

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

ROBERT COSNER and CHERYL COSNER,

Petitioners,

and

RICHARD STEWART, TED REID, TOM
BUELL, JO LYNN BUELL, BARBARA
CLUTTER, KEN SCHIEWE, IDA
SCHIEWE, GREG TSIATOS, DORIS
TSIATOS, JIM HATLEY, HERB MARCH
and FRED REICHOW,

Intervenors-Petitioners,

v.

UMATILLA COUNTY BOARD OF
COMMISSIONERS,

Respondent,

and

CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION,

Intervenor-Respondent

LUBA Nos. 2011-070, 2011-071
& 2011-072

RESPONDENT UMATILLA COUNTY'S BRIEF

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RESPONDENT UMATILLA COUNTY'S BRIEF
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STATEMENT OF STANDING

Respondent acknowledges that Petitioners and Intervenors-
Petitioners appeared at one or more of the hearings for the
adoption of the ordinances. The Notice of Intent to Appeal the
June 28, 2011 decision was received by the Land Use Board of
Appeals on July 20, 2011 and by Respondent on July 21, 2011.

STATEMENT OF CASE

Nature of Decision

Petitioner appealed Umatilla County Ordinance Nos. 2011-
05, 2011-06, and 2011-07. Petitioner challenges all of the
provisions of 2011-06, but only a number of the provisions of
2011-05 and 2011-07.

Summary of Arguments

The decision of Umatilla County is supported by the law
and the record.

- The county created a standard for certain setbacks and a
legally sufficient process and standard to waive the
county setback requirement, and the governing body did
not improperly delegate any its authority in creating or
implementing the waiver provisions.
- The county followed the Goal 5 process in adopting that
facilities in the Walla Walla Watershed area must not
conflict with existing significant Goal 5 resources.

- 1 • The county is not required at this time to amend its
2 comprehensive plan to protect wind resources or to
3 inventory wind as a Goal 5 resource. The current plan
4 to address wind resource is legally sufficient. Now is
5 not the time to complete such an inventory, especially
6 due to the lack of adequate information to complete an
7 inventory.
- 8 • The Goal 5 process undertaken by the county in adopting
9 that facilities in the Walla Walla Watershed area must
10 not conflict with existing significant Goal 5 resources,
11 has an adequate factual basis.
- 12 • There is an adequate factual basis and reasoning for the
13 two mile setback of facilities from residences and UGBs.
14 The record documents that the two mile distance was
15 factually based and not arbitrary.
- 16 • The county has the legal authority to adopt criteria for
17 a wind generation facility--an ORS 215.283(2) use--and
18 the adopted setback criteria is clear and objective.
- 19 • The action taken by the county is consistent with its
20 Comprehensive Plan and its policies.
- 21 • The standards for roads for different conditional uses
22 do not create an internal inconsistency within the

1 Comprehensive Plan.

2 Summary of the Material Facts

3 Respondent supplements the summary of the material facts
4 written by Petitioner.

5 Umatilla County established requirements for the siting of
6 wind power generation facilities on May 20, 2003. Beginning in
7 2009, Umatilla County, through its staff and Planning
8 Commission, began the process of reviewing the siting
9 requirements and drafting updates to the ordinance. (Rec. 17,
10 27, 29). This updating process culminated after many work
11 sessions and public hearings before both the Planning
12 Commission and the Board of Commission, in the adoption of the
13 3 ordinances. (Rec. 17, 27, 29). Ordinance No. 2011-05 provides
14 most of the revisions, but Petitioner assigns error to only two
15 of the sections--setbacks from a tower to a city urban growth
16 boundary and to roads.

17 In addition, two of the provisions regarding the Walla
18 Walla Watershed under Ordinance No. 2011-07 is also subject to
19 this appeal. The ordinance was adopted to prevent impacts to
20 the following: (A) Highly erodible soils; (B) Inventoried Goal
21 5 resources; (C) Federal listed threatened and endangered
22 species; and (D) the Critical Winter Range. (Rec. 31). The
23 assignments of error only relate to the Goal 5 process, and no

Respondent Umatilla County's Brief

1 error has been raised regarding the other provisions of the
2 Ordinance No. 2011-07.

3 This appeal is limited to the following provisions of
4 Section 152.616 (HHH):

5 (6) Standards/Criteria of Approval regarding:

6 (1) Setback from a tower to a city urban growth
7 boundary, and setback waiver;

8 (3) Setback from a tower to a rural residence, and
9 setback waiver;

10 (5) Setback from tower and project components,
11 including roads;

12 (11) Walla Walla Watershed:

13 (B) The wind power generation facility shall not
14 conflict with existing significant Goal 5
15 resources or be located in the Critical Winter
16 Range.

17 JURISDICTION

18 Respondent accepts the statement of jurisdiction submitted
19 by Petitioner.

20 ASSIGNMENTS OF ERROR

21 Umatilla County Board of Commissioners adopted and revised
22 its siting standards for commercial wind generation facilities.
23 Pursuant to ORS 215.283(2)(g), commercial utility facilities

1 may be established in exclusive farm use zones subject to the
2 approval of the governing body. Under this section, a county
3 may enact and apply legislative criteria of its own for
4 commercial wind generation facilities. *Brentmar v. Jackson*
5 *County*, 321 Or. 481, 496, 900 P.2d 1030, 1038 (1995). The
6 county may decide not to allow the use at all in the EFU zone.
7 *Id.*

8 First Assignment of Error

9 Petitioners argue that the county has unlawfully delegated
10 its legislative authority by providing for waivers from the
11 facility setback requirement. This argument is not supported
12 by the facts or the law.

13 Law cannot incorporate future regulations of another
14 entity, to do so is prospective delegation. *Seale v. McKennon*,
15 215 Or. 562, 572, 336 P.2d 340, 345 (1959); *Hillman v. Northern*
16 *Wasco County People's Utility District*, 213 Or. 264, 278-79,
17 323 P.2d 664, 672-73 (1958). In the present case, the county
18 only provided a means for the county to waive its 2 mile
19 setback requirement.

20 If an applicant can obtain the consent of a city or a
21 property owner, then the county--as part of its process--can
22 allow for the siting of towers with less than a 2 mile setback
23 to a rural residence or an urban growth boundary. (Rec. 24).

1 The ordinance does not incorporate any future regulation of
2 another entity. The county maintains control over its
3 regulations, and does not delegate any of its authority to a
4 city or property owner. Any discretion for the siting of the
5 facility remains with the county.

6 Any portion of the facility, regardless of the setback,
7 must obtain the approval of and the permit from the county
8 prior to placement. The permitting process remains with the
9 County, and is not delegated to a city or a property owner.
10 All due process processes are in place as provided for any
11 other county permit.

12 The waiver does not impose unnecessary or unreasonable
13 restrictions on the use of private property. The Board of
14 Commissioners adopted a regulation restricting the placing of
15 commercial utility facility with certain setback requirements.
16 The Board has the authority to do so. *Brentmar*, 321 Or. at
17 496, 900 P.2d at 1038. It found that the setback restriction
18 to be in the public health, safety, and general welfare of its
19 citizens.

20 Petitioners' argument ignores the fact that the Board of
21 Commissioners adopted the restriction on the property--the
22 setback--and the process for obtaining a waiver of the setback.
23 The restriction was adopted by the governing body, not by the

1 neighbors or a city council. In the cases relied on by
2 Petitioner, the local ordinances permitted residents of a
3 neighborhood, by majority vote (*Eubank*) or by withholding
4 consent (*Roberge*), to impose restrictions that otherwise had
5 not legislatively been determined to be in the public interest.
6 *Eubank v. City of Richmond*, 226 U.S. 137, 144, 33 S.Ct. 76, 57
7 L.Ed. 156, 159 (1912); *State of Washington ex rel Seattle Title*
8 *Trust Co v. Roberge*, 278 U.S. 116, 121, 49 S.Ct. 50, 73 L.Ed.
9 210, 213 (1928). In the present case, the legislative body made
10 the decision to impose the condition--to have the setbacks, but
11 also to allow for the county to waive or vary that setback. It
12 is the county, not any other authority, entity or person, which
13 has imposed the restriction.

14 As already discussed, the section does not ignore or avoid
15 any procedural or notice requirement. As part of the
16 application process for the facility, all required notice will
17 be provided, as well as opportunity for hearing. The section
18 only allows the county the means to waive its setback
19 requirement, nothing more. At least one other county (Wasco
20 County) has provided a waiver of its setbacks for wind
21 facilities through an easement from the property owner. (Rec.
22 748-49).

good
refined!

1 It is the county that has imposed the setback requirement,
2 it is the county that has provided when that setback
3 requirement will be waived, and it will be the county that
4 processes the waiver and grants the permit, not the neighbors.
5 Petitioners' First Assignment of Error is without merit and
6 should be denied.

7 Second Assignment of Error

8 This assignment of error is for the requirement to apply
9 Goal 5 to the adoption of parts of Ordinance Nos. 2011-06 and
10 2011-07. As set out below, the county complied with the
11 requirements of Goal 5 in making its decisions.

12 A. Goal 5 Application to Ordinance No. 2011-07

13 The adoption of Ordinance No. 2011-07, Walla Walla
14 Watershed Standards, is in compliance with Goal 5. Goal 5
15 requires a local government to determine whether a development
16 will have an adverse impact on specified resources. *Friends of*
17 *Marion County v. Marion County*, 233 Or. App 488, 497, 227 P.3d
18 198, 203 (2010). Goal 5 protection generally does not extend
19 beyond those resources that are identified, evaluated and
20 inventoried in the local government's Goal 5 inventory. *Force rep*
21 *Hoffman v. Deschutes County*, 61 Or. LUBA 173, 188 (2010) *to evaluate impacts of*
underlying

22 Umatilla County has an acknowledged comprehensive plan.
23 Goal 5 is addressed in Chapter 8 of the Comprehensive Plan, *uses which*
is a best
county

1 entitled Open Spaces, Scenic and Historic Areas and Natural
2 Resources. (App. 8). The supporting data for the policies and
3 findings, including inventories, are contained in Chapter D of
4 the Umatilla County Comprehensive Plan Technical Report. (App.
5 34). As part of the adoption of the plan, the county
6 collected information on potential Goal 5 sites, determined the
7 significance of each site, compiled a list of the significant
8 Goal 5 resources, identified conflicting uses and the
9 consequences of allowing conflicting uses, and implemented the
10 protection of those resources by the adoption of policies and
11 regulations. (App. 34). The determination was made to preserve
12 the resource if no conflicts were evident, or if conflicts were
13 evident, would allow conflicting uses or limit conflicting uses
14 depending on the importance of the resource and the specific
15 circumstances. (App. 34).

16 Wind was not identified or inventoried as a significant
17 Goal 5 resource. Adequate information on wind and other energy
18 resources necessary to perform a Goal 5 analysis was not
19 available. (App. 73).

20 In considering the update of its wind generation facility
21 siting standards, the Petitioners argue that the county did not
22 comply with Goal 5. Specially mentioned are the requirements
23 to identify conflicting uses, analyze ESEE consequences,

1 determine the impact area, and develop a program to protect the
2 resources. A review of the record indicates that the county
3 did do and take these actions in the adoption of Ordinance No.
4 2011-07.

5 It is important to note that the decision made by the
6 county was not just to protect Goal 5 inventoried resources,
7 but also to protect other resources and uses. Since the
8 Petitioner, though, is only arguing compliance with Goal 5,
9 these other reasons, though adequately documented in the *CS*
10 record, are not relevant to this assignment of error and will
11 not be detailed in this section.

12 Initially the process revealed the potential conflicts in
13 allowing the facilities to be located in the Walla Walla
14 watershed area. (Rec. 384). This process also documented
15 consequences to the inventoried Goal 5 resources if the
16 facilities were allowed to be sited, and the extent of those
17 impacts. (Rec. 384-95). Finally, the decision makers analyzed
18 the consequences and developed a program to protect the
19 resources, through the continued use of setbacks.

20 The findings set out in Ordinance No. 2011-07, summarized
21 some of this analysis. (Rec. 29-30).

22 1. The Walla Walla Watershed contains two species
23 listed under the Endangered Species Act--Bull Trout
24 and Steelhead.

1
2 2. The Confederated Tribes of the Umatilla Indian
3 Reservation are working to create self-sustaining
4 Chinook Salmon in the Walla Walla River.
5

6 3. The upper and mid reaches of the Walla Walla River
7 Watershed was identified as one of two priority
8 Conservation Opportunity Areas by the Oregon Fish &
9 Wildlife Commission in 2006.
10

11 4. A decade of watershed restoration efforts,
12 including millions of dollars of private and public
13 funds, warrant protection.
14

15 5. Protection of the Walla Walla Watershed is
16 consistent with policies set forth in Oregon
17 Administrative Rules 690-507-0020 Umatilla Basin
18 Rules.
19

20 6. The Oregon Department of Agriculture has
21 identified highly erodible soils in the Walla Walla
22 Watershed and the soil data is the established Soil
23 Survey of the Soil Conservation Service.
24

25 7. The acknowledged Umatilla County Comprehensive
26 Plan and Technical Report contain inventories of Goal
27 5 resources and findings and policies that support
28 appropriate standards for protection of resources in
29 the Walla Walla Watershed.
30

31 8. Commercial wind energy development would conflict
32 with inventoried Goal 5 resources within the Walla
33 Walla Watershed Sensitive Resource Area.
34

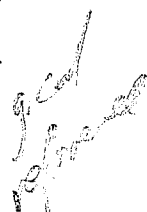
35 9. The resources within the watershed are sensitive
36 and traditional mitigation standards and techniques
37 cannot guarantee the necessary protection of the
38 resources.
39

40 10. The resources are co-located in a defined
41 geographic area, as defined in the 'Walla Walla
42 Watershed Sensitive Habitat Area' maps.
43

44 11. Standards have been designed that are reasonable,
45 appropriate, and would not preclude commercial wind

1 energy development, but would protect inventoried
2 resources and also serve to facilitate compliance
3 with applicable federal laws for the protection of
4 natural resources, including but not limited to the
5 Endangered Species Act and the Clean Water Act.
6

7 Even if the exact language of the rule was not quoted
8 or the steps taken in a certain order, does not mean that the
9 county failed compliance. The administrative rules clearly
10 indicate that it is substance over format that is important.

11 Although the county could have perhaps been clearer in its
12 explanation of how it was complying with Goal 5, as stated in
13 LUBA decisions, that determination need not precisely follow
14 the formulaic steps of the standard Goal 5 rule. *Johnson v.*
15 *Jefferson County*, 56 Or. LUBA 25, 39-40 (2008). 

16 Further, because this is a legislative decision, the
17 county was not required to adopt findings. Legislative
18 decisions such as the challenged decision are not required to
19 be supported by the detailed findings that are typically
20 required for quasi-judicial land use decisions. For legislative
21 land use decisions, the county may rely on arguments in its
22 brief and accessible material in the record to establish that
23 applicable legal standards are satisfied. *Citizens Against*
24 *Irresponsible Growth v. Metro*, 179 Or. App. 12, 16 n 6, 38 P3d
25 956, 958 (2002); *Redland/Viola/Fischer's Mill CPO v. Clackamas*
26 *County*, 27 Or. LUBA 560, 563-64 (1994). Therefore, it is

1 appropriate for the county to point to and rely upon documents
2 in the record even if such documents were not specifically
3 adopted as findings in the county's final decisions.

4 Under OAR 660-016-0005(3), a determination of the ESEE
5 consequences of identified conflicting uses is adequate if it
6 enables a jurisdiction to provide reasons to explain why
7 decisions are made for specific sites. *Hegele v. Crook County*,
8 190 Or. App. 376, 385-86, 78 P3d 1254 (2003). *Hoffman v.*
9 *Deschutes County*, 61 Or. LUBA 173, 180 (2010). Where
10 application of Goal 5 is required, a local government may not
11 need to repeat the entire Goal 5 process, including the ESEE
12 process, in all cases. *NWDA v. City of Portland*, 47 Or. LUBA
13 533, 543 (2004), *rev'd on other grounds* 198 Or. App. 286, 108
14 P.3d 589 (2005). In many cases no more is required than an
15 explanation for why the existing program to protect Goal 5
16 resources, as amended or affected by the challenged ordinance,
17 continues to be sufficient to protect those resources. *Id.*;
18 *Johnson v. Jefferson County*, 56 Or. LUBA at 40.

19 The ESEE analysis may be considerably simplified where the
20 local government already has an acknowledged program to achieve
21 the goal, and is merely considering an ordinance that allows a
22 new conflicting use that was not considered in adopting the
23 acknowledged program. *NWDA v. City of Portland*, 50 Or. LUBA

1 310, 338 (2005). In that circumstance, the local government
2 has already made key choices about the relative importance of
3 the resource site and a range of conflicting uses, and has
4 adopted a course of action based on those choices, and the
5 local government does not need to reconsider or re-justify
6 those basic choices, in adopting an ordinance that allows a new
7 conflicting use. *Id.* The county must merely consider the new
8 plan and code provisions, the new conflicting uses allowed, and
9 explain how its existing Goal 5 program continues to be
10 adequate to protect its inventoried Goal 5 resources. *Id.* The
11 mere fact that the county did not repeat the entire standard
12 ESEE analysis does not provide a basis for reversal or remand.
13 *Johnson v. Jefferson County*, 56 Or. LUBA at 40.

14 Here, the county has an adopted comprehensive plan,
15 including inventoried Goal 5 resources, and made decisions on
16 the importance of those resources. In the consideration of the
17 new ordinance for wind generation facilities in the Walla Walla
18 Watershed, the decision makers reviewed these inventoried
19 resources and the conflicts between those resources and the
20 facilities. To protect those resources, the county chose to
21 continue its plan of protection for the inventoried resources
22 from the conflicting uses of the facilities. These methods for
23 protection resulted in the adoption of Ordinance No. 2011-07.

1 The record documents the reasons why the decision was made
2 for the specific site--the Walla Walla Watershed area. The
3 area has inventoried the following Goal 5 resources in the
4 area: (1) Riparian corridors; (2) wetlands; (3) wildlife
5 habitat (elk and deer habitat); (4) natural areas; (5)
6 aggregate; (6) historic, cultural and archeological sites; (7)
7 open space; (8) scenic views & sites. (Rec. 384, App. 36, 40,
8 45, 58, 60, 63, 67, 72). The plan to protect these resources
9 includes setbacks (riparian corridors and wetlands), overlay
10 zones (natural areas, historic resources, elk and deer
11 habitat), and development limitation (open areas) to protect
12 areas and limit conflicting uses. (Rec. 384). The map of the
13 area shows the Goal 5 significant cultural and natural sites
14 (Rec. 388).

15 Commercial wind generation facilities would have an impact
16 on the Goal 5 inventoried resources, along with conflicts and
17 impacts to other resources and uses. (Rec. 30). The impacts
18 noted in the record were disruption of historical and cultural
19 sites, scenic sites, and wildlife. (Rec. 34, 39, 40, 41-42, 55-
20 56, 169-70, 219-20, 408-10). These impacts were reviewed, and
21 by continuing the plan of setbacks and overlay zones, the Goal
22 5 inventoried resources would be protected, as well as avoid
23 other resource and use conflicts. (Rec. 30, 31, 58). In

1 addition, the application process itself will require the
2 applicant to demonstrate that the project will not conflict
3 with existing significant Goal 5 resources. (Rec. 31).

4 As stated before, the ordinance provisions protect Goal 5
5 resources, but also have a broader scope for protection of
6 other resources and prevention of conflicts. The Walla Walla
7 Watershed area, and the restrictions for the protection of it,
8 expands beyond the area of the setbacks and overlay zones for
9 protection of Goal 5 inventoried resources. These provisions
10 include protection of non-inventoried resources--erodible
11 soils, threatened and endangered species. No assignment of
12 error, though was raised for these provisions, and they are
13 beyond the scope of this appeal.

