



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

10/28/2009

TO: Subscribers to Notice of Adopted Plan

or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Burns Plan Amendment

DLCD File Number 001-09

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: Thursday, November 12, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE

DATE SPECIFIED.

Ce: Dawn Crafts, City of Burns

Gloria Gardiner, DLCD Urban Planning Specialist Mark Radabaugh, DLCD Regional Representative Bill Holmstrom, DLCD Transportation Planner Thomas Hogue, DLCD Regional Representative Jon Jinings, DLCD Regional Representative

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2 DLCD Notice of Add

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

D	☐ In person ☐ electronic ☐ mailed
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E	OCT 21 2009
TAM	LAND CONSERVATION AND DEVELOPMENT
P	For DLCD Use Only

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Jurisdiction: City of Burns	Local file numb	per: 2009-1A	
Date of Adoption: 10/14/2009	Date Mailed: 10/20/2009		
Was a Notice of Proposed Amendment (Form 1) n	nailed to DLCD? Y	es Date: 6/19/2009	
		nsive Plan Map Amendment	
Land Use Regulation Amendment			
New Land Use Regulation			
Summarize the adopted amendment. Do not use	technical terms. D	o not write "See Attached".	
employment land by conducting a review of trends, suit economic development potential along with policies per industrial land located outside the floodplain, committing and redesignating a 40 acre parcel to I/ED, a new zone.	rtaining to maintaining ng to Industrial land c	g adequate supply of serviceable	
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Please list all affected State or Federal Agencies, Local Governments or Special Districts: City of Burns, Oregon, Harny County, Department of Land Conservation and Development, Oregon Economic and Development Department, Oregon Department of Transportation					
ocal Contact: Dawn Crafts Address: 242 S. Broadway City: Burns	Zip: 97720-	Phone: (541) 573-5255 Extension: Fax Number: 541-573-5622 E-mail Address: dcrafts@ci.burns.or.us			

AN ORDINANCE ADDING NEW SECTION 3.19 INDUSTRIAL/ENERGY DEVELOPMENT (I/E D) ZONE OF THE CITY OF BURNS ZONING ORDINANCE and DECLARING AN EMERGENCY
WHEREAS, the Burns City Council has considered and adopted an economic development component to its Comprehensive Plan and identified land to meet a short fall of serviceable industrial land, and has determined to re-designate and re-zone 40 acres of property to Industrial; and it is in the public interest to adopt a new Industrial/Energy Development Zone.
THEREFORE the City of Burns Ordains as follows:

CITY OF BURNS ORDINANCE NO. _

Section 1. ADOPTION. Section 3.19 titled "Industrial/Energy Development (I/E D)" is adopted as follows:

SEE ATTACHED ZONE.

Section 2. EMERGENCY. This ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this ordinance takes effect on its passage

Read, considered, and passed by a vote of for and against, this /// day of 2009.

CITY OF BURNS

Len Vohs, Mayor

ATTEST:

Dauna Wensenk, City Recorder

Burns Ordinance No. _____Addition of the I/ED Zone
Page 1 of 1

3.19 INDUSTRIAL / ENERGY DEVELOPMENT (I/ED) ZONE

1. Purpose

To provide sites for industrial activity, including low and non-polluting alternative energy facilities, in areas close to other types of land-uses, and to provide standards to help assure compatibility with such uses; and to permit only those industrial uses which should not cause undue negative impacts on surrounding uses.

2. Uses Permitted Outright

In an I/ED zone the following uses and their accessory uses are permitted outright, subject to a building permit and site plan review:

- A. Night watchman hovel.
- B. Cabinet, carpenter or wood working shop.
- C. Freight depot.
- D. Laboratory for research or testing, including projects related to green energy production, but not including the testing of combustion engines.
- E. Manufacture, repair or storage of articles from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious stone or metal, shell, textiles, wax, wire or yarn; and articles derived from or related to the production of green energy.
- F. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, medical or dental supplies or equipment, small electronic supplies or equipment, business machines, watches or timing devices, luggage, photographic equipment, or small pleasure boats.
- G. Motor vehicle body shop, tire shop, or similar repair service; including the repair and painting of auto body in an approved paint booth.
- H. Plumbing, heating, electrical, or paint wholesale sales, repairs or storage.
- I. Packaging or storage of food and beverages.
- J. Utility lines, station or substation, or communication facilities
- K. Welding, sheet metal or machine shop.
- L. Wholesale distribution or outlet.
- M. Machinery or equipment sales, services or storage.

3. <u>Uses Permitted Conditionally</u>

In an I/ED zone, the following uses and their accessory uses are permitted conditionally:

- A. Temporary dwelling unit related to a permitted industrial or energy development use.
- B. Energy development and generation activities related to low and non-polluting alternative energy sources, such as solar, wind and biofuels production, as well services and support for smart grid development for distribution of electrical generation. This includes related storage and manufacturing activities that support low and non-polluting alternative energy sources and their development.

4. Limitations on Uses

In an I/ED zone, the following conditions and limitations shall apply:

- A. A use is prohibited which creates a nuisance because of noise, smoke, odor, dust or gas, or which has been declared a nuisance by statute, by action of the municipal court, or by a court of competent jurisdiction.
- B. Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents, or otherwise create a health hazard.
- C. There shall be no outside storage of materials, products, or waste unless contained in appropriate security fencing.
- D. Points of access from a public street to properties in an I/ED zone shall be so located as to minimize traffic congestion and avoid directing traffic onto residential streets.
- E. Building entrances or other openings adjacent to or across the street from a residential (RS, RS/MH, RM) zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land-uses in the residential zone.
- F. Any chemical or biological agents will not affect existing ground, water or air resources. Any materials injected to ground, water, city water or sewer collection system that may have an adverse affect to the environment, air ground, or water supplies including but not limited to the aquifers is prohibited.

5. Dimensional Standards

In an I/ED zone, the following dimensional standards shall apply:

- A. Setback requirements:
 - (1) A front yard shall be a minimum of 20 feet measured from the foundation.
 - (2) A side yard shall be a minimum of 10 feet measured from the foundation.
 - (3) The rear yard shall be a minimum of 25 feet measured from the foundation.
- B. All side or rear lot lines abutting residentially (RS, RS/MH, RM) zoned property shall have a solid fence or hedge at least 6 feet tall.
- C. All required yards adjacent to a street shall be landscaped with no parking within the required yard area.

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- D. The minimum lot area shall be 10,000 square feet.
- E. No building shall exceed a height of 45 feet.
- F. Vision clearance areas shall be required in accordance with Section 2.0.

6. Parking

Uses within an I/ED zone shall be subject to the off-street parking and loading requirements of Section 4.4.

