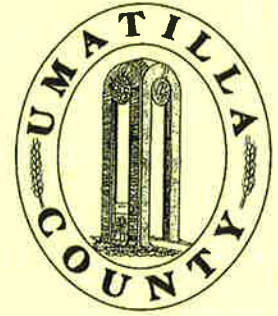


Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission
Public Hearing

Thursday, January 26, 2017, 6:30 p.m.
Justice Center Media Room, Pendleton, OR

Members of Planning Commission

Randy Randall, Chair
Gary Rhinhart, Vice-Chair
Tammie Williams
Don Wysocki
Don Marlatt
Suni Danforth
Cecil Thorne
Tami Green
Clive Kaiser

Members of Planning Staff

Tamra Mabbott, Planning Director
Carol Johnson, Senior Planner
Bob Waldher, Senior Planner
Brandon Seitz, Assistant Planner
Julie Alford, GIS
Gina Miller, Code Enforcement
Tierney Dutcher, Administrative Assistant

1. Call to Order

2. Adopt Minutes (Thursday, December 15, 2016)

3. CONTINUED HEARING:

TEXT AMENDMENT, #T-16-068, PLAN AMENDMENT #P-117-16, and ZONE MAP AMENDMENT, #Z-309-16 application submitted by the OREGON DEPARTMENT OF TRANSPORTATION (ODOT). The applicant requests to add an expansion of an existing quarry (Meacham Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed expansion would add approximately 19 acres to the existing Goal 5 protected site. The property is located off the west side of the Old Oregon Trail Highway, described as Township 1 North, Range 35 East, Section 34, Tax Lots 800, 900, and 1000, and Township 1 South, Range 35 East, Section 03AB, Tax Lot 100. The existing quarry is zoned Grazing Forest (GF) with Aggregate Resource overlay (AR). The proposed expansion area is currently zoned GF and Forest Residential (FR). The criteria of approval are found in Oregon Administrative Rule 660-023-040-050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code 152.487 – 488.

4. NEW HEARING:

COMPREHENSIVE PLAN TEXT AMENDMENT AND GOAL 3 EXCEPTION, #T-16-069, COMPREHENSIVE PLAN MAP AMENDMENT, #P-118-16 and ZONING MAP AMENDMENT, #Z-310-16, applicant/property owner, Kent Madison, Member, 3R Valve, LLC. The applicant requests a rezone of approximately 11 acres of Exclusive Farm Use (EFU) zoned land to Rural Retail Service/Commercial (RRSC). The property is identified as Tax Lot #103 on Assessors Map #4N 28 33B and is located at 29701 Stanfield

Meadows Road, Hermiston, Oregon. The property is south of the Umatilla River situated between State Highway 207 and Stanfield-Meadows Road, approximately one mile south of the City limits and Urban Growth Boundary of Hermiston. The applicant's request includes the following land use actions: 1) Amendment of the County Comprehensive Plan Text and approval of a Statewide Planning (Agriculture) Goal 3 Exception; 2) Amend the County Comprehensive Plan Map from North South Agriculture to Commercial; 3) Amend the County Zoning Map from Exclusive Farm Use (EFU) to Rural Retail Service/Commercial (RRSC). The criteria of approval are found in Oregon Administrative Rules 660-004-018, 660-004-0025, 660-004-0028 & 660-012, the County Transportation System Plan and Umatilla County Development Code Section 152.019.

5. Other Business

Memo: Groundwater Management & Land Use Planning in Walla Walla River Sub-basin

6. Adjournment

Upcoming Meetings:

Thursday, February 23, 2017, 6:30 PM

Thursday, March 23, 2017, 6:30 PM

Thursday, April 27, 2017, 6:30 PM

Thursday, May 25, 2017, 6:30 PM

UMATILLA COUNTY PLANNING COMMISSION

January 26, 2017

CONTINUED HEARING:

TEXT AMENDMENT, #T-16-068, PLAN AMENDMENT #P-117-16,
and ZONE MAP AMENDMENT, #Z-309-16 application submitted by
the OREGON DEPARTMENT OF TRANSPORTATION (ODOT).

The applicant requests to add an expansion of an existing quarry (Meacham Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed expansion would add approximately 19 acres to the existing Goal 5 protected site. The property is located off the west side of the Old Oregon Trail Highway, described as Township 1 North, Range 35 East, Section 34, Tax Lots 800, 900, and 1000, and Township 1 South, Range 35 East, Section 03AB, Tax Lot 100. The existing quarry is zoned Grazing Forest (GF) with Aggregate Resource overlay (AR). The proposed expansion area is currently zoned GF and Forest Residential (FR). The criteria of approval are found in Oregon Administrative Rule 660-023-040-050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code 152.487 – 488.

UMATILLA COUNTY PLANNING COMMISSION

January 26, 2017

NEW HEARING:

COMPREHENSIVE PLAN TEXT AMENDMENT AND GOAL 3 EXCEPTION, #T-16-069, COMPREHENSIVE PLAN MAP AMENDMENT, #P-118-16 and ZONING MAP AMENDMENT, #Z-310-16, applicant/property owner, Kent Madison, Member, 3R Valve, LLC.

The applicant requests a rezone of approximately 11 acres of Exclusive Farm Use (EFU) zoned land to Rural Retail Service/Commercial (RRSC). The property is identified as Tax Lot #103 on Assessors Map #4N 28 33B and is located at 29701 Stanfield Meadows Road, Hermiston, Oregon. The property is south of the Umatilla River situated between State Highway 207 and Stanfield-Meadows Road, approximately one mile south of the City limits and Urban Growth Boundary of Hermiston. The applicant's request includes the following land use actions: 1) Amendment of the County Comprehensive Plan Text and approval of a Statewide Planning (Agriculture) Goal 3 Exception; 2) Amend the County Comprehensive Plan Map from North South Agriculture to Commercial; 3) Amend the County Zoning Map from Exclusive Farm Use (EFU) to Rural Retail Service/Commercial (RRSC). The criteria of approval are found in Oregon Administrative Rules 660-004-018, 660-004-0025, 660-004-0028 & 660-012, the County Transportation System Plan and Umatilla County Development Code Section 152.019.

**3R VALVE, LLC COMPREHENSIVE TEXT AMENDMENT, #T-16-069
EXCEPTION TO STATEWIDE PLANNING GOAL 3
COMPREHENSIVE MAP AMENDMENT, #P-118-16
ZONING MAP AMENDMENT, #Z-310-16
ASSESSOR'S MAP #4N 28 33B, TAX LOT #103
JANUARY 26, 2017, PLANNING COMMISSION HEARING
PACKET CONTENT LIST**

1. Staff Memo, pages 7 - 9
2. Draft Findings, pages 11 - 44
3. Exhibit #1, RRSC Zoning Code, pages 45 - 49
4. Exhibit #2, County Completeness and Information Request Letter, pages 51 & 52
5. Exhibit #3, Comprehensive Plan Map, page 53
6. Exhibit #4, Google Aerial Map dated April 2015, page 55
7. Exhibit #5, Google Earth (street view) Map dated May 2012, page 57
8. Exhibit #6, Agricultural Building Exemption Certificate, pages 59 & 60
9. Exhibit #7, Water Right Transfer, pages 61 - 65
10. Exhibit #8, Traffic Impact Analysis dated December 2016, pages 67 – 97
11. Exhibit #9, State Access Reservation (Deed), pages 99 – 104
12. Exhibit #10, Umatilla County Access Road Approach Permit, pages 105 & 106
13. Exhibit #11, Applicant's Attachment 1 to the Supplemental Application, pages 107 – 110
14. Exhibit #12, DLCD Comment Letter dated January 11, 2016, pages 11- 113

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

January 19, 2017

LAND USE
PLANNING,
ZONING AND
PERMITTING

MEMO

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

To: Umatilla County Planning Commissioners
From: Carol Johnson, Senior Planner

SMOKE
MANAGEMENT

GIS AND
MAPPING

Re: January 26, 2017, Planning Commission Hearing
3R Valve, LLC, Kent Madison, Member, Applicant
Michael Schultz, Lolly Anderson, Representatives
Comprehensive Plan Text Amendment, #T-16-069,
Comprehensive Plan Map Amendment, #P-118-16,
Zoning Map Amendment, #Z-310-16
Tax Lot #103, Map #4N 28 33B

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

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

The 3R Valve application is a request for three land use actions:
Exception to Statewide Planning Goal 3 (Agricultural Lands),
Comprehensive Plan designation change from Agriculture to Commercial, and a
Zone change from Exclusive Farm Use (EFU) to Rural Retail Service/Commercial (RRSC).

The 3R Valve LLC property is generally located south of the Umatilla River between the
Butter Creek Highway and Stanfield-Meadows Road, approximately one mile south of the
City limits of Hermiston. Situs address: 29701 Stanfield Meadows Road, Hermiston,
Oregon 97838.

The record before the Planning Commissioners contains over 70 pages of material, including: Staff Memo, Draft Findings, Maps, and Exhibits. The applicant has the burden of proof. This includes the burden of satisfying applicable criteria and assuring the record demonstrates this. The criteria are drawn from various sources and are binding on the County (e.g., state statutes and rules, state planning goals, county comprehensive plan and local ordinances). As is the case in each of our Land Use Hearings, the Planning Commission either makes an appealable decision, or as in the case for the 3RValve LLC application, makes a recommendation to the Board of Commissioners based on the record.

As commissioners, you rely heavily on staff and other agencies to inform you as to applicable criteria. Then it is up to you to determine whether the criteria have been satisfied in the context of a given application and record. All of which some reasonable people may disagree. If a challenge comes, in the form of an appeal, it is the applicant (not the county) who must defend the appeal. Again, the applicant has the burden of proof, and is responsible for making the record and defending the satisfaction of the criteria.

Agricultural Lands Goal 3 is to preserve and maintain agricultural lands for farm use consistent with existing and future needs ... and consistent with the state's agricultural land use policy as expressed in statute. "Farm use" is defined in statute, varies broadly, and is not limited just to growing crops. The record seems to be premised on the ideas if the property is developed, if it's not good crop-growing land then there's no agricultural or farm use. Goal 3 agricultural lands and farm use definitions are much broader and include open space explicitly and lands necessary to permit farm practices on adjacent and nearby lands.

Land use, however, includes an exceptions process. It is complex and the burden of proof is high; and there is a general sense that caution must be exercised. Otherwise, exceptions would become the rule.

The applicant's argument for a Goal 3 exception: it's not high quality farmland; the land is developed with a dwelling and accessory structures and a solar project. Yet EFU lands that do adjoin the applicant's property appear not to be fully considered.

You must be persuaded that there is merit to the idea that farm ground that is less than optimal for crop-growing purposes is automatically a prime candidate or even a candidate at all for conversion to a different nonresource zoning.

Again, exceptions are not readily available vehicles for those who have purchased agricultural land, develop the land with uses allowed by state statutes and rules and then desire to convert it from agricultural ground to nonresource uses by rezoning and does not provide a strong justification for a Goal 3 exception.

The application is important to the applicant/property owner and they have invested time and resources in preparing and presenting their request. They deserve explanation, especially if the Planning Commissions' recommendation to the Board of Commissioners is against their application.

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 to the Board of Commissioners must be based on substantial, factual, evidence in the record and not conclusory statements.

UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS

DRAFT FINDINGS AND CONCLUSIONS

3R VALVE COMPREHENSIVE PLAN MAP AMENDMENT (File #P-118-16),
EXCEPTION TO STATEWIDE PLANNING GOAL 3, TEXT AMENDMENT (File #T-16-069),
ZONING MAP AMENDMENT (File #Z-310-16), for property identified as
ASSESSOR'S MAP 4N 28 33B, TAX LOT 103

Applicant: 3R Valve LLC
Kent Madison & Laura Madison, Managers
29299 Madison Road
Echo, Oregon 97826

Owner: 3R Valve LLC
Kent Madison & Laura Madison, Managers
29299 Madison Road
Echo, Oregon 97826

Amendment Summary:

The applicant requests a zone change from EFU to RRSC based on *physically developed* and *irrevocable committed* conditions. Approval of the request would result in the following:

- Amendment of the Umatilla County Comprehensive Plan Text to include text demonstrating that the standards for an exception to Statewide Planning Goal 3 (Agriculture) have been met to amend the Umatilla County Comprehensive Plan Map from North/South Agriculture to Commercial Plan Designation (non-resource land plan designation).

- Re-Zoning of the property from Exclusive Farm Use (EFU) to Rural Retail Commercial-Service (RRSC) amending the Umatilla County Zoning Map.

Location: The property is generally located south of the Umatilla River between the Butter Creek Highway and Stanfield-Meadows Road, approximately one mile south of the City limits of Hermiston. Situs address: 29701 Stanfield Meadows Road, Hermiston, Oregon 97838.

Exception Property:

The site is comprised of one tax lot, Tax Lot #103 on Assessor's Map #4N 28 33B.

Parcel Size: 10.70 acres

Current Zoning Designation: Umatilla County Exclusive Farm Use (EFU) and Flood Hazard Overlay Zone (FH)

Comprehensive Plan Designation:

Umatilla County: The site for rezoning is within Umatilla County's jurisdiction. The County Comprehensive Land Use Plan designates the subject properties **North/South Agricultural Region**.

Access Roads:

Access to the exception property is provided along the west side of the property from Stanfield Meadows Road, County Road No. 1332 SM. In addition, the property has reservation for access from Oregon Department of Transportation (ODOT) to Butter Creek Highway, State Highway 207.

Easements:

An overhead transmission line easement approved for Oregon Wind Farms, LLC, was established in 2008 and crosses the south 40 feet of the exception property, recording in Book 537, Page 117, of the Umatilla County Deed Records.

Soils and Topography:

The property is predominately comprised of 42A- Kimberly fine sandy loam, 0 to 3 percent slopes. This soil is NRCS Class II prime farmland soil when irrigated and Class III soils when not irrigated. In addition to the Kimberly farmland soil the west quarter of the property is comprised of 75B- Quincy loamy fine sand, 0 to 5 percent slopes. The Quincy soil is NRCS Class IV when irrigated and Class VII when not irrigated.

Irrigation: According to the applicant’s information there are no irrigation water rights on the exception property. However, the property was once irrigated¹. In 2011, nine acres of irrigation water rights were transferred from the exception property for use on other land owned by the applicant. In addition, the property is located within the Butter Creek Critical Ground Water area where new irrigation water rights are not available. However, water rights are available through transfer from within the area.

Fire Protection:

The subject site is located within Umatilla County Fire District #1 (formerly Hermiston Rural and Stanfield Rural Fire Districts).

Floodplain:

The east approximate third of the subject parcel is located within a designed flood hazard area as depicted on FIRM map number 41059C0587G. This area of the property is within the “AE” Floodway and the “A” 100-year Floodplain Zone. Development within the designed Flood Hazard areas requires approval of a County Floodplain Development Permit.

Goal 5 Sites:

Goal 5 resources are inventoried in the Umatilla County Comprehensive Plan and the Plan does not include a listing of wetlands or other Goal 5 resources on the exception property.

I. REQUEST

Applicant’s Proposal:

“There are two Amendments. The first amends the Umatilla County Comprehensive Plan and Map by changing the Property’s designation from North/South County Agricultural Region (NSCAR) to Commercial. The second amends the Umatilla County Zoning Map by changing the zoning of the Property from Exclusive Farm Use (EFU) to Rural Retail/Service Commercial (RRSC).

¹ Department of Land Conservation and Development (DLCD), Oregon Administrative Rules, chapter 660, division 33, specifies definitions applicable to Agricultural Lands including the definition for “Irrigated” as provided in OAR 660-033-0020 (9):

“‘Irrigated’ means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is “irrigated” if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered “irrigated” even if the irrigation water was removed or transferred to another tract.”

The purpose of the Amendments is to allow existing structures on the Property to be used as a wind turbine service facility to provide maintenance and repair services to existing wind power projects and provide support to the Windfarms Project. Vestas desires to relocate their service office to the Property because of its central location. The central location would improve service response times while improving safety and efficiency by decreasing employee travel between home, office and project turbines. The applicant desires to utilize the Property and the existing structures for support of the Windfarms Project rather than construct the new facilities as permitted under the CUR on productive farmland.”

Applicant’s Background: “In 2008, the Umatilla County Land Use Commission approved Conditional Use Request #C-1132-08 (CUR) and Land Use Request #LUD-072-08 (LUR) for construction of a 64-MW wind power generation facility sited in Umatilla and Morrow counties by Oregon Windfarms, LLC (the Windfarms Project). The original application, for the 19 wind turbines and associated transmission lines, was bifurcated at the request of Umatilla County Planning into separate applications for turbines and transmission lines. Due to an omission in the bifurcated land use applications, an important issue was left unaddressed in the LUR; the permission to site a support facility within the area of permitted transmission facilities. By error, this issue was addressed only in the CUR. This omission permits siting the support facility within the areas covered by the CUR, which is composed entirely of currently cultivated EFU land.”

“The Windfarms Project has been fully operational for the past eight years. Vestas-American Wind Technology, Inc. (Vestas) performs routine maintenance services on the Windfarm Project turbines. The Vestas technicians also service several other wind power projects in Umatilla and adjoining counties. These technicians are currently using sites in northern Hermiston as offices and staging areas.”

Planning Department Summary of Applicant’s Proposal:

Approval of the applicant’s request would result in the removal of the subject property from the County’s EFU resource zone and rezone the property into the Rural Retail Service Commercial (RRSC) through a “physically developed” and “irrevocably committed” exception. To achieve this outcome, the following land use actions are requested.

A. *Change the Comprehensive Plan designation from North/South Agricultural Designation to Commercial;*

B. *Change the Zoning Classification from Exclusive Farm Use to Rural Retail Service Commercial (RRSC);*

Land use planning in Oregon is guided by the Statewide Planning Goals. Goal 3 is the State’s Agricultural Goal and in order to remove land from a resource category (EFU) and place in a non-resource category, it must be justified why the land should be exempted from Goal 3. All exception lands (non-resource zoned lands) are identified within the County’s Comprehensive Plan. Therefore, in order to

change the designation of land as requested, a text amendment must be justified and adopted into the County Comprehensive Plan.

- C. *Amend the Umatilla County Comprehensive Plan text to justify the Goal 3 exception and change the Plan Designation from resource land to non-resource land;*
- D. *An exception to Goal 3 for the subject property as “physically developed;” and*
- E. *An exception to Goal 3 for the subject property as “irrevocably committed.”*

II. UMATILLA COUNTY CODE – AMENDMENTS, APPLICABLE STATE STATUTE AND ADMINISTRATIVE RULES – GOALS 2 PROCESS FOR EXCEPTION TO GOAL 3

A. Umatilla County Development Code – Amendments

*Umatilla County Development Code (UCDC), Amendments, Sections 152.750 through 152.755 provides information on initiating an amendment, processing an amendment, and imposing conditions on amendments. Additionally, UCDC Section 152.751 requires compliance with provisions of the County Comprehensive Plan and the Transportation Planning Rule, Oregon Administrative Rules (OAR) 660, Division 12, and the Umatilla County Transportation Plan (TSP), subject to *Traffic Impact Analysis in UCDC Section 152.019.**

B. ORS 197.732 (2) provides, in relevant part:

“A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable[.]”

C. Statewide Planning Goal 2 Exception Process for Exception to Goal 3

Approval of a Comprehensive Plan Amendment to re-designate lands from North/South Agriculture to Commercial requires an “exception” to the statewide planning Agricultural Goal 3. Goal 3 preserves and maintains agricultural lands. In order to take land out of the Agricultural designation an exception, as set forth in ORS 197.732, must be met as defined in the Statewide Planning Goal 2 Exception Process, interpreted in state administrative rules, *OAR 660-004-0018 through OAR 660-004-0028.*

Additionally, amendments to acknowledged comprehensive plans or land use regulations that significantly affect a transportation facility must address the state rules in OAR Chapter 660 Division 12.

Goal 2 provides for three types of exceptions; 1) developed or built, 2) committed, and 3) reasons or need. Often exceptions are identified as “developed and committed” though both have different criteria. The 3R Value LLC-Madison application has provided information in support of a “developed” and a “committed” exception.

Whether land is irrevocably committed depends on the relationship between the exception properties, adjacent lands, and other relevant factors as prescribed *in OAR 660-004-0028(2)*. The characteristics of the exception properties and the characteristics of the adjacent lands must be described in order to determine that the uses allowed in Goal 3 and/or Goal 4 are impracticable under the rule. The criteria are provided in underlined bold face type.

Applicant’s narrative describing how the request is consistent with the Goal 3 exception process:

“A description addressing how the proposed amendment complies with the Umatilla County Development Code and Comprehensive Plan, Oregon Administrative Rules, Statewide Planning Goals and Oregon Revised Statutes.”

“Exception to Statewide Planning Goal 3, (Criteria for Exception from Goal 2/ OAR 660-015-0000(2)).

The proposed land use amendments (Amendments) meet the requirements for an exception to Statewide Planning Goal 3 (Goal 3). Goal 3 preserves agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy. OAR 660-015-0000(3). Statewide Planning Goal 2 (Goal 2) sets forth the criteria allowing Umatilla County to adopt an exception to Goal 3.

Goal 2 states that a local government may adopt an exception to a planning goal when any one of three criteria is met. The Amendments meet the first two criteria: “(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.” OAR 660-015-0000(2).²

The Amendments comply with Goal 2 Subsection (a) because approximately 3.51 acres of the 10.7 - acre site have been developed into a solar power project. That area is no longer available for uses allowed by the applicable goal i.e. the solar array prohibits concurrent use as cropland. The remaining area is predominantly covered by a residential property, accessory shop buildings, gravel driveway, and parking areas. These uses also prohibit concurrent use as cropland.

² The (a) and (b) referenced here is in Goal 2, Part II Exceptions.

The Amendments comply with Goal 2 Subsection (b) because it is impracticable to use the site (Property) for agriculture. In order to be suitable for production agriculture, the Property would require a water right. Because surface water and ground water are unavailable for irrigation use on the Property, crop production is impossible. The soils are Classifications 3 and 7, which is a mix of suitable and low value soils. The Property is not of sufficient size and soil type to make a fallow ground and crop rotation economically feasible.”

Planning Response:

Chapter 15 of Division 660 of the Oregon Administrative Rules (OAR) provides a list of the 19 Statewide Planning Goals including Goal 2 [Land Use Planning - OAR 660-0015-0000 (2)] and Goal 3 [Agricultural Lands - OAR 660-0015-000(3)]. Statewide Planning Goal 2 provides the basis for taking a Goal exception. OAR Division 660, Chapter 4, provides the applicable standards, and is provided and evaluated below.

OAR 660-004-0018(1) provides, in relevant part:

“Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 and 660-004-0030 are intended to recognize and allow continuation of existing types of development in the exception area.”