14 The reason for the decision to adopt Ordinance No. 2011-07
15 is well documented in the record. The process used by the
16 county in adopting the ordinance is consistent with any
17 requirements of Goal 5.

18 B. Setback - OAR 660-023-190

19 Petitioner relies on OAR 660-023-190 to argue that the two
20 mile setback from rural residences violates Goal 5 because the
21 county has not amended its comprehensive plan to protect wind
22 areas. The argument misses the second portion of the section.

1 Under OAR 660-023-0190(2), local governments, rather than
2 amending acknowledged comprehensive plans to address energy
3 sources, may adopt a program to evaluate conflicts and develop
4 a protection program on a case-by-case basis as an application
5 to develop a resource is made. This is the approach that has
6 been taken in Umatilla County.

7 The county realized that it did not have sufficient
8 information to obtain an inventory or develop a countywide
9 program to protect wind resources. (Rec. 394). As a result,
10 the provisions for wind generation facilities were written to
11 perform the Goal 5 analysis on a case by case basis when the
12 application was received. Once an applicant has sufficiently
13 tested the wind at a site and is satisfied with adequacy of its
14 data and wind source, then the applicant files for a commercial
15 wind generation facility permit. At that time, the permitting
16 process addresses the analysis of conflicting uses and
17 mitigation of any conflicts. This is the process explicitly
18 approved by the rule. Ordinance 2011-06 is in compliance with
19 OAR 660-023-0190(2).

20 C. Inventory of Energy Sources

21 The county is faulted for not inventorying wind as a
22 significant Goal 5 resource under the Umatilla County
23 Comprehensive Plan. The county is not required to amend its

1 comprehensive plan as part of this ordinance update for wind
2 generation facilities to acknowledge wind as a significant
3 resource.

4 As pointed out by the Petitioner, once a local
5 government's Goal 5 inventory is acknowledged, periodic review
6 is the only means for correcting Goal 5 compliance issues.
7 *Urquhart v. Lane Council of Governments*, 80 Or. App. 176, 181,
8 721 P.2d 870, 873 (1986). When adopting plan amendments to
9 authorize development, the local government is not obligated to
10 reconsider the adequacy of its Goal 5 inventory and whether
11 there are noninventoried resources on the site that arguably
12 should have been or should be inventoried. *Id.*; *Hoffman v.*
13 *Deschutes County* 61 Or. LUBA 173, 188 (2010). As the ordinance
14 adoption was not part of a periodic review, the county is not
15 required to update the inventory.

16 As set out in the previous section, under OAR 660-023-
17 0190(2), the county can address the significance of energy
18 resources and its impacts on a case by case basis. The rule
19 and the case law provide the authority that an inventory of
20 energy sources is not required at this time.

21 Petitioners site to a letter outside of the record to
22 support its argument. The letter indicates that the county is
23 to amend its plan to include a policy to meet OAR 660-16-000

1 requirements when adequate information becomes available for
2 wind, oil, and gas energy resources. There is not anything in
3 the record that demonstrates that the county has adequate
4 information to inventory wind resources. To the contrary, the
5 county still lacks the ability and the information to prepare
6 an inventory of wind resources. The predicated conditions of
7 the letter have not occurred.

8 The areas of wind resources and the significance of the
9 wind resource are deemed proprietary information by the wind
10 developers (Rec. 457, 752, 2296-97, 2307, 4425). Until those
11 developers release that information, the significance of a
12 resource will not be known. Once an application is made, the
13 county will be made aware of an area of potential significance,
14 but will not be provided the information to deem if a site
15 significant. The county has had to defer to the developers
16 whether or not a site is significant. (Rec. 4232). It will
17 never be feasible to inventory wind resources and their
18 significance on a county-wide basis. This is why OAR 660-023-
19 0190(2) provides for, and the county adopted, a process to
20 identify and protect sites on a case by case basis.

21 If the reasoning of Petitioner was followed, wind
22 facilities would never be developed. If the county was
23 required to inventory wind as a resource, but lacks the ability

1 and the information to create an inventory, then the lack of
2 inventory would prevent development of the resource or any wind
3 generation facilities. This argument is without merit.

4 Third Assignment of Error

5 Petitioners argue that there is not an adequate factual
6 basis for the Respondent's decision, and that the decision is
7 not consistent with the Comprehensive Plan. The Petitioner did
8 not site any particular provision of the ordinances that have
9 this deficiency.

10 The record consists of over 4400 pages. The record is
11 replete with facts to support the decision of the county. The
12 hearings address and discuss the Comprehensive Plan, its
13 resources, conflicting uses and their impacts, and methods to
14 mitigate the impacts. The issue and the application of Goal 5
15 are set out in the previous assignment and will not be repeated
16 here. This assignment is without merit.

17 Fourth Assignment of Error

18 The two mile set back is supported by an adequate factual
19 base in the record. In addition, the reason for the setback is
20 thoroughly discussed and documented.

21 The Umatilla County standards for the siting of wind power
22 generation facilities have always included a minimum setback
23 from residential use zones or residential designation. The

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1 setback was 3,520 feet (3/4 mile). (Rec. 21). The update
2 addressed if this setback was adequate to prevent conflicts.
3 Different amounts of setbacks were proposed and discussed, but
4 the record documents the basis for the 2 mile setback that was
5 adopted.

6 The testimony and the evidence provided at the public
7 hearings raised an issue of conflicts between the facilities
8 and nearby residence (Rec. 694-705, 713-17). These conflicts
9 included noise, vibration, visual, and property values. (Rec.
10 414, 419, 631, 954). A large amount of the testimony however,
11 focused on the noise of the turbines. This issue was foremost
12 to many citizens because of a wind facility in Morrow County
13 and noise complaints of the neighbors, some of which testified
14 in these hearings.¹ (Rec. 46, 167).

15 Much of the discussion before the Planning Commission and
16 the Board of Commissioners was on a noise standard and how much
17 of a setback would mitigate the conflicts with residences—
18 noise, vibration and property values. (Rec. 51-52) The
19 election of a two mile setback was not arbitrary. (Rec. 51,
20 1823, 3581). The selection was based on noise studies and
21 property value studies. (Rec. 419, 676, 645, 1293, 1435, 1555,

¹This case came before the Land Use Board of Appeals as *Mingo v. Morrow County*, LUBA 2011-14, 16, 17, decided June 1, 2011, ____ Or. LUBA ____ (2011).
Respondent Umatilla County's Brief

1 1823, 1884). The reasons for the selection of the two miles
2 were debated and are set out in the record. (Rec. 631).

3 It is undisputed that the facilities create noise. (Rec.
4 237, 702, 742, 747, 2898). All of the studies and experts
5 concur that the noise can create annoyance, physical symptoms
6 and sleep disturbance. (Rec. 702, 744, 1225, 1231). There is a
7 division, though, if the facilities create a health hazard.
8 (Rec. 703, 1240, 2925).

9 To avoid the potential for noise and health hazards, the
10 amount of the setback was based on the studies, including the
11 noise study for a pending county facility. The pending facility
12 performed the study to meet state noise requirements (the same
13 regulation now made applicable to Umatilla County through
14 Ordinance 2011-05). (Rec. 3559). The study demonstrated that
15 to meet the noise limitations of the state regulation resulted
16 in a similar 2 mile setback. (Rec. 3580, 4156-57).

17 Since the evidence indicated that impacts could exist to
18 over 1 mile away (from 1.55 to 2 miles), the 2 mile set back
19 was established. (Rec. 1873, 1884, 237). There is an adequate
20 basis and stated reasons in the record to support this two mile
21 decision setback.

22 A two mile setback would not prevent development. Maps
23 based on current meteorological towers permitted for potential

1 wind sites show that the two mile setback may limit some
2 development, but it will not prevent the siting of wind
3 projects. (Rec. 2288-95). More importantly, under ORS
4 215.283(2), the Board has the authority to enact and apply
5 legislative criteria of its own for the siting of commercial
6 wind generation facilities, including setbacks, and is not
7 required to allow development of the facilities. *Brentmar v.*
8 *Jackson County, Id.* at 496, 900 P.2d at 1038. This assignment
9 of error is without merit.

10 Fifth Assignment of Error

11 This assignment of error is premised on reading ORS
12 215.283(2) to only allow local governments to impose standards
13 on section 2 uses to protect farm and forest practices. This
14 is contrary to ORS 215.296(10) and the case law.

15 Nothing in ORS 215.296 shall prevent a local governing
16 body from establishing standards in addition to those in ORS
17 215.296(1) or from imposing conditions to insure conformance
18 with such additional standards. ORS 214.296(10). Under ORS
19 215.283(2), a county may enact and apply legislative criteria
20 of its own that supplement those found in ORS 215.283(2).
21 *Brentmar v. Jackson County, Id.* at 481, 900 P.2d at 1038
22 (1995). The county is not limited to only imposing conditions

1 that protect farm and forest practices, and could impose the
2 two mile setback.

3 The two mile set back condition on the commercial utility
4 facility is clear and objective. The existence of a waiver of
5 the setback will be easily determined by clear and objective
6 standards--it will either exist, or it will not. The county
7 will makes its decision to waive the county setback requirement
8 based on a clear and objective standard.

9 Sixth Assignment of Error

10 The decision of the Respondent is consistent with its
11 Comprehensive Plan. Petitioner argues that the Respondent
12 failed to address existing policies to protect wind energy
13 resources.

14 Out of the over 220 plan policies in the Comprehensive
15 Plant, Petitioner selected 5 discretionary plan policies to
16 make this allegation, and ignored the 20 or more plan policies
17 directly in support of the decisions made by the county. For
18 example, non-farm activities in agricultural areas are not to
19 be encouraged (Agriculture Policy 3, App. 3); standards for
20 reviewing non-farm uses for compatibility with agriculture
21 (Agriculture Policy 8, App. 4); protection of critical winter
22 range areas (Grazing/Forest 11, App. 6-7); protection of fish
23 and wildlife habitat (Open Space 2, 3, App. 10-11); setbacks to

1 protect wetland areas, headwater areas) (Open Space 8, 10, 12,
2 App. 13-16); commercial uses in resource lands to be
3 conditional (Open Space 11, App. 14); development of high
4 visual impacts to address and mitigate adverse visual effects
5 in permitting process (Open Space 20, App. 16-17); protection
6 of historic and cultural sites (Open Space 26, App. 18);
7 encourage siting in manner to provide energy efficient
8 placement with setback requirements (Open Space 45, App. 19);
9 consider noise impacts and compatibility of development,
10 including mitigation requirements (Air, Land and Water Quality
11 7, App. 21); limit hazards of steep slope development (Natural
12 Hazards 5, App. 23); limit commercial development in resource
13 areas (Economy 5, App. 25); encourage diversification while
14 preservation of more productive agricultural lands (Economy 10,
15 App. 26); agriculture compatible within residential area and
16 to be allowed (Rural Residential 11, App. 28); utility
17 facilities located to avoid dividing existing farm unit (Public
18 Facilities 19, App. 30); control erosion resulting from
19 roadways (Transportation 17, App. 32); and transmission lines
20 placed to minimize adverse impacts on the community
21 (Transportation 18, App. 32).

22 The decision makers adopted regulations designed to
23 protect agriculture uses in resource zones, limit conflicts of

1 non-farm uses, and protect recognized sensitive areas. These
2 regulations clearly were designed to implement the
3 comprehensive plan of Umatilla County and its many policies.

4 Despite the allegations of the Petitioners and the
5 language of the policies, the 5 cited policies do support the
6 decision made by the Respondent. The ordinance does allow for
7 the siting of commercial wind generation facilities, but in a
8 compatible manner consistent with the zoning and to minimize
9 its impact on adjoining uses and sensitive areas. (Rec. 670,
10 671). The provisions to enact setbacks and to protect the Walla
11 Walla Watershed are in compliance with Goal 2 and ORS
12 197.175(2).

13 Seventh Assignment of Error

14 Petitioner argues that there is an internal inconsistency
15 with the Comprehensive Plan. This is based on different
16 standards for roads for different uses in the zone. A local
17 government may not amend its comprehensive plan map in a way
18 that conflicts with the unamended textual provisions of the
19 comprehensive plan. *Sunnyside Neighborhood v. Clackamas Co.*
20 *Comm.*, 280 Or. 3, 18, 569 P.2d 1063, 1072 (1977); *Neste Resins*
21 *Corporation v. City of Eugene*, 23 Or. LUBA 55, 61 (1992).
22 This is the case when one provision of the regulation allows a

1 use, and another provision prevents the use. *O'Rourke v. Union*
2 *County*, 54 Or. LUBA 614, 620 (2007).

3 In the present case, there is no internal inconsistency.
4 There are 2 different sets of standards for different uses.
5 There is no requirement that all uses in a zone must have
6 identical standards. This assignment is without merit.

7

8 CONCLUSION

9 Respondent properly adopted the potential waiver of its
10 wind tower setback requirement, without any impermissible
11 delegation of authority. The setback requirements were based on
12 factual information and reasons documented in the record.

13 Respondent complied with Goal 5 in its adoption of
14 restrictions on development in the Walla Walla Watershed area.
15 These restrictions adequately addressed conflicts with
16 inventoried Goal 5 resources. The county is not required to
17 develop an inventory of wind resources at this time, and can
18 continue to recognize wind resources areas on a case-by-case
19 basis.

20

21

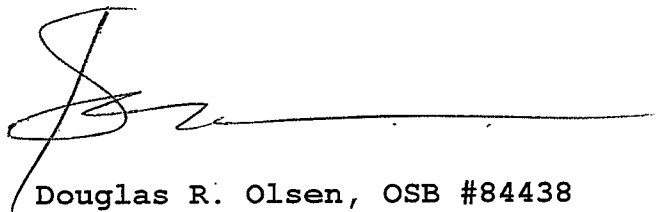
22

23

1 The assignments of error raised by Petitioner are without
2 merit. The decisions of Respondent should be affirmed.

3 Dated this 23rd day of November, 2011.

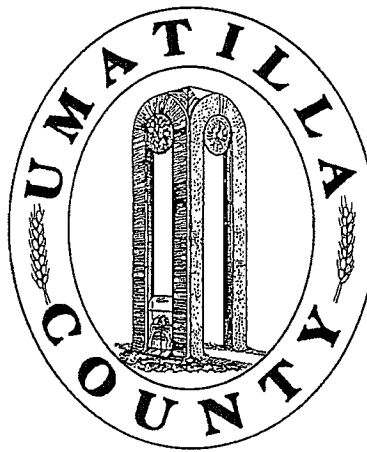
4 Respectfully submitted,

5 
6 Douglas R. Olsen, OSB #84438

7 Attorney for Respondent
8

UMATILLA COUNTY

COMPREHENSIVE PLAN



1983, Amended

Umatilla County Planning Department
216 SE 4th Street
Pendleton, OR 97801

Chapter 6. AGRICULTURE

Umatilla County agriculture contributes about 100 million dollars in annual income to the county and supports local food processing, transportation, trade, and service employment and payrolls.⁷ The county's agricultural sector has consistently ranked among the top ten Oregon counties in total agricultural productivity; and for the three year period from 1975-77, as irrigated crop land came into production, ranked at least third in the state. Contributing to this strong agricultural economy is the diversity of farming activities which includes the production of cultivated crops (e.g. wheat, barley, oats, corn, canola), field and truck

crops (e.g. potatoes, green peas, asparagus, melons), hay and silage feeds (e.g. alfalfa, corn, pea vines), fruit products (e.g. apples, cherries, prunes, peaches, apricots, grapes), and an extensive livestock industry raising cattle and calves, hogs and pigs, sheep and lambs, and chickens and turkeys.

Besides being the largest industry in this county and second largest industry in Oregon, agriculture creates a rural atmosphere greatly desired by many city, rural, and regional people. A comprehensive plan considers agriculture as an irreplaceable natural resource. Its wise use is of as much importance as other resources.

FINDINGS

1. Agriculture is important economically in Umatilla County and to the state.
2. Inventory review and local testimony identifies several categories of agriculture in the county: (a) North/ South County Agricultural Region; (b) West County Irrigation District; (c) Special Agriculture; and (d) Orchards District.

RECOMMENDED POLICIES

1. Umatilla County will protect, with Exclusive Farm Use zoning pursuant to ORS 215, lands meeting the definition of farmland in this plan and designated as Agricultural on the Comprehensive Plan Map.

2. Establish four agricultural designations with several types of management regulations to protect and maintain the existing agricultural economy character of the county.

The following Comprehensive Plan Designations are identified and corresponding preservation measures listed (see Plan and Zoning Map for locations of agricultural designations and EFU zone types):

- (a) North/South County Agricultural Region -160 acre minimum parcel

size;

- (b) West County Irrigation District - 40 acre minimum lot parcel size;
- (c) Special Agriculture -20 acre minimum lot parcel size;
- (d) Orchards District - 10 acre minimum parcel size.

3. Examination of past development patterns in farm areas, review of development costs(including drilling a domestic well, costs of land, septic tank installation, dwelling costs), a look at field pattern sizes, farm management unit sizes, tax lot and ownership patterns in the agriculture inventory, in the North/South County Agricultural Region lead to the conclusion that parcels of 160 acres and larger will continue the existing commercial agriculture enterprises in most of this county agricultural region. Also, these sizes are farm-sized related and the creation of new parcels of this size or larger will not attract nor encourage non-farm dwelling development. Also parcel divisions of less than 160 acres for strictly farming purposes are sometimes required and other times desired by dry land wheat farmers, livestock ranchers and irrigated farming interests to facilitate continued management on a variety of existing field pattern and farm management unit sizes and to maximize the number of management options (e.g. estate planning, financing, lease arrangements, land trades etc.) that are now taking place, and that would be restricted by one strict minimum parcel size requirement.

4. Dwellings customarily provided in conjunction with farm use can be found on a variety of parcel sizes.

3. To allow the flexibility of management options, to continue the existing commercial agricultural enterprises in a given area, and to assure that non-farm activities will not be encouraged, a flexible review called a "matrix system" shall be created that requires appropriate standards and review procedures for a variety of parcel division purposes and development situations. The policies on which the matrix system is designed are described below:

(a) New parcels of 160 acres or larger are appropriate to continue the existing commercial agricultural enterprises in those areas designated North/South County Agricultural Regions.

(b) New parcels equal to or greater than 80 acres may be authorized when found to be appropriate to continue the existing commercial agricultural enterprise in the North/South County Agricultural Region,

(c) Dwellings customarily provided in conjunction with farm use may be allowed on parcels of 160 acres or larger and may be allowed on parcels of less than 160 acres provided that the parcel can be shown to satisfy the requirements of Policy #4.

4. Dwellings customarily provided in conjunction with farm use shall be defined to mean:

(a) A dwelling located on a parcel of at least 160 acres containing a predominance of non-

high value soils in farm use;

(b) A dwelling located on a parcel less than 160 acres containing a predominance of non-high value soils in farm use where the Income Test is met as found in the Development Code.

(c) A dwelling located on a parcel containing a predominance of high value soils in farm use where the Income Test is met as found in the Development Code.

5. The County recognizes that parcel divisions of less than 160 acres for a variety of farm management reasons may continue the existing commercial agricultural enterprises in the County.

5. Farm divisions under 160 acres in the County must meet the applicable policies below and appropriate criteria and standards in the Development Code.

6. It is recognized that rural non-farm dwellings are desirable in the County. Rural non-farm housing must be placed in a manner not to negatively impact acceptable farming practices.

6. Non-Farm divisions under 160 acres in the County must meet the applicable policies and appropriate criteria and standards in the Development Code.

7. Relatives are often needed on the farm to assist in the overall farming operations and usually require a separate dwelling.

7. Farm relative dwellings shall be permitted if the dwelling meets the requirements of ORS 215.283 (1) (e).

8. The non-farm uses allowed in ORS 215.284 exist in the county and new ones can be accommodated without major conflict in most of the county's agricultural regions.

