4128

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

Re: Final Approval  
Land Use Decision #LUD-163-13 and

GIS AND  
MAPPING

Dear Mr. Presnall and Mr. Robinson:

RURAL  
ADDRESSING

Enclosed is a copy of the Final Findings approving land use application #LUD-163-13 to continue operation of a firearms training facility. The Findings were signed by the Planning Commission Chair on Monday, February 3, 2014. The approval is subject to the Conditions attached to this letter and also included on pages 12 and 13 of the Final Findings.

LIAISON,  
NATURAL  
RESOURCES &  
ENVIRONMENT

A statutory 15-day appeal period commenced the day this final approval letter was mailed, February 5, 2014. An appeal must be submitted in writing by 5:00 pm on February 20, 2014.

The Final Findings and this letter is also posted on our county website at <http://www.co.umatilla.or.us/planning/plan-packets.html>

Thank you for your participation in this process. Please let me know if I may be of further assistance.

Cordially,

A handwritten signature in cursive script that reads "Tamra J. Mabbott".

Tamra J. Mabbott,  
Planning Director

cc: Patrick Gregg, Attorney, Corey, Byler & Rew w/ attachment  
Hearing participants/interested persons w/out attachment

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

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

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

**3. REQUEST:** The applicant, East End Rod and Gun Club (EERG or Gun Club) requests land use approval to operate a firearms training facility under the provisions of ORS 197.770. Approval would justify the continued use of an 85 acre lease area on the VonDerAhe property for use as a gun club by the East End Rod & Gun Club. The initial application included a request to expand the gun club to include a 35-acre expansion area. The expansion area portion of the application was withdrawn by the Gun Club and is not a part of this land use decision.

Initial use of the property as a gun club began in the spring of 1994 with sporting clay shoots operated under the auspices of the National Sporting Clays Association. The shooting facility and gun club has operated continually since spring of 1994. The gun club was established on the VonDerAhe property to advance safe shooting sports including youth programs such as 4-H, Boy Scouts and Oregon State Hunter Safety programs. The club also holds an annual women's safety clinic and provides a place for its general membership to safely pursue a variety of shooting disciplines for competitive shooting.

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

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

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

**6. COMP PLAN:** North/South Agriculture Region

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

**8. ACCESS &**

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

gravel county road along the east property boundary.

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

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

**11. ADJACENT USES:** There is predominately dry land farming activities on lands surrounding the subject property. An area planted in grape vineyards is developed on Tax Lots 800 & 802 to the east ¾ miles from the current gun club lease area.

**12. LAND FORM:** Walla Walla Valley

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

**14. FARMLAND &**

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

Soil Name, Unit Number, Description	Land Capability Class		Acreage
	Dry	Irrigated	
61C-Oliphant silt loam, 3 to 12 percent slopes.	2e	2e	309.55ac
62C-Oliphant silt loam, 3 to 25 percent slopes.	3e	---	78.20 ac
8C-Athena silt loam, 7 to 12 percent slopes.	3e	3e	32.85 ac
8B-Athena silt loam, 1 to 7 percent slopes.	2e	2e	15.15 ac
61A-Oliphant silt loam, 0 to 3 percent slopes.	2c	1	3.45 ac
112D-Waha silty clay loam, 12 to 25 percent slopes.	4s	---	.20 ac

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

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

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

**17. WATER/SEWER:** The dwelling is served by an onsite septic system and water is provided by a

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

domestic well located near the dwelling. There is no other water or sewer on site.

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

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

**20. PROPERTY OWNERS & AGENCIES NOTIFIED:** October 15, 2013 notice to agencies and surrounding property owners was mailed. Comment Closing Date was November 6, 2013.

**21. PUBLIC HEARING:** A request for a public hearing was timely filed by the Rea Family Farm. Planning Commission held a public hearing on December 19, 2013. The hearing was continued and a second hearing was held on January 23, 2014.

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

A large number of exhibits were submitted into the record. Numerous letters were submitted in support of the club. Letters from several adjacent property owners were submitted declaring their opposition to the gun club operation. A list of the exhibits is attached.

Where the letters and testimony addressed specific approval standards, the findings herein provide a response to those issues. Additionally, Planning Commission adopted conditions to insure compatibility with the neighboring properties.