OAR 660-004-0018(2):

For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those that satisfy (a) or (b) or (c) and, if applicable, (d):

(a) That are the same as the existing land uses on the exception site;

(b) That meet the following requirements:

(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals, and are consistent with all other applicable goal requirements;

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

(c) For uses in unincorporated communities, the uses are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if the county chooses to designate the community under the applicable provisions of OAR chapter 660, division 22;

(d) For industrial development uses and accessory uses subordinate to the industrial development, the industrial uses may occur in buildings of any size and type provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

OAR 660-004-0018(3):

"Uses, density, and public facilities and services not meeting section (2) of this rule may be approved on rural land only under provisions for a reasons exception as outlined in section (4) of this rule and applicable requirements of OAR 660-004-0020 through 660-004-0022, 660-011-0060 with regard to sewer service on rural lands, OAR 660-012-0070 with regard to transportation improvements on rural land, or OAR 660-014-0030 or 660-014-0040 with regard to urban development on rural land."

OAR 660-004-0018(4): "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required.

(c) When a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022 was previously adopted, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent.

OAR 660-004-0025 Exception for Land Physically Developed to Other Uses:

(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. Other rules may also apply, as described in OAR 660-004-0000(1).

(2) Whether land has been physically developed with uses not allowed by an applicable goal will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

OAR 660-004-0028(1) provides, in relevant part:

“A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable . . .”

OAR 660-004-0028(2) Irrevocably Committed Exception provides:

“Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- a. The characteristics of the exception area;
- b. The characteristics of the adjacent lands
- c. The relationship between the exception area and the lands adjacent to it.
- d. The other relevant factors set forth in OAR 660-004-0028(6).”

OAR 660-004-0028(3):

“Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule . . . For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

- a. Farm use as defined in ORS 215.203;
- b. Propagation or harvesting of a forest product as specified in OAR 660-006-0120; and
- c. Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).

OAR 660-004-0028(6) provides:

“Findings of facts for a committed exception shall address the following factors:

- a. Existing adjacent uses;
- b. Existing public facilities and services (water and sewer lines, etc.)
- c. Parcel size and ownership pattern of the exception area and adjacent lands;
 - (A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or

subdivision. Past land divisions made without application of the goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for the subject parcels or land adjoining those parcels.

(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations;

- d. Neighborhood and regional characteristics;
- e. Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;
- f. Physical development according to OAR 660-004-0025; and
- g. Other relevant factors.”

III. ANALYSIS, FINDINGS AND CONCLUSIONS, FOR AN EXCEPTION TO GOAL 3

A. OAR 660-004-0018 (1), (2), (3) and (4):

Applicant's Information Current Land Use and Desired Land Use:

“ . . . TL#103, includes a residential structure, shop, garage, covered bay, solar power inverter room, and gravel parking area. 3R Valve, LLC (Applicant) proposes to use this portion of the Property as a wind turbine service facility. The remaining Property area, TL#103L1, includes a 568 kW solar power array.”

“The Applicant desires to use the residential structure and shop buildings located on TL#103 as a wind turbine service facility that would support approximately five Vestas technicians. These technicians service turbines located on nearby wind farms.”

Planning Response:

The exception property has been used for farming and as a farm residence. The property is developed with a dwelling, garage, shop and a solar project. Previous land use actions include a permit for an addition onto the existing dwelling and review and sign off on a State Building Codes Farm Building Exemption Request for construction of a 50' x 100' accessory farm structure for storage of farm products and equipment. More recently, the property has received conditional use permit approval for solar energy development. These existing uses are permitted uses in the current EFU zoning.

The applicant desires to add a service center for wind turbine maintenance and where service technicians could be dispatched to wind projects located in the west end of the County. In order to use the property as a service center the applicant submitted an application to rezone the property from Exclusive Farm Use to the Rural Retail Service Commercial (RRSC) zone (*Exhibit #1*). Amendment of the Comprehensive Plan to designate the property from agricultural use to commercial use requires a Goal 3 exception. Support for the Goal 3 exception focuses on using the exception property as a “service-oriented business” and relies on the existing uses on the property as satisfying a “physically developed” and “irrevocably committed” Goal 3 exception.

After reviewing the rezone application for completeness, County Planning requested additional information (*Exhibit #2*), this included in part, a request for information on whether the rezone was intended to be limited to only a wind turbine service center. Staff’s request resulted in the property owner/applicant, Kent Madison, meeting with planning staff. Staff again posed the question on whether the rezone was limited to a wind turbine service center. Mr. Madison stated the rezone was not intended to be limited because other commercial uses³ may be desired in the future. Although the applicant indicated pursuit of other commercial uses no additional information was submitted in support of the Goal 3 exception.

³ RRSC zone permitted uses include: vehicle sales, repair and parts store, machine shops, meat cutting and cold storage, eating and drinking establishments, financial institutions (banks or credit unions), food stores, gift shops, green house or nursery, motel, office building, retail store, service oriented business, sporting goods or bait shop, wholesale businesses (no manufacturing), and various signs. In addition, conditionally permitted uses in Rural Retail Service Commercial Zone include: accessory dwelling (caretaker/night watchman), animal hospital or veterinary clinic, commercial amusement establishment, drug paraphernalia store, adult book store or movie house, mini-warehouses, mobile home park or travel trailer park, tire repairing, utility facility, welding shop, and other uses similar to the uses permitted.

Physically developed or irrevocably committed exceptions are intended to recognize and allow continuation of existing types of development in the exception area. The existing types of development currently located on the property are allowed by the EFU zoning; therefore, if the uses on the exception property are not limited to the same as existing uses then a reasons exception should be pursued.

B. OAR 660-004-0028(6) – Committed Exception

a. Existing adjacent uses:

Applicant's Information – Existing Adjacent Uses:

“Adjacent land to the west and south is used for farming⁴.”

Planning Response – Existing Adjacent Uses:

The applicant indicates there are farm lands adjacent to the exception property to the west and to the south. However, the applicant fails to describe the resource uses and/or farm practices that occur on the adjacent lands. The adjacent property to the north of the exception property is zoned EFU as are the properties to the west and to the east across State Highway 207.

Applicant's Information – Current Use of the Exception Property:

“The property consists of two tax lots⁵ and is currently used for two purposes (Property). The first tax lot, TL#103, includes a residential structure, shop, garage, covered bay, solar power inverter room, and gravel parking area. 3R Valve, LLC (Applicant) proposes to use this portion of the Property as a wind turbine service facility. The remaining Property area, TL#103L1, includes a 568 kW solar power array. The Applicant does not propose to change the use of this portion of the Property. The Property is approximately 10.7 acres of unirrigated and uncultivated land. The Property is designated North/South County Agricultural Region (NSCAR) and zoned Exclusive Farm Use (EFU). The Property is located along a permitted energy transmission corridor.”

“ . . . TL#103, includes a residential structure, shop, garage, covered bay, solar power inverter room, and gravel parking area. 3R Valve, LLC (Applicant) proposes to use this portion of the Property as a wind turbine service facility. The remaining Property area, TL#103L1, includes a 568 kW solar power array.”

⁴ The application materials focus on non-resource zoned parcels located in areas north of the Umatilla River and to the south at the I-84/Butter Creek Highway interchange. Little information was provided by the applicant about adjacent properties zoned EFU and that surround the exception property.

⁵ The exception property consists of one tax lot and two tax accounts. The tax department created a separate tax account for the solar project on Tax Lot 103.

Applicant's Information – Surrounding Uses:

“The land affected by the proposed land use amendments (Amendments) is a 10.7-acre parcel near the I-84 / State Highway 207 interchange (Property). The Property is bordered on the east by Highway 207. The land directly northeast from the Property, across Highway 207 and the Umatilla River, and the land continuing north and east from the Property, is zoned Heavy Industrial. This surrounding area is used by the Calpine Corporation, Union Pacific, RDO Equipment Co., Bud-Rich Potato, Shearer's Foods, and Central Machinery Sales Inc. One parcel to the south, Space Age Fuel, Inc. and the Comfort Inn & Suites are located on land zoned Retail/Tourist Commercial. Adjacent land to the west and south is used for farming. The Property and surrounding parcels are located along a permitted energy transmission corridor.”

Planning Response – Surrounding Land Uses:

The applicant lists eight businesses (land uses) located in the surrounding or outlying areas. Following is a summary of the businesses and the business locations the applicant relies on as relative to the exception.

The Umatilla River provides a buffer to industrial zoned lands located north of the Umatilla River from agricultural lands located south of the Umatilla River which includes, in part, the Frank Mueller property and the exception property. North of the Umatilla River along the west side of Highway 207 at the intersection of Highway 207 and Feedville Road is a triangular shaped area of approximately 15 acres designated as Agri-Business. Within this Agri-Business zoned area are two farm implement businesses, the John Deere dealership, RDO, and the Case Tractor dealership, Central Machinery Sales.

Across from the two Agri-Businesses on the east side of Highway 207 and Feedville is approximately 40 acres of Industrial zoned land between Highway 207 on the west and a railroad spur line to the east which serves as this Industrial area's east boundary. The industrial area is developed with a fueling station, Bud Rich potato storage sheds and Shearer's Foods, a potato chip processer.

Southeast of Shearer's Foods, between the U. P. Railroad and the Umatilla River is the energy facility, Calpine (Hermiston Power Partnership). Calpine is developed on Heavy Industrial zoned land along Simplot Road, east of Highway 207. Farther to the east of Calpine is the Union Pacific 'Hinkle' Railroad Facility. The Hinkle railyard serves as a repair facility for rail cars and contains in part, Union Pacific Railroad administrative offices and fueling facilities.

South of the applicant's exception property is an adjacent irrigated farm property and south of the irrigated farm property are two (14-acres) Rural Tourist Commercial zoned parcels. (All of this area, the applicant's property, the adjoining irrigated farm property and the two Rural Tourist Commercial zoned parcels, were one property of 80-acre in the 1970's.)

The Industrial land uses specified above are identified under Hinkle #4 in the Industrial Needs Analysis of the County Comprehensive Plan. The Agri-Business areas are identified on Comprehensive Plan page 18-384 and the Tourist Commercial areas are listed on Comprehensive Plan page 18-276.

b. Existing Public Facilities and Services:

Applicant's Information - Public Facilities:

The applicant's information lists a domestic well and septic system on the exception property.

Planning Response - Public Facilities:

The applicant has not specifically addressed Public Facilities. The area is rural and public facilities such as sewer and water are not available to the exception property; therefore, rural on-site facilities would be necessary.

c. Parcel Size and Ownership Pattern for the Exception Property and Adjacent Lands:

Applicant's Information:

"The Property is located among a cluster of smaller parcels that are developed or committed to non-farm development (See map appearing as: SA Exhibit A) [Exhibit # 3]. The land directly northeast from the Property, across Highway 207 and the Umatilla River, and the land continuing north and east from the Property, is zoned Heavy Industrial. This surrounding area is used by the Calpine Corporation, Union Pacific, RDO Equipment Co., Bud-Rich Potato, Shearer's Foods, and Central Machinery Sales Inc. One parcel to the south, Space Age Fuel, Inc. and the Comfort Inn & Suites are located on land zoned Retail/Tourist Commercial. The Property and surrounding parcels are located along a permitted energy transmission corridor."

Additionally, the exception property is represented as, "... approximately 3.51 acres of the 10.7 - acre site have been developed into a solar power project." Also the property is developed with, "... a residential [dwelling] property, accessory shop buildings, gravel driveway, and parking areas."

Planning Response:

Outside of describing the buildings and solar use on the 10.7 acre exception property, the applicant did not provide parcel sizes, ownership patterns, or provide the specific resource use of adjacent farm lands. Instead the applicant refers generally to "a cluster of smaller parcels that are developed or committed to non-farm development" and although, the rule specifically denotes: "Resource and nonresource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception" - the applicant focuses primarily on nonresource lands where Goal exceptions have been previously taken and where the parcels and current uses (e.g., Calpine, Union Pacific, Bud-Rich Potato and Shearer's Food) are approved pursuant to applicable Statewide Planning Goals.

The “cluster of smaller parcels” is located in a committed exception area north of the Umatilla River. The Umatilla River provides a buffer between business [industrial] uses and the resource uses to the south of the river as noted in the Comprehensive Plan on page 18-367. The applicant names two businesses, Central Machinery Sales and RDO Equipment; both businesses also located north of the Umatilla River. These businesses provide services and products catering to the farming community and both are located and permitted within a County designated Agri-Business zone.

Lastly, the applicant references two parcels, south of the exception area, where Space Age Fuel, Inc. and Comfort Inn & Suites properties adjoin I-84 and State Highway 207 rights-of-way, this 14 acre developed and committed exception area was designated and zoned in 1979 as Rural Tourist Commercial.

The County finds the exception cannot be granted if it commits adjacent or nearby resource lands to non-resource use or if the exception is incompatible with adjacent or nearby resource uses. Since the applicant has not identified and provided details about adjacent and nearby resource uses the County finds it is unable to determine impacts to the resource use occurring on adjacent and nearby lands or determine whether the applicant’s exception would commit adjacent resource uses to non-resource uses.

The County concludes that without providing a complete description of the uses on adjacent farm lands, the County cannot conclude resource uses are impracticable on the subject property.

d. Neighborhood and Regional Characteristics:

Planning Response:

Specific information about Neighborhood and Regional Characteristics was not addressed.

The lands south of the river, including the applicant’s property, are relatively flat with slopes of 0 to 5 percent. The lands adjoining the Umatilla River are within a FEMA floodplain study area and include the eastern portion of the exception property. Adjacent properties to the applicant’s property are zoned Exclusive Farm Use and most of the farm area is developed with irrigated farm crops or pasture; farming best describes the area south of the Umatilla River adjacent to the exception property and in the immediate vicinity of the exception property (see aerial Goggle map, *Exhibit #4*).

Located northeast of the applicant’s property and north of the Umatilla River are Industrial zoned properties (nonresource designated areas). These industrial areas are buffered by the river from the resource designated and zoned areas which includes the applicant’s property.

A major Interstate Freeway, I-84, crosses Umatilla County east to west. A section of this Freeway is located south of the parcels identified as the Space Age Fuel and Comfort Inn properties. Along the I-84 freeway, from Stanfield to Westland Road, are three interchanges with lands designated for nonresource uses. These include the Space Age Fuel and Comfort Inn parcels on the northwest side of the I-84/Butter

Creek Interchange. These nonresource parcels are zoned Rural Tourist Commercial and developed with tourist commercial services including a fueling station, convenience store, and motel.

e. Natural or Man-Made Features or Other Impediments:

Applicant's Information:

“The Property and surrounding parcels are located along a permitted energy transmission corridor.”

Planning Response:

In 2008, Umatilla County approved an application for a “Utility Facility Necessary” permitting a 69 kV transmission line extending from the Oregon Wind Farms wind project. The Oregon Wind Farms project is located on land owned in part by Madison Farms. The project area is approximately 10 miles to the south of the exception property and to the west of Butter Creek Highway and Madison Road. The transmission line extends north from the wind project site to the interconnect point at the PacifiCorp Substation located near Simplot. In the area of the exception property the transmission line crosses from the Stanfield Meadows Road right-of-way to the Butter Creek Highway (State Highway 207) right-of-way along the south boundary line of the exception property. The transmission line is located within a utility easement (see Goggle photo, *Exhibit #5*). The line then continues north within the right of way of Highway 207. The property immediately adjoining the south side of the transmission line is irrigated farmland owned by the Prince Company (Frank Mueller). This adjacent farm property was planted in corn this past 2016 crop year.

f. Physical Development According to OAR 660-004-0025 (1) & (2):
(Physically Developed Exception)

Applicant's Information:

“The Amendments comply with Goal 2 Subsection (a) because approximately 3.51 acres of the 10.7 - acre site have been developed into a solar power project. That area is no longer available for uses allowed by the applicable goal i.e. the solar array prohibits concurrent use as cropland. The remaining area is predominantly covered by a residential property, accessory shop buildings, gravel driveway, and parking areas. These uses also prohibit concurrent use as cropland.”

Planning Response:

The area in the northwest corner of the exception property is developed with a farm dwelling and accessory farm buildings. In 1978 a permit was issued to then property owner, Wes Walker, for an 8’x 40’ addition onto the existing dwelling. In 1997, Mr. Walker, received a Farm Building Exemption Request for a 50’ x 100’ storage (accessory) farm building for storage of melons and equipment (*Exhibit # 6*).

The Walkers sold the property in 2008 to Kent Madison and subsequently in 2011 Mr. Madison conveyed the property to his company, 3R Value LLC, the current owner of the property. In 2011, a land use application was approved for a small solar project via a conditional use permit as allowed on Agricultural designated lands zoned Exclusive Farm Use. A second conditional use permit was approved in 2013 to enlarge the solar project to its current size. All of the uses e. g. farm dwelling, accessory farm structures, and solar arrays, developed on the exception property are permitted uses in the Exclusive Farm Use Zone.

The County finds, as stipulated in OAR 660-0004-0025 (2), allowed uses “shall not be used to justify a physically developed exception.” The uses on the 3R Valve property are allowed and permitted uses; therefore, justification for a physically developed exception to Goal 3 fails on this point.

g. Other Relevant Factors:

Soils and Irrigation Information for Exception Area and Surrounding Areas:

Applicant’s Information – Soils and Irrigation on Exception Property:

Kimberly Fine Sandy Loam, Class 3e farmland (non-irrigated)
Quincy Loamy Fine Sand, Class 7e farmland (non-irrigated)

“Because surface water and ground water are unavailable for irrigation use on the Property, crop production is impossible. The soils are Classifications 3 and 7, which is a mix of suitable and low value soils.”

Planning Response - Soils and Irrigation on Exception Property:

Kimberly Fine Sandy Loam, Class 3e farmland (non-irrigated) and Class 2e, (irrigated)
Quincy Loamy Fine Sand, Class 7e farmland (non-irrigated) and Class 4e (irrigated)

Irrigation water rights with a priority date of March 14, 1903, were applicable to the property until 2012 when the applicant transferred the irrigation water rights to other Madison owned property through a State Water Resource approval of Transfer Application #T-11330, (*Exhibit #7*).

IV. URBANIZATION – GOAL 14

Rural Lands Irrevocably Committed to Urban Levels of Development (Goal 14:)

In 1986 the “Curry County Case” resulted in the Oregon Supreme court opinion that in addition to taking exceptions to Goals 3 and 4 to allow non-resource uses on rural lands it was also necessary to determine whether the allowed non-resource uses could be considered urban uses. If the non-resource uses are determined to be urban uses then an exception to Goal 14 would also be necessary.

During Periodic Review of the Umatilla County Comprehensive Plan and implementing ordinances non-resource uses that were determined to be urban uses were removed from the county rural commercial zoning code in order to comply with Goal 14. Additionally, building size limitations of 3,500 square feet were implemented for new construction. This resulted in the adoption of a new rural commercial zone, "Rural" Retail/Service Commercial (RRSC).

V. TRANSPORTATION ANALYSIS – GOAL 12 FINDINGS AND CONCLUSIONS

A. Traffic Impact Analysis

(B) Applicability: A Traffic Impact Analysis shall be required to be submitted to the County with a land use application, when one or more of the following actions apply (Section 152.019):

(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 20 vehicles or more per day; or

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

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

(e) Any development proposed within the Umatilla Army Chemical Depot boundary of the I-82/Lamb Road or I-84/Army Depot Access Road Interchange Area Management Area prior to the completion of near-term improvements projects (Projects A and B) identified in the I-82/Lamb Road IAMP; or

(f) For development within the 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.

Applicant's Information:

“The Amendments do not require a formal Traffic Impact Analysis (TIA) under UCDC §152.019. The purpose of UCDC Section 152 is to determine when additional analysis is required to decide whether conditions are needed to minimize impacts to and protect transportation facilities. A TIA is not required because the Amendments will not result in an increase of site traffic volume generation by 250 or more ADTs. A TIA is not required because the Amendments will not increase the use of adjacent gravel-surfaced County roads by vehicles exceeding the 10,000-pound gross vehicle weight (GVW) by 20 vehicles or more per day because the wind turbine service facility does not rely upon heavy GVW vehicles and because the access road is paved. A TIA is not required because the location of the access driveway does not create safety hazards or problems because the approach has unobstructed visibility. A TIA is not required because the limited shift in internal traffic patterns is not likely to cause safety problems. Finally, a TIA is not required because the Property is not within the Umatilla Army Chemical Depot boundary of the I-82/Lamb Road or I-84/Army Depot Access Road Interchange Area Management Area.”

Planning Response:

Staff visited with the applicant about the requirement for a Traffic Impact Analysis and the applicant agreed the language in (B) (1) requires submittal of a TIA where a request includes a “change in plan amendment designation”. As a result a Traffic Impact Analysis was conducted by J-U-B Engineers, LLC and provided to County Planning. A copy of this analysis was forwarded for review and comment to ODOT and the County Public Works Director. The County Public Works Director commented the County Road Department preferred establishment of access to State Highway 207. Comments from ODOT resulted in some minor changes to the TIA and the submittal of a revised analysis (revised TIA, *Exhibit #8*). The revised analysis includes two development scenarios as summarized below.

Scenario 1

The first scenario is based on the applicant’s proposed use of an existing building located on the property as a wind turbine service facility. In addition, Scenario 1 also assumes an RV Park could be developed on the site. Estimates for traffic (new trips) used the General Light Industrial trip generation rate because it best approximates the use of the property as a wind turbine service facility. In addition, rather than use a trip generation rate for an RV Park, the rates for Mobile Home Parks were used given that many RV

parks in the region are used by RVs as permanent residences. Access under Scenario 1 would continue to use the current access along Stanfield Meadows Road.

Under Scenario 1 and the near term development of the property as a wind turbine service facility would add two additional northbound and southbound left turn vehicles at the intersection of State Highway 207 and Stanfield Meadows Road and thus would not result in the need for left turn lanes at this intersection.

Scenario 2

The second scenario assumes the property is redeveloped to include five acres for general industrial use, two acres of mini-storage, one acre as a 35-room motel, and one-half acre for office, fast food, quality restaurant and gas station consisting of 3,500 square feet for each use. For this scenario it is assumed a new access would be developed along the southeast corner of the property with access to State Highway 207 (Exhibit # 9).

Evaluation of left and right turn lanes for Scenario 2 results in a potential need for an exclusive southbound right turn on State Highway 207 for (new) access to property. J-U-B Engineers recommend that when full development is proposed this access be reevaluated for the need for a southbound right turn lane for the access to Highway 207.

B. Administrative Rules OAR Chapter 660, Division 12 Transportation

Statewide Planning Goal 12 is based on factors interpreted in the state administrative rules, OAR Chapter 660 Division 12. The rules require that if an amendment to an acknowledged comprehensive plan or land use regulation (including a zoning map) is determined to significantly affect an existing or planned transportation facility, then the local government must follow OAR 660-012-0060.

OAR 660-012-0060 (1) provides in relevant part: If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility then the local government must put in place measures as provided in section (2) of this rule . . .

OAR 660-012-0060 (2) provides in relevant part: A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited**

to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

Applicant's Information:

“The proposed Amendments will not create a significant transportation impact. The proposed use anticipates only a minor increase in Average Daily Trips (ADT) at the Property. No upgrades or improvements will be necessary to the existing permitted Property access at Stanfield Meadows Road, and at Highway 207.

