



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 14, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Umatilla County Plan Amendment
DLCD File Number 001-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 1, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

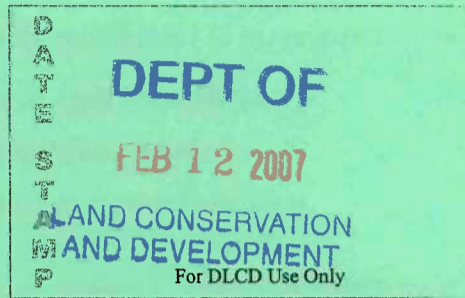
Cc: Doug White, DLCD Community Services Specialist
Ron Eber, DLCD Farm/Forest Specialist
Jon Jinings, DLCD Regional Representative
Tamra Mabbott, Umatilla County

<paa> yl

FORM

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Umatilla County Local file number: #T-06-027
 Date of Adoption: February 7, 2007 Date Mailed: February 8, 2007
 Date original Notice of Proposed Amendment was mailed to DLCD: January 9, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Adopt Ordinance to implement LCDC approval of Go-below. Allows 40-acre parcels in EFU on certain lands as described in the application.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".
Allows 40-acre parcels; original application was for 20-acre parcels.

Plan Map Changed from: EFU to: EFU
 Zone Map Changed from: EFU to: EFU
 Location: West of Milton-Freeway Acres Involved: ≈ 1,700 ac.
 Specify Density: Previous: N/A New: N/A
 Applicable Statewide Planning Goals: 3
 Was and Exception Adopted? YES NO

DLCD File No.: 001-06(14923)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? *N/A* Yes No

If no, did Emergency Circumstances require immediate adoption? *N/A* Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

*DLCD Dept of Ag CWRD, Hedson Bay
Imperial District*

Local Contact: *Tamra Maloboff* Phone: *(541) 378-6246* Extension: *---*

Address: *216 SE 4th St.* City: *Pondolite*

Zip Code + 4: *97844* Email Address: *tamra@co.umatilla.or.us*

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

RECEIVED

FEB 07 2007

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Amending)
Comprehensive Plan and) ORDINANCE NO. 2007-01
Development Code to Allow)
Partition of Specific Property)
Below Minimum Lot Size)

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

WHEREAS an application was received from Seven Hills Properties LLC and Powerline Ranches LLC requesting Umatilla County to allow for partition of applicants' property into 20 acre parcels, below the minimum Exclusive Farm Use Zone lot size of 160 acres, which would require an amendment to the Comprehensive Plan,

WHEREAS the Umatilla County Planning Commission held a public hearing on February 23, 2006, continued to March 3, 2006 to review the application and the proposed amendment to the plan and recommended that the Board of Commissioners adopt the amendment, with some conditions;

WHEREAS the Board of Commissions held a public hearing on March 14, 2006, continued to April 5, 2006, to consider the proposed amendment, and voted to approve the amendment as proposed by the Planning Commission, with the additional requirement that dwellings only be allowed in conjunction with a Winery on parcels of 40 acres or more, an amendment to the Development Code to recognize the partition potential to go below the minimum lot size in an Exclusive Farm Use Zone, and adopted Ordinance No. 2006-08;

WHEREAS the Land Conservation and Development Commission reviewed the amendment pursuant to ORS 215.780(2), and adopted Review Order 06-SUSTAIN-001747 approving a minimum parcel size of 40 acres conditioned on replacing Ordinance No. 2006-08 with another establishing a minimum parcel size of no smaller than 40 acres and only permitting farm related dwellings in compliance with OAR 660-033-0135;

WHEREAS the Board of Commissioners held a public hearing on February 7, 2007, to consider the decision of the Land Conservation

and Development Commission and for the adoption of an ordinance in accord with the decision.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the Umatilla County Comprehensive Plan:

To be added under the sections entitled Agriculture on Page VI-12:

PLAN FINDING 21: The Seven Hills Properties, LLC, and Powerline Ranches LLC, property described in Exhibit 1, is located in the North-South County Agriculture Plan Area and in the Walla Walla Wine Appellation. The land is well suited for vineyards and wine production and meets the OAR requirements to justify parcel sizes smaller than the statewide 80-acre minimum.

PLAN POLICY 21: The Seven Hills Properties, LLC and Powerline Ranches LLC tract of land, described in Exhibit 1, may be partitioned below 80 acre parcels as follows and subject to the following conditions:

1. Limitation on Lot Size. The parcel size may be no smaller than 40 acres.
2. Dwellings only allowed if meet applicable Oregon Administrative Rule requirements.
3. A transportation/road circulation master plan must be submitted and approved prior to any partition of the subject property.
4. Parcel size may not be used as justification for any future zone change.

FURTHER the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend Section 152.062 as follows:

(D) *Go-Below*. For those properties within an area so designated by the Umatilla County Comprehensive Plan, parcels may be established below the 160-acre minimum parcel size that meet the criteria of the Comprehensive Plan.

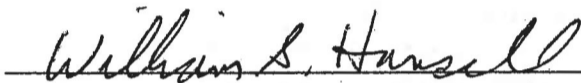
FURTHER Ordinance No. 2006-08 is repealed and replaced by this Ordinance No. 2007-01.

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

DATED this 7th day of February, 2007.

UMATILLA COUNTY BOARD OF COMMISSIONERS


Dennis D. Doherty, Chair


William S. Hansell, Commissioner


W. Lawrence Givens, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS


Records Officer



EXHIBIT 1

Lots 1 and 2, and the South Half of Northwest Quarter, Southwest Quarter, and North Half of Northeast Quarter of Section 5, Township 5 North, Range 35;

EXCEPTING THEREFROM that certain tract of land bounded by and included within the following boundaries:

Beginning at Northeast corner of said Section 5; thence West along North line of said Section 5, 16.16 chains; thence South $53^{\circ} 13'$ East, 12.61 Chains; thence South $71^{\circ} 43'$ East 5.25 chains to East line of said Section 5; thence North 8.16 chains to the point of beginning;

Beginning at a point 410 feet West and 1343 feet South of Northeast corner of Section 5, Township 5 North, Range 35, which point is on North 1/16 line of said Section 5, where it intersects West right-of-way line of County Road; Thence Westerly on said North 1/16 line of Section 5, 2197 feet to North-South centerline of Section 5; Thence Southerly on said North-South centerline of Section 5, 4056 feet, more or less, to section line between Sections 5 and 8; Thence Westerly on above-described section line 1320 feet to West 1/16 Line of Section 8; Thence Southerly on said West 1/16 line of Section 8, 2187 feet to a point 455 feet North of East-West centerline of Section 8; Thence on a meander line bearing North $87^{\circ} 27'$ East 649 feet; Thence South $86^{\circ} 03'$ East 450 feet; Thence South $80^{\circ} 41'$ East 754 feet; Thence South $86^{\circ} 46'$ East 1208 feet; Thence South $3^{\circ} 14'$ West 133 feet; Thence South $87^{\circ} 51'$ East 663 feet to a point 44 feet North and 248 feet West of East Quarter corner of Section 8; thence North $18^{\circ} 03'$ East 335 feet; Thence North $15^{\circ} 43'$ East 373 feet; Thence North $1^{\circ} 38'$ East 917 feet to a point 14 feet West of East line of Section 8, and 1000 feet South of North line of Section 8; Thence North $38^{\circ} 48'$ East 759 feet; Thence North $27^{\circ} 38'$ East 325 feet; Thence North $22^{\circ} 58'$ East 507 feet; Thence North $12^{\circ} 48'$ East 506 feet; Thence North $8^{\circ} 58'$ East 403 feet; Thence North $15^{\circ} 27'$ West 133 feet; Thence North $43^{\circ} 13'$ East 390 feet to a point 1645.5 feet North and 1215.6 feet East of Southwest corner of said Section 4, Township 5 North, Range 35, which is on West right-of-way line of Union Pacific Railroad; Thence on a meander line traversing said West right-of-way line as follows: North $48^{\circ} 02'$ West, 343 feet; Thence North $33^{\circ} 22'$ West 474 feet; Thence North $34^{\circ} 17'$ West 1254 feet to a point on West line of Section 4, where West right-of-way line of Union Pacific Railroad intersects West right-of-way line of County Road; Thence traversing said West right-of-way line of County Road as follows: North $75^{\circ} 12'$ West 144

feet; Thence North 21° 12' West 750 feet, more or less, to the point of beginning;

EXCEPTING THEREFROM the following described tract:

Beginning at a point on Southwesterly right-of-way line of Oregon-Washington Railroad & Navigation Company in Section 4, said point being 3687.60 feet South and 1208 feet East of Northwest corner of said Section 4, said point also being the most Easterly corner of that tract of land described in Deed recorded in Book 189, Page 206, Deed Records; Thence South 53° 58' West a distance of 408 feet; Thence North 20° 17' West 422.05 feet; Thence North 53° 48' East a distance of 265.26 feet, more or less, to a point on Southwesterly right-of-way line of the above-mentioned railroad; Thence Southeasterly along said Southwesterly line 425 feet to the point of beginning;

Beginning at a point 236.5 feet West and 1343 feet South of Northwest corner of Section 4, Township 5 North, Range 35, which point is on East-West centerline of North Half of Section 5; Thence East on above-described 1/16 line of Sections 5 and 4, a distance of 1556 feet, more or less to center of Northwest Quarter of Section 4; Thence Southerly on West 1/16 line of said Section 4, 1322 feet to East-West centerline of Section 4; Thence Easterly on said East-West centerline of Section 4, 1329 feet, more or less, to center of Section 4; Thence Southerly on North-South centerline of Section 4, 2970 feet, more or less, to intersection of Easterly right-of-way line of County Road; Thence Northwesterly on said Easterly County Road right-of-way line, which is traversed by a meander line described as follows: North 30° 29' West 1770 feet; Thence North 40° 59' West 1178 feet; thence North 37° 13' West 1614 feet to a point on West line of Section 4, where East right-of-way line of County Road intersects Easterly right-of-way line of U. P. R. R. Company; Thence along said U. P. R. R. Company's right-of-way line as traversed by a meander line, described as follows: Thence North 26° 43' West 387 feet; Thence North 11° 08' West 300 feet, more or less, to the point of beginning;

Southeast Quarter of Section 4, East Half of Northeast Quarter of Section 9, and all that portion of Northwest Quarter of Northeast Quarter of Section 9, lying and being North and East of County Road as the same existed on December 22, 1948, all in Township 5 North, Range 35;

East Half of West Half of Section 3, excepting Northerly 100 rods

thereof, also excepting therefrom that portion conveyed to P.S. Gibbons, Jr., et ux, by Deed recorded as Instrument No. 1947-95151, in Book 183, Page 315, Deed Records; Southerly 175 rods of West Half of East Half of Section 3, all in Township 5 North, Range 35;

ALSO, beginning at Section corner common to Sections 3, 4, 9 and 10, Township 5 North, Range 35; Thence North $88^{\circ} 15'$ East 1621 feet; Thence South $69^{\circ} 12'$ West 354 feet; Thence South $88^{\circ} 15'$ West 400 feet; Thence South $0^{\circ} 54'$ East 1269 feet; Thence South $82^{\circ} 31'$ West 727 feet; Thence North $7^{\circ} 29'$ West 1464 feet, more or less, to the point of beginning;

West Half of Northeast Quarter of Section 10, Township 5 North, Range 35;

EXCEPTING THEREFROM the following described tract of land:

Beginning at center quarter corner of said Section 10; Thence East 1340 feet to Southeast corner of West Half of Northeast Quarter of said Section 10; Thence North $70^{\circ} 58'$ West 338.6 feet; Thence North $46^{\circ} 52'$ West 393.4 feet; Thence North $5^{\circ} 45'$ West 224 feet; Thence North $31^{\circ} 18'$ West 207 feet; Thence North $15^{\circ} 01'$ West 233.1 feet; Thence North $36^{\circ} 06'$ West 283.5 feet; Thence North $64^{\circ} 41'$ West 621 feet to a point on West line of West Half of Northeast Quarter of said Section 10; Thence South $07^{\circ} 05'$ East 1510 feet, more or less, to the point of beginning;

East Half of Southeast Quarter of Section 31, and South Half of Southwest Quarter of Section 32, Township 6 North, Range 35;

EXCEPTING any and all water rights-of-way, roads and railroad rights of way.

All being East of the Willamette Meridian, Umatilla County, Oregon;

Consisting of approximately 1,681.5 acres, and also known as Umatilla County Tax Lot Nos. 5N35-400, -401, -800, -802, -803, -1401, -1500, 5N3503-1800, -1801; 6N3531-500; 6N3532-1100, -1200