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

**24. Gun Club History:**

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

On October 11, 2002, Bob Perry, then Umatilla County Assistant Planning Director, returned a conditional use permit application for a "sportsman recreation facility" that included firearm ranges and a training facility for hunter education on the VonDerAhe property. Accompanying the returned application was a letter to the applicant, Attorney R. A. "Andy" Millar. In the letter, Mr. Perry summarized the reason he was returning the application and made a recommendation to Mr. Millar to

contact Ron Eber, then the Farm/Forest Specialist for the Department of Land Conservation and Development (DLCD), for details on whether a firearms shooting range or gun club had been recently added to the list of EFU uses. In 2002, it was Mr. Perry's understanding that uses allowed in an EFU zone did not include "new" firearm facilities. In a letter to Mr. Millar Mr. Perry mentioned the possibility of applying for a private park, a use allowed in EFU, although he indicated was not encouraged due to state law. Mr. Perry did not explain the option of being permitted in accordance with Oregon Revised Statute (ORS) 197.770<sup>2</sup> which allows that certain existing firearm facilities can continue operating.

On November 1, 2003, the then, and current property owner, VonDerAhe, Inc., and the East End Rod and Gun Club, an Oregon non-profit Corporation, came into a real property lease agreement for: "The premises shall be used for an archery and firearms range and for archery and firearms safety education center to be constructed by Lessee and all other lawful uses reasonable associated with such activity." The lease also provided that notice required or permitted under the lease would be sent to the parties of: VonDerAhe, Inc., in care of L. E. "Pete" Von Der Ahe, 84387 Grant Road, Milton-Freewater, OR 97862, and R. A. "Andy" Millar, East End Rod and Gun Club, P. O. Box 388, Milton-Freewater, OR 97862. Prior to promulgation of a formal lease agreement, the Gun Club operated in accordance with the verbal permission of the landowner.

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

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

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

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

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

**25. SUMMARY OF APPLICABLE STANDARDS, CRITERIA, PROCEDURE:**

**A. Oregon Revised Statutes and Oregon Administrative Rules**

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

**B. Chapter 152 of the Umatilla County Development Code**

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

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

**Section 152.063, EFU Development Standards – See details below.**

**C. Section 152.059, EFU Land Use Decisions Procedural Process**

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

**26. Oregon Revised Statutes 215.296**

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

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

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

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

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

The applicant states that most of the property is outside of the “shot fall area” except for property directly west of the shotgun 5-stand area. One small portion of the land to the west will have a limited amount of shotgun lead shot possibly falling on fields currently used for dry land crops. Lead shot has not been shown to have a significant effect on dry land farming. At the current rate of use it would take over 40 years to build up enough lead in the fall zone, located outside of the leased area on the neighboring property, to become a minimum hazard. Once this happens the lead would

be mined from all fall zones at the convenience of the property owner. The lease area would be monitored by private lead removal miners until it becomes viable to remove.

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

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

**Conclusion:** Based on the information provided by the applicant and testimony presented at the hearings, Planning Commission finds that the Gun Club has been in existence at this location since 1994 and has operated without presenting conflicts with farming practices and, that it can continue to operate without presenting conflicts with farming practices.

The applicant stated clearly that when farming activities occur near the firing range that range would be closed in the vicinity of the farming practices. The EERGC utilizes the black flag warning to insure firing does not occur down range when farming activities occur. Further, the EERGC will comply with National Rifle Association range safety standards. Finally, to insure safety of neighboring properties, the Planning Commission imposed a condition of approval requiring the EERGC to implement a black flag safety procedures (cease fire) when a farmer is working in a field down range from shooting. See subsequent condition #7.

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

Finally, to insure long term compatibility with neighboring farming operations and other lands, Planning Commission imposed a condition requiring the EERGC to host an annual meeting of the Executive Board and adjacent landowners, for the purpose of establishing communication protocol and to collaborate on concerns about the gun range operation. See Subsequent Condition #8.

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

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

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

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

**Conclusion:** Planning Commission finds that the evidence in the record shows that the East End Rod & Gun Club does not have an enclosed structure or group of structures with a total design capacity of greater than 100 people. Further, the Planning Commission imposed a condition that explicitly limits the size of any future structures associated with the gun club to comply with OAR 660-04. See subsequent condition #9.

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

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

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

**Conclusion:** Planning Commission finds that the application complies with this standard and future expansion identified in the plot plan also complies with this standard. Any other additions would be required to comply with this standard.



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

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

**Finding:** As noted in section 24, the East End Gun Club has been in operation at the current location since April of 1993. An Affidavit was submitted to this fact by Andy Millar. Additionally, five founding members of the East End Gun Club submitted written statements attesting to the fact that the club activities, including recreational shootings, training and certification programs began in Spring of 1994. At the Planning Commission hearings further testimony was presented to support the fact that the gun club complies with this definition.

**Conclusion:** Planning Commission finds that the East End Rod and Gun Club qualifies as a Firearms Training Facility as defined in ORS 197.770 and UCDO 159.063.