1. OAR 660-012 and Umatilla County TSP.

The Amendments conform to the purpose and goals of OAR 660-012 and the Umatilla County TSP because they will minimally impact traffic patterns in the county, they will not require transportation improvements and they will not create traffic safety issues. Currently, one or more vehicles are being used for multiple daily trips on and off the Property. Under the proposed use, up to five personal vehicles may make a single trip to the Property daily and three service vehicles would depart from the Property to area windfarms. The personal vehicles and the service vehicles to visit the Property are currently making the same number of trips on I-84 daily, often for longer distances and sometimes past the Property. While use of the Highway 270 [207] exit at I-84 and the approximately half-mile section of Stanfield Meadows Road may increase by an estimated two or three ADTs per work day, there will be a corresponding reduction to the number of ADTs on Highway 395 through Hermiston.

(1) If an amendment to a functional plan...

No significant impact on existing plans shall occur as a result of an approval of this request. The frontage property is already commercially zoned and has had a range of commercial retail operation, which have operated in the past and were fully considered when the County's Transportation System Plan was completed and adopted. Because the zone change request is simply to add more available land to this zone designation, not increase the size of commercial operation, no real measurable increase in traffic is anticipated as a result of this approval. The operational capacity of the highway will not be impacted in any significant manner and therefore the Transportation Planning Rule does not really apply in this instance.

(2) If a local government determines that there would be a significant effect

The applicant has provided information which clearly suggests that traffic impacts will be insignificant due to the approval of this request. No functionality of the transportation facility will be adversely impacted as a result of this approval, rather the safety and function of the highway system will be improved by the additional land on which to provide a commercial retail structure with safe and adequate off-street parking for customers. No allowable activity associated with this approval will “reduce the performance standards” of the highway or adversely impact public safety for the travelling public. In

fact, approval of this request and the future redevelopment of these properties will result in an improved streetscape, greater transportation safety and more desirable commercial development in the area.

It is the conclusion of the applicant that the Transportation Planning Rule in this case is non-applicable due to the limited impact and actual improvement to public safety which would result as a condition of this approval.”

Planning Information – Goal 12 Transportation:

The applicant’s information (above) addressing transportation was provided prior to completion of the Traffic Impact Analysis (TIA). The TIA dated December 2016 presents data regarding traffic generated by two development scenarios resulting from rezoning the applicant’s property from farm use to commercial.

The first scenario was based on the applicant’s proposed use of an existing building on the property as a wind turbine service facility. In addition, Scenario 1 also assumes an RV Park could be developed on the site. Estimates for traffic (new trips) used the General Light Industrial trip generation rate because it best approximates the use of the property as a wind turbine service facility. In addition, rather than use a trip generation rate for an RV Park, the rates for Mobile Home Parks were used given that many RV parks in the region are also used as permanent residences. Under Scenario 1 access would continue to use Stanfield Meadows Road. Scenario 1 would add two additional northbound and southbound left turn vehicles at the intersection of State Highway 207 and Stanfield Meadows Road and thus would not result in the need for left turn lanes at this intersection.

The second scenario assumes the property is redeveloped to include five acres for general industrial use, two acres of mini-storage, one acre as a 35-room motel, and one-half acre for office, fast food, quality restaurant and gas station consisting of 3,500 square feet for each use. For this scenario it is assumed a new access would be developed along the southeast corner of the property to access onto State Highway 207.

The need for left and right turn lanes evaluated for Scenario 2 could result in an exclusive southbound right turn on State Highway 207 at the new access point to the exception property. J-U-B Engineers recommends at the time of development, as described in Scenario 2, access be reevaluated for need of a southbound right turn lane along State Highway 207.

The County finds that based on the TIA the proposed use of the property under TIA Scenario 1 would not significantly increase traffic and reduce the functional class of the transportation facility at the intersection of Stanfield Meadows Road and State Highway 207.

The County finds that based on the TIA the proposed use of the property under TIA Scenario 2 does result in reevaluation of an exclusive southbound right turn lane at the applicant’s access approach to State Highway 207.

The County finds more intensive development of the applicant's property under Scenario 2 would trigger applying UCDC Section 152.019 and the requirement for a new Traffic Impact Analysis.

The County also finds the applicant's assumption stating a reduction of traffic on State Highway 395 (as a result of approval of the rezone from farm use to commercial use) is not based on facts contained in the record.

VI. UMATILLA COUNTY COMPREHENSIVE PLAN

A. Economy of the County Chapter 12

Policy 12: "Provide for three types of Commercial Service Center to serve nearby rural development; Tourist Commercial to serve the traveling public; Retail /Service Commercial to serve commercial activities which cannot locate within urban growth boundaries."

Policy 12, page 12-3 (page XII-3)

Applicant's Information - Proposal's Economic Benefits:

"The Amendments offer economic benefits to the region by supporting wind energy projects, increasing service efficiency, decreasing commuter traffic, and centrally locating high-value services in Umatilla County.

The wind projects serviced by Vestas already contribute significant economic benefits to the area. In addition to tax income for Umatilla County, a significant number of local businesses were employed during the development and construction process. The wind projects produce income for landowners while making important contributions to the state's renewable energy portfolio. These wind projects diminish emissions while making a significant contribution to the Umatilla County economy. The Windfarms Project alone is estimated to produce the energy to power 18,500 average Oregon homes while offsetting 140,000 tons per year of greenhouse gases. By locating the wind turbine service facility in central Umatilla County, the turbine service technician jobs will be secured in Umatilla County. The Amendments help protect productive farmland from development by utilizing existing buildings rather than developing cropland currently approved for siting a support facility. Developing productive farmland would diminish agricultural revenue and add buildings to the rural landscape. The Amendments make it unnecessary to develop cropland for a wind turbine service facility."

Planning Response:

The applicant suggests by rezoning the property to allow one or more of the existing buildings to be permitted as a wind project service center for wind turbine technicians to assemble and dispatch to area wind projects would offer, "economic benefits to the region by supporting wind energy projects".

However the economic benefits from the wind energy projects, located elsewhere in the County, has

occurred and continues to occur whether the exception and rezone is successful or not. Albeit there is a nexus between a wind project and its' support service center the economic benefits from wind projects in the County are not dependent or enhanced by rezoning the applicant's property.

According to the applicant's information "sites in northern Hermiston" are currently used as a Vestas wind project service center. Why the Hermiston wind project service center could not, or will not, continue to be used as the service center was not provided; however, it is assumed the current Hermiston site does not need to be rezoned in order to continue to be used as the wind project service center. Although the applicant indicates Vestas desires to relocate to the applicant's property no documentation from Vestas to substantiate or support relocation to the applicant's property was provided. In addition, no substantial information was supplied on whether the wind project service center could be, or could not be, located within the Urban Growth Boundaries of either Hermiston, Stanfield or Echo, as anticipated by County Comprehensive Plan Policy 12. Therefore, the County finds the applicant's rezone application to rezone the applicant's property from farm use to commercial use does not support Chapter 12 Economic Plan Policy 12.

B. Retail/Service Commercial

The introductory paragraph on page 18-276 for Retail/Service Commercial lands in the Comprehensive Plan provides:

"The great majority of commercial facilities are intended to develop within urban and urbanizable lands. However, specific commercial activities require larger sites than may be available within urban growth boundaries and are encouraged to locate in those rural industrial areas that allow commercial uses. Should increased rural needs for rural "retail/service" designations surpass urbanizing and industrial site availabilities, additional rural lands may be classified commercial upon demonstration of (1) Need for that additional site; (2) Non-availability of appropriate sites in urban growth boundaries and rural industrial areas; (3) Adequate services for that commercial activity; and (4) Compatibility with surrounding land uses." Umatilla County Comprehensive Plan, page 18-276, (print page XVXIII-405)

Applicant's Information - Additional Retail/Service Commercial Designated Lands:

"The Amendments comply with the Plan because they meet the criteria by which rural lands may be classified as Commercial. Additional rural lands may be classified Commercial after rural needs surpass available urban and industrial sites and when the following criteria are met: "(1) Need for that additional site; (2) Non-availability of appropriate sites in urban growth boundaries and rural industrial areas; (3) Adequate services for that commercial activity; and (4) Compatibility with surrounding land uses." Umatilla County Comprehensive Plan at 18-276. The Amendments meet all four criteria."

"The Amendments meet the first criteria because the rural wind power industry, including the Windfarms Project, has significant unmet wind turbine service demands. The Amendments would facilitate the siting of a wind turbine service facility central to both wind farms and transportation corridors. Under the terms of the Windfarm Project's CUP, the approved wind turbine service facility must be located in the CUP

area. The CUP area is zoned exclusively EFU and no suitable buildings presently exist. If the applicant were to develop a site within the CUP area, existing crop ground would be taken out of production. As currently permitted, a new facility would require site excavation, new access roads, new parking lots, and a new building footprint on agricultural ground that the Plan seeks to protect. Under the Amendments, the wind turbine service facility would use existing buildings and not take existing cropland out of production.

The Amendments meet the second criteria because there are no appropriate sites within the urban growth boundary (UGB) or within rural industrial areas for a wind turbine service facility. An appropriate site should be outside the UGB and rural industrial areas because the wind turbine service facility serves wind power projects sited on rural lands. Siting the wind turbine service facility in existing buildings outside the urbanized and industrialized areas of the County, adjacent to a transportation corridor, and along an energy transmission corridor, facilitates access to these rural wind turbine sites, minimizes traffic impacts on urban areas, and reduces commuting time and costs.

The Amendments meet the third criteria because the Property currently has adequate services for the wind turbine service facility. The Property has paved access under a County access permit (See: LURA Exhibit G1) [*Exhibit # 10*] and ample parking space for the technicians' personal and service vehicles. The Property has a well and a sanitary system that meets the water and sewer needs of the wind turbine service facility.

Finally, the Amendments meet the fourth criteria because a wind turbine service facility is compatible with the surrounding land uses. The Property is located along a permitted energy transmission corridor and other surrounding uses include farming, energy production, food processing, farm implement dealers, transportation facilities, utilities, and travel centers. Utilizing existing buildings as an office for a small staff will not adversely impact surrounding uses because it will not significantly impact traffic patterns or affect the visual or acoustic aspects of the Property.”

Planning Response:

The Comprehensive Plan section specifics “. . . rural lands may be classified Commercial after rural needs surpass available urban and industrial sites and when the following criteria are met: (1) Need for that additional site; (2) Non-availability of appropriate sites in urban growth boundaries and rural industrial areas; (3) Adequate services for that commercial activity; and (4) Compatibility with surrounding land uses.”

The statement, “. . . rural [exception] lands proposed to be classified [designated and rezoned] Commercial may be done after rural needs surpass available urban and industrial sites . . .” [Emphasis added] is not addressed by the applicant nor is it demonstrated how rural needs have surpassed available urban and industrial sites.

Criterion (1): need for an additional Commercial site.

The applicant addresses Criterion (1) by stating, “the rural wind power industry, including the Windfarms Project, has significant unmet wind turbine service demands.” This statement is conclusionary and not supported by facts or substantial evidence in the record.

Criterion (2): non-availability of appropriate sites located in an Urban Growth Boundary or rural industrial areas.

The applicant provides, “. . . there are no appropriate sites within the urban growth boundary (UGB) or within rural industrial areas for a wind turbine service facility.” This statement is likewise conclusionary and not supported by facts or substantial evidence. Further, it is difficult to believe that the cities of Hermiston, Stanfield and Echo would not have one available site within their Urban Growth areas that would be an appropriate site for a wind turbine service facility. In addition, designated rural industrial zoned lands, located to the northeast of the applicant’s property (north of the Umatilla River), also may have available sites; however, the applicant did not provide information as to why these areas are not available or appropriate sites.

Criterion (3): adequate service for commercial activities.

The applicant supplies, “. . . the Amendments meet the third criteria because the Property currently has adequate services for the wind turbine service facility. The Property has paved access under a County access permit (See: [LURA Exhibit G1](#)) [*Exhibit # 10*] and ample parking space for the technicians’ personal and service vehicles. The Property has a well and a sanitary system that meets the water and sewer needs of the wind turbine service facility.”

As presented, approval of the amendment request to rezone the applicant’s property from Agriculture/EFU zoning to Commercial/Rural Retail Service Commercial zoning would not limit commercial uses to the single purpose of establishing a wind turbine service facility (service-oriented business). However, the applicant supports meeting criterion (3) based on a single use of the property as a wind turbine service facility (service-oriented business). Because a range of permitted uses could be pursued and only a wind turbine service facility is addressed, the County is unable to determine whether there would be adequate services for other commercial uses (businesses).

The applicant’s desire to use the existing residential structure and farm buildings as a wind turbine service facility, as a service-oriented business, in the Rural Retail/Service Commercial zone is not a commercial activity that would necessarily require a large acreage site. And again, the applicant has not provided information on lands that may, or may not be, available in the Urban Growth Areas of either Hermiston, Stanfield or Echo as use for a wind turbine service facility.

Criterion (4): compatibility with surrounding land uses.

The applicant states “the Amendments meet the fourth criteria because a wind turbine service facility is compatible with the surrounding land uses. The Property is located along a permitted energy transmission corridor and other surrounding uses include farming, energy production, food processing, farm implement dealers, transportation facilities, utilities, and travel centers. Utilizing existing buildings as an office for a

small staff will not adversely impact surrounding uses because it will not significantly impact traffic patterns or affect the visual or acoustic aspects of the Property.”

The applicant addresses Criterion (4) and (3) in a similar manner. The applicant describes the wind turbine service facility as compatible with surrounding (outlying) land uses and provides a list of mainly nonresource uses including a permitted transmission line and area transportation facilities that are compatible with the applicant’s proposed use of the property as a wind project service facility. The applicant also lists farming but does not specifically describe area farm uses or address compatibility with these farm uses. Because the applicant’s rezone and exception request is not limited, the allowable uses in the Rural Retail/Service Commercial zone could potentially include commercial uses beyond use of the property as a wind turbine service facility; evaluation of compatibility between adjacent farm uses and other permissible commercial uses cannot fully be addressed.

The County objective is to locate commercial facilities within urban and urbanizable lands. Where urbanizing and rural industrial site availability are surpassed and where rural needs increase the demand for additional retail/service designations, rural lands then may be classified commercial through a demonstration that additional commercial designations meet the four measures listed on Comprehensive Plan page 18-276.

The County finds the applicant has not adequately demonstrated rural needs have increased and surpassed available retail/service commercial lands or provided reasons in support of a demand for additional retail/service commercial zone designations.

The County finds the applicant has not provided a factual basis demonstrating commercial lands are not available within city UGBs.

The County concluded the applicant has not demonstrated the rezone request supports the intent or has met the four measures listed in the Comprehensive Plan for classifying (designating) additional rural lands to commercial.

C. Energy Conservation Chapter 16

Applicant’s Information:

“The Amendments also comply with the Plan Chapter 16 Energy Conservation policies. The use of the Property as a wind turbine service facility would promote local renewable energy technologies, use existing structures and developed area, and reduce current fuel consumption by decreasing travel time to rural wind turbine sites.”

Planning Response:

Permitted uses in the Rural Retail/Service Commercial zone include many different types of commercial uses beyond the desired use of the applicant’s property as a wind turbine service facility. Although, it is the applicant’s immediate desire and request to use the property as a wind turbine service facility, the applicant does not desire to limit additional permissible commercial uses. Whether commercial uses

beyond use of the property as a wind turbine service facility would be supportive of Energy Conservation policies in Chapter 16 is unknown without additional information to review.

It has been the County's experience that promotion of local renewable energy technologies has not been the result of using a property such as the applicant's property as a wind turbine service facility but instead rests more with government financial incentives, specific attributes of the renewable energy site, including available and economical routes to transmit the energy to the electrical grid.

Although it may be a benefit to the applicant to use existing buildings on the applicant's exception property as a wind turbine service facility, other properties that do not require a Goal 3 exception should be thoroughly explored for availability to use as a wind turbine service facility. However, the applicant has not provided information on alternate sites as a comparison for where a wind turbine service facility may be permitted without a rezone and Goal 3 exception. These alternate sites could include lands located in City Urban Growth Boundaries and other rural nonresource lands where Goal exceptions have previously been approved.

Lastly, the County is unable to quantify a reduction in fuel consumption using travel distance from the applicant's property to wind project turbine sites because no comparable sites have been discussed.

There is not enough information in the record for the County to find the applicant's rezone request supports Energy Conservation Chapter 16.

VII. UMATILLA COUNTY DEVELOPMENT CODE

Applicant's Information – Compliance with the County Development Code:

"The Amendments comply with the Umatilla County Development Code (UCDC) because they comply with the Plan, as detailed above, and they comply with the application requirements under UCDC §152.750. The proposed use under the Amendments complies with the requirements of the proposed zone and has minimal impacts.

The Amendments change the Property zoning from Exclusive Farm Use (EFU) to Rural Retail/Service Commercial (RRSC). The proposed use under the Amendments meets the intent of the RRSC Zone, which is to "permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact." Umatilla County Development Code at 155 (September 22, 2015). The RRSC Zone is the most restrictive zone that allows use of the Property as a service-oriented business, specifically, an office and staging area for wind turbine service facility, without requiring a Statewide Planning Goal 14 exception. Wind power projects are currently an existing use on rural lands, and this business would support the continuation and economic viability of those wind projects.

Locating the wind turbine service facility on the Property will allow the technicians to commute shorter distances to their office and subsequently travel shorter distances to the nearby wind projects. This proposed use will be a low impact change to the site. The preexisting structures are currently used as a residential property. Approximately the same number of persons would use the Property as an office as the number of persons currently making use of the Property as a residence. Minimal improvements and no new structures would be required. No increases in water or sanitary services are required under the Amendments. As described in greater detail in Question 9 of Attachment 1 to the Supplemental Application [Exhibit # 11], the proposed use will have minimal traffic impacts.

ORS 215.283(1)(c)(A) directs counties to “mitigate and minimize the impacts of [proposed facilities]” while UCDC 152.617 (II)(7)(A)(4) requires the County to impose siting conditions that “mitigate and minimize the impacts of [proposed facilities].” Use of the existing structures on the Property as a wind turbine service facility entirely mitigates impacts of the proposed facilities by utilizing existing buildings rather than constructing a new facility on productive farmland. Such use would result in no impact because the use of the buildings would remain essentially unchanged; the existing shop buildings would merely continue to house parts and tools. Surrounding farmland, the environment, and the transportation infrastructure would not be adversely affected.

Finally, the Amendments comply with the UCDC because, although a portion of northeast corner of Property is in the Flood Hazard Overlay Zone, the proposed use does not affect the floodplain area of the Property and does not trigger the requirement for a Floodplain Development Permit. A solar power array has already been sited on the floodplain. All structures related to the proposed use and the access point to the Property are outside of the floodplain.”

Planning Response:

The applicant states, “Locating the wind turbine service facility on the Property will allow the technicians to commute shorter distances to their office and subsequently travel shorter distances to the nearby wind projects.” The applicant has not provided information on available alternate sites where a wind turbine service facility could be permitted. Therefore, the County is unable to quantify a reduction in the technicians travel distance from a wind service facility located on the applicant’s exception property to wind project turbine sites in comparison to other permissible sites.

The shortest distance from the wind turbine service facility to the wind project site would be to locate the wind turbine service facility at the wind project site. Wind turbine service facilities are permitted uses on EFU zoned properties through approval of a Conditional Use Permit for the Commercial Wind Project. Wind turbine service facilities are identified as wind project Operations and Maintenance Buildings and may be permitted⁶ on project sites through the Conditional Use Permit. The applicant did not explain

⁶ UCDC, Conditional Use Permit Section 152.616 (HHH) (6), (7) (a), (g) (1) & (2):

beyond that the wind project area is on cultivated land as to why an amendment of the Wind Project Conditional Use Permit for approval of the wind project Operations and Maintenance Building at the project site was not able to be pursued. Locating the Operations and Maintenance Building at the project site would not require Goal 3 exception and rezone and is an application and permit path the applicant continues to have available.

The applicant supplied information from a portion of the following standard “. . . UCDC Section 152.617 (II)(7)(A)(4)⁷ requires the County to impose siting conditions that “mitigate and minimize the impacts of [proposed facilities].”

This specific standard is addressed when permitting a “Utility Facility Necessary for Public Service” on EFU zoned land. The rezone application to permit a wind turbine service facility is not reviewed and considered under the “Utility Facility Necessary for Public Service.” However, the wind project transmission line along the south property line crossing from Stanfield Meadows Road to Butter Creek Highway was reviewed and permitted as a “Utility facility Necessary . . .” This transmission line is approximately 10 miles in length and serves the Oregon Wind Farm projects located farther south in the vicinity west and southwest of Butter Creek Highway and Madison Road.

In 2008, the Oregon Wind Farms transmission line (Utility Facility Necessary for Public Service) was approved and at that time the approval found among other reasons, that there was not a significant impact on accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands. Therefore, mitigation was not imposed in 2008 for the approval of the Oregon Wind Farms transmission line. This previous Finding does not in itself address impacts to adjacent resource zoned lands or satisfy whether there would be potential impacts as a result of rezoning the applicant’s property from farm use to commercial use through the Goal 3 exception process.

VIII. GOAL 11 PUBLIC FACILITES

Applicant’s Information - Public Facilities:

The applicant’s information lists a domestic well and septic system on the exception property.

“Required permanent maintenance/operations buildings shall be located off site in one of Umatilla County’s appropriately zoned areas, except that such a building may be constructed on site if:

- (1) The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and
- (2) The building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of 152.616 (HHH) (7).”

⁷ UCDC Section 152.617 (II)(7)(A)(4): “The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.”

Planning Response - Public Facilities:

The applicant did not specifically address Public Facilities. The area is rural and public facilities such as municipal sewer and water are not available to the exception property; therefore, rural on-site facilities would be necessary.

IX. AFFECTED AGENCIES

The following agencies are notified of the application request:

City of Hermiston, City of Stanfield, City of Echo, Oregon Department of Transportation, Oregon Water Resources, Oregon Department of Environmental Quality, Oregon Department of Agriculture, Oregon Department of Land Conservation & Development, Umatilla County Assessor, Umatilla County Public Works, Umatilla County Fire District #1 (Hermiston Rural) and Westland Irrigation District

X. CONCLUSION

Approval of a “physically developed” exception to Statewide Planning Goal 3 (Agricultural Lands) requires the land is no longer available for uses allowed by the applicable Goal. Allowed uses by the applicable goal(s) are not to be used as justification of a physically developed exception.

Approval of an “irrevocable committed” exception to Statewide Planning Goal 3 (Agricultural Lands) requires that allowed uses by the goal are impractical due to the characteristics of the exception area, the adjacent lands, and the relationship between the two, as well as other relevant factors, OAR 660-004-0028 (2). Open areas and farm uses on adjacent lands, as shown in the aerial photo, and also observed by a Staff visit supports continued resource use of the exception property. Therefore, evidence concluding that the farm uses on the exception property are impractical has not been substantiated.