8. The county shall require appropriate procedures/ standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture.

9. Non-Farm dwellings often are found to conflict with agricultural uses. They should conform to area activities, not place unnecessary burdens upon public facilities and services, and take up the least amount of area as possible.

9. Require appropriate procedures, standards and policies be met in the Comprehensive Plan and Development Ordinance to assure that non-farm dwellings will be compatible with farming activities.

10. Rural or non-farm dwellings often takes good farmland out of production; however, it is difficult to define what good farmland is

10. To assure that new non-farm dwellings as opposed to existing farm dwellings converted to non-farm dwellings will not

Chapter 7. GRAZING - FOREST

County grazing/forested areas are located in the northeast, east and southern parts of the county and one within the Blue Mountains. Included in this area are portions of the Umatilla Indian Reservation, and their trust lands outside the Reservation, numerous federal, state and other public lands along with private property holdings.

Grazing/forested areas make important contributions to Umatilla County. They supply much of the county's summer grazing lands for livestock, watershed areas, timber for the wood products industry, food and habitat for wildlife, outdoor recreational opportunities, and add to the county's tax base. Sound management practices and policies are needed if grazing/forested areas are to continue the important role they presently play in Umatilla County.

FINDING

1. Grazing/forested lands in Umatilla County not only contain rangeland, but also timberlands and water and aggregate resources, habitat for fish and wildlife, and qualities desirable for recreational uses.

2. There are several other forest uses within the "mixed use" forested/open grazing land areas of Umatilla County besides those listed in Finding #1 above.

3. The mixture of timbered and open grazing

POLICY

1. Umatilla County will encourage a multiple use concept for its grazing/forestland areas and will conserve forest uses, including Agricultural activities (e.g. Cultivation) found intermixed within forested lands through appropriate policies in the comprehensive plan and corresponding protection measures in the Development Ordinance.

2. These other forest uses shall be permitted within areas designated Grazing/Forest and included within the Grazing/Farm Zone under "propagation of a forest product or use." Forest uses for the purposes of this policy shall include but not be limited to: (1) open space, buffers, visual separation to reduce noise and compatibilities; (2) watershed protection, wildlife and fisheries habitat; (3) soil protection from wind and water; (4) maintenance of clean air and water; (5) outdoor recreational activities and related support services and wilderness values compatible with these uses.

3. Pursuant to current Administrative Rules

Grazing/Forest area (e.g. grazing, farming timber and other forest management purposes). Non-resource dwellings can cause a variety of problems such as complaints from residents about property damage caused by livestock, timber management complaints of clear-cutting, spraying, etc. and problems over accepted farming practices such as chemical application or noise and dust caused by farm machinery. These dwellings should conform with area activities, not place unnecessary burdens upon public facilities and services, take up the least amount of area, and if located within timbered areas should consider fire safety precautions.

9. Non-resource dwellings often take good grazing, farm and forest use soils out of production.

10. There are a few instances where resource use dwellings have the potential of becoming non-resource dwellings.

11. Much of the land within the Grazing/Forest areas of Umatilla County are considered Critical Winter Range areas for

dwellings will be compatible with grazing/forest and farming activities occurring on lands designated Grazing/Forest.

(b) Require a "Covenant not to sue" document be signed and recorded prior to the approval of a non-resource dwelling, stipulating that the owner will not remonstrate against accepted farm, grazing and forest practices occurring in areas designated Grazing/Forest.

9. To assure that new non-resource dwellings as opposed to existing resource dwellings converted to non-resource dwellings will not remove valuable resource ground, the generally unsuitable test in the non-farm dwelling review criteria for the establishment of new non-farm dwellings shall be defined as soils classified as VII and VIII according to the SCS Soil Survey Classification System.

10. When a partition is requested to convert an existing resource-related dwelling to a non-resource dwelling, the request shall meet requirements consistent with ORS 215.284 (7) (non-farm dwelling review criteria), and ORS 215.236 (farm deferral disqualification, if the parcel is on farm deferral), and other appropriate standards protecting resource uses. However, partitions involving existing resource dwellings may be on better classified soils providing they meet the intent of the generally unsuitable test in ORS 215.284.

11. A "Critical Winter Range Overlay" zone along with special clustering and notification requirements as required in certain Natural

deer and elk. Studies indicate that special land use measures are necessary to protect these winter range areas.

12. Timber on small, recreational-related or rancher-owned parcels can contribute to future availability of logs in Umatilla County.

13. There is a need for wood lots for fuel heating purposes.

resource policies shall apply to lands designated Grazing/Forest and identified as Critical Winter Range.

12. Seek cooperation with the Oregon Department of Forestry in efforts to provide technical assistance to all property owners who wish to manage their land for timber. Encourage the uneven age timber management system in multiple use designated areas where desired visual aesthetics and wildlife habitat concerns are important and should be protected.

13. Permit wood lot uses through leasing and/or selling of timber rights. The purpose of this policy is to encourage the utilization of wood lots while discouraging parcelization and the siting of dwellings.

Chapter 8. OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

This section includes those areas that, if managed wisely, will protect, conserve, and enhance the natural and cultural elements of the county.

Land Needed or Desirable for Open Space
Umatilla County has considerable amounts of open space. In fact, of its 2.06 million acres of land, less than five percent is urbanized. Pasture, range, forest, and crop lands provide most of the open space in the county.

This amenity is desirable for many reasons. It serves as a buffer between conflicting land uses, permits the logical expansion of urban areas, provides recreational opportunities, contributes to the aesthetic quality of the landscape, and enhances the social and economic value of the community.

Fish and Wildlife Areas and Habitats
A variety of fish and wildlife species reside in Umatilla County. Because of the aesthetic, recreational, and economic benefits they provide, this resource is important to both county residents and visitors.

Waters in Umatilla County serve as valuable harvesting, spawning, and rearing areas for migratory fish, resident trout, and warm-water fish. However, increased fishing pressures, inadequate stream flows, man-made barriers, and unscreened water diversions have contributed to fish population declines in many streams and

rivers.

Elk and deer are the two major big game species found in the county. Although relatively abundant, changes in land uses and poor land use practices have destroyed some of their habitat. But, they are not the only wildlife species affected.

Ecologically and Scientifically Significant Natural Areas

Wildlife refuges and sites inhabited by rare or endangered plant or animal species are found in the County. Ownership of these lands are federal, state, county, and private. Various agencies and organizations are working to identify and protect these areas.

Wilderness Areas

Although there are over 250,000 acres of forest and over 376,000 acres of U.S. Forest Service land in Umatilla County, none of it is currently or potentially wilderness areas as defined by Goal 5.

Outstanding Scenic Views and Sites

There are areas and views which are commonly recognized as striking in their effect on those who experience them. Geological features, green vegetation, and water are major scenic features; human works and dry, shrubsteppe landscape are other attractions. So that areas do not lose their eye-catching attributes, plans attempt to identify "commonly recognized" scenic features, and suggest uses for these areas that minimize conflicts with the valuable features.

Potential and Approved Federal Wild and Scenic Waterways and State Scenic Waterways

There are no state-designated scenic waterways or potential scenic waterways in Umatilla County. However, the North Fork of the John Day River, a portion of which

flows through Umatilla County, is included in the U.S. Department of Interior's "Nationwide Rivers Inventory" for possible inclusion in the national wild and scenic rivers program.

Historic Areas, Sites, Structures and Objects

Much of the county's historical and archeological significance dates back to various Indian tribes that resided in the area, and to the early passage and eventual settlement of white settlers using the Oregon Trail. Unfortunately, natural processes and man-related activities have destroyed or altered many remnants. Historical site and building inventories are provided in the Technical Report.

Cultural Areas

In some ways all of Umatilla County should be considered a "cultural area" under the Goals 5 definition since it is within the original territory of the Umatilla Indians. Areas throughout the county have cultural significance to the Indians, but discussion of cultural sites is difficult since the Tribe is reluctant to identify them.

There are no approved or potential Oregon or national recreation trails in Umatilla County as designated by the National Trails System Act of 1968 or the Oregon Recreation Trails System Act of 1971.

Water Areas, Woodlands, Watersheds and Groundwater Resources

Water supply is a critical factor for

development. In some places, the delicate balance of supply and demand has been upset and groundwater tables are decreasing.

The County is subjected to extremes in surface water availability. Shortages of rainfall in summer months bring near-drought conditions to many parts of the county while flash floods and heavy spring snowmelt threaten low lying floodplains. Water impoundments help store, control, and distribute water throughout the year.

Mineral and Aggregate Resources

Although no minerals of commercial value are known to exist in the county, aggregates are relatively common. Aggregates include sand, crushed and uncrushed gravel, and stone.¹⁰ They are primarily used for the construction of new homes, streets, sewers, churches, businesses, etc. Since long truck hauls are costly, local sources must remain available.

Energy Sources

Of the three major commercial components of Oregon's present energy picture—electricity, petroleum, and natural gas—only electricity is generated in the county.

McNary Dam, located on the Columbia River north of Hermiston, has fourteen power generators capable of producing seven million watts of electricity per year. A second powerhouse with more generators will be built during this decade.

FINDINGS

1. Having only a sparse rural population, Umatilla County is predominately open space.

POLICIES

1. (a) The County shall maintain this resource by limiting development mainly to existing built up areas,

- (b) The County shall cooperative with the many public agencies which manage open land in the County. Special contracts will be sought when development proposals are in the vicinity of large tracts of public land.

2. Umatilla County has a relative abundance of fish and wildlife habitat.

2.

- (a) The County shall preserve habitat by encouraging 208 Best Management Practices and proper Forest Management Act procedures.
- (b) The County will complete the Goal 5 process, which includes the ESEE consequence analysis of conflicting uses fro all identified natural areas, species occurrence and wetlands. For all IB sites identified in the Technical Report adopted on June 12, 1985, the Goal 5 process will be completed prior to the next plan update (Sept. 30, 1987). For all “^A” sites, the County shall apply the NA Overlay Zone and if necessary, develop a management plan to protect the resource. For all “3C” sites, the County shall apply its 100 ft. riparian setback and Sections 4.600 and 4.700 of the Development Ordinance.
- (c) The State Department of Fish and Wildlife will be specifically consulted when proposed land use actions may affect significant or critical fish or wildlife habitats.
- (d) The County recognizes and supports the March, 1984, Agreement between the State Board of Forestry and the State Fish and Wildlife Commission as an effort to protect Goal 5 resources. [See also policies 49 and 50]
- (e) The County Development Ordinance shall include conditional use standards, overlay zones, and/or other provisions to limit or mitigate

conflicting uses between rare, threatened and endangered species habitat areas and surrounding land use.

- (f) With the availability and/or addition of adequate information of heron rookeries locations, the County shall complete Goal 5 analysis process for them (OAR 660-16-000).

3. Umatilla County land use classifications most compatible with sensitive big game habitats and in specially identified migration corridors are those that maintain the natural rural environment (i.e. agriculture, forestry, grazing, open space, floodplain, dispersed recreational uses).

(NOTE: Additional Big Game Findings and Policies are located in the Multiple Use Plan Map Section).

3.

- (a) Developments that are allowed on sensitive big game habitats shall be of low density while still allowing for normal agricultural, grazing and forested uses,
- (b) The County shall develop and apply an appropriate overlay zone to critical deer and elk winter range areas as determined by the Technical Report or subsequent action by the Planning Commission.
- (c) Developed densities within identified big game corridors shall comply with other policies within this plan and the standards in the Development Ordinance.
- (d) The County shall notify the Department of Fish and Wildlife of any quasi-judicial request for permission to engage in activities which may conflict with designated critical winter range, elk migration corridors or significant natural areas.
- (e) New roads shall be located to avoid sensitive areas whenever possible. Forest harvest system requiring the least amount of roads should be favored. Seasonal roads would be closed to reduce harassment to animals during the stress periods of winter and early spring. Roads that are no longer necessary for fire protection or logging should be closed off permanently.

- (f) Off-road vehicles use should be controlled during winter and early spring when it could affect survival of animals or cause excessive soils damage
- 4. Private landholders have suffered financial losses because of wildlife foraging on their agricultural land.
- 4. The County shall cooperate with the US Forest Service, Oregon Department of Fish and Wildlife, and property owners to resolve this problem.
- 5. Umatilla County land use classifications most compatible with upland game habitat are agriculture, forestry, open space, and floodplain.
- 5.
 - (a) The County shall maintain rural agricultural lands, Development shall be of low density to assure retention of upland game habitat,
 - (b) Land uses should maintain the vegetation along stream banks, fence rows, woodlots, etc. Research ways to reduce harassment and loss of upland game by free roaming dogs and cats.
- 6. Umatilla County land use classifications most compatible with waterfowl are those that maintain the natural rural environment (i.e. agriculture, forestry, grazing, open space, hazardous area or floodplain).
- 6.
 - (a) Developments or land uses that require drainage, channelization, filling or excessive removal of riparian vegetation in sensitive waterfowl areas should be identified.
 - (b) Residential, commercial or industrial developments shall not be placed on or adjacent to sensitive waterfowl habitat unless design review or conditions mitigate conflicts with waterfowl use.
 - (c) Public access should be maintained or secured to appropriate waterfowl recreational areas whenever possible.
- 7. Umatilla County land use classifications most compatible with furbearers and non-game wildlife are agriculture, forestry, floodplain, hazardous areas or open spaces. Recommendations listed for big game, upland game and waterfowl will also benefit
- 7.
 - (a) Residential, commercial or industrial development in urban and suburban areas should incorporate an appropriate amount of open space.
 - (b) Native species (trees, shrubs and

both aquatic and terrestrial forms of these animals.

grasses) should be left in open space areas whenever possible.

- (c) Supplemental planning of ornamental species is encouraged when conditions are favorable.
- (d) Any required landscaping should incorporate a large variety of native plant species supplemental with ornamental.
- (e) Parks should be managed to leave natural vegetation.
- (f) Existing ponds, wetlands, and riparian vegetation in the urban areas should be protected.
- (g) Leave non-hazard snags along streams, sloughs and in forested areas.

8. Umatilla County contains a number of water land areas important for wildlife. Some of these are "significant wetlands."

8.

- (a) Setbacks shall be established to protect significant and other wetlands.
- (b) Development and timber practices in and adjacent to significant and other wetlands shall be allowed only when such precipices are in accordance with the rules and regulations of the Forest Practices Act.

9. "Significant Wetlands" are identified in Table D-ZI (a) of the Technical Report.

9.

- (a) The County shall encourage land use practices which protect and enhance significant wetlands.

10. Umatilla County land use classifications most compatible with river and stream fish resources are those that maintain the natural rural environment (i.e. the agriculture, forestry, grazing, open space, hazardous areas).

10.

- (a) Residential Development along streams shall be low density and require appropriate setbacks.
- (b) Commercial or industrial use along navigable waterways should be water-oriented.
- (c) Compatible land use shall maintain the riparian vegetation along streams in the floodplain. Stream bank vegetation shall be maintained along

streams outside of the floodplain by utilizing appropriate setbacks.

- (d) Development or land use that requires channelization, excessive removal of streamside vegetation, alteration of stream banks and filling into stream channels shall be restricted in order to maintain streams integrity.
- (e) New roads, bridges and access rights-of-way shall be designed to avoid channel capacity, and minimize removal of shoreline vegetation.
- (f) Developments that require surface water appropriation or diversion shall be located where stream flows are not reduced below the recommended minimums.
- (g) Projects which provide for additional in- stream flows to help meet the recommended minimums should be supported.
- (h) Docks, log storage, houseboats and other water surface developments which preclude permanent use of public waters should be cluster-type developments.
- (i) Public access should be maintained or secured to appropriate river and stream areas.
- (j) Point and non-point pollution programs (including the DEQ 208 Programs) shall be supported to insure water quality maintenance and enhancement.
- (k) Forest Practices Act rules and fish habitat management policies established by state and federal agencies shall be utilized by the County as guidelines.

11. Umatilla County land use classification most compatible with lake and reservoir fish resources are agriculture, forestry, grazing, open space, and hazardous areas.

11.

- (a) Major residential, Commercial or industrial development on lakes and reservoirs shall be conditional or non-conforming uses.

- (b) Residential or recreational developments that incorporate construction of an artificial lake as a major attraction shall be conditional uses.
- (c) Encroachment on or destruction of shoreline fringe, particularly terrestrial and semi-aquatic vegetation should be restricted.
- (d) Setbacks or buffer zones shall be incorporated into lake and reservoir developments.
- (e) Docks and other surface water developments should be minimal.
- (f) Dredging and filing of shallow areas should be discouraged.
- (g) Future environmentally acceptable multi-purpose reservoir sites should be identified and appropriate land use restrictions applied if development appears imminent.
- (h) Public access should be maintained or secured to appearance lakes and reservoir areas.
- (i) Forest Practices Act rules and fish habitat management policies established by state and federal agencies should be utilized by the County as guidelines.

12. Umatilla County land use classifications most compatible with headwater areas are agriculture, forestry, grazing, open space and hazardous areas. (Headwater streams are those defined as Class II streams by the Forest Practices Act [OAR 629-24-101 (3)] and/or Class III and IV by the US Forest Service).

[Note: Additional fish findings and policies are located in the Multiple Use Plan Map Section.]

- 12.
- (a) Residential, commercial or industrial development in unstable headwater areas shall be minimal, and shall require appropriate setbacks.
 - (b) The County should identify unstable areas and geological hazards.
 - (c) New roads should be located to avoid unstable headwater areas.
 - (d) Forest Practices Act rules and fish habitat management policies established by state and federal agencies shall be utilized by the County as guidelines.

Report).

16. "Stage Gulch Rangeland" may be a significant natural area (see Technical Report).

17. The County and BLM have prepared a management plan for Harris County Park and the adjacent BLM land (south Fork Walla Walla River, UM-20, see Technical Report).

18. "Kamela Area" may be a significant natural area (see Technical Report).

19. An area near Rieth (described in the Technical Report) has been determined to be an area of occurrence of a rare or endangered species (mimulus jungermannioides).

20. Umatilla County has a number of outstanding scenic views and pleasant vistas.

[Note: Additional scenic findings and policies re located in the Multiple Use Plan Map Section.]

measures are necessary, if any, to protect and preserve "Albee Area."

16. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Stage Gulch Rangeland."

17. Umatilla County should work towards implementation of the recommendation of the Management Plan prepared for this property.

18. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Kamela Are."

19. Special protective land use measures shall be enacted if necessary to protect the species,

20.

(a) Developments of potentially high visual impacts shall address and mitigate adverse visual effects in their permit application, as outlined in the Development Ordinance standards.

(b) It is the position of the County that the Comprehensive Plan designations and zoning already limit scenic and aesthetic conflicts by limiting land uses or by mitigating conflicts through ordinance criteria. However, to address any specific, potential conflicts, the County shall insure special consideration of the following when reviewing a proposed change of land use:

1. Maintaining natural vegetation whenever possible.
2. Landscaping areas where vegetation is removed and erosion might result.

3. Screening unsightly land uses, preferably with natural vegetation or landscaping.
 4. Limiting rights-of-way widths and numbers of roads interesting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.
 5. Limiting signs in size and design so as not to distract from the attractiveness of the area.
 6. Siting Developments to be compatible with surrounding area developments and recognizing the natural characteristics or the location.
 7. Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary and re-vegetating such areas as soon as possible.
 8. Protection vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.
 9. Concentrating commercial developments in area where adequate parking and public services are available and discouraging strip commercial development.
- (c) Publicly owned lands which provide outstanding scenic views shall be developed where appropriate.
- (d) The "Elephant Rock" site shall be studied to determine if there is any scenic significance.
- (e) The Wallula Cap has been recognized as a significant scenic (as well as historic and wildlife) area. The

resources.

- (b) The County shall assist property owners who wish to preserve historic sites under their ownership.
- (c) Until such a time as the County assumes the issuance of building permits, the County shall notify the State Department of Commerce, Building Codes Division, of those sites and structures determined to be significant historical resources.

