

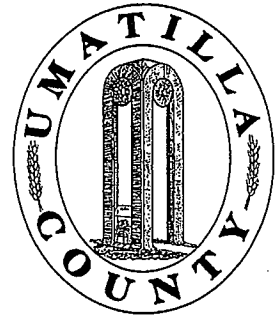
**PORT-HAGERMAN  
TYPE III LAND DIVISION (REPLAT), #LD-5N-814-13  
ASSESSOR'S MAP #5N 28 14, TAX LOTS #800, 1800, 1900 & 2000  
AUGUST 22, 2013, PLANNING COMMISSION HEARING  
PACKET CONTENT LIST**

1. Memo, page 1
2. Vicinity Map, page 2
3. Preliminary Survey Map, page 3
4. Staff Report & Preliminary Findings, pages 4 - 7

# Umatilla County

Department of Land Use Planning

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August 15, 2013

DIRECTOR  
TAMRA MABBOTT

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

MEMO

To: Umatilla County Planning Commissioners

From: Carol Johnson, Senior Planner

Re: August 22, 2013, Planning Commission Hearing,  
Port of Umatilla, Applicant

Type III (Replat) Land Division, #LD-5N-814-13  
Tax Lots 800, 1800, 1900 & 2000, Map 5N 28 14

cc: Doug Olsen, County Counsel  
Tamra Mabbott, Planning Director

**Request:**

The Port of Umatilla and property owner, A T Chace, LLC, request a Replat of Tax Lot 800 and Lots 2, 3 & 4 of the Port of Umatilla Subdivision. Approval of the Port-Hagerman Replat results in the consolidation of three subdivision lots and Tax Lot 800 into a single Lot.

**Location:**

The properties are located on the east side of Bud Draper Drive, north of State Highway 730. The properties are part of the Port Industrial Park and are located within the Urban Growth Boundary of the City of Umatilla.

**Standards:**

The Standards of Approval are found in the Umatilla County Development Code Section 152.697(C), Type III Land Divisions. Standards for reviewing a Replat are generally consist of complying with development standards and survey plat requirements.

**Conditions:**

The proposed Conditions of Approval address survey and recording requirements with final approval accomplished by recording the final survey plat.

**Decision:**

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

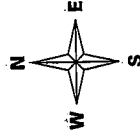
1

PROPERTY OWNERS WITHIN 100'  
NOTICE AREA OF SUBJECT PARCELS

MAP 5N2811  
1400 J-M MANUFACTURING CO INC

MAP 5N2814  
200 UMATILLA PORT OF  
600 UMATILLA CITY OF  
700 UMATILLA CITY OF  
800 A T CHASE, LLC  
900 THE FILLMORE FAMILY LIMITED PARTNERSHIP  
1100 OLAM WEST COAST INC  
1200 OLAM WEST COAST INC  
1700 UMATILLA PORT OF  
1800 UMATILLA PORT OF  
1900 A T CHASE, LLC  
2000 A T CHASE, LLC  
2100 UMATILLA PORT OF  
2500 VADATA INC  
C/O AMAZON.COM INC REAL ESTATE MNGR

MAP 5N2814B  
700 IRISH PARTNERS LLC  
800 UMATILLA PORT OF

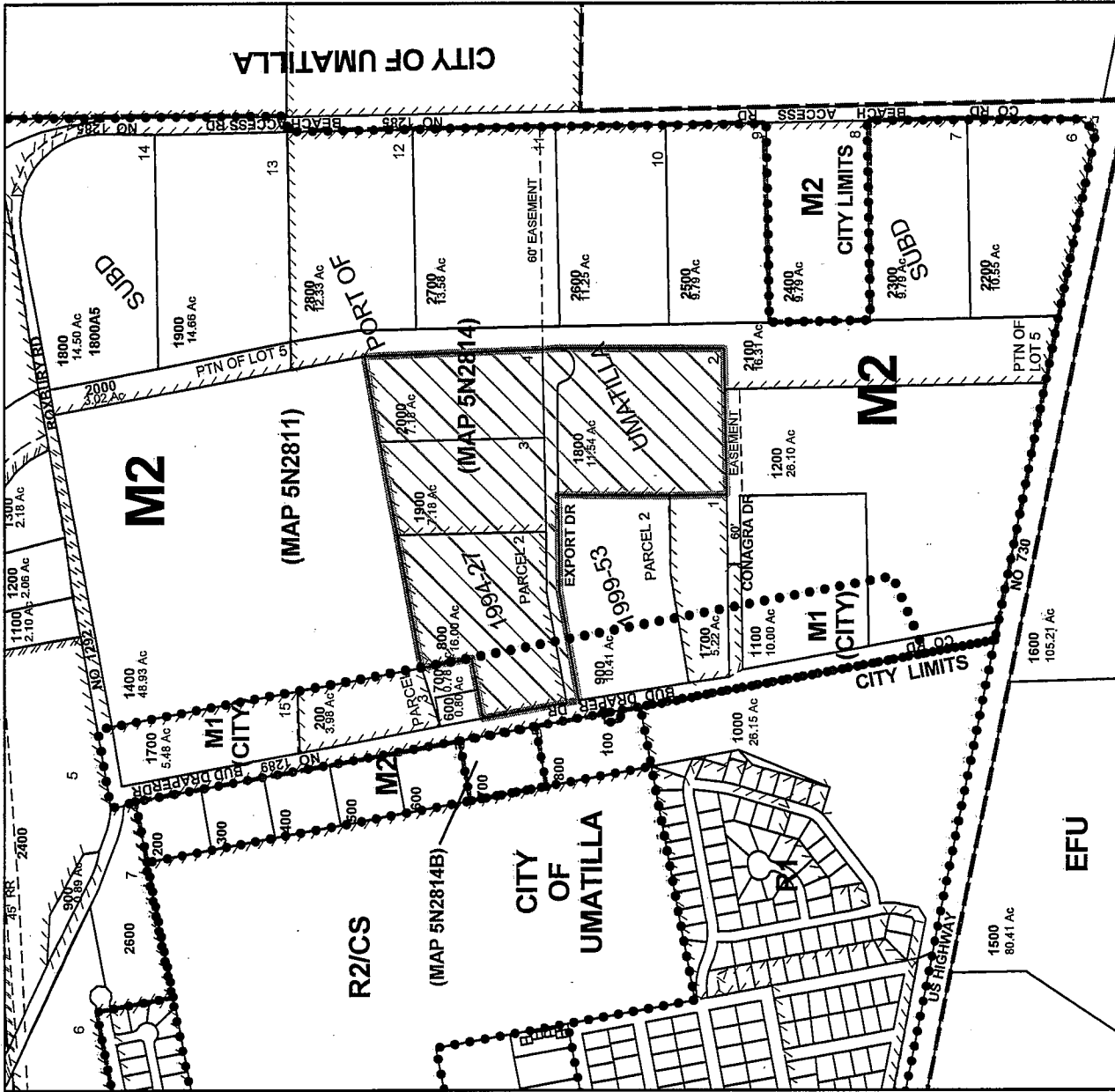


0 200 400 600  
Feet

DATE: 8/5/13

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Created by J. Alford, Umatilla County Planning Dept.