The applicant has not requested a “reasons” exception, OAR 660-004-0020 and 0022; therefore, a “reasons” exception was not reviewed. A “reasons” exception, although available to the applicant, is as much, or more demanding to satisfy.

XI. OPTIONS FOR PLANNING COMMISSION MOTIONS

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

I, Commissioner _____, make a motion to recommend denial of the 3R Valve, LLC, Goal 3 exception, plan amendment and zone change amendment, numbers T-16-069, P-118-16 and Z-310-16, to the Board of County Commissioners, based on the foregoing Findings of Fact and Conclusions of Law.

B. Motion to Recommend Approval with Additional Findings

I, Commissioner _____, make a motion to recommend approval of the 3R Valve, LLC, Goal 3 exception, plan amendment and zone change amendment, numbers T-16-069, P-118-16 and Z-310-16, to the Board of County Commissioners with the following additional Findings of Fact: _____.

XII. BOARD OF COMMISSIONERS DECISION OPTIONS

A. Denial

Based upon the foregoing Findings of Fact and Conclusions of Law, where it has not been demonstrated the request is in compliance with the County Comprehensive Plan and the State Administrative Rules for an exception to Goal 3, the 3R Valve LLC, amendment request does not satisfy the criteria to rezone resource (EFU) zoned property to commercial (RRSC) zoning and therefore cannot be approved.

B. Approval

Based upon the foregoing Findings of Fact and Conclusions of Law, where it has been demonstrated the request is in compliance with the County Comprehensive Plan and the State Administrative Rules for an exception to Goal 3, the 3R Valve LLC, amendment request to rezone resource (EFU) zoned property to commercial (RRSC) zoning is approved.

DATED this ____ day of _____, 20 ____.

UMATILLA COUNTY BOARD OF COMMISSIONERS

W. Lawrence Givens, *Commissioner*

William J. Elfering, *Commissioner*

George L. Murdock, *Commissioner*

RRSC, RURAL RETAIL/SERVICE COMMERCIAL ZONE

Sub-Sections

<u>152.251</u>	<u>Purpose</u>
<u>152.252</u>	<u>Uses permitted</u>
<u>152.253</u>	<u>Conditional uses permitted</u>
<u>152.254</u>	<u>Limitations on uses</u>
<u>152.255</u>	<u>Design review</u>
<u>152.256</u>	<u>Dimensional standards</u>

§ 152.251 PURPOSE.

The RRSC, Rural Retail/Service Commercial, Zone is designed to comply with Goal 14 and provide areas outside of urban growth boundaries and unincorporated communities where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service-oriented commercial activities to accommodate rural residences. This zone is applied to commercial lands outside unincorporated communities and urban growth boundaries for which an exception to Goal 14 has not been approved.

The intent of the Rural Retail/Service Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact. (Ord. 2005-09, passed 10-13-05)

§ 152.252 USES PERMITTED.

(A) *Uses Permitted Outright.* In an RRSC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses Permitted with a Zoning Permit.* In the RRSC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.254 through 152.256 of this chapter:

(1) Automobile service station;

(2) Automobile, truck or motorcycle sales lot;

(3) Automobile, truck or motorcycle repair shop or parts store;

- (4) Blacksmith or machine shop;
- (5) Bottling works;
- (6) Custom meat cutting, curing and cold storage locker;
- (7) Eating or drinking establishment;
- (8) Financial institution;
- (9) Food store;
- (10) Gift store;
- (11) Green house or nursery;
- (12) Information center;
- (13) Motel, hotel, up to 35 units;
- (14) Office building;
- (15) Plumbing or sheet metal shop;
- (16) Public or semi-public uses;
- (17) Retail sales outlets;
- (18) Service-oriented businesses;
- (19) Sporting goods or bait shop;
- (20) Signs: Type 2, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;
- (21) Wholesale businesses where no manufacturing, compounding, processing or treatments of the products for wholesale are conducted.
(Ord. 2005-09, passed 10-13-05; Ord. 2012-02 passed 1-26-12)

§ 152.253 CONDITIONAL USES PERMITTED.

In a RRSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ 152.610 through 152.616 and 152.254 and 152.256 of this chapter and upon the issuance of a zoning permit:

- (A) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in § 152.616 (X);
- (B) Animal hospital or veterinary clinic as provided in § 152.616 (DDD);
- (C) Commercial amusement establishment as provided in § 152.616 (P);
- (D) Drug paraphernalia store, adult book store, adult movie house as provided in § 152.616 (W);
- (E) Mini-warehouses as provided in § 152.616 (MM);
- (F) Mobile home park, travel trailer park as provided in § 152.616 (NN);
- (G) Tire repairing as provided in § 152.616 (AAA);
- (H) Utility facility as provided in § 152.616 (CCC);
- (I) Welding shop as provided in §§ 152.616 (F);
- (J) Other uses similar to the uses permitted or the conditional uses normally located in a Rural Retail/Service Commercial Zone, provided that the use has the approval of the Planning Director or Planning Commission.

(K) Rural commercial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural commercial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(L) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(M) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(N) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2005-09, passed 10-13-05; Ord. 2013-02, passed 1-29-13)

§ 152.254 LIMITATIONS ON USES.

In the RRSC Zone, the following limitations and conditions shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property;

(B) Outside display of any scrap or salvage material shall be prohibited.

(C) Except as provided in Paragraphs D through F of this Section, buildings shall not exceed 3,500 square feet of floor space.

(D) Greenhouses, nurseries, mobile home parks, travel trailer parks, and animal hospitals or veterinary clinics primarily devoted to the treatment of large animals may have buildings in excess of 3,500 square feet of floor space.

(E) New hotels and motels are allowed up to a maximum of 35 units, with no limitation on square footage.

(F) Structures that existed on July 1, 2005 may expand to a building size of 4,500

square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.

(G) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(H) The growing, harvesting or processing of marijuana is prohibited in this zone.

(Ord. 2005-09, passed 10-13-05; Ord. 2015-07, passed 9-22-15)

§ 152.255 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § 152.252 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or an authorized agent shall review the site plan for completeness and compliance with the

following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011. (Ord. 2005-09, passed 10-13-05; Ord. 2014-04, passed 7-2-14)

§ 152.256 DIMENSIONAL STANDARDS.

In an RRSC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of five feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: ten feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: twenty feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to §§ 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback

would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the streams, lakes or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 2005-09, passed 10-13-05; Ord. 2011-02, passed 3-17-11)

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

August 11, 2016

LAND USE
PLANNING,
ZONING AND
PERMITTING

Michael Schultz
1724 SE Taylor Street
Portland, Oregon 97214

Lolly Anderson
1724 SE Taylor Street Portland,
Portland, Oregon 97214

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

Re: Completeness Letter and Information Request
3R Value LLC – Madison Amendment & Rezone Request
Map # 4N 28 33B, Tax Lot # 103, Accounts # 128241/164607

SMOKE
MANAGEMENT

Dear Michael and Lolly:

GIS AND
MAPPING

Please accept this letter as comment on the completeness of the 3R Valve LLC - Madison Rezone application to rezone land from Exclusive Farm Use (EFU) to Rural Retail Service Commercial (RRSC). The application has been reviewed for completeness and following are some aspects of the application Planning Staff requests clarification about prior to deeming the application complete.

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Application Attachment 1

Proposal

The information and responses provided in the application suggest the applicant is requesting a rezone for a specific use. This use would be for equipment and maintenance personnel (warehouse) associated with maintaining Vesta wind turbines. The applicant would modify and use an existing shop building on the 3R Value property as the maintenance warehouse facility. Further, the applicant notes that a service-oriented business is allowed in the RRSC zone. Please verify whether a service-oriented business is believed to be the use that would permit the desired use?

Amendments to rezone land where uses in the new zone are limited are processed via the Limited Use Overlay Zone as provided in the Umatilla County Development Code (UCDC) §§152.530 – 152.536. Please verify whether it is the applicant's intent to limit the use of the property to a single use? If it is the applicant's intent to limit the rezone to a single use, please specify in the application request that a limited use rezone is requested.

Supplemental Application

According to the applicant, "The Amendments do not require a formal Traffic Impact Analysis (TIA) under UCDC §152.019." This appears to be due to that "the amendments will not result in an increase of site traffic volume generation by 250 or more ADTs" and further "because the amendments will not increase the use of adjacent gravel-surfaced County roads by vehicles exceeding the 10,000-pound gross vehicle weight (GVW) by 20 vehicles or more per day because the wind turbine service facility does not rely upon heavy GVW vehicles and because the access road is paved." Staff does not agree.

UCDC §152.019 (B) Applicability: A Traffic Impact Analysis *shall be required* to be submitted to the County with a land use application when one or more of the following actions apply (emphasis added):

- (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:

Some of the circumstances (i.e. effects) listed under (2) for the TIA requirement include the circumstances the applicant presents for traffic volume generations of 250 or more ADTs, and/or the use of gravel surfaced County roads by 20 vehicles or more per day that exceed 10,000 pound gross vehicle weight. Because these two effects will not occur the applicant declares the TIA is not required. The applicant ignores that the request is for “a change in plan amendment designation” as delineated in (1) and this alone triggers the requirement for the TIA. That said, if the applicant desires to limit the use to a single use for the rezone and the applicant makes a case that the amount of traffic from the single use would be de minimis, this information could be presented to the County decision makers for a determination on whether the TIA is necessary. A down side to this approach is the determination may also confirm the TIA is required and further delay a final decision.

In summary, the intent of this letter is to clarify the rezone request and the requirement for the TIA. If you would like to visit with me about the contents of this letter or other application related requirements you may call me at 541-278-6301, or if it is more convenient you may contact me via e-mail at carol.johnson@umatillacounty.net. Thank you for your attention.

Cordially,



Carol Johnson,
Senior Planner

enclosure: UCDC §§152.530 – 152.536 and §152.019

cc: Tamra J. Mabbott, Planning Director

to Supplemental Application

Comprehensive Plan Amendment Map





Google earth

miles
km



April 2015 



Google earth

feet
meters



From SW corner looking ESE from Stantonfield
Meadows Rd.

MAY 2012



Please submit in triplicate
 STATE OF OREGON
 BUILDING CODES AGENCY

**FARM
 AGRICULTURAL
 BUILDING
 EXEMPTION
 CERTIFICATE**

For Agency Use Only: ZONING AUTHORIZATION:	
No: <u>Ex-97-037</u>	
Zone: <u>EF4</u>	Area: <u>4N2833B 103</u>
By: <u>Beth Hill</u>	Title: <u>Zoning Aide</u>
County: <u>Umatilla</u>	Date: <u>11-3-97</u>

Name: Wesley Walker
 Address: Rt1 Box 1947 (29701 Stanfield-Meadow Rd) Hermiston, OR 97838

Directions to Site: _____
 Telephone No.: 541-567-3996 Use of Building: 50' x 100' Storage Bldg (Melons & equipment)

I am the owner / lessee of the above-noted structure to be erected, located on Tax Lot 103 Township 4N Range 28 Section 33(B) and do hereby declare said structure is an agriculture building as defined in Section 402, State Structural Specialty Code (definition on back of this form) and is exempt from the State Structural Specialty Code. Plans will not be required to be submitted and a Building Permit will not be required. Electrical, plumbing, mechanical, elevator, and boiler permits are required. (Reference ORS 455.315)

- I declare that said building is not:
- a. A dwelling.
 - b. A structure used for a purpose other than growing plants in which persons perform more than 144 man-hours of labor a week.
 - c. A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476.
 - d. A place used by the public.
 - e. Located in a designated Flood Zone.

I further declare that prior to any change in use of said structure that would remove said structure from the exemption, a building permit will be obtained and the structure will be made to conform to all requirements of the State Structural Specialty Code as required for the new use.

STATE OF OREGON
 County of Umatilla

I, Wesley A. Walker, do hereby swear and affirm under the penalty of perjury that the above statement is true and correct.

Date: _____ Signature of Applicant: [Signature]

Subscribed and sworn to before me on this 3rd day of November, 19 97.

Patricia J. Perry
 Notary Public of State of Oregon
 My commission expires 11-8-98

BCA District Office _____

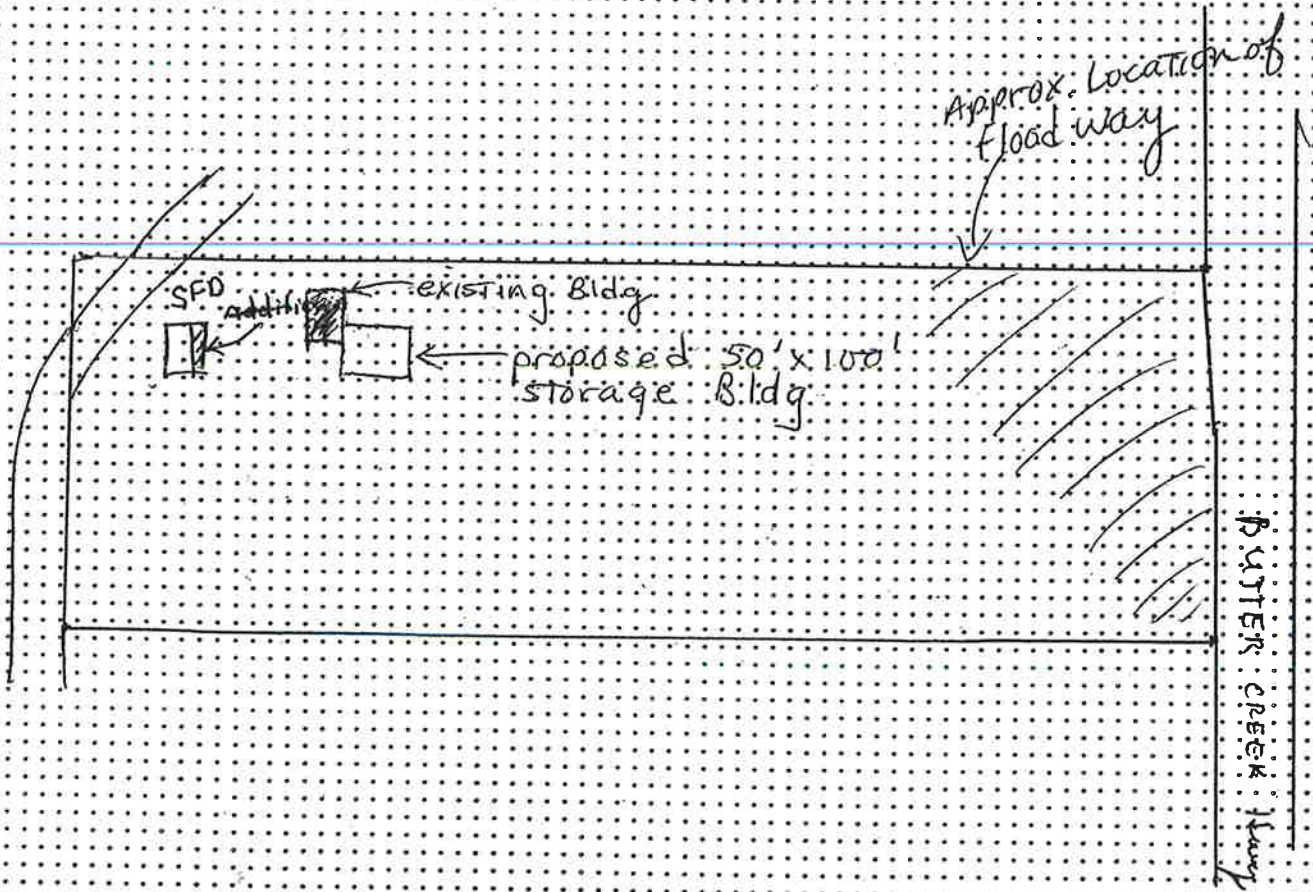
Applicant BCA Local Zoning

BCA 11/88



PLOT PLAN

* Firm panel 365B shows new structure in A.E. BFE \approx 548'
 No elevation required because structure is outside flood way and will not be inhabited.



I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions

APPROVED
<u>Ex-97-037</u>
Date <u>11-3-97</u>
By <u>Beth Hill</u>
Umatilla Co. Planning

Source: UMATILLA RIVER, a tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCE
3 N	29 E	WM	21	SW NE	POD #1: North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
4 N	28 E	WM	33	NE NW	9.0	103	KENT MADISON	2011-01

4. Application T-11330 proposes to change the place of use of the above described rights to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
3 N	27 E	WM	01	NW SW	9.0	4700	KENT MADISON	2011-01

5. The portion of the SECOND right to be transferred is as follows:

Certificate: 79439 issued in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit 7400)

Use: SUPPLEMENTAL IRRIGATION (IS) of 9.0 ACRES

Priority Date: JULY 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (or its equivalent) provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein

Source: MCKAY RESERVOIR (constructed under Permit R-564), a tributary of MCKAY CREEK. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCE
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND CANAL: North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
4 N	28 E	WM	33	NE NW	9.0	103	KENT MADISON	2011-01

6. Application T-11328 proposes to change the place of use of the above described right to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
3 N	27 E	WM	01	NW SW	9.0	4700	KENT MADISON	2011-01

7. The District permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed changes in place of use would not result in enlargement of the rights.
10. The proposed changes in place of use will not result in injury to other water rights.

Diminishment of a Portion of a Water Right Permit

11. On December 16, 2011, Kent Madison and Shannon Madison, owners of certain lands to which a portion of Permit 51017 and Permit 54675 are appurtenant, submitted an affidavit to diminish a portion of the water use permits from primary irrigation to supplemental irrigation for the incoming district right, and is described as follows:

Permit: 51017 (Application S-70272) in the name of KENT R. and SHANNON K. MADISON
Use: IRRIGATION of 9.0 ACRES
Priority Date: APRIL 2, 1990
Rate/Duty: ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to 4.5 acre-feet per acre for each acre irrigated during the period from March 1 to November 1 of each year. It is further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre irrigated during the period from November 2 to the end of February, provided the use of water shall not exceed 4.5 ACRE-FEET for each acre in any one year
Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	G LOT	MEASURED DISTANCES
4 N	25 E	WM	2	NE NW	7	POD 1: 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	POD 2: 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13
5 N	28 E	WM	10	NE SE		POD 3: 1960 FEET NORTH AND 350 FEET WEST FROM THE SE CORNER OF SECTION 10

Permit: 54675 (Application S-86866) in the name of KENT MADISON
Use: IRRIGATION of 9.0 ACRES
Priority Date: MAY 21, 2007

Rate/Duty: ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to 4.5 acre-feet per acre for each acre irrigated during the period from March 1 to April 14 and October 1 to November 1 of each year. It is further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre irrigated during the period from November 2 to the end of February, provided the use of water shall not exceed 4.5 ACRE-FEET for each acre in any one year

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	G LOT	MEASURED DISTANCES
4 N	25 E	WM	2	NE NW	7	POD 1: 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	POD 2: 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13

Authorized Place of Use Diminished to Supplemental Irrigation:

TWP	RNG	MER	SEC	Q - Q	Tax Lot	ACRES	PERMITTEES
3 N	27 E	WM	1	NW SW	4700	9.0	KENT MADISON

Conclusions of Law

The change in place of use proposed in Transfer Application T-11330 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The change in place of use to the water rights evidenced by Certificates 76715 and 79439 proposed in Transfer Application T-11330 is approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76715, 79439, any related decree and this Final Order approving Transfer Application T-11330.
3. The portions of Permits 51017 and 54675 described in Finding of Fact #11 are diminished from irrigation to supplemental irrigation.
4. The former places of use shall no longer be irrigated as part of these water rights.
5. The water user shall maintain and operate the existing measurement device(s) and shall make such improvements as may be required by the Department.
6. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2013.
7. A Claim of Beneficial Use (COBU) shall be submitted by Westland Irrigation District to the Department by October 1, 2014.

8. Water right certificates 76715 and 79439 are modified. The Department will issue superseding certificates describing the District's rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 16 day of February, 2012.



Dwight French, Water Right Services Division Administrator for
Phillip C. Ward, Director

Mailing date: FEB 21 2012

RECEIVED

DEC 14 2016

UMATILLA COUNTY
PLANNING DEPARTMENT

3R Valve Property ReZone

Umatilla County, Oregon

Traffic Impact Analysis

December 2016

Prepared by:



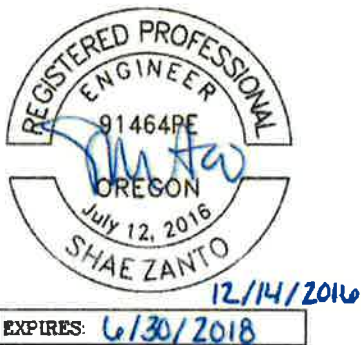
J-U-B ENGINEERS, Inc.
1201 Adams Avenue
LaGrande, Oregon 97850

3R Valve Property ReZone

Umatilla County, Oregon

Traffic Impact Analysis

December 2016



Prepared by:

Spencer Montgomery
Shae Zanto, PE



J-U-B ENGINEERS, Inc.
1201 Adams Avenue
LaGrande, Oregon 97850

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Appendices

- Appendix A – Traffic Counts
- Appendix B– Level of Service Worksheets
- Appendix C – Access Right Agreement to SR 207 between ODOT and 3R Valve

Introduction and Background

Situated on the west side of and adjacent to State Highway 207, north of Interstate 84 and south of the City of Hermiston and the Umatilla River in Umatilla County, Oregon is the 3RValve, LLC 10 acre parcel. The current use of the parcel is primarily for solar panels, however there is an existing home and some outbuildings previously used for farm equipment. The owner of the property would like to use these buildings as a wind turbine service office. The land is currently zoned agricultural and thus the proposed land use is not permitted. The owner is seeking to rezone the property to Retail/Service Commercial Zone (RRSC) which would allow the intended use of the existing facilities.

This Traffic Impact Analysis has been requested by the Umatilla County Planning staff to document potential traffic impacts as a result of the proposed ReZone of the 10 acre parcel. This study will summarize existing traffic conditions as well as future traffic operational conditions in 2021 under two development scenarios and identify any mitigation that may be necessary to provide acceptable Levels of Service (LOS) in order to meet Umatilla County and Oregon Department of Transportation (ODOT) standards. An evaluation of sight distance at proposed access will also be documented.

Existing Conditions

This section will document existing conditions with respect to land use, roadway characteristics, traffic volumes and traffic operations at the study intersections.

Land Use

Land use in the immediate vicinity of the subject 10 acre parcel is primarily agricultural consistent with the zoning in the area. There is, however, a substantial development approximately 800' to the south, also on the west side of SR 207, in close proximity to the I-84 interchange. This development includes the "Space Age" truck stop which has approximately 120 spaces for semi-truck parking, 16 fueling stations for automobiles as well as fueling stations for the semi-trucks. There is also a convenience store with a fast food restaurant inside and a 90 room "Comfort Inn" hotel adjacent to the truck stop.