25. A county historical museum would help preserve the history culture of the area.

25. The County shall continue to assist the Historical Society in development of and a County historical museum.

26. Protection of Indian archeological and cultural sites (root digging, berry hunting, fishing, and campgrounds) are of great [importance] to the Tribes of the Umatilla Reservation and to others concerned about the county's history and heritage.

26. The County shall cooperate with the Tribe, Oregon State Historic picking, Preservation Office, and others involved in concern identifying and protecting Indian cultural areas and archeological sites.

27. While the Oregon Trail has been included into the National Trails System, only those portions on federal lands having a high potential for public use and historical interest are protected by law.

27. The County shall assist in identifying other segments of Oregon Trail that may warrant protection.

28. The Department of Interior has prepared a master plan for the Oregon Trail.

28. The County shall adopt the recommendations of the Oregon Trail Plan that are pertinent to Umatilla County.

29. Albee Town site contains several buildings of historical significance.

29. The County shall inventory Albee Town site to determine if preservation or restoration is possible or warranted.

30. Hideaway Hot Springs and Lehman Hot Springs have been used as recreation resorts for decades.

- 30.
 - (a) The County shall support the redevelopment of Hideaway Hot Springs and Lehman Hot Springs as destination resorts in a manner compatible to the surrounding resource lands.
 - (b) The County shall adopt protective

and Mineral Industries.

- (d) With the availability and/or addition of adequate information on oil, gas and other subsurface energy resource, the County shall complete the Goal 5 analysis process for those resources (OAR 660-16-000).

44. Lease agreements to explore and extract subsurface resources of soil, gas, shale oil, and coal have increased significantly in the last several years. Negative impacts will be lessened by reclamation and separation from uses not compatible with mining these subsurface resources.

45. Land use regulations can be developed that will promote wise use of local energy resources.

46. The "Open Space, Scenic and Historic Areas and Natural Resources" chapter of the Umatilla County Technical Report provides the basic background data and justification for the policies established in this section of the Comprehensive Plan.

44. The County shall establish review criteria during a public review process to ensure compatible with adjacent land use. Regulations will include capping or filling of test holes, reclamation or restoration and discouragement of such activities in areas designated residential in the Comprehensive Plan.

45. The County shall encourage and assist individuals to site and situate development in a manner which will provide the most energy efficient placemat, within the setback requirements of the various land use zones.

46. In order to provide substantive information and justification for the policies adopted in this section of the Comprehensive Plan and resulting implementing ordinances, the County hereby adopts the following specific portions of the Technical Report as part of this Plan:

- (a) Goal 5 process, p. D-2.
- (b) Elk winter range as portrayed on map D-14, as clarified by text on p. D-17a.
- (c) Significant Wetlands table D-31 and accompanying maps.
- (d) Habitats of Rare, Threatened and Endangered Species table D-62 and accompanying maps.
- (e) Sensitive areas for fish production, p. D-66-69 and map D-71.
- (f) Definition of "headwaters", p. D-70.
- (g) Definition of "significant natural area", p. D-74.
- (h) Significant natural areas species

Chapter 9. AIR, LAND AND WATER QUALITY

Air, water and land pollution impose serious burdens on the public. Once considered limitless, air, water and land are now recognized as finite resources. Also, quality levels of these resources are affected by activities of many jurisdictions which lead to the "spillover" of pollution from one jurisdiction to another. Consequently, most air, water and land standards have been

enacted by federal and state governments. Comprehensive planning considers the quality of air, water and land as vital resources and attempts to coordinate on a regional basis the identification, solution, and appropriate action for combating and mitigating pollution problems.

Umatilla County's livelihood is dependent upon the land, water and air resources; thus assurances that these resources; thus assurances that these resources will not be threatened are valid and vital concerns.

FINDING

1. Air, land and water qualities are generally considered good and within federal and state pollution standards.
2. Location of some agri-business uses (e.g. livestock feed yards) can create local air quality problems in the form of drifting odors.
3. Current solid waste sites for the County are adequate through 1995 and beyond.
4. Changing per capita solid waste generation, technology and recycling feasibilities may modify existing procedures and facilities.
5. Problems exist in the form of solid waste dumping (e.g. old car bodies, etc.) on isolated and unauthorized lands, especially north of Hermiston.

POLICY

1. Discharges from existing and future developments shall not exceed applicable environmental standards.
2. Direct new agri-businesses and industries toward locales where prevailing wind patterns will not carry odors into incompatible land use areas and protect existing odor production industries through appropriate land use regulations.
3. Have County Solid Waste Committee review adequacies of these sites every five years.
4. Every five years investigate additional possibilities for future sites and recycling opportunities.
5. Encourage joint County/DEQ programs (e.g. license and permits) to prevent further illegal dumping.

6. Non-point pollution sources contribute to degradation of water resources.

6. Participate in water quality management programs (e.g. Clean Water Act, Section 208).

7. Noise pollution is not presently an environmental quality problem.

7. Consider cumulative noise impacts and compatibility of future developments, including the adoption of appropriate mitigating requirements of plan updates.

8. Intensifying subsurface sewage disposal threatens to contaminate domestic wells.

8. Recognize that protection of existing wells has priority over development proposals requiring additional subsurface sewage disposal.

9. Present controls on water quality are principally agencies beyond influence of the program implementation.

9. Investigate county assuming jurisdiction state over subsurface sewage direct disposal and "208" County.

10. To protect life and property, hazardous materials require careful location precautions.

10. Direct hazardous materials storage away from populated areas and any identified hazards and seek to encourage emergency access and storage safeguards.

NOTE: See Technical Report, Section E, for background data

Chapter 10. NATURAL HAZARDS

Certain physical characteristics of a planning area can be foreseen to be a danger to life and property. Hazards are considered in a comprehensive plan because damage to individuals and their property affects the well-being of the whole populace.

In the county, hazards are limited to flooding. Other potential hazards (e.g. landslides, earthquake) either do not occur or occur with insignificant frequency. Other

minor hazards, those creating development limitations (e.g. steep slopes, weak foundation soils, unsuitable septic tank soils) exist in limited and isolated areas of the county. However, planned development is being directed away from most of the known development limitation areas. It is expected that existing state, local, or other appropriate agencies will review proposed development in light of existing hazards or development limitations according to existing requirements. When detailed information becomes available and when the County has the necessary funds, it is anticipated that the County will take over development review on a site by site basis.

FINDINGS

1. Inventory of County lands concludes that flooding is the major hazard potentially dangerous to both life and property, with steep slopes, landslides, and other development limitations occurring in isolated areas located mostly away from existing and proposed development and not having known to have caused any previous wide-spread property damage.
2. Development can alter natural drainage flows and create adverse effects upon the environment.
3. Additional detailed information on floodplains, floodways, wind erosion areas, and earthquake hazards are needed.

POLICY

1. The County will endeavor, through appropriate regulations and cooperation with applicable governmental agencies, to protect life and property from natural hazards and disasters found to exist in Umatilla County.
2. Limit "floodway" development to non-structure improvements not detrimental to maximum runoff flows.
3. Seek to determine all floodplain and floodway boundaries, wind erosion areas, and earthquake potentials. When hazards have been identified, the County will seek to mitigate the hazard through appropriate programs.

4. Active earthquake fault lines have not been conclusively identified in the County.

5. There are potential steep slope landslide hazards in or near multiple use exception areas in the Blue Mountains for which some general mapping has been completed, but for which some general mapping has been completed, but for which other areas* mapping cannot be completed at this time. Potential hazards of these types generally occur at or exceeding 25% slope according to most soil scientists and engineers.

4. Potentially hazardous major developments (e.g. power plants) must address earthquake hazard possibilities.

5. (a) The county will apply a Steep Slope Overlay Zone to all Multiple Use Exception Areas.

(b) The county will monitor proposed development in suspected areas of steep slope/landslide hazards (>25% slope) in the following manner:

(a) Require at the time of permit application a signed and written certification from the applicant that the proposed development will not occur in areas of 25% or greater slope; or

(b) If the applicant's development is in an area where slopes exceed 25% and written certification cannot be obtained because of the slopes, but the applicant wishes to proceed with development plans then:

1. The applicant must provide along with development permit application, a written report from a certified engineer or geologist that the development proposed can be completed without threat to public safety or welfare. Such written report shall be to review the development proposal and shall follow prescribed procedures and conditions in the Development Ordinance.

NOTE: See Technical Report, Section F, for background data.

Chapter 12. ECONOMY OF THE COUNTY

Agriculture has been, is, and probably will remain, the mainstay of the Umatilla County economy. Annual estimates compiled by the Oregon Extension Service indicate that Umatilla County consistently ranks among the top three Oregon counties in annual agricultural production. In recent years, the County has consistently produced about \$100 million in gross sales of farm products.⁷

Other sectors of the Umatilla County economy, albeit contributing much less than agriculture, are important employment sources and most have realized significant growth in response to increase County population. The largest sectors include trade, government, and manufacturing (both wood products and food processing industries). Federal forest lands and the timber industry also contribute to County revenue through payments in lieu of taxes (federal payments on the basis of timber sales) and Eastern Oregon Severance Tax Receipts (a tax from private timber harvest). Transportation, trade, finance and service employment have all increased, and improved service in each of these support sectors has in turn

benefited Umatilla County's basic industries.⁷

Future conservation and development opportunities rely heavily and directly upon allocation of available land and water. Devoting these resources mainly to agricultural production presumes additional, yet uncertain, water sources, commits the area to an inelastic market, restricts diversification of the local economy, and returns less personal income to the local population. Consequently, this plan recognizes the limited advantages to irrigated agriculture and advocates careful future evaluation before allocating water resources to any segment of the economy.

The Port of Umatilla has taken a lead position in cooperation efforts toward strengthening the County's economy. It has been instrumental in attempting to establish in the West County a regional water system, for both domestic and industrial uses. With its bonding capabilities, the Port also offers development assistance to a wide variety of diversified industrial interests.¹²

FINDING

1. Predominately a resource based economy, the County experiences fluctuations in market demand, production supply, and

POLICY

1. Encourage diversification within existing and potential resource-based industries.

seasonal unemployment and under employment.

2. Component and tool supplies for County manufacturers are not often produced locally.

3. Specified industry site requirements may vary presently designated industrial lands.

4. Regional, state and federal programs aid in the development of local economies.

5. Urban commercial centers are adversely affected by development of surrounding rural retail facilities.

6. Recreational attractions and good transportation linkages contribute to the tourist industry.

7. Comparative advantages over neighboring jurisdictions exist in availability of labor, reasonably priced lands, access to energy sources, and excellent transportation systems.

8. Water availabilities are a key resource to future economic growth.

2. Encourage investment into local production facilities for fabrication components.

3. To encourage industrial diversification, modify from pre-designated industrial areas as appropriate.

4. Participate in selected economic development programs and projects applicable to the County desired growth.

5. In close proximity to cities, yet outside of urbanizable areas, limit commercial development to those areas that meet the requirements of Goal 2 and ORS 197.732 for an exception in resource areas. Commercial development shall also be limited to land demanding activities that require few public services.

6. Encourage and promote private investment resorts and service facilities that offer quality public recreational experiences.

7. Cooperate with development oriented entities in promoting advantageous aspects of the area.

8. Evaluate economic development proposals upon the following:

Will the proposal:

- a. increase or decrease available supplies?
- b. improve or degrade qualities?
- c. balance withdrawal with recharge rates?
- d. be a beneficial use?
- e. have sufficient quantities available to meet needs of the proposed project and other existing and reassembly anticipated needs?
- f. reduce other use opportunities and if so,

	will the loss be compensated by other equal opportunities?
9. Changing markets, resource demands, and technology will directly affect economic development considerations.	9. Recognize the need for and periodically review/update economic policies and projects.
10. Retail trade is directly related to fluctuations in agriculture income.	10. Encourage industry and manufacturing diversification while preserving the more productive agricultural lands.
11. Local products do not receive full preferential demand in national/international markets.	11. Encourage efforts to gain preferential recognition for this area's products.
12. The County has a variety of commercial needs in the County.	12. Provide for three types of Commercial to serve the traveling public; Retail/Service Commercial to serve commercial activities which cannot locate within urban growth boundaries.
13. Industrial uses vary in intensity and impacts on surrounding areas.	13. Provide for two types of industrial classifications: light industry with less offensive odors and likely compatibility with commercial uses; and heavy industry which may generate noise, offensive odors; vehicular traffic, or require large amounts of energy and require isolation from people-oriented land uses.
14. Certain types of agriculturally related businesses and services do not necessarily need to be located within a commercial or industrial area.	14. The County will provide for an agri-business zone to allow certain types of agriculturally related businesses and services. This designation may be allowed where a commercial or industrial zone may not be appropriate because of compatibility or other specific problems.

NOTE: See Technical Report, Section H for background data.

Chapter 13. RURAL RESIDENTIAL - MULTIPLE USE HOUSING

The provision of dwellings for this nation's residents has been traditionally a function of private enterprise. Government is also now involved and monitors the housing situation and acts to affect the market in various ways (e.g. the financing of dwellings for those who could not otherwise afford it). Both the private and public sectors are charged to work together to achieve a decent level of housing for all.¹³

Rural residential land and multiple use housing are generally served by individual wells and septic tanks, by County roads or private easements of minimum level of

improvement, by telephone and electricity.

In Umatilla County there has been a long history of both rural residential and vacation housing development. These two rural housing types have been and continue to be accepted forms of rural development necessary to maintain an existing and important lifestyle.

The location of rural housing may raise the costs of other land uses or have hidden costs that eventually overprice the dwellings or overburden their supporting public services. Therefore, land use planning can encourage, through prescribed policies and development standards, appropriate location, type and density of housing, thus helping assure that housing, public facilities and public service costs are minimized.

FINDING

1. There is little information available on vacancy rates, rent levels and price ranges in Umatilla County or in most of its cities.
2. Cities have the major responsibility to recognize and provide within urban growth boundaries the expected housing demands of all income levels.
3. The County has a role to assist in projects improving the housing supply.

POLICY

1. Participate in or otherwise encourage the development of housing information in order to evaluate housing demand and supply in Umatilla County and its cities.
2. Recognize and assist city plans, ordinances and programs that provide housing opportunities for all income ranges within the urbanizing areas.
3. Assist the Umatilla County Housing Authority, East Central Oregon Association of Counties and other agencies, businesses or individuals to develop programs encouraging housing rehabilitation, insulation, building projects and other programs in appropriate

- | | |
|--|---|
| | <p>an appropriate County agency or has ready access to a community system;</p> <p>(c) sufficient public services exist or will be provided by the developer/owner to accommodate the additional population resulting from the development;</p> <p>(d) development will be sited on lesser productive agricultural and grazing/forest lands and designed to not interfere with adjacent uses;</p> <p>(e) complies with other similar policies and standards relating to rural housing development in other portions of the Plan.</p> |
| <p>8. Clustering rural residential and recreational housing can provide more open space, will utilize and preserve scenic amenities (e.g. trees, streams, water canals, meadows and protect adjacent resource lands.)</p> | <p>8. Encourage cluster development in rural residential designated areas and under certain circumstances outlined in the development policies require clustering in areas designated multiple use. (See Multiple Use Plan Map Chapter and Rural Residential Plan Map Chapter).</p> |
| <p>9. Extensive lot parcelization and subdivision development of the past 50 years in existing rural residential multiple use areas along with the previous zoning lot size minimums for rural housing, creates lots smaller than the new lot size minimum that complies with or better meets the State Land Use Planning Goals.</p> | <p>9. Parcels legally existing at the time of this plan's adoption and located in designated rural residential and/or multiple use areas shall continue to function as legal lots for purposes allowed in these areas and provided basic requirements such as setback and sewage disposal regulations are complied with.</p> |
| <p>10. The existing permit process is time-consuming and adds cost to housing development.</p> | <p>10. Adopt development standards which consolidate requirements into a centralized process.</p> |
| <p>11. Agricultural/timber production, wildlife, open space and recreational use are considered compatible within rural/recreational residential areas.</p> | <p>11. Allow agricultural/timber and other compatible open space uses within these rural areas.</p> |
| <p>12. Mobile homes are increasingly providing housing for county residents.</p> | <p>12. Continue as a permitted use mobile homes on lots in rural/multiple use residential zones.</p> |

Chapter 14. PUBLIC FACILITIES AND SERVICES

Public facilities and services in Umatilla County have been inventoried and discussed in the Technical Report. The services in Umatilla County run a wide variety from police and fire protection of gas and electrical utilities to Port facilities to day care services. All the facilities and services have been evaluated with regard to current and projected demands, service areas and projections for expansions and upgrading of the facilities and services.

The next step is to determine what levels of services and what types of facilities need to be provided for non-urban dwellers. This is where a blending of the goals occur. Through local comprehensive planning efforts, the needs and desires of the rural

residences of the county can be obtained. Public hearings and public comments over the years have brought out a majority of the desires of the rural population concerning facilities and services. These comments were then taken and formulated into policy decisions and minimum facility and service levels were set.

The harder part comes in being able to maintain, or in some cases upgrade the existing situations to the original level, to the minimums that were set. Resources are often limited and voters often do not wish to increase taxes to pay for added facilities or services. This in turn tends to transfer some of the costs back to the new development or a sort of pay-as-you-go philosophy. Through the careful implementation of the following policies, the county will be able to accommodate the growth that it expects and still maintain the desired facility and service levels adopted forthwith.

FINDING

1. Rural residents, as opposed to urban residents, expect and receive fewer services than do urban residents; so as rural development occurs, these services need to be maintained and upgraded.

POLICY

1. The county will control land development in a timely, orderly, and efficient manner by requiring that public facilities and services be consistent with established levels of rural needs consistent with the level of service requirements listed on pages J-27 and J-28 of the Technical Report. Those needs are identified as follows:

- a. Fire protection shall be provided consistent with Policies 8,9,10.
- b. Police protection shall be provided consistent with Policy 7.
- c. Surface. Water Drainage-Roadside drainage shall be maintained and plans for drainage shall be required in

15. Day care facilities do not provide off-hour services needed by around the clock industrial employees.

15. Request that the licensing authority require off hours operations. Require larger proposed industrial development address this problem' during permit application. (Development Standards).

16. Day care center location requires considerations child safety, home/destinations and transportation accesses.

16. Recognize that with appropriate safeguards child care centers may be sited in most land use classifications.

17. Irrigation districts are fragmented as land holdings decrease in size and non-farm uses increase.

17. Enter into coordination agreement with districts to minimize adverse effects of proposed land development.

18. Residential development adjacent to irrigation ditches creates servicing and liability problems for irrigation districts because of children playing around them

18. Any newly created lot and related development that abuts an irrigation district shall be required to erect a 6 foot high chain link fence, 25 feet back from the lip of the ditch so as to separate the ditch from the development unless an agreement is reached between the ditch company and the property owner/developer that a buried pipe would be more appropriate.

19. Utility facilities can remove valuable resource lands and create development problems for new developments and detract from existing development.

19. Where feasible, all utility lines and facilities shall be located on or adjacent to existing public or private rights-of-way so as to avoid dividing existing farm or forest units and transmission lines should be located within existing corridors as much as possible..

20. Needless utility and other service facility damages may be averted through cooperation with Umatilla County Utility Coordinating Council.

20. Consider incorporating their recommendations into the Development Standards.

21. Solid Waste disposal sites and facilities are adequate to handle needs into the next century.

21. Protect existing solid waste sites and identify and protect future sites through the use of a landfill overlay zone. Use the County's adopted "Solid Waste Management Plan" as the major document for solid waste management.

Chapter 15. TRANSPORTATION

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

extensive county and state roads network. Mass transit is presently limited to long distance commercial bus lines and small fleet bus systems that serves some transportation needs of senior citizens.

The ability of existing services and facilities to serve future regional needs, and the specific requirements necessary to provide balanced forms of transportation for all segments of the county's future population, hinge upon cooperative city/county development of a transportation system plan. A major mechanism insuring this cooperative effort is found within the "Transportation" section of the Joint Management Agreements entered into with all cities of Umatilla County. A Transportation System Plan will also serve to assist state/federal transportation agencies in setting priorities and planning improvements in their areas of responsibilities.

