



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

October 11, 2006



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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Pilot Rock Plan Amendment, DLCD File Number 001-06
And Umatilla County, DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This Co-Adopted amendment expands the Urban Growth Boundary of the City of Pilot Rock to develop and implement long term infrastructure development for the city.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 25, 2006

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

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

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

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Darren Nichols, DLCD Regional Representative
Jackie Carey, Pilot Rock City Recorder
Tamra Mabbott, Umatilla County Planning Director

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2 Notice of Adoption

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

DEPT OF

OCT 06 2006

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Pilot Rock Local file number: _____

Date of Adoption: 9/19/2006 Date Mailed: 9/25/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 6/29/2006

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

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

Expand our Urban Growth Boundary to include park, industrial site and future wastewater expansion area. This has already been approved by Umatilla County on April 11, 2006. This property can not be used for residential as per a restriction from DEQ.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

same

Plan Map Changed from: EFU to: UGB

Zone Map Changed from: EFU to: Industrial

Location: NW of Pilot Rock Acres Involved: 445

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 3, 14

Was and Exception Adopted? YES NO

DLCD File No.: _____

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

- Forty-five (45) days prior to first evidentiary hearing?** Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

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

DEQ, DOA, OWRD, UMATILLA COUNTY

Local Contact: **Jackie Carey** Phone: **(541) 443-2811** Extension: _____
Address: **PO Box 130** City: **Pilot Rock**
Zip Code + 4: **97868-130** Email Address: **jcarey@centurytel.net**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF PILOT ROCK

ORDINANCE NO. 524

**AN ORDINANCE AMENDING THE URBAN GROWTH BOUNDARY
OF THE CITY OF PILOT ROCK**

WHEREAS, City of Pilot Rock and Umatilla County previously entered into an Urban Growth Area Joint Management Agreement applying to lands within the City urban growth area, and pursuant to the agreement, amendments to the Comprehensive Plan Map are initiated and made by the County, with input from the City;

WHEREAS, the City of Pilot Rock filed an application to amend the Umatilla County Comprehensive Plan to expand the Urban Growth Boundary by inclusion of 445 acres, and to change the designation of the 445 acres to urbanizable;

WHEREAS, at its March 23, 2006, meeting, the Umatilla County Planning Commission reviewed the ordinance and recommended that the Board of Commissioners approve the application and adopt the amendment;

WHEREAS, the Board of Commissioners held a public hearing on April 11, 2006, to consider the application;

WHEREAS, at its meeting of April 11, 2006, the Board of Commissioners voted unanimously to approve the application and to amend the Urban Growth Boundary and its plan designation by approving Ordinance No. 2006-10.

WHEREAS, the City of Pilot Rock filed an application to amend the City of Pilot Rock Comprehensive Plan to expand the Urban Growth Boundary by inclusion of 445 acres, and to change the designation of the 445 acres to urbanizable;

WHEREAS, at its September 11, 2006, meeting the Pilot Rock Planning Commission reviewed the application and recommended that the Pilot Rock City Council approve the application and adopt the amendment;

WHEREAS, the Pilot Rock City Council held a public hearing on September 19, 2006, to consider the application;

WHEREAS, at its meeting on September 19, 2006, the Pilot Rock City Council voted unanimously to approve the application and to amend the Urban Growth Boundary and its plan designation;

The City of Pilot Rock ordain as follows:

The Pilot Rock City Council ordains the amendment to the Umatilla County Comprehensive Plan and the City of Pilot Rock Comprehensive Plan to include the 445 acres, as depicted on the map attached to this document and incorporated by this reference, within the City of Pilot Rock Urban Growth Boundary, and that the designation of the property shall be Urbanizable. The general description of the property is Northwest Quarter of the Southwest Quarter, South Half of Northwest Quarter, and a portion of Southwest Quarter of Northeast Quarter lying West of the Umatilla Central Railroad Co. right-of-way, section 4, and East Half, Section 5, all in Township 1 South, Range 32, East of Willamette Meridian, Umatilla County, Oregon.

NOW THEREFORE, inasmuch as it is necessary for the peace, health and safety of the people of Pilot Rock that this ordinance have immediate effect, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 19th day of September 2006.

ATTEST  **APPROVED** 

2006 09 25

September 25, 2006

CITY OF PILOT ROCK CITY COUNCIL

FINDINGS AND CONCLUSIONS

City of Pilot Rock Urban Growth Boundary Expansion

Comprehensive Plan Amendment

- I. **APPLICANT:** City of Pilot Rock
- II. **LANDOWNERS:** Same
- III. **LOCATION:** Property is located to the north and west of the existing Urban Growth Boundary. Property is described as Tax Lots 1601 and 1800 of Assessor's Map 1S 32.
- IV. **REQUEST:** The City's request is to amend their existing Urban Growth Boundary to include 445 acres owned by the city. The zoning of the land will not change; the Plan designation will be Urbanizable.
- V. **COMPREHENISVE PLAN MAP DESIGNATION:** North South County Agriculture
- VI. **ZONING MAP CLASSIFICATION:** Exclusive Farm Use
- VII. **JUSTIFICATION OF REQUEST:** This proposal will amend the City of Pilot Rock's (hereafter "city") urban growth boundary to include the subject property. This proposal will also amend the comprehensive plans of the city and county to recognize the property as urban or urbanizable land. In order for the Urban Growth Boundary (UGB) to be operative, Umatilla County (hereafter "county") must also amend its comprehensive Plan to recognize the new UGB and zoning. The subject property will likely be annexed to the city subsequent to the successful passage of the UGB amendment by both the city and county.

The subject property includes tax lots 1601 and 1800, and consists of 445 acres presently owned by the City of Pilot Rock. The property is located adjacent to the existing industrial corridor.

The city and county both have comprehensive plans and implementing ordinances that have been acknowledged by the Land Conservation and Development Commission to be in compliance with the statewide planning goals pursuant to applicable law.

The subject property was formerly owned by International Paper and used for disposal of their industrial wastewater. There was an industrial pond that distributed water by irrigating the adjacent farm property that was also owned by International Paper. In the near term, the city would like to annex 20-30 acres of the 445 acres to site a mobile home manufacturing business or other industrial businesses. The city

would like to secure the land for future wastewater plant, wastewater storage and land application of wastewater. Although wastewater uses are allowed in an EFU zone and outside a UGB, the city would prefer to include the land inside the city to ease development of infrastructure, permitting, and to develop a portion for “shovel ready” industrial development.

The subject property was recently the focus of a series of city meetings. A group of community members contacted the City Council regarding a possible motocross, ATV and BMX facility in the former pond area. The city submitted a Conditional Use Permit application to the county to develop a public park for motocross sports, BMX races and ATV events, on a 70 acre portion of tax lot 1601. The county issued final approval of CUP C-1092-05 on November 1, 2005. The city and volunteers have been working on the facility for the past several months.

A portion of the subject property was donated to the city by International Paper and the city purchased the remainder 245 acres. International Paper made stipulations in the land transfer that prohibits the city from allowing houses to be developed on the property.

Tax Lot 1800 and 1601 are currently included in a county EFU zoning district, which is considered a qualifying exclusive farm use zone. The subject property will retain the EFU zoning district until it is annexed by the city and placed in a city plan and zoning designation. Annexation, as well as city plan and zone designations are separate instruments and may be reviewed subsequent to the successful passage of the urban growth boundary amendment.

The City of Pilot Rock, Umatilla County and the Port of Umatilla have worked diligently over the past several years to locate a new business in the town and create new jobs. Unemployment in Pilot Rock has been high ever since Masonite shut down in 2000, which employed 160 people. Pilot Rock has one of the only active mills in eastern Oregon, the result of collaborative public and private efforts.

While the entire 445 acres are not needed in the near future, the city proposes to include the entire parcel in order to develop and implement long term infrastructure development. Additionally, once the first new business locates several other and related businesses have expressed interest in locating on available industrial lands.

The subject property is accessed by County Road 617 (RA Koch Road). That road currently serves a variety of business in the industrial park, as well as the ATV Park and farm lands. The city will accept the roadway ownership and maintenance responsibility upon annexation of the property into the city limits.

The subject property is ideally suited to be developed at an urban density. The land is the only flat land adjacent to the existing UGB. Other areas both within the city limits and adjacent to the city limits are not suitable for industrial development due to topography (too steep elsewhere). Additionally, this land is adjacent to other existing industry and infrastructure can be more readily extended to serve the subject property. For example, there is a natural gas line located adjacent to this site. Industrial development at this location will complement the existing and adjacent mills, lumber processing, and other industry.

The subject property is not in a designated flood plain area as identified by FEMA flood plain maps. Consultation with the National Wetland Inventory maps shows that no potential jurisdictional wetlands are present.

VIII. SUMMARY OF APPLICABLE LEGAL STANDARDS AND CRITERIA

A. Oregon Revised Statutes:

ORS 197.298 sets forth a prioritization of land for bringing into an urban growth boundary.

B. Statewide Planning Goal 14 (Urbanization):

Goal 14 enumerates seven (7) Factors that must be considered when revision an urban growth boundary. Factors 1 and 2 are generally referred to as the "need factors." Factors 3 thru 7 are generally referred to as the locational factors.

C. Oregon Administrative Rule, Chapter 660, Division 4:

OAR 660-004-0010(1)(c)(B) implements Statewide Planning Goal 2 (Land Use Planning) and includes several criteria that are similar and complementary to the seven factors of Goal 14.

D. Oregon Administrative Rule, Chapter 660, Division 12:

OAR 660 Division 12 requires consideration of how a change in the Comprehensive Plan may or may not affect the transportation system

E. City of Pilot Rock-Umatilla County Urban Growth Management Agreement

Resolution No. 303 of the City of Pilot Rock contains the Urban Growth Management Agreement between the city and county. The Urban Growth Management Agreement must be addressed by both the city and the county.

F. City of Pilot Rock Comprehensive Plan

Comprehensive Plan Section 5 (M) Urbanization applies to a change of the urban growth boundary.

Section 7, of the City of Pilot Rock Comprehensive Plan describes the review procedure for a quasi-judicial plan amendment.

IV. Compliance with applicable legal Standards and Criteria

A. ORS 197.298

(1) In addition to any requirements established by rule addressing urbanization, land may not be included in an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

No urban reserve exists. Therefore, land described under paragraph (a) is inadequate to accommodate the amount of land needed.

(b) If land under paragraph (a) of this section is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource lands. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

The subject property is adjacent to the City's urban growth boundary.

B. Statewide Planning Goal 14 (Urbanization)

Factor 1: Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals:

Inclusion of the subject property within the city's urban growth boundary is not based on acknowledged population growth requirements. Instead, the subject property may be viewed as surplus or more land than is "needed". The court of appeals has held that, to include more land in the urban growth boundary than is needed based on Goal 14 factors 1 and 2, "the local government must demonstrate, through application of Goal 14's locational factors that the land in question is in fact 'committed' to urban use."

The city finds that the subject property is "committed" to urban development for two essential reasons. First, the historical use of this property has been industrial use that provided an economic and employment base to an incorporated city. It is strongly suspected that the only reason the property was not included in the original urban growth boundary was to allow the owners to avoid city taxes. Regardless, this property has been the site of industrial use. All these items show that the property is committed to developing as part of the city.

Second, the condition of the deed from International Paper stipulates that no residential use can be allowed because of the prior industrial use. This is a condition that the Department of Environmental Quality has applied to this land. The City would like to expand its industrial park to include this area. The City would also like to move its sewer lagoons to a portion of this property. The existing sewage lagoons are located adjacent to Birch Creek and will be required by the DEQ to be moved. The subject area will be used exclusively for industrial, public utility (wastewater plant) development and recreational use.

The city and county find that Factor 1 has been satisfied.

Factor 2: Need for housing, employment opportunities and livability;

The Court of Appeals has held that to include more land in the urban growth boundary than is needed based on Goal 14 factors 1 and 2, "the local government must demonstrate, through application of Goal 14's locational factors that the land in question is in fact 'committed' to urban use. Please see the response to Factor 1 for more elaborate discussion on this point.

However, while the city has determined that the subject property is committed to urban development, the city also finds that there is a demonstrated need for employment opportunities and livability that can be satisfied by including the subject property in the urban growth boundary. This unique location gives the property a comparative advantage over other sites in terms of its ability to accommodate community uses associated with industrial, recreational and public utilities.

The City finds further, that the capacity to encourage industrial and recreational uses will increase badly needed employment opportunities and promote a livable atmosphere for the citizens of Pilot Rock.

Factor 3: Orderly and economic provision for public facilities and services;

A city has sufficiently considered factor three to support the inclusion of “unneeded” land within an urban growth boundary if the findings and evidence show that some urban services already exist and extensive planning has been done to assure that the remaining services can be provided in an orderly, economical manner.”

As stated in the response to Factors 1 and 2, the city believes that the subject property is committed to urban development and needed for economic opportunities and livability. Some Urban services do exist on, or close to the subject property.

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area;

Maximum efficiency of land uses is furthered by including “unneeded” land in the UGB “where (urban) development has already begun, some urban services already exist and additional services are planned.”

As stated in the response in Factors 1 and 2, the city believes that the subject property is committed to urban development and needed for economic opportunities and livability. The subject property is located on the fringe of the existing urban area. It has urban services readily available and can be efficiently served. Finally, it is adjacent to the existing city limits. Expanding the subject property is a logical extension of urban services and development and represents a maximum efficiency of land uses.

Factor 5: Environmental, energy, social and economic consequences;

No negative environmental consequences would result from including the subject property in the urban growth boundary. Where the land will be used to relocated the existing sewage lagoons away from Birch Creek, the land will have positive environmental consequences.

The property is not in a flood plain and no potential jurisdictional wetlands exist on the site. No other inventoried Goal 5 resources are present.

The Oregon Department of Environmental Quality has conducted Level I assessment for the subject property, which have indicated environmental contaminants are present. DEQ has put a condition on the property that no residential use can be permitted on the subject property, however industrial is permitted. This property has received a no further action letter from DEQ.

No negative energy consequences would result from including the subject property in the urban growth boundary. The subject property may be efficiently and conveniently served by city services. The county road system runs adjacent to the subject property. Development of the subject property will not result in an inefficient use of power or unnecessary fuel consumption. Cascade Natural Gas Co. has a gas main installed on the east side of subject property.

No negative social consequences would result from including the subject property in the urban growth boundary.

No negative economic consequences would result from including the subject property in the urban growth boundary. Including the subject property in the urban growth boundary will provide additional economic opportunities for community citizens and leasing the property to the private sector would result in reinstating that portion of the property back on the tax rolls and generating revenue for the city and the county.

Factor 6: Retention of agricultural land as defined, with class I being the highest priority for retention and class VI the lowest priority; and

The Soil Survey of Umatilla County Area, Oregon demonstrates that this portion of this land is high value farmland if irrigated. It is listed as Class IIIe soils, Pilot Rock silt loam, OAR 66B-33-020-section (8)(a)(A).

When the city moves its sewer lagoons to this property the city will land apply (irrigate) a portion of the property with wastewater. That portion which will accept wastewater will continue to be used as farmland. The city needs the extra land to distribute the wastewater.

Factor 7: Compatibility of the proposed urban activities with nearby agricultural activities:

Nearby agricultural activities consist of seasonal livestock grazing and farming. Inclusion of the subject property into the city's UGB would not increase the city's inventory of buildable residential lands as residential development is prohibited on the land per the deed.

C. OAR Chapter 660, Division 4

(1)(c)(B) When a local government changes an established urban growth boundary it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning", Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

(i) Reasons justified why the state policy embodied by the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14):

As summarized in section B above, the city and county find that the seven factors of Goal 14 have been satisfied. The city finds that this provision is satisfied.

(ii) Areas which do not require a new exception cannot reasonably accommodate the use; Areas which do not require a new exception cannot accommodate the proposed UGB annexation for two reasons. First, no other area within or around the existing urban growth boundary contains the special characteristics found at the proposed site. For example, the site is located adjacent to the existing industrial area and is a logical location to expand in order to concentrate industrial uses and to add to the existing infrastructure. Second, the subject property can not be used for residential use. Increasing the industrial park, recreational use and public utility will promote economic opportunities and community livability.

(iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

No negative environmental, economic, social and energy (EESA) consequences would appear to

result from uses occurring on the subject property. Please see Goal 14, Factor 5 for a detailed discussion on these points.

(iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

The industrial, recreational and public uses contemplated for the subject property will be abutted by a county road. The future use of the subject property will be a compliment to the existing arrangement of urban development and will be wholly compatible. Detailed locational issues can and will be considered during the site design review phase of any proposed development.

D. OAR Chapter 660, Division 12

OAR 660-012-0060 Plan and Land Use Regulation Amendments

- (1) where an amendment to a functional plan...would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ration, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would....”

E. City of Pilot Rock and Umatilla County Urban Growth Management Joint Agreement

According to the Urban Growth Management agreement between the city and county, the initial land use action is taken by the county, followed by the city. This application was initiated by the city by filing the UGB expansion request with the county.

F. City of Pilot Rock Comprehensive Plan Ordinance

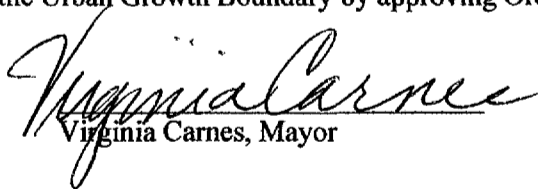
For reasons noted above, the proposed UGB expansion complies with the City of Pilot Rock Comprehensive Plan.

X Agencies Notified. Department of Land Conservation and Development, Department of Environmental Quality, Department of Agriculture, Oregon Water Resources Department.

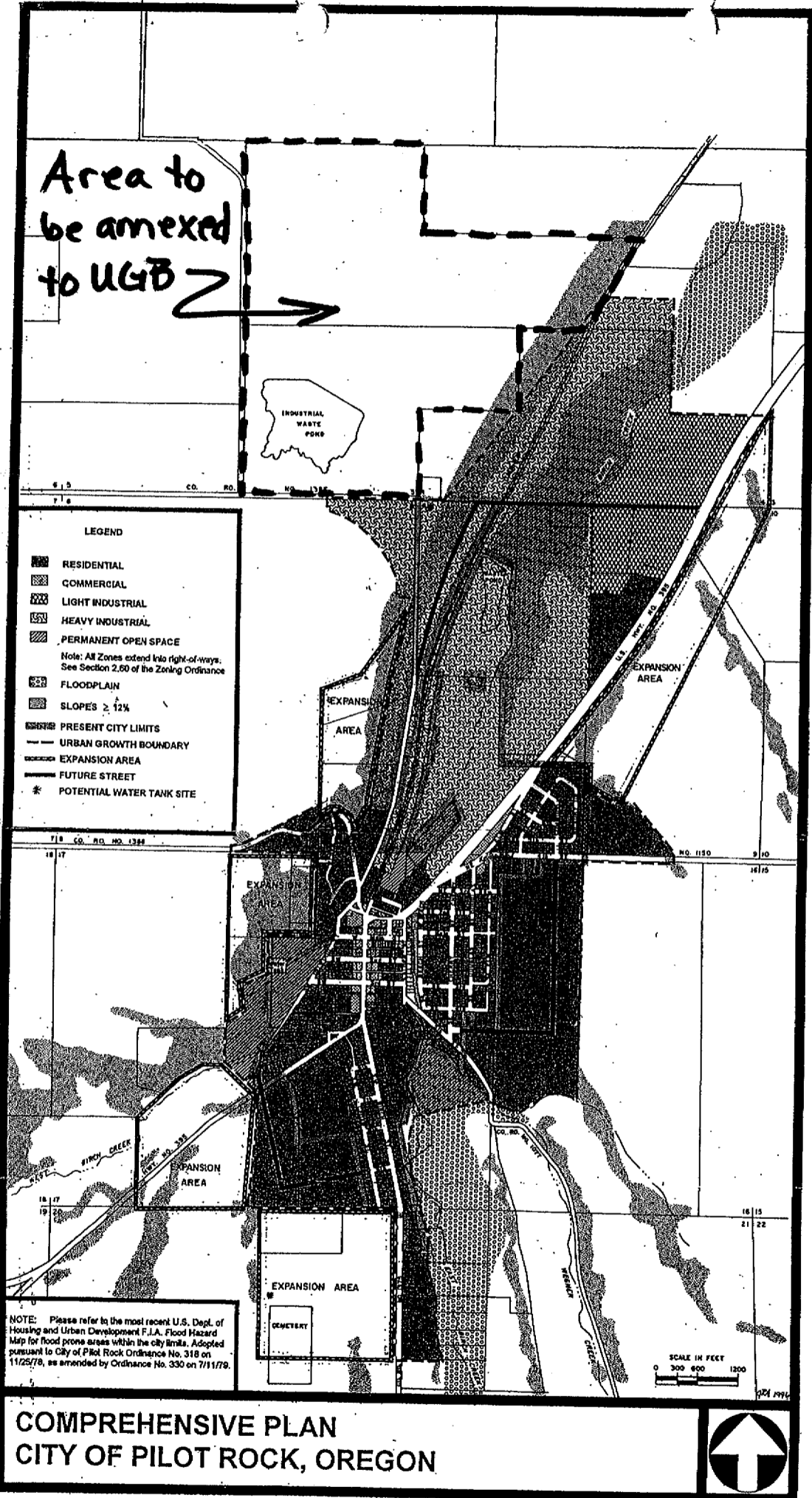
XI Conclusion of Law.

Based on the evidence in the record submitted by the City of Pilot Rock, and the findings of fact and justification included in this document, applicable provisions of law appear to have been satisfied to justify approval of the proposed 445 acres expansion of the Pilot Rock Urban Growth Boundary. The Pilot Rock Planning Commission Action is to make a recommendation to the Pilot Rock City Council to approve the expansion of the Urban Growth Boundary. The City Council approved the expansion of the Urban Growth Boundary by approving Ordinance # 524 on September 19, 2006.

9/25/06
Date


Virginia Carnes, Mayor

Area to be annexed to UGB



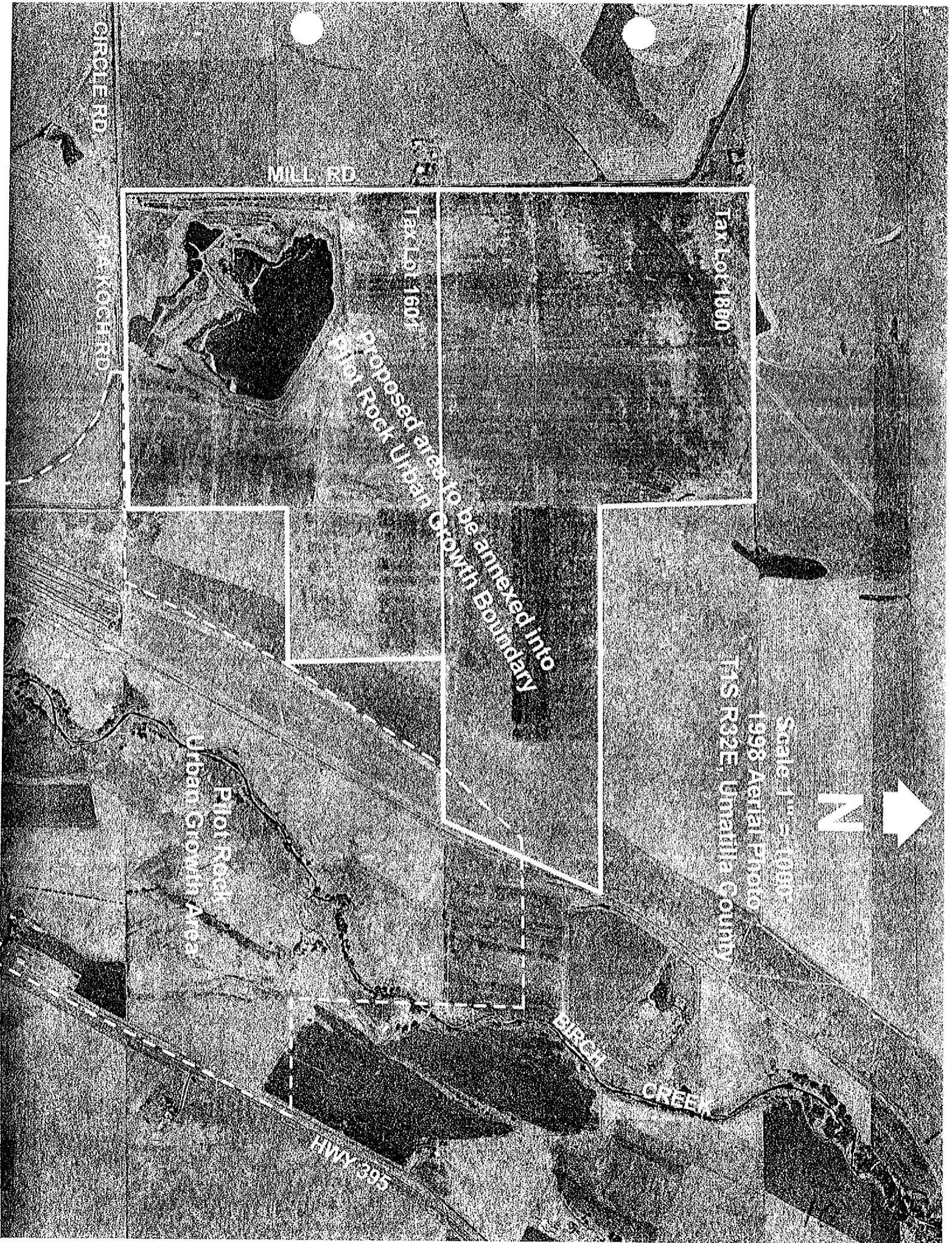
NOTE: Please refer to the most recent U.S. Dept. of Housing and Urban Development F.I.A. Flood Hazard Map for flood prone areas within the city limits. Adopted pursuant to City of Pilot Rock Ordinance No. 318 on 11/25/78, as amended by Ordinance No. 330 on 7/11/79.

COMPREHENSIVE PLAN
CITY OF PILOT ROCK, OREGON



8





CITY OF PILOT ROCK

**Regular Council Meeting
September 19, 2006
7:00 PM**

ROLL

The meeting was called to order by Mayor Virginia Carnes at 7:00 PM. Council members present were Stewart Harp, Randall Zeigler, Lorin Newberry, Nancy Lankford, John Standley and Gene Reed. Also present were Public Works Supervisor Steve Draper, City Recorder Jackie Carey, Undersheriff Terry Rowan, Mary Lue Slabik, Tegan Kaneaster, Codey Rogers, Jim Hinkle, Teresa Grojacques, Pam Erickson and Wayne Platt.

MINUTES

On a motion by Lankford and seconded by Zeigler the minutes of the September 5, 2006, meeting were approved. All members present voted yes.

VISITORS

Jim Hinkle asked Steve Draper about some water in a ditch that maybe coming from the water main to the reservoir. Draper advised he will be digging the area up next week to make sure it isn't the water main.

Codey Rogers and Tegan Kaneaster addressed the Council regarding a skate park in Pilot Rock. They gave an excellent presentation with some sample designs. They would like a safe place to skate and it would give kids something to do. Draper stated the best place for the park would be by Byrnes mini storage by Highway 395. A fence would need to be installed along the highway. Mrs. Grojacques stated Adams built a skate park with a \$35,000 grant. She advised she would contact the person who applied for the grant for information. Draper stated he would work on securing the ground. Rogers, Kaneaster, Draper and Grojacques would be on the skate park committee.

Mrs. Grojacques asked the Council for permission to park their RV trailer by her sister's house at 711 NE Fir while their new manufactured home is being installed. On a motion by Standley and seconded by Lankford the Council gave Mrs. Grojacques permission to park their RV in front of 711 NE Fir for 90 days. All members present voted yes.

POLICE DEPARTMENT REPORT

Terry Rowan reported that the Sheriff's Office has completed the hiring process and they would like to recommend to the Council that they give a conditional offer of employment to the number one candidate on the condition that he passes the psychological evaluation, background checks and physical. On a motion by Harp and seconded by Zeigler the Council gave their approval to offer the number one candidate a conditional offer of employment. All members present voted yes.

Cpl. Mark Ashcraft was injured while working security for roundup. He is presently on light duty.

MANAGEMENT TEAM REPORT

1. The City has been notified that they will receive a safety award from League of Oregon Cities.
2. Tiffany Johnson has resigned effective September 29, 2006. She has accepted a full time position with Umatilla County Health Dept. We have started advertising to fill her position. An ad will come out in the East Oregonian on Wednesday. She has offered to help train her replacement on Mondays.
3. Are any of the council members interested in attending the Board Policy Workshop on October 20, 2006? Mayor Carnes would like to attend the workshop.
4. We will be pouring concrete tomorrow at the park for the playground area.
5. Tim Britain will be on vacation for a week in October.
6. We would like the Council to review the Main Street Grant material. The City has been notified that they will receive \$40,000 grant. We would like to change the loan from 0% interest loan for 6 months to 3% interest for 5 years. We can get a loan for \$40,000, but Draper did not think we would need that much. There was discussion to make the property owner responsible for paying for the replacement of the new curbs and gutter. Draper estimated the cost for curbs and sidewalks. There is no charge for paying off the loan early. The grant money will be used to remove the buildings and put gravel down. The loan will be used to redo the sidewalks, unless we require the property owners pay for the sidewalks. Draper recommended that we not allow people to drive over the

sidewalks, that is why the sidewalks are so dangerous. On a motion by Lankford and seconded by Zeigler the Council gave Draper the authority to sign the papers for the grant/loan. Standley stated he would like to see the letter before voting on it. Standley was given a copy of the letter and allowed him to read it. All members present voted yes.

7. Jackie's surgery has been rescheduled for October 17th.
8. Steve will start shopping for a new used road roller.
9. Steve will be off this Thursday and Friday. He will be attending a Short School Sunday, Monday and Tuesday of next week.
10. Doug Lane will be off Thursday, due to a death in his family.

CELL TOWERS

Mayor Carnes read into the record of the history behind the cell towers. A copy of what she read will be attached to these minutes. Jim Hinkle is glad that Unicef will be attaching to US Cellular's tower. Lankford felt the Council was taken to task on the money the City is losing for not having Unicef put up their own tower. Lankford stated it was never a done deal. The Council gave Draper the authority to negotiate with Unicef. Carey advised it was not until after the Council meeting that Lankford brought in some paperwork from Umatilla County Planning stating US Cellular agreed to put in a multi-user tower. Carey contacted US Cellular, who stated they were not aware of the multi-user tower and Carey faxed them a copy of the paperwork Lankford brought in. After receiving the paperwork, US Cellular agreed to allow Unicef attach to their tower.

Standley stated he remembers US Cellular coming before the Umatilla County Planning Commission. Standley stated he takes a lot of exception to what Carnes read.

Draper's suggestion was to pay Mary Koch until her death, then the payments stop. Reed agrees with Draper's suggestion. When the City first negotiated with Dr. Koch, we thought the tower was on Koch's property, however, after a survey of that property, it was determined the tower is on the City of Pilot Rock's property. Most easements cost \$2000 as per our City Attorney. We have paid the Kochs over \$13,000 to date. Standley and Draper volunteered to talk to Mary Koch regarding this matter.

SW 3RD PARKING PROBLEMS

Newberry stated they met with both parties regarding the parking problems on SW 3rd Street. Newberry advised both parties to work their issues out, so the City does not have to enforce the timed parking.

MONTHLY REPORTS

The Council reviewed the Time Status Report, Treasurer's Report and Budget Reports.

PUBLIC HEARING ON URBAN GROWTH BOUNDARY

Mayor Carnes opened the public hearing for the expansion of our Urban Growth Boundary. Wayne Platt stated he had attended the Planning Commission and expressed some of his concerns. One concern was the property line issue. The property line runs down the middle of the county road. Carey stated she thought International Paper had the property surveyed and corrected that problem. She would double check to make sure it has been corrected.

Mayor Carnes read Ordinance No. 524, in title, an ordinance that amends the Urban Growth Boundary for the City of Pilot Rock. Carey advised there has been a sample ordinance on the counter for a week. On a motion by Lankford and seconded by Reed the Council approved the first reading of Ordinance No. 524 with an emergency clause. All members present voted yes. On a motion by Standley and seconded by Lankford the Council approved the second reading of Ordinance No. 524 with an emergency clause. All members present voted yes. On a motion by Lankford and seconded by Reed the Council approved the third and final reading of Ordinance No. 524 with an emergency clause. All members present voted yes.

Platt advised he did not receive notification from the county on the motocross park because he was farther than 250 feet from the motocross park. He also advised that people are riding beyond 8 PM and sometimes there are dust problems. Some people are not wearing helmets.

WATER RIGHT CHANGES

Draper asked the Council to review the water right changes for the Masonite well. Draper does not see any problems. He is asking for a change in ownership, amount of water pumped and change the discharge location.

POLL

Reed asked about a house next to Birch Creek Manor II. Ashcraft advised it is being addressed, it has been posted as a public nuisance.

Mayor Carnes would like to thank Bill Woodfin from Kinzua for their support to our community. They had a float in the Pendleton parade.

BILLS

Lankford asked about the bill to Ron Snively. Carey stated it was restitution for a neighbor's dog killing their chickens. On a motion by Lankford and seconded by Harp the bills were approved. All members present voted yes.

PUBLIC HEARING

On a motion by Standley and seconded by Harp the public hearing was closed, since there were no more comments. All members present voted yes.

Reed advised he would be gone for the next meeting.

ADJOURNMENT

On a motion by Lankford and seconded by Harp the meeting was adjourned at 8:50 PM. All members present voted yes.

APPROVED

ATTEST

Virginia Carnes
Jackie J. Carey

CITY OF PILOT ROCK

Planning Commission Meeting September 11, 2006.

ROLL

The meeting was called to order by Bill Liebe at 7:00 pm. Commission members present were Bob Montgomery, Cecile Tresham, and Jay Pilch. Also present were Public Works Supervisor Steve Draper, City Recorder Jackie Carey and Wayne Platt.

URBAN GROWTH BOUNDARY EXPANSION

Draper stated the City would like to expand their Urban Growth Boundary (UGB) to have more control over their property, to have more industrial property and to site a future wastewater facility. We are planning ahead. The City owns all the property. There will be less permitting if the City is in control. Our present wastewater facility is not out of compliance at this time.

Wayne Platt has a residence next to this property. Platt stated he was not opposed to the expansion, but had some concerns, which Steve Draper has answered. His concerns were if there would be a rock crusher next to his residence, if there would be more residences and where the City would pump the wastewater, and he was concerned about the smell. Draper stated there would be no smell, residential is not allowed in that area per DEQ, and we would not be crushing rock. Platt asked about increased traffic. Draper stated the City may have to update the road if it becomes necessary. Platt requested that the City have good communication with him regarding the property.

On a motion by Tresham and seconded by Montgomery the Planning Commission approved the proposed expansion to the UGB and recommends to the Council their approval. All members present voted yes.

MINUTES

On a motion by Pilch and seconded by Montgomery the Commission approved the March 6, 2006, minutes. All members present voted yes.

ADJOURNMENT

On a motion by Pilch and seconded by Montgomery the meeting was adjourned

at 7:25 PM. All members present voted yes.

APPROVED

Bill Loh

ATTEST

Janine J. Carey

DEVELOPMENT PERMIT
INFORMATION SHEET

Address:
City of Pilot Rock
P.O. Box 130
Pilot Rock, OR 97868

CITY OF PILOT ROCK
APPLICANT City of Pilot Rock
PERMIT NO. 06-012
FEE Waived
HEARING DATE(S) 9-11-06
9-19-06

DATE 6-29-06
DATE _____
STAFF Conroy (PAGE 1)

TYPE OF REQUEST: INSIDE CITY URBAN GROWTH AREA

Permitted Use Conditional Use Variance Temporary Use Minor Partition Tax Lot Split or Boundary Adjustment

Setbacks (for each new structure) Front _____ ft. Side _____ ft. Rear _____ ft.

LEGAL DESCRIPTION: Tax Code _____ Assessors Map No. 1 S 32 Tax Lot No. 1601 & 1800

Lot _____ Block _____ Subdivision _____ Zone _____

Lot width _____ ft. depth _____ ft. Lot Size _____ sq ft. / acres Legal Access _____
street or easement

DESCRIPTION OF REQUEST: NEW Construction Alteration Change of use Other

Type of Structure(s) _____

Use of Structure(s) _____ Size(s) _____

Additional Information Expansion of the Urban Growth Boundary
comprehensive plan amendment and zoning map
amendment.

If MOBILE HOME, Manufacturer _____ Model _____ Year Built _____ Insigne of Compliance No. _____

Does it have a Pitched Roof? Compositional Roofing? House-type Siding? Overhanging Eaves?

Outbuildings, decks, tip outs, etc. _____ Vendor _____

EXISTING IMPROVEMENTS: Water? Sewer? Sidewalks? Paved Street? Street Trees?

FLOOD HAZARD: Ground Level _____ ft. 100-Year Flood Elev. _____ ft. Required Bldg. Elev. _____ ft.

PROPOSED LANDFILL: (show on plot plan) Depth _____ Square footage _____

[Signature] _____ date _____ address _____
signature of applicant

[Signature] _____ date _____ address _____
signature of owner

Application Approved 9-19-06 Disapproved _____ Expiration Date _____

[Signature] _____ date 9-20-06
signature of city administrator or zoning administrator

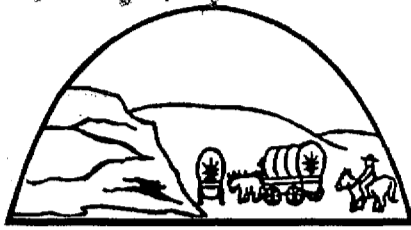
Inspection _____ Date _____ Violation _____

CONDITIONS:

CITY OF PILOT ROCK

**Planning Commission Agenda
September 11, 2006**

- A. CALL TO ORDER**
- B. NEW BUSINESS:**
 - 1. Urban Growth Boundary Expansion**
 - 2.**
- C. OLD BUSINESS:**
 - 1.**
 - 2.**
- D. APPROVAL OF MINUTES**
- E. ADJOURNMENT**



CITY OF PILOT ROCK

P.O. Box 130 - 144 N. Alder Pl. • Pilot Rock, OR 97868
Office: 541-443-2811 • Fax: 541-443-2253

August 10, 2006

Dear Property Owners:

The City of Pilot Rock is requesting approval to amend their Urban Growth Boundary to include their property of 445 acres. The proposed properties to be placed in the Urban Growth Boundary are tax lots 1601 and 1800 on Assessor's Map # 1S 32. This property is located northwest of the city limits. Umatilla County Planning Commission and Umatilla County Commissioners have already approved the expansion of the Urban Growth Boundary.

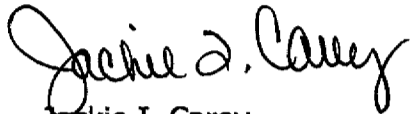
The Pilot Rock Planning Commission will consider this request on Monday, September 11, 2006, at 7:00 PM at the Pilot Rock Library. The City Council will consider this request on Tuesday, September 19, 2006, at 7:00 PM at the Pilot Rock Library. As a property owner within 250 feet of this property owned by the City of Pilot Rock, you are entitled to notice of this proposed amendment under the Pilot Rock major-hearing process.

The City of Pilot Rock is requesting permission to amend the urban growth boundary so they can increase their industrial property. The property is located adjacent to the existing industrial corridor. In the future, they would like to annex a portion of the property to increase the industrial property as well as annex the motocross park into the city. The City would also like to secure the land for future wastewater plant, wastewater storage and land application of wastewater. The City would prefer to include the land inside the city to ease development of infrastructure, permitting and to develop a portion for "shovel ready" industrial development.

At the Planning Commission meeting on Monday, September 11, 2006, the Planning Commission will review the proposed amendment and make a recommendation to the City Council. You are invited to attend this meeting if you wish to seek additional information or if you would like to present information to the Planning Commission for their consideration in this review. The City Council will then take all this information into consideration when they make the final decision Tuesday, September 19, 2006. You are also invited to this meeting. If we do not hear from you either in writing or in person, we will assume that you have no adverse comments on this amendment.

If you have any questions or if you need any additional information, contact me at City Hall or call 443-2811.

Sincerely,

A handwritten signature in cursive script that reads "Jackie I. Carey".

Jackie I. Carey
City Recorder

JIC:jc

CC: Planning Commission Members
DEQ
DOA
OWRD

DEVELOPMENT PERMIT
INFORMATION SHEET

Address:
City of Pilot Rock
P.O. Box 130
Pilot Rock, OR 97868

CITY OF PILOT ROCK
APPLICANT City of Pilot Rock
PERMIT NO: _____
FEE Waived
HEARING DATE(S) 9-11-06
9-19-06

DATE 6-29-06
DATE _____
STAFF C. Meyer (PAGE 1)

TYPE OF REQUEST: INSIDE CITY _____ URBAN GROWTH AREA _____

____ Permitted Use ____ Conditional Use ____ Variance ____ Temporary Use ____ Minor Partition ____ Tax Lot Split or Boundary Adjustment

Setbacks (for each new structure) Front _____ ft. Side _____ ft. Rear _____ ft.

LEGAL DESCRIPTION: Tax Code _____ Assessors Map No. 1 S 32 Tax Lot No. 1601 & 1800

Lot _____ Block _____ Subdivision _____ Zone _____

Lot width _____ ft. depth _____ ft. Lot Size _____ sq ft. / acres Legal Access _____ street or easement

DESCRIPTION OF REQUEST: ____ NEW Construction ____ Alteration ____ Change of use ____ Other

Type of Structure(s) _____

Use of Structure(s) _____ Size(s) _____

Additional Information Expansion of the Urban Growth Boundary
comprehensive plan amendment and zoning map
amendment.

If MOBILE HOME, Manufacturer _____ Model _____ Year Built _____ Insigne of Compliance No. _____

Does it have a Pitched Roof? _____ Compositional Roofing? _____ House-type Siding? _____ Overhanging Eaves? _____

Outbuildings, decks, tip outs, etc. _____ Vendor _____

EXISTING IMPROVEMENTS: Water? _____ Sewer? _____ Sidewalks? _____ Paved Street? _____ Street Trees? _____

FLOOD HAZARD: Ground Level _____ ft. 100-Year Flood Elev. _____ ft. Required Bldg. Elev. _____ ft.

PROPOSED LANDFILL: (show on plot plan) Depth _____ Square footage _____

[Signature] _____ date _____ address _____
signature of applicant

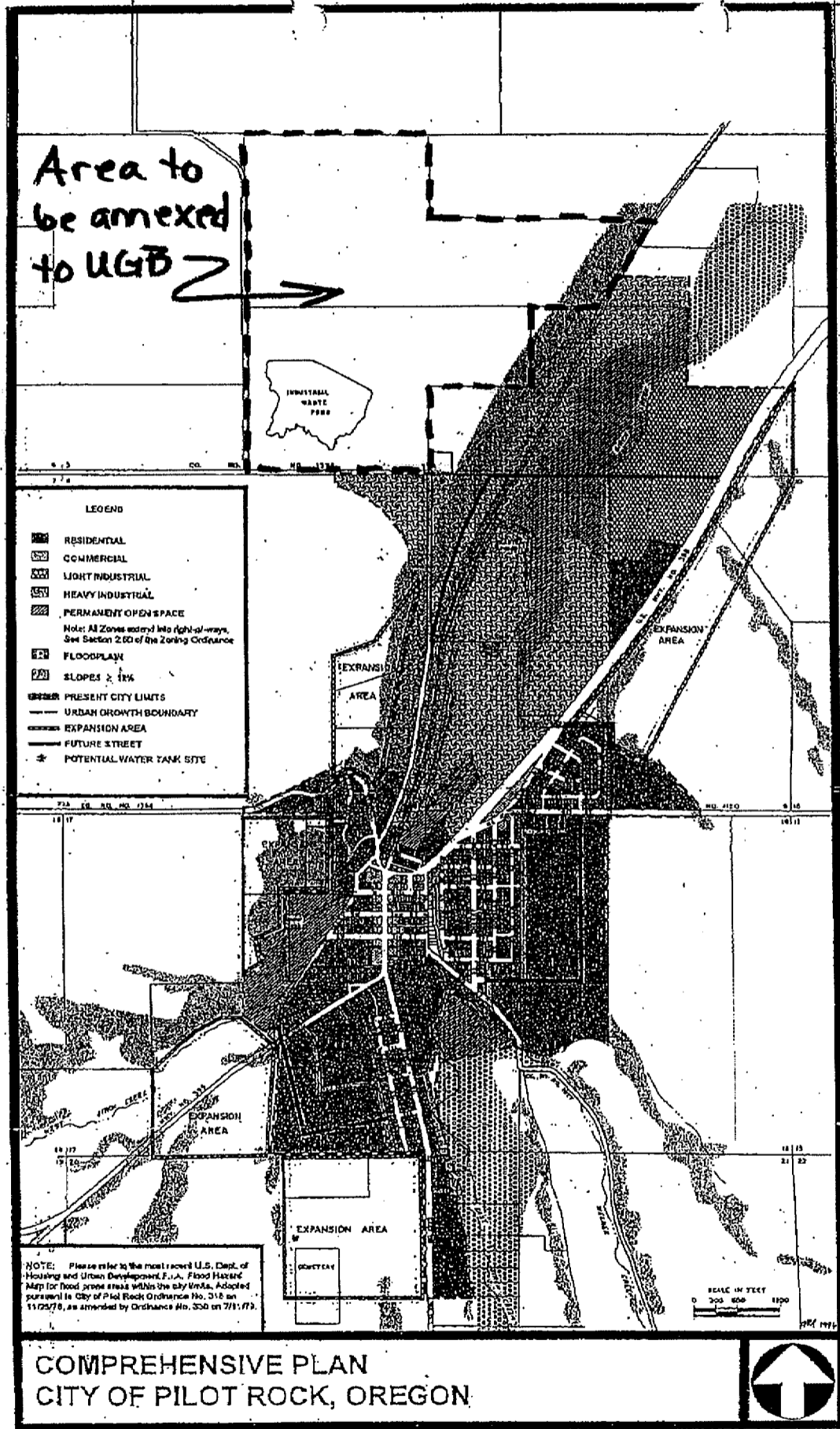
[Signature] _____ date _____ address _____
signature of owner

Application Approved _____ Disapproved _____ Expiration Date _____

signature of city administrator or zoning administrator date

Inspection _____ Date _____ Violation _____

CONDITIONS:



#524

RECEIVED

APR 11 2006 THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
Urban Growth Boundary of) ORDINANCE NO. 2006-10
City of Pilot Rock)

WHEREAS the City of Pilot Rock and Umatilla County previously entered into an Urban Growth Area Joint Management Agreement applying to lands within the City urban growth area, and pursuant to the agreement, amendments to the Comprehensive Plan Map are initiated and made by the County, with input from the City;

WHEREAS the City of Pilot Rock filed an application to amend the Umatilla County Comprehensive Plan to expand the Urban Growth Boundary by inclusion of 445 acres, and to change the designation of the 445 acres to urbanizeable;

WHEREAS, at its March 23, 2006 meeting, the Umatilla County Planning Commission reviewed the ordinance and recommended that the Board of Commissioners approve the application and adopt the amendment;

WHEREAS the Board of Commissions held a public hearing on April 11, 2006, to consider the application;

WHEREAS at its meeting of April 11, 2006, the Board of Commissioners voted unanimously to approve the application and to amend the urban growth area and its plan designation;

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the amendment to the Umatilla County Comprehensive Plan and City of Pilot Rock Comprehensive Plan to include the 445 acres, as depicted on the map attached to this document and incorporated by this reference, within the City of Pilot Rock Urban Growth Area, and that the designation of the property shall be Urbanizeable. The general description of the property is Northwest Quarter of Southwest Quarter, South Half of Northwest Quarter, and a portion of Southwest Quarter of Northeast Quarter lying West of the Umatilla Central Railroad Co. right-of-way, Section 4, and East Half, Section 5, all in Township 1 South, Range 32, East of Willamette Meridian, Umatilla County, Oregon.

DATED this 11th day of April, 2006.

UMATILLA COUNTY BOARD OF COMMISSIONERS

ARSENT

Dennis D. Doherty, Chair

Emile M. Holeman

Emile M. Holeman, Commissioner

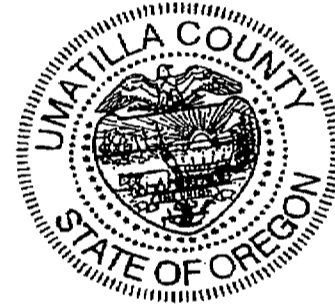
William S. Hansell

William S. Hansell, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Jean Hemphill

Records Officer



PUBLIC NOTICE
UMATILLA COUNTY LAND USE HEARINGS

UMATILLA COUNTY PLANNING COMMISSION will hold the following hearings of public interest on **Thursday, March 23, 2006 beginning at 7:00 p.m.** in the Media Room of the Umatilla County Justice Center, 4700 NW Pioneer Place, Pendleton, Oregon:

- At 7:00 p.m.: COMPREHENSIVE PLAN AMENDMENT #P-085. City of Pilot Rock applicant and owner. Property is located northwest of the existing city limits, adjacent to existing industrial corridor.

PROPOSED REQUEST is to add 445 acres of land to the City Urban Growth Boundary. Applicable criteria for approval include Section 152.750 and Oregon Administrative Rule Chapter 660, Division 4. For information concerning this application, please contact Planning Director, Tamra Mabbott at (541) 278-6236.

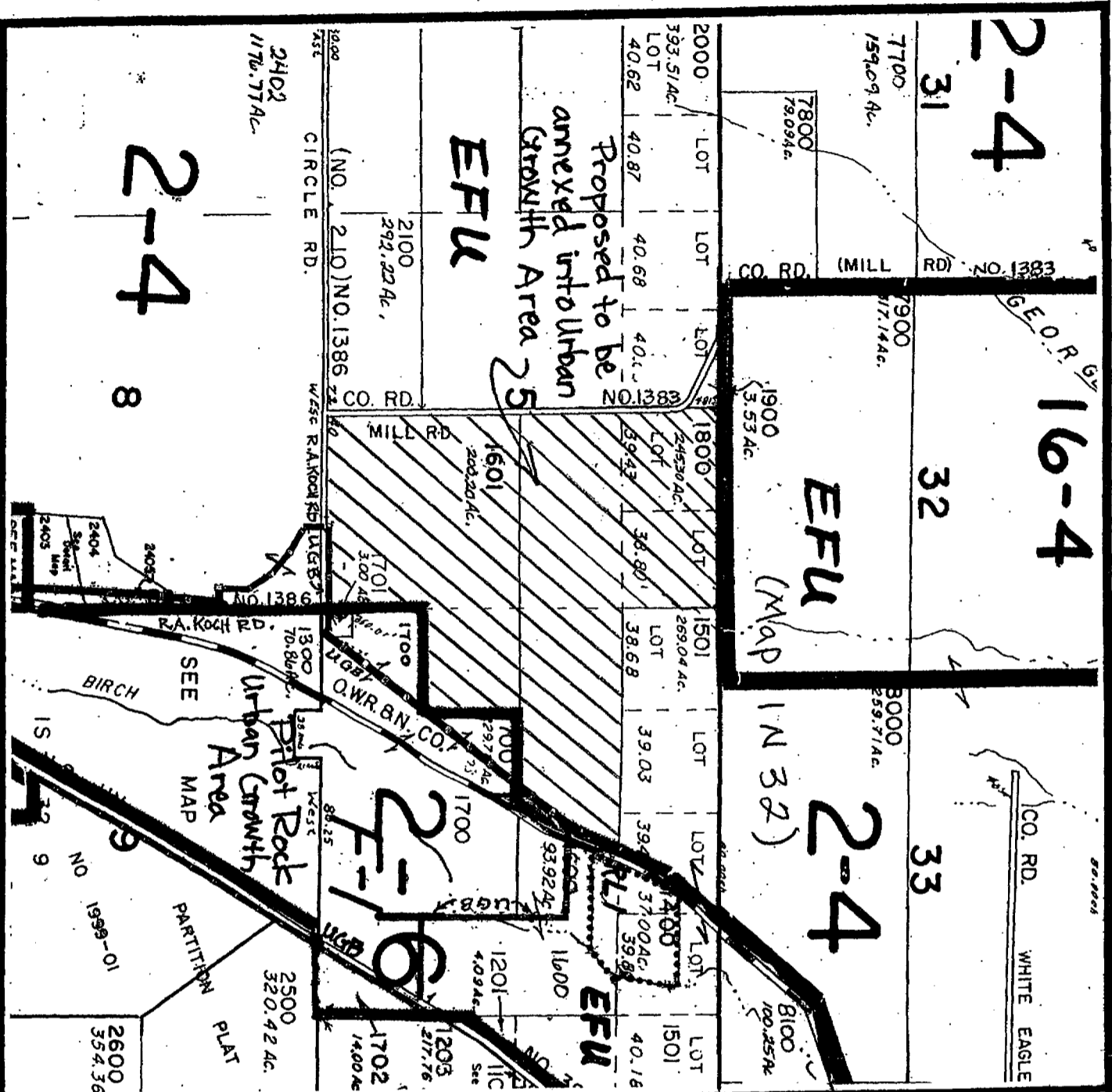
- CONDITIONAL USE #C-1103-06. Flying J, Inc. 1104 Country Hills Drive, Ogden, Utah 84403, applicant and property owner. Property is 70.39 acres located on southeast quadrant of I-82 and Lamb Road and abuts Westland Road on the east, approx. five miles from the center of the City of Hermiston. Property consists of two Tax Lots, 200 and 201, on County Assessor's Map 4N 27 25A. Applicable zoning on the property is Light Industrial (LI) and Tourist Commercial (TC).

PROPOSED REQUEST is to site the following uses on acres with TC zoning: restaurant, travel convenience store, automotive fueling stations and accessory improvements (parking, signs, landscaping, etc.). The following uses would be on acres with LI zoning: truck fueling complex, truck service building, truck wash building and accessory improvements. To site these uses applicant proposes to consolidate Tax Lots 200 and 201 to create one large parcel.

The proposed uses could be allowed as a conditional use according to Section 152.277(E); other uses similar to the uses permitted or the conditional uses normally located in a Tourist Commercial Zone, providing that it has the approval of the Planning Commission. Other applicable criteria includes Sections 152.278, 152.280, 152.304 - 306 and 152.610 - 152.615. For information concerning this application, please contact Senior Planner, Patty Perry at (541) 278-6249.

Opportunity to voice support or opposition to the above proposals, or to ask questions, will be provided. Failure to raise an issue in a hearing, either in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to that issue, precludes appeal to the Land Use Board of Appeals based on that issue.

Copies of applications, documents and evidence pertaining to the hearings listed above, and all



- Map IS 32
- 1601 City of Pilot Rock
 - 1800 City of Pilot Rock
 - 1900 Wayne E. Platt Jr.
 - 2000 John Robertson & Mary Bailey

- 2100 Timothy & Joan Weinke
- 2402 Ivan & Colleen Cook
- 1501 Marie Hemphill (Trs)
- 1400 City of Pilot Rock
- 1600 Diana R. Brit
- 1700 Yvonne M. Gambill
- 1701 Pilot Rock Gun Club

- Map IS 32 09
- 1300 City of Pilot Rock

- Map IN 32
- 7900 Marie Hemphill
 - 8000 Marie Hemphill
 - 8100 Kenneth & Sabra Chrysler

Application # **P-085**
 Applicant: **City of Pilot Rock**
 Owner: **City of Pilot Rock**
 SUBJECT PARCEL/TRACT

DATE: **2-7-06** SCALE: **1" = 2000'**
 MAP: **1532**
 PREPARED BY UMATILLA COUNTY PLANNING DEPARTMENT



A G E N D A
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of Tuesday, April 11, 2006, 1:30 p.m.
Umatilla County Courthouse, Room 114, Pendleton, Oregon

A. CALL TO ORDER

B. NEW HEARINGS:

- Co-Adopt City of Milton-Freewater Ordinance No. 932, Urban Growth Boundary (UGB) Amendment. Proposal is to add 18 acres of land to the UGB, including tax lots 900, 1000 and 1100 of Assessor's Map 6N 35 36C, and, to remove 26 acres from the UGB including tax lot 100 of Assessor's Map 5N 35 01. Property to be added is located west of North Elizabeth Street, north of the city limits. Property to be removed is located south of Eastside Road at the eastern edge of the UGB. Applicable criteria for approval include Section 152.750 and the Urban Growth Management Agreement.

- COMPREHENSIVE PLAN AMENDMENT #P-085. City of Pilot Rock applicant and owner. Property is located northwest of the existing city limits, adjacent to existing industrial corridor.

PROPOSED REQUEST is to add 445 acres of land to the City Urban Growth Boundary. Applicable criteria for approval include Section 152.750 and Oregon Administrative Rule Chapter 660, Division 4.

C. ADJOURNMENT

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Umatilla } ss

I, Debbie Bosworth being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

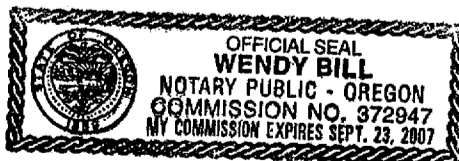
EO-2078 Land Use Hearing
a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 1 successive and consecutive issues in the following issues:

August 29, 2006
Subscribed and sworn to before me on this 30th, day of

August, 2006

Debbie Bosworth

Wendy Bill
Notary Public of Oregon



EO-2078
CITY OF PILOT ROCK
LAND USE HEARING
The Pilot Rock Planning Commission will be holding a public hearing on Monday September 11, 2006 at 7:00 PM at the Pilot Rock Public Library and the Pilot Rock City Council will be holding a public hearing on Tuesday September 19, 2006 at the Pilot Rock Public Library at 7:00 PM.
The City of Pilot Rock is requesting an amendment to the Urban Growth Boundary to include 435 acres. The proposed properties to be placed in the Urban Growth Boundary are tax lot numbers 1601 and 1800 on Assessor's Map 1S 32. The property is located northwest of the city limits of Pilot Rock.
Jackie L. Cargy
City Recorder
August 29, 2006

UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, March 23, 2006
7:00 p.m., Umatilla County Justice Center Media Room
Pendleton, Oregon

PLANNING COMMISSION

MEMBERS PRESENT:

Larry Givens (Chair), Phil Kline, Clint Reeder,
Gary Rhinhart, Rick Colgan, John Standley,
Frank Kaminski, Lonnie Shurtleff, Don Horneck

PLANNING STAFF PRESENT:

Tamra Mabbott, Patty Perry, JR Cook,
Heather Smith

GUESTS PRESENT:

Eric Weden, John McSweeney, Jackie Carey, Nancy
Lankford, Wayne Platt Jr., Dean Brickey, Virginia
Carnee, Laurence Pedro, Michael Connors, Steve
Draper, Michael Hanifin, Gina Hartzheim, Mark
Street, Roger Alfred, Paul Magana,
Gary Hall, Emmett, Walker, Don Nelson,
D. Kinzel, Mike Wick

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. HOWEVER, A TAPE OF
THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.

CALL TO ORDER:

Commissioner Givens called the meeting to order at 7:05 p.m.

CONTINUED HEARING:

**Continuation - Co-Adopt City of Milton-Freewater Ordinance No. 932, Urban Growth
Boundary (UGB) Amendment.** Proposal is to add 18 acres of land to the UGB, including tax
lots 900, 1000 and 1100 of Assessor's Map 6N 35 36C, and, to remove 26 acres from the UGB
including tax lot 100 of Assessor's Map 5N 35 01. Property to be added is located west of North
Elizabeth Street, north of the city limits. Property to be removed is located south of Eastside
Road at the eastern edge of the UGB. Applicable criteria for approval include Section 152.750
and the Urban Growth Management Agreement.

Staff Report: Planning Director, Tamra Mabbott explained that this hearing had been continued
to allow staff time to answers questions of the Planning Commission at the prior hearing. One
question was whether the owners of the property being removed from the Urban Growth

Boundary (UGB), Schmidt Limited Partnership, had been notified and approved. A letter was received from Jan Barkley, representing the partnership, verifying receipt of notice and support for removal of 26 acres of their property from the UGB. The Planning Commission also wanted to know what the benefits and reasons were for removal of lands from the UGB.

Commissioner Colgan noted from the minutes of the previous meeting that Oregon Department of Transportation (ODOT) had requested recommendation from the Attorney General concerning the required traffic study for rezoning of the property being added to the UGB. Ms. Mabbott explained that the original notice of amendment from the city included rezoning and annexing the property being added to the UGB; however, ODOT required a traffic analysis, which would be costly to the property owner. Ms. Mabbott submitted comments to the city encouraging them to go ahead with a rezone and suggesting they could defer Transportation Planning Rule (TPR) compliance. In consultation with the city, the landowner chose not to go ahead with a rezone at this time. A letter of response to ODOT from the Attorney General's office stated that TPR compliance can be deferred to the time of development, as long as there are processes established in the jurisdiction's code allowing the landowner and the jurisdiction to show compliance.

Testimony from Applicant and Proponents: Gina Hartzheim, Planner for the City of Milton-Freewater explained there are no development plans for the property being added to the UGB at this time, but the city chose to accept the property owner's request to add his property to the UGB in order to be prepared for potential development. In order to make the addition as clean as possible, they chose to make a "swap" and remove 18 acres from another area. This area was chosen because it is a very viable piece of agricultural land, currently being utilized by the Milton Nursery. It is located east of the Walla Walla River, which presents challenges for development and utility extension, whereas the property being added to the UGB is currently located directly adjacent to city limits and is very easily served by existing utilities.

Another reason for selecting the land to be removed was that the city's Comprehensive Plan currently has a policy that speaks to three different areas within the UGB that would be available for development at any given time. The policy states that two of these areas need to be developed at least 50% before looking at the third area. The first two areas are both west of the Walla Walla River, so by default, anything east of the river would fall in the third area, which is not eligible for development because the first two areas have not been developed to 50% yet. Also, the Eastside Road Bridge is not capable of handling the additional traffic that would be generated by new development.

Commissioner Shurtleff asked why the city had chosen to include the property being removed in their original UGB. Ms. Hartzheim replied that she did not know for certain, but guessed that, because there were a few homes in that area next to the river, perhaps it was thought that there would be a need for future city services.

Hearing Closed; Planning Commission Deliberation: Commissioner Standley moved to recommend co-adoption of City of Milton-Freewater Ordinance #932. Commissioner Horneck seconded. Question called. Motion carried unanimously.

NEW HEARING

COMPREHENSIVE PLAN AMENDMENT #P-085. City of Pilot Rock applicant and owner. Property is located northwest of the existing city limits, adjacent to existing industrial corridor.

PROPOSED REQUEST is to add 445 acres of land to the City Urban Growth Boundary. Applicable criteria for approval include Section 152.750 and Oregon Administrative Rule Chapter 660, Division 4.

Staff Report: Ms. Mabbott explained that there is a deed restriction on the property that the city can never allow residential development. The city is proposing annexing the property into the UGB and changing the Plan designation to urbanizeable. Zoning would remain the same until the city annexes it into the city.

The property is an old industrial waste pond, and is now the site of an ATV/motocross track, which is permitted through a conditional use permit issued by the county several months ago. Most of the property is contiguous to the existing UGB, with a couple of property owners choosing not to annex.

Approximately a year ago the city met with the County Economic Development Director regarding an opportunity to work with a developer to locate a manufactured home builder. That led to a site visit with Ms. Mabbott; Jon Jinings of DLCD; Jackie Carey, Pilot Rock City Recorder; and Steve Draper, City Public Works Director. They decided it made sense to annex the entire parcel to allow them to do long term master planning.

The city water and sewer lines go to the property, but a pump station would be required. The land to the south is accessed by a county road, and the County Public Works Director did not recommend any improvements at this time, but he would like the city to take over the road at the time of annexation to the city. Ms. Mabbott's preliminary conclusion was that the Planning Commission may want to consider recommendations for the Board to address existing development, particularly the Gun Club.

Commissioner Rhinhart asked about the size of the existing urban growth area. Jackie Carey, City Recorder replied that they are not sure of the exact acreage, but they have no other industrial lands except along Highway 395, which is privately owned.

Commissioner Rhinhart also asked how or if Measure 37 would affect the UGB. He had heard that if there were enough Measure 37 claims and it appeared enough development would be

coming close to the area, the UGB could not be expanded. He was aware of two Measure 37 claims in that area requesting development for dwellings. Ms. Mabbott replied that Measure 37 will affect the development pattern, but the county is required to operate under the existing statutes and rules. The City's request complies with the rules in place at this time, irregardless of Measure 37. The need for expansion of area into a UGB is based on analysis of the city and the city's needs, not other rural development that may happen.

Commissioner Kline questioned why tax lots #1700 and 1701 were not included in the request. Ms. Mabbott explained that neither of those property owners had expressed interest in annexing to the UGB.

Testimony from Proponent: Ms. Carey explained that the city is looking for economic growth and had been approached by a manufactured home facility, which would employ 200 + employees. They had no industrial property available, so City Council decided to purchase the remaining farm property from International Paper, adjacent to the land they had been donated. This would not only increase their industrial property, but would also provide a location to move the city's wastewater lagoon so it is away from Birch Creek. There is also a natural gas main running along the property line, which makes the site more appealing for developers.

Commissioner Rhinhart asked if the property would still be used for the sewage pond if industrial development came. City Public Works Director, Steve Draper, replied that they would only need 50 acres for the pond. He added that, with the timber industry slowing, they need more opportunity to bring in new industrial development. Ms. Mabbott noted that the Department of Environmental Quality (DEQ) has encouraged the city to find an alternative wastewater system because of the current location on the edge of Birch Creek.

Commissioner Shurtleff suggested that, given the need for an alternative location for the city's sewage pond, perhaps there should be a condition of approval that the city reserve room on the proposed site for their sewage pond, to prevent the property from being used entirely for industrial development. Ms. Mabbott replied that she did not think it necessary to impose a condition. The site includes 445 acres, which allows plenty of room for a wastewater lagoon, land application of waste, and industrial development.

Pilot Rock Mayor, Virginia Carnes, provided a map of the motocross area.

Commissioner Reeder asked about other potential sites for the sewage pond. Mr. Draper replied that they have not other options, and this site would remove any complications of being near a stream.

Commissioner Horneck asked about the proposed cost of a new sewage pond and financing. Mr. Draper guessed the cost at several million dollars and acknowledged that funding is not planned at this time.

Commissioner Shurtleff noted that the property doesn't have access to railway, which would be important for industrial development. The only access appears to be the county road, which would need considerable development to handle industrial uses. Mr. Draper explained that a spur could be built up the hill from the Masonite Plant.

Testimony from Opponents: Local property owner, Tim Weinke explained he is not necessarily opposed, but has concerns:

- The proposed area to be annexed to the UGB is surrounded by farm ground.
- 50 acres seems inadequate for a wastewater area.
- Adjacent private landowners are put in jeopardy because the proposal devalues their land.

Local property owner, Wayne Platt Jr. shared Mr. Weinke's concerns about the acreage required for a wastewater area.

Rebuttal Testimony: Mr. Draper stated that the city had a preliminary study done by Anderson Perry which showed that 50 acres would be adequate for the wastewater area. Mr. Weinke asked that he submit a copy of the study for county review. Commissioner Rhinhart noted that adjacent farmland has problems with runoff of their irrigation water, which might be an issue. Commissioner Colgan commented that adjacent property may actually want water from the treatment facility for irrigation.

Commissioner Standley recused himself because of his position on Pilot Rock City Counsel. He noted that this property affords attributes that other land in the area doesn't because of the fact it can be used for commercial industry.

Commissioner Shurtleff asked about the need for housing if industry is successful and creates a large number of jobs. Ms. Mabbott replied that the city has 3 areas developable for residential use, so they should be able to infill within the city.

Commissioner Givens suggested that in the future, the city might have information readily available with answers to basic questions to head off concerns from the public.

Hearing Closed; Planning Commission Deliberation/Action: Commissioner Reeder commented that he is a fan of long range planning, and this plan fosters lead time for the city to establish infrastructure for the site when developers come in. Commissioner Kline added that he is glad to see the city taking the initiative to look into the future.

Commissioner Rhinhart expressed concern with such a large area being added to the UGB. Commissioner Colgan agreed that it is large, but noted it cannot be used for residential

development, and the proposal is better than the property sitting with no development or tax base for the county or city. Commissioner Shurtleff noted he would liked to have seen more detailed planning, especially for wastewater, but it is still an opportunity to give the city a tool to help themselves with.

Commissioner Reeder moved to recommend approval of #P-085 to the Board of Commissioners as presented. Commissioner Colgan seconded. Commissioner Standley was recuse, and Commissioner Rhinhart voted nay, commenting that he felt it was too much land to be added to the UGB. Motion carried 7:1.

NEW HEARING:

CONDITIONAL USE #C-1103-06. Flying J, Inc. 1104 Country Hills Drive, Ogden, Utah 84403, applicant and property owner. Property is 70.39 acres located on southeast quadrant of I-82 and Lamb Road and abuts Westland Road on the east, approx. five miles from the center of the City of Hermiston. Property consists of two Tax Lots, 200 and 202, on County Assessor's Map 4N 27 25A. Applicable zoning on the property is Light Industrial (LI) and Tourist Commercial (TC).

PROPOSED REQUEST is to site the following uses on acres with TC zoning: restaurant, travel convenience store, automotive fueling stations and accessory improvements (parking, signs, landscaping, etc.). The following uses would be on acres with LI zoning: truck fueling complex, truck service building, truck wash building and accessory improvements. To site these uses applicant proposes to consolidate Tax Lots 200 and 202 to create one large parcel.

The proposed uses could be allowed as a conditional use according to Section 152.277(E): other uses similar to the uses permitted or the conditional uses normally located in a Tourist Commercial Zone, providing that it has the approval of the Planning Commission. Other applicable criteria includes Sections 152.278, 152.280, 152.304 - 306 and 152.610 - 152.615.

Staff Report: Senior Planner, Patty Perry noted a correction to criteria referenced in the public notice. She added 152.308 after the reference to Section 152.277(E) and changed 152.304 – 306 to 152.309 – 152.311. The reason for the corrections was because the Development Code was re-codified for adoption of a Rural Tourist Commercial zone and exception to the Light Industrial zones after the Flying J Conditional Use application was submitted. Ms. Perry was unaware that the re-codification had changed the section references to accommodate the changes to the code. Although criteria read the same Ms. Perry corrected the notice to reference the original sections because the application was submitted prior to re-codification and must reference the original criteria numbers.

Ms. Perry explained that a similar conditional use application for Petro Stopping Centers was previously approved in this area by the Planning Commission, but was pending appeal with the

Board of Commissioners. An Interchange Area Management Plan (IAMP) had also been reviewed and adopted, addressing access and transportation planning for the area.

Ms. Perry noted that an exception to Goal 14 had been taken for the light industrial lands in this area, exempting this property from building size limitations on the LI zoned portion. Also, because the application was submitted prior to adoption of the Rural Tourist Commercial zone, the application is being processed as Tourist Commercial and there are no building size restrictions on that portion of the property either.

Because the proposed uses do not fit under specific uses listed in the Development Code, they are being a considered conditional use under the provision that the combined uses are similar to the uses permitted in the LI zone.

Ms. Perry explained that the subject area was included in the Stanfield IAMP, which went through a traffic impact analysis evaluating all the intersections there with a build out potential based on the zoning of the properties. Most of the level of service in the area was acceptable, but the Lamb, Westland, and Walker Road intersection showed indication of failure and would need improvements prior to further development.

Ms. Perry went over the precedent conditions, noting that the applicant had not addressed several items of Condition #7 with their application, regarding parking and building size.

She also noted that the site is within the critical groundwater area, so water rights, which are required under Condition #8, will be severely limited. The applicant has been working on alternatives.

Ms. Perry suggested moving Conditions #9 and #11 to subsequent conditions because they would be addressed during the development process.

Condition #12 regarding improvements to the road was suggested by the County Public Works Director. He recommended a development agreement between the county and the developer, and coordination would be applicable with the transportation authorities, such as ODOT and the County Road Department.

Ms. Perry noted the applicant's request to strike Condition #6, because it is also addressed in Condition #12.

Ms. Perry explained that finding #3; paragraph #2 required the same correction to the reference to the Development Code as noted earlier for the Public Notice.

Additional comments were received since Planning Commission packets were mailed out, and would be added to the record as Exhibits #7-13. Commissioner Reeder moved to accept all exhibits to the record. Commissioner Horneck seconded. Motion carried.

Commissioner Reeder asked if there might be a need for a Covenant Not to Sue, and suggested it be added as Precedent Condition #10.

Proponent Testimony: John McSweeney, representing the applicant, Flying J testified regarding their proposal. He noted that the site plan included with the original application was numbered G1. They have been working with ODOT on placement of access, so the plan will likely change.

Mr. McSweeney explained that, of Flying J's 177 facilities, this would be the largest. It would consist of a central building of approximately 18,500 square feet, with trucks kept to one side. The building would include a store, restaurant, lounge/game room for drivers, and shower facilities, and the merchandising area would include two fast food stores. The facility would employ approximately 100 people.

They have begun the process of addressing criteria, including water supply, access, traffic study and wastewater. They have also met with Westland Irrigation Company and anticipate an agreement for relocation of the canal on the subject property.

They think the development will enhance the intersection and provide new employment, and they expect it will also bring other development. Mr. McSweeney asked that the Planning Commission approve the application with changes to the conditions as discussed earlier.

Commissioner Colgan asked about water and if they intend to pursue water rights from the Port of Umatilla. Mr. McSweeney replied that they are dealing with neighbors in regard to water, but thought it inappropriate to divulge their discussions at this time

There was some discussion about the applicant's plans for access and improvements to the nearby intersection of Lamb and Westland Roads. Mr. McSweeney explained that their plan is to configure access in such a way that trucks get on and off the freeway as quickly and safely as possible, and they intend to make any necessary improvements to the intersection.

Commissioner Shurtleff asked about the volume of trucks coming and going every 24 hours. Mr. McSweeney estimated 660 trucks per day.

Opponent Testimony: Mike Connors, attorney with Davis Wright Tremaine, testified on behalf of Western Express and Space Age Fuel. Mr. Connors argued that there were major deficiencies with the Flying J application, and he thought it inappropriate to defer compliance through conditions, because it takes away the public process and is legally flawed. He suggested denial of the application, explaining that the applicant cannot comply with required criteria for the following reasons:

- 1) Water. The applicant suggested that water will come from the Port of Umatilla, but Mr. Connors pointed out a letter from the Port that says there is no capacity for additional users. He also noted a letter (Exhibit #13) from Laura Schoeder, a water rights expert, which states that it is highly questionable whether the applicant will be able to receive

water rights from the Port.

2) Transportation. Mr. Connors explained that the County Development Code requires the applicant to provide a Traffic Impact Analysis, which they have not done, nor have they provided even basic information about how much impact there would be.

3) Site Plan. The applicant's plan is very conceptual, but the Code requires a detailed final site plan. The property is also split zoned and the applicant needs to address allowed uses on those zones.

Mr. Connors also noted that the application did not address impacts to surrounding uses, mitigation for impacts, landscaping, lighting, or approval from other agencies.

Several commissioners expressed concern about the motive behind Mr. Connors' clients' argument, and noted it was likely they had received approval with similar conditions themselves. Mr. Connors replied that he was unaware of what processes his clients went through, but as property owners in the surrounding area, they have legitimate concerns about water and traffic impacts. If the application is approved through conditions, the only option for the public to voice their opinion regarding how the conditions are met would be through appeal.

Other Testimony: Emmett Walker, representing ConAgra Foods testified that they are neutral on the proposal, but have concerns regarding traffic and safety at the Lamb/Walker/Westland intersection and they want to make sure traffic is addressed.

Gary Hall, a consultant for truck stops commented that trucks generally stop 3 to 4 times before fueling, so Mr. McSweeney's estimate for truck traffic is probably low. Commissioner Shurtleff asked what specific type of consulting Mr. Hall does for truck stops. Mr. Hall replied that he does analysis of sites to determine if a location is good for locating a truck stop and then refers the client to a truck stop feasibility company to calculate specific numbers. He was not representing the applicant or opponents, and was not in opposition. He was just concerned about specifics, such as water and traffic. He felt that the applicant should provide more information, and that they should have the ability to draw information from their other truck stops to provide some idea of water use and truck count. He also suggested that they could have a traffic count done for the freeways and crossroads to get a better idea of potential truck traffic.

Paul Magana, adjacent property owner, explained that he is not opposed to the proposal, but shared concerns about traffic. He requested that Condition #6 and #12 not be consolidated as suggested earlier in the meeting, because he felt it important to have a development agreement outlining the responsibilities of the applicant. His fear was that, in the future, adjacent property owners would be required to assist financially in improvements to the roads because of the development.

Ms. Mabbott pointed out for the Commissioners that Mr. Connor had a valid point regarding the

completeness of the application. Certain final decisions can be deferred to an agency, but there needs to be some kind of assurance that the applicant's proposals are a possibility. She cited the Petro application, noting that they had provided much more information at the time of their hearing. Ms. Mabbott also noted that a development plan had been made a condition in the Petro case and the final findings had to be put off for months until the plan was complete. She thought it best in the future to defer a decision until the applicant can provide a final set of findings.

Agency Testimony: Mike Wick, Westland Irrigation District Manager referred to a letter he had submitted (Exhibit #7). He was "cautiously supportive" that realignment of the canal could be done. He suggested the Commission require an agreement regarding realignment of the canal that is reviewed by the District's Board of Directors.

He also noted the staff report references an easement for the canal, but it is unclear if it is actually an easement or deeded right of way. He suggested a legal determination to address that issue.

Another concern Mr. Wick had was with traffic on Westland Road. Their canal borders the road and widening could impact the existing canal or its relocation, so he would be interested in knowing what changes are proposed for Westland Road in the future.

Roger Alfred, attorney for the City of Hermiston testified that the city is not opposed, but they have the same concerns as previously addressed. In light of the incompleteness of the application, he thought it premature to make a decision at this time and suggested continuing the hearing.

Rebuttal Testimony: Mr. McSweeney explained that they are prepared to do a traffic study, and are working with a couple of sources for water. He pointed out that they placed the building on the site plan in the appropriate zoning for its use.

Eric Weden with Terra Pacific Engineering commented that Ms. Perry indicated in her report that the development is likely to create a significant increase in trip generation. A traffic impact study was conducted as part of the development of the Westland Road IATP, and is satisfactory to demonstrate the level of the development impact.

Mr. Alfred requested that the record be left open for at least seven days for submittal of additional materials.

Commissioner Givens suggested that the hearing be continued for the applicant to compile more specific information regarding waste disposal, water and traffic. Commissioner Horneck suggested requiring that the Irrigation District Board review relocation of the canal, as Mr. Wick suggested earlier. He also wanted more detailed information involving roads and traffic issues. Commissioner Givens suggested the applicant provide a list of neighboring property owners and businesses they will be working with on traffic issues so the Commission can see their ideas are

agreeable to other uses.

Commissioner Reeder suggested leaving the conditions as they are, adding a signed agreement with the Westland Irrigation District's Board relative to relocation of the canal, and continue the hearing until written documentation is received relative to all water and traffic issues.

The Planning Commission concurred and the meeting was continued to May 25, 2006 at 7:30 in the same location.

OTHER BUSINESS:

Approval of Minutes: The minutes of February 23, 2006 and March 3, 2006 were approved as submitted.

Groundwater Task Force: Commissioner Colgan reported that subcommittees had met last week. The focus of the 2050 group is development of a draft index for components of the written plan. They are still awaiting study materials from OSU.

Assistant Planning Director, J.R. Cook noted that there will be a joint meeting May 4th, 2006 with the Oregon Water Resources Commission in Hermiston, at the Community Center, involving roundtable discussion and planning. There will be a tour of the basin by invitation as well. An email notice would be distributed.

Mr. Cook noted that he had put together a 12 slide annual report on water and he could present it for the Planning Commission at another meeting.

There was discussion about reporting Board decisions on recommendations forwarded by the Planning Commission. Ms. Mabbott suggested that information that may be pertinent to the Planning Commission could be included with packets each month or emailed.

A work session was discussed as well, but a date was not set.

Senate Bill 360: Commissioner Kaminski reported that he and Commissioner Givens had attended a wrap up meeting in Walla Walla County January 31, for the Mill Creek Wild Fire Protection Plan. Umatilla County Commissioner Holeman would be signing the agreement this Monday, on behalf of Umatilla County. This plan dovetails into what is being done with SB 360. The reason for the agreement is that Walla Walla County has a water shed that spans the state boundary and the actual retrieval site is in Oregon. They are concerned about wild fire affecting the water because the City of Walla Walla does not have a filtration plant.

UCPC Mtg. of March 23, 2006

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The SB 360 Committee has made classification decisions on some areas, and is now looking at lands along Hwy 395. Mr. Cook noted that the Oregon Department of Forestry will be implementing SB 260 on deeded ground on the Reservation.

Commissioner Horneck announced that the Oregon Department of Health has reported that perchlorate in west end water is considered a non health issue.

ADJOURNMENT:

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Heather Smith
Secretary

UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of Tuesday, April 11, 2006
1:30 p.m., Room 114, County Courthouse
Pendleton, Oregon

COMMISSIONERS PRESENT: Emile Holeman (Vice Chair), Bill Hansell

PLANNING STAFF PRESENT: Tamra Mabbott, Heather Smith

COUNTY COUNSEL: Doug Olsen

GUESTS PRESENT: Jackie Carey, Virginia Carnes, Steve Draper,
Dean Brickey, Larry Givens

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. HOWEVER, A TAPE OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.

CALL TO ORDER:

Commissioner Holeman called the meeting to order at 1:40 p.m.

It was noted that Commissioner Doherty was absent due to other county business

NEW HEARING:

COMPREHENSIVE PLAN AMENDMENT #P-085. City of Pilot Rock applicant and owner.
Property is located northwest of the existing city limits, adjacent to existing industrial corridor.

PROPOSED REQUEST is to add 445 acres of land to the City Urban Growth Boundary. Applicable criteria for approval include Section 152.750 and Oregon Administrative Rule Chapter 660, Division 4.

Staff Report: Planning Director, Tamra Mabbott explained that the subject property is owned by the city and is contiguous to the existing Urban Growth Boundary (UGB). A deed restriction on the property prohibits residential development.

It is a large UGB expansion, but because the city has limited industrial ground, it makes sense to add the entire area. The city would like to have lands available to offer potential industrial partners, and have already been approached by a very interested developer. The city also hopes to relocate their wastewater treatment plant to the site. The city has been encouraged by the Department of Environmental Quality (DEQ) to move their treatment facility, due to its current

location adjacent to Birch Creek.

Commissioner Hansell asked about the small area of land not included in the request, noting that the amendment would create an "island" of county land within the UGB. Ms. Mabbott explained that the landowner had been contacted, but did not wish to be added to the UGB at this time. Rather than being held back by the landowner, the city chose to go ahead with their request so that they can continue with long range development planning.

Proponent Testimony: Pilot Rock Public Works Director, Steve Draper explained that the city is limited on industrial ground, and by having more industrial lands in their UGB, they will have better opportunity for bringing in industry. The city also needs a location to relocate their wastewater lagoon, and this area would be ideal.

Pilot Rock Mayor, Virginia Carnes expressed her support.

Jackie Carey, City Recorder/Planner pointed out their existing industrial area on a zoning map provided by Anderson Perry, noting that those lands are owned mainly by farmers.

She reiterated Mr. Draper's comments on the need for more industrial lands and the need to move their wastewater lagoon away from Birch Creek.

Hearing Closed; Board Deliberation and Decision: Commissioner Hansell expressed his support, commenting that it is a good opportunity for the city, and he commended them for looking to the future. Commissioner Holeman agreed and added that it is good for the citizens of both the city and the county. The site is also ideally set up for the city's wastewater lagoon.

Commissioner Hansell moved approval in the matter of amending the City of Pilot Rock's UGB: Ordinance #2006-10. Commissioner Holeman seconded. Motion carried.

NEW HEARING:

Co-Adopt City of Milton-Freewater Ordinance No. 932, Urban Growth Boundary (UGB) Amendment. Proposal is to add 18 acres of land to the UGB, including tax lots 900, 1000 and 1100 of Assessor's Map 6N 35 36C, and to remove 26 acres from the UGB including tax lot 100 of Assessor's Map 5N 35 01. Property to be added is located west of North Elizabeth Street, north of the city limits. Property to be removed is located south of Eastside Road at the eastern edge of the UGB. Applicable criteria for approval include Section 152.750 and the Urban Growth Management Agreement.

Staff Report: Ms. Mabbott pointed out that the proposed property to be added to the UGB is geographically well suited for commercial and industrial development. The original proposal submitted to the city asked that the parcel be rezoned commercial, but Oregon Department of Transportation (ODOT) intervened, asking that the landowner first provide a traffic analysis. Due to expense, the landowner chose to remove the zone change request. Ms. Mabbott anticipates that the city or landowner will initiate rezoning in the near future. She explained that she had written the city a letter encouraging them to go ahead with the rezone and defer the traffic analysis until the time of development because it makes more sense for the property to be zoned commercial or industrial for marketing purposes. When a specific type of development is known, the traffic study can be tailored accordingly. Her interpretation was corroborated by ODOT and the Department of Justice.

The property to be removed is a small portion of a larger tax lot already outside the UGB, and it is nearly impossible for the city to provide services due to its location. The property owner is not interested in being part of the UGB and has submitted a letter agreeing to be removed. Another part of the city's strategy for removal of this property is to do a swap, making the UGB expansion more agreeable with the state. In this case, the city is actually removing more lands than they are adding.

Hearing Closed; Board Deliberation and Decision: Commissioner Hansell expressed his support and moved approval in the matter of co-adopting the City of Milton-Freewater Ordinance #932: Ordinance #2006-09. Commissioner Holeman seconded. Motion carried.

ADJOURNMENT:

The meeting was adjourned at 2:10 p.m.

Respectfully submitted,

Heather Smith
Secretary