Roadway Characteristics

Roadways are described below, while the lane geometry for study intersections and existing PM peak hour traffic volumes are shown in Figure 1.

SR 207 is a north-south minor arterial that provides a connection from Hermiston to the north and Lexington to the south and a connection to I-84 approximately one-half mile south of the subject parcel. It has a single through lane in each direction. The bridge over the Umatilla River was recently replaced and widened to include 4' shoulders and a two-way left-turn lane approximately 500' north of the river to south of the truck stop. The speed limit is 50 MPH southbound from north of the Umatilla River until south of the truck stop, while northbound the speed limit is 45 MPH from south of I-84 to north of the river. There are no sidewalk facilities as it has roadside ditches for stormwater.

I-84 is an east-west Interstate Highway which connects Portland to the west to eastern Oregon including Hermiston near the subject parcel and Pendleton to the east. East of Pendleton I-84 heads to the south and serves southeastern Oregon to the Idaho state line. There are two lanes in each direction separated by a center median. It has a posted speed limit of 70 MPH.

Stanfield Meadows Road is a 2 lane county road which primarily functions east-west, however west of SR 207 it turns to the north. It provides access to properties in the study area. It is narrow with an approximate width of 18' and no paved shoulders. There is no posted speed limit west of SR 207. The intersection of Stanfield Meadows Road at SR 207 has a single lane for each approach with no exclusive turn lanes, however between Stanfield Meadows road and the I-84 westbound on-ramp there is a second southbound lane which serves as an exclusive right turn lane onto the freeway.

Traffic Volumes

Manual turning movement counts were collected on September 20, 2016 at the intersection of SR 207/Stanfield Meadows Road from 3:30 – 5:30 PM and are included in Appendix A. The peak hour occurred from 3:30 – 4:30 PM. PM peak hour volumes and the vicinity of the subject parcel are shown in Figure 1. The Oregon Department of Transportation records indicate that the average annual daily traffic volume on SR 207 north of I-84 is 6,800 while further to the north at the Umatilla River the daily traffic volume is 4,400. Using this data and nearby Automatic Traffic Recorder data which indicates the 30th highest hour is approximately 10.25% of the all-day traffic,, it is estimated that the northbound PM peak hour volume on SR 207 at the project site is 220 vehicles and the southbound is 230 vehicles.

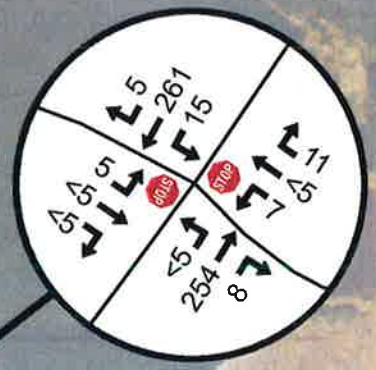
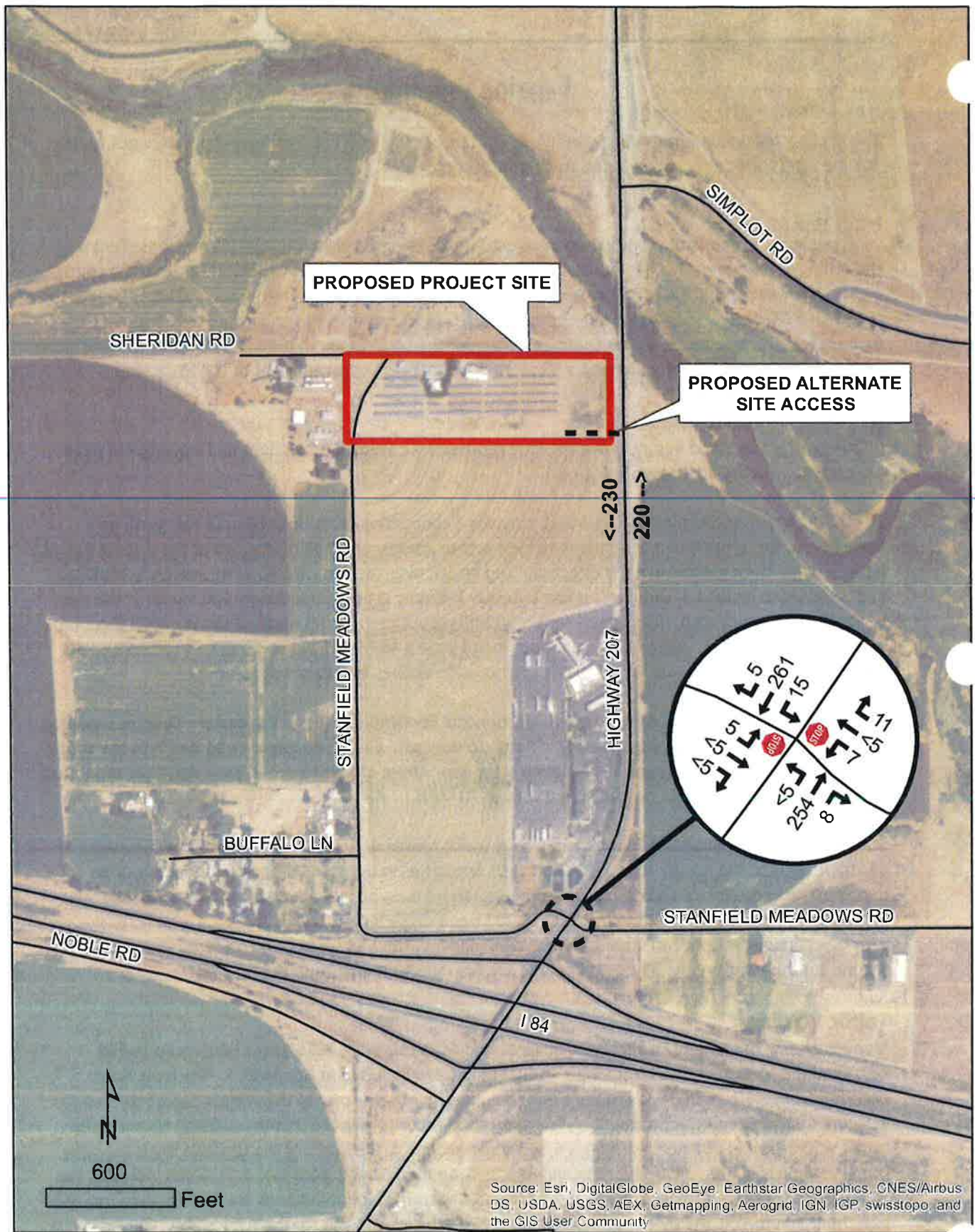


FIGURE 1
Existing PM Peak Hour
Traffic Volumes

3R VALVE PROPERTY
Rezone Traffic Impact Analysis

Operational Analysis

The analysis of Level-of-Service (LOS) is a means of quantitatively describing the quality of operational conditions of a roadway segment or intersection and the perception by motorists and passengers. Service levels are identified by letter designation, A – F, with LOS “A” representing the best operating conditions and LOS “F” the worst. Each LOS represents a range of operating conditions. For intersections the measure used is average control delay in seconds per vehicle. While there are several methodologies for estimating the LOS of intersections, the most commonly used is presented in the Highway Capacity Manual and is the methodology used in this study (HCM 2010). The Highway Capacity Manual LOS criteria for intersections are summarized in Table 1.

Table 1. Level of Service Criteria for Intersections

Level of Service (LOS)	Average Control Delay (seconds/vehicle)	
	Signalized Intersections	Unsignalized Intersections
A	< =10	< =10
B	>10 - < 20	>10 - < 15
C	>20 - < 35	>15 - < 25
D	>35 - < 55	>25 - < 35
E	>55 - < 80	>35 - < 50
F	>80	>50

Source: *Highway Capacity Manual 2010*, Transportation Research Board, National Research Council, Washington, D.C., 2010.

For unsignalized intersections “delay” is based on the availability of gaps in the major street to allow minor street movements to occur. The methodology prioritizes each movement at an unsignalized intersection consistent with rules that govern right-of-way for drivers. In other words major street through and right turn traffic has absolute priority over all other movements. Major street left turns must yield to opposing through traffic and right turns. Minor street through traffic and right turns yield to major street higher priority movements, and the minor street left turns have the lowest priority and must yield to all other movements. As traffic volumes increase, the availability of gaps will decrease and greater delay tends to result in driver frustration and anxiety, loss of time, unnecessary fuel consumption, and contributes to unnecessary air pollution. Umatilla County has adopted the standard for Level of Service as LOS “D” for intersections, meaning the overall intersection LOS must be “D” or better.

Peak hour traffic volumes and existing intersection geometry were evaluated using the Highway Capacity Software to determine the delay and LOS at the existing study intersection. The LOS worksheet calculations are included in Appendix B.

The existing conditions analysis indicates for the stop controlled approaches at the SR 207 Stanfield Meadows Road experiences 13.9 seconds of average delay for the eastbound approach and 12.3 seconds of average vehicle delay for the westbound approach, with each operating at an acceptable LOS of B. Volume to capacity ratios are 0.02 eastbound and 0.04 westbound.

2021 Conditions

This section evaluates traffic volumes at the study intersections for future conditions under two development scenarios.

Development Scenario 1

The first scenario represents a logical increase in trips based on the current intended use of wind turbine service office, this is the likely short term development scenario. Among all the uses allowed in the proposed Rezone, many would take significant effort to implement, given that much of the site is in the flood plain of the Umatilla River. However, this scenario also assumes that an RV Park could be developed on the site. Access under this scenario could continue to be provided from Stanfield Meadows Road.

As is typical with most traffic studies, a growth rate for background traffic is used to apply to existing traffic volumes to account for growth in traffic that is the result of development outside the study area. Historical traffic volumes on SR 207 available from ODOT indicate that traffic volumes have grown from approximately 4,100 in 2010 to 4,400 in 2015, an annual growth rate of slightly over 1% per year.

To estimate the new trips that could be generated under this scenario the 9th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual was used. This is a nationally recognized compilation of trip generation rates for common land uses. The General Light Industrial trip generation rate was used because it best approximates the anticipated use of the wind turbine service office. Rather than use the trip generation rate for an RV Park, a higher estimate using the rate for Mobile Home Park was used to be conservatively high given that many RV Parks in the region seem to be used on more of a permanent residence basis. The following trip generation rates are reported in the Manual:

For 2 acres of General Light Industrial (Land Use 110):

- 51.8 trips per acre on an average weekday, for a total of 103.6 trips
- 7.26 trips per acre during the PM peak hour for a total of 14.52 trips (22% inbound and 78% outbound)

For 8 acres of Mobile Home Park (Land Use 240):

- 39.61 trips per acre on an average weekday, for a total of 316.88 trips
- 4.45 trips per acre during the PM peak hour for a total of 35.6 trips (63% inbound and 37% outbound)

This amounts to a total of 420 average weekday trips and 50 PM peak hour trips (26 inbound and 24 outbound). For the purposes of this analysis it was assumed that access would solely be provided from Stanfield Meadows Road. Along with background growth described above, these new trips were added to the existing traffic volumes at the study intersection, with 50 percent of new trips to/from the north and 50% to/from the south, consistent with existing traffic patterns at the intersection. Forecast PM peak hour traffic volumes for year 2021 under Scenario 1 are shown in Figure 2.

Development Scenario 2

This scenario was prepared at the request of Umatilla County Planning staff to examine the potential impacts of the requested rezone in the event that, with the potential for development on the site, the land could be sold and redeveloped. Several land uses are allowed in the Rural Retail/Service Commercial Zone (RRSC), however, most would require a zoning permit at a minimum, and others

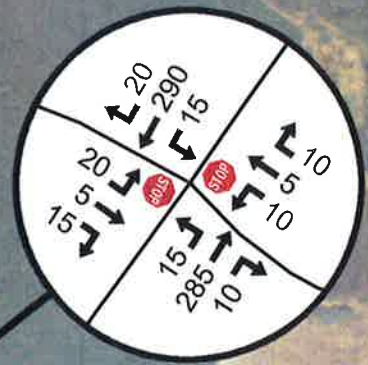
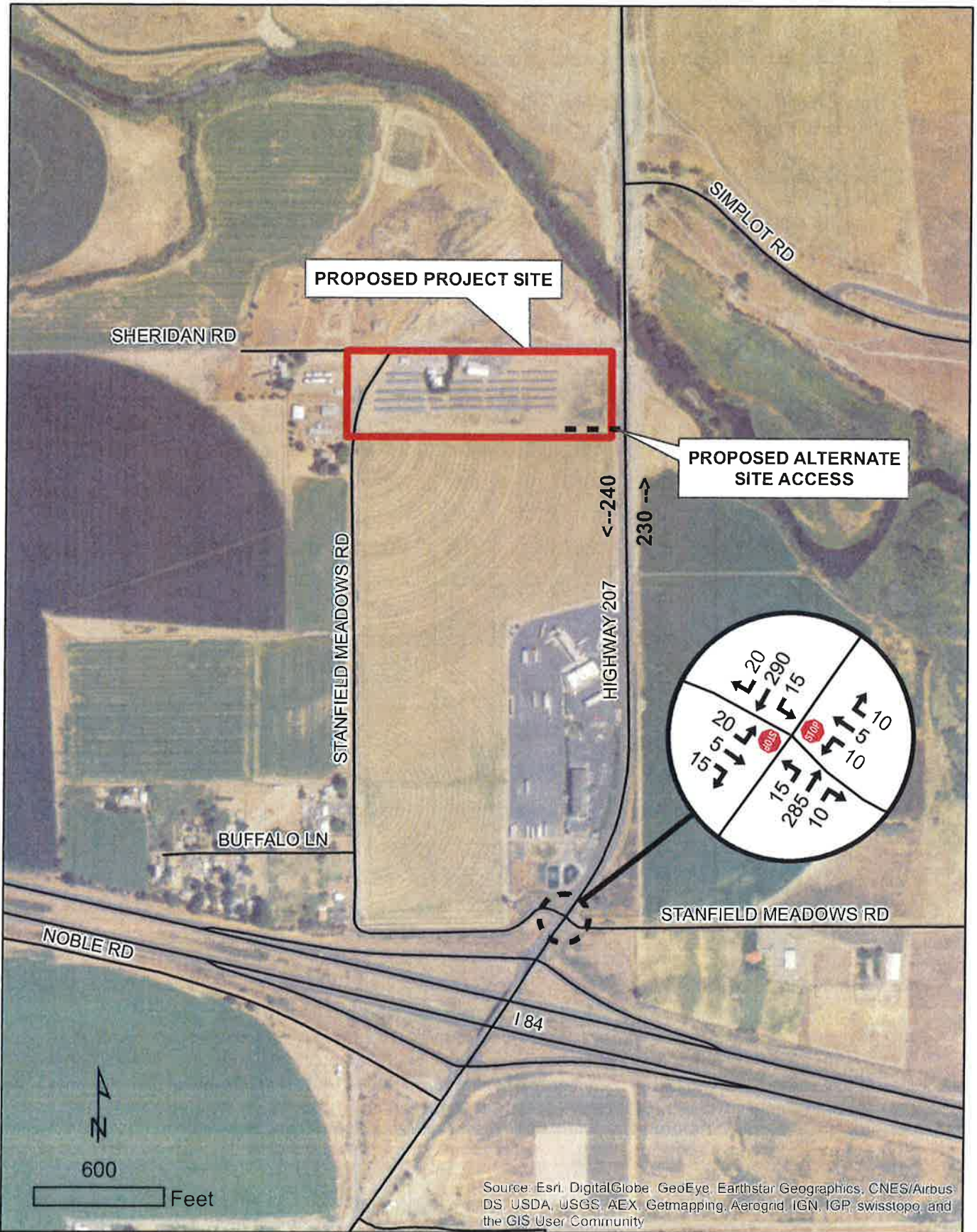


FIGURE 2
 2021 Build PM Peak Hour Traffic Volumes
 Scenario 1
 (without new access to SR 207)

3R VALVE PROPERTY
 Rezone Traffic Impact Analysis

would require a conditional use permit. Also, several of the uses are limited in size as well, such as a hotel being limited to 35 units, and other buildings not exceeding 3,500 square feet in size.

For the purposes of this study, it was assumed that the 10 acre parcel could be redeveloped to include 5 acres of General Light Industrial, 2 acres of Mini-storage, 1 acre for a 35 room hotel, and one-half acre each for office, fast food, quality restaurant and gas station with 3,500 sq ft for each use.

The trip generation potential of these land uses according to the ITE Trip Generation Manual is shown in Table 2.

Table 2. Trip Generation Assumptions for Scenario 2

Description/ ITE Code	Units	ITE Vehicle Trip Generation Rates					Expected Units	Total Trips		Distribution of Trips		
		Weekday	PM	Pass- By	PM In	PM Out		Daily	PM Hour	PM In	PM Out	Pass- By
General Light Industrial 110	Acres	51.80	7.26		22%	78%	5	259	36	8	28	0
Mini Warehouse 151	Acres	35.43	3.57		50%	50%	2	71	7	4	4	0
Hotel 310	Rooms	8.17	0.60		51%	49%	35	286	21	11	10	0
General Office 710	KSF ²	11.03	1.49		17%	83%	4	39	5	1	4	0
Quality Restaurant 931	KSF ²	89.95	7.49	44%	67%	33%	4	315	26	10	5	12
Fast Food with Drive Thru 934	KSF ²	496.12	32.65	50%	52%	48%	4	1,736	114	30	27	57
Serv.Station w/ Conven.Mkt 945	Fuel Position	162.78	13.51	56%	50%	50%	4	651	54	12	12	30
TOTAL								3,357	264	75	91	99

As shown in Table 2, the land uses evaluated under this scenario could generate 264 PM peak hour trips, of which 75 would be inbound and 91 outbound, with 99 trips considered to be pass-by trips.

Discussions with ODOT on traffic patterns in the vicinity of the site concluded that the number of pass-by trips for this particular development as suggested by the ITE manual is likely high. For the purposes of this analysis it was assumed that only 10% of trips (rather than the 37.5% indicated in the table above) would be pass-by trips. These would be trips that are already on SR 207 but turn into the site, perform their business, and then continue in the same direction. This essentially adds turns to the intersection but reduces through trips.

An additional 10% of trips are also assumed to be internally captured. Some examples of internally captured trips at this site could include:

- Someone leaving the office could stop at the gas station on the way home, this would account for one outbound trip from the office, one inbound trip and one outbound trip to the gas station, resulting in one new outbound trip added to the intersection at SR 207.
- Similarly, someone arriving to stay at the hotel could stop and get gas, eat at a restaurant and then go to the hotel, resulting 3 inbound trips to the 3 sites and two outbound trips as well, but adding only one new inbound trip to the intersection of SR 207.

For the purposes of this scenario it was assumed that the development would construct a new site access near the southeastern corner of the 10 acre parcel, a location which has previously been identified and approved by ODOT, see Appendix C. Sight distance at this new intersection is excellent, with well over 1500' of sight distance in each direction far surpassing the required 720' identified in ODOT manuals.

The new trips indicated in Table 2 above, as adjusted, result in 55 new northbound left turns and southbound right turns as well as 65 eastbound left turns and right turns. These trips were added to the new intersection, reducing 15 trips from the northbound and southbound through movements to account for the pass-by trips, again assuming a 1% per year growth in background traffic on SR 207, consistent with historical trends. The total PM peak Hour traffic volumes for year 2021 for Scenario 2 are shown in Figure 3.

Traffic Operations Analysis

The traffic volumes shown in Figures 2 and 3 were evaluated for traffic operations to determine the anticipated delay and Level of Service for both Scenario 1 and 2. With the reconstruction of SR 207 in the vicinity of the subject parcel a continuous two-way left turn lane was constructed and was included in the analysis, providing an exclusive northbound right turn lane into the site. The results of the analysis are summarized in Table 3, with the LOS worksheets included in Appendix B.

Table 3. 2019 Build Scenario Delay, Level of Service and volume to capacity ratios

Intersection	Scenario 1	Scenario 2
SR 207/Stanfield Meadows Road	EB -- 15.0/C, 0.11 WB – 15.0/B, 0.07	EB—15.9/C, 0.05 WB-16.4/C, 0.08
SR 207/Proposed Project Site Access	N/A	WB—12.7/B, 0.24

LEGEND

19.1/B Delay (in seconds) and Level of Service

NB = northbound, SB = southbound, WB = westbound, EB = eastbound

As shown in Table 3, intersection Levels of Service at all study intersections are anticipated to be good, with LOS C or better for all stop controlled approaches to SR 207. The evaluation for the new site access was performed with a single eastbound lane. If two lanes were provided for left and right turns separately then LOS would be improved to LOS B for left turns and A for right turns with overall delay being an average of 10.8 seconds.