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REPLAT REQUEST #LD-5N-814-13  
PORT OF UMATILLA, APPLICANT  
MAP 5N2814, TAX LOTS 800, 1800, 1900 & 2000

SUBJECT AREA

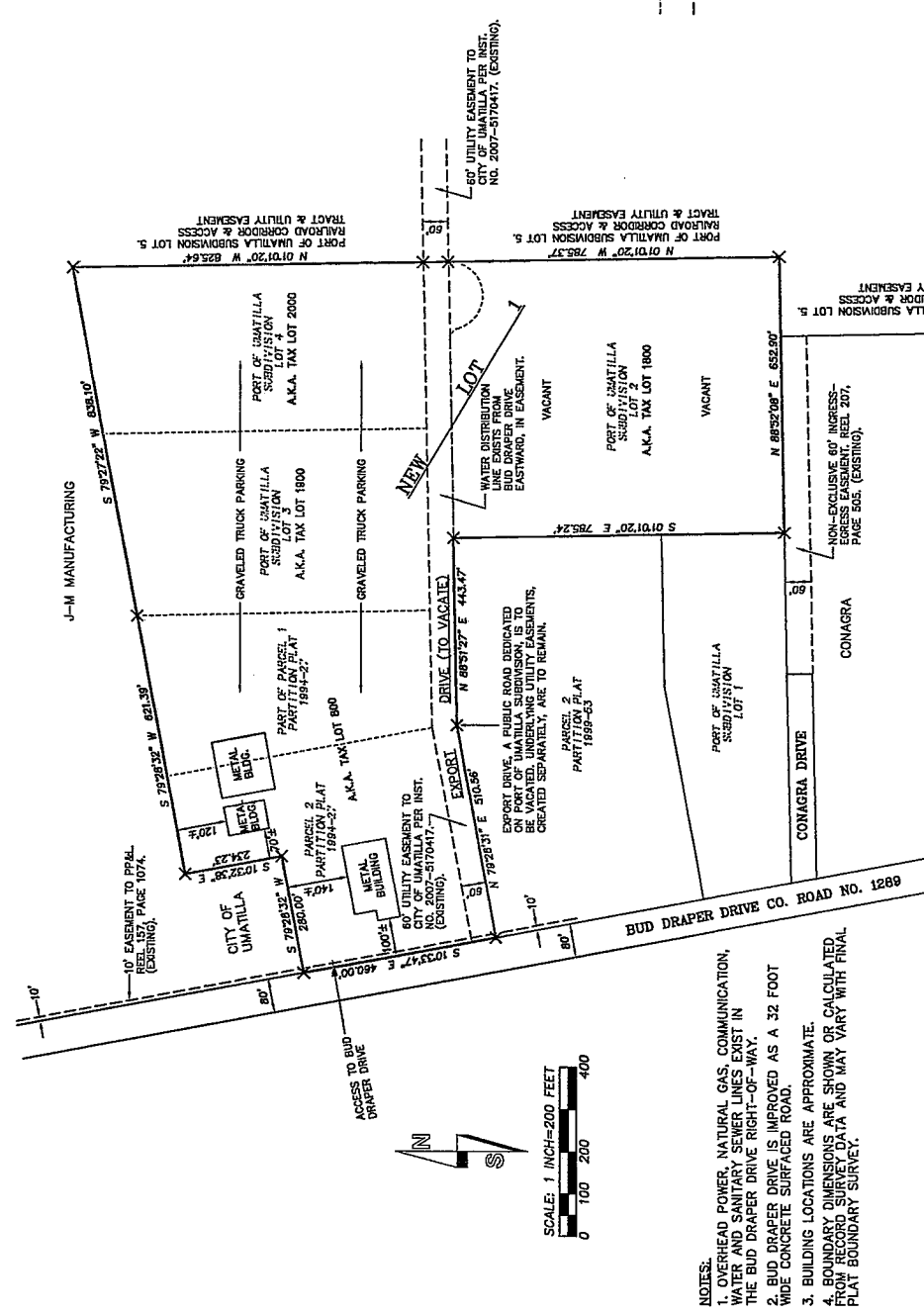
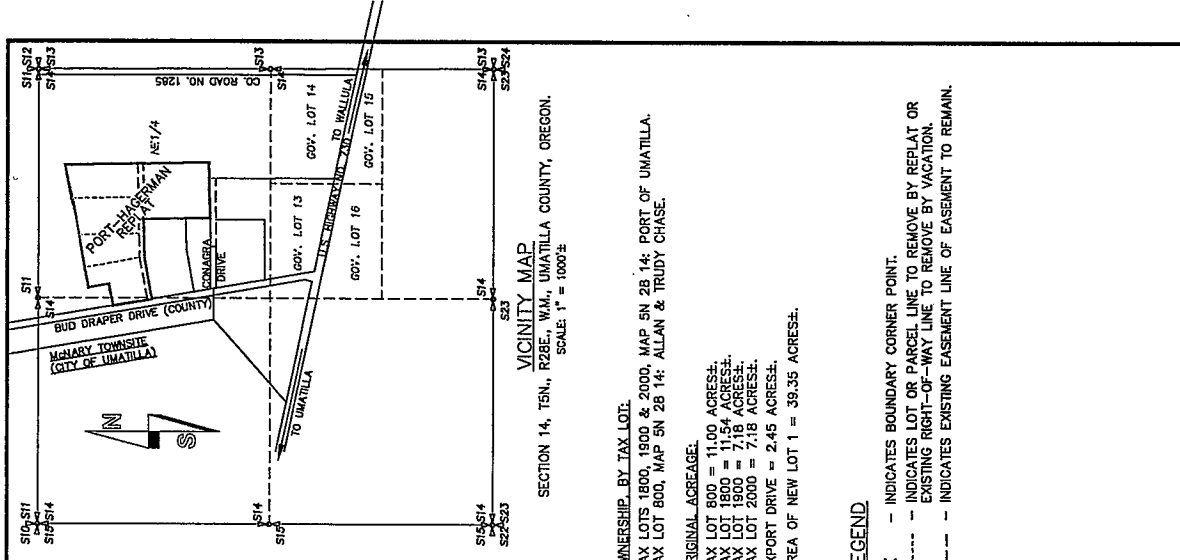


2

# PORT-HAGERMAN REPLAT TENTATIVE PLAT

AUGUST, 2013

A REPLAT OF A PORTION OF PARCELS 1 & 2, UMATILLA COUNTY PARTITION PLAT NO. 1994-27, & PARCELS 1 & 2, UMATILLA COUNTY PARTITION PLAT NO. 1994-27, & PARCELS 1 & 2, UMATILLA COUNTY PARTITION PLAT NO. 1994-27, & PARCELS 1 & 2, UMATILLA COUNTY PARTITION PLAT NO. 1994-27, SITUATED IN THE NW 1/2 OF SECTION 14, T5N., R28E., W.M., UMATILLA COUNTY, OREGON.



- NOTES:
1. OVERHEAD POWER, NATURAL GAS, COMMUNICATION, WATER AND SANITARY SEWER LINES EXIST IN THE BUD DRAPER DRIVE RIGHT-OF-WAY.
  2. BUD DRAPER DRIVE IS IMPROVED AS A 32 FOOT WIDE CONCRETE SURFACED ROAD.
  3. BUILDING LOCATIONS ARE APPROXIMATE.
  4. BOUNDARY DIMENSIONS ARE SHOWN OR CALCULATED FROM RECORD SURVEY DATA AND MAY VARY WITH FINAL PLAT BOUNDARY SURVEY.

**PROJECT:** PORT HAGERMAN TRACT

**WELLS SURVEYING**  
1 SW NYE AVENUE, SUITE B  
P.O. BOX 1898  
PENDLETON, OR 97801  
PHONE: (541) 276-6382

**FOR TENTATIVE**

REGISTERED PROFESSIONAL LAND SURVEYOR

DATE: 08/13  
DR. BY: WRW  
CK. BY: WRW  
NO: 13-1448

REVISION 9/20/13

**LEGEND**

- X - INDICATES BOUNDARY CORNER POINT.
- - - - - INDICATES LOT OR PARCEL LINE TO REMOVE BY REPLAT OR EXISTING RIGHT-OF-WAY LINE TO REMOVE BY VACATION.
- - - - - INDICATES EXISTING EASEMENT LINE OF EASEMENT TO REMAIN.

**OWNERSHIP BY TAX LOT:**  
TAX LOT 1800, 1900 & 2000, MAP SN 28 14; PORT OF UMATILLA.  
TAX LOT 800, MAP SN 28 14; ALLAN & TRUDY CHASE.

**ORIGINAL ACREAGE:**  
TAX LOT 800 = 11.00 ACRES.  
TAX LOT 1800 = 11.54 ACRES.  
TAX LOT 1900 = 7.18 ACRES.  
TAX LOT 2000 = 2.45 ACRES.  
EXPORT DRIVE = 2.45 ACRES.  
AREA OF NEW LOT 1 = 39.35 ACRES.

