



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

11/13/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Umatilla Plan Amendment
DLCD File Number 001-13

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: Friday, November 29, 2013

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Bill Searles, City of Umatilla
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
S
T
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M
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DEPT OF
NOV 08 2013
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Umatilla, Oregon**

Local file number: **ANX-1-2013 & PA-1-2013**

Date of Adoption: **11/5/2013**

Date Mailed: **11/7/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/15/2013

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Subject properties were annexed from the urban growth area into the city limits, and were re-zoned from the County's industrial to the City's Heavy Industrial (M-2) zoning through a plan amendment/zone change.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **County Industrial**

to: **City Heavy Industrial**

Zone Map Changed from: **County Industrial (M) Zone**

to: **City Heavy Industrial (M-2) Zone**

Location: **Map 5N2814 Tax lots 2200, 2300, 2500**

Acres Involved: **30.13**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 001-13 (19973) [17670]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, ODOT Region 5, Umatilla County Planning, Public Works and Assessor, Umatilla Rural Fire District, Umatilla Electric Co-op, Pacific Power

Local Contact: **William Searles**

Phone: (541) 922-3226 Extension: 101

Address: **P.O. Box 130**

Fax Number: **541-922-5758**

City: **Umatilla**

Zip: **97882-**

E-mail Address: **bills@umatilla-city.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**City of Umatilla City Council
REPORT AND DECISION
for
ANNEXATION ANX-1-2013**

DATE OF HEARING: November 5, 2013

REPORT PREPARED BY: Bill Searles, City Planner

I. GENERAL INFORMATION AND FACTS

Applicant:	Vadata, Inc. 410 Terry Avenue N Seattle, Washington 98109
Property Owner:	Vadata, Inc. 410 Terry Avenue N Seattle, Washington 98109
Land Use Review:	Annex land within City of Umatilla's urban growth boundary into the city limits
Subject Property Description:	Township 5N, Range 28E, Section 14, Tax lots 2200, 2300 and 2500
Location:	In urban growth boundary along west side of Beach Access Road
Proposed Development:	Expansion of existing data center facility
Existing Zoning:	County Industrial
Proposed New Zoning:	City Heavy Industrial (M-2) Zone

II. NATURE OF REQUEST/APPLICABLE COMPREHENSIVE PLAN AND ZONING ORDINANCE PROVISIONS

The applicant in this matter, Vadata, Inc., seeks approval to have three of its properties situated in the City of Umatilla's urban growth boundary annexed into the city limits in order to have city water and sewer services available to the properties to serve future expansion of its existing data center facility on those properties, although no new development is proposed at this time. The properties consist of three separate lots located along the west side of Beach Access Road near its intersection with U.S. Highway 730. The properties are owned solely by the applicant.

The applicable decision criteria are listed in Chapter 13, Section 4C, as outlined in this report, and the review procedures are contained under Chapter 14, Sections 6(C) and 7 of the City of Umatilla Zoning Ordinance. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

III. ANALYSIS

A. City of Umatilla Zoning Ordinance Approval Criteria

All of the following criteria listed under Section 10-13-4C of the Zoning Ordinance must be satisfied and supported with findings and reasons as to how each criterion is met in order for this request to be approved.

1. *The site is within the urban growth boundary for the City.*

Findings: The subject properties are located adjacent to the west side of Beach Access Road and north of U.S. Highway 730. The official City of Umatilla Comprehensive Plan and Zoning Map, last updated in October 2012, shows all of the area between Beach Access Road and the McNary residential area, and north of U.S. Highway 730 to the Columbia River as being in the City's urban growth boundary.

Conclusion: The properties the applicant is seeking to have annexed into Umatilla's city limits are located within the City of Umatilla's urban growth boundary.

2. *It is economically and technically feasible to provide services to the area.*

Findings: The subject properties are accessed from Beach Access Road a relatively short distance from its intersection with U.S. Highway 730. Separate left- and right-hand turn lanes exist on both Beach Access Road and U.S. Highway 730 which can accommodate some increase in traffic generated from development of the subject properties, although a traffic impact analysis may be required when a specific, detailed proposal is submitted. The applicant received conditional use approval from the City in the spring of 2013 to extend a new 115kv transmission line to the area and is paying to have the line and a new substation constructed to serve the existing facility and the planned future expansion on the subject properties. City sewer and water lines extend within the right-of-way of Beach Access Road along tax lots 2500, 2400 and 2300 terminating a short distance north of tax lot 2200. The applicant will be required to pay for any extension of the sewer and water lines needed to serve any of the properties.

Conclusion: The applicant has already demonstrated that it is financially capable of extending the needed services to its properties. Any needed extension of sewer and water lines would occur within the existing right-of-way of Beach Access Road from their current terminuses. The City may allow water service to be extended to properties in the urban growth boundary, but will only allow sewer service to be connected to properties within the city limits. Therefore, the applicant needs to have the subject properties annexed into Umatilla's city limits in order to have all of the services available

that are needed to develop the properties. The cost to extend these service lines would be relatively small in relation to the anticipated development of the properties. The extension of needed services to the subject properties is economically and technically feasible.