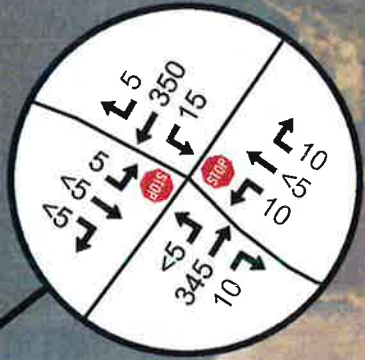
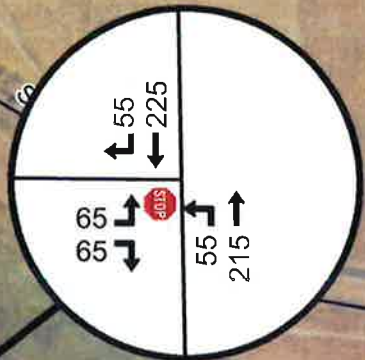
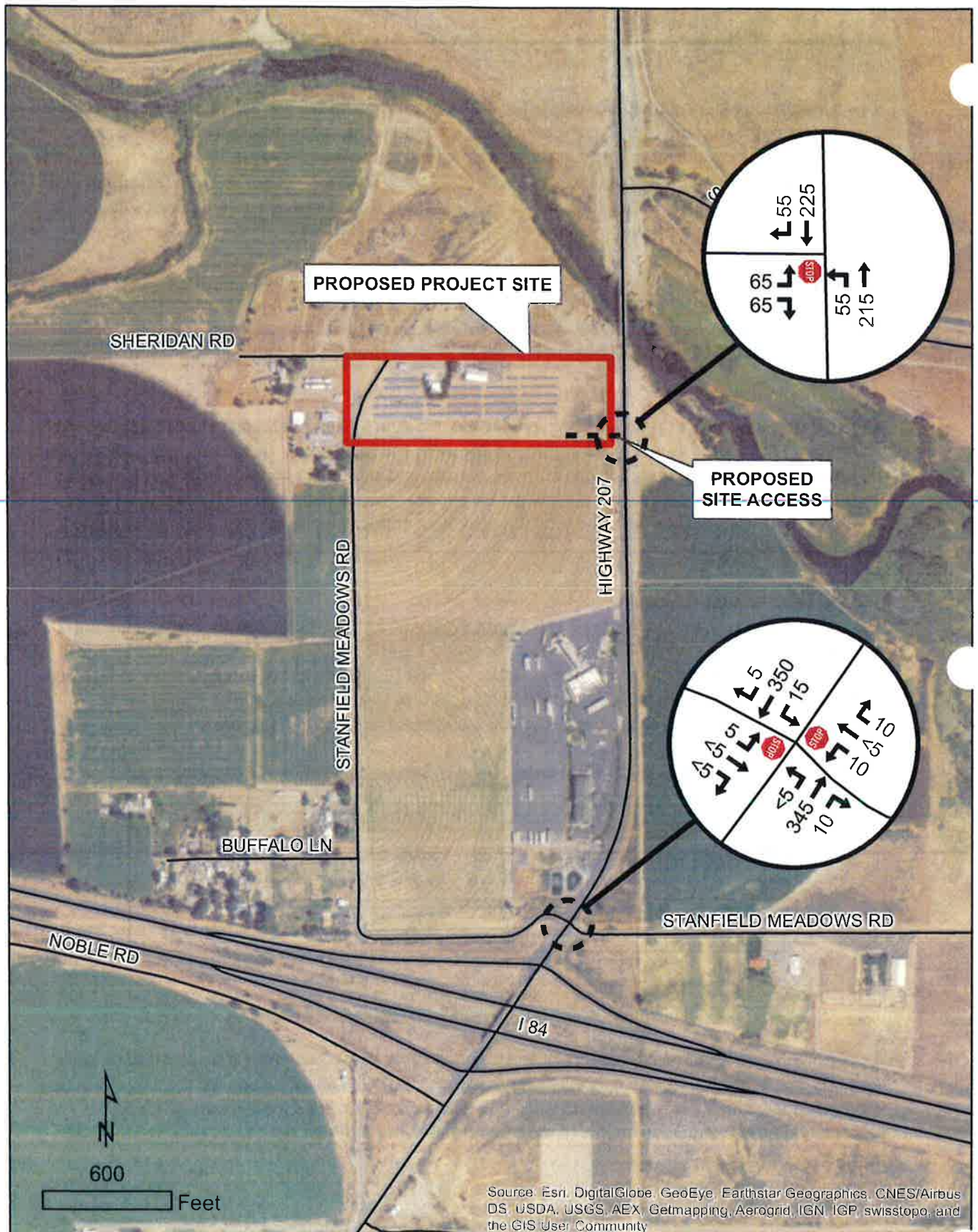


FIGURE 3
 2021 Build PM Peak Hour Traffic Volumes
 Scenario 2
 (with new access to SR 207)

3R VALVE PROPERTY
 Rezone Traffic Impact Analysis

Turn Lane Analysis

At the request of ODOT an evaluation of left and right turn lanes on SR 207 was performed. The ODOT Analysis and Procedures Manual states:

"A left turn lane improves safety and increases the capacity of the roadway by reducing the speed differential between the through and the left turn vehicles. Furthermore, the left turn lane provides the turning vehicle with a potential waiting area until acceptable gaps in the opposing traffic allow them to complete the turn."

"The purpose of a right turn lane at an unsignalized intersection is to improve safety and to maximize the capacity of a roadway by reducing the speed differential between the right turning vehicles and the other vehicles on the roadway."

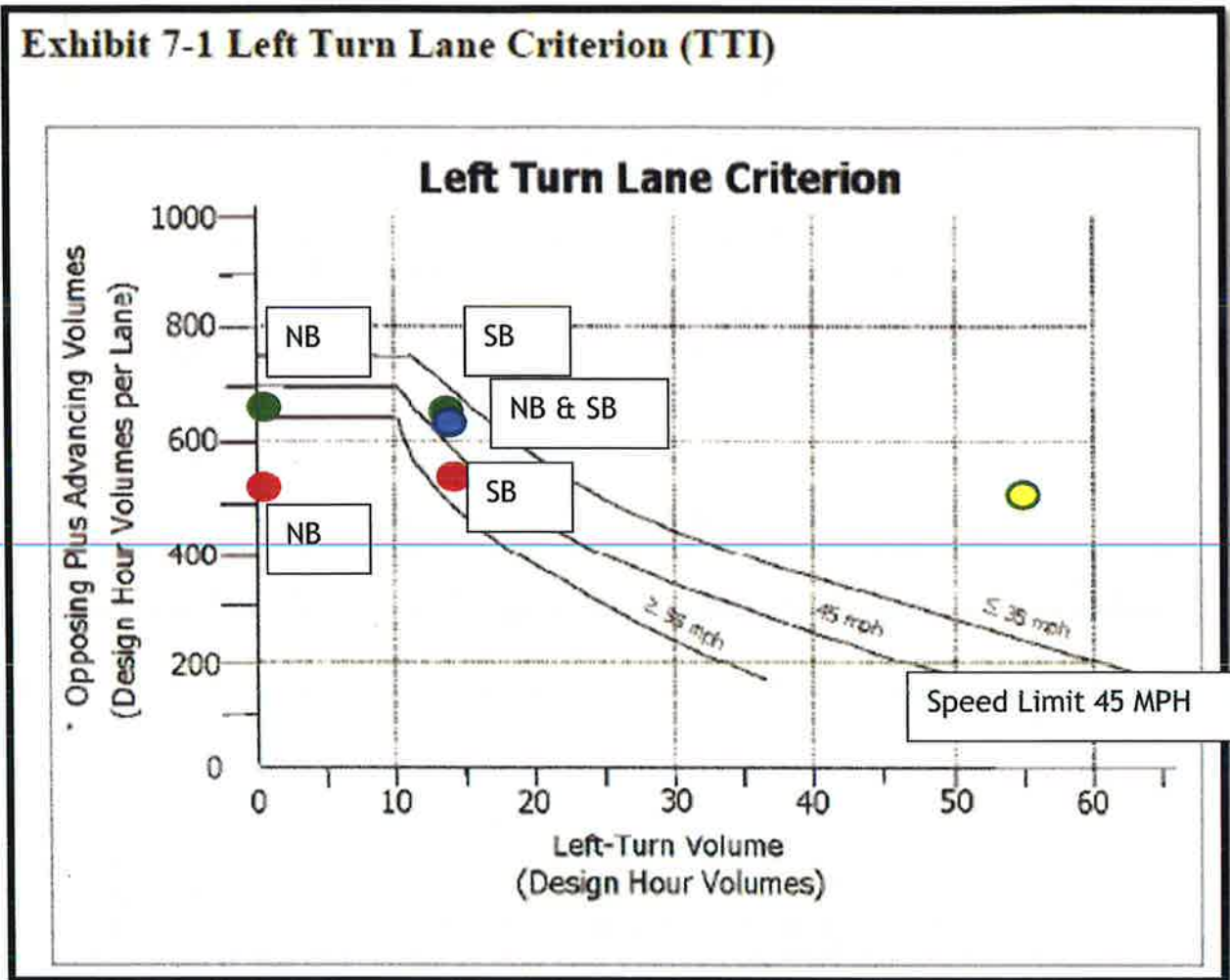
Exhibits 7-1 and 7-2 from the ODOT Analysis Procedures Manual were used to determine the need for turn lanes at study intersections and are shown below.

Examination of Exhibit 7-1 below shows that the intersection of SR 207/Stanfield Meadows Road currently needs no exclusive left turn lanes, however, under Scenario 1 the intersection could benefit from both a northbound and southbound left turn based on the volumes used in this analysis of 15 left turns both northbound and southbound and 620 Opposing plus Advancing vehicles in the through lanes. For Scenario 2 only a southbound left turn is necessary, which is the result of the existing 15 vehicles. Scenario 2 adds no vehicles to the southbound left turn under any scenario. Even though a northbound left turn lane is provided on SR 207 in the vicinity of the subject property, the analysis is shown for that movement as well, showing that under the development assumptions of Scenario 2 the northbound left turn lane would be needed.

Based on the left turn lane analysis above, and the discussion of trip generation on page 5, careful consideration of access to the subject parcel should be given. Under the assumption that the near term development scenario (a portion of Scenario 1, without the RV Park) as a maintenance facility and office support, it is estimated that only 2 additional northbound and southbound left turns would be added to the intersection. This would result in no need for left turn lanes at the SR 207/Stanfield Meadows Road. It is recommended if further development occurs, such as an RV Park or more such as was evaluated in Scenario 2, the new access to the site be constructed which provides a safer access because of the existing two-way left-turn lane on SR 207.

Examination of Exhibit 7-2 below shows that under the development assumptions of Scenario 2 an exclusive southbound right turn lane is likely to be needed. It is recommended that when a firm proposal for development is brought forward that this access be reevaluated for the need for a southbound right turn lane.

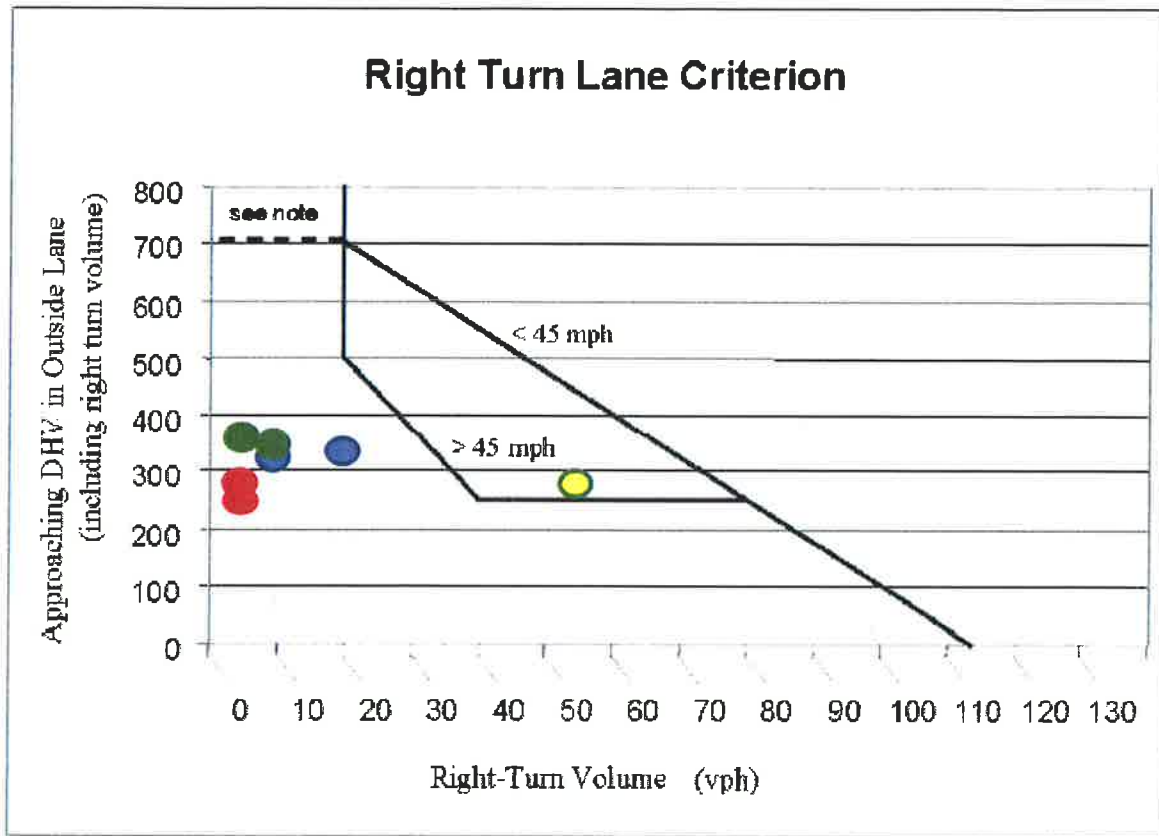
Exhibit 7-1 Left Turn Lane Criterion (TTI)



*(Advancing Volume/Number of Advancing Through Lanes) + (Opposing Volume/Number of Opposing Through Lanes)

- Existing - SR 207/Stanfield Meadows Road
- Scenario 1 - SR 207/Stanfield Meadows Road
- Scenario 2 - SR 207/Stanfield Meadows Road
- Scenario 2 at SR 207/new Site Access

Exhibit 7-2 Right Turn Lane Criterion



Note: If there is no right turn lane, a shoulder needs to be provided. If this intersection is in a rural area and is a connection to a public street, a right turn lane is needed.

- Existing-- SR 207/Stanfield Meadows Road
- Scenario 1 - SR 207/Stanfield Meadows Road
- Scenario 2 - SR 207/Stanfield Meadows Road
- Scenario 2 - SR 207/new Site Access

Summary and Recommendations

Situated on the west side of and adjacent to State Highway 207, north of Interstate 84 and south of the City of Hermiston and the Umatilla River in Umatilla County, Oregon is the 3RValve, LLC 10 acre parcel. The current use of the parcel is primarily for solar panels, however there is an existing home and some outbuildings previously used for farm equipment. The owner of the property would like to use these buildings as a wind turbine service office. The land is currently zoned agricultural and thus the proposed land use is not permitted. The owner is seeking to rezone the property to Retail/Service Commercial Zone (RRSC) which would allow the intended use of the existing facilities. This Traffic Impact Analysis was performed at the request of the Umatilla County Planning staff to document potential traffic impacts as a result of the proposed ReZone of the 10 acre parcel.

The bridge that carries SR 207 over the Umatilla River just north of the site was recently reconstructed and now includes a two-way left-turn lane from north of the bridge to just north of I-84 south of the study area.

This study evaluated two development scenarios.

- (1) The first scenario represents a logical increase in trips based on the current intended use of wind turbine service office, this is the likely short term development scenario. However, this scenario also assumes that an RV Park could be developed on the site. Access under this scenario could continue to be provided from Stanfield Meadows Road.
- (2) This scenario was prepared at the request of Umatilla County Planning staff to examine the potential impacts of the requested rezone in the event that with the potential for development on the site the land were sold and redeveloped. For the purposes of this study, it was assumed that the 10 acre parcel could be redeveloped to include 5 acres of General Light Industrial, 2 acres of Mini-storage, 1 acre for a 35 room hotel, and one-half acre each for office, fast food, quality restaurant and gas station with 3,500 sq ft for each use.

New trips for both scenarios were added to the study intersections. Intersection Levels of Service at all study intersections are anticipated to be good under all scenarios, with LOS C or better for all stop controlled approaches to SR 207.

An evaluation of the need for left and right turns for safety purposes was also performed. Under the full development assumptions of Scenario 2 there may be a need for an exclusive southbound right turn lane at the new access to SR207. It is recommended that when a firm proposal for development is brought forward that this access be reevaluated for the need for a southbound right turn lane. Based on the left turn lane analysis it is recommended that careful consideration of access to the subject parcel should be given. Under the assumption that the near term development scenario (a portion of Scenario 1, without the RV Park) as a maintenance facility and office support, it is estimated that only 2 additional northbound and southbound left turn vehicles would be added to the intersection. This would result in no need for left turn lanes at the SR 207/Stanfield Meadows Road.

It is also recommended if further development occurs, such as an RV Park or more such as was evaluated in Scenario 2, the new access to the site be constructed which provides a safer access because of the existing two-way left-turn lane on SR 207. It should be noted that for Scenario 2 only a southbound left turn is necessary, which is the result of the existing 15 vehicles. Scenario 2 adds no vehicles to the southbound left turn under any scenario.

APPENDIX A

Traffic Counts

SR 207/Stanfield Meadows Road 9/20/16

Time	Northbound			Southbound			Eastbound			Westbound			Total Volume	
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	15 minute	Hourly
3:30 - 3:45	0	57	1	4	71	1	2	0	0	3	1	1	141	570
3:45 - 4:00	0	57	1	3	60	1	0	0	0	1	0	4	127	545
4:00 - 4:15	1	67	4	5	69	2	2	1	1	2	0	4	158	547
4:15 - 4:30	0	73	2	3	61	1	1	0	0	1	0	2	144	500
4:30 - 4:45	2	49	4	1	49	1	2	0	1	5	0	2	116	469
4:45 - 5:00	1	64	4	2	50	2	1	0	0	3	1	1	129	
5:00 - 5:15	2	54	2	2	46	0	0	0	0	4	0	1	111	
5:15 - 5:30	0	55	0	3	50	1	1	0	0	2	0	1	113	
TOTAL	6	476	18	23	456	9	9	1	2	21	2	16	1039	

Peak Hr Total	1	254	8	15	261	5	5	1	1	7	1	11	570	
pk Period	500	501		488	479		12	42		39	17		1039	1039
	IN	OUT		IN	OUT		IN	OUT		IN	OUT		IN	OUT
	263	270		281	269		7	24		19	7		570	570

APPENDIX B

Level of Service Worksheets

HCS 2010 Two-Way Stop Control Summary Report

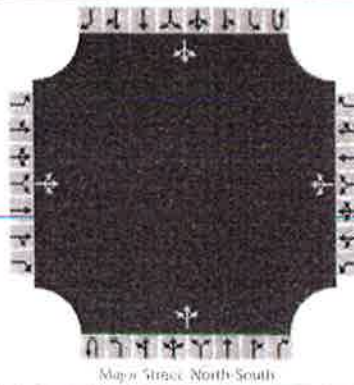
General Information

Analyst	Montgomery
Agency/Co.	JU8 Engineers
Date Performed	10/25/2016
Analysis Year	2016
Time Analyzed	Existing 2016 PM Peak
Intersection Orientation	North-South
Project Description	3RValve

Site Information

Intersection	SR 207/Stanfield Meadows
Jurisdiction	Umatilla County
East/West Street	Stanfield Meadows Rd
North/South Street	SR 207
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	0	1	0	0	0	1	0
Configuration			LTR				LTR				LTR				LTR	
Volume (veh/h)		5	1	1		7	1	11		1	254	8		15	261	5
Percent Heavy Vehicles		3	3	3		29	0	9		0				7		
Proportion Time Blocked																
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			8				21				1					17
Capacity			411				513				1277					1244
v/c Ratio			0.02				0.04				0.00					0.01
95% Queue Length			0.1				0.1				0.0					0.0
Control Delay (s/veh)			13.9				12.3				7.8					7.9
Level of Service (LOS)			B				B				A					A
Approach Delay (s/veh)	13.9				12.3				0.0				0.6			
Approach LOS	B				B											

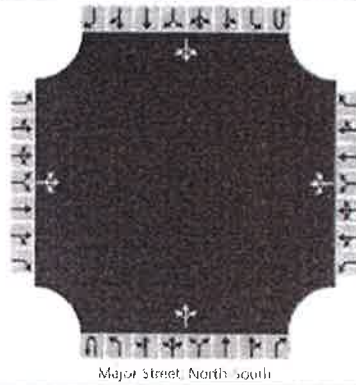
HCS 2010 Two-Way Stop Control Summary Report

General Information

Site Information

Analyst	Montgomery	Intersection	SR 207/Stanfield Meadows
Agency/Co.	JUB Engineers	Jurisdiction	Umatilla County
Date Performed	10/25/2016	East/West Street	Stanfield Meadows Rd
Analysis Year	2021	North/South Street	SR 207
Time Analyzed	2021 PM Peak Scenario 1	Peak Hour Factor	0.90
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	3RValve		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement																
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes	0	1	0		0	1	0		0	0	1	0	0	0	1	0
Configuration			LTR				LTR				LTR				LTR	
Volume (veh/h)		20	5	15		10	5	10		15	285	10		15	290	20
Percent Heavy Vehicles		3	3	3		29	0	9		0				7		
Proportion Time Blocked																
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			45				28				17				17	
Capacity			404				389				1226				1206	
v/c Ratio			0.11				0.07				0.01				0.01	
95% Queue Length			0.4				0.2				0.0				0.0	
Control Delay (s/veh)			15.0				15.0				8.0				8.0	
Level of Service (LOS)			C				B				A				A	
Approach Delay (s/veh)	15.0				15.0				0.5				0.5			
Approach LOS	C				B											

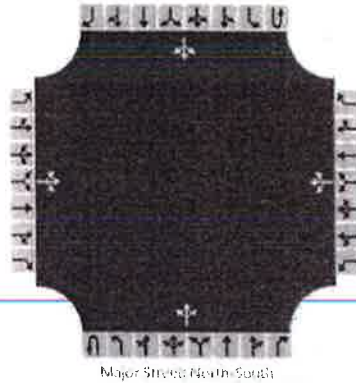
HCS 2010 Two-Way Stop-Control Report

General Information

Site Information

Analyst	Montgomery	Intersection	SR 207/Stanfield Meadows
Agency/Co.	JUB Engineers	Jurisdiction	Umatilla County
Date Performed	12/14/2016	East/West Street	Stanfield Meadows Rd
Analysis Year	2021	North/South Street	SR 207
Time Analyzed	2021 Pk Hr Scenario 2	Peak Hour Factor	0.90
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	3RValve		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Movement																	
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6	
Number of Lanes		0	1	0		0	1	0	0	0	1	0	0	0	1	0	
Configuration			LTR				LTR				LTR				LTR		
Volume, V (veh/h)		5	5	5		10	5	10		5	345	10		15	350	5	
Percent Heavy Vehicles (%)		3	3	3		29	0	9		0				7			
Proportion Time Blocked																	
Percent Grade (%)		0				0											
Right Turn Channelized		No				No					No						
Median Type/Storage		Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.13	6.53	6.23		7.39	6.50	6.29		4.10				4.17		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.53	4.03	3.33		3.76	4.00	3.38		2.20				2.26		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			18				28			6				17			
Capacity, c (veh/h)			349				344			1175				1139			
v/c Ratio			0.05				0.08			0.01				0.01			
95% Queue Length, Q ₉₅ (veh)			0.2				0.3			0.0				0.0			
Control Delay (s/veh)			15.9				16.4			8.1				8.2			
Level of Service, LOS			C				C			A				A			
Approach Delay (s/veh)		15.9				16.4				0.2				0.5			
Approach LOS		C				C											

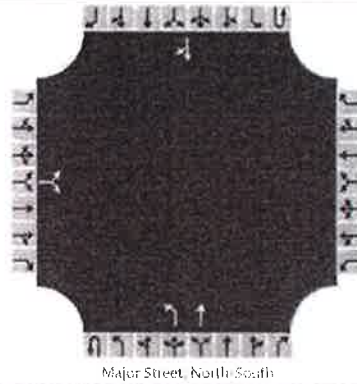
HCS 2010 Two-Way Stop-Control Report

General Information

Site Information

Analyst	Montgomery	Intersection	SR 207/3RValve Site Acces
Agency/Co.	JUB Engineers	Jurisdiction	Umatilla County
Date Performed	12/14/2016	East/West Street	Site Access
Analysis Year	2021	North/South Street	SR 207
Time Analyzed	2021 PM Peak Scenario 2	Peak Hour Factor	0.90
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	3RValve		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6	
Number of Lanes	0	0	0		0	0	0	0	1	1	0	0	0	1	0		
Configuration			LR						L	T					TR		
Volume, V (veh/h)		65		65					55	215				225	55		
Percent Heavy Vehicles (%)		3		3					0								
Proportion Time Blocked																	
Percent Grade (%)		0															
Right Turn Channelized		No			No				No			No					
Median Type/Storage		Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1		6.2						4.1					
Critical Headway (sec)		6.43		6.23						4.10					
Base Follow-Up Headway (sec)		3.5		3.3						2.2					
Follow-Up Headway (sec)		3.53		3.33						2.20					

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			144							61					
Capacity, c (veh/h)			612							1261					
v/c Ratio			0.24							0.05					
95% Queue Length, Q ₉₅ (veh)			0.9							0.2					
Control Delay (s/veh)			12.7							8.0					
Level of Service, LOS			B							A					
Approach Delay (s/veh)		12.7								1.6					
Approach LOS		B													

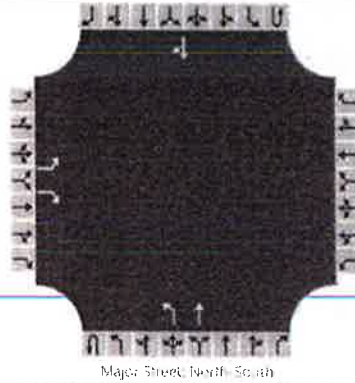
HCS 2010 Two-Way Stop-Control Report

General Information

Site Information

Analyst	Montgomery	Intersection	SR 207/3RValve Site Acces
Agency/Co.	JUB Engineers	Jurisdiction	Umatilla County
Date Performed	12/14/2016	East/West Street	Site Access
Analysis Year	2021	North/South Street	SR 207
Time Analyzed	2021 Scenario 2 two lanes	Peak Hour Factor	0.90
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	3RValve		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound					
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R		
Movement																		
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6		
Number of Lanes		1	0	1		0	0	0		0	1	1	0	0	0	1	0	
Configuration		L		R						L	T						TR	
Volume, V (veh/h)		65		65						55	215					225	55	
Percent Heavy Vehicles (%)		3		3						0								
Proportion Time Blocked																		
Percent Grade (%)		0																
Right Turn Channelized		No					No					No						
Median Type/Storage		Left Only									1							

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1		6.2						4.1							
Critical Headway (sec)		6.43		6.23						4.10							
Base Follow-Up Headway (sec)		3.5		3.3						2.2							
Follow-Up Headway (sec)		3.53		3.33						2.20							

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		72		72						61							
Capacity, c (veh/h)		513		756						1261							
v/c Ratio		0.14		0.10						0.05							
95% Queue Length, Q ₉₅ (veh)		0.5		0.3						0.2							
Control Delay (s/veh)		13.2		10.3						8.0							
Level of Service, LOS		B		B						A							
Approach Delay (s/veh)		11.7										1.6					
Approach LOS		B															

APPENDIX C

**Access Right Agreement
to SR 207 between ODOT and 3R Valve**

WARRANTY DEED

3R VALVE, LLC, an Oregon limited liability company, Grantor, for the true and actual consideration of **\$1,300.00** does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION** Grantee, fee title to the property described **Parcel 1 on Exhibit "A" dated 2/12/2013**, attached hereto and by this reference made a part hereof.