FINDING

1. To satisfy the requirements of Oregon Administrative Rule 660-012 implementing Statewide Planning Goal 12, Umatilla County has developed a Transportation System Plan.
2. Transportation planning within urban growth boundaries is important to insure adequate transportation facilities in the County.

POLICY

1. The Transportation System Plan (TSP) is an element of this Comprehensive Plan and identifies the general location of transportation improvements, changes in specific alignment of proposed County Road and highway projects that will be permitted without plan amendment.
2. To facilitate transportation system coordination within urban growth boundaries, the cities' TSPs shall apply within the UGB and shall be co-adopted by the County and addressed in the city/county joint management agreements.

17. Resource utilization roadways contribute to erosion and people/wildlife conflicts.

17. Seek to control erosion through programs developed by the Natural Resource Conservation Service or Soil and Water Conservation District and seek cooperation with the State Forestry Department (through the Forest Practices Act) and the Department of Fish and Wildlife (through road closures and other measures).

18. Major transmission lines (fuel, power and communication) traverse the County. Additional expansion proposed, and additional new lines or pipelines could be proposed through the County.

18. The County will review right-of-way acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts on the community.

19. County residents without access to private autos have limited alternatives available.

19. Support existing public transit and seek additional opportunities for the transportation System Plan.

20. Home/work carpooling offers energy savings while reducing traffic congestion.

20. Request larger industrial and commercial development proposals, consider sponsoring car pooling programs.

21. The extensive County system road requires continued upgrading to meet increasing service demands.

21. The upgrading of the County road system shall be a key element in the Transportation System Plan.

22. Snow removal along State Highway 204 has become difficult due to inappropriate setbacks for dwellings and the removal of vegetation.

22. Setbacks along State Highway 204 shall be set back a minimum of 130 feet from the centerline of the highway, and vegetation should be retained wherever possible to protect dwellings from snow blowers.

23. There is a lack of adequate off-highway parking in the Tollgate area.

23. The County should encourage the location of new off-highway parking along Highway 204.

24. Large expanses of undeveloped and agricultural land to the south of Hermiston lie near the Hinkle Rail Classification Yard, I-84, the Hermiston Airport, and agricultural market roads.

24. Continue to reserve the Hinkle-Feedville area now covered with the Future Industrial (FI) Overlay Zone for industrial and agribusiness uses to compliment its existing uses and its unique transportation opportunities.

UMATILLA COUNTY
Comprehensive Plan
TECHNICAL REPORT

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Development.

UMATILLA COUNTY PLANNING DEPARTMENT

COURTHOUSE, PENDLETON, OREGON 97801

MAY, 1980

MAJOR ADDITIONS

SEPTEMBER 1982

JUNE 1984

SEPTEMBER 1984

OPEN SPACES, SCENIC AND HISTORIC AREAS
AND NATURAL RESOURCES

INVENTORYING GOAL 5 RESOURCES [New]

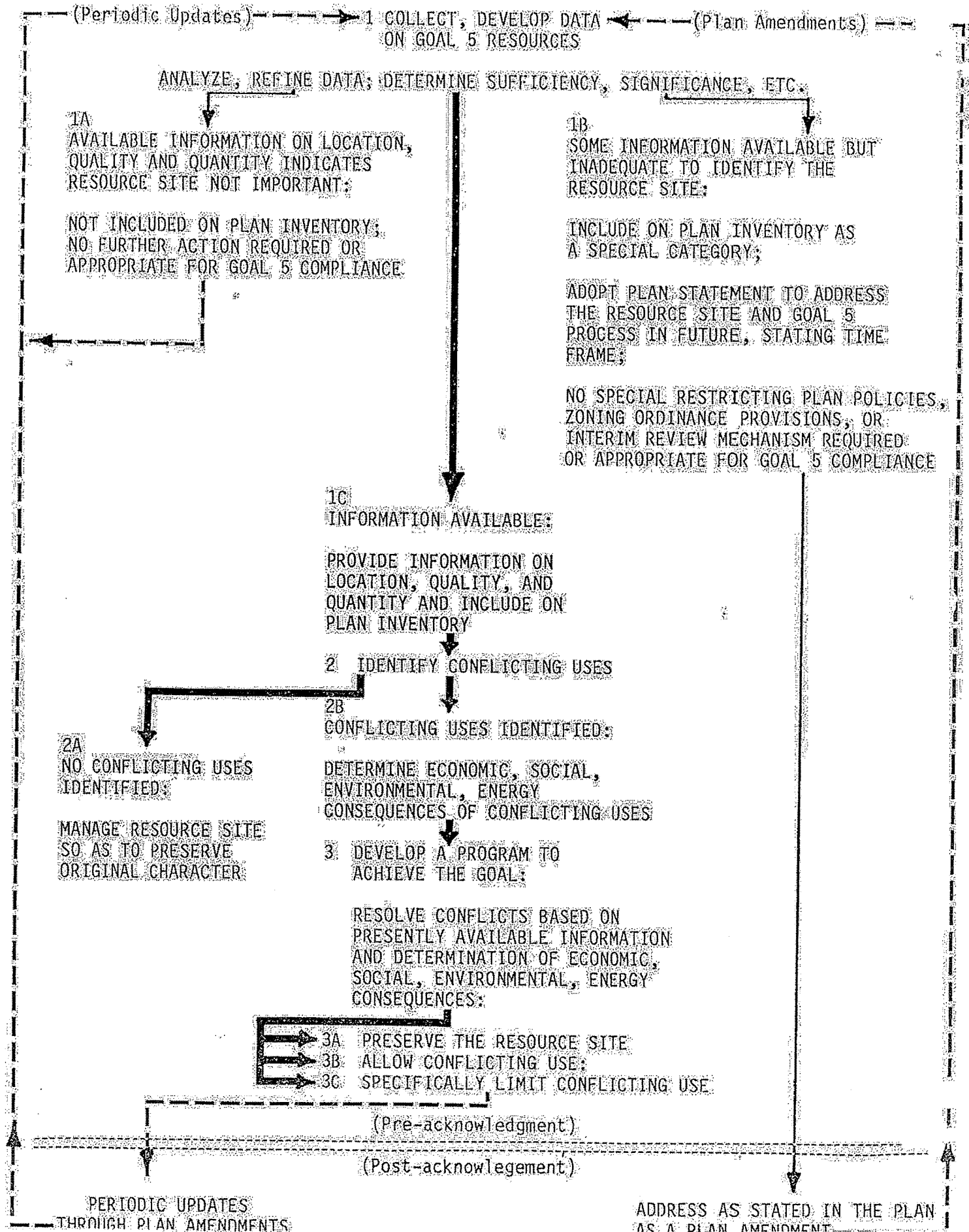
Existing and potential resources covered by this chapter were analyzed according to the required statewide land use Goal 5 process (OAR 660-16-000). Sites and resources were first reviewed to see whether or not they should be included as "valid" inventory. If so, uses that conflict or may conflict with the inventoried Goal 5 resource were identified. A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource. Where conflicting uses have been identified Goal 5 resources may impact those uses as well. These impacts were addressed by analyzing economic, social, environmental and energy (ESEE) consequences.

Then, a determination was made to preserve the resource if no conflicts were evident; or if conflicts were present, to protect the resource, allow conflicting uses or to limit conflicting use, depending upon the importance of the resource and the specific circumstances. This Goal 5 process is shown on the diagram on page D- 2 .

LAND NEEDED OR DESIRABLE FOR OPEN SPACE

Open space is defined by Statewide Planning Goal 5 as "lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use:

- (a) Conserve and enhance natural or scenic resources;
- (b) Protect air or streams or water supply;
- (c) Promote conservation of soils, wetlands, beaches or tidal marshes;
- (d) Conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;
- (e) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;



It is not only important that sensitive habitats or species receive protection, but it is also important to consider impacts on land and water use on all habitats and species.

Wildlife Habitat

In Umatilla County there are twenty-six species of amphibians and reptiles, two hundred fifty-nine species of birds and eighty-nine species of mammals (see Table D-II for a detailed list).

All forms of wildlife require specific kinds of habitat (food, water and cover) in order to maintain themselves. The key to maintaining wildlife in Umatilla County is the retention of as much cover as possible through wise land use planning. For wildlife, the most important land classifications are agriculture, forestry, open space and hazardous floodplain. Due to the importance of fish and wildlife to Umatilla County for both consumptive and non-consumptive uses, fish and wildlife need to be considered as acceptable uses in these major land use classifications.

Hunting of big game, upland game and waterfowl provided 226,000 days of recreation in Umatilla County during 1981. Associated with these recreational days are hunter expenditures of around \$8.8 million. Some unknown proportion of these expenditures were made in Umatilla County. Also associated with the days of hunting are net benefits (hypothetical access charge) to hunters of about \$5 million. In addition to the hunting recreational days, the wildlife resource in Umatilla County also provided many additional days of recreation for the non-consumptive user for activities such as photography, bird and animal viewing, and nature study activities.

Although not as important as recreational hunting, trapping and furbearer hunting provided some 1500 days of activity and yielded a harvest of pelts worth approximately \$27,600 at first sale.

SPECIES	RELATIVE ABUNDANCE
<u>NON-GAME MAMMALS/cont'd:</u>	
Pika	Few
Pigmy rabbit	Common
Brush rabbit	Common
Mountain cottontail	Common
Eastern cottontail	Few
Snowshoe hare	Common
White tailed jackrabbit	Common
Black tailed jackrabbit	Common

SOURCE: Oregon Department of Fish and Wildlife, Fish and Wildlife Habitat Protection Plan for Umatilla County, June, 1978.

Big Game

A statewide Department of Fish and Wildlife goal is to protect habitat and manage big game so that it will provide for the optimum number of big game mammals. This will provide needed recreational opportunities, both consumptive and non-consumptive. Umatilla County not only provides wintering areas for summering animals found in Umatilla County, it also provides a wintering areas for big game animals which summer in parts of Wallowa, Union, Grant and Morrow Counties.

Deer, elk and bear are the major big game species in Umatilla County. The basic habitat requirements of big game mammals include food, water, cover and freedom from harrassment. These requirements are found in and adjacent to the forested and rangeland areas of Umatilla County.

Estimated population and average expenditures for big game are presented in Tables D-III and D-IV.

TABLE D-III

Estimated Big Game Populations in
Umatilla County, 1978

Species	Estimated Populations
Big Game:	
Rocky Mountain Elk	9,000
Mule Deer	18,500
White-tailed Deer	270
Pronghorn Antelope	60
Black Bear	150
Mountain Lion	25

During 1977, big game hunting in Umatilla County provided nearly 150,000 recreational days valued at over six million dollars (Table D-IV). Demand for big game hunting increases yearly.

TABLE D-IV

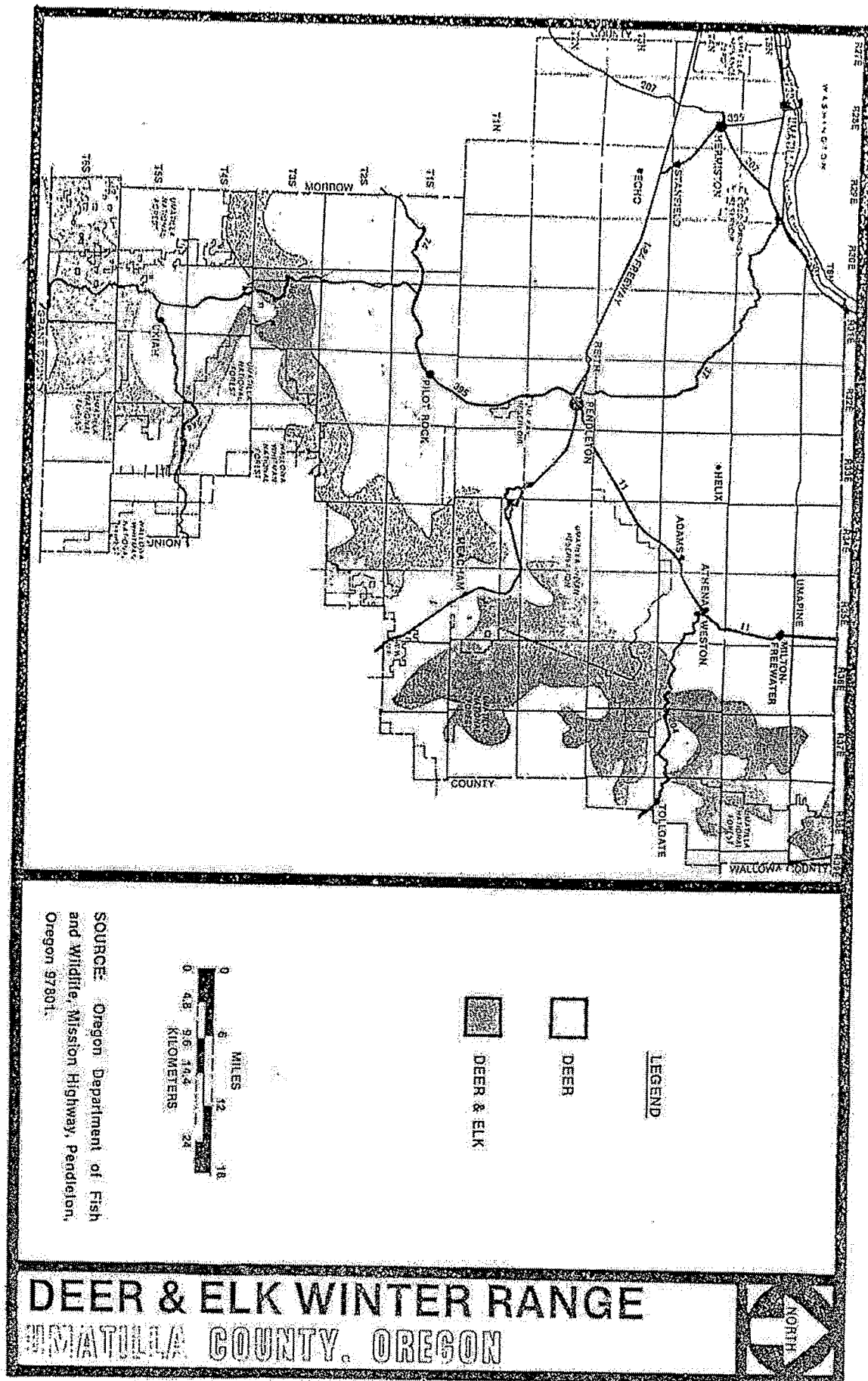
Average Expenditures on Big Game Resources
for One Year (1977) in Umatilla County

Species	Hunters	Recreational Days	Expenditures for One Recreational Day	Total Expenditure
Big Game:				
Rocky Mt. Elk	28,000	104,053	\$ 36.44	\$ 3,791,691.00
Mule Deer	10,043	42,212	49.90	2,106,378.00
Black Bear	620	3,181	55.23	175,686.00
Total:	39,043	149,446		\$ 6,073,755.00

The sensitive areas for big game are those lands essential to the survival of deer and elk during the critical winter periods (map, page D-14). They include gentle south facing slopes found in forested land types created naturally, by fire or by logging. Additional sites are found on grassy portions of drainages at low elevation. These areas are primarily in wood fiber production or agricultural use such as pasture lands. Examples of these areas are found on Cottonwood Creek, North and South Fork of Walla Walla River, Couse Creek, Wildhorse Creek, Umatilla River, Meacham Creek, McKay Creek, Birch Creek, Snipe Creek, Ownings Creek, Camas Creek, Bridge Creek and Butter Creek, to name a few.

[New] The Nature Conservancy has specifically noted four good habitat areas for big game; Upper Cottonwood Creek, Blalock Mountain and Flume Canyon, Bridge Creek and the south Fork of the Walla Walla River. Bridge Creek is already part of a state wildlife management area and the South Fork Walla Walla is located on BLM and County land (Harris Park) for which a management plan has been developed. The other two areas should be protected by a winter range overlay zone or similar zoning provisions (further discussions of these areas is found later in this Chapter).

The major land use conflict with big game mammals is the constant degradation of the land through developments such as single dwelling houses, roads and recreational homesites. This degradation is observed in the animal population as reduced carrying capacity and a decline in reproduction. The problem is not just the loss of land displaced by a house, road or multiple dwelling development; it is also the harassment associated with these activities. For example, a single dwelling density of one house per 40 acres on the McKay Creek deer winter range will reduce the carrying capacity of that range by twenty-five to fifty percent. However, if the housing density is maintained at one house per 160 acres, the carrying capacity is reduced by 0 to fifteen percent. See Table D-V for a more detailed list of acceptable and non-acceptable uses on sensitive wildlife habitats.



Compatible and Incompatible Land Uses

Range of reduction in carrying capacity

Source: Department of Fish and Wildlife,
Plan for Umatilla County 1978. Fish and Wildlife Habitat Protection

While corrective action attempts to resolve the present levels of conflicts between big game and other land uses, planning efforts must consider the impact of new homes and commercial developments on big game and game habitat. When new homes, agricultural crops and other developments are placed in areas that have strong populations of deer and elk, damage to gardens, ornamental shrubs and croplands will intensify. These conflicts are usually difficult and expensive to resolve, both in terms of loss to the landowner and loss of valuable game habitat.

[New] Each year the Department of Fish and Wildlife spends a substantial amount of money and staff time attempting to resolve perennial conflicts between big game and rural residents. Attempting to minimize future conflicts certainly will prove to be a cost-saving measure for ODFW. The state also spends considerable time and money each year to reduce elk and deer damage to crops and pasture land.

[New] The hunting of big game species is a major form of recreation in this county. As noted in Table D-IV, annually hunters become significant contributors to the local economy as well as substantial financiers of the Oregon Department of Fish and Wildlife. Because hunting and hunters are dependent on survival of the species, the economic consequences of not insuring adequate quantities of habitat would be very costly both locally and statewide. The general economic benefits associated with land use planning also can be considered as an economic consequence of limiting development in rural areas. Other resources besides wildlife benefit from a minimization of development. Also, facility and other potential development costs to taxpayers are reduced.

[New] If the conflicting uses were not allowed, it would cause financial hardship and possibly remove housing opportunity for resource uses. By not being permitted to construct a residence or accessory use on a specific site, the property owner may suffer a severe financial loss. However, if specific siting of structures were

possible which may preserve habitat but allow the use, the financial hardship would be reduced. Limiting farm uses would severely reduce agricultural production and perhaps withdraw valuable agricultural land from production. The current farming practices still maintain a sufficient amount of diversified vegetation for cover and food.

[New] Only a small portion of the actual conflicts associated with rural living and big game are documented by the Oregon Department of Fish and Wildlife. Browsing by deer and elk on ornamental vegetation is a most common nuisance. Dogs chasing big game is also common. These potential conflicts can be minimized by limiting uses in designated habitat areas. The negative social consequences of limiting residential densities in habitat areas means the desire to live in rural areas for many people will remain unsatisfied. Also, as mentioned under economic consequences, personal financial hardship may be a social as well as economic by-product of strict adherence to a prescribed regulation.

[New] The environmental consequences of limiting development are predominantly positive in that they preserve habitat areas. The elk and deer will have greater opportunities to flourish within an area of undisturbed habitat. The riparian corridors would not be intruded upon and the deer and elk could move from one habitat type to another freely. The deer and elk would have greater access to water areas, especially during dry summer months. In addition, other game and nongame wildlife would have opportunities for use of the habitat.

[New] The energy consequences of limiting development should be entirely positive. Trip generation associated with development located in remote parts of the county will be minimized by density and development restrictions. As a result, development will occur closer to cities and services for which specific trips are often made and thus energy is often used.

[New] The consequences of establishing requirements which limit development and

trees and the poor distribution of existing trees in the agricultural and rangeland portions of the county, it is of great importance to maintain these wherever possible.