7. Site Plan Review

A. In an I/ED zone a site plan review by the Commission shall be required prior to issuance to any building permit for improvement or construction of permitted uses in said zones. It is not the intention of this regulation to deny a building permit, but rather to assure traffic safety, aesthetic quality, and compatibility of uses.

- B. Additional conditions that apply when reviewing development in an I/ED Zone in regards to Transportation Issues:
 - (1) (a) The proposed use shall not impose an undue burden on the transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.

(b) Trip Cap Requirement - A trip cap shall be applied to the city's 100 acre industrial site located east of Monroe Street which corresponds to the level of traffic generated by acknowledged zoning prior to amendments which have enabled the 100-acre site to be used for industrial uses. The trip cap shall be applied to either total daily or peak hour trips, which ever would trigger the trip cap threshold first. The trip cap requirements shall be included in the I-ED zone district for the area east of Monroe Street and enforced and monitored through permit conditions set forth with site plan approval(s). Each applicant subject to this zone district shall coordinate with the city and the Oregon Department of Transportation to determine if and to what extent a trip cap applies to their proposal. In the event all trips authorized under this trip cap requirement are allocated, these trip cap requirements are to be superseded by requirements called out pursuant to OAR 660-012-0060 of the Transportation Planning Rule.

In order to comply with the Transportation Planning Rule at OAR 660-012-0060, a trip cap on future industrial development of the 100-acre site is calculated by the number of trips that would be likely generated by the site's previously acknowledge residential zoning as follows:

(100 acres) (4 dwelling units/acre) = 400 dwelling units at buildout (400 dwelling units) (9.8 trip/day/dwelling) = 3,920 trips/day trip cap

And

(3,920 trips/day) (10% peak hour) = **396 trips/hour trip cap**. The acknowledged residential equivalent trip cap is set as not-to-exceed 3,920 trips per day or 396 trips per hour.

(c) Allocation of Trip Cap:

The applicable traffic impact study or traffic evaluation for each permit application shall determine both the daily ADT and trips per peak hour and apply them against the remaining trip cap in the manner and method allocated for this district. If the traffic impact study shows that the remaining trip cap has become fully utilized, the application shall be

subject to review pursuant to OAR 660-012-0060 found in the state's Transportation Planning Rule.

(d) Monitoring of Cumulative Use of Trip Cap: The city will prepare annually a report on cumulative use of the trip cap for this district. The report shall contain the following:

- A summary of each issued permit, including the project size by acreage, building footprint, estimated number of employees, and projected trips per day and per peak hour.
- 2. A summary of cumulative trip cap use and remaining capacity of the trip cap for the subject area.
- A summary of any recommendation concerning performance and/or modification of the trip cap methodology that the city or Oregon Department of Transportation has reported during the past year.
- 4. The report shall be compiled before March 31st of each year, and copies provided to the city's planning authority and Oregon Department of Transportation regional office.
- (2) The impact or effect of the development shall be determined by a traffic impact study if required by Subsection B(1)(a), above. The scope and method of impact study shall be determined by the city Director of Public Works, after coordination with other affected transportation service providers, including the Oregon Department of Transportation. If Subsection B(1)(a) does not apply to the permit application, then the applicant shall provide enough information in order for the city Director of Public Works to evaluate and determine a trip cap allocation.
- (3) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- (4) Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or roads that serve the proposed use where the existing transportation system may be burdened by the proposed use.
- C. Pedestrian and Bicycle Circulation. The development shall include the number and type of bicycle parking facilities required in the Off-Road Parking and Loading section of this Title. The location and design of bicycle parking facilities shall be indicated on the site plan. All site plans (industrial and commercial) shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems.

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AN ORDINANCE AMENDING THE CITY OF BURNS COMPREHENSIVE PLAN MAP TO REDESIGNATE 40 ACRES OF PROPERTY FROM RESIDENTIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP FROM SINGLE FAMILY RESIDENTIAL TO INDUSTRIAL/ENGERGY DEVELOPMENT and DECLARING AN EMERGENCY

WHEREAS, the Burns City Council has held a public hearing to redesignate and rezone 40 acres of land to Industrial/Energy Development and determined that such zone change is in the public interest.

THEREFORE the City of Burns Ordains as follows:

Section 1. AMENDMENT. The Burns Zoning and Comprehensive Plan Map is hereby amended, including the designation of the property shown on *Exhibit A* and described on *Exhibit B*.

Section 2. FINDINGS. The Burns City Council held a public hearing to consider the findings and record and found that the proposal was consistent with the criteria in the City's Comprehensive Plan and Development Code. The Burns City Council adopts the findings and conclusions attached hereto as *Exhibit C*, dated October 14, 2009 in support of this ordinance.

Section 3. EMERGENCY. This ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this ordinance takes effect on its passage

Read, considered, and passed by a vote of 6 for and 0 against, this 14 day of clother, 2009.

CITY OF BURNS

By: Len Vohs, Mayor

ATTEST:

Dauna Wensenk, City Recorder

Burns Ordinance No.

PA and ZC from Residential to Industrial

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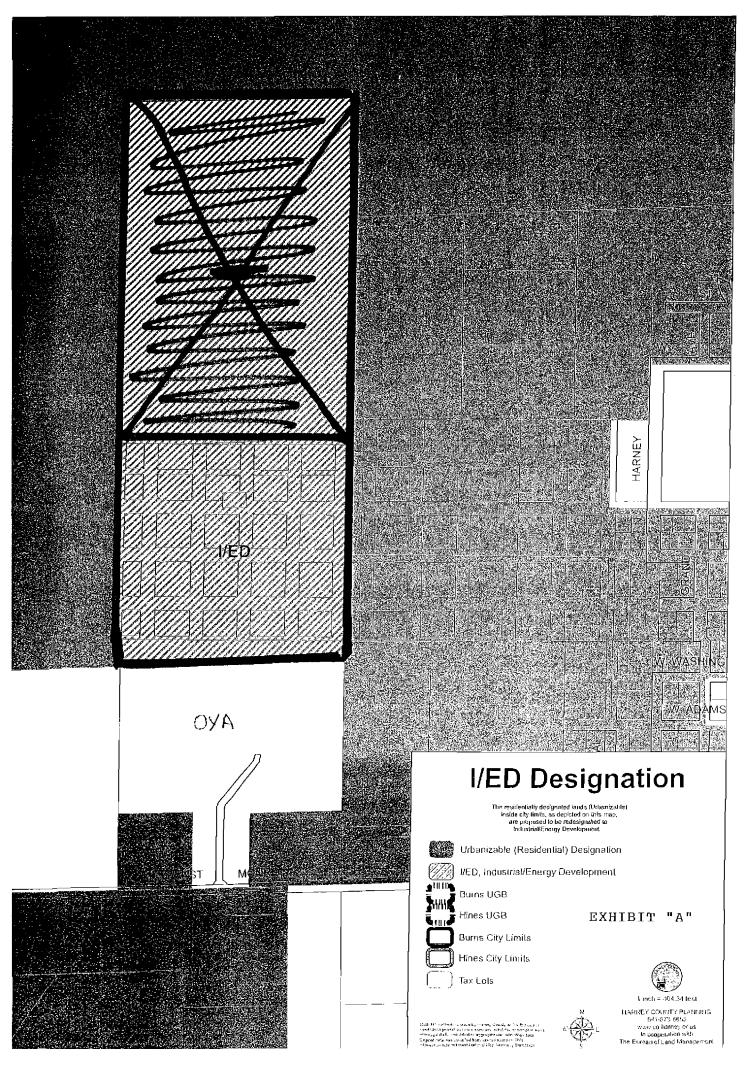