TOGETHER WITH all abutter's rights of access, if any, between the Hermiston Highway and Grantor's remaining real property, EXCEPT, however,

Reserving access rights for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following place(s), in the following width(s):

Hwy. Engr's Sta.	Side of Hwy.	Width
36+25	Right (West)	30'

The access rights reserved herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

RETURN TO AND TAX STATEMENT TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 4N-28-33B-103

Property Address: 29701 Stanfield Meadows Rd
Hermiston, Oregon 97838

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcel 2 on Exhibit "A" dated 2/12/2013**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 14 day of June, 2013.

3R VALVE, LLC, an Oregon limited liability company

[Signature]
Member / Manager

Member / Manager

STATE OF OREGON, County of Umatilla

Dated June 14, 2013. Personally appeared the above named Kent Madison

and _____, Member(s) / Manager(s) of 3R Valve, LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Stacey J Wells
Notary Public for Oregon
My Commission expires 03/19/2017

Accepted on behalf of the Oregon Department of Transportation

[Signature]

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By *Stephanie Anderson*
Stephanie Anderson
Region 5 Right of Way / Survey Manager

STATE OF OREGON, County of Union

Dated June 25, 2013. Personally appeared Stephanie Anderson, who being sworn, stated that she is the Region 5 Right of Way and Survey Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Leslie A. Hasse
Notary Public for Oregon
My Commission expires 12-13-14

Parcel 1 - Fee

A parcel of land lying in the NE¼NW¼ of Section 33, Township 4 North, Range 28 East, W.M., Umatilla County, Oregon and being a portion of that property described in that Warranty Deed to 3R Valve, LLC, recorded June 14, 2011 as Document No. 2011-5790364 in Book R579, Page 0364 of Umatilla County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated Hermiston Highway, which center line is described as follows:

Beginning at Engineer's center line Station 16+98.42; said station being 1,009.67 feet South and 25.50 feet West of the Center quarter corner of Section 28, Township 4 North, Range 28 East, W.M.; thence South 0°48'49" East 198.04 feet; thence on a 11,459.16 feet radius curve left (the long chord of which bears South 1°52'27" East 424.18 feet) 424.20 feet; thence South 2°56'05" East 75.81 feet; thence on a 11,459.16 feet radius curve right (the long chord of which bears South 1°52'22" East 424.74 feet) 424.76 feet; thence South 0°48'39" East 574.81 feet; thence on a 11,459.16 feet radius curve right (the long chord of which bears South 0°14'39" West 421.94 feet) 421.96 feet; thence South 1°17'56" West 78.73 feet; thence on a 11,459.16 feet radius curve left (the long chord of which bears South 0°14'34" West 422.50 feet) 422.52 feet; thence South 0°48'49" East 685.19 feet to Engineer's center line Station 50+04.45.

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Station	to	Station	Width on Westerly Side of Center Line
34+32.00		34+90.00	66.67 in a straight line to 75.00
34+90.00		36+40.00	75.00 in a straight line to 73.00
36+40.00		38+30.00	73.00 in a straight line to 67.00

Bearings are based upon the Oregon Coordinate System of 1983(CORS 1996) (epoch 2002), north zone.

This parcel of land contains 4,448 square feet, more or less.

Parcel 2 - Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 4 North, Range 28 East, W.M., Umatilla County, Oregon and being a portion of that property described in that Warranty Deed to 3R Valve, LLC, recorded June 14, 2011 as Document No. 2011-5790364 in Book R579, Page 0364 of Umatilla County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated Hermiston Highway, which center line is described in Parcel 1.

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36+40.00		44+30.00	83.00 in a straight line to 75.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 9,645 square feet, more or less.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Robert S. Butler

OREGON
 JULY 25, 1995
 ROBERT S. BUTLER
 2733

EXPIRES 12/31/2013

WARRANTY DEED

3R VALVE, LLC, an Oregon limited liability company, Grantor, for the true and actual consideration of **\$1,300.00** does convey unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION** Grantee, fee title to the property described **Parcel 1 on Exhibit "A" dated 2/12/2013**, attached hereto and by this reference made a part hereof.

TOGETHER WITH all abutter's rights of access, if any, between the Hermiston Highway and Grantor's remaining real property, EXCEPT, however,

Reserving access rights for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following place(s), in the following width(s):

Hwy. Engr's Sta.	Side of Hwy.	Width
36+25	Right (West)	30'

The access rights reserved herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

RETURN TO AND TAX STATEMENT TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 4N-28-33B-103

Property Address: 29701 Stanfield Meadows Rd
Hermiston, Oregon 97838

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcel 2 on Exhibit "A" dated 2/12/2013**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

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Dated this 14 day of June, 2013.

3R VALVE, LLC, an Oregon limited liability company

[Signature]
Member / Manager

Member / Manager

STATE OF OREGON, County of Umatilla

Dated June 14, 2013. Personally appeared the above named Kent Madison and _____, Member(s) / Manager(s) of 3R Valve, LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



[Signature]
Notary Public for Oregon
My Commission expires 03/19/2017

Accepted on behalf of the Oregon Department of Transportation

[Signature]

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By *Stephanie Anderson*
Stephanie Anderson
Region 5 Right of Way / Survey Manager

STATE OF OREGON, County of Union

Dated June 25, 2013. Personally appeared Stephanie Anderson, who being sworn, stated that she is the Region 5 Right of Way and Survey Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Leslie A. Hasse
Notary Public for Oregon
My Commission expires 12-13-14

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EXCEPT therefrom Parcel 1.

This parcel of land contains 9,645 square feet, more or less.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Robert S. Butler
 OREGON
 JULY 25, 1995
 ROBERT S. BUTLER
 2733

EXPIRES 12/31/2013

RECEIVED

DATE PERMIT FORM ISSUED: _____

JUN 27 2011

ISSUED BY: _____

UMATILLA COUNTY
RECORDS

11-012-AP

FEE: 15⁰⁰

UMATILLA COUNTY DEPARTMENT OF PUBLIC WORKS
3920 WESTGATE
PENDLETON, OREGON 97801

PERMIT APPLICATION FORM
FOR
CONSTRUCTION OF ROAD APPROACHES ONTO COUNTY AND PUBLIC ROADS
AND PRIVATE ROAD CROSSINGS OF COUNTY AND PUBLIC ROADS

I (We) Kent Madison
(Please Print or Type Name)

29299 Madison Rd Echo OR, 541 326 8107
(Address) 97826 (Telephone Number)

hereby respectfully request permission to access Umatilla County Road

No. 1332, Stanfield Meadows
(Road Name)

or Public Road _____ located

in the NW of Section 33, Township 4N, Range 28E
(1/4 Section)

E.W.M. with a(n) (Approach Road) (Private Crossing), the location of which is more particularly described by the attached sketch (attach copy of assessor's map, available at Road Dept., with approach location shown and a sketch of the proposed approach showing width, length, culvert locations, etc.) I (We) agree to defend, indemnify and hold harmless Umatilla County and its officials and employees from all claims, liability and causes of action that arise from or relate in any way to my (our) construction of approach roads to county and public roads.

[Signature]
Signature of Permittee

5-31-11

APPROVALS

Robin Ovidson _____ 6-1-11 _____
(Section Foreman or Assistant Public Works Director) (Date)

Culvert Required? Y N Size _____

Tommy L. Allen _____ 6/9/11 _____
(Public Works Director) (Date)

Permission is hereby granted by the Umatilla County Board of Commissioners, pursuant to Oregon Revised Statutes 375.305 to 374.325 to make the aforesaid installation in accordance with all specifications. The Permittee as indicated above shall at all times be responsible and liable for any and all damages arising from or caused by this installation and this permit may be revoked at any time.

PERMISSION GRANTED THIS 27 DAY OF June, 2011.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Howell
Chairman

William S. Howell
Commissioner

Annis D. Doherty
Commissioner



**ATTEST:
OFFICE OF COUNTY RECORDS**

By: Deann Thompson
Records Officer



Attachment 1
to the Supplemental Application

Question 4. If modifying the Development Code text, please provide a copy of the proposed language as an attachment.

Question 4 is not applicable because no modification of the Development Code text is requested.

Question 5. What is the current use of the property?

The property consists of two tax lots and is currently used for two purposes (Property). The first tax lot, TL#103, includes a residential structure, shop, garage, covered bay, solar power inverter room, and gravel parking area. 3R Valve, LLC (Applicant) proposes to use this portion of the Property as a wind turbine service facility. The remaining Property area, TL#103L1, includes a 568 kW solar power array. The Applicant does not propose to change the use of this portion of the Property. The Property is approximately 10.7 acres of unirrigated and uncultivated land. The Property is designated North/South County Agricultural Region (NSCAR) and zoned Exclusive Farm Use (EFU). The Property is located along a permitted energy transmission corridor.

Question 7. Describe the desired land use(s).

The Applicant desires to use the residential structure and shop buildings located on TL#103 as a wind turbine service facility that would support approximately five Vestas technicians. These technicians service turbines located on nearby wind farms.

Question 8. Explain how the Amendment will comply with the Comprehensive Plan text and map.

The Amendments comply with the Umatilla County Comprehensive Plan (Plan) which allows amendments to existing land use designations under certain circumstances.

The Amendments meet the criteria by which the County may find an exception from the Agricultural Goal. The Plan allows agricultural land designated as NSCAR to be excepted from the Agricultural Goal when “[t]here is [sic] a significant number of highly clustered smaller parcels that are developed or committed to non-farm development.” Umatilla County Comprehensive Plan at 18-7 (December 3, 2014). The Property is located among a cluster of smaller parcels that are developed or committed to non-farm development (See map appearing as: SA Exhibit A). The land directly northeast from the Property, across Highway 207 and the Umatilla River, and the land continuing north and east from the Property, is zoned Heavy Industrial. This surrounding area is used by the Calpine Corporation, Union Pacific, RDO Equipment Co., Bud-Rich Potato, Shearer’s Foods, and Central Machinery Sales Inc.

Attachment 1
to the Supplemental Application

One parcel to the south, Space Age Fuel, Inc. and the Comfort Inn & Suites are located on land zoned Retail/Tourist Commercial. The Property and surrounding parcels are located along a permitted energy transmission corridor.

The Amendments comply with the Plan because they meet the criteria by which rural lands may be classified as Commercial. Additional rural lands may be classified Commercial after rural needs surpass available urban and industrial sites and when the following criteria are met: "(1) Need for that additional site; (2) Non-availability of appropriate sites in urban growth boundaries and rural industrial areas; (3) Adequate services for that commercial activity; and (4) Compatibility with surrounding land uses." Umatilla County Comprehensive Plan at 18-276. The Amendments meet all four criteria.

The Amendments meet the first criteria because the rural wind power industry, including the Windfarms Project, has significant unmet wind turbine service demands. The Amendments would facilitate the siting of a wind turbine service facility central to both wind farms and transportation corridors. Under the terms of the Windfarm Project's Umatilla County land use decisions, as detailed in Question 24 of LURA Attachment 1, the approved wind turbine service facility is permitted in the area covered by the Conditional Use Request (CUR) and not the Land Use Request (LUR). The CUR area is zoned exclusively EFU, cultivated as cropland, and no suitable buildings presently exist. If the applicant were to develop a site within the CUR area, existing crop ground would be taken out of production. As currently permitted, a new facility would require site excavation, new access roads, new parking lots, and a new building footprint on agricultural ground that the Plan seeks to protect. Under the Amendments, the wind turbine service facility would use existing buildings and not take existing cropland out of production.

The Amendments meet the second criteria because there are no appropriate sites within the urban growth boundary (UGB) or within rural industrial areas for a wind turbine service facility. An appropriate site should be outside the UGB and rural industrial areas because the wind turbine service facility serves wind power projects sited on rural lands. Siting the wind turbine service facility in existing buildings outside the urbanized and industrialized areas of the County, adjacent to a transportation corridor, and along an energy transmission corridor, facilitates access to these rural wind turbine sites, minimizes traffic impacts on urban areas, and reduces commuting time and costs.

The Amendments meet the third criteria because the Property currently has adequate services for the wind turbine service facility. The Property has paved access under a County access permit (See: LURA Exhibit G1) and ample parking space for the technicians' personal and service vehicles. The Property has a well and a sanitary system that meets the water and sewer needs of the wind turbine service facility.

Attachment 1
to the Supplemental Application

Finally, the Amendments meet the fourth criteria because a wind turbine service facility is compatible with the surrounding land uses. The Property is located along a permitted energy transmission corridor and other surrounding uses include farming, energy production, food processing, farm implement dealers, transportation facilities, utilities, and travel centers. Utilizing existing buildings as an office for a small staff will not adversely impact surrounding uses because it will not significantly impact traffic patterns or affect the visual or acoustic aspects of the Property.

The Amendments also comply with the Plan Chapter 16 Energy Conservation policies. The use of the Property as a wind turbine service facility would promote local renewable energy technologies, use existing structures and developed area, and reduce current fuel consumption by decreasing travel time to rural wind turbine sites.

Question 9. Explain how the Amendment will comply with the Oregon Transportation Planning Rule (TPR) - OAR 660, Division 12, the County TSP and UCDC §152.019, Traffic Impact Analysis (TIA).

The proposed Amendments will not create a significant transportation impact. The proposed use anticipates only a minor increase in Average Daily Trips (ADT) at the Property. No upgrades or improvements will be necessary to the existing permitted Property access at Stanfield Meadows Road, and at Highway 207.

1. OAR 660-012 and Umatilla County TSP.

The Amendments conform to the purpose and goals of OAR 660-012 and the Umatilla County TSP because they will minimally impact traffic patterns in the county, they will not require transportation improvements and they will not create traffic safety issues. Currently, one or more vehicles are being used for multiple daily trips on and off the Property. Under the proposed use, up to five personal vehicles may make a single trip to the Property daily and three service vehicles would depart from the Property to area windfarms. The personal vehicles and the service vehicles to visit the Property are currently making the same number of trips on I-84 daily, often for longer distances and sometimes past the Property. While use of the Highway 270 exit at I-84 and the approximately half-mile section of Stanfield Meadows Road may increase by an estimated two or three ADTs per work day, there will be a corresponding reduction to the number of ADTs on Highway 395 through Hermiston.

Attachment 1
to the Supplemental Application

2. UCDC §152.019.

The Amendments do not require a formal Traffic Impact Analysis (TIA) under UCDC §152.019. The purpose of UCDC Section 152 is to determine when additional analysis is required to decide whether conditions are needed to minimize impacts to and protect transportation facilities. A TIA is not required because the Amendments will not result in an increase of site traffic volume generation by 250 or more ADTs. A TIA is not required because the Amendments will not increase the use of adjacent gravel-surfaced County roads by vehicles exceeding the 10,000-pound gross vehicle weight (GVW) by 20 vehicles or more per day because the wind turbine service facility does not rely upon heavy GVW vehicles and because the access road is paved. A TIA is not required because the location of the access driveway does not create safety hazards or problems because the approach has unobstructed visibility. A TIA is not required because the limited shift in internal traffic patterns is not likely to cause safety problems. Finally, a TIA is not required because the Property is not within the Umatilla Army Chemical Depot boundary of the I-82/Lamb Road or I-84/Army Depot Access Road Interchange Area Management Area.



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Bend RSC, Colorado Terrace Building

1011 SW Emkay Drive, Ste 108

Bend, OR 97702

Phone: (541) 322-2032

www.oregon.gov/LCD

RECEIVED

JAN 11 2017

UMATILLA COUNTY
PLANNING DEPARTMENT

January 11, 2017

Carol Johnson, Senior Planner
Umatilla County Planning Department
216 Fourth Street
Pendleton, OR 97801

RE: Local Files P-118-16, T-16-069 & Z-310-16
DLCD File: 007-16

Ms. Johnson:

Thank you for the opportunity to review and comment on the land use proposal referenced above. The subject proposal seeks to take a “physically developed” and “irrevocably committed” exception pursuant to OAR 660-004-0025 & 0028 to statewide planning goal 3 (Agricultural lands). If successful, the proposal would convert about 10.70 acres from a North/South Agricultural Region Plan designation and Exclusive Farm Use (EFU) Zoning district to a Commercial Plan designation and Rural Retail Service Commercial Zoning district.

It is our understanding that the subject property includes a single-family dwelling, garage and outbuildings and a solar power array. The stated purpose of the proposal is to allow existing structures on the property to be used as a wind turbine service facility. This facility would provide support to existing wind power projects, including the Windfarms Project. We also understand that the county’s land use decision approving the Windfarms Project includes authorization to establish a service facility.

Our initial observation is that the subject property is not a candidate for either a “physically developed” or “irrevocably committed” exception. Our comments are as follows.

Physically Developed Exception – OAR 660-004-0025

A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable Goal. Furthermore, whether land has been physically developed with uses not allowed by an applicable goal will depend on the situation at the site of the exception and uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception. OAR 660-004-0025(1) & (2). Longstanding case law from the Land Use Board of Appeals (LUBA) provides additional guidance:

“ The standards for approving a physically developed exception to Statewide Planning Goals 3 and 4 are demanding. The county must find that the property has been physically developed to such an extent that all Goal 3 or 4 resource uses are precluded. Uses established in accordance with the goals cannot be used to justify such an exception.” *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).

Based on our understanding, the subject property does not qualify as being “physically developed” because the existing home, outbuildings and solar array occupy a small portion of the property and are all available to be considered under Goal 3. Therefore, the subject property is simply not “physically developed” as contemplated by OAR 660-004-0025. The applicable criteria cannot be satisfied.

Irrevocably Committed Exception – OAR 660-004-0028

A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable. OAR 660-004-0028(1).

Aerial views of the subject property do not reveal any existing adjacent uses that would not allow the farm related activities. Instead, surrounding lands appear to be open and in some level of agricultural management. The principle argument advanced in the materials provided for our review is that the subject property would be convenient to serve nearby wind farms. Convenience is not a factor that may be considered pursuant to OAR 660-004-0028.

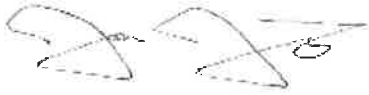
Based on our understanding, the subject property does not qualify as being “irrevocably committed” to uses not allowed by the applicable goals because there is no development pattern or other relevant factors occurring on surrounding lands that would inhibit agricultural activities. Additionally, operation and maintenance buildings may be allowed in conjunction with wind farms. OAR 660-033-0130(37). Therefore, the subject property is simply not “irrevocably committed” as contemplated by OAR 660-004-0028. The applicable criteria cannot be satisfied.

Conclusion

As our comments indicate we do not believe the subject property is either physically developed or irrevocably committed. We recommend that the existing plan and zone designations be retained and the existing county land use approval authorizing service facilities in conjunction with the Windfarms project be utilized. Should there remain a desire to pursue an exception, OAR 660-004-0020 & 0022 provides the last remaining option. These rules outline the requirements for a “reasons” exception and we are not confident that they could be satisfied in this case. Reasons exceptions must limit allowable uses to those justified in the exception.

Again, thank you for this opportunity to comment. We request that this letter be entered into the record of these proceedings and that we receive a copy of the decision. If additional information is provided at the hearing, we ask that the hearing be continued, pursuant to ORS 197.763(4)(b), to allow us time to review the new information and respond if necessary.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jon Jinings', with a stylized flourish at the end.

Jon Jinings
Community Services Specialist
Department of Land Conservation & Development

Cc: Grant Young, DLCD
Tim Murphy, DLCD

**UMATILLA COUNTY
PLANNING COMMISSION**

January 26, 2017

**OTHER
BUSINESS**

Umatilla County

Department of Land Use Planning



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TAMRA
MABBOTT

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MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

MEMO

To: Commissioner Bill Elfering – Liaison to Planning and Watermaster Offices

From: Tamra Mabbott, Planning Director and, *JM*
Bob Waldher, Senior Planner *TD Turney Dutcher*

CC: Commissioner Murdock *for Bob Waldher*
Commissioner Givens
County Planning Commission

Date: January 12, 2017

Re: Groundwater Management and Land Use Planning in Walla Walla River Sub-basin

The purpose of this memo is to share the land use planning perspective relative to the current groundwater management issues in the Walla Walla River Sub-basin. As you know, for the past several months, Oregon Water Resources Department (OWRD) has held a series of public meetings with groundwater right holders in the Milton-Freewater area of the Walla Walla River Sub-basin. The purpose of the meetings has been to inform landowners about water declines, provide an overview of geology in the sub-basin, and to discuss future water management strategies in the sub-basin basalt aquifers. OWRD has established a Rules Advisory Committee (RAC) to consider changes to Umatilla Basin Rules.¹ Commissioner Givens is a member of the RAC. Rule changes could reclassify groundwater and its use, and require installation of flowmeters. As we understand, the RAC is considering designating the sub-basin a Serious Water Management Problem Area (SWMPA).

