



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: February 26, 2015

Jurisdiction: Umatilla County

Local file no.: Z-304-14

DLCD file no.: 010-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/23/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 010-14 {22609}

Received: 2/23/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Umatilla County

Local file no.: **Z-304-14**

Date of adoption: 02-18, 2015

Date sent: 2/24/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

12-26-2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Same. No changes.

Local contact (name and title): Tamra Mabbott

Phone: 541-278-6246

E-mail: tamra.mabbott@umatillacounty.net

Street address: 216 SE 4th Street

City: Pendleton

Zip: 97801-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from l	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 4N 28 15

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

No code changes. Only a zoning map change was adopted.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from F-1	to FU-10	Acres: 21.98
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 4N 28 15

List affected state or federal agencies, local governments and special districts: City of Hermiston;Hermiston Irrigation district; US Bureau of Reclamation; OWRD Watermaster, Assessor, Public Works, Hermsiton Rural Fire District. DEQ.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Attached to this submittal is the Board Ordinance 2015-01.

RECEIVED

FEB 18 2015

UMATILLA COUNTY
RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
 Zoning Map from Exclusive Farm) ORDINANCE NO. 2015-01
 Use to Future Urban 10 for)
 Richard G. & Tiah B. Devin)

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS Richard G. and Tiah B. Devin filed an application (Zoning Map Amendment #Z-304-14) to change the zoning of property identified as Umatilla County Tax Lots 4N2815-1300 and -1800, from F-1 (Exclusive Farm Use Zone) to FU-10 (Future Urban 10 Zone);

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendment on January 22, 2015, and forwarded the proposed amendments to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on February 18, 2015, to consider the proposed amendment, and voted to approve the amendment to change the zoning of the property.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the County Land Development Ordinance, No. 83-04, passed May 9, 1984, Zoning Map be amended to change the zoning of Umatilla County Tax Lots 4N2815-1300 and -1800, from F-1 (Exclusive Farm Use Zone) to FU-10 (Future Urban 10 Zone). This matter will be referred to the City of Hermiston for its consideration and co-adoption.

DATED this 18th day of February, 2015.

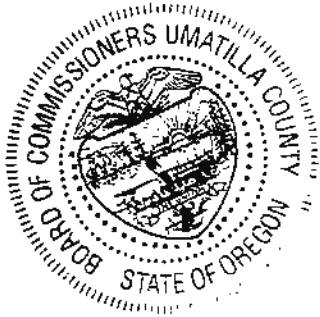
UMATILLA COUNTY BOARD OF COMMISSIONERS

George Murdock

George L. Murdock, Chair

ABSENT

W. Lawrence Givens, Commissioner



William J. Elfering

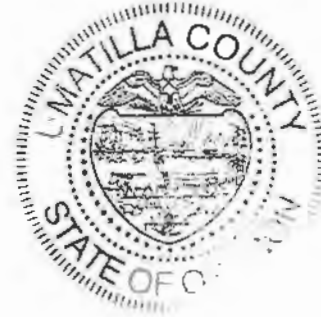
William J. Elfering, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS

[Signature]

Records Officer



**DRAFT FINDINGS OF FACT FINAL
ZONING MAP AMENDMENT REQUEST, #Z-304-14, and
TYPE V BOUNDARY LINE ADJUSTMENT REQUEST, #LD-4N-4N-977-14
ASSESSOR'S MAP # 4N 28 15, TAX LOTS # 1300 & 1800
ACCOUNTS # 117236 & 117235**

1. **APPLICANT:** Richard G. Devin and Tiah B. Devin.
2. **PROPERTY OWNER:** Same as above.
3. **PROPERTY LOCATION:** The Devin property is located on the south side of Gettman Road, approximately ¼ mile west of the intersection of Hinkle Road and Gettman Road south of the city limits. The applicant's property and the surrounding properties to the north, east, and west are located within the City of Hermiston Urban Growth Boundary (UGB).
4. **REQUEST/PROCESS:** The Devin land use request consists of the following two parts:
 1. A zone change from the 1972 F-1, Exclusive Farm Use Zone (19 acre minimum parcel size), to the FU-10 Future Urban Zone.
 2. A Type V Boundary Line Adjustment to create two 10± acre parcels one of which includes the dwelling located on the property. The two 10± acre parcels will conform to the current comprehensive plan designation of Future Urban 10 acre minimum.

Zoning applied to the City of Hermiston UGB lands are from the 1972 Umatilla County Zoning Ordinance. Rezoning of land within Hermiston's UGB is subject to the Joint Management Agreement (JMA) between the City of Hermiston and Umatilla County. The JMA provides the procedures for processing amendments to comprehensive plans, zoning maps and land use regulations. In addition to the JMA, the Devin zone change is also subject to policies in the City of Hermiston's Comprehensive Plan and the applicable Oregon Statewide Planning Goals.

Under the JMA, amendments to zoning maps are processed by application to the County with notification to the City. The County Planning Commission provides a recommendation to the Board of Commissioners based on the facts provided in the record and the testimony provided at the public hearing. The Board of County Commissioners also conducts a hearing and makes the final decision on whether the zone change request complies with applicable standards. If someone testifying does not agree with the Board's Final decision, the decision may be appealed to the State Land Use Board of Appeals (LUBA).

The change in zoning would allow the applicant to reconfigure two tax lots one of which includes the existing dwelling on the property (Tax Lot 1300) and provide an opportunity to construct a dwelling on the other 13.93 acre parcel. The applicant resides in the existing home. Therefore, the applicant is requesting approval of a Type V Boundary Line Adjustment to create the proposed parcels as set forth below. The land use decision on the Devin Type V Boundary Line Adjustment is made by the Planning Department.

5. **PARCEL SIZE:**
 - Tax Lot 1300 = 20.03 acres (according to Assessor Map)
 - Tax Lot 1800 = 1.95 acre (according to Assessor Map)
6. **PROPOSED PARCELS:**
 - Tax Lot 1300 = 10.00 acres (new parcel based on survey)
 - Tax Lot 1800 = 11.98 acres (new parcel based on survey)
7. **COMPREHENSIVE PLAN:** City of Hermiston Comprehensive Plan Designation is Future Residential; no change to the Comprehensive Plan Designation is proposed or necessary for approval of the proposed Devin rezone.
8. **CURRENT ZONING:** Umatilla County 1972 Zoning Ordinance, F-1 (Exclusive Farm Use – 19 acre minimum parcel size). *Note:* Currently the F-1 farm zone is in conflict with the City Comprehensive Plan Designation of FU-10.
9. **PROPOSED ZONING:** Umatilla County 1984 Zoning Ordinance, FU-10, Future Urban Residential Zone as amended by Umatilla County Ordinance No. 89-02. Application of future urban zone to the applicant's property would resolve the conflict between the Comprehensive Plan Urbanizable Designation and the current farm zoning of the property.
10. **ACCESS:** Tax Lot 1300 has direct access to Gettman Road. The current dwelling is currently served by an access driveway. Tax Lot 1800, to the south, will be served by two newly created 30 foot access easements along the east and west side of Tax Lot 1300. Gettman Road is a graveled county road and is maintained by the County.
11. **EASEMENTS:** An easement was granted to Eastern Oregon Natural Gas Company now Cascade Natural Gas for a pipeline installed south of the Gettman Road, off-site and south of the A-Line Canal, in Section 15 (Book 257, Page 102, Deed Records). Additionally, a Blanket Easement (no defined location) was granted to Umatilla Electric Cooperative in 1944, Book 170, Page 245, Deed Records.
12. **STRUCTURES & LAND USE:** The property (Tax Lot 1300) is developed with a dwelling and a garage near Gettman Road. The remainder is used for irrigated pasture

and crops. Tax Lot 1800 is unimproved but with approximately 1 acres of irrigated crop land.

13. **ADJACENT LAND USE:** The applicant's property and all of the adjacent properties are located within the City of Hermiston Urban Growth Boundary (UGB) excepting lands south of the USBR A-Line Canal right-of-way which is zoned EFU. The subject property adjoins parcels currently zoned FU-10 on the west and Low Density Residential to the north. Gettman Road abuts the property along the north property line. The Hermiston Irrigation District A-Line Canal abuts the property to the south. The City of Hermiston designates all lands to the north between Hermiston Hinkle Road and Highway 207 as Low Residential Density.
14. **LANDFORM:** Columbia Basin.
15. **UTILITIES:** Umatilla Electric Cooperative is the area electrical provider and phone service is provided by Century Link and Eastern Oregon Telecom.
16. **WATER/SEPTIC:** There is a domestic well and onsite septic system for the existing dwelling. Development is dependent on domestic wells and individual onsite septic systems since there are no present extended urban water and sewer facilities servicing the area.

The revised Tax Lot 1800, at 13.93 acres, will be adequate in size to accommodate an onsite septic system when the lot is developed with a dwelling.

With respect to a domestic water supply, the subject property is located within the Stage Gulch Critical Groundwater Area, an area designated by Oregon Water Resource Department (OWRD) as having declining basalt aquifer groundwater levels. OWRD does not however require a permit for a domestic well, an exempt water use. The southerly 13.93 acre parcel would be serviced by a new domestic well.

Devin Zoning Amendment, #Z-304-14, and
Type V Boundary Line Adjustment, #LD-4N-977-14
Draft Findings of Fact

The subject property area is also located within the Department of Environmental Quality (DEQ) designated Lower Umatilla Basin Groundwater Management Area (LUBGWMA) due to groundwater quality. Some wells within the management area are monitored and have tested higher than the Federal Drinking Water Standard for nitrates. The management of the LUBGWMA Action Plan continues to be managed by DEQ.

17. **IRRIGATION:** Hermiston Irrigation District provides the Devin property from the A-Line Canal with a total of 19.2-acres of surface water rights. These water rights will be reallocated by the District according to District policies and state law.

18. **ZONING MAP AMENDMENT REVIEW PROCESS:** The following criteria apply from the Joint Management Agreement approved April 5, 2004 between the County and City of Hermiston for lands within the Urban Growth Area (UGA). Applicable criteria are underlined, while responses are provided in standard text.

E. AREAS WITHIN THE UGB, OVERALL PROVISIONS

E.1. The County shall adopt by ordinance as an amendment to the County Comprehensive Plan, the City's Comprehensive Plan including the Urban Growth Boundary, Plan Map, and Plan Policies to apply to land within the UGB. The County received an amendment application for rezoning land within the UGA from applicant and property owners, Richard and Tiah Devin.

E.4. All applications for land use actions within the Urbanizable Area shall be made through the County's Planning Department. Land use actions within Urbanizable areas shall be reviewed according to the procedures described in sections E-5 through E-8. The County shall be responsible for planning and zoning code enforcement in the Urbanizable Areas. Note: Land use actions include amendments to the zoning map – JMA C.5. The Devin application for the zone change within the Urbanizable Area has been made to Umatilla County's Planning Department. The applicant has coordinated with the City of Hermiston in the pre-application process for initial review or comment by the City.

E.5. The County Planning Department will refer to the City Planning Department for review and comment all land use requests within the Urbanizable area for which a public hearing is required. Such notice shall be sent at least ten (10) days prior to the date of the first public hearing on each request. The County shall send the City the staff reports on such requests at least one week prior to the first public hearing. Notification has been made to the City of Hermiston on December 24, 2014 of the proposed zone request and Planning Commission public hearing date. In addition, a copy of the Amendment Findings will be sent to the City for review and approval.

E.6. If adequate time is available, the City Planning Department will review and comment on each such UGB land use action notice; otherwise

the City Manager, or designee, will review and comment on the behalf of the City Planning Commission, and will so notify them at the next City Planning Commission meeting. The City will relay to the County comments on each such request by the date of the first public hearing or at said public hearing, even if the City's response is "no comment." The County will receive comment from the City of Hermiston with respect to consent and approval of the Devin proposed rezone.

E.7. The County Planning Department will refer back to the City prior to final action any such land use action request in the Urbanizable area for which amendments by the applicant or County were made subsequent to the first or additional public hearing together with relevant new staff comments. The same ten-day notice period will apply. The County will notify the City as required of any amendments to the proposed Findings and Conclusions as well as the Planning Commission's recommendation to the Board of Commissioners.

E.8. The County Planning Department will notify the City Planning Department in writing of all actions on such requests as well as all staff permit approvals within the UGB, within seven days of such action or approval. The County will provide in writing notice to the City Planning Department of approval by the Board of Commissioners and shall further notify the City Planning Department of the Board of Commissioners final decision regarding the City's opportunity to appeal the Board of Commissioners' final decision according to the requirements of state statutes and administrative rules.

Approval of applicant's rezone amendment will not amend the FU-10 designation of City of Hermiston Comprehensive Plan map. The County maintains zoning maps reviewed and amended by the County to change the zoning on lands located with the UGA. Approval of the applicant's rezone request would result in the County's FU-10 zoning of the property and in conformance with the City's Comprehensive Plan designation of FU-10.

E.10. The Amendments to the Comprehensive Plan and sections fo then implementing ordinances applicable t the UGA may be initiated by the City, the County or an affected person. Such amendments shall be processed by the City and will be referred to the County by the City for review and comment at least ten (10) days prior to the City Planning Commission public hearing. The City will refer back to the County for review and comment any changes proposed in such amendments at least ten (10) days prior to adoption. The amendments will be adopted by

ordinance by the City prior to referral to the County for co-adoption review, via the County Planning Commission.

The County Planning Commission and Board of Commissioners will hold public hearings on all proposed amendments following receipt of City recommendations or co-adoption referrals. The County will take final action on all proposed amendments within 120 days after the application is received by the County, unless the applicant allows this time limit to be waived, or in accordance with applicable future changes in Oregon Revised Statutes. If approved, the amendments will be co-adopted by ordinance into the County Comprehensive Plan and land use regulations, for application only within the UGB, following formal amendment by the City of its Comprehensive Plan and implementing ordinances.

Because this application was initiated through the County, following adoption by the Board of Commissioners, the amendment will be forwarded to the City of Hermiston for co-adoption.

19. STATEWIDE PLANNING GOALS:

1. Citizen Involvement (Goal 1): The applicant's zone change proposal is processed through a public hearing and notice procedure. This process allows for citizen involvement and provides a forum for citizen testimony and input on the applicant's proposal.
2. Land Use Planning (Goal 2): City and County actions on land use requests must be consistent with acknowledged local comprehensive plans. The Devin proposal to zone this land FU-10 is consistent with the City of Hermiston Comprehensive Plan Urbanizable designation. Approval of the rezone would resolve the conflict between the Comprehensive Plan Designation and the current non-residential zoning of the property.
3. Agricultural Lands (Goal 3): Statewide Planning Goal 3 is not applicable to lands within the Urban Growth Boundary. The subject properties are designated for residential use by the City of Hermiston Comprehensive Plan.
4. Open Spaces Scenic and Historic Areas and Natural Resources Goal (Goal 5): The subject property is located within the Stage Gulch Groundwater Area. This Critical Groundwater designation applies to the hasalt aquifer. Goal 5 directs that local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Among the specific resources to be protected are

groundwater resources. The purpose and intent as defined in the Administrative Rules establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources.

5. Groundwater Resources: “Protect significant groundwater resources” means to adopt land use “programs” to help insure that reliable groundwater is available to areas planned for development and to provide a reasonable level of certainty of the carrying capacity of groundwater resources will not be exceeded. (OAR 660-023-0140(1)(c). Critical groundwater areas (CGWA’s) are considered to be a significant Goal 5 resource. The OAR implies that local governments shall develop programs developed to protect the significant Goal 5 groundwater resource. Further programs developed by local government are to be adopted as part of the Comprehensive Plan. Local plans require that such areas that are significant groundwater resources shall develop “programs” to protect the significant groundwater resource.

There is no indication that the Devin application has not complied with Goal 5 provisions. Impacts, if any, are diminimus and because proposed water development is expressly allowed by law, the application is in compliance with Goal 5. The Basin Rules adopted and implemented by the OWRD, are in effect, and exempt wells are expressly provided for in the rules. The County has a Goal 5 Program to protect the groundwater resource and the Devin zone change application complies with the Goal 5 Program and is consistent with current County policy as set forth in Exempt Well Resolution BCC 2007-17.

6. Air, Water and Land Resources Quality (Goal 6): The subject property and surrounding area is within the Oregon Department of Environmental Quality (DEQ) designated Lower Umatilla Basin Groundwater Management Area (LUBGWMA) due to high nitrate levels in groundwater. Some wells within this management area are monitored and have, in the past, tested higher than the Federal Drinking Water Standard for nitrates. However, this designation has not resulted in limitations on development or farming and continues to be managed through the LUBGWMA Action Plan. DEQ is the lead state agency overseeing implementation of the Action Plan and has jurisdiction in permitting onsite septic systems. Because DEQ oversees management of the LUBGWMA Action Plan, the County may find the Devin zone change application complies with Goal 6.
7. Public Facilities and Service (Goal 11): Orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Hermiston's nearest water and sewer service is approximately ¼-miles east and ¼-miles south of the subject property. This goal requires the orderly arrangement for public facilities and the County has been informed that there is no immediate plan by the City to extend services to this area.

The proposal to change the zoning on the property would allow development of the property with one additional single-family dwelling on a 13.93 acre parcel. Since the City has no plans to extend services to the area, and the proposed zoning density of the Devin property, the County may find the Devin zone change application is compliant and not interfere with future public facilities and services.

8. Transportation (Goal 12): Safe, convenient and economic transportation system. The City of Hermiston has an adopted Transportation System Plan (TSP), co-adopted by the county for application within the City's UGB.

Currently, the applicant has one county road approach permit off West Gettman Road to the existing dwelling on the property. The applicant has acquired two additional approach permits to enter either the east and west sides of the Devin property for access to the south parcel and Devin lands on the north parcel. The eastern most access will serve as the primary driveway and location for an address marker. The access to the west is a secondary access primarily for use by farm equipment. If the southerly parcel is developed there is potential for one single-family dwelling. If fully developed, one additional single-family dwelling would result in a total of 9.50 Average Daily Trips (weekdays), well under the 250 ADT required to activate a Traffic Impact Analysis.

Gettman Road is a two lane County road. Surface of the roadway is dirt. There is no immediate plan of the County for further improvements. The County believes, by adding one dwelling under a zone change to FU-10 would not cause significant impact to access and transportation facilities. However, Gettman Road has only a dirt surface and road improvements are warranted. As a condition of approval, it is recommended that the landowner sign and record an Irrevocable Consent Agreement to participate in future road improvements. That assures that at least for the subject property, the landowners will participate in their proportionate share of future road improvements.

9. Urbanization (Goal 14): Orderly and efficient transition from rural to urban land use. The subject property is located within the UGB. The area is designated residential by the City Comprehensive Plan. A rezone from the 1972 F-1 farm zone to the FU-10 zone complies with the City's

Comprehensive Plan designation and provides consistency in the zoning of the area.

- 20. CITY OF HERMISTON COMPREHENSIVE PLAN POLICIES:** The City's Comprehensive Plan sets forth the goals and policies that guide the City's land use actions which closely follow the Statewide Planning Goals reviewed above. The most significantly applicable policy that was adopted by the City and co-adopted by the County includes the following policy:

The rezoning of the applicant's property from farm to Future Urban zoning would also result in resolving a "conflict" between the current farm zoning and the City's Urbanizable Plan Designation. Application of the FU-10 zone likewise would be consistent with the FU-10 zoning applied to properties on one side of the applicant's parcel and the City's Low Density Zone to the north.

4. THE CITY OF HERMISTON WILL PROMOTE COMPACT URBAN DEVELOPMENT WITHIN AND ADJACENT TO EXISTING URBAN AREAS TO INSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND FACILITATE ECONOMIC PROVISION OF URBAN FACILITIES AND SERVICES.

Implementing Actions in the City's Comprehensive Plan reflect the Joint Management Agreement of Umatilla County delineating Urban and Urbanizable Areas within the UGB. Further, Umatilla County Ordinance 83-07 both co-adopts the City of Hermiston's Comprehensive Plan including zone designations and establishes a future urban 10-acres (FU-10) zone. The City's Comprehensive Plan map reflects the Devin property with the FU-10 zoning. Ordinance 83-07 as well as the City's Comprehensive Plan excepted those properties within the Urban Growth Area zoned F-1 or F-2 which were not rezoned at the time but provided that property owners with that zoning may retain that status if requested in writing. By virtue of the Devin application, the Devins are requesting to be rezoned from exclusive farm use to FU-10.

The City acknowledged that "newly created lots of 10-acres are of sufficient size so that construction of a single unit will not preclude future development."

The FU-10 Future Urban Zone description and purpose expressly provides that it is designed to implement the growth management policies within the Hermiston UGB. The FU-10 zone provides for interim uses consistent with the Plan policies until conversion to more intense urban uses. It provides for the retention of lands suitable for future urban development in large parcels which will enable more cost effective urban redevelopment of the land. Lots are kept large as urban services are not yet available to these areas and development is limited to the land capability of accepting septic systems and drain fields while still providing safe drinking water.

21. **NOTIFIED AGENCIES:** Department of Land Conservation and Development, Oregon Department of Water Resources, Oregon Department of Environmental Quality, City of Hermiston, Hermiston Rural Fire District, Umatilla County Public Works, Umatilla County Assessor, Hermiston Irrigation District, Umatilla Electric Cooperative, and Cascade Natural Gas.

20. **THE UMATILLA COUNTY DEVELOPMENT CODE STANDARDS FOR LAND DIVISION. Type V approval criteria, found in UCDC Section 152.722 are reviewed below.** The following standards of approval are underlined followed by Findings in standard text.

§ 152.722 STANDARDS FOR APPROVAL.

In granting approval for a Type V Land Division (Property Line Adjustment), the Planning Director shall find that the Type V Application and required supplementary material comply with the following relevant provisions:

1. The application is complete and all required letters of approval are submitted: The Devin property line adjustment application is complete and approvals for the reallocation of water rights have been received from the Hermiston Irrigation District. In addition, access permits have been approved by Umatilla County.

2. The request meets the definition of a property line adjustment per the definitions contained in § 152.003: The Devin boundary line adjustment complies with the definition as it results in the relocation of a common boundary conforming to the zones of the FU-10 zoning designation.

3. All existing buildings located on the properties are a sufficient distance from the proposed relocated property boundary to comply with the setback requirements for the zone in which the properties are located: The existing buildings and improvements conform with all setback requirements as shown on the Devin's site plan.

4. Legal access in conformance with the standards of this chapter is provided and/or maintained to all parcels. If necessary to comply with this standard, an easement in conformance with county standards shall be recorded in the county deed records, and a copy of the dedication document and proof of recording shall be provided prior to approval: Access to the north parcel is directly off Gettman Road. Access and utility easements will be created for access to the back parcel.

5. The request will not result in the reduction of lots or parcels below the minimum lot or parcel size for the underlying zone: Each lot is 10 acres or greater.

Devin Zone Change #Z-304-14

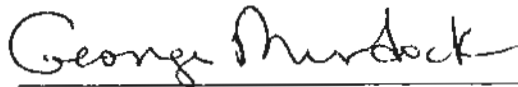
The boundary line adjustment application will be completed pursuant to a final decision to rezone the property. The boundary line adjustment application is not a part of this decision.

DECISION: Umatilla County Board of Commissioners finds that the proposed Zone Change complies with the county Comprehensive Plan. The Board approves the Zone Change subject to the following conditions.

1. Sign and record an Irrevocable Consent Agreement for future road improvements to Gettman Road.
2. Submit request to City of Hermiston for co-adoption.

Dated this 18th day of February, 2015.

UMATILLA COUNTY Board of Commissioners



George L. Murdock, Chair

ABSENT

W. Lawrence Givens, Commissioner



William J. Elfering, Commissioner

/tamra/amendments/devin zone change



PROPERTY OWNERS WITHIN 100'
NOTICE AREA OF SUBJECT PARCEL

MAP 4N2815

- 300 LEE LARRY D & DONNA D
- 1100 MCAHREN NANCY M
- 1200 WINEBARGER GREG C
- 1300 DEVIN RICHARD G & TIAH B
- 1400 COOK IVAN J & COLLEEN
- 1500 ALTENBERGER THOMAS J & CHERYL M
- 1800 DEVIN RICHARD G & TIAH B

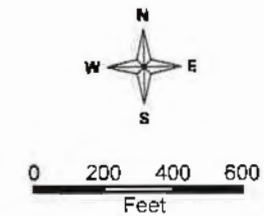
MAP 4N2815DA

- 700 BURKE DENNIS E & CONNIE R

MAP 4N28D

- 1000 UNION PACIFIC RR CO
- 1100 STATE OF OREGON

2012 AERIAL PHOTO

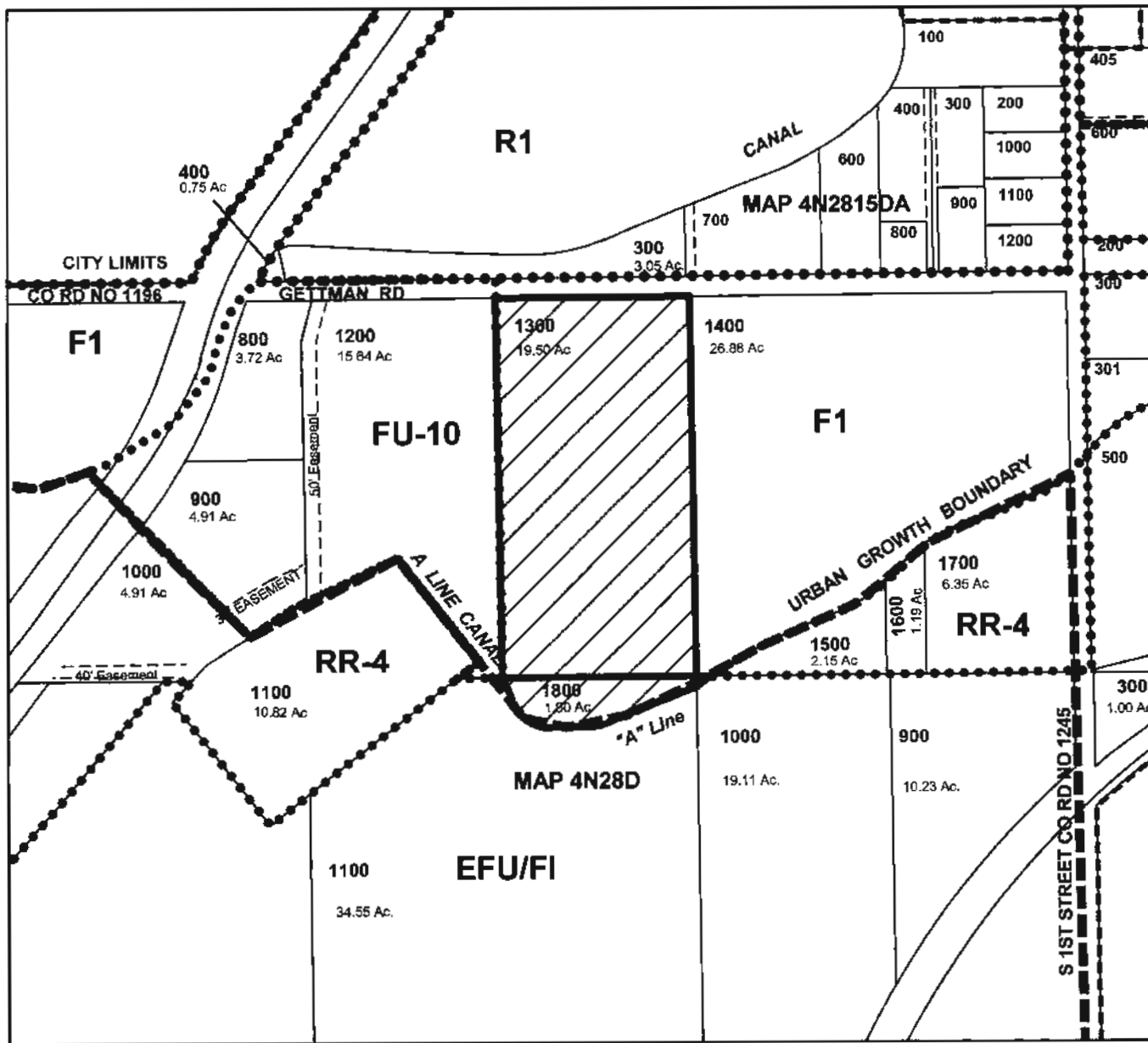


ZONE MAP AMENDMENT #Z-304-14 & BOUNDARY ADJUSTMENT #LD-4N-977-14
RICHARD & TIAH DEVIN, APPLICANT/OWNERS
MAP 4N2815, TAX LOTS 1300 & 1800

SUBJECT PARCELS

DATE: 11/20/14

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PROPERTY OWNERS WITHIN 100'
NOTICE AREA OF SUBJECT PARCELS

MAP 4N2815

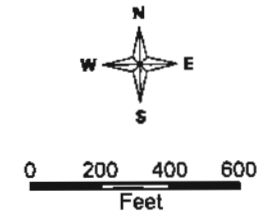
- 300 LEE LARRY D & DONNA D
- 1100 MCAHREN NANCY M
- 1200 WINEBARGER GREG C
- 1300 DEVIN RICHARD G & TIAH B
- 1400 COOK IVAN J & COLLEEN
- 1500 ALTENBERGER THOMAS J & CHERYL M
- 1800 DEVIN RICHARD G & TIAH B

MAP 4N2815DA

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