**VICINITY MAP**  
SECTION 14, T5N., R28E., W.M., UMATILLA COUNTY, OREGON.  
SCALE: 1" = 1000'

**ACCESS TO BUD DRAPER DRIVE**  
10' EASEMENT TO PPRAL (EXISTING), PAGE 1074.

**EXPORI DRIVE (TO VACATE)**  
N 89°51'27" E 443.47'

**CONAGRA DRIVE**  
N 89°52'08" E 652.90'

**GRAVELED TRUCK PARKING**  
PORT OF UMATILLA SUBDIVISION LOT 3  
A.K.A. TAX LOT 1900

**GRAVELED TRUCK PARKING**  
PORT OF UMATILLA SUBDIVISION LOT 2  
A.K.A. TAX LOT 1800

**PORT OF UMATILLA SUBDIVISION LOT 1**  
PORT OF UMATILLA SUBDIVISION LOT 2  
PORT OF UMATILLA SUBDIVISION LOT 3  
A.K.A. TAX LOT 2000

**EXPORI DRIVE**  
N 79°28'31" E 210.56'

**CONAGRA DRIVE**  
N 89°52'08" E 652.90'

**EXPORI DRIVE**  
N 79°28'31" E 210.56'

**CONAGRA DRIVE**  
N 89°52'08" E 652.90'

3

**UMATILLA COUNTY PLANNING DEPARTMENT  
PRELIMINARY FINDINGS AND CONCLUSIONS  
PORT-HAGERMAN REPLAT, # LD-5N-814-13  
ASSESSORS MAP # 5N 28 14, TAX LOTS # 800, 1800, 1900 and 2000  
A Replat of Parcel 2 of Partition Plat No. 1994-27; and  
Lots 2, 3 and 4 of the Port of Umatilla Subdivision Plat, Book 15, Page 31**

1. **APPLICANT:** Port of Umatilla, P. O. Box 879, Umatilla, Oregon 97882
2. **AGENT:** J R Cook, 3750 S.W. Marshall Place, Pendleton, Oregon 97801
3. **OWNERSHIP:** Port of Umatilla  
Tax Lot 1800, Map 5N 28 14;  
A T Chase, LLC (Allan and Trudy Chase)  
Tax Lot 800, 1900 & 2000, Map 5N 28 14
4. **PROPERTY LOCATION:** The subject properties are located in the Port of Umatilla Industrial Park to the east of Bud Draper Drive and within the Urban Growth Boundary of the City of Umatilla.
5. **REQUEST:** The request is for the approval of a Replat of Parcel 2 of Partition Plat # 1994-27 (Tax Lot 800), and Lots 2, 3 and 4 of the 2006 Port of Umatilla Subdivision Plat, Book 15, Page 31 (Tax Lots 1800, 1900 and 2000). The applicant's proposed Replat Plan consolidates 4 parcels, vacates a 60' dedicated public roadway, Export Drive, while maintaining a 60' utility easement recorded as Document No. 2007-5170417, April 3, 2007. The proposed name for the Subdivision Replat is "Port-Hagerman Replat."
6. **ORIGINAL ACREAGE:** Tax Lot # 800 = 11.00 acres, Tax Lot # 1800 = 11.54 acres,  
Tax Lot # 1900 = 7.18 acres, Tax Lot # 2000 = 7.18 acres,  
Export Drive = 2.45 acres
7. **RESULTING ACREAGE:** Lot 1 of the Port-Hagerman Replat = 39.35 acres
8. **COMPREHENSIVE PLAN:** City of Umatilla, Industrial
9. **PROPERTY ZONING:** The subject properties are zoned M2, County - Heavy Industrial Zone. Additionally, Tax Lot 800 includes M1, City - Light Industrial Zone. The M1 zone occurs in a 300-foot wide strip of zoning across the west side of Tax Lot 800, east of Bud Draper Drive.
10. **ACCESS:** The properties for Replat receive access by way of Bud Draper Drive.
11. **ROAD TYPE:** Bud Draper Drive, County Road No. 1289, is a hard surface (concrete) road improved to an industrial standard.
12. **PROPERTY EASEMENTS:** The dedicated public road to be vacated (Export Drive) overlays an existing 60' utility easement, recorded in 2007 as Document Number 2007-5170417. While the public road is planned to be vacated the utility easement would remain as

it includes an existing water main serving the easterly portion of the Port Industrial Park.

13. **CURRENT LAND USE:** Tax Lot 800: Truck maintenance, repair and salvage facility (Hagermans), Tax Lot 1800: Vacant, Tax Lot 1900: Truck/equipment storage yard, Tax Lot 2000: Vacant
14. **UTILITIES:** The area is served by Pacific Power and Light, Umatilla Electric Cooperative Association, Century Link Communications and Cascade Natural Gas
15. **WATER/SEWER:** Water and sewer is available, with limitations, via the City of Umatilla.
16. **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.

- (C) (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 City of Umatilla's state-acknowledged Comprehensive Plan allows the subject properties and other surrounding properties to be designated industrial. The Lot proposed exceeds the Umatilla County Development Code Industrial Zone minimum lot size standard.
- (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 applicant proposes to consolidate a parcel and three subdivision lots into one lot and vacate Export Drive. The current subdivision lot configuration requires a dedicated public access road (Export Drive) to ensure all subdivision lots have legal access to Bud Draper Drive. The reconfiguration into one large lot would eliminate the need for Export Drive because access to this single large lot would be provided via an existing access approach onto Tax Lot 800.

An Irrevocable Consent Agreement (ICA) is required to be signed and recorded for the future financial participation in the upgrading of Bud Draper Drive, County Road No. 1289. 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. By the Board of Commissioners and the property owners signing the ICA agreement fulfills the County Development Code standard for an improvement agreement for the Type III Land Division.

- (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 properties are not located within a Forest/Multiple use designated area. Therefore, the standards found in Section 152.667 for Forest/Multiple Use Areas are not applicable.

(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

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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 on the tentative replat plan would be followed.

**17. PROPERTY OWNERS/AGENCIES NOTIFIED:** August 5, 2013

**18. PLANNING COMMISSION HEARING DATE:** August 22, 2013

**19. AGENCIES NOTIFIED:** Department of Environmental Quality, Oregon Water Resources, County Public Works Director, County Assessor, City of Umatilla, Umatilla Rural Fire District, Pacific Power & Light, Cascade Natural Gas, Umatilla Electric Co-op., and Century Link

**20. COMMENTS RECEIVED:** None to date.

**DECISION: BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE UMATILLA COUNTY PLANNING COMMISSION COULD APPROVE THE PORT-HAGERMAN REPLAT, TYPE III LAND DIVISION REQUEST, #LD-5N-814-13, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

The following "precedent conditions" must be fulfilled prior to final approval of the Replat request.

1. Pay and possibly prepay property taxes to the Umatilla County Tax Department.
2. Submit a Subdivision Replat complying with State and County regulations. The survey shall show easements and include the Replat name, *Port-Hagerman Replat*.
3. Obtain Board of Commissioners approval to vacate Export Drive.
4. Revoke the Road Improvement Agreement, Document Number 2011-5750296, for future road improvements to Export Drive.
5. Sign and record an Irrevocable Consent Agreement for future financial participation in upgrading of Bud Draper Drive, County Road No. 1289.