3. *The proposal is consistent with the Comprehensive Plan or substantial changes in conditions have occurred which render the Plan inapplicable to the annexation.*

Findings: The applicant is proposing to have three separate lots located within the Port of Umatilla and the City's urban growth boundary annexed into the city limits. The applicant intends to expand its existing use and facilities on property already in the city limits onto the subject properties and to extend city and other public services to the properties.

For an annexation, the Comprehensive Plan requires properties to be located within the urban growth boundary and for public services to be technically and economically available to the property. These provisions are implemented in the City of Umatilla Zoning Ordinance, as outlined and discussed under Sections III(A)(1) and (2) of this report.

The City of Umatilla has a unified comprehensive plan and zoning map. Properties in the urban growth boundary are subject to Umatilla County zoning. When property in the urban growth boundary is annexed into the city limits, the zoning for the property is required to be changed to city zoning. The applicant made a separate application (PA-1-2013) concurrently with this application, to amend the City of Umatilla's Comprehensive Plan and Zoning map to amend the zoning from county industrial zoning to the City of Umatilla's Heavy Industrial (M-2) zone. A plan amendment/zone change application has its own decision criteria that must be met in order to be approved. Approval of the plan map amendment/zone change is contingent upon City approval of the applicant's request to have the property annexed into the city limits.

Staff reviewed the comprehensive plan policies under each of the goal elements in the plan. In addition to requirements noted above, Policy 2.6.106 under Goal 2 Land Use Planning "intends for industrial growth to occur in the Port of Umatilla where transportation facilities and public facilities are available, rather than in other areas of the City where conflicts. . .[are] more likely."

Policies 11.5.103(a) and (c) under Goal 11 Public Facilities and Services indicates that with very limited exception, sewer service will only be connected to property that is annexed into the city limits, and that all costs for extension of services will be borne by the applicant with improvements dedicated to the City.

Conclusion: The Comprehensive Plan recognizes property within the urban growth boundary as land intended to be brought into the city limits as public services, especially sewer, is made available to the property. City water and sewer services are located along or near the subject properties to be annexed making extension and hook-up technically and economically feasible. The costs for extension and hook-up to these city services will be paid for by the applicant/developer. The applicant intends to use the subject properties for expansion of its existing data center facilities which is permitted in the city industrial zoning proposed for the property. The intended use of the property, the property's location within the Port of Umatilla and the proposed M-2 zoning

designation make the proposal consistent with the Comprehensive Plan.

IV. SUMMARY CONCLUSIONS AND CITY COUNCIL DECISION

This request by the applicant, Vadata, Inc., to annex property into the City of Umatilla city limits meets all of the applicable decision criteria for annexation into the city limits.

Therefore, based on the information in Sections I and II of this report, and the above review criteria, findings of fact and conclusions contained in Section III as recommended by the Umatilla City Planning Commission, the Umatilla City Council APPROVES this request, ANX-1-2013, to annex into the city limits three separate lots located north of U.S. Highway 730 along the west side of Beach Access Road within the urban growth boundary identified as tax lots 2200, 2300 and 2500 in Section 14, Township 5 North, Range 28 East of the Willamette Meridian.

V. EXHIBITS (Attached and included as part of this report).

Exhibit "A" Applicant's response to the annexation decision criteria

Exhibit "B" Maps of properties showing city limits and zoning before and after annexation

cc: Applicant

Mark Baracani, Vadata Inc.

Curtis Johnson, Hoffman Construction

Office File

City of Umatilla Annexation Application Attachment

July 12, 2013

Properties – 5N 28 14; tax lots 2200, 2300, 2500

Annexation questionnaire responses

How is the annexation consistent with the City's Comprehensive Plan Policies?

This site is within the City of Umatilla Urban Growth Boundary and is planned for industrial use. In designating the site Industrial, the City applied the policies of the Comprehensive Plan and consequently the proposed annexation is consistent with those policies. Their implementation is achieved by annexation and application of City jurisdiction over the site.

If the area to be annexed is outside the City's Urban Growth Boundary, how will this annexation comply with statewide land use goals?

The area is within the Urban Growth Boundary and planning goals were addressed in comprehensive planning process to include this area within the Growth Boundary; therefore this site aligns with statewide planning goals.

How is the proposed use of the area to be annexed compatible with the adjacent property inside city limits?

These sites will be developed in accordance with the standards of M-2 zoning as these sites develop they will comply with applicable zoning regulations. Use will be compatible with adjacent property (tax lot 2400) as annexation application filed in January of 2011.

What is the impact and need for this proposed annexation to the City?

The annexation will provide the areas with City services such as water and sewer access.

