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UMATILLA COUNTY
RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)	
Comprehensive Plan and)	ORDINANCE NO. 2012-07
Development Code to Approve)	
and Incorporate I82/US 730)	
Interchange Area Management)	
Plan)	

WHEREAS the Board of Commissioners has adopted a Comprehensive Plan for Umatilla County, and has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS pursuant to Chapter 660, Division 12, of the Oregon Administrative Rules, and specifically OAR 660-12-0045, Umatilla County, as part of its Comprehensive Plan, adopted by Ordinance No. 2002-03, a Transportation System Plan for Umatilla County ("TSP"); and

WHEREAS the TSP is to guide the management of existing transportation facilities and the design and the implementation of future facilities for the next 20 years; and

WHEREAS pursuant to OAR 734-051-0155, an interchange area management plan is to be developed with the redesign of an interchange to govern planning and future development within the management area, and be consistent with local plans and codes; and

WHEREAS the I82/US 730 Interchange Area Management Plan is proposed to protect the long-term function of the interchange by preserving the capacity of the interchange while providing safe and efficient operation between connecting highways and to address the existing operation that is undesirable; and

WHEREAS the area covered by the I82/US 730 Interchange Area Management Plan is within the city limits and the urban growth boundary of the City of Umatilla; and

WHEREAS the City of Umatilla has adopted the I82/US 730 Interchange Area Management Plan for lands within the city limits; and

WHEREAS the county is proposing to amend its TSP to add the

I82/US 730 Interchange Area Management Plan, and to amend its Comprehensive Plan and Development Code to include regulatory language that ensures that future permitted development within the county jurisdiction of the area is compatible with the improvements planned for the interchange; and

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on January 26, 2012, and forwarded the proposed amendments to the Board of Commissioners with a recommendation for adoption; and

WHEREAS the Board of Commissions held a public hearing on March 13, 2012, to consider the proposed amendments, and voted to approve the I82/US 730 Interchange Area Management Plan and to approve the amendments to the Comprehensive Plan and Land Development Ordinance.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the following:

1. The I82/US 730 Interchange Area Management Plan is accepted and adopted, and the Umatilla County Transportation System Plan and the Umatilla County Comprehensive Plan are amended to include the I82/US 730 Interchange Area Transportation Plan as Appendix F to the Umatilla County Transportation System Plan. A copy of the I82/US 730 Interchange Area Transportation Plan is attached to this ordinance and incorporated by this reference.

2. The Umatilla County Comprehensive Plan, Chapter 12, Transportation, is amended to add the following:

Finding 29 Interchange Area Management Plans will be developed for major intersections in the county. An IAMP protects the long-term function of an intersection by preserving capacity of the interchange while providing safe and efficient operations between connecting roadways. An IAMP includes land use management strategies, short-term and long-term transportation improvements, access management goals, and strategies to fund identified improvements.

Policy 29 Umatilla County will coordinate with the Oregon Department of Transportation and cities to develop and implement Interchange

Area Management Plans.

Finding 30 An Interchange Area Management Study and Plan was completed for the Interstate 82/US Highway 730 interchange.

Policy 30 The primary transportation function of the I-82/US 730 interchange is to facilitate statewide, inter-urban, and inter-regional travel between I-82, US Highway 730 and US Highway 395. In addition to this primary function, the I-82/US 730 interchange provides east-west inter-regional connectivity across I-82 for the City of Umatilla and surrounding land uses. Beyond these primary functions, the interchange provides an inter-regional connection that supports local, regional and state business interests.

3. Adoption of the following to amend the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances (Strikethrough text is deleted; Underlined/Italicized text is added):

§152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS.

(A) The proposed use shall not impose an undue burden on the public transportation system. Any increase meeting the definition of significant change in trip generation constitutes an undue burden.

(B) For developments likely to generate a significant increase in trip generation, applicant shall be required to provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding system. The scope of the impact study shall be coordinated with the providers of the transportation facility. Proposals that meet the requirements in §152.019(B) are subject to §152.019(C). Traffic Impact Analysis Requirements.

