



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

6/21/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Umatilla County Plan Amendment
DLCD File Number 001-10

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 02, 2010

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Tamra Mubbott, Umatilla County
Jon Jinings, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUN 14 2010

LAND CONSERVATION
AND DEVELOPMENT

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

Jurisdiction: Umatilla County

Local file number: P-100; Z-290

Date of Adoption: June 10, 2010

Date Mailed: 6/10/10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/18/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Rezone 62.5 Acres from EFU/LI to industrial; including Goal 3 exception for parcel and Goal 14 exception for 32.5 Acres and apply the Limited Use Overlay Zone to the 32.5 Acres.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: North South County Ag. to: Industrial
Zone Map Changed from: EFU/Industrial to: LI/Limited Use Overlay - 32.5 Ac
Location: I-84/I-82 intersection
Specify Density: Previous: farm/rural New: industrial urban - 32.5 ac
Applicable statewide planning goals: LRLI - 30 Ac Acres Involved: 62.5
industrial rural - 30 Ac.

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

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

Yes No

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

Yes No

DLCD file No. 001-10 (18233) [16171]

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

Local Contact: Tamra Mabbott Phone: (503) 278-6246 Extension: —
Address: 216 SE 4th St. Fax Number: 503-278-5480
City: Pendleton Zip: 97801 E-mail Address: tamra@co.umatilla.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD** 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

RECEIVED

JUN 07 2010 THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
 Comprehensive Plan) ORDINANCE NO. 2010-03
 to include Goals 3 and 14)
 Exception and Comprehensive)
 Plan Map for Industrial Use)
 for The Kiernan Company and)
 Roger S. Bounds)

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

WHEREAS an application was received from The Kiernan Company requesting Umatilla County to allow the re-zoning of 62.5 acres of rural property EFU zoned (portion is presently zoned Light Industrial) to allow for industrial use on property owned by Roger S. Bounds, which would require an exception to Goal 3 and Goal 14;

WHEREAS the Umatilla County Planning Commission held a public hearing on May 27, 2010 to review the application and the proposed amendment to the plan and recommended that the Board of Commissioners adopt the amendments;

WHEREAS the Board of Commissioners held a public hearing on June 7, 2010, to consider the proposed amendments, and voted to approve the application.

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

I. *To be added at the end of the section entitled Westland (Area #3) on Page 18-359:*

Fed Ex Freight - Umatilla County Tax Lot 4N2825-300 - These are the findings of fact and reasons to support exceptions to Statewide Planning Goal 3 (Agriculture) for entire parcel and Goal 14 (Urbanization) for easterly 63.5 acres that is located in the vicinity of Westland Road, at the intersection of Interstates 82 and 84 in Umatilla County. Due to the lack of water rights, the property has never been utilized for farm

purposes. Along with Class VII Soil and lack of neighboring farming activities, the property is neither suitable for nor capable of being used for farming and ranching activities. The site is committed to non-resource uses due to its lack of water, and adjoining non-resource uses.

There is also a reasons justification for the exception to Goal 14. Due to the need for access to interstate highways, less conflict with incompatible traffic situations, and limited impacts on adjoining resource uses, the urbanization exception is justified.

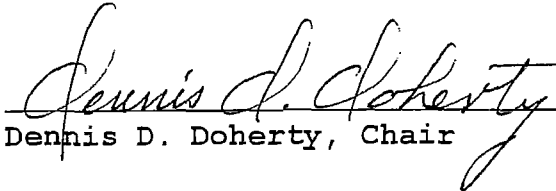
II. The map, Developed & Committed Commercial & Industrial Lands, Page 18-360, is amended as set out in Exhibit 1, attached to this ordinance and incorporated by this reference.


III. The plan designation of the approximate 62.5 acres of Tax Lot 4N2725-300 is changed from Farm to Industrial, and all maps in the Comprehensive Plan are changed to reflect this amendment.

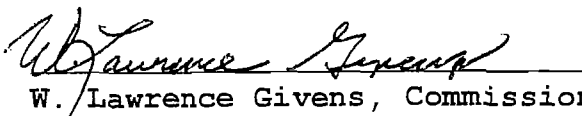
FURTHER, the Board of Commissioners of Umatilla County ordains that the zoning map designation of the approximate 32.5 acres of the easterly portion of Tax Lot 4N2725-300 is changed from EFU/Light Industrial to Light Industrial, and the westerly 30.0 acres is changed from EFU to Limited Rural Light Industrial.

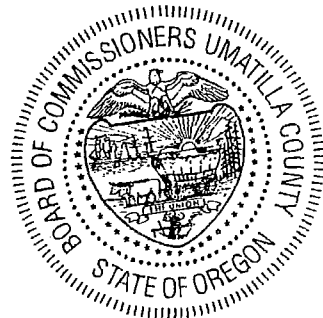
DATED this 7th day of June, 2010.

UMATILLA COUNTY BOARD OF COMMISSIONERS


Dennis D. Doherty, Chair

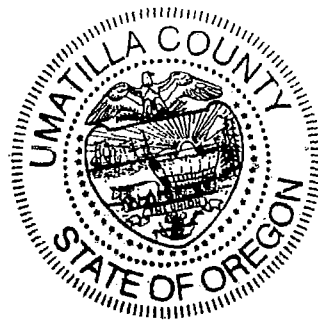

William S. Hansell, Commissioner

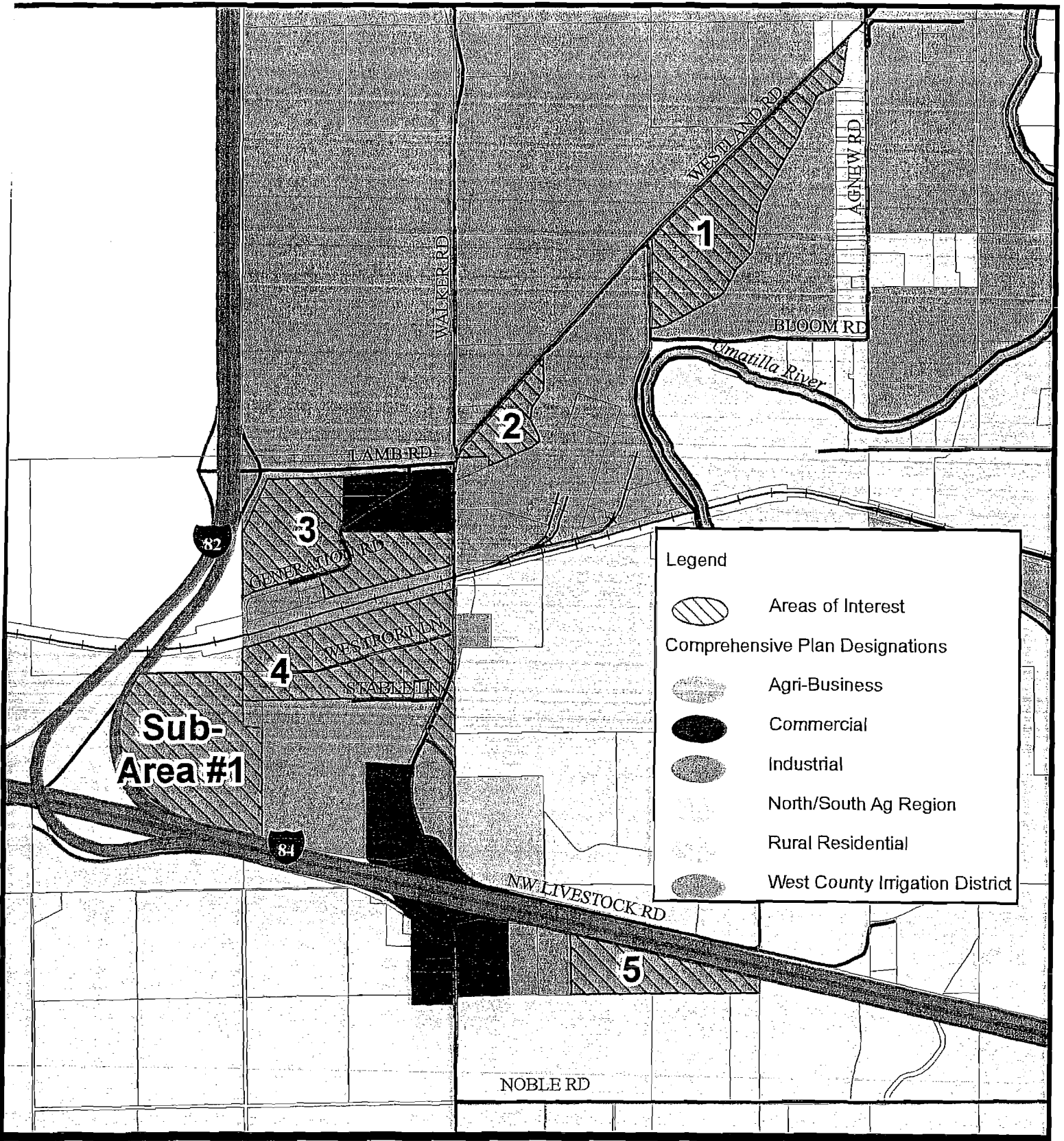

W. Lawrence Givens, Commissioner










ATTEST:
OFFICE OF COUNTY RECORDS

Beverly Reid
Records Officer

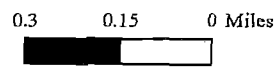




Legend

-  Areas of Interest
- Comprehensive Plan Designations**
-  Agri-Business
-  Commercial
-  Industrial
-  North/South Ag Region
-  Rural Residential
-  West County Irrigation District

**WESTLAND INTERCHANGE &
WESTLAND INDUSTRIAL LANDS**



Map Revised: June 7, 2010
via Ordinance 2010-03

**DEVELOPED & COMMITTED COMMERCIAL
& INDUSTRIAL LANDS** (showing Comprehensive Plan Designations only)



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR UMATILLA COUNTY**

**In the Matter of an Application by The)
Kiernan Companies for a Post-)
Acknowledgement Plan Map Amendment)
and Zoning Map Amendment for a 62.5)
acre parcel from Umatilla County)
Exclusive Farm Use ("EFU") and Light)
Industrial ("LI"), to Light Industrial (32.5)
acres) and Subject to a Limited Use)
Overlay Zone, with the remainder to be)
zoned Limited Rural Light Industrial (30)
acres); an Exception to Statewide)
Planning Goals 3, "Agriculture," and 14,)
"Urbanization," on Approximately 62.5)
Acres Located Northeast of the)
Interchange of Interstate Highway 82 and)
Interstate Highway 84.)**

**SUPPLEMENTAL FINDINGS
OF FACT AND CONCLUSIONS
OF LAW APPROVING THE
APPLICATION**

I. Introduction and Summary of Requests.

This decision approves the request by The Kiernan Companies (the "Applicant") for approval of the following requests:

- A comprehensive plan map amendment from Exclusive Farm Use ("EFU") to Industrial ("I");
- A zoning map amendment in conformance with the comprehensive plan map amendment from EFU to Light Industrial ("LI") on approximately 32.5 acres;
- The part of the site proposed for the urban use (32.5 acres) will be subject to the Limited Use Overlay ("LU") zone which limits the site to the use approved in the design review subject to the two (2) Goal exceptions.
- A zoning map amendment in conformance with the comprehensive plan map amendment from EFU to Limited Rural Light Industrial ("LRLI") on approximately 30 acres;
- An exception to Statewide Planning Goal 3, "Agriculture," and Statewide Planning Goal 14, "Urbanization," to allow a non-resource, urban use on the property;

The proposed service center will be located on the eastern 32.5 acres of the 62.5 acre parcel. A portion of the 32.5 acres to be used for the service center is already mapped and zoned Rural Light Industrial subject to the acknowledged Umatilla County Comprehensive Plan ("Plan"). The site takes access from Westland Road via a nonexclusive private easement. The site is located northeast of the interchange of Interstate Highway 84 and Interstate Highway 82.

II. Procedural Status.

The Applicant submitted a complete application on April 2, 2010. Umatilla County (the "County") provided the required 45-day notice to the Oregon Department of Land Conservation and Development ("DLCD") on April 18, 2010, prior to the initial evidentiary hearing before the County Planning Commission on May 27, 2010. The County also mailed notice of the hearing to all property owners within 500 feet of the site's perimeter on May 7, 2010, twenty (20) days prior to the initial evidentiary hearing date. The County coordinated with affected governmental entities including DLCD, the Oregon Department of Transportation ("ODOT") and the County Public Works Department. Prior to the initial evidentiary hearing, the County received several letters supporting the application, a letter dated May 26, 2010 from Jon Jinings, Community Service Specialist for DLCD, and an email dated May 24, 2010 from ODOT.

No party appeared in opposition to the application although, as explained below, the supplemental findings address the May 26, 2010 DLCD letter and the May 24, 2010 ODOT email.

The Umatilla County Planning Commission held a public hearing at 6:30 p.m. on May 26, 2010 in the Stanford Hansell Hearing Center Room in Hermiston, Oregon. Eight (8) of the nine (9) Planning Commission members were present with Commissioner Kaminski absent. The Planning Commission had a quorum.

Chair Rhinhart read the announcements required by ORS 197.763(5) for a quasi-judicial hearing. Chair Rhinhart asked for disclosures of *ex parte* contacts, bias or conflicts of interest. No party disclosed any *ex parte* contacts, bias or conflicts of interest. No party objected to the Planning Commission's jurisdiction nor lack of disclosures of *ex parte* contacts, bias or conflicts of interest.

Planning Director Tamra Mabbott provided the staff report on the post-acknowledgement map amendments and exception requests. Planning Director Mabbott used several exhibits in her presentation. Following the staff report, the Planning Commission provided an opportunity for the Applicant to testify. Planning Consultant Stan Foster and Applicant Kevin Kiernan made a presentation. Following their presentation, the Planning Commission asked for general testimony or opposition testimony. No party offered any general or opposition testimony. Therefore, the Applicant did not provide a rebuttal.

Chair Rhinhart closed the portion of the public hearing concerning the post-acknowledgement map amendments and exceptions, and the Planning Commission deliberated to a tentative decision. On a motion by Commissioner Williams, seconded by Commissioner Standley, the Planning Commission voted 8-0 to recommend to the Board of County Commissioners (the "Board") that the post-acknowledgement map amendments and exceptions be approved. The motion included the recommended conditions of approval contained in the staff report and as described by staff at the public hearing.

No party requested that the public hearing be continued or the written record held open to a date certain prior to the close of the record.

III. Incorporation of Staff Report and Application.

These findings incorporate by reference the three (3) page, May 20, 2010 staff report and its three (3) exhibits and the application submitted by the Applicant. To the extent there are any conflicts between these findings, the staff report and the application, these findings shall control.

IV. Supplemental Findings Addressing the Exception Request to the Statewide Planning Goals 3 and 14.

A. Exception to Statewide Planning Goal 3, "Agriculture."

In addition to the staff report and the application, the Board hereby adopts the following findings justifying the exception to Statewide Planning Goal 3. As noted in DLCDC's May 26, 2010 letter, it is unnecessary to protect the subject property for farming and ranching activities under Statewide Planning Goal 3, "Agricultural Lands." The Board relies on the following evidence heard by the Planning Commission to justify the exception to Statewide Planning Goal 3.

First, in addition to the Applicant's testimony, the property owner testified as to the history of water rights for the property. The property owner, whose family has owned the property for many years, testified that the property has never had water rights. He also testified that with the exception of a short-term lease, the property has never been utilized for farm purposes. These two facts, combined with the property's predominant soil classification of Class VII soil (non-high value), provides substantial evidence that the property is neither suitable for nor capable of being used for farming and ranching activities.

Second, the Board relies on the testimony from the Applicant's representative. The Applicant's representative noted that given the commitment to non-resource surrounding uses, it would be extremely difficult to farm the property. Thus, the Board finds that even in the event that water rights were available to the property (the record contains evidence that only 5,000 gallons per day are available and the Board finds that this is unlikely to sustain agriculture on the site), the surrounding uses make the property undesirable and impractical for farming as explained by the Applicant's representative to the Planning Commission.

Third, the Board is persuaded that the absence of farming activities in the nearby area demonstrates that this site is not suitable for farming and ranching activities. To the east of the property are several potato and onion sheds and horse track. To the north of the property are lands unused for farming and a parcel under which an exception to Goals 3 and 14 has been taken and is zoned Rural Tourist Commercial. Thus, the Board notes that because no agricultural activities occur in the immediate area, facts substantiating their conclusion that agricultural activities on this property are unlikely and improbable.

For these reasons, the Board finds that an exception to Statewide Planning Goal 3 is warranted.

B. Exception to Statewide Planning Goal 14, "Urbanization."

In addition to the staff report and the application, the Board hereby adopts the following findings supporting the exception to Statewide Planning Goal 14 for two (2) reasons.

a. The Site is Committed to Non-Resource Uses under OAR 660-014-0030.

The Board finds based on substantial evidence in the whole record that the site is committed to non-resource uses. In addition to the argument and evidence contained in the staff report and application, the Applicant's representative provided additional evidence at the Planning Commission hearing upon which the Board relies. As noted above, the site lacks irrigation water rights, thus making it untenable for ranching and farming purposes. Second, the site is surrounded by a variety of uses which make a resource use impractical and improbable. For these reasons, the Board agrees with the testimony of the Applicant's representative that the site is committed to non-resource uses. Thus, the Board finds that OAR 660-014-0030, "Rural Lands Irrevocably Committed to Urban Level Development," is satisfied.

b. Reasons Justify the Exception under OAR 660-014-0040.

The Board finds based on substantial evidence in the whole record that OAR 660-014-0040, "Establishment of New Urban Development on Undeveloped Rural Lands," is satisfied. This administrative rule requires that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities. The substantial evidence before the Board, including the testimony of the Applicant's representative before the Planning Commission, convinces the Board that this administrative rule is satisfied. The record reveals that the Applicant examined a number of sites within existing urban growth boundaries but concluded that this site most closely met the needs identified for a location of this type of facility. The Applicant's representative explained that the location for this type of facility is determined through a proprietary model developed by the California Polytechnic Institute. This model takes into consideration the direction and number of freight loads for FedEx Freight, Inc. and the most appropriately sited location that maximizes fuel economy and minimizes the length of travel time. The model demonstrated that this site was the best site considering all of the above factors and the factors described by the Applicant's representative. Thus, substantial reasons justify the exception to Goal 14.

The Applicant's representative also explained at the hearing that it was not possible to locate this site in Umatilla City on Oregon Highway 730 because of that highway's prohibition for triple trailer loads. The Applicant's representative explained that UGB sites in the cities of Hermiston, Pendleton and Pilot Rock were also unacceptable for several reasons. First, the sites were unacceptable because of their lack of proximity to the interchange of Interstate Highways 82 and 84. Second, because of their lack of proximity to this interchange, additional fuel will be used, thus making the freight hauling less competitive than if located at this preferred site. Third, the Applicant's representative pointed out that locating the service center within an existing urban growth boundary or rural community would require double and triple trailers to use roads within those communities, thus creating incompatible traffic situations. The preferred

location has the benefit of allowing immediate access to both interstate highways from the service center.

The Board finds that the requirements of OAR 660-014-0040(3)(b)(A) are satisfied. This requires the Board to determine that the amount of land included within the boundaries of the proposed urban development is appropriate. Substantial evidence in the whole record before the Board demonstrates that the service center, the shop building, and the off-street parking [the westerly portion of the site will be zoned Rural Light Industrial (not allowing urban uses except those in compliance with Statewide Planning Goal 14)] will use only the east portion of the site.

The Board finds that OAR 660-014-0040(3)(b)(B) is satisfied. The Board finds that the urban development of the site will be limited by the air, water, energy and land resources at or available to the proposed site and the urban development at the proposed site will not adversely affect the air, water, energy and land resources of the surrounding area. The urban development on the site will be served by a 5,000 gallon per day water well. The Applicant's representative testified that this was more than sufficient water to serve the service center, and that the water used in the service center will be recycled. No urban water will be available to the site. The Board also finds that land resources at the site are not adversely affected because the land is not being used for resource use at the present time. The Board also finds that urban development is not limited by air or energy at the proposed site because neither of those resources are required for serving the site.

The Board finds that the proposed urban development (the service center, the shop building and the off-street parking) will not adversely affect air, water, energy and land resources of the surrounding area. The Board finds that air will not be adversely affected because the use will be compliant with applicable state and federal requirements regarding air quality. Water resources will not be adversely affected because the proposed urban use will recycle its water. Moreover, the proposed urban use will prevent water runoff on to adjacent lands.

The proposed urban development will not adversely affect energy resources of the surrounding area. The site is amply served by electric service. Finally, urban development at the proposed site will not adversely affect land resources of the surrounding area. The surrounding area does not depend on this site for the continuing uses in the surrounding area.

The Board finds that OAR 660-014-0040(3)(c) is met. This administrative rule requires that the proposed urban use be compatible with adjacent uses or will be rendered compatible through measures designed to reduce adverse impacts considering the following:

- Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services and
- Whether the potential for continued resource management of land at present levels surrounding and near the site proposed for urban development are assured.

The Board finds that the proposed use is compatible with surrounding uses because it will not detract from the ability of cities and service districts to provide services. The Board relies, in part, on testimony from the cities of Hermiston, Stanfield and Pendleton supporting the location of the service center on this property. Second, this site does not use urban services from any of

the nearby cities and, therefore, does not detract from the ability of those cities to provide urban services.

The Board also finds that the potential for continued resource management of land at present levels surrounding and near the site is assured. The Board first notes that there is no resource management of land surrounding and near the proposed site. However, even if there were such land surrounding and near the site, the proposed urban development will not affect the continued resource management of those lands at present levels for the following reasons.

First, access from the site to County and state highways is over an existing non-exclusive easement. Therefore, no new roads through existing resource management properties will be required. Second, the site does not require water from those properties. Third, there is ample electricity to serve the site. Fourth, the urban development will contain storm water runoff on the site. Fifth, few if any visitors will come to the site; the predominant traffic to and from the site are the FedEx Freight, Inc. trucks.

Finally, the Board finds that OAR 660-014-0040(3)(d) is satisfied. This administrative rule requires an appropriate level of public facilities and services to be provided in a timely and efficient manner to the proposed urban use. The only public facility and the services are roads. The conditions of approval in the post-acknowledgement map amendment and exception decisions require that the Applicant improve the intersection of Westport Lane and Westland Road. The conditions of approval also require that the Applicant contribute to the improvement of the intersection of Lamb Road and Westland Road and Walker Road.

For these reasons, the Board finds that the Applicant has met its burden of proof by substantial evidence to demonstrate that the requirements for an exception to Statewide Planning Goal 14 on approximately 30 acres of land to allow a FedEx Freight Service Center are met.

V. Compliance With the Oregon Transportation Planning Rule, OAR 660-012-0060(1)-(3).

The Board relies on the Applicant's transportation impact analysis (the "TIA") dated March 31, 2010. The TIA examined whether the approval of the proposed urban use would cause a "significant affect" as that term is used in OAR 660-012-0060(1) for the portion of the site to be devoted to the urban use. The TIA examined the future year analysis in 2026. The TIA concluded at page 2 that "The proposed zone change and initial development of the FedEx Freight facility will result in no significant traffic impacts in the study area. No mitigation is needed to allow this development to occur in 2011. In the long-term, with or without this development, full build-out of the study will result in the need for improvement of the I-84 Westland interchange."

The Board concludes that OAR 660-012-0060(1) is satisfied. Therefore, the mitigation measures under OAR 660-012-0060(2) and (3) are not required. The Board notes that the conditions of approval requiring improvement to the intersection of Westport Lane and Westland Road and the contribution to improvements of Lamb Road and Westland Road will assure that this application has no significant affect on surrounding transportation facilities in the short or the long term (through 2026). The Board also notes that should the Applicant propose additional urban development on the remainder of the site, that an additional Transportation Planning Rule

analysis will be required as part of that application because the Applicant will have to seek a further Goal 14 exception for the portion of the site not devoted to an urban use.

VI. Conclusion.

For the reasons contained herein, the Board hereby approves the application by The Kiernan Companies subject to conditions of approval.

Conditions of Approval

1. Impacts to Westland Road

a. Install turn lanes on Westland Road, north bound and south bound. Final design specification must be approved by the County Public Works Director. Final terms of the road improvements will be subject to a Development Agreement between Umatilla County and the developer. The improvements to Westland Road must be completed prior to normal operation of the facility.

b. Sign and record a Consent to Participate in future improvements to Westland Road. The pro forma agreement will be provided by the county.

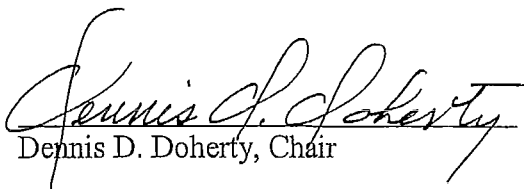
2. Impacts to the Lamb/Walker/Westland Road Intersection


a. Contribute a proportionate share of the cost for the planned intersection improvements. The proportionate share is identified in the Traffic Study and is also part of the Development Agreement between Umatilla County and the developer.

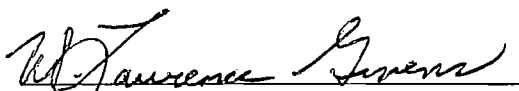
3. Impacts to Westport Lane

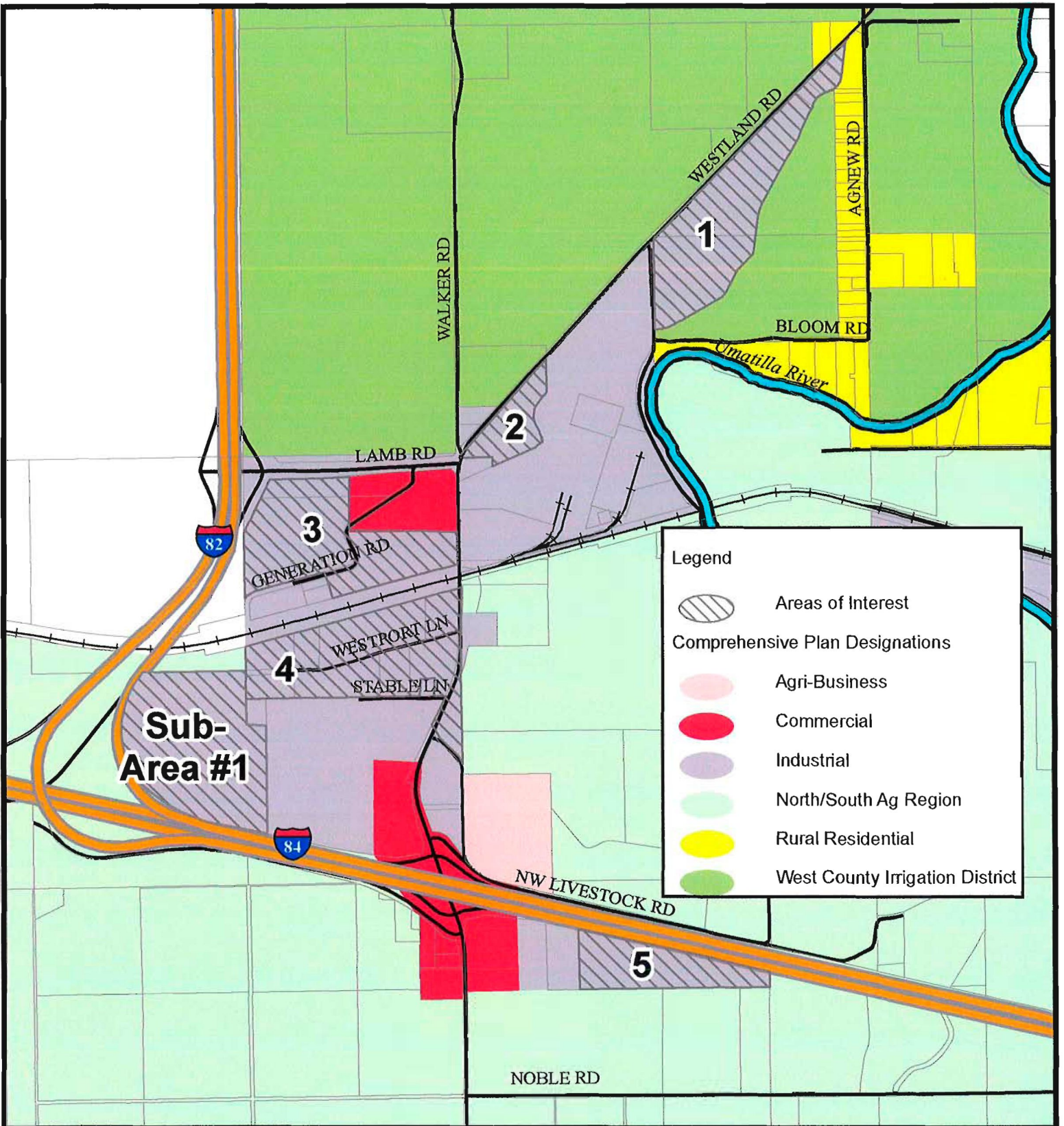
a. Sign and record a Consent to Participate Agreement in a future Local Improvement District or future improvements to Westport Lane.

UMATILLA COUNTY BOARD OF COMMISSIONERS








Dennis D. Doherty, Chair


William S. Hansell, Commissioner

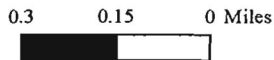

W. Lawrence Givens, Commissioner



Legend

-  Areas of Interest
- Comprehensive Plan Designations**
-  Agri-Business
-  Commercial
-  Industrial
-  North/South Ag Region
-  Rural Residential
-  West County Irrigation District

WESTLAND INTERCHANGE &
WESTLAND INDUSTRIAL LANDS



Map Revised: June 7, 2010
via Ordinance 2010-03

**DEVELOPED & COMMITTED COMMERCIAL
& INDUSTRIAL LANDS**

(showing Comprehensive Plan Designations only)



*Electronic
Media enclosed*



Umatilla County
Department of Resource
Services and Development
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