

UMATILLA COUNTY

# **COMPREHENSIVE PLAN**

**1983, Amended**

**Umatilla County Planning Department  
Pendleton, Oregon**

UMATILLA COUNTY COMPREHENSIVE PLAN

ADOPTED  
May 9, 1983

AMENDED  
August 29, 1983  
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UMATILLA COUNTY PLANNING DEPARTMENT  
COURTHOUSE, PENDLETON, OREGON 97801

Printed 1993

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The County also wishes to thank the Umatilla County Overall Economic Development Committee, the Umatilla County Historical Society, as well as all of the other citizens who participated in the development of the Comprehensive Plan.

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## HISTORY AND SETTLEMENT

The first scattered white settlements in Umatilla County were largely stimulated by the westward overland expeditions in the early 1800's. Two early attempts to establish settlements in Umatilla County, one a Roman Catholic Mission on the Umatilla River above Pendleton in 1847, the other an Indian agency opposite the present town of Echo in 1851, were unsuccessful because of Indian wars. Following the two-year Indian war a number of settlers located along the Umatilla River between the present sites of Pendleton and Echo to raise cattle.<sup>1</sup>

In 1855 the United States Government reached a treaty with area Indian tribes which set aside a reservation in this county for their settlement. By 1856 the Cayuse, Walla Walla and Umatilla Indians had moved onto the reservation and still reside there today.<sup>1</sup>

In 1858 additional families settled in the Milton-Freewater and Pendleton vicinity. These early settlements were located to provide services to travelers. The first was located a mile and one-half below Pendleton where the road from the Dalles to Walla Walla crossed the Umatilla River. It was variously known as Marshall's Station, Middleton, and finally Swift's. The second, known as Cole's Crossing, was a hotel on the Tum-a-Lum River (now called the Walla Walla River), three miles from Milton where the Dalles Road crossed the Walla Walla River.<sup>1</sup>

The rush of miners to Idaho in 1861 and to the Baker area in 1862 led to further occupation of choice spots along the river bottoms. These areas were established for two reasons: first, to provide hotels or stations along the routes of travel where they crossed the various streams; and second, to

raise crops and livestock to supply the mining centers.

At the time Umatilla County was created by the state legislature in 1862, there was no regular town within its boundaries. A short time later an effort was made to start a town on the Columbia River where goods for Powder River could be landed and forwarded to their destination saving time and distance over the Walla Walla route. The site as eventually established just above the mouth of the Umatilla River was named both Umatilla Landing or Umatilla City. Additional mining discoveries gave an impetus to Umatilla, and in a few months what had been a wide waste of sand became a busy, thriving city.<sup>1</sup>

By 1868 the mining industry began to decline. However, the agricultural section of the County was continually increasing in wealth and population. It had been discovered that the hills along the base of the Blue Mountains were extremely productive for grain, and thousands of acres were being cultivated. Also, large herds of cattle and flocks of sheep were thriving on the lush rangelands sustaining grasses which were said to have touched a horseman's stirrups.<sup>2</sup>

Another early industry was logging. Mining in the 1860's provided the necessary market, both at the mines and in the community. This promoted the establishment of sawmills, and by 1900 there were several in the county. The industry was reasonably stable until the late 1930's when there was a general expansion which has since fluctuated.

Irrigation began in the late 1800's near the streams, and alfalfa was introduced as a hay crop. Irrigation water supplies were increased by the completion of the Cold Spring Reservoir in 1908 and the McKay Reservoir in 1926.<sup>3</sup> Several other irrigation projects were also completed north of Milton-

.Freewater and in the Umapine area during this period. Circle irrigation, in recent history, increased productivity and crop diversity in the West County.

Other agricultural development playing a significant role in the historic, economic, and social development of the county that occurred after 1900 were fruit orchards and associated food processing facilities north of Milton-Freewater, the growing of peas in the higher rainfall areas east of Pendleton, and turkey raising and dairying in Central and West Umatilla County.

Besides Umatilla, other city development started in 1868 when an election to decide a location for the county seat resulted in Pendleton being chosen. The city grew rapidly after that and became the dominant city in Umatilla County. The other ten cities of the County were established after 1868; the latest one, Ukiah, incorporated in 1972.<sup>1</sup> Also, small rural centers such as Umapine, Rieth, and Meacham sprung up serving its residents with local goods and services.

Nearly all of Umatilla County's towns and rural centers were established as service centers for the surrounding farms, ranches and mountain communities. The degree of population in any one community was a measure of its resources and of the advantages of its location as compared with its competitors. Often this growth occurred haphazardly, especially during boom and bust periods. Temporary, substandard housing was constructed; demolition of these temporary units is still not complete.<sup>4</sup>

Since 1970 some portions of Umatilla County have again ballooned with growth. Major expansions in irrigated agriculture have led to the establishment of several major food processing industries and other spin-off service facilities in West Umatilla County. Employment opportunities

have increased tremendously along with "unprecedented" population growth. Population increases have also occurred in the Milton-Freewater and Pendleton areas.

The time of trial and error, boom and bust, has passed; this document reflects the citizenry's planning direction for future growth.

GENERAL DESCRIPTION OF UMATILLA COUNTY Umatilla County covers an area of 3,231 miles (2,062,080 acres) and has a population of 60,000. Major population centers are: Pendleton (County seat), population 14,550; Hermiston, population 9,630; Milton-Freewater population 5,415; Pilot Rock, population 1,640; Stanfield, population 1,620; Athena, population 955; Umatilla, population 2,999; Weston, population 705; Echo, population 610; Adams, population 235; Helix, population 155; and Ukiah, population 265.<sup>5</sup>

The predominate climate of Umatilla County is temperate and semi-arid, characterized by low annual precipitation, low winter temperatures, and high summer temperatures. Strong winds from the west and southwest occur throughout the year. Annual precipitation varies from 55 inches in the Blue Mountains to less than 10 inches near the Columbia River. The average annual precipitation at Pendleton is 12.38 inches. The mean annual snowfall is 157 inches at Meacham and 19 inches at Pendleton. County mean annual temperatures vary from 43 F at Meacham to 53 F at Hermiston. Recorded temperature extremes at Pendleton vary from 122F to +110F. The frostfree growing season varies from 30 days at high elevations to 200 days near the Columbia River. At Pendleton the growing season is about 160 days and the growing season in the Milton-Freewater area is 190 days.<sup>6</sup>

The principal topographic features of Umatilla County are the Umatilla Plain and the Blue Mountains. The Umatilla Plain is level to undulating or gently rolling. It is bounded by the Blue Mountains on the south and east and the Columbia River on the northwest. The plain is divided in the central part by the northeasterly-trending crest of the Rieth anticline (or arch)

which forms the division between the Pendleton plain in the east and the Umatilla lowland on the west.<sup>4</sup>

The Pendleton Plain slopes gently to the northwest with elevations of 1200 to 2000 feet. On the plain is the Agency Syncline (or trough) whose axis trends southwest from Athena to the vicinity of Pilot Rock. The remaining part is gently rolling with elevations ranging from 1300 to 2100 feet.

The Umatilla lowland is a gently sloping surface to the northwest, broken by the remnants of the Service Anticline, the Service Buttes, Emigrant Buttes, Hermiston Buttes and the Umatilla Buttes. It is slightly dissected and has gently rolling topography. It rises from an elevation of about 250 feet near Umatilla to about 1200 feet at the foot of the Blue Mountain's slope and the crest of the Rieth Ridge.<sup>4</sup>

The Blue Mountain's highland is a nearly horizontal, platform-like crest of a broad anticline. The elevation ranges from 3500 feet at Cabbage Hill to more than 5000 feet at Huckleberry Mountain. The area has been eroded by subsequent streams, creating steep walled canyons with narrow bottoms.

The Blue Mountain's slope is a gentle, ramp-like descent down to the lowlands of the Umatilla Plain. This area descends from the highland area to an elevation of 2000 feet at its eastern edge. It is approximately 15 miles wide east of Athena, five miles wide from Emigrant Hill to Battle Mountain, and 25 miles wide from Battle Mountain to the edge of the basin.<sup>4</sup>

Umatilla County is served by two major drainage basins. The major portion of the County lies in the Umatilla Drainage Basin, while the southern tip, or approximately the area lying south of the Battle Mountain State Park, lies in the John Day Drainage Basin.<sup>4</sup>

All waters of Umatilla County drain into the Columbia River, and nearly all have a well developed natural drainage system. The Umatilla River, together with its tributaries, forms a dendritic (tree-shaped) stream system that drains most of the County. The Walla Walla River, which flows into the state of Washington, forms the drainage outlet for about 470 square miles in the northeast. The North Fork of the John Day River drains the southern part of the County.<sup>4</sup>

The majority of soils in the County are derived from transported materials. At lower elevations on the west, the soil material is glacial in origin. In higher elevations of the Palouse area, wind lain soils (loess), associated with later deposits of white volcanic ash. Are found in small pockets on northerly exposures and in large areas in the Blue Mountains. The Blue Mountains and their footslopes have soils partially developed from underlying rock. Alluvial soils from the uplands are found along streams.<sup>4</sup> (See Technical Report for more detailed explanation of soil characteristics).

The County's primary economic activities are agriculture, manufacturing, forest industries, construction, retail trade and transportation. Opportunities for economic growth and diversification are enhanced by quantities of reasonably priced land, high quality air shed characteristics, major energy transmission facilities, and good national/international transportation linkages.

## WHY A COMPREHENSIVE PLAN?

Daily, decisions are made and actions taken which in varying degrees affect our physical, social, and economic environment. Are those decisions and actions the most advantageous for the overall community? Not necessarily; natural resources have been misused and depleted, public facilities and utilities over-extended, employment opportunities adversely affected, housing units too few or too many, and many other commitments of our lands, labor and capital illadvisably made.

Planning seeks to identify and recommend solutions to these many problems. The Comprehensive Plan is intended to identify the character of growth and change in Umatilla County and provide the basis for coordinated public and private action to guide this growth. It seeks to insure that decisions related to land use are consistent with policies expressed through the public planning process.

The Oregon Legislature has also recognized the importance of land use planning to accommodate change and growth in an orderly manner. That body has charged local government with the responsibilities of developing, adopting, and implementing comprehensive land use plans.

In 1973 the State Legislature created through ORS 197 (Senate Bill 100) the Land Conservation and Development Commission (LCDC) and directed each city and county in the state to prepare and adopt comprehensive plans consistent statewide planning goals. On December 27, 1974, the LCDC adopted fourteen statewide planning goals. Summarized as they relate to this Country, they are:



1. CITIZEN INVOLVEMENT - To develop a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the Planning process.
2. LAND USE PLANNING - To establish a land use planning process and policy framework as a basis for all decisions and action related to use of land and to assure an adequate factual base for such decisions and actions.
3. AGRICULTURAL LANDS - To preserve and maintain agricultural lands.
4. FOREST LANDS - To conserve forest lands for forest uses.
5. OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES - To conserve open space and protect natural and scenic resources.
6. AIR, WATER, AND LAND RESOURCES QUALITY - To maintain and improve the quality of the air, water and land resources of the County.
7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS - To protect life and property from natural disasters and hazards.
8. RECREATIONAL NEEDS - To satisfy the recreational needs of the citizens of the county and visitors.
9. ECONOMY OF THE STATE - To diversify and improve the economy of the County.
10. HOUSING - To provide for housing needs of citizens of the county.
11. PUBLIC FACILITIES AND SERVICES - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.
12. TRANSPORTATION - To provide and encourage a safe, convenient and economic transportation system.
13. ENERGY CONSERVATION - To conserve energy.
14. URBANIZATION - To provide for an orderly and efficient transition from rural to urban land use.

Finally, Oregon courts have firmly established the comprehensive plan as the controlling land use document with which all local government actions affecting land use must be consistent. Consequently, all local land use ordinances such as zoning and subdivision ordinances and other actions such as city annexations must now be administered in accordance with the

comprehensive plan. Therefore, it is imperative that the plan reflects the current perception of the future needs and desires of the citizens it serves.

ORS Chapter 197 defines the comprehensive plan as:

"A generalized, coordinated land-use map and policy statement of the governing body of a state agency, city, county or special district that inter-relates all functional and natural systems and activities related to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs."

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, Umatilla and Wallowa-Whitman National Forest, and the Umatilla Army Depot).

Activities on these lands can directly affect the County jurisdiction - as may County actions impact those lands. To maximize the effectiveness of this Plan, on-going County coordination with these various governmental entities becomes an obvious necessity. Formal implementing agreements with all cities and special districts will also require a continuing County coordination effort.

**FINDINGS**

**POLICIES PLAN**

**ELEMENTS**

## THE PLANNING PROCESS

The planning process is comprised of a sequence of steps beginning with formulation of public goals, inventory and land related resources, and allocation of those resources through implementation procedures to attain the goals. Stated another way—what does the population want to have happen? What are the resources considered? And how can those resources best be managed to accomplish the desired future?

That is not to say that today's planning commits the County to rigid future growth patterns. Because public values change, resource demands vary and technology advances, comprehensive planning must be viewed as an on-going process. Recognizing that fact, this plan shall be reviewed at least every two years. This periodic review and refinement of the plan will involve the citizens of the area. Upon review, the County Planning Commission will hold public meetings to hear citizens comments and make recommendations to the County Board of Commissioners. Board of Commissioners' actions will also be at public meetings with any resulting amendments enacted by ordinance.

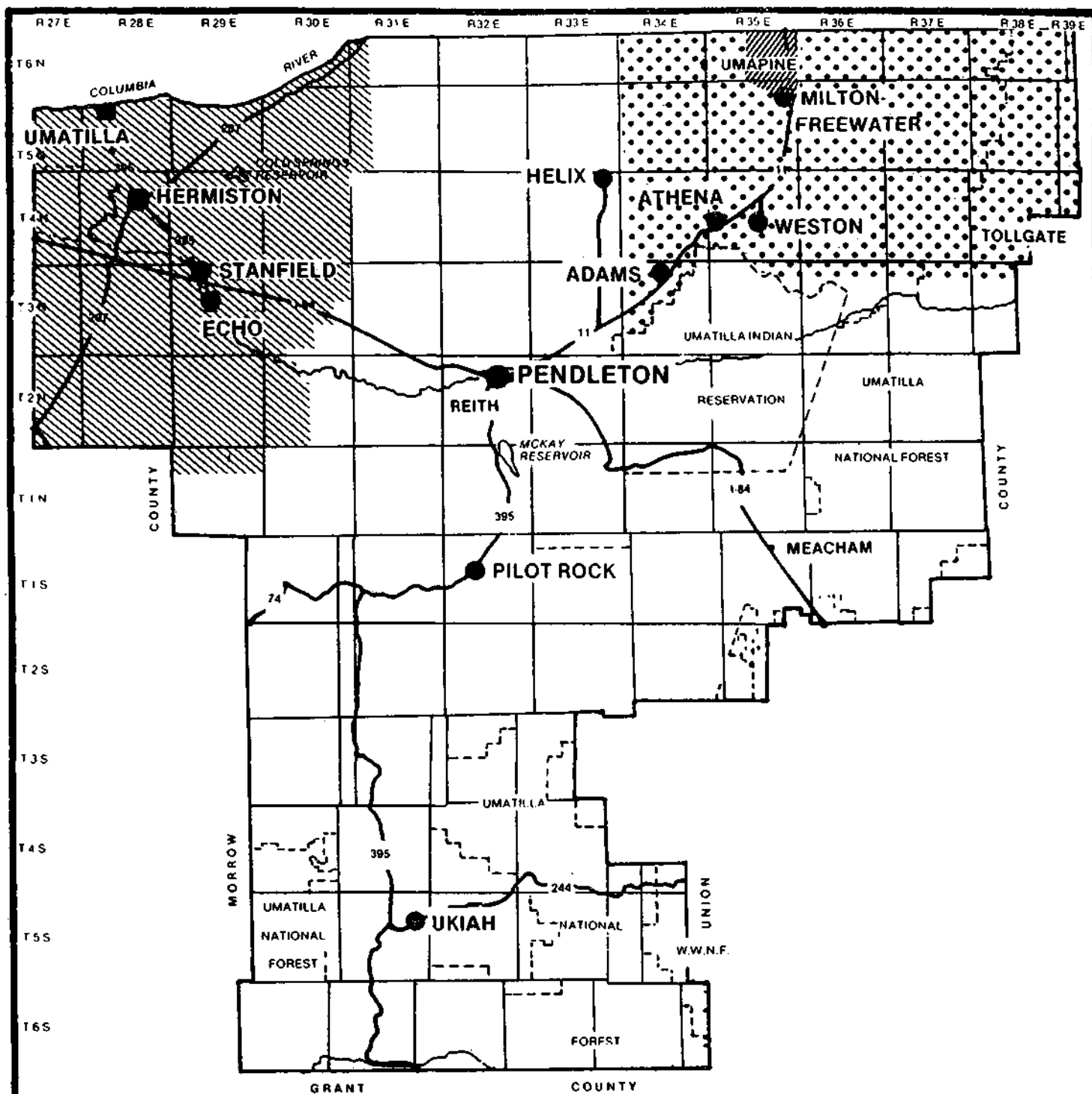
For better understanding and use, the Plan has been arranged in an order reflecting elements basic to land use planning. Within each element is a descriptive statement followed by findings indicating the present situation, and recommendations directed toward achieving the pertinent goal.

Recommendations, when adopted by the Board of County Commissioners, will become policy statements governing future land use activities.



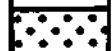

The text is written in concise terms with detailed technical data analysis supporting plan findings included in the Technical Report. Both the text and technical Report are arranged goal by goal to facilitate reference use. One exception to this arrangement is the inclusion of findings and recommendations generated by the citizen task force on the County economy. Readers interested only in specific goals should be aware that supporting data may be found within the Technical Report in the above-described sequence and/or in the economic analysis section. The Plan Maps included in the back pocket of the text show land use designations and list goal findings and policies.

Maps reflecting various aspects of the County have been developed at scales appropriate to the depicted subject. In some instances, the detailed requirements of rapidly growing areas in the West County and near other urban centers as well as developed rural areas like Tollgate-Meacham, and the Orchards District necessitates mapping at enlarged scales.

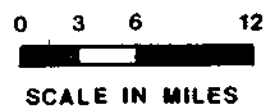
Because the terms "Orchards District," "West County," "Central," "South," and "East-Northeast County" are used often throughout the Plan, the reader is referred to the County Location Map on the following page for area locales.



**LEGEND WEST**

-  UMATILLA COUNTY CENTRAL
-  UMATILLA COUNTY EAST
-  UMATILLA COUNTY
-  ORCHARDS DISTRICT

**LOCATION MAP  
UMATILLA COUNTY, OREGON**



A number of items not definitely addressed in the plan have been isolated out and will be acted upon and incorporated into this document as information becomes available. Yet-to-be established data and resulting policies include:

- (1) Groundwater availabilities and the necessary policies for economic farm productivity and rural development intensities;
- (2) Capacity area to safely assimilate cumulative effects of subsurface sewage disposal and establishment of appropriate land use density levels;
- (3) Intermodal transportation networks and programs to implement and maintain those purposes;
- (4) Aggregate/mineral deposits locations and open space designations to preserve future extraction opportunities; and
- (5) County-wide soil/land surface characteristics indicative of building limitations.

Under separate cover is a Development Standards Ordinance for implementation of recommended policies. Development standards outline those specific measures such as zoning, subdivision and capital improvement programs designed to implement the policies expressed within this document.

In some instances this Plan may change land-use designations and/or implement zoning in a way which reduces the true cash value of specific lands. In such cases ORS 308.2 05 states:

"Section 1.(1) If the assessed value.of any real property is reduced by reason of the adoption of or a change in the comprehensive plan, zoning ordinance or zoning designation for such property not at the request of the owner, the owner on

the date of the adoption or change may file a claim shall be filed on or before April 1 of any year, but assessment year for which the assessed value was so reduced. The claim shall be on forms furnished by the assessor and approved by the Department of Revenue.

(2) The assessor shall compute the difference in assessed value attributable to such reduction, between the assessed value of the property as of the January 1 assessment date for which the assessed value was so reduced, and the assessed value as of the January 1 immediately prior to such reduction. Beginning in the year in which the claim is filed and for four consecutive years thereafter, the assessor shall reduce the true cash value of the real property so affected by an amount equal to the difference in value so computed. In no case shall the true cash value be reduced below zero. The assessor shall notify the person in whose name the property is assessed of the amount of the reduction in value and of the approximate dollar amount of tax reduction, based upon the tax rate extended against the property on the last tax toll. The notice shall be mailed to the address of the person as indicated on the claim for exemption."

Briefly stated, landowners who experience a reduction in land value resulting from County adoption and/or amendment of this Plan and implementing ordinances will, as compensation, be notified by the County Assessor of the opportunity to file for future property tax reductions.



## FINDINGS

## RECOMMENDED POLICY

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| 1. New information will develop and attitudes will change during the life of this plan.  | 1. Evaluate plan and implementing measures every two years, and where significant changes affect policies, initiate the amendment process.   |
| 2. Under present laws County jurisdiction over unincorporated urbanizing lands be transferred to   | 2. Cities' plans for unincorporated urbanizable areas are cannot by reference part of cities. this Plan.   |
| 3. Public comments show that coordination and cooperation between the U.S. Service, Umatilla Confederated Tribes, and Umatilla County is needed particularly as they relate proposed restrictive use fee lands within and surrounding the Indian Reservation and timber management practices as it affects watershed quantities and qualities. | 3. Work with both U.S. better Forest Service and Confederated Tribes Forest to reach mutually beneficial resource and land use planning policies for all lands to within Umatilla County, on   |
| 4. Soil survey inventories are in various stages of completion.  | 4. As information becomes available, incorporate new findings during biennial review of plan.  |
| 5. Resource decisions and actions upon public lands in the county have and will continue to have major effects on the economic, social and natural environment of the county.  | 5. Umatilla County will encourage the efficient management of lands owned by the U.S. Forest Service and Confederated Tribes of the Umatilla Indian Reservation. The County will also request timely state/federal agencies' notice of large scale activities (e.g. mining and |

timber removal projects) to control off-site adverse impacts on county citizens, services, and facilities.

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| 6. Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and/or management responsibilities for land in the County. Also, some public agencies have responsibilities to monitor development impacts of County projects upon entities beyond Umatilla County boundaries. These agencies' involvement in the land use planning process is necessary to assure a more coordinated and functional comprehensive plan. | 6. To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code.   |
| 7. During the revision and adoption of new land use plans and ordinances, there are development plans and agreements entered into that may not agree with the new policies and regulations of can impose hardship and delays upon development plans or agreements.  | 7. A pre-existing status shall be granted to valid subdivisions, partitions, conditional uses and variances with at least preliminary County approval and for buildings with at least an issued, valid zoning permit at the time of the plan adoption by the Board of County Commissioners. |
| 8. In the future, some of the abundant farm, forest or other resource land in the county may be needed for non-resource uses.   | 8. Conversion of resource lands to non-resource uses shall follow procedures for plan amendments and Section 19a, Chapter 827 of Oregon Laws, 1983.   |
| 9. Some policies of this plan apply to specific tax lots or portions thereof.   | 9. Plan policies which apply to specific tax lots or portions thereof shall be referenced upon the appropriate official zoning map (s) . These plan policies shall take precedence over the base zone and any overlay zone. The purpose of this   |

requirement is to insure that specific plan policies are recognized and accounted for in any land use action.

## CITIZEN INVOLVEMENT

Communities are composed of three basic elements: the natural environment, the constructed or man-made infrastructure and buildings, and people. Traditionally, community planning has concentrated on physical arrangement of land uses with little regard for the socio-economic effects on people. For planning to be comprehensive and realistic, the people must have opportunities for input into their own community development plans.

As just indicated, the planning process involves a complex balancing of environmental, social, economic and political issues. The citizenry must be informed and knowledgeable of the planning process. Through informed public participation in planning decisions the local jurisdiction can develop comprehensive plans which are responsive to both the general public and multitude of interest groups.

Some areas of Umatilla County are growing dramatically. It is therefore essential that its citizens be afforded continuing opportunity to influence how this growth should take place, where it logically should be located, and how environmental and socio-economic trade-offs should be decided.

Recognizing the importance of citizen involvement in the land planning process, and also in keeping with the intent of the state citizen involvement goal, the Umatilla County Board of Commissioners initiated programs and processes to help insure representative citizen participation in Umatilla County. Detailed

documentation of these events is on file at the Umatilla County Planning Department. Brief accounts of these efforts include the following:

1. Initial County planning programs in 1971 were extensive, comprehensive, and involved many hours of citizen meetings and participation. As a result, the present County Comprehensive Plan and Zoning Ordinance were adopted in 1972. This tremendous citizen involvement was, and still is, considered valuable, with present citizen involvement deemed an extension of that program;
2. In the fall of 1975, the Umatilla County Planning Commission was designated by the County Board of Commissioners as the official Committee for Citizen Involvement to assist the County Board of Commissioners in developing and evaluating citizen involvement programs;
3. A citizen involvement program was adopted in March of 1976 which formed three regional planning districts, each consisting of its own citizen's advisory committee, and each responsible for overseeing the planning programs to be initiated within their respective regions;
4. The first planning district initiated and first citizen advisory committee formed was in West Umatilla County. The West End Citizen's Advisory Committee appointed in February of 1976 developed, and caused to be adopted, two needed comprehensive plan map amendments, but following that disbanded due to misunderstandings about membership roles and responsibilities, geographic representation deficiencies, and lack of technical guidance and assistance;
5. A second West County citizen involvement committee was formed in March of 1977 representing broader community interests, geographic regions and clearer responsibilities. Meeting 18 times over a 10-month time period, they reviewed data inventories, solicited citizen comments and reviewed goals and policies suggested for incorporation into a West County Framework Plan;
6. An 18-member agricultural subcommittee was selected to assist the West County Citizen Advisory Committee, identify agricultural land, and provide additional valuable citizen input;
7. A community attitude survey was conducted as well as an educational fair and a county fair booth display to help

- determine citizens' needs, opinions, and concerns, and provide educational information to enable citizen understanding of planning issues and processes;
8. Additional citizen input on the West County Framework Plan was encouraged at three community workshops, three special task force meetings, and four Planning Commission and Board of Commissioner's public hearings;
  9. All county citizen advisory group meetings, Planning Commission meetings, and Board of Commissioners' meetings and hearings were open to the public, were advertised by either legal notice, newspaper releases or posted fliers, and were made available or published well in advance to allow adequate public review;
  10. Draft copies of the West County Framework Plan were distributed to a limited number of citizens, affected local governments and special taxing districts; also, display drafts were offered at public offices to encourage general public review;
  11. An extensive citizen involvement process was conducted to recommend overall economic development policies and programs for the County. Diverse citizen representation was encouraged to insure consideration of each major facet of the area's economy;
  12. To insure a more representative citizen's involvement program for County residents, a County-wide committee for public participation was formed in June of 1977 (replacing the County Planning Commission's responsibility delegated in 1975) to oversee, evaluate and recommend improvements for all existing and future citizen involvement committees and programs;
  13. The Orchards District Citizens Advisory Committee met numerous times over a period of one year to formulate a revised comprehensive plan and rezoning for orchard, rural residential lands, and highway commercial areas north of Milton-Freewater. Their efforts resulted in correction of inconsistencies between plan, zoning, and state goals; also, preservation of valuable orchard and other farmlands, and establishment of special Exclusive Farm Use zones.
  14. During October of 1979, public meetings were held in Weston and Meacham to inform people on how statewide planning goals affect the County's mountainous region, and to discuss possible land use alternatives.

15. In early 1981, the County Planning Staff presented a draft proposal for the County's mountainous areas to the County Planning Commission. During public review of the draft proposal, it became evident that, in several mountain regions, citizen and property owners desired a local citizen's involvement committee for their areas.
16. In late February of 1981, the County Planning Commission approved the idea of a citizen's committee to study the Tollgate area. This committee was to be made up of citizens who were contacted and organized by the Planning Commission members from the Milton-Freewater area. This committee met numerous times between May of 1981 and February of 1982. With the help of the County Planning Staff, a development strategy was developed through the use of a survey and local knowledge of the area from the committee members. A draft proposal was presented to the Planning Commission in February of 1982.
17. In December of 1981, the Planning Commission approved the concept of a second citizen's group to study the area between Meacham and Ukiah. This group organized itself in late March and met five times between March and September of 1982. In September, a proposal recommending land use strategies was presented to the County Planning Staff for inclusion into the Comprehensive Plan.
18. From October, 1982, through February, 1983, the Planning Commission held 33 regional workshop meetings and public hearings on the final draft of the Comprehensive Plan and Zoning Ordinance. The Commission used a "comment sheet" format to elicit testimony from the public. Over 80 such comment sheets were received from the public and from various agencies and organizations. The Commission addressed each comment individually and provided written responses to the commentors. An opportunity was given for the commentors to respond to the Commission's decisions at several public meetings. The procedure called for the Board of Commissioners to also review each comment sheet and to affirm or change the Planning Commission's action. Commentors were then notified in writing of the Board's final action on their testimony.

Oral testimony and letters were also received by the Planning Commission and acted upon at public meetings and hearings.

After thorough review and discussion of the issues, the Planning Commission adopted and forwarded to the Board of Commissioners its recommended final draft of the Comprehensive Plan and Development Ordinance on March 15, 1983. The recommended draft plan did not include the rural residential portions of the county. These areas

were to be addressed by the Planning Commission and recommendations made to the Board during the summer 1983.

The Board of Commissioners held its own series of public hearings in April and May again using the "comment sheet" format. The Board officially adopted the Plan and Development Ordinance on May 9, 1983, and forwarded them to DLCD/LCDC for review.

19. During July and August of 1983 the Planning Commission completed work and held hearings on those portions of the Plan and Ordinance not adopted in May, comprising mostly with rural residential areas around Pendleton, Hermiston, Milton-Freewater, Pilot Rock, and Echo. After five public hearings and a number of workshops, the Planning Commission adopted recommendations for the Board on August 4, 1983.

The Board held public hearings on August 23, 24, 25, 26, 29, 1983, and adopted the Plan and Ordinance amendments on August 29, 1983.

20. DLCD issued reviews of Plan on October 26, 1983, November 16, 1983, and February 21, 1984, with a number of "In Order To Comply" requirements. The County received deadlines of July 1, 1984, and September 14, 1984, for completion of various portions of the Plan.
21. After much additional work and a number of workshops and public hearings, the Planning Commission and Board adopted Plan and Ordinance revisions on June 27, 1984, for a majority of the county area. Then on September 6, 1984, they adopted Plan and Ordinance revisions for the remaining (mainly rural residential) areas of the county. Ordinance #84-6 readopted the Comprehensive Plan and Development Ordinance in total.
22. DLCD issued a staff report on the latest County revisions on February 21, 1985, with additional "In Order To Comply" statements. The Planning Commission and Board of Commissioners held a number of joint work sessions and public meetings, including a meeting with LCDC Chairman Stafford Hansell and DLCD Director James Ross. The Planning Commission Chairman, Clinton Reeder, and the County Planning Department staff also met several times with DLCD staff members to work out problems.

On May 21, 1985, the Planning Commission and Board held a joint final public hearing on revisions developed to address the additional IOTC statements. On May 22, 1985, the Board considered the Planning Commission recommendation, but referred the matter back to the Planning Commission for a more detailed recommendation.



On June 11, 1985, the Planning Commission met again and developed a more detailed recommendation. On June 12, 1985, the Board adopted revisions to the September 6, 1984 Plan and Development Ordinance.

23. DLCD reviewed these changes on October 10, 1985. They issued another staff report which listed eight additional but minor required changes. The report recommended LCDC acknowledgement with "delayed signing" until the required changes were made. On October 24, 1985, LCDC accepted the staff report and acknowledged the Umatilla County Comprehensive Plan under "delayed signing" provisions.

The County Planning Commission and Board of Commissioners held a joint public hearing on November 6, 1985, and adopted the changes required by LCDC as Ordinance Number 85-10. The County received conformation of acknowledgement from DLCD Director James Ross on November 21, 1985.

FINDING

POLICY

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| <p>1. Land use planning affects people, and people are vital to land planning formulation and implementation.</p>         | <p>1. Provide information to the public on planning issues and programs, and encourage continuing citizen input to planning efforts.</p>  |
| <p>2. The County relies upon citizen committees for review and advice on planning issues.</p>                             | <p>2. Continue appointing special committees to assist the Planning Commission and Board of Commissioners' planning deliberations.</p>  |
| <p>3. The County is made up of different geographical, economical, and social units with different needs and desires.</p> | <p>3. The County will, when revising and updating the Plan, appoint area citizen committee with members representing the broadest possible interest and concerns to take advantage of their valuable information and knowledge.</p> |

4. Request for modifications of the plan and implementing measures are possible indicators of changing local situations.

5. Residents of unincorporated urbanizable lands are affected by both city and County land use decisions.

4. The Planning Commission, in considering major biennial plan and implementing measures revision, will consider cumulative effects of individual input requests as a public factor.

5. Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings.

NOTE: See Technical Report, Section A, for background data.

## AGRICULTURE

Umatilla County agriculture contributes about 100 million dollars in annual income to the county and supports local food processing, transportation, trade, and service employment . and payrolls.<sup>7</sup> The county's agricultural sector has consistently ranked among the top ten Oregon counties in total agricultural productivity; and for the three year period from 1975-77, as irrigated crop land came into production, ranked at least third in the state. Contributing to this strong agricultural economy is the diversity of farming activities which includes the production of cultivated crops (e.g. wheat, barley, oats, corn), field and truck crops (e.g. potatoes, green peas, asparagus), hay and silage feeds (e.g. alfalfa, corn, pea vines), fruit products (e.g. apples, cherries, prunes, peaches, apricots), and an extensive livestock industry raising cattle and calves, hogs and pigs, sheep and lambs, and chickens and turkeys.

Besides being the largest industry in this county and second largest industry in Oregon, agriculture creates a rural atmosphere greatly desired by many city, rural, and regional people. A comprehensive plan considers agriculture as an irreplaceable natural resource. Its wise use is of as much importance as other resources.

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| 1. Agriculture is important economically in Umatilla County and to the state. | 1. Umatilla County will protect, with Exclusive Farm Use zoning pursuant to ORS 215, lands meeting |
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the definition of farmland in this plan and designated as Agricultural on the Comprehensive Plan Map.

2. Inventory review and local testimony identifies several categories of agriculture in the county: (a) North/South County Agriculture Region; (b) West County Irrigation Districts; (c) Special Agriculture; and (d) Orchards/Forks of Walla Walla River Districts.
2. Establish four agricultural types of management regulations to protect and maintain the existing agricultural economy character of the county.  
  
The following EFU zones are identified and corresponding preservation measures listed (see Plan and Zoning Map for locations of agricultural designations and EFU zone types):
  - (a) North/South County Farm Region Matrix review system;
  - (b) West County Irrigation District 40 acre minimum lot size;
  - (c) Special Agriculture Exclusive Farm Use - 20 acre minimum lot size and density;
  - (d) Orchards District/Forks of Walla Walla River District - 10 acre minimum lot size and density.
3. Examination of past development patterns in farm areas, review of development costs (including drilling a domestic well, costs of land, septic tank installation, dwelling costs), a look at field pattern sizes, farm management unit sizes, tax lot and ownership patterns in the agriculture inventory, in the North/
3. To allow the flexibility of management options, to continue the existing commercial agricultural enterprises in a given area, and to assure that non-farm activities will not be encouraged, a flexible review called a "matrix system" shall be created that requires appropriate standards and review procedures for a variety of parcel division

South County Agricultural Region lead to the conclusion that parcels of 160 acres and on which the matrix system larger will continue the existing commercial agriculture enterprises in most of this county agricultural region. Also, these sizes are farm-sized related and the creation of new parcels of this size or larger will not attract nor encourage non-farm dwelling development. Also parcel divisions of less than 160 acres for strictly farming purposes are sometimes required and other times desired by dryland wheat farmers, livestock ranchers and irrigated farming interests to facilitate continued management on a variety of existing field pattern and farm management unit sizes and to maximize the number of management options (eg. estate planning, financing, lease arrangements, land trades, etc.) that are now taking place and that would be restricted by one strict minimum parcel size requirement.

purposes and development situations. The policies that parcels of 160 acres and on which the matrix system is designed are described below:

- (a) New parcels of 160 acres or larger are appropriate to continue the existing commercial agricultural enterprises in those areas designated North/South County Agricultural Regions,
- (b) New parcels of less than 160 acres may be authorized when found to be appropriate to continue the existing commercial agricultural enterprise in the North/South County Agricultural Region,
- (c) Dwellings customarily provided in conjunction with farm use will be allowed on parcels of 160 acres or larger and may be allowed on parcels of less than 160 acres provided that the parcel can be shown to satisfy the requirements of Policy #4.
- (d) New dwellings proposed on parcels of less than 20 acres in the North/South County Agricultural Region shall be considered non-farm dwellings and must meet the standards and criteria in ORS 215.283(3) (non-farm dwellings criteria) and ORS 215.236 (farm tax

disqualification).

4. Because of disjointed ownerships, dwellings customarily provided in conjunction with farm use are not always found on parcels larger than 160 acres.

4. Dwellings customarily provided in conjunction with farm use shall be defined to mean:

- (a) A dwelling located on a parcel of at least 160 acres under contiguous single ownership in farm use;
- (b) A dwelling located on a parcel of land where the owner of the parcel owns non-contiguous land of at least 160 acres in arm use;
- (c) A dwelling located on a parcel where the parcel is shown to be a commercial farm unit as described in OAR 660-05-015 (6) (a) satisfying the inventory requirements of Policy #5.

5. The county recognizes that parcel divisions of less than 160 acres for a variety of farm management reasons may continue the existing commercial agricultural enterprises in the North/South County Agricultural Regions and dwellings customarily provided in conjunction with farm use may be allowed. To assure that these divisions will maintain such agricultural enterprises, clear and concise policies, procedures and standards will be required. For most of the North/South County Agricultural Region, a circular area review will be appropriate to determine if a parcel of less than 160 acres will be appropriate to continue the existing commercial agricultural

5. Farm divisions under 160 acres in the North/South Agricultural Region must meet the applicable policies below and appropriate criteria and standards in the Development Code. These farm divisions are divided into two inventories, a circular area review inventory for a majority of land within the North/South County Agricultural Region, and a linear review for the seven drainage areas listed in the finding.

A. Circular Area Review involves separate evaluations in the North/South County Agricultural Regions excluding parcels

enterprises of the area. However, there are drainage areas in the county where a linear review would best represent the agricultural activities that occur. Those areas include: Umatilla River, Butter Creek, McKay Creek, East Birch Creek, Birch Creek, Wildhorse Creek, and Couse Creek. Other areas may be identified and added to this list through a plan amendment.

within the seven drainage areas (linear review areas) for: 1) parcels appropriate to continue existing commercial agriculture in the area; 2) for the siting of a dwelling customarily provided in conjunction with farm use on a commercial farm unit.

The commercial farm parcel evaluation requires an inventory of 50 parcels surrounding the subject property larger than 20 acres outside areas for which exceptions have been taken. The property division will be determined to be appropriate to continue the existing commercial agriculture in the area if the resultant parcels are typical of the predominant (at least 51%) parcelization pattern of the area. Each such division shall meet the requirements of ORS 215.243 (state agricultural land use policy) and each such division shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering:

1. Sufficient access for equipment;
2. Efficient movement of farm equipment

upon the subject parcel.  
Farm dwelling evaluation requires an inventory of 50 surrounding commercial farm units as described in OAR 660-05-015 (6) (a) and (7). A dwelling will be allowed where the subject parcel is typical of the predominant (at least 51%) commercial farm unit pattern and where irrigation/water availability, soils, climatic conditions, and topography are found to facilitate or continue intensive commercial agricultural enterprise within the North/South County Agricultural Region.

B. Linear Area Review

involves the same two evaluations as discussed above, 1) for parcels appropriate to continue existing commercial agriculture in the area, and 2) for the siting of a dwelling customarily provided in conjunction with farm use. However, the inventory within the seven drainage areas shall require the following: Commercial farm parcel evaluation shall include an inventory of 50 adjoining parcels or adjoining parcels



within two miles of the subject parcel (whichever is less) located within the drainage area larger than 20 acres and outside areas for which exceptions have been taken (as outlined on map). Each such division shall meet the requirements of ORS 215.243 (state agricultural land use policy) and each such division shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering:

1. Sufficient access for equipment;
2. Efficient movement of farm equipment on the subject parcel.

Farm dwelling evaluation shall include an inventory of 50 commercial farm units or commercial farm units within two miles (whichever is less) located within the drainage area.

6. Circumstances may exist where parcels may be appropriate to continue existing agriculture in the area not covered by review processes as described in Policy #5 above.

6. Farm divisions not meeting the review criteria in Policy #5 may be authorized pursuant to the following:

- a. Parcels that have grossed an average of \$10,000 per year excluding livestock in at least 2 of the past 6 years are appropriate to continue existing

commercial agriculture in the area. In the case of livestock, the parcel must have grossed an average of \$10,000 in at least two of the past three years, and evidence must be provided that the livestock used the property for a minimum of 120 days during each of the years where \$10,000 was grossed. Parcels that meet this test will be considered appropriate to continue the existing commercial agriculture in the area.

- b. A parcel may be combined with an adjacent property in farm use into one contiguous ownership where a finding is made indicating that a man-made or natural feature precludes efficient farm management.
- c. A deed restriction prohibiting resource dwellings will be attached to parcels approved under Policy 6a and 6b. The deed restriction not to build a resource dwelling can be removed upon the recombining of the subject tax lot with one or more tax lot into one tax lot which is consistent with the minimum lot size.
- d. Each such division shall meet the requirements of ORS 215.243 (state

agricultural land use policy). e. Each such division shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering:

1. Sufficient access for equipment;
2. Efficient movement of farm equipment upon the subject parcel.

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| 7. Relatives are often needed the farm to assist in overall farming operations and usually separate dwelling.   | 7. Farm related dwellings on shall be permitted if they meet the requirements of ORS 215.283 (1) (E) require a (Farmer Jones).  |
| 8. Many of the non-farm uses allowed in ORS 215.283 exist in the county and new ones can be accommodated without major conflict in most of the county's agricultural regions.   | 8. The county shall require appropriate procedures/standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture.   |
| 9. Upon examination of non-farm uses allowed in ORS 215, it became clear that all of them would be compatible or desirable in all farming areas of the county (eg. uses that increase potential incompatibilities). For example, schools generate large groups of people on the same days when farming whereas attract people on days when farming practices are not necessarily occurring. | 9. Require the following outright permitted uses in ORS 215 (Exclusive not Farm Use zoning laws) to be conditional uses within the intensive Orchards District areas to secure neighborhood input and apply standards assuring compatibility:<br><ol style="list-style-type: none"><li>1. Intensive livestock farming; activities occur,</li><li>2. Churches; churches</li><li>3. Utility Facilities,</li></ol> <p>b. In the North/South County Agricultural Regions and special Agricultural Districts, schools shall not be allowed</p> |

and churches shall be conditional uses.

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| 10. Non-Farm residences are often found to conflict with agricultural uses. They should conform with area activities, not place unnecessary burdens upon public facilities and services, and take up the least amount of area as possible.   | 10. Require appropriate procedures, standards and policies be met in the Comprehensive Plan and Development Ordinance to assure that non-farm dwellings will be compatible with farming activities.  |
| 11. Rural or non-farm housing often takes good farmland out of production; however, it is difficult to define what good farmland is as evidenced by recent legislation (marginal lands) attempting to broaden the very tight parameters of the SCS Soil Classification System used to define agricultural lands. | 11. To assure that new non-farm dwellings as opposed to existing farm dwellings converted to non-farm dwellings will not remove valuable farm ground, the generally unsuitable test in ORS 215.283(3) (non-farm dwelling criteria) for the establishment of new non-farm dwellings shall be clearly defined as soils classified as VII and VIII according to the SCS Soils Survey Classification System, except that if the parcel meets all the requirements of 215.283(3) (a), (b), (c) and (d) , then a non-farm dwelling may be allowed on soil classified as V or VI. |
| 12. It is recognized that rural housing in farm areas might create a variety of problems (e.g. complaints of noise, dust, chemicals, etc. related to generally accepted farming practices).  | 12. Require as part of the matrix review criteria and standards that a "Covenant Not to Sue" document shall be required and recorded prior to approval of a non-farm dwelling.   |
| 13. Some farm homes have the potential of becoming non-farm homes.   | 13. When an existing farm-related dwelling is requested to be converted to a non-farm dwelling, the requirements of ORS 215.283  |

(3) (non-farm dwelling criteria) and ORS 215.236 (farm tax disqualification) shall be met. However, existing farm dwellings converted to non-farm dwellings may be on better classified soils than required in Policy #11, provided that they meet the intent of the generally unsuitable test in ORS 215.283.

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| 14. In the Orchards District Forks of the Walla Walla Area, where farm and development densities are greater than in most agricultural districts of Umatilla County, several special policies regarding homestead creation (converting existing farm homes into retirement non-farm dwellings) and the siting of new non-farm dwellings, are necessary to protect the integrity of this unique agricultural district. | 14. Homesteads shall be allowed in the Orchards District/ Forks of the Walla Walla Area when specific standards are met and the homestead complies with the no density increase provisions contained in the Plan Map Section of the Comprehensive Plan and the Development Ordinance. New non-farm dwellings proposed shall meet stringent siting standards listed in the Plan Map Section of the Comprehensive Plan and the Development Ordinance. |
| 15. The supply of irrigation ground water may be diminishing in several locations in the county.  | 15. Recognize that future irrigation water supplies will be primarily surface sources (particularly the Columbia River) , and support surface irrigation projects appearing feasible.   |
| 16. Irrigated farming affords greater diversified crop and animal production, thereby requiring new support/processing facilities.  | 16. Ensure availability of necessary supportive services sites through allowed conditional uses in EFU zones and commercial activities allowed on industrial lands.   |

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| <p>17. Federal and state action policies greatly influence irrigation water availability and supporting agri-industry sitings.</p>   | <p>17. Maintain continuing liason with state and federal agencies to insure water supplies for farming and to help coordinate other land use development related to agriculture.</p> |
| <p>18. Although slowly recovering, past overgrazing by has resulted in deterioration of the county's lower elevation range lands.</p>  | <p>18. Support programs such as Soil and Water Conservation management practices to maintain optimum forage levels.</p>  |
| <p>19. Forest management (eg. timber harvesting) does some seasonal grazing lands or creek bottom lands designated agricultural, and those lands can play a significant role in contributing to the overall county timber supply.</p>  | <p>19. Continue to encourage timber management on occur on lower elevation seasonal grazing lands as permitted in the Exclusive Farm Use Zone.</p>                                   |
| <p>20. Often times land used for security in mortgages requires less than the minimum lot size in agricultural areas which makes it cumbersome for the property owner to obtain approval and for the county to keep records. It is not necessary for a separate parcel to be created for mortgage purposes. Oregon Statutes (ORS 92) exempt divisions of lands resulting from lien foreclosures from land partitioning requirements. Therefore, it is not necessary for a landowner to create a new parcel of land for mortgage purposes; rather, a release of any prior security interest in a property may be given to a lending institute without creating a new lot.</p> | <p>20. Umatilla county will implement procedures set forth in ORS Chapter 92.</p>  |

(See Technical Report, Section B, for Background Data and Plan Map Section XVII for additional information).

## GRAZING/FOREST

County grazing/forested areas are located in the northeast, east and southern parts of the county and one within the Blue Mountains. Included in this area are portions of the Umatilla Indian Reservation, and their trust lands outside the Reservation, numerous federal, state and other public lands along with private property holdings.

Grazing/forested areas make important contributions to Umatilla County. They supply much of the county's summer grazing lands for livestock, watershed areas, timber for the wood products industry, food and habitat for wildlife, outdoor recreational opportunities, and add to the county's tax base. Sound management practices and policies are needed if grazing/forested areas are to continue the important role they presently play in Umatilla County.

FINDING	POLICY
1. Grazing/forested lands in Umatilla County not only contain rangeland, but also timberlands and water and aggregate resources, habitat for fish and wildlife, and qualities desirable for recreational uses.	1. Umatilla County will encourage a multiple use concept for its grazing/forested areas and will conserve forest uses, including Agricultural activities (e-9* cultivation) found intermixed within forested lands through appropriate policies in the comprehensive plan and corresponding protection measures in the Development Ordinance.
2. There are several other	2. These other forest uses

forest uses within the "mixed use" forested/open grazing land areas of Umatilla County besides those listed in Finding #1 above.

shall be permitted within areas designated Grazing/forest and included within the Grazing/Farm zone under "propagation of a forest product or use." Forest uses for the purposes of this policy shall include but not be limited to: (1) open space, buffers, visual separation to reduce noise and compatibilities; (2) watershed protection, wildlife and fisheries habitat; (3) soil protection from wind and water; (4) maintenance of clean air and water; (5) outdoor recreational activities and related support services and wilderness values compatible with these uses.

3. The mixture of timbered and open grazing lands make it difficult to conclusively determine if the forest or agricultural goal should be applied.

3. Pursuant to current Administrative rules and DLCD policy, both grazing and timber resource lands in Umatilla County shall be designated Grazing/Forest (mixed-use forest), applying the state agricultural land goal. An EFU zone (Grazing/Farm) will be placed upon land within this designation.

4. Analysis of past development patterns, findings regarding present tax lot and ownership sizes and patterns, determination of and testimony pertaining to grazing, timber, and other forest use management needs, and studies regarding land costs and non-resource speculation issues, all lead to a conclusion that parcels of 160 acres and larger will conserve Umatilla

4. New parcels of 160 acres or larger shall be considered appropriate to continue the existing commercial agricultural enterprises (mostly grazing activities) and conserve forest lands for forest uses in those areas designated Grazing/Forest, New dwellings proposed on parcels of 160 acres and larger shall be classified as resource dwellings. New



County's Grazing/Forest areas for the present mixed use nature of grazing, agricultural and forest activities taking place in this area.

Additionally, these sizes are resource-size related, and the creation of new parcels of 160 acres and larger will not attract nor encourage non-resource dwelling development. Further, dwellings sited on parcels 160 acres and larger are considered accessory and necessary to forest uses.

dwellings proposed on parcels less than 160 acres shall be considered non-resource dwellings and must meet appropriate standards and criteria in ORS 215.283 (3) (non-farm dwelling approval criteria), ORS 215.286 (disqualification of farm deferral taxation), and similar type standards in ORS 215.283 (3) applicable to siting non-farm dwellings in timbered areas, unless the location of the dwelling can meet the requirements of Policy #5.

5. Because disjointed ownership patterns occur in Grazing/Forest areas, dwellings customarily provided in conjunction with farm use or necessary and accessory to forest uses are not always found on parcels larger than 160 acres.

5. Dwellings customarily provided in conjunction with farm use or necessary and accessory to forest uses shall be defined to mean:

(a) A dwelling located on a parcel of at least 160 acres under contiguous single ownership in a farm or forest use; (b) A dwelling located on a parcel of land where the owner of the parcel owns noncontiguous land of at least 160 acres in farm or forest use.

6. Testimony from resource users in the Grazing/Forest area indicates they sometimes require or have need to divide land less than 160 acres for resource management efficiency purposes that would otherwise be restricted by one

6. When reviewing proposed parcel divisions and development proposals in areas designated Grazing/Forest, boundary adjustments under 160 acres within areas designated Grazing/Forest must meet the applicable policies below and appropriate

strict minimum parcel size requirement. The county also recognizes that the need for flexibility for a variety of lot sizes is not as great in the North/South County Agricultural areas. However, boundary adjustments for better resource efficiency is important and often involves parcels less than 160 acres that cannot be combined into one tax lot because of financial and/or assessment rules, procedures and preferences. Some provisions within the North/South County Agricultural Region Matrix Review System are appropriate in the Grazing/Forest areas.

criteria and standards in the Development Ordinance,

- (a) Each such transfer shall meet the requirements of ORS 215.243 if for grazing or agricultural purposes.
- (b) Each such transfer shall meet applicable requirements of ORS 527.610-730 (Forest Practices Act provisions) if for timber management purposes,
- (c) Each such transfer must be contiguous with the parcel with which it is proposed to be combined..
- (d) Each such transfer shall be strongly encouraged to be combined with the adjacent parcel involved in the boundary adjustment, (e) If such a transfer cannot be combined into the adjacent parcel because of financial or assessment rules, no new dwellings shall be permitted on these divided parcels subject to provisions in Policy #7 below.

7. Resource managers of the county's Grazing/Forest areas are concerned that parcels divided into too small of a size for purposes other than resource management can create the expectation of permitting a non-

7. (a) Boundary adjustments that result in tax lots of less than 160 acres shall be required to record deed restrictions that: (1) no resource dwelling is allowed on the subject tax lot; and (2) that

resource dwelling  
to be sited.

authorization of the  
subject boundary  
adjustment does not  
create a parcel  
eligible for sale or  
transfer to a third  
party. These deed  
restrictions can be  
removed upon the  
recombining of the  
subject tax lot (with one  
or more tax lots) into a  
single parcel equal to  
or larger than 160  
acres in size, (b) There  
will be only one  
exception to this  
policy: a non-resource  
dwelling may be permitted  
only if it meets all of  
the requirements of  
a p p r o p r i a t e  
Development Ordinance  
standards listed in  
previous or subsequent  
Grazing/Forest  
policies.

8. Many of the compatible non-resource uses allowed in a mixed use forest area pursuant to EFU zone (ORS 215) and state administrative policies (Coos County Review, etc.) can be accommodated within the county's designated Grazing/Forest areas. In fact, some of these uses exist now without reported conflicts.
9. Upon detailed examination of non-resource uses allowed in mixed forest areas, the county feels that schools are not compatible

8. The county shall require that appropriate procedures (conditional uses) , review standards and policies be met in the Comprehensive Plan and Development Ordinance, pursuant to appropriate state administrative rules when reviewing new non-resource uses for compatibility with resource activities now taking place within areas designated Grazing/Forest.

9. In areas designated Grazing/Forest, schools shall not be permitted,

or desirable in Grazing/Forest areas of the county. Schools generate an assembly of people for sustained periods of time, require well-maintained roads, require locations near the people it serves, require nearby emergency services and have compatible locations where dangers are minimized, all of which are either not compatible with or amenities found in the remote Grazing/Forest areas of the county.

- |     |   |     |  |
|-----|---|-----|--|
| 10. | Non-resource dwellings are viewed cautiously by resource managers because they can often conflict with resource activities like those occurring in the County's Grazing/Forest area (e.g. grazing, farming, timber and other forest management purposes). Non-resource dwellings can cause a variety of problems such as complaints from residents about property damage caused by livestock, timber management complaints of clear-cutting, spraying, etc. and problems over accepted farming practices such as chemical application or noise and dust caused by farm machinery. These dwellings should conform with area activities, not place unnecessary burdens upon public facilities and services, take up the least amount of area, and if located within timbered areas should consider fire safety precautions. | 10. | (a) Require appropriate procedures, standards and policies be met in the Comprehensive Plan and Development Ordinance to assure that non-resource dwellings will be compatible with grazing/forest and farming activities occurring on lands designated Grazing/Forest.<br><br>(b) Require a "covenant not to sue" document be signed and recorded prior to the approval of a non-resource dwelling, stipulating that the owner will not remonstrate against accepted farm, grazing and forest practices occurring in areas designated Grazing/Forest, |
| 11. | Non-resource dwellings often take good grazing,   | 11. | To assure that new non-resource dwellings as   |

farm and forest use soils  
out of production.

opposed to existing  
resource dwellings  
converted to non-resource  
dwellings will not remove  
valuable resource ground,  
the generally unsuitable  
test in the non-farm  
dwelling review criteria  
for the establishment of  
new non-farm dwellings  
shall be defined as soils  
classified as VII and VIII  
according to the SCS Soil  
Survey Classification  
System. In combination  
with other protective  
criteria, class V and VI  
soils may also be  
considered non-resource  
land.

12. There are a few  
instances where  
resource use homes  
have the potential of  
becoming non-resource  
homes.

12. When a partition is  
requested to convert an  
existing resource-  
related dwelling to a  
non-resource dwelling,  
it shall meet requirements  
consistent with ORS 215.283  
(3) (non-farm dwelling  
review criteria), and ORS  
215.236 (farm deferral  
disqualification, if the  
parcel is on farm  
deferral), and other  
appropriate standards  
protecting resource uses.  
However, partitions  
involving existing resource  
dwellings may be on better  
classified soils providing  
they meet the intent of the  
generally unsuitable test  
in ORS 215.283.

13. Much of the land within the  
Grazing/Forest areas of  
Umatilla County are  
considered Critical Winter  
Range areas for deer and  
elk. Studies indicate that  
special land use measures are  
necessary to protect these

13. A "Critical Winter Range  
Overlay" zone along with  
special clustering and  
notification requirements  
as required in certain  
Natural Resource policies  
shall apply to lands  
designated Grazing/Forest

winter range areas.

and identified as Critical Winter Range.

14. Timber on small, recreation-related or rancher-owned parcels can contribute to future availability of logs in Umatilla County.

14. Seek cooperation with the Oregon Department of Forestry in efforts to provide technical assistance to all property owners who wish to manage their land for timber. Encourage the uneven age timber management system in multiple use designated areas where desired visual aesthetics and wildlife habitat concerns are important and should be protected.

15. There is a need for wood lots for fuel heating purposes.

15. Permit wood lot uses through leasing and/or selling of timber rights. The purpose of this policy is to encourage the utilization of wood lots while discouraging parcelization and the siting of dwellings.

16. Timber on small, recreation-related or rancher-owned parcels can contribute to future availability of logs in Umatilla County.

16. Seek cooperation with the Oregon Department of Forestry in efforts to provided technical assistance to all property owners who wish to manage their land for timber. Encourage the uneven age timber management system in multiple use designated areas where desired visual aesthetics and wildlife habitat concerns are important and should be protected.

OPEN SPACE, SCENIC AND HISTORIC AREAS,  
AND NATURAL RESOURCES

This section includes those areas that, if managed wisely, will protect, conserve, and enhance the natural and cultural elements of the county. Land Needed or Desirable for Open Space

Umatilla County has considerable amounts of open space. In fact, of its 2.06 million acres of land, less than five percent is urbanized. Pasture, range, forest, and crop lands provide most of the open space in the county.

This amenity is desirable for many reasons. It serves as a buffer between conflicting land uses, permits the logical expansion of urban areas, provides recreational opportunities, contributes to the aesthetic quality of the landscape, and enhances the social and economic value of the community. Fish and Wildlife Areas and Habitats

A variety of fish and wildlife species reside in Umatilla County. Because of the aesthetic, recreational, and economic benefits they provide, this resource is important to both county residents and visitors.

Waters in Umatilla County serve as valuable harvesting, spawning, and rearing areas for migratory fish, resident trout, and warm-water fish. However, increased fishing pressures, inadequate

stream flows, man-made barriers, and unscreened water diversions have contributed to fish population declines in many streams and rivers.

Elk and deer are the two major big game species found in the county. Although relatively abundant, changes in land uses and poor land use practices have destroyed some of their habitat. But, they are not the only wildlife species affected. Ecologically and Scientifically Significant Natural Areas

Wildlife refuges and sites inhabited by rare or endangered plant or animal species are found in the County. Ownership of these lands are federal, state, county, and private. Various agencies and organizations are working to identify and protect these areas. Wilderness Areas

Although there are over 250,000 acres of forest and over 376,000 acres of U.S. Forest Service land in Umatilla County, none of it is currently or potentially wilderness areas as defined by Goal 5. Outstanding Scenic Views and Sites

There are areas and views which are commonly recognized as striking in their effect on those who experience them. Geological features, green vegetation, and water are major scenic features; human works and dry, shrubsteppe landscape are other attractions. So that areas do not lose their eye-catching attributes, plans



attempt to identify "commonly recognized" scenic features, and suggest uses for these areas that minimize conflicts with the valuable features.

#### Potential and Approved Federal Wild and Scenic Waterways and State Scenic Waterways

There are no state-designated scenic waterways or potential scenic waterways in Umatilla County. However, the North Fork of the John Day River, a portion of which flows through Umatilla County, is included in the U.S. Department of Interior's "Nationwide Rivers Inventory" for possible inclusion in the national wild and scenic rivers program. Historic Areas. Sites. Structures and Objects

Much of the county's historical and archeological significance dates back to various Indian tribes that resided in the area, and to the early passage and eventual settlement of white settlers using the Oregon Trail. Unfortunately, natural processes and man-related activities have destroyed or altered many remnants. Historical site and building inventories are provided in the Technical Report. Cultural Areas

In some ways all of Umatilla County should be considered a "cultural area" under the Goals 5 definition since it is within the original territory of the Umatilla Indians. Areas throughout the county have cultural significance to the Indians, but discussion of cultural sites is difficult since the Tribe is reluctant to identify them.

There are no approved or potential Oregon or national recreation trails in Umatilla County as designated by the National Trails System Act of 1968 or the Oregon Recreation Trails System Act of 1971. Water Areas. Woodlands. Watersheds and Groundwater Resources

Water supply is a critical factor for development. In some places, the delicate balance of supply and demand has been upset and groundwater tables are decreasing.

The county is subjected to extremes in surface water availability. Shortages of rainfall in summer months bring near-drought conditions to many parts of the county while flash floods and heavy spring snowmelt threaten low lying floodplains. Water impoundments help store, control, and distribute water throughout the year. Mineral and Aggregate Resources

Although no minerals of commercial value are known to exist in the county, aggregates are relatively common. Aggregates include sand, crushed and uncrushed gravel, and stone.<sup>10</sup> They are primarily used for the construction of new homes, streets, sewers, churches, businesses, etc. Since long truck hauls are costly, local sources must remain available. Energy Sources

Of the three major commercial components of Oregon's present energy picture—electricity, petroleum, and natural gas—only electricity is generated in the county.

McNary Dam, located on the Columbia River north of Hermiston,

McNary Dam, located on the Columbia River north of Hermiston, has fourteen power generators capable of producing seven million watts of electricity per year. A second powerhouse with more generators will be built during this decade.

FINDING

POLICY

1. Having only a sparse rural population, Umatilla County is predominately open space.

1. (a). The County shall maintain this resource by limiting development mainly to existing built up areas, (b). The County shall cooperate with the many public agencies which manage open land in the county. Special contracts will be sought when development proposals are in the vicinity of large tracts of public land.

2. Umatilla County has a relative abundance of fish and wildlife habitat.

2. (a). The County shall preserve habitat by encouraging 208 Best Management Practices and proper Forest Management Act procedures. \* (b) . The County will complete the Goal 5 process, which includes the ESEE consequence analysis of conflicting uses for all identified natural areas, species occurrence and wetlands. For all IB sites identified in the Technical Report adopted on June 12, 1985, the Goal 5 process will be

- completed prior to the next plan update (Sept. 30, 1987). For all "A" sites, the County shall apply the NA Overlay Zone and if necessary, develop a management plan to protect the resource. For all "3C" sites, the County shall apply its 100 ft. riparian setback and Sections 4.600 and 4.700 of the Development Ordinance.
- (c) The State Department of Fish and Wildlife will be specifically consulted when proposed land use actions may affect significant or critical fish or wildlife habitats.
  - (d) The County recognizes and supports the March, 1984, Agreement between the State Board of Forestry and the State Fish and Wildlife Commission as an effort to protect Goal 5 resources. [See also policies 49 & 50]
  - (e) The County Development Ordinance shall include conditional use standards, overlay zones, and/or other provisions to limit or mitigate conflicting uses between rare, threatened and endangered species habitat areas and surrounding land uses.
  - (f) With the availability and/or addition of adequate information of heron rookeries

locations, the County shall complete the Goal 5 analysis process for them (OAR 660-16-000).

- 3. Umatilla County land use classifications most compatible with sensitive big game habitats and in specially identified migration corridors are those that maintain the natural rural environment (i.e. agriculture, forestry, grazing, open space, floodplains, dispersed recreational uses).
- 3. (a) Developments that are allowed on sensitive big game habitats shall be of low density while still allowing for normal agricultural, grazing and forested uses,
- (b) The County shall develop and apply an appropriate overlay zone to critical deer and elk winter range areas as determined by the Technical Report or subsequent action by the Planning Commission.
- (c) Developed densities within identified big game corridors shall comply with other policies within this plan and the standards in the Development Ordinance.
- (d) The county shall notify the Department of Fish and Wildlife of any quasi-judicial request for permission to engage in activities which may conflict with designated critical winter range, elk migration corridors or significant natural areas.
- (e) New roads shall be located to avoid sensitive areas wherever possible. Forest harvest systems requiring the least amount of roads should

be favored. Seasonal roads would be closed to reduce harassment to animals during the stress periods of winter and early spring. Roads that are no longer necessary for fire protection or logging should be blocked off permanently.

[NOTE: Additional Big Game Findings and Policies are located in the Multiple Use Plan Map Section].

- 3. (f) Off-road vehicle use should be controlled during winter and early spring when it could affect survival of animals or cause excessive soils damage.
- 4. Private landholders have suffered financial losses because of wildlife foraging on their agricultural lands.
- 4. The County shall cooperate with the Forest Service, Oregon Department of Fish and Wildlife, and property owners to resolve this problem.
- 5. Umatilla County land use classifications most compatible with upland game habitat are agriculture, forestry, open space, and floodplain.
- 5. (a) The County shall maintain rural agricultural lands, Development shall be of low density to assure retention of upland game habitat, (b) Land uses should maintain the vegetation along streambanks, fence rows, woodlots, etc. Research ways to reduce harassment and loss of upland game by free roaming dogs and cats.
- 6. Umatilla County land use classifications most compatible with waterfowl are those that maintain the
- 6. (a) Developments or land uses that require drainage, channelization, filling or excessive

natural rural environment (i.e. agriculture, forestry, grazing, open space, hazardous area or floodplain).

removal of riparian vegetation in sensitive waterfowl areas should be identified.

- (b) Residential, commercial or industrial developments shall not be placed on or adjacent to sensitive waterfowl habitat unless design review or conditions mitigate conflicts with waterfowl use.
- (c) Public access should be maintained or secured to appropriate waterfowl recreational areas wherever possible.

7. Umatilla County land use classifications most compatible with furbearers and non-game wildlife are agriculture, forestry, floodplain, hazardous areas or open spaces. Recommendations listed for big game, upland game and waterfowl will also benefit both aquatic and terrestrial forms of these animals.

- 7. (a) Residential, commercial or industrial developments in urban and suburban areas should incorporate an appropriate amount of open space,
- (b) Native species (trees, shrubs and grasses) should be left in open space areas whenever possible.
- (c) Supplemental planting of ornamental species is encouraged when conditions are favorable.
- (d) Any required landscaping should incorporate a large variety of native plant species supplemental with ornamental.
- (e) Parks should be managed to leave natural vegetation.

- (f) Existing ponds, wetlands, and riparian vegetation in the urban areas should be protected.
  - (g) Leave non-hazard snags along streams, sloughs and in forested areas.
  
- 8. Umatilla County contains a number of wetland areas important for wildlife. Some of these are "significant wetlands."
  
- 8. (a) Setbacks shall be established to protect significant and other wetlands,
- (b) Development and timber practices in and adjacent to significant and other wetlands shall be allowed only when such practices are in accordance with the rules and regulations of the Forest Practices Act.
  
- 9. "Significant Wetlands" are identified in Table D-XI(a) of the Technical Report.
  
- 9. (a) The County shall encourage land use practices which protect and enhance significant wetlands.
  
- 10. Umatilla County land use classifications most compatible with river and stream fish resources are those that maintain the natural rural environment (i.e. the agriculture, forestry, grazing, open space, hazardous areas).
  
- 10. (a) Residential development along streams shall be low density and require appropriate setbacks,
- (b) Commercial or Industrial use along navigable waterways should be water-oriented,
- (c) Compatible land use shall maintain the riparian vegetation along streams in the floodplain. Streambank vegetation shall be maintained along streams outside of the floodplain by utilizing appropriate



setbacks.

- (d) Development or land use that requires channelization, excessive removal of streamside vegetation, alteration of stream banks and filling into stream channels shall be restricted in order to maintain stream integrity.
- (e) New roads, bridges and access rights-of-way shall be designed to avoid channel capacity, and minimize removal of shoreline vegetation.
- (f) Developments that require surface water appropriation or diversion shall be located where stream flows are not reduced below the recommended minimums.
- (g) Projects which provide for additional instream flows to help meet the recommended minimums should be supported.
- (h) Docks, log storage, houseboats and other water surface developments which preclude permanent use of public waters should be cluster-type developments.
- (i) Public access should be maintained or secured to appropriate river and stream areas.
- (j) Point and non-point pollution programs (including the DEQ 208 Program) shall be supported to insure water quality

maintenance and enhancement. (k) Forest Practices Act rules and fish habitat management policies established by state and federal agencies shall be utilized by the county as guidelines.

11. Umatilla County land use classifications most compatible with lake and reservoir fish resources are agriculture, forestry, grazing, open space, and hazardous areas.

11. (a) Major residential, commercial or industrial development on lakes and reservoirs shall be conditional or non-conforming uses.
- (b) Residential or recreational developments that incorporate construction of an artificial lake as a major attraction shall be conditional uses.
- (c) Encroachment on or destruction of shoreline fringe, particularly terrestrial and semi-aquatic vegetation, should be restricted.
- (d) Setbacks or buffer zones shall be incorporated into lake and reservoir developments.
- (e) Docks and other surface water developments should be minimal.
- (f) Dredging and filling of shallow areas should be discouraged.
- (g) Future environmentally acceptable multi-purpose reservoir sites should be identified and appropriate land use

restrictions applied if development appears imminent.

- (h) Public access should be maintained or secured to appropriate lakes and reservoir areas.
- (i) Forest Practices Act rules and fish habitat management policies established by state and federal agencies should be utilized by the county as guidelines.

12. Umatilla County land use classifications most compatible with headwater areas are agriculture, forestry, grazing, open space and hazardous areas. (Headwater streams are those defined as Class II streams by the Forest Practices Act [OAR 629-24-101 (3)] and/or Class III and IV by the U.S. Forest Service).

[Note: Additional fish findings and policies are located in the Multiple Use Plan Map Section].

12. (a) Residential, commercial or industrial development in unstable headwater areas shall be minimal, and shall require appropriate setbacks.
- (b) The County should identify unstable areas and geological hazards.
  - (c) New roads should be located to avoid unstable headwater areas.
  - (d) Forest Practices Act rules and fish habitat management policies established by state and federal agencies shall be utilized by the County as guidelines.

13. The Oregon Natural Heritage Program and the County have identified a number of verified and potential ecologically and scientifically significant natural areas (as defined in LCDC Goal 5).

13. (a) Umatilla County shall work with the Oregon Natural Heritage Program to develop criteria by which to identify and evaluate potential scientifically and ecologically significant areas

- within the County.
- (b) When conflicting uses are proposed for sites identified as having high potential as scientifically and ecologically significant natural areas, Umatilla County shall determine and evaluate the environmental, energy, economic and social consequences of allowing the conflicting use and of retaining the area in its existing state.
  - (c) With the availability and/or addition of adequate information, the County shall complete the Goal 5 analysis process (OAR 660-16-000) for potential significant natural areas.

14. A portion of "Darr Flats" is a significant natural area, as determined by the Oregon Natural Heritage Program (ONHP) and defined by LCDC Goal 5 ("BA". Conflicting uses should be limited on other adjacent and surrounding areas ("30").

- 14. (a) The NW 1/4 of Section 36, T2S, R30 EWM (160 acres) is a significant natural area ("3A") that shall be protected by the NA Natural Area Overlay Zone of the Umatilla County Development Ordinance, (b) On adjacent and surrounding areas of approximately 1300 acres, which compose the remainder of Darr Flat, conflicting uses shall be limited ("3C") by provisions of the Umatilla County Development Ordinance. Also, the property owner has agreed in writing not to change the use of the area

(limited grazing) and will notify the County if changes in use or ownership are contemplated.

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| 15. "Albee Area" may be a significant natural area by ONHP (see Technical Report).  | 15. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Albee Area."            |
| 16. "Stage Gulch Rangeland" may be a significant natural area (see Technical Report).   | 16. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Stage Gulch Rangeland." |
| 17. The County and BLM have prepared a management plan for Harris County Park and the adjacent BLM land (South Fork Walla Walla River, UM-20) (see Technical Report) .          | 17. Umatilla County should work towards implementation of the recommendations of the Management Plan prepared for this property.   |
| 18. "Kamela Area" may be a significant natural area (see Technical Report).   | 18. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Kamela Area."           |
| 19. An area near Rieth (described in the Technical Report) has been determined to be an area of occurrence of a rare or endangered species <u>fmimulus iungermannioides</u> ) . | 19. Special protective land use measures shall be enacted if necessary to protect the species,   |
| 20. Umatilla County has a number of outstanding scenic views and pleasant vistas.   | 20. (a) Developments of potentially high visual impacts shall address and mitigate adverse   |

[Note: Additional scenic findings and policies are located in the Multiple Use Plan Map Section].

visual effects in their permit application, as outlined in the Development Ordinance standards, (b) It is the position of the County that the Comprehensive Plan designations and zoning already limit scenic and aesthetic conflicts by limiting land uses or by mitigating conflicts through ordinance criteria. However, to address any specific, potential conflicts, the County shall insure special consideration of the following when reviewing a proposed change of land use:

1. Maintaining natural vegetation whenever possible.
2. Landscaping areas where vegetation is removed and erosion might result.
3. Screening unsightly land uses, preferably with natural vegetation or landscaping.
4. Limiting rights-of-way widths and numbers of roads intersecting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.

5. Limiting signs in size and design so as not to distract from the attractiveness of the area.
  6. Siting developments to be compatible with surrounding area development, and recognizing the natural characteristics of the location.
  7. Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary, and revegetating such areas as soon as possible.
  8. Protection vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.
  9. Concentrating commercial developments in areas where adequate parking and public services are available and discouraging strip commercial development.
- (c) Publicly owned lands which provide outstanding scenic views shall be developed where appropriate.

- (d) The "Elephant Rock" site shall be studied to determine if there is any scenic significance.
- (e) The Wallula Gap has been recognized as a significant scenic (as well as historic and wildlife) area. The county shall enact special land use measures; i.e., overlay zone to protect and preserve this area (see Technical Report).

21. Currently there are no designated state or federal scenic waterways in Umatilla County.

21. (a) Umatilla County will cooperate with any future designation of a state or federal scenic waterway, (b) Proposals for development within any future designated recreational or scenic river areas will be coordinated with the administrative staff of the Scenic Waterways Program.

22. Important archeological, historic, cultural, and scientific sites need protection.

22. The County shall cooperate with state agencies and other historical organizations to preserve historic buildings and sites, cultural areas, and archeological sites and artifacts.

23. Many historical and archeological sites in Umatilla County have not been recognized or cataloged.

23. (a) Umatilla County shall encourage and cooperate in developing a detailed county-wide historic site inventory. (b) Over time, as money and assistance are available, the



- Umatilla County Historical Society, with County assistance, will mark these sites to increase their value to the public.
- (c) With the availability and/or addition of adequate information on possible historic, archeological or cultural sites, the County shall complete the Goal 5 analysis process (OAR 660-16-000) .
- (d) The County and the Historical Society will cooperate in an effort to locate and document the historic cemeteries and family burial plots.
24. Protective land use measures will be required to preserve historic, cultural and archeological sites.
24. (a) Umatilla County shall protect significant historical and cultural sites from land use activities which diminish their value as historical resources.
- (b) The County shall assist property owners who wish to preserve historic sites under their ownership.
- (c) Until such a time as the County assumes the issuance of building permits, the County shall notify the State Department of Commerce, Building Codes Division, of those sites and structures determined to be significant historical resources.

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| 25. A county historical museum would help preserve the history culture of the area.   | 25. The County shall continue to assist the Historical Society in development of and a county historical museum.  |
| 26. Protection of Indian archeological and cultural sites (root digging, berry hunting, fishing, campgrounds) are of great to the Tribes of the Umatilla Reservation and to others concerned about the county's history and heritage. | 26. The County shall cooperate with the Tribe, Oregon State Historic picking, Preservation Office, and others involved in concern identifying and protecting Indian cultural areas and archeological sites,   |
| 27. While the Oregon Trail has been included into the National Trails System, only those portions of federal lands having a high potential for public use and historical interest are protected by law.                               | 27. The County shall assist in identifying other segments of Oregon Trail that may warrant protection,  |
| 28. The Department of Interior has prepared a master plan for the Oregon Trail.   | 28. The County shall adopt the recommendations of the Oregon Trail Plan that are pertinent to Umatilla County.  |
| 29. Albee Townsite contains several buildings of historical significance.   | 29. The County shall inventory Albee Townsite to determine if preservation or restoration is possible or warranted.   |
| 30. Hideaway Hot Springs and Lehman Hot Springs have been used as recreation resorts for decades.   | 30. (a) The County shall support the re-development of Hideaway Hot Springs and Lehman Hot Springs as destination resorts in a manner compatible to the surrounding resource lands. (b) The County shall adopt protective land use measures (i.e. historic overlay zone) for the protection and preservation of the |

Hideaway Springs dance hall.

31. Meacham Townsite has a long and important history.

(a) The County shall adopt the recommendations of the Oregon Trail Plan for Meacham. (b) Since the Meacham Hotel is on the State historic inventory (1976), the County should determine if protective measures are warranted to insure its preservation or if recent, (last 8 years) modifications have destroyed its historic character.

32. The Technical Report recognizes a number of potentially important historical sites that should be studied further to determine what protection measures, if any, are needed or warranted.

32. The following historic sites shall be studied by the County to determine significance and necessary protection measures: Albee Townsite, Beamer House, Birch Creek/Grande Ronde Road, Buttercreek Crossing, Cold Springs Landing/Junction, Dorian Park, Echo Meadows, Finnish Cemetery, Fort Henrietta, Frazer Road, German Cemetery, Klicker Springs, Lewis & Clark Trail, Locust Tree Campground, Marcus Whitman Trail, Meacham Cemetery, Mumm Ranch, "Old Log Cabin," Olinger Monuments, Oregon Trail, Osage Orange Tree, Picket Rock, Pine Grove, Pioneer Lookout Tree, Prospect Farm, Ten Mile House, Tollgate Road, Upper McKay School, Walla Walla Trail, Westland School, Willow Springs, and the Wooden Flume.

33. A number of farms in the county are registered as "Century Farms."
34. Timber harvesting, including especially upper reaches of Umatilla wastes, and industrial wastes are contributors in the lower reaches; leakage from septic tanks is a major cause of groundwater contamination.
35. Surface water, especially along the Umatilla River, is over-used and has an impact on water quality, fish and wildlife habitat, and water rights.
33. The County should support the "Century Farm" Program.
34. The County shall promote road construction through the 208 Water County streams;
35. (a) The County shall seek and request assistance from state and federal agencies to resolve water issues where the County lacks the jurisdiction, (b) In the future, Umatilla County shall coordinate with the State Water Resource Department and other appropriate agencies to determine to what extent, based on the most recent information available, surface and groundwater resources are able to support future irrigation requirements for agriculture and projected population and industrial needs in the rural and urban areas of the county. Based upon the results of this coordination, the County also shall amend this plan and the Development Ordinance regarding water availability as

necessary, and insure that future updates of this plan remain consistent with the availability of water resources.

36. Additional small volume surface impoundments to store spring runoff are desirable to control flooding and provide additional irrigation water.

36. The County shall work with state and federal agencies to increase water impoundment capacities,

37. Areas specifically set aside for natural resource exploitation, future development of reservoirs, energy generation and transmission facilities, and industry will lower the cost of eventual use, as compared to allowing incompatible development on the same lands before such eventual use.

37. The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facilities use.

38. Extraction of non-renewable aggregate and mineral resources requires on-going exploration, reclamation, separation from adjacent incompatible land uses and access.

38. (a) The County shall encourage mapping of future aggregate sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.

(b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.

(c) The County Development Ordinance shall include conditional use standards, and other provisions to

limit or mitigate  
conflicting uses  
between aggregate  
sites and surrounding  
land uses.

39. Aggregate extraction/  
processing activities in the  
densely developed Orchards  
District has created some  
land use compatibility  
problems in the past; yet,  
this region provides some  
unique sources of and  
excellent opportunities to  
supply area gravel needs.

39. (a) The County shall  
strictly enforce  
state and county  
development standards  
pertaining to gravel  
extraction/processing  
uses through  
appropriate agencies;  
whether new operations  
or expansions of  
existing sites.
- (b) To reduce the  
possibility of small,  
numerous gravel pit  
operations that could  
indiscriminately  
locate throughout the  
Orchards District, new  
gravel extraction  
proposals must have  
a minimum site area  
of 20 acres. This  
policy is intended to  
considerations as well  
as economics  
associated with this  
activity.
- (c) The County will work  
with the Corps of  
Engineers, State Fish  
and Wildlife  
Department, and other  
applicable entities  
to encourage the  
appropriate and safe  
removal of important  
and self-renewing  
aggregate sources in  
the Walla Walla River  
within the Orchards  
District.

40. The County owns and/or  
operates a number of small  
aggregate and rock extraction  
sites around the county that

40. Some long-established,  
County owned and/or  
operated gravel pits which  
are located in resource

are used periodically exclusively for road maintenance and construction.

zones shall be allowed periodic operation, based upon the issuance of a zoning permit, under the following conditions:

- (1) Extraction is for county road maintenance or, construction only.;
- (2) Crushing operations are for limited time periods not to exceed 90 days.
- (3) Scale or extent of operation remains limited to the acreage area listed on the table below.
- (4) The Planning Director may refer zoning permit request to the Hearings Officer or the Planning Commission.
- (5) Operations will still be required to meet the standards and criteria of the Development Ordinance and Reclamation Ordinance. The county gravel pit sites listed on the following table shall apply under this policy:

Existing County Gravel Pits Exempted  
from Obtaining Conditional Use Permits

<u>LOCATIONION</u>	<u>NAME</u>	<u>APPROX. SIZE</u>
T IS R 30 Sec. 1-2	Nelson-Murray	1 Acre or less
T IS R 32 Sec. 13	Hoeft	"
T 5S R 31 Sec. (12) 13 TL 1500	Leverenz-Ukiah	"
T 5S R 31 Sec. 36	Soap Hill	"
T IN R 30 Sec. 12 TL 400	Coombs Canyon	"
T 2N R 30 Sec. 32-33 TL 1100	Alkali	"
T 3N R 30 Sec. 6 TL 500	Ransier	"
T 4N R 36 Sec. 36	Pine Creek	"
T 4N R 34 Sec. 31 TL 11500	McConttmach	"
T 4N R 30 Sec. 23 TL 2300	Despain-Terney	■
T 5N R 32 Sec. 5 TL 700	Juniper	"
T 5N R 34 Sec. 8 TL 1390	Wayland	"
T 5N R 34 Sec. 1-2	Shubert-Barrett	"
T 6N R 35-36 TL 101	Eastside	"
* T 6N R 36 Sec. (34- 35-36) TL 5100	Casper	"

41. Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource (see Technical Report) .

41. In order to protect the aggregate resource, the County shall apply an aggregate resource overlay zone to the following existing sites:

- (1) ODOT quarry, T 5N R 35E, Sec. 35, TL 6200, 5900.
- (2) ODOT quarry, T 5N R 29E, Sec. 22, TL. 800 ("Sharp's Corner").
- (3) Private, commercial pit, T 4N R 38E, Sec. 27, TL 1100.
- (4) UPRR Pit, T 4N R 28E, Sec. 28, 29, TL 4000.
- (5) Several quarries, T 2N R 31E, Sec. 15, 16,



17, T1 400, 800, 3100.  
(See Technical Report for  
specific site information).

42. Alternative energy resources should be explored more fully Umatilla County.
42. (a) Encourage development of alternative sources of energy.
- (b) The County will develop a file of alternative energy literature which will be available to the public.
- (c) The County will refer people to agencies or private sources of energy conservation or development information when such information is not locally available.
- (d) With the availability and/or addition of adequate information on wind, solar and other alternate energy resources, the County shall complete the Goal 5 analysis process for those resources (OAR 660-16-000).
43. Some potential exists for development of subsurface energy resources.
43. (a) The County should provide for exploration for and development of subsurface energy resources.
- (b) The County shall institute land use categories which protect the land base upon which subsurface energy sources may occur.
- (c) The resource oriented land use categories shall provide for control of access to and development of subsurface energy

resources. Such exploration and development shall be in conformance with requirements of the Oregon Department of Geology and Mineral Industries. (d) With the availability and/or addition of adequate information on oil, gas and other subsurface energy resources, the County shall complete the Goal 5 analysis process for those resources (OAR 660-16-000).

44. Lease agreements to explore and extract subsurface resources of oil, gas, shale oil, and coal have increased significantly in the last several years. Negative impacts will be lessened by reclamation and separation from uses not compatible with mining these subsurface resources.
44. The County shall establish review criteria during a public review process to ensure compatibility with adjacent land use. Regulations will include capping or filling of test holes, reclamation or restoration and discouragement of such activities in areas designated residential in the Comprehensive Plan.
45. Land use regulations can be developed that will promote wise use of local energy resources.
45. The County shall encourage and assist individuals to site and situate development in a manner which will provide the most energy efficient placement, within the setback requirements of the various land use zones.
46. The "Open Space, Scenic and Historic Areas and Natural Resources" chapter of the Umatilla County Technical Report provides the basic background data and justification for the policies established in this section
46. In order to provide substantive information and justification for the policies adopted in this section of the Comprehensive Plan and resulting implementing ordinances, the County hereby adopts

of the Comprehensive Plan.

the following specific portions of the Technical Report as part of this Plan:

- A. Goal 5 process, p. D-2.
- B. Elk winter range as portrayed on map D-14, as clarified by text on p. D-17a.
- C. Significant Wetlands, table D - 3 1 and accompanying maps.
- D. Habitats of Rare, Threatened and E n d a n g e r e d Species, table D - 6 2 and accompanying maps.
- E. Sensitive areas for fish production, p. D-66-69 and map D-71.
- F. Definition of "headwaters", p. D-70.
- G. Definition of "significant natural area", p. D-74.
- H. S i g n i f i c a n t natural areas, s p e c i e s occurrence areas and wildlife areas, table p. D - 8 8 and accompanying maps.
- I. Outstanding sites and views, table p. D-105-6.
- J. S i g n i f i c a n t scenic area-Wallula Gap map D - 1 0 8 and accompanying text

- p. D-109.
- K. Inventory of Umatilla County Historic Sites and Buildings, table p. D-116-117, and accompanying maps.
- L. Water areas, watersheds and groundwater resources "conclusions", pp. D-165-166.
- M. Significant ("3A) aggregate sites, p. D-189, and accompanying maps.
- N. County gravel pits qualified for simplified permit system, p. D-196-7.

47. The County has developed, adopted and implemented several "overlay zones" within the Development Ordinance with the purpose of providing additional protective and preservation measures for the significant historic and natural resources of the County which are covered by Statewide Planning Goal 5. These overlay zones are the Aggregate Resource Overlay Zone (AR), the Historic, Archeological or Cultural Site/Structure Overlay Zone (HAC), the Critical Winter Range Overlay Zone (CWR) and the Natural Area Overlay Zone (NA).

47. Any proposed modification to the text or areas of application (maps) of the AR, HAC, CWR or NA overlay zones shall be processed as an amendment to this plan.

48. The County has determined, through its environmental, social, energy and economic (ESEE) analysis of conflicting uses, that

48. After thorough ESEE analysis and recognizing that land use conflicts exists, the County shall not relegate its commercial

Goal 5 resource sites and the conflicts identified do not justify prohibiting commercial forestry in light of protection provided by the Forest Practice Act (FPA) and cooperative agreements between the Board of Forestry and the Fish and Wildlife Commission.

49. The County has determined that notwithstanding some conflicts, commercial forestry should not be prohibited or relegated to an incidental or insignificant land use status. Having made that decision, whether or not the FPA is an adequate "3C" program as required by OAR 660-16-010(3), the County is preempted by ORS 527.722 from adopting additional measures to control forest practices.
49. The County shall rely upon the FPA and any supplemental agreements between the Board of Forestry and the Fish and Wildlife Commission to resolve conflicts between forest management activities and fish and wildlife habitat [see also Policy 2(d)].

## AIR, LAND AND WATER QUALITY

Air, water and land pollution impose serious burdens on the public. Once considered limitless, air, water and land are now recognized as finite resources. Also, quality levels of these resources are affected by activities of many jurisdictions which leads to the "spillover" of pollution from one jurisdiction to another. Consequently, most air, water and land standards have been enacted by federal and state governments. Comprehensive planning considers the quality of air, water and land as vital resources and attempts to coordinate on a regional basis the identification, solution, and appropriate action for combating and mitigating pollution problems.

Umatilla County's livelihood is dependent upon the land, water and air resources; thus assurances that these resources; thus assurances that these resources will not be threatened are valid and vital concerns.

FINDING	POLICY
1. Air, land and water qualities are generally considered good and within federal and state pollution standards.	1. Discharges from existing and future developments shall not exceed applicable federal and state environmental quality standards.
2. Location of some agribusiness uses (e.g. livestock feedyards) can create local air quality problems in the form of drifting odors.	2. Direct new agri-businesses and industries toward locales where prevailing wind patterns will not carry odors into incompatible land use areas and protect existing odor production industries through appropriate land use regulations.

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| 3. Current solid waste sites for the County are adequate through 1995 and beyond.   | 3. Have County Solid Waste Committee review adequacies of these sites every five years.   |
| .4. Changing per capita solid waste generation, technology and recycling feasibilities may modify existing procedures and facilities.               | 4. Every five years investigate additional possibilities for future sites and recycling opportunities.  |
| 5. Problems exist in the form of solid waste dumping (e.g. old car bodies, etc.) on isolated and unauthorized lands, especially north of Hermiston. | 5. Encourage joint Count/DEQ programs (e.g. licenses and permits) to prevent further illegal dumping.   |
| 6. Non-point pollution sources contribute to degradation of water resources.  | 6. Participate in water quality management programs (e.g. Clean Water Act, Section 208).  |
| 7. Noise pollution is not presently an environmental quality problem.   | 7. Consider cumulative noise impacts and compatibility of future developments, including the adoption of appropriate mitigating requirements at plan updates. |
| 8. Intensifying subsurface sewage disposal threatens to contaminate domestic wells.   | 8. Recognize that protection of existing wells has priority over development proposals requiring additional subsurface sewage disposal.                       |
| 9. Present controls on water quality are principally agencies beyond influence of the program implementation.                                       | 9. Investigate county assuming jurisdiction state over subsurface sewage direct disposal and "208" County.  |
| 10. To protect life and property, hazardous materials require careful location precautions.   | 10. Direct hazardous materials storage away from populated areas and any identified hazards and seek to encourage emergency access and storage safeguards.    |

NOTE: See Technical Report, Section E, for background data.

## NATURAL HAZARDS

Certain physical characteristics of a planning area can be foreseen to be a danger to life and property. Hazards are considered in a comprehensive plan because damage to individuals and their property affects the well-being of the whole populace.

In the county, hazards are limited to flooding. Other potential hazards (e.g. landslides, earthquake) either do not occur or occur with insignificant frequency. Other minor hazards, those creating development limitations (e.g. steep slopes, weak foundation soils, unsuitable septic tank soils) exist in limited and isolated areas of the county. However, planned development is being directed away from most of the known development limitation areas. It is expected that existing state, local, or other appropriate agencies will review proposed development in light of existing hazards or development limitations according to existing requirements. When detailed information becomes available and when the County has the necessary funds, it is anticipated that the County will take over development review on a site by site basis.

### FINDINGS

1. Inventory of county lands concludes that flooding is the major hazard potentially dangerous to both life and property, with steep slopes, landslides, and other development limitations occurring in isolated areas located mostly away from existing and proposed development and not having known to have caused any previous wide-spread property damage.

### POLICY

1. The county will endeavor, through appropriate regulations and cooperation with applicable governmental agencies, to protect life and property from natural hazards and disasters found to exist in Umatilla County,



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| <p>2. Development can alter natural drainage flows and create adverse effects upon the environment.</p>  | <p>2. Limit "floodway" development to nonstructure improvements not detrimental to maximum runoff flows.</p>   |
| <p>3. Additional detailed information on floodplains, floodways, wind erosion areas, and earthquake hazards are needed.</p>  | <p>3. Seek to determine all floodplain and floodway boundaries, wind erosion areas, and earthquake potentials. When hazards have been identified, the County will seek to mitigate the hazard through appropriate programs.</p>  |
| <p>4. Active earthquake fault lines have not been conclusively identified in the County.</p>   | <p>4. Potentially hazardous major developments (e.g. power plants) must address earthquake hazard possibilities.</p>   |
| <p>5. There are potential steep slope landslide hazards in or near multiple use exception areas in the Blue Mountains for which some general mapping has been completed, but for which some general mapping has been completed, but for which other areas* mapping cannot be completed at this time. Potential hazards of these types generally occur at or exceeding 25% slope according to most soil scientists and engineers.</p> | <p>5. (a) The county will apply a Steep Slope Overlay Zone to all Multiple Use Exception Areas.</p> <p>(b) The county will monitor proposed development in suspected areas of steep slope/landslide hazards (&gt;25% slope) in the following manner:</p> <p>(a) Require at the time of permit application a signed and written certification from the applicant that the proposed development will not occur in areas of 25% or greater slope; or</p> <p>(b) If the applicant's development is in an area where slopes exceed 25% and written certification cannot be obtained because of the slopes, but the applicant wishes to proceed with development plans, then:</p> <p>1. The applicant must provide along with development permit application, a written report</p> |

from a certified engineer or geologist that the development proposed can be completed without threat to public safety or welfare. Such written report shall be to review the development proposal and shall follow prescribed procedures and conditions in the Development Ordinance.

## RECREATIONAL NEEDS

A basic human need is to pursue activities that refresh mental and physical condition. 11 From children learning to socialize through play, to elderly people walking or sitting in the sun, recreation is important to the whole life cycle.

Implementation of a recreation system is considered a - public responsibility although many agencies and private parties provide the system's components. The need itself, expressed in land area, recreation type or improvement, changes as the population changes.

Umatilla County is growing rapidly. Existing facilities are becoming inadequate, and entirely new types are in demand.

FINDING	POLICY
1. There is an increasing demand for both local improved recreational facilities and dispersed unimproved recreational areas.	1. Encourage and work with local, state, federal agencies and private enterprise to provide recreational areas and opportunities to citizens and visitors to the County.
2. Recreational uses can compliment unique resources such as historical sites, natural wonders, facilities easements, lakes, floodplains, scenic views, industrial sites, etc.	2. Consider recreation needs and opportunities in the identification, acquisition and development of unique areas.
3. Numerous recreational opportunities are located on land under the control of state or federal agencies.	3. The County will continue to work with state and federal agencies in the preparation of their management plans to insure that recreational opportunities will exist.
4. Information on recreational needs valuable to fund distributors, citizens,	4. Investigate establishment of a centralized collection point for recreation needs

- developers, planners, and recreation districts, is not now available in one central spot.
5. Differing recreational pursuits occasionally conflict among themselves and with other land uses.
6. Over time, additional recreational facilities will be needed.
7. Private recreational areas exist or have existed and their facilities remain throughout the County.
8. Off-road vehicles have increased in popularity the past few years, creating nuisance complaints and increasing traffic problems along county and state roads.
9. Hunting and fishing are very important to Umatilla County.
10. Lehman Hot Springs, currently in operation, and Hidaway Hot Springs, currently not in operation, have traditionally served as recreational resort areas.
11. Public and private parks need to, from time to time, perform maintenance, rehabilitation, replacement, minor betterment repairs, and improvements to facilities and structures within the park. These improvements are not
- and supply information.
5. Provide for recognized forms of recreational use while minimizing conflicts with surrounding uses.
6. Provide assistance to recreational groups and private investors interested in acquiring and developing recreational facilities.
7. The County will recognize these recreational areas around the County and encourage the development of these areas in harmony with surrounding land use.
8. The County will work with private property owners, local off-road vehicle organizations, and appropriate state and federal agencies to help solve the problems.
9. The County will cooperate with appropriate agencies to manage resources at optimum levels to protect these valuable recreational opportunities.
10. Encourage the expansion or reopening of these two areas for resort activities with appropriate safeguards to ensure compatibility with adjacent land uses.
11. Activities within parks that fall into these categories will not be required to obtain a conditional use permit before beginning these activities; only a zoning permit will be required and

likely to have negative impacts upon adjacent lands and facilities.

then only if the activity involves structures of over 100 sq. ft. in area. All other activities will only require the certification pursuant to the Development ordinance that the activities do not exceed the 100 sq. ft. limitation. For example, changes from a pit toilet to a faucet toilet would be considered a minor betterment. Also covered under this policy are picnic areas, directional/informational signs, kiosks, traffic control devices, drinking fountains, water supply systems serving the existing developed areas, catch basins, drainage systems, paint sheds, well houses, maintenance buildings, and trail improvements. This policy shall apply to all zones listing parks, playgrounds, or community centers, as allowed, or conditional uses.

(See Technical Report, Section G for background data.)

## ECONOMY OF THE COUNTY

Agriculture has been, is, and probably will remain, the mainstay of the Umatilla County economy. Annual estimates compiled by the Oregon Extension Service indicate that Umatilla County consistently ranks among the top three Oregon counties in annual agricultural production. In recent years, the County has consistently produced about \$100 million in gross sales of farm products.<sup>7</sup>

Other sectors of the Umatilla County economy, albeit contributing much less than agriculture, are important employment sources and most have realized significant growth in response to increase County population. The largest sectors include trade, government, and manufacturing (both wood products and food processing industries). Federal forest lands and the timber industry also contribute to County revenue through payments in lieu of taxes (federal payments on the basis of timber sales) and Eastern Oregon Severance Tax Receipts (a tax from private timber harvest). Transportation, trade, finance and service employment have all increased, and improved service in each of these support sectors has in turn benefited Umatilla County's basic industries.<sup>7</sup>

Future conservation and development opportunities rely heavily and directly upon allocation of available land and water. Devoting these resources mainly to agricultural production presumes additional, yet uncertain, water sources, commits the area to an inelastic market, restricts diversification of the local economy,

and returns less personal income to the local population. Consequently, this plan recognizes the limited advantages to irrigated agriculture and advocates careful future evaluation before allocating water resources to any segment of the economy.

The Port of Umatilla has taken a lead position in cooperation efforts toward strengthening the County's economy. It has been instrumental in attempting to establish in the West County a regional water system, for both domestic and industrial uses. With its bonding capabilities, the Port also offers development assistance to a wide variety of diversified industrial interests.<sup>12</sup>

FINDING	POLICY
1. Predominately a resource based economy, the County experiences fluctuations in market demand, production supply, and seasonal unemployment and under employment.	1. Encourage diversification within existing and potential resource-based industries.
2. Component and tool supplies for county manufacturers are not often produced locally.	2. Encourage investment into-local production facilities for fabrication components.
3. Specified industry site requirements may vary presently designated industrial lands.	3. To encourage industrial diversification, modify from pre-designated industrial areas as appropriate.
4. Regional, state and federal programs aid in the development of local economies.	4. Participate in selected economic development programs and projects applicable to the County's desired growth.
5. Urban commercial centers are adversely affected by development of surrounding rural retail facilities.	5. In close proximity to cities, yet outside of urbanizable areas, limit commercial development to those areas that meet the requirements of Goal 2 and

ORS 197.732 for an exception in resource areas. Commercial development shall also be limited to land demanding activities that require few public services.

6. Recreational attractions and good transportation linkages contribute to the tourist industry.

6. Encourage and promote private investment resorts and service facilities that offer quality public recreational experiences.

7. Comparative advantages over neighboring jurisdictions exist in availability of labor, reasonably priced lands, access to energy sources, and excellent transportation systems.

7. Cooperate with development oriented entities in promoting advantageous aspects of the area,

8. Water availabilities are a key resource to future economic growth.

8. Evaluate economic development proposals upon the following:

Will the proposal:

- a. increase or decrease available supplies?
- b. improve or degrade qualities?
- c. balance withdrawal with recharge rates?
- d. be a beneficial use?
- e. have sufficient quantities available to meet needs of the proposed project and other existing and reasonably anticipated needs?
- f. reduce other use opportunities and if so, will the loss be compensated by other equal opportunities?

9. Changing markets, resource demands, and technology will directly affect economic development considerations.

9. Recognize the need for flexibility in planning and periodically review/update economic policies and projects.



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| <p>10. Retail trade is directly related to fluctuations in agriculture incomes.</p>  | <p>10. Encourage industry and manufacturing diversification while preserving the more productive agricultural lands.</p>   |
| <p>11. Local products do not receive full preferential demand in national/international markets.</p>   | <p>11. Encourage efforts to gain preferential recognition for this area's products,</p>  |
| <p>12. The County has a variety of County.</p>   | <p>12. Provide for three types of commercial need: Commercial to serve the traveling public; Retail/Service Commercial to serve commercial activities which cannot locate within urban growth boundaries.</p>  |
| <p>13. Industrial uses vary in intensity and impacts on surrounding areas.</p>   | <p>13. Provide for two types of industrial classification: light industry with less offensive odors and likely compatibility with commercial uses; and heavy industry which may generate noise, offensive odors, vehicular traffic, or require large amounts of energy and require isolation from people-oriented land uses.</p> |
| <p>14. Certain types of agriculturally related businesses and services do not necessarily need to be located within a commercial or industrial area.</p> | <p>14. The County will provide for an agri-business zone to allow certain types of agriculturally related businesses and services, This designation may be allowed where a commercial or industrial zone may not be appropriate because of compatibility or other specific problems.</p>   |

NOTE: See Technical Report, Section H for background data.

## RURAL RESIDENTIAL/MULTIPLE USE HOUSING

The provision of dwellings for this nation's residents has been traditionally a function of private enterprise. Government is also now involved and monitors the housing situation and acts to affect the market in various ways (e.g. the financing of dwellings for those who could not otherwise afford it). Both the private and public sectors are charged to work together to achieve a decent level of housing for all.<sup>13</sup>

Rural residential land and multiple use housing are generally served by individual wells and septic tanks, by County roads or private easements of minimum level of improvement, by telephone and electricity.

In Umatilla County there has been a long history of both rural residential and vacation housing development. These two rural housing types have been and continue to be accepted forms of rural development necessary to maintain an existing and important lifestyle.

The location of rural housing may raise the costs of other land uses or have hidden costs that eventually overprice the dwellings or overburden their supporting public services. Therefore, land use planning can encourage, through prescribed policies and development standards, appropriate location, type and density of housing, thus helping assure that housing, public facilities and public service costs are minimized.

FINDING

POLICY

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| 1. There is little information available on vacancy rates, rent levels and price ranges in Umatilla County or in most of its cities.  | 1. Participate in or otherwise encourage the development of housing information in order to evaluate housing demand and supply in Umatilla County and its cities.  |
| 2. Cities have the major responsibility to recognize and provide within urban growth boundaries the expected housing demands of all income levels.  | 2. Recognize and assist city plans, ordinances and programs that provide housing opportunities for all income ranges within the urbanizing areas.  |
| 3. The County has a role to assist in projects improving the housing supply.  | 3. Assist the Umatilla County Housing Authority, East Central Oregon Association of Counties and other agencies, businesses or individuals to develop programs encouraging housing rehabilitation, insulation, building projects and other programs in appropriate city and rural residential dwellings. Such programs shall assist in planning for the availability of adequate numbers of housing units at price ranges and rent levels appropriate to the financial capabilities of County residents. |
| 4. Existing rural residential population is estimated at 16,375 and by the year 2,000 is expected to reach 27,500, indicating a strong desire to permit opportunities for rural residences. | 4. Designate sufficient rural residential areas adequate to provide opportunity for expected rural residential needs, while considering compatibility with development or uses on surrounding lands, consistency with the mostly rural character of these areas, and meeting standards under OAR 660,  |

5. County citizens and recreational landowner's desires reveal that five acres per dwelling is an appropriate density for most vacation housing in the County. In areas of dense recreational development, where big game crossings have been identified or where location and public facilities are somewhat remote or minimal, both a one and ten acre lot size density is supported.
6. Public comments indicate that a rural atmosphere for rural residential use is generally perceived as about two acres per dwelling. Areas having steep slopes, adjacent to commercial farming operations or in areas having potential water and sewage problems, support a less dense development pattern which County residents advocate at four acre lot size minimums.
7. Location of rural housing may eliminate possibilities for needed urban, industrial, agricultural, forestry or transportation expansion.
- Division 4.
5. The County will use several densities for the development of recreational housing in designated multiple use areas. (See Multiple Use Plan Map Chapter).
6. Calculate overall (i.e. rural residential densities at approximately two and four acres per dwelling depending on location, topographic situation, and locally perceived density patterns. (See Rural Residential Plan Map Section and Attachments for more specific policy and density application).
7. Consider impacts of other land uses in the selection of areas appropriate for eventual conversion to rural residential uses. Specifically, the County will permit rural residential and recreational housing development in those designated areas when and where it can be demonstrated that:
- (a) water is available for domestic use;
  - (b) sewage disposal is approved by DEQ or an appropriate County agency or has ready access to a community

- (c) system;  
sufficient public services exist or will be provided by the developer/owner to accommodate the additional population resulting from the development;
  - (d) development will be sited on lesser productive agricultural and grazing/forest lands and designed to not interfere with adjacent uses;
  - (e) complies with other similar policies and standards relating to rural housing development in other portions of the Plan.
8. Clustering rural residential and recreational housing can provide more open space, will utilize and preserve scenic amenities (e.g. trees, streams, water canals, meadows) and protect adjacent resource lands.
8. Encourage cluster development in rural residential designated areas and under certain circumstances outlined in the development policies require clustering in areas designated multiple use. (See Multiple Use Plan Map Chapter, pgs. XVIII-169, 170, and Rural Residential Plan Map Chapter, pg. XVIII-339, 340).
9. Extensive lot parcelization and subdivision development of the past 50 years in existing rural residential multiple use areas along with the previous zoning lot size minimums for rural housing, creates lots smaller than the new lot size minimum that complies with or better meets the State Land Use Planning
9. Parcels legally existing at the time of this plan's adoption and located in designated rural residential and/or multiple use areas shall continue to function as legal lots for purposes allowed in these areas and provided basic requirements such as setbacks and sewage disposal regulations are complied with.

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| <p>10. The existing permit process is time-consuming and adds cost to housing development.</p>   | <p>10. Adopt development standards which consolidate requirements into a centralized process.</p>   |
| <p>11. Agricultural/timber production, wildlife, open space and recreational uses are considered compatible within rural/recreational residential areas.</p> | <p>11. Allow agriculture/timber and other compatible open space uses within these rural areas,</p>  |
| <p>12. Mobile homes are increasingly providing housing for county residents.</p>   | <p>12. Continue as a permitted use mobile homes on lots in rural/multiple use residential zones.</p>  |
| <p>13. High-impact construction projects generate short-term housing-related demands.</p>  | <p>13. Seek funds to plan for expected impacts, present necessary mitigation proposals to proponent organization and, where appropriate, facilitate private investment solutions.</p> |
| <p>14. Labor-intensive agricultural practices require more dwellings in close proximity to production areas.</p>   | <p>15. Establish provisions to on-site farm labor housing within agricultural lands,</p>  |

NOTE: See Technical Report, Section I for background data. See also Plan Map section, Chapter XVIII for more specific rural and recreational residential policies.

## PUBLIC FACILITIES AND SERVICES

Public facilities and services in Umatilla County have been inventoried and discussed in the Technical Report. The services in Umatilla County run a wide variety from police and fire protection of gas and electrical utilities to Port facilities to day care services. All the facilities and services have been evaluated with regard to current and projected demands, service areas and projections for expansions and upgrading of the facilities and services.

The next step is to determine what levels of services and what types of facilities need to be provided for non-urban dwellers. This is where a blending of the goals occur. Through local comprehensive planning efforts, the needs and desires of the rural residences of the county can be obtained. Public hearings and public comments over the years have brought out a majority of the desires of the rural population concerning facilities and services. These comments were then taken and formulated into policy decisions and minimum facility and service levels were set.

The harder part comes in being able to maintain, or in some cases upgrade the existing situations to the original level, to the minimums that were set. Resources are often limited and voters often do not wish to increase taxes to pay for added facilities or services. This in turn tends to transfer some of the costs back to the new development or a sort of pay-as-you-go philosophy. Through the careful implementation of the following policies, the

county will be able to accommodate the growth that it expects and still maintain the desired facility and service levels adopted forthwith.

FINDING

POLICY

1. Rural residents, as opposed to urban residents, expect and receive fewer services than do urban residents; so as rural development occurs, these services need to be maintained and upgraded.

1. The county will control land development in a timely, orderly, and efficient manner by requiring that public facilities and services be consistent with established levels of rural needs consistent with the level of service requirements listed on pages J-27 and J-28 of the Technical Report. Those needs are identified as follows:

- (a) Fire protection shall be provided consistent with Policies 8,9,10.
- (b) Police protection shall be provided consistent with Policy 7.
- (c) Surface Water Drainage-Roadside drainage shall be maintained and plans for drainage shall be required in multiple use areas.
- (d) Roads shall be maintained or improved to standards adopted by the County Road Department which are consistent with nationally accepted standards that correlate traffic to desired road conditions.



2. Rural development is totally dependent upon on-site services for sewer and water as no special districts exist to handle these services. 2. Require that domestic water and sewage disposal systems for rural areas be provided and maintained at levels appropriate for rural use only. Rural services are not to be developed to support urban uses.
3. Since rural development is totally dependent upon on-site services of sewer and water, larger lot sizes are needed than in urban areas where public sewer and water facilities are available. 3. The County will require that the following minimum lot sizes be established for new lots:  
 \*(a) Rural Residential- 2 and 4 acres  
 \*\* (b) Multiple Use- 1,5, and 10 acres \* Also see policies in Plan Map Section under Rural Residential \*\* Also see policies in Plan Map Section under Multiple Use
- 4.. Three small unincorporated communities are located in rural Umatilla County (Umatilla, Rieth and Meacham) . These communities contain some urban type facilities (usually public water systems) and the potential for added services (public sewer systems). 4. The County will require in identified unincorporated communities that a minimum of one acre be required for new lots unless a public water or sewer system is available, then a 1/2 acre minimum lot size will be required; or if both a public water system and sewer system are available, then a 6,000 sq.ft. minimum will be required.
5. The concentration of rural housing (e.g. subdivisions in productive viable farm areas) increases unwanted potential for land use conflicts in agricultural areas. 5. Prohibit further residential subdivisions within agriculturally designated areas and only permit extensions of utilities if the utilities are appropriately sized and necessary for farm uses, or for permitted non-farm uses as allowed in the Development Ordinance, and are appropriate for farm use densities as outlined

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| <p>6. Public facilities and services providers must be kept abreast of development in the county so that they may allocate existing resources and plan accordingly for efficient expansion.</p> | <p>6. in the policies under the Agricultural Goal. The County will seek comments from affected public facilities and services providers for all discretionary land use actions including all types of land divisions, conditional uses, variances, zoning map amendments, and comprehensive plan map amendments.</p> |
| <p>7. Police protection for the rural populace is above the state average.</p>  | <p>7. Allocate annual funding to maintain at least the state average of .34 offices per 1000 people.</p>   |
| <p>8. Not all areas of the county are served by rural fire protection districts, especially those areas around Pendleton.</p>   | <p>8. The County will encourage the formation or expansion of rural fire districts in areas designated for non-resource use.</p>   |
| <p>9. Inadequate water supplies hamper fire fighting in developed rural areas.</p>  | <p>9. Require adequate water supplies for fire fighting as part of significant new developments in rural areas in coordination with the appropriate rural fire district.</p>   |
| <p>10. Some rural fire districts have experienced problems in serving rural population.</p>   | <p>10. The County will provide assistance to rural fire districts in their attempts to locate satellite fire stations closer to rural development.</p>   |
| <p>11. Community water systems are limited in Umatilla County and are often unorganized, of various adequacies, and cause higher densities than surrounding rural areas.</p>                    | <p>11. Encourage community water systems only in development of a size and density necessary for public protection. Require appropriate agencies to enforce standards on existing systems.</p>   |

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| <p>12. A West County regional water system has been proposed using Columbia River water for municipal and industrial supplies.</p>  | <p>12. Participate in the organization of the proposed regional water system.</p>   |
| <p>13. School districts are experiencing increasing enrollments and the potential for overcrowding exists.</p>  | <p>13. The County will assist school districts and cities through its function as a coordinator in providing timely and efficient expansion of school facilities.</p>   |
| <p>14. Residential development away from urban areas can increase the potential number of children who must ride school buses and increases cost to the school districts.</p> | <p>14. The County will encourage rural residential development to occur near existing school facilities and along existing bus routes.</p>  |
| <p>15. Day care facilities do not provide off-hour services needed by around-the-clock industrial employees.</p>  | <p>15. Request that the licensing authority require off-hours operations. Require larger proposed industrial development address this problem during permit application ■ (Development Standards).</p>  |
| <p>16. Day care center location require considerations child safety, home/destinations and transportation accesses.</p>   | <p>16. Recognize that with appropriate safeguards for child care centers may work be sited in most land use classifications.</p>  |
| <p>17. Irrigation districts are fragmented as land holdings decrease in size and non-farm uses increase.</p>  | <p>17. Enter into coordination agreement with districts to minimize adverse effects of proposed land development.</p>   |
| <p>18. Residential development adjacent to irrigation ditches creates servicing and liability problems for irrigation districts because of children playing around them.</p>  | <p>18. Any newly created lot and related development that abuts an irrigation district shall be required to erect a 6 foot high chain link fence 25 feet back from the lip of the ditch so as to separate the ditch from the development;</p> |

unless an agreement is reached between the ditch company and the property owner/developer that a buried pipe would be more appropriate.

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| 19. Utility facilities can remove valuable resource lands and create development problems for new developments and detract from existing development.      | 19. Where feasible, all utility lines and facilities shall be located on or adjacent to existing public or private rights-of-way so as to avoid dividing existing farm or forest units; and transmission lines should be located within existing corridors as much as possible. |
| 20. Needless utility and other service facility damages may be averted through cooperation with Umatilla County Utility Coordinating Council.              | 20. Consider incorporating their recommendations into the Development Standards.  |
| 21. Solid Waste disposal sites and facilities are adequate to handle needs into the next century.  | 21. Protect existing solid waste sites and identify and protect future sites through the use of a landfill overlay zone. Use the County's adopted "Solid Waste Management Plan" as the major document for solid waste management.   |
| 22. Increasing demands on library services exceed county ability to provide publications to municipal libraries resulting in some cities' dissatisfaction. | 22. Identify local service needs and seek stable funding to initiate appropriate funding,   |
| 23. Emergency service delivery is hampered by poor road and building identification.   | 23. Identify and assign numbers to buildings, and name and post roads as part of the Transportation Master Plan and Rural Address System.   |

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| 24. Upon presidential declared disaster, ORS 401 assigns to government siting responsibility for temporary housing. | 24. Establish potential major temporary housing sites for emergency housing and minimum necessary services,   |
| 25. County facilities supporting  | 25. Investigate feasibility of public safety call system for those areas of the county not covered by 911.  |
| 26. Accessibility for the handicapped to existing county public building facilities is limited.                     | 26. Seek funds to provide personal conveniences for the handicapped such as parking, restrooms, telephones and drinking fountains where those are provided for other members of the public. |

## TRANSPORTATION

All segments of Umatilla County's economy depend on the County's transportation network for movement inside County borders and to markets outside of the area. Fortunately the County and particularly the developing West County has access to five modes of transportation. Interstate and state highways flow east-west and north-south in the County. The Port of Umatilla provides commercial freight use of the Columbia River. Railroad lines including Union Pacific's major switch-yard at Hinkle, bring passenger and freight service to Umatilla County. Two municipal airports make a wide variety of services available to county and regional residents; i.e. agriculture, freight, passenger, business. Natural gas and oil pipelines transport fuel to the county and to other areas. Local traffic between urban areas and highways travels on a fairly extensive county roads network. Mass transit is presently limited to long distance commercial bus lines and small fleet bus systems that serves some transportation needs of senior citizens.

The ability of existing services and facilities to serve future regional needs, and the specific requirements necessary to provide balanced forms of transportation for all segments of the county's future population, hinge upon cooperative city/county development of a transportation master plan. A major mechanism insuring this cooperative effort is found within the "Roads" section of the Joint Management Agreements entered into with all cities of Umatilla County. A Transportation Master Plan will also

serve to assist state/federal transportation agencies in setting priorities and planning improvements in their areas of responsibilities.

FINDING	POLICY
1. There is a lack of coordinated planning which addresses the specific inter-relationships of all modes of transportation (e.g. air, water, rail, bicycle, road, footpaths, etc.).	1. Develop a Transportation Master Plan which integrates cities <sup>1</sup> and regional systems. (See West County Master Road Plan in back pocket of Plan.)
2. Transportation planning within urban growth boundaries is important to insure adequate transportation facilities in the County.	2. To facilitate coordination transportation, plans within urban growth boundaries shall be coordinated with during the formulation of the Transportation Master Plan.
3. Large expanses of vacant and agricultural land to the south of Hermiston lie near the Hinkle Rail Classification Yard, 1-84, the Hermiston Airport, and agricultural market roads.	3. Designate the Hinkle-feedville area for industrial and agri-business uses to compliment its existing uses and its unique transportation opportunities.
4. The route of Interstate 82 to connect 1-84 in western Umatilla County, with 1-90 to the north, and the location of its interchanges will have effects on the advantages of each of several potential locations of industries, commercial businesses and highway-oriented business.	4. Examine interchanges and other potential commercial and industrial locations for appropriateness of development after the route and interchanges of 1-82 are established,
5. A major cost in development of freeways, highways and county roads is the purchase of the right-of-way and displacement of existing uses along the right-of-way.	5. As a part of the Transportation Master Plan, develop a Future Road Zone to be applied between the time a road location is determined and the right-

of-way is acquired.

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| 6. Construction and industrial development of freeways, highways and county roads is the purchase of the right-of-way and displacement of existing uses along the right-of-way.   | 6. Encourage timely reconstruction of Highway 395 (including a potential Stanfield bypass) while designating adjacent lands for low traffic generating uses, and developing additional north-south through routes east of Highway 395.   |
| 7. An important airport industrial complex lies in the northeast corner of the City of Pendleton's Urban growth boundary where topography and location require a well-planned transportation system to insure its full and efficient development. | 7. When developing and finalizing the County's Transportation Master Plan, consider designating an arterial road from Barnhart Interchange on 1-84 to the west side of this industrial park, to provide a level and more energy efficient route for business and manufacture-related traffic.    |
| 8. Uncontrolled access on state highways can constitute a threat to public health and welfare as well as create excessive public expense.   | 8. Access onto state highways shall be limited, consolidated, and otherwise be controlled as much as feasible. Access control shall emphasize coordination of traffic and land use patterns through the use of frontage roads and access collection points (see ODOT, Access Control Guidebook). |
| 9. Diagonal Road, Highway 11 north of Milton-Freewater, the area south of Pendleton, and Westland areas need special attention to insure adequate roads consistent with residential service needs.  | 9. Assess service needs and assure coordinated road systems for these areas during development of the Transportation Master Plan,  |
| 10. Private easements to land locked lots are often not   | 10. Require improvement of, and width dedication for   |



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| <p>wide enough to serve adjoining properties or improved for access of the public and emergency services.</p>  | <p>accesses approved through the development standards application process,</p>   |
| <p>11. Many county and public roads are not constructed to an acceptable County standard, and development is increasing along these roads.</p>           | <p>11. Subdivision of land not on road constructed to County standards and not accepted for maintenance responsibility by the County or state shall not be permitted. A subdivision road shall be public and maintained by a public agency or a homeowners association.</p> |
| <p>12. The Port of Umatilla transportation facilities are assets to the county and expansion is needed to support the rapidly growing local economy.</p> | <p>12. Promote development of additional facilities at the Port and seek to improve transportation linkages to that river area through policies in the Transportation Master Plan.</p>  |
| <p>13. Some loss of transportation services has occurred due to developing incompatible adjacent land uses.</p>  | <p>13. Factors of increased traffic volume, speed, flow, loss of service and accessibilities will be considered when determining land use designation.</p>  |
| <p>14. The County economy is adversely affected by discriminatory state/federal rail and highway freight regulations.</p>                                | <p>14. Encourage more equitable ICC and PUC freight regulations.</p>  |
| <p>15. Bridges across the Umatilla River to serve development north and west of Hermiston have been suggested.</p>                                       | <p>15. Determine need, means and appropriate bridge locations as part of the Transportation Master Plan Study.</p>  |
| <p>16. Interstate shipments of hazardous materials are regulated by federal and state agencies; however, accident potential remains</p>                  | <p>16. Seek notification of special hazardous materials shipments for county review, comment and possible control.</p>  |

a threat to the health,  
safety and welfare of county  
citizens.

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| 17. Branch rail lines are a continuing factor in the health of smaller   | 17. Encourage preservation and expansion of existing economic lines and rail company towns. service.  |
| 18. Hermiston and Pendleton Airports experiencing increases in traffic are undergoing improvements accordance with their Master Plans.   | 18. Continue to cooperate in protecting the existing and planned elements of the airports from incompatible in neighboring land uses Airport through the use of airport hazard zoning and joint management agreements with each city.   |
| 19. Resource utilization roadways contribute to erosion and people/wildlife conflicts.   | 19. Seek to control erosion through programs developed by the Soil Conservation Service or Soil and Water Conservation District and seek cooperation with the State Forestry Department (through the Forest Practices Act) and the Department of Fish and Wildlife (through road closures). |
| 20. Major transmission lines (natural gas and electricity) traverse the county with additional expansion proposed, and additional new lines or pipelines could be proposed through the county. | 20. The county will review right-of-way acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts on the community.   |
| 21. County residents without access to private autos limited alternatives  | 21. Support existing public transit (e.g., QUINTRA) have and seek additional available. opportunities for the transportation Master Plan.   |
| 22. Home/work carpooling offers energy savings while reducing traffic congestion.  | 22. Request larger industrial/commercial development , proposals, consider sponsoring car pooling programs.   |
| 23. The extensive county road  | 23. Maintenance of existing   |

system requires continuing maintenance.

roads shall be a key element in the Transportation Master Plan.

24. Snow removal along State Highway 204 has become difficult due to inappropriate setbacks for dwellings and the removal of vegetation.

24. Setbacks along State Highway 204 shall be set back a minimum of 130 feet from the centerline of the highway, and vegetation should be retained wherever possible to protect dwellings from snowblowers.

25. There is a lack of adequate off-highway parking in the Tollgate area.

25. The County should encourage the location of new off-highway parking along Highway 204, preferably on Umatilla National Forest Service Land east of Langdon Lake.

ENERGY CONSERVATION

The era of inexpensive and unlimited energy has come to an end. Since support and service systems transporting energy are essential to land development, and most urban patterns are dependent upon non-renewable energy sources, conservation measures are needed in order to maintain improve the present standards of living. Energy conservation policies in the Comprehensive Plan therefore become a desireable objective.

Rapid growth in Umatilla County necessitates a comprehensive, realistic approach to future land use patterns that relate to energy utilization and conservation.

FINDING

POLICY

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| <ol style="list-style-type: none"> <li>1. Escalating cost of depleting non-renewable energy sources make renewable energy source alternatives (e.g. solar, wind) increasingly more economical, and help conserve existing energy supplies.</li> <li>2. Appropriate planning reduce energythe Development Standards, consumption and make more efficient use of existing and potential energy sources.</li> <li>3. Existing building code regulations require minimal insulation and do not address solar utilization.</li> </ol> | <ol style="list-style-type: none"> <li>1. Encourage rehabilitation /weatherization of older structures and the utilization of locally-feasibly renewable energy resources through use of tax and permit incentives.</li> <li>2. Strive for energy efficient policies, building code</li> <li>3. Initiate a county building code which recognizes local peculiarities and situations relating to energy conservation.</li> </ol> |
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| 4. Quantities of reusable/recyclable metallic-non metallic wastes do not presently allow economical conservation efforts.                    | 4. Encourage systems and/or efforts for the economical collection, reuse, and recycling of metallic-nonmetallic wastes.                   |
| 5. Present laws do not adequately protect access sunlight for users of solar energy.   | 5. Encourage federal and state measures that protect users to of solar energy (e.g. restrictive covenants, solar sky space easement).     |
| 6. Travel distances for frequently purchased goods, (gasoline and groceries) may be reduced by locally situated rural commercial facilities. | 6. Recognize rural residential areas' local retail service needs.   |
| 7. Until recent fuel cost increases, travel to work by private auto was acceptable and the primary means used.                               | 7. Recognize that fuel costs impact work force availability and encourage larger firms to cooperate in commuter bus-shared ride programs. |
| 8. Hot springs in this county are indicative of geothermal potential.  | 8. Facilitate land use proposals directed toward geothermal energy utilization.   |

NOTE: See Technical Report, Section K for background data.

## URBANIZATION

Urbanization entails providing mechanisms for the orderly and efficient transition from rural to urban land uses. These intended results involve cooperative processes between the county and cities to identify and separate urbanizable land from rural land by mutually agreed upon urban growth boundaries.

Each city has or presently is designating sufficient amounts of rural lands which shall be considered available over time for urban development. Cities' projected growths are planned for orderly expansion into the urbanizable areas. Each city's comprehensive plan must be based on considerations of: (1) orderly, economic provision for public facilities and services; (2) availability of sufficient land for the various uses to insure choices in the market place; (3) land conservation and development goals; and (4) encouragement of development within urban areas before conversion of urbanizable areas.

As an urbanizable area area develops, but before it is annexed into a city, Oregon law stipulates that county jurisdiction must continue in effect. Therefore, to insure city-desired development patterns while urbanizing lands are still under County control, a joint management agreement becomes a recognized necessity.

Those portions of the cities' comprehensive plans applying to lands beyond their boundaries, but within urban growth boundaries, are adopted by the County and become by reference a part of the County Comprehensive Plan. Amendments to a city's comprehensive plan that directly affect County jurisdictional urban growth area

lands, and therefore this plan, are by mutual agreement between each city and the County. Procedures for comprehensive plan amendments are specified in each respective City/County Joint Management Agreement.

FINDING	POLICY
1. Cities can expand into surrounding areas more easily at less cost when these areas develop according to plans and to city standards,	1. Adopt and enforce city plans and substantive and standards for unincorporated areas within city urban growth boundaries.
2. While the County jurisdiction prevails in unincorporated urban growth boundary areas, cities' future development patterns is acknowledged.	2. Enter into joint management agreements assuring city/county coordination,
3. Amendments <i>to</i> comprehensive growth administration.	3. Specify by agreement with plans in unincorporated plans.
4. Excessive development outside urban growth boundaries will decrease cities' projected urban development.	4. Recognize and periodically assess the cumulative impacts of rural land decisions on cities' planned growth.
5. Urban uses can adversely impact farm uses by interfering with farm practices or by occupying productive land.	5. Where practical, and to conserve the agricultural base, lands committed to urbanization should be those of lesser agricultural potential compatible with continuing production of neighboring farm lands.
6. Agricultural land within urban growth boundary areas offer continued food production.	6. When desired and applicable allow Exclusive Farm Use zoning designation within urbanizable areas.

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| <p>7. Existing rural centers (e.g. Meacham, Umapine, Rieth, FUMIO, Hat Rock) function as important and historic local service centers, and may be approaching size, density and attitude for incorporation.</p> | <p>7. Consider such land committed and recognize their potential for eventual municipal incorporation by designating these centers "Unincorporated Communities", if such incorporation proposal is consistent with and follows standards in OAR 660, Division 14.</p>  |
| <p>8. In Meacham, Umapine, and Rieth, limited public services are available and there are some development limitations (e.g. high water table, poor structural strength soils).</p>                             | <p>8. Only permit those uses in "Unincorporated Communities" that will maintain and continue its rural and historical character and will not seriously conflict with adjacent land uses. Allow additional uses at levels that can be handled by local public facilities and meet applicable standards for water quality and sewage disposal.</p> |



## THE PLAN MAP

### INTRODUCTION

The most visible part of any land use plan are its maps. Readers flip through the text to the maps showing what was decided about their land parcel of particular interest. Unless one is masochistic, unusually curious, or trying to overturn a particular decision, the remainder of the text may never be examined.

The County Plan Map, found in the back pocket of the Plan, identifies in broad-brush strokes agricultural, forest/grazing, residential, commercial, industrial and urban lands, as well as federal and state owned lands. In addition to the County Plan Map, which portrays the "whole picture," maps showing land use designations of specific geographical areas of the County are also included in the back pocket.

The general land use classifications guide implementation techniques of zoning, subdivision standards, deferential tax assessment, etc. In isolated instances present use of a site may not conform to this plan's classifications. It is intended that such pre-existing uses are recognized as non-conforming and continued use at pre-acknowledged plan intensities are acceptable.

Specific policies in the text may modify application of the general land use plan designation. Local conditions that warrant special consideration during development review or implementation of government programs may not be apparent from examination of only the plan map. The user of this document is encouraged to interpret the Plan Map Section in light of the stated plan policies.

## LAND USE CLASSIFICATIONS

The following discussion lists and describes the various types of general land use depicted on the County Plan Map. Based upon analysis of land productivity capabilities, virtually all of Umatilla County is suited to either farm or forest uses. The other land use designations are therefore established at the expense of those two uses.

The Land conservation and Development Commission's Statewide Goals #3 (Agricultural Lands) and #4 (Forest Lands) specify that such lands are to be preserved for those uses unless an exception is taken as prescribed in Statewide Goal #2 (Land Use Planning). The exceptions process is used to present the reasons for determining that certain resource lands may instead be placed in one of the following two categories: (1) land no longer available for farm or forest use; and (2) farm or forest lands needed for other future uses.

Full findings ordinarily required for an exception are not necessary for land determined to be unavailable for farm or forest use. Only justification of what the local area feels is "physically developed" or "irrevocably committed" must be outlined. However, if agricultural or forest lands are determined to be needed for other uses, the following reasons for the action must be set forth in the plan:

1. Why these other uses should be provided for;
2. What alternative locations within the area could be used for the proposed uses;

3. What are the long-term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;
4. A finding that the proposed uses will be compatible with other adjacent uses.

Within the descriptions of plan map classifications are presented the criteria employed to identify those lands considered developed or committed. In instances that require additional lands beyond those found to already be developed or committed to the land use classification, the narrative includes discussion of the four reasons (need, alternatives, consequences, and compatibility) for taking exception to the Agricultural Lands or Forest Lands Statewide Goals.

The rationale used to determine specific amounts/locations of lands within any given land use classification varies with the nature of the data characteristics inherent to that land use. The designation of Rural Residential lands is closely tied to quantitative information based upon population forecasts, average persons per dwelling, and community perception of appropriate lot size for the rural homesite. For other uses, less precise information is necessitated because of the more intangible characteristics related to those land use classifications. The designations of Commercial and Industrial areas are also based, in great part, upon current public attitudes toward future conservation and development of resource land. Recommended policies from the Citizen Committee on Umatilla County Overall

Economic Development is central to the deliberations leading to commercial and Industrial land determinations. AGRICULTURAL LANDS

Agriculture is the leading industry in the Umatilla County Umatilla County is also one of the leading farm revenue producing counties in the state. This plus the tremendous diversity of crop types makes agriculture a dominant facet of life in the County.

Because of its dependence on the land resource, farming is sensitive to the effects of land use change and intensity. As discussed in various parts of the Technical Report and Plan, the division of land into small parcels and the presence of non-farm activities can adversely affect farm operations. Therefore, to achieve the goal of protecting and preserving the agricultural industry, non-farm activities in agricultural areas of Umatilla County will be carefully controlled.

It is further necessary to preserve and protect the maximum amount of prime agricultural land resource as is possible to help assure future commercial agricultural production. In areas having special or unique agricultural resource circumstances, the intent is to maintain and protect existing agricultural production and to continue encouragement of the intensive management practices occurring on a diversity of parcel sizes.

The preservation of agricultural land has the secondary benefit of conserving the natural resources that are an asset to the physical, social and economic quality of life in Umatilla County.

Legislative policy and the Land Conservation and Development Commission Goal #3 on Agricultural Lands also indicates a need to preserve agricultural lands. The state goal defines agricultural lands in Eastern Oregon as all lands of Class I-VT soils identified by the Soil Conservation Service classification system and other-lands which are suitable for farm use. Farm use is also defined as set forth in ORS 215.203 (2) (a):

As used in this section, "farm use" means the current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the producing of livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products of any other agricultural or horticultural use or animal husbandry of any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in Subsection (3) of this section, or to the construction and use of dwellings customarily provided in conjunction with farm use.

State Agricultural Goal #3 further indicates that these lands shall be preserved by applying Exclusive Farm Use zoning. It is also the intent of Umatilla County to consider the growing, management, and harvesting of trees as a compatible form of agricultural production.

A majority of the lands presently in farm use in the County are of the Soil Conservation Service agricultural soil capability Class I through Class VI. This soil classification system is explained in the Technical Report. General soil maps for some areas of the County also included in the Technical Report, which

show the location and extent of the soil classes and soil fertility, are not the sole determinant of what constitutes farmland. Therefore, it is necessary to describe other criteria used to define farmland in Umatilla County. The following criteria are used to determine to which lands the agricultural

- a. Soils that are suitable for agricultural production using accepted farming practices, especially Class I-VI soils.
- b. Areas of open land that are relatively free of non-farm conflicts. Areas that are still capable of being farmed.
- c. Areas that are presently in farm production or are capable of being farmed now or in the future.
- d. Areas where land is supporting or can support both agricultural uses and timber management.
- e. Land that is marginal cropland but capable of supporting livestock grazing.
- f. Those other lands that are necessary to protect farm uses by limiting adjoining non-farm activities.

Applying the above criteria to lands in the County reveals those areas that are defined as farmland to which farm zoning and the farmland protection policies will apply.

It is the intent of Umatilla County to continue the capability to economically farm lands by limiting conflicts with non-farm uses. This will be done by prohibiting both incompatible non-farming activities and/or carefully monitoring land divisions to those compatible with agricultural needs.

The protection and preservation of farmland is primarily for the purpose of preserving agricultural soils and thus the industry as a basis for food and fiber production now and in the future.

Secondary benefits preserve potential mineral resources, fish and wildlife resources and the valuable character of open space.

The main land use control tools available to accomplish this goal are farm zoning and land division controls. Through the exercise of these controls, the agricultural economy can be maintained in the future.

To preserve agricultural lands the County established a 19 acre minimum Exclusive Farm Use size and zoning beginning 1972. The agriculture chapter in the Technical Report discussed reasons for adopting the 19 acre minimum size and shows that it has served to preserve a wide variety of farming operations in most agricultural areas of the County.

Until 1979 nineteen acres was the sole minimum parcel size. That year planning efforts in the Orchards District area of the East County showed that a considerable number of less than 19 acre operations constituted viable farm units. Studies further indicated the feasibility and appropriateness of smaller Exclusive Farm Use parcel sizes. Protection measures for this area are explained in more detail within the special agricultural section which follows.

Despite the apparent effectiveness of the 19 acre minimum Exclusive Farm Use zone, staff and Commission members of the State Land Conservation and Development Commission have expressed concerns that this size cannot be justified as a "commercial" farm size and a size that would not protect existing and successful farming operations in Umatilla County if partitions of this size

are actually created through these lands. State interpretations of Goal #3 and court decision require this kind of justification or reasoning when developing land division and/or other agricultural protection regulations.

Essentially, the state is strongly pressuring (close to mandating) counties to either adopt large parcel size minimums where farms are large now, or requiring very strict review procedures on individual partition proposals whereby applicants are burdened to provide volumes of information to justify the partition. Proof of the above statements are revealed when examining the following nearby and similar agricultural counties' adopted or purposed EFU minimum lot size or review standards:

<u>County</u>	<u>Adopted or Proposed Minimum Lot Size For Wheat or Grazing Lands</u>
Morrow	160 acres proposed
Union	160 acres proposed
Gilliam	160 acres proposed
Wasco	80 acres proposed
Wheeler	80 acres proposed

Also, several valley counties (Benton, Polk and Marion Counties) have proposed individual review standards for agricultural partitions and have had to add more requirements when reviewed for state acknowledgement.

In the process of analyzing agricultural operations, their sizes and ownership patterns, etc., appropriate and justifiable state agricultural protection measures and techniques are suggested rather than continue the present 19 acre Exclusive Farm Use zone. As previously suggested, administrative rules and legal interpretations have limited the process of developing and choosing



protective yet flexible measures for agriculture. This narrow process simply does not permit logical reasoning or justification for a 19 acre minimum lot size for most of Umatilla County's agriculture. (New farm protection measures are discussed in the next two sections).

Agricultural lands intended for preservation are shown on the Comprehensive Plan Map. There are four land use categories used to maintain agricultural production capabilities. This first and most extensive is the North and South County Agricultural lands intended for preservation and are predominantly large scale, extensive commercial agricultural operations. The other two designations are the Special Agriculture designations that is applied to areas of unique circumstances, involving smaller scale commercial agricultural operations, and the Orchards District designation applied to the unique circumstances occurring in this agricultural region. Each designation is intended to recognize and protect the resource value of its respective measures.

Even though land use controls can be effective in preserving agricultural lands, by far the most important aspect of this program is public farm community attitudes. Public support, particularly from farmers, farm related industry and those people owning farmland in the county, is the real foundation upon which agricultural land preservation policies will be maintained.

The aspect of changing agricultural land into other non-farm uses (especially to industry) should be briefly touched upon before explaining the areas of agricultural designations and protection

measures. Recognizing that there is an abundance of resource land in the county highlights the fact that should a unique opportunity arise where diversification of the County economy is possible and desirable for potential industrial development. For example, they can be near a unique natural resource (e.g. mineral deposits), require a location outside an urban growth boundary because of potential hazards to, or incompatibility with dense urban development, or would have significant comparative advantages due to its location. Since markets, resource demands and technology all influence industrial and related development, the right combination of these can make a certain area very desirable, even more so than available land in industrial designed areas. Quite possibly other rural designated lands (e.g. rural residential and commercial) might require expansion into agricultural areas if present areas become nearly all developed. Should either of the above become the case, the County desires the flexibility and opportunity provided in the exceptions process under Goal #2 (Land Use Planning) to allow conversion of agricultural or rural lands if favorable location considerations are present and impacts upon county services and lands are minimal. The degrees of agricultural productivity, however, should remain a major factor with the highest Soil Conservation Service classification soils (generally indicating poorest productivity) being those prospective areas first removed from the agricultural land base. Where policies conflict, need for the proposed reclassification should be evaluated against need for the retention of the existing land use

designations. The procedure for conversion of agricultural lands shall be a public hearing process, and shall follow state exception administrative and legislative rules. The county, through an overlay zone, has identified areas having a great or high potential for industrial use. These lands are still designated and zoned for agricultural use until an exceptions has been approved.

#### NORTH/SOUTH COUNTY AGRICULTURAL REGION

The area identified as North/South County Agricultural Regions on the Comprehensive Plan Map is intended to protect the existing commercial agricultural uses occurring within these two vast land areas. The existing commercial agricultural enterprise of these areas is characterized by extensive agricultural use, a large variety of crop types and agricultural activities, and a lack of significant areas of non-farm uses. And, importantly, there is widespread support from property owners for maintaining these areas for the exclusive use of farming and protecting them from non-farm conflicts. This area is the foundation of the agricultural economy in Umatilla County and is intended to be maintained for long-term agricultural production.

The intent of the North/South County Agricultural Region designation will be implemented by applying the Exclusive Farm Use (EFU) zone as established in ORS 215.203 et seq. and other appropriate requirements in the County Development Ordinance.

Specifically, to make the farmland protection program truly effective and reflective of commercial agricultural operations, it is necessary to apply to the North/South County Agricultural Region

an agricultural designation, require EFU (Exclusive Farm Use) zoning, and supplement both of these measures by the use of a matrix review system. Those lands on which EFU zoning is applied are often in large ownerships, often in smaller, separated parcels, and are made up of many field patterns and parcel shapes, all to which help comprise commercial farming operations. This variety creates a need for a varied process of reviewing partitions and farm home proposals. The matrix review system provides this needed flexible protection. There are, however, intermingled, occasional parcels that are not economic or commercial farm units by virtue of size, shape, soils or use. Where they are few in number and limited in area (usually less than 20 acres), these parcels are included within\* the North/South County Agricultural Region designation to help maintain existing farming practices, thus minimizing conflicts on surrounding lands. Allowing them to be indiscriminately divided into very small acreage only proliferates potential non-farm uses and increases the potential for conflicts with farming operations on adjacent lands. For the same reason, it is important that some marginal farmland be retained in commercial agricultural units.

Only where there is a significant number of highly clustered smaller parcels that are developed or committed to non-farm development are such areas considered appropriate for non-farm uses and justifiable as exceptions to the Agricultural Goal. Careful consideration shall be given to the adverse impact on the integrity

of the farmland preservation program when considering the approval of non-farm uses in the midst of this farm designation.

Agricultural uses and those other activities necessary to accomplish agricultural production are the main uses allowed on these primary agricultural lands. Specifically, these activities include but are not limited to incidental uses like forest management, sale of agricultural produce grown on the farm premise, experimental tracts for agricultural and forest products research, and secondary uses in conjunction with farm activities (e.g. corrals, pens, barns, etc.). The principal farm dwelling and farmhand residences necessary to carry out farm activities will be allowed as a permitted outright use with minor site and sanitation requirements. A parcel size minimum is assigned to assist in assuring that a dwelling is farm-related and will be located on a lot considered large enough to continue the existing commercial farm management operation in the area. In the North/South County Agricultural Region, 160 acres will be used as the parcel size measure. A farm relative dwelling as defined by ORS 215.283(1)(e) will be permitted to allow a relative to assist the farm operator in the management of his farming operation. Similar requirements and standards for a principal or farm help dwelling will apply to a relative dwelling. However, because of the separated ownership patterns here, dwelling shall be considered dwellings in conjunction with farm use with minimal development requirements if such dwellings will be located on parcels in farm use, either contiguous with them or on discontinuous parcels under the same

ownership that total at least 160 acres. In some circumstances where intensive agricultural operations are found, a dwelling may be allowed on a parcel less than 160 acres if it can be shown to be a commercial farm unit as defined by applicable state administrative rules. A representative inventory of adjacent commercial farm units must show that the dwelling to be placed on a parcel smaller than 160 acres is typical of the predominant commercial farm unit pattern in the area. This review and applicable requirements are explained later in this section.

Certain non-farm uses allowed in the Exclusive Farm Use zone can be compatible with soil and groundwater conditions or with farm residences and can be made compatible with adjacent farming practices. These types of non-farm uses shall be conditional uses requiring a public hearing and neighboring farm operator input plus specific standards which have to be met in order to be approved. This policy requires several adjustments to the state Exclusive made to assure compatibility, usefulness to the community and to protect public health. Community facilities and services including churches, parks, non-profit community organizations and other equivalent public and private use intended to serve county residents and allowed by statute as outright uses have been reclassified as conditional uses. Specific standards and conditions shall be satisfied in order for these uses to be permitted within the North/South County Agricultural Region. Schools which generate large groups of people for significant periods throughout the year and during the same times that normal

farm practices occur are considered totally inappropriate, and shall not be allowed within this plan designation.

Non-farm residences within the North/South County Agricultural Region are viewed as inappropriate. However, where special conditions exist, non-farm residences may be permitted. First of all, non-farm dwellings are defined as those that are proposed on parcels of 20 acres or less. Secondly, they will be limited to single-family dwellings when it is determined that they are compatible with surrounding agricultural activities. Thirdly, the approval of such non-farm residences shall be based upon a determination or compliance with Umatilla County agricultural goals and policies and criteria in ORS 215.283(3) and ORS 215.236. Fourthly, the generally unsuitable clause in ORS 215.283(d) will be more clearly and precisely defined to assure that new non-farm dwellings are located on non-productive soils of Class VII and VIII. Only in the instance where new non-farm dwellings meet all of the criteria in ORS 215.283(3), except the adverse soils provision, then such dwellings may be permitted on still marginally productive soils classed V and VI by the SCS Soil Classification System. Fifthly existing farm dwellings converted to non-farm dwellings via homestead provision will be required to follow the same procedures and most to the standards required for new non-farm dwellings, to assure their compatibility with the adjacent farming activities. There are additional requirements in the EFU zone intended to help assure that non-farm homes will not unnecessarily burden county facilities, will be compatible with

agricultural and other natural resource uses occurring in these regions, and that the least amount of area is devoted to the non-farm dwelling.

Umatilla County recognizes that the farmland preservation program can be jeopardized by land use decisions that are not consistent with the intent of the agricultural goals and policies in the plan. Therefore, it is the intent of the county to achieve consistent and objective decisions based upon adequate findings of compatibility on non-farm uses in agricultural areas. In the North/South County Agricultural Region, non-farm residences are considered a secondary use, having a low priority, and represent a potential land use conflict. Where there is a conflict between non-farm residents and farming, the non-farmers are considered the "guests" and are expected to tolerate necessary farm practices on adjacent lands and to control activities on their land so as not to adversely affect effective management of nearby farmland. Signing declaratory statements binding a non-farm use owner/operator from remonstrating against acceptable farming practices is a policy to minimize the above-mentioned conflicts along with careful application on non-farm review standards in ORS 215.283(3).

An important aspect of the agricultural preservation program is the consideration of land divisions that will maintain and continue the commercial agricultural enterprise in the county. In attempting to choose what methods will achieve this objective in the North/South County Agricultural Region, the existing crop



characteristics and farm and field patterns, sizes and shapes are being considered. As discussed in the agricultural section of the Technical Report, agricultural land in this area of the county has diverse agricultural activities and patterns and produces a large variety of farm commodities. This diversity and complexity means that the size of commercial agricultural enterprises may be large; but is in scattered ownerships and farmed in separate, identifiable and diverse field patterns. Additional lands are often leased to make up a complete commercial operation. Some crops are irrigated and can constitute a commercial agricultural enterprise on smaller acreage than the larger acreage required for dryland crops. This is particularly true in river and creek drainage and bottom land areas. Livestock ranching adds to the complexities of agriculture by its required leased or other-owned lands of summer pastures away from the home-based farm. Mechanized irrigation also contributes to these complexities by the use of water, which is thought by some to be declining faster than being replenished in some areas of the county. Energy costs are also becoming prohibitive upon current irrigation practices. The importance of irrigation cannot be denied and its future must be carefully considered in agricultural land use policies.

Also adding to the above complexities are such variables as personal desires, individual management techniques due to topography, and man-made barriers such as bluffs, rivers, rock outcrops, roads, railroads and utility lines, capital investment commitments, market conditions, and other unique parcel

characteristics all of these factors determine a particular farmer's choice of crops, type of equipment used, and management decisions; and these choices often vary from year to year.

Since there is such diversity in agricultural practices and ownership characteristics, it is impractical to set a strict commercial, minimum farm size that will achieve the agricultural goal's intent in the North/South Agricultural Region. The many variables involved in agriculture and the land ownership patterns associated with it require an approach that allows flexibility in the parcel ization and trading of land for farm purposes, yet imposes restrictions and in some cases limitations on new non-farm uses in and around land zoned for agricultural use.

Umatilla County has chosen to establish a combination of land use measures adopted to and based upon general norms for commercial agricultural enterprises in the North/South County Agricultural Region.

First, land divisions proposed within these two agricultural regions will be facilitated through a matrix review. The matrix will help to explain to partitioning and dwelling applicants the various types of procedures and standards required to receive county approval. The matrix is also designed to show in a convenient and understandable way the flexibility allowed in partitioning for farm-management purposes, yet the protection built into it through a variety of plan policies and ordinance standards dealing with development proposals in these agricultural regions, most of which have been explained earlier. Secondly, measures to

insure that proposed partitions will continue the existing commercial agricultural enterprises and will remain in farm use have been adopted. Specifically, any farm partition of 160 acres or larger is deemed to be farm related, will continue the existing commercial agricultural enterprises in the area, and must meet basic ordinance provisions and the intent of ORS 215.243. Some farm partitions and dwellings customarily provided in conjunction with farm use below 160 acres may be allowed only after the applicant provides required information and meets applicable standards after an area review is conducted. For most of the North/South county Agricultural Region, a circular review shall be initiated which involves a review of 50 parcels surrounding the subject property. These parcels must be larger than 20 acres and outside exception areas. A linear type review will be initially required in some seven drainages within the North/South County Agricultural Region because of their uniqueness and contrast from adjacent farmland (e.g. availability of water, different crop types, smaller parcel sizes). Other drainages may be added later at the first plan update. A similar adjoining 50 parcel analysis or two mile length review in either direction of the parcel within the drainage will accurately reflect the typical agricultural activities and commercial farm units and operations in these drainages.

The appropriateness of a proposed partition or dwelling in the above two reviews just discussed will have to meet at least one of two major tests: (1) For a partition or dwelling they must be

typical of the predominate parcelization and/or commercial farm unit pattern in the area (at least 51%) ; (2) For a farm partition it and resulting parcels must either gross or have grossed an average of \$10,000 per year based upon a time schedule of typical county crop and grazing types and practices that are appropriate to continue existing commercial agricultural enterprises (see revised agricultural Policy #6 and related Technical Report Revisions section, page VI-4 specific formula or criteria); or be a parcel separated by natural or man-made features that preclude efficient management by the present farm owner or operator, but would be more effectively and efficiently farmed by another adjacent farm owner or operator. (This parcel should be smaller than 160 acres and a separate tax lot because either financing or assessment laws make the combination of this parcel into the new adjacent parent parcel impossible).

Several other tests and requirements will be applied to assure that proposed farm partitions will continue existing commercial agricultural enterprises in the North/South Agricultural Region. Specific examples include meeting the requirements of ORS 215.243, the proposed parcel be of a size and shape for adequate access to and efficient movement upon the subject parcel with farm equipment, and if no farm dwelling is proposed or cannot be justified or allowed, a deed restriction prohibiting farm dwellings shall be required. This deed restriction may be removed only when the recombination of the subject divided parcel is of the minimum lot size (160 acres) that permits a farm dwelling.

There is also a need to review proposals for dwelling and divisions within areas assigned to the Critical Winter Range Overlay Zone. These provisions are explained in detail within Goal 5 chapters of the Comprehensive Plan and subsequent provisions within the Development Code. WEST COUNTY IRRIGATION DISTRICTS

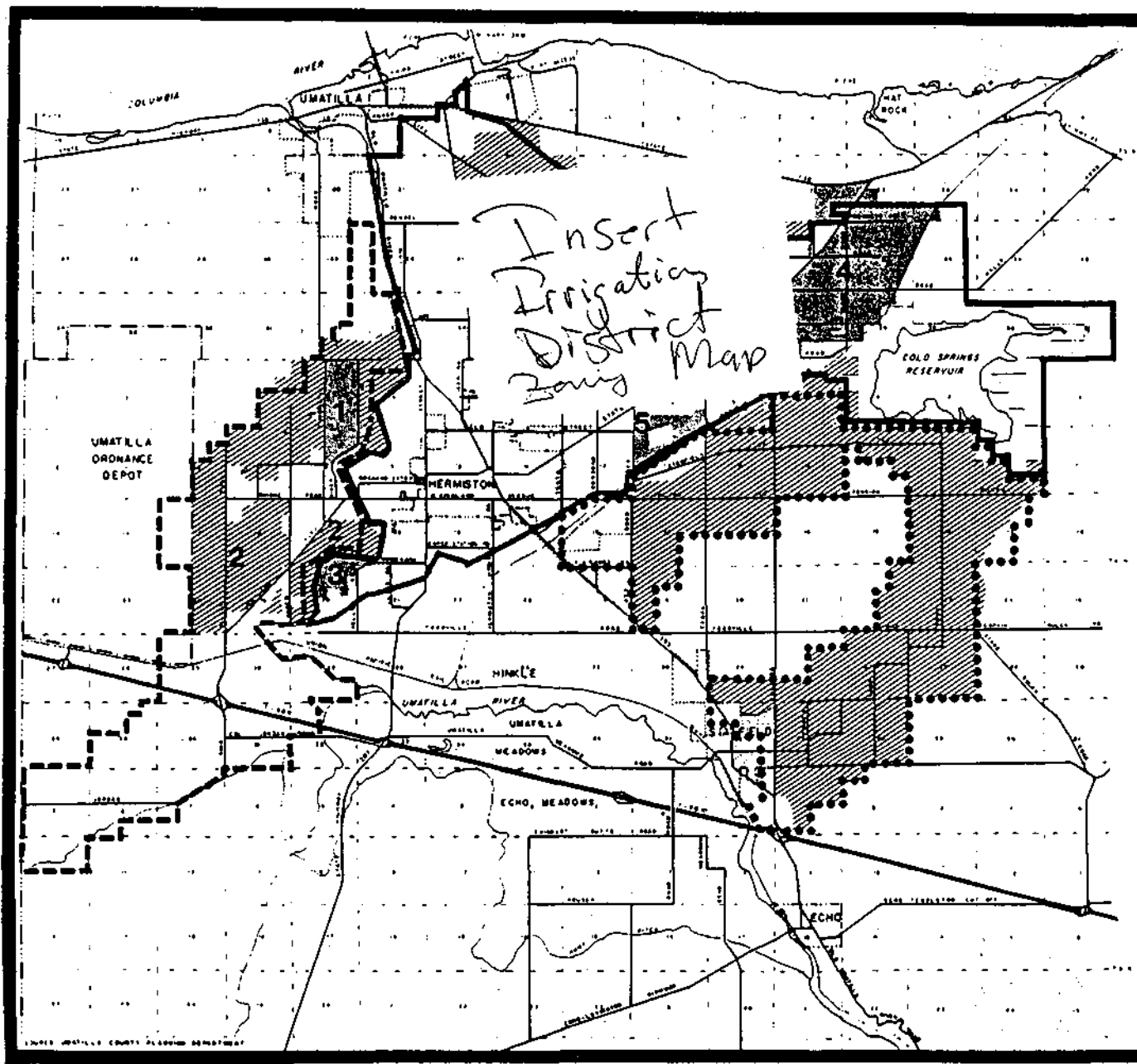
The land use designation of "West County Irrigation District" is to be applied to all lands within the Stanfield Irrigation District and to portions of the Hermiston and Westland Irrigation Districts. This designation recognizes a particular situation that exists in these older districts whereby several parcelization patterns have emerged. This designation is applied to the small and medium sized farm enterprises that are on the outer edges of the Hermiston and Westland Irrigation Districts and in all of the Stanfield Irrigation District. (See map next page.)

Types of crops and agricultural enterprises taking place within areas designated West County Irrigation District are a mixture of more self-supporting specialty crops like mint, asparagus, melons, and onions, and less cost effective activities such as alfalfa, irrigated wheat, and livestock pastures. These areas are in a transition between Special Agricultural areas having smaller lot parcelization (20 and 39 acres in size) and the larger, more extensive agricultural operations commonly found in the North/South County Agricultural Regions. This transitional progression is the case in areas within both the Hermiston and Westland Irrigation Districts. The progression starts with the

city/suburban development phasing into rural residential homes, to Special Agricultural areas, and finally to West County Irrigation areas which eventually end at the boundaries of North/South County Farm Regions. The Stanfield Irrigation District is a unique area from the adjacent wheat/fallow farmland because smaller scale farms are made possible by irrigation and have been the practice for nearly 60 years.

The farm enterprises that exist within the West County Irrigation District areas have parcel sizes of around 45 to 60 acres. Ownership sizes range from 55 to nearly 90 acres. This designation is intended to preserve the existing agricultural parcelization and enterprises.

A combination of lot size regulations and non-farm review measures shall be implemented to maintain the existing mixture of mostly part-time with some full-time farming operations. A 40 acre minimum lot size will be used as the specific measure to maintain the present parcel size patterns and to assure that new dwellings are the same as those farm dwellings that are existing and customarily provided in conjunction with farm use. Farm relative or help related dwelling, non-farm uses and development proposals on pre-existing lots will be controlled in a similar manner as in the neighboring North/South County Agricultural Regions and the Special Agricultural Regions explained in previous and subsequent sections. Again, because of fragmented farm parcels being in existence in these irrigation districts, farm dwellings will be allowed on parcels whose aggregate total is at least 40 areas.



LEGEND

- WESTLAND IRRIGATION DISTRICT
- STANFIELD IRRIGATION DISTRICT
- HERMISTON IRRIGATION DISTRICT
  
- EFU-20
- EFU-40
  
- 1 POWERLINE ROAD AREA
- 2 OUTLYING 4 OJO PROPERTY AREAS
- 3 MINNEHABA AREA
- 4 PROGRESSWALLS ROAD AREA
- 5 SOUTH OTT ROAD AREA
- 6 REMAINDER AREA

IRRIGATION DISTRICT ZONING MAP  
 WEST UMATILLA COUNTY CITIES & VICINITY

SOURCE: UMATILLA COUNTY ALLOCATION DEPARTMENT

## SPECIAL AGRICULTURE

The Special Agriculture land use designation identifies more intensive rural agricultural areas. The purpose of this designation is to identify for special treatment those lands in Umatilla County that are characterized by smaller scale commercial farm enterprises or areas with a mixture of good and poorer farm soils where the existing land use pattern is a variety of medium to small farm units and where normal farm practices and choices are impacted by the presence of some created homesites. This classification is based on the premise that protection of Class I through VI soils in areas of mixed soil classifications is feasible and desirable and that existing and potential productivity of the land resource can be protected. It also recognizes that potential productivity lies mainly in smaller, more intensively managed farms if certain conditions and circumstances change to warrant a conversion of this kind (e.g., mainly markets and improved irrigation technology).

These lands are characterized by a diversity of existing conditions that include:

- a. Soils with a mixture of capabilities having fewer crop type choices, sometimes involving specialized crops. Typical soil types are a mixture of Classes III Through VI for agriculture.
- b. Generally a mixture of parcel sizes ranging in sizes of 10 and 20 acres and some areas intermixed with parcels of sizes up to 40 and infrequently 80 acres.



- c. Existence of, or potential for, hobby or small farming units that are not full-time commercial operations.
- d. Special terrain, soil, vegetation or other land conditions, or special land management situations (irrigation) where, in the future, additional small farms with residences could be located without adversely affecting commodity production in the area or negatively impacting overall county production.
- e. Mostly areas where consolidation of smaller parcels is almost impossible because of numerous individual ownerships.

The types of crops grown in the Special Agricultural areas are predominately alfalfa, seed, grains, small scale livestock operations, pastures and specialty crops such as watermelons, asparagus, onions, and some berries. Most of those areas have water for irrigation but vary in reliability and application methods. Several special agricultural areas are found interdispensed within the older, established irrigation districts where delivery systems are in poor condition and water supplies are often unreliable or unavailable for a full growing season. These areas are in a transition from the larger, marginal, more extensive agricultural enterprises to smaller part-time farm units; or are areas unique from the surrounding lands where smaller scale farming has always been practiced. Because of the mixed soil types, poor irrigation water supplies, smaller lot parcelization and existing scattered non-farm development, the few remaining larger scale farm

operations in these areas are being phased out. Possible crop selections are limited because of management cost constraints, and other physical and cultural factors work a greater hardship on the farming interest in these Special Agricultural areas than on the better, less restricted agricultural land. Some parcels in Special Agricultural areas are limited to uses such as horse pasturing. Irrigation operations of the past have been replaced in favor of smaller scale, intensively managed crops (e.g., specialty crops) or part-time farms raising irrigated wheat and alfalfa, and sometimes supporting pastures for livestock.

It is the intent of the Special Agriculture designation to preserve the existing agricultural activities and to recognize and encourage the transition of these lands into a more efficient and intensive agricultural area of special commodity production when conditions permit it. This will be accomplished by discouraging speculation on the conversion of good farmland to homesite development and maintaining these smaller farm units with appropriate and applicable land division rules and other agricultural regulations required in the County's Exclusive Farm Use zone.

When and if to encourage the transition of these lands into more intensive agriculture is difficult to answer. Currently markets, technology, transportation methods and costs do not readily lend an atmosphere for intensive agricultural farming. Conversion costs involved are also not known but are believed to be high at this point in time. However, because significant

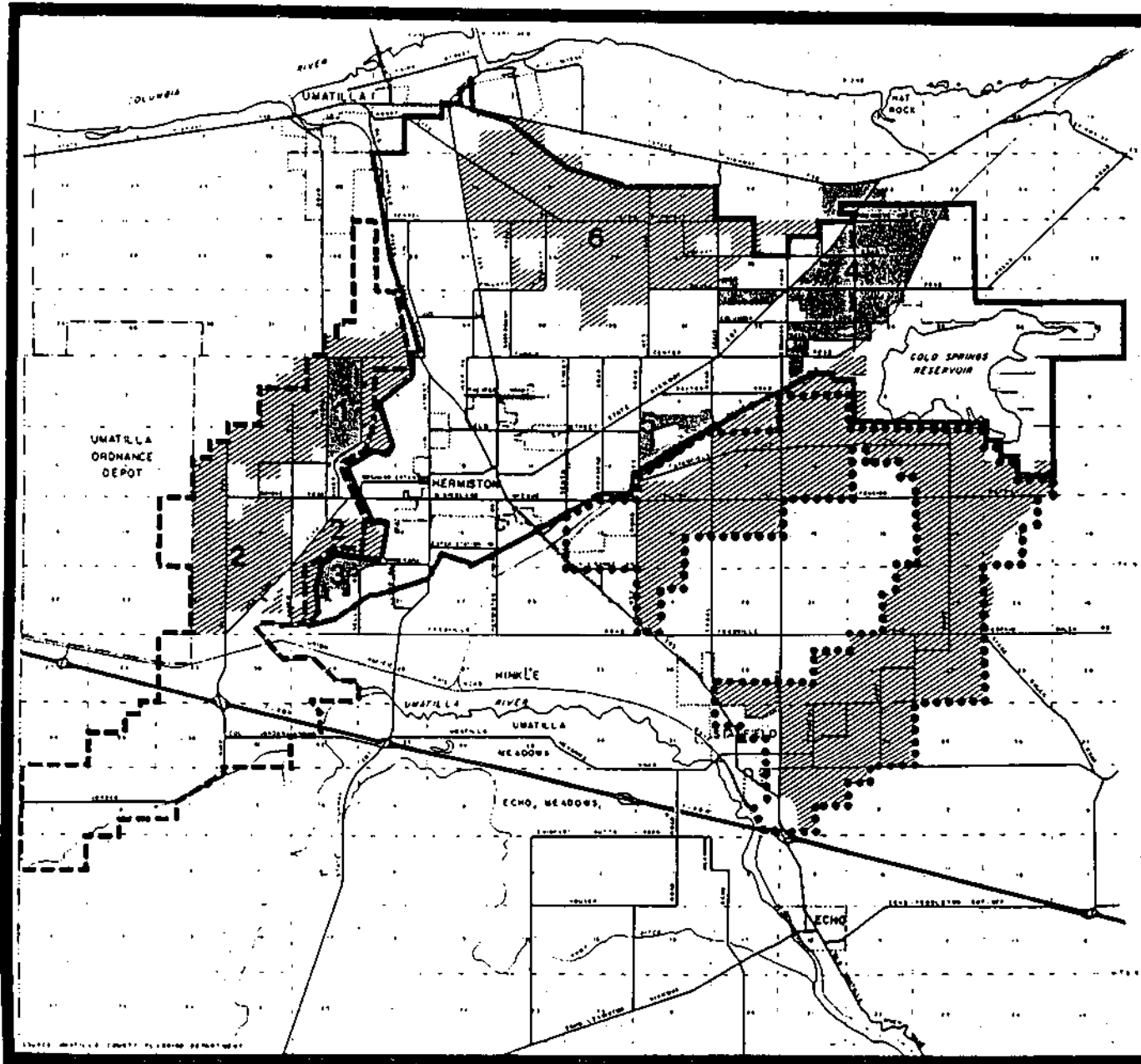
numbers of individuals in the farming community feel that small, extensively managed farms could be needed and practical in some areas of the County, the possibility to do so should be provided. The rural lifestyle of small farms and a scattering of rural residential homes has also developed in these Special Agriculture areas of the County, which further supports the idea that additional areas could be needed sometime in the future. All Special Agricultural areas have some potential for more intensive, smaller farms because they have some form of irrigation and are already developed into small or tract farms. Therefore, it is the intent of the County, through the Special Agricultural designation, to conduct an on-going study of these areas to develop information on how and when a transition to more intensive agriculture should be initiated.

The sizes of existing agricultural enterprises within the Special Agricultural areas are thoroughly explained in the Technical Report. Most of the East Umapine area as well as several larger site agricultural areas within the Orchards District, several locations within the Hermiston and Westland Irrigation Districts and a small area along McKay Creek, south of McKay Reservoir, have field patterns of about 20 acres. It is the intent of the County to designate these areas "Special Agriculture" (See Comprehensive Plan Map). (Special Agriculture areas in and around the Hermiston and Westland Irrigation Districts were examined, located and designated on the Comprehensive Plan Map in August 1983, and September 1984 when rural residential, urban boundaries

and these agricultural areas were determined through the local decision-making process and application of the Exceptions procedure in the State Planning Goal #2.) The Special Agriculture designation is intended to preserve the existing farming activities while encouraging the transition to higher production capabilities through more intensive farm operations where and when appropriated. (See map next page.)

Maintaining these existing, mostly part-time farm operations will be initiated through a combination of lot size strategies and non-farm review measures the same as those required in the North/South County Agricultural Region. Division or parcelization for farm purposes will be minimally regulated to allow normal land trades, flexibility in the ever-changing farm management practices taking place in Umatilla County, and to interfere as little as possible with farm inheritance planning. Farm related dwellings, non-farm uses and development of preexisting lots will also be controlled in a similar manner in these Special Agriculture areas as the neighboring North/South County farm region (see page XVIII-11 through XVIII-21). The only difference is that 20 acres will be used as the measure to control dwelling densities. This density requirement plus other appropriate procedures and standards will be applied to maintain the agricultural integrity of Special Agriculture Areas in the county.

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LEGEND

- WESTLAND IRRIGATION DISTRICT
- STANFIELD IRRIGATION DISTRICT
- HERMISTON IRRIGATION DISTRICT

- EFU-20
- EFU-40

- 1 POWERLINE ROAD AREA
- 2 OUTLYING 4 QUICK PROPERTY AREAS
- 3 MINNEHAHA AREA
- 4 PROGRESS/WALLS ROAD AREA
- 5 SOUTH OTT ROAD AREA
- 6 REMAINDER AREA

IRRIGATION DISTRICT ZONING MAP  
WEST UMATILLA COUNTY CITIES & VICINITY

SOURCE: UMATILLA COUNTY PLANNING DEPARTMENT

## ORCHARD DISTRICT

The complex nature and sizes of existing agricultural enterprises within the Orchards District are outlined in the Technical Report. Basically, the average parcel sizes approximate between 5 and 18 acres depending upon sub-area location within this agricultural district. Ten acre tracts have been the predominant parcel size for fruit orchards since the early 1900's. Depending on the type of fruit being raised and management, an orchard of 10 to 20 acres constitutes a profitable, full-time commercial unit. In recognition of this higher-intensity agriculture, an EFU Fruit Tract Farm zone has been created which allows a dwelling density and partitioning of land at a 10 acre minimum, adopted to insure the maintenance of orchard farming. Further explanation of the density and partitioning standards is needed for clarification. It is the intention within the Orchards District Plan designation to maintain an overall density of 10 acres by limiting the total number of lots partitioned from the original parcel to not exceed one lot per 10 acres of original tax lot area and limiting the total number of principal dwellings to not exceed one per 10 acres of original tax lot area. (For example, within the 10 acre farm area: If an existing house on a 10 acre parcel is partitioned off with a one acre lot, another house may not be built on the remaining 9 acres. The original tax lot will be "red-lined" on the official zoning maps. If the original lot contained 20 acres, one additional principal dwelling could be built on the remaining 19 acres after the old house was broken out).

Certain lands within the Orchards District not into developed to orchards or not suitable to tree fruit production have been included within this 10 acre minimum zone because they exhibit a similar 5 to 18 acre typical parcel size pattern. The Fruit Tract Farm EFU zoning covers most lands in the Pleasant View, Fruitvale, Eastside and Sunnyside areas north of Milton-Freewater, areas of Ferndale and Tum-a-Lum neighborhoods, and the Forks of the Walla Walla River, southeast of Milton-Freewater (see Comprehensive Plan Map and Technical Report) . A good majority of these small non-orchard tracts qualify for farm deferral.

Under the Orchards District Plan Map designation and within the prescribed Fruit Tract EFU Zone, it is the intent to allow some flexibility with regard to providing homesteads for retired farmers maintaining a retirement life estate, or making use of certain parcels not suited to farming, if found not to be incompatible with farming activities. For example, the creation of homesteads (farm retirement dwellings) will be allowed if the following criteria are met:

1. Site has frontage on or legal access to a county road, state highway or public road.
2. Site is already physically developed, meaning but not limited to the following improvements: (a) existing dwelling; (b) existing accessory structures to the homestead dwelling; (c) existing septic tank and drainfield system; (d) domestic well.

3. Parcel size for the existing homestead shall contain a minimum of 1/2 to 2 acres or no more than 10% of the original parcel if said parcel is larger than 20 acres, but in any case it must include an area large enough for:  
(a) all improvements listed in #2 above; (b) a replacement drainfield; (c) applicable area and special requirements in the Development Ordinance.
4. Owner shall sign a "Covenant Not to Sue" with any new owner of the remaining farmed parcel about farm practices, and the covenant must be recorded as a requirement for approving the homestead.
5. Should the site be resold, the owner of the parcel from which the lot was created shall be given the first right of refusal to purchase the homestead lot and improvements. Resale time means one year from the date of receipt by the homesteader of a written offer to purchase the homestead and improvements. The owner of the parcel from which the lot was created must exercise his right within the one-year period and the owner must meet the terms and price of the original offer.
6. The total number of homestead parcels allowed to be partitioned from the original parcel: One lot per 10 acres of original tax lot area and one homestead dwelling per 10 acres of original tax lot area.
7. The retirement dwelling must meet the requirements of ORS 215.283 (3) and ORS 215.236.



To protect the valuable orchard resource, the County is adopting a policy that new/ non-farm dwellings only be allowed on pre-existing sub-standard lots with several other additional requirements assuring that the siting of these non-farm dwellings will be compatible with orcharding and other farming activities taking place within the Orchards District plan designation. Criteria to be met for approval of new, non-farm dwellings are as follows:

1. Parcel has frontage on or legal access to a county road, state highway or public road;
2. The existing parcel must:
  - (a) Not have had orchard trees on it or have been planted to orchard within the last five years;
  - (b) Be 2 acres or less; or
  - (c) Be 5 acres or less on land not suited to orchard development and be located between or bordered on at least two sides by existing non-farm dwellings on parcels 2 acres or less and located within 200 feet of the proposed parcel.
3. Existing parcel must have enough area for DEQ approval for septic tank drainfield, replacement drainfield and well unless an existing well off-site has been purchased or secured and it is able to meet appropriate standards in the Development Ordinance.
4. Owner must sign a "Covenant Not to Sue" agreeing not to remonstrate against accepted farming practices and the

covenant must be recorded as a requirement for building approval.

5. Non-farm dwelling meets the requirements of ORS 215.283(3) and ORS 215.236.
6. The total number of non-farm dwellings: One per lot, except in the case of a temporary dwelling approval, an additional dwelling (temporary) may be placed on the parcel subject to the applicable standards.

For the purposes of defining a pre-existing, sub-standard lot upon which a new, non-farm dwelling may occur as described above, . it is a plot of land which is smaller than the minimum area required (further defined in 2(b) and (c) above in areas zoned EFU-10 in the Orchards District and in the Forks of the Walla Walla River area and was either a tax lot of record when the Orchards District Plan was adopted (April 18, 1979) or on the date when the Forks of the Walla Walla River Plan and zoning were adopted (May 9, 1983).

To address another unique situation in the Orchards District Agricultural Area, it is necessary to make some adjustment to the state Exclusive Farm Use zone. Where there are significant concentrations of rural residences and small, part-time farms (Fruit Tract and Small Farm zoned areas) , certain farms and non-farm uses allowed in the Exclusive Farm Use zone are not compatible with this kind of concentrated development. Also, ,soil and groundwater conditions in these areas are fragile; therefore, careful development procedures need to be followed regarding

certain uses. Therefore, some farm uses (e.g., intensive livestock farming) shall be conditional uses requiring hearings and neighborhood input. Some non-farm uses that can create potential impacts upon agriculture will also be considered conditional uses following similar development procedures. Other minor adjustments to the state EFU zone, to assure compatibility, usefulness to the community and insure public health are incorporated into the Fruit Tract Farm Exclusive Farm Use Zone. GRAZING/FOREST (Mountain/Highlands^

Grazing/Forest lands described in the Technical Report, Chapter C, cover the northeastern, eastern and southern areas of the county and are significant to the economic, recreational and environmental character of Umatilla County. This region of the county is best suited and mostly used for grazing. Other forest uses occur here and the area is characterized by varied and rugged terrain, remoteness from urban areas, and generally large ownerships.

Grazing/Forest land in the county provides the resource base for the livestock ranching industry and other forest use activities and industries (e.g., timber management). A majority of the water resources of the county originate in these areas of the county. This area also provides abundant wildlife habitat and areas that are widely use for outdoor recreation.

The forest cover consists predominantly of mixed coniferous species of Douglas Fir, Lodgepole Pine, Ponderosa Pine, Western Larch, and Subalpine Fir. Some deciduous species are found but to

a much lesser extent and have very limited commercial value. The intermixture of non-forested areas support many varieties of forage grasses and shrubs and some limited or small inclusion areas of agricultural soils capable of growing field crops and grasses. This variety of vegetative situations characterizes the mixed use nature of this area.

It is the intent of Umatilla County to continue to protect and maintain the above forest and agricultural uses by designating appropriate areas for continued forest, and in particular grazing activities. As discussed in the Technical Report, foothill and mountain grazing/forest areas are sensitive to certain activities. Some non-resource activities, if indiscriminately located, can be detrimental to the long-term conservation of the grazing, timber, and some types of recreational activities and natural resources. Of concern are the possible conflicts that wide-spread, non-forest related homesites could create by their presence on and adjacent to these uses. The overall purpose of land use policies, then, is to discourage incompatible uses while encouraging the multiple uses found in the Grazing/Forest land areas, including grazing and timber land production, farming, watershed, wildlife habitat, recreation and other compatible uses permitted within the state forest and natural resource goals. Agriculture (predominantly livestock ranching) and timber production are similar and usually compatible uses of land. The long-term growth aspect of timber production makes it somewhat different from agricultural production. In Umatilla County, grazing and forestry each have

co-existed with minimal conflicts for over a hundred years. Since the difference is minor, a combined plan map designation of grazing/forest can be assigned to lands identified for these uses and also meet state planning goal objectives.

All grazing, forest and agricultural land uses taking place in this area of the county need similar protection from incompatible activities through zoning. Zoning, to a certain degree, influences category assignment of deferral tax programs of which there are two types—the farm deferral program and forest assessment deferral program. Fortunately, these two programs have become more compatible with each other in the last several years, and the switching of one program to the other now no longer carries any tax penalties. To provide needed control over incompatible uses and assisting in keeping tax programs and rates compatible, it is possible to establish one zone, a Grazing/Farm zone, which can be applied to lands owned, managed, and assessed for timber production and also applied to properties owned, managed and assessed for grazing and agricultural purposes.

In addition to land use controls, all forest management and harvesting activities on non-federally owned lands in Umatilla County shall be conducted according to the rules of Oregon's Forest Practices Act, administered by the State Forestry Department, with recommendations that owners consider varied forest management techniques (i.e., Uneven Age Timber Management, etc.) in areas near or within established multiple use areas, and where tree species permit these kinds of practices. These varied practices allow

timber management, yet protect scenic values (e.g., preserve the forest appearance, perpetuate tree canopy coverage for cooler temperatures, and provide a means of fire and disease control; all benefits desired by and in a manner more compatible with second home development). Conservation practices upon the small inclusions of agricultural crop land areas and grazing lands are encouraged to use locally developed Soil and Water Conservation District management programs best suited to their areas and situations. GRAZING/FOREST DESIGNATION

Land intended and designated as Grazing/Forest is shown on the Comprehensive Land Use Plan Map. This designation is applied to lands in Umatilla County that support a mixture of grazing, forest and agricultural activities. Designated areas are characterized by wide variations in terrain, soil types and land use conditions. These areas are located in the upper foothills and summits of the Blue Mountains and are characterized by steep canyons, broad ridge tops and narrow alluvial creek and river terraces. Wherever the terrain is not too steep and the soils have favorable agricultural capability, the land is typically in farm use. Otherwise, the land is managed mostly for grazing, partly for timber, and for secondary uses like recreation, fish and wildlife habitat, gravel extraction, and watershed management.

Timber productivity and capability varies widely in this county. Because some portions of land can grow some marketable timber, the state forest land goal has been applied. A mixed use

forest definition has been applied because the lands within this plan designation are managed for both farm and forest uses. Overall timber productivity is considered poor and/or marginal in the south county, fair in the stringer country of the Meacham area, and fair to good in the northeast sections of the county. The better timber productivity soils are found in the Tollgate area.

The variable terrain and resource capabilities have contributed to the existing land use pattern that is a transition area between the predominantly large scale farms on the lowland to the west and the more productive timber growing and predominate forest use categories on National Forest Service lands in the higher elevations of the Blue Mountains to the east. The west boundary between the agricultural areas and the Grazing/Forest lands was basically drawn using the existing 1972 Comprehensive Plan and zone boundaries. Some adjustment to these boundaries were made based upon new preliminary soils information regarding timber and agriculture capabilities, and the use of the 1977 aerial photography showing existing timber growth and other predominate land forms and uses. Current ownership maps from the Assessor's Office were also used to help firm up the boundary line. In actuality, there is no definite boundary between lands used exclusively for farming and lands dominated by open/timbered grazing of forest uses because there are minor areas that are forested and extend beyond the designated Grazing/Forest areas and into the open agricultural areas, and there are significant farmlands and open grazing areas that are present within

Grazing/Forest designated lands.

The area of the county designated for Grazing/Forest is intended primarily for the management of grazing uses. The primary resource land managers or owners are livestock ranches. Timber management also takes place here along with some small areas that are tilled and growing crops. However, the other resource values noted in the introduction above are to be protected as well (e.g., watershed protection etc.). The management of grazing and forest resources requires appropriately designed standards to monitor partitioning and non-agricultural and non-timber related development proposals. This can be accomplished through the use of zoning, minimum parcel size guidelines and standards, and a variety of other measures (e.g., setbacks etc.).

A Grazing/Farm zone shall be applied to all resource uses within this comprehensive plan map designation—a mixed use forest area. This zone is an Exclusive Farm Use (EFU) adopted by state legislation and designed to be a compatible use zone for most types of resource activities (See Definitions Section for definition of resource activities). With slight modifications to the EFU zone, it will fulfill the stated aim of protecting grazing land, the few small areas of crop land that occur, lands devoted to timber management and to those areas devoted to other forest uses. This zone not only allows the above forest and agricultural uses, but references standards and criteria that shall apply to secondary uses classified as conditional uses to insure that these uses will be in harmony with the adjacent resource activities, and that they



will be consistent with the intent of the land use goals in the Comprehensive Plan. Schools, which are permitted in the state EFU zone and in areas designated mixed use forest, are considered inappropriate in this area by area residents and will not be permitted.

Resource dwellings shall be allowed if consistent with criteria in the forest goal and with standards in the Grazing/Farm Zone. If located in a forested area, minimum fire prevention standards will apply. A parcel size minimum is chosen to assist in assuring that a propose dwelling is appropriate to continue the existing commercial agricultural enterprises (e.g. mostly livestock grazing) in this area, or the dwelling is necessary and accessory to a forest use. In areas designated Grazing/Forest, 160 acres will be used as the above mentioned minimum. A 160 acre minimum is supported in several ways by statistical data and management operations analysis in the Technical Report (see Chapter B) . Also, expert testimony from timber, grazing, and other forest resource managers agree that a proposed home on 160 acres would conserve and continue existing resource activities in areas designated Grazing/Forest. The Department of Fish and Wildlife also accepts this size as protecting designated Grazing/Forest.

There are some instances, however, due to the disjointed parcel ownerships pattern, where resource dwellings (especially livestock ranching related homes) are found on parcels less than 160 acres. These smaller, isolated or separated parcels are a part of the overall ranching operation. Since there exists other

smaller than 160 acre vacant tracts in conjunction with overall ranching operations, the county will permit a new resource dwelling on such a parcel where the owner of the subject parcel owns contiguous or non-contiguous land which accumulatively is at least 160 acres in size, and is in farm or forest use. This provision will allow an existing management practice to continue, it will also facilitate flexibility, and in the process it will permit the continuation of existing resource operations now occurring in this area of the county.

Grazing/Forest policies carefully control the establishment of new, non-resource dwellings and the conversion of existing resource dwellings to non-resource homes. These policies outline standards adopted in the Development Ordinance which are designed to appropriately locate and/or buffer such dwellings so that they will not interfere with nearby resource uses. Further clarification of size and soil management criteria in ORS 215.283 (3) to help conserve agricultural and forest uses are required when non-resource home proposals are requested in this area. Approval will be via a public hearing process to insure involvement of adjacent resource landowners. The same fire safety standards required for resource dwellings locating in forested areas shall also apply to non-resource dwellings if they are proposed in similar locales. The signing of declaratory statements binding non-resource dwelling owners from remonstrating against acceptable resource management practices is a policy to minimize conflicts along with compliance with non-resource review standards similar

to those in ORS 215.283(3) designed to protect not only farming activities but also grazing and other forest uses found within this plan designation.

A very important part of the Grazing/Forest conservation and protection program is the review of future land divisions and how they will conserve forest lands for forest uses or will continue the existing agricultural enterprises occurring within this plan designation. In the Technical Report (Chapter C), it has been pointed out that although there are some similarities with cultivated agriculture (scattered ownerships, a variety of management patterns, etc.), the need for flexibility when considering future partitioning appears to be not as great. However, there are instances where boundary adjustments, which do require flexibility as far as size is concerned, are needed to improve resource management operations, where no combination of tax lots is possible, yet the lot is used exclusively for resource use. The inability to combine tax lots, in particular with adjacent ownerships, is usually because of assessment or mortgage rules beyond County control or authority. So, in this instance, the County will allow a boundary adjustment with adjacent or contiguous resource parcels, provided it is for resource management purposes and that no dwelling be allowed through a deed restriction requirements not to build. Additionally, another deed restriction making the parcel ineligible for sale or transfer to a non-contiguous third party will be imposed. These deed restrictions will apply as a condition of approving the resultant parcels.

Also, these deed restrictions may be removed only upon recombining the subject parcels or lots into one which meets the minimum lot size of 160 acres. Only under very rare circumstances, where strict standards in their Development Ordinance would permit a non-farm dwelling, will the County allow an exception to this no dwelling rule.

Other forest uses are also considered in the Forest/Grazing land use regulations. For example, special provisions pertaining to Critical Winter Range areas found within the Grazing/Forest plan designation are incorporated into the Development Ordinance standards as prescribed in policies in the Open Space/Resources Chapter. Specifically, a 160 acre minimum lot size along with clustering dwellings where practical is adopted at the suggestion of the Department of Fish and Wildlife. Other forest use values such as watershed protection, open space and compatible recreational uses will also be protected through the use of the 160 acre minimum lot size requirement, other applicable standards in the Development Ordinance, and applicable standards in the Development Ordinance, and applicable plan policies (e.g. especially Goal 5 policies).

The Grazing/Forest lands chapter in the Technical Report reveals that there are several major federal land ownerships within the mountainous areas of Umatilla County where the County has little or no jurisdiction. Approximately 315,000 acres are owned and managed by the U.S. Forest Service subject to multiple use sub-district plans. The other major federal land holding is the Indian

Trust Land comprising approximately 13,000 acres which is under the administration of both the Bureau of Indian Affairs and the Tribal government of the Confederated Tribes of the Umatilla Indian Reservation. Both of the above agencies, particularly the National Forest Service whose land the general public has easier access to, provide important public recreational, wildlife habitat, and watershed management and protection opportunities as well as grazing and timber resources. Management decisions or choices on these properties by these agencies can have beneficial or detrimental effects upon all county residents. Fortunately, these federal agencies are in the process of revising or developing management policies. County participation and coordination are considered vital during the time these plans are being developed and also while the plans are in effect. Appropriate policies in the Citizen Involvement section of the Comprehensive Plan address these coordination and participation issues which are so vitally important to all county citizens. Also, policies later discussed within the Public Lands chapter of this Plan Map section outline plan and zoning strategies for state, other federal lands, Tribal Trust land, and the Umatilla Indian Reservation. Of particular note here is the fact that similar grazing and forest lands on the Umatilla Indian Reservation are protected by a 159 acre minimum lot size. This is practically identical to the 160 acre minimum applied to county lands. Compatibility of regulations is important in that a significant portion of the Grazing/Forest area borders along similar type resource lands on the Reservation. A great deal

of study went into the development of both lot size minimums that would be effective in protecting this type of resource land. Therefore, the similarity provides further assurance of an effective overall resource protection scheme regulated from two very different political jurisdictions.

Lastly, a 160 acre minimum size will most certainly protect Grazing/Forest lands considering similar lands in Union County are protected with a 80 acre minimum and in Morrow County these lands are maintained by 160 acre minimum parcel size.

GOAL EXCEPTIONS STATEMENT FOR MOUNTAIN RESIDENTIAL  
(MULTIPLE USE) AREAS

INTRODUCTION

The purpose of this section is to identify mountainous lands in Umatilla County that do not meet the requirements of either Planning Goal #3 (Agricultural Lands) or Goal #4 (Forest Lands). The identification process is called "exceptions" and is required by State Planning Goal #2. Within this section, an explanation of the findings and reasoning which justify that an exception be granted is outlined.

State Planning Goal #2 specifically states that agricultural and forest lands are to be protected for continued resource use unless an exception is taken with findings to justify that lands other wise suitable for forests or agricultural uses are either committed to non-forest or non-agricultural uses or needed for non-forest or non-agricultural uses.

During preparation of the Umatilla County Comprehensive Plan, it became apparent that many areas in the mountainous areas of the county had already received substantial non-resource development. These lands have largely been sold and have become committed to non-resource uses. The most prevalent non-resource use is the recreational lot with a seasonal cabin or other forms of recreational structures used mainly as a seasonal retreat.

Most mountain residential lots have developed in areas where services are most readily available, especially where improved roads exist. Umatilla County has chosen to emphasize these

existing developed areas as the appropriate location for limited expansion of services and facilities desired by mountain recreational residents as well as areas to encourage additional mountain residential development. Development in these areas would permit additional, yet limited, mountain residential development opportunities desired by county residents, while insuring they occur at densities compatible with the rural environment and are consistent with future transportation and utility networks. Development standards, densities and other land use policies to be applied in the different mountain residential areas are discussed in more detail under the section titled "Exceptions Plan for Multiple Use Areas." METHODOLOGY

To determine where an exception to the state goals is required, it was first necessary to obtain adequate data as to the location of the lands with agricultural and timber capabilities. The technical Report or background information used to develop the Comprehensive Plan contains maps which reflect the information that was gathered, and largely serves the basis by which the county has determined what lands have agricultural and/or forest capabilities.

One of the most difficult tasks in the preparation of a comprehensive plan for the mountainous areas of the county was how and where to assign agricultural or forest land use designations. A considerable portion of this region has an inter-mixture of good to marginal agricultural and grazing lands and good to marginal timber-growing areas.



Complicating the identification process was (and still is) a lack of detailed soils information, which would have permitted better identification of lands best suited to agriculture, grazing or timber production. General soils information available in most parts of the Mountain/Highlands areas really do not accurately reflect the exact character or capabilities of the soils. Actually there are small pockets of soil with adequate rooting depth for agricultural crops, inter-mixed with some very low to high timber productivity areas which are not identified because of the general nature of the data. To further complicate matters, other soils do not have any timber capabilities which are mostly grazing lands that occur in scattered areas and vary widely in their ability to support livestock.

An example of the difficulty in using the General Soils Association Map is the Gwin-Umatilla-Kahler Association which has some of the best timber-growing capability sites in the county. Yet the approximate percentage of the soils within this association that have this capability is small, about 20%. The remaining percentage is non-timbered grazing lands. This association is rather large and is located in the open forest interface area, making a land use designation boundary difficult.

To Supplement the general soils information, the County Planning Department obtained Assessor's records on lands currently qualifying and receiving farm deferral or forest assessment. This information not only helped locate grazing and timber ownerships but also helped identify likely recreational owners who generally

had smaller-sized properties and usually did not receive or qualify for farm or forest deferral.

Valuable information and comments from citizens, citizen committees and property owners in the mountain areas gave a general idea where resource-multiple use boundaries might be formed. Because this information was important and because the county has an active deferral program, it was determined that combining the soils, public comment and farm and forest deferral information would produce a reasonable representation of where grazing and timber lands were in the mountain areas of the county.

Compiling and mapping this data, especially timber productivity information, it became apparent that areas in the Blue Mountains which have some recreation and mountain residential development, were going to be in conflict with the requirements of the Forest Lands Goal. So, before being able to decide upon land use recommendations, it was necessary to determine the extent of lands already developed or committed to uses other than forest and to compare the results and areas identified with the aid of public comments, existing Comprehensive Plan and Zoning Ordinance situations, and State Land Use Planning Goals.

Public Lands in the mountainous areas of the county were assumed to be forest lands for the purposes of planning until some other form of land use management agreement is developed.

Using the above information and assumptions, the county was better able to determine mountain resource lands from non-resource land in an objective and logical manner.

## EXCEPTIONS ANALYSIS

To determine which lands were already developed or committed to non-resource development, a set of criteria was formulated and applied to general areas around known pockets or regions of vacation home development. The criteria establishing "developed" and/or "irrevocably committed" to non-resource development was attained in part through citizen comments at public meetings and from several mountain area citizen committees making recommendations on land use needs. Also, comments from various natural resource management agencies were considered to formulate some of the criteria.

Several areas already developed (Meacham, Tollgate) are more extensive than the rest. As might be expected, more citizen and agency involvement and comments were received regarding these two areas; thus criteria used to identify non-resource lands differ slightly.

Mountain lands outside the Meacham and Tollgate areas are considered "developed/committed" to non-resource uses if they are within established mountain recreation areas where concentrations of recreational dwellings or small acreages exist, are areas served by existing federal, state or improved county roads for fire protection and access considerations, are areas having available electricity and telephone utilities, and possess the following characteristics:

## Developed Lands Criteria

1. Developed parcels of five acres or less, or undeveloped parcels of the same size when surrounded and intermixed by similarly sized non-resource parcels predominately under different ownerships.
  - a. Most all comments received from residents and landowners indicated they felt that this size and smaller was definitely a non-forest or non-grazing related size, and if found in large enough quantities where existing cabin or recreational development occurred, the area should be considered for uses other than resource activities. This size (five acres) has also been used in approving several recent plan, zoning and land partition proposals for mountain residential development.
2. Subdivisions approved by the county under applicable county and state laws where roads and utilities have been provided, where significant development and lot sales have occurred and where located within an area already developed or committed to non-resource uses.
  - a. Subdivisions have for many years been recognized as a planned mountain residential development scheme to accommodate seasonal recreation structures. The above development and locational requirements provide justification for a non-resource classification.
3. Existing commercial and/or semi-public uses related to mountain residential and mountain recreational uses (e.g.,

lodges, cafes, travel trailer parks, church retreats, speech and other rehabilitation camps) that are located within established mountain residential or multiple use areas.

a. These uses are almost always near, related to and supported by mountain recreational activities and development. Most of these properties are already developed and are rather small (less than 19 acres in size). Several quasi-public lands are rather large but are either nearly fully developed or are nearly completely surrounded by other non-resource development. In either of these two situations, a developed category is justified because of the development and/or intermixture with other developed and committed non-resource uses. 4. Parcels in existing mountain residential areas that are larger

than five acres, having a density of one recreational cabin per five acres.

a. This criterion is similar to #1 above, except that in a few instances there are larger lots that have more than one cabin. Example: a 20 acre parcel with four cabins equals a density of one cabin per five acres.

#### Committed Lands Criteria

1. Developed and undeveloped parcels six to 20 acres in size intermingled with other similar sized parcels under different ownerships.

- a. These sizes are considered somewhat small to be efficiently and effectively managed for timber and particularly grazing, especially when located in potential conflict areas of mountain residential uses and where consolidation of small fragmented lots into more feasible resource sizes is nearly impossible. In other words, there are too many existing or potential restrictions for these parcels to be logically preserved and protected for grazing or forest activities. Commitment of lands to a non-resource category in the above situation is further substantiated by several timber industries and the Department of Fish and Wildlife, whose letters, reports and maps show areas such as these are no longer desirable for or capable of either timber management or necessary for habitat protection (See appendix section for information).
2. For other sized parcels and/or in different circumstances than that listed above, a detailed written report and if appropriate, detailed mapping outlining applicable factors in OAR 666-04-025 and OAR 660-04-028 will be provided to show substantial evidence of commitment.

Applying the above set of criteria to mountainous properties outside of the Meacham and Tollgate areas resulted in six sites, comprising 961 acres, as being developed and/or irrevocably committed to mountain residential development. These seven areas and the acreage they encompass are named and listed below in Table

XVIII-1. Following Table XVIII-1 are a series of statistical findings and conclusions for each of the seven developed/committed areas, specifically explaining why they have been included for uses other than resource activities.

Table XVIII-1

LANDS NO LONGER AVAILABLE OR FEASIBLE FOR FOREST OR GRAZING USES	
Area Name	Acreage
A. Battle Mountain	95
B. Lehman Hot Springs	234
C. Poverty Flats	70.7
D. Umatilla River-Bingham Springs	101
E. Upper South Fork of Walla Walla River	22
F. Mill Creek/Special Exceptions Area #1	<u>438.2</u>
Total Acres:	960.9

Area: Battle Mountain

Total Acreage: 75 Amended April 7, 1988, per LCDC order. (See pages XVIII-59 and 60).

Number of Parcels: 17 Average Parcel

Size: 5.3 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 11

Largest Parcel: 42 acres Smallest Parcel: .14 acre

Findings and Conclusions:

1. Located in proximity to a traditional recreation area and other non-resource uses (e.g., existing Battle Mountain Cafe) .
2. Selected on basis of parcelization. Ten lots are under one acre.
3. Majority of parcels are occupied by recreational cabins or living units.
4. Improved access road forms logical east boundary line and barrier between most developed lots and State Highway 395.
5. Area between access road and highway is part of a large parcel but is taxed on land value.
6. Area is not in, but is on edge of critical elk winter range.
7. South County Citizens' Committee recommends areas as only one of three sites where mountain residential designations will have minimum impacts upon resource uses.
8. Existing zoning is at a five acre minimum partitioning size.



Additional Justification Required by LCDC Continuance Order

Explanation - Factors of OAR 660-04-028 are explained below for the parcels in question in this irrevocably committed exceptions. These facts and findings lead to the conclusion of irrevocable commitment.

Designation and Use - The committed area in question involves three tax lots, three ownerships and approximately 41.3 acres (see maps titled "Exception Area" and "General Topography" -Battle Mountain and Vicinity) . The area is east of Highway 395, approximately 20 miles southwest of Pilot Rock and about nine miles north of Ukiah. Battle Mountain State Park is about one mile north of this area. Tax Lot A is a one acre lot and has a cabin constructed on it. Parcel B is a 20.3 acre parcel, has no development on it at present, and is divided into two pieces by a public road. Parcel C is also a 20 acre vacant parcel and is in joint ownership with the parcel to the south. There is a recreation cabin on the far east end of this larger southern parcel. All of the parcels (A through C) have been used for recreational purposes. The presence of the one cabin on parcel K, five cabins within 1/8 mile to the west and five more cabins 3/4 mile away along Highway 395, attest to the area being recreationally oriented. Parcels B and C have had a long history of continued camping use due to the well-traveled public road and private road systems cutting through them. This public road is the main access road for private cabins found to the east which are on 40 acre "woodlot" tracts dating back over a century. None of the committed parcels have had use for

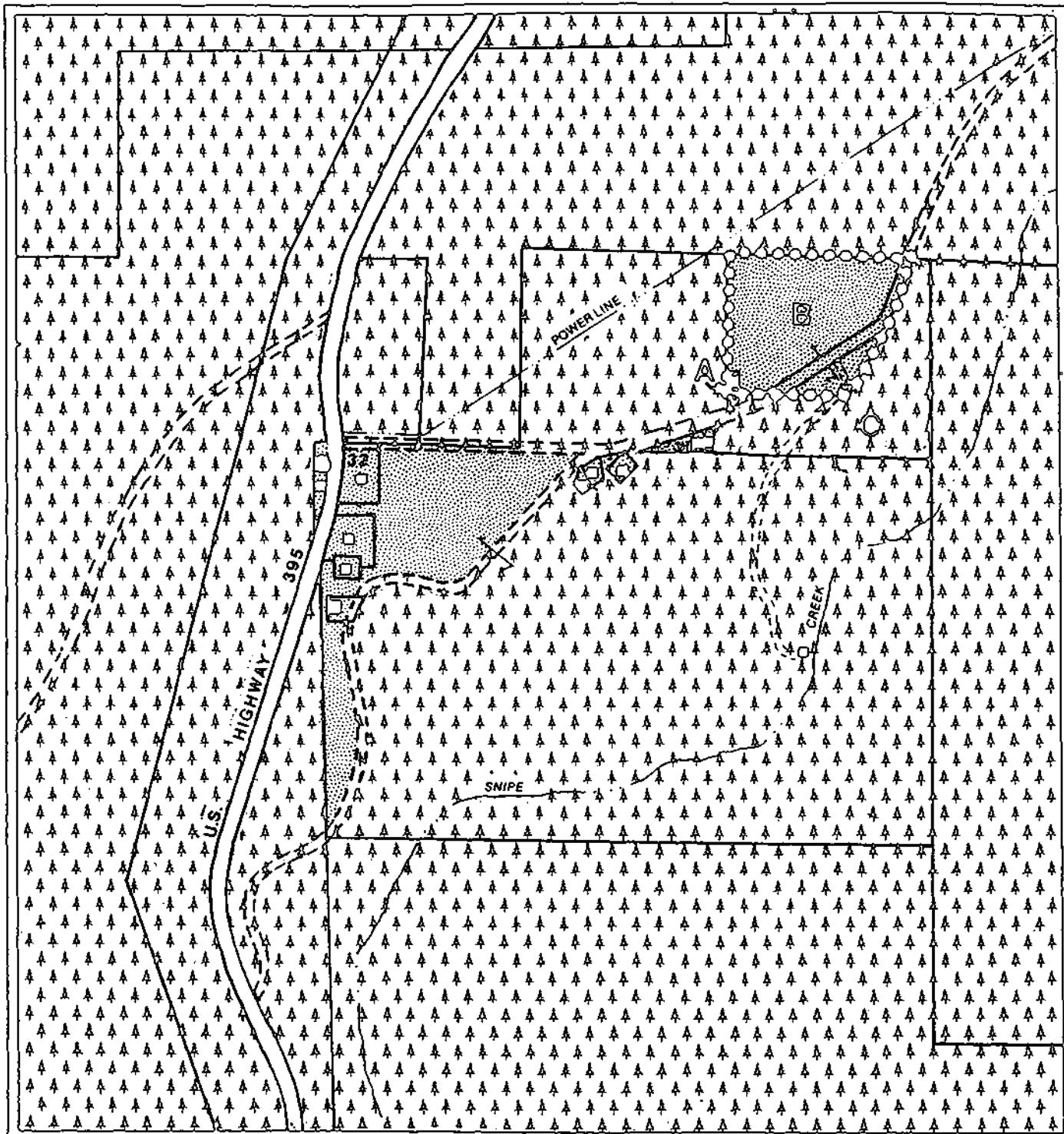
livestock grazing for many years since they were partitioned off into smaller units from the larger southern property because they are so closely associated with the recreation access road and are separated topographically from the other parent property to the south (see "General Topography Map"). These facts explain parcels B and C's history of recreation use.

Public Facilities and Services - Electricity is available as far east as the cabin on parcel A. This line is a branch off a main line along Highway 395, about 1/2 mile to the west. The main line is oversize and capable of additional service. Phone service is available to the store and restaurant service is possible to the committed parcels under discussion, being readily available a short distance away with extra capacity possible. Gas and grocery service is provided at the Battle Mountain Cafe and gas station.

Adjacent Land Uses - To the west of committed parcels A and B is a 39 acre parcel under farm deferral. A little more than 70% of the property is timbered with 30% in open, rocky terrain. Exact use of the property is not known. To the north of committed parcel B is a large tax lot of 1,468 acres belonging to Cunningham Sheep Company, which graze their land during the summer. To the east of committed parcel C is another larger summer grazed parcel under farm deferral. The parcel is 560 acres. To the south of committed parcel C is the commonly owned 228 acre parcel, which has not had cattle or livestock use for the past 10-15 years. Some timber was harvested from it in the early and mid-1970's. This larger parcel is rather steep to the south (see General Topography Map). This

property has had market value taxation for the last 13 years due to previous zoning (five acre minimum lot size) and ownership use preferences.

Resource Impracticalities - The presence of the cabin on parcel A and the five existing cabins to the immediate southwest place innumerable conflicts upon normal timber management practices of slash burning, spraying, clear-cutting, thinning, etc., if practiced on parcels B and C. Parcel B is only 20 acres in size and not conducive for an effective, economical timber operation. Timber industry testimony indicates that a parcel of this size with the nearby conflicts or recreational homes is not desirable to manage for timber. There are just too many conflicts to deal with (see Boise Cascade letter in the appendix). Parcel C being in the same area has the same negative timber management conflicts (even though it is jointly owned with the larger parcel to the south). Its history of recreation use further testifies not only to the influence of nearby recreational development but also to the potential conflicts if timber management were to have taken place on it. Parcel B is also too small for grazing livestock. The owner purchases it for recreation from the owner of parcel C because that has been its use for many years, but also because this area was an isolated corner of the overall unit where too many conflicts with adjacent recreational uses existed. Now that it is in a separate ownership of 20 acres, leasing or buying such a parcel as a separate unit for grazing purposes wouldn't be a manageable unit because it is too small and of uneconomical size,



LEGEND

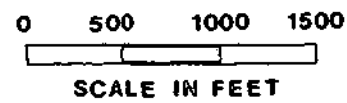
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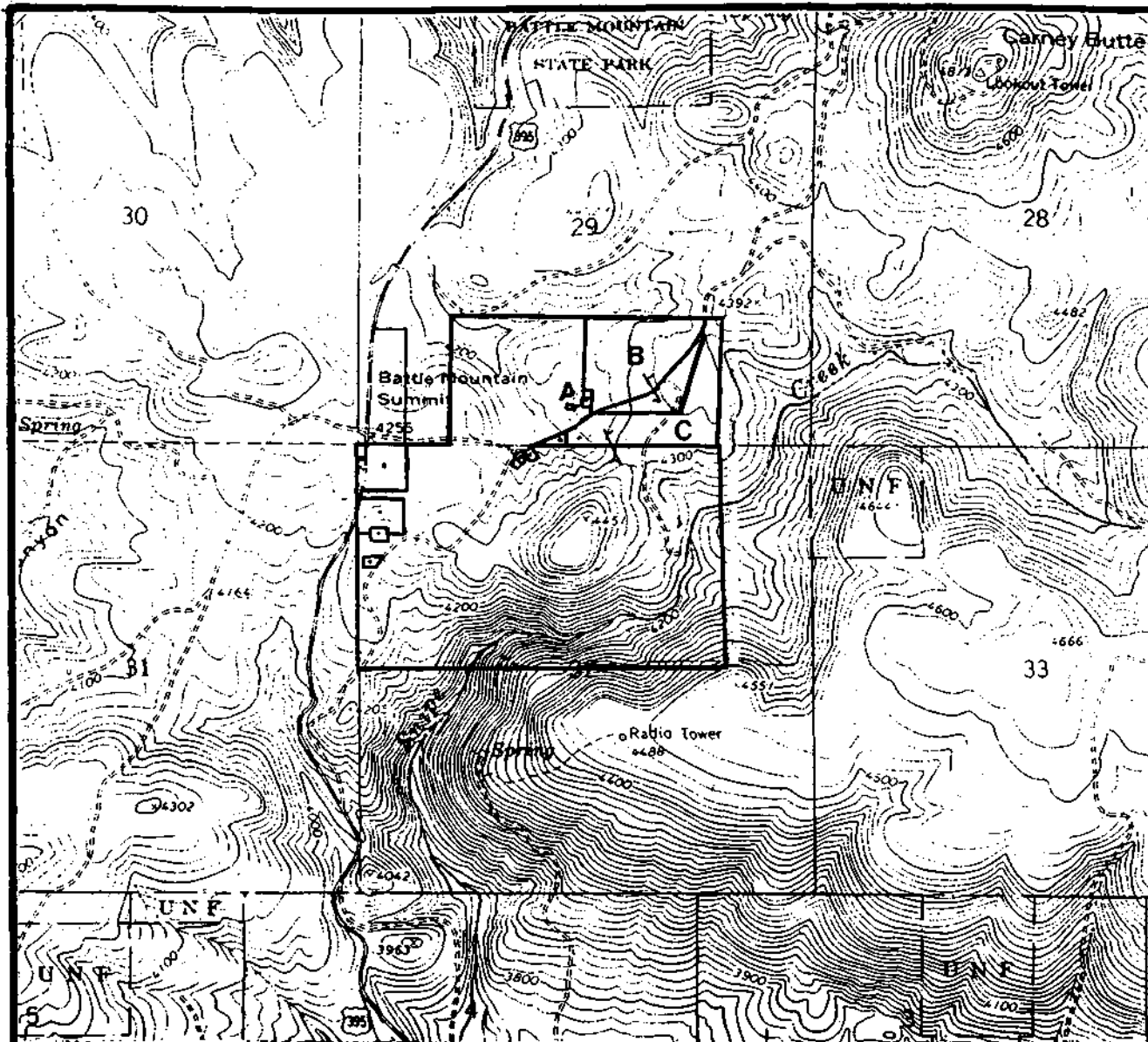
MULWLE USE PLAN DESIGNATION  
 lpy-1 FOREST RESIDENTIAL (FR-5 Acre  
 Zoning Classification)

GRAZING/FORSET PLAN DESIGNATION  
 T-1 "ZIN" FABM (GF-Zoning  
 Classification)

"Letters amesBOjrf so areas In (Its Dsreted \_  
 and Committed Exceptions text

EXCEPTIONS AREA  
 BATTLE MOUNTAIN & VICINITY





LEGEND

↔ JOINT OWNERSHIP

\* Letters correspond to areas in the Developed and Committed Exceptions text

CONTOUR INTERVAL 20 FEET

SOURCE: U.S.G.S. Carney Butte, OR  
Quadrangle

**GENERAL TOPOGRAPHY  
BATTLE MOUNTAIN & VICINITY**



nor would it be a desirable parcel for consolidation with adjacent summer grazing land to the north because of the above mentioned conflicts and surely higher purchase price.

Compatibility - Since the area has been historically used for recreational purposes (the cabins on adjacent parcels and the one on irrevocable committed parcel A, the historic and continued use of irrevocably committed parcels B and C for summer camping, fall hunting and other recreational pursuits, the general topographic separation from nearby resource parcels), the allowance of approximately five to seven more recreational dwellings by the five acre density regulation would be compatible with existing uses taking place within and adjacent to the subject area. If utilities and other services are desired, they are readily available and would not over capacitate existing systems. The area is very accessible being only 1/2 to 3/4 mile from the main highway.

The impacts then, upon adjacent properties at maximum development, will not have negative impacts upon their continued resource/recreational use because of the limited and insignificant number of dwellings that could be placed in this small, compact and topographically separated area. Requirement—Rural Residential Areas

Rezone the following parcels to resources zones: Battle Mountain parcel C and the remanded ares of Tollgate.

County Response

(See April 7, 1988, Response for LCDC r.e. Goals 3, 4) The Court of Appeals remanded parcel C of the Battle Mountain exception which is located south of Pilot Rock and about one mile south of Battle Mountain State Park. The County and the property owner agree that further justification of this parcel is not warranted and; therefore, have replanned and rezoned the parcel consistent with Goals 3 and 4.

Area: Lehman Hot Springs

Total Acreage: 234 acres (see #1 below)

Number of Parcels: 16 (see #1 below)

Average Parcel Size: n/a

parcels Occupied by Recreational Buildings: 10 (see #1 below)

Largest Parcel: n/a

Smallest Parcel: .06 acres

Findings and Conclusions:

1. Developed area consists of 14 lots of which 10 private homes are built, along with a hot springs pool and associated buildings. Committed area includes infra-structure for a three-phased, 344 unit travel trailer park plus the remaining acreage confined to and between existing roads and the lesser productive timber lands.
2. Developed/Committed area has had a long, historic use of recreational activity as far back as the 1860's, supporting a Developed/Committed classification.
3. Other development on the property includes an old dormitory, house and outbuildings associated with the hot springs. The old lodge building burned down several years back.
4. Property has had statewide recognition as a major resort as per testimony from the past director of the Department of Economic Development. The site is located between La Grande and Pendleton, drawing clientele from a wide area.



5. Paved county road, over-sized electric and telephone service and the hot springs provide adequate services and amenities to the area, which additionally shows commitment of the area to the existing recreational uses here.
6. Commercial timber management has been minimal on this property because of many years of nearby recreational use. Timber productivity is very low, less than 25 cu/ft/ac/yr. Livestock grazing on this portion of property holdings has been minimal for similar longstanding recreational-resource use conflict reasons. No valuable resource lands would therefore be taken out of production.
7. Developed/Committed area is not within critical elk or deer winter range area, nor considered by Department of Fish and Wildlife as available or valuable to conserve for resource/wildlife/fishery uses.
8. Plan policies require clustering of development on the larger multiple use tracts such as this one. Development on the remaining committed land will then be required to appropriately site recreational uses away from adjacent resource lands.
9. The property is a unique recreational area and one of only three locations in the entire south county region for multiple use purposes. Additional development here will help direct recreational pressure away from the more productive grazing and forest lands further north.

Additional Justification Required by LCDC Continuance Order

Explanation - Applicable factors listed in OAR 660-04-028 are described in detail below and supplement the preceding findings and conclusions that the land under discussion can no longer be utilized for resource purposes and is in fact irrevocably committed to recreational uses. The three maps on the following pages show in greater detail the area of commitment. Description and Use

- Lehman Hot Springs is located approximately 13 miles east of Ukiah, or just south of Highway 244 in southern Umatilla County. The irrevocably committed portion includes a 2 3/4 acre tax lot. Recreational use of the area began as early as the late 1860's and has continued on through to the present. Within the committed parcel is a developed area (3 acres) consisting of 14 private lots of which 10 have cabins (see Exceptions Area Map). Other recreational development now existing on the committed parcel includes: (1) Four cabins and eight trailer sites just south of the hot springs pool; (2) A dormitory, church chapel, and several structures associated with the hot springs to the northwest of the pool; (3) Approximately 28 to 30 existing picnic areas and campsites west and northwest of the private homes; (4) A just completed refurbished hot springs pool meeting stringent state health requirements; (5) Recently poured foundation near pool for dressing rooms; (6) The initial development of a 344 unit travel trailer park north of the pool with completion so far of infrastructure installation of a sewer system with a sewage lagoon, manholes, spray field area, a water system including laying of

pipng and the blading of an interior road system; (7) A developed spring and existing water line in the northeast part of the property used for incidental recreational water supply purposes for campers and recreationalists.

Public Facilities - A paved, two-lane, county road (County Road #1455) serves as the main access road for both the committed parcel and interior developed parcels. It is approximately one mile in length and connects with State Highway 244, the main route between Ukiah and La Grande. A partially graveled county road (County Road #1454) provides access to the eastern portions of this committed parcel. Another basic improved road connects into County Road #1455 at the extreme northwest corner of the property, but is only a secondary access. There are several other existing interior roads that traverse through the south, east, north and west parts of the committed parcels serving the existing campsites or as maintenance roads for the various facilities. An over-sized (extra capacity) electric line and 50 pair telephone line serve the 10 private cabins and the other recreational homes and structures associated with the hot springs property. Also, touched on earlier are the recent (1982-84) installation of a sewer system (water and road systems) that will serve the travel trailer park. The owner of the committed parcel also has a contract with the Ukiah Rural Fire Department for fire protection services.

A major power transmission line runs through the middle of the committed parcel that serves the area and Frazier Campground and cabins to the east.

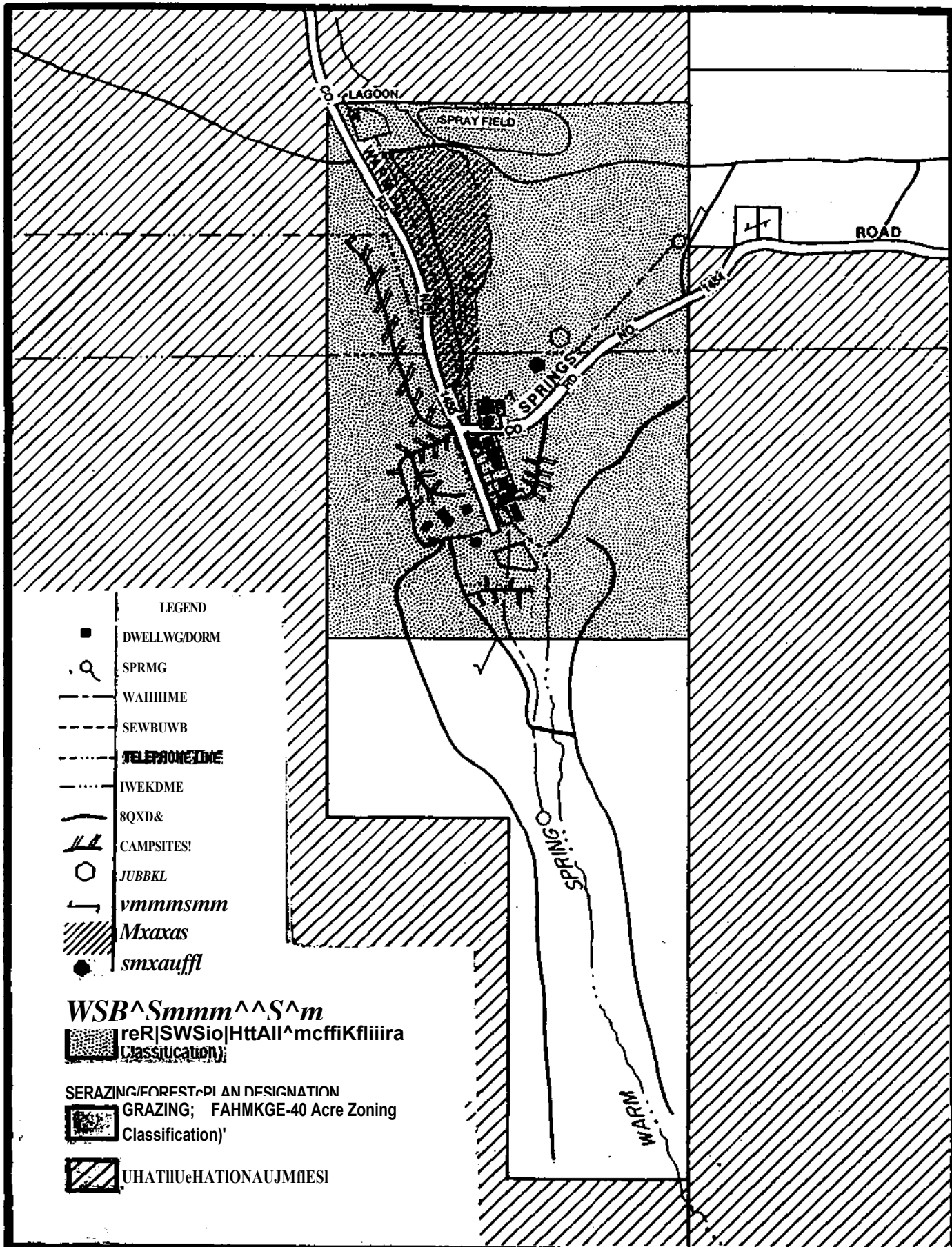
Adjacent Land Uses - National Forest land borders on the west, north and southeast of the subject committed parcel. These are very large, contiguous parcels exceeding 12,000 acres. Directly south is a 160 acre tax lot in common ownership with the committed parcel under discussion. An 80 acre and two one-acre tracts to the northeast are also under the same ownership as the committed parcel. Both of these similarly owned parcels are undeveloped. A 79 acre tract north of the previously mentioned 80 acre tax lot belongs to a large ranching outfit and has a summer living quarters on it. Approximately 3/4 of a mile to the northeast on Forest Service land is a Forest Service camp called Frazier Campground. There are 30 camping places for tents or trailers and 11 picnic tables here.

Resource Incompatibilities - The extensive development involving between 140 to 160 acres on this 234 acre parcel precludes practical long-term use of any resource management. There are simply too many management incompatibilities with all of the recreational improvements described above. Cattle grazing on the remaining areas of the committed parcel would require large acreage to make it practical for livestock ranchers to herd their stock many miles from the home based ranch. They certainly would be very reluctant to do so on small scattered parcels where complaints are highly likely. Timber management would even be more impractical mostly because aesthetic settings would be ruined which is the very reason why recreational development has existed for so long on the property. Selective cutting and intensive management to protect

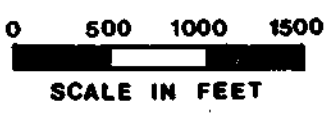
the aesthetics would also be impractical because the south county mountain area has marginal timber growing productivity of 25 cu/ft/ac/year. To efficiently manage the remaining, scattered, timbered areas on this parcel would require clear-cutting, slash burning, log-hauling, noise and dust, all of which would create compatibility problems with the hot springs pool, travel trailer park, picnic areas and the other associated development.

Recreational/Resource Compatibility - There are several factors which assist in the overall area compatibility scheme that meet committed criteria in OAR rules. First, steep topography effectively buffers the southeast corner of this tax lot from adjacent National Forest land (see General Topography Map). The southeast area is where additional development would likely occur. The topographic difference would effectively buffer the two potentially conflicting areas. Secondly and most importantly, plan policies require parcels of over 55 acres in multiple use areas to develop under the cluster development regulations in the Development Code. The provisions within cluster development regulations assure that compatibility is maintained through special setbacks when compatibility issues are discussed prior to development approval. This policy requirement applies to all the remaining areas of potential development, thus assuring that overall development will be compatible with all surrounding resource parcels. Thirdly, any new recreational development would be compatible with exiting utilities and roads that have extra-capacity capabilities. Lastly, the cluster development regulations

require fire safety protection provisions, further assuring that additional development will be compatible with adjacent lands. Regional and Neighborhood Characteristics - Another factor of commitment in OAR 660-04-028 that applies to this parcel is the regional perception or recreational characteristic of the site. The property has been used for over 100 years by many local as well as out-of-county residents that came to enjoy the hot springs, camping and other facilities. This parcel has co-existed with National Forest and other resource parcels for all these years without difficulty. Very little resource activity has ever taken place upon the parcel because of its long, historic use for recreational use, and virtually no likelihood of this type use in the future will occur for reasons explained earlier. When people hear of Lehman Hot Springs, a majority understand or think of recreational activities.



**EXCEPTIONS AREA**  
**DEERMAN SPRINGS VICINITY**



LEGENI

■^—» JOINT OWNERSHIP

....TCOMMITTED LAND BOUNDARY

SOURCE: U.S.G.S. Lehman Springs, OR  
Quadrangle

CONTOUR INTERVAL 20 FEET

<^102^M0^4000  
SCALE IN FEET

**GENERAL TOPOGRAPHY  
LEHMAN SPRINGS & VICINITY**

**IAX**

**fc JI**

XVIII-67B



Area: Poverty Flats

Total Acreage: 70.7 acres

Number of Parcels: 14

Average Parcel Size: 5.1 Acres

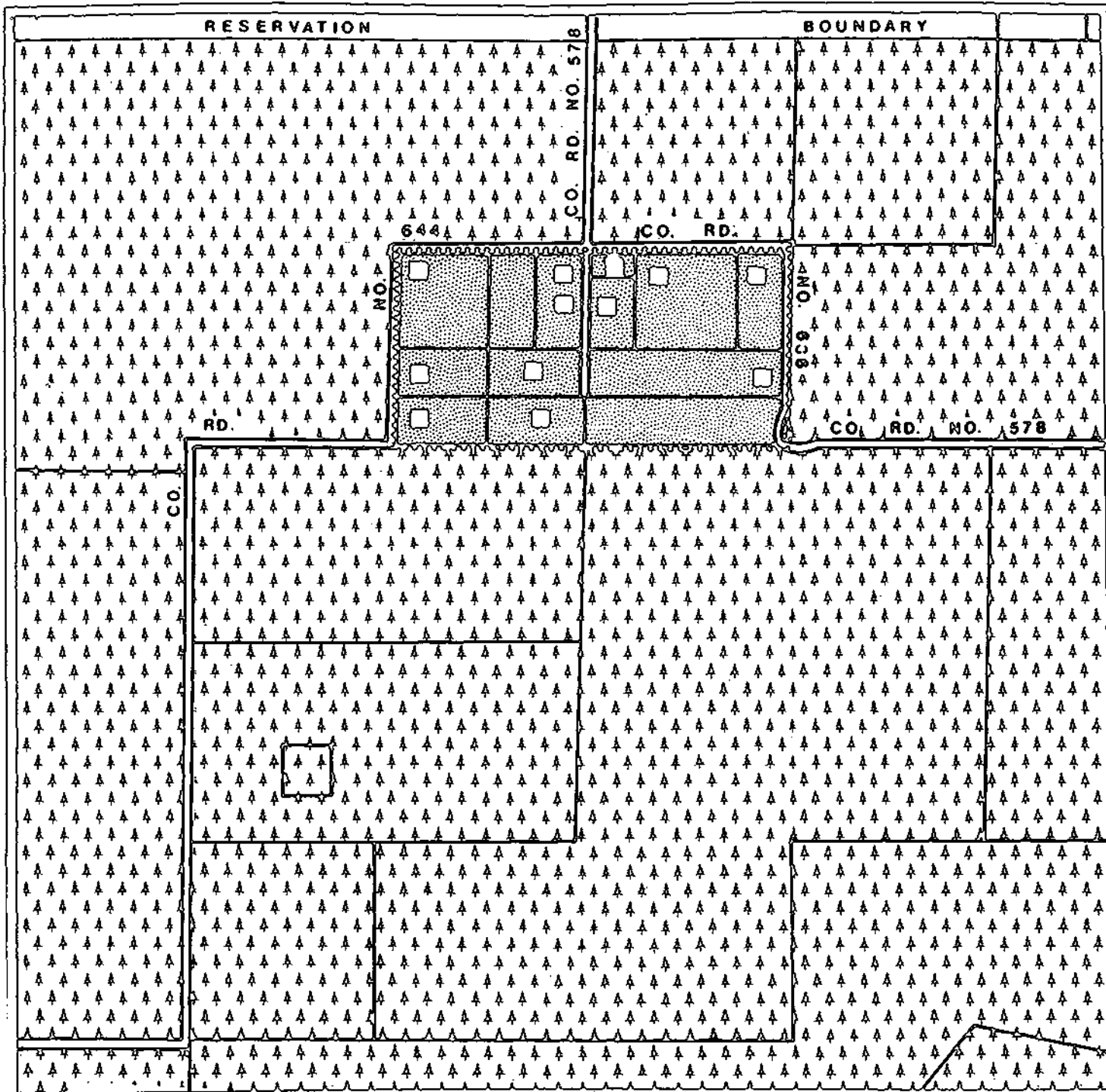
Number of Parcels Occupied by Mountain Recreation Buildings: 11

Largest Parcel: 9.7 acres

Smallest Parcel: .7 acre

Findings and Conclusions:

1. Classified developed/committed on basis of small parcelization.
2. Majority of parcels are occupied by a recreational dwelling.
3. Access from Freeway (1-84) via improved gravel county road.
4. Not in or near critical elk or deer winter range.
5. Almost all lots are taxed on recreational land values.
6. Zones since 1972 for recreational uses at five acre density.

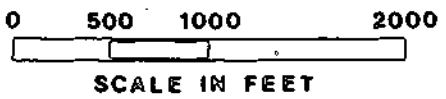


LEGEND

MULTIPLE USE LANDS BOUNDARY  
 MULTIPLE USE PLAN DESIGNATION  
 mmi FOREST RESIDENTIAL: (FR-5 Acre  
 fc^almimmiim Zoning Classification)

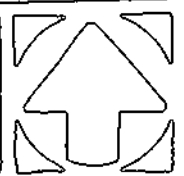
GRAZING / FOREST PLAN DESIGNATION  
 [T]GRAZING FARM (GF- Zoning  
 [L]Classification)

□ DWELLING



EXCEPTIONS AREA  
 POVERTY FLATS & VICINITY

XVIII-68A



Area: Umatilla River - Bingham Springs

Total Acreage: 101 acres

Number of Parcels: 41

Average Parcel Size: 2.4 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 10

Largest Parcel: 22 acre

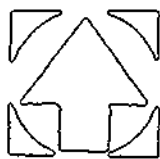
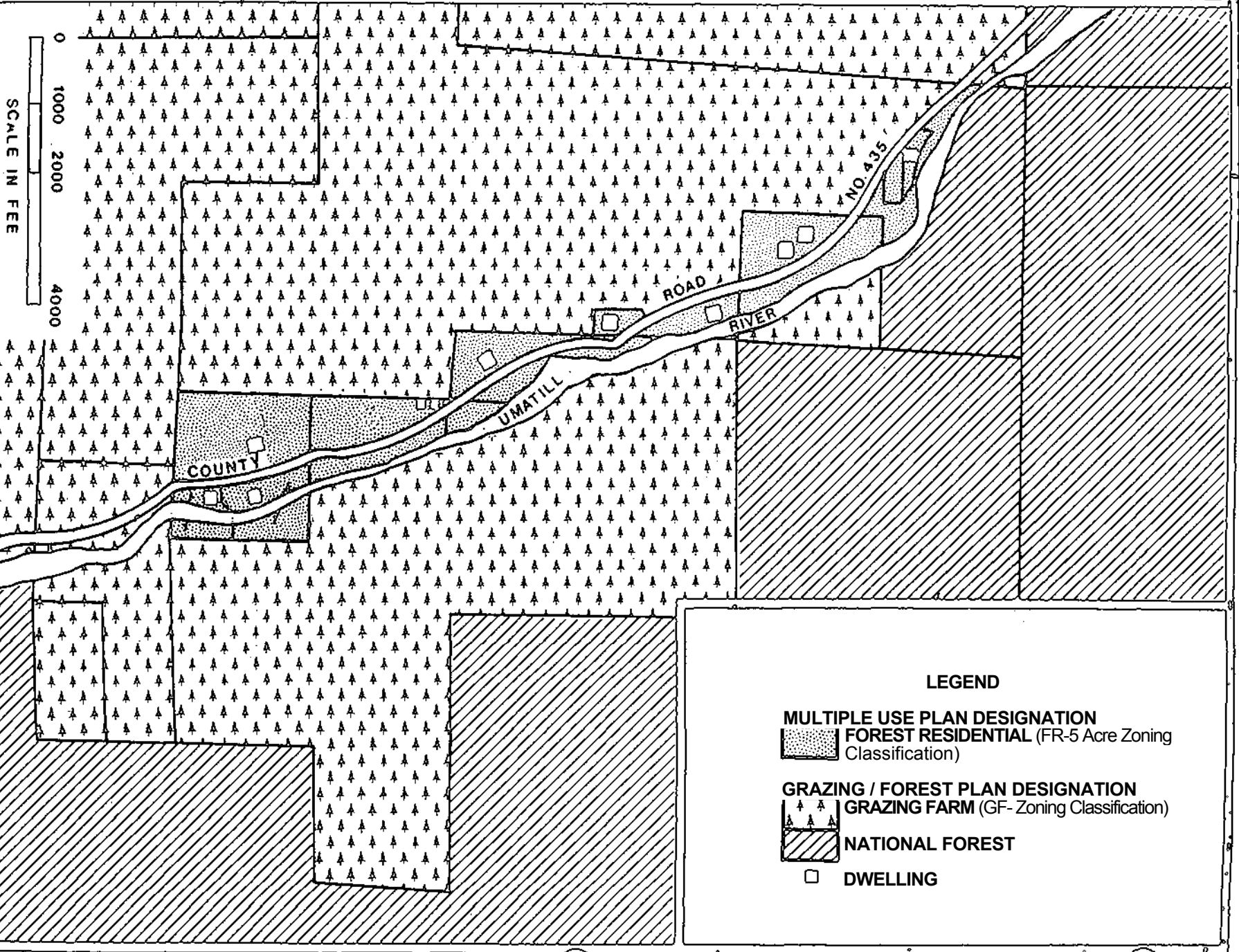
Smallest Parcel: .1 acre

Findings and Conclusion:

1. Located in proximity to a predominance of non-resource uses including historic Bar M Dude Ranch.
2. Area near Bar M Dude Ranch (Bingham Spring) is on old recreational subdivision with very small lots and nearly half developed.
3. Umatilla River area has 11 lots averaging 11 acres, and over half are occupied by mountain residential dwellings.
4. Both sub-areas in this unit have good access onto an improved county road.
5. Both areas are in a canyon floor and somewhat topographically separated from resource uses.
6. Umatilla River and county road bisect lots further restricting use as commercial timber land or good grazing lands.
7. All lots have been zoned for recreational and vacation home uses since 1972.
8. All parcels are taxed according to market value and not on farm or forest deferral.

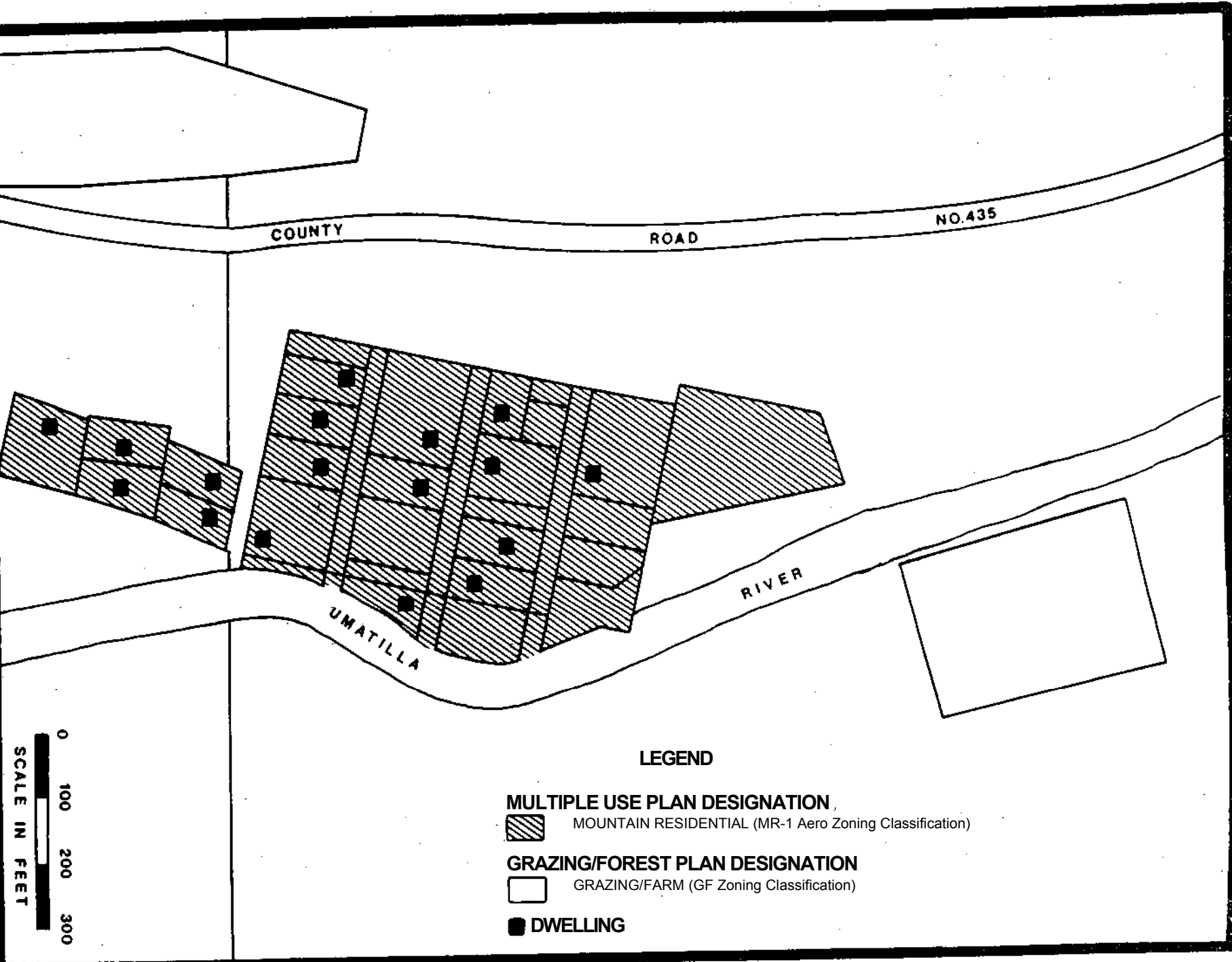
**EXCEPTIONS AREA  
UMATILLA RIVER & VICINITY**

XVIII-60A






**EXCEPTIONS AREA**  
**BINGHAM SPRINGS SUB-DIVISION**

XVIII-69R



0 100 200 300  
SCALE IN FEET

**LEGEND**

- MULTIPLE USE PLAN DESIGNATION**  
 MOUNTAIN RESIDENTIAL (MR-1 Aero Zoning Classification)
- GRAZING/FOREST PLAN DESIGNATION**  
 GRAZING/FARM (GF Zoning Classification)
-  DWELLING

Area: Upper South Fork of Walla Walla River

Total Acreage: 22 acres

Number of Parcels: 23

Average Parcel Size: .09 acre

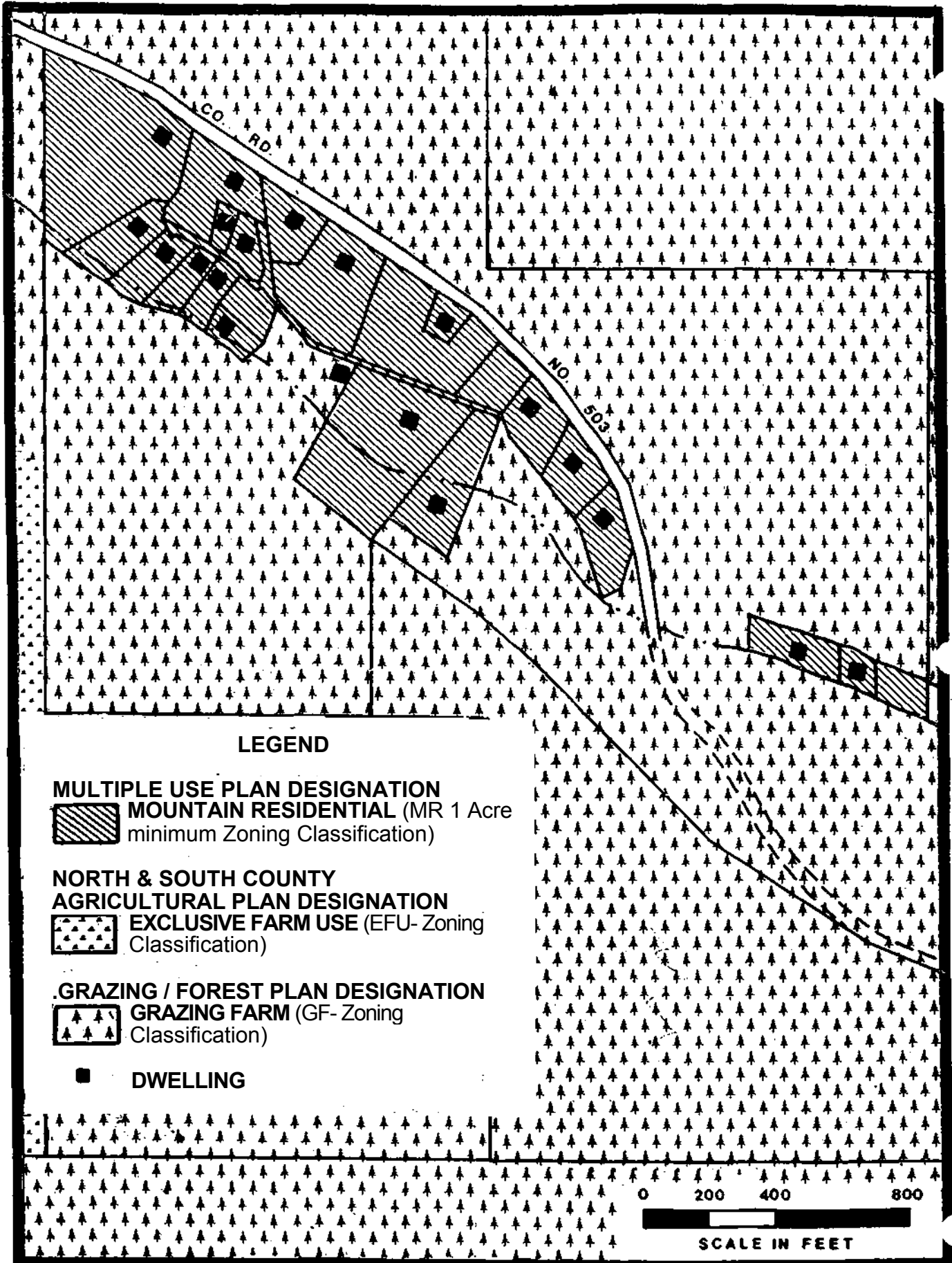
Number of Parcels Occupied by mountain Recreation Buildings: 19

Largest Parcel: 4 acres





Smallest Parcel: .2 acre

Findings and Conclusion:

1. Numerous small parcels places area under developed/committed category.
2. Almost all lots are occupied by a recreation cabin.
3. Improved county road provides ingress-egress and emergency access to lots.
4. All lots are and have been taxed based on recreational values.
5. Located adjacent to other non-resource uses such as Harris Park and is in bottom of river canyon, topographically separated from resource uses.
6. Zoned since 1972 for recreational dwelling use recognizing existing development.



**LEGEND**

-  **MULTIPLE USE PLAN DESIGNATION**  
**MOUNTAIN RESIDENTIAL (MR 1 Acre**  
 minimum Zoning Classification)
  
-  **NORTH & SOUTH COUNTY**  
**AGRICULTURAL PLAN DESIGNATION**  
**EXCLUSIVE FARM USE (EFU- Zoning**  
 Classification)
  
-  **GRAZING / FOREST PLAN DESIGNATION**  
**GRAZING FARM (GF- Zoning**  
 Classification)
  
-  **DWELLING**

**EXCEPTIONS AREA** XVIII-70A  
**UPPER SOUTH FORK, WALLA WALLA RIVER**



Area: Mill Creek

Total Acreage: 281.2

Number of Parcels: 140

Average Parcel Size: 2.0

Number of Parcels Occupied by Mountain Recreation Buildings: 80

Largest Parcel: 34 acres

Smallest Parcel: .1 acre

Findings and Conclusions:

1. Placed in Developed/Committed lands category because of parcelization.
2. Three platted subdivisions, all partially developed, make up a majority of the lots.
3. About 57% of the lots are developed.
4. Improved county road provides access to most lots.
5. In canyon bottom and partially buffered from resource lands.
6. All parcels are taxed on recreation values instead of resource deferral.
7. Floodplain and isolation from most county services necessitates a minimum lot size that will insure limited and controlled growth desired by area residents and property owners.

Additional Justification Required by LCDC Continuance Order

Explanation - The following irrevocably committed exceptions statement outlines appropriate findings in OAR 660-04-028 to justify commitment for recreational use and why the forest lands goal can no longer be applied. Parcels described below involve the



last nine properties furthest east and mostly north of Mill Creek Road. All nine properties are included in the Mill Creek Developed/Committed Exceptions above.

Description and Use - The committed area in question involves private property situated in the far east end of the Mill Creek recreational area between the extensively developed area to the west and the National Forest Boundary to the east. Mill Creek is about eight miles southeast of Walla Walla, Washington and 15 miles east of Milton-Freewater, Oregon. Properties involved are found on both the north and south sides of Mill Creek Road. Total acreage approximates 105 acres and represents nine tax lost and eight owns. (See map on page XVIII-75 titled "Committed Area - East Mill Creek and Vicinity"). All parcels were split out many years ago (1930's, 1940's) and have or have had recreational cabins on them. Parcels C, E and F have five recently constructed cabins on them. Associated recreational improvements include a graveled access road north off Mill Creek Road to a developed spring and cistern on parcel B where a cabin is anticipated to be moved onto it. Another spring (undeveloped at this time) is on parcel D (see same map). The remaining parcels have been used at various times by their owners as camp sites and for their summer recreational pursuits.

Public Facilities and Services - All parcels have access off of Mill Creek Road. It is a graveled county road with an improvement width adequate for two travel lanes and shoulders. Electric service is in the area and available to all parcels (main lines

along Mill Creek Road). Power is provided to the three cabins on parcel I. Community water supplies are available from the City of Walla Walla water system that runs along Mill Creek Road and serves parcel I cabins as well as those cabins downstream. Adjacent Land Uses - Parcels A, B, and C have recreational cabin development on their south property lines. Parcel H has three cabins on its east property line. Steep, mixed timbered and open hillside areas of the National Forest borders along the south borders of parcels F, G, and H and on both the south and east lines of parcels I. Private property, in steep, open hillside with isolated tiny spots of timber in draws border on the north of parcels A, B, C, D, E, F, G, H, and I.

Resource Restrictions - The presence of three cabins on parcel I and six cabins C, E and F and other incompatible recreational development immediately adjacent to parcels A, B, and C renders resource use of this area no longer practicable for resource purposes. Various improvements anticipating recreation use such as access roads and spring development (cisterns and water pipelines) for domestic water further complicate the conflict aspect with existing recreational uses and normal resource management practices. Besides the conflict issues, the small sizes, narrow configuration, spotty density of timber and steep, rocky, open areas and numerous drainages found intermixed throughout the area are not qualities associated with timber or grazing lands. Parcels D, E, F, G, H and I are even further divided into even smaller impractical resource units by Mill Creek,

Mill Creek Road, and steep topography.

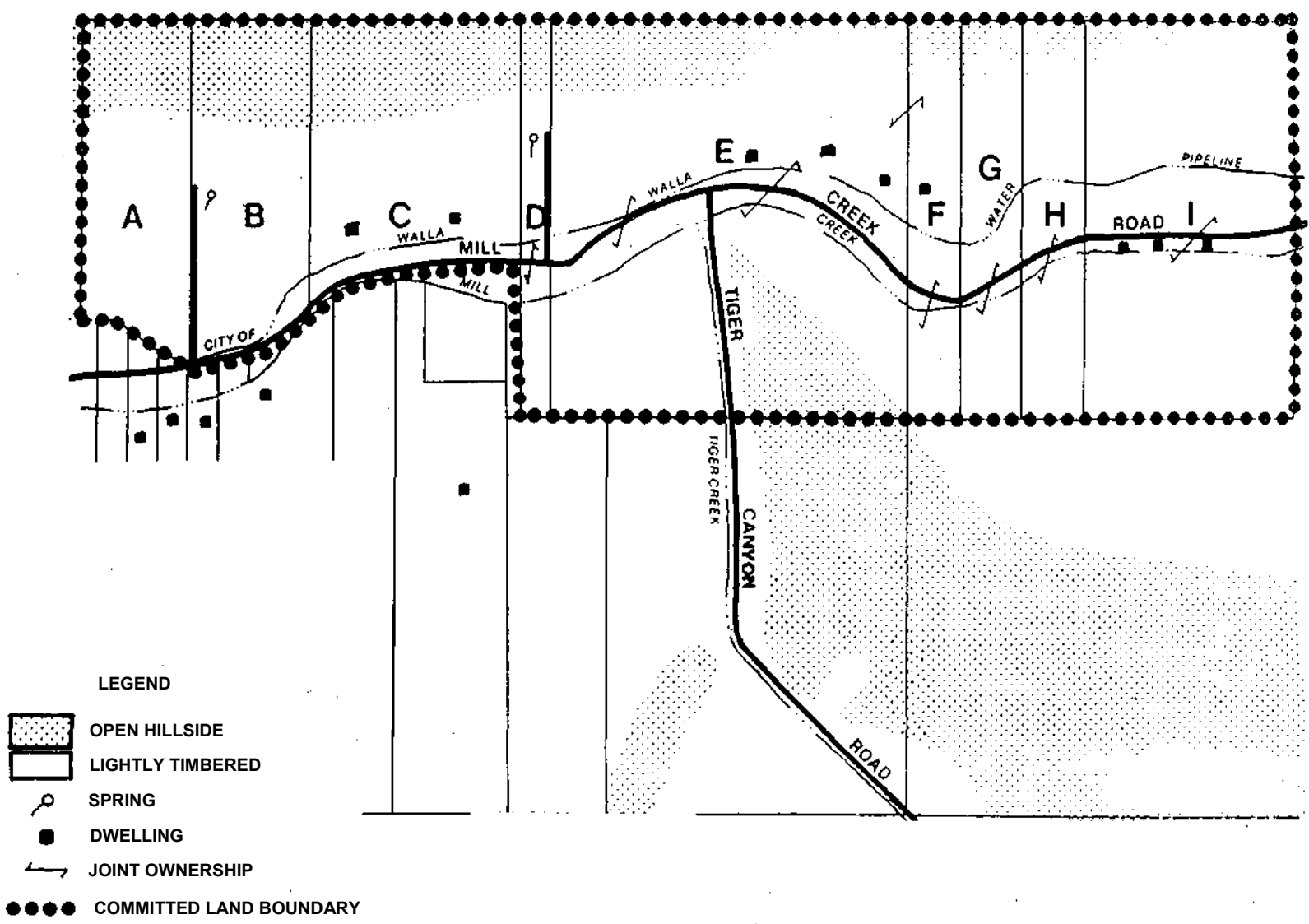
Compatibility - The extensive development of cabins (over 85) along the Mill Creek canyon bottom (including parcel I in the extreme east end) dictates this type of use throughout the remaining vacant parcels. The applied five acre density zoning along with steep topography effectively limits and directs development of areas where recreational uses now occur and where this development would have no impacts upon private resource or public owned lands because it should be buffered or separated. Approximately five additional cabins at the most could be sited in this committed area considering terrain, road and creek locations. This amount can be easily accommodated within the existing road, utility and water systems that now serve the above mentioned 85 plus recreational dwelling development. An additional five recreational dwellings would be a rather minor addition to the overall development pattern and therefore compatible with it.

Regional/Neighborhood Characteristics - The overall development pattern of Mill Creek dictates that Goals 3 and 4 can no longer be logically applied to these irrevocably committed parcels. Any type of resource activity, which has been earlier shown to be impractical due to size and land characteristics, will be negatively impacted by aesthetic needs of the nearly 90 existing recreational home owners and the other possible homeowners with vacant lots in the general area. Also supporting a regional recreational commitment rather than a resource protection plan is the fact that these properties have had a long history of

recreational use not showing up in the form of development (one cabin lost to fire on parcel A) and also in the form of camping, hunting, fishing, motor-biking and other recreational pursuits available in the Mill Creek area.

**COMMITTED AREA  
EAST MILL CREEK & VICINITY**

XVIII-75A



**LEGEND**

-  OPEN HILLSIDE
-  LIGHTLY TIMBERED
-  SPRING
-  DWELLING
-  JOINT OWNERSHIP
-  COMMITTED LAND BOUNDARY

•Large letters correspond to areas in the Developed & Committed Exceptions text.



Area: Mill Creek (Special Exception #1)

Total Acreage: 100

Number of Parcels: 5

Average Parcel Size: 20

Number of Dwellings: 17

Largest Parcel: 45 acres

Smallest Parcel: .3 acres

Findings and Conclusions:

1. Improved county road provides access to parcels.
2. Area lies in canyon bottom up the hillside, but still below resource lands.
3. Area consists of south facing slopes which are not as productive as other lands farther up the hillside or on north facing slopes.
4. Lands lie between developed areas along north side of county road and within 1/4 mile of the road.
5. Area contains five or six benches of land suitable for development, while most of the land consists of steep slopes.
6. All parcels have developed lands on at least two sides and usually three sides, committing the poorer productive, sparsely used south-facing slope areas to multiple use activities.
7. Land has been zoned and taxed as F-5 Forest (five acre minimum) since 1972, which is the same zoning as the land in the subdivisions which have several dwellings on them.

Additional Justification Required by LCDC Continuance Order

Explanation - This irrevocably committed exceptions will provide applicable findings of facts as required in OAR 660-04-028 and applies to the properties described above plus several parcels not previously noted (parcels B, C, and D on map titled "Committed Area - Special Exceptions #1 , Central Mill Creek and Vicinity" on page XVIII-82A.) Several parcels originally included in the Mill Creek Developed/Committed exceptions identified on the map titled "Exceptions Area" as parcels D and G.

Description and Use - Approximately 100 acres is encompassed in the irrevocably committed lands under discussion. There are four individual tax lots plus portions of two other tax lots involved. Two tax lots are owned by individual non-related persons (parcels B and C). Parcels B and C are in common ownership and involve two .33 acre lots. Parcel C has a recreational dwelling sited on it. Parcels A, D and E have similar family-related ownerships. Parcel A is approximately 20 acres of a larger 3 07 acre parcel of the north. A cabin is built on this 20 acre portion near Mill Creek Road. Parcel E is the northern most 45 acre portion of 126 acre tax lot. This part is separated by developed/committed land along Mill Creek from the parent parcel to the south. There are three cabins on these 45 acres.

All parcels included in this irrevocably committed statement have been used for recreation purposes since the early 1920's. This is quite evident by the presence of the above mentioned seven cabins, but also less evident is the fact that camping (summer and hunting)

and other summer/fall recreational activities (e.g. hiking, motor cycling, fishing, huckleberry picking) not showing up as physical development have occurred for many years on these properties. They have been utilized in the same manner as the other extensively, developed recreational properties along Mill Creek because they are properties that slope toward Mill Creek and have been greatly influenced by the overall development pattern. These parcels are sparsely timbered (most of it located near Mill Creek Road) along the side and bottoms of steep draws and the rest is south-facing, barren, rocky, open hillside. (See map titled "Topography-Vegetation Map" on page XVIII-82B.) The whole Mill Creek Valley is a popular mountain retreat area for Walla Walla, WA., just eight to ten miles away via a well-maintained (paved) rural access road.

Public Facilities and Services - Mill Creek Road serves as the main ingress and egress to the subject parcels and all the 100 plus lots along the Mill Creek Valley. This is a county road and paved up to parcel D. It turns into a gravel road going eastward and past parcel H. Private roads coming off Mill Creek Road serve existing cabins on parcels A, C, D, E and G. Electrical service is readily available along the county road which currently serves cabins on parcels (A, C, E and F). A public water line serving the City of Walla Walla runs along Mill Creek Road to the south and is readily available if requested and paid for. Private wells and springs provide water supplies to cabins on parcels C, E and G.

Adjacent Land uses - Recreational dwellings and recreational lots predominate adjacent land uses to the south of all subject



irrevocably committed parcels—over 40 dwellings and over 58 lots to be more precise. This development pattern extends westward and eastward beyond the subject committed parcels and totals over 110 lots and 85 plus cabins which have been approved as developed and committed by LCDC. Approximately 1/2 mile to the east is an irrevocably committed parcel justified under the East Mill Creek Exceptions Statement. North and West of the subject committed parcels are larger pieces of property owned in the same name or names (parcels A and E) or are bordered by relatives' property (committed parcel D) belonging to the Klicker family. North of parcel E is a 168 acre parcel in common ownership with it that again is a steep, open hillside property. North of committed parcels A and D is a 307 acre tax lot (in Klicker family ownership) of which parcel A is in common ownership with. It, like the other adjacent parcel north of the irrevocably committed parcels, is nearly all open, steep hillside. West of irrevocably committed parcel A is another Klicker family-owned property of 398 acres that spans both sides of Mill Creek Rd. North of the road is open, hillside land with some scattered timber stands in a few small draws. On the southside of Mill Creek Road the land is slightly heavier timbered on more favorable facing slopes and also found on the bottoms of many draws draining into Mill Creek. In between the two areas is the strip of homes and subdivision lots between Mill Creek and Mill Creek Rd.

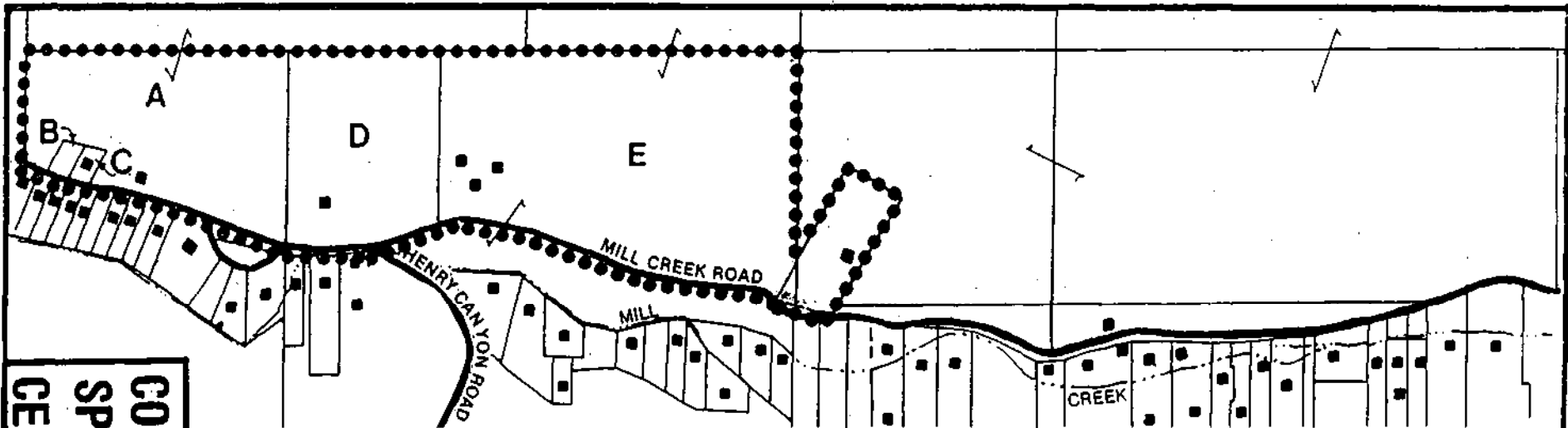
Resource Impracticalities - Practical use of the parcels in Special Exceptions Area #1 for resource purposes is not possible for several reasons. First, the existence of seven cabins within the subject area itself, causes compatibility problems in the immediate area for livestock grazing or timber management that might take place. But of much greater significance is the conflict situation with the numerous recreational dwellings to the south. Assured are the complaints of noise, traffic, spraying, slash burning, loss of aesthetics, possible water pollution and siltation, property damage the like that accompanies both timber and livestock grazing management practices. Secondly, the quality of the land for resource purposes is poor. It is unfortunate that the county-wide soil survey by S.C.S. has not been completed to substantiate and support the owners claims of poor resource quality. It is obvious from the map on page XVIII-82B that there are only a few small stands of light to medium density timber. The largest area of medium density timber is only ten acres (east of parcel E), hardly of a size to protect and manage for timber. The other timbered areas are sparse stands having slow growth rates due to the steeper, southfacing, more droughty aspects. These stands are located on the bottom of drainages near Mill Creek Road and thus very near to the recreational home development conflict situation discussed above. The northern portions of these properties are non-timbered, steep-sloping, rocky, south-facing hillsides and drainages. Owners of larger lots (Klicker family) say that cattle grazing had been attempted many years ago, but the droughty nature

and steep sloping land here could only support one cow per 40 acres for one month, which was hardly worth investing in fencing and other necessary improvements. Besides, the area has had a long history of recreational use of which the owners have recognized, and have restricted resource activities near where conflicts are guaranteed.

Compatibility - Examination of the "Topography-Vegetation Map" for this particular area shows that it is geographically connected with the existing recreational development along the Mill Creek Valley bottom. Additional developments here would be merely a short extension up the north hillside. Topography within the exceptions area itself will also limit the number of possible recreational dwellings as there are only three or four small benches of land that are developable. This fact, coupled with a five acre density restriction, would permit at the most an additional five dwellings in an area encompassing approximately 100 acres. Not only would the small amount of additional developments be compatible with existing recreational uses to the south and not over-tax utilities and public services in the area, but similar recreational use would be made of the land which has been used for camping, hiking, motor-biking and other similar pursuits since the early 1900's.

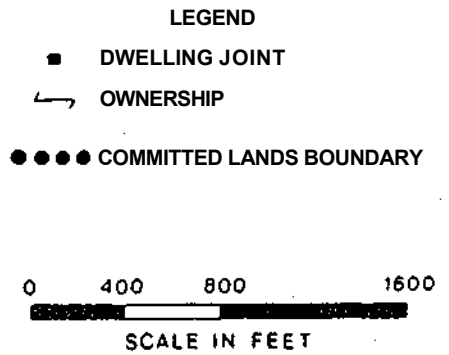
Regional Characteristics - Nearly 90 cabins within a three mile stretch of narrow valley bottom certainly points to a predominant recreational pattern. Use of land within the area is dictated by this pattern. Since the early 1880's and especially starting in the 1910's and 1920<sup>f</sup>s, the area has been a popular recreational

retreat for residents of Walla Walla, WA. ; and for people in Milton-Freewater, Oregon. As pointed out earlier, even the larger properties involved in this exceptions statement have been used recreationally in the form of camping and hiking rather than for resource purposes because the overall recreational pattern dictated it. Not only were livestock grazing and timber resource management uneconomical to pursue (poor soils and sparse small timber stands), but most of all they were perceived to be incompatible with residential homeowner's aesthetic needs. Facing these facts, Goal 3 and 4 can no longer be applied because of the predominate, overall, regional recreational development pattern.



**COMMITTED AREA -  
SPECIAL EXCEPTIONS \*1  
CENTRAL MILL CREEK & VICINITY**

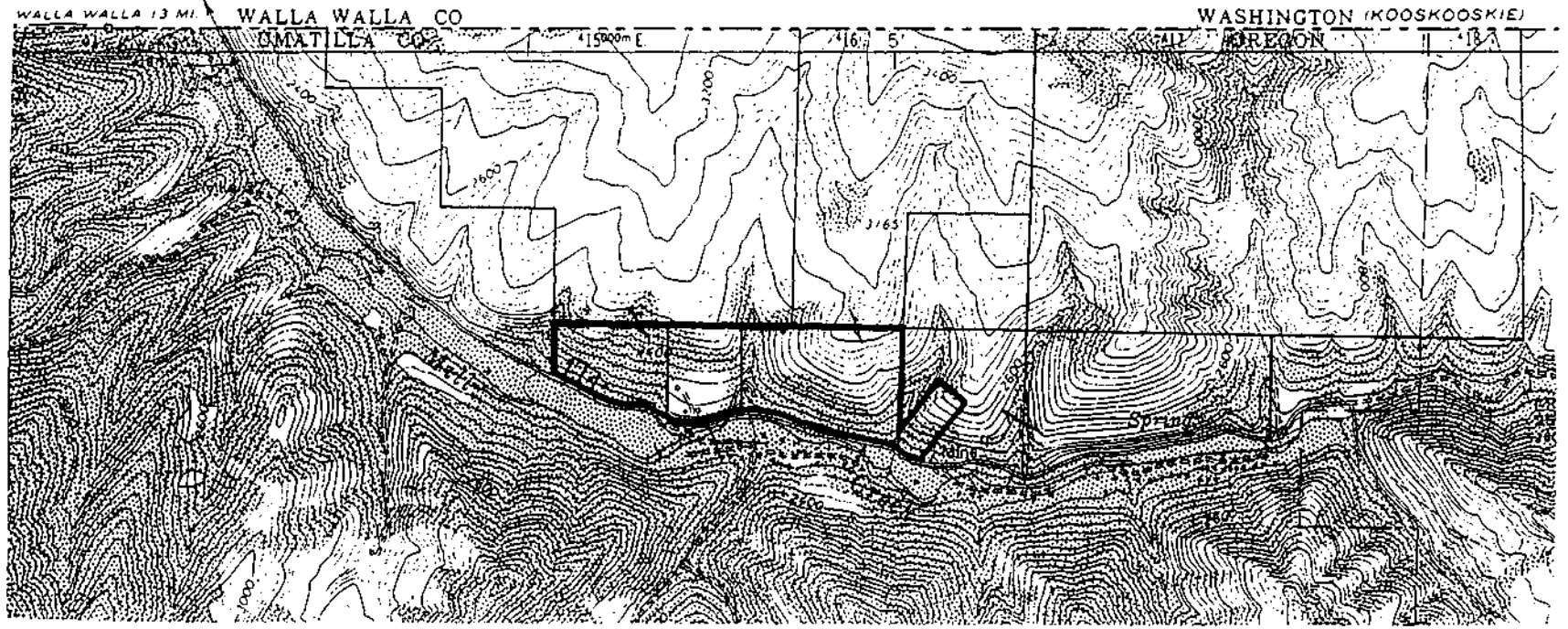
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\*Large letters correspond to areas in the Developed & Committed Exceptions text.

**TOPOGRAPHY - VEGETATION MAP**  
**MILL CREEK SPECIAL EXCEPTIONS AREA X 1**





XVIII-32B



SOURCE: U.S.G.S. Map Big  
Meadows Quadrangle

CONTOUR INTERVAL: 40 FEET

**LEGEND**

-  OPEN LAND
-  TREE/HEAVY VEGETATION
-  JOINT OWNERSHIP
-  SPECIAL EXCEPTIONS AREA ' 1 BOUNDARY



## TOLLGATE - MEACHAM EXCEPTIONS

### INTRODUCTION

Stated earlier, the Tollgate and Meacham areas generated more public concern and comments regarding land use development and preservation than any of the other multiple use areas in the county. Several citizen committees were formed in response to gathering and organizing the numerous and varied comments received.

#### Tollgate Exceptions Analysis

The Tollgate Mountain Highway Corridor is the most extensively developed mountain residential area in the county. During the initial planning and zoning program in the early 1970's, a large amount of land (9,100 acres) was zoned for intensive recreational and vacation home use (R-4 one acre density) , recognizing that existing vacation homes existed in the area.

This pattern of development had its start in the early settlement days of the county and really escalated during the late 1940's to the present. The nearly 500 parcels included as developed and committed attest to the extent of recreational development. Location near major cities in the county and proximity to the Tri-Cities are the major reasons for its popular use a major recreational area. Some of this land, however, was and still is in larger resource parcels, some distance from improved roads, and most taxed as resource lands under farm or forest deferral.

Information from the Tollgate Citizens Committee served as a valuable starting point to help distinguish between the complicated mixture of resource oriented and developed/committed mountain residential properties now both zoned for vacation homes and other intensive recreation uses. The committee found, through a property owner survey and through knowledge of the areas, that most of the existing and probably committed mountain residential development started at about the permanent snowline in the vicinity of the Umatilla Electric Co-op Substation and ran eastward one-half mile on either side of the Tollgate Highway to about Langdon Lake. Below the snowline and outside the area of this corridor, land use and dwellings were more resource-oriented.

Next, the same methodology procedures explained on pages XVIII-47 through XVIII-49 were followed. Specifically, public lands within the corridor were identified and excluded from the multiple use or vacation home category. Those property owners who wanted to be excluded from the existing mountain residential zoning were classified into a resource use as per their request. The next step was to exclude somewhat larger grazing and timber industry-owned parcels within the corridor based upon their commitment to resource management, and further supported by the lower deferred tax rates charged, based upon their resource use qualifications.

Once the above steps were taken, the developed/committed criteria listed on pages XVIII-50 through XVIII-54 to identify other county multiple use areas were applied to the remaining parcels within the corridor.



The process of gathering, mapping, and applying the above information in the above described manner resulted in the identification of parcels in the Tollgate Mountain area that are substantially developed and committed to multiple recreational uses and those parcels more oriented and feasible for timber, grazing and open space uses.

The maps on XVIII-193A, B, C, D depict the properties in the Tollgate area found to be developed and committed to mountain residential use. These areas are located in six nodes. Each area is analyzed separately along with specific reasons, why the area is classified as developed and committed. All total, some 3,248 acres are in this category.

Area: Tollgate-Subregion #1 (See map page XVIII-193A).

Total Acreage: 317.6 acres

Number of Parcels: 54

Average Parcel Size: 5.8 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 32

Largest Parcel: 23 acres

Smallest Parcel: .2 acre

Findings and conclusions:

1. Numerous small sized parcels indicating recreational uses.
2. Close to 60% of the lots in this area are occupied by a recreational home or shelter, further evidence of recreational development.
3. Almost all parcels have access to Highway 204, assuring potential additional development will have good access for ingress, egress and fire protection.
4. All parcels have been zoned for ten years for vacation homes and other recreational uses, recognizing existing recreational development.
5. All lots have been taxed as recreational land, indicating recreational usage.
6. Subregion is only developed/committed mountain residential area in a critical deer and elk winter range. Density standards and small area involved will not adversely impact big game in the area.

Area: Tollgate - Special Exceptions Area #1 (See map XVIII-193A).

Total Acreage: 100 acres

Number of Parcels: 21

Average Parcel Size: 4.7

Number of Parcels Occupied by Mountain Recreation Buildings: 1

Largest Parcel: 20 acres

Smallest Parcel: 5 acres

Findings and Conclusions:

1. Two parcels were replanned and zoned for recreational home use in 1979. Hearings and public had opportunity to comment, and decision to approve considered all state planning goals.
2. Area is acceptable distance from improved access of Highway 204, and interior roads must be designed and improved according to subdivision ordinance.
3. Number of lots in subdivision is limited to a density of five acres to insure compatibility with adjacent recreational and resource lands.
4. Property is within general corridor recommended by Tollgate Committee as mountain residential lands and is adjacent to other identified developed/committed parcels.
5. See Findings and Conclusions and Developed/Committed Map of Subregion #1 of Tollgate area, as this property is within that area and these are applicable here.

Additional Justification Required by LCDC Continuance Order

Explanation - The following findings of fact support an irrevocably committed recreational classification for several parcels, originally included under this exception: Tollgate - Special Exception Area #1, Area B on Developed/Committed land Map A (page XVIII-193A), and one parcel of 20 acres originally discussed within Tollgate - Sub-region #2 Exceptions (now property A on Developed/Committed Land Map A).

Location - Area in question is approximately 12 0 acres, involving one 20 acre parcel (parcel A) and a 20 lot, partially developed subdivision (area B). Currently, they are in two ownerships. The parcels are located on the far west end of the Tollgate Recreational Corridor on the edge of the foothills of the Blue Mountains.

Adjacent Land Uses - Parcels to the north are small recreational lots, both vacant and developed. Sizes range from three acres to 29 acres. To the east is a five acre vacant lot in the same ownership with a 2.9 acre lot to the north of it. Also east of the Special Exceptions area is a 74.9 acre lot with two old recreational cabins. This parcel is mostly wooded. To the south is a 320 acre parcel of mostly steep, open hillside. To the west is a 195 acre lot with a mixture of cultivated farm land, hillside/grazing/vacant land and sparsely timbered draws and steep areas.

Special Land Use Decision Considerations - Parcel B was approved for a recreational subdivisions development in 1980 after a needs

exception to Goal 4 was taken by the Board of Commissioners. (See attached "Findings of Fact and Conclusions of Law" granting the exception--Attachment A in Appendix).

Land Use Planning and Development Since the 1983 Exception - Parcel A, not involved in the parcel B exception mentioned above, is 20 acres in size and has a recreational cabin sited on it. Access to parcel A is provided by a county road running along its north property line. Electricity is provided to this cabin via the county road from main lines along Highway 204. Parcel B, currently in one ownership and within the area involved in the needs exception, totals about 100 acres. A preliminary subdivision plat has been approved (January 1984) for approximately 20 five acre lots. The owners have expended significant funds for planning, surveying, engineering, soil testing, right-of-way and access acquisition, right-of-way clearance, road bed preparation, design costs for both underground and overhead utilities and actual construction costs. To date, the following public facilities and improvements have been completed to serve the subdivision development: (1) road (both access to and interior subdivision roads;) (2) electricity; (3) underground utility lines; (4) storm drain culverts.

Resource Impracticalities/Neighborhood Characteristics - Special Exception Area #1 is in an area of recreational uses. This is evidenced by existing, smaller lots and cabin development to the north along Highway 204 and the cabin on parcel A. This situation puts numerous constraints upon the normal practices of commercial

timber production and livestock grazing (e.g. slash-burning, clear cutting, spraying, log hauling, noise, livestock damage to fencing, yards, etc.). Besides, the construction, earth moving, tree removal, road building and other land disturbances connected with the subdivision development have disrupted area B to such an extent that it is no longer useful for resource activities. Location within the long established Tollgate recreational area must also be a consideration as far as resource restrictions and overall compatibility of recreational development. The overall development pattern largely dictates recreational uses. The very good access (Highway 204), general topography, short distances to utilities and water availability have favored this type of development and has expanded into a regional recreational area. Forest Service data from 1979 shows that over 152,000 recreation visitor-days use occurred just on National Forest Service land along and near Highway 2 04 (see attachment B in appendix) . Although no exact figures are available or can be likely obtained, one can still conclude that a tremendous amount of recreational use occurs on private land along Highway 204. Intensive resource management (either grazing or timber production) has thus been rendered impracticable by the non-resource development and recreational activities, and in many cases has been abandoned in favor recreation even on larger lots adjacent to this committed area. The Special Exception Area #1, as earlier mentioned, is on the edge of this recreation corridor. Recreational uses to the north, a 74 acre "recreational lot" to the east (according to the owner, even

though the parcel is in a resource land use category and zoning and even has non-resource land adjacent to it) , and general topographic differences to the south and southwest, all demonstrate that eminent future recreational development planned for the property (20 new cabins using the five acre density now applying to the area) will be compatible with adjacent similar land uses and will not greatly interfere with resource activities in the area. (See more detailed discussion of regional characteristics under subsequent sub-area exceptions for Tollgate and vicinity). Conclusions - Special Exceptions Area #1 is committed to recreational use for the following summary of reasons:

- (a) Approval of an exception to allow recreational development;
- (b) Extensive expense of planning, engineering and design work to gain approval for the subdivision;
- (c) Commitment of actual construction cost and improvements of utilities and roads;
- (d) General compatibility with the overall regional land uses in the area and with capabilities and capacity of the existing utilities and road (see Umatilla Electric Co-op letter, Attachment C in Appendix).
- (e) The extreme unlikelihood and possibility of resource consolidation due to the high cost per acre value relating to developed improvements, taxation, small sizes and because of incompatible recreational development occurring in the immediate area.

Area: Tollgate - Subregion #2 (See page XVIII-193A, 193B).

Total Acreage: 730.4 acres

Number of Parcels: 140

Average Parcel Size: 5.2 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 80

Largest Parcel: 95 acres (see #8 below)

Smallest Parcel: .25 acres

Findings and Conclusions:

1. Extensive small lot, non-resource parcelization here.
2. Two platted subdivisions are in this subregion and a good number of lots have been sold.
3. Over 55% of the parcels are occupied by recreational living quarters. This percentage would be significantly higher if not for the fact that numerous lots within the two subdivisions mentioned in Finding #2 are vacant. However, many owners in these two subdivisions keep their lots unimproved and use them as vacation trailer or tent sites for short periods of the year.
4. Most lots have access onto improved roads such as Highway 204 and County Road #389.
5. In area where few conflicts with big game are anticipated. Not in critical winter range or in area where big gam migrate.
6. Nearly all parcels have been zoned as R-4, recreational residential, for last ten years. Only Meadowood Speech Camp property has a different zone.



7. Nearly all parcels have been assessed at much higher recreational land value rate for many years. There are several parcels under resource , tax deferral that are considered committed to mountain residential because they are smaller than resource sizes (fewer than 40 acres) and are either totally enveloped or almost completely surrounded by other developed/committed parcels.
8. Parcel is partially developed. A church camp retreat with incidental uses has been approved for the site. It does have access to Highway 204, it is not on a deferral program, and it is bounded on two sides by other development which also commits parcels to multiple use rather than resource lands.

Area: Tollgate - Subregion #3 (See map page XVIII-193B).

Total Acreage: 33 0.3 acres

Number of Parcels: 60

Average Parcel Size: 5.5 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 29

Largest Parcel: 20 acres

Smallest Parcel: .46 acre

Findings and Conclusions:

1. Placed in developed/committed category based on extent of small parcelization.
2. Close to 50% of parcels have developed recreational structures.
3. One platted subdivision with almost all 27 lots under separate ownerships.
4. All lots either about or are within 600 feet of improved platted street, county road or state highway assuring good fire protection access.
5. Most property has had R-4 Recreational Residential zoning. Several non-conforming lots in the F-2, 19 acre General Rural zone have been included because of their small size and location in and adjacent to developed/committed lands zoned R-4. Overall zoning recognizes long established recreational uses in the Tollgate area.
6. All but one of the 60 lots are taxed as recreational land. This one lot, included as committed, is bordered on three sides by other developed/committed parcels.

7. Sub-area is in-between two identified big game migration routes. Parcels near these migration trails are either developed and cannot be further divided or are large parcels related to resource uses and then are preserved for resource uses compatible with big game management plan.

Area: Tollgate-Collins Property (Special Exceptions #2)

Total acreage: 40 acres

Number of Parcels: 1

Number of Dwellings on Parcel: 3

Findings and Conclusions:

1. Property has three existing cabins or a density of one cabin per 13 acres which meets the "committed" lands criteria.
2. Property is about 50% within half-mile corridor and has an improved rock base road to interior of property.
3. Buried electric and telephone lines have been extended to this lot and are further evidences of recreational commitment.
4. Conversion to grazing and forestry uses are very limited due to likely conflicts with existing recreational development to the north and south of the subject parcel.
5. Property has been zoned R-4, a one acre minimum recreational zone since 1972, recognizing existing recreational use of property.
6. Parcel does not contain habitat critical to wildlife, big game or fisheries.

See page XVIII-193B

Area: Tollgate - Subregion #4 (See map XVIII-193B, 193C).

Total Acreage: 487.8 acres

Number of Parcels: 75

Average Parcel Size: 4.5 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 97

Largest Parcel: 154 acres (See #2 below)

Smallest Parcel: .16 acre

Findings and Conclusions:

1. Considerable numbers of small lots and developed cabins classify area as developed/committed mountain residential lots.
2. Two parcels are 154 and 152 acres respectively, but have about 35 cabins on them and are owned by homeowners<sup>1</sup> associations. Density approximates one recreational dwelling per nine acres and thus meets committed lands criteria.
3. All but two small lots are zone R-4, Recreational Residential, which recognizes existing recreational development.
4. Recreational land taxes on all parcels further substantiate commitment of area to recreational uses and development.
5. All developed/committed parcels have good access onto improved public, county and state roads.
6. Away from identified big game migration routes and not in critical winter range for elk or deer.

Additional Justification Required by LCDC Continuance Order

Explanation - Applicable findings of fact listed in OAR 660-04-028 are discussed below justifying why the forest lands goal can no longer be applied to parcels A, B, and C on the Developed/Committed lands Map B page XVIII-193B).

Location - Area is located in the extreme west portion of Subregion #4 about 1/4 mile east of Lincton Mountain Subdivision along the north side of Tollgate Highway (State Highway 2 04) . Description - The area requested for further "commitment" justification involves approximately 104 acres and three different property owners. For purposes of reference, this area will be called the "Blue Mountain Campground" area. The largest parcel is a 55 acre portion of a 159 acre parcel owned by Blue Mountain Campground Homeowner's Association (parcel A). The remaining Blue Mountain Campground property (130 acres) lies south of Highway 204 which divides their holdings and has been justified as "developed." Two cabins are located north of the highway and approximately 15 cabins sited on the portion south of Highway 204. The second largest individually owned property is 25 acres composed to three tax lots of 5, 10 and 10 acres (parcels B). The five acre tract has an old cabin on it. The cabin was heavily damaged by snow accumulation last winter. This spring it has been repaired. There are two small cabins on the two ten acre tracts. The third property is composed of 2 3.8 acres which is also split by Highway 2 04 and has two cabins on it (parcel C) . All three properties have recreational uses on them and have been situated within a long-

established recreational use area evidenced by the long historical use of Blue Mountain Campground property and other recreational lands in the Tollgate area.

Public Facilities - All properties in the Blue Mountain Campground committed area are either served directly by the paved Highway 204) as well as telephone utilities. Water is provided by individual springs (for parcels B and C) as is most of the recreational properties on Tollgate Mountain and for Parcel A. A community water system supplies domestic drinking water to the two cabins, which is a branch of the many water system supplies domestic drinking water to the two cabins, which is a branch of the many water systems which also supply the remaining cabins within the Blue Mountain Campground Association land to the south of Highway 204.

Surrounding Land Uses - Adjacent land uses to the northeast/ east and south are predominantly cabins and or recreational use-related, especially to the northeast, where over 50 cabins and a restaurant are sited; and to the southeast where 17 cabins in another homeowner's association are sited. Directly south of parcel C is a larger property (78 acres) . Land use to the west and north are two privately owned parcels of 93 and 200 acres currently under farm deferral and used mainly for grazing purposes. There is also timber on both of these parcels.

Parcelization/Potential Development - There is no additional parcelization or additional cabin development possible in the Blue Mountain Campground Area. The ten acre lot size minimum will not permit any more development here because the lots are "built out" (see conclusion).

Conclusion of Development - Based upon the above findings, the Blue Mountain Campground sub-area is considered developed and therefore to be a part of the rest of the Tollgate Multiple Use lands.

February 21, 1985 "In Order To Comply Response"

Several mapping errors and a review oversight resulted in a misunderstanding and state staff disapproval of this exception area. The following will clarify the error and will re-emphasize and expand the compelling reasons why this sub-area is developed and committed to non-resource use.

1. Mapping Errors - The two cabins on parcel A (see XVIII-193A for description and land use) have been on the property for many years (prior to 1970's). Only one cabin was shown on the 1983 map, and it was located on a separate map because of scale and printing constraints. DLCD could easily have concluded that no dwellings were on this portion of the Blue Mountain Campground property. This clarification will support the conclusion that the Blue Mountain Campground is fully developed at the prescribed ten acre density. The other original 1983 mapping error did not show an old cabin on the furthestmost south parcel of property C (see map, page XVIII-193C). It was mentioned on page XVIII-98 but was apparently mistaken as a new cabin by DLCD during the February 21,



1985, acknowledgment review. The last mapping misunderstanding appears to be that of the access road into property C which has existed for many years and was added to illustrate public facility availability and adequacy. This is not a new road.

2. Revised Findings and Conclusions - Based on the above clarifications, Parcel A has always had and has always been a part of a "developed" recreational property (Blue Mountain Campground). No further development can occur on this property. Property C has an existing cabin on the southernmost five acre parcel with an existing access road to all three commonly owned parcels (5, 10 and 10 acres). Property C has always had a recreational use history as most all properties have that are very near and accessible to the Tollgate Highway. Also, with the property's location adjacent to "developed" and incompatible mountain residential uses to the east and south, along with an existing dwelling already on the property, the remaining two 10 acre parcels of property C were considered irrevocably committed because the existing non-resource interferences make any resource management impractical (e.g. aerial spraying, log falling and hauling, damage to aesthetic settings, only access to property is through other developed recreational properties, livestock roaming and associated damage). Additionally, the undeveloped portion of property C is only 20 acres which is too small and too expensive to efficiently consolidate into adjacent resource land to the west and north. Only two cabins with no further dwellings possible (ten acre per

dwelling zoning restriction) certainly will not negatively impact adjacent resource parcels anymore than already exists in the area.

#### Conclusion

It was for the above reasons that the county originally considered the Blue Mountain Campground area as developed to non-resource uses, and permitted the infilling of the two cabins on the two northern 10 acre parcels of property C.

Area: Tollgate-Subregion #5 (See map XVIII-193C).

Total Acreage: 374 acres

Number of Parcels: 56

Average Parcel Size: 6 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 35

Largest Parcel: 105 acres (See #5 below)

Smallest Parcel: .2 acre

Findings and conclusions:

1. As with previous subregions, the extent of small parcels under different ownerships place this area into developed/committed lands.
2. Over 55% of the parcels are occupied by recreational improvements adding to evidence of mountain residential use.
3. All but one 2.8 acre parcel have been zoned R-4 (one acre Recreational Residential) , further proof of existing recreational development.
4. All parcels have been taxed at higher recreational rates based on recreational use.
5. A 59 acre and a 105 acre parcel were included in committed category because of their single ownership, recreational tax status, access onto Highway 204 and location within existing mountain residential development.
6. All other parcels abut onto or are very near Highway 204, affording good access to these parcels.

7. East portion of subregion is used as a migration corridor by elk and deer, but density and development standards should protect route and still permit limited mountain residential development.
8. Is not in critical deer or elk winter range.

Additional Justification Required by LCDC Continuance Order

Explanation - Below is pertinent information in OAR 660-04-028 that will apply to 15 properties showing they are irrevocably committed to recreational uses. The properties are shown on map C, page XVIII-193C and in more detail on the map titled "Loop Highway Area". Description and Use

- (a) Area involves approximately 245 acres 14 tax lots and 9 different property owners. (See "Loop Highway Area Map")
- (b) Parcel A and B belong to the Seventh Day Adventist Church and have a retreat building and overnight cabins on both parcels. These two parcels are developed recreational land.
- (c) There are eight recreational cabins located on parcels C, F, G, H, I, K and M.
- (d) Parcels D and E are small isolated portions of properties separated by Highway 204 in the extreme north tip of the Loop Highway area. The highway right-of-way is wide enough to effectively isolate them from their parent parcels and are thereby more associated with lands south of Highway 204.
- (e) Parcel J is vacant and is a 14.15 acre piece owned in common with parcel G and H, but is physically separated by Highway 204.
- (f) Parcel M is also a common ownership with parcels G, H, I and J, but is separated by property K and Highway 204.

### Public Facilities and Services

- (a) Paved Highway 204 serves as direct access for a majority of the parcels (A, B, C, D, E, F, S and O).
- (b) Parcels (G, H, I, J, K, L, M and N) are served by easement roads.
- (c) Parcels A, B, C and F have electricity service directly off of main lines along Highway 204. Parcels H, K, M and O have electricity from interior service lines. Parcel C has telephone service to the home there. The remaining parcels are within short distances to these utilities if desired.
- (d) All cabins have either individual domestic wells or natural springs for water supply sources.
- (e) A major electric power transmission line runs through parcels B and F.

### Surrounding Land Uses

- (a) The area is bordered on the north and east sides by extensive recreational cabin development.
- (b) To the south is a 159 acre tax lot owned by the National Forest Service which is for the most part lightly timbered.
- (c) To the southwest is a 160 acre tax lot owned by the State of Oregon which is also lightly timbered.
- (d) A committed parcel (Harris property) is located east of this committed exceptions area.
- (c) The criss-crossing of interior roads, a major electricity power line and spring originated water pipelines and yard development around existing homes,, further constrains or

refines the efficient management of the area, especially for normal timber management (aerial spraying, log falling, damage to aesthetic settings).

- (d) The location of the area within a loop of the highway shapes and constricts most of the parcels<sup>1</sup> configuration, meaning timber management border problems mentioned by timber management companies.

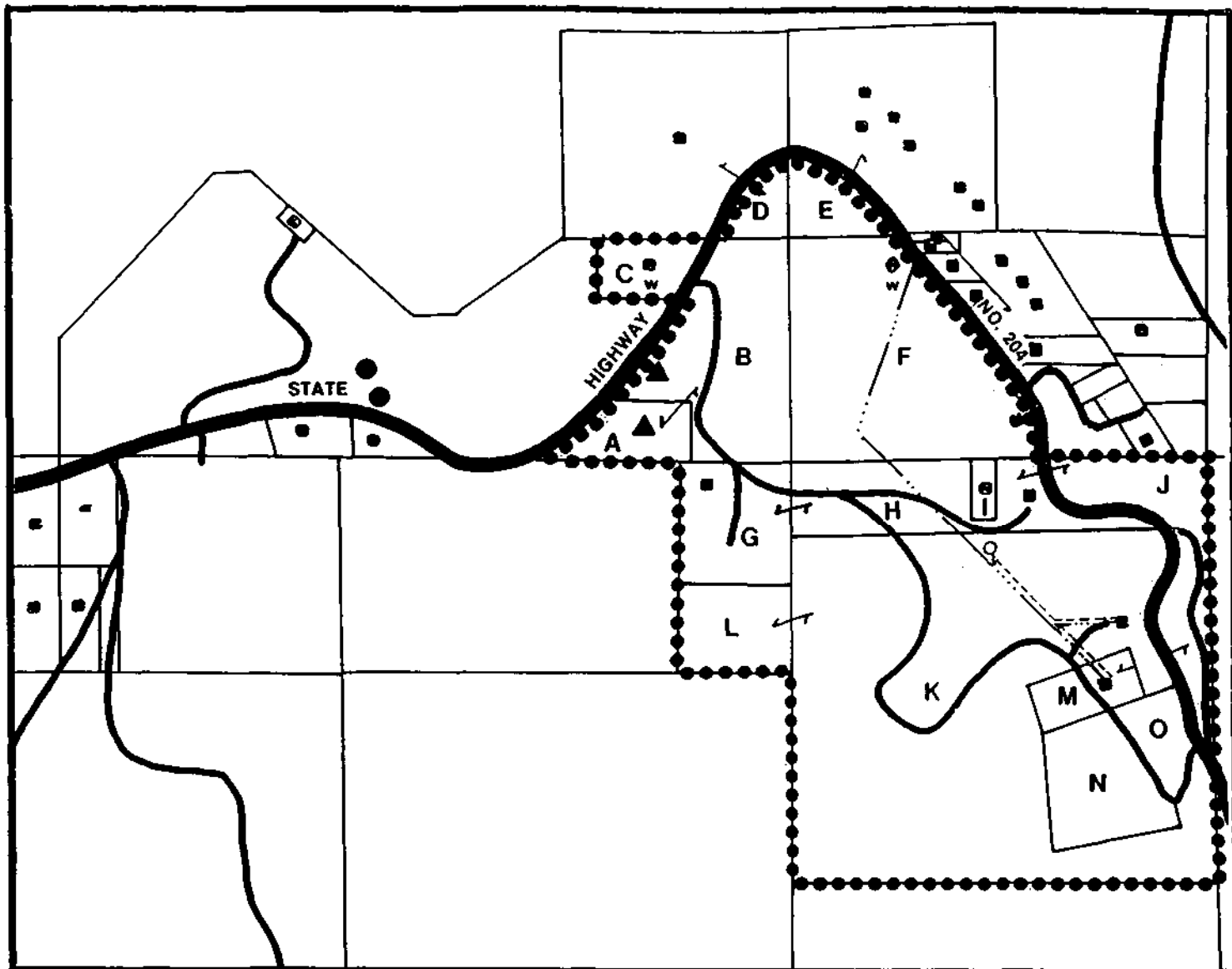
#### Compatibility

- (a) Most of the area is designated for a 10 acre density minimum. This restriction along with existing development will limit new recreational dwellings to only 11. Several parcels (J,M, N, O) have a five acre density which would permit about five new dwellings. A total of 16 potential recreational dwellings in an area of over 245 acres is a very low density and is compatible with the open space needs of other existing recreational homeowners in the area, which also significantly reduces the potential negative impacts upon adjacent publicly-owned land to the south and southwest.
- (b) The low number of new recreation homes possible can certainly be accommodated into existing public services in the area. Location within the loop of the highway and in between existing adjacent recreational uses allows an infilling and logical progression of development in an area that does not project out into resource lands normal resource activities because of the wide range of incompatibility problems mentioned earlier for typical resource uses occurring in the

area. Statistical figures and degree of recreational impact have been documented previously in the Beard/Giger exceptions statement and can be visually seen on maps showing the actual 12 mile long development along Highway 204. This factor of commitment supports the compatibility issue of additional recreational use in an area already dominated by this activity.

Conclusion - The Loop Highway area is considered to be committed because of the predominance of existing recreational development and improvements within and adjacent to it, incompatibility and impracticality for resource use because of its location and relationship to the overall recreational area as influenced by existing development, roads, and utilities.





LEGEND

- DWELLING
- COMMERCIAL BUSINESS
- ▲ PUBLIC USE OR BUILDING
- POWERLINE
- WATER LINE
- COMMITTED LAND BOUNDARY
- ♀ SPRING
- w WELL
- ROAD
- ↗ JOINT OWNERSHIP

\*\* Letters correspond to areas in Tollgate Developed and Committed Exceptions text.



# LOOP HIGHWAY AREA TOLLGATE VICINITY

(PART OF SUBREGION #5)



Area: Tollgate - Davis Property (Special Exceptions #3)

Total Acreage: 95 acres (see #7 below)

Number of Parcels: 1

Number of parcels Occupied: 2

Findings and Conclusion:

1. Property is adjacent to and bounded on nearly three sides by non-resource sized parcels and recreational development constituting commitment of parcel for similar uses.
2. Several recreational lots, now developed, have been sold from property along with the existence of a snowmobile race track, further committing the parcel for recreational use.
3. Property is rocky, open scab land with little to no timber or grazing value. SCS soil data supports finding of no timber productivity and poor grazing value.
4. Utilities and paved road access from Highway 204 provide basic development requirements, allowing local infilling of recreational uses that predominate this area.
5. Testimony from area residents, property owners and State Fish and Wildlife Department concludes the area encompassing property is not within critical wildlife winter range or big game migration trail, therefore not requiring conflict resolution of resource values. (See map XVIII-193C).

Additional Justification Required by LCDC Continuance Order - Davis Property

Explanation - The following findings of fact will supplement the above findings and conclusions and address applicable items in OAR 660-04-028 justifying the conclusion that Goal 4 can no longer be applied to Special Exceptions #3 on Map C, page XVTIII-193C.

Description and Use - A more detailed description and use of the property is shown on the map titled "Davis Property" on page XVIII-113A and is as follows:

- (a) Snowmobile race track and several permanent associated buildings for storage and concessions (10-15 acres).
- (b) Cabin on a one acre parcel on the north of property.

Adjacent Land Use - Land to the west and north belongs to Harris Pine Mills, a mill and furniture company. A five acre recreational lot with cabin is located in the east property line as well as a church camp and overnight cabins to the southeast. Three recreational lots (two developed) are along the south border of this property.

Public Facilities - A more detailed discussion of public services is as follows:

- (a) Electricity and phone lines are on the site, going to both the race track and existing cabins. Main utility lines are along Highway 204, potentially serving the entire south side of the property;
- (b) Paved State Highway 204 serves as access for most of the property along its south border;

- (c) A private easement cut across the larger tract to provide access for a privately owned cabin to the north and a private interior road fronting along Highway 204 (see Developed/Committed Map C, page XVIII-193C);
- (d) Springs serve as water sources for existing uses described above. One spring is considered one of the largest on Tollgate Mountain (see same map as above).
- (e) A major overhead power transmission line runs through the entire parcel (see same map as above).
- (f) A local utility line runs parallel with the major utility line mentioned in (e) above the traverses north to the existing cabin (see Developed/Committed Map C).

Resource Restrictions-Natural Boundaries-Buffers-Compatibility

- (a) The parcel is mostly open, rocky land (about 65%) with about 15% of it heavily timbered and another 20% lightly timbered as a result of a harvest in the late 1950's (see map titled "Davis Property," page XVIII-113A).
- (b) The open area consists of a Class VIII soil called Klicker-Anatone-Bocker Complex, which has a poor rating for rangeland and no capability for woodland. This soil does not even meet the definition of agricultural land in State Goal 3 (see topography map and Soils Interpretation Record Sheet, Appendix E).
- (c) The timbered portion is separated into two areas by the snowmobile race track and is a mixture of Douglas fir and tamarack. The open area east of the race, track is a thinner

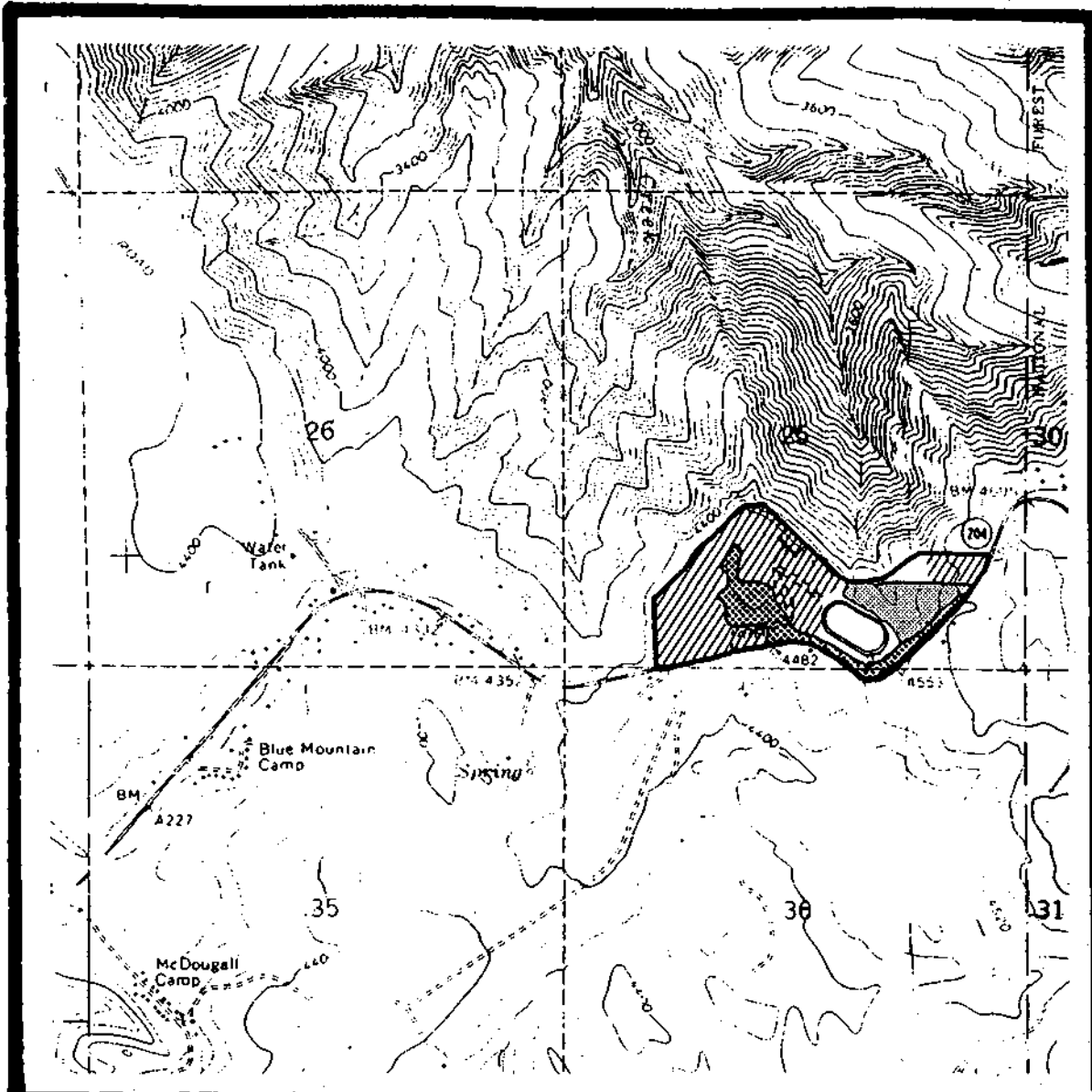
stand of lodge pole and tamarack. Both areas are rather small (20 acres approximately) and are located along Highway 204 a well accessible and heavily used recreational area.

- (d) Along the south border of the property exists four cabins and a church retreat facility. The presence of these incompatible uses along with the locations and small size of the two timbered areas described above render commercial timber management difficult if not impossible. Timber practices of clear-cutting, slash burning, spraying, etc. will affect the aesthetic value of the overall recreational area, especially along Highway 204. There are just too many adjacent conflicts for timber, and for that matter grazing uses.
- (e) The Davis property is separated from adjacent resource lands to the west, north and northeast by a ridge line of slopes exceeding 45%. This separation effectively buffers potential development on the parcel from the just mentioned resource land and also ties the Davis property into the Tollgate recreational area that runs along Highway 204 between two major drainage systems. (See map titles "Davis Property," page XVIII-113A) . This is the regional recreational development pattern where access and topography has attracted recreational activities and uses since the early 1900's. (See "Regional Characteristic" sections of other Tollgate area exceptions in this plan).





## Compatibility

- (a) Plan policies as well as soil qualities will help assure that development will occur adjacent to existing recreational uses along Highway 204 and away from resource lands to the north, which as earlier mentioned are separated topographically. Parcels over 55 acres must cluster develop. Development will most assuredly be in the more aesthetically pleasing timbered area where soil qualities will allow septic tanks, whereas in the open areas of the property the shallow, rocky soils do not permit sewage systems (it has a severe rating for these systems). The 16 to 17 additional cabins allowed under the five acre zone and cluster regulations can be easily accommodated near the Highway 204 access where the better soils are and where existing utilities on the property and other public utility lines serving nearby adjacent recreational uses are within a very short distance.

Conclusion of Commitment - The Davis property is "committed" based upon its poor resource capability, restrictions to resource use, availability and presence of utilities, location within the regional recreational area of Tollgate, and development standard requirements applicable to this property assuring land use capability, all of which is detailed above.



**LEGEND HEAVILY**

-  **TIMBERED LIGHTLY**
-  **TIMBERED OPEN**
-  **AND VACANT**
-  **ANATONE SOILS**  
(ALSO OPEN AREAS)

SOURCE: U.S.G.S., BLALOCK MTN..OR

**DAVIS PROPERTY  
TOLLGATE VICINITY**

(SPECIAL EXCEPTIONS 3)



Area: Tollgate - Subregion #6 (See map XVIII-193C, 193D).

Total Acreage: 430.8 acres

Number of Parcels: 53

Average Parcel Size: 8.1 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 29  
(see #2)

Largest Parcel: 153 acres (see #2, #3 below)

Smallest Parcel: .2 acre

Findings and Conclusions:

1. Numerous small parcels with over 55% occupied by a recreational structure denotes the area as developed/committed.
2. One parcel of 153 acres has 54 dwellings and a lake on it. The density is 2.8 acres per acre and meets committed criteria.
3. A parcel of 95 acres is included because of its unique status as being a larger parcel with recreational commitments.

Additional Justification Required by LCDC Continuance Order

Explanation - Factors listed in OAR 660-04-028 are discussed below for three properties included under this section. These findings will support that Goal 4 can no longer be applied to them. These properties are labeled A, B, and C on the map titled "Harris, Key, Brinker and York Properties," map on page XVIII-118A).

Description and Use - This committed are is located about 1/4 mile east of Langdon Lake on the south side of Highway 204. The area encompasses approximately 68 acres, six tax lots and three



ownerships. Property A, the nearest to Highway 204, is 28 acres and timbered. Properties B and C are 20 acres each, one consisting of two 10 acre tax lots (parcel C) , the other in a 10 acre, and two 5 acre lots both with thick stands of low-standing alder brush intermixed with small pine and fir trees. Properties B and C were logged about 20 years ago when in a large ownership. These two parcels were divided from property to the south and west according to an inheritance decree in 1974 and have been subsequently sold to other private parties. There is a recreation dwelling on parcel B. Associated recreational improvements into this area include: (1) development of a spring on property B; (2) surveying of properties for fencing and other property protection purposes; (3) negotiation and improving an easement road for properties B and C.

Public Facilities and Services - Electricity service is on site to properties A and B. Phone service is not on site but is Within 1/4 mile of property C, within 1/6 mile from property B, and immediately adjacent to property A along Highway 204. Road access to property A is directly off from Highway 204, via a frontage interior road (Old McIntyre Road). Access for properties B and C is provided from a well maintained graveled forest service road to the west via a 30' easement which is (currently) being improved to a county standard.

Adjacent Land Uses - Along the north and east borders of property A and near properties B and C are numerous small, recreational lots and cabins found along Highway 204. To the west is a "committed" recreational parcel belonging to Robert Harris (see committed

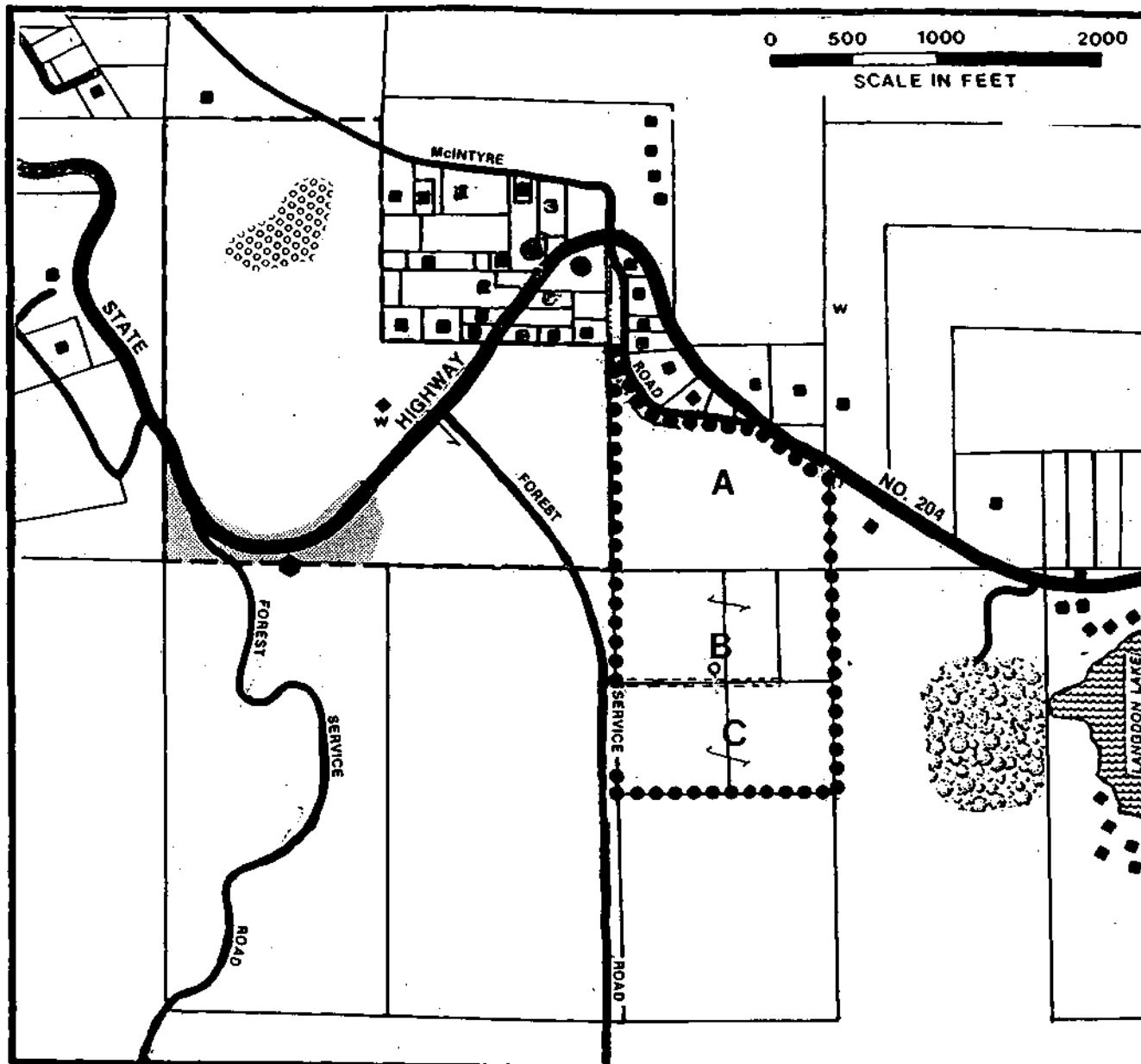
exceptions page XVIII-125). On the east borders of properties B and C is a neck of U.S. Forest Service about 80 acres that extends up to Highway 204 and in between privately owned recreational property (Langdon Lake and cabins along Highway 204) . There is a developed forest service campground on this parcel called Woodward Campground consisting of 20 campsites, 18 picnic tables, drinking water and pit toilet facilities. A 40 acre lot borders property C to the south and an 80 acre lot is to the west of properties B and C, both of which are vegetated in the same manner as properties B and C described above. These two parcels are occasionally leased for grazing according to the owners.

Resource Impracticalities - There are several factors that render these properties impractical to apply Goal 4 or use for resource purposes. First, the area is bounded on the north and east by incompatible recreational development (cabins and Woodward Campground) .^ Usual timber practices of slash burning, clear-cutting, log hauling conflicts of noise and dust, and herbicide application that might be attempted, would adversely affect the aesthetic value of the area and be in conflict with these existing adjacent and incompatible uses. Livestock grazing is also impractical here because of the interference/incompatibilities problems with nearby recreational development as detailed for other Tollgate committed areas previously discussed. These properties, according to owners, are located across a major snowmobile trail. Secondly, the sizes of these parcels are too small in themselves to practicably use for resource purposes. Timber companies seldom

look at parcels of less than 40 (mostly over 80) acres for efficiency and economic return purposes. Livestock ranchers also require larger sizes than these parcels since they need forage amounts in quantities that will sustain herds long enough to make it economical to justify their hauling the livestock to summer range. Thirdly, consolidation of these parcels back into resource blocks, if protected and zoned for such uses, is virtually impossible and impractical because of the number of owners to negotiate with and the high value of the land due in part to existing improvements.

Compatibility - Several circumstances exist that assure compatibility with adjacent land uses. Zoning density requirements, for one, limits total possible cabins or recreational dwellings to 10-12. This amount certainly can be accommodated easily into the existing on-site and major utility systems along Highway 2 04 (phone and electricity) if so desired. (See Umatilla Electric Co-op letter, Appendix C for Special Exception Area #1). Also, existing roads and required improvements to them outlined in the Development Code will assure safe and adequate access into and out of the area. Since there is existing recreational development to the north and east, the relatively small amount of planned recreational development permitted is a logical extension with little anticipated conflicts with the adjacent public land now used for recreational development permitted is a logical extension with little anticipated conflicts with the adjacent public land now used for recreational purposes (Woodward Campground). The larger

adjacent parcels to the south and west should not be impacted anymore than other parcels of similar circumstances and size adjacent to committed and developed land along the Tollgate Recreational Corridor. It has been repeatedly stressed and cannot be emphasized enough about the tremendous recreational use pressures in the Tollgate area, and in particular the immediate area under discussion. Nearby Langdon Lake, Spout Springs Ski Resort, Jubilee Lake, National Forest Service land, and the popularity of hunting, fishing, skiing, snowmobile trails and mushrooming all exert great pressures upon the land. Since the overwhelming use in the area is recreational, the impacts of planned recreational development upon these three properties will be compatible with the regional characteristics of the area. (See Special Exceptions Area #1 discussion for statistical information on recreational use along Tollgate Highway 204).



- LEGEND
- DWELLING
  - COMMERCIAL BUILDING OR USE
  - POWERLINE
  - ↔ JOINT OWNERSHIP
  - w WELL
  - ROAD AND EASEMENT
  - SPRING
  - WOODWARD CAMPGROUND
  - HANEY VIEW POINT
  - BOUNDARY AROUND HARRIS PROPERTY
  - OPEN AREAS
  - BOUNDARY AROUND KEY, BRINKER & YORK
  - WET AREAS
- Letters correspond to areas in the Tollgate Developed and Committed Exceptions text

# HARRIS, KEY, BRINKER & YORK PROPERTIES. TOLLGATE VICINITY



Additional Justification Required by LCDC Continuance Order-  
Edwards/Undivided Ownerships Area (Old Cross Property) Explanation

- The following facts pertinent to OAR 660-04-028 will support the conclusion that the four parcels in question can no longer be used for forest uses and are irrevocably committed to recreation activities. The four parcels described as parcels A, B, C and D on the map on page XVIII-124A) titled "Edwards-Ellis Undivided Interest Properties" were originally included in the Developed/Committed Exceptions discussed of Tollgate-Subregion #6.

Location - This area is located north of Langdon Lake at the far east end of the Tollgate Highway Recreational Corridor. (See Developed/Committed Lands, Map D, page XVIII-193D) . The area is also about 2 to 3 miles west of Spout Springs Ski Resort.

Description and Land Use - The area in question involves four tax lots (parcels A, B, C and D on Map D) and numerous ownerships. Parcel B has 11 undivided interests and along with parcel A (two undivided interests) has been involved in a lengthy court suit and land sue controversy. Parcels C and D are in common ownership. Total size of the area is approximately 122 acres. Parcel A has a recreational cabin built on it near Highway 204. North of the cabin is a 65• deep domestic well that serves water to this cabin and another one to the west. The west half of the property has been clear-cut. The north portion of parcel B is mostly wooded and currently vacant of recreational dwellings. There is approximately 15 leveled and cleared areas for anticipated cabin development. A 540• deep well has been drilled and is located in the far east

end. Parcels C and D have been clear-cut recently and do not have any recreational cabins located on them.

Public Facilities and Services - A loop road (a private road system designed for a subdivision that did not get final county approval) dissects through both parcels A and B. This road connects to Highway 204 and is basically a dirt road since the anticipated subdivision was never completed. Parcels C and D have access from several private roads and easements. Electricity and phone utilities are nearby to the south along Highway 204. An electricity powerline cuts across the southern tips of parcels A and B and an underground powerline supplies electricity to the cabin on parcel A. Food and gas (service commercial facilities) are available about 1/2 mile to the west at the Tollgate Shopping Center and Tamarack Cafe.

Adjacent Land Uses - The predominate land use to the south is recreational home development (3 cabins and 7 small lots). There are several cabins to the southwest of the subject area. Of course, the extensive development (over 45 recreational dwellings) around Langdon Lake is located nearby to the southeast. National Forest Service land borders on the north and east sides. Most of the west side is bordered by a private 101 acre piece of property which is partly wooded and partly in meadows. There is a recreational cabin on the property near to Highway 204. Pertinent Land Use Facts - The northern two parcels (A and B) have been entangled in a complex, long, and expensive land use effort. A chronology of events from materials presented to the County's

District Attorney (Appendix Attachment F and G) show only in part what has transpired. Since June 1981, the owner withdrew his subdivision proposal and was involved in a law suit with so called "prospective" buyers of the subdivision lots who in some fashion were involved financially (see Attachment H in appendix). The result of the lawsuit was an award to give parcel A to two of the "buyers" and parcel B to eleven different "buyers." Of course, these new owners all desire to still use the land for recreational purposes, but have been thwarted by the legal entanglements and finalization of the County's Comprehensive Plan. In formalizing the final plan and zoning for parcels A and B, the county chose to take an irrevocable committed exception based mostly upon the "vested" rights of the 13 owners of parcels A and B who have incurred thousands of dollars worth of court, attorney, tax, and other out-of-pocket costs in anticipation of developing the land for recreational purposes. Actual physical improvements on the land by the original developer and new owners such as road construction, domestic well development, leveling and clearing spots for recreational dwellings, and grooming clear-cut areas shows commitment of these parcels to recreational use rather than for resource designations and protection. The new owners of Parcel A have submitted a letter (Appendix Attachment I) showing the physical improvement costs involved to date in the attempt to develop parcels A and B for recreational use. The physical costs (\$126,000) involve the purchase of land, grading and filling of the road system, expenses for three surveys to stake the entire



perimeter of parcels A and C and setting brass pins in all corners, grading and clearing costs for recreational dwelling sites, cost of eight DEQ site approvals for septic tank installations on parcel A (see Appendix J) , as well as costs for 20 plus excavation test holes for eventual DEQ approval, and costs involved in domestic well development on both parcels A and B. Over \$48,475 has been spent in legal and additional costs, including court costs of the suit (attorney's fees) to obtain ownership from the original developer/owners, and the new owners' expenses such as travel and gas expenses and loss of wages from missing work to attend land use hearings. Attachment K in the appendix outlines total expenses (less physical improvement costs of \$126,000 and attorney fees pertaining to the Edwards' parcel amounting to \$8,000) which have been collectively expended for similar items mentioned above. This totals well over \$356,000 dollars. The above financial and improvement commitments, along with the following, support the conclusion that this area is no longer practical to use for grazing or timber resource uses.

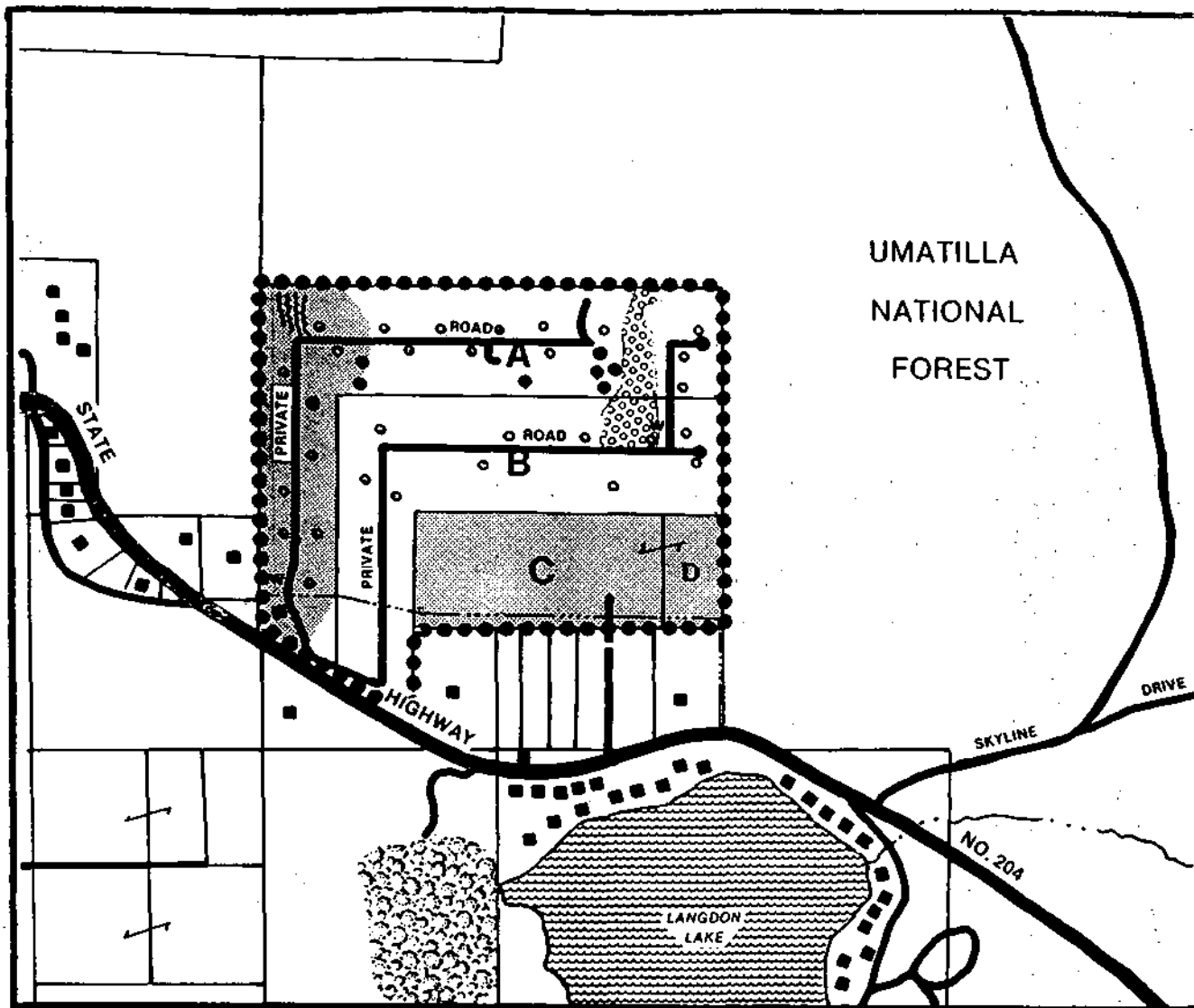
Resource Impracticalities - The numerous and complicated nature of ownerships involved in parcels A and B make it extremely difficult and unrealistic to buy out other interests for practical management purposes. None of these owners have resource management in mind nor are willing to sell it for such based upon the unique acquisition circumstances, expensive investments, and their testimony at numerous public hearings. Parcels C and B are too small (27 acres total) to manage for resource use, especially with

incompatible recreational dwellings and lots adjacent to them to the south. Forestry practices of clear-cutting, slash burning, thinning and herbicide applications would definitely be land use conflicts here. These same kinds of complaints were received from adjacent property owners when some clear-cutting took place on parcels A and B. Cattle grazing is also not practical on these four parcels due to the uneconomic and impractical sizes and "recreational" property damage possibilities (e.g. damaged fencing, yard, landscaping, etc.) for existing recreational homes and lots of the immediate south and southwest.

Compatibility - Several unique circumstances exist that will assure the area will be compatible with adjacent resource land and adjacent existing recreational development. First, although parcel A borders upon most of the adjacent resource and public ownership land, it is of a size (55 acres) that requires a cluster development plan. Cluster development standards are rather stringent and require buffering and other mitigating measures to protect nearby resource lands. Thus, a majority of the resource land near this area will be adequately protected and buffered if the eventual 11 cabins are developed on parcel A as allowed by the five acre zoning density. Parcel B only borders public forest land on its east end for distance of about 400 feet. Full development, then, (eight cabins total and only one cabin in this vicinity) will certainly have little impact upon adjacent public land as would also be the case with parcel D, where one cabin would border the same small distance of 600 feet upon public land. It should also

be noted that public land (National Forest land) is not always used or managed for strictly resource purposes, but for many other uses often compatible with recreational cabins and related activities. Forest Service use figures (see Special Exceptions Area #1) definitely show that their lands in this vicinity are heavily recreated and definitely compatible with existing and planned recreational use on these four committed parcels. Full development (approximately 24 recreational dwellings) can be easily accommodated into the existing telephone and electricity systems as earlier written testimony indicates excess capacity. Clustering regulations that will apply to parcel A also require the preservation of trees and maintenance of aesthetics, an important compatibility policy demanded by Tollgate recreational property owners when major new development is to be started. Neighborhood and Regional Characteristics - The predominate overall use of recreation and recreational homes now developed along the Tollgate Highway Corridor precludes the practical use of a majority of the lands in the vicinity for resource purposes. Excellent amenities such as good access, readily available utilities, nearby recreational developments, plus other regional recreation attractions such as Langdon Lake, Jubilee Lake, Spout Springs Ski area, and Woodward Campground (south and west of Langdon Lake) have tremendous negative influence upon practical and long range-resource management. County residents from the nearby population centers of Pendleton, Hermiston, Milton-Freewater, and Tri-Cities recreationalists, as well as people from nearby Union and Wallowa

Counties, are attracted here and roam the area to hunt, berry pick, mushroom hunt, and participate in a variety of winter activities. Day use and destination type recreation (cabins) is increasing along with the increasing population. Much of the day use activities spill over onto private properties, which have created not only trespass and management problems with larger, more resource-oriented properties over 1/2 mile away north and south of Highway 204, but also with properties within 1/2 mile, whether resource or recreationally developed or oriented. The properties nearest the highway, therefore, have much recreation use, and thus a myriad of conflicts for resource management. Many owners have abandoned grazing and timber activities. All of the above shows that existing recreational use and development dictates this type of land use, especially on land near the vicinity of the Tollgate highway where the subject parcels are located and where a majority of recreational activities now occur. (See Beard/Kiger Special Exceptions #1 for statistical recreational use information).



LEGEND

- |   |  |
|---|--|
| ● DWELLING  | CLEAR CUT AREAS JOINT  |
| w WELL  | OWNERSHIP ROAD COMMITTED   |
| --- POWERLINE   | LANDS BOUNDARY   |
| WOODWARD CAMPGROUND   | ●●●●   |
| WETLAND   | 'Letters correspond to areas in Tollgate<br>Developed and Committed Exceptions<br>text.' |
| SCAB ROCK AREA  |  |
| ● SEPTIC TANK TEST HOLES, APPROVED                              |  |
| ○ SEPTIC TANK TEST HOLES, NOT CHECKED BY D.E.Q.<br>AT THIS TIME |  |



**EDWARDS, ELLIS & UNDIVIDED INTEREST  
PROPERTIES, TOLLGATE VICINITY**



Area: Tollgate - Harris Property (Special Exceptions #4)

Total Acres; 120 acres (see #1 below and map, page XVIII-193D).

Number of parcels: 1

Average Parcel Size: 120 acres

Number of Parcels Occupied: 1

Findings and Conclusions:

1. This acreage is the lesser productive, most accessible area of a 200 acre property ownership.
2. Significant areas of open, rocky and sparsely timbered land classify parcel lesser-productive forest or grazing lands. Soil surveys confirm poor productivity.
3. Acreage is bounded on three sides by other properties having recreational development and small non-resource parcelization committed to multiple use activities. These factors irrevocably commit subject area to a non-resource use.
4. Acreage is divided by Highway 204 and has utilities nearby, thus providing excellent access and services for future multiple use development.
5. Property does not contain vital habitat for big game or wildlife, nor other resource values.
6. Approximately the south 80 acres of this property is excluded from multiple use commitment. This area has better timberlands, limited access, steep slopes, and projects into adjacent resource lands.

Additional Justification Required by LCDC Continuance Order

Explanation - The below facts supporting an irrevocably committed exceptions will supplement the above findings and conclusions and more conclusively address OAR 660-04-028 requirements. Location - The Harris property is located along both the north and south sides of Highway 204, approximately two miles west of Langdon Lake. It is within and a part of the approximately 12 mile Tollgate recreational corridor development found along the major access route of Tollgate Highway (see Developed/Committed Maps C and D, pages XVIII-193A, 193B).

Description and Land Use - The parcel in question (120 acres) has one recreational cabin located just north off Highway 204 in the east part of the property. A domestic well, out-building, and yard are improvements associated with this cabin. Overall the property is mostly wooded with several areas of open, rocky, non-tree growing soils (see Harris, Key, Brinker Map, page XVIII-118A). The open areas occur in the extreme southwest corner and one area in the northwestern corner. One area has a high water condition that creates poor tree-growing circumstances. The overall property area has not been actively used for grazing or for the production of timber for many years, but for recreational purposes according to the owner (see attached owner statement, Appendix, Attachment C).

Public Facilities and Services - Access to the Harris property is served from almost all directions from as many as three different roads. State Highway 204 fronts on nearly three sides. It is a paved, two-lane road and the main access for most of the

recreational development on Tollgate Mountain. McIntyre Road, a public road, fronts along most of the north property line. It is an adequately maintained road having a gravel surface. Another well-maintained gravel road (forest service owned) provides access to the southeast portion of the property. Electricity and phone utilities are available from major truck lines along Highway 204. Retail services are also very close (within 1/8th mile) in the form of gas, food, and other related services.

Adjacent Land Uses - Approximately 30 cabins and two recreationally-related businesses are located along the northeast side of the Harris/Smith property. Several recreational cabins are sited along the north property line on both sides of McIntyre Road. Property along the west border involves an irrevocably committed (to mountain residential uses) parcel justified in the Loop Highway Area Exceptions Statement. Land to the south partly involves property which is owned by Harris, being the portion of their property retained in resource use which the county felt projected too far out into resource land. Other land ownerships and uses on the south border involve an 80 acre parcel, intermittently grazed, which abuts along the Harris property for approximately 1/4 mile.

Resource Impracticalities - The predominance and presence of existing and proposed recreational development (including dwellings and commercial business) on three sides of the parcel create numerous land use conflicts with typical forestry practices of clear-cut logging, slash burn operations, herbicide applications and related noise and traffic—major concern of most recreational



homeowners on Tollgate Mountain. Roads divide the 120 acres into smaller individual units, effectively reducing the overall effectiveness for resource management, especially in the southern portion (south of Highway 204). Location of the highway in relationship to the southern parts of the property and property line (especially southeast corner) along with the Forest Service road traversing through this area elongates and bisects the shape of the land (into two parcels of about 25 and 15 acres), and acts as a constraint to the efficient management of this area for forestry management and most forest uses (e.g. small area, property boundary complaints and internal restrictions of access right-of-way, ownership and right of use). Similar restrictions for practicable grazing use (a forest use in Goals 3 and 4) are inherent here, especially in the northern 80 acres, due to the presence of dense recreational development to the east. Livestock are usually free to roam and frequently cause property damage to fencing, yards, landscaping, small buildings and other associated improvements common to recreational dwellings. This was a frequent complaint of Tollgate residents (see Tollgate Citizens Committee Report). The incompatibility aspect is also supported by the property owners' statement attached. General soils information does not bear out the poor timber capabilities as indicated by the owners. This is due to the mapping techniques of the soil survey which do not map different soils that are less than 10 acres. The owners state that there are many small spots of shallow and poor quality soils and swampy land supporting alder and chaparral

thickets that don't show up in the SCS. survey. The owners maintain that there are other compelling reasons that commit the land, thereby not warranting expert testimony by a forester that the land is poor timberland.

Compatibility - The location of the Harris property in relationship to existing nearby recreational uses, and the location of and the tremendous influence of Highway 204 upon the overall recreational development pattern is such that the property does not project out into resource land but rather is in between existing recreational development. Future development would be an infilling and thus not only compatible with adjacent uses, but also compatible with existing public services and utilities in the immediate area. The Umatilla Electric Cooperative has said that planned doubling of recreational development on Tollgate Mountain can be handled with its present system. Existing roads and required improvements will provide more than adequate access to nearly any portion of the property and can thereby handle the anticipated full development of the property. Service facilities such as gas and food are only an eighth of a mile away (e.g. Tollgate Shopping Center, Tamarack Inn) . Furthermore, development restrictions applicable to this property help further assure that new development will be compatible with the overall land uses in the immediate area. This property must be developed in a "clustered pattern" with site specific location considerations of compatibility, utility loqation, mitigating measures, aesthetics and other stringent standards (see Cluster Development Chapter in Development

Ordinance). The parcel has adequate room (buffer area) on it to accommodate the additional 22 cabins allowed by zoning without interference with resource land to the south or even with adjacent recreational development. Clustering also requires amenities to be preserved in the undeveloped portions (e.g. non-removal of trees), which not only is compatible with overall recreational policies here, but also is compatible with a nearby viewpoint (Haney Viewpoint) that is maintained by the State Highway Division.

Regional Characteristics - Mentioned as an important conclusive factor of non-resource commitment for several other parcels (Davis, Beard/Giger, etc.) is that of the Tollgate Recreational Corridor development pattern. This pattern has dictated an overall use for recreational development, especially along Highway 204, where utilities, access, water availability and the like are readily available. Resource use, especially along the highway, has become impractical and in particular where adjacent recreational development exists. Even though a parcel might be of a resource management size, the interferences and overall amenities and influences of recreation heavily outweigh and make impractical the continued resource use of such parcels like the Harris property. In other words, the favorable attributes for resource use are no more and have given way to the predominate influence of recreation. Factual data on the substantial amounts of recreation use taking place along the Tollgate Corridor on National Forest Service land has been supplied (see Beard/Giger, Special Exceptions Area #1) as discussed earlier. The owners also re-emphasized and substantiate

these use figures by pointing out the many recreational attractions that are located and taking place around their property (see pages 2 and 3 of Owners Statement, Attachment L Appendix). Conclusion - It is by the regional development pattern and influence that the owners and the county feel that substantial evidence has been given to conclusively justify this parcel as committed to recreation or a multiple use plan designation. The other factors of compatibility, adequate public facilities, and poor resource aspects of the property are additional supporting evidences of recreational use commitment.

Area: Tollgate - Emminger Property (Special Exceptions #5)

Total Acres: 77.6 acres

Number of Parcels: 2

Average Parcel Size: 38 acres

Parcels Occupied by Recreation Buildings: 2

Findings and Conclusions:

1. This committed acreage is the lesser productive, most accessible area of two 80 acre parcels under the same ownership.
2. Timber productivity on this portion of property is marginal, with ponding of water from springs creating growth and management problems.
3. Property has not been grazed for several years due to incompatibility problems with nearby recreational developments (see #4 below).
4. Committed area is bounded on three sides by one of the densest recreationally developed areas on Tollgate Mountain. This portion of the property is frequently over run by horseback riders, mushroom hunters, and motorcycle riders. A snowmobile trail also traverses the property in question. These factors help support a "committed" classification to a non-resource use.
5. Subject area is very near and for a short distance fronts onto Highway 204, and has necessary utilities which will not put unnecessary burdens upon county facilities if more intensively developed into recreational homes or uses.

6. The southern 80 acres of these two parcels are excluded from multiple use commitment. This area projects into adjacent resource lands now in active timber management. This area would then act as a buffer between resource and recreational development.
7. Subject property as well as most of development along Tollgate Highway is within an area described by a Department of Fish and Wildlife report (June 1987), as "never reverting back to timber or rangeland use" and where "there will be constant demand for additional development in the area."

TOLLGATE EMMINGER (SPECIAL EXCEPTIONS #5)-ADDITIONAL JUSTIFICATION  
Explanation

The following justification is being submitted in response to LCDC's Continuance Order 87-CONT-251 of July 3, 1987. LCDC'S order is the result of a remand from the State Court of Appeals of Umatilla County's Acknowledgement Order 85-ACK-76, Case No. A38601. Emminger Property (Special Exceptions #5).

Petitioner, 1000 Friends of Oregon, contested LCDC's acknowledgement of the committed exceptions for this area. The Court of Appeals assignment of error caused LCDC to suggest the rezoning of this exceptions area to an appropriate resource plan designation and zoning.

The County, however, does not feel this area is grazing or forest resource land. The county believes that it can provide substantial evidence to conclusively show recreational residential commitment.

It was unfortunate the county did not provide the necessary exceptions evidence when earlier submitted in 1985. Proper and conclusive evidence could have been offered. The decision not to expand the justification factors was partly a result of a recommendation of DLCD and later approval by LCDC that this exception area had been properly substantiated in 1985. The extent of heavily developed, adjacent recreational use in the immediate area was the main reason for proceeding with submittal as originally supported. In other words, the area was predominately in recreation-residential and commercial use with obvious resource incompatibilities and impracticalities needing little explanation.

Another reason not to more fully develop exceptions factors for this area was the fact that numerous other areas were felt to be more questionable exception lands by DLCD. To substantiate them would require extensive work and proving relevant factors of non-resource commitment. Work loads and time constraints dictated spending what little time remained to the other areas needing more substantial evidence and letting this exceptions area stand on its own.

Regrettably, the above decision left the subject exception area vulnerable to 1000 Friends' appeal. From the county's standpoint, contesting a very, very small acreage within a very large LCDC approved regional recreational exceptions area seems retaliatory. But now with adequate time to conclusively prove a committed exceptions, the county will have another opportunity to finally resolve this matter.

The county's commitment statement is largely based on the record of approval of many other developed and committed areas and parcels along the Tollgate Recreational Corridor. Among those questionable and weakly supported exception lands reworked in 1985, eight areas were in the Tollgate Recreational Corridor, and all were successfully proven to be irrevocably committed to recreational residential use and no longer practicable for resource use. The regional and neighborhood recreational characteristics of Tollgate was a major reason for exceptions approval. All these eight areas were of similar size and even larger than the largest parcel within this exceptions area. Simply stated, the subject area is only one small portion of a very large regional recreational residential and commercial development on Tollgate Mountain. A regional characteristic exceptions for this area will be one element of proving a non-resource commitment of this area in relationship to the entire recreation corridor.

#### Location/History

From a regional recreational perspective, this exceptions area in the vicinity of the Chalet is located near the middle of an elongated nine mile corridor of non-resource recreational homes and cabins. There are a little over 79 acres involved in this exceptions statement compared to the 3,170 acres already substantiated as committed in the Tollgate Recreational Corridor (see map following page).



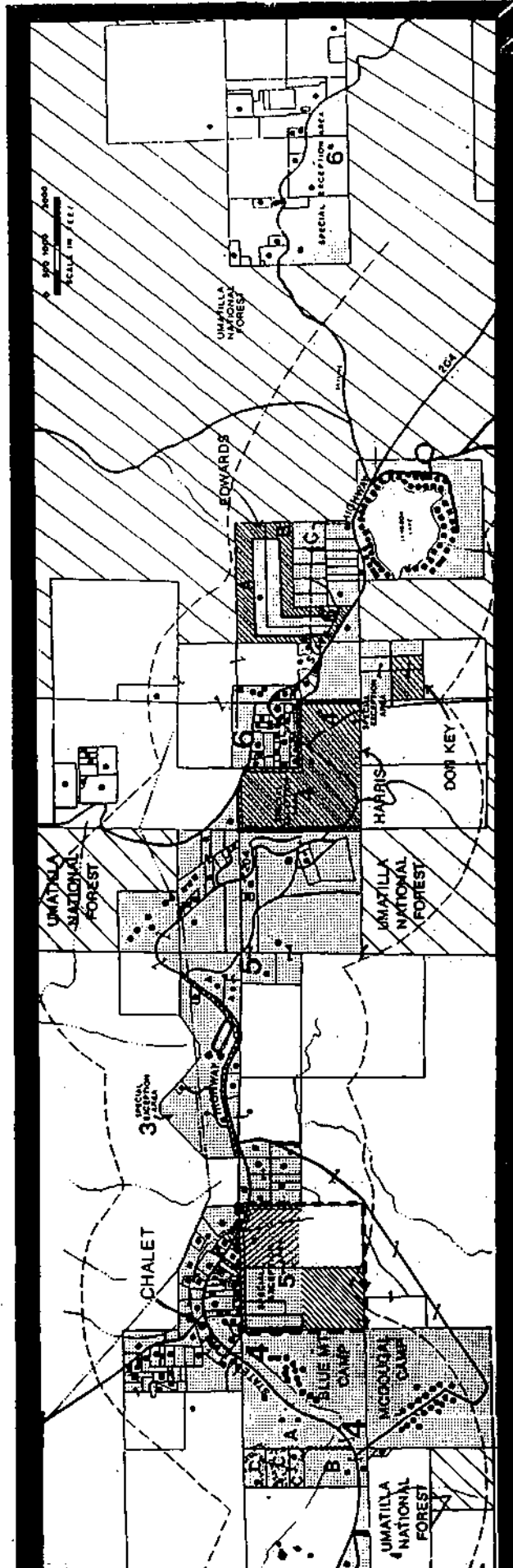
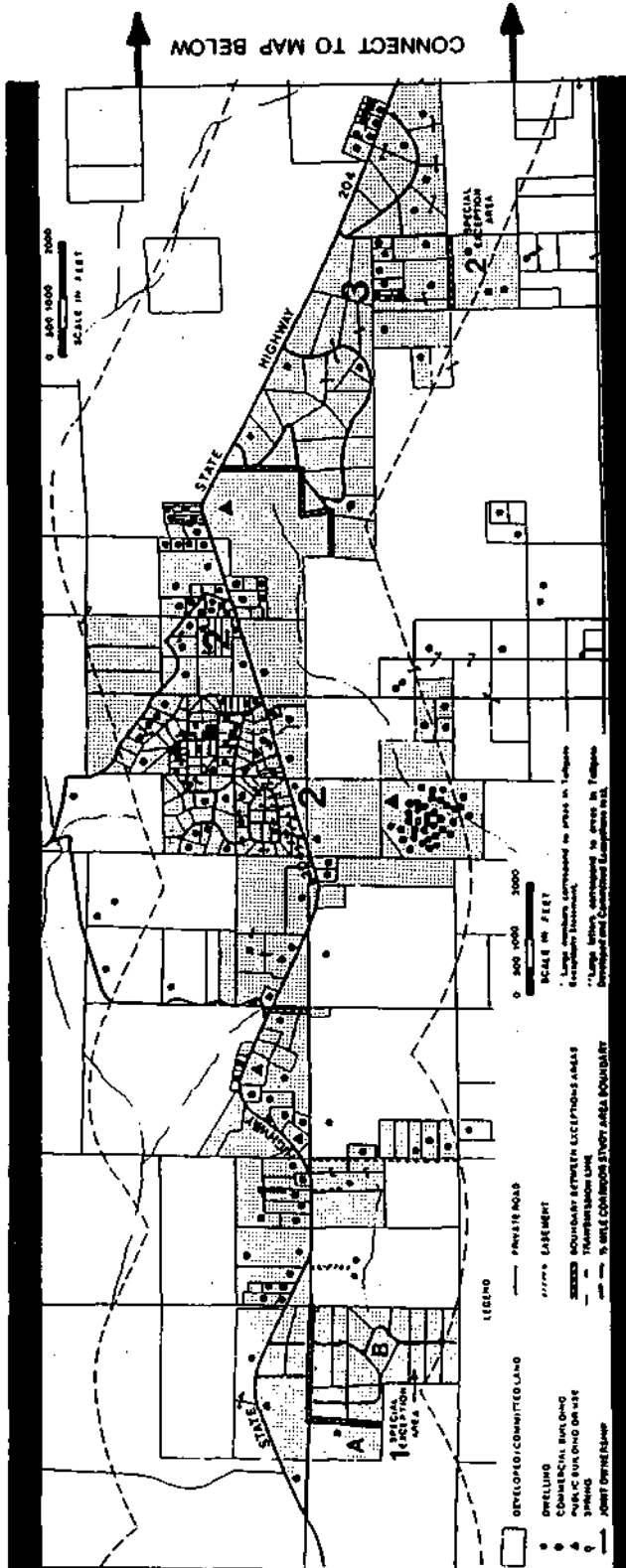
A 158 acre area had been considered and probably could be justified for a committed exceptions, but the owner of the east 79 acre parcel wanted to remain in resource zoning, even though not in resource use. Not including this parcel is consistent with several other landowners who did not want recreational zoning within the recreational corridor in 1985. Therefore, only the west 79 acre area in three separate parcels had ownerships of 5, 10 and 64.8 acres will be justified for recreational residential use.

One aspect of this exceptions proposal (1987) is the slightly changed area than the 1985 exceptions proposal. Two years ago, the northerly one-half of two 79 acre tracts was being considered for an exception. At that time, only one owner was involved. In 1987, there are four owners, but the proposed exception area is the same size as in 1985, only it is now more to the west, closer to greater concentrations of recreational residential development. The owner to the east does not wish to be in the exception statement (see map on next page).

## Land Use

All of the three exceptions parcels are undeveloped. However, each parcel is used for recreational purposes as summer camping or winter recreational activities by the owners. All three parcels have questionable amounts of merchantable timberland with some small, interdispersed open areas where water ponds up or where there is rocky soil unable to support trees. Drainage and springs in the area create wet areas, causing growth restrictions for indigenous fir and spruce trees. Parcels like this exceptions area under discussion are typical of the Tollgate Recreational Corridor—that being if there are no permanent structures on these properties, they are used as temporary sites for hunting, summer vacation camping, or snowmobiling. Adjacent Land Uses

The predominate land use in the immediate area is recreational home development. To the north is a mixture of 15 full-time and seasonal recreation cabins and dwellings on 11 small lots. Location of these homes and lots are between Highway 204 and the north property line of this exceptions area. There are another 26 recreational dwellings directly across Highway 204 to the north, plus the Tollgate Chalet. The Chalet is a family restaurant with a gas station and a 20 unit travel trailer/mobile home park. Total figures approach 60-65 recreation homes and mobile homes north of this exception area within a 1/8 mile distance. There is also a church camp bordering the northeast corner of the exceptions area.



**DEVELOPED/COMMITTED LANDS**

XVIII-138A

**Tollgate Vicinity CHALET AREA PROPOSAL (Emminger Property)**



**Area Under Discussion Existing Resource Plan & Recreational Zoning**

**Area Proposed for Recreational Zoning**

**Area Proposed for Resource Zoning**

**Existing Recreational Plan & Zoning**

All this heavy recreational development is shown on the map on page XVIII-138A.

Two large, long-established adjacent recreation home developments are sited on the west and southwest. Blue Mountain Camp has 15 recreational dwellings, and the developed portion is only 500 to 1000 ft. to the west of the subject exception area. On the southwest corner of the 64.8 acre parcel is another private recreational home development (McDougal Camp) containing 17 dwelling units (see map on page XVIII-138A). Several dwellings border the northeast corner of the subject exceptions area.

The south boundary of this exceptions area abuts onto two parcels of 16 and 20 acres. They are under the same ownership as the 64 acre exceptions parcel. Though the uses occurring on them are the same (recreation), they are not included in the exceptions statement. These tracts are beyond the 1/2 mile corridor boundary along Highway 204 established by the Tollgate Citizens Committee. Beyond this line land is to be classified as resource land. The county has been consistent in complying with this policy despite areas of committed land beyond the corridor. Concentrating development in areas where services and access can be realistically and economically provided is the main purpose for this policy. Also, there is less chance of conflict between resource activities and recreational uses closer to the , existing recreational development near Highway 204.

A county road cuts across at an angle separating a small sliver of a 400 plus acre tract that lies between the 16 and 20 acre tracts just described above, and the county road. To the east lies the 79 acre tract mentioned earlier as qualifying for an exception, but the owner desires to have it remain in resource zoning. Some incidental seasonal grazing occurs in this general area. Public Facilities and Services

Highway 204 serves as the main access to the exceptions properties. It is the main arterial to most all the nine miles of recreational home development in the Tollgate area. The exception area is on the south side of Highway 204 within 500 ft. of this main access roadway. Ingress and egress are from several points along Highway 204. An easement road takes off from Highway 204 to the northwest and travels eastward across the entire north border of this exception area. The road is rather primitive.

Two other established roads come directly from the north off Highway 204 onto the general vicinity of the exception parcel. Several primitive roads meander throughout the area (see map pg. XVIII-138A).

Electricity and phone utilities border on or are nearby all exceptions parcels. Both utilities are readily available and have expansion capabilities. This is true of all properties within the Tollgate Recreational Corridor and is substantiated by letters in the Appendix, Attachment C.

### Neighborhood and Regional Characteristics

This portion of the exception is justified based on the neighborhood and regional characteristic factor in OAR 660-04-028 (2) (d). The area is no different than all the other 3,170 acres justified and approved and acknowledged by LCDC due mostly to the tremendous regional recreational home influence upon area properties. More pointedly, the county will provide the necessary facts said lacking by the Court of Appeals. These facts show additional recreational uses are occurring in the area besides just berry picking and hiking. Furthermore, this exception shows that these additional recreational uses are of the incompatible, non-resource type effectively rendering resource use of the exception area impracticable.

The Tollgate area is by far the heaviest used and developed recreational area in the county. A near solid corridor of cabins, recreational trailers, and supporting commercial facilities on private property, extends some nine plus miles in Umatilla County along both sides of Highway 2 04. There are only a few gaps where recreational home development is less sparse, and all these gaps have been substantiated and conclusively proven to be committed to recreational residential development. By contrast, the subject area under discussion is near the middle of the corridor and in the most densely developed area. So, from a regional perspective, the county is attempting to except only 79 acres located within the nearly 3,200 acre recreational corridor appraised as exception lands by the state. Re-emphasized, this leaves only 79 acres and

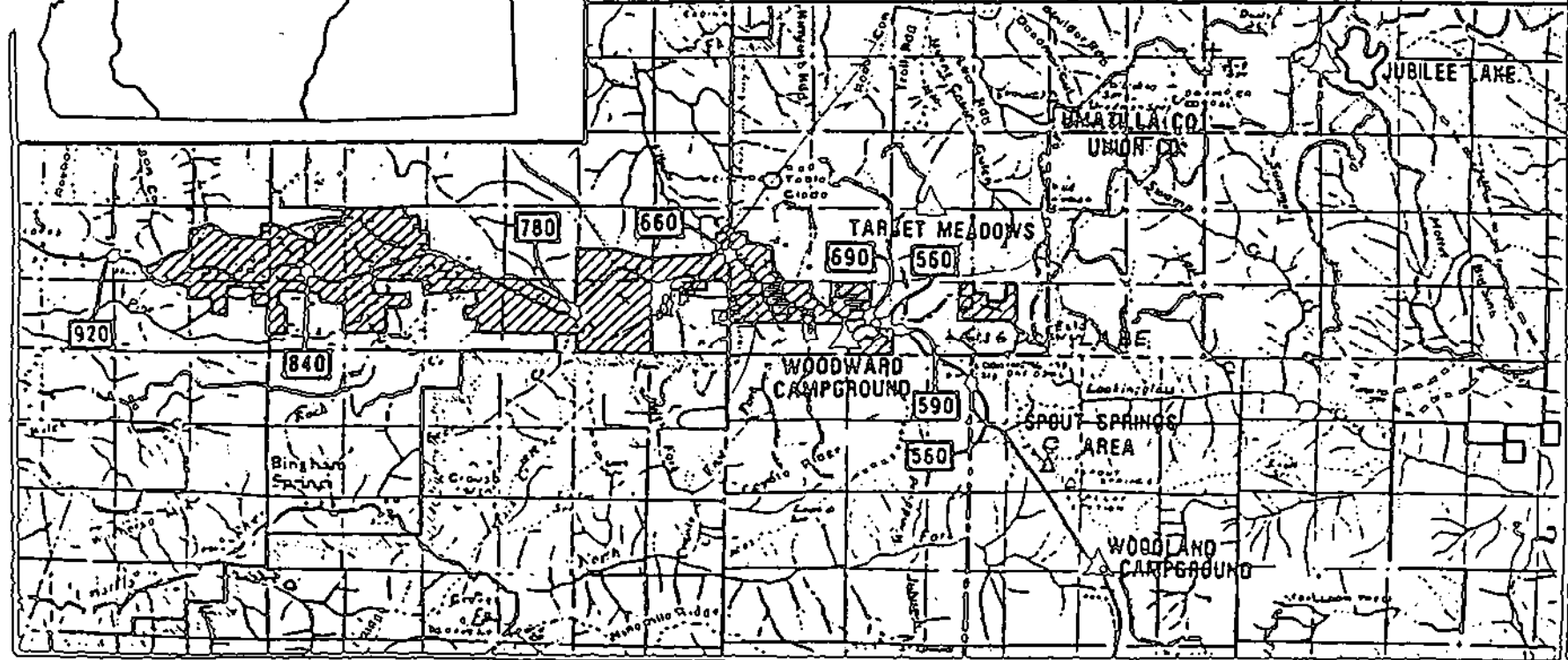
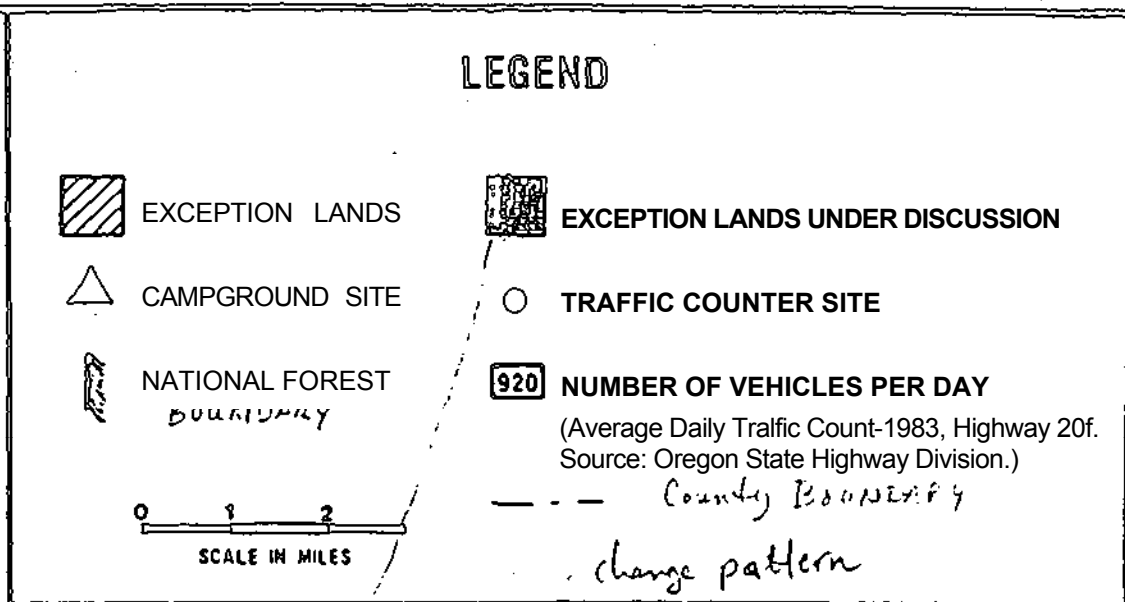
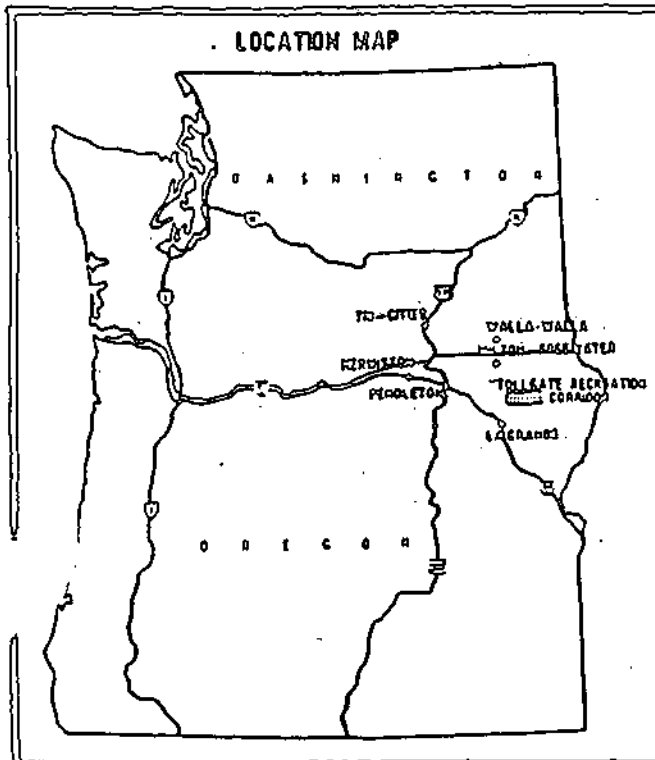
only three property owners along the intensively developed nine mile corridor that is being questioned by the Court of Appeals, 1000 Friends of Oregon and LCDC.

The extent of recreational development and its regional influence is also highlighted by the fact that within the state approved 3,170 exception acres, there are over 325 recreational dwellings. The density per dwelling averages one dwelling per 10 acres over a nine mile length. In fact, there are well over 50 additional recreational dwellings in the Tollgate vicinity just outside the recreational corridor. They are not as close or as impacted by the easy access of Highway 2 04 and the existing recreational home development along it, and thereby are not able to be justified under current administrative rules as recreational exceptions lands. Their presence, however, helps substantiate the regional recreational use of the area. A portion of these other recreational dwellings also includes some cabins on Forest Service land just inside Union County, further extending this continuous regional recreational corridor another mile. The presence of Spout Springs, a ski facility, and Woodland Campground, also in Union County, only 2 1/2 miles from Umatilla County, also substantiates the vastness of regional recreational use of the area (see map on following page).

The long corridor development along Highway 204, including the large numbers of recreational dwellings within this area, puts extreme recreational use pressure upon all lands and land use activities in the general area, especially immediately along the highway. This highway is the only paved and all-seasoned maintained road into and out of the area. Recreational pressure is therefore persistent throughout the year. Also, the access aspect goes beyond just Highway 204 in that the Tollgate area is centrally located and easily accessible to four major population centers, three of which are out of Umatilla County (see "Location Map," in the upper left hand corner of "Tollgate Recreation Area" map in page XVIII-144A). These four population centers are: (1) Tri-cities, Washington (Richland, Pasco, Kennewick) with a population of 100,000; (2) Walla Walla/College Place, Wash. With a population of 40,000; (3) LaGrande, Oregon in the Union County, population 12,000; (4) Pendleton/Milton-Freewater in Umatilla County, with a combined population of 20,000. This regional use aspect above is confirmed by the significant percentage of out of County ownerships in and adjacent to the Tollgate Exceptions Areas. A 1981 computer print-out of Tollgate property owners shows that 38% have permanent residences outside the county. Over 30% reside out-of-state, most from Washington state around the Walla Walla and Tri-cities areas. This number of out-of-state, out-of-county ownerships itself rather conclusively shows the tremendous regional



recreational use that this area attracts. The subject exceptions area is very near and for a short distance abuts Highway 204. The site is very accessible, then, to the regional recreation use taking place on Tollgate.



TOLLGATE RECREATION AREA

Further factual data supporting regional recreational commitment and/or influence upon Tollgate Corridor properties is substantiated by the Umatilla National Forest Supervisors's Office. In two of their letters, one dated August 13, 1980, the other May 16, 1985, (Attachment B in appendix) recreational use is most clearly shown by the enormous numbers of people using the forest service land and existing facilities within their jurisdiction that borders along less developed, LCDC approved, committed parcels on the east end of this corridor only one mile from this exceptions area. Clearly, on the developed sites, where day use figures directly correlate to a specific area, some 67,000 Recreation Visitor Days (RVD) in 1984 have been tabulated. This is up some 4,000 RVD's from the 1979 figures. (One recreation visitor day consists of 12 visitor hours spent by persons in any activities, except those which are part of or incidental to the pursuit of gainful occupation). This increase has occurred despite a worsening national, regional and local economy since 1980. The county believes that this increase relates to the numerous attributes and long-established recreational use in the general area.

The attributes of the Tollgate area attract a variety of recreational activities nearly the entire year round. Again, the above mentioned letters from the Forest Service show the major recreation types occurring here, and rather vividly show the numbers pursuing these activities. While not all figures in the May 16, 1985, letter (Attachment B in Appendix) are exactly

correlated to the Tollgate area, the snowmobiling, cross-country skiing, and snow play category figures very accurately reflect winter recreational use at Tollgate.

Tollgate has the only all season maintained highway with the capability of conveniently bringing people into this mountainous area. Spout Springs, only six miles from the subject exceptions parcel under discussion, is a very popular ski area. Spout Springs is the only developed skiing facility having chair lifts, groomed runs, day use lodge and off-highway parking in this very large regional population area from which to draw. In the case of berry picking, the Tollgate area also receives the bulk of this activity, again due to the good highway access. The only dispersed recreational activity that recent Forest Service use figures may not appropriately reflect is hunting. The 165,900 RVD figures are for the entire Walla Walla Ranger District. According to Lyn Roehm of the Umatilla National Forest Staff, breaking out 1984 RVD hunting use for just the Tollgate area is not possible at this time because of staff constraints. However, he indicates that the 40,000 RVD figure in the August 13, 1980 letter would still be a representative figure for the general Tollgate area. This figure might be on the conservative side. This would mean that nearly 25% of all hunting in the Walla Walla Ranger District takes place on Forest Service land along and in the general vicinity of Highway 204. The significance of mentioning these figures is that hunting means recreation, and this type of recreation has caused other recreational uses to locate here. This exception area is located

only one mile from the center of this popular hunting area within the National Forest, and really in the middle of the more regional hunting area that occurs all along the Tollgate Highway from Weston, Oregon to Elgin in Union County. A regional recreation corridor has then developed along Tollgate Highway due in part to hunting's tremendous popularity. Cabins, dwellings and hunting co-exist together to form the recreational corridor as it exists.

The above Forest Service data conclusively shows that heavy recreational use occurs in the Tollgate area. This use has been steady. Persistent recreational use has placed a lot of use pressure on private land, not only because of the always present need to recreate at fixed sites (owning your own land, having a cabin or trailer site in the mountains, heavy use of forest service camps), but also because people using forest service areas, more often than not, trespass onto these private lands. Many trespass despite warning signs and/or barriers. This is especially true of hunting and snowmobiling—the two more popular, dispersed recreational activities.

The specific impacts of general public trespassers upon the subject exceptions area are obvious, but will be specifically and more thoroughly discussed later. For now, however, it is important to note what the U.S. Forest Service plans and policies are for their lands, and what impacts and directions they will have upon the existing and future use of the subject exceptions properties.

The county is simply pointing out the regional recreational use perception in the Tollgate Corridor Area of which even Forest Service land is located along and similarly used for recreational purposes. The subject exceptions area is only one small area within this corridor and, consequently, used for recreational purposes.

Forest Service plans and policies recognize the heavy recreational use on their lands along Highway 204 in the near vicinity of Special Exceptions Area #5 (see map page XVIII-138A) . The specific plan allocation emphasizes recreational activities over resource uses. In other words, the existing regional recreational use and value here predominates or is more important than the resource use and value. Quoting the forest management objective for this area: "To provide nearly all types of recreation, from the highly developed to the near primitive, located in one general area. The area should have a natural environment that has a potential for both summer and winter activities such as vehicle and tent camping, back-packing, horseback riding, trail-bike riding, skiing, snowmobiles, fishing and hunting." (Emphasis added; see Attachment #1 in Appendix). Policies within this land management type direct any timber harvesting or livestock range use to be subservient to recreation objectives. The Forest Service recognizes that commercial resource uses are impractical in the recreational corridor because of many conflicts with existing and established recreational use and users

on their lands as well as with recreational activities taking place on private lands (includes subject exceptions area) in the near vicinity.

Another Forest Service policy applicable to the Tollgate area that helps support the county's regional recreation commitment of the subject exception properties is that existing recreational facilities on Forest Service lands just to the east will not be expanded, and that any new development is to be encouraged on private property. The county understands that the word "development" in this policy includes cabins and other commercial/recreational use not provided under Goal 4 (personal phone communication with Lyn Roehm, Forest Service employee). The county contends that this policy, along with the extensive regional recreational use and perception that this area has, and the nearness to Forest Service land, has caused the subject exception area to be used for recreation and not for commercial timber or grazing purposes.

Another fact showing regional recreational commitment in the Tollgate area is land curve value data used by the County Assessor's Office (see Attachments 2 and 3 in Appendix). Land values are very high, especially along Highway 204, because of the predominant and nearly exclusive recreational use of these properties. Also, recreational demand is calculated into these values. Recreation use is then perceived and the actual use is reflected in the higher land values assigned to properties here. The highest land values are given to those parcels where access is

good, where land sales are most frequent, and where recreational use pressure is greatest. According to county appraisers, the highest values are placed upon lands within 3/4 to one mile back on either side of Highway 204. For example, one acre in the higher value area just described (see "Land Curve Weston Mountain", Attachment #2 in appendix) is valued at \$6,874, whereas a one acre parcel in the lower value area beyond the one mile line (see "Very Limited Access", Attachment 3 in appendix) is valued at over 50% less or \$3,000.

The point being made is three-fold: (1) Land values are very high within one mile along Highway 204, where this subject exceptions area is located; (2) All exceptions properties in question are taxed based upon recreational value and use; and (3) The escalated values due to recreational use and somewhat to speculation make it too costly to purchase these exceptions parcels for resource uses. In other words, resource use of this exception area is rendered impracticable in part due to high land values and prices which are directly affected by the regional recreation use of the entire Tollgate area.

Traffic count data also supports regional recreational use along and in the vicinity of the subject exception lands. On the "Tollgate Recreation Area" map (following page XVIII-144A) are 1983 average daily traffic count figures at selected sites along Highway 204. From west to east, the direction most all recreationalists travel, traffic figures drop, indicating the recreation use of adjacent private land. From the National Forest Service boundary,



the count increases slightly to Langdon Lake. Then from there traffic counts decrease somewhat, all indicating use of the forest service lands and their facilities, and the significant recreational home development around Langdon Lake. Traffic count data at the Union County line east to just east of Skyline Drive again increases and then drops off slightly, again showing vehicles diverting off from or onto Highway 204 from the good Forest Service roads that lead to developed campsites (e.g. Target Meadows, Jubilee Lake, etc.) and other private recreational development along Tollgate Highway and Skyline Drive. It will again be noted that these private lands within the National Forest have been substantiated for commitment based upon the same regional characteristics exceptions criteria, and are located near lesser dense development and less convenient access points along Highway 204 than found at this exceptions area. According to the local state highway engineer, Highway 204 is the most heavily traveled state highway into the Blue Mountains in Umatilla County, and one of the busiest state highways passing over mountainous areas in Northeastern Oregon.

Again, the subject exceptions parcels have direct access along or access very near to Highway 204. Also, a heavily used Forest Service road and county road to the west and south respectively encircle the subject exceptions area. The opportunity to trespass and recreate on these parcels is tremendous because of the convenient location along this highway and these other two access roads.

Trespass problems due to access convenience are especially true in the wintertime, when side road use is restricted because of snow depths. This situation causes recreation use pressure to be concentrated on lands along snow-plowed Highway 204, especially in the vicinity of a few "side spot" parking areas. The Tollgate Chalet is across the highway (only 1000 ft. away) and is one of only four pull-off stops wide enough to park along the nine mile recreational corridor. The other pull-off point is just to the west at Blue Mountain Camp. Besides concentrating recreational use here due to parking opportunities, snowmobile traffic is also especially heavy here due to the many recreational homeowners in the vicinity and regional recreationalists snowmobiling along the county and forest service roads. These roads are cleared of trees offering a nice circle route. This situation is ideal for snowmobiling. Snowmobilers often cut across the entire exceptions area from all points along the circuitous route for shortcut purpose and more adventuresome forested snowmobiling. Young trees are often damaged as they are just above snow levels where snowmobiles run over them. Fence cutting has occurred along with other minor damage, and unfortunately some vandalism to property and other improvements.

Summer recreation pressures are also great in the immediate vicinity of the Tollgate Chalet because it attracts many traveling public. They stop here and eat or gas up recreational vehicles and then go off on short treks across private land. Similar vandalism occurs as described above from activities and associated pressures

that take place in the winter. The only difference is that the incidence of fence cutting is greater during the summer and fall months.

All this year round recreational pressure has had significant negative impacts upon resource use attempts in the past and have prompted decisions not to use the subject exceptions land for resource purposes. The point here, however, is that the tremendous regional recreation use (especially in the fall and winter) and easy access that Highway 204 affords, both in part, proves the county's case that the subject exceptions properties are used and committed to a regional, recreational use. This use makes the subject exceptions parcels not practicable and no longer managed for resource purposes. Compatibility

Several circumstances exist that assure compatibility with adjacent land uses next to the exceptions area. Zoning density requirements, for one, limits total possible cabins or recreational dwelling to 12-15. This amount certainly can be accommodated easily into the existing, on-site, major utility systems along Highway 204 (phone and electricity) if so desired (see Umatilla Electric Co-op letter, Attachment C in Appendix). Also, existing roads and required improvements to them outlined in the Development Code will assure safe and adequate access into and out of the area. Since there is extensive existing recreational development to the north and west and some development on the northeast, the relatively small amount of planned recreational development

permitted is a logical extension with little anticipated conflicts with the adjacent land now used mostly for recreational purposes. (There are nearly 70 recreational dwellings now in the immediate area of the subject exceptions area).

Secondly, the larger exceptions parcel requires a cluster development plan (Comprehensive Plan, pg. XVIII-209, Policy #6). Cluster development standards are rather stringent and require buffering and other mitigating measures to protect nearby lands (Development Ordinance, Section 3.510 to 3.525). Blue Mountain and McDougal Camps adjacent to the west are long-established clustered developments, of similar sizes than would be potential development on the 64 acre exceptions parcel. Thus, the adjacent land in this area is the same type of use and is compatible or will be adequately protected and buffered if the eventual 10-12 recreational dwellings are developed on the larger tract involved in this exceptions.

Concluding, the resource zoned parcels to the south and southeast should not be impacted anymore than other parcels of similar circumstances and size adjacent to committed and developed land along the Tollgate Recreational Corridor. In fact, clustering standards will require the placement of dwellings and cabins away from property lines and away from the resource zoned land to the south, southeast and east. It has been repeatedly stressed and cannot be emphasized enough about the tremendous recreational use pressures in the Tollgate area, and in particular the immediate area under discussion. Nearby off-highway parking, the Tollgate

Chalet, Langdon Lake, Spout Springs Ski Resort, Jubilee Lake. National Forest Service land, used mainly for recreational activities, and the popularity of hunting, fishing, skiing, snowmobile trails and mushrooming all exert great pressures upon the land. Since the overwhelming use in the area is recreational and residentially related homes and cabins, the impacts of planned recreational development of these three exceptions properties will be compatible with the regional characteristics of the area.

Resource Impracticalities and Incompatibilities

The county has on many previous occasions listed the numerous resource management problems that exist for propertyies in the heavily recreated Tollgate area. Apparently, more specific documentation and/or expert testimony is now required to conclusively show commitment. The following will provide such documentation.

Timber management is a very cumbersome and virtually impossible proposition on parcels along the Tollgate Highway Corridor. This statement is according to Robert Messenger, a professional forester employed by Boise Cascade. During several April 1985 phone conversations with Robert Messinger, a District Timberlands Manager for Boise Cascade, it was his professional opinion that the subsequently approved LCDC exceptions lands along Highway 204 in the East Tollgate Area Exceptions were committed to recreational use (see map XVIII-138A). This approved exception area is only one mile away form the subject exceptions parcels under discussion. In a more recent phone interview, Mr. Messinger

reiterated his professional opinion that all lands adjacent to or in the near vicinity of Highway 204 were impracticable for resource uses, especially timber management.

The reasons for Mr. Messinger's recreational commitment point of view was based upon his previous comments in 1985. These factors will be resummarized and correlated more specifically to the subject exceptions area in the following justification statement.

Mr. Messinger's main reason of recreational residential commitment of Tollgate Corridor properties is based upon conflicts with numerous existing incompatible land uses that do or will occur if normal timber management were to take place on the subject exceptions lands. He has seen and further visualizes conflicts in the form of noise, dust, road use, slash abatement, fenceline maintenance and chemical application. Specifically, the noise, dust and road problems are associated with timber cutting, skidding and log hauling. The noise of chainsaws and heavy skidding equipment is very often unacceptable near recreation homes as is the case in the vicinity of the subject exception parcels. Dust and traffic hazards from logging trucks is another continual forest management conflict common to the entire Tollgate Recreation Corridor Area. Vandalism and snowmobile damage are often a deterrent to growing trees in the Tollgate area.

Other existing and potential timber management conflicts come about from concern over the use of chemicals for insect and vegetation control. This is a controversial practice even though

such a management tool may be the only economically practicable method of control. Very seldom will such an effective timber management practice be acceptable near existing cabins, homesites or other similar recreational improvements as is the case adjacent to these subject exception properties. Many, many homes, a church camp, and recreational commercial use are near or adjacent to this exceptions area.

Another effective management tool not practicable in the Tollgate Recreational Corridor is prescribed fire that prepares a site for reforestation, either natural or planted. The smoke associate with this activity is not acceptable, especially near areas of intensive recreational use like that occurring on and adjacent to the exceptions parcels under discussion.

In conclusion, Mr. Messinger felt that most management activities necessary to optimize timber management and output from the exceptions properties are rendered impracticable because of the adjacent and very densely developed incompatible recreational commercial and residential uses. Even though some management activities are biologically sound and environmentally safe, they have been and usually are not always aesthetically and visually pleasing. The short-term visual quality of clear-cutting, burning, and replanting is not well received in an area of high recreational development like in the immediate area of this exceptions area. Mr. Messinger further expressed that even employing alternative forest management techniques that mitigate or resolve conflicts would be more expensive, and in some cases so expensive that they

are not feasible. This would be the case for timber management attempts or conflict resolution alternatives on the subject exceptions lands because their location is nearly surrounded by heavily developed recreational homes and commercially related uses. Regionally, the subject exception area is also within a large recreation area highly valued for its restful aesthetics and scenic beauty.

None of the exceptions parcels are actively grazed or lease for intensive grazing use. These lands are no longer practicable for commercial grazing use in this recreationally dominated region for many of the reasons given above that make timber management impracticable. For example, the presence of recreational dwellings, their occupants and domestic animals (family dogs), and dispersed recreationalists using not only the subject exceptions lands but also adjacent committed lands and nearby National Forest areas, represent existing and potential problems should there be an attempt to again utilize this area for commercial grazing use. Much public testimony has indicated frequent property damage to recreational dwelling owners' yards and landscaping caused by unattended livestock. This has created incompatibilities and impracticalities to the point where livestock ranchers do not want to lease these lands. If the parcel is of any size, livestock operators are only interested if the land is fenced, and this is not practicable because fencing is expensive and is frequently damaged by hunters, snowmobilers, and even the natural elements



(e.g. heavy snowfalls). Man caused damage is especially prevalent nearer the Tollgate Highway.

Fencing costs are usually \$2,000 per mile but range from \$3,000 to \$4,000 per mile in the Tollgate area because extra support and wire are needed to withstand the winters (personal communication with Pendleton Grain Growers management who sell fencing materials, May 1985). Expected revenues from grazing leases do not even come close to justify fencing. Again, this is especially true when fences are repeatedly cut and/or run over. This fencing impracticability experience had been documented for several LCDC approved exceptions properties in the Tollgate Corridor.

Don Key, an owner of one of a smaller LCDC approved exceptions parcels (20 acres), had submitted a letter (Attachment #4 in Appendix) of grazing management problems along the Tollgate Recreational Corridor. His parcel is just to the west of Langdon Lake, about two miles from the subject exceptions area, but is applicable to all lands along Highway 204. The letter indicated that a maximum of \$200 a year income was all that could be generated on his 20 acre parcel from grazing activities. He is a cattle rancher and farmer in West Umatilla County. (The largest parcel in this exceptions area is three times the size, thereby generating approximately \$600 per year income). This is far from incomes associated with commercial operations. Mr. Key also said that the cost of providing water for livestock would be prohibitive. A well would have to be drilled at great expense for

only a very small head of livestock and used only for a very limited time during the summer months. Nearly the same circumstances occurred on a majority of the LCDC approved exceptions parcels where no significant surface water sources existed. His letter also mentioned the often stated fact or argument of high, recreationally based land costs in this area being economically prohibitive for either resource land purchases or consolidation purposes. An earlier discussion of county appraiser land value curves used in the approval of regional characteristic exceptions for applicable lands along Tollgate substantiated this fact. This factor certainly applies to the subject exceptions parcels which are taxed for recreational use and not for resource. Resource uses are not occurring because they are impracticable, given the recreational nature of the area.

The major points being made regarding the above discussion of grazing impracticabilities are: (1) Exceptions parcels are in three separate ownerships with little chance of consolidation; (2) Only one parcel is of a size that even begins to interest livestock operators, and then only if the land is fenced and some distance away from Highway 204 and some distance from recreational homes. The exceptions area is only 1/8 mile from Highway 2 04 and bounded by over 25 recreational dwellings to the west and north. The strong likelihood of frequent damage, repair and maintenance costs are not justified when considering the low income returns generated from short-term summer grazing on small tracts. (3) The larger parcel is simply too small for grazing use; (4) There are no

resource attributes (e.g. water, large parcel sizes, compatible land uses) for practicable commercial grazing use on all of these subject exception lands.

There are several other forest uses under Goal 4 that cannot be practicably applied on the subject exceptions land due in part to existing incompatible recreational home development and the dominant regional recreational commitment in the area. However, the majority of these other forest uses really do not or no longer apply. Specifically, the area where the subject exceptions lands are located is not in a critical winter range for deer or elk. None of the exceptions lands have streams of any size that support fisheries habitat or water supplies used by others requiring protection. These exception lands are not needed for maintenance of clean air and water because, again, there are no major water supplies on them and air quality is excellent in the region. Therefore, the area wouldn't be affected by the insignificant additional development possible on the subject exceptions properties, especially in comparison to the extensive existing development. These exceptions lands are also within a regional recreational area, having low density zones (5 and 10 acre densities); and in the case of the 64 acre parcel, clustering standards are required which permit both open space and most all types of recreational opportunities. Therefore, these parcels are not needed exclusively for open space, for noise buffers or for visual separators between conflicting uses. Lastly, the exceptions lands and general Tollgate area are not severe slope lands, have

ground cover and are in a low wind area with stable soils. Therefore, the area is not classified as forest land needed for wind breaks. Overall Conclusion

The county has provided an abundant amount of evidence that substantiates irrevocable commitment of the subject exceptions parcels as multiple use lands or for recreational dwellings and similar type uses and activities. Most all factors listed in Oregon Administrative Rule OAR 660-04-025 and 028 regarding irrevocable commitment justification have been addressed. The evidence documented under each commitment factor supports the fact that resource management is not practicable. For example, the county has conclusively shown that the subject exceptions parcels are only one small area within a very large regional, recreational use area. Also, the subject exceptions area is located within one of the densest and most heavily recreated areas of developed properties and dwellings found along the entire Tollgate Recreational Corridor. All the recreational uses in the immediate area have caused or created a situation where the use of the subject exceptions area is overwhelmingly committed to a variety of non-resource related recreation uses (e.g. cabins, dwellings, service commercial activities, church camps, snowmobiling, hunting, camping, etc.). . . .

All the above situations render the subject exceptions area no longer practicable to use for resource management. Recreational pressure is so intense and it affects so many land use aspects

(e.g. economic, social, environmental) that this regional development pattern dictates the infilling of similar recreational residential uses on the subject exceptions parcels. Resource management has been abandoned for the many facts outlined above.

#### EAST TOLLGATE AREA EXCEPTIONS--ADDITIONAL JUSTIFICATION

The following material is in response to IOTC #5 on page 75 of the February 21, 1985, DLCD Acknowledgement Report. The report indicates that there is a lack of substantial evidence in the existing record to justify a rural recreation use exception for approximately 450 acres along or very near Tollgate Highway 204 in the Langdon Lake area. See map titled "Tollgate Recreation Area," page XVIII-144A. Further, the Acknowledgement Report strongly hints that the county would have to amend the plan and implementing ordinances consistent with Goals 3 and 4. Upon additional investigation and gathering more pertinent facts, the county still maintains there is substantial evidence to conclusively show recreational commitment for the property in question. Discussions with DLCD about the county's new findings indicate that DLCD is willing to adjust its IOTC statement and allow the county to submit the additional information to determine if substantial evidence of recreational use commitment exists.

The major concerns of DLCD regarding these properties are their somewhat sparse development and their supposed locality next to large resource parcels. The county will show, by expanding the committed lands exception requirements (OAR 660-04-028) and specifically compatibility factors in OAR 660-04-0282(d) and (e),

that the adjacent "resource" land mentioned by the state staff is Forest Service land. The county will show that the Forest Service land is being intensively used, planned and managed for recreational purposes; and that this situation and the existing enormous amount of cabin and recreational home development in the general area have greatly influenced and inhibited practicable resource use of the private land under discussion, located along the only major road (Highway 204) into this heavily recreated area.

Most other factors permitting an exception (e.g. physical development, . existing adjacent uses, public facilities and services, parcel size and ownership patterns of subject area and adjacent lands) have already been explained in earlier exception attempts. (See Comprehensive Plan, pgs. XVTII-105 to 108 and pgs. XVIII-114 to 118). This new exceptions material is intended to supplement the existing facts. In a few instances, where appropriate, the county will expand upon previously submitted materials, especially facts rendering resource use impracticable, and offering other information showing that the application of Goals 3 and 4 is no longer possible or practicable. Neighborhood and Regional Characteristics

The Tollgate area is by far the heaviest used recreational area in the county. A near solid corridor of cabins, recreational trailers, and supporting commercial facilities on private property extends some nine plus miles along both sides of Highway 204. There are only a few gaps where recreational home development is less sparse. The subject properties under discussion fit into this

description. But again, from a regional perspective, the county is attempting to except some 3,300 acres of which nearly 2,850 acres is uncontested. This leaves only some 450 acres, among 11 property owners, along the intensively developed nine mile corridor questioned by DLCD or which the county contends and will show recreational commitment (see map on following page).

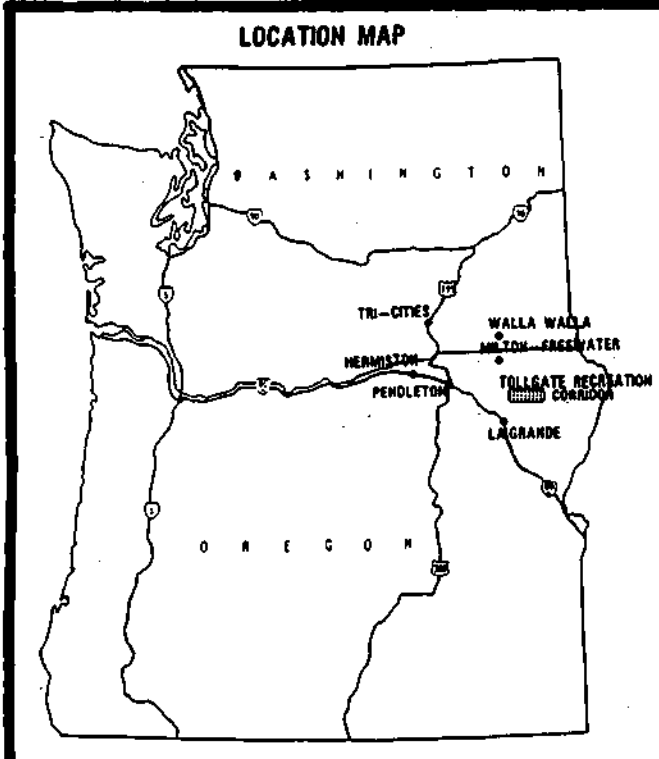
The extent of recreational development and its regional influence is also highlighted by the fact that within the 3,300 exception acres, there are over 325 recreational dwellings. The density per dwelling averages one dwelling per 10 acres over a nine mile length. In fact, there are well over 400 recreational dwelling in the Tollgate area on nearby properties not as close or as impacted by the easy access of Highway 204 and existing recreational home development along it, and thereby not able to be justified as recreational exception lands. These extra recreational dwellings also include some cabins on Forest Service land<sup>1</sup> just inside Union County, only one mile further east along Highway 204 from the subject exceptions properties.

The long corridor development along Highway 204, including the large numbers of recreational dwellings within this area, puts extreme recreational use pressure upon all lands and land use activities in the general area, especially along Highway 204. This highway is the only paved and all-seasoned maintained road into and out of the area. Recreational pressure is therefore persistent throughout the year. Also, the access aspect goes beyond just Highway 204 in that the Tollgate area is centrally







located and easily accessible to four major population centers, three of which are out of Umatilla County (see Location Map on previous page). The four population centers are: (1) Tri-cities, Wash. (Richland, Pasco, Kennewick) with a population of 100,000; (2) Walla Walla/College Place, Wash., with a population of 40,000; (3) LaGrande, Oregon in Union County, population 12,000; (4) Pendleton/Milton-Freewater in Umatilla County with a combined population of 20,000. This regional use aspect above is confirmed by the significant percentage of out of county ownerships in and adjacent to the Tollgate Exceptions Areas. A 1981 computer print out of Tollgate property owners show that 38% have permanent residences outside the county. Over 30% reside out-of-state, most from Washington state around the Walla Walla and Tri-Cities areas. This number of out-of-state, out-of-county ownerships itself rather conclusively shows the tremendous regional recreational use that this area tracts.

Further factual data supporting regional recreational commitment and/or influence upon the subject parcels is substantiated by the Umatilla National Forest Supervisor's Office. In two of their letters, one dated August 13, 1980, (Attachment B in Appendix), the other May 16, 1985, (Attachment #1 in Appendix), recreational use is most clearly shown by the enormous numbers of people using the forest service land and existing facilities within their jurisdiction that borders next of the subject committed parcels. Clearly, on the developed sites, where farm use figures directly correlate to a specific area, some 67,000 Recreation

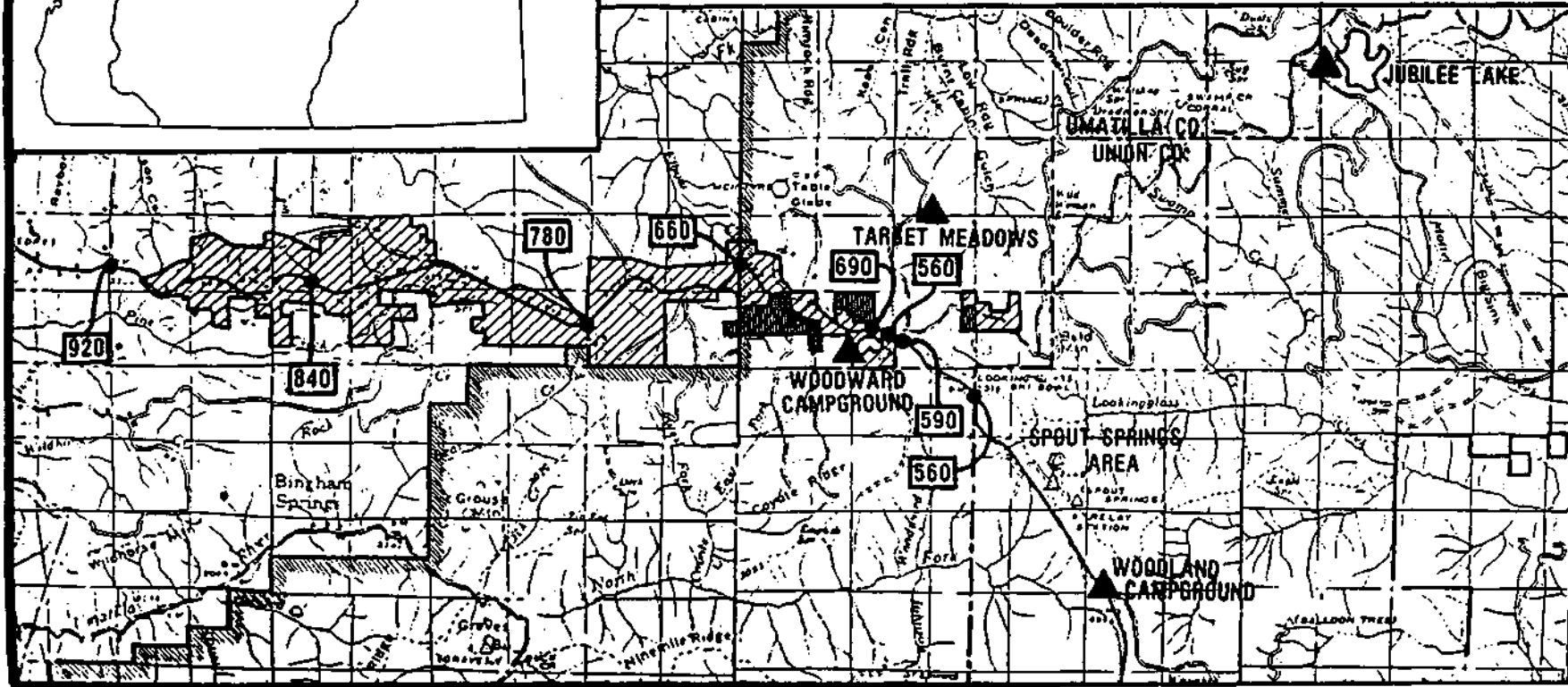




**LEGEND**

	EXCEPTION LANDS		EXCEPTION LANDS UNDER DISCUSSION
	CAMPGROUND SITE		TRAFFIC COUNTER SITE
	NATIONAL FOREST		NUMBER OF VEHICLES PER DAY (Average Daily Traffic Counts 983, Highway 207. Source: Oregon State Highway Division.)

0 1 2  
SCALE IN MILES



NORTH

**TOLLGATE RECREATION AREA**

Visitor Days (RVD) in 1984 have been tabulated. This is up some 4,000 RVD's from the 1979 figures. (One recreation visitor day consists of 12 visitor hours spent by persons in any activities, except those which are part of or incidental to the pursuit of gainful occupation). This increase has occurred despite a worsening national, regional and local economy since 1980. The county believes that this increase relates to the numerous attributes and long-established recreational use in the general area.

The location of these six developed sites are shown on the map on pg. XVIII-144A. All are within five miles of the subject committed lands. Two of the campsites are within 1/4 to one mile. Proximity of these forest service camps to the subject exception properties generates obvious impacts upon both the forest service and exception lands. A more detailed discussion of these impacts upon the exceptions lands is discussed later.

The attributes of the Tollgate area attract a variety of recreational activities nearly the entire year round. Again, the above mentioned letters from the Forest Service show the major recreation types occurring here, and rather vividly show the numbers pursuing these activities. While not all figures in the May 16, 1985, letter (Attachment #1 in Appendix) are exactly correlated to the Tollgate area, the snowmobiling, cross-country skiing, and snow play category figures very accurately reflect winter recreational use at Tollgate. Tollgate has the only all-seasoned maintained highway with the capability of conveniently

bringing people into this mountainous area. Spout Springs, only three to four miles from the subject exceptions parcels under discussion, is a very popular ski area. Spout Springs is the only developed skiing facility having chair lifts, groomed runs, day use lodge and off-highway parking in this very large regional population area from which to draw. In the case of berry picking, the Tollgate area also receives the bulk of this activity, again due to the good highway access. The only dispersed recreational activity that recent forest service use figures may not appropriately reflect in the Tollgate area is hunting. The 165,900 RVD figure is for the entire Walla Walla Range District. According to Lyn Roehm of the Umatilla National Forest staff, breaking out 1984 RVD hunting use for just the Tollgate area is not possible at this time because of staff constraints. However, he indicates that the 40,000 RVD figure in the August 13, 1980, letter would still be a representative figure for the general Tollgate area. This figure might be on the conservative side. This would mean that nearly 25% of all hunting in the Walla Walla Ranger District takes place on Forest Service land along and in the general vicinity of Highway 204. The subject committed parcels are located right in the center of this popular hunting area.

The above Forest Service data conclusively shows that heavy recreational use occurs in the Tollgate area. This use has been steady, with a slight increase at developed sites. This has placed a lot of use pressure on private land in this area, not only because of the always present desire to recreate at fixed sites

(owning your own land, having a cabin or trailer site in the mountains, heavy use of forest service camps), but also because people using forest service areas more often than not trespass onto these private lands. Many trespass despite warning signs and/or barriers. This is especially true of hunting and snowmobiling—the two most popular, dispersed recreational activities.

The specific impacts of general public trespassers upon the subject exceptions parcels are obvious, but will be specifically and more thoroughly discussed later. For now, however, it is important to note what the U.S. Forest Service plans and policies are for their lands, and what impacts and directions they will have upon the existing and future use of the subject exceptions properties.

Forest Service plans and policies recognize the heavy recreational use on their lands along Highway 204 in the immediate area with the subject exceptions properties. The specific plan allocation emphasizes recreational activities over resource uses. In other words, the existing regional recreational use and value here predominates or is more important than the resource use and value. If this is the case with a much larger area like for Forest Service property, it certainly is true of a much smaller area in the very same vicinity as are the few remaining exceptions parcels. Quoting the forest management objective for this area: "To provide, nearly all types of recreation, from the highly developed to the near primitive, located in one general area. The area should have a natural environment that has a potential for both summer and

winter activities such as vehicle and tent camping, back-packing, horseback riding, trail-bike riding, skiing, snowmobiles, fishing and hunting." (Emphasis added; see Attachment #1 in Appendix). Policies within this land management type direct any timber harvesting or livestock range use to be subservient to recreation objectives. The Forest Service recognizes that commercial resource uses are impractical here because of the many conflicts with existing and established recreational use and users on their lands as well as with recreational activities taking place on private lands (includes subject exception properties) in the immediate vicinity.

Another Forest Service policy applicable to the Tollgate area that helps support the county's regional recreation commitment of the subject exception properties is that existing recreational facilities on Forest Service lands will not be expanded, and that any new development is to be encouraged on private property. The county understands that the word "development" in this policy includes cabins and other commercial/recreational uses not provided under Goal 4 (personal phone communication with Lyn Roehm, Forest Service employee). The county contends that because of this policy and the extensive regional recreational use and perception that this area has, that the subject exceptions lands have been and are being used for recreation and not used for commercial timber or grazing purposes.

Another fact showing regional recreational commitment in the Tollgate area is land curve value data used by the County

Assessor's Office (see Attachments 2 and 3 in Appendix). Land values are very high, especially along Highway 204, because of the predominant and nearly exclusive recreational use of these properties. Also, recreational demand is calculated into these values. Recreation use is then perceived as actual and is reflected in the higher land values assigned to properties here. The highest land values are given to those parcels where access is good, where land sales are most frequent, and where recreational use pressure is greatest. According to county appraisers, the highest values are placed upon lands within 3/4 to one mile back on either side of Highway 204. For example, one acre in the higher value area (see "Land Curve Weston Mountain," Attachment #2 in Appendix) is valued at \$6,874, whereas a one parcel in the lower value area (see "Very Limited Access," Attachment #3 in Appendix) is valued at over 50% less or \$3,000.

The point being made here is two-fold: (1) Land values are very high within one mile along Highway 204, where all the subject exceptions parcels are located; and (2) The escalated values due to recreational use and somewhat to speculation make it too costly to purchase these exceptions parcels for resource uses. In other words, resource use of these exception parcels is rendered impracticable in part due to high land values and prices, which are directly affected by the regional recreation use of the entire Tollgate area.

Traffic count data also supports regional recreational use along and in the vicinity of the subject exception lands. On the

"Tollgate Recreation Area" map (page XVIII-144A) are 1983 average daily traffic count figures at selected sites along Highway 204. From west to east traffic figures drop at the Forest Service boundary, indicating the recreation use of private land. From the Forest Service boundary, the count increases slightly to Langdon Lake. Then from there traffic counts decrease somewhat, all indicating use of the forest service lands and their facilities, and the significant recreational home development around Langdon Lake. Traffic count data at the Union County Line east to just east of Skyline Drive again increases and then drops off slightly, again showing vehicles diverting off from or onto Highway 204 from the good Forest Service roads that lead to developed campsites (e.g. Target Meadows, Jubilee Lake, etc.) and other private recreational development along Skyline Drive. According to the local state highway engineer, Highway 204 is the most heavily traveled state highway into the Blue Mountains in Umatilla County, and one of the busiest state highways passing over mountainous areas in Northeastern Oregon.

Again, the subject exceptions parcels have either direct access along or access very near to Highway 204. The opportunity to trespass and recreate on these parcels is tremendous because of their convenient location along this highway. This is especially true in the wintertime, when side road use is restricted because of snow depths, and therefore recreation use pressure is concentrated on lands along snow-plowed Highway 204. Snowmobile traffic is especially heavy on the Key, York, and Harris properties

(see map XVIII-118A, Comprehensive Plan) where a groomed snowbike trail crosses through this general area, creating feeder trails on portions of all three of these parcels. Another heavily used snowmobile area is the Edwards/Ellis undivided interest properties (see map XVIII-124A, Comprehensive Plan), where two cleared major overhead electrical transmission lines traverse through the trees, which makes snowmobiling ideal. Snowmobiling is also heavy on the Harris property (see map XVIII-118A) , where all the existing roads through and bordering the property and the adjacent cabins and commercial facilities, especially to the northeast, create heavy snowmobile use on it. This has had significant negative impacts upon resource use attempts in the past (see Attachment C in Comprehensive Plan Appendix and "Resource Impracticalities" section which follows for a more detailed discussion). Again, snowmobiling and other recreational activities mentioned earlier negatively impact resource capabilities. Particular impacts will be discussed later. The point here is that the tremendous regional recreation use (especially in winter) and easy access that Highway 204 affords, in part, proves the county's case that the subject exceptions properties are used and committed to a regional, recreational use, making the subject exceptions parcels not practicable, and no longer managed for resource purposes.

Concluding this neighborhood and regional recreational use commitment section, the county has shown conclusively that the subject committed parcels are only a few properties intermixed within a very large recreational use area. Not only do the subject



committed parcels border privately owned and developed recreational properties and dwellings, but also they are located in the middle of a heavily recreated portion of the National Forest. All of the recreational use throughout the area, both dispersed and site developed, has caused or created a situation where the use of the subject exceptions parcels is overwhelmingly committed to a variety of recreation uses (e.g. cabins, dwellings, camping, etc.) and is no longer practicable to use for resource management. Recreational pressure is so intense and it affects so many land use aspects (e.g. economic, social, environmental) that this regional development

pattern dictates the infilling of similar recreational uses on the subject exceptions parcels. Resource management has been abandoned. Resource Impracticalities and Incompatibilities

The county has on many previous occasions listed the numerous resource management problems that exist for properties in the heavily recreated Tollgate area. Apparently, more specific documentation and/or expert testimony is now required to conclusively show commitment. The following will provide such documentation.

Timber management is a very cumbersome and virtually impossible proposition on the subject exceptions parcels according to a professional forester from Boise Cascade. During several April 1985 phone conversations with Robert Messinger, a District Timberlands Manager for Boise Cascade, it was his professional

opinion that the subject exceptions lands along Highway 204 are committed to recreational use.

The reason for Mr. messinger's recreational commitment point of view is based largely upon conflicts with numerous existing incompatible land uses that will occur if normal timber management were to take place on the subject exceptions lands. He has seen and further visualizes conflicts in the form of noise, dust, road use, slash abatement, fenceline maintenance and chemical application. Specifically, the noise, dust and road problems are associated with timber cutting, skidding and log hauling. The noise of chainsaws and heavy skidding equipment is very often unacceptable near recreation homes as is the case in the vicinity of the subject exception parcels. Dust and traffic hazards from logging trucks is another continual forest management conflict common' to the Tollgate area.

Other existing and potential timber management conflicts come about from concern over the use of chemicals for insect and vegetation control. This is a controversial practice even though such a management tool may be the only economically practicable method of control. Very seldom will such an effective timber management practice be acceptable near existing cabins, homesites or other similar recreational improvements as is the case adjacent to these subject exception properties.

Another effective management tool not practicable in the Tollgate area is prescribed fire that prepares a site for reforestation, either natural or planted. The smoke associated

with this activity is not acceptable, especially near areas of high recreational use like that occurring on and adjacent to the parcels under discussion.

In conclusion, Mr. Messinger felt that most management activities necessary to optimize timber management and output from the exceptions properties are rendered impracticable because of the existing adjacent incompatible recreational uses. Even though these management activities are biologically sound and environmentally safe, they have been and usually are not always aesthetically and visually pleasing. The short-term visual quality of clear-cutting, burning, and replanting is not well received in an area of high recreational development like in a location such as Tollgate. Mr. Messinger further expressed that even employing alternative forest management techniques that mitigate or resolve conflicts would be more expensive, and in some cases so expensive that they are not feasible. This would be the case for timber management attempts or conflict resolution alternatives on the subject exceptions lands because their location is near and sometimes immediately adjacent to existing recreational homes and development, and within a large recreation area highly valued for its restful aesthetics and scenic beauty.

None of the exceptions parcels are actively grazed or leased for intensive grazing use. These lands are no longer practicable for grazing use in this recreationally dominated region for many of the reasons given above that make timber management impracticable. For example, the presence of recreational

dwellings, their occupants and domestic animals (family dogs), and dispersed recreationalists using not only the subject exception lands, adjacent committed lands, and nearby National Forest areas, represent existing and potential problems should there be an attempt to utilize this area for commercial grazing use. Much public testimony has indicated frequent property damage to recreational dwelling owners\* yards and landscaping caused by unattended livestock ranchers do not want to lease these lands. If the parcel is of any size, livestock operators are only interested if the land is fenced, and this is not practicable because fencing is expensive and is frequently damaged by hunters, snowmobilers, and even the natural elements (e.g. heavy snowfalls). Fencing costs are usually \$2,000 per mile but range from \$3,000 to \$4,000 per mile here because extra support and wire are needed to withstand the winters (personal communication with Pendleton Grain Growers management who sell fencing materials, May 1985). Expected revenues from grazing leases do not even come close to justify fencing. Again, this is especially true when fences are repeatedly cut and/or run over. This fencing impracticability experience had been documented for the Harris property. It is the largest subject exception parcel (120 acres--see Attachment L in Appendix). The same livestock management problem would exist on the other subject exceptions parcels. They are located in the same area, have the same recreation pressures and incompatibilities as the Harris tract, and in most cases are much smaller and less economically feasible. One exceptions parcel is similar in size (100 acres),

two others are around 45 acres, and the remaining eight exceptions parcels are five to 30 acres in size. Don Key, an owner of one of the smaller exceptions parcels (20 acres), has submitted a letter (Attachment #4 in Appendix) which indicates that a maximum of \$200 a year income is still all that could be generated on his 20 acre parcel from grazing activities. He is a cattle rancher and farmer. He also says that the cost of providing water (which is hot on his property) for livestock would be prohibitive. A well would have to be drilled at great expense for only 20 head of livestock and used only for a very limited time during the summer months. Nearly the same circumstances occur on a majority of the exceptions parcels where no significant surface water sources exist. His letter also mentions the often stated fact or argument of high, recreationally based land costs in this area being economically prohibitive for either resource land purchases or consolidation purposes. An earlier discussion of county appraiser land value curves used in the Tollgate area substantiates this fact for 11 of the subject exceptions parcels.

The major point being made regarding the above discussion of grazing impracticabilities is that: (1) A majority of the exceptions parcels are separately owned with little chance of consolidation (11 of 13 parcels are separately owned); (2) Of the eleven ownerships, only two are of sizes that just begin to interest livestock operators, and then only if the land is fenced; but the expensive cost of fencing isn't justified because of frequent damage and continued additional expense to repair and the

low income returns generated from short-term summer grazing on small tracts; (3) The remaining nine parcels are simply too small for grazing use; (4) There are no resource attributes (e.g. water, large parcel sizes, compatible land uses) for practicable grazing use on all of these subject exception lands.

There are several other forest uses under Goal 4 that cannot be practicably applied on the subject exceptions lands due in part to existing incompatible recreational home development and the dominant regional recreational commitment in the area. However, the majority of these other forest uses really do not or no longer apply/ so any impracticalities will be discussed later under the "Other Relevant Factors" section of this exceptions statement [OAR 660-04-028 (2) (g)]. Compatibility

Showing compatibility with existing land uses, activities and land use goals is another factor that demonstrates irrevocable commitment. Recreational development on the subject exceptions parcels is and would be compatible in a number of ways. First, the small area involved would be mostly an infilling of development along the vast nine mile long Tollgate recreation corridor. The infilling area would be confined along the same basic development corridor area already accepted by LCDC (see Tollgate Recreation Area Map, page XVIII-144A) . However, in this location the adjacent land is National Forest property designated for long-range recreation use instead of private timber company and livestock rancher resource land that abuts the other LCDC approved

developed/committed recreational lands to the west. In other words, the subject exceptions parcels, if fully developed, would be a logical progression of existing recreational development and more importantly, does not project out into nor adversely impact land managed exclusively and intensively for resource purposes. In fact, this development pattern is being encouraged by the Forest Service by their policy of encouraging recreational development onto private property rather than on National Forest Service land. Since the overwhelming use in the region is recreational, the impacts of planned recreational development upon these exceptions parcels will be compatible with the regional recreational characteristics of the area.

A second compatibility fact that relates to the above regional compatibility discussion is the limited and controlled development that can take place on the exceptions parcels prescribed by plan policies and development ordinance standards. These controls help further assure compatibility with existing adjacent land uses. Zoning density requirements applied to the exceptions lands along with consideration of existing development and remaining developable vacant land on them limits total possible cabins or recreational dwellings to 60 to 65 units. About half of these units (those possible on the three larger parcels that border on Forest Service land) would be required to cluster. Cluster development standards are rather stringent and require buffering and other mitigating measures to protect and conform with adjacent land use and activities. Cluster regulations, for example, require

the preservation of trees and maintenance of aesthetics, both important compatibility policies requested by Tollgate recreational property owners when major new development is to be started (see pages XVIII-116,117,123,124) of the Comprehensive Plan for previous discussion regarding clustering and compatibility aspects required on several of the subject exceptions properties). The other remaining thirty or so recreational dwellings possible would be on the smaller exceptions parcels which either border right along Highway 204 adjacent to and between existing recreational development, and the larger exceptions parcels where clustering is required. In this latter instance, future recreational development would be very compatible with similarly used adjacent lands. it must also be noted that it is highly unlikely that full development will occur. Existing development densities indicate that 30 more, cabins would result, which reduced incompatibilities significantly. The third compatibility aspect involves public service and facilities. Public testimony and written correspondence (Attachment C in Appendix) provides facts that required utilities and services for planned recreational development in the Tollgate area (includes exceptions parcels) can be accommodated considering existing and future service capabilities and facility capacities. Frontage on Highway 204 or nearness to it and requirements in the Development Ordinance pertaining to existing and future easements and interior roads do now and/or will provide adequate ingress and egress and fire safety concerns.



### Other Relevant Factors

Other forest uses allowed in Goal 4 either do not apply or would not conflict with existing and proposed uses on the subject exceptions parcels. The area where the subject exception lands are located is not in a critical winter range for deer or elk (see map, page XVIII-? of Technical Report). None of the exceptions lands have streams of any size that support fisheries habitat or water supplies used by others requiring protection. These exception lands are not needed for maintenance of clean air and Water because again, there are no major water supplies on them and air quality is excellent in the region and wouldn't be affected by the small additional development possible on the subject exceptions properties, especially in comparison to the extensive existing development. These exceptions lands are also within a regional recreational area, having low density zones (5 and 10 acre densities) and in some instances clustering requirements which permit both open space and most all types of recreational opportunities. Therefore, these parcels are not needed exclusively for open space, for noise buffers or for visual separators between conflicting uses. Lastly, the exceptions lands and general Tollgate area are relatively level, well vegetated, and in a low wind area with stable soils. Therefore, the area is not classified as forest land needed or protection from wind and water.

## Conclusion

The county has provided an abundant amount of evidence that substantiates irrevocable commitment of the subject exceptions parcels as multiple use lands or for recreational dwellings and similar type uses and activities. Most all factors listed in Oregon Administrative Rule OAR 660-04-025 and 028 regarding irrevocable commitment justification have been addressed. The evidence documented under each commitment factor supports the fact that resource management is not practicable, the predominance of existing recreational home development and use, the predominant singular ownerships and recreational parcel size patterns, the influence of a regional recreational development and use pattern upon land use activities, choices and land appraisal values, the adequacy of public facilities and services, and compatibility with adjacent lands if the exceptions parcels were developed for recreational activities; and other relevant factors showing that Goals 3 and 4 cannot be practicably applied to the 450 exception acres being sought for recreational commitment.

EAST TOLLGATE AREA EXCEPTION

Area: Tollgate-Skyline Drive Area (Special Exceptions #6)

Total Acreage: 176.83 acres

Number of Parcels: 26

Average Parcel Size: 6.8 acres

Number of Parcels Occupied by Recreational Development: 10

Largest Parcel: 44 acres

Smallest Parcel: .13 acre

Findings and Conclusions

1. Significant parcelization with nearly 40% of the lots developed helps define area as developed and committed to non-resource uses.
2. The average parcel size and percentage of development equals other exceptions subregions along the Tollgate Highway where lands have been classified for multiple use and considered no longer for resource management.
3. Access to this area is provided by a major and soon to be paved Forest Service road which is one requirement of exceptions to the resource goal.
4. Area is not within any identified critical winter range for deer or elk and is recognized by several timber industries as being difficult, if not impossible, to organize and manage the many parcels, with scattered cabins, into land units conducive for timber harvesting.
5. All parcels have been zoned recreational residential one area minimum since 1972 and have been taxed on recreational value,

recognizing the existing, non-resource uses occurring here, further showing recreational use of the area.

ADDITIONAL JUSTIFICATION REQUIRED BY LCDC CONTINUANCE ORDER (FISK PROPERTY—PART OF SPECIAL EXCEPTIONS AREA #6)

A. IOTC Explanation and Statement #5

DLCD's acknowledgment report of February 21, 1985, states that the County has not provided substantial evidence to justify a non-resource exceptions for this 43.4 acre parcel. The resultant IOTC (page 75 of report) requires that with lands within the Tollgate area, where an exceptions failed to satisfy a developed/committed exceptions, the County has to amend the plan and zoning consistent with Goal 3 and Goal 4. After additional investigation, gathering of more facts, and after initial discussions with DLCD, DLCD may be willing to adjust its IOTC amendment requirement pending review of the additional information to determine if substantial evidence of recreational use commitment exists.

B. Additional Justification

The following discussion shall, in the opinion of the County, show substantial evidence of recreation commitment for the Fisk property.

C. Location

The Fisk property is a 43.4 acre parcel on the west end of the Tollgate-Skyline Drive Area (Special Exceptions Area #6). Total area within the Skyline Drive Area is 176.8 acres. This special exception area is a developed/committed area totally surrounded by

National Forest land (see map titled "Fisk Property" on page XVIII-146) .

D. Land Use

A recreation cabin is located on the Fisk property. The present overall use of the property has been, for at least the last 20 years, for recreational purposes.

E. Public Facilities and Services

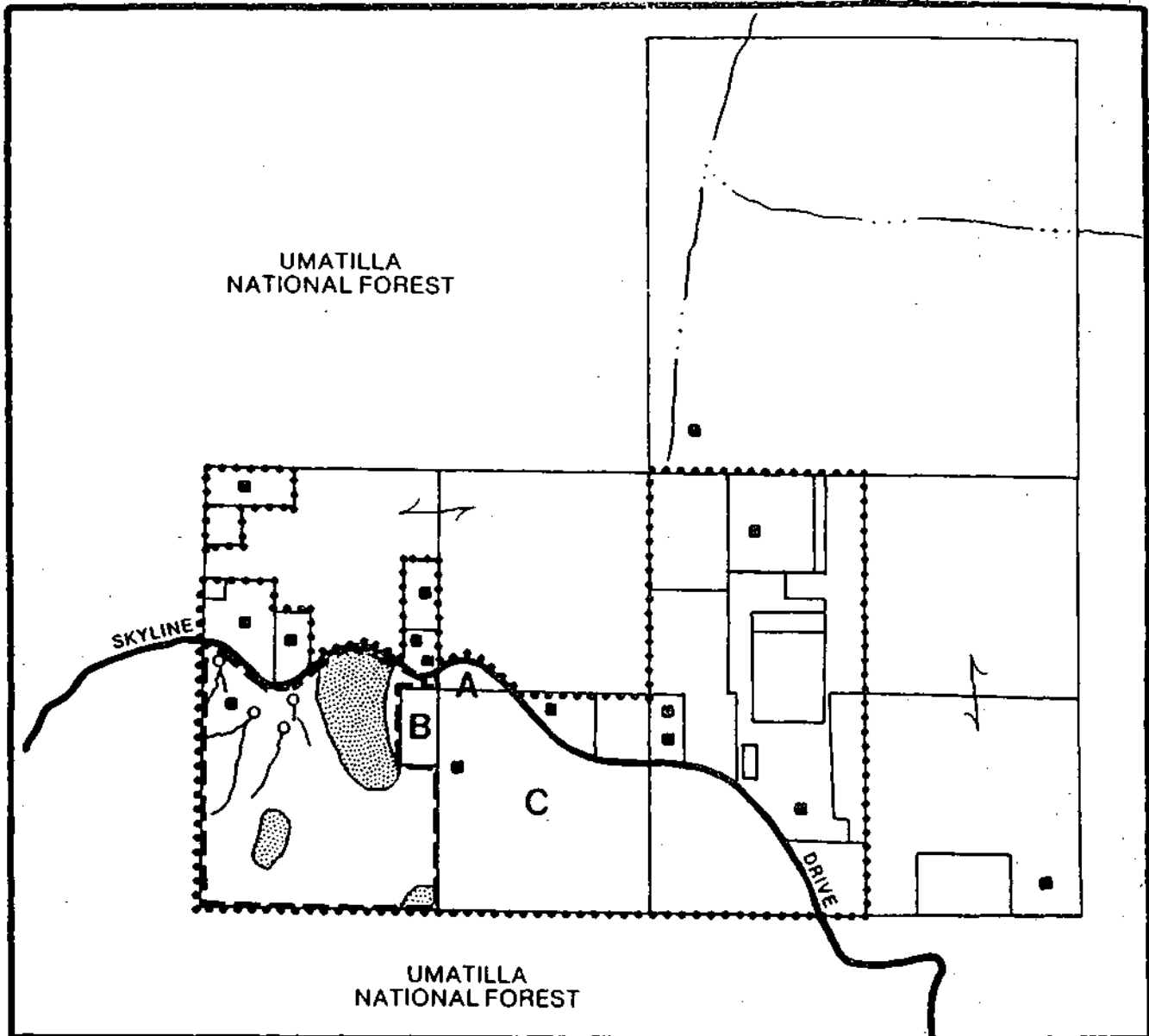
The Fisk property has direct access from a paved Forest Service road as do most of the other approved developed/committed lands in the Skyline Drive Area. A spring provides domestic water as is common in this general area and in the Tollgate recreational area as a whole.

F. Resource Impracticalities and Incompatibilities



A more thorough discussion of the existing and potential incompatible land uses, and how their impacts upon this parcel irrevocably commit it to non-resource use, is needed to show the required substantial evidence.

Specifically, there are five (5) very small, individually-owned lots ranging in size from 1.1 to 4.3 acres in size immediately adjacent to the subject parcel. Three of these lots border on the north and contain three existing cabins. Bordering on the east are two very small lots (1.1 acres and two acres) which are vacant and have been previously approved as developed/committed land by LCDC as committed to non-resource use. There is also a two acre parcel, although it does not immediately border it.

Development history of this area, including the Fisk property, helps support the County's earlier conclusion of historic and established recreation use and commitment. All adjacent lots were created prior to the establishment of the statewide goals (1976) and prior to 1972, before planning and zoning records were kept in the county. The latest constructed cabin is located on the 33.5 acre parcel (Parcel C) to the east, which was built in 1981. The remaining cabins were all constructed prior to 1970. The Fisk parcel (43.4 acres) has also existed as recreational land for many years (prior to 1970) as has the existing recreational cabin on it. This is because it (Fisk property) is one of the numerous privately-owned properties within the Skyline Drive Area, totally surrounded by National Forest, where access and amenities have permitted private established recreational ownership and use without prohibitive development costs. Skyline Drive is also one of the few areas surrounded by National Forest Land in Umatilla County that provides a recreational oasis that helps meet a portion of the large regional recreation demand (see later section); and this situation has been the force behind the long-established recreation use here rather than resource uses. According to assessor's records, nearly all to the twenty-two (22) exception parcels, including the Fisk land, have been assessed for many years for recreational use, further supporting a continual recreation use in this area.



LEGEND FISK

- PROPERTY BOUNDARY WET /
-  ROCKY AREAS OR SOILS
-  SPRING & DRAINAGES
- DWELLING
- ..... SKYLINE DRIVE EXCEPTIONS BOUNDARY
- ← COMMON OWNERSHIP,

**FISK PROPERTY (PART OF SPECIAL EXCEPTIONS "6")  
TOLLGATE - SKYLINE DRIVE VICINTTY**



Adding to the existing recreational parcelization and uses already described is the potential additional recreational development on vacant pre-existing lots or on the remaining undeveloped parcels previously approved for an exception that are immediately adjacent to and thus directly impacting the Fisk property. Two additional recreational dwellings are possible on the 1.1 and 2 acre parcels to the east (Parcels A and B on map previous page). Five other dwellings would be permitted on the 33.5 acre parcel (Parcel C on map). This is a total of seven possible additional recreational dwellings along with the existing six recreational cabins that border or will be adjacent to the Fisk property.

The significant incompatibilities existing and likely to be in the area truly preclude practical resource use of the Fisk property. With a potential of 13 recreational dwellings and 12 recreational parcels adjacent on two sides, the Fisk property adjacent to this number of recreational uses can and will create numerous land use conflicts with typical forest and grazing management practices that might be attempted on the property.

Specific forest management impracticalities for the Fisk property and the Skyline Drive area in general are best documented by a Boise Cascade Timberlands Manager. From his perspective, the private lands along Skyline Road are committed to recreational use (personal communication with Robert Messinger, May 6, 1985). He bases this conclusion upon the following existing situations: Skyline Drive includes numerous partially developed recreational



parcels adjacent to and intermixed with developed, small parcels with recreation cabins, homesite, etc., which create a very cumbersome forest management conflict situation. To intensively and practically manage these lands is nearly impossible and not very feasible because both short-term and even long-term management methods will create conflicts with existing and possible additional recreational development.

The forest manager cited visual and aesthetic problems of clear-cutting, burning and replanting, not being well received in an area of high recreational development like in this region. Actual timber management activities like cutting, skidding and long hauling are unacceptable near homesite like those adjacent to the Fisk parcel because of the noise, dust and road use problems normally associated with these management practices. Specifically, chain saw and heavy skidding equipment noise and traffic hazards from logging trucks would create so many conflicts that alternative forest management techniques would have to be employed. These alternatives are very expensive and are not really practical for small isolated tracts (like the Fisk parcel), especially when adjacent to developed recreational uses. The use of chemicals for insect and vegetation control and smoke associated with prescribed fire setting for site preparation for reforestation are several other timber management conflicts which the Boise Cascade forester foresees would occur on the Fisk property and on other private lands in the Skyline Drive area if managed for commercial timber harvesting. His conclusion of recreational commitment is well

supported by these numerous timber resource impracticalities and helps provide substantial evidence that Goal 4 cannot be practically applied.

Livestock grazing on the Fisk property is also impractical because of the many interferences and incompatibility problems with the nearby recreation activities and the small size of the tract itself. Free-roaming livestock frequently cause property damage to fencing, yard and landscaping on adjacent existing recreational properties to the east and north if the subject parcel is intensively used or grazing purposes. To fence the land to contain livestock would not be practical at all, considering the large expense (\$3,000 to \$4,000 per mile according to livestock ranchers' estimates) when the experience has been that the large numbers of recreation users (especially hunters) recreating in the Tollgate-Skyline Drive area damage and cut such fences. Repairs would be constant and the repeated expense not cost effective. Also, if livestock were to be grazed on the Fisk property, fenced or unfenced, dogs that usually accompany recreationalists using adjacent lands would harass these animals, often killing them.

Another aspect supporting grazing impracticalities is the small size (43.4 acres) of the Fisk parcel. The number of livestock that this size of tract could sustain nowhere near approaches a commercial situation even if grass forage were good. Much larger tracts are needed for summer pasturing purposes to make the long treks from winter lowland ranching operations worthwhile. There are no adjacent properties available to even permit land

consolidation, for they are either Forest Service property or developed recreational tracts. This lack of consolidation opportunity greatly limits the possibility of the Fisk parcel of ever being used for grazing purposes.

General soils information available also supports resource impracticalities. Data from Soil Resource Inventory developed by the Umatilla National Forest personnel in 1978 shows the Fisk property to be mostly two soil units where timber management and grazing use are marginal (see Attachment #5 in Appendix for map and soil interpretation sheets). The term "marginal" was used by Ed Rother, Soils Technician of the Umatilla Forest Service, when interviewed by phone to interpret the Soil Unit Sheets (April 1985) . Timber management limitations are the wet soils that create high potential for soil damage when harvesting and regeneration difficulties occur due to frost and dense ground cover problems. Limitations for domestic livestock use include brushy conditional, cool wet site, heavy snow and prolonged snow cover and possible pollution conditions because of the wet ground conditions on the subject property.

The last /impracticality aspect regarding the Fisk property involves the,non-applicability of other forest uses in Goal 4. The Fisk parcel and surrounding area does not have any major streams, lakes, etc. that support fish habitat or municipal/community water supplies that must be protected. Also, the general area, including this exception parcel, is not classified or needed as critical winter range for deer and elk (see Technical Report, page ) .

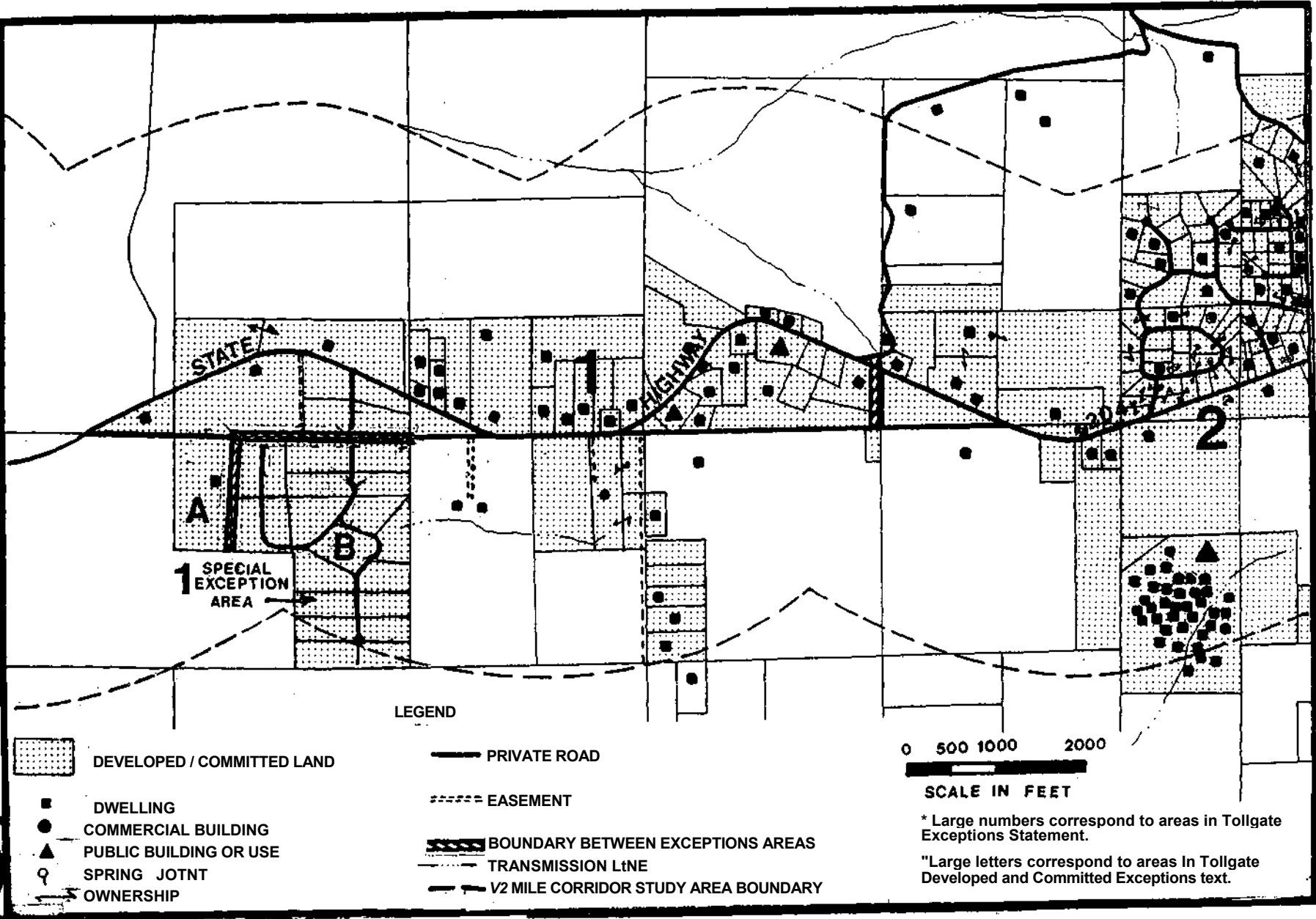
Most all of Umatilla County, especially the mountain areas, have excellent air quality, so preservation of this parcel or other lands in the vicinity need not be protected to maintain air quality as required under the Goal 4 statutes and administrative rules. Because of existing recreational development adjacent to the subject exceptions parcel, and the small area involved (43 acres) that abuts against the National Forest, which is mainly used and managed for recreational purposes, these factors negate the necessity to preserve it for open space or as a noise buffer or as a visual separator between conflicting land uses. G. Parcelization/Development Potential and Compatibility

The prescribed zoning of the property and all exception properties in the Skyline area allows a five acre density and parcel size minimum requirement. The ultimate number of lots and recreational dwellings that the parcel would allow is limited to seven or eight. This is highly unlikely because the open meadow areas, springs and their drainage reduces the overall developable area. A more realistic number of cabins would be about four. This limited number would certainly have just as minimal an impact upon adjacent Forest Service property (bordering on two sides) than adjacent, similar-sized properties approved under the developed/committed "exception rule" which also borders this same public ownership. Compatibility is also assured because of the Forest Service's long-range plan that emphasizes the existing recreational uses over any resource activities in this are. (See East Tollgate Exceptions Statement, on page XVIII-163 for more

detailed discussion of regional recreation use and National Forest Service Plan Recreation Policies). Setback regulations and fire prevention requirements in the Development Ordinance should assist, in assuring that potential impacts upon the adjacent Forest Service land will remain minimal.

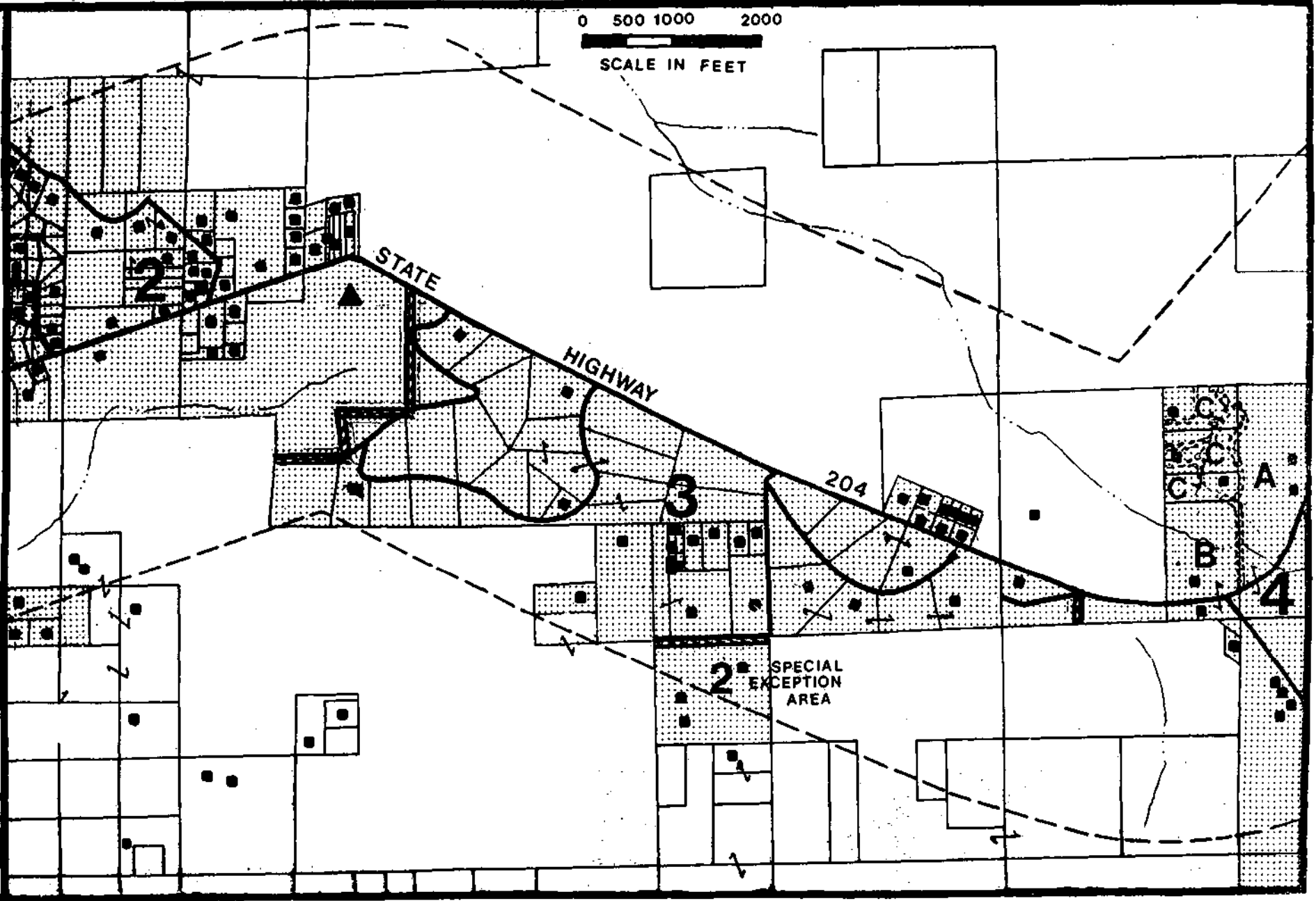
XVIII-193A

# DEVELOPED / COMMITTED LANDS TOLLGATE & VICINITY MAP A



**DEVELOPED / COMMITTED LANDS  
TOLLGATE & VICINITY MAP B**

XVIII-102R



0 500 1000 2000  
SCALE IN FEET

STATE  
HIGHWAY

204

SPECIAL  
EXCEPTION  
AREA

3

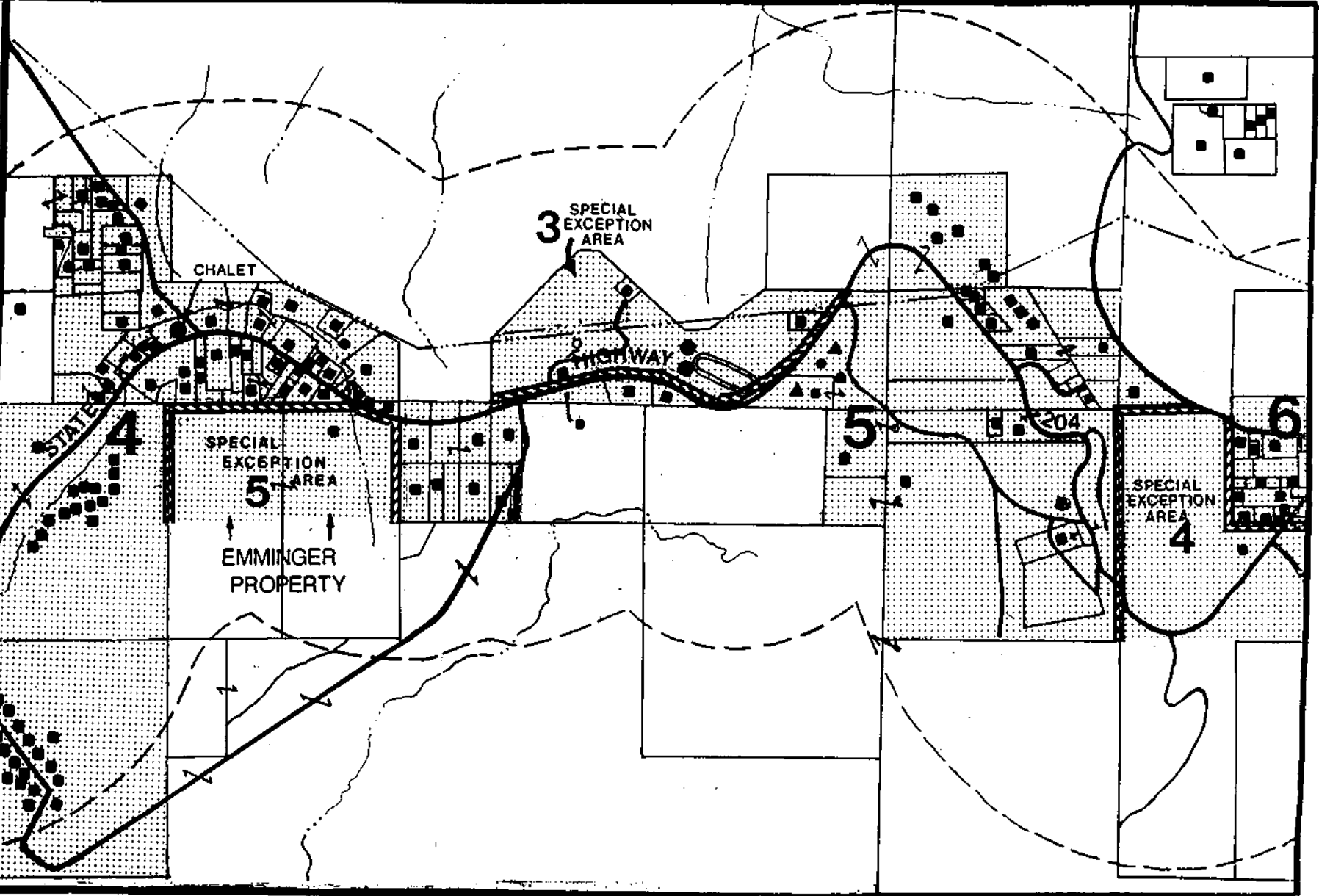
2

4

A  
B  
C

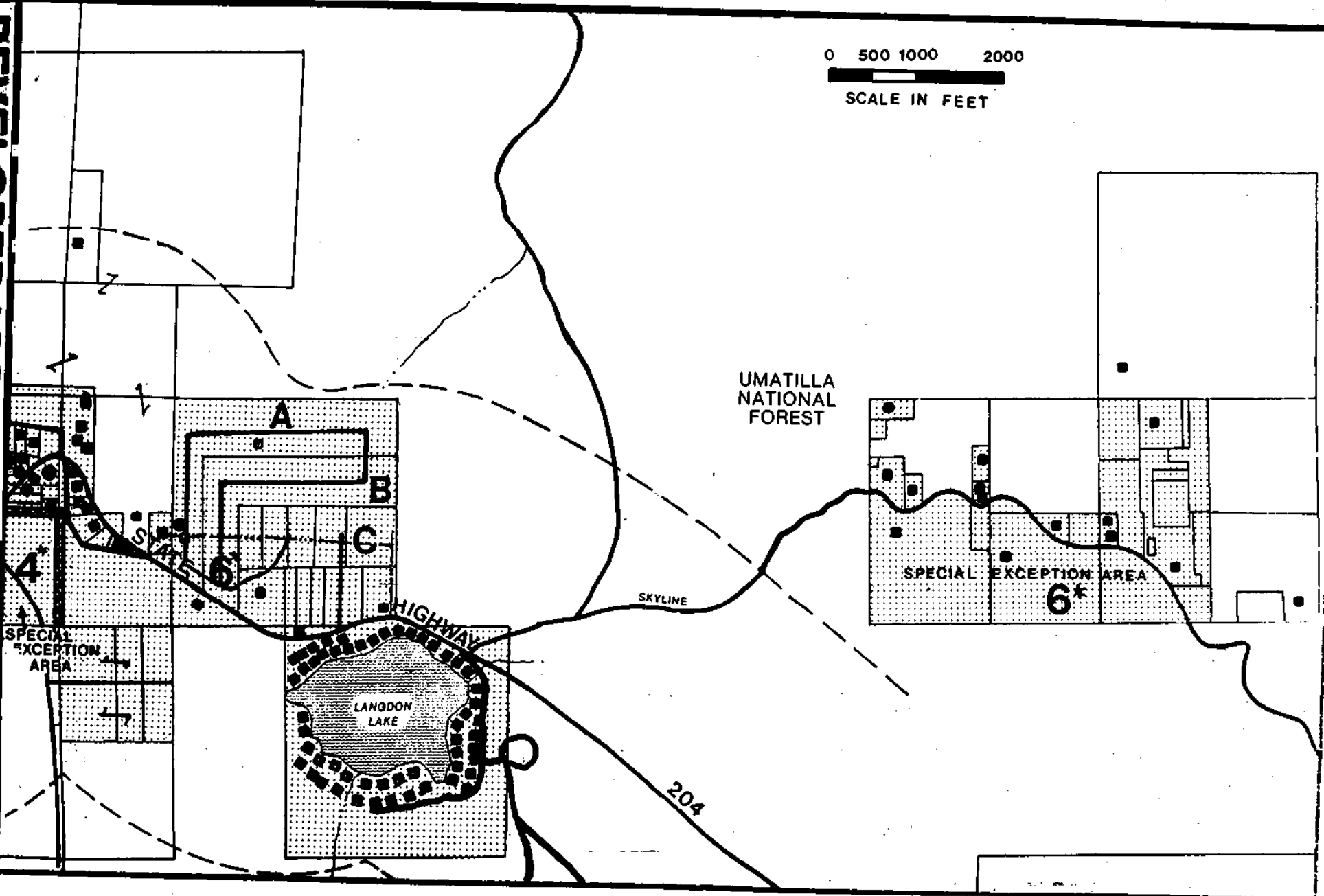
XVIII 103C

**DEVELOPED / COMMITTED LANDS  
TOLLGATE & VICINITY  
MAP C**





**DEVELOPED / COMMITTED LAND**  
**TOLLGATE & VICINITY** MAP D XVIII 193D



0 500 1000 2000  
SCALE IN FEET

## MEACHAM AREA EXCEPTIONS ANALYSIS

Meacham and the surrounding region contains significant mountain residential development and large areas zoned for this type of use. In 1972 close to 900 acres of R-4 Recreational Residential zoning (at a one acre lot size minimum) was assigned in this forested area of the county. Another 8500 acres in the Meacham area was zoned for forest use and recreational dwellings at five acre lot size minimums.

Like the Tollgate area, yet to a lesser degree, recreational use of the Blue Mountains started in the late 1800's and early 1900's. Proliferation of recreational houses and lots began in the 1950's to 1970's. Meacham is very near Pendleton and along 1-84. It is the "back yard" playground of this town and also to west county residents. There are nearly 175 parcels involved in the exceptions process which helps to show the popularity of the area.

Like the Tollgate corridor area, portions of this R-4 zoned acreage was and still is in resource uses and parcel sizes. Zoning assignment in 1972 then was partly based on requests and speculation and sometimes done so in the absence of land use planning (particularly resource protection) considerations. Numerous citizen and property owners' comments at several public meetings appeared to stress resource protection rather than mountain residential development which is quite the opposite of the original zoning plan. However, a few area residents expressed the opinion that additional mountain retreat structures should be permitted if development controls are imposed.

The above situations and comments add to the difficulty of identifying and assigning developed/committed non-resource parcels in the Meacham area. Where there was no definite citizen consensus of what and where mountain residential was or ought to be, the planning staff took a similar approach as the Tollgate Mountain Committee did to begin the tenuous task of non-resource identification.

Examining maps and existing land use information of the area, a discovery was made that several major utility corridors formed and could be used as a man-made barrier or containment boundary for existing as well as future mountain residential development. Analysis could begin in this the containment area, narrowing the region of examination and greatly speeding up the planning process. Also an initial look at ownerships and tax deferral status outside these utility corridors revealed that in a majority of instances properties were used and taxed for resource lands. Similar procedures and factors used to identify the previously discussed excepted non-resource areas in the county were followed to located multiple use lands in the Meacham area.

Meacham area developed/committed lands are shown on the map on page XVTIII-201A and total approximately 925 acres. Relevant facts and discussion leading to a multiple use classification for four sub-regions in the Meacham area follows.

Area: Meacham - Sub-area #1 (See map page XVIII-201A)

Total Acreage: 150.6 acres

Number of Parcels: 19

Average Parcel Size: 7.9 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 13

Largest Parcel: 48 acres (See #2 below)

Smallest Parcel: .1 acre

Findings and Conclusions:

1. Large percentage of smaller, seasonal dwelling-occupied parcels in cohesive area meets developed/committed criteria.
2. A 48 acre parcel is included because it is partially developed as an overnight campground (Pond Loree) and is adjacent to other developed/committed lands. Also anticipated development impacts are considered minor because some of the area is undevelopable due to slope and unsuitable soils, and development regulations should be inclusive enough to protect adjacent resource land and development.
3. Public access road in good condition places area into a developed/committed category.
4. All parcels are taxed based upon recreational land values and zoned R-4 and F-5, recognizing existing development.
5. Subarea is not in critical elk or deer winter range according to Department of Fish and Wildlife maps.

Area: Meacham-Sub-area #2 (See map page XVIII-201A)

Total Acreage: 562.6 acres

Number of Parcels: 75

Average Parcel Size: 7 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 22

Largest Parcel: 53 acres (See #8 and #9 below)

Smallest Parcel: .25 acre

Findings and Conclusions:

1. Considerable number of small recreational parcels initially classify subarea as developed/committed lands.
2. About 25% of parcels are occupied by recreational homes or seasonal structures, further indicating developed/committed status.
3. Not within critical elk or deer winter range, with possible additional development not impacting important wildlife habitat areas.
4. A 32-lot subdivision (Papoose Woodlands) is in subarea, taking advantage of good access, convenience to services and facilities in Meacham and Pendleton, and historic use of area for similar uses.
5. Old Highway 30 and State Frontage Roads (mostly paved) provide good access to subarea. Meacham fire department can better serve subarea due to good road network.
6. Large majority of parcels<sup>1</sup> zoning allows mountain residential and similar recreational uses at one and five acre densities since 1972.

7. All parcels are being assessed at higher land value rates based on recreational use and ownerships.
8. Largest parcel is mostly an open meadow area and zoned C-2 Tourist Commercial, 1972. No development has occurred in 10 years. Parcel has about 50% of its area identified as having seasonal wetness, a serious development limitation. However, because this parcel is surrounded by other committed lands, is in an area of minimum timber/grazing uses due to roads splitting land into narrow and unusable units, and still has a little over 50% of buildable land capabilities, it is included as a committed multiple use property.
9. Five lots in this area have the same ownership, and together total 12 0 acres. This situation would usually be considered a resource land unit; but their location adjacent to Meacham and other mountain residential development, and isolation between the freeway and old state highway, and non-deferral, non-resource tax and zoning lead to their inclusion as committed multiple use properties.

Area: Meacham-Sub-area #3 (See map page XVIII-201A)

Total Acreage: 120 acres

Number of Parcels: 150 platted lots; 52 tax lots

Average Parcel Size: .8 acre for platted lots; 2.3 acres for tax lots

Number of Parcels Occupied by Mountain Recreation Buildings: 22  
(See #2 below)

Largest parcel: 5.9 acres

Smallest Parcel: 5,000 sq. ft. per platted lot

Findings and Conclusions:

1. Subarea is platted, unincorporated town of Meacham, clearly meeting developed/committed non-resource lands criteria.
2. Three to four lots are occupied by commercial, public and semi-public uses whereas the remaining improvements are a mixture of seasonal recreational cabin and permanent dwellings.
3. Historic service center for area's grazing, timber and seasonal recreational uses.
4. Old highway serves as major access and community has their own fire department.
5. Zoned originally as Rural Center. All lots are on higher recreational land values for taxation.

Area: Meacham - Sub-area #4 (See map on page XVIII-201A)

Total Acreage: 128.8 acres (25 acres land area of Tax Lot 4100)

Number of Parcels: 6

Average Parcel Size: 16.9 acres

Number of Parcels Occupied by Mountain Recreation Buildings: 3  
(See #1 below)

Largest Parcel: 46 acres

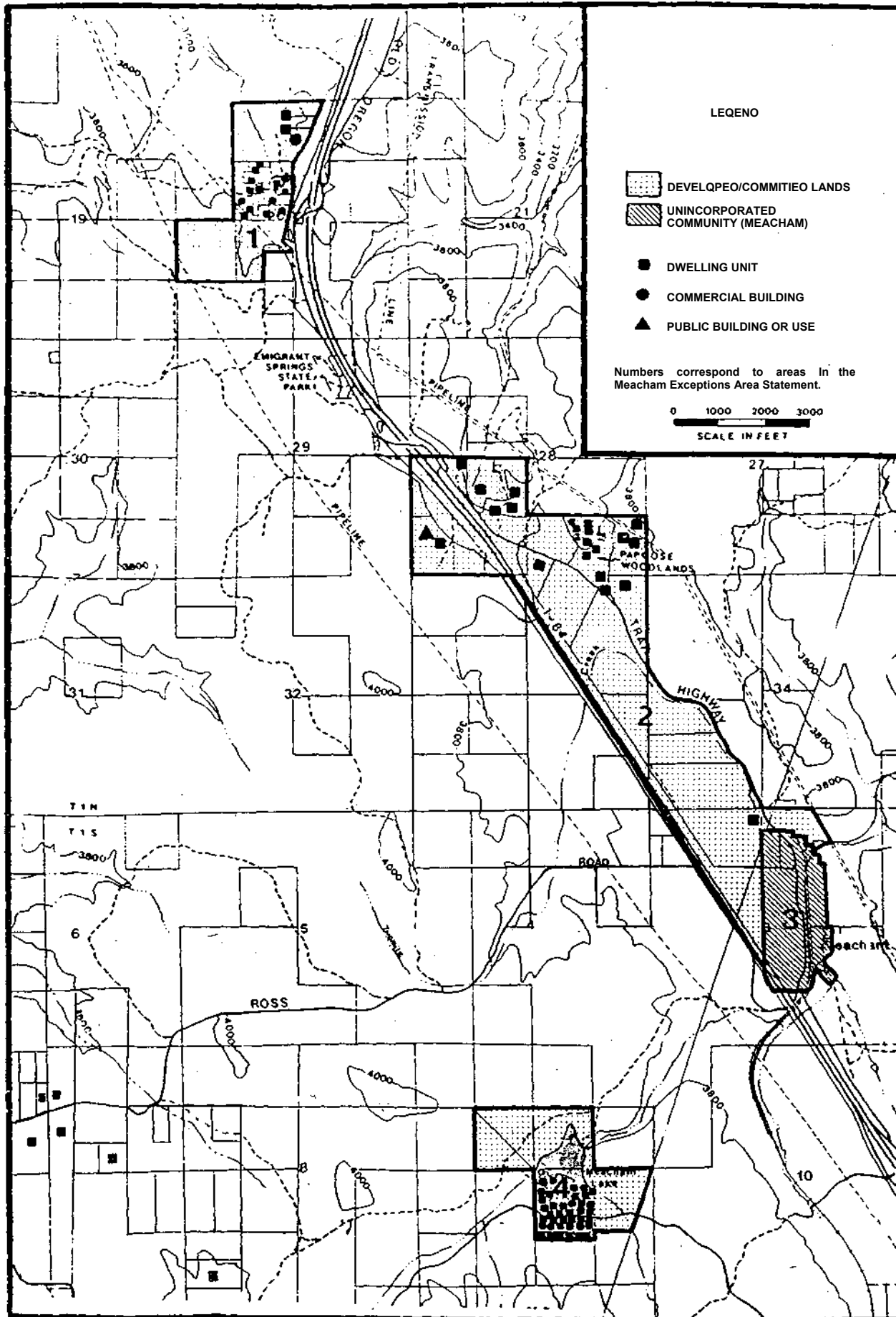
Smallest Parcel: 1 acre






Findings and Conclusions:

1. Largest parcel is occupied by over 40 recreational dwellings, and structures on lots with long-term lease. Density equals development criteria for mountain residential.
2. Other adjacent committed parcels are below resource management sizes and under individual ownerships.
3. All parcels are now and have history of recreational tax assessments indicative of this type of use.
4. All but two lots were originally zoned in 1972 for recreational and seasonal dwelling use, further classifying subarea as developed/committed mountain residential lands.
5. Access is via Ross Road and a public use easement across nearby resource lands. Development policies and requirements will limit new development and thus minimize negative impacts and demands for improvements to existing road system.
6. Development controls mentioned in #5 above, and existing development on half of parcels at maximum capacity greatly limit new development potential.

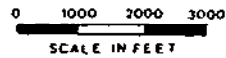


7. Sub-area is outside of deer and elk critical winter range as identified by Department of Fish and Wildlife maps. Limited additional development will not impact fish or wildlife considered important to area and county residents.



- LEGENO
-  DEVELOPEO/COMMITIEO LANDS
  -  UNINCORPORATED COMMUNITY (MEACHAM)
  -  DWELLING UNIT
  -  COMMERCIAL BUILDING
  -  PUBLIC BUILDING OR USE

Numbers correspond to areas in the Meacham Exceptions Area Statement.



**DEVELOPED & COMMITTED LANDS**  
**MEACHAM & VICINITY**

XVIII-201A



## CHANGES TO 1980 EXCEPTION PROPOSALS AND STRATEGIES

It must be noted at this point that in 1980 the planning staff proposed that initially identified developed/committed lands probably could not accommodate expected future demand, especially in <the Tollgate and Meacham areas. However, after listening to residents and property owners at public meetings in these two areas, a significant number expressed that this hypothesis was incorrect. They suggested that the staff review these 1980 proposals, especially the "needed" land areas.

Many residents and owners, especially those in the Meacham area, felt too much land was being included in view of limited available services, uncertainty of water supplies and numerous anticipated resource-wildlife conflicts. Responses in the Tollgate Committee questionnaire reflected similar concerns of area over-development and its negative effects upon fragile and desired amenities as well as upon basic services likely necessitating expansions and corresponding greater costs to residential in the form of taxes, etc.

The above comments and concerns led the planning staff to re-examine the 1980 proposals. Additional information gathered at these meetings and re examination resulted in more precise criteria to identify developed/committed mountain residential land explained earlier, and also the elimination of nearly 3,000 acres of "needed" lands for which a full exceptions could not likely be justified nor locally supported.

The most recent multiple use area proposal is hopefully a compromise between, and a more reasonable land area than, the 1980 proposals. Questions and concerns regarding rural facilities, services, water, wildlife, and other land use concerns are addressed either by the reduction of land for this use or by proposed land use policies in the Plan Map Section pertaining to future development within multiple use areas. The county now feels that more than enough acreage is available in the committed land areas to provide for future vacation home opportunities, and in supplies sufficient to ensure reasonable land costs, while ensuring protection of the remaining 99% of the county resource land base.

#### TOTAL AREA EXCEPTIONS AND CONCLUSIONS

The total area to be excepted from the State Forest and Agricultural Land Use Planning Goal for mountain residential use is 5,180 acres. These lands are those developed or committed to mountain vacation home and related recreational uses. This amount of land represents only .2% of all rural lands in the county. Compared with other acknowledged plans like Deschutes County, whose land area nearly equals Umatilla County and whose exceptions acreage is many times larger, this amount of land is minuscule.

Umatilla County is not proposing large new areas for mountain vacation development. In fact, many thousands of vacant and partially developed rural mountain lands now zoned for vacation home development that did not meet the developed/committed lands criteria have been placed into resource zones. As a result, non-

resource uses will now be more effectively controlled over a wider area.

Again, the primary objective of the county is to acknowledge existing mountain residential development and attempt to efficiently and equitably plan for these committed lands. Only those areas with significant amounts of mountain residential development have been identified for similar uses in the future.

Found below are policies and programs to fit the particular needs of multiple-use lands. Some differences in programs and policies are largely the result of several citizen committee and public meeting comments and suggestions gathered from the different vacation home areas in the county. Dealt with first are land use policies applicable to all multiple use designated lands. Second, policies particularly drafted for a specific multiple-use area are then discussed and listed. MULTIPLE USE PLAN MAP SECTION

The primary purpose of this section is to guide growth and development in the mountain multiple use areas of Umatilla County. This chapter is meant to bring together the various issues which deal with mountain residential and other recreational use development and measures to protect adjacent resource lands.

It is very evident from the Exception Statement that Umatilla County has had significant mountain residential development in the past. Current state planning laws and land use goals largely discourage non-resource development and greatly favor resource protection. However, the above existing non-resource development

is a reality. It is a long-established and recognized lifestyle, in Umatilla County.

The county recognizes that some trade-offs would be likely due to the inevitable resource vs. non-resource recreational state goal interpretation conflicts. The county's effort, as is mentioned throughout the Comprehensive Plan, has been aimed at recognizing existing areas of mountain residential development and those lands committed to this use. This would mean reclassification of thousands of acres back into resource use from the original 1972 Comprehensive Plan. General planning goals have been established to guide and control the location and design of recognized non-resource activities, to minimize their impacts upon adjacent resource activities and to minimize costs to the public for demanded facilities and services. Numerous goals and policies are found throughout the plan which reflect the county's commitment to protect adjacent resource lands.

Interestingly and fortunately, many vacation home property owners in most all established mountain residential areas have expressed the above same concerns and goals. Many have stated that higher levels of development in their locales without some controls would likely be incompatible with the existing rural nature of the area. A good many agree that there is a need for limited and controlled growth, but that the rural character of their area must be maintained.

To guide multiple use development into appropriate patterns and locations, the following goals have been prepared.

## GOALS

1. To guide the location and design of further multiple use development (mountain residential and related recreational use) in a manner so as to minimize the public costs of facilities and services, to avoid unnecessary expansion of these areas, and to preserve and enhance the safety and viability of developed multiple use areas.
2. To recognize existing uses in multiple use areas as benefiting the physical and mental well-being of county citizens by providing near year-round recreational opportunities as well as places for solitude.
3. To preserve and enhance the rural character, scenic values and natural resources within existing seasonal home and recreational area.

During the development of this part of the plan, many land use issues were raised by a variety of interested persons. Policies needed to accomplish the identified goals and land use issues were largely developed by several citizen's committees and from citizen/property owner comments at public meetings and hearings. It was obvious that some additional policies would be needed to pull the various resource, environmental and public facilities concerns together and to fill in some gaps so that a more complete plan was possible.

Because there were so many land use issues and comments, a different format will be used. Instead of the paragraph format used in the resource chapters (Agriculture and Mountain/Highlands),

a number, outline system should be better aid the user of this document to more easily locate land use policies and programs relating to Multiple Use areas. A. General Review Policies

State resource planning goals purpose is to preserve and protect resource lands up to the latest possible moment of conversion. Since some parcels within multiple use areas are still used for resource uses, and lands surrounding multiple use areas are being preserved for resource uses, and that some owners/citizens in multiple use areas wish, for the present time, to continue incidental resource operations, several general review policies have been adopted to protect these lands and adjacent resource lands from premature conversion. (See Policies 1,2,3, and 4).

Policy 1- Future multiple use development will be reviewed to ensure compatibility with existing similar uses and with adjacent resource lands.

Policy 2- New major development (those involving four or more lots for vacation home structures or related uses) that creates significant impacts upon existing facilities, services or requiring additions to or new facilities or services shall be carefully examined. Examination shall include land use compatibility questions, and issues regarding adequate services are provided and are readily available.



Policy 3- To assure effective use of multiple use areas in the most efficient manner, proposed developments converting multiple use areas from lesser densities to higher densities will be reviewed for public need before any approval consideration. As a guideline for review, if a study of existing lots within the multiple use sub-area indicates approximately 50% or more of the lots have not had structures constructed thereon, then the developer/owner shall submit adequate testimony justifying additional lots in that sub-area. Other considerations such as resource-open space values, fish and wildlife habitat mitigation, and compatible design proposals protecting natural resources will be analyzed.

Policy 4 - To help restrict non-resource partitions and uses outside designated multiple use areas, minimum parcel sizes shall be 160 acres. B. Development Strategies Policies

Citizen suggestions greatly varied regarding an appropriate multiple use density or densities. Most favored was a five acre minimum lot size, although it appeared that some one acre and 10 acre minimum lot sizes were acceptable in certain areas (see policy 5).

The concept of clustering development was discussed and found to be advantageous for preserving scenic amenities, good timberland, fish and wildlife habitat, and providing significant savings to the developer through reduced length of roads, utilities and correspondingly lower construction costs. Cluster developments

were also largely supported by local area multiple use land owners and in several instances recommended to be a required form of development. (See Policies 6,7,8)

Looking at overall county density strategies in both rural residential and multiple use areas, ten acres is a size appropriate to permit clustering of development. However, there are some opportunities on smaller sized parcels in those multiple use areas where a one acre density zone has been applied and where cluster developments will most likely occur. (See Policies 8, 9).

Policy 5- To accommodate citizen desires and to help assure availability of vacation home property to almost all income groups, several multiple use zones and density requirements have been created. (See Area Plan Section for specific zone and density assignments)

Policy 6- To take advantage of the distinctive features of cluster development, the county shall require clustering of development on land 50 acres and larger and strongly encourage this form of development on land between 5 and 49 acres in size.

Policy 7- In designated multiple use areas, the minimum land size where clustering will be permitted is five acres. Sizes for homesites in a cluster development shall be about 1/2 to one acre per site.

Policy 8- The overall density of a-cluster development in a multiple use area shall be the same as the prescribed zoning classification of the property. As an incentive to cluster, an additional 20% increase of the dwellings allowed by the zoning

density will be given (i.e. for every 25 acres of land in a five acre zone, one additional dwelling would be permitted). Cluster developments shall be processed and reviewed according to procedures in the County Development Ordinance and must meet all applicable criteria contained therein.

Policy 9- Clustering will not be required in the following circumstances:

- (1) On a vacant parcel over 50 acres or on adjacent vacant parcels under the same ownership comprising 50 acres or on adjacent vacant parcels under the same ownership comprising 50 acres or more if only one dwelling is proposed.
- (2) When it becomes necessary to partition a single lot out of a 50 acre or larger lot for reasons including, but not limited to, financing a house on the property, other mortgage security, gifting or heiring.

C. Recreation and Recreational Commercial Development

Destination resorts were found to be important uses that help the local economy. Support for re-opening and expanding the Hidaway and Lehman Hot Springs was indicative of permitting additional resorts if appropriately located. (See Policy 10)

The only multiple use area not supportive of destination resorts was Tollgate, where such uses were viewed was creating unacceptable trespass problems. (See Policy 10)

Commercial uses orientated to recreational activities like restaurants, gas stations and grocery stores were viewed by most as not needed at present. However, it was recognized that changes

in circumstances may necessitate the need for these important uses.  
(See Policy 11)

Institutional uses such as churches, church camps, scouting camps, etc., exist in mountain residential areas and were generally supported as a compatible use. Most felt that new proposals or significant expansion of existing facilities should be reviewed to assess potential impacts upon adjacent land uses. (See Policy 12)

Picnic, day use, overnight camping and recreational vehicle parking facilities were determined to be both a public and private responsibility. Private ventures were considered commercial in nature, and appropriate siting locations, basic facilities and careful evaluation and review were supported by citizens and area property owners. (See Policy 13)

Policy 10- Destination resorts shall be permitted as a conditional use in all multiple use areas but only under certain conditions. Conditions allowing this use may include but not be limited to:

- (a) Compatibility of the site with adjacent land uses;
- (b) Near existing transportation and utility facilities;
- (c) Consistent with the area's rural character; and
- (d) Unlikely to create undue public service burdens. Policy

11- Commercial recreational uses shall be expansions of existing commercial development and only allowed under special conditions or requirements as outlined in the Development Ordinance or the Comprehensive Plan.

Policy 12- Church camps, retreats and similar institutional uses and their normally required facilities (kitchen halls, recreational building, parking lots, sleeping facilities, etc.) shall be evaluated based upon the proposal. Conditional use procedures and standards in the Development Ordinance shall apply to insure compatibility with adjacent land use activities.

Policy 13- Picnic areas, overnight recreational vehicle parking (travel trailer parks and other day use facilities) shall be allowed as conditional uses in plan designated multiple use areas. Site location requirements vary slightly by area (see Tollgate Multiple Use Area Plan, for example) but all proposed uses shall be required to have an adequate water supply system and waste water system complying with appropriate Oregon or federal law. Provisions maintaining the natural character of the area and designs compatible with adjacent land uses shall be required. Other standards and requirements in the Development Ordinance may also apply. D. Public Facilities and Services

1. Roads

Good access to and within multiple use areas was an important issue with area landowners and residents. (See Policy 14)

Cost of improving roads to handle increased traffic generated from new development was also a major concern of local owners and the county, where incomes and public funds are limited. (See Policies 15,16)

Major developments (e.g. subdivision, large cluster development of four or more lots) were seen to place large increases of traffic on public roads over a short period of time and would likely necessitate immediate improvements and heavy financial burdens upon the public to subsidize these developments. (See Policy 15)

Many felt that the developer in these cases should either provide private road systems at his/her own cost to remove the burden of maintenance from the county or public; or improve interior and access roads to the development to a standard that will assure roads in the area can accommodate the expected traffic. (See Policy 16)

There was some concern about traffic safety and the amount of roads needed to serve developments and scenic quality issues along major road access corridors. (See Policy 17)

Policy 14- To assure efficiency in road improvements, the county will adopt in the Development Ordinance road improvement standards based on the Public Works Director's recommendations for development in multiple use areas.

Policy 15- Developers and property owners proposing new subdivisions or other developments generating significant amounts of traffic shall be encouraged, whenever practical, to provide their own private road systems. These systems shall be improved to a standard that will handle expected traffic demands as determined by the Public Works Director and be maintained through mechanisms outline in the Development Ordinance.

Policy 16- Major developments described above not located on roads constructed to minimum county standards shall be discouraged. However, if developers agree to make necessary improvements to handle the expected traffic as determined by the Public Works Director, such development may be permitted, provided other applicable standards and approval in the Development Ordinance are compiled with.

Policy 17- Access control shall be emphasized to minimize negative effects and traffic hazards generated by new development. Common or limited access and other strategies outlined in the Oregon Department of Transportation Access Control Guidebook shall be used whenever feasible. (See area plans for specifics on scenic quality policies along roads.)

## 2. Water-Waste Disposal

Concerns about the availability of domestic water supplies and its quality protection in regards to future development was often brought up at public meetings. This concern was especially evident regarding major new and/or long range, area-wide development. (See Policy 18)

Reductions in existing mountain residential areas and lower density requirements allocated for new multiple use areas will help lessen the overall burden upon water supplies, but not totally address immediate concerns. (See Policy 19)

Policy 18- The county will rely upon pertinent state statutes and administrative rules administered by the Department of Environmental Quality and the County Health Department for domestic

water and waste disposal regulations as the means to provide and protect the quality of this important resource.

Policy 19- Major development (usually more than four lots) requiring large amounts of domestic water and/or discharging sewage in quantities greater than state or local agencies regulate, shall meet any applicable federal laws or acts.

### 3. Other Public Services-Facilities

Rural services such as sheriff's patrol and school busing were said to be adequate and only a slight problem in a few of the multiple use areas. (See Policy 20)

As with roads, there was a certain amount of concern about the impacts of major development upon limited funded rural services. (See Policy 21)

Policy 20- The county shall continue to try to provide minimum services based upon budget availabilities and not in excess so as to encourage large scale and additional development or stimulate permanent residential' use in multiple use areas.

Policy 21- Future development shall depend on close proximity and availability to existing services and facilities. Major developments shall be required to provide services and facilities beyond those that county facilities and services are capable of. (See also area plans for additional facilities and services policies)



## E. Fire Protection

In most multiple use areas, there are no agencies responsible for fire protection on private property. (See Policy 22)

In several multiple use areas, many property owners were becoming increasingly concerned about lack of proper fire controls and practices. This concern was especially true of subdivisions and larger developments where either minimal fire-fighting equipment was barely adequate to serve limited areas or no equipment was available at all. (See Policies 2 3,24)

Numerous citizen's comments pointed to proper land use planning and subdivision control as important ways to deal with fire protection and prevention, rather than voluntary or covenant practices not always initiated or enforced. (See Policies 23, 24)

Policy 22- Minimum fire protection measures outlined in the Development Ordinance shall be required of new homeowners when siting permanently fixed structures.

Policy 23- Proposed subdivisions, cluster developments and other large developments shall provide equipment and other facilities deemed appropriate by the county to control fire outbreaks and provide adequate fire protection. These fire prevention practices are listed in the County Development Ordinance.

Policy 24- All new subdivisions, cluster developments and other major developments shall provide at least two different ingress, egress routes for fire emergency equipment entrance and

resident evacuation access purposes. Limited variation of this requirement is outlined in the Development Ordinance and must be approved by the county. F. Forest Management

Citizens/landowners expressed favor of and the practicality for forest management in designated multiple use areas. (See Policies 25,26)

Clear cutting, a forest management practice permitted by the Oregon Forest Practices Act, was not popular with the residents and owners in multiple use areas because it detracted from scenic values desired for seasonal home and recreational activities. Differed and varied types of forest management practices were discussed as alternatives to undesirable practices, and some people felt that specific management types should be required in certain areas. (See Policy 27)

The county sees that certain forms of forest management besides the standard practices of today can be beneficial in or near multiple use areas in the form of adding to the overall timber supplies, providing modest revenues, preserving the forest appearance, and maintaining healthy stands of trees. Unfortunately, the county does not have the expertise nor money to enforce or oversee any forest management programs. (See Policy 27)

Policy 25- The county will allow forest management in all multiple use zones as an outright use.

Policy 26- Most management programs in areas designated multiple use shall comply with the Oregon Forest Practices Act.

Policy 27- Alternative forest management practices that utilize more intensive management and selective harvesting methods (e.g. uneven age timber management) shall be strongly encouraged in locales where tree species permit suitable use of these systems.

Larger parcels in multiple use areas whose owners wish to incorporate a forest management plan with a subdivision of other major multiple development will be particularly encouraged to do so. Where findings and testimony indicate a particular form of timber management would improve these larger developments and protect adjacent areas, the county may require such a program as a condition of approving the development plan. G. Big Game. Wildlife. Fish Concerns

Although most multiple use areas are not located along vital fishery streams nor within critical big game winter range, significant numbers of comments from citizens and landowners expressed an interest in protecting their habitat and movement. (See Policy 28,29)

Policy 28- Where appropriate and practical, the county will establish big game migration corridors and require enforceable yet reasonable development restrictions within these areas.

Policy 29- Because of their limited nature, if additional big game migration corridors are identified, the county shall consider adopting additional big game corridor protective land use policies and regulations upon findings that these routes are vital to the safe movement of the animals.

Policy 30- To protect fishery habitat, all proposed buildings or structures proposed in multiple use areas shall be set back 100 feet from the mean high water mark of perennial or intermittent streams, rivers, lakes, or ponds. Any proposed major development shall not disturb stream bank habitat unless approved by the State Fish and Wildlife Department for improvement or maintenance reasons.

Additional policies regarding fish and wildlife are found in the Open Space resource chapter and in the multiple use area plans following this section. H. Gravel Mining. Extraction

Many recognized the importance and need for gravel and aggregate to make the needed improvements to the area roads or for building construction, etc. They also agreed that locally extracted materials were much lower in cost than those sources obtained further away. (See Policies 30,31)

Multiple use area residents/owners expressed more concern about new gravel operations, especially where blasting, crushing and hauling often create excessive noise and dust, than those small, existing operations used by property owners for non-commercial purposes. (See Policy 33)

Policy 31- The county will permit gravel and aggregate extraction in and adjacent to multiple use designated lands and will carefully review each proposal to help assure compatibility with adjacent recreational uses and activities existing in multiple use areas.

Policy 32- Smaller aggregate projects (less than 500 cubic feet or less than one acre) which may involve reopening of an existing pit or reopening up a new source shall obtain necessary county and state permits. This policy is largely intended for operations using pit-run rock or minimum processing methods and in which the material is mainly used for non-commercial purposes.

Policy 33- Larger aggregate and gravel operations (more than 500 cubic feet or more than one acre) shall be required to obtain a conditional use permit and follow procedures and requirements listed in the Development Ordinance. In addition, all other required county and state permits shall be secured prior to beginning the operation. This policy shall apply to new source sites and to reopening of existing sites. Requirements proposed are intended to allow these important activities along with necessary and desired protection of area residential and other adjacent resource uses. H. Historic, Scenic, Natural Area

There was definite interest in trying to preserve and protect numerous historic structures, monuments, etc., not only occurring in the multiple use areas by also in adjacent forest grazing resource areas. (See Policy 34)

Although not discussed in some multiple use designated areas, a desire to protect scenic views, vegetation and vistas especially along major travel routes was mentioned. (See Policy 34)

Several different strategies were offered by citizen groups to encourage and regulate the protection and preservation of historic, cultural and scenic resources. (See Policy 35)

Policy 34- It shall be a policy of the county to thoroughly review development as it may affect historical and scenic values and resources.

Policy 35- The county will adopt regulations and provide encouragements that are reasonable and enforceable to protect historic, cultural and scenic resources.

(See Open Space, Historic, Resources chapter and the various plans for Multiple Use Area plans for additional or specific policies pertaining to historical and scenic sites and structures.)

#### J. Citizen Involvement and Plan Review

Multiple use area residents and property owners often did not agree about various land use issues. However, it was nearly unanimous that they were probably the most knowledgeable and effective land use managers for their respective area. (See Policy 36)

Several citizen planning committee teams expressed similar views about the advantage and necessity of citizen involvement in future updates or revisions to the plan (See Policies 36,37)

Policy 36- The county is appreciative of the interest, efforts and suggestions of all citizens, residents and property owners who either attended public meetings or served on committees involved in forming plan policies for multiple use areas. In response to and in recognition of their value, special citizen involvement

committees for the various multiple use areas in the county shall be formed to assist in periodic updates and/or major change proposals to the plan.

Policy 37- Appointment and organization of these citizen involvement committees shall be done according to policies found in the Citizen Involvement Chapter V. K. Nuisances

Some conflicts were said to exist with other forms of recreation and resource activities, and these mostly centered around off-road vehicle use, trespass and associated property damage, and dog control problems. How to effectively deal with these nuisance problems was admittedly difficult. The county is sensitive to these issues but has limited finances and personnel to adequately correct these kinds of problems (See Policy 38).

Policy 38- As a commitment to initiate solutions and counter existing nuisance problems, the county will work with private property owners, local off-road vehicle organizations, etc., and shall look into cooperative programs that works towards accomplishing this policy. L. Natural and Other Hazards

Based upon the best information available, there are only a few areas of known natural hazards in multiple use designated areas. These are usually in the form of steep slopes, minor flooding, high water table areas, shallow soils or soils not easily supporting building foundations. Natural and man-made fires also

pose a threat or hazard to multiple use areas and adjacent resource activities. (See Policies 39, 40, 41)

Policy 39- Where practical and appropriate, areas of steep slopes and suspect soils have been placed into a resource land category.

Policy 40- Where natural hazards may exist, provisions shall be made in the County Development Ordinance to assure proposed development will receive a review of potential natural hazards (steep slopes, flooding—either runoff or stream, suspect soils, etc.) and that sufficient authority, statutes and regulations exist to modify or deny applications where such hazards exist.

Policy 41- The county has authored and will make available a checklist of important land use considerations for landowners contemplating development in timbered areas. Incorporated in this checklist are natural hazard mitigation considerations. All applicants applying for a development permit are encouraged to use ideas in the checklist. M. Building or Development Setbacks

Besides the usual need for privacy which normal setback regulations provide, in special circumstances adjustments to setback regulations were found to be desired as a means of easing land use compatibility problems. (See Policy 42)

Even some of the more intensive recreational uses (e.g. resorts, lodges, etc.) were cited by area residents as needing special setback regulations, (See Policy 42)



Policy 42- As a review requirement, conditional uses allowed in multiple use zones shall consider setback distances deemed appropriate by the county to assure harmony with adjacent property owners. N. Existing Tourist Commercial and Rural Center Zoning

Four small parcels of tourist commercial zoning and one small parcel of rural center zoning are found in several of the multiple use areas. Only two existing parcels have commercial uses. All were zoned in these classifications in 1972. Current state land use planning goals and suggestions by citizens indicate that keeping tourist commercial and rural center zoning on these parcels would not be appropriate. (See Policy 43)

Policy 43- The county will rezone these tourist commercial and rural center zoned parcels into appropriate multiple use zones. Multiple use zones permit tourist commercial uses as a conditional use with review procedures and standards.

(See Recreational Commercial Policies within Multiple Use Area plans for more specific information regarding location and development standards that shall apply to recreational commercial uses.) O. Other Specific Considerations - "Grandfather Lots"

As is always the case when revising or adopting new land use policies and ordinances, unusually conditions and circumstances exist that new regulations do not apply to or impose extreme hardships upon property and property owners. At public meetings an often expressed concern was the development status of lots that

are or would be smaller than adopted minimum sizes for multiple use development, commonly termed "grandfather" or pre-existing lots. (See Policy 44)

Besides development questions, other land use issues may exist where special considerations need to be made when administering land use policies. (See Policy 45)

Policy 44- Parcels legally existing at the time of this plan's adoption that are located within multiple use designated areas shall continue to function as legal lots for multiple use area uses, provided minimum standards are met as outlined in the Development Ordinance.

Policy 45- Pre-existing status shall be granted to subdivisions and partitions with at least preliminary county approval and buildings with at least an issued zoning permit, at the time of the plan adoption by the Board of County Commissioners.

#### AREA MULTIPLE USE PLAN POLICIES

The following discussion outlines in more detail the various land use issues and policies formulated to meet specific area needs and to comply with the intent of the state land use planning goals. The policies listed below are to be implemented in addition to general policies previously listed. For mapped locations of zoned and development strategies, please refer to the developed/committed land maps in the Exceptions Section (Pages XVIII-55 thru 82). Meacham and Tollgate multiple use areas have separate maps which are located within their respective sections.

## BATTLE MOUNTAIN

Predominant land uses in the area are mixed open-timbered grazing uses along with scattered vacation homes and other public recreational uses (e.g. Battle Mountain State Park). Agreement exists to maintain a rural atmosphere here to enjoy the natural environs.

The area designated as multiple use is somewhat smaller than recommended by the South County Committee. Mountain residential is confined more to an area between the state and highway and main access road so these uses will not intrude into adjacent resource lands.

One land use issue of particular concern in this area was the need to move and expand the existing Battle Mountain Cafe and related recreational commercial facilities to improve service to recreation users.

Policy 46- A multiple use designation shall apply to developed and committed land in the Battle Mountain area.

Policy 47- The forest residential zone with a five acre minimum lot size shall be placed upon future development. LEHMAN

## HOT SPRINGS

The Lehman Hot Springs property is very similar in nature to the Hidaway Hot Springs multiple use area. Recreational use in the form of hot springs bathing and overnight camping has occurred here since the 1860's, only to a greater degree mostly due to its closeness to Highway 244, and better utility and access facilities.

County and local residents feel that Lehman provides important recreational activities for area residences in a unique setting. Public facilities and services are more than adequate to provide quality resort and recreational home uses. Public testimony also shows a definite commitment of recreational use on this property and a desire to carefully plan the remaining portions for similar recreational uses.

Policy 52- Recognize existing recreational development and committed area with placement on the plan map as multiple use.

Policy 53- Zoning and density shall be consistent with the area and most all multiple use areas in the county. Therefore, the five acre minimum forest residential zone shall apply to this multiple use area.

Policy 54- To assure compatible and orderly development within the property and with adjacent lands, clustering policies and standards shall be required.

Policy 55- The county shall review the Lehman Hot Springs multiple use area at scheduled comprehensive plan updates to determine development progress and possible inclusion of additional multiple use lands, according to applicable review policies.

#### POVERTY FLATS

Very few comments were received regarding the Poverty Flats area. Little additional development opportunities exist at the present zoning density. Permitting a more dense development pattern could, however, negatively change the rural character of the area.

Policy 56- Designate Poverty Flats on the Comprehensive Plan Map as multiple use.

Policy 57- Assign the Poverty Flats area at a five acre minimum lot size as presently administered.

Policy 58- A forest residential zoning classification will be placed upon this area, which permits compatible uses upon the few remaining vacation tracts. UMATILLA RIVER - BINGHAM SPRINGS

The Umatilla River-Bingham Springs area is actually two separate units. Bingham Springs is an old platted cabin development with very small lots. One mile downstream from Bingham Springs is the Umatilla River multiple use area. Both areas are rather confined and restricted by topography and other natural features. Public or property owner comments and suggestions about these two areas were minimal at public meetings or in committee reports.

Policy 59- The Comprehensive Plan Map shall have a multiple use designation for both the Bingham Springs and Umatilla River areas.

Policy 60- Bingham Springs shall retain the existing one acre density to permit a few additional cabins within the platted area and on several of the acreage lots that border the platted area.

Policy 61- The mountain residential zone shall be assigned to parcels in the Bingham Springs multiple use area.

Policy 62- The Umatilla River area shall be zoned forest residential at a five acre minimum lot size. This density will permit additional vacation home development at similar lot sizes which have occurred in the past ten years under one acre density regulations.

Policy 63- General multiple use policies especially pertaining to fishery stream protection and access control are to apply in these two multiple use areas. UPPER SOUTH FORK OF WALLA WALLA RIVER

The major use in this area is second home recreational use. Land use issues and problems appear to be minimal due to lack of public comment. Additional parcels available for vacation homes are few, which probably accounts for the absence of owner/public concern.

Policy 64- Recognize existing development by designating area on plan map as multiple use.

Policy 65- Zoning and density in the area shall be consistent with existing patterns. The one acre minimum mountain residential zone shall be placed upon this multiple use area and will accomplish this policy. MILL CREEK

Several characteristics unique to this area have shaped and modified community needs, desire and land use policies. Its isolated and distant location has made it difficult for the county to provide basic services. Also, there is a mixture of permanent

and seasonal residents along with retirees and younger families requesting different demands and needs.

It has been documented at public meetings and several land use hearings on development proposals in the area that local residents feel such services as police, fire and road maintenance are inadequate. County budgets of late trend towards even less ability to continue basic services.

Problems with obtaining septic tank systems on the rather small subdivision and partitioned lots have been reported by the Department of Environmental Quality. The near year-round highwater table in combination with regulations pertaining to property distances from streams, wells and property lines either negate building a vacation home on many of the lots or make it extremely difficult and expensive to purchase and consolidate enough area to install an approved system. Flooding is also a danger and development problem along this steep creek canyon.

Preparation of a plan for this area has been somewhat difficult. Besides the service and facilities problems and development limitations just discussed, several large landowners wish to sell off level portions above the canyon bottom found along the canyon sides for recreational dwellings.

A citizen committee studied this area in great detail and recommended that a corridor of 1/4 mile on either side of the road be included for multiple use designation. After looking closely at the lay of the land, existing development patterns, and further discussion with the landowners, the county sought to include as

much of the land as possible that met the developed and committed category for recreational uses, while setting density limits commensurate with available services, and meeting the requirements of the state land use planning goals.

Policy 66- Lands not included for or negatively impacted by multiple use and presently used for crops, grazing or areas used for soil and water stabilization, or for wildlife habitat, shall be protected by designating and zoning them for resource and limited recreational uses.

Policy 67- Designate parcels in this area as meeting developed/committed multiple use criteria and so designate it on the Comprehensive Plan Map.

Policy 68- In Mill Creek, a similar use zone to that which is presently enforced, termed forest residential, shall apply.

Policy 69- A zoning density consistent with the ability to provide limited public facilities will be established for the few parcels with potential division or partition capabilities. A five acre minimum lot size shall be placed on lots in these two areas to meet the intent of this policy and is a size adequate to meet most existing development requirements. In-filling of development that follows proper water quality and sanitation regulations on existing subdivision lots and small lot partitioning shall be encouraged.



Policy 70- The county will consider ways to try and improve roads and services in the area that would be consistent with the level of population to be served and the county's financial ability to provide these services.

Policy 71- Hazardous areas, such as the 100-year floodplain, shall continue to be protected from inappropriate development. Uses and structures shall comply with floodplain development standards where floodplain information is available. The county may consider requesting floodplain studies on other portions of Mill Creek where flooding is suspected. TOLLGATE MULTIPLE USE AREA

The Tollgate Mountain multiple use area is the most extensively developed and used recreational region in the county. Planning is complicated here due to the scattered, non-resource development patterns occurring within a resource area.

LCDC planning goals tend to favor resource protection at the expense of further non-resource development. Their policies then stipulate containment of non-resource uses. While these state policies are admirable planning objectives, they are not easily attainable in an area not only with scattered land uses but with a mixture of public, resource and private land ownerships and interests.

Residences of Tollgate are a mixture of about 1/3 permanent and 2/3 seasonal. Part of the permanent residents are probably resource use related. A good percentage of the seasonal residents are from outside the county and outside to the state. Resource

ownerships include large timber industry lands to livestock rancher-owners property. Public ownerships include both state and federal agencies.

With this mixture of ownerships, plus adding the many recreationalists using the area for winter and summer activities, land use issues and needs often varied and in several cases, conflicted. It is well known in the county that a large acreage on Tollgate Mountain has been zoned for one acre vacation home lots since 1972. Many have bought or had their originally zoned parcel based upon the intention of later dividing and selling property for vacation home use. Tax rates have been based upon this scheme. What may not be common knowledge is that current planning laws and court decisions have greatly limited vacation home development despite the existing county plan and zoning. One can well imagine that finding a common ground between landowner plans and county ordinances and state regulations has not been easy.

The balancing of interest became very apparent when a plan proposal was presented to the public in 1980. The proposal generated many comments, both negative and positive. No consensus was reached other than more citizen input was necessary and that the proposal appeared not to address intricate land use issues occurring in the area. Reduction of area and density strategies for vacation home development was the most common issue raised with the proposal. It became quite obvious to most that some trade-offs would have to be made in order to balance the many interest and issues involved and to comply with the state planning goals.

Further work on the 1980 proposals for the Tollgate area had to be delayed because of staff layoffs and smaller planning budgets. However, a volunteer planning group spearheaded by local area County Planning Commission members was formed. This group, known as the Tollgate Committee, initiated a property owner questionnaire and other in-depth research about subjects raised at previous public meetings and those comments received about the 1980 staff proposal.

The Tollgate Committee concluded that growth was to be expected, but many wanted the rural and scenic character of the area protected. To do this, reasonable land use controls along with tradeoffs in area, density, or both would have to be exercised in the area's future development. The scenario was based upon citizen comments that the continued high-density development (one acre zoning) could seriously hamper the surrounding natural beauty.

The Tollgate Committee's report was a benefit to the county planning process because it not only gave new direction and outlined issues and important facts relating to Tollgate, but also contained individual citizen and property owner comments, which, as earlier mentioned, were not always in agreement. The value of the report is obvious, and consequently portions are used in the identification or exceptions statement and is in the forthcoming comments and policies.

The county has sought to include as much of the Tollgate Committee's and public and area property owners' suggestions and ideas as possible, while trying to meet the requirements of the

state land use planning goals and choosing those issues and policies that are practical and financially enforceable.

The following findings are highlights of issues, recommendations and responses to them that are specific to Tollgate. These findings are listed by general subject. Policies designed to carry out these planning concerns are listed in the approximate same order following each subject. A. Development-Planning Strategies

A major issue was what areas should remain planned and zoned for vacation home development, and what patterns or densities would best serve property owner wishes and at the same time protect aesthetic values, wildlife habitat, scenic beauty, etc., desired by many. (See Policy 72)

Development at existing nodes only, clustering development, and one, five and ten acre minimum lot size regulations were all suggested. The most prevalent, yet not necessarily a consensus recommendation, was a five acre minimum lot size and containment of vacation home development of within about 1/2 mile on either side of Highway 207. (See Policy 72)

Of particular note was the recognized benefit of clustering development. The Tollgate Committee in fact recommended that clustering be nearly mandatory on parcels over 20 acres. (See Policy 72)

The county recognizes the many advantages of clustering and will in certain instances require clustering; however, clustering in other instances shall be greatly encouraged. (See Policy 72)

All of the above strategies were used in developing a compromise plan for Tollgate.

Policy 72- A variety of zones, densities and development strategies shall be applied within lands designated multiple use in the Tollgate area. The following policies shall apply:

- (a) Most of the area shall be zoned forest residential (5 acre minimum lot size) as requested by many area landowners.
- (b) In areas where existing densities exceed one seasonal dwelling per 5 acres, the mountain residential zone (one acre minimum lot size) shall apply.
- (c) Within identified big game migration corridors, the 10 acre minimum lot size zone, called Multiple Use Forest, shall apply.
- (d) Clustering development will be required on land 50 acres and over in all multiple use areas except within identified big game migration corridors. In instances of large development proposals, clustering may be required if submitted development plans do not satisfy county policies of preserving the scenic beauty-natural resources. Clustering procedures and development requirements are found in the General Policies Section and more specifically outlined in the Development Ordinances.

## B. General Planning Issues

Citizen involvement in formulating plans for Tollgate Mountain was of obvious importance from the numbers of citizens who attended meetings and hearings. The Tollgate Committee also recognized this and recommended some specific guidelines for future participation in the planning process. (See Policy 73)

Policies in the Citizen Involvement chapter reflect the county's awareness of the importance of citizen involvement in all areas of the county including multiple use areas. Several citizen involvement recommendations of the Tollgate Committee were used to formulate overall county citizen involvement policies. (See Policy 73)

Policy 73- A Tollgate Citizen Planning Committee shall be formed to assist the county in either assessing major plan revision proposals or scheduled updates to the Comprehensive Plan that pertain to the Tollgate multiple use area. This committee shall be appointed and organized according to required policies in the Citizen Involvement chapter.

## C. Unique Facilities and Service Needs

Highway Access - Parking Difficulty with winter access (snowplowing) and inadequate off-highway parking facilities for recreationalists are problems unique to the Tollgate multiple use area. Specific policies addressing solutions to these problems have been suggested by area landowners, citizens and the Tollgate Committee. (See Policies 74, 76)

The county recognizes these two particular issues and needs exist, and agrees to adopt or slightly modify those Tollgate Committee suggest policies that can be practically enforced. (See Policies 74, 75, 76)

Policy 74- The county shall seek ways to help solve winter time off-highway parking problems. These facilities shall be encouraged to locate in areas where private property will be less impacted by activities, generated from such facilities. Location of these facilities may include private property; but emphasis shall be to use public land as much as possible, particularly federal Forest Service land east of Langdon Lake.

Policy 75- The county shall contact, coordinate and cooperate with other appropriate governmental, public and private groups to maximize resources to help locate, purchase and construct needed winter off-highway parking facilities.

Policy 76- Special building setback requirements for new construction along Highway 204 shall be established to prevent further obstacles to snow removal. Slightly different setback distances shall apply to new recreational commercial uses than those required for new vacation home and other allowed uses. (See Tollgate Committee Report for reasoning.) Setbacks for vacation homes and other permitted uses shall be subject to a 130 foot setback. Recreational commercial uses allowed by a conditional use permit shall comply with a 90 foot setback or a different setback determined to be appropriate by the Hearings Officer that will accomplish this policy, other policies or unusual circumstances

that may exist at the site. Measurements for setbacks shall be made from the centerline stripe of Highway 204, or some other determinable point.

D. Regular Facilities (Schools. Police. Electrical Services)

Some minor problems exist with police protection, but area school capacity, electrical service and overall police patrols are generally believed to be adequate. (See Policy 77)

The county considers the availability of the above services important. Confinement and reduction of vacation home development and other appropriate development standards are a way to help insure continued good service. Several Tollgate area policies have been adopted to work on improving any inadequacies (police protection). (See Policy 77)

Policy 77- The County will consider ways to improve police service and maintain other services in the area consistent with the level of population to be served.

E. Recreation-Recreation/Commercial Needs

Area recreational service needs were identified as: additional picnic and day use facilities, overnight travel trailer parks and incidental commercial service expansions and uses. (See Policy 78)

A major public concern about the above recreational services was that they be located in appropriate areas, where they could efficiently serve the area without causing incompatible problems with adjacent land uses. (See Policy 79)



Since Tollgate has unique development and road patterns, locational and development standards recommended for recreational and commercial service uses by the Tollgate Committee were very helpful, appropriate, and most suggestions adopted as policy. (See Policies 79, 80)

Policy 78- New day use, picnic and overnight recreational vehicle camping facilities shall be encouraged to locate on public lands for similar reasons found in Policy 74 above. However, these uses will also be permitted adjacent to the three existing recreation/commercial use areas serving the Tollgate multiple use area: Tollgate Chalet, Tamarack Inn and Tollgate Shopping Center. New uses will be allowed only if a conditional use permit is obtained from the county and prescribed development standards listed in the Development Ordinance designed to ensure compatibility with adjacent land uses, is satisfied.

Policy 79- New recreation/commercial uses (e.g. cafes, gas stations, gift shops) allowed in the Tollgate multiple use area will also be permitted as a conditional use and located only adjacent to one of the three existing commercial uses listed in Policy 78 above. In addition to development criteria in the Development Ordinance which must be met to gain permit approval, these new uses will not be sited within identified big game migration corridors.

Policy 80- Expansions or additions to present commercial/recreational buildings will be required to meet appropriate standards in the Development Ordinance. The special

setback rule along Highway 204 shall not apply in this situation but will have to satisfy setback and other applicable regulations of the assigned zone as outlined in the Development Ordinance. F. Environmental Issues

An issue of particular concern to Tollgate residents was the desire to protect water sources, both quantity and quality. Many felt unsure that the Department of Environmental Quality standards would adequately protect water sources, especially over larger areas, as current zoning allows and when septic tank approvals are done on an individual basis without any analysis of overall impacts. (See Policy 82)

The county has reduced the area of vacation home development and has placed most steep slope and suspected poor septic tank soils into a resource category. This action should reduce potential overall effluent and therefore lessen danger of polluting water sources. Less acreage for vacation home use will also mean reserving or maintaining overall water supplies in the Tollgate area. (See Policies 72,82)

Other development standards such as minimum lot sizes appropriate to control densities or spacing of dwelling and their water and sewage disposal facilities will help to maintain water quality and quantity desired by Tollgate landowners. (See Policies 72, 82)

Scenic amenities along the Tollgate Highway was an environmental concern. Tollgate Committee members suggested that setbacks for buildings be such that they not be seen from the

highway. Also, a suggested requirement to not permit vegetation removal within a certain distance from this scenic road was felt necessary to help maintain the area's natural beauty. (See Policy 81)

The county can and does now regulate setback requirements and will adopt the approximate setback regulations recommended by the Tollgate Committee. However, to ensure the recommendation to retain vegetative cover, the county does not have enough staff to adequately police this suggestion. Property owner's encouragement and awareness to maintain vegetation when building new structures in this area could help to fulfill this goal. (See Policy 81)

Policy 81- To protect scenic views along the Tollgate Highway, adequate setbacks shall be required for new vacation homes and other structures proposed to be built along this major travel route. The special setback regulation in Policy 76 will carry out the intended purpose of this policy.

Policy 82- A special emphasis to properly follow appropriate state and federal laws pertaining to water quality protection shall be a requirement in the Tollgate multiple use area. Strict enforcement of existing and subsequent amendments to federal and state regulations shall be required along with other development standards and land use policies assisting to maintain water quality.

## G. Resource-Wildlife Issues

Many owners and residents felt that timber management was still practical within a multiple use area such as Tollgate. General productivity information supported their assertion in that Tollgate was found to be one of the better timber producing areas in the county. (See Policy 83)

Ways of managing and harvesting timber, however, was subject to some disagreement. Clear cutting, which is allowed under the Oregon Forest Practices Act, was not popular because this practice tends to ruin scenic and some recreational values. Investigation by the Tollgate Committee suggested that a forest management system called "uneven age" could be very practical for the Tollgate area (see Tollgate Committee report in the Appendix). So appropriate was the uneven age timber management system that the Tollgate Committee recommended it be required in most cases of new development and land division proposals. (See Policy 83)

The ability of the county to oversee timber management programs is non-existent with no expertise in this field. The county is only in the position to be able to encourage the uneven age timber management system or similar systems. (See Policy 83)

A majority of residents and citizens who recreate on Tollgate Mountain considered wildlife and big game protection an important issue. (See Policy 84)

Big game migration corridors in the area have been identified and support to protect them has been expressed. The Tollgate Committee suggested several policies based upon this support. (See Policy 84)

The county reviewed the information and suggestions about wildlife/big game issues in this area and have adopted policies that can be enforced. Two big game corridors were not proposed for adoption because existing lot sizes, timber management practices and dense development patterns negated their intended purposes. (See Policy 84)

Policy 83- Strongly encourage landowners within the Tollgate multiple use area to manage their land for timber production. Intensive management, like the uneven age timber management system or similar systems, will be suggested but not required over traditional even age management techniques. A handout explaining uneven age systems and their advantages in multiple use areas will be provided to all owners applying for a vacation home development permit.

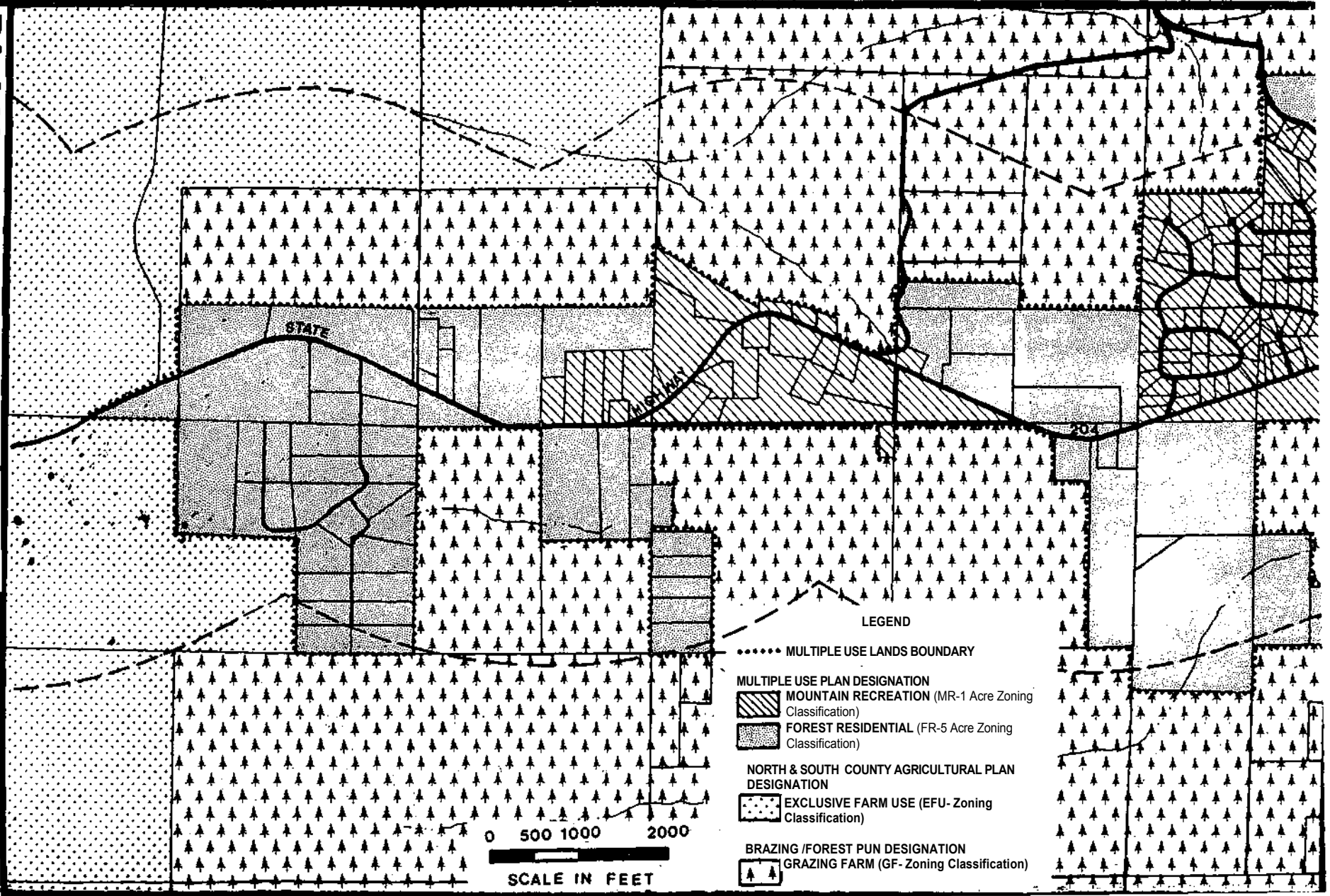
Policy 84- To protect big game movement to critical winter range areas, two big game protection corridor overlay zones have been established. These protection corridor overlay zones shall be shown on the county zoning map, and the following policies shall apply to future development and land division proposals within them.

- (a) The 10 acre minimum lot size multiple use forest zone shall apply;

- (b) No recreation/commercial use listed in policies 78 and 79 shall be allowed;
- (c) No clustering of development is permitted.

**PLAN MAP**  
**TOLLGATE & VICINITY**  
**MAP A**

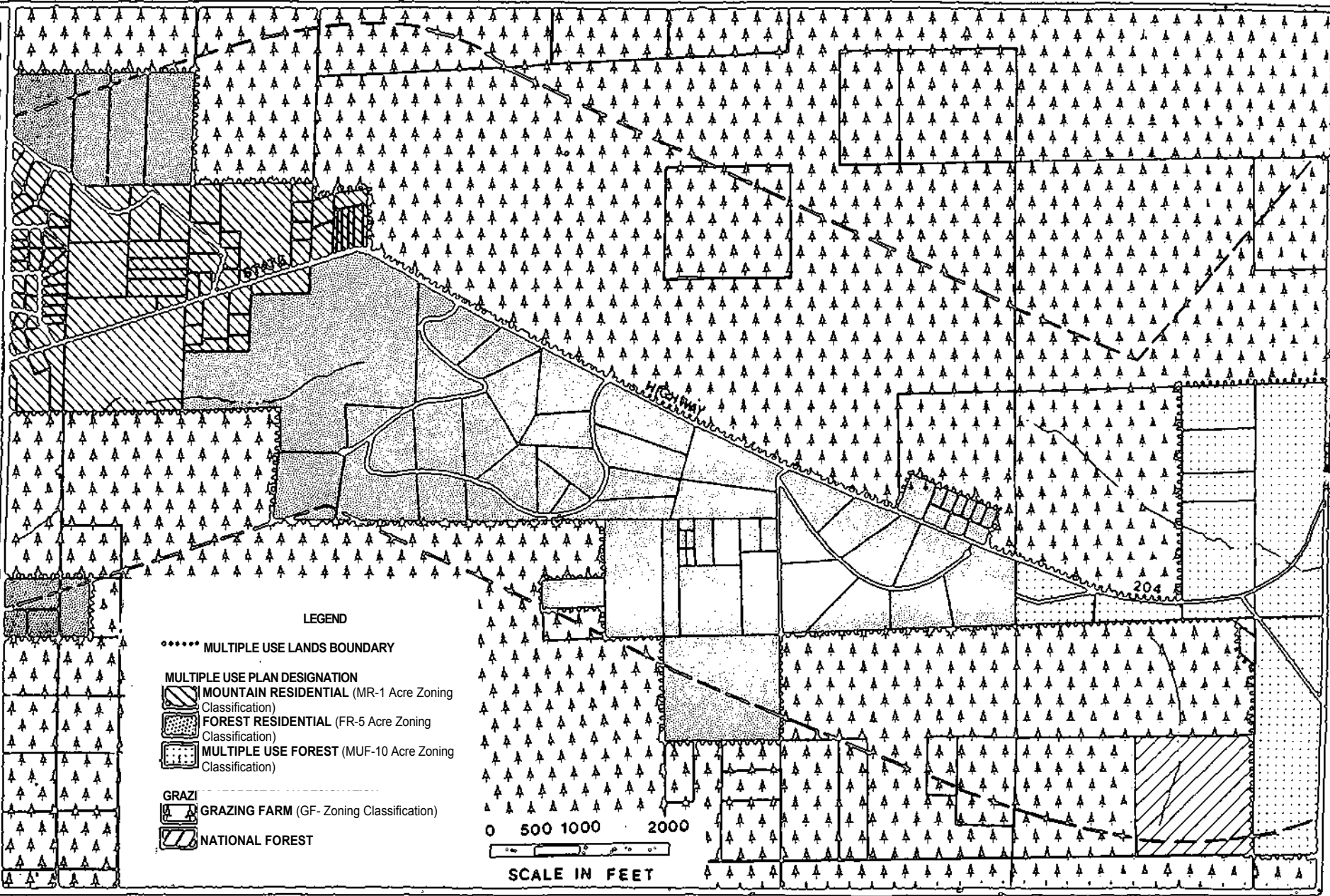
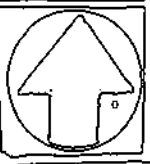
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- LEGEND**
- ..... MULTIPLE USE LANDS BOUNDARY
  - MULTIPLE USE PLAN DESIGNATION**
    - MOUNTAIN RECREATION (MR-1 Acre Zoning Classification)
    - FOREST RESIDENTIAL (FR-5 Acre Zoning Classification)
  - NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**
    - EXCLUSIVE FARM USE (EFU- Zoning Classification)
  - BRAZING /FOREST PUN DESIGNATION**
    - GRAZING FARM (GF- Zoning Classification)

PLAN MAP  
TOLLGATE & VICINITY  
MAP B

XVIII-245R



LEGEND

- ..... MULTIPLE USE LANDS BOUNDARY
- MULTIPLE USE PLAN DESIGNATION
  - MOUNTAIN RESIDENTIAL (MR-1 Acre Zoning Classification)
  - FOREST RESIDENTIAL (FR-5 Acre Zoning Classification)
  - MULTIPLE USE FOREST (MUF-10 Acre Zoning Classification)
- GRAZI
  - GRAZING FARM (GF- Zoning Classification)
  - NATIONAL FOREST

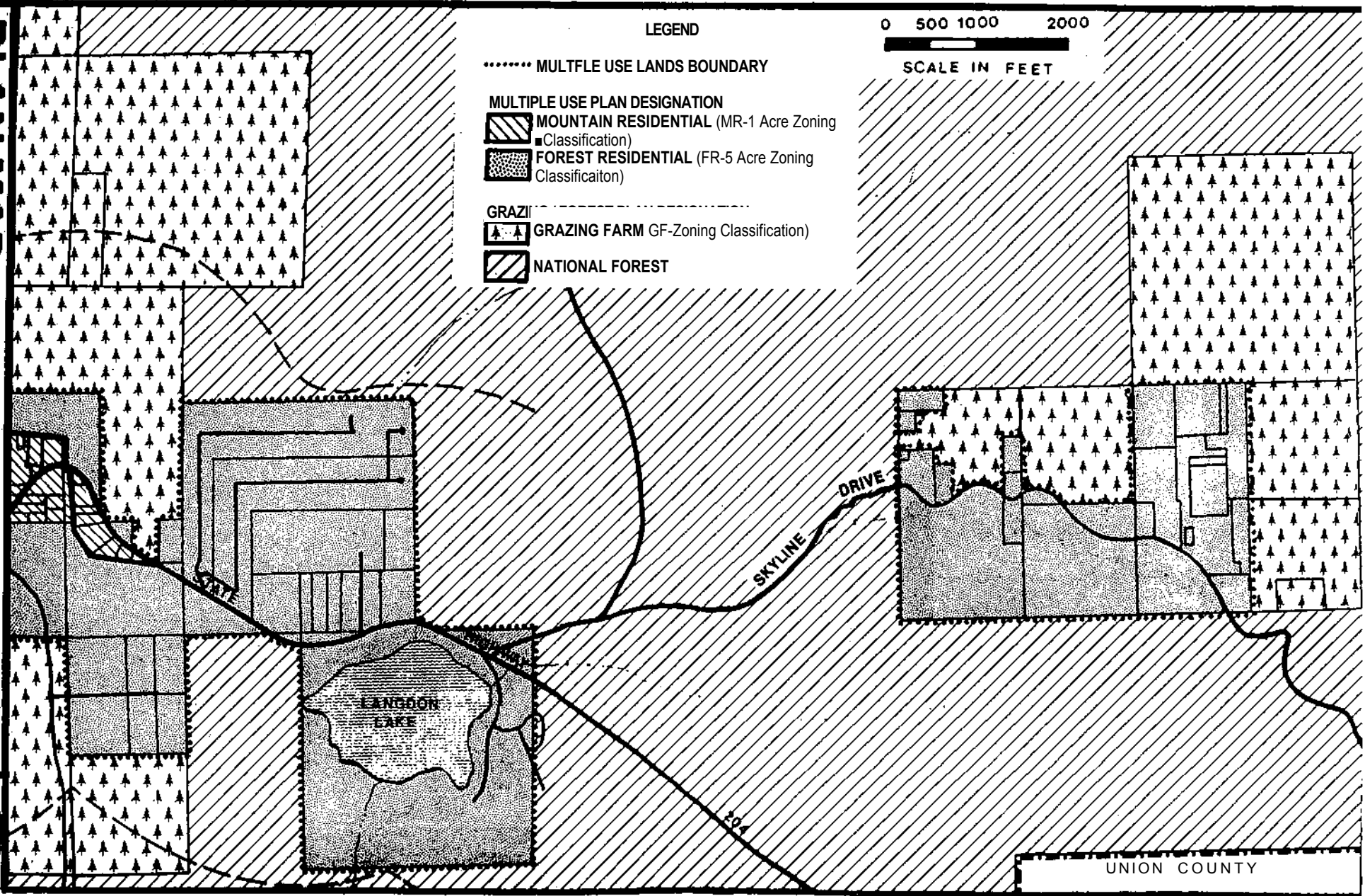
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**PLAN MAP**  
**TOLLGATE & VICINITY**  
**MAP D**

XVIII-245D



**LEGEND**

..... MULTIPLE USE LANDS BOUNDARY

**MULTIPLE USE PLAN DESIGNATION**

MOUNTAIN RESIDENTIAL (MR-1 Acre Zoning Classification)

FOREST RESIDENTIAL (FR-5 Acre Zoning Classification)

GRAZING FARM (GF-Zoning Classification)

NATIONAL FOREST

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SCALE IN FEET

UNION COUNTY

## MEACHAM

Preparing a plan for the Meacham multiple use area, the second largest such area in the county's mountainous highlands, has not been easy nor without controversy. Like Tollgate, the scattered ownership types (e.g. ranches, seasonal and permanent residents, timber company and public lands) has made it difficult to balance the varied interest and needs here with state land use planning goals. Also, residents and owners in the area have mixed opinions on how the area would develop in the future. Some owners wish to develop their land for seasonal vacation homes because the area is a convenient distance from Pendleton and is a popular summer-winter recreation destination. Other residential landowners, however, feel that more development means more demand for local public services and greater tax burdens upon local property owners to provide these new services and related facilities.

Highwater tables and unreliable water sources in some areas, intermixed with developable land, also create problems in determining this region's containment or growth decisions. Minor water pollution problems have been suspected in the unincorporated community of Meacham and is expected by some to occur elsewhere in the area if development densities are too great. Unfortunately, ground water supply studies are not likely to be made, nor is the preliminary soils survey information conclusive in locating or determining where or what development problems will occur in suspect areas.

The exceptions statement for the Meacham area explained that the existing spread-out vacation home zoning pattern was dealt with first to address some of the above concerns. A 1980 general plan proposal was supposed to do this. Large acreages of existing one acre and five acre zoning were proposed to be placed in a resource use category and vacation home development confined between major utility lines and centered around Meacham where services existed. This plan was not well received. Many felt that it failed to comply with state planning goals, it was still too large an area for recreational home development, and that proposed density sizes and patterns appeared to then be inconsistent with the area's ability to handle the proposed growth.

A special citizens committee similar to one organized for Tollgate was thought advisable by several county Planning Commission members to gain more citizen comments from the south and central county areas, particularly from ranchers and timber industry people. Several developers, engineers and representatives from the Confederated Tribes were sought to be members, but only one engineer offered to serve. Their report contained a wide variety of recommendations. Some were new and others a reiteration of previous citizen comments and recommendations.

Pertaining to the Meacham area, this special committee recommended a somewhat larger area than the 1980 planning staff proposal just mentioned. Clustering development along with lot minimum sizes of one and five acres were recommended but not

applied to specific areas. A "market" place determination would decide such lot sizes and development patterns.

While other development standards would apply to assist in protecting adjacent resource lands and address facility and service issues, the committee's proposal does not appear to agree with nor fully address many area residents' and landowners' previous concerns and comments. Particular disagreement would be the area and density possibility of recreation home development on the west side of the freeway.

The county, in trying to come up with a development proposal correlating as many of the ideas from both citizen and committee recommendations, had to consider tradeoffs and compromises not only between development/non-development interests, but also between all the statewide land use planning goals. These tradeoffs and compromises are discussed in the following section along with policies intended to implement the development compromises reached for the Meacham multiple use area. A. Development Concerns

Virtually no agreement was ever reached as to what area should be set aside for vacation home and recreational uses and what density, densities or patterns would satisfy people/resource/land capability concerns. The only aspect generally agreed upon was the benefit of clustering development in recreation use areas. (See Policy 85)

Citizen recommendations on lot size minimums for new vacation home lots varied from 1 to 20 acres, but most felt that five and ten acre lot sizes were appropriate in light of suspected development limitations (e.g. highwater table, soils poorly suited to sewage disposal, etc.) and the limited capability of existing facilities and services to handle new development proposals. (See Policy 86)

Meacham townsite was less difficult to plan. Most agreed that Department of Environmental Quality standards were sufficient to regulate development on the smaller platted lots and that the existing one acre minimum was adequate for small acreage lots immediately adjacent to this unincorporated community. Meacham townsite is also a service and local trade center which citizens feel if properly planned could help solve some existing problems and evolve into an even more useful center or possibly, in the distant future, into a fully incorporated town. (See Policy 87)

Perhaps the biggest controversy regarding development concerns was new seasonal home development on the west side of 1-84. The special committee recommended development here, but many residents had earlier objected to most vacation home or recreational proposals, including an earlier planning staff recommendation proposing development on this side of the freeway. (See Policies 85, 86)

To deal with all these development recommendations, the county compromised by cutting back the area proposed for seasonal home use and utilizing slightly larger minimum lot sizes than currently in

force. Areas where existing lot sizes and lot size minimums would not create significant new vacation home development remained as currently regulated. However, when the February 21, 1985, DLCD staff report recommended disapproval, most of the lands west of I-84 were deleted. (See Plan Map and Policies section for locations of specific development regulations that are listed in the following policies).

Policy 85- Cluster developments shall be required in certain circumstances and strongly encouraged in other instance throughout the Meacham multiple use area and shall comply with prescribed standards in the General Policy section. (Policies 6, 7, 8)

Policy 86- Parcels assigned for vacation home and other recreational development in the Meacham area shall be designated multiple use on the Comprehensive Plan Map. Zoning in this multiple use area shall permit recreational and seasonal home development at a variety of size choices for future buyers without placing unnecessary or excessive burdens upon existing services/facilities. Standards and procedures outlined in the Development Ordinance shall require owners/developers of new development proposals to make necessary additions or improvements to public facilities and services.

Policy 87- The townsite of Meacham shall be designated and zoned Unincorporated Community to promote a rural service atmosphere or character. A variety of uses will be allowed as in the present zoning; however, some questionable, potentially incompatible uses have been placed into a conditional use category

from an outright status with review procedures and standards required to help assure compatibility between land uses. B.

#### General Planning Concerns

As encountered in the Tollgate multiple use area, citizen participation in the planning process was of great interest and importance to area residents and owners and was substantiated by large attendance numbers at various meetings. Future citizen participation opportunities were also suggested by the South County Mountain Committee, one being that a special Meacham area citizens committee be formed at scheduled plan updates or for proposed major revisions to the plan. The Citizen Involvement chapter contains policies that require citizen participation and specific area committees. (See Policy 88)

Area residents commented that trespassing and vandalism occurred frequently due to the areas accessibility and popularity as a recreation area. Policies in various sections of the Comprehensive Plan are intended to work toward solving and hopefully reducing vandalism or other nuisance problems not only in the Meacham area but in all areas of the county. (See Policy 89)

Policy 88- A Meacham area citizen advisory committee will be formed to assist developing and assessing future plan policies affecting this area.

Policy 89- General plan policies dealing with multiple use areas address Meacham area vandalism and trespass issues.



### C. Public Facility and Service Concerns

Meacham area public facilities and services are very basic. Utilities are adequate and fire protection is provided by a highly motivated and hard working volunteer department. The unincorporated platted community of Meacham provides additional services such as mail, convenience goods and fuel facilities not only for Meacham residents but also for nearby seasonal and permanent home property owners. Minor problems with police protection and road maintenance were expressed. (See Policy 90)

The main concern about public facilities and services was possible deterioration of or expense to improve existing facilities and services from likely demands of new vacation homeowners, especially from large development projects. (See Policy 90)

Reductions in area and decreased development densities from present planning regulations along with new development standards requiring or addressing public facilities and service concerns are intended to keep new recreational and vacation home uses within capabilities of area services. These regulations include fire prevention and protection measures considered important by area residents and property owners. (See Policy 90)

Policy 90- The county shall consider potential impacts upon public services from new development in the Meacham multiple use area. Policies in other sections of the plan serve as measures to properly plan for future public service facility needs.

#### D. Recreation-Recreational/Commercial Needs

Emigrant State Park, Pond Loree and Meacham provide existing recreational and recreational commercial service. Several churches own property for retreats and recreational purposes. One property (Fountain Lake, Incorporated) has been zoned for tourist commercial use since 1972, but has never been developed. (See Policies 91, 92)

Conflicting opinions as to future need for and location of additional recreational/commercial uses are evident in recommendations and opinions expressed by area residents and those from the South County Mountain Special Advisory Committee. The committee felt these types of recreational activities were needed and that present land zoned rural or tourist commercial along with additional land near highly traveled roads be provided for competitive reasons. However, responses from area citizens and property owners about this issue were generally negative regarding additional need for these uses (especially biking, skiing and motor vehicle trails). Some expressed that development standards be placed upon expansions to existing uses and upon new recreation development proposals. The Fountain Lake property was felt by many to be an inappropriate location for tourist commercial zoning because it possesses values incompatible with concentrated development (e.g. highwater table on most of this parcel). (See Policies 91, 92)

Multiple use General Policies address some of the citizen and Meacham area property owner concerns; i.e., careful planning review of and property owner participation in decisions regarding

recreational use proposals. Policies relating to the Fountain Lake property and other specific recreational and related commercial use issues in the Meacham area can be found in the following policies.

Policy 91- As a compromise, in the Meacham multiple use area, recreational uses and commercial uses related to these types of activities shall be permitted only if policies, procedures and standards required in multiple use designated areas are met. The only exception will be some recreation/commercial uses proposed in Meacham townsite where new sites can be developed for these uses under slightly different and less complicated review procedures.

Policy 92- The Fountain Lake property will be rezoned from the current C-2 Tourist Commercial to a multiple use zone that permits more compatible land uses with the surrounding vacation home development. E. Historical Preservation

The Meacham Cemetery, The Meacham Hotel, several historic stagecoach stops and portions of the Old Oregon Trail were of significant value to area residents for preservation and protection considerations. A cooperative effort between the various landowners, the county and other appropriate agencies was suggested to mark, maintain and protect these sites. These historic sites and structures are mentioned in the Open Space-Resource-Historic chapter along with preservation and protection strategies. (See Policy 93)

Policy 93- Local historical sites and structures recommended by area residents will be considered for protection according to strategies, policies and measures listed in the Goal 5 Historic Preservation chapter. F. Environmental Concerns

Often mentioned at public meetings was the concern about future availability of domestic water supplies, pollution of water sources and inappropriate development in and around sensitive areas (e.g. creeks, ponds, open meadows, high water table areas). Some minor water pollution problems have been identified in Meacham and are suspected around Meacham Lake. (See Policy 94)

Policies that reduce the existing spread out medium to low density recreational residential zoning should help reduce potential water consumption and reduce further possibilities of pollution in the Meacham area. Also, development standards have been adopted in the Development Ordinance to help assure appropriate development siting and densities near environmentally sensitive areas. (See Policy 94)

Policy 94- Development proposals in the Meacham multiple use area shall comply with somewhat larger minimum lot size requirements than those applied in the previous plan to protect water qualities and quantity. Larger development proposals (e.g. vacation home subdivision, cluster developments, etc.) shall comply with applicable state and federal regulations concerning water and sewage areas, etc., listed in the Development areas. (See also Multiple Use General Policies)

## G. Resource-Wildlife-Fish-Concerns

Harassment of Wildlife and protection of big game and fishery streams were concerns of area property owners and residents. These comments were mostly related to anticipated impacts from new development, especially on the west side of 1-84. The South County Mountain Committee didn't feel as strongly about wildlife. (See Policy 95)

The county acknowledges the importance of fish and wildlife to area citizens and has adopted policies and development standards to maintain their habitat and movement. Again, less area set aside for seasonal vacation home development, large lot size minimums for new recreation home land division, as well as for resource land division, along with special setbacks from fishery streams and lakes, should all help to fulfill this protection objective. (See Policy 95)

It was the consensus of many, including the South County Mountain Committee, that in some instances forest management plans should be incorporated into new development proposals in the Meacham multiple use area where tree species and conditions permit. Intensive management techniques, similar to the uneven age system mentioned as appropriate in the Tollgate multiple use area, were also favored for use in this area. (See Policies 25,26,27)

As explained in the previous multiple use area plan section, the county is able to encourage timber management. But, in instances of major development proposals, such a requirement may be necessary. (See General Policies 25, 26, 27)

Policy 95- Policies specific to multiple use areas for timber, wildlife and fish protection/management shall be applied to the Meacham multiple use area. (See General Policies section pages XVIII-217-219) H. Other

The South County Mountain Committee recommended some rather unique and specific development standards to be applied to new recreation and vacation home development. Many of these recommendations were similar to ones already being proposed and have been adopted as regulations in the Development Ordinance. Some others were noted when compromises were made where they conflicted with a majority of area resident's concerns. (See Policy 96)

Several additional comments need to be made on one or two of the South County Mountain Committee proposals. First, the 1/2 acre density recommendation for clustering does not address the rural preservation desires of Meacham property owners. No maximum parcel size is mentioned as a guide to contain or control development which appears that on a 50 acre parcel, 100 units could be allowed. This comment also relates to the same density proposal regarding self-contained trailer and camper sites where often these developments turn into more permanent and frequently used structures which, with unlimited amounts of development, could result in undesirable crowding. (See Policy 96)

A suggestion that proof of waste water disposal (Septic Suitability) not be required prior to approving a development, conflicts with policies on land partitioning. Major developments such as subdivisions do not require proof; however, partitions (one or two lots per year) do. (See Policy 96)

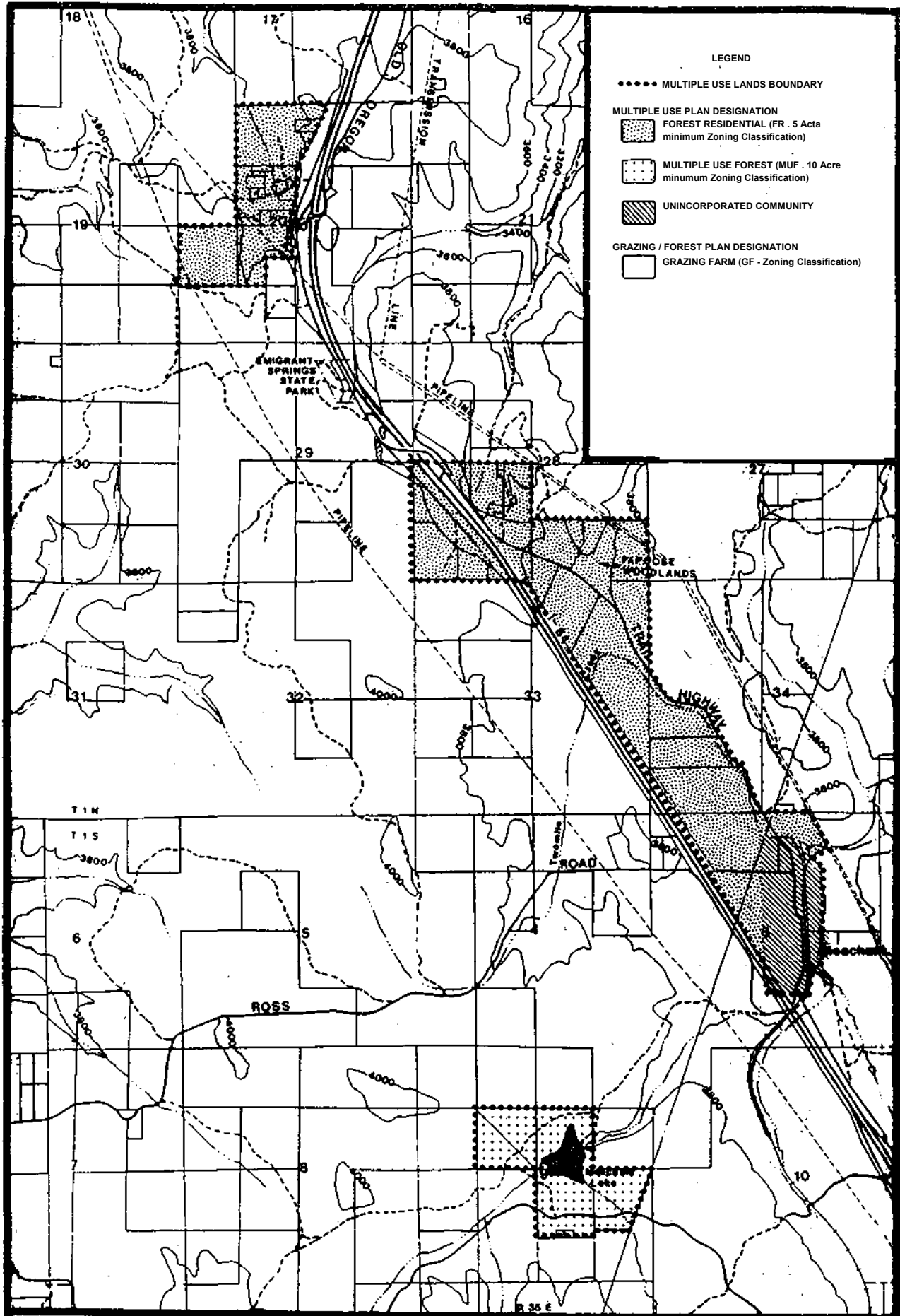
Policy 96- The county is appreciative of the effort which the South County Mountain Committee made and will include those recommendations as policies of development standards which agreed or closely agreed with other area citizen and property owners' comments and with state land use planning goals.

After review of the Meacham exception area by the Department of Land Conservation and Development (DLCD), it became evident to the county that those portions west of 1-84, excluding the Meacham Lake area, would not be approved by the state for recreational development, and thereby nullifying the county's attempts to take exception to Goal #4 Forest Lands. Umatilla County has tried several times to justify additional lands in the Meacham area for recreational residential use to alleviate development pressures in the more developed lands near Meacham each attempt was rejected by the state as not being justifiable under the exceptions rule.

To recognize the desires of landowners in the Meacham area and still meet state planning requirements, the county is committing itself to explore alternatives to allow for recreational home development on those lands that were originally proposed for such development, but had to be removed to comply with existing state planning requirements. (See Policy #97)

Policy 97- The county is committed to exploring and developing alternatives to allow for recreational residential development on the lands west of 1-84 that were deleted by the county from its 1983 plan (referred to as Ross Road Exceptions Area) that can comply with state planning requirements. The county is committed to doing this planning work not later than the first major update of the plan.





**LEGEND**

- MULTIPLE USE LANDS BOUNDARY
- MULTIPLE USE PLAN DESIGNATION**
  - FOREST RESIDENTIAL (FR - 5 Acre minimum Zoning Classification)
  - MULTIPLE USE FOREST (MUF - 10 Acre minimum Zoning Classification)
  - UNINCORPORATED COMMUNITY
- GRAZING / FOREST PLAN DESIGNATION**
  - GRAZING FARM (GF - Zoning Classification)

**PLAN MAP**  
**MEACHAM & VICINITY**



## GOAL EXCEPTIONS STATEMENT FOR RURAL RESIDENTIAL AREAS

### INTRODUCTION

This portion of the plan explains and/or identifies lands where Umatilla County will seek to justify an exception to State Planning Goal #3 (Agricultural Lands). Findings and reasons supporting such an exception are also outlined.

Mentioned in the Housing section of the Comprehensive Plan is the fact that the county has had rural residential development in and around its towns and cities for many years. In some instances, these areas are quite extensive, such as those around Hermiston and Pendleton and, to a lesser degree, developments near or adjacent to Milton-Freewater, Umatilla and Pilot Rock. Lands in these rural residential areas have been divided, sold and developed, becoming irrevocably committed to non-resource uses.

As with recreational home development in the county, rural residential areas are located where roads, public services and public facilities are most readily available. Vacant land within these areas permits additional rural residential living, but containment and control of future divisions and rural residential uses will ensure that they occur near or in areas of existing development at densities appropriate and compatible with the rural environment and consistent with future transportation, utility systems and available public services.

At the onset of this exceptions process, it is the County's intention to recognize existing rural residential areas as appropriate locations for additional rural residential construction. EXCEPTIONS ANALYSIS

Within this plan, needs for future rural development lands are formulated upon projected forecasts. By the year 2000 it is predicted that 27,500 County citizens will live outside urban growth areas. (See chapter HI of Technical Report). To anticipate the general geographic areas where that growth will occur, the county may be viewed in three sections, each with a dominant city. In the west, Hermiston forecasts a year 2000 population of 32,800; centrally located Pendleton predicts 20,500; and in the northeastern part of the county, Milton-Freewater expects to grow to 9,850. Summing these cities' projections and calculating each dominant city's percentage resulted in approximately 50%, 30% and 20% respectively. Permit records for rural housing construction or placement since 1972 also shows a similar 50%, 30%, 20% area distribution. Since this ratio occurred during the growth rate of 1972-1978, from which the year 2000 projection is based, a similar area growth ratio is assured to continue for the next 20 years. Using these comparable percentages for rural residential distribution results in expectations of 13,750 in the West County; \*4,550 (8.250 minus 3.700 Umatilla Indian Reservation prediction)

in the Central County; and 5,500 in the east part of Umatilla County. These figures include farm families living on their farmlands.

To determine existing rural residential populations for each segment of the county, map and aerial photo analyses were conducted to enumerate both rural residences and farm dwellings. Farm homes are assumed to remain relatively constant at present numbers during the next 20 years and are therefore not expected to appreciably modify year 2000 rural population forecasts.

Average rural housing size in Umatilla County is estimated to be 2.6 persons per dwelling unit. This estimate was made several years ago (1979) before the 1980 Census information and based upon the smaller household size trend experienced nationwide. Preliminary 1980 Census data places the average household for Umatilla County at 2.7 persons per dwelling, which is very close to the estimate of 1979. Since the smaller-household trend is continuing, and considering that much of the rural residential exception statement and data worked on earlier uses the 2.6 estimate, Umatilla County feels justified in using this figure for the Comprehensive Plan. (See Chapter I of Technical Report.)

Citizen comments reflect general agreement that an average rural residential lot size offering rural lifestyle amenities and providing sub-surface sewage disposal should be about two gross acres per dwelling. (See also Economy and Public Facilities chapters for further discussion of lot size analysis). Lands necessary for year 2000 rural use may therefore be approximately

calculated; 20-year forecast minus present farm dwellings at 2.6 persons per unit equals year 2000 rural residential population; that population divided by 2.6 persons per unit equals year 2000 rural residential units needed; multiplied by two acres per unit approximates total acreage to be used for rural residential housing. Existing rural residential development deleted from projected need identifies the necessary additional amount of land to be classified for future rural residential use. It must be noted that several developed/committed areas were approved four acre densities for a variety of reasons. These lands are discussed in more detail later on this exception statement.

Developed/committed rural residential lands in the county are formulated in criteria established by the various area county citizens advisory committees and information gathered during public meetings. Those involved spent many hours helping to define developed/committed criteria.

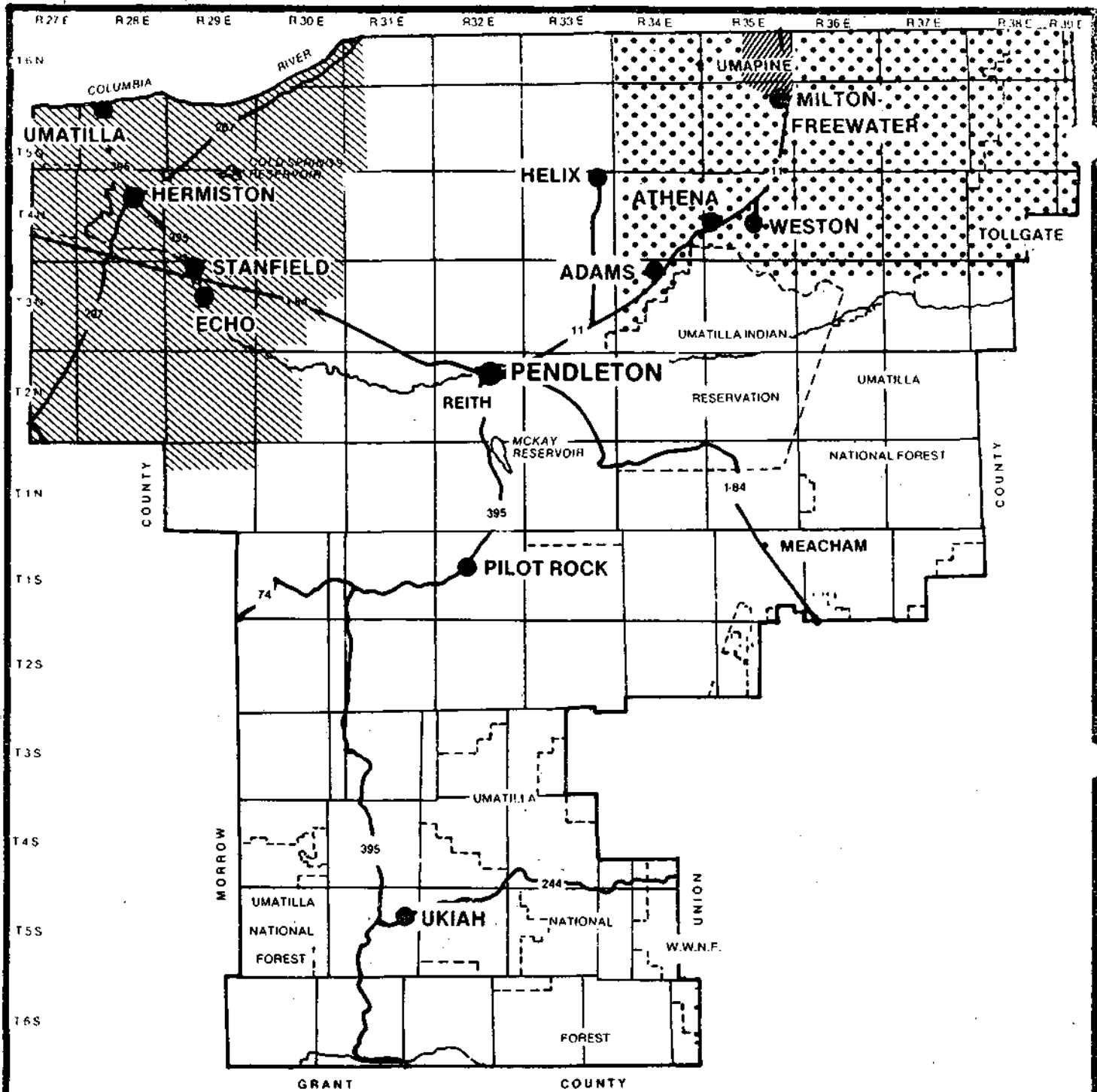
Agricultural land needed for non-farm uses is the other category of land involved in the exceptions process. Properties in this classification include those lands needed beyond developed/committed land capacities. In other words, if the expected population cannot be accommodated within the identified committed and developed areas, other "needed" lands must be sought to supply the additional land area requirements.

Taking a full exception to the agricultural goal provides Umatilla County with a method of balancing state land use requirements with local land use needs.





For ease of reference, review of the agricultural land exceptions process is divided into three geographic areas of the county: West, Central and East (see map on following page). Justification of future land requirements, method of population distribution, explanation of developed/committed criteria, general descriptions of developed/committed lands, and an explanation of why additional needed lands were chosen are outlined for each of these areas at the end of this exceptions statement.

It is necessary to explain in a little more detail the methodology of determining rural residential areas before going into the area analysis. The county, through a series of circumstances, has to address rural residential areas in connection with what is called "deferred areas". These deferred areas have been delineated based upon their known rural residential use and also include some farm areas. A separate deferred area plan has been agreed upon by both LCDC and the county to be submitted September 1, 1983, apart from the resource plan approved by the county and submitted to the state for acknowledgment on May 9, 1983. These deferred areas are to be examined to see if they qualify as rural residential lands when specific criteria meeting appropriate state laws and administrative rules, identifying non-resource uses or lands irrevocably committed to non-resource criteria, are applied. The result of applying applicable non-resource criteria produces those lands meeting these criteria, revealing rural residential lands, and those parcels not qualifying under the criteria and classified as resource lands. Remaining

resource lands in deferred areas are discussed in the Technical Report (Chapter B) and in the Comprehensive Plan Map Section (Chapter XVIII) , while rural residential areas are discussed below.



LEGEND WEST

-  UMATILLA COUNTY CENTRAL
-  UMATILLA COUNTY EAST
-  UMATILLA COUNTY
-  ORCHARDS DISTRICT

LOCATION MAP  
UMATILLA COUNTY, OREGON





WEST COUNTY DEVELOPED/COMMITTED RURAL RESIDENTIAL EXCEPTIONS

The following criteria will be applied to rural lands in West Umatilla County in determining whether a conclusion can be made that Goal #3 Agricultural Lands is no longer applicable or that the long-term use for agricultural purposes is impractical. Developed Lands Criteria

- (1) A five-acre parcel or less occupied by a dwelling when intermixed with similarly sized non-agricultural parcels under different ownerships.
  - (a) Most all comments received from residents and landowners felt that this size and smaller was definitely a non-agricultural size, and if found in large enough areas, is considered for uses other than resource activities.
- (2) Any subdivision with an approved plat filed in the County Clerk's Office that has improvements (roads, utilities, etc.), or has some rural residential development and is within established rural residential areas.
  - (a) Rural subdivisions have existed for many years and have been recognized as planned rural residential development accommodating an established and important rural lifestyle.
- (3) Existing commercial, industrial and/or semi-public uses related to rural residential and/or nearby urban and urbanizing uses that are within established rural residential areas.

(a) These uses are usually found in compact or defined areas; however, they sometimes exist among rural residential homes. Where found within rural residential areas, commercial, industrial or public/semi-public uses are considered developed non-farm parcels. (4) Parcels in existing rural residential areas that are larger than five acres but must have a density of one dwelling per five acres. (a) This criterion is similar to #1 above, except that in a few instances there are larger lots that have more than one residence. Example, a 20-acre parcel with four dwellings equals a density of one rural residential home per five acres. Committed

#### Lands Criteria

Lands irrevocably committed to rural residential use in West Umatilla County are those Lands in areas where residential development exists and which possess the following characteristics or situations:

(1) Land broken into 20-acre parcels or less with or without an occupying dwelling and predominately intermingled with or bounded by other small rural residential lands under different ownerships.

(a) Generally, a 20-acre parcel size or less, either with a home or vacant and located adjacent to or bounded by developed non-farm property, is considered committed to non-farm uses. This size is currently a marginal

economic unit for most transitional farm land adjacent to established rural residential areas in the county, and agricultural activity restrictions placed upon these lands from adjacent non-farm homes warranted their classification as "committed rural residential lands."<sup>1</sup> Spraying chemicals, dust associated with plowing and noise from farm machinery on these committed parcels are not considered to be compatible with adjacent developed non-farm uses. In other words, the public and local farmers consider these lands to be both of marginal size for economic farming and to have too many restrictions to be continued or preserved for agricultural activities.

- (2) For other sized parcels and/or in different circumstances than that listed above, a detailed written report and if necessary, detailed mapping outlining applicable factors in OAR 660-04-25 and OAR 660-04-028 will be provided to show substantial evidence of commitment.

#### METHODOLOGY

Map surveys and aerial photo analysis indicate that present dwelling units outside of urban growth areas in the West County total approximately 1,622. Of that number, 450 are farm houses, with about 1,172 houses in the developed/committed rural residential areas. Multiplying each type of housing by the average household establishes existing farm population at 1,170 and present rural residential population of 3,050.

Year 2000 non-urban population is projected at 13,750 (50% of total county estimated rural residential population of 27,500). Deleting the present farm population (1,170) plus the existing rural residents (3,050) or a total of 4,220 from the projected need of 13,750 results in the requirement to plan for an additional 9,530 rural residents. Lands needs will amount to 7,330 acres (9,530 divided by 2.6 average household size and multiplied by the chosen two acre rural residential density).

Employing the previously stated developed/committed criteria establishes seven distinct and separate areas totalling 7,951 acres. See map on following page. Within these areas, 2,228 acres are already built upon. Built acres include land and area associated with each existing dwelling unit (accessory uses, roads, easements, etc.) in the developed/committed area that can no longer be built upon. This built area analysis also considered some additional land due to the present scattering of housing which makes exact calculations of vacant available land nearly impossible. Subtraction of the 2,228 built acres from the total 7,951 developed/committed lands produces vacant acreage of about 5,708 acres. The resulting undeveloped acreage (5,708 acres) is nearly the same acreage necessary to accommodate the needed rural residential growth (7,330 acres) over the next 20 years. (Table 1 along with findings/conclusion sheets and corresponding maps on the following pages depict location, statistical information and justification for categorizing each of the above seven areas as developed/committed).

In addition to the seven developed/committed areas, one special treatment area is designated for rural residential. Justification for rural residential use is based on the area's non-resource soils and is explained in more detail following the developed/committed fact sheet (see page XVIII-271) . The Kik Tract Special Treatment Area is 68 acres, and if added to the above 5,708 acres of undeveloped, developed/committed land planned at the two acre density, results in a total of 5,774 acres still within the projected need of 7,330 acres for the year 2000.

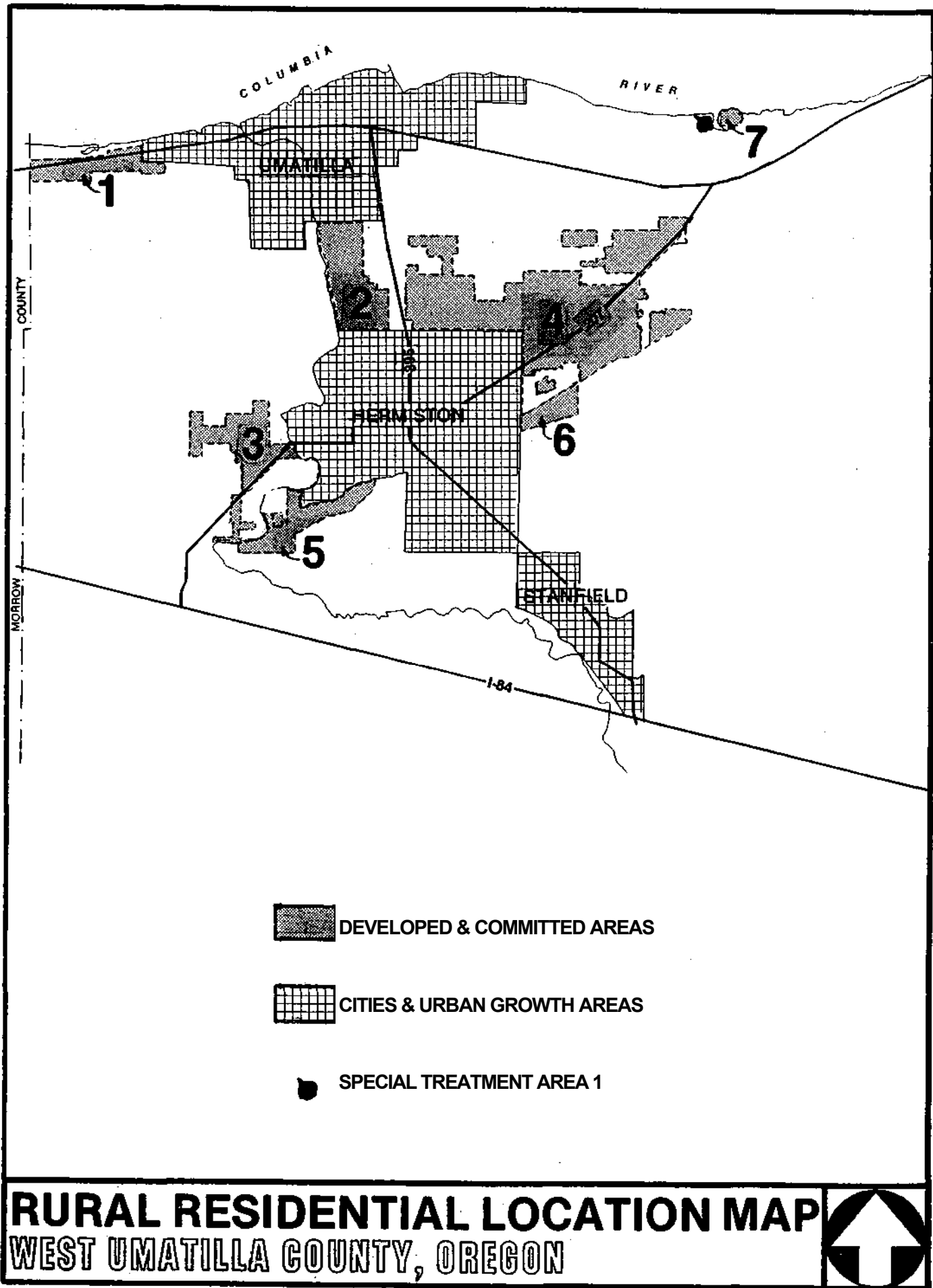


TABLE 1 WEST COUNTY  
DEVELOPED/COMMITTED STATISTICAL DATA

AREA SIZE (total acres)	EXISTING DWELLING UNITS	BUILT ACRES	BUILDABLE ACRES	ADDITIONAL DWELLING CAPACITY
1 590	56	112	478	239
2 990	100	200	790	395
3 985	192	384	601	300
4 4,589	652	1,304	3,285	1,643
5 637	90	180	457	228
6 125	24	48	77	38
<u>775</u>	<u>20</u>	<u>-*</u>	<u>20*</u>	<u>10*</u>
7,951	1,134	2,228**	5,708	2,853

\*  
Usual built acres computation not applicable in Area #7 and therefore not computed. Nearly all of the 75 acres is composed of a very small lot subdivision. Vacant lot counts were made to determine buildable acres and additional dwelling capacity.

\*\* Figure represents grand total built acres less Area #7. See explanation above.

Area: West Extension (Area #1)

Total Acres: 590 Number of

Parcels: 86 Average Parcel

Size: 6.8 acres Number of

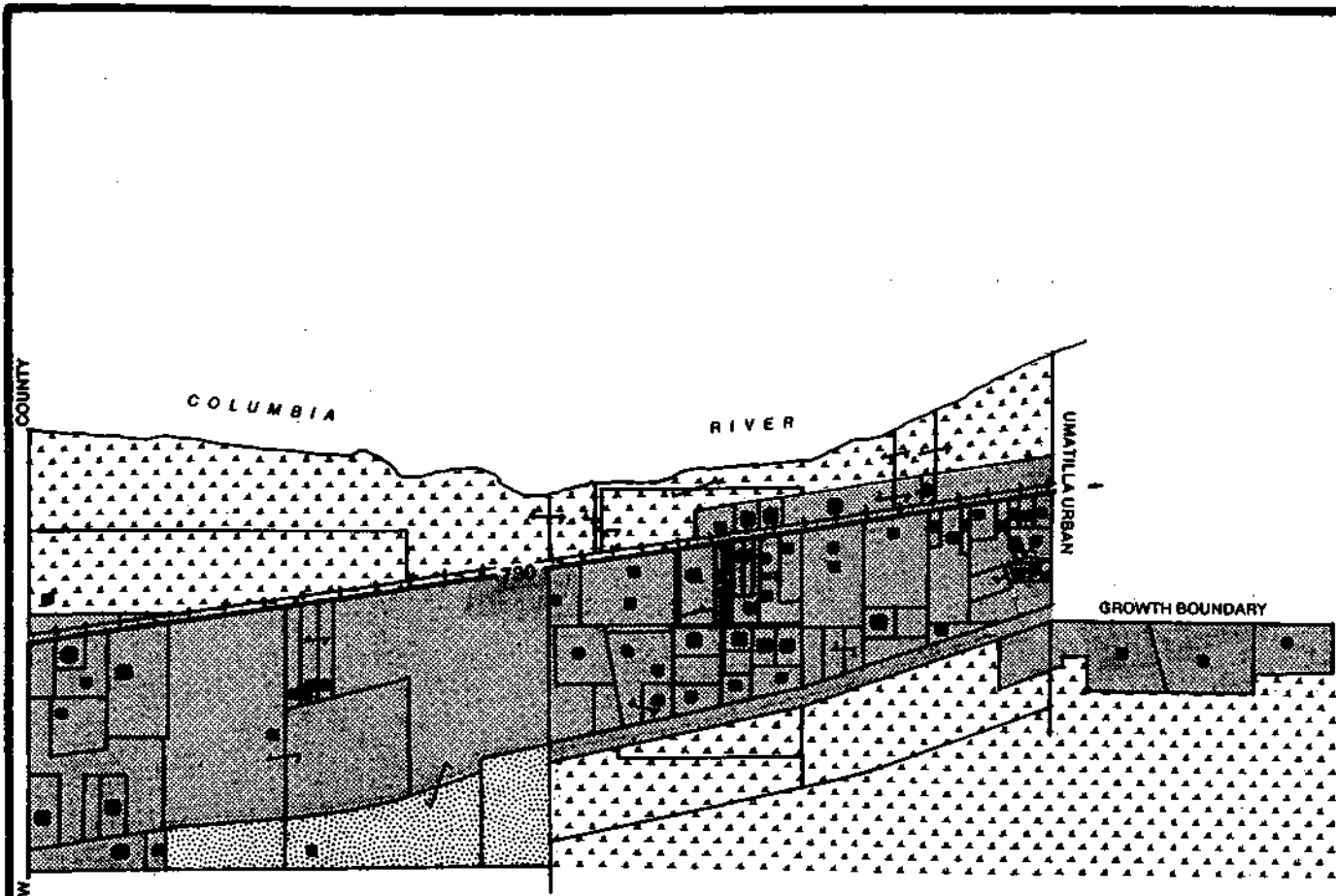
Dwellings: 56 Largest Parcel:

60 acres\* Smallest Parcel: .15

acre Findings and Conclusions:

1. Numerous partitions, a platted subdivision and significant numbers of existing rural residential dwellings qualify the area as developed/committed, non-resource lands.
2. Area has traditionally been one of small hobby or part-time farms, mostly pasturing horses or a few head of cattle. Most parcels do not qualify for farm deferral and are under separate ownerships.
- \*3. One parcel is larger than most, but is not preserved for farm use zoning because it is bounded on two sides by other developed/committed lands and on the other two sides is separated by a major highway and an irrigation canal. The parcel is pastured as is most of the area previously mentioned and thereby considered not vital or necessary for continued agricultural protection.
4. Area has had one and two acre zoning for more than ten years. West County residents and area residents perceive the area as rural residential. This view is supported by the presence of the City of Umatilla's Urban Growth Boundary on the east side of this area.
5. Soil capabilities are marginal even for irrigation (Class IV). Although within an irrigation district, small parcel sizes and antiquated delivery system has discouraged continued commercial farming. Conversion back into agricultural use like intensive truck farming is considered impossible due to poor soils and non-farm homes.
6. Area is separated from agricultural use by topography and the large Westland Irrigation Canal justifying infill of rural residential here with minimal conflicts as has been the case for many years.
7. Access to parcels are via State Highway 730 and local roads.





**LEGEND**




**RURAL RESIDENTIAL PLAN DESIGNATION**

 **RURAL RESIDENTIAL 2** (RR-2 Acre minimum Zoning Classification)

 **RURAL RESIDENTIAL 4** (RR-4 Acre minimum Zoning Classification)

**NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**

 **EXCLUSIVE FARM USE** (EFU Zoning Classification)

-  **DWELLING UNIT**
-  **COMMERCIAL USE**
-  **JOINT OWNERSHIP**

0 400 800 1200  
SCALE IN FEET

**DEVELOPED & COMMITTED LAND**  
**WEST EXTENSION, AREA 1**



Area: Cooney-Joy Lanes (Area #2)

Total Acres: 990 Number of

Parcels: 182 Average Parcel

Size: 5.3 acres Number of

Dwellings: 100 Largest Parcel:


26 acres Smallest Parcel: .20


acre Findings and Conclusions:

1. Extensive rural residential home development, small parcelization and separate ownerships classify area as developed/committed. One 60+ lot subdivision is within this area.
2. Area is located in proximity to a predominance of non-farm uses or is separated from them by major roads and rivers. The Umatilla River and Old Highway 30 effectively buffer farmland to the west. The Urban Growth Boundaries of Hermiston and Umatilla border on the north and south while industrial uses are adjacent on the east.
3. Area is served by county collector roads.
4. Marginal agricultural soils (Class IV Irrigated, Class VII Dryland) characterize area as non-farm. Limited agricultural use in area (small pastures and a few small alfalfa fields) is greatly inhibited by the existence of non-farm use interferences and conflicts.
5. Almost all of the area has had rural residential zoning for more than ten years, recognizing the existence of this type of use.

LEGEND

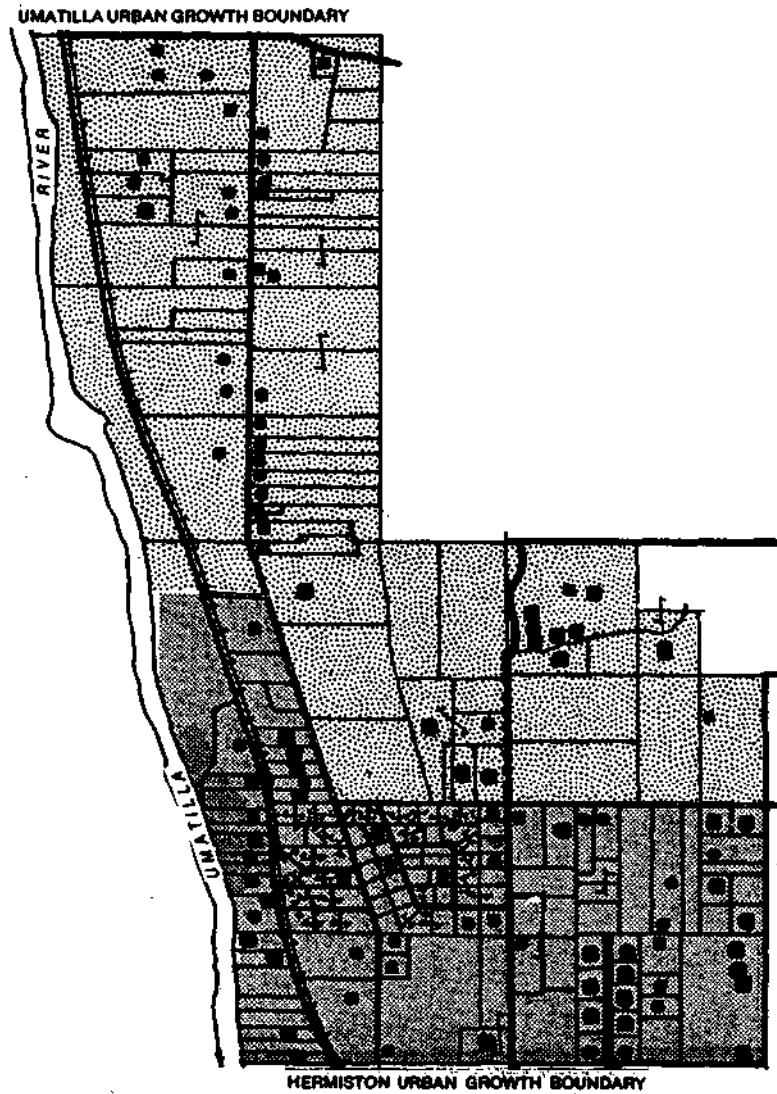
RURAL RESIDENTIAL PLAN DESIGNATION

 RURAL RESIDENTIAL 2 (RR-2 Acre minimum Zoning Classification)

 RURAL RESIDENTIAL 4 (RR-4 Acre minimum Zoning Classification)

 DWELLING UNIT

 JOINT OWNERSHIP



0 400 800 1200  
SCALE IN FEET

**DEVELOPED & COMMITTED LAND**  
**COONEY & JOY LANES, AREA 2**



Area: Westland (Area #3)

Total Acres: 985

Number of Parcels: 228

Average Parcel Size: 4.3 acres

Number of Dwellings: 194

Largest Parcel: 36.3

Smallest Parcel: .10 acre

Findings and Conclusions:

1. Qualifies as developed/committed non-resource land because of the extent of rural residential development and parcelization. Degree of parcelization is further demonstrated by three subdivisions, all of which are mostly developed.
2. Area is considered mostly marginal farmland greatly impacted by non-farm development. A large majority of parcels are under separate ownerships having a home in conjunction with small horse pastures, and in a few instances small hayfields.
3. Established rural residential use initiated this type of zoning for the

Additional Justification for Developed and Committed Parcels

Explanation- Parcels A through C and I through K on the Westland Area #3 Map, page XVIII-279A are committed parcels. Parcels E, F, G and H are -"developed." Two sub-area explanations will set forth the factors leading to a non-agricultural development commitment conclusion.

Description of Sub-Area A (Parcels A, B, C, D and E)- These five parcels total approximately just over 102 acres and are on the north side of Westland Road, approximately 3/4 mile west of the city limits of Hermiston, and about 1/2 mile west of Hermiston's Urban Growth Boundary. All five parcels are vacant sagebrush land.

Adjacent Land Uses to Sub-Area A- Rural residential use is the predominant land use activity adjacent to the committed area under discussion. On the west side of committed parcels A **and** C are homes in a platted subdivision. Acreage rural residential lots and dwellings area also found on the north and northeast boundaries of this sub-area. A commercial honey processing facility is on the southeast corner of committed parcel B. Vacant sagebrush land is across Westland Road from committed parcel D. On the south border of committed parcel C is a small, semi-active gravel pit. Vacant subdivision lots and a motorcycle racing track border on the west and south sides of committed parcel E.

Development History of Sub-Area A and General Area- This sub-area, like much of the other Hermiston areas, had substantial development due to the boom and bust development cycles of the 1940's and 1950's. The Ordinance Depot employed thousands of people during World War II and the Westland Area is only two miles to the west. Many enjoyed the rural living here, the quick and convenient access to places of work, and the short distances to services found in Hermiston. During the 1960's steady rural residential development took place in the area. Another boom period in the mid and late 1970's caused significant additional rural residential growth in the immediate area. The County has, since the early 1970's, planned and zoned the area for rural residential use, recognizing its great influence here.

Factors of Development and Commitment for Sub-Area A- Besides the non-agricultural incompatibilities that surround the sub-area, the major factors of non-agricultural commitment are the non-agricultural classification of the soils and the lack of or high improbability of water for irrigation. A soils map and soil sheets (Attachment M) in the Appendix point to the fact that without water the soils are Class VII and considered non-agricultural for the purposes of Goal #3. With water the soils improve to a Class IV. However, letters obtained from the Westland Irrigation District Manager and State Watermaster for this district show that obtaining water for irrigation purposes is virtually out of the question (see letters, Attachment N in Appendix). Therefore, not only is Goal #3 impractical to apply to the sub-area, but also the limited number of rural residential dwellings allowed would be infilling and compatible with the existing adjacent non-agricultural activities. Parcel E (1.5 acres) is part of the subdivision along Agnew Road and really meets the "developed" criteria approved by LCDC on page XVIII-266 and 267. Goal #3 therefore cannot be applied to this "developed" parcel.

Description of Sub-Area B (Parcels F. G. H, I. J. K)- This sub-area is located south of Westland Road in the same general vicinity of sub-area A discussed above. The acreage involved here totals about 30 acres and involves six lots and three ownerships. The largest parcel is 10 acres and the smallest just under an acre. Parcels F, G, and H are under a single ownership (total land area only 3.8 acres), part of a subdivision plat approved in 1971, and

are vacant. Parcels I, J, and K are 10, 8 and 8 acres. About half the area is in basic pasture; the other half is in riparian vegetation and steep slope banks of the Umatilla River. (Refer to map on page XVTIII-279A).

Development History of Sub-Area B and General Area- The same developmental history discussed for sub-area A earlier applies to Sub-Area B and the general area adjacent to it.

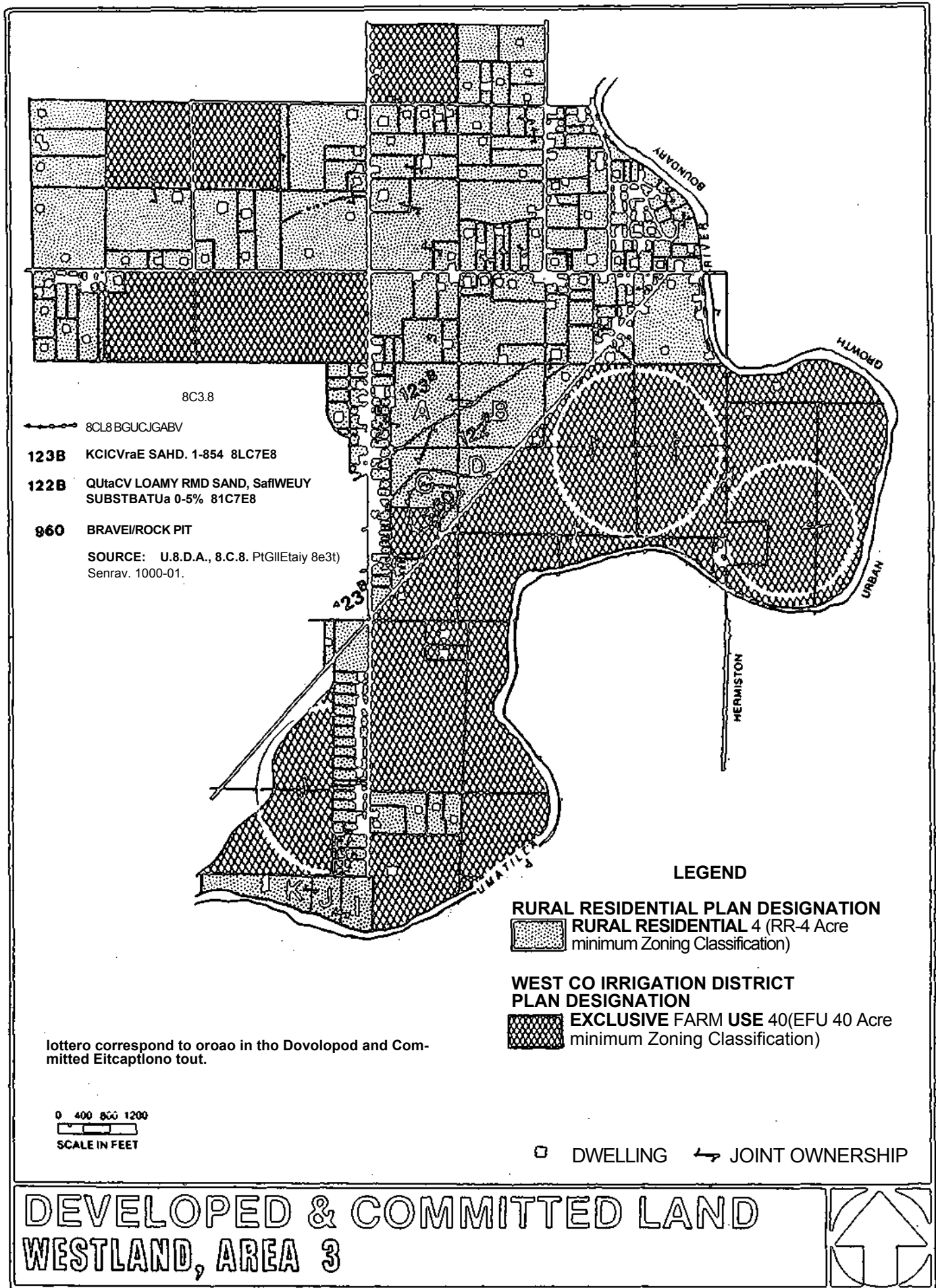
Adjacent Land Uses- North and northeast of parcels F, G and H are rural residential homes and lots. East of them is a 42 acre irrigated pasture and a dwelling. South is "committed" parcel I with a mobile home. Adjacent land uses to committed parcels I, J and K include: irrigated cropland to the north; "developed" rural residential parcels to the northeast; irrigated pasture land to the east; part farmland and part rural residential to the south (the Umatilla River is the actual south boundary and effectively buffers land uses to the south) ; to the west are undeveloped portions of property owned by an industrial company and planned and zoned for Light Industrial uses.

Factors of Development and Commitment for Sub-Area B- Parcels F, G and H are part of a subdivision approved back in the early 1970's. They are the last three southern lots that have not sold nor have been developed. Since they are adjacent to established and "developed" rural residential uses to the north and northeast, they really meet developed criteria #2 approved by LCDC on page XVIII-266-267. The County therefore concludes these parcels are "developed" to non-agricultural uses. Parcels I, J and K are

committed for several reasons. First, the sizes of these lots are too small to be commercial or economic for most crops grown in the area, even if all the lots are combined into one ownership. Besides, only a little over 60% of the area is usable (15 acres) for agricultural purposes due to topography and the river vegetation. Alfalfa, wheat and pasture are the predominant agricultural activities in the area, all requiring much larger acreage (see agricultural chapters in Comprehensive Plan, Technical Report and support letters in Attachement N of the Appendix). Secondly, with two dwellings on the property and developed rural residential uses to the northeast, the utilization of parcels I, J and K in conjunction with adjacent agricultural land to the north is doubtful with all of the incompatibilities that exist. The parcel to the north is circle irrigated, and what little land could be gained from incorporating the subject committed parcels couldn't be irrigated under the same system, and would not be economically feasible. Thirdly, the overall Westland area is a marginal farm area where very few full-time agricultural operators are found. The uncertainty of water and the developing character of the area are two additional contributing factors of agricultural impracticalities facing these parcels. Fourthly, the prescribed four acre density and small buildable area would only allow two to three additional dwellings in an area already impacted by rural residential homes. These additional homes would not have anymore of a negative impact upon adjacent agricultural land in the area than already exists at present.



Conclusion of Commitment- The small area involved, the ownership pattern, the marginal nature of agriculture in the greater Westland area, the adjacent incompatible land uses, the compatibility aspect of other similar development in the immediate area, all support a conclusion of irrevocable commitment to non-agricultural use.



Area: Columbia-Diagonal Road (Area #4) (See map on page XVIII-281A).

Total Acres: 4,549

Number of Parcels: 824

Average Parcel Size: 5.5 acres

Number of Dwellings: 651

Largest Parcel: 76 acres