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

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

**Finding:** A condition limiting the use or restricting hours of operation was imposed to minimize effects resulting from noise, vibration, air pollution, glare or odor. The information in the record and presented at the hearings includes information to support the statements by the applicant that operation of the gun club does not cause vibration, air pollution, glare or odor. The applicant identified noise as a possible conflict with residences which included the location of nearby residences and a plan to plant a row of trees along the west side of the lease area to minimize noise to residences located to the west in Milton-Freewater. Additionally, as a condition of approval the Planning Commission imposed a limitation on hours of operation. See subsequent condition #5.

**Conclusion:** Planning Commission finds that the gun club operation does not cause vibration, air pollution, glare or odor. The EERGC has plans to plant a tree row along the west side of the lease area, or to implement other noise abatement recommendations of the National Rifle Association, in order to reduce noise to residences. Further, the Planning Commission imposed conditions to implement noise abatement measures and to limit hours of operation. See condition #10 and condition #5. At this time, a specific condition of approval to plant a row of trees is not imposed, however, that could be a noise abatement measure implemented in the future if recommended by the NRA.

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

**Finding:** A condition to establish a special yard, open space, lot area or dimension may be imposed. The applicant has an established 85 acre lease area (see applicant's site plan).

**Conclusion:** The lease area has been established along the west side of the VonDerAhe property as

depicted in the applicant's site plan. A condition to establish a special yard, other open space or lot area or dimension is not imposed.

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

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

**Conclusion:** Planning Commission finds that all existing structures over 120 square feet in size must be permitted. All buildings and structures must meet EFU standards found in UCDC Section 152.063. None of the existing East End Rod & Gun Club structures or cargo storage containers received approved county land use permits. Planning Commission imposed a condition requiring a Zoning Permit for existing and future structures associated with the Gun Club operation. See Precedent Condition #2.

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

**Finding:** A condition designating the size, number, location and nature of vehicle access points may be imposed. The record provides that the applicant has applied for an access permit from the County Road Department for an access approach from Cemetery Road. This point of access is the same access point that has been historically used by the property owner and by the East End Rod & Gun Club.

**Conclusion:** Planning Commission finds that an existing access approach is used by the property owner and by the East End Rod & Gun Club. The applicant has applied for an access approach permit from the Public Works Department (County Road Department) for access from Cemetery Road. Planning Commission imposed a condition requiring the EERGC obtain an Access Permit from County Public Works. See precedent condition #1.

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

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

**Conclusion:** Planning Commission finds that the verification from the County Public Works Director that Cemetery Road is in good condition and can accommodate traffic to and from the East End Rod & Gun Club was received. A condition of approval requiring street dedication, roadway width or improvements within the right of way is not imposed.

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

**Finding:** A condition of approval designating the size, location, screening, drainage, surfacing or other improvements of parking or loading areas may be imposed. The road system used by the members of

the East End Rod & Gun Club will be graded and graveled and constructed with water bars necessary for erosion control. Adequate off street parking must be provided for members, visitors, and delivery vehicles. The applicant proposes parking for 76 vehicles at five locations as follows: 14 at the 5-stand location, 12 facing south at the rifle range and 12 facing north, 10 at the .22 area, 10 at the muzzleloader range and 18 at the pistol/cowboy action range. Each of the five parking areas will be graded, graveled and have parking area perimeters delineated with railroad ties.

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

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

**Conclusion:** Planning Commission finds that the internal road system used by the members of the East End Rod & Gun Club will be graded and graveled and constructed with water bars as necessary for erosion control and access. The EERGC will self-monitor and make improvements to the internal roadway system as necessary for gun range operations.

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

The applicant proposes parking for 76 vehicles at five locations as follows: 14 at the 5-stand location, 12 facing south at the rifle range and 12 facing north, 10 at the .22 area, 10 at the muzzleloader range and 18 at the pistol/cowboy action range. The proposed 5 parking areas must be identified with signs and railroad ties that clearly mark where vehicle parking is allowed.

Planning Commission did not impose a condition of approval relative to parking areas, rather, the Commission explicitly embedded the EERGC to self-monitor the needs of the range and make improvements for parking and roadway as necessary.

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

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

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

Most of the East End Rod & Gun Club signs are information placards mounted on buildings and structures. There are proposed signs on the property to direct traffic to the rifle and 5-stand, the Pistol Range/Cowboy-Action area and the Muzzleloader area along with directional arrows. Located at the access gate is a 3' x 3' sign identifying the use of the area "East End Rod & Gun Club Shooting Park." This sign located near the gate may be replaced with a 16 square foot sign. One 4' x 4' sign with the rules of conduct and two 4' x 4' signs providing a list of sponsors are mounted on steel posts. Smaller signs for limitations on ammunition and what type of firearms may be used at different locations are located at the various ranges. Caution signs for firearms in use and keep out signs are placed at 75 yard

intervals around the perimeter of the lease area. None of the signs are lighted.