(C) The applicant or developer may be required

to mitigate impacts attributable to the project. Types of mitigation may include such improvements as paving, curbing, bridge improvements, drainage, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways or paths. The determination of impact or effect should be coordinated with the providers of affected transportation facilities.

(D) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways may be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

§ 152.018 ACCESS MANAGEMENT AND STREET CONNECTIVITY.

(A) The intent of this code is to manage access .

(B) This section shall apply to all arterials and collectors within the County and to all properties that abut these roadways.

(C) This section is adopted to implement the access management policies of the County as set forth in the Transportation System Plan.

(D) Proposed access within the I-82/US 730 Interchange Management Area Plan (IAMP) Management Area, shall be consistent with Section 7, Access Management Plan, of the IAMP.

(E) Corner Clearance

(F) (F) Joint Use Driveways and Cross Access

(G) (G) Access Connection and Driveway Design

(H) (H) Nonconforming Access Features

(I) (I) Requirements for Phased Development Plans

§152.019 TRAFFIC IMPACT ANALYSIS

(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 the one or more of the

following actions apply:

(1) A change in plan amendment designation; or

(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 streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 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) For development within the I-82/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.

(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.

(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.

(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.

§ 152.665 REVIEW AND APPROVAL PROCEDURE.

Review and approval of a Type I Land Division shall be as follows:

(A) An applicant seeking approval of a Type I Land Division shall first request the Planning Director to arrange a pre-filing conference. The request shall include five copies of a preliminary sketch of the proposal. The sketch shall have sufficient information to show the general location of the tract, general layout of lots and roads, general topography, existing land conditions and natural features, general information concerning existing conditions on surrounding properties, and other information that may be helpful to explain the applicant's

desire to develop the property.

(B) Within five business days from receipt of a request for a pre-filing conference, the Planning Director shall schedule a time and place for the pre-filing conference to better afford an opportunity for the applicant to incorporate suggestions and requirements for complying with this chapter, the Comprehensive Plan, zoning and development requirements, and such technical and design assistance in better land use practices, and techniques that will aid the applicant in preparing a tentative plan;. For applications within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility, the Planning Director shall invite ODOT to participate in a pre-filing conference.

(C) Following the pre-filing conference, the applicant shall file with the Planning Director a completed application form and tentative plan, including 20 copies of the drawings required under § 152.666. The tentative plan shall be accompanied by the required fee. If the applicant does not file a tentative plan within six months after the pre-filing conference, the applicant shall request a new pre-filing conference per the requirements listed in divisions (A) and (B) of this section.

(D) Upon receipt of a completed application, the Planning Director shall schedule, not later than 45 days from receipt of the completed application, a public hearing before the Planning Commission. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility, the Planning Director shall provide written notification to ODOT when the application is deemed complete.

(E) The Planning Director shall furnish a copy of the tentative plan to all affected city, county, state and federal agencies and special districts with a request for their review and comments;

(F) Failure of an agency or district to provide

written comments to the Planning Director concerning the tentative plan within 10 business days after furnishing thereof may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period, or the county and the agency or district has a signed management agreement that allows for more time.

§152.666 CONTENTS OF TENTATIVE PLAN.

(A) A tentative plan shall consist of maps, written information site review analysis and other supplementary materials adequate to provide the information required in this section.

(B) All applicable information requested in this section shall be provided and addressed, or the application for a tentative plan will not be accepted or processed

(6) *Criteria for approval.* In granting approval of a tentative plan, the Planning Commission shall find that the tentative plan:

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

(b) Complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged.

(c) Complies with provisions of §152.019, Traffic Impact Analysis, as applicable.

~~(c)~~(d) Complies with applicable provisions listed in the zoning regulations of this chapter;

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

(e) (f) The tentative plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets and public facility through the tentative plan;

(f)(g) Complies with other specific requirements listed in §152.667 for approval of certain types of subdivisions.

§152.682 CONTENTS OF TENTATIVE PLANS.

(A) General. A tentative plan for a Type II Land Division shall consist not only of a map, but also of written information and supplementary material adequate to provide the following required information in divisions (B) and (C) which follow. All applicable information below shall be provided and/or addressed, or the application for a Type II Land Division will not be accepted or processed.

(B) Written and supplementary information.