The long-billed curlew which is found in western Umatilla County is experiencing a reduction in nesting habitat (see Table D-XII). This loss is due to the converting of sagebrush and cheatgrass type rangelands to irrigated circles for the production of wheat, potatoes, sugar beets and alfalfa.

One of the most important values of non-game wildlife is the non-consumptive use these forms provide. Numerous hours of bird watching, photography, nature studies, etc., are spent on non-game wildlife. It is estimated that two-thirds of all wildlife use is non-consumptive. A 1974 survey showed that during a one-year period in Oregon an estimated 719,000 people watched birds or other wildlife; 688,000 fed birds, and 245,000 put up bird houses or nest boxes. The importance of non-game wildlife cannot be over emphasized. Parks are extremely important, particularly in urban areas, because they provide the habitat for small non-farm mammals and birds.

The land use conflicts listed previously in the text for big game, upland game, and waterfowl also affect non-game wildlife since they are found throughout the same habitat. In addition, land use activities in the urban setting that eliminate open space, surface water, and riparian vegetation are detrimental to non-game wildlife.

Wetlands and Riparian Vegetation Corridors [New]

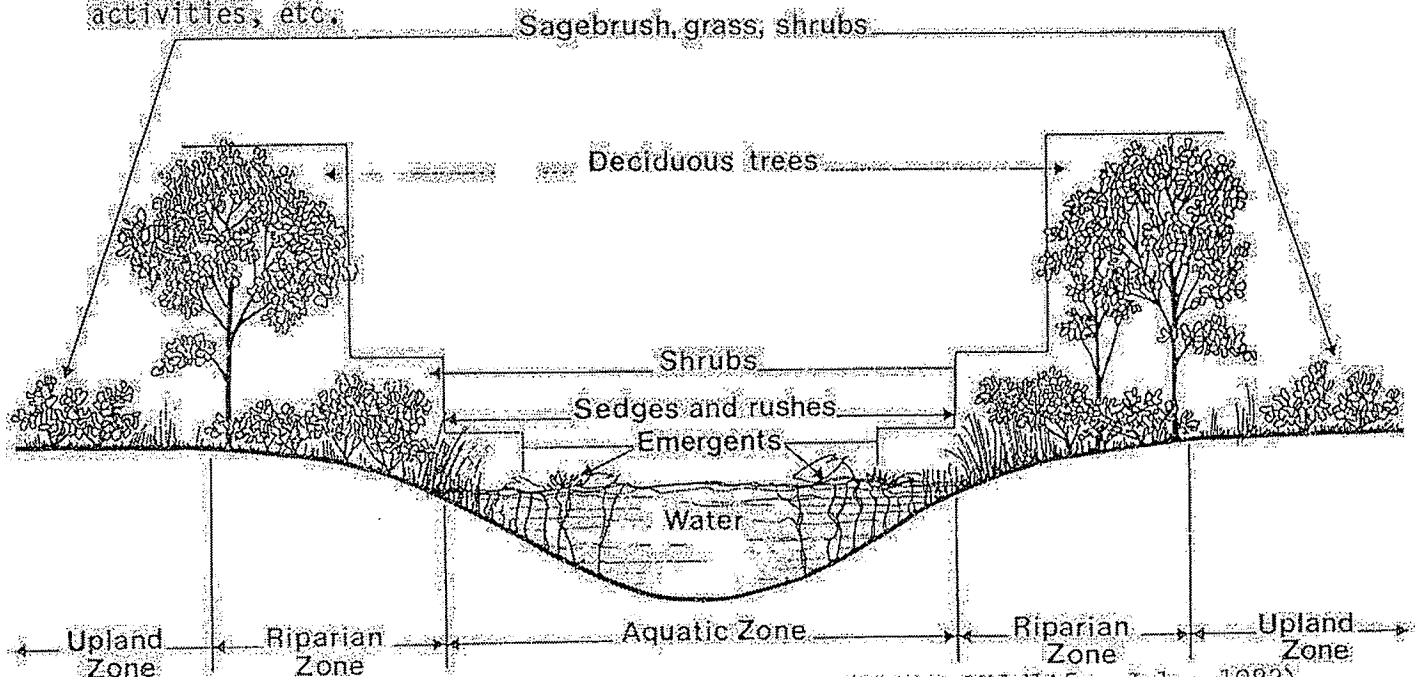
As just discussed, the basic habitat for waterfowl, furbearers and much of the non-game wildlife is wetlands or streambanks. Therefore, these areas need to be reviewed in some detail and the Goal 5 process applied.

Riparian Vegetation Corridors Along Rivers and Streams [New]

At the present time, a map of specified riparian vegetation corridors in Umatilla County is not available. However, the Oregon Department of Fish and Wildlife generally considers all riparian vegetation located within 50 feet of a streambank and important habitat. The location of a perennial and intermittent streams in Umatilla County are shown on State Department of Water Resources maps for the Umatilla and John Day River drainage basins.*

Particularly sensitive habitat areas have been mapped by OSDFW as shown on the map on page D-24. The quality of riparian vegetation in these areas is generally good which enhances shoreline stability and water quality and provides excellent habitat for fish and wildlife.

For those areas classified as important riparian vegetation corridors, Umatilla County employs most if not all of its present land use classifications. With these land use classifications, certain activities, if allowed, could permanently alter riparian vegetation. Such activities include structural development such as single-family dwellings, commercial and industrial buildings, recreational activities, etc.



(Oregon Wildlife, July, 1983)

* Note that the Walla Walla River drainage is considered a sub-basin of the Umatilla River drainage basin.

Although dollar figures are not available, it is estimated that a substantial amount of money is spent each year attempting to resolve conflicts from locating structural development in riparian vegetation corridors. The major conflict centers on the removal of riparian vegetation which reduces fish and wildlife habitat and endangers adjacent development through streambank erosion and flooding. In many areas loss of riparian vegetation has caused excessive erosion depleting agricultural land and damaging residential structures. This loss is incurred by the property owner as well as local jurisdictions involved.

Given the importance of the riparian vegetation, it would appear that regulating structural development in such areas would be economically beneficial.

Although the benefits of conserving riparian vegetation appear to be great, as shown in the economic consequences, a conflict arises when attempting to regulate riparian vegetation in nonresource areas. In many designated residential, industrial and commercial areas, existing development is located well within the riparian vegetation corridor. Land in such areas is at a high demand and is usually purchased at a good price due to river frontage and view. Although regulating development could conserve riparian vegetation, a hardship may be incurred by a property owner desiring to build in the riparian corridor. If construction is prohibited on prime river frontage, the property owner could experience a substantial decrease in property value, not to mention a significant change in personal desires. These hardships would be magnified if adjacent development had already occurred within the riparian corridor. In many cases, regulating the development in such areas would not conform to existing land use patterns.

A positive social consequence of conserving riparian vegetation would include the protection of property from flood hazards. Given that most riparian vegetation corridors are located well within designated floodplain areas, regulating development would help reduce hazards associated with flooding.

The environmental consequences of limiting structural development in riparian vegetation corridors is positive. By limiting development, erosion is reduced which increases habitat protection and helps to maintain water quality.

The energy consequences of limiting structural development in riparian vegetation corridors is also positive. By protecting riparian vegetation, less energy will be spent trying to rectify erosion problems.

Excluding some areas presently designated for future development in the County's Comprehensive Plan, it appears that regulating structural development in riparian vegetation corridors would have a positive effect on conserving fish and wildlife habitat and maintain streambank suitability. Maintaining a 50- or 100-foot stream setback would also permit better stream pollution control and preserve natural visual amenities. Therefore, in order to conserve riparian vegetation corridors the County should develop streambank setbacks within all or most zoning designations for structures and sewage disposal installations.

Significant Wetlands [New Section]

There are a number of areas in Umatilla County that are considered by OSDEW as good wetland habitats. The waterfowl and furbearer habitat map, page D-24, shows the areas in a general manner. The maps on the following pages and Table D-XI(a) show those areas which are particularly important and should be acknowledged as such.

would be widespread and far-reaching, due to the occurrence of areas of fish habitat through out the county.

Management Programs

It is neither practical nor desirable to categorically prohibit all conflicting uses. Likewise, the consequences of allowing all conflicting uses are such that some limitation of such is necessary. Several regulatory programs are currently in effect which place limitations on the conflicting uses and activities outlined above. Among these programs are the following: The Oregon Forest Practice Act, as administered by the Oregon Department of Forestry; Section 404 of the Clean Water Act as administered by the U.S. Army Corps of Engineers; the State Fill and Removal Law (ORS Chapter 527); and the Umatilla County Zoning Ordinance. Cumulatively, these programs provide a review for uses involving fill and removal, occupation of surface area, channelization and alteration of natural streambeds, waterway alterations and streamside vegetation removal in conjunction with forest operations. Each program provides for a review of proposed actions by the administering agency. Such reviews are conducted against a set of standards which address fish habitat considerations either directly or indirectly. Streamwide vegetation removal in conjunction with non-forest use is not adequately addressed by any of the above programs. Clear and objective standards to address this concern and limit conflicting uses are needed.

ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT NATURAL AREAS, INCLUDING DESERT AREAS

According to Statewide Planning Goal #5, the definition of "natural area" includes "land and water that has substantially retained its natural character and land and water that, although altered in character, is important as habitats for plant, animal or marine life, for the study of its natural historical, scientific or paleontological features, or for the appreciation of its natural features."

This broad definition of "natural area" would include hundreds of sites and areas within Umatilla County. In order to provide some selectivity in identifying natural areas worthy of recognition in the Comprehensive Plan, Statewide Planning Goal #5 requires inventories to designate "significant" natural areas. For the purposes of this inventory, "significant" is defined as follows:

Significant natural areas are sites which contain examples of unique or scientifically important natural resources which compare favorably in terms of quality and quantity with other examples of similar resources. These resources may include unique or scientifically important plant communities, aquatic types or geologic types. Sites are significant if they represent an assemblage of important resource types or an outstanding example of a single rare or unique resource. Individual species must generally be associated with other important species or resources to be considered as a "site."

The data base for this inventory of significant natural areas is contained in the Oregon Natural Areas Umatilla County Data Summary prepared by the Oregon Natural Heritage Program (ONHP) of the Nature Conservancy.³ Table D-XV is the actual inventory prepared by the Nature Conservancy.

Table D-XV
ONHP Site Inventory for Unitilla County

REF. NO.	SR	REFERENCE NAME	LOCATION T-R-S	PS	ELEMENT NO.	VO	ELEMENT NAME
UM-3	+	Darr Flat (pristine biscuit scabland)	2S, 30E 25, 36	3	1.18.986 1.28.910 1.28.911 2.02.557 2.02.654 2.02.881 4.10.120	V V V V V V V	Wetland shrubland Bluebunch wheatgrass-Idaho fescue Bluebunch wheatgrass-Sandberg's bluegrass Long-billed curlew Burrowing owl White-tailed jack rabbit Lowland pond, intermittent
UM-5		Upper Cottonwood Creek	5, 6N, 37E	3	5.17.806	V	Elk critical winter range
UM-6		Blalock Mountain and Flume Canyon	5N, 37E 31-34 4N, 37E 2-3	3	5.17.806	V	Elk critical winter range
UM-14		McNary Potholes	5N, 28E 13-15, 22-23	3	4.10.110 4.10.120 5.14.500 5.14.550	V V V V	Lowland pond, permanent Lowland pond, intermittent Waterfowl wetland Shorebird/marshbird habitat
UM-16		Stage Gulch Rangeland	3N, 31E SE 22	3	1.18.913 1.26.911	V V	Big sage/needlegrass Idaho fescue-bluebunch wheatgrass
UM-17		Anderson Park	1S, 33E 1 1S, 34E 6	3	1.06.710 1.16.722	V V	Ponderosa pine forests Snowberry
UM-19	+	Cabbage Hill	1N, 34E 7, 8, 18	3	1.06.710 1.16.724 1.26.910	V V V	Ponderosa pine forest Ninebark Steppe grassland
UM-20		South Fork Walla Walla River	4N, 37E 10, 14	3	1.06.620 1.06.630 2.02.265	V V V	Douglas fir forest Grand fir-white fir forest Margined sculpin

KEY: SR=Site Report

PS=Protection Status
1-preserved
2-legally protected
3-unprotected

VO=Verification of Occurrence
V - verified
NV - not verified

Table D-XV (cont'd)
ONHP Site Inventory for Umatilla County

REF. NO.	SR	REFERENCE NAME	LOCATION T-R-S	PS	ELEMENT NO.	VO	ELEMENT NAME
UN-21	4	Albee Area	4S, 32E 27-29, 32-33	3	1.06.710 1.16.722 1.26.911 1.26.656 1.26.912	V V V V V	Ponderosa pine forest Snowberry Idaho fescue-bluebunch wheatgrass Great Gray owl Bluebunch wheatgrass-Sandberg's bluegrass
UN-22		Pilot Rock Area	1S, 31E	3		V	Special species occurrence
UN-25		North Fork Umatilla River	3N, 37E 13, 14, 15 3N, 38E 16-19	3	1.06.620 1.06.912 2.02.265 3.02.000 4.04.110 5.11.200	V V NV V V V	Douglas fir forest Wetland forest Margined sculpin Calypso bulbosa Lowland stream segment, high gradient reach Fish spawning area
UN-27		White Pine Spring	6S, 33E 22, 27	3	1.06.631 3.04.800	V V	Grand fir/thinleaf huckleberry Western white pine--isolated population
UN-34		Bobsled Ridge	2N, 37E 20	3	2.02.643	V	Northern bald eagle
UN-35		Cold Springs National Wildlife Refuge	4N, 29E 1-3, 12 5N, 29E 34-36 5N, 30E 31	2	2.02.503 2.02.557 2.02.654 5.14.500 5.14.550	NV V V V V V	Special species occurrence White pelican Long-billed curlew Western burrowing owl Waterfowl wetland Shorebird/marshbird habitat
UN-36		McKay Creek National Wildlife Refuge	1N, 32E 2, 3, 10, 11, 12, 14, 23 2N, 32E 34, 35	2	5.14.500 5.14.550	V V	Waterfowl wetland Shorebird/marshbird habitat
UN-37		Bridge Creek Wildlife Management Area	6S, 31E 6S, 32E	2	5.17.804 5.17.806	V V	Deer critical winter range Elk critical winter range

KEY: SR=Site Report PS=Protection Status VO=Verification of Occurrence
1=preserved V=verified
2=legally protected NV=not verified
3=unprotected

Table D-XV (cont'd)
ONHP Site Inventory for Umatilla County

REF. NO.	SR	REFERENCE NAME	LOCATION T-R-S	PS	ELEMENT NO.	VO	ELEMENT NAME
UM-38		Irrigon Wildlife Management Area	5N, 27E 14-17, 19-21	2	5.14.500	V	Waterfowl wetland
UM-39		Reich Area	2N, 31E NE 1/4 11	3	3.02.000	V	Mimulus jungermannioides
UM-40		Squaw Creek Overlook	1N, 35E N 1/2 SW 1/4 9	3	3.01.049		Lomatium minus
UM-41		Squaw Creek	1N, 35E several	3	4.04.100	V	Lowland stream, entire drainage Fish spawning area
			2N, 35E several		5.11.200	V	
			3N, 35E				
			35, 36				
UM-42		Kamela Area	1S, 35E 26	3	1.06.631	V	Grand fir/chanleat huckleberry
UM-43		Pilot Rock Grassland	1S, 32E S 1/4 7	3	1.28.911	V	Bluebunch wheatgrass/Sandberg's bluegrass
					2.02.557	V	Long-billed curlew
UM-44		North Fork John Day River	6S, 30-31E 7S, 29-31E	3	4.04.110	V	Lowland stream segment, high gradient reach
					5.11.200	V	Fish spawning area
					6.06.000	V	Recreation/open space/scenic features

KEY: SR=Site Report PS=Protection Status VO=Verification of Occurrence
 1-preserved 2-legally protected 3-unprotected V-verified NV-not verified
 Source: Oregon Natural Heritage Program, Umatilla County Data Summary 1978

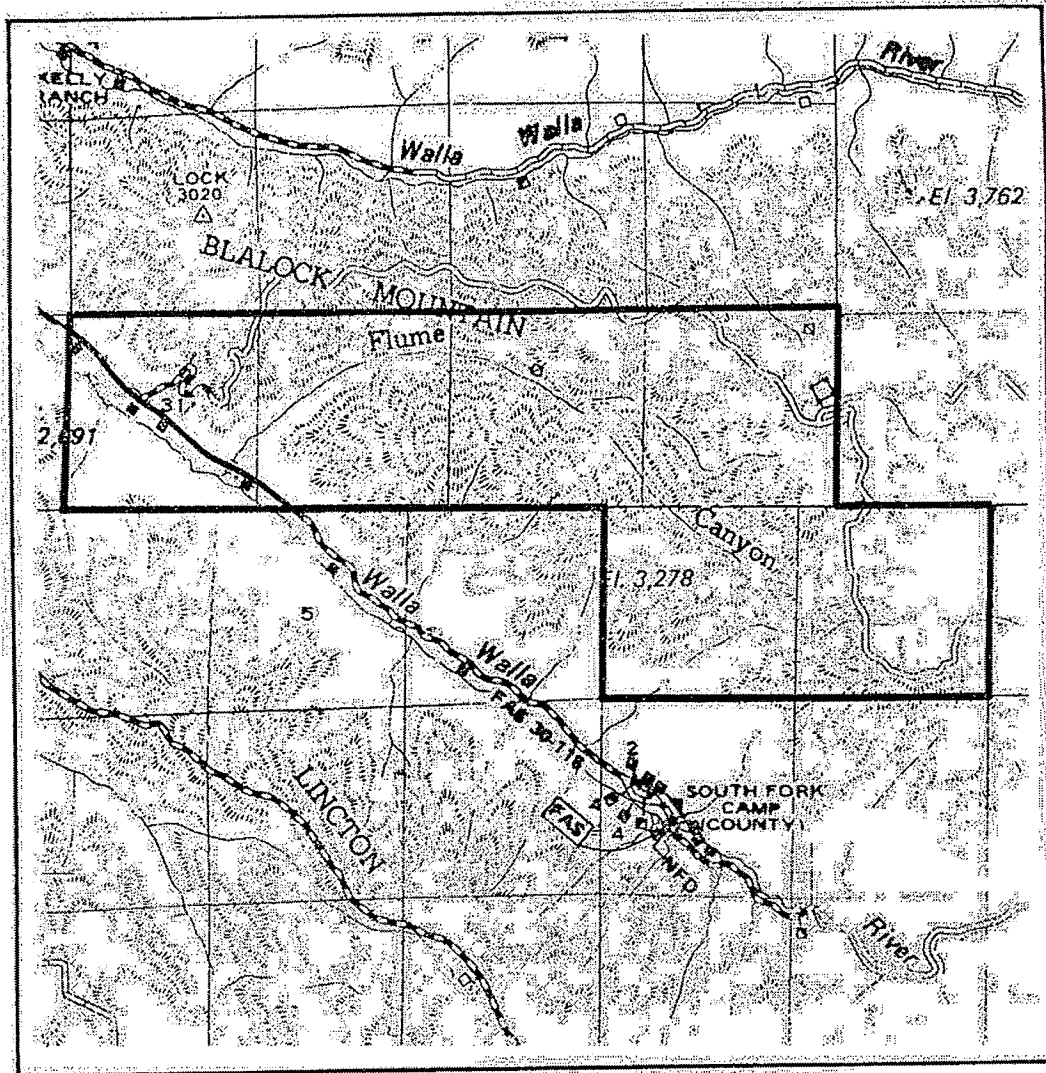
INVENTORY
SIGNIFICANT NATURAL AREAS

MAP: D-92

AREA: Blalock Mt. and Flume Canyon (IM-6)

Importance: Elk critical winter range

T/R: T 5N R37, Sections 31-34, T 4N R37, Sec. 2-3



Significant Natural Areas Generalized
for Habitat Protection

Map Source: State of OR,
Hwy. Div.

Plan Designation: Agriculture and Grazing Forest

Zoning Designation: EFU and Forest Conservation, CWR Overlay

Possible Land Use Conflicts: Overgrazing, poor timber management practices

Goal 5 Analysis: 3C

Management Program: Agriculture and Forest Timber zoning designations
with Critical Winter Range overlay.

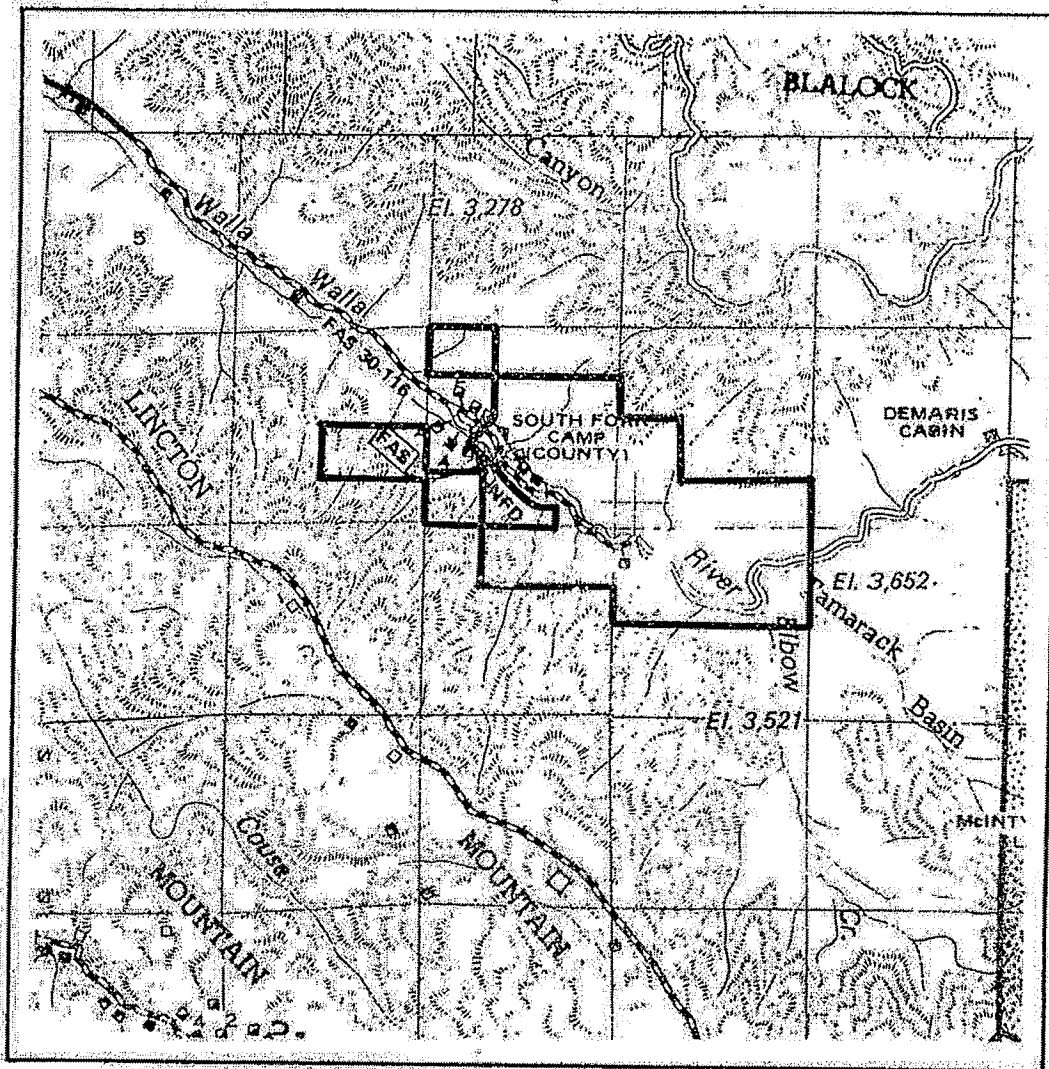
INVENTORY
SIGNIFICANT NATURAL AREAS

MAP: D-95

AREA: South Fork, Walla Walla River (UM-20)

Importance: Good Habitat

T/R: T 4N R37, Section 10



**Significant Natural Areas Generalized
for Habitat Protection**

Map Source: State of OR,
Hwy. Div.

Plan Designation: Grazing/Forest

Zoning Designation: Forest Conservation

Possible Land Use Conflicts: Recreation overuse. (County park and
adjacent BLM lands)

Goal 5 Analysis: 3C; limit conflicting uses

Management Program: Owned by County and BLM; see Management Plan,
prepared in 1982.

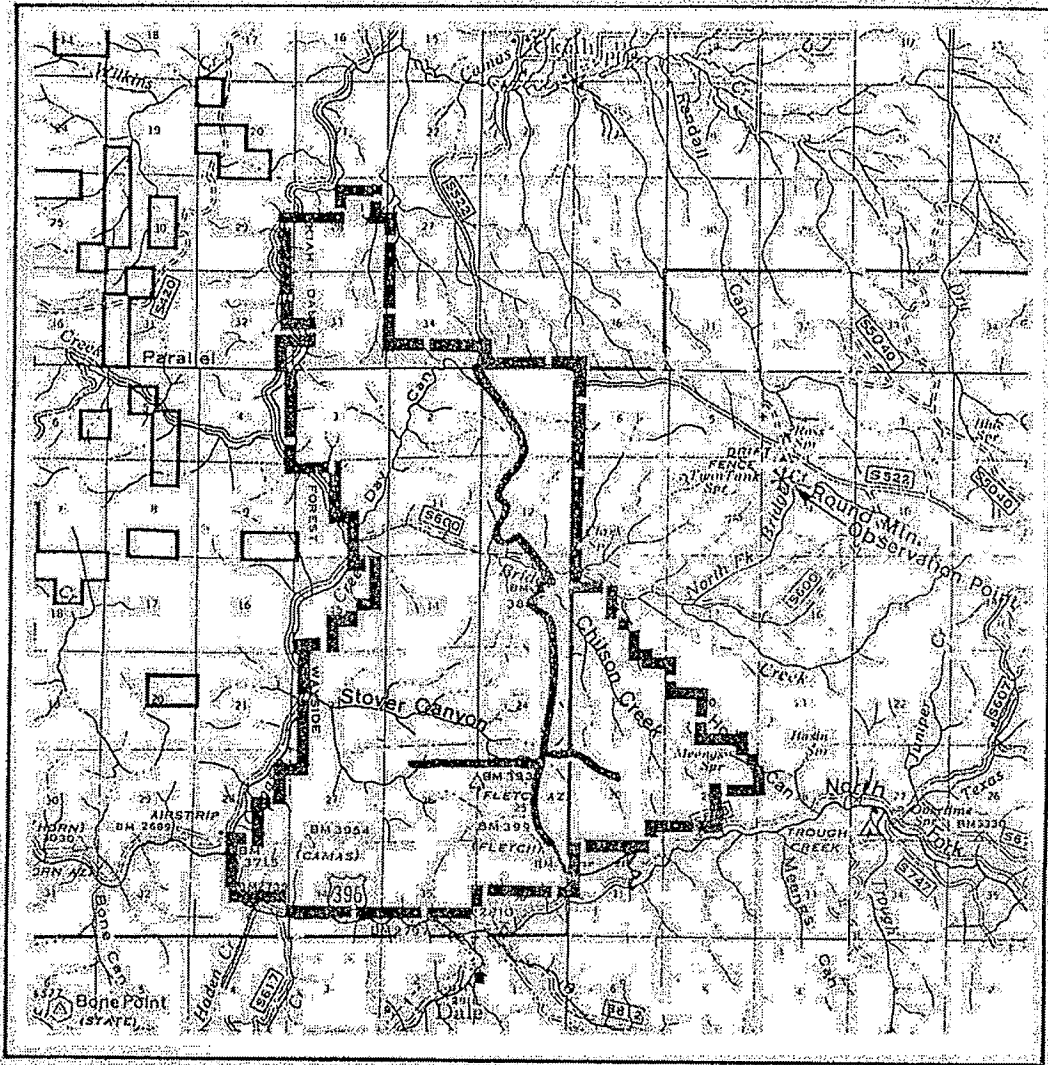
SIGNIFICANT NATURAL AREAS

MAP: D-97

AREA: Bridge Creek Wildlife Management Area (UM-37)

Importance: Deer and elk winter range

T/R: T 5S/6S R31/32



Significant Natural Areas Generalized for Habitat Protection

Map Source: State of OR,
Hwy. Div.

Plan Designation: Grazing Forest

Zoning Designation: Forest Conservation; CWR Overlay

Possible Land Use Conflicts: None significant

Goal 5 Analysis: 3A, protect the resource site

Management Program: Critical Wildlife Overlay Zone; managed by
Oregon Dept. of Fish and Wildlife

OUTSTANDING SCENIC VIEWS AND SITES

There are areas and views which are commonly recognized as striking in their effect on those who experience them. Geological features, green vegetation, and water are major scenic features; human works and dry, shrub-steppe landscape are other attractions (Table D-XVII). So that areas do not lose their eye-catching attributes, plans attempt to identify "commonly recognized" scenic features, and suggest uses for these areas that minimize conflicts with the valuable features. Because of increased development and population pressures, some scenic areas in Umatilla County may lose their attractiveness as the beauty-sustaining elements are altered.

Certain developments or occurrences may conflict with scenic values. Industrial plants and energy facilities may create their own offensive scenic feature or obscure a natural scene. Residential subdivisions placed to take advantage of a view may be in turn more visible, covering higher ridges that are scenic features themselves.

Scenically offensive development may ameliorate its effect by careful design, strategic placement of structures, and landscaping. Scenic regions that are lost to development may be found to be compensated by other benefits of the development for local society.

[NEW] Table D-XVII lists outstanding sites and views in Umatilla County. After Goal 5 analysis (OAR-16-000), 22 were determined to be not important enough to be included in the inventory, or not under the jurisdiction of the County (four in the Umatilla National Forest, two on the Indian Reservation, two within UGB's) ("1A"). Two other sites (Westland School and Oregon Trail) are discussed under the historical element of this chapter.

[NEW] Ten sites and vistas were classified as justifying limits to conflicting land uses ("3C"). The comprehensive land use plan designations and zoning classifications adopted by the county are meant, in large part, to maintain the

Table D-XVII

DESCRIPTION OF OUTSTANDING SITES AND VIEWS (Revised)

SITES	QUALITIES OR POTENTIALS	GOAL 5 ANALYSIS	QUALITY OF INTEREST					HOW ENJOYED				EVALUATION			
			Water	Geology	Vegetation	"Desert"	Human	To Look Upon	To Look From	To Travel Through	To Be In or Beside Developed For Scenic Value	Potential Conflicts with Scenic Value	Additional values (uses)	Notes	
Hat Rock		3C	X	X	X			X	X		X	X	Adjacent Residential Dev.	State Park Historic Site	
Wallula Gap		3A	X	X		X			X		Partial	Potential Development Aggregate	Recreational Development	Scenic Highway	
Lake Wallula		3C	X					X			Partial		Power, Recreation, Transportation		
McNary Dam		1A	X				X	X				X			
Lake Umatilla		3C	X					X			X	X		Power, Recreation, Transportation	
Dam Viewpoint		1A	X	X			X		X			X	Urban Development		In UGB
Cold Springs Reservoir		3C	X		X			X	X		X	NO	Summer Drawdown	Irrigation, Wildlife Refuge	
Umatilla River downstream from Highway 207		1A	X		X			X			X	NO	Summer Low Flow	Irrigation, Fishing	Pleasant Rural Vistas
Umatilla/Echo Meadows		1A	X		X			X			X	NO		Floodplain, Agriculture	Pleasant Rural Vistas
Umatilla River upstream from Echo		1A	X	X	X					X		NO			
Canals		1A	X					X	X		X	NO	Liability Concerns, Seasonal Flows	Irrigation	
Umatilla Butte		1A		X		X		X	X			NO	Municipal Reservoir, Nearby Industry Billboards		BLM
Hermiston Butte		1A		X		X		X	X			NO		Radio Towers, Microwave Relay	In City
Emigrant Butte		1A		X		X		X	X			NO	Nearby Feed Lots		Private
Service Buttes		1A		X		X		X	X			NO	Hard to Distinguish	Grazing	Private
Columbia District		1A			X			X		X	X	NO		Residences, Hobby Farms	Pleasant Suburban Vistas
Westland District		1A			X			X		X	X	NO		Agriculture, Residences	Pleasant Suburban Vistas

Table D-XVII (cont'd)

DESCRIPTION OF OUTSTANDING SITES AND VIEWS (Revised)

SITES	QUALITIES OR POTENTIALS	GOAL & ANALYSIS	QUALITY OF INTEREST					HOW ENJOYED					EVALUATION		
			Water	Geology	Vegetation	"Desert"	Human	To Look Upon	To Look From	To Travel Through	To Be In or Beside	Developed For Scenic Value	Potential Conflicts with Scenic Value	Additional Values (uses)	Notes
Minnichaha		1A			X					X	NO			Residences, Hobby Farms	Attractive Suburban Vistas
Cooney Lane		1A			X					X	NO			Residences, Hobby Farms	Attractive Suburban Vistas
Westland School		1A					X	X		X	NO	Industrial Area, Billboards		Possible Museum-Historic	
McKay Reservoir		3C	X		X			X		X	NO	Summer draw-down		Recreation, Wildlife Refuge	
Oregon Trail		1A					X	X	X	X		Residential or Agriculture Development		Recreational	Public/Private
Langdon Lake		3C	X		X			X		X	NO			Recreation Recreational Homesites	Private Forest Service Campground on West
Umatilla Forks Forest Campgrounds		1A	X		X				X	X		Logging Operations		Camping Fishing Hiking	U.S.F.S. Managed
Cabbage Hill Vista		1A		X	X				X		X			Picknicking	On Indian Reservation
Squaw Creek Vista		1A		X	X				X		X			Picknicking	On Indian Reservation
Table Rock Lookout Tower		1A		X	X				X					U.S.F.S. Fire Lookout Tower	In National Forest
High Ridge Lookout		1A		X	X				X					U.S.F.S. Fire Lookout Tower	In National Forest
Goodman Ridge Lookout		1A		X	X				X					U.S.F.S. Fire Lookout Tower	In National Forest
Earnest S. Haney Vista		3C		X	X				X		X	Logging Activities		Picknicking	
* State Highway 204		3C			X				X	X	X		Recreational Homesites	Important Transportation Route	Scenic Highway
Elephant Rock		3C		X				X			NO			Historic	

existing land use patterns which have resulted in the "pleasant rural (or suburban) vistas," etc. described in Table D-XVII. Thus, it is the position of the county that the plan designations and zoning already limit conflicts by limiting land uses or by mitigating conflicts through ordinance criteria. Examples are:

- a. Density requirements
- b. Conditional use criteria
- c. Overlay zones
- d. Stream setbacks
- e. Sign standards
- f. Right-of-way, road, easement and driveway standards

However, to draw particular attention to "3C" designated areas, and to specifically address the potential conflicts noted earlier, the county should adopt a policy to insure special consideration of the following when reviewing a proposed change of land use:

- a. Maintaining natural vegetation whenever possible.
- b. Landscaping areas where vegetation is removed and erosion might result.
- c. Screening unsightly land uses, preferably with natural vegetation or landscaping.
- d. Limiting rights-of-way widths and numbers of roads intersecting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.
- e. Limiting signs in size and design so as not to distract from the attractiveness of the area.
- f. Siting developments to be compatible with surrounding area development, and recognizing the natural characteristics of the location.
- g. Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary, and revegetating such areas as soon as possible.

Rivers Act as a 5(d) stream. Section 5(d) directs federal agencies to consider impacts to the river during the planning process.(12)

Much of the North Fork of the John Day River, which passes through Umatilla County, is within the Umatilla National Forest. A forest service report states that:

[Timber] (a) llocations to the area adjacent to the segment of the North Fork John Day River from the western forest boundary to Big Creek . . . may create changes in the existing character of the areas. This could have an adverse effect on (the river) being classified as 5(a). Section 5(a) requires formal study for either Wild, Scenic, or Recreational status.(13)

Several more miles of the river is within the State Park Department's Ukiah-Dale Forest Wayside. It is assumed that protection for the river will occur in accordance with the defined purpose of a wayside.(14)

Umatilla County land use designations and zoning along the river provides for a continuation of existing resource land use patterns; ie, primarily forest and agricultural uses with residential designations in existing built and committed areas. Maintaining this existing use pattern will not substantially change the character of these areas along the river and therefore will not conflict with the potential for further study as a scenic waterway.

HISTORIC AREAS, SITES, STRUCTURES AND OBJECTS

The historical and archeological heritage of Umatilla County is an irreplaceable and nonrenewable environmental resource, an intrinsic cultural heritage to the people of the county and the state.

Historic resources are districts, sites, buildings, structures and objects which have a relationship to events or conditions of the human past. Archeological resources are those districts, sites, buildings, structures and objects which possess material evidence of human life and culture of the prehistoric and historic past and may be recorded and studied.

Historical and archeological resources are important in many ways. They offer present and future generations educational and scientific opportunities.

They are a cultural resource in that they allow us to better understand the ways, values and traditions of the past, and their effects on the county as we know it today. Historical and archeological resources have great aesthetic value, a product of age, uniqueness, beauty and the cultural aspect already mentioned. Not least of all, these resources are important for their economic value. The high cost of educational and scientific tools, of antiques and works of art point out the economic value of such resources. These historical and archeological resources are also important to the county's economy for their attraction to vacationers and tourists.

Historical and archeological resources are extremely valuable in many ways, and the value for one purpose such as a field trip for a history class, does not destroy the value for another purpose, such as a sight-seeing tour, if the resource is protected. However, if destroyed, or allowed to deteriorate, the loss is irreplaceable. For these reasons, it is important that these resources be identified (inventoried) and considered as a factor in the land use planning process.

The historic sites and buildings listed in Table D-XIII have been compiled from a variety of sources, including the 1976 Statewide Inventory of Historic Sites and Buildings, conducted by the Oregon State Historic Preservation Office. For purposes of analysis of conflicting uses, the sites have been placed into one or more of the following categories:

A. Symbolic Sites. These are historic sites which have value in a symbolic sense as the location of some event of cultural or historic significance or as a representation of some particular period in the past. These are simply geographical locations, such as an old wagon road, a townsite or the confluence of major rivers. Their value as historic sites is not associated with any specific building or other structure. These sites have a variety of zoning, generally compatible with the existing use or uses of the site. Generally, continuation of these uses will not conflict with the historic values of these sites. However, as a part of

the normal review of uses and activities by the county, the historic values of these areas should be considered, to avoid the negative social and economic consequences associated with activities which are located or designed in such a manner so as to negatively impact historic values.

- B. Public Structures or Buildings: These structures and buildings are in public ownership, and no activities are existing or anticipated which would conflict with their historic values. However, to the extent that any future activities in these areas are subject to normal zoning ordinance review, such activities should be considered in relation to the historic value of these structures.
- C. Private Residences and Other Buildings: These are privately owned buildings which have been identified as having historic value. Many are private residences which are currently in use. Others are abandoned or dilapidated and are not currently in use. These buildings are all located in conforming zones and plan categories. They can, under normal review procedures, be structurally repaired, improved or otherwise altered. The consequences of prohibiting these activities include negative social and economic impacts to landowners as a result of not being able to maintain their property, as well as potential public costs associated with taking claim. Allowing all of these activities without restriction may result in negative social and economic consequences associated with irreversible loss of historic resources. To ensure that these values are considered to the maximum practical extent, standards for historic values should be incorporated into the normal county review of these activities.
- D. Sites with Historic Articles Present: These are sites, the historic value of which is due to the presence of specific resources (other than buildings). Examples are pioneer or Indian cemeteries. Such sites can be disturbed and their value destroyed by almost any new land development activities, though it is usually possible to design such developments in a manner that minimizes adverse impacts, if historic values are considered. For this reason, all developments in these areas should be reviewed for consideration of historic

values to avoid the adverse social and economic consequences associated with irreversible loss of historic resources.

E. Archeological Sites: Comparatively little is known concerning archeological sites in Umatilla County. Based on existing knowledge of regional pre-history, it is apparent that important archaeological sites certainly exist in Umatilla County. However, information on the location, quantity and quality of these sites is not sufficient at this time to allow for inclusion in this report. The Umatilla Tribal Development Office is currently developing a detailed archeological inventory.¹⁵ At such time that information does become available, identified sites will be evaluated and addressed in the Comprehensive Plan. However, many archeological sites must be protected from indiscriminant digging and from pilferage. A number of Indian related archaeological sites do exist in Umatilla County outside of the existing reservation boundaries (see Map, page D-119). Tribal officials are reluctant to disclose specific locations of archaeological sites for obvious reasons.¹⁶ The county should develop policies relating to protection of potential archaeological sites in cooperation with the Umatilla Tribal authorities. (See also the discussion under "Cultural Areas").

[NEW] Activities or uses which may conflict with the conservation or protection of cultural, historical or archeological resources can basically be categorized as:

1. Exterior modifications which would alter the historical, archeological or cultural significance of a site or structure.
2. New construction or development which would alter the historical, archeological or cultural significance of a site or structure.
3. Demolition of a historical structure.

Table D-XVIII
Inventory of Umatilla County Historic Sites
and Buildings (Outside of Incorporated Towns) [Revised]

<u>Site Name</u>	<u>Location</u>	<u>Category*</u>	<u>Goal 5 Analysis</u>	<u>Comments/ Map No.</u>
Albee	T4S R31 EWM Sec. 13 and 24	A/C	1B	D-121
Battle Mountain	T3S R31 EWM Sec. 20 and 29	A	3C	State Park/ Monument/D-122
Beamer House	T4N R35 EWM Sec. 2	C	3C	D-123
Bingham Springs (Bar M Ranch)	T3N R37 EWM Sec. 17 and 18	A/C	3C	D-124
Birch Creek/ Grand Ronde Road	Pilot Rock to LaGrande	A	1B	
Buttercreek Crossing	T3N R27 EWM Sec. 25	A	1B	Oregon Tr./D-125
Cold Springs Landing/ Junction	T5N R 29 EWM Sec. 13 and 14	A	1B	D-126
Dorion Monument/Park	T5N R36 EWM Sec. 18	A/B	3C	D-127
Echo Meadows	T3N R28 EWM, Sec. 20, 21, 22	A	1B	Oregon Tr./D-128
Emigrant Springs	T1N R35 EWM, Sec. 29	A	3C	Oregon Tr./D-129
Finnish Little Grease- wood Cemetery	T4N R33 EWM Sec. 34	D	3C	D-130
Fort Henrietta	Echo Area	A	1B	
Frazer Road	Starkey to Ukiah	A	1B	
German Cemetery	T4N R33 EWM Sec. 29	D	3C	D-131
Hidaway Hot Springs	T5S R33 EWM Sec. 16	C	3A	D-132
Hudson's Bay Co. Farm Site	T6N R34 EWM Sec. 16	A	3C	Monument/D-133
Klicker Springs	T6N R 38 EWM	D	3C	D-134
Lehman Hot Springs	T5S R34 EWM Sec. 12	C	3C	D-135
Lewis and Clark Trail	Columbia River	A	3C	
Locust Tree Campground	T3N R 29 EWM Sec. 36	A	1B	Oregon Trail/D-136
Marcus Whitman Trail	T1N, 1S; R36E, 37 EWM	A	1B	Oregon Trail
McCoy Cabin	North of Milton-Freewater	C	1B	
Meacham Hotel	Meacham	C	3C	D-137
Meacham (Townsite)	Meacham	A/C	3C	Oregon Trail/D-137
Meacham Cemetery	Meacham	D	1B	D-137
Mummi Ranch	T3N R32 EWM Sec. 10	C	3C	D-138
Old Log Cabin	Meacham	C	1B	
Olinger Monuments	Tollgate	D	1B	D-139
Oregon Trail	as mapped	A	1B	
Oregon Trail Monument	Meacham	D	3C	Oregon Trail
Osage Orange	T6N R34 EWM Sec. 17	D	1B	
Picket Rock	near Echo	A	1B	
Pine Grove	T3S R32 EWM Sec. 9	A	1B	D-140
Pioneer Lockout Tree	Basket Mt. Road	D	1B	
Prospect Farm	Stage Gulch Road	C	1B	

cont'd

<u>Site Name</u>	<u>Location</u>	<u>Category</u>	<u>Goal 5 Analysis</u>	<u>Comments</u>
Ten Mile House	Old Hinkle Road	D	1B	
Tollgate Road (Walla Walla Trail)	LaGrande to Walla Walla	A	1B	Oregon Trail
Unknown Dead Monument	T1S R35 EWM Sec. 3	D	3C	Oregon Trail
Upper McKay School	T1S R33 EWM Sec. 12	A	1B	
Walla Walla Trail (Umatilla Trail)	North County	A	1B	Oregon Trail
Westland School	T4N R27 EWM Sec. 25	C	1B	D-141
Willow Springs	T3S R. 31 EWM Sec. 18	D	1B	D-142
Wooden Flume	Walla Walla River	D	1B	

- *Category A = Symbolic Sites
 Category B = Public Structures or Buildings
 Category C = Private Residences and Other Buildings
 Category D = Sites with Historic Articles Present
 Category E = Archeological Sites

SOURCES:

1. Oregon Federation of Garden Clubs, Blue Mountain District, Historic Trees and Shrubs, 1976.
2. Oregon State Historic Preservation Office, Statewide Inventory of Historic Sites and Buildings, 1976.
3. Swearingen, Mrs. Mervin, "Finnish Little Greasewood Cemetery," Pendleton, 1974.
4. Swearingen, Mrs. Mervin, "German Cemetery, Warren (Myrick) 1897-1934," Pendleton, 1974.
5. Tucker, G.J., Pilot Rock Emigrant Road, 1861-1862, n.d.
6. Umatilla County Historical Society, Umatilla County: A Backward Glance, 1980.
7. United States Department of the Interior, National Park Service, Oregon Trail Comprehensive Management and Use Plan, August 1981, (3 volumes).
8. United States Forest Service correspondence, October 20, 1980.

[NEW] The economic benefits of conserving historical, archeological and cultural resources are numerous. The opportunity to view sites and structures associated with our past attracts the interest of county residents as well as visitors. Most Umatilla County communities economically benefit from recognition and celebration of the area's colorful history: ie, the Pendleton Round-Up, Umatilla Landing Days, etc.

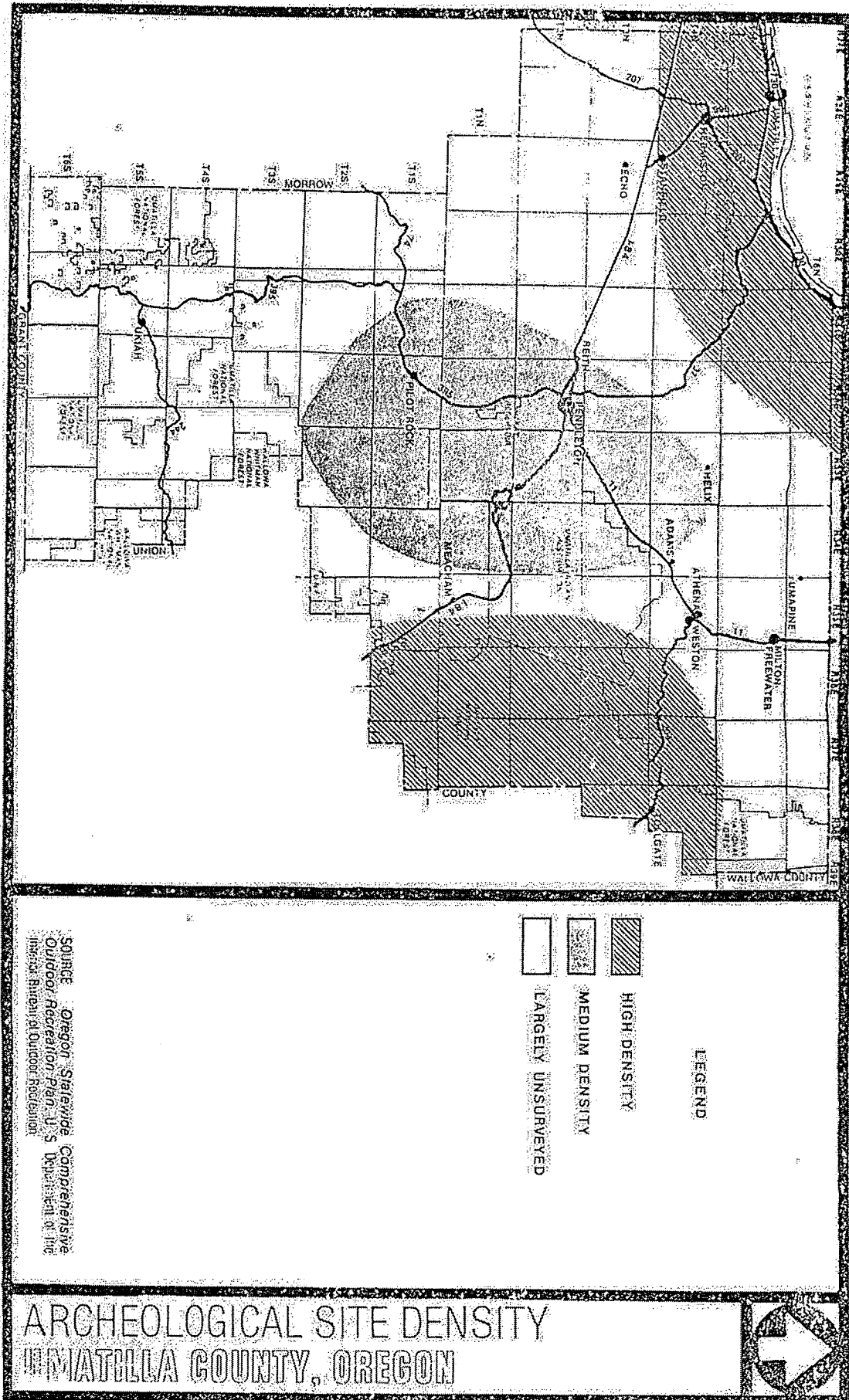
[NEW] Economically, historic preservation also increases the number of available structures to be used for residential and commercial purposes. Such rehabilitation efforts also provide some employment opportunity for the local building trade.

[NEW] The economic consequences of not preserving historic resources can be viewed from two perspectives. In a specific case, pre-emption of a new industrial or commercial venture in favor of the preservation of a historic resource may prevent establishment of a particular economic venture. However, Umatilla County has and will continue to recognize in its Comprehensive Plan ample land suitable for economic enterprises and, therefore, the possibility of this scenario occurring is remote.

[NEW] Also, the point can be made that restoration as a cost saving measure is not as economically beneficial in the short term to a community as new construction. However, additional jobs associated with restoration and the potential long-term tourism benefits accruing annually from historic preservation far exceed the minor short-term concerns.

[NEW] Socially, historic and cultural resource preservation is a positive attribute to a community. Historic resources retain a sense of "place" for a community as well as provide a wealth of educational opportunities for generations to come.

[NEW] Environmental consequences would be negligible overall and oriented to a specific site and issue.



[NEW] Energy consequences are minor but positive in that restoration of historic buildings often includes the insulation of non-insulated structures. Also, historic preservation attracts local tourists who might otherwise travel a greater distance to recreate.

[NEW] Based on the preceding findings, it is apparent that the overall long and short-term benefits derived from preserving the cultural and historic resources of the county will in most cases far exceed the negative consequences associated with preserving such a resource.

[NEW] The historical sites listed on Table D-XVIII have been reviewed according to the Goal 5 process (OAR 660-16-000). Twenty-six of the sites were designated as "1B." These are sites that are recognized in various publications and by the community as important to the preservation of our heritage but need further study to determine what, if any, protection measures are appropriate. The large number of these sites point out the need for the establishment of an historical inventory or register for the county.

[NEW] Fifteen sites are designated as "3C." These are established sites in which conflicting uses are limited by existing policies, plans and zoning and that do not require greater protection. However, in the near future, the Meacham Hotel, Bar M Ranch and several other notable structures now classified 3C should be further evaluated to see if additional protection measures are needed or desired.

[NEW] Hidaway Hot Springs, specifically the dance hall, is an outstanding historical and architectural structure that should be preserved and protected. It has been classified as "3A."

[Revised] The following is a brief description of each site.

Abiqua Trail (1A)

Although listed in the Oregon State Historic Preservation Office's Inventory for Umatilla County, ¹⁷ the Abiqua Trail is not located in Umatilla County.

Target Meadows - Within Umatilla National Forest

Also a number of historic buildings within incorporated towns are inventoried.

Century Farms

The Century Farm Program, sponsored by the Oregon Historical Society, in which a farm has remained in the same family ownership over one hundred years, currently has fourteen such farms in Umatilla County.⁵⁶ Most Century Farm families have purchased distinctive historical markers for their farms.

Management Programs

There are undoubtedly many additional sites of historical significance in Umatilla County. Local literature is full of interesting stories of the county's heritage that should be investigated for inclusion in the county's historic inventory. The county's greatest need in regard to historic preservation is to do a detailed historic site inventory. Once that is accomplished, there should be developed a historic preservation plan with appropriate preservation measures. The Umatilla County Historical Society could be instrumental in the preparation of the inventory and plan.

In the interim, the county should rely on an appropriate overlay zone to protect currently recognized sites.

Cultural Areas

A cultural area, according to Statewide Planning Goal #5, refers to "an area characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs and social forms."

In some ways, all of Umatilla County should be considered a "cultural area" under the above definition since it is within original territory of the Umatilla Indians. The existing Umatilla Indian Reservation contains about 8% of the total area of the county, but areas throughout the county still have cultural significance to the tribe.

The following quotations from a CH₂M Hill planning study⁵⁷ indicate the nature and scope of the Indian use of the land:

Root digging, wild fruit picking, fishing and hunting were the main staples of their food supply. The age-old custom of moving to the mountains at the beginning of hot weather was still common for years after the establishment of the Reservation. They lived in tiny shacks or tepees and were more or less nomadic during this season. They returned (to the Reservation) at intervals only to tend their gardens or to get a supply of vegetables....

Fishing areas for salmon were located along all the major rivers and streams of eastern Oregon and southeastern Washington. Different bands of Indians frequented favorite rivers throughout the region, with the location of the fish determining the sites that were fished in any particular year....

Hunting for deer, elk, and other wild game also took place throughout the region. Hunting ranged over broader areas than did fishing due to the mobility of game. Hunting patterns were similar to those for fishing, bands of Indians hunted in different areas. The hunting areas were dictated by the location of game.....

The diet of meat and fish was supplemented by wild roots, such as the camas root. Areas for digging roots were located on lightly timbered or open ridges. Bands and families used regular sites for digging....

The Indians' diet was also supplemented by wild berries, to a large extent, huckleberries. Huckleberry fields were located in the timbered areas surrounding the high mountain peaks, mostly east of the present Reservation..

While the Indians were foraging for food during the spring, summer, and fall, temporary campgrounds were located near the hunting and fishing areas. Many of these campgrounds were located on sites later settled by non-Indians, such as LaGrande, Cove, Union, and Baker. As a result, traces of these early Indian habitats have disappeared. During the winter months campgrounds were established at lower elevations for protection from the cold and snow. Typical sites included Imnaha and Tum-a-Lum before the Treaty of 1855 and along the Umatilla River after the Reservation was established.

The annual trips in search of fish and game led bands of Indians to distant points within the region. While on these trips the Indians sought sites for relaxation and bathing. Hot springs located in the far flung reaches of the mountain area provided sites for these restful interludes.

Confederated Tribes officials are reluctant to identify any specific areas for traditional cultural and religious practices within the county (off-Reservation).

A recent letter from the Tribal Planning Director states:

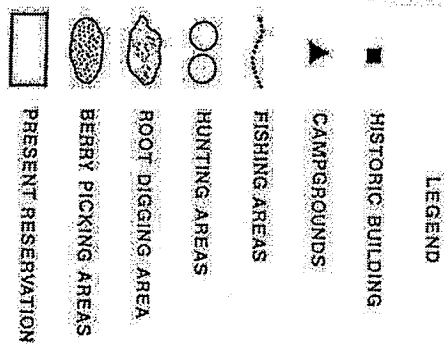
The area of concern to the Umatilla Confederation is known as the Ceded Boundaries and include approximately 6 to 8 million acres in northeast Oregon and southeast Washington. It is within these areas that the Tribes have reserved hunting, fishing, pasture, and root and berry picking rights . . .

As you may know, some of the issues and information are guarded and become very emotional. Sometimes the situation is most delicate.⁵⁸

There are indications that livestock grazing (timing and vicinity) may have potential conflicts with the ability of certain roots and herbs gathered now, primarily for religious/cultural reasons (no longer used extensively as food).⁵⁹ And of course, state hunting and fishing policies are of concern to the tribe. Local land use issues are also of interest, such as protection of deer/elk winter range near the reservation. The Tribe has been monitoring the county's planning program and submitted testimony on several occasions.

Besides assuring input by and coordination with the Tribe, there is little else the county can do at this time to instigate conflicts with Indian cultural sites. The State Commission on Indian Services is proposing legislation (The Oregon Archaeological Protection Act) which may alleviate some of the coordination problems.⁶⁰

Indian sites and landmarks identified so far by the Tribe are classified as follows: fishing areas, hunting areas, root digging areas, berry picking areas, campgrounds, hot springs, historic sites, historic buildings, corrals, and geographic areas. Specific sites in each category are listed in Table D-XIX. The table indicates the non-Indian and Indian names for each historic site, and comments regarding the significance of the site. Where possible, the comments also indicate the meaning of Indian names and the general location of the site. (See also, Map, page D-154).



INDIAN CULTURAL & HISTORICAL SITES UMATILLA COUNTY, OREGON (OFF RESERVATION)

river miles) did not pass preliminary feasibility screening.⁽⁸³⁾ However, preliminary engineering is underway on a privately developed "run-of-the-river" system that would divert a portion of the Umatilla River near Hermiston into a canal. The canal, which would act as a forebay, would be about 5300 feet long. It would lend to a penstock that would drop the water about twenty-five feet through two low-head turbines back into the Umatilla River. The turbines would be located at the site of an abandoned powerhouse. The maximum output would be approximately 9.2 kilowatts. Some initial opposition to the project due to concern for preservation of the pristine nature of the shoreline seems to have been overcome by careful design and community education. A conditional use permit for the project has been granted by the county.

Although the State's Geothermal Task Force Report indicates some low temperature geothermal resource areas in Umatilla, there are no areas suggested for exploration.⁽⁸⁴⁾

There are currently several oil companies negotiating oil and gas leases in Umatilla County. Much of the wheatland north of Pendleton and the National Forest land has been or soon will be tied up with such leases. However, the potential for discovery of oil and gas resources is questionable. However, to avoid potential problems with exploratory drilling or future extraction, the county should develop relevant land use policies and regulations.

The advent of other alternate energy sources such as alcohol fuels and biomass or "back yard" energy like "microhydro," wind generators and passive and active solar, and of the popularity and necessity of energy conservation, may create land use conflicts not yet experienced in the county. Noise, visual impacts, solar orientation, etc. may create community problems that the county may have to mediate or regulate. The county should be prepared with policies and zoning criteria.

[NEW] Adequate information on wind, oil, gas and other such alternate energy resources at the level of detail necessary to fulfill OAR 660-16-000 (Goal 5 analysis) is not available ("1B").