Exhibit A

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying

SEC 14 T5N R28E WM
UMATILLA COUNTY

5N 28 14
AERIAL PHOTO NO. NZ 1P 58-60 & 102-103

1"=400'

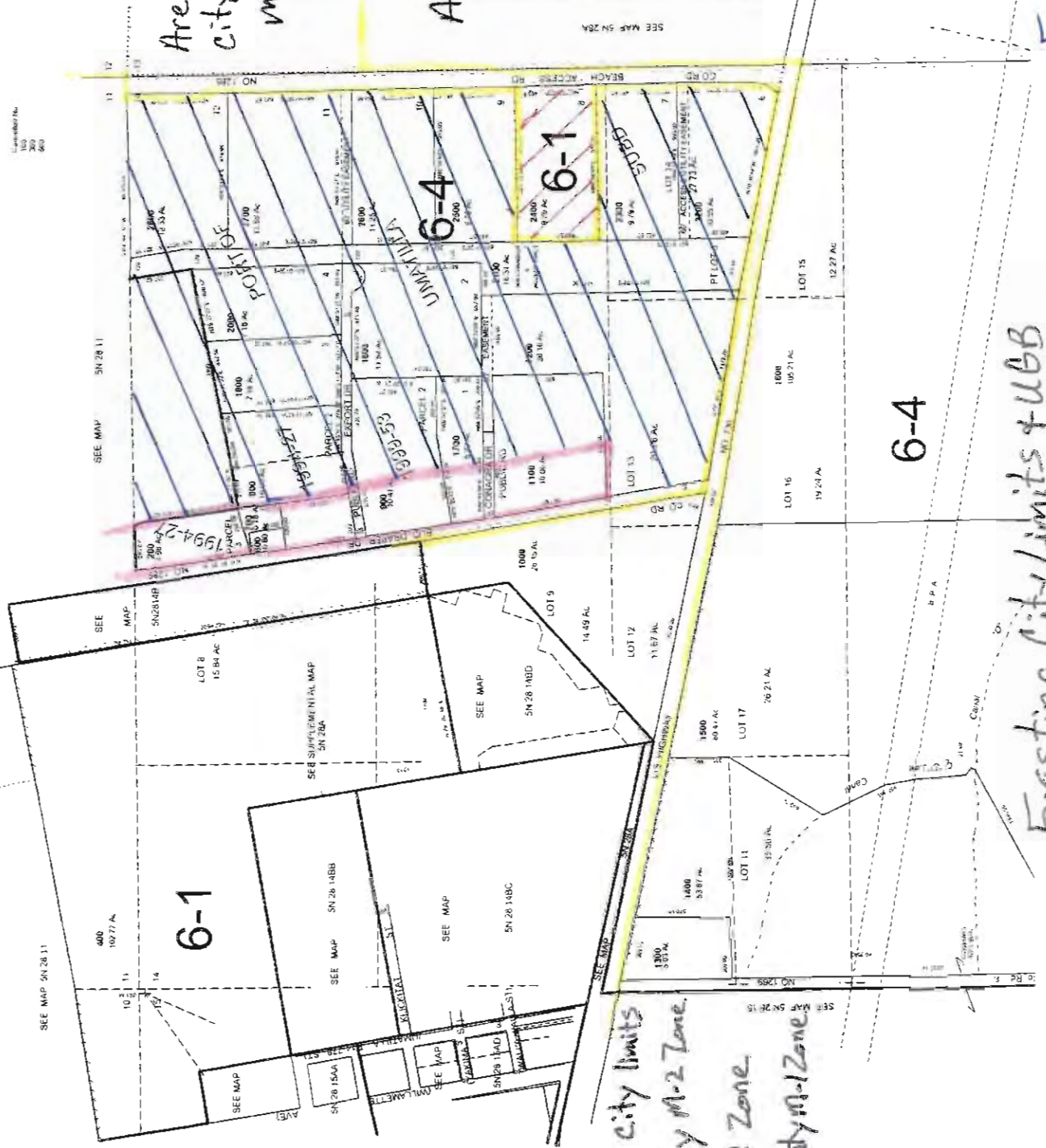
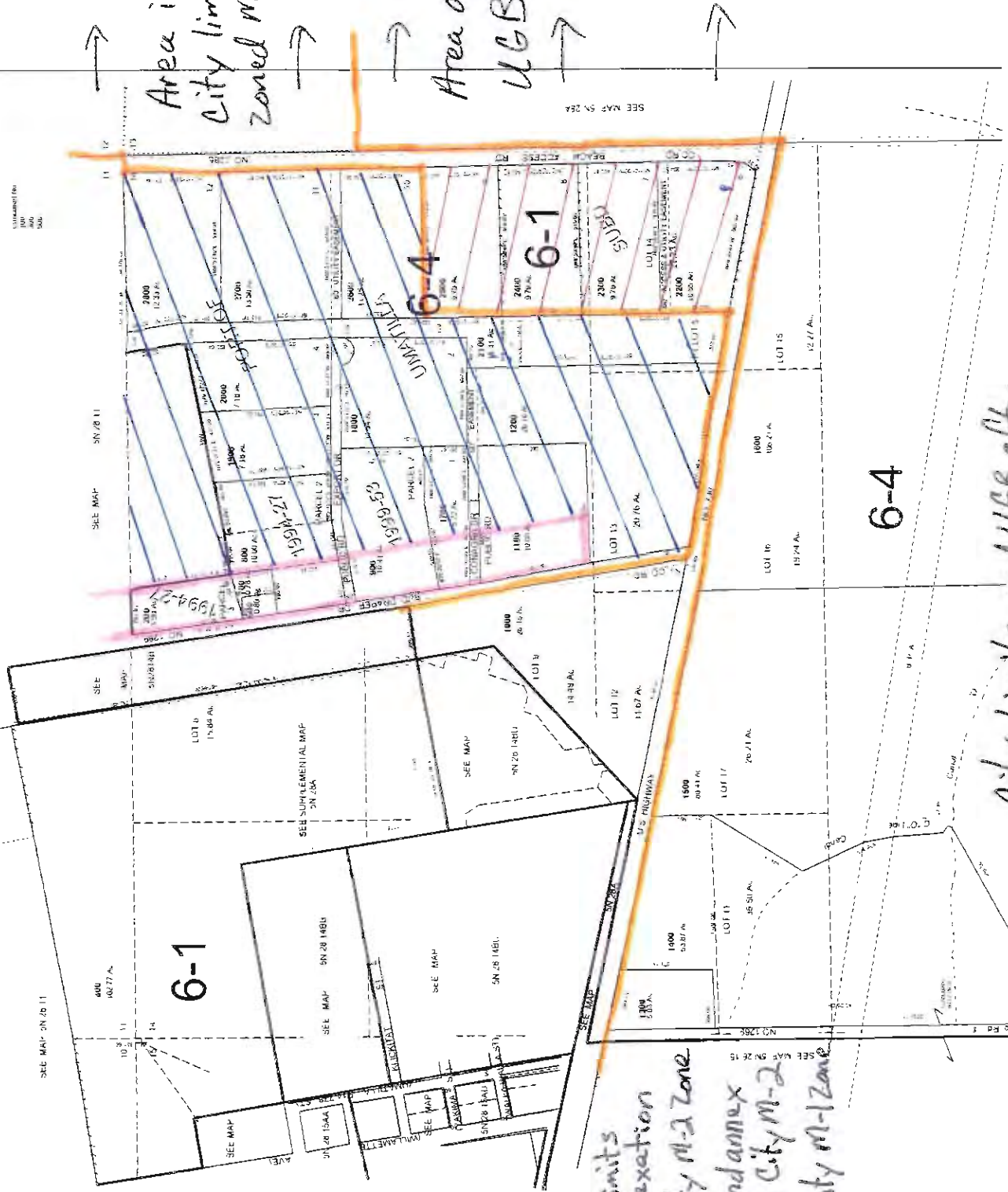