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

6. Record the Subdivision Replat, prior to conveying and recording deeds.

UMATILLA COUNTY PLANNING COMMISSION

Dated \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Randy Randall, *Planning Commission Chair*

Mailed \_\_\_\_\_ day of \_\_\_\_\_, 2013

Attachments:

7



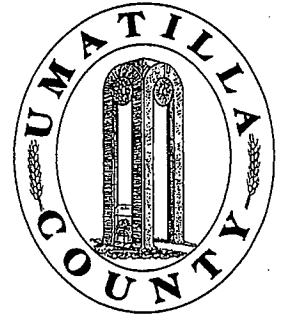
**NORRIS ZONING MAP AMENDMENT, #Z-298-13  
NORRIS TYPE II LAND DIVISION, #LD-5N-812-13  
ASSESSOR'S MAP #5N 27 13C, TAX LOT #3200  
AUGUST 22, 2013, PLANNING COMMISSION HEARING  
PACKET CONTENT LIST**

1. Memo, pages 1 & 2
2. Vicinity Map, page 3
3. City of Umatilla Comprehensive Plan Map, page 4
4. Applicant's Map, page 5
5. Staff Report & Preliminary Findings, pages 6 - 21

# Umatilla County

Department of Land Use Planning

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August 15, 2013

DIRECTOR  
TAMRA MABBOTT

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
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GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

## MEMO

**To:** Umatilla County Planning Commissioners  
**From:** Carol Johnson, Senior Planner  
**Re:** August 22, 2013, Planning Commission Hearing  
Trena Norris, Applicant/Property Owner  
Tax Lot 3200, Map 5N 27 13C  
**cc:** Doug Olsen, County Counsel  
Tamra Mabbott, Planning Director

**REQUEST:** The Norris application requests two land use actions:

1. Zone change from F-1, Farm Zone to R-1A, Residential Zone.
2. Type II Land Division.

**LOCATION:** The Norris property is located on the south side of State Highway 730, north of the West Extension Irrigation Main Canal. The property is approximately 1 ½ miles west of the city limits of Umatilla. The applicant's property and the surrounding properties are all within the City of Umatilla Urban Growth Boundary (UGB).

**CRITERIA AND DECISION-MAKING:** The standards applied are from the state planning goals, joint management agreement, city comprehensive plan and county zoning ordinance. As is the case in each Land Use Hearing, the Planning Commissioners either makes an appealable decision or makes a recommendation to the Board of County Commissioners. The Norris request requires both – a recommendation to the Board for approval or denial of the rezone and the decision on the Land Division request.



**CONCLUSION:** Staff has provided Findings and Conclusions that you may believe support, or do not support, the criteria. The conclusions the Planning Commission members believe and use for a recommendation on the rezone to the Board of Commissioners, and for a decision on the land division request, must be based on substantial, factual, evidence in the record.

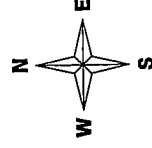
PROPERTY OWNERS WITHIN 100'  
NOTICE OF SUBJECT PARCEL

MAP 5N2713C

2800 BRADSHAW GERALD R & TERRID  
3100 MCBEE GERALD R & DANICE R  
3200 NORRIS TRENA

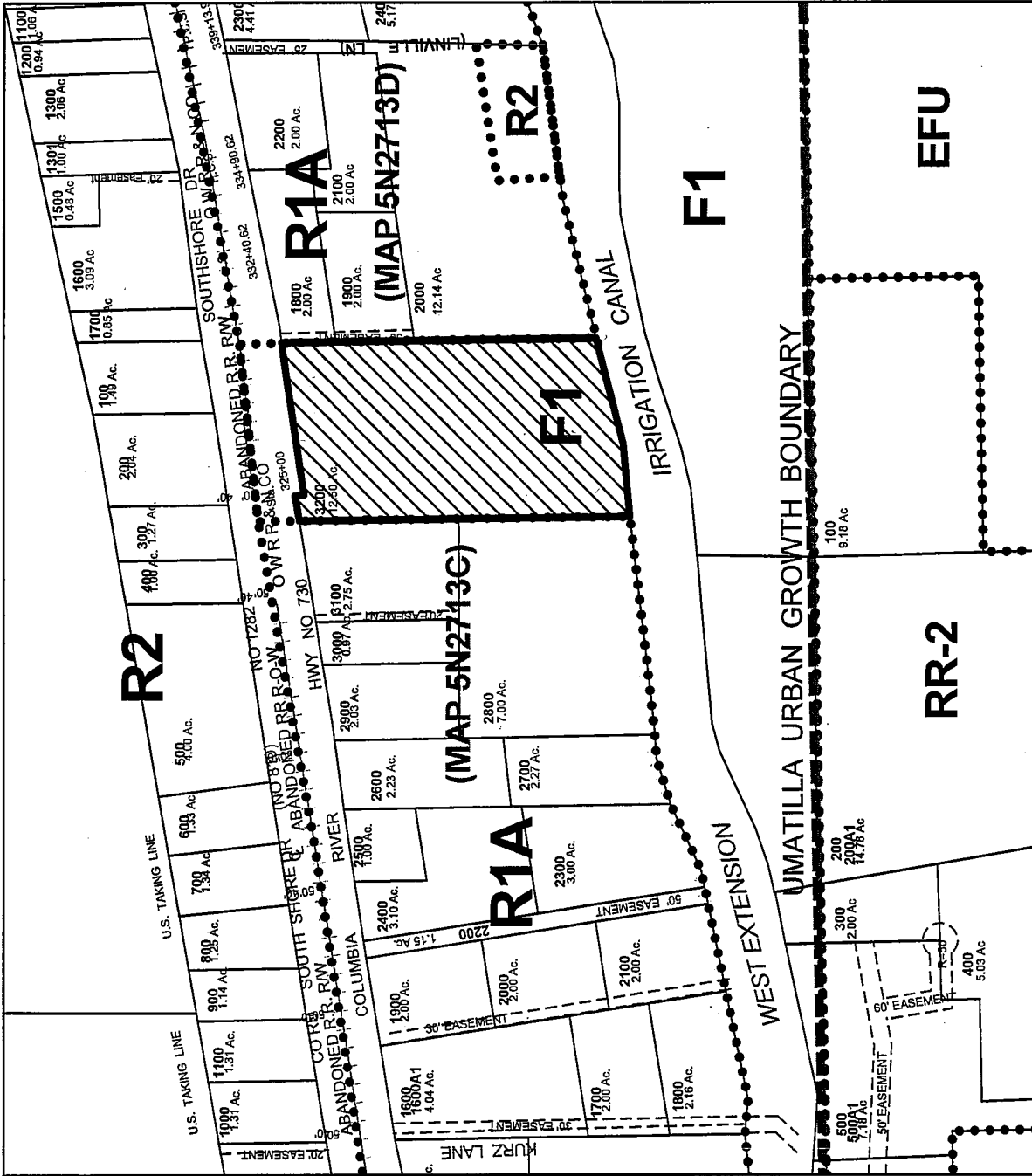
MAP 5N2713D

1800 SMITH PATSY A  
1900 CAUDILL TERRY L  
2000 RICKER MECHAELE  
CLINE WILLIAM & TAMARAH (AGT)



DATE: 7/16/13

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Created by J.Alford, Umatilla County Planning Department 7/16/13  
y:\workspace\planning\vicinity maps\M-P\Norris\_Z\_298\_13.gws



ZONE MAP AMENDMENT #Z-298-13 &  
LAND DIVISION APPLICATION #LD-5N-812-13  
TRENA NORRIS, APPLICANT/TOWNER  
MAP 5N2713C, TAX LOT 3200



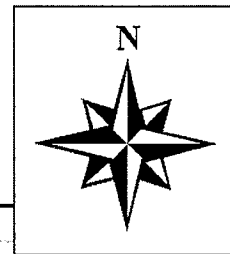
SUBJECT PARCEL

3



### Exhibit B, "Site Plan"

Please include the details listed under item (c)  
found in Section 4 (on preceding page)



- 1 Main House pump House
- 2 main House
- 3 Barn
- 4 mobile Home
- 5 mobile Home pump House
- 6 Barn
- 7 out buildings



**UMATILLA COUNTY BOARD OF COMMISSIONERS  
PRELIMINARY FINDINGS AND CONCLUSIONS  
NORRIS ZONING MAP AMENDMENT REQUEST, # Z-298-13, and  
TYPE II LAND DIVISION REQUEST, # LD-5N-812-13  
ASSESSOR'S MAP # 5N 27 13C, TAX LOT # 3200, ACCOUNT # 129177**

1. **APPLICANT:** Trena Norris, 28428 Hwy 730, Umatilla, Oregon 97882
2. **PROPERTY OWNER:** Same as above.
3. **PROPERTY LOCATION:** The Norris property is located on the south side of State Highway 730, north of the West Extension Irrigation Main Canal, approximately 1 ½ miles west of the city limits. The applicant's property and the surrounding properties are all located within the City of Umatilla Urban Growth Boundary (UGB).
4. **REQUEST/PROCESS:** The Norris land use request consists of the following two parts:
  1. A zone change from the 1972 F-1, Exclusive Farm Use Zone (19-acre minimum parcel size), to the 1972 R-1A, Two acre Residential Zone.
  2. A Type II Land Division to create a two acre parcel around one of the two existing dwellings located on the property.