Exhibit "B"

T 23 S., R 30 E.,W.M. SEC 12 TL 800

LAND IN THE CITY OF BURNS, HARNEY COUNTY, OREGON, AS FOLLOWS:

IN TOWNSHIP 23 S., RANGE 30 E., W.M.

SECTION 12: THAT PORTION OF THE NE1/4SW1/4 LYING SOUTHERLY OF

THE NORTHWEST TOWNSITE COMPANY ADDITION TO THE CITY OF BURNS, OREGON.

Also

T 23 S., R 30 E.,W.M. SEC 12CA TL300

LAND IN THE CITY OF BURNS, HARNEY COUNTY, OREGON, AS FOLLOWS:

IN TOWNSHIP 23 S., RANGE 30 E., W.M.

SECTION 12: THAT PORTION OF THE NE1/4SW1/4 LYING NORTHERLY OF THE

REPLATTED NORTHWEST TOWNSITE COMPANY ADDITION AND THE PORTION OF

THE NW1/4SE1/4, LYING NORTHERLY OF THE REPLATTED NORTHWEST TOWNSITE

COMPANY ADDITION AND WESTERLY OF THE BROWN'S 2ND ADDITION TO THE

CITY OF BURNS, OREGON.

Also

T23 S. R 30 E., W.M. SEC 12CA TL100

T23 S.; R30 E.,W.M.; SECTION 12:

REPLATTED NORTHWEST TOWNSITE COMPANY FIRST ADDITION:

BLOCKS 1 THRU 20

SAVE AND EXCEPT: LOT 7, BLOCK 3

Exhibit C

City of Burns Industrial Lands Redesignation and Rezone

Coordinated with the City of Hines, Harney County, the Burns Paiute Tribe and Regional Economic Revitalization Team

October 14, 2009

Final Draft

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- 1. Introduction, Methodology and Scope
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- 3. Locating Needed Industrial Lands
- 4. Assessment of Residential Land Capacity in the Burns and Hines UGB's
- 5. Proposed Amendments to Burns Land Use and Zoning Maps
- 6. Proposed Amendment to the Burns Comprehensive Plan Text and Policies
- 7. Proposed Amendments to Text of Burns Zoning Ordinance

1. Introduction, Methodology and Scope

The Cities of Burn and Hines have each recently adopted economic development components to their Comprehensive Plans, which identify a shortfall of serviceable industrial land, which is located outside of the floodplain. The cities had previously participated in joint economic development planning efforts for lands within their continuous Urban Growth Boundaries (UGBs), and this resulted in 2008 Comprehensive Plan amendments that contain direction to find an appropriate amount of serviceable industrial land free of floodplain constraints within the joint UGB planning area. Both cities' policies also provide guidance to seek state certification of key industrial sites.

This background has provided an unique opportunity for both cities to work in partnership with Harney County, the Burns Tribe and the state agencies of the Eastern Oregon Economic Revitalization Team (ERT) to jointly cooperate in planning efforts which implement Burns' and Hines' economic development policies directed towards needed industrial lands.

The first step in this review is to update and augment the cities' existing Economic Opportunities Analysis (EOA) concerning needed industrial land, as directed by the current Comprehensive Plans. Once the amount and type of needed industrial land has been is identified, the cities, in

conjunction with the rest of the interagency economic development team, have identified locations within the Burns UGB that would best fulfill the demonstrated need, while confirming that there is a continuing adequate supply of housing land to meet the cities' 20-year land needs. Comprehensive Plan and zoning map amendments are proposed to match the demonstrated industrial land need, along with text and policies that are intended to assure meeting of the Statewide Planning Goals, statutes and regulations. Finally, amendments are proposed to the City of Burns zoning ordinance text, which provide a special zoning district for the newly zoned industrial lands.

2. Update to Burns-Hines Economic Opportunities Analysis

The following is proposed to be added to the Burns Comprehensive Plan as an augmentation to the city's Economic Opportunities Analysis (EOA) adopted in 2008. In addition, the City of Hines may also consider including the following EOA amendment as part of its Comprehensive Plan at a subsequent date.

Augmentation to City of Burns Economic Opportunity Analysis

GENERAL ECONOMIC CONDITIONS

Burns and Hines have served for decades as the hub of commerce and industry in Harney County. As the County's largest population centers, these Cities have historically been the site of the County's most intensive economic activities. As such, the economies of Burns, the County, and the City of Hines are closely connected and interdependent, for the most part as a single economic unit. Therefore, the scope of the following economic analysis addresses Harney County, the City of Hines, as well as commerce and industry specific to the City of Burns.

GOAL 9 EOA UPDATE

To create a valid update to the existing EOA requires revisiting the demand for suitable employment land by conducting a review of trends, suitable site requirements, inventory of suitable sites and economic development potential.

That information is included in this document, or exists in separate documents that are companions to this EOA update such as the GIS site suitability and inventory map.

KEY FINDINGS

- Total 20-year demand for suitable employment land remains the same. Land need requirements are therefore established out to 2029.
- Many of the vacant, available employment sites are unsuitable for the likely uses due to flood zone impacts.
- A mix of sites generally ranging from 10 to 50 acres will be needed.
- At least 100-acres of suitable employment land is needed in the short term.
- The short-term supply is anticipated to become available within the existing UGB by rezoning residential land.
- Specific sites and groups of sites will be evaluated for continued inclusion in the longterm supply or possible adjustment to the UGB as funding becomes available.

- Alternative energy is anticipated to be the main demand driver for employment land of all kinds. Energy related and other light manufacturing support industries are projected to be part of this demand.
- It is anticipated that a full EOA and related comprehensive plan updates will be required within the next 5 years, depending on the progress of the alternative energy sector and the availability of state funding assistance.

National, State, Regional, County and City Trends Review

The State of Oregon over the course of the past 5 years has become a leader in the areas of alternative or "green" energy development. Oregon is known for its hydroelectric capabilities but over the past several years have developed a very strong portfolio (and growing) of biomass wind, solar and geothermal sites.