Exhibit B

Existing City Limits + UGB
Before Annexation and Rezone

5N 28 14
AERIAL PHOTO NO. NZ 1P 58-60 & 102-103

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying



New city limits
after annexation

— UGB-County M-2 Zone

— Existing and annex
area Zoned City M-2

— UGB-County M-1 Zone

City Limits and UGB after
Annexation and Rezone

**City of Umatilla City Council
REPORT AND DECISION
for
PLAN AMENDMENT PA-1-2013**

DATE OF HEARING: November 5, 2013

REPORT PREPARED BY: Bill Searles, City Planner

I. GENERAL INFORMATION AND FACTS

Applicant:	Vadata, Inc. 410 Terry Avenue N Seattle, Washington 98109
Property Owner:	Vadata, Inc. 410 Terry Avenue N Seattle, Washington 98109
Land Use Review:	Comprehensive Plan Map Amendment to change plan map and zoning of newly annexed property from County industrial zoning to City industrial zoning
Subject Property Description:	Township 5N, Range 28E, Section 14, Tax lots 2200, 2300 and 2500
Location:	In urban growth boundary along west side of Beach Access Road
Proposed Development:	Expansion of existing data center facility
Existing Zoning:	County Industrial
Proposed New Zoning:	City Heavy Industrial (M-2) Zone

II. NATURE OF REQUEST/APPLICABLE COMPREHENSIVE PLAN AND ZONING ORDINANCE PROVISIONS

The applicant in this matter, Vadata, Inc., seeks approval to amend the City of Umatilla's comprehensive plan and zoning map to change the zoning on three of its properties newly annexed into the City of Umatilla's city limits, from County industrial zoning to the City's Heavy Industrial (M-2) Zone to accommodate expansion of its existing data processing center facility. The properties consist of three separate lots located along the west side of Beach Access Road near its intersection

with U.S. Highway 730. Approval of this request is contingent upon prior approval of the applicant's request by the Umatilla City Council to annex the subject properties into the City of Umatilla's city limits.

The applicable decision criteria are listed in Chapter 13, Section 3, as outlined in this report, and the review procedures are contained under Chapter 14, Sections 6(C) and 7 of the City of Umatilla Zoning Ordinance. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

III. ANALYSIS

A. City of Umatilla Zoning Ordinance Approval Criteria

All of the following criteria listed under Section 10-13-3 of the Zoning Ordinance must be satisfied and supported with findings and reasons as to how each criterion is met in order for this request to be approved.

1. *The proposed designation is consistent with and supports the purposes of the portions of the City's Comprehensive Plan not proposed for amendment, or circumstances have changed to justify a change in the Comprehensive Plan.*

Findings: The applicant is proposing to amend the comprehensive plan/zoning map to change the zoning of the subject properties from County industrial zoning to the City's Heavy Industrial (M-2) Zone. An amendment to the comprehensive plan map/zoning map is necessary because the properties received approval for annexation into Umatilla's city limits and the change is needed to reflect City zoning rather than County zoning. The City's Heavy Industrial (M-2) Zone generally will allow the same types of uses as the County's industrial zone, although specific development standards and procedures may vary somewhat depending upon the specific use proposed. The County's zoning designations and regulations within the urban growth boundary date back to 1972 when the zoning was originally adopted; the City's current Heavy Industrial (M-2) zoning and regulations were adopted in 1999.