Zoning applied to the City of Umatilla's UGB lands are from the 1972 Umatilla County Zoning Ordinance. Rezoning of land within Umatilla's UGB is subject to the Joint Management Agreement (JMA) between the City of Umatilla and Umatilla County. The JMA provides the procedures for processing amendments to comprehensive plans, zoning maps and land use regulations. In addition to the JMA, the Norris zone change is also subject to policies in the City of Umatilla's Comprehensive Plan and the applicable Oregon Statewide Planning Goals.

Per the JMA, amendments to zoning maps are processed by application to the County with notification to the City. The County Planning Commission provides a recommendation to the Board of County Commissioners based on the facts provided in the record and the testimony provided at the public hearing. The Board of County Commissioners also conducts a hearing and makes the final decision on whether the zone change request complies with applicable standards. If someone testifying does not agree with the Board's Final decision, the decision may be appealed to the State Land Use Board of Appeals (LUBA).

The change in zoning would allow the applicant to partition two acres around one of two existing dwellings on the property and sell the dwelling with two acres. The applicant resides in the second home on what would become a remaining parcel of 10.5 acre. Therefore the applicant is requesting approval of a Type II Land Division to partition two parcels. The land use decision on the Norris Type II Land Division is made by the Planning Commission.

5. **PARCEL SIZE:** Tax Lot 3200 = 12.5 acres
6. **PROPOSED PARCELS:** Parcel 1 = 2.0 acres; Parcel 2 = 10.5 acres
7. **COMPREHENSIVE PLAN:** City of Umatilla Comprehensive Plan Designation is Residential; no change to the comprehensive plan designation is proposed or necessary for approval of the proposed Norris rezone.
8. **CURRENT ZONING:** Umatilla County 1972 Zoning Ordinance, F-1 (Exclusive Farm Use - 19 acre minimum parcel size). *Note:* Currently the F-1 farm zone is in conflict with the City Comprehensive Plan Designation of Residential.
9. **PROPOSED ZONING:** Umatilla County 1972 Zoning Ordinance, R-1A Two Acre Residential Zone. Application of a residential zone to the applicant's property would resolve the conflict between the Comprehensive Plan Residential Designation and the current farm zoning of the property.
10. **ACCESS:** The property has two access reservations from State Highway 730. Each dwelling is currently served by an access driveway.
11. **ROAD TYPE:** State Highway 730 is classified as a *Regional Highway* and according to the *Oregon Highway Plan* functions to "provide connections and links to regions within the state, and between small urbanized areas and larger population centers through connections and links to Freeways, Expressways, or Statewide Highways.
12. **EASEMENTS:** An easement was granted to Cascade Natural Gas for a pipeline installed three feet south of the State Highway 730 right of way, across the north side of the applicant's property (Book 272, Page 555, Deed Records). Additionally, a Blanket Easement (no defined location) was granted to Umatilla Electric Cooperative in 1938, Book 120, Page, 515, Deed Records.
13. **STRUCTURES & LAND USE:** The property is developed with two dwellings, two pump houses, two barns, and one outbuilding. The parcel is also used for pasture.
14. **ADJACENT LAND USE:** The applicant's property and all of the adjacent properties are located within the city of Umatilla Urban Growth Boundary (UGB). The subject property adjoins parcels currently zoned R-1A on the west and the east. State Highway 730 adjoins the property along the north property line and the West Extension Irrigation Main Canal adjoins the property to the south. Properties to the north across State Highway 730 are zoned R-2 Suburban Residential and properties to the south across the West Extension Irrigation Canal are zoned F-1, similar to the current zoning on the subject property. (The F-1 zoned property, south of West Extension Canal, is steep and undeveloped. Farther to the south is EFU zoned land where farming can occur on less



steep slopes.)

15. **LANDFORM:** Columbia Basin
16. **UTILITIES:** Umatilla Electric Cooperative is the area electrical provider and phone service is provided by Century Link.
17. **WATER/SEPTIC:** There are two wells and two on-site septic systems, one for each dwelling. Development is dependent on domestic wells and individual on-site septic systems since there are no extended urban water and sewer facilities servicing the area.

The subject property is located within the Ordinance Basalt Critical Groundwater Area, an area designated by Oregon Water Resources Department (OWRD) as having declining basalt aquifer groundwater levels. OWRD does not require a permit for a domestic well, an exempt water use. However, this could change in the future due to a continued decline in groundwater levels and may result in OWRD permitting or limiting wells in critical groundwater areas, including exempt wells.

The subject property area is also located within the Department of Environmental Quality (DEQ) designated Lower Umatilla Basin Groundwater Management Area (LUBGWMA) due to groundwater quality. Some wells within the management area are monitored and have tested higher than the Federal Drinking Water Standard for nitrates. The management of the LUBGWMA Action Plan continues to be managed by DEQ.

18. **IRRIGATION:** According to information from West Extension Irrigation District the Norris property has 10.7 acres of surface water rights.
19. **ZONING MAP AMENDMENT REVIEW PROCESS:** The following criteria apply from the Joint Management Agreement (County Ordinance #96-05 and City of Umatilla Resolution #09-96) between the County and City of Umatilla for lands within the Urban Growth Area (UGA). Applicable criteria are underlined, while responses are provided in standard text.

2.1.4.a. It is the intent of the City and County to jointly develop and adopt a single set of land use regulations and plan and zone map designations for properties within the UGA. It is the applicant's request to amend the Zoning Map. Lands within the City's UGB are zoned according to the County's 1972 Zoning Ordinance. Approval of the applicant's request to rezone the subject property from the 1972 County F-1, farm use zone, to the 1972 County R-1A, residential zone, would maintain consistency with the City's Comprehensive Plan Map designation of Residential and resolve the zoning conflict with the City's Plan Residential Designation. The rezone would likewise provide continuity with the adjoining lands zoned R-1A.

2.1.4.b. The County shall have lead responsibility for reviewing and adopting amendments to land use regulations and to the Plan or zoning map for the UGA. Amendments may be initiated by the City, the County, or an affected person, by application to the County. The County received an amendment application for rezoning land located within the UGA from applicant and property owner, Trena Norris.

2.1.4.c. The County shall notify the City of proposed amendments at least (20) days prior to the County Planning Commission's first hearing on the proposed amendment. Notification to the City of Umatilla of the proposed rezone request and Planning Commission public hearing date will be followed as prescribed above. In addition, a copy of the Amendment Findings will be sent to the City for review and comment.

2.1.4.d. The City may comment on the proposed amendment in writing or in person before the Planning Commission. The County shall consider the City's comments in making a final recommendation to the Board of Commissioners. Comments from the City of Umatilla on the proposed amendment will be taken into consideration.

2.1.4.e. The City may review and comment on the *Planning Commission's recommendation* to the Board of Commissioner's in writing or in person at the public hearing on the amendment. The County shall consider the City's comments in making a final decision. The City will be notified of the Planning Commission's recommendation and have an opportunity to comment before a Final decision is made by the Board of County Commissioners.

2.1.4.f. The County shall notify the City of the Board's final decision within five (5) working days. The City may appeal the Board's decision to LUBA following County Ordinance, state statutes or administrative rule. The City of Umatilla will be notified of the Final Decision by the County Board of Commissioners and have opportunity for an appeal, according to the requirements of state statutes and administrative rules.