Harney County has identified biomass, wind, solar and geothermal energy opportunities as a key growth sector and there are currently several energy projects which are now in process moving toward development. The feeling is that this trend is likely to continue for the foreseeable future since the County is very large with a relatively low population (7,600) and a progressive and open minded citizenry. This allows for energy projects that in more urban areas may not get the approvals they need. The location of the County with respect to its access to regional power lines for sale and distribution of power from the County to the power grid make it even more attractive to potential energy project investors and developers.

In light of these opportunities, it is critical that Harney County position itself (within it's two largest cities of Burns and Hines) to allocate a logical and necessary amount of industrial land for future use and application by these or other companies related to the energy industry. There are potentially many extended businesses that Potentially many extended businesses supply or produce product to support energy firms that could very easily locate in Harney County. Although no fixed numbers are available, employment estimates or projections of 300 to 500 new jobs would be well within the total employment figures being discussed over the next 3-5 years.

Harney County is home to several light manufacturing firms. There are existing available manufacturing locations, including a 69-acre property recently vacated by Louisiana Pacific Corporation, which is available for purchase.

It is estimated that the 20-year future demand for suitable employment remains at the same level as found in the previous EOA adopted by Burns and Hines.

Assessment of Community Economic Development Potential

Relevant economic advantages and disadvantages related to future renewable energy product development and light to medium manufacturing companies locating in Harney County include:

(a) Location, size and buying power of markets;

The two largest cities in Harney County (Burns and Hines) are located along State Highway 20 which connects Portland, Oregon on the West to Boise, Idaho and beyond on the East. The population base of both Burns and Hines combined is roughly 5,200 with an average income of just over \$28,000 does not currently generate significant buying power and financial capacity but does allow for a good foundation to build on. Harney County has a quality of life that is highly

sought after which will attract a significant number of potential employers looking to leave the high costs of large metro locations behind. Harney County is 2 - 3 hours from two airports making it a relatively close commute.

(b) Availability of transportation facilities for access and freight mobility;

Harney County has access to State highways and State roads that connect the County to the rest of the State in all directions. State Highway 20 runs directly through both Burns and Hines east and west from Portland, OR to Boise, ID and beyond. There is no rail service in the County. Harney County/Burns does have an airport and has acreage to expand as needed both in terms of additional runway requirements or industrial in terms of additional runway requirements and industrial park / business expansion sites.

(c) Public facilities and public services;

Harney County provides law enforcement (Sheriff's Dept.), as do the Cities of Burns and Hines (Fire and Police). Burns and Hines have city parks. The Harney District Hospital provides Advance Life Support Emergency Medical Services and Harney County has a Fairgrounds.

The County also sponsors a Dial-a-Ride program, which transports anyone who needs a ride within the County to and from their his or her requested location for a nominal charge.

(d) Labor market factors;

The Harney County labor market is driven in largest part by the agricultural sector but also includes a sizeable headcount within forestry, light manufacturing and County Government. The current hiring need for a manufacturing type of job could be filled without significant or potentially any outside recruitment effort due to the recent layoff (October 2007) of 94 employees of the Louisiana Pacific plant that shut down in Hines. The vast majority of those employees are is still available for work and have remained in the County. This assessment reaccepts the 2028 job growth estimates from the EOA adopted by both cities during 2008.

(e) Access to suppliers and utilities;

There are a couple of general product suppliers including building materials located within the Burns/Hines area. There are two local electric Co-ops one is located within the Burns/Hines area and the other handles customers outside the two city limits into the further reaches of the County. Sufficient power is available for new expansion.

(f) Necessary support services;

Harney County boasts a new hospital, ample doctors and dentists, a highly respected and award winning library, as well as the necessary primary, secondary and post-secondary educational opportunities.

(g) Limits on development due to federal and state environmental protection laws

With all of the currently identified industrial lands located in a flood plain or flood zone, the high cost of construction in areas prone to flooding or high-velocity wave action (rising water and/or water that is moving horizontally) will be affected by the following considerations:

- 1. The need for well-designed floodgates within the foundation that permit water to flow through easily in any direction.
- 2. Special requirements for water damage-resistant construction materials.
- 3. Emphasis on appropriate flood loads; grading and fill requirements.
- 4. Building design that avoids placing any electrical, mechanical, and plumbing system components on or through exterior walls that are designed to break away under flood loads

(h) Educational and technical training programs.

Harney County boasts two high schools (Burns and Crane) and has a Jr. High and nine elementary schools (with one each in Burns and Hines). Additionally, located at the high school in Burns, both Eastern Oregon University and Treasure Valley Community College have distance learning campuses which allow local residents the opportunity to take college or technical training courses as required or needed. This center represents a great pre-College opportunity for high school students who are not quite ready to make the move outside of the area to full-time college education or the funds to do so.

Site Requirements

It is imperative to the financial and economic viability of the area that Harney County be is allowed to identify and move on securing new industrial land areas within the Burns/Hines city limits. The Because they re located in the flood plain, existing industrial land sites will require a significant and in most cases unbearable burden of financial responsibility to bring them up to the comply with current requirements necessary to build or develop in the existing identified areas. because they are all located in the flood plain.

When the first Goal 9 project was completed several years ago, the economic development opportunities that are now simultaneously being pursued and brought to the County and City leaders for their support were not even on the radar screen. Southeastern Oregon (Harney County in particular) represents a significant growth area for wind, geothermal, biomass and solar power generation. For example, the wind that blows in Harney County (identified areas) blows at different times to that on the Columbia River Gorge (where most of the existing wind turbines are located) meaning that wind power for the first time in the State can be a consistent contributor to power grids as opposed to the peaks and valleys heretofore.

Additionally, with these new economic opportunities come support and other product expansion / extension opportunities that will need to be based in or around the larger populated areas (Burns and Hines) and require industrial land development for their respective operations. This would also lend itself and give Harney County, Burns and Hines a leg up in other product categories including the existing agriculture base support and innovation and light manufacturing innovation and development. The acreage we are requesting to move through the State certified process (for industrial development opportunities) and to meet this forecasted need is up to 100 acres in the short-term supply. The County understands that this represents part of the 20 year out view but some if not most of the businesses and industries we are talking about i.e. Biomass energy plants, renewable energy manufacturing facilities (wind tower construction, wind turbine remanufacturing) coming in will require larger land footprints i.e. in excess of 10-15 acres at a minimum for development. This would potentially also include the a (or multiple) dairy processing facilities, beef and/or beef production facility (branded product) as well as other ag

agricultural innovation. It is difficult to narrow this down but anticipating however, anticipation is for development of the significant Ag base found in Harney County.