**Conclusion:** Planning Commission finds that UCDC Section 152.545 allows sign types one through six to be permitted outright or with land use approval. None of the signs are lighted. Planning Commission did not impose any further conditions relative to signage.

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

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

**Conclusion:** Planning Commission finds that outdoor lighting is not a regular feature but that if installed in the future it shall be installed so as to minimize glared to the residence on the property. See condition #3.

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

**Finding:** A condition of approval to require diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance thereof may be imposed. The applicant is applying for a land use permit to operate a gun club as a “firearms training facility.” The facility consists of firearm ranges that require maintaining an open site space. The applicant has proposed to plant a row of evergreen trees along the west side boundary of the East End Rod & Gun Club lease area which also is in line with a portion of the VonDerAhe west property line. The applicant states that a variety of evergreen trees will be planted that requires very little water.

**Conclusion:** Planning Commission finds that the applicant is applying for a land use permit to operate a gun club as a “firearms training facility” which includes firing ranges with open site distances. The applicant proposes to plant a row of evergreen trees along west side of the East End Rod & Gun Club lease area although that was not made a condition of approval. A condition of approval for diking, additional landscaping or screening is not imposed.

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

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

**Conclusion:** Planning Commission finds that the applicant is applying for a land use permit to operate a gun club as a “firearms training facility.” Firing ranges require open site distances. The applicant has fencing installed to limit access and control traffic through the existing security gate. Other low security areas will utilize 5 foot wire mesh fencing as needed. A condition for additional fencing or limitations to existing or proposed fencing is not imposed.

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

**Finding:** A condition of approval protecting and preserving existing trees, vegetation, water resources,

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

**Conclusion:** Planning Commission finds that erosion will be prevented and runoff from gun club roads will be minimized by maintaining best management practices. No significant natural resources are known to be located on the VonDerAhe property or within the current East End Rod & Gun Club lease area.

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

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

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

**Conclusion:** Planning Commission finds that there are no specific parking space requirements for a firearms training facility parking in the county ordinance. Planning Commission did not impose a specific condition relative to parking but did recognize that the EERGC would develop and sign parking areas as needed for good range operations.

**DECISION:** Planning Commission approved the application based upon the foregoing Findings of Fact and Conclusions of Law subject to the following conditions of approval.

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

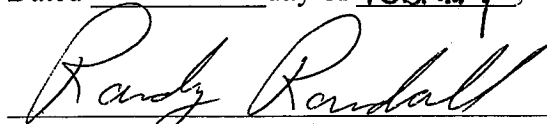
1. Obtain an Access Permit from County Public Works (if not already existing).
2. Obtain a Zoning Permit for all the existing buildings and proposed buildings including cargo containers, per section UCDO 152.063, associated with the Shooting Range.

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

3. If outdoor lighting is installed, it shall be installed so as to minimize glare to the residence on the property.
4. Application shall be subject to an annual review by County Code Enforcement to insure compliance with the conditions of approval and this land use permit. Annual review shall be subject to a fee as set forth in the County Fee Schedule.
5. Hours of Operation shall be limited to daylight hours, except for training certification for law enforcement personnel. Discharge of firearms shall be allowed between 8:00 am and ½ hour before sunset during weekdays and 9:00 am and ½ before sunset on Saturday and Sunday. The Gun Club may host 6 nighttime events per calendar year; those events may not be held on consecutive weekends. Of the six nighttime events, only 4 may be for tactical training.
6. The shooting range shall be operated in compliance with NRA Range Safety Standards. The Gun Club will submit documentation to verify the range complies with NRA standards, within 6 months of permit approval.
7. Gun Club shall implement the black flag safety procedure (cease fire) when a farmer is working in a field down range from shooting.
8. The Gun Club (EERGC) Executive Board shall host an annual meeting with adjacent landowners (as shown on the vicinity map) to review concerns. Notes from the meeting shall be submitted to the County Planning Department. Gun Club shall mail notice of the meeting to all abutting landowners (as identified by County Planning Office) 21-days prior to the meeting. The purpose of the meeting is to establish communication protocol and to collaborate on concerns about the range operation.
9. New structures in support of the firearms training facility may be permitted with a Zoning Permit. Such structures shall comply with limitations set forth in OAR 660-033-0120 and OAR 660-033-0130 (no enclosed structure with a design capacity greater than 100 people).
10. Implement noise abatement measures as necessary and in order to comply with National Rifle Association noise recommendations.
11. Membership shall be limited to 1,000.
12. No alcohol is allowed on the range. No permanent on-site commercial food service is allowed. No on-site restaurant is allowed. Catering for special events is allowed.

UMATILLA COUNTY PLANNING COMMISSION

Dated 3<sup>rd</sup> day of February, 2014



Randy Randall, Chair, Umatilla County Planning Commission