2.1.4.g. Following adoption of amendments to the land use regulations or plan and zone maps, the City is encouraged to make similar amendments to its land use regulations for consistency and shall amend or depict map amendments on City maps of the UGA. Approval of the applicant's rezone amendment would not amend the residential designation of City of Umatilla Comprehensive Plan Map. The County maintained zoning maps would be amended by the County to change the zoning on lands located within the UGA. Approval of the applicant's rezone request would result in the residential zoning of the property in conformance with the City's Comprehensive Plan Designation.

## 20. STATEWIDE PLANNING GOALS:

1. Citizen Involvement (Goal 1): The applicant's zone change proposal is processed

through a public hearing and notice procedure. This process allows for citizen involvement and provides a forum for citizen testimony and input on the applicant's proposal.

2. Land Use Planning (Goal 2): City and County actions on land use requests must be consistent with acknowledged local comprehensive plans. The Norris proposal to zone land R-1A, Residential, is consistent with the City of Umatilla's Comprehensive Plan Residential designation. Approval of the rezone would resolve the conflict between the Comprehensive Plan Residential Designation and the current non-residential zoning of the property.
3. Agricultural Lands (Goal 3): Statewide Planning Goal 3 is not applicable to lands within the Urban Growth Boundary. The subject properties are designated for residential use by the City of Umatilla Comprehensive Plan.
4. Open Spaces Scenic and Historic Areas and Natural Resources Goal (Goal 5): The subject property is located within the Ordinance Basalt Groundwater Area. This Critical Groundwater designation applies to the basalt aquifer. Goal 5 directs that local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Among the specific resources to be protected are groundwater resources. The purpose and intent as defined in the Administrative Rules establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources.

Groundwater Resource: "Protect significant groundwater resources" means to adopt land use "programs" to help insure that reliable groundwater is available to areas planned for development and to provide a reasonable level of certainty of the carrying capacity of groundwater resources will not be exceeded. (OAR 660-023-0140(1) (c). Critical groundwater areas (CGWA's) are considered to be a significant Goal 5 resource. The OAR implies that local governments shall develop programs to protect the significant Goal 5 groundwater resource. Further the programs developed by local government are to be adopted as part of the Comprehensive Plan. Local plans require that such areas that are significant groundwater resources shall develop "programs" to protect the significant groundwater resource.

Goal 5 Implementation Process: Goal 5 requires the inventorying of Goal 5 resources. The regime as set forth in OAR 660-023, after the inventory process, includes provisions for the local government to follow the ESEE Decision Process. The steps and the standard ESEE process are as follows:

1. Identify Conflicting Uses;
2. Determine the Impact Areas;
3. Analyze the ESEE Consequences; and
4. Develop a Program to Achieve Goal 5.

It is important to note that "Goal 5 and the implementing rule are not satisfied by a case-by-case implementation approach, but require a jurisdiction-wide planning, program selection, and regulatory process." Ramsey v. City of Portland, 23OrLUBA 291, aff'd, 115 Or App 20, 23, (1992).

Programs to Achieve Goal 5: When a local government has decided to protect a Goal 5 resource such programs shall contain "clear and objective" standards. The program shall also require the necessary notice and landowner involvement prior to adoption of the program.

Ordinance Critical Groundwater Area: The Ordinance Critical Groundwater Area is by definition in the OAR a Goal 5 resource. As a result, the county is expected to adopt a program to help insure that reliable groundwater is available to areas planned for development and to provide a reasonable level of certainty that the carrying capacity of groundwater resources will not be exceeded.

The Ordinance Critical Groundwater Area is already subject to Umatilla Basin Rules. OAR 690-507-0750. The protection of the Goal 5 resource pertaining to groundwater is unique because, in effect, the Basin Rules referred to above have already set forth a "program." Although the program set forth in the Umatilla Basin Rules has not been formally adopted as part of the County Comprehensive Plan it has the same regulatory effect as a land use regulation.

County Program: Umatilla County presently has not adopted as specified in the Administrative Rule guidelines a land use program for the Ordinance Critical Groundwater Area. The County had begun implementation of one Goal 5 program by considering a "partial moratorium on rural residential development." That proposed program and ordinance was turned down by the Planning Commission. The Umatilla County Board of Commissioners appointed a task force to study the groundwater situation and develop a 2050 Plan for a sustainable water supply.

Oregon Water Resource Department (OWRD) Regulations: OWRD has adopted, by Administrative Regulation, OAR 690-507-0750, et seq, describing methods for determining and distributing the sustainable annual yield of the basalt groundwater reservoir by subarea for the Ordinance Groundwater Area. That regulation is in force and effect since May 15, 1991. One of the important restrictions is that OWRD will not accept new applications for appropriation of water from the basalt groundwater reservoir within the Ordinance Critical

Groundwater Area. However, certain uses, specifically exempt domestic wells, are expressly allowed. OWRD's August 21, 2006 letter, in response to the Kenny-Wood rezone application stated: "Domestic uses and irrigation of up to ½ acre of lawn or non-commercial garden are allowed by statute as exempt uses."

OWRD Exemption: The OWRD regulations in the Ordinance Critical Groundwater Area expressly exempts water users exempt under the provisions of ORS 537.545 pertaining to exempt or what is commonly referred to as domestic wells (OAR 690-507-0775). The construction of domestic wells for residential purposes, livestock watering and limited commercial purposes are expressly allowed within the Ordinance Critical Groundwater Area covering the Norris property.

County Exempt Well Resolution BCC 2007-17: The Water Task Force recommended the County approve a resolution relating to exempt domestic wells. As a result, the Board of Commissioners adopted Order No. BCC 2007-17, pursuant to the construction of exempt wells. The exempt well resolution includes the following recital:

"Whereas on January 6, 2005, the Umatilla County Critical Groundwater Task Force adopted a resolution and recommendation to deal with the immediate domestic water use issue and to provide security and clear and objective standards for Umatilla County citizens to develop domestic water supplies as allowed by law; . . ."

The resolution adopted by the Task Force and Board of Commissioners contains a thorough analysis and detailed background on the use and impact of exempt wells and concludes that the quantities of water used by exempt domestic wells is of such a small quantity that the county has elected to impose no regulation of such wells until a 2050 plan has been adopted. It is important to note that such 2050 plan may not necessarily limit or restrict exempt wells, however, exempt wells are, as with all other critical groundwater resources, being reviewed. The Task Force's resolution presently in effect emphasizes that domestic and other exempt uses of water consume relatively little of the alluvial and basalt aquifer waters in the critical areas as compared to nonexempt uses such as that used for municipal, industrial, and agricultural purposes. The Task Force's recommendation as adopted by the Board of Commissioner's Resolution states as follows:

"In so far as the county is required to adopt findings to approve land use permits, the county will rely on this document to defend the assumption that new exempt wells do not make a significant adverse impact on the

groundwater resources. The county will assume exempt wells are appropriate and permissible.”

Current County Policy: In the January 25, 2005 BCC Perkins Amendment and Final Findings, involving a plan and zone change and the BOC did not restrict, limit, or condition in any manner the installation of exempt domestic wells on the property subject to the zoning change. In the April 24, 2006 BCC Findings and Conclusions for Seven Hills Property, LLC adoption of minimum parcel sizes below Oregon’s statutory requirements found that “currently the State of Oregon does not regulate domestic wells on rural lands; wells are “exempt” from water permits and allowed outright. There will be a maximum of 20 new exempt wells on the tract, which is not likely to create an impact to neighboring properties.” Rural residential development in Umatilla County for both partitions and subdivisions has fallen under the BCC exempt well resolution and as a result such domestic wells have been allowed, until such time as the county or state law changes.