The Oregon Economic and Community Development Department Officer for Harney County, Rick Minster is a strong and supportive advocate for this change to occur as quickly as reasonably possible. In particular, the change of the identified 100 acres of land to industrial designation so as to support economic development activities in Harney County, Burns and Hines in the future. All parties including Harney County, Burns and Hines are interested in the future of looking at an Urban Reserve for additional industrial facilities.

It is crucial that Harney County and Cities of Burns and Hines be given the opportunity to certify newly identified industrial land in the next 6-12 months.

3. Locating Needed Industrial Lands

A constrained mapping exercise was conducted to determine where to best locate 100 acres of needed industrial lands outside of the floodplain (Map 1) this analysis included review of existing development patterns, slope and serviceability, particularly for water, sewer and transportation. Suitable sites large enough to accommodate a 100-acre industrial area were limited to a large area of undeveloped residentially designated land located generally within the northern sector of the Burns UGB, which includes a significant portion of trust land owned by the Burns Paiute Tribe. A vacant 100-acre site located just east of Monroe Street and adjacent to the Oregon Youth Authority facility approximately 0.5 miles north of the junction of Monroe Street and Highway 20 was determined to be the most suitable site (Map 2 & DPW Memo).

Approximately 40 acres of the site are owned by Harney County while the remaining 60 acres are owned by the Burns Paiute Tribe and is trust property will be identified in the near future and incorporated into the industrial site. It was determined by the Burns Department of Public Works that adequate water and sewer service capacity are available to serve the entire site (DPW Memo,7/30/2008 incorporated by reference).

Transportation - In order to comply with the state's Transportation Planning Rule (TPR) at OAR 660-012-0060, the coordinating group determined a trip cap on future industrial development of the 100-acre site by calculating the number of trips that would be likely generated by the site's currently acknowledge residential zoning as follows:

(100 acres) (4 dus/ac) = 400 dus at build out

(400 dus) (9.8 trip/day/du) = 3,920 trips/day trip cap

And

(3,920 trips/day) (10% peak hour) = 396 trips/hour trip cap.

Thus, the acknowledged residential equivalent trip caps would be set as not-to-exceed 3,920 trips per day or 396 trips per hour.

In order to meet these TPR requirements, both not-to-exceed daily and hourly trip caps are proposed to be included as amendments to the Comprehensive Plan and Zoning Ordinance.

Long-range industrial lands needs and locational considerations — During the coordinating groups effort to identify the location of a 100-acre industrial tract, a number of related planning concepts and issues emerged which will likely be important to future planning efforts between the City of Burns and the Burns Tribe. These concepts and issues should be considered during subsequent planning efforts, such as those that are suggested by proposed policies found in Section 6, below. These proposed policies support continuation of certain joint efforts between the City and Tribe. These include including preparation of a comprehensive state planning grant application for the larger City/Tribe joint planning area, gaining of state certification of the proposed 100-acre industrial site, coordination in developing the area's infrastructure needs and coordination of the management of the Tribe's trust lands that are located within the Burns UGB.

If development of the 100-acre industrial site occurs in the manner anticipated by the augmented EOA, then additional demand for adjacent industrial lands are considered likely, and perhaps sooner than the augmented EOA projection. It will be important for subsequent planning efforts to consider reserving key industrial/energy development sites during the City of Burns/Burns Paiute Tribe joint planning exercises, since it appears there are a few other good options remaining for large-scale and constraint-free industrial sites within the Burns-Hines UGB area.

4. Assessment of Residential Land Capacity in the Burns and Hines UGBs

The Burns-Hines EOA amendment has identified the need for 100 acres of serviceable industrial land, which is located out of the floodplain. The cities first evaluated whether locations within the existing UGBs could be utilized for this industrial land need. Generally, it was discovered that the combined UGB have an ample supply of un-built residential land to serve the cities 2028 population. The following is a general assessment of residential land capacity within the joint Burns-Hines UGB planning area:

According to Harney County GIS data the Burns-Hines UGBs includes 2087 acres of land. according to Harney County GIS data. Buildable land designated for residential uses includes 1245 acres. This acreage does not include potential residential properties that could add-provide additional residential units through infill and redevelopment. Also, it was determined that little to or none of the 1245 acres can be considered constrained for residential development, after an evaluation for slopes greater than 25%.

The Burns-Hines UGB is projected to contain a population of 5537 in 2028. The PSU 2007 population estimate for the Burns-Hines UGB was 4945, which means an additional 592 persons are expected in the planning area by 2028.

If the 1245 acres of currently available buildable residential land were to develop at an average build out density of 4 dwelling units per acre while assuming 2.4 persons/household, the present UGB planning area could yield a population holding capacity of 11,952 persons. At 5 dwelling units per acre, the holding capacity would increase to 14,940 persons. These assumptions point to the fact that there is a very large surplus of designated and buildable residential land with the Burns-Hines planning area, which can easily absorb the cities combined 2028 population projection.

If the 100 acres of needed industrial land was were formed from this residential land surplus, it would reduce the above holding capacity by 900 persons, assuming 4 units per acre and 2.4 persons per unit. This conversion from residential to industrial land would still allow the cities to have an ample surplus of buildable residential land far beyond the 20-year planning timeframe.

The following table illustrates the calculations used in developing this residential land capacity estimate:

Buildable Residentially Designated Lands Hines UGB	inside the Burns &
Total Acreage:	2087.02
Buildable (Not improved or constrained):	1244.9
Persons Per Dwelling Unit (DU)	2.4
Units Per Acre:	4
Persons on Buildable 4 DU/Acre:	11952 persons
Units Per Acre:	5
Persons on Buildable 5 DU/Acre:	14940 persons
Industrial 4 units/acre	960 persons
	10992 persons
Projected Population for Urban Areas:	5537 persons
Conclusion: B&H UGB unconstrained residential lands after the industrial 100 acredesignation is nearly twice the 2028 forecast	es is converted to industrial

This assessment concludes that the conversion of 100 acres from residential to industrial designation within the existing Burns and Hines UGBs would not impact affect the two city's ability to continue to meet their Goal 10 housing needs obligations for the next 20-year period, and beyond.

5. Proposed Changes to Burns Land Use and Zoning Maps

The Comprehensive Plan land use designation of the 100-40 acre site east of Monroe Street is proposed to be amended from Residential to Industrial. The zoning for the same site is proposed to be amended from Single-Family Residential to Industrial / Energy Development (I-ED), which is a new zone district. Please see the attached land use map and zoning map showing these amendments (Map 3)

6. Proposed Changes to Burns Comprehensive Plan Text and Policies

The following policies are proposed to be included in the Economic Development section of the Burns Comprehensive Plan to manage and mitigate development of the proposed <u>400_40</u> acre industrial site east of Monroe Street.

1. Policy regarding maintaining adequate supply of serviceable industrial land located outside of the floodplain:

The Cities of Burns and Hines shall work cooperatively to maintain an adequate supply of serviceable industrial land that is not constrained by the floodplain. The eity's cities shall consider review of additional industrial land needs whenever the supply of serviceable and/or unconstrained industrial land becomes or is anticipated to become less than 50.