(4) Description of the water supply, condition of existing adjacent roads or easements and proposed roads or easements, methods of sewage disposal and storm water disposal, and the availability of other utilities. A Traffic Impact Analysis (TIA) may be required pursuant to §152.019.

§ 152.683 REVIEW AND PROCESSING OF TENTATIVE PLAN.

The tentative plan of a Type II Land Division will be reviewed and processed under the provisions of § 152.769 of this chapter, which for convenience, are restated as follows:

(A) Within 20 business days of filing a completed application, the Planning Department shall determine whether the application and accompanying material conforms with the applicable requirements of this chapter and render a tentative decision. When the application is within an Interchange Management Area Plan

(IAMP) Management Area or within a 1/4 mile of any ODOT facility, the Planning Department shall provide written notification to ODOT when the application is deemed complete.

§152.684 STANDARDS FOR APPROVAL.

In granting approval of a Type II Land Division, the Planning Director shall find that the Type II Tentative Plan and required supplementary material:

(A) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and the transportation elements of the Comprehensive Plan. A Traffic Impact Analysis (TIA) may be required pursuant to §152.019.

(B) If approved, will permit development on the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

(C) Complies with the zoning requirements or a proposed change thereto associated with the partition map proposal;

(D) Complies with provisions of § 152.019, Traffic Impact Analysis, as applicable.

(D) (E) Roads

(E) (F) Dedicated road or public recorded easement

(F) (G) Each parcel

(G) (H) Shall provide easements

(H) (I) Considers energy conservation measures

(I) (J) All required improvements

(J) (K) Adequately addresses any known development limitations

~~(K)~~ (L) Addresses the comments of the appropriate water agency

§152.751 COMPLIANCE WITH COMPREHENSIVE PLAN.

An amendment to the text of this chapter or to a zoning map shall comply with the provisions of the County Comprehensive Plan Text and Comprehensive Land Use Map. Proposed amendments shall also comply with the applicable provisions of the Oregon Transportation Planning Rule, Oregon Administrative Rule (OAR) 660, Division 12 and the Umatilla County Transportation Plan, and are subject to the requirements of §152.019, Traffic Impact Analysis. Any deviation from this section shall be preceded by an amendment to the Comprehensive Plan Text or to the Comprehensive Land Use Map. However, if the existing use of the property is allowed outright in the requested zone, compliance with the Comprehensive Plan is not necessary.

§152.769 ADMINISTRATIVE REVIEW.

(A) The administrative review procedure is designed to provide a less time-consuming alternative to the public hearing process for land use requests which require discretion in the decision-making process (i.e. quasi-judicial decisions).

(B) The administrative review procedure is as follows:

(1) Within 20 business days of filing a completed application, the Planning Department shall determine whether the application and accompanying material conforms with the applicable requirements of this chapter and render a tentative decision. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼mile of an ODOT facility, the Planning Department shall provide written notification to ODOT when the application is deemed complete.

(2) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and shall be made available to the public prior to issuance of the tentative decision.

(3) A tentative decision by the Planning Department to approve, modify or deny a land use request shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the applicable criteria for approval listed elsewhere in this chapter.

§152.770 PUBLIC NOTICES.

(A) As set forth in ORS 197.763, notice of the hearings


(B) In the event that there are less than five different property owners within the distances set forth under division (A) of this section, other nearby properties shall be included in the notice area until at least five different property owners are identified.

(C) The County will also send the notice to, and request comments from, all local, state, and federal agencies which staff can determine might or would be affected by the request, including, but not limited to, irrigation districts, rural fire districts or fire service providers, nearby municipalities, utility companies with known easements or facilities on the property, the County Road Department, the Watermaster, and the County Assessor. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼mile of an ODOT facility, the County shall provide written notification to ODOT when the application is deemed complete.

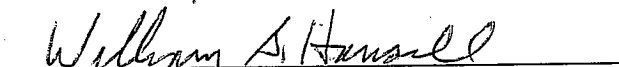
FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

DATED this 13th day of March, 2012.

UMATILLA COUNTY BOARD OF COMMISSIONERS


W. Lawrence Givens, Chair


Dennis D. Doherty, Commissioner


William S. Hansell, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS


Records Officer