Conclusion: The proposed City heavy industrial zoning will have little to no affect on the types of uses that will continue to be allowed from what was permitted under the County industrial zoning. The new City industrial zoning will support and actually provide greater consistency with portions of the City's Comprehensive Plan *not* proposed for amendment, such as off-street parking and landscaping requirements, than the County industrial zoning under which these portions of the City's plan and/or zoning ordinance would not apply to a proposed development.

2. *The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.*

Findings: The applicant is proposing to change the plan map/zoning designation from County industrial to the City's Heavy Industrial (M-2) Zone as the result of the City annexing the subject properties into the city limits at the applicant's request.

Conclusion: The subject properties are currently zoned for industrial uses under Umatilla County's zoning designation. The properties will continue to be zoned for industrial use with the City's industrial zone, so there will be no net gain or loss to affect the projected need for industrial-zoned land.

3. *The proposed designation will not negatively impact existing or planned facilities and services.*

Findings: The applicant is proposing a comprehensive plan map amendment/rezone to change the current zoning of the subject properties from Umatilla County industrial zoning to the City's Heavy Industrial (M-2) zoning. Improvements to U.S. Highway 730 and Beach Access Road, including both right- and left-hand turn lanes, were made when Two Rivers Correctional Institution was constructed near the north end of Beach Access Road. The applicant paid for and installed new sewer and water line extensions to its existing facility on tax lot 2400. A new power transmission line to the properties was approved in the spring of 2013 by the City (and County) and paid for by the applicant to serve the existing use and the intended expansion. The applicant will be required to extend water, sewer, electricity and similar public utilities as needed at its own expense. Police and fire protection are currently available to the properties.

Conclusion: The proposed use will not negatively impact existing or planned facilities or services. Existing facilities and services are either adequate to serve the properties, or are located within reasonable proximity to make them technically and economically feasible to be extended to the subject properties at the applicant's expense. The extension of these services may have a positive impact in making more vacant industrial properties within the Port of Umatilla attractive to development. No new facilities or services that are not otherwise currently available to the properties are needed or planned in the near future for the area.

4. *The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.*

Findings: The three subject properties share much the same relatively flat, dryland topography. There are no pertinent physical features to the properties that that would make them unsuitable for the eventual expansion of the applicant's existing data center facility. Access to the properties will be from Beach Access Road which is a well-constructed and well-maintained county-owned road that is located within Umatilla's city limits. Water, sewer and electricity are readily available within the right-of-way of Beach Access Road. The area is served by Umatilla city police and the Umatilla Rural Fire District. Other secondary utilities such as cable, telephone, or fiber optic lines can be extended along existing power poles within the right-of-way of Beach Access road.

Conclusion: The subject properties are well suited for the applicant's planned expansion of its existing data center facility. The properties are flat and have little or no physical features or issues that would prevent development or require mitigation measures. Basic and secondary utility facilities and services are available to the properties or would only require relatively short extension to serve the properties, and access to the properties is from a well-constructed and well-maintained county road.

5. *Other sites in the City or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the City as a whole.*

Findings: The applicant's future plans for expansion of its existing data center facility require large acreage properties, properly zoned to allow the use, and that have city water and sewer available. The existing use and planned expansion also require higher voltage transmission lines to meet the electrical energy needs of the use and to this end the applicant has constructed a new electrical substation on its property and extended a new transmission line to serve the properties. The site (or sites) needs to be adjacent or near the existing data center facility in order for the applicant to integrate all of these systems together. There are no other sites within the City or the urban growth boundary that currently meet the applicant's needs.

Conclusion: The planning, coordination, time and expense the applicant has invested in public utilities and facilities to make the subject properties suitable for expansion of its existing data center facility make the subject properties the most suitable for the planned expansion. The need for the subject properties to be adjacent to the existing use to integrate the expansion makes other sites within the City unsuitable.

IV. SUMMARY CONCLUSIONS AND CITY COUNCIL DECISION

This request by the applicant, Vadata, Inc., for a comprehensive plan map amendment/rezone to change the zoning on property annexed into the city limits, from County industrial zoning to the City's Heavy Industrial (M-2) Zone, meets all of the applicable decision criteria.

Therefore, based on the information in Sections I and II of this report, and the above review criteria, findings of fact and conclusions contained in Section III as recommended by the Umatilla City Planning Commission, the Umatilla City Council APPROVES this request, PA-1-2013, to amend the City of Umatilla Comprehensive Plan and Zoning Map to change the County industrial zoning of the subject properties identified as tax lots 2200, 2300 and 2500 in Section 14, Township 5 North, Range 28E, W.M., to the City of Umatilla's Heavy Industrial (M-2) Zone.