2. Policy committing to close coordination with the Burns <u>Paiute</u> Tribal Council in managing trust lands located within the Burns UGB:

The City of Burns will work closely with the Burns Paiute Tribal Council to coordinate management of trust lands located within the Burns UGB so as to maximize the efficiency of land uses and public facilities services in a manner that is mutually beneficial to both the City and Tribe.

3. Policy committing to industrial land state certification:

¹ A minor fraction of an acre (< 1 acre) of the proposed plan amendment is also currenlty designated as Multi-family Residential, however it is treated as Single-Family Residential for purposes of both the larger urban area housing needs and transportation and trip cap evaluation which has been conducted on the proposal.

The City of Burns, in coordination with the Burns Paiute Tribe and the Economic Revitalization Team, will seek certification of the 100-acre industrial site located east of Monroe Street in the vicinity of the Oregon Youth Authority facility.

4. Policy committing to trip cap and monitoring mechanism:

A trip cap shall be applied to the city's 100-acre industrial site located east of Monroe Street, which corresponds to the level of traffic generated by acknowledged zoning prior to amendments, which have enabled the 100-acre site to be used for industrial uses. The trip cap shall be apply to either total daily or peak hour trips, which ever would trigger the trip cap threshold first. The trip cap requirements shall be included in the city's Industrial / Energy Development (I-ED) zone district and enforced and monitored through permit conditions set for with site plan approval(s). The Oregon Department of Transportation will be asked to participate informed whenever applications for development occur within the I-ED zone district.

5. Policy directing application for planning grant:

The City of Burns, in conjunction with the Burns Paiute Tribe, will pursue application for a planning grant(s) to manage development of industrial land located east of Monroe Street in the vicinity of near the Oregon Youth Authority facility. The grant will analyze the transportation impacts of land use alternatives in the vicinity, determine internal circulation for industrial level streets and local connections to the surrounding neighborhoods, and include implementing code amendments. The planning grant(s) shall also review and recommend any needed updates to the city's trip cap program for this industrial area, including feasible alternatives to the trip cap that continue compliance with the state Transportation Planning Rule.

Application for planning grant(s) should also assist the city in updating its Transportation System Plan on a citywide basis, and include capital improvement plans and financing strategies, which will assist the city in gaining and retaining economic development opportunities over the medium and long-term.

7. Proposed Changes to Burns Industrial Zone Districts

The following is a newly proposed zone district, which would be applied to the new 100-acre industrial site located east of Monroe Street. The new (I/ED) district is similar to the City of Burn's existing Light Industrial (LI) zone district, but has also allowed provisions for so-called "green energy" development. The new district also provides for a trip cap on the entire 100 acre industrial site, based on the acknowledged traffic capacity of the current residential designation and zoning for this area (Map 3).

3.NN INDUSTRIAL / ENERGY DEVELOPMENT (I/ED) ZONE 3.19

1. Purpose

To provide sites for industrial activity, including low and non-polluting alternative energy facilities, in areas close to other types of land-uses, and to

provide standards to help assure compatibility with such uses; and to permit only those industrial uses which should not cause undue negative impacts on surrounding uses.

2. Uses Permitted Outright

In an I/ED zone the following uses and their accessory uses are permitted outright, subject to a building permit and site plan review:

- A. Night watchman dwelling hovel.
- B. Cabinet, carpenter or wood working shop.
- C. Freight depot.
- D. Laboratory for research or testing, <u>including projects related to green</u> energy production, but not including the testing of combustion engines.
- E. Manufacture, repair or storage of articles from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious stone or metal, shell, textiles, wax, wire or yarn; and articles derived from or related to the production of green energy
- F. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, medical or dental supplies or equipment, small electronic supplies or equipment, business machines, watches or timing devices, luggage, photographic equipment, or small pleasure boats.
- G. Motor vehicle body shop, tire shop, or similar repair service; including the repair and painting of auto body in an approved paint booth.
- H. Plumbing, heating, electrical, or paint wholesale sales, repairs or storage.

- I. Packaging or storage of food and beverages.
- L. Railroad tracks and related facilities.
- M. Utility lines, station or substation, or communication facilities.
- N. Welding, sheet metal or machine shop.
- O Wholesale distribution or outlet.
- P. Machinery or equipment sales, services or storage.

3. Uses Permitted Conditionally

In an I/ED zone, the following uses and their accessory uses are permitted conditionally:

- A. Temporary dwelling unit related to a permitted industrial or energy development use.
- B. Energy development and generation activities related to low and non-polluting alternative energy sources, such as solar, wind and biofuels production, as well services and support for smart grid development for distribution of electrical generation. This includes related storage and manufacturing activities that support low and non-polluting alternative energy sources and their development.

4. Limitations on Uses

In an I/ED zone, the following conditions and limitations shall apply:

- A. A use is prohibited which creates a nuisance because of noise, smoke, odor, dust or gas, or which has been declared a nuisance by statute, by action of the municipal court, or by a court of competent jurisdiction.
- B. Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents, or otherwise create a health hazard.

- C. There shall be no outside storage of materials, products, or waste unless contained in appropriate security fencing. is provided.
- D. Points of access from a public street to properties in an H. I/ED zone shall be so located as to minimize traffic congestion and avoid directing traffic onto residential streets.

- E. Building entrances or other openings adjacent to or across the street from a residential (RS, RS/MH, RM) zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land-uses in the residential zone.
- F. Any chemical or biological agents will not affect existing ground, water or air resources. Any materials injected to ground, water, city water or sewer collection system that may have an adverse affect to the environment, air, ground or water supplies including but not limited to the aquifers is prohibited.

5. Dimensional Standards

In an I/ED zone, the following dimensional standards shall apply:

A. Setback requirements:

- (1) A front yard shall be a minimum of 20 feet measured from the foundation.
- (2) A side yard shall be a minimum of 10 feet measured from the foundation.
- (3) The rear yard shall be a minimum of 25 feet measured from the foundation.
- B. All side or rear lot lines abutting residentially (RS, RS/MH, RM) zoned property shall have a solid fence or hedge at least 6 feet tall.
- C. All required yards adjacent to a street shall be landscaped with no parking within the required yard area.

- D. The minimum lot area shall be 10,000 square feet.
- E. No building shall exceed a height of 45 feet.
- F. Vision clearance areas shall be required in accordance with Section 2.0.

6. Parking

Uses within an I/ED zone shall be subject to the off-street parking and loading requirements of Section 4.4.