County Planning Department staff have attended the meetings. As county planners we are monitoring OWRD's efforts to curtail water use as any changes will likely impact current and future land use. The information below we hope will be useful for you and others involved in the discussion about future groundwater management of the Walla Walla River Sub basin.

RESIDENTIAL DEVELOPMENT AND EXEMPT WELLS

During their December meeting, the RAC discussed groundwater declines related to exempt wells. Under Oregon law, all groundwater is considered a public resource, and typically requires a water right. However, single or group domestic wells not exceeding 15,000 gallons per day are exempt from having to obtain a water rightⁱⁱ

Consideration of exempt wells is an important component of the overall basin water use and management. As part of the RAC and policy discussion, more information is better. Ideally, OWRD could estimate impact of existing exempt wells, by assuming maximum use, etc. That data may/may not be available.

County Planning is able to estimate impact of future exempt wells by calculating future residential build out. Brandon Seitz, GIS/Assistant Planner, developed maps and data to estimate future residential build out. Currently, outside city limits, all new residential developments rely on groundwater for domestic water. Typically, residential developers drill a new exempt well, either in the alluvial or basalt aquifer. The only exception is if a new home is able to share an existing well.

To quantify (estimate) new exempt wells associated with new dwellings, we projected buildout of lands within zones that allow residential development outright, including lands zoned Rural Residential 2 Acre Minimum (RR-2), Rural Residential 4 Acre Minimum (RR-4) and parcels in the Umapine area zoned Unincorporated Community (UC). GIS data was used for these estimates

Table 1

Walla Wall Sub-basin Area of Concern Rural Residential Zoning			
Zoning	Number of Parcels	Undeveloped Parcels	Potential Parcels to be partitioned
RR-2	206	16	41
RR-4	137	7	1
Total	343	23	42

Table 1 shows existing parcels zoned Rural Residential (RR) undeveloped or vacant (no dwelling) parcels. Each vacant parcel qualifies for a single dwelling. That total shows 23 new home sites on existing parcels. If the larger parcels are partitioned based on the density allowed (2 acre and 4 acre), there is a potential for 42 new parcels (see attached map and table).

Combined, the estimated maximum total number of new dwellings that could be established on RR zoned land is 65. This is only an estimate; the actual number is likely lower given additional development constraints such as road access, onsite septic limitations, setback limitations, geographic features and designated flood hazard areas which would likely reduce the total number of dwellings that could be established.

Table 2 shows existing parcels in the unincorporated community of Umapine. The UC zoning allows for residential uses and limited commercial/industrial uses.

Table 2

Walla Wall Sub-basin Area of Concern Unincorporated Community of Umapine			
Zoning	Number of Parcels	Undeveloped Parcels	Potential Parcels to be Partitioned
UC	80	8	5
Total dwellings		8	31

Using the same formula as above for rural residential parcels, staff identified 8 undeveloped (vacant) parcels and five parcels that are large enough to create a maximum of 31 additional parcels (see attached map and table). Therefore, an estimated 39 new dwellings could be established within the UC zoned area of Umapine. However, as noted above, this is an estimate, and the actual number is likely lower given the development constraints, e.g. community water system (known as the Vincent Water Company) is close to maximum capacity. For this zone, the UC area of Umapine, development of new dwellings may include a new exempt well or, may hook up to the existing water system. In either scenario, a total maximum would not exceed 39 new dwellings and exempt wells.

EXCLUSIVE FARM USE ZONING AND POTENTIAL EXEMPT WELLS

Most of the lands within the Walla Walla Sub-basin are zoned Exclusive Farm Use (EFU). Opportunities to build homes in the EFU zone are severely limited by state law.ⁱⁱⁱ For land zoned Exclusive Farm Use (EFU), it was not practical to employ GIS analysis since permits for dwellings are based on a number of factors such as the size of each parcel, ownership acquisition date, actual land use (is the land being farmed?), the level and extent of farming (does the parcel qualify as a “farm” according to state law), etc. Each parcel is unique and likewise so is each dwelling application. Further, there are a number of application types for dwellings allowed in the EFU zone. The various types include farm dwellings, non-farm dwellings, dwelling by “lot-of-record” and lands approved for dwellings under Measure 49.

Since GIS analysis was not practical, planners estimated future dwellings in the EFU Zone based on historical permitting. As in residential zones, most new dwellings built in the EFU zone rely on exempt wells. There are some situations however where the domestic well connects to an existing farm or irrigation well. The county does not have record of those wells. County permit records show that over the past 10 years, 22 new dwellings have been permitted on EFU zoned land within the sub-basin (see attached table), resulting in an average of two dwellings per year.

SUMMARY OF DWELLING AND EXEMPT WELL BUILD OUT

In summary, based on full build out of RR and UC zoned land, the data shows a maximum total potential for 96 new dwellings. In addition, based on the historic development pattern of the last 10 years, it is logical to believe that new dwellings will continue to develop at a similar rate.

WATER METERING – A NEW REQUIREMENT IN THE Sub basin.

As part of their effort to develop more accurate data, OWRD is proposing to require that all water right holders install water meters on all non-exempt wells. Metering of exempt wells is not proposed at this time. During the December meeting, OWRD staff estimated the materials and installation costs for an individual water meter to cost between \$2,000 and \$4,000. The burden of this cost is placed on the owner and OWRD has indicated that there are no state grant programs or state funding available to help defray the costs. It is not clear what role, if any, the County could pursue to help alleviate this financial burden on landowners. County may want to request Eastern Oregon Business Solutions research grant programs that might be available to help pay for new water meter costs. Other potential funding sources could include U.S. Department of Agriculture Natural Resource Conservation Service, Oregon Regional Solutions and a request from the Oregon Legislature.

Attachments

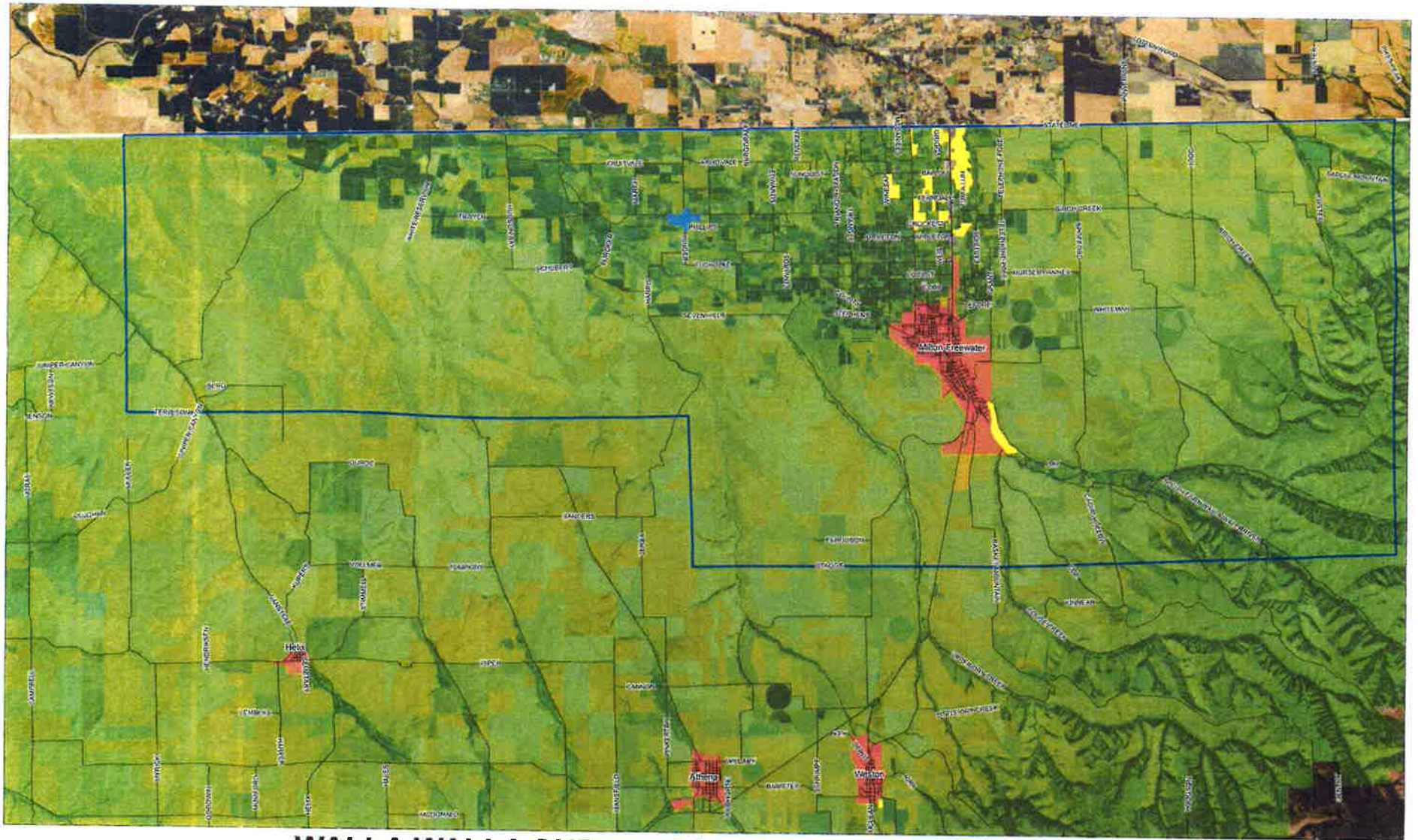
- Walla Walla Sub-basin Area of Concern Map
- Walla Walla Sub-basin Area of Concern Rural Residential Map
- Walla Walla Sub-basin Area of Concern Umapine Map
- Table of RR Potential New Parcels
- Table of UC Potential New Parcels
- Table of EFU Dwelling Permitting History

i The Walla Walla river sub-basin is defined in the Oregon Administrative Rules as a sub basin within the Umatilla Basin. See Oregon Administrative Rules OAR 690.507(8)

ii ORS 537.545 (1) No registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 (Short title) to 537.795 (ORS 537.505 to 537.795 supplementary) and 537.992 (Civil penalties) is required for the use of ground water for:

- (a) Stockwatering purposes;
- (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;
- (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 (Designation of critical ground water area) to 537.740 (Filing rules designating critical ground water area);
- (d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;...

iii See ORS 215.283(2) and Umatilla County Development Code UCDC Section 152.059.



WALLA WALLA SUB-BASIN AREA OF CONCERN

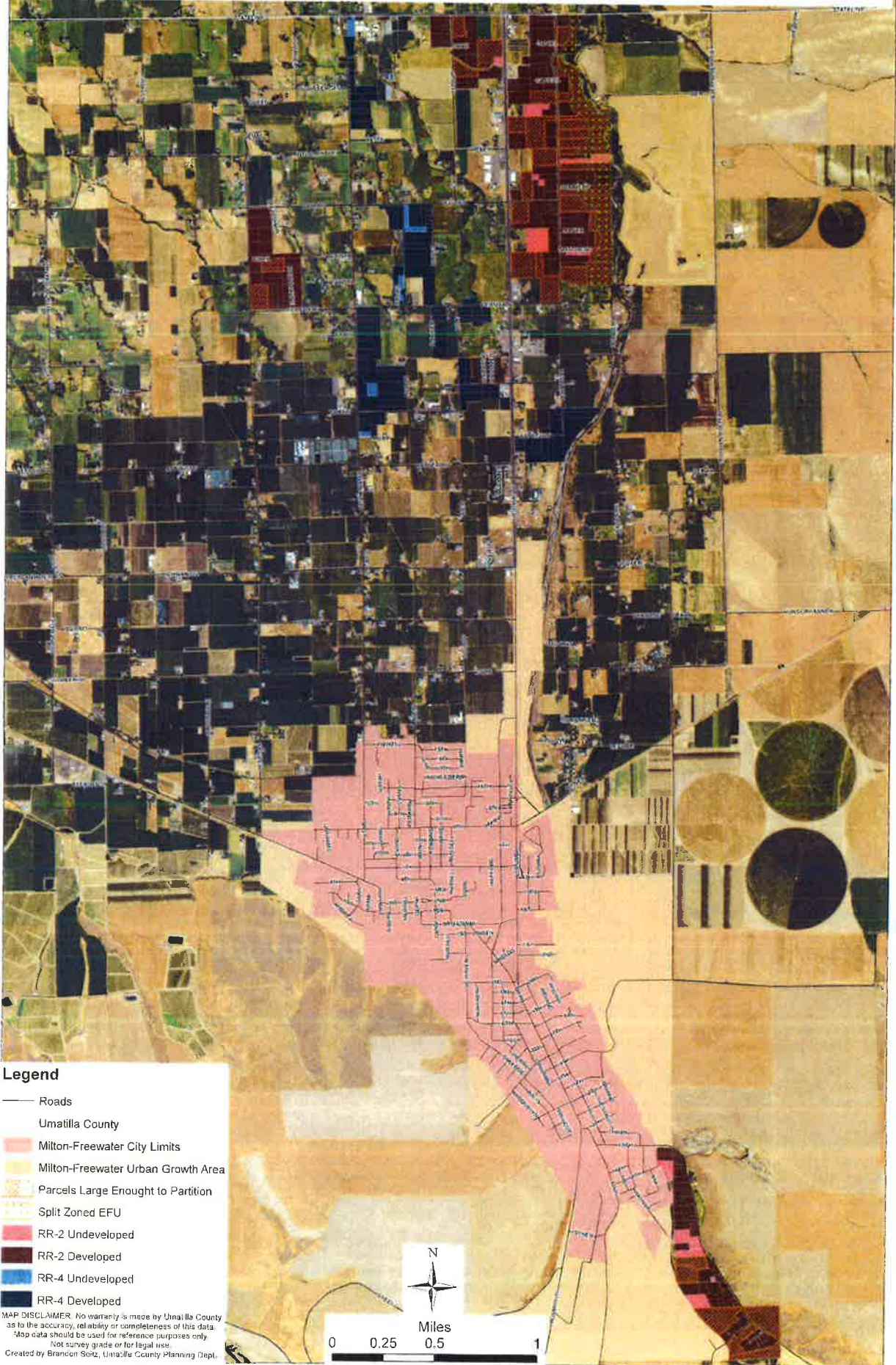
Legend

- | | | | |
|--|---|---|---|
| City Limits | Exclusive Farm Use | Unincorporated Community | Draft Area of Concern Walla Walla Sub-basin |
| Urban Growth Area | Rural Residential | Umatilla County | Roads |

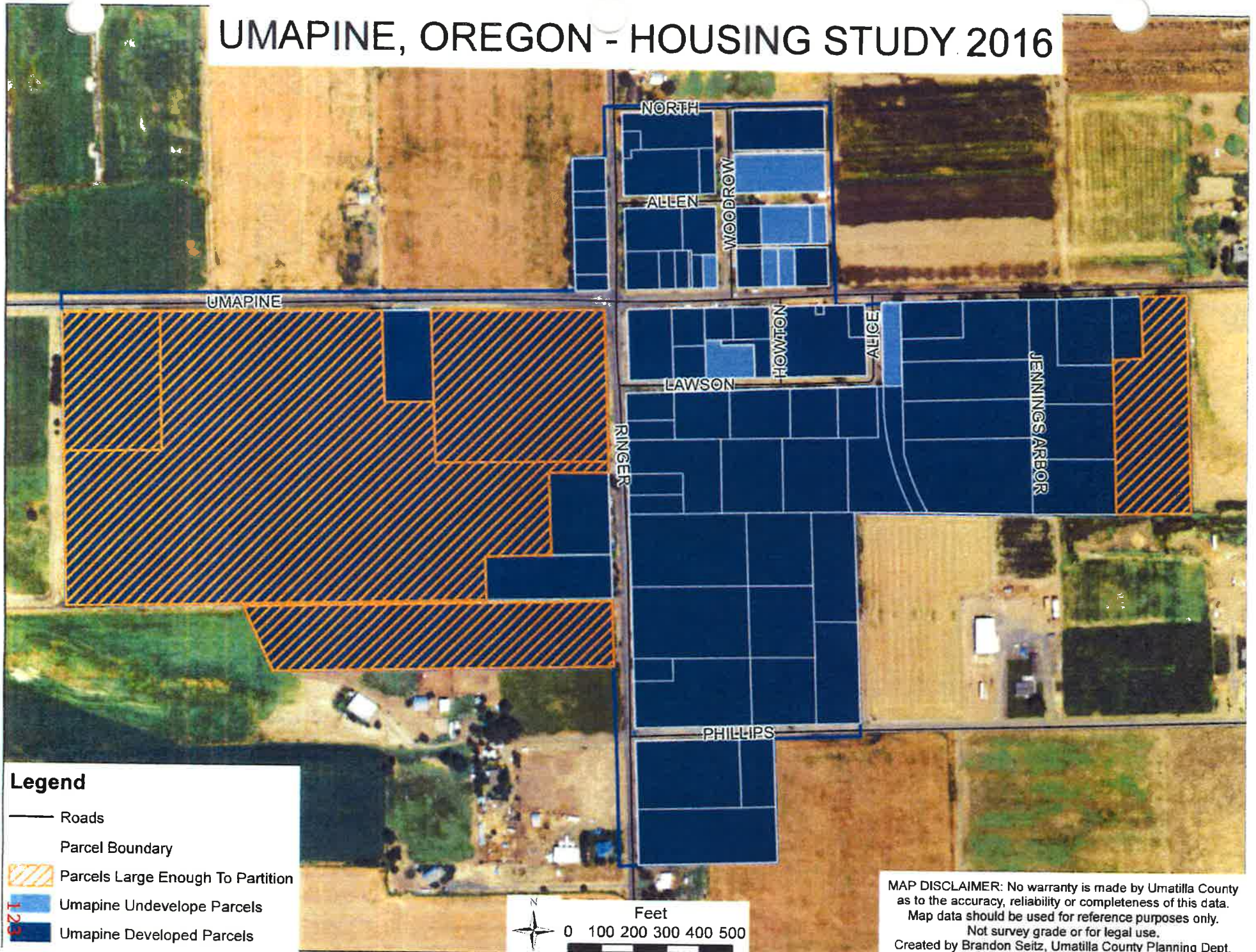


MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Map data should be used for reference purposes only. Not a survey grade or for legal use. Created by Brandon Sell, Umatilla County Planning Dept.






MILTON-FREEWATER RURAL RESIDENTIAL PARCELS

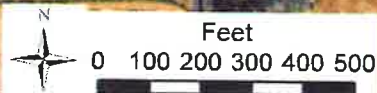


UMAPINE, OREGON - HOUSING STUDY 2016



Legend

-  Roads
-  Parcel Boundary
-  Parcels Large Enough To Partition
-  Umapine Undeveloped Parcels
-  Umapine Developed Parcels



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

Potential New Parcels on Residential Zoned Land in Walla Walla Sub-basin

Tax Account Number	Map Number	Size (Acres)	Zone	Potential New Parcels
134623	5N3618B000701	5.35	RR-2	1
134626	5N3618B000901	4.73	RR-2	1
134331	5N3618C000100	12.25	RR-2	5
134331	5N3618C000100	5.79	RR-2	1
134637	5N3618C000200	13.41	RR-2	5
134660	5N3618C001500	6.1	RR-2	2
154722	6N3513B001500	4.01	RR-2	1
113031	6N3513C000700	8.54	RR-2	3
113102	6N3513C001801	4.62	RR-2	1
113160	6N3513C002201	4.85	RR-2	1
113167	6N3513C002400	4.44	RR-2	1
113175	6N3513C002900	9.92	RR-2	3
129900	6N3523C000800	4.44	RR-2	1
129905	6N3523C001000	6.26	RR-2	2
113514	6N3524B000100	6.1	RR-2	2
113544	6N3524B000500	4.84	RR-2	1
113715	6N3524B001400	5.9	RR-2	1
148561	6N3524B001801	7.48	RR-2	2
113760	6N3524C000100	10.18	RR-2	4
146161	6N3524C000106	9.46	RR-2	3
111725	6N3525B000600	11.71	RR-4	1
Total Potential New Parcels				42

Note: Each resulting parcel must meet the minimum parcel size for the underlying zone, i.e. a minimum of 4 acres is required to create 2 new RR-2 parcels.

**Potential New Parcels on Unincorporated Community Zoned Land in
Walla Walla Sub-basin**

Tax Account Number	Map Number	Size (Acres)	Zone	Potential New Parcels
136056	6N34250000100	5.35	UC	4
113111	6N34250000300	22.53	UC	21
142250	6N34250000303	2.91	UC	1
113113	6N34250000400	4.91	UC	3
113923	6N35300000800	3.01	UC	2
Total Potential New Parcels				31

Note: Each resulting parcel must meet the minimum parcel size for the underlying zone i.e. a minimum of 3 acres is required to create 2 new UC parcels.

**Permitting History for New Dwellings on EFU Zoned Land in Walla
Walla Sub-basin**

Permit Number (2006-2016)	Tax Account Number	Map Number	Dwelling Type
LUD-034-06	133985	5N35000003900	Farm Dwelling
LUD-039-07	112208	6N3525C002800	Non-Farm Dwelling
LUD-048-07	111994	6N35170000100	Non-Farm Dwelling
LUD-054-07	114163	6N34150000401	Non-Farm Dwelling
LUD-058-07	112265	6N3534A000300	Lot of Record Dwelling
LUD-074-08	113369	6N35190000400	Farm Dwelling
LUD-079-08	140510	6N35310000302	Farm Relative Dwelling
LUD-091-09	129801	6N3514D000800	Farm Dwelling
LUD-103-09	129779	6N3514C003000	Non-Farm Dwelling
LUD-128-11	104830	5N33C00000100	Accessory Farm Dwelling
LUD-136-11	112188	6N3527D000900	Non-Farm Dwelling
LUD-140-11	129492	6N3521D000700	Non-Farm Dwelling
LUD-148-12	110933	6N37000001100	Farm Relative Dwelling
LUD-151-12	104850	5N33000004500	Non-Farm Dwelling
LUD-158-13	134697	6N3525D000400	Lot of Record Dwelling
LUD-160-13	129250	6N3535A000200	Farm Dwelling
LUD-171-14	134951	5N35000003300	Non-Farm Dwelling
LUD-176-14	134116	5N36000003300	Non-Farm Dwelling
LUD-182-15	134163	5N36210001200	Farm Dwelling
LUD-192-15	104836	5N33C00000800	Non-Farm Dwelling