Preemption of State Law: The County recognizes that OWRD has the sole and exclusive right to regulate waters for public purposes within the State of Oregon. As a result, Umatilla County may not adopt an ordinance or regulation or impose a condition in conflict with the present state law. Present state law allows the construction of exempt/domestic wells. As mentioned above, while OWRD has adopted regulations in the Ordinance Critical Groundwater Area, those regulations do not regulate the construction of exempt domestic wells and expressly provide for an exemption for such wells. The county is aware that such regulations are subject to change by OWRD or by legislative process, but at present both state law and OWRD regulations clearly authorize exempt wells within the Ordinance Critical Groundwater Area.

Kennedy/Wood Zone Change Application: The Kennedy/Wood application complied with the Basin Rule which in effect is the “program” in place. As noted in the exempt well Resolution, and as noted by Commissioner Doherty, exempt wells in the CGWA’s have a “diminimus” impact to the overall resource, that is, ten additional wells would further be diminimus, upon approval of the Kennedy/Wood application.

Because there is no indication that the Norris application has not complied with Goal 5 provisions and because it is demonstrated that impacts, if any, are diminimus and because proposed water development is expressly allowed by law, the applications is in compliance with Goal 5. Further, because the Basin Rules adopted and implemented by the OWRD, are in effect, and exempt wells are expressly provided for in the rules, the County finds that there is a Goal 5 Program to protect the groundwater resource and the Norris Zone Change

application complies with the Goal 5 Program.

5. Air, Water and Land Resources Quality (Goal 6): The subject property and surrounding area is within the Oregon Department of Environmental Quality (DEQ) designated Lower Umatilla Basin Groundwater Management Area (LUBGWMA) due to high nitrate levels in groundwater. Some wells within this management area are monitored and have, in the past, tested higher than the Federal Drinking Water Standard for nitrates. However, this designation has not resulted in limitations on development or farming and continues to be managed through the LUBGWMA Action Plan. DEQ is the lead state agency overseeing implementation of the Action Plan and has jurisdiction in permitting on-site septic systems. Because DEQ oversees management of the LUBGWMA Action Plan, and limitations on development and farming are not implemented, the County finds the Norris zone change application complies with Goal 6.
6. Public Facilities and Services (Goal 11): Orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Umatilla's nearest water and sewer service is approximately 1.5 miles east of the subject property. Although this goal requires the orderly arrangement for public facilities, the County has been informed that there are no current plans to extend services to this area.

The proposal to change the zoning on the property would allow continued development of the property at a more rural density than what would normally be recommended should services be more readily available. Since the City has no plans to extend services to the area, and the proposed zoning density of two acres is a rural density, the same as the properties on either side of the Norris property, the County finds the Norris zone change application is compliant.

7. Transportation (Goal 12): Safe, convenient and economic transportation system. The City of Umatilla has an adopted Transportation System Plan (TSP), co-adopted by the County for application within the City's UGB.

Currently, the applicant has two Oregon Department of Transportation access reservations, one to each existing dwelling on the property. The property is developed with two dwellings and there is potential for four additional parcels and four additional single family dwellings. If fully developed, four additional single family dwellings would result in a total of 38.08 Average Daily Trips (week days), well under the 250 ADT required to activate a Traffic Impact Analysis.

The 2007 US 730 Corridor Refinement Plan identified circulation and access

management for near-term and long-term safety needs. The plan resulted in improvement strategies, implemented over time, through development and various capital improvement projects, which are anticipated to produce a safe and efficient Regional Highway status for Highway 730. Umatilla County adopted the US 730 Corridor Refinement Plan as part of the County Transportation Plan. The Plan has not been adopted by the City of Umatilla or co-adopted by the County for application within the City UGB. The County believes, by adding four dwellings at full density build-out under a zone change to R-1A residential would not cause significant impact to access and transportation facilities.

8. Urbanization (Goal 14): Orderly and efficient transition from rural to urban land use. The subject property is located within the UGB. The area is designated residential by the City Comprehensive Plan. A rezone from the 1972 F-1 farm zoning to R-1A residential zone complies with the City's Residential Comprehensive Plan designation and provides consistency in the zoning of the area.

**21. CITY OF UMATILLA COMPREHENSIVE PLAN POLICIES:**

The City's Comprehensive Plan sets forth the goals and policies that guide the City's land use actions which closely follow the Statewide Planning Goals reviewed above. The most significantly applicable policy that was adopted by the City and co-adopted by the County includes the following policy:

*Residential (R) - This Comprehensive Plan designation will only apply outside of the City limits, within the Urban Growth Boundary. It is intended to identify land that is suitable for future residential development at urban densities upon annexation to the City. It is hoped that the zoning designations applied by Umatilla County will maintain in single ownership parcels of land that are large enough to reasonably develop for future urban uses and densities upon annexation. The appropriate City residential designation will be established when a property is proposed for annexation, based upon factors such as community needs, location with relation to adjacent streets and classification of adjacent streets, and site suitability. At present this designation does not establish regulation of property use.*

Since the property is designated Residential, this section of the City's Comprehensive Plan applies to the subject property

The holding of lands in large parcels within the UGB for future urban development is a long held land use recommendation and guideline in order to better plan for the extension of urban services. In 2003 the Department of Land Conservation and Development recommended adoption of a 10-acre parcel size minimum for application within the City of Umatilla's UGB. However, a 10-acre residential parcel zone has not been adopted.



And in the case of the applicant's property, a 10-acre parcel zoning would not allow the two existing dwellings, currently developed on the 12.5 acres, to be divided onto separate parcels. Therefore, given that the subject property is situated between R-1A two acre residential zoning (east and west), the proposed rezoning of the applicant's property to R-1A seems to be the only course to accomplish the applicant's goal of creating separate parcels around existing dwellings located on the 12.5 acre property.

The rezoning of the applicant's property from farm to residential zoning would also result in resolving a "conflict" between the current farm zoning and the City's Residential Plan Designation. Application of the R-1A residential zone likewise would be consistent with the R-1A zoning applied to properties on both sides of the applicant's parcel.

22. **NOTIFIED AGENCIES:** Department of Land Conservation and Development, Oregon Department of Transportation, Oregon Department of Water Resources, Oregon Department of Environmental Quality, City of Umatilla, Umatilla Rural Fire District, Umatilla County Public Works, Umatilla County Assessor, West Extension Irrigation District, Umatilla Electric and Cascade Natural Gas
23. **COMMENTS RECEIVED:** None to date.
24. **THE UMATILLA COUNTY DEVELOPMENT CODE STANDARDS FOR LAND DIVISIONS. Type II approval criteria, found in UCDC Section 152.684 are reviewed below.** The following standards of approval are underlined followed by Findings in standard text.

**§ 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 comply with the following:

- 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. The City of Umatilla Comprehensive Plan and City TSP applies to lands within the UGB of the City of Umatilla. However, the City's TSP does not specifically address transportation and access development within the UGB. Currently, the applicant has two Oregon Department of Transportation access reservations, one to each existing dwelling on the property. The US 730 Corridor Refinement Plan also identified the access reservation to the applicant's home, located farthest south from Highway 730, as a field access. This access may provide access to the pasture area but also importantly provides driveway access to the applicant's home. The proposed land division results in each parcel continuing to use the existing access approaches and driveways. Future land divisions of the 10.5 acre parcel would likely need access via an access easement, connected to one of the existing access reservations.

In addition, approval of the rezone from farm to residential would resolve the conflict between the current zoning of the property and the City Comprehensive Plan Designation.