7. Site Plan Review

- A. In an I/ED zone a site plan review by the Commission shall be required prior to issuance to any building permit for improvement or construction of permitted uses in said zones. It is not the intention of this regulation to deny a building permit, but rather to assure traffic safety, aesthetic quality, and compatibility of uses.
- B. Additional conditions that apply when reviewing development in a I/ED Zone in regards to Transportation issues:
 - (1) (a) The proposed use shall not impose an undue burden on the transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road

system. The developer shall be required to mitigate impacts attributable to the project.

(b) Trip Cap Requirement - A trip cap shall be applied to the city's 100 acre industrial site located east of Monroe Street which corresponds to the level of traffic generated by acknowledged zoning prior to amendments which have enabled the 100-acre site to be used for industrial uses. The trip cap shall be applied to either total daily or peak hour trips, which ever would trigger the trip cap threshold first. The trip cap requirements shall be included in the I-ED zone district for the area east of Monroe Street and enforced and monitored through permit conditions set forth with site plan approval(s). Each applicant subject to this zone district shall coordinate with the city and the Oregon Department of Transportation to determine if and to what extent a trip cap applies to their proposal. In the event all trips authorized under this trip cap requirement are allocated, these trip cap requirements are to be superseded by requirements called out pursuant to OAR 660-012-0060 of the Transportation Planning Rule.

In order to comply with the Transportation Planning Rule at OAR 660-012-0060, a trip cap on future industrial development of the 100-acre site is calculated by the number of trips that would be likely generated by the site's previously acknowledged residential zoning as follows:

(100 acres) (4 dwelling units/acre) = 400 dwelling units at buildout

(400 dwelling units) (9.8 trip/day/dwelling) = **3,920** trips/day trip cap

And

(3,920 trips/day) (10% peak hour) = 396 trips/hour trip cap.

The acknowledged residential equivalent trip cap is set as not-to-exceed 3,920 trips per day or 396 trips per hour.

(c) Allocation of Trip Cap:

The applicable traffic impact study or traffic evaluation for each permit application shall determine both the daily ADT and trips per peak hour and apply them against the remaining trip cap in the manner and method allocated for this district. If the traffic impact study shows that the remaining trip cap has become fully utilized, the application shall be subject to review pursuant to OAR 660-012-0060 found in the state's Transportation Planning Rule.

(d) Monitoring of Cumulative Use of Trip Cap:

The city will prepare annually a report on cumulative use of the trip cap for this district. The report shall contain the following:

- A summary of each issued permit, including the project size by acreage, building footprint, estimated number of employees, and projected trips per day and per peak hour.
- 2. A summary of cumulative trip cap use and remaining capacity of the trip cap for the subject area.
- 3. A summary of any recommendation concerning performance and/or modification of the trip cap methodology that the city or Oregon Department of Transportation has reported during the past year.
- 4. The report shall be compiled before March 31st of each year, and copies provided to the city's planning authority and Oregon Department of Transportation regional office.
- (2) The impact or effect of the development shall be determined by a traffic impact study if required by Subsection B(1)(a), above. The scope and method of impact study shall be determined by the city Director of Public Works, after coordination with other affected transportation service providers, including the Oregon Department of Transportation. If Subsection B(1)(a) does not apply to the permit application, then the applicant shall provide enough information in order for the city Director of Public Works to evaluate and determine a trip cap allocation.

- (3) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- (4) Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or roads that serve the proposed use where the existing transportation system may be burdened by the proposed use.
- C. Pedestrian and Bicycle Circulation. The development shall include the number and type of bicycle parking facilities required in the Off-Road Parking and Loading section of this Title. The location and design of bicycle parking facilities shall be indicated on the site plan. All site plans (industrial and commercial) shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems.

8. Study Mapping/ Other

The following maps were generated by the Harney County Planning Department and Harney County GIS Department and are attached as Exhibits for reference in this document. Other mapping was produced in a rough format during the community work group sessions in 2008/2009. This mapping is available in the associated record.

Map 1: "Constrained Undeveloped/Developed Industrial" – Depicting Flood Plain Constraints on Industrial lands, both developed and undeveloped.

Map 2: "Slope" - Depicting Slope.

Map 3: "City of Burns Zoning" - Depicting Proposed I/ED Zoning Designation

Memo: "Water and Wastewater Maximum Capacities" – Memo from Dave Cullens, Public Works Director, the City of Burns Public Works Department.



City of Burns
242 S. Broadway Burns, OR 97720 (541) 573-5255 • FAX (541) 573-5622

"The Home of the Big Country"

WATER AND WASTEWATER MAXIMUM CAPACITIES

WATER

The City of Burns well system has the ability to pump 4000 gallons per minute, in a 24 hour period that equals 5,760,000 mg/day. On a peak usage day the City uses 3,000,000 mgd with a fire reserve of 1, 000,000 gallons. Leaving 1,760,000 gallons per day for future growth.

SEWER

The City of Burns sewer system has a maximum pumping rate of 2000 gpm. This calculates to 2,880,000 gallons per day. This amount is pumped directly to the lagoons located next to the Harney Co. Fair grounds. Presently we are pumping, 1 mg/day wet weather flow and .600 mgd. dry weather flow.

Effluent storage:

Burns has a maximum storage capacity of 115 million gallons. This amount includes 33mg, that is shared with Hines in a joint storage pond. Currently we have the ability to store approximately an extra lmillion gallons. Storage time is November 1 thru April 1.

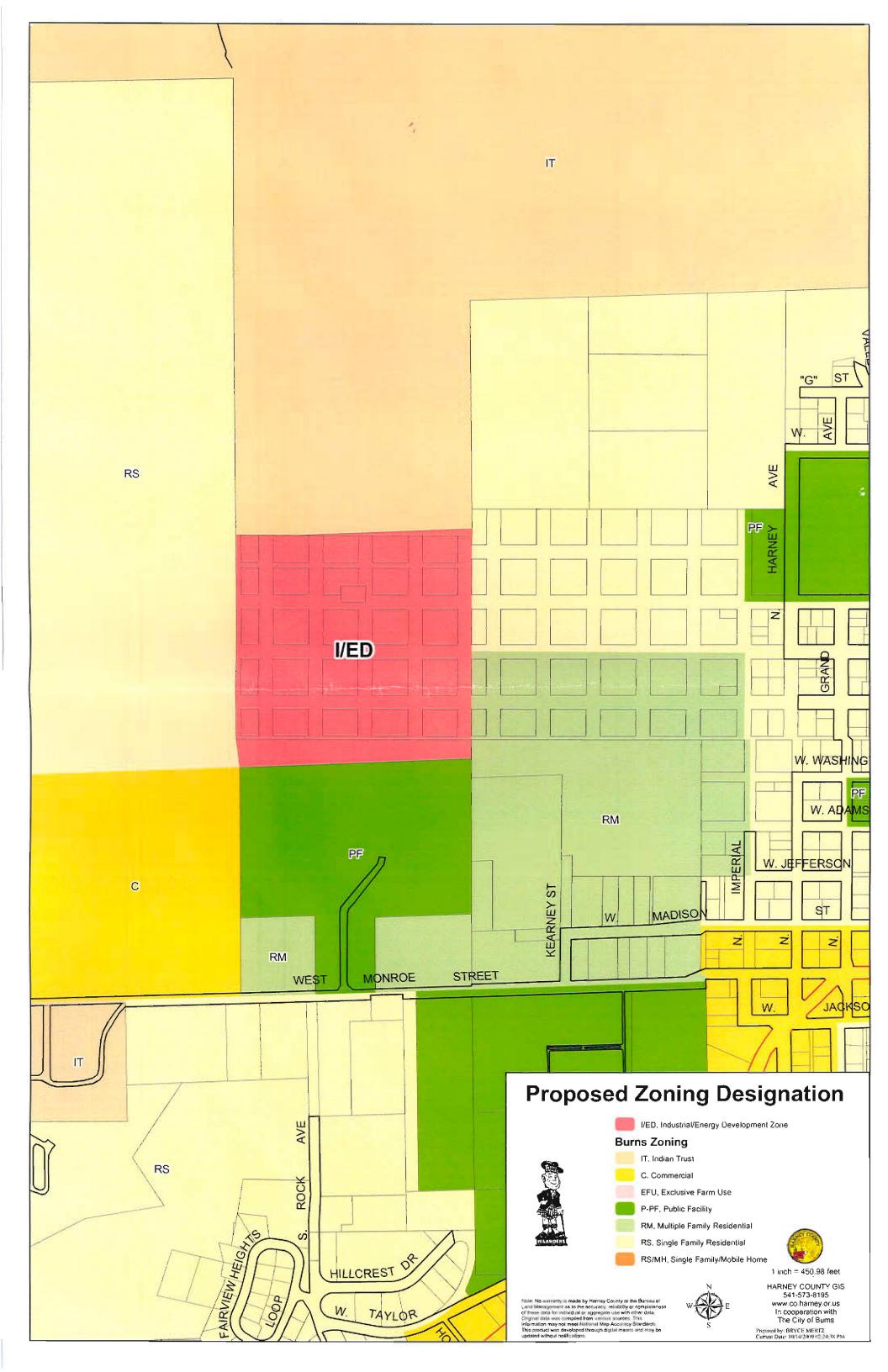
Effluent discharge irrigation:

There are three pivots, total discharge equals, 1.803 mgd. By permit we can discharge between, April 1 and October 31. With a 2 week shut down for haying. Leaving approximately 196 days of irrigation, which equals = 353,388,000 gallons.

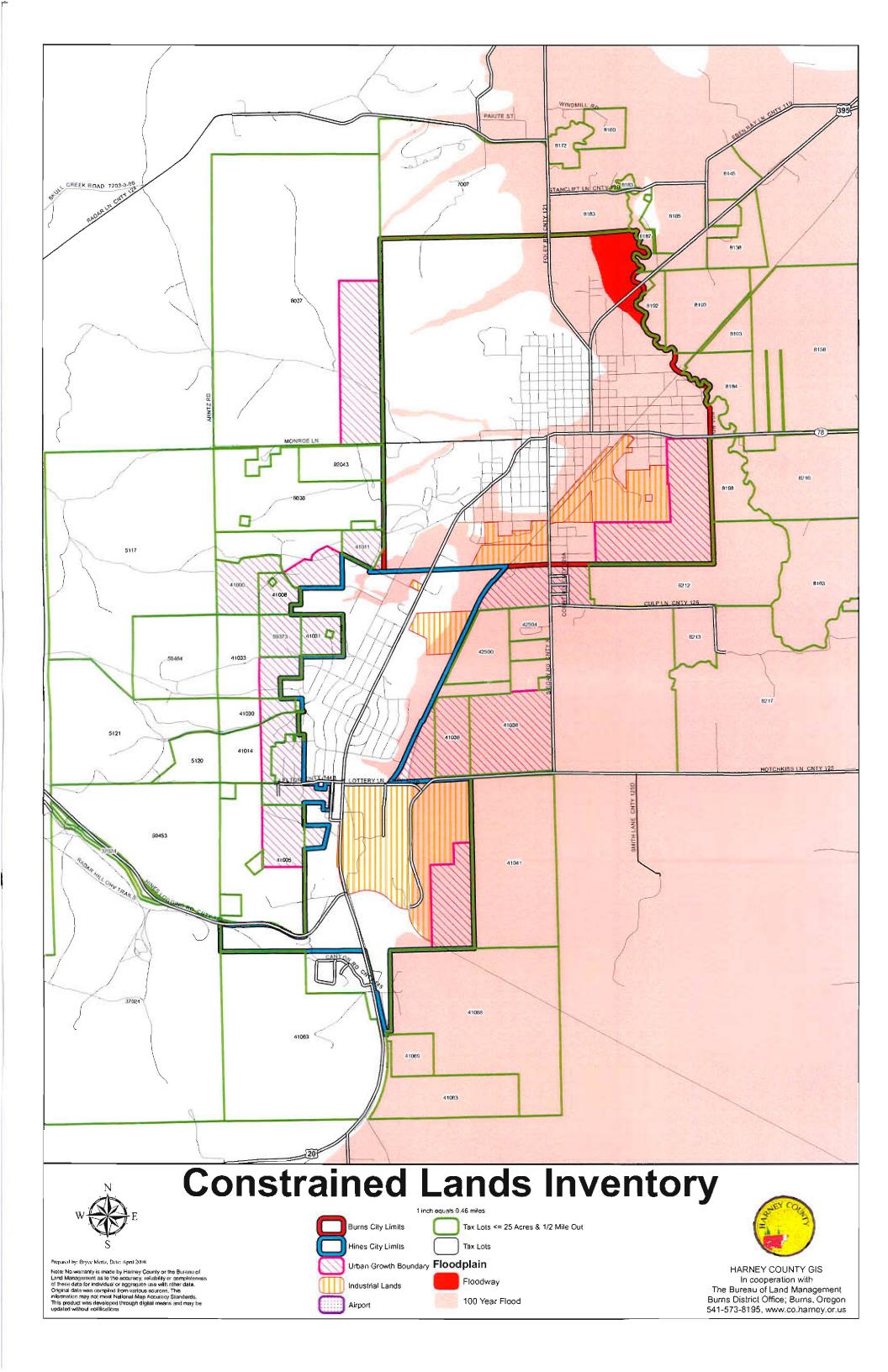
Summary:

As you can see, we can discharge more volume than we can store. At some time in the future there is going to be a requirement for more storage on the 25 acre parcel, north of the radio station.

7/30/2008 David Cullens Public Works Director









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