V. EXHIBITS (Attached and included as part of this report).

- Exhibit "A" Applicant's justification to the decision approval criteria
Exhibit "B" Comprehensive Plan/Zoning Map showing properties in UGB proposed for change to City of Umatilla Heavy Industrial (M-2) Zoning

cc: Applicant
Mark Baracani, Vadata Inc.
Curtis Johnson, Hoffman Construction
Office File

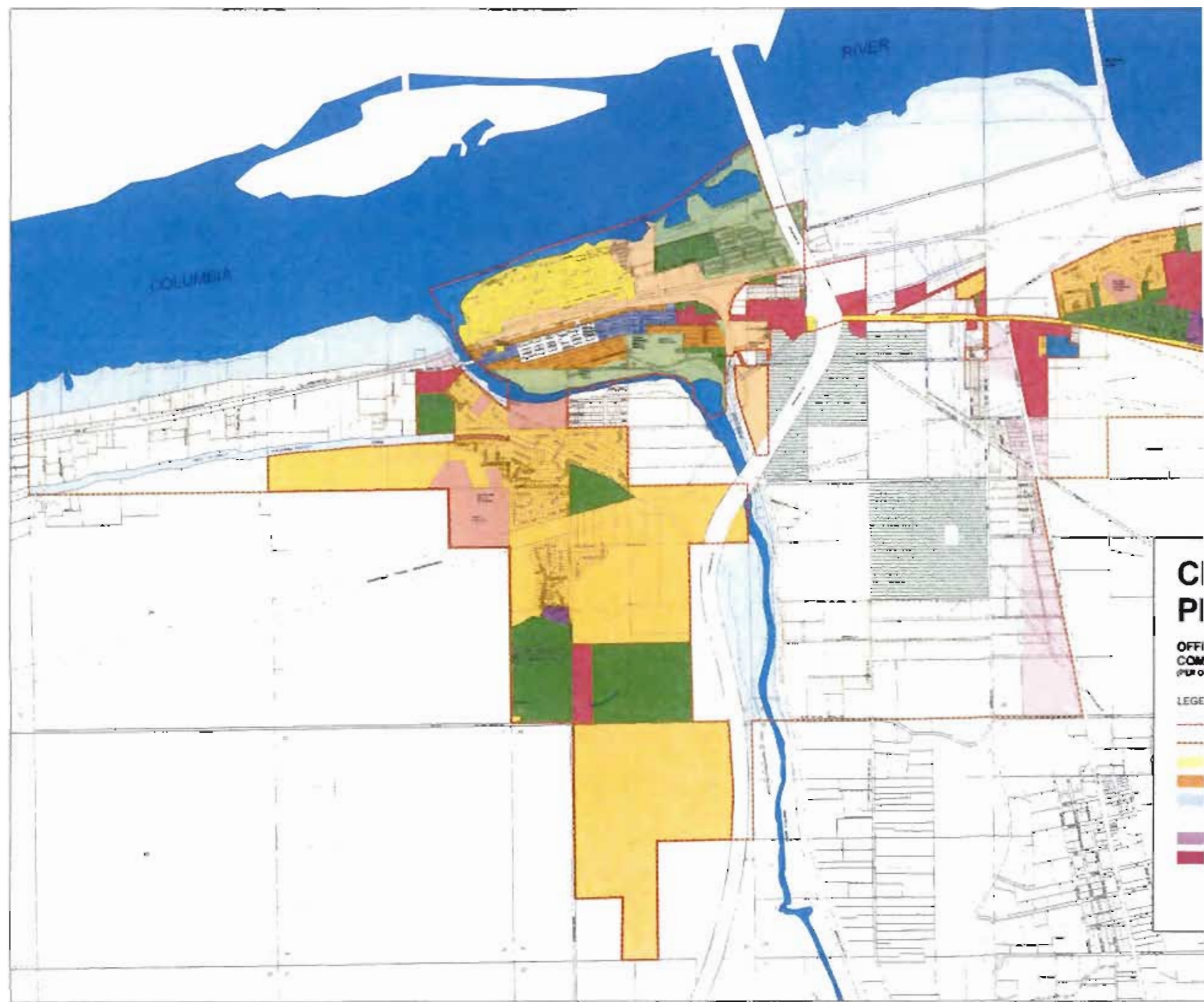
APPROVAL CRITERIA

For Tax Lot# 2200, 2300 and 2500

1. The proposed designation is consistent with and supports the purposes of the portions of the City's Comprehensive Plan not proposed for amendment, or circumstances have changed to justify a change in the Comprehensive Plan.
 - a. The proposed designation is consistent with and supports the policies within the City's Comprehensive Plan. Some examples of consistency and support follow. Under Section 2.6.106 it reads "The City intends for industrial growth to occur in the Port of Umatilla where transportation facilities and public facilities are available, rather than in other areas of the City where conflicts with existing and planned residential and commercial uses is more likely." Proposed use/development of site also follows policies noted under Section 7.4 Areas Subject to Natural Disasters and Hazards as these lots are outside of items listed under this section. Under Section 9.9 Economic Development Policies subsection 9.9.101 reads "The City, through cooperation and close working relationship with the public and private sectors, will encourage new and continuous employment opportunities." This policy along with many others will be supported by proposed uses of these lots. Section 11.5 Public Facilities and Services Policies have the capability to be and will be followed in the development of these lots. Under Section 14.10 Urbanization Policies subsection 14.10.103 one of the policies reads "Upon request, the City will annex lands within the urban growth boundary when it is demonstrated that such annexations are consistent with the Comprehensive Plan policies and within the capabilities of the City's services and facilities." The proposed designation should fit right into this statement.
2. The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.
 - a. Correct, currently the City of Umatilla Plan Map shows the lots to be annexed in the UGB Plan Designation with M, Industrial Plan as its Zone. When annexed into city it will be zoned as M2, Heavy Industry similar to adjacent property tax lot 2400.
3. The proposed designation will not negatively impact existing or planned public facilities and services.
 - a. Water and Sewer Utilities currently are located near property lines and expenses to connect these utilities to site will be at the owner's expense. Additionally the City approved a conditional use application for Umatilla Electric Co-op this past spring to install a new transmission line to the site from its McNary substation and they are in the process of completing this work. A substation was developed on Tax Lot #2300 for the intended use and supply of power to future developments. There will be no negative impact to existing or planned public facilities.

Exhibit A

4. The site is suitable for the proposed use, considering the topography adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.
 - a. Correct, the site is suitable for the proposed use. Tax Lot #2400 (previously annexed) which is between lots to be annexed (Tax Lots #2200, 2300 and 2500) has similar topography, the same adjacent streets, similar or connecting access, greater than or equal to lot sizes of the sites, and same availability of public facilities that have proven to be suitable for the proposed use, therefore proposed use of lots to be annexed will also prove to be suitable.
5. Other sites in the City or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the City as a whole.
 - a. Based off of the large amount of electricity needed to support future facilities, the location of properties being annexed are ideal. The substation on tax lot #2300 has the expansion plan and ability to supply power needed for future buildings on lots to be annexed and is planned to be routed within the proposed lots boundary lines. The intended developments needs to be located near the current development on lot #2400 and substation on lot #2300 being that power and systems from these lots will be integrated together. The substation is planned to have a total of 5 sections or zones, with the intent of each section or zone to feed a build.



ORDINANCE NO. 784

AN ORDINANCE PROCLAIMING THE ANNEXATION OF 30.13 ACRES LOCATED NORTH OF U.S. HIGHWAY 730 AND WEST OF BEACH ACCESS ROAD IN UMATILLA; ACCEPTING WRITTEN APPLICATION FOR ANNEXATION FROM ALL OF THE OWNERS OF THE AREA AND NOT LESS THAN 50 PERCENT OF THE ELECTORS RESIDING THEREIN; MAKING FINDINGS; SETTING THE FINAL BOUNDARIES OF THE PROPERTY TO BE ANNEXED; AND SETTING THE COMPREHENSIVE PLAN MAP DESIGNATION AND ZONING CLASSIFICATION

WHEREAS, certain real property located north of U.S. Highway 730 and west of Beach Access Road within the urban growth area of Umatilla, Oregon (Property) is owned by Vadata, Inc.; and

WHEREAS, the owner of the Property requested annexation of the Property into the Umatilla city limits and to change the comprehensive plan map and zoning; and

WHEREAS, the Umatilla City Planning Commission held public hearings on September 25, 2013 to consider ANX-1-2013 and PA-1-2013, the application requests by the property owner to annex the property and to change the comprehensive plan map and zoning designation to Heavy Industrial (M-2), and recommended approval of these requests to the City Council; and

WHEREAS, the Umatilla City Council held public hearings on November 5, 2013 to consider the Planning Commission's recommendations and adopted the Planning Commission's findings and conclusions as its own for ANX-1-2013 and PA-1-2013 in approving the application requests.

NOW THEREFORE, THE CITY OF UMATILLA DOES ORDAIN AS FOLLOWS:

Section 1. **Findings.** The Umatilla City Council does hereby find that:

- a. The Property legally described in Section 3 below is within the Urban Growth Area of the City's Comprehensive Plan.
- b. The owner of the Property made written application with the City for annexation of the Property and all of the electors residing in the area have consented in writing to this annexation.
- c. The City's Comprehensive Plan Map designation for the Property is M (Industrial) and the Umatilla County's zoning classification for the Property is M-2 (Heavy Industrial).
- d. It is not necessary to call or hold an election in the City or in the area requested to be annexed or to hold the hearing otherwise required under ORS 222.120.
- e. There is no other city, district, or other municipal corporation involved in the annexation.

Section 2. **Consent.** All of the owners and not less than 50 percent of the electors have consented in writing to this annexation, which are on file with the City Recorder, and are hereby accepted.

Section 3. **Setting the final boundaries.** The final boundaries of the Property hereby annexed are shown on the map attached as Exhibit A and are legally described as follows:

Lots 6, 7 and 9 of Port of Umatilla Subdivision located in Section 14 of Township 5 North, Range 28 East of the Willamette Meridian, Umatilla County, Oregon totaling 30.13 acres.

Section 4. **Proclamation of annexation.** The City Council does hereby publicly declare and officially announce that the property described in Section 3 above is hereby annexed into the city limits of the City of Umatilla, Oregon as authorized under ORS chapter 125.

Section 5. **Comprehensive Plan and Zoning Map Amendment.** The Comprehensive Plan and Zoning Map designation of the annexed property shall be M-2 Heavy Industrial. The Urban Growth Area is amended to exclude this Property.

Section 6. **Effective date.** The effective date of this ordinance shall be 30 days after its passage by the city council and approval by the mayor, or by the council president in the mayor's absence.

PASSED AND ADOPTED by the City Council this 5th day of November, 2013.

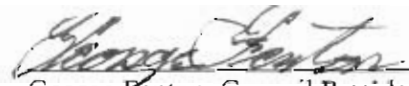
Council members voting yes: Mary Dedrick, Sharon Farnsworth, Bill Meade,
Lyle Smith

Council members voting no: None

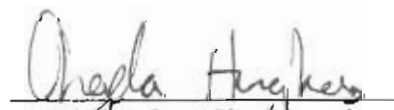
Absent Council members: Roxa Ten Eyck, Pat Lafferty

Abstaining Council members: None

And **SIGNED** by the Mayor/Council President this 5th day of November, 2013.


George Penton, Council President

ATTEST:


Angela Hughes, City Recorder

This map was prepared
for assessment purposes

1"=400'

SEC 14 T5N R28E WM
UMATILLA COUNTY

11/15/05

5N 28 14

AERIAL PHOTO NO. K2 10 54-50 & 103-103
Umatilla City and Urban Growth Area

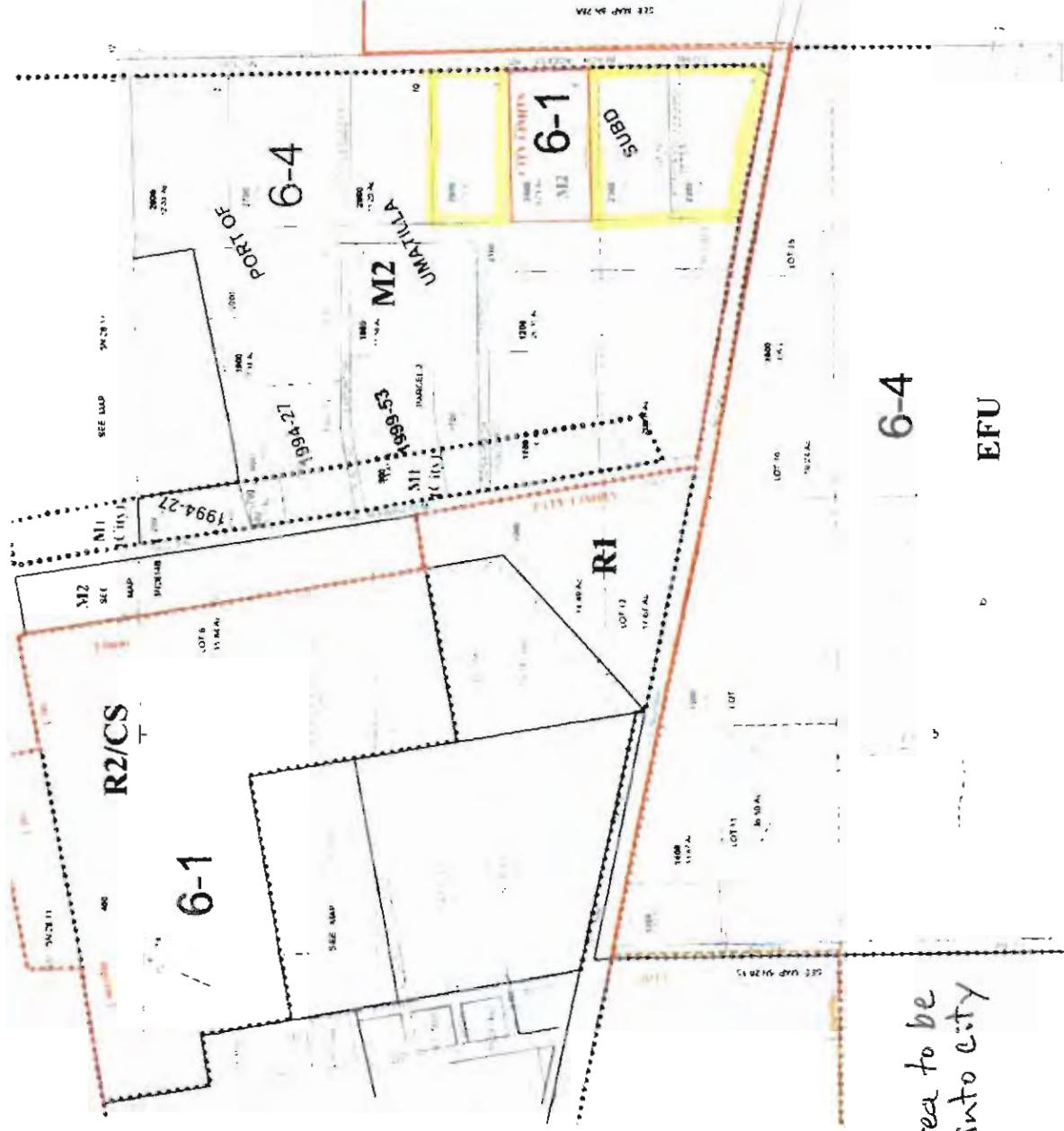


Exhibit A of Ordinance No. 784

matilla
; 130
, OR 97882

Dept. of Land Conservation & Development
Attn: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF
NOV 08 2013
LAND CONSERVATION
AND DEVELOPMENT



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