- 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. The applicant's proposed partition does not affect adjacent development potential that could occur to the extent allowed by the current zoning and land use regulations.
- C. Complies with the zoning requirements or a proposed change thereto associated with the partition map proposal. The proposed zone change would require the zoning map to be amended to reflect the zone change approval to the R-1A Zone. New parcels created through approval of the Type II Land Division would be required to meet the minimum R-1A zone parcel size of two acres. The applicant's partition plan shows that this two acre zoning acreage requirement is met and exceeded.
- D. Complies with provisions of § 152.019, Traffic Impact Analysis, when applicable. A Traffic Impact Analysis is necessary when more than 250 average daily trips (ADT) are generated by potential development (UCDC § 152.019). The projected residential trips resulting from development of single family dwellings<sup>1</sup> at full build out of the 12.5 acres would result in a total of six dwellings. The property is now developed with two dwellings; therefore, there is potential for four additional parcels and four additional single family dwellings. Four additional single family dwellings would result in a total of 38.08 Average Daily Trips (week days), well under the 250 ADT required to activate a Traffic Impact Analysis. A requirement for a Traffic Impact Analysis is not applicable.
- E. Roads and recorded easements for access purposes are laid out so as to conform, within the limits of the development standards, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the Planning Director determines it is in the public interest to modify the road pattern; The applicant is not proposing road easements for access purposes. Each proposed parcel has access to the public road (Highway 730). In addition, there are no subdivision or partition plat approvals on adjoining properties in which the applicant must modify a road pattern for access.
- F. Dedicated road or public recorded easement shall be provided to each parcel and conform to right-of-way and improvement standards as follows:  
(1) If a recorded easement for access purposes in a Type II Land Division will serve three or fewer parcels and will not likely serve other parcels or lots due to existing conditions, such as topography or the size or shape of land, or the parcels are not buildable, the easement or right-of-way is required to be improved to meet the Option 1 or "P-1" county Road standard as provided in §152.648 (D). The easement or right-of-way shall be a

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<sup>1</sup> A single family dwelling generates, week days, approximately 9.52 Average Daily Trips (ADT).

- minimum of 30 foot wide and improved with a surface width of at least 16-feet.
- (2) If the partition is located within a rural fire district or a hospital district which provides service, emergency vehicle considerations for recorded easements which dead-end shall provide either circle drives or driveway turn-arounds. The Planning Director or Public Works Director shall determine which type of emergency vehicle access above is most appropriate. Circle drives and turnarounds shall be improved to the same standard as the road they serve as provided in §152.648 (D), shall be kept clear and shall be of adequate circumference to provide turn around space for emergency vehicles.
  - (3) If a public road or recorded easement for access purposes in a Type II Land Division will serve four or more parcels and will likely serve additional parcels or lots, or likely be an extension of a future road as specified in a future road plan, the right-of-way or easement shall be required to be improved to meet the Option 2 or "P-2" County Road Standard as provided in §152.648 (D). The 60-ft right-of-way or easement shall be improved with a surface width of at least 22-feet. All 60-foot rights-of-way or easements are to be named prior to final approval of the partition plat and the road name must be included on the final partition plat map. Road signs are to be paid for prior to the final partition plat approval.
  - (4) Recorded easements or dedicated public roads required in the Type II Land Division may warrant the installation of road signs at intersections with named or numbered county roads, state highways, or with other existing easements or public roads within or abutting the partitioned land. The Public Works Director will determine if road signs are necessary at these intersections. Such signs shall be of a type approved by the Public Works Director. Easement or public road names or numbers shall be the same as existing named or numbered county or public roads if an extension of such county or public road. All other road names or numbers shall be selected by the Planning Director as provided in Umatilla County Code of Ordinance, Chapter 93. Road signs shall be installed by the County, provided the partitioner pays for the cost and maintenance of the sign. The applicant is not proposing a recorded access easement to serve the two proposed parcels. Each dwelling has an access reservation to State Highway 730 and each dwelling and proposed parcel will continue to be served by long established driveways.
  - (5) Existing County or Public Roads shall be improved pursuant to the requirements of this chapter. See J below.
  - (6) Shall obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways. The applicant currently has two Oregon Department of Transportation access reservations, one to each dwelling on the property. In 2007, the US 730 Corridor Refinement Plan identified the access reservation to the applicant's home, located farthest south from Highway 730, as a field access. This access may provide access to the pasture area on the property but it also, importantly, provides driveway access to the applicant's home. Access is currently in place for both proposed parcels.

- G. Each parcel under four acres in size, both those partitioned or the remaining piece which are to be for residential purposes, have a site suitability approval from the Department of Environmental Quality. A waiver to this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds:
- (1) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition form;
  - (2) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings. One proposed parcel is a two acre parcel created around an existing dwelling. Therefore, site suitability is not required for the proposed two acre parcel, currently developed with a dwelling, as provided in number (2) above. The 10.5 acre parcel is also developed with a dwelling and likewise is not required to complete site suitability due to the present of the dwelling, as well as, due to the large parcel size. However, it should be noted that all parcels need areas for replacement drainfields in the event a current drainfield fails. The applicant's proposed parcels appear to have ample area for replacement drainfields.
- H. Shall provide easements along existing irrigation ditches that traverse or abut the partition where no such easements have yet been recorded. The purpose of the easement shall be for perpetual maintenance of the ditch and if within an irrigation district, said easement width and purpose shall be approved by the Irrigation District Board. The application information provides that the property is also in pasture; however, water rights information was not provided for the property. West Extension Irrigation District serves the area and a copy of the staff report and Findings will be sent to the West Extension Irrigation District for District comment regarding easement requirement or other irrigation water requirements. Complying with West Extension Irrigation Water easement requirements will be a condition of approval.
- I. Considers energy conservation measures (e.g. road, lot and building orientation for solar and wind usage) unless vegetation, topography, terrain, or adjacent development will not allow these energy conservation measures. The proposed parcel sizes are adequate to accommodate on-site energy conservation measures.
- J. All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type II Land Division. As development occurs, additional road impacts, future upgrading and road realignment often become necessary. Typically, an Irrevocable Consent Agreement (ICA) is required by the county for adjoining land owners' involvement in the future financial participation in the upgrading and possible realignment of access easements and adjoining county roads. At this time, the applicant does not propose, or need, an access easement to provide access to the two proposed parcels. In addition, the property does not adjoin a county road; therefore, at this time an ICA is not a requirement of approval of the applicant's proposed Type II Land Division.

- K. Adequately addresses any known development limitations within the proposed Type II Land Division, outlining appropriate measures to mitigate the limitation. All parcels will meet or exceed the R-1A zone parcel size minimum of two acres. The remnant 10.5 acre parcel slopes from south to north toward State Highway 730; however, the parcel is not considered steep or to have unusual topography. There are no known development limitations in which mitigation would be required.
- L. Addresses the comments of the appropriate water agency if the proposed Type II Land Division has a water right. (See H. above)

**ZONE CHANGE DECISION: BASED ON THE ABOVE STATED FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UMATILLA COUNTY BOARD OF COMMISSIONERS HEREBY APPROVES THE NORRIS ZONING MAP AMENDMENT, Z-298-13.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

*UMATILLA COUNTY BOARD OF COMMISSIONERS*

\_\_\_\_\_  
W. Lawrence Givens, *Commissioner*

\_\_\_\_\_  
William J. Elfering, *Commissioner*

\_\_\_\_\_  
George M. Murdock, *Commissioner*

**LAND DIVISION DECISION: BASED UPON THE ABOVE FINDINGS THE NORRIS TYPE II LAND DIVISION REQUEST, #LD-5N-812-13, IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

Precedent Conditions: The following precedent conditions must be fulfilled prior to final approval of this request, signified by the recording of the Final Partition Plat:

1. Receive rezone approval for the subject parcel to amend the UGB Zoning Map to R-1A, Two acre Residential Zoning, prior to submitting a Partition Plat.

2. Submit written documentation from West Extension Irrigation District that easement and irrigation water rights plans are acceptable, or in lieu of written documentation, the District may verify it's satisfaction of the applicant's easement and water rights plan by placing the appropriate District signature on the Final Partition Plat.
3. Submit a Preliminary Partition Plat to the County for review and comment.
4. Pay and pre-pay all taxes prior to recording the Final Partition Plat.

Subsequent Condition: The following subsequent condition must be fulfilled following satisfaction of all precedent conditions and approval of the Preliminary Partition Plat.

5. Record a Final Partition Plat, prior to signing deeds.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

*UMATILLA COUNTY PLANNING COMMISSION*

\_\_\_\_\_  
Randy Randall, *Planning Commission Chair*

Attachments: