



# Oregon

John A. Kitzhaber, M.D., Governor

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

Date: 08/12/2014  
Jurisdiction: Umatilla County  
Local file no.: Z-299-P-108-13-T-13-051  
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/08/2014. 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 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](mailto:plan.amendments@state.or.us)



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

<b>FOR DLCD USE</b> 003-14
File No.: {19956}
Received: 8/8/2014

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.: **P-108-13; Z-209-13; T-13-051**

Date of adoption: July 2, 2014      Date sent: 8/8/2014

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): April 17, 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:

Minor language changes and name of zones

Local contact (name and title): Tamra Mabbott

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Street address: 216 SE 4<sup>th</sup> 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:

Depot Plan District

#### **For a change to a comprehensive plan map:**

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

Change from USA                      to Depot Plan District                      8,000 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 27

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:

152.235; 152.537;152.563152.537

**For a change to a zoning map:**

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

Change from USA	to Depot Industrial	Acres: 1,278
Change from USA	to Umatilla Depot Wildlife Habita	Acres: 5,708
Change from USA	to Umatilla Army Depot Military	Acres: 1,014
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 27

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List affected state or federal agencies, local governments and special districts: Hermiston Rural Fire; Westland Irrigation; West Extension irrigation; Naval Air Station, Whidbey Island, USACOE, Portland and Seattle; CTUIR; ONG; Morrow County Planning; ODOT; Port of Umatilla; Watermaster; 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 2014-06 which includes the exception, plan language, text language, zoning and plan map designations.

RECEIVED

JUL 02 2014

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending )  
 Umatilla County Comprehensive ) ORDINANCE NO. 2014-06  
 Plan and Development Code for )  
 Umatilla Army Depot )

WHEREAS the Board of Commissioners has adopted a Comprehensive Plan for Umatilla County;

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 the Planning Department staff drafted a number of updates to the comprehensive plan and the development code, to address the zoning of the Umatilla Army Depot;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on May 22, 2014, 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 July 2, 2014, to consider the proposed amendments, and voted to approve the amendments to the Comprehensive Plan and Land Development Ordinance with revisions.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following:

1. Amendment to the Umatilla County Comprehensive Plan as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

CHAPTER 3 – WHY A COMPREHENSIVE PLAN?

The term "general nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semi-public and private agencies and the cities of Oregon have been considered and accommodated as much as possible. The term "land" includes water, both surface and subsurface, and the air. It should be noted that this definition includes coordination of the plan. Umatilla County encompasses 2,062,080 acres, of which approximately 25% is controlled by other government entities (e.g. Umatilla Indian Reservation, and the Umatilla and Wallowa-Whitman National Forest, ~~and the Umatilla Army Depot~~).

## CHAPTER 18 – THE PLAN MAP

### INDUSTRIAL NEEDS ANALYSIS

Another major employer, although not officially an industry, is the federal government. ~~Two major federal facilities are located in western Umatilla County. The first is the Umatilla Army Depot which stores military supplies, including chemical weapons, and at its peak employed approximately 800 people including both military and contract employees. The second is McNary Dam, which generates electrical power and regulates flows and power loads for other dam facilities along the Snake River system into Idaho. Other federal offices located in Umatilla County such as the US Forest Service, BLM, USDA, Army Corps provide hundreds of jobs.~~

## CHAPTER 18 – THE PLAN MAP

### FEDERAL LANDS

The federal government owns ~~approximately 400,000~~ 406,655 acres of land in Umatilla County (excluding Reservation and Tribal Trust lands), under the jurisdiction of several agencies (Forest Service, BLM, Army, Corps of Engineers, BOR, etc.) comprising almost 20% of the total land area. The largest single federal government owner is the Forest Service, with ~~approximately 375,000~~ 376,504 acres.

Although the county has little jurisdiction over federal lands, a mechanism must be developed to insure immediate and proper land and zoning designation of any former federal land that comes under county jurisdiction due to land exchange, sale or consolidation activities. Therefore, all federal lands shall be assigned the plan and zoning classifications common to the area in which the property is located and shall be subject to said regulations immediately upon removal from federal jurisdiction.

However, due to the size of the areas involved, the Forest Service land (National Forest) ~~and the Umatilla Army Depot~~ shall not be "overlaid" by county plan and zoning classifications, but shall be subject to the above policy should any land be removed from federal jurisdiction.

A number of isolated privately owned or non-federal parcels of land exist within the National Forest area. These parcels shall be assigned appropriate plan and zoning classifications similar to surrounding land use and zoning designations.

The Planning Director shall schedule a public hearing by the Planning Commission within thirty (30) days after a land parcel goes from federal to County jurisdiction to determine if its immediately-applied plan and zoning classifications are appropriate.

The following new goal exception language will be placed in the Comprehensive Plan in the Industrial Needs Analysis section on page 18-384.

### INDUSTRIAL NEEDS ANALYSIS

#### Umatilla Army Depot - Umatilla County Exceptions

##### I. BACKGROUND INFORMATION

##### A. History of the Umatilla Army Depot

In 1940 the Army selected the 16,000-acre plot in northeastern Oregon that became the Umatilla Ordnance Depot (Depot). Ten months (January to October 1941), 7000 workers, and thirty-five million dollars later the prairie site was transformed into a complex of warehouses, munitions storage bunkers, shops and office buildings connected by a web of roads and railroad tracks. The Depot opened in 1941 with the mission to store, maintain and transfer a variety of military items, from blankets to ammunition. The Depot has supported multiple war efforts, including the Korean Conflict, Vietnam, Grenada, Panama, Operation Desert Shield, and Operation Desert Storm. Besides its conventional ammunition and general supply missions, the Depot was assigned a new mission in 1962 – receiving and storing chemical ammunition. Between 1962 and 1969, the Depot received various types of chemical ammunitions as one of six Army installations in the U.S. that stored chemical weapons.

In the mid-1980's, Congress directed the Army to dispose of the nation's aging chemical weapons stockpile. In 1988, the Umatilla Army Depot was placed on the Department of Defense Base Realignment and Closure (BRAC) list to review the future of the facility. It was decided that the base would remain open until the chemical stockpile at the Depot was destroyed. To accommodate this mission, the Umatilla Chemical Disposal Facility (UMCDF) was constructed in the northeastern portion of the site at a cost of about \$700 million and destruction of the chemical ammunition stored at the Depot took place from 2004 – 2012. The 2005 BRAC round of announcements has the Umatilla Army Depot scheduled for closure after the incineration facility has completed its mission (including decontamination, decommissioning, and closure) in about 2014.

Representatives of Morrow and Umatilla Counties, Morrow and Umatilla Port Districts, the Confederated Tribes of the Umatilla Indian Reservation, and numerous state and local agencies have been involved with planning for future uses of the Umatilla Army Depot for more than twenty years. An initial planning effort for the Depot was completed in 1993 and was supported largely by the State of Oregon. The second planning effort was completed in 2010 and was supported largely by the Office of Economic Adjustment (Department of Defense). A brief overview of these two planning efforts is provided below. Links to the 1993 plan documents and the 2010 Redevelopment Plan documents are available on the Umatilla Army Depot Reuse Authority web site at <http://www.umadra.com/histData1.html>

## **B. Overview of 1993 Comprehensive Development Plan**

After the Umatilla Army Depot was first placed on the BRAC list in 1988, Oregon Governor Goldschmidt appointed a task force to examine the impacts closure of the base would have on the local economy. The task force directed the preparation of a Comprehensive Development Plan for the Depot. The Oregon Economic Development Department, which had a vital interest in the economic redevelopment of the depot and its role in the future economic base of the region, provided coordination and management services for the task force. A consulting team, led by The Benkendorf Associates Corporation, was hired to produce the Comprehensive Development Plan.

The task force determined that the plan for the Depot should be organized to achieve ten specific objectives:

1. Create as much employment as possible.
2. Maximize the long-term potential for reuse by carefully evaluating shorter term proposals for reuse.
3. Morrow and Umatilla counties should share in the benefit of reuse.
4. A clear understanding of the location and condition of the existing infrastructure must be identified.
5. A "Vision" for the future should be created.
6. To the extent possible, the plan should be economically viable.
7. The reuse strategy should be implementable.

8. Communicate the plan as a positive long-term opportunity for the region.
9. Encourage interim or phased reuse of the Depot properties.
10. Reuse proposals for the Depot should be responsive to the regional resource base.

The 1993 Plan was intended to allow for interim use while the Army continued its mission and it represented a first step by the task force to transition the 17,000 acre site from the Army's defense related use to civilian use.

The Executive Summary to the Plan noted:

"A smooth transition from military to civilian use of the Depot is of critical importance in order to maximize the economically efficient use of this valuable site and infrastructure. This transition may be facilitated by allowing, over time, an ever-increasing civilian presence, starting at the perimeters and working toward the core. This phased approach toward non-military use of the Depot has been referred to as "rolling back the fence."

Implementation of the 1993 Plan was delayed by several factors:

- The process for transferring military properties to civilian use has involved extensive levels of bureaucracy and cumbersome procedures. Some reuse factors could be controlled by the local community; others were outside its jurisdiction.
- Procedures for simplifying interim leases and transfer of parts of the Depot to civilian use were not amended to capture opportunities that were identified in the 1993 Plan.
- The required Army presence during the demilitarization of the stockpiled chemical ordnance on site.
- While the 1993 Plan was not implemented with land transfers, it did set the framework for the subsequent 2010 Redevelopment Plan. Many of the land use concepts that were included in the 1993 Plan (including Military Training, Wildlife Habitat and Industrial Development) are also reflected in the 2010 Redevelopment Plan, with some changes in emphasis.

### **C. Overview of 2010 Redevelopment Plan**

Originally listed in the 1988 BRAC process, the Department of Defense ultimately recommended closure of the Umatilla Army Depot during the 2005 BRAC round of announcements - following completion of the chemical demilitarization operation. In 2009, the Office of Economic Adjustment (OEA) of the Department of Defense provided financial support and guidance for preparation of a Redevelopment Plan for the Umatilla Army Depot. The LRA contracted with Dana Mission Support Team to complete the Redevelopment Plan. The Redevelopment Plan outlined six overarching factors that govern the opportunities and limitations with respect to reuse at the Depot:

1. The state and national economy is recovering from a deep recession, and 1,170 individuals will lose their jobs or be relocated due to the pending closure of the Depot.
2. The Depot offers significant location and access advantages associated with transportation facilities (I-82 and I-84), but is isolated from any larger metropolitan population base.
3. The existing condition of the buildings and infrastructure at the Depot, with the exception of the Chemical Disposal Facility structures, is generally substandard.
4. The size and characteristics of the Depot site offers large-scale reuse opportunities generally in short supply elsewhere - including military training, habitat preservation, and certain types of large scale industrial and institutional uses.

5. Preservation of shrub-steppe habitat is a major environmental priority for the LRA.
6. The Oregon National Guard has a specific, immediate opportunity to develop a training facility.

The LRA established three overarching goals for the Redevelopment Plan within the context of the factors listed above:

- Military Reuse (accommodating the needs and plans of the Oregon National Guard)
- Environmental Preservation (with a special emphasis on the shrub-steppe habitat)
- Economic Development (job creation)

Key distinctions between the 1993 and 2010 plans for the Depot are highlighted below:

- The 2010 plan allocates a much larger portion of the site to military use relative to the 1993 plan.
- The 2010 plan allocates a smaller portion of the site to agricultural use.
- The 1993 and 2010 plans generally target similar areas for economic development uses (Industrial and Commercial). However, the 2010 plan identifies the UMCDF site for Industrial use – these facilities were constructed after the 1993 plan was prepared.
- The 1993 plan placed a greater emphasis on commercial and recreation uses. The Military Department treats the 2010 Plan as part of the proposed federal action for the installation. The Plan is important because the Military Department has used it to conduct the property disposal environmental analysis required by the National Environmental Policy Act (NEPA).

## II. EXCEPTION

Under Oregon Administrative Rules (OAR) 660-004-0015(1), a local government approving an exception must adopt, as part of its comprehensive plan, findings of fact and a statement of reasons that demonstrate that the standards for an exception have been met. This section of the Plan has been prepared to serve as findings of fact and a statement of reasons to support exceptions to Goals 11 and 14 for the areas identified for Depot Industrial zoning. The LRA asked that the County reference or incorporate this document into its comprehensive plan as its findings of fact and statement of reasons in support of the application.

### A. Overview of Umatilla County Exception Areas

There are three discrete exception areas identified for industrial development in the Umatilla County portion of the Depot. For all three areas, Umatilla County is taking exceptions to Goals 11 (Public Facilities and Services) and 14 (Urbanization) to allow urban-scale industrial uses and supporting facilities and services. Goal 3 includes the following definition of agricultural land:

“Agricultural Land in western Oregon is land of predominantly Class I, II, II and IV soils and in eastern Oregon is land of predominantly Class I, II, II, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices.”

Exceptions to Goal 3 (Agricultural Lands) are not required for any of the three subareas in Umatilla County. As shown below, soils in all three subareas are predominantly Class VII. The Depot site is not served by an irrigation district and



the site is also within the boundaries of two Critical Groundwater Areas (Ordinance Basalt and Ordinance Alluvial) designated by the Oregon Department of Water Resources. New water rights are not permitted in the CGWA's. Further, the site has not been farmed in the more than 70 years of Federal ownership and operation and it has not functioned as part of the "commercial agriculture enterprise" of the area. Therefore, the site does not meet the definition of "agricultural lands" and exceptions to Goal 3 are not required to apply Depot Industrial zoning to Subareas 1, 2 or 3.

**DEPOT SUBAREA SOILS**

Depot Industrial Subarea	Predominant Soil Name, Unit Number, Description	Land Capability Class Dry	Land Capability Class Irrigated
Subarea 1	76 B: Quincy loam fine sand, gravelly substratum	7e	Non-irrigated
Subarea 2	14B: Burbank	7e	Non-irrigated
Subarea 3	74 B: Quincy	7e	Non-irrigated
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The "e" suffix defines erosion prone soils.</i>			

This application includes findings to support "reasons" exceptions to Goals 11 and 14 to allow urban scale industrial uses and supporting public facilities for Subareas 1, 2 and 3. It is noted that both subareas 2 and 3 contain a level of existing industrial development that commits both subareas to industrial uses. However, because the level of that industrial development is not predominantly urban in scale, Goal 14 and 11 exceptions are required to allow urban scale industrial uses and supporting public facilities.<sup>3</sup>

The Goal 14 administrative rule provides for "reasons" exceptions for proposed urban uses on rural lands. The applicable standards are those in OAR 660-014-0040. The standards are addressed below, with findings provided for the three subareas.

**B. Exception Requirements for Reasons Exceptions (Goals 11 and 14)**

OAR 660-014-0040 governs reasons exceptions. Under this rule, a county may provide facts and reasons to justify an exception to Goal 14 to allow urban uses on undeveloped rural lands. Those reasons may include, but are not limited to, findings that an urban population and urban levels of facilities and services are needed to support an economic activity that is dependent upon an adjacent or nearby natural resource. Also under this standard, a county must demonstrate that the proposed urban development cannot reasonably be accommodated in or through expansion of existing urban growth boundaries. Further, it must show that the long term economic, social, environmental and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located on other undeveloped rural lands; that the proposed

urban uses would be compatible with adjacent uses; and that the uses can likely be timely and efficiently served with appropriate levels of public facilities and services.

The applicable legal standards in OAR 660-014-0040 are addressed below.

*660-014-0040(1): "As used in this rule, 'undeveloped rural land' includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban levels of development."*

**Findings for All Subareas:** Subareas 1, 2 and 3 all meet the definition of 'undeveloped rural land.' All three subareas are located outside of acknowledged urban growth boundaries. While Subareas 2 and 3 are committed to industrial uses, they are not generally committed to urban levels of development. Subarea 1 is not committed to development.

*OAR 660-014-0040(2): "A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource."*

**Findings for Subarea 1:** Subarea 1 encompasses approximately 884 undeveloped acres located in the southeast corner of the Umatilla Army Depot at the junction of I-82 and I-84. The L-shaped configuration of this exception area will provide immediate access to the interstate system via existing interchanges to I-82 on the east and I-84 on the south.

Subarea 1 is recognized as the key opportunity site for industrial development on the Depot site – and it is one of the best sites for distribution/warehouse/logistics uses in the region and the state for the following reasons:

- Unique location at the confluence of two interstate freeways. There are only seven locations in Oregon where interstate freeways/connecting loop freeways intersect – and six of them are in the Willamette Valley with surrounding lands largely developed.
- In addition, this site has immediate accessibility to existing interchanges to each freeway.
- The two interstate highways adjoining this area serve a large, multi-regional and multi state area and provide direct freighting opportunities for intensive levels of industrial development. As such, the interstate facilities can support industrial activities far beyond what would commonly be found in a rural area. The highways serving this area serve an area extending from Seattle, Vancouver BC and Spokane to the north to Portland to the west, Boise and Salt Lake City to the east, and northern California to the south.
- Large, level site with more than 800 acres under a single ownership – the largest undeveloped site at the junction of two interstate freeways in Oregon.
- Proximity and accessibility to other transportation modes to support industrial uses and freight movement, including UP rail facilities and the nearby Hinkle yard, and Port shipping facilities on the Columbia River.
- Proximity to nearby communities (Hermiston, Umatilla, Boardman, and Irrigon) with available residential land, housing and other services to support industrial jobs at this location.

The reasons justifying future development of urban scale industrial uses and public facilities sized to serve these uses in Subarea 1 are set out in numerous plans prepared for the Depot site, including but not limited to the 1993 Comprehensive Development Plan, the 2010 Redevelopment Plan, and the more recent Development Feasibility Analysis and Land Use Analysis. The Goal 14 exception is taken because the size of future industrial buildings could and is expected to exceed the size authorized on rural lands without goal exceptions under established LCDC practice (typically limited to 35-40,000 square feet).

Therefore, the unique "resource" that is available at this location to warrant designating the area for urban-level industrial use is the transportation infrastructure. The site is also located in close proximity to nearby communities with lands designated for housing and supporting uses that could support the development of jobs at this location.

The local communities in Morrow and Umatilla Counties have consistently supported economic development efforts, and have expressed a desire to enhance the area's portfolio of industrial and employment lands to support job creation. The Umatilla Depot properties have been specifically targeted for evaluation to support that objective. The Regional EOA articulates the following community vision and project objectives for the land use and economic analysis (Regional Economic Opportunities Analysis, prepared by Johnson Reid, June 2013.):

**Community Vision** – To build a strong and thriving regional economy by establishing and actively maintaining a competitive portfolio of developable employment sites, seeking opportunities to capitalize on the area's locational advantages and coordinating public investments, policies, and regulations to support regional and State economic development objectives.

### **Project Objectives**

- To create and manage a regional supply of vacant, developable large-lot industrial sites to accommodate stable, family-wage employment opportunities and support regional economic development.
- To organize, coordinate, promote and implement this regional industrial land strategy at a collaborative regional level.
- In 2003, Governor Kulongoski's Industrial Lands Advisory Committee identified 25 industrial sites "of statewide significance for job creation" in Oregon. A common feature of these sites was their proximity to an interstate freeway or major freeway interchange. Shute Road in Hillsboro was deemed highly desirable for high tech development because of its immediate proximity to US 26. Similarly, sites in Albany and Medford were identified based in large measure on their proximity to I-5, and a site in Baker City was identified based on its location along I-84. Here, Subarea 1 has immediate proximity not to just one interstate highway, but two: I-84 and I-82. It also has convenient access to rail (Union Pacific) and water (Columbia River). Those same features caused the Governor's Task Force to identify the Hermiston Industrial Park in Hermiston as another of the 25 Oregon sites of statewide significance for job creation. At that time, of course, Subarea 1 was not available for private industrial development. But with its features and more than 800 acres in a single ownership, Subarea 1 may be even more suitable than Hermiston to meet the state's economic development needs. Given these circumstances, exceptions to Goal 14 and Goal 11 to allow urban scale industrial uses and supporting facilities are warranted.

**Findings for Subarea 2:** Subarea 2 encompasses 129 acres. There are eight brick warehouses (Series 400 Magazine Buildings) within the boundary of Subarea 2. Each warehouse building is 11,227 square feet. The 400 series buildings were designed and constructed according to military base structural standards in the early 1940's. These "magazine" buildings were designed to blow outward in the event of munitions explosion. All 400 series buildings have rotating ventilating roof vents. Some of the Series 400 warehouses have been refurbished and are used for storage. Vehicle access to Subarea 2 is available through the secured main gate and entry to the Administration Area that will be transferred to the Oregon National Guard. This entry road connects with I-84 via the existing Army Depot interchange.

The American Red Cross currently uses at least five concrete igloos on the Depot site for storage of emergency supplies. The Red Cross has been coordinating with the LRA and intends to consolidate and expand this use into storage warehouse(s) located in Subarea 2.

The Depot is one of only three Red Cross disaster field supply centers on the West Coast (the others are in Reno and Los Angeles). The agency is refining its focus and hoping to boost its stores at the depot to be ready for a major disaster. The Red Cross is working with Oregon Emergency Management and the Federal Emergency Management Agency to make sure enough emergency supplies and trained volunteers are in place should an earthquake and tsunami hit.

That's a possibility underscored by the presence of the Cascadia Subduction Zone, a 750-mile long earthquake fault 50 to 150 miles off the coast. Researchers believe a significant quake and tsunami could kill 5,000 people in Oregon, injure

8,000 and cause \$12 billion damage, including the destruction of 30,000 buildings (May 25, 2012 Oregonian article, "Umatilla Chemical Depot Transportation Include Red Cross Supplies.").

By utilizing existing warehouse(s) in Subarea 2 for storage of emergency supplies, the Red Cross also has opportunities to partner with the Oregon National Guard to load and transport supplies in the event of an emergency or natural disaster.

Umatilla County proposes to include Subarea 2 in a new Depot Industrial Zone. Specific uses allowed in Subarea 2 will be limited to warehouse and distribution uses. OAR 660-022-0040(11) allows new or expanding industrial uses in unincorporated communities without goal exceptions if they are small scale, low impact uses, defined as uses in a building or buildings not exceeding 40,000 square feet of floor space in rural unincorporated communities. Outside of unincorporated communities, industrial uses in buildings 35,000 square feet or smaller have been considered to be rural in scale.

Therefore, the existing brick warehouses in Subarea 2 are small enough to be considered rural in scale and do not necessarily require exceptions to Goals 11 and 14. However, the warehouse structures were constructed in the 1940's, and when this area is transferred out of federal jurisdiction, the LRA would like to have the flexibility to demolish and replace the warehouses with larger buildings in the future if there is a market demand or if a user such as the Red Cross wants to develop new, larger storage warehouses in this area.

The proposed Depot Industrial Zone limits uses in Subarea 2 to warehouse and distribution uses. However, the zone does not include a maximum size limitation for individual buildings. Umatilla County has been successful in attracting industrial development and jobs to this region in large part because of the positive economic climate and attitudes. This includes being nimble and trying to avoid too many restrictions on industrial development.

The size of warehouse buildings constructed in an earlier era to meet the Army's uses should not be used to restrict future development of modern warehouse and distribution buildings that typically exceed 35,000 square feet. For example, the Fed Ex freight hub recently constructed to the northeast side of the intersection of I-84 and I-82 included construction of a 97,280 square foot building. Umatilla County approved exceptions to Goals 3 and 14 to accommodate the Fed Ex facility on the 32.5 acre site in 2010.

In summary, Subarea 2 has been developed and committed to "industrial" types of uses (warehousing, storage, freight movement, etc.) since initial construction of the Umatilla Army Depot in the early 1940's. While the existing buildings and development are not clearly "rural" or "urban" – Umatilla County is proceeding with reasons exceptions to Goals 11 and 14 for Subarea 2 to provide the opportunity and flexibility for appropriate reuse of this area for development that is consistent with the new Depot Industrial zone. Because Subarea 2 is bounded on three sides by the area that will be transferred to the Oregon National Guard – the Depot Industrial zone only allows warehouse and distribution uses in this exception area. Therefore, the uses that will be allowed in the exception area are "limited" – but exceptions to Goals 11 and 14 are justified to provide the flexibility for future development of warehouse buildings larger than 40,000 square feet.

**Findings for Subarea 3:** Subarea 3 includes a total of 265 acres. However, approximately 81 acres of Subarea 3 (Coyote Coulee) will be subject to deed restrictions that limit land disturbance. The soils and topography in the coulee are not suitable for agriculture but the area is valuable for wildlife habitat. It has been included in the proposed exception and Depot Industrial zone boundary because it falls within the area subject to on-going monitoring as a condition of the DEQ permit for the Umatilla Chemical Disposal Facility (UMCDF). Therefore, the LRA – in consultation with the Confederated Tribes – has determined that the 81 acre "restricted area" should be consolidated with the Depot Industrial parcel rather than the designated Wildlife Habitat area, even though it will not be available for industrial development under the deed restriction.

Therefore, the findings for exceptions to Goals 11 and 14 for Subarea 3 focus on the 184 acre area that is developed or committed to development.

The UMCDF and supporting roads and development are located in Subarea 3. Construction of the UMCDF began in

2004 to provide the incineration systems and support facilities for the purpose of disposing of chemical weapons. Present value estimates of the UMCDF exceed \$700 million, and the potential value to the community in terms of employment and tax revenues is significant.

### Structures

The UMCDF list of structures includes the following, some of which exceed 35,000 square feet (Section A Redevelopment Plan, Part 2.3 Infrastructure Assessment, July 29, 2010):

- Personnel Support Building
- Munitions Demilitarization Building
- Maintenance Building
- Pollution Abatement System
- Exhaust Filtration System
- Utility Building
- Laboratory
- Container Handling Building
- Offices (10 office complexes with interconnecting manufactured units)
- Water Tanks Switchyard

### UMCDF Electrical Distribution System

The UMCDF footprint is fed from a Umatilla Electric Cooperative substation that is receiving 12.5 KVA from both their Boardman feed and Umatilla feed to ensure backup power should one of the feeds fail.

### Natural Gas

There is a 4 inch natural gas line approaching the UMCDF from the northeast corner of the Depot. Pressures are reduced from 800 psi to required usage pressure. The capacity of the natural gas system could meet the needs of a small town (216 million BTU/hr).

### UMCDF Storm Water and Waste Water Systems

The UMCDF footprint contains an independent storm water system with a collection pond that is totally independent of the Umatilla Depot system. The UMCDF footprint also contains an independent waste water system, which is a septic system that is totally independent of the Umatilla Depot system.

### Parking Areas & Access

There are five designated parking areas surfaced with gravel. The designated parking areas accommodate parking of approximately 800 vehicles. The +1,000 employees involved with the construction and operation of the UMCDF facilities access the site via an on-site gravel access road that extends west and north from the existing interchange to I-82 through the proposed habitat area to the secured UMCDF area.

### Fire Alarm, Security, Telephone and Communications Systems

Each of the main buildings in the UMCDF footprint is connected internally with both smoke and security systems. Critical areas like the document control center also are protected with dry water sprinkler systems. All fire and security equipment is current, updated and maintained on a regular scheduled basis by UMCDF maintenance personnel and subcontractors.

Currently the UMCDF site has approximately 1000 telephone and data lines in use with an upgrade capability of up to 69,000 telephone and data lines. The telephone and data interconnect to the Umatilla and Boardman telephone service

centers. There is a communications tower on the UMCDF footprint with a radio antenna and repeater systems.

Clearly, the structures and supporting infrastructure developed for the Umatilla Chemical Disposal Facility starting in 2004 qualify Subarea 3 as a “physically developed” industrial area. The types of land use categories that would be permitted in the new Depot Industrial Zone are listed in Table 1 of the zone. The following use categories are specifically called out as permitted uses for Subarea 3, subject to standard Umatilla County Zoning Ordinance provisions for Design Review and issuance of a zoning permit:

- Industrial Service
- Manufacturing and Production
- Warehousing and Freight Movement
- Wholesale Trade
- Trade or Commercial Schools
- Basic Utilities

In summary, the extent of physical development (structures) and supporting infrastructure constructed for the UMCDF chemical disposal mission has clearly committed 184 acres of Subarea 3 to “industrial” type development. The abutting portion of Coyote Coulee (81 acres) is not developed, but it is included in the exception area boundary because of long-term requirements for monitoring in this area associated with the DEQ air quality permit for the chemical disposal facility. Deed restrictions will limit land disturbance in this 81 acre area.

The UMCDF site and Subarea 3 are the most recently and intensively developed areas on the entire Umatilla Army Depot site. The structures were all constructed within the last ten years and there has been a recent and significant investment in infrastructure, including but not limited to electric power facilities, natural gas and communication facilities. Many of the existing buildings are clearly committed to urban uses and urban level of development rather than the 35-40,000 square foot building size typically considered “rural” under Goal 14. More than 1,000 employees worked at the UMCDF as the stockpiled chemical weapons were incinerated. This level of employment at a single industrial site is of a scale that would reasonably be considered “urban” in terms of employment densities.

The incinerator building will be demolished as a condition of the DEQ permit following final decontamination, decommissioning, and closure in 2014 or later. Even when this large building is removed, the substantial infrastructure and other improvements constructed to support the UMCDF make Subarea 3 very attractive for urban scale industrial uses, and exceptions to Goals 11 and 14 are justified on the basis of existing development.

Once the Army has completed all the required decommissioning and closure activities at the UMCDF, Subarea 3 is anticipated to be available as a part of the overall “economic development” transfer of Depot property to the LRA and transition to new urban industrial uses. At an Industrial Lands Forum held on March 14, 2013 to support the Regional Economic Opportunities Analysis, participants discussed potential economic development opportunities for the Depot site. The UMCDF site was identified as an area that was uniquely attractive for specific industrial uses, including but not limited to data centers.

As summarized in the Regional EOA, data centers are an emerging economic engine in Oregon bringing significant capital investment to regional communities. Over the next decade, firms and individuals are expected to continue the trend of moving their digital storage away from on-site solutions toward cloud-based systems. This trend is expected to drive an accelerated demand for data center storage. It is predicted that hundreds of data centers will be sited in the coming decade. While the economic contributions of data center development are largely limited to short-term construction jobs, the investment in real capital and equipment is a positive for local tax rolls.

The local region has already exhibited success in the recruitment of data center development, such as the Amazon facilities on Port of Morrow and Port of Umatilla properties.

General site requirements for data centers are summarized in the Regional EOA as follows:

**Access to Current and Future Power Sources:** Data centers require significant amounts of power, as well as high quality transmission. Any power failures are highly costly. Access to more than one power grid improves marketability. Stability and affordability of future power pricing is also essential.

**Natural Risk:** Data centers will not locate in areas susceptible to natural disaster. This limits the marketability of some areas in the county, most notably hurricane risk in the Gulf States and Southeastern Seaboard, and tornado risk in the Great Plain States. The primary natural risks in the Morrow/Umatilla County region are drought, range fires and volcanic ash fallout.

**Cooling and Climate:** Data centers generate heat, and cooling is an essential function of the facility. Data centers are increasingly being attracted to moderate desert climates, where systems are being designed to capture cool nighttime air.

**Security:** Data centers typically want to be inconspicuous. Further, regulations sometimes require that data is physically stored in the region from which it is collected. Data centers require low levels of visibility, and prefer a buffered site with some isolation.

Umatilla County finds that Subarea 3 is an appropriate and suitable area for future development of data center(s), based on the site requirements outlined in the Regional EOA. While the County is not proposing to limit future industrial development in Subarea 3 to this single use, there are valid reasons to designate this site to accommodate data centers and other appropriate industrial uses, without restrictions on building size.

*OAR 660-014-0040(3)(a): "To approve an exception under section (2) of this rule, a county must also show: (a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing 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.*

**Findings for Subareas 1:** The Depot site is not contiguous with the urban growth boundaries of any nearby cities (Hermiston, Boardman, Irrigon or Umatilla). Additionally, there are no designated rural communities in the vicinity of the Depot site. Further, in a letter sent to the LRA on April 27, 2010 – staff with DLCD stated: "...It does not appear that any portion of the Depot property is eligible for inclusion in an urban growth boundary at this time."

The Depot Industrial zoning recommended for Subareas 1 is not based on a specific "need" for urban industrial land within Umatilla County or within the UGB's of nearby cities. Umatilla County has zoned thousands of acres for industrial development and the Port of Umatilla has been successful in leveraging the large industrial lands inventory to attract a diverse array of industrial users to the County. As shown in the Regional Economic Opportunities Analysis, June 2013, Umatilla County has zoned approximately 1,785 acres of unincorporated land for industrial development within 3 miles of interchanges to I-84. The majority of the designated industrial sites encompass parcels 50 acres and larger. Zoning designations include Heavy Industrial (HI) and Light Industrial (LI) zones. In addition to this county inventory, the cities of Umatilla, Hermiston, Stanfield and Pendleton have a combined inventory of 2,389 acres zoned for industrial uses within 3 miles of an interstate interchange.

There are no sites available within or adjacent to the acknowledged UGB's that include +800 undeveloped acres under single ownership or that have immediate access and visibility to two interstate freeways. Subarea 1 is a unique site – with land and location characteristics that are not replicated anywhere in the region or the start.

In planning for future uses of the Depot site, local and regional leaders have attempted to be proactive and plan for and target specific uses that are most appropriate for the Depot site. Subarea 1 has been targeted as the area of the Depot that is uniquely suited to development of warehouses, distribution centers and intermodal facilities.

Many truck and truck-rail intermodal facilities are located in urban areas. Over time, due to growth in freight volumes and growth of surrounding development, these facilities often become capacity constrained, and efficient operations are hampered by congestion and encroachment on freight facilities and corridors. One response to this problem has been to relocate the facilities to sites where capacity can be expanded and the transportation infrastructure is relatively

uncongested.

A prime example of relocation out of the central Chicago area is the “brownfield” redevelopment of the abandoned Joliet Arsenal site and surrounding areas into an intermodal hub (Envision Freight Case Study: The Relocation of Intermodal Facilities, 2007.). The Joliet Arsenal site is located near two interstate highways and is served by two major railroads, BNSF and Union Pacific (UP). The lynchpins of this development are the Center Point Properties’ intermodal centers at Elwood and Joliet. These facilities are located about 40 miles southwest of downtown Chicago, near the intersection of Interstate highways I-80 and I-55. Synergies resulted in this development from the co-location of multiple freight facilities, such as transportation, warehousing, distribution, cross-docking, and container storage. The co-location of these facilities and proximity to the interstate highways also results in substantial drayage savings and more efficient utilization of trucking resources.

On March 14, 2013 – APG and Johnson Reid organized an industrial land forum at the Port of Morrow to discuss the Regional Economic Opportunities Analysis and potential economic development opportunities for the Depot site. A great deal of discussion surrounded the site’s potential (particularly the southeast portion of the site) as a regionally-scaled logistics hub. The site’s assets and characteristics drew comparisons to Illinois’ BNSF Logistics Park outside Chicago described above.

The general site requirements for logistics / distribution centers and traditional warehouse/distribution facilities are summarized in the Regional EOA(page 27) as follows:

### **Logistics/Distribution**

Large distribution centers reflect the principles of internal economies of agglomeration. Larger supportable scales equate to lower marginal operating costs. There are a variety of different logistics configurations, ranging from port-centric to logistics parks. A logistics park specifically is a planned agglomeration of distribution and light manufacturing uses. Transportation costs are typically the predominant factor; therefore, significantly scaled logistics sites require diverse multi-modal transportation linkages. This generally refers to multiple Class 1 rail lines, proximity and access to water or air linkages, as well as interstate highway linkages. The extent to which a site can serve a range of major population centers impacts the marketability. The scale of these facilities necessitates exceedingly large sites, generally over 500 acres is necessary to justify infrastructure investments. Due to their space requirements, logistics oriented firms are highly sensitive to availability and costs of land. Other critical factors include adequate infrastructure, tax incentives, and commitments or presence of anchor tenants. A strong anchor tenant brings expertise, provides synergy to the project, and sends a positive signal to the market.

### **Traditional Warehouse/Distribution Facilities**

The region has clearly demonstrated a capability to attract and support single and multi-tenant distribution facilities, which do not require the scale of a logistics center. These uses are expected to represent a significant portion of future industrial space demand in the region.

As described earlier, the use categories for the Depot Industrial Zone have been tailored to the unique characteristics and opportunities of the three discrete exception areas (Subareas 1, 2 and 3).

As the largest subarea with the best visibility and proximity to the interstate freeways and existing interchanges – the permitted use categories are the broadest for Subarea 1:

#### **Depot Industrial Zone – Permitted Use Categories in Subarea 1**

<b>Industrial Service</b>	<b>Manufacturing and Production</b>
Warehousing and Freight Movement	Wholesale Trade
Trade or Commercial	Waste-Related



Schools	
Retail and Service Uses (with Limitations)	Basic Utilities

Table 3 – Depot Industrial Zone – Permitted Use Categories in Subarea 1

The Depot Industrial Zone also requires that a generalized master plan be prepared for Subarea 1 prior to development to address subarea circulation, infrastructure location and buffering issues on a coordinated basis.

The Depot Industrial Zone also includes the provision that... *“A maximum of 5 percent of the total acreage within the Depot Industrial Zone may be allocated to retail and service uses that are appropriate and necessary to serve the needs of the workers employed within the Depot Industrial Zone, with a secondary purpose of serving highway travelers.”* This provision could result in up to 60 acres of retail and service uses and is consistent with and supportive of discussions with DLCD staff regarding the Regional Economic Opportunities Analysis (REOA) and the Transportation Planning Rule (TPR) requirements. DLCD staff reinforced this level of retail when they pointed out that a recent revision to the TPR accepted industrial zoning that allows up to 5% subordinate retail within the zone as being compliant with the TPR (660-012-0060 (11)(a)). Staff indicated in a letter that, based on this revision ... *“the department would accept an industrial zone allowing up to 5% subordinate retail.”*

In summary, the scale of urban industrial uses proposed for Subarea 1 cannot reasonably be accommodated in or through expansion of existing UGB’s or by intensification of development in designated rural communities because the County is focused on leveraging the unique and substantial transportation infrastructure and site characteristics that exist at this specific location. Again, it is noted that this site is not agricultural land and that, with its conversion from federal land to other ownership, it must be planned designated and zoned as provided for in ORS 197.175. Given subarea 1’s history, an industrial zone is the most appropriate zone for this area. This exception is taken to allow such development to occur in buildings that exceed 35,000 square feet in size.

**Findings for Subareas 2 and 3:** No portion of the Depot site is contiguous with an existing UGB or existing rural community. Further, in a letter sent to the LRA on April 27, 2010 – staff with DLCD stated: *“...It does not appear that any portion of the Depot property is eligible for inclusion in an urban growth boundary at this time.”* (Email from Tom Hogue, Economic Development Specialist, Department of Land Conservation and Development, June 17, 2013 to Jon Jinings, Jerry Johnson and Mary Dorman.)

The Depot Industrial zoning recommended for Subareas 2 and 3 is not based on a specific “need” for urban industrial land within Umatilla County or within the UGB’s of nearby cities. Umatilla County has zoned thousands of acres for industrial development and the Port of Umatilla has been successful in leveraging the large industrial lands inventory to attract a diverse array of industrial users to the County.

The Regional Economic Opportunities Analysis, June 2013, Umatilla County has zoned approximately 1,785 acres of unincorporated land for industrial development within 3 miles of interchanges to I-84. The majority of the designated industrial sites encompass parcels 50 acres and larger. Zoning designations include Heavy Industrial (HI) and Light Industrial (LI) zones. In addition to this county inventory, the cities of Umatilla, Hermiston, Stanfield and Pendleton have a combined inventory of 2,389 acres zoned for industrial uses within 3 miles of an interstate interchange.

In planning for future uses of the Depot site, local and regional leaders have attempted to be proactive and plan for and target specific uses that are most appropriate for the Depot site.

Subarea 2 is bounded on three sides by the area that will be transferred to the Oregon National Guard – the Depot Industrial zone only allows warehouse and distribution uses in this exception area. Therefore, the uses that will be allowed in the exception area are “limited” – but exceptions to Goals 11 and 14 are justified to provide the flexibility for future development of warehouse buildings larger than 40,000 square feet. As noted earlier, the American Red Cross currently uses at least five concrete igloos on the Depot site for storage of emergency supplies. The Red Cross has been

coordinating with the LRA and intends to consolidate and expand this use into storage warehouse(s) located in Subarea 2.

Subarea 3 and the UMCDF site has been targeted as an area that is particularly well-suited to data centers or other industrial uses that can leverage the substantial power and other infrastructure that is available. The Depot Industrial zoning proposed for Subarea 3 this site will allow the following categories of industrial uses:

- Industrial Service
- Manufacturing and Production (includes data center and call centers)
- Warehousing and Freight Movement
- Wholesale Trade
- Trade or Commercial Schools
- Waste-Related Uses (conditional use)
- Basic Utilities (including power facilities)

In summary, the uses proposed for Subareas 2 and 3 cannot reasonably be accommodated in or through expansion of existing UGBs or by intensification of development in designated rural communities because the County is focused on leveraging the substantial infrastructure that exists at this specific location, outside of the UGBs. Subareas 2 and 3 have been developed and committed to “industrial” types of uses since initial construction of the Umatilla Army Depot in the early 1940’s. While the existing buildings and development are not clearly “rural” or “urban” – Umatilla County is proceeding with reasons exceptions to Goals 11 and 14 for both subareas to provide the opportunity and flexibility for appropriate reuse of this area for development that is consistent with the new Depot Industrial zone.

*OAR 660-014-0040(3)(b): “To approve an exception under section (2) of this rule, a county must also show: \* \* \*.*

*“(b) That Goal 2, Part II(c)(3) is met by showing that the long-term environmental, economic, social, and energy consequences resulting from urban development 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 on other undeveloped rural lands, considering:*

*“(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate; and*

*“(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.*

**Findings for Subareas 1, 2 and 3:** The UMCDF was developed to meet a specialized military mission – destruction of stockpiled chemical weapons. Construction, operation, and future de-commissioning and monitoring are heavily regulated by numerous state and federal agencies, including but not limited to EPA and Oregon DEQ. Industrial development in the Depot Industrial exception area (Subarea 1) would not be limited by or adversely affect air, water, land or energy resources at or near the site. The airshed at the Depot site is not identified as in violation of any air quality regulations. The various missions and activities at the Depot have resulted in releases of contaminants to the environment in portions of the installation. Environmental remediation and investigation have been taking place since the 1980’s and the entire facility has been thoroughly examined and environmental issues have been largely resolved (Umatilla Chemical Depot Site Assessment Report, May 2, 2006). Additionally, Subarea 1 has largely served as a “buffer area” for the Depot and has not had the environmental clean-up issues faced in other areas of the site. There is no surface water on the Depot due to the small amount of precipitation and the porous soils. The Depot site is within two of the four critical groundwater areas in the Umatilla River Basin designated by Oregon Water Resource Department in 1976. Umatilla County is not targeting large water users (such as agricultural processing plants) for this exception area. Instead, Subarea 1 will be targeted and marketed to attract and accommodate freight distribution, warehouse and logistics uses that can leverage the unique access to transportation facilities.

On a statewide basis, very close and convenient freeway access has been consistently identified as a primary consideration in determining if sites were of “statewide significance for job creation.” The locational advantages of the

Subarea 1 exception area with its virtually immediate access to two interstate freeways is about as good as it gets for major warehousing and distribution companies serving central and eastern Oregon, Washington, Idaho and northern California. Given this, building size should not be an obstacle to the siting of such uses at this location. The amount land in Subarea 1 is appropriate given the location of existing interchanges and parcel depth required to establish developable industrials parcels, provide the infrastructure to support future industrial development and to allow the subarea to be master planned in a comprehensive manner. The amount of land in subareas 2 and 3 is related to and reflects the area already committed to development.

The long-term economic, social, environmental and energy consequences of allowing urban scale development in the Subareas 1, 2 and 3 are all positive. Economically, Subarea 1 is an ideal location for urban scale warehouse and distribution uses. The location of businesses like the FedEx terminal (to the east side of I-82) and the Wal-Mart distribution center (in Hermiston, a short distance east of the area) readily attest to that. Given its locational advantages, this site has statewide significance for job creation. Socially, new industries in the area would improve the local economy and thereby benefit the local population and help to off-set jobs lost with the closure of the Depot. Moreover, the location of these industrial uses in very close proximity to freeway interchanges would mean that the associated truck traffic can avoid residential and commercial areas where it could create conflicts. The proposed Depot Industrial zone will be adjacent to an approximately 5,678 acre Wildlife Habitat area designated to protect the shrub-steppe habitat. While a final decision on what agency/entity will own/manage/maintain the habitat hasn't been made at this time – the LRA, Morrow and Umatilla Counties and the Confederated Tribes have all committed to Depot Plan District designations for the site. Additionally, the requirement to prepare a general master plan prior to development in Subarea 1 will provide the opportunity to specifically address the transition between industrial and habitat use areas. Finally, the energy advantages of siting urban scale warehouse and distribution uses with immediate access to two interstate freeways are obvious.

Subarea 2 is bounded on three sides by the area that will be transferred to the Oregon National Guard – the Depot Industrial zone only allows warehouse and distribution uses in this exception area. Therefore, the uses that will be allowed in the exception area are “limited” – but exceptions to Goals 11 and 14 are justified to provide the flexibility for future development of warehouse buildings larger than 40,000 square feet. As noted earlier, the American Red Cross currently uses at least five concrete igloos on the Depot site for storage of emergency supplies. The Red Cross has been coordinating with the LRA and intends to consolidate and expand this use into storage warehouse(s) located in Subarea 2. The Depot is one of only three Red Cross disaster field supply centers on the West Coast (the others are in Reno and Los Angeles). The agency is refining its focus and hoping to boost its stores at the depot to be ready for a major disaster. The Red Cross is working with Oregon Emergency Management and the Federal Emergency Management Agency to make sure enough emergency supplies and trained volunteers are in place should an earthquake and tsunami hit.

The LRA and Umatilla County understand that 184 acres of Subarea 3 (excluding the deed restricted area) will be suitable for industrial uses following all decommissioning in accordance with permit conditions. The LRA and Umatilla County would like to utilize and leverage the substantial federal investment (\$700 million) in the UMCDF site to accommodate appropriate industrial uses after the land is transferred out of federal jurisdiction.

Compared with the prior use, potential future industrial uses would be anticipated to have even fewer long-term environmental, economic, social and energy consequences. Standard Umatilla County Zoning Ordinance provisions that are implemented in other industrial zones (Limitations on Use and Design Review) will also apply in the Depot Industrial Zone. These provisions will provide the opportunity for the County to review new site development for compliance with standards and specific conditions may be imposed, if necessary, to reduce adverse impacts associated with specific industrial development. The amount of land included is appropriate because it is the amount of land in this subarea that is being decommissioned and needs to be planned and zoned for other uses, and because the presence of urban scale uses and facilities on the site warrants its retention for new urban scale industrial uses.

*OAR 660-014-0040(3)(c): “To approve an exception under section (2) of this rule, a county must also show: \* \* \**

*(c) That Goal 2, Part II(c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts*

considering:

*“(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and*

*“(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured;”*

**Findings for Subareas 1, 2 and 3:** Allowing urban scale industrial uses in the three subareas of the Depot Industrial Zone should not pose any compatibility problems with adjoining properties, for several reasons. First and foremost, industrial uses typically are not incompatible with agricultural practices and there are many examples in Umatilla and Morrow County where the two uses co-exist, particularly around developed Port industrial parks. Second, the Umatilla Army Depot has operated at this location for more than 70 years and many of the uses can be characterized as “industrial” in character, including but not limited to the multiple warehouse structures and the chemical disposal facility. Accordingly, allowing urban scale industrial developed in the undeveloped Subarea 1 and the land in subareas 2 and 3 already committed to development should have no significant adverse impact in terms of use compatibility.

Approval of this Goal 14 reasons exception should have no adverse impact on the ability of existing cities and service districts to provide services. This has not been an issue for the many existing urban-scale uses in the Westland Road area (including the Fed Ex facility), and there is no good reason to believe it would be an issue for new uses. Urban level infrastructure (particularly power, natural gas and communication facilities) are already available to Subarea 3, therefore, future industrial development at this location will not detract from the ability of existing cities and service districts to provide services.

Because industrial uses and farming are generally compatible, approval of the Goal 14 and Goal 11 reasons exceptions for the three subareas also should have no adverse effect on the continued resource management of nearby lands designated and zoned for resource uses. And given the nature of the kinds of industrial development that would be permitted in this area, it is likely that an appropriate level of public facilities and services can be provided in a timely and efficient manner. It is noted that the Depot site is a designated critical groundwater area. Consistent with that designation, urban industrial uses in the area would be limited to those that are (1) not heavily water dependent, or (2) rely on an existing water supply.

All three subareas about the area designated for Wildlife Habitat protection for at least a portion of the respective subarea boundaries. It has not been determined yet what agency/entity will own, maintain and manage the habitat area. However, it is anticipated that Umatilla County (and Morrow County) will ultimately apply zoning to the areas designated for habitat area, unless ownership remains with the federal government. Umatilla County finds that an “urban” level of use and development associated with the construction and operation of the UMCDF has not detracted from the habitat and wildlife values surrounding or adjacent to the three subareas. Indeed, the County finds that industrial uses are often located in close proximity to wildlife areas. Additionally, the County finds that more active military training activities will be occurring further to the west of Subareas 2 and 3, in Morrow County.

Through the Design Review process that will be required for any new industrial development in the Depot Industrial zone, the County will have an opportunity to review site plans and impose appropriate conditions, if necessary, to assure compatibility with wildlife habitat and military uses. This could include additional setback or landscape and buffering requirements.

*OAR 660-014-0040(3)(d): “To approve an exception under section (2) of this rule, a county must also show: \* \* \**

*(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner;”*

**Findings for Subareas 1, 2 and 3:** As described earlier, the available transportation infrastructure is the key factor that makes the Depot site in general and Subarea 1 in particular so attractive and uniquely suited to urban freight distribution, warehouse and logistics uses. With the exception of the modern infrastructure constructed to serve the UMCDF (Subarea 3) in the past ten years, the LRA and Umatilla County recognize that other infrastructure at the Depot site is old and

substandard. Development of urban industrial uses in Subareas 1 and 2 will require new and upgraded infrastructure, including but not limited to power, on-site or package sewer systems, upgraded internal roadways and water facilities. It is noted that the Depot site is a designated critical groundwater area. Consistent with that designation, urban industrial uses within the CGWA's would be limited to those that are (1) not heavily water dependent, or (2) rely on an existing water supply. The provision of public services will generally be provided in conjunction with development as it occurs. The LRA is considering financing options to provide certain priority infrastructure in advance of development.

As described earlier, substantial "urban" level infrastructure has been constructed within the last ten years to accommodate the UMCDF use. This includes, but is not limited to, a power substation, redundant power facilities, natural gas, extensive communications facilities and on-site sanitary sewer, water and stormwater facilities. By taking exceptions and designating the three subareas for urban-scale industrial uses, Umatilla County is leveraging the efficient utilization of existing infrastructure in support of local and regional objectives to enhance the area's portfolio of industrial lands to support job creation.

In 2008, the Oregon Legislature passed Senate Bill 1069, which provided much-needed state funding for a regional aquifer recovery assessment. The legislation directed OWRD to conduct a feasibility study to evaluate the potential for diversion of surface water flows from the Columbia River for the purpose of recharging aquifers in the Umatilla Basin. The legislation also directed OWRD to identify opportunities for the aquifer recharge project to benefit fish and fish habitat by increasing flows in the lower Umatilla River.

The proposed project would divert water from the Columbia River during the month of October and the months of December through March and convey the water to recharge a large shallow alluvial aquifer. To the extent possible, it is hoped that water can be diverted and conveyed using existing pump stations, pipelines and canals. The primary uses of recharged water would be irrigation, in-stream flow enhancement and aquifer restoration (Western Water Law Article (January 2010), "Full Steam Ahead for the Umatilla Basin Aquifer Restoration Project," written by Shonee D. Langford).

Following completion of the feasibility study, Oregon HB 3369 passed in 2009 providing \$2.5 million in lottery backed grants to build a test Aquifer Recharge project using winter Columbia River water. The aquifer recharge project was constructed directly south of the Ordnance Chemical Depot in Morrow County. Groundwater monitoring shows that the bulk of the water recharged south of the Depot travels in a north/northeasterly direction under the depot, building up the aquifer from a level of 60-80' below land surface to 30-40' below land surface. This has led the basin to consider using the recharge project for use on lands directly above the aquifer, including the Depot.

Under Oregon law, water stored using the aquifer recharge project is considered potable. The design capacity of the current system can reliably be run as follows:

- Allows for 24.06 cfs (47.6 af/day) rate (Actual flow capacity is 31 cfs)
- 120 days = 5,716 acre-feet (af)
- Recoverable = 4,859 af
- 2,000 af predicted to be used for irrigation
- 2,859 af available
- Enough capacity to guarantee 1,000 acres of full irrigated demand (which is highest water use) under current license limitations or enough water to satisfy industrial needs of between 2.5 million to 4.5 million gallons per day (data provided by the Umatilla Water Basin Commission)
- 

*OAR 660-014-0040(3)(e): "To approve an exception under section (2) of this rule, a county must also show: \* \* \**

*"(e) That \* \* \* establishment of new urban development on undeveloped rural land is coordinated with the comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development."*

**Findings for Subareas 1, 2 and 3:** Because the Umatilla Army Depot has been under federal jurisdiction – the Morrow and Umatilla County Comprehensive Plans have never controlled development in the 17,000 acre area. Umatilla County and the Umatilla Port District have been actively involved in planning for reuse of the Umatilla Army Depot for decades.

Surrounding jurisdictions such as the cities of Irrigon, Hermiston, Boardman and, to some extent, Pendleton have received notices of meeting related to future use of the Depot site. Information on future plans has been made available to affected jurisdictions and agencies. The city of Irrigon has attended many of the LRA meetings.

Planning for the Umatilla Army Depot is consistent with the discussion of Federal lands in the Umatilla County Comprehensive Plan:

*The federal government owns 406,655 acres of land in Umatilla County (excluding Reservation and Tribal Trust lands), under the jurisdiction of several agencies, comprising almost 20% of the total land area.*

*Although the county has little jurisdiction over federal lands, a mechanism must be developed to insure immediate and proper land and zoning designation of any former federal land that comes under county jurisdiction due to land exchange, sale or consolidation activities. Therefore, all federal lands shall be assigned the plan and zoning classifications common to the area in which the property is located and shall be subject to said regulations immediately upon removal from federal jurisdiction.*

*However, due to the size of the areas involved, the Forest Service land (National Forest) and the Umatilla Army Depot shall not be “overlaid” by county plan and zoning classifications, but shall be subject to the above policy should any land be removed from federal jurisdiction. (Emphasis added).*

Umatilla County leaders have consistently supported designating this area of the Depot site for future industrial use as the key development opportunity site for the entire Depot. Umatilla County, regional and state leaders have recognized this area of the Depot as an industrial site or regional and statewide significance for more than 20 years.

Angelo Planning Group worked with the Morrow and Umatilla County Planning Directors to evaluate existing industrial zones in the both County Zoning Ordinances for applicability to the Depot industrial sites. In Morrow County, minor adjustments to the County’s existing Port Industrial Zone were identified. In Umatilla County, a decision was made to develop a new zone, the Depot Industrial Zone, to apply to the three subareas identified for goal exceptions. This approach provided the opportunity to tailor broad categories of uses to the unique characteristics of the three subareas. Additionally, by creating a new industrial zone applicable only to the Depot – the county would not be revising existing industrial zones that are applicable in other areas of Umatilla County. The proposed Depot Industrial zone was reviewed by the LRA at the May, 2013 meeting and the LRA recommended proceeding with the new zone. The subsequent amendment to the retail component of the Depot Industrial zone was approved at the July 2013 LRA meeting.

Therefore, as part of the public review and adoption process for exceptions to Goals 11 and 14, the Depot Industrial Zone will be implemented when Subareas 1, 2 and 3 are transferred out of federal jurisdiction.

### **Summary**

For all of these reasons, the Depot Industrial exception areas shown on the attached Umatilla County Goal Exceptions Map comply with the relevant exception standards in OAR 660-014-0050 and exceptions to Goals 11 and 14 are justified.

**2. Attached to this Ordinance and incorporated by this reference are two maps labeled Depot Plan District - Comprehensive Plan, and Umatilla County Goal Exceptions Depot Industrial Subareas 1, 2 & 3. The Umatilla County Comprehensive Plan Map is amended to include the designations set out in this ordinance and as depicted on the two maps.**

3. Amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

**§ 152.040 ESTABLISHMENT.**

For the purpose of this chapter, the following use zones are hereby established:

<i>Zones Designation</i>	<i>Abbreviated</i>
Exclusive Farm Use	EFU
Grazing Farm	GF
Unincorporated Community	UC
Rural Residential 2	RR-
Rural Residential 4	RR-4
Rural Residential 10	RR-10
Multiple Use Forest	MUF
Forest Residential	FR
Mountain Residential	MR
Retail/Service Commercial	RSC
Rural Retail/Service Commercial	RRSC
Commercial Rural Center	CRC
Tourist Commercial	TC
Rural Tourist Commercial	RTC
Agribusiness	AB
Light Industrial	LI
Rural Light Industrial	RLI
Limited Rural Light Industrial	LRLI
Heavy Industrial	HI
Rural Heavy Industrial	RHI
Limited Rural Heavy Industrial	LRHI
Future Urban 10	FU-10
<u>Depot Industrial</u>	<u>DI</u>
<u>Umatilla Depot Refuge</u>	<u>UDR</u>
<u>Umatilla Depot Military</u>	<u>UDM</u>

(A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 1 and Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise.

(B) Allowed signs in the various zones are indicated by the following tables (for types of signs, see §152.546):

<i>Zone</i>	<i>Types Allowed</i>
EFU-10, EFU-20, EFU-40, EFU, GF	1, 2, 3, 4, 5, 6
UC	1, 2, 3, 4, 5, 8, 9
RR-2, RR-4, RR-10	1, 2, 3, 4, 5, 6
MUF, FR, MR	1, 2, 3, 4, 5, 6
RSC, RRSC, CRC	1, 2, 3, 4, 5, 7, 8, 9, 10, 11
TC, RTC	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
AB	1, 3, 4, 5, 7, 8, 9, 11
LI	1, 3, 4, 5, 7, 8, 9, 10, 11, 12
RLI, LRLI	1, 3, 4, 5, 7, 8, 9, 10, 11
HI, RHI, LRHI	1, 3, 4, 5, 8, 9, 11
FU-10	1, 2, 3, 4, 5, 6
<u>DI</u>	<u>1, 3, 5, 6, 7, 8, 9, 11</u>

**§ 152.545 ZONING PERMIT REQUIRED TO ERECT, MOVE, OR ALTER SIGNS; EXEMPTIONS; PERMITTED SIGNS.**

**DI, UMATILLA DEPOT INDUSTRIAL ZONE**

**§ 152.235 PURPOSE.**

The DI, Depot Industrial, Zone is intended to recognize the regional and statewide significance of the former Umatilla Army Depot (Depot) and to apply appropriate zoning to accommodate planned uses as lands are transferred out of federal ownership.

Leaders of the region (Morrow County, Umatilla County, Morrow and Umatilla Port Districts and Confederated Tribes of the Umatilla Indian Reservation) have been planning for future use of the Depot since the early 1990's. Three overarching goals have guided the planning process for the Depot and are reflected on the consolidated Redevelopment Plan approved by the Umatilla Army Depot Reuse Authority for Morrow and Umatilla Counties.

(A) Military Reuse – accommodating the needs and plans of the Oregon National Guard;

(B) Wildlife Habitat – with a special emphasis on the shrub-steppe habitat; and

(C) Economic Development – job creation and tax base.

The DI Zone will be applied to the portions of the Depot under Umatilla County jurisdiction that are identified for industrial development in the Redevelopment Plan and acknowledged for exceptions to Statewide Planning Goals 11 (Public Facilities & Services) and 14 (Urbanization).

**§ 152.236 APPLICABILITY & SUBAREA DESCRIPTIONS.**

The DI Zone applies to three distinct subareas within Umatilla County that are identified for industrial development in the approved Redevelopment Plan. Permitted and conditional uses are tailored to the characteristics of each area.

(A) *Subarea 1.* Subarea 1 is intended to accommodate a range of distribution/commerce uses that can maximize the economic development potential of a large, unique site located at the junction of two interstate freeways. With immediate accessibility to interchanges to I-84 on the south and I-82 on the east, Subarea 1 is intended primarily for land-intensive freight related uses that can take advantage of easy truck access on and off the interstate system and avoid traffic congestion and other community impacts within urban areas.

(B) *Subarea 2.* Subarea 2 is intended to accommodate general storage, warehouse and distribution uses that can largely utilize existing buildings and facilities in this subarea. Access to Subarea 2 is only available through the security gate to the Military area. Therefore, the range of permitted and conditional industrial uses for Subarea 2 is more limited.

(C) *Subarea 3.* Subarea 3 is intended to accommodate a range of general industrial uses that can leverage the substantial and recent investment in buildings, infrastructure and other site improvements constructed to support the Umatilla Chemical Disposal Facility mission. Following closure and decommissioning, the incinerator building will be removed as a condition of state and federal permits. However, existing investments and infrastructure in this area can be a significant economic development asset for Umatilla County.



**§ 152.237 USES PERMITTED.**

(A) *Uses permitted outright.* In the DI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(8) Temporary Mobile Food Vendor as defined in § 152.003.

(B) *Industrial uses permitted with a zoning permit.* In the DI Zone, the following uses and their accessory uses are permitted

upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of § 152.239 through § 152.241 of this chapter. Some permitted uses in the DI Zone are only allowed in specific subareas [identified in brackets following each use].

(1) Blacksmith or machine shop [Subareas 1, 2 & 3]

(2) Bottling work [Subareas 1 & 3]

(3) Cold storage warehouse [Subareas 1, 2 & 3]

(4) Concrete block or pipe manufacturing [Subareas 1 & 3]

(5) Contractor's equipment storage yard [Subareas 1, 2 & 3]

(6) Custom meat cutting and cold storage locker [Subareas 1 & 3]

(7) Data center [Subareas 2 & 3]

(8) Food products manufacturing, excluding meat, fish, salt, sauerkraut, sugar, vinegar and yeast products [Subareas 1 & 3]

(9) Grain elevator or flour mill and grain storage [Subarea 1]

(10) Greenhouse or nursery [Subareas 1 & 2]

(11) Hauling, freighting and trucking yard or terminal [Subareas 1, 2 & 3]

(12) Ice or cold storage plant [Subareas 1 & 2]

(13) Major manufacturing, repairing, compounding, fabricating, assembling,

processing, or storage industries having any one of the following characteristics: (a) peak employment >200; (b) utilizing >20 acres; (c) requiring total energy input which exceeds 6,816,000 BTU for all energy sources combined [Subareas 1 & 3]

(14) Manufacturing, compounding, assembling or treatment of products made from the following prepared materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint (no boiling), paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, and yarns, but not including rendering plant [Subareas 1, 2 & 3]

(15) Planing mill or sawmill [Subarea 3]

(16) Plumbing or sheet metal shop [Subareas 1, 2 & 3]

(17) Signs – Types 5, 6, 7, 8, 9, 11 [Subareas 1, 2 & 3]

(18) Welding shop [Subareas 1, 2 & 3]

(19) Wholesale business, storage building or warehouse [Subareas 1, 2 & 3]

(20) Other uses similar to the list above which shall not have more detrimental effect upon the adjoining areas than the uses specifically listed; subject to approval of the Planning Director through the administrative review process set forth in §152.769.

(21) Mobile Food Vendor as defined in § 152.003.

(C) *Retail and service commercial uses permitted with a zoning permit.* In the DI Zone, the following uses and their accessory

uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of § 152.239 through § 152.241 of this chapter. Retail and service commercial uses are only permitted in Subarea 1.

(1) Automobile service station

(2) Commercial amusement establishment

(3) Day care/nursery

(4) Eating or drinking establishment

(5) Financial institution

(6) Food store

(7) Gift shop

(8) Information center

(9) Motel, hotel

(10) Office building

(11) Retail or service commercial

(12) Other uses similar to the list above which shall not have more detrimental effect upon the adjoining areas than the uses specifically listed; subject to approval of the Planning Director through the administrative review process set forth in §152.769.

#### **§ 152.238 CONDITIONAL USES PERMITTED.**

(A) In the DI Zone, the following uses and their accessory uses are permitted

conditionally, subject to the requirements and general criteria of § 152.610 through 152.616, 152.238, 152.239 and 152.241 and upon issuance of a zoning permit. Some conditional uses in the DI Zone are only allowed in specific subareas [identified in brackets following each use].

(1) Automobile wrecking yard as provided in § 152.616(E) [Subarea 3]

(2) Commercial gravel pit as provided in § 152.616(Q) [Subarea 3]

(3) Concrete or asphalt manufacturing plant as provided in § 152.616(U) [Subarea 3]

(4) Utility facility and power generation plant as provided in § 152.616(CCC) [Subareas 1 & 3];

(5) Uses involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, radioactive materials, unstable chemicals, ammonium nitrate and liquefied petroleum gases as provided in § 152.616(FF) and (GG) [Subareas 1, 2 & 3]

(6) Other uses similar to the list above which shall not have more detrimental effect upon the adjoining areas than the uses specifically listed; subject to approval of the Planning Director through the administrative review process set forth in § 152.769.

#### **§ 152.239 LIMITATIONS ON USE.**

(A) *Retail Sales & Service Uses in the DI Zone.* Retail sales and service uses permitted in the DI Zone are subject to the following limitations:

(1) A maximum of 5 percent of the developable acreage within the Depot Industrial Zone (excluding the restricted area of Subarea 3) may be allocated to retail and service uses.

(2) Retail and service uses may only be located in Subarea 1.

(B) *Use Limitations in Portion of Subarea 3.* Retail sales and service uses permitted in the DI Zone are subject to the following limitations:

(1) A portion of Subarea 3 (Coyote Coulee) will not be available for industrial development because of ongoing environmental monitoring requirements and habitat values.

(2) The limited use area is shown with cross-hatch on the Umatilla County Depot Plan District -Zoning map.

(C) *General Limitations on all uses.*

(1) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government.

(2) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard.

(3) Points of access from a public

street or county road to properties in the Depot Industrial Zone shall be located so as to minimize traffic congestion and shall comply with the county Transportation System Plan and obtain necessary Road Access Permits.

#### **§ 152.240 MASTER PLAN AND DESIGN REVIEW.**

##### *(A) Master Plan Required for Subarea 1.*

A master plan is required prior to issuance of a zoning permit for development in Subarea 1 because of the unique size and location characteristics of the subarea and the potential range of uses.

(1) The master plan shall be processed in accordance with the administrative review procedures set forth in § 152.769.

(2) The master plan shall include the following:

(a) Conceptual layout of internal roadways and connections to the interstate system;

(b) Identification of area(s) and associated acres for location of potential retail sales and service uses;

(c) General information on potential infrastructure (water, sewer, power) that may be needed to serve targeted industrial and commercial uses;

(d) General information on potential transitions (such as setbacks, screening, buffering) between industrial and commercial uses areas and edges of Subarea 1 that border the Military or Wildlife Habitat designations.

(3) Administrative review of the master plan shall be based on the following considerations and objectives:

(a) Maximize the economic development potential of this unique site to provide jobs and expand the tax base to benefit the local communities and the larger region;

(b) Establish a general framework for coordinated development and minimize piecemeal development without prescribing specific uses or the layout of individual lots;

(c) Explore opportunities for coordination of infrastructure to serve the larger Subarea, rather than relying totally on-site systems; and

(d) Determine if additional standards (such as screening and buffering, etc.) are appropriate and should be applied through subsequent design review/zoning permits for permitted and conditional uses. The master plan can modify the general dimensional standards in § 152.241 for Subarea 1 of the DI Zone.

##### *(B) Design Review for Permitted Uses in all Subareas in the DI Zone.*

(A) An application for a zoning permit for a use permitted in §152.237 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or an authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or an authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

*(D) Design Review Standards.*

The Planning Director or an authorized agent shall review the design review

application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.

**§ 152.241 DIMENSIONAL STANDARDS.**

In the Depot Industrial Zone, the following dimensional standards shall apply, unless other dimensional standards are approved through the Master Plan process.

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: 20 feet, except if the front yard area is used for off-street loading or parking requirements, then the front yard shall be a minimum of 40 feet;

(2) Side yard: 20 feet;

(3) Rear yard: 20 feet.

### **UDR, UMATILLA DEPOT REFUGE ZONE**

#### **§ 152.537 PURPOSE.**

The purpose of the Umatilla Depot Refuge Zone is to provide a dedicated zoning classification to preserve the natural shrub-steppe desert landscape and contribute to the preservation of wildlife and wildlife habitat. It is also designed to retain a natural landscape and open space resource of regional significance, and to provide for low impact recreation, natural and historic heritage interpretation, and environmental education opportunities. Uses are limited to those that will provide for the protection, restoration and management of wildlife and wildlife habitat resources within the zone.

#### **§ 152.538 USES PERMITTED WITH A ZONING PERMIT**

In a UDR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.007, 152.025 and supplementary regulations in § 152.010 through § 152.016 and § 152.545 through § 152.562.

(A) Ecotype Preserve/Wildlife Refuge/Open Space Preserve and associated accessory uses including but not limited to

wildlife observation facilities, plant propagation facilities for on-site restoration, natural heritage interpretive displays, and public restrooms.

(B) Interpretive/visitor center not to exceed 15,000 square feet (larger facilities require conditional use approval). Said uses can include facilities such as natural and historic heritage displays, exhibit areas, gallery, small theater, administrative offices, classrooms, dining areas/café, planetarium, subsidiary gift/book shop, public conveniences, and associated parking.

(C) Low impact recreation facilities including but not limited to non-motorized uses such as hiking trails, bicycling paths, equestrian trails, and picnic facilities.

(D) Observatory.

(E) Utility facilities and roads including the construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, sewage collection lines, road development and maintenance, construction and maintenance of railroad lines, and related facilities, but excluding commercial facilities for the purpose of generating power for public use.

(F) Commercial storage in existing structures with existing access. Use shall be limited to igloos that have direct access to a roadway.

#### **§ 152.539 CONDITIONAL USES PERMITTED.**

In the UDR Zone, the following uses may be permitted conditionally via administrative

review (§152.769), subject to the requirements of this Section , the applicable criteria in §152.061, §152.610 through §152.616 and §152.545 through §152.562 and findings that the proposed use: complies with the Comprehensive Plan, Development Code, and other relevant County policies; will serve a useful purpose to the area and to the purpose of the UDR Zone as stated herein; and will be designed and built so as to reduce potential negative impacts to both neighboring parcels and the primary purpose of the UDR Zone. All conditional use applications associated with an established UDR Zone shall submit as part of the application a general land-use plan schematic for the Refuge/Preserve indicating the longer range management and facilities vision for the Zone, and a more detailed site plan for the specific conditional use request sufficient to evaluate design and land-use considerations associated with the permit request. A zoning permit will be issued following final approval of a conditional use

(A) Interpretive/visitor center with accessory uses, not including parking, in excess of 15,000 square feet.

(B) Commercial operations conducted for the mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources.

(C) Short term stay (14 days or less) commercial campground with associated support facilities.

(D) Farm use, as defined in ORS 215.203, excluding livestock feedlots and sale yards, hog and poultry farms.

(E) The propagation or harvesting of a forest product.

(F) Commercial solar power generation for sale for public use.

(G) Private cemetery or burial site.

#### **§ 152.540 DIMENSIONAL STANDARDS.**

In a UDR Zone, the following dimensional standards shall apply;

(A) *Minimum Parcel.* The minimum lot size shall be one acre unless written proof, from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be permitted, or the minimum lot size shall be the minimum necessary to carry out the intent and purpose of the proposed use and is also consistent with the purpose and intent of the DR Zone.

(B) *Setback.* No building shall be located closer than 20 ft. from a property line, street or road.

#### **UDM, UMATILLA DEPOT MILITARY ZONE**

#### **§ 152.563 PURPOSE.**

The purpose of the Umatilla Depot Military Zone is to recognize the area in the Umatilla County portion of the Army Depot that will be utilized by the National Guard Bureau (NGB), Oregon National Guard (ONG) and the Oregon Military Department (OMD). Umatilla County has adopted this zone for two reasons: to recognize land uses by the military that will be allowed outright, without local land use permits, and, as a zone that will apply to state or private landowners

at the point in time that the land is no longer in federal ownership. It is recognized that development with a primary purpose of carrying out the ONG military mission is allowed outright, and, development with a commercial or industrial purposes that is not directly related to military mission will be subject to local land use regulations. Further, the purpose of this zone is to implement the objective found on page 4-40 of the ORNG Umatilla Training Center Land Use Plan, to "[e]nsure the OMD location has the appropriate Comprehensive Plan Land Use and Zoning designation to unconditionally provide for ORARNG facilities/functions."

**§ 152.564 USES ALLOWED OUTRIGHT.**

The following uses are allowed without local permits:

Military uses identified in the Oregon National Guard Site Development Plan. Such uses will be carried out in a safe manner, consistent with Oregon National Guard protocol. Neighboring property owners should be aware that noise and vibration are common elements of such ONG training activities and are allowed without local restriction.

Such uses include but are not limited to:

- (A) Military use and related military support uses operation of live fire weapons, laser, and demolition ranges;
- (B) Conduct of vehicular, aerial, and dismantled maneuver training;
- (C) Field bivouac operations;
- (D) Operations, maintenance, and

construction of structures for the warehouse, operation, repair, and construction of equipment, administration, simulations, classroom and instructional facilities, billeting and dining facilities, morale, welfare, recreation, and fitness facilities and structures

(E) Other utility and infrastructure support facilities such as housing for energy generators or energy generation facilities, water distribution systems, and wastewater treatment facilities with the primary purpose of providing services to the activities on the subject parcel.

**§ 152.565 USES PERMITTED WITH A ZONING PERMIT.**

In the UDM Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.007, § 152.025 and supplementary regulations in § 152.010 through § 152.016 and § 152.545 through § 152.562.

- (A) Building and structures that are existing and used for warehousing and related uses.
- (B) Rail oriented warehousing and railroad related industries.
- (C) Support facilities for on-site staff.
- (D) Offices for administrative and transportation activities.
- (E) Vehicle and railroad repair facilities.
- (F) Refueling and transportation service centers.



(G) Container storage and trans-shipment facilities.

(H) Farming (EFU).

(I) Wildlife Reserve/Agriculture Wildlife.

(J) Police/Fire training.

#### **§ 152.565 CONDITIONAL USES PERMITTED.**

In the UDM Zone, uses allowed in the Depot Industrial Zone may be permitted conditionally via administrative review as provided by §152.769, subject to the requirements of this Section, the applicable criteria in §152.061, §152.610 through §152.616 and §152.545 through §152.562 and findings that the proposed use: complies with the Comprehensive Plan, Zoning Ordinance, and other relevant County policies; will serve a useful purpose to the area and to the purpose of the UDM Zone as stated herein; and will be designed and built so as to reduce potential negative impacts to both neighboring parcels and the primary purpose of the UDM Zone. All conditional use applications associated with an established UDM Zone shall submit as part of the application a general land-use plan schematic for the Zone, and a more detailed site plan for the specific conditional use request sufficient to evaluate design and land-use considerations associated with the permit request. A zoning permit will be issued following final approval of a conditional use.

#### **§ 152.567 DIMENSIONAL STANDARDS.**

In the UDM Zone, the following dimensional standards shall apply;

(A) *Minimum Parcel.* The minimum lot size shall be one acre unless written proof, from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be permitted, or the minimum lot size shall be the minimum necessary to carry out the intent and purpose of the proposed use and is also consistent with the purpose and intent of the UDM Zone.

(B) *Setback:* No building shall be located closer than 20 ft. from a property line, street or road.

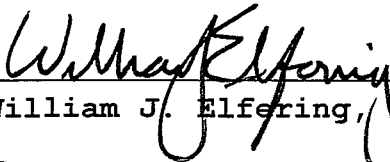
3. Attached to this ordinance are a map labeled Umatilla County Depot Plan District - Zoning, and three tax lot maps for Township 4 North, Range 27; Township 4 North, Range 27, Section 25; and

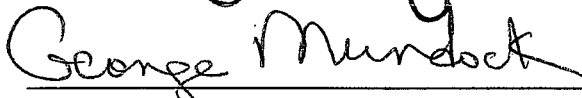
Township 5 North, Range 27, which are all incorporated into this ordinance. The depot property is rezoned to reflect the designations made in this ordinance, and as depicted on the map and the tax lot maps.


FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

DATED this 2nd day of July, 2014.


UMATILLA COUNTY BOARD OF COMMISSIONERS

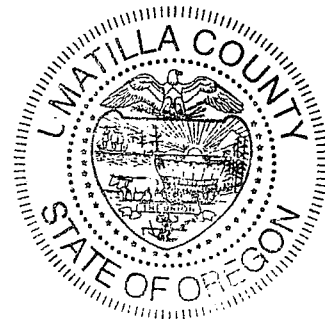
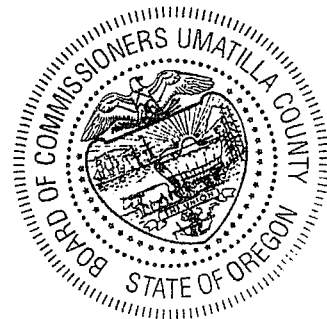
  
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William J. Elfering, Chair

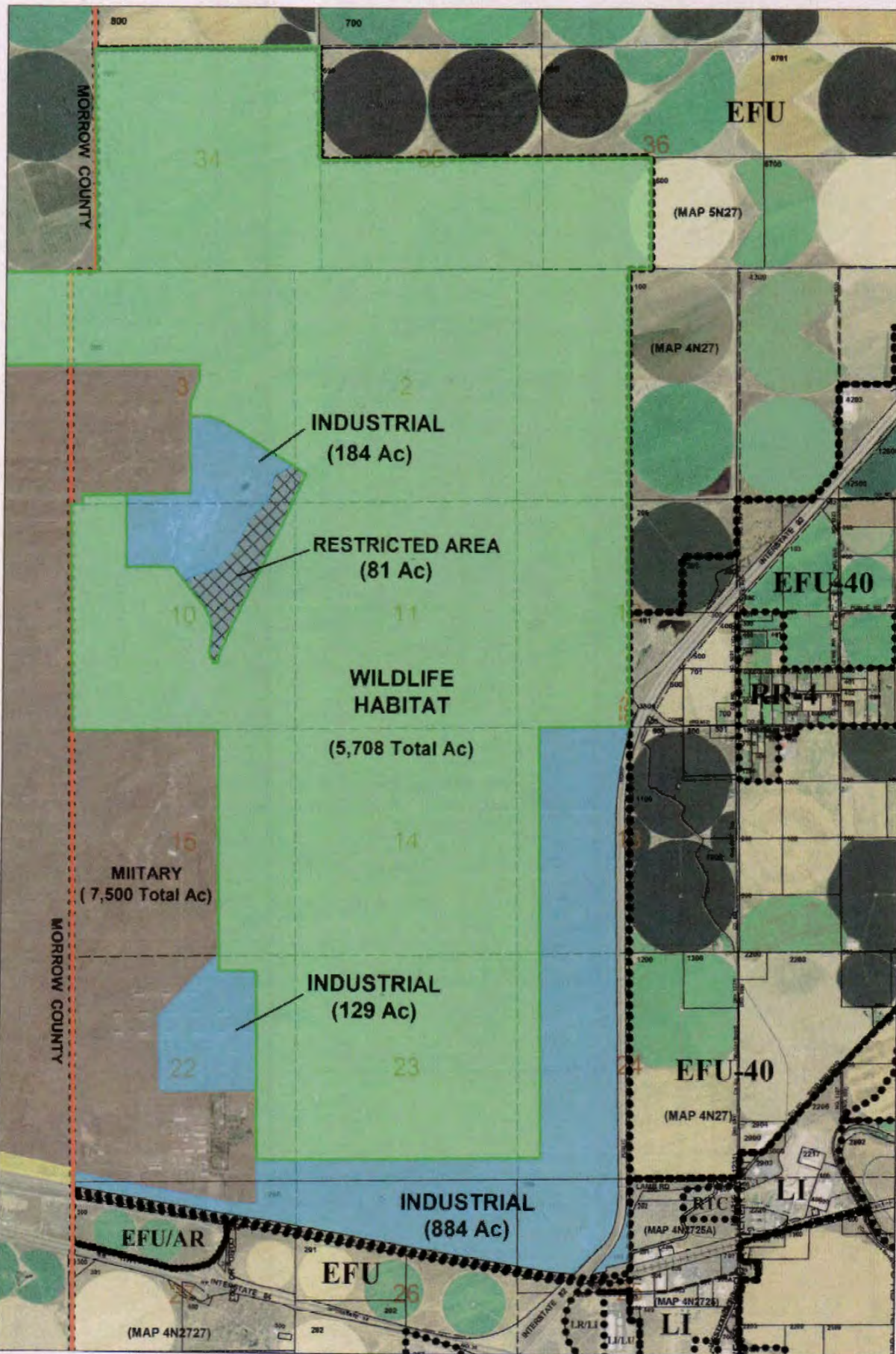
  
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George L. Murdock, Commissioner

  
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W. Lawrence Givens, Commissioner





ATTEST:  
OFFICE OF COUNTY RECORDS

  
\_\_\_\_\_  
Records Officer



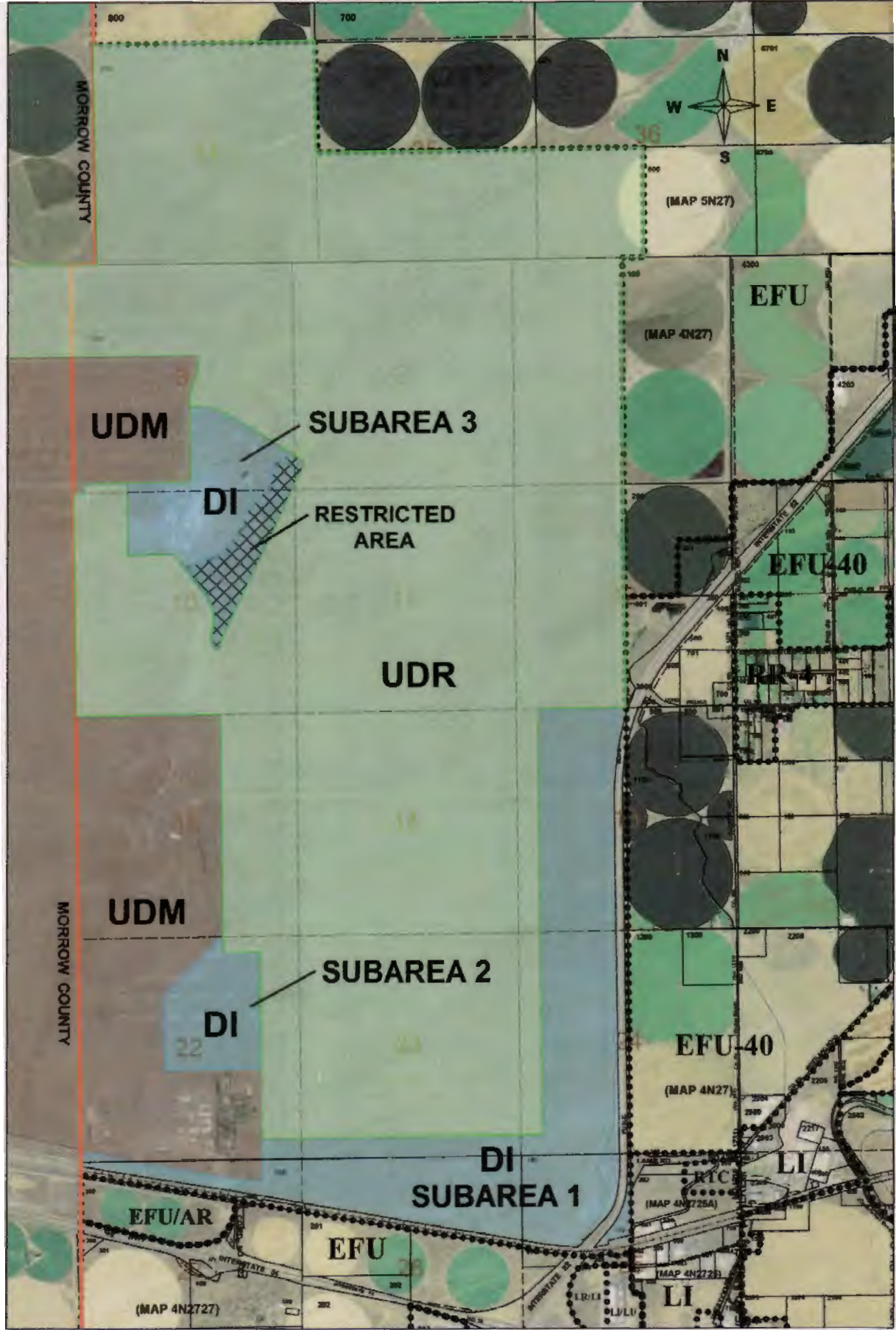


**DEPOT PLAN DISTRICT - COMPREHENSIVE PLAN  
UMATILLA COUNTY, OREGON**

- |   |                            |   |                  |
|---|----------------------------|---|------------------|
|  | Industrial                 |  | Military         |
|  | Industrial Restricted Area |  | Wildlife Habitat |



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Date: 7/11/14



**UMATILLA COUNTY GOAL EXCEPTIONS  
DEPOT INDUSTRIAL SUBAREAS 1, 2 & 3**

- DI, Depot Industrial Zone
- UDR, Umatilla Depot Refuge Zone
- Depot Industrial Restricted Area
- UDM, Umatilla Depot Military Zone

0 1000 2000 3000  
Feet

2012 Aerial Photo

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Date: 7/7/14

# Umatilla County Depot Plan District - Zoning

DEPOT INDUSTRIAL

3  
(184 Ac)

(81 Ac)

Restricted Area

## UMATILLA DEPOT WILDLIFE HABITAT ZONE

(5,708 Ac)







DEPOT INDUSTRIAL

2  
(129 Ac)

DEPOT INDUSTRIAL 1  
(884 Ac)

Morrow County  
Umatilla County

### Depot Plan District Zoning Districts

-  Umatilla Army Depot Military Zone
-  Depot Industrial
-  Umatilla Depot Wildlife Habitat Zone
-  Restricted Area
-  County Boundary
-  1 Depot Industrial Subarea (See Zoning Code)

0 2,500 5,000 Feet



Source: Esri, DigitalGlobe, GeoEye, Aero



ORDINANCE NO. 2014-06

This map was prepared for Assessment purposes only.



SEC 25 T4N R27E WM  
UMATILLA COUNTY, OR

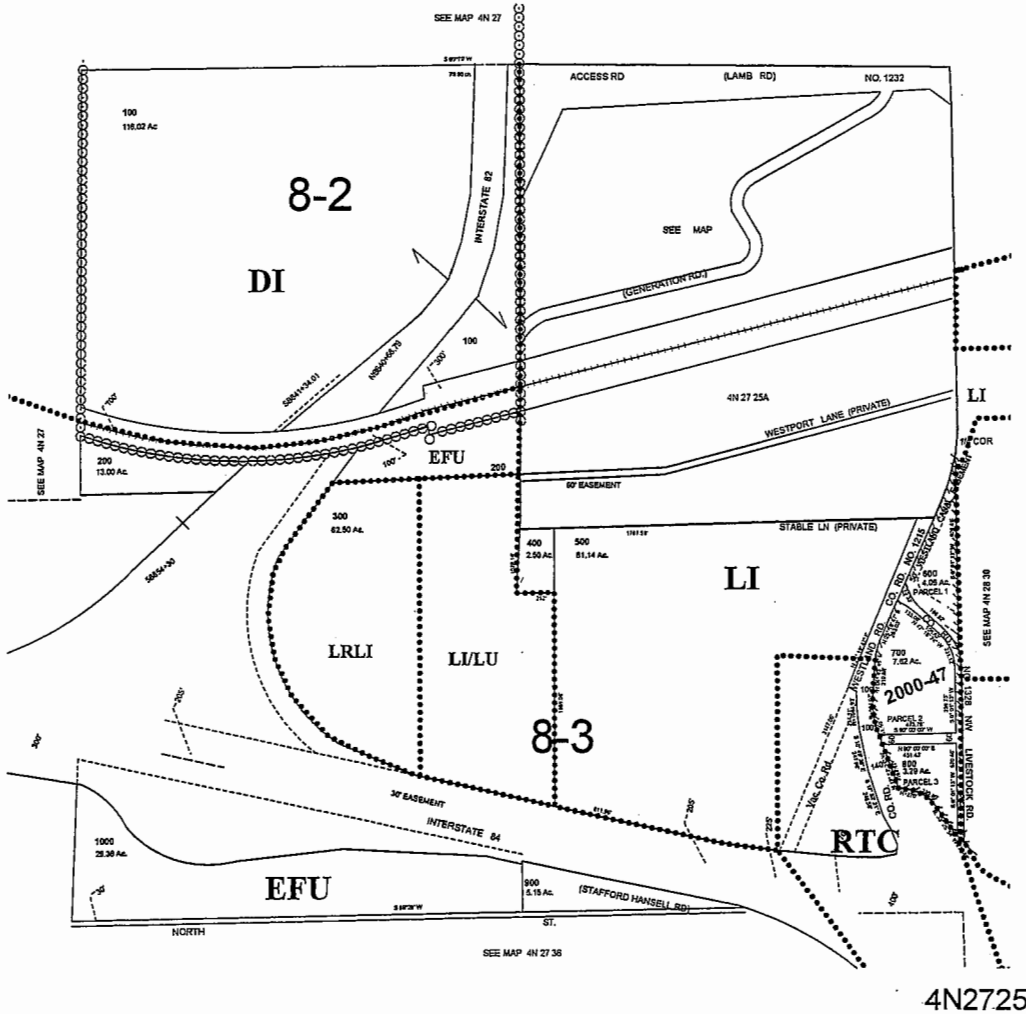
8/3/04

4N 27 25

AERIAL PHOTO NO. NZ-1P-116-116  
2P-27-29 & 2P-38-38

SCALE: 1" = 400'

All in Ordinance Gravel Critical Ground Water Area



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

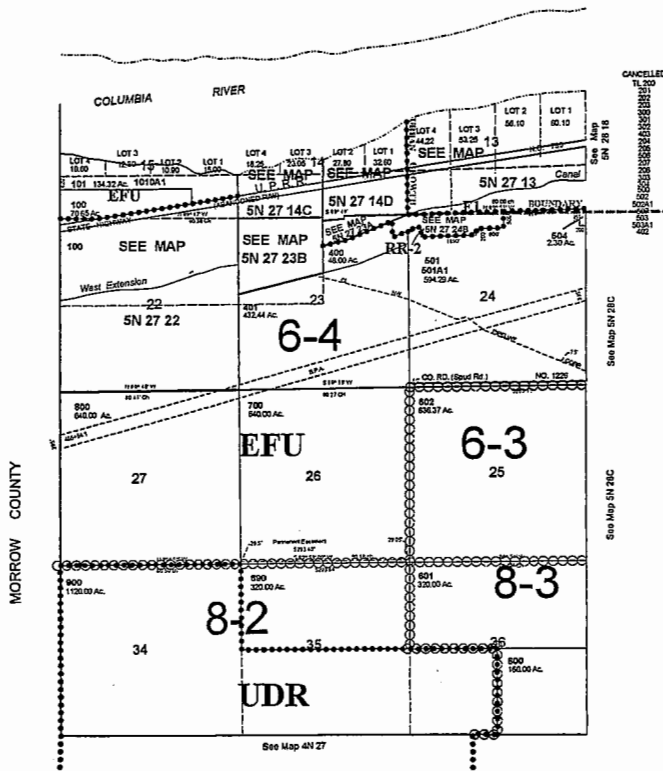
T5N R27E WM  
UMATILLA COUNTY  
SCALE 1"=2000'

2/10/09

5N 27

Aerial Photo No. NZ-1P-52-54  
NZ-1P-107-111

All in Ordinance Critical Ground Water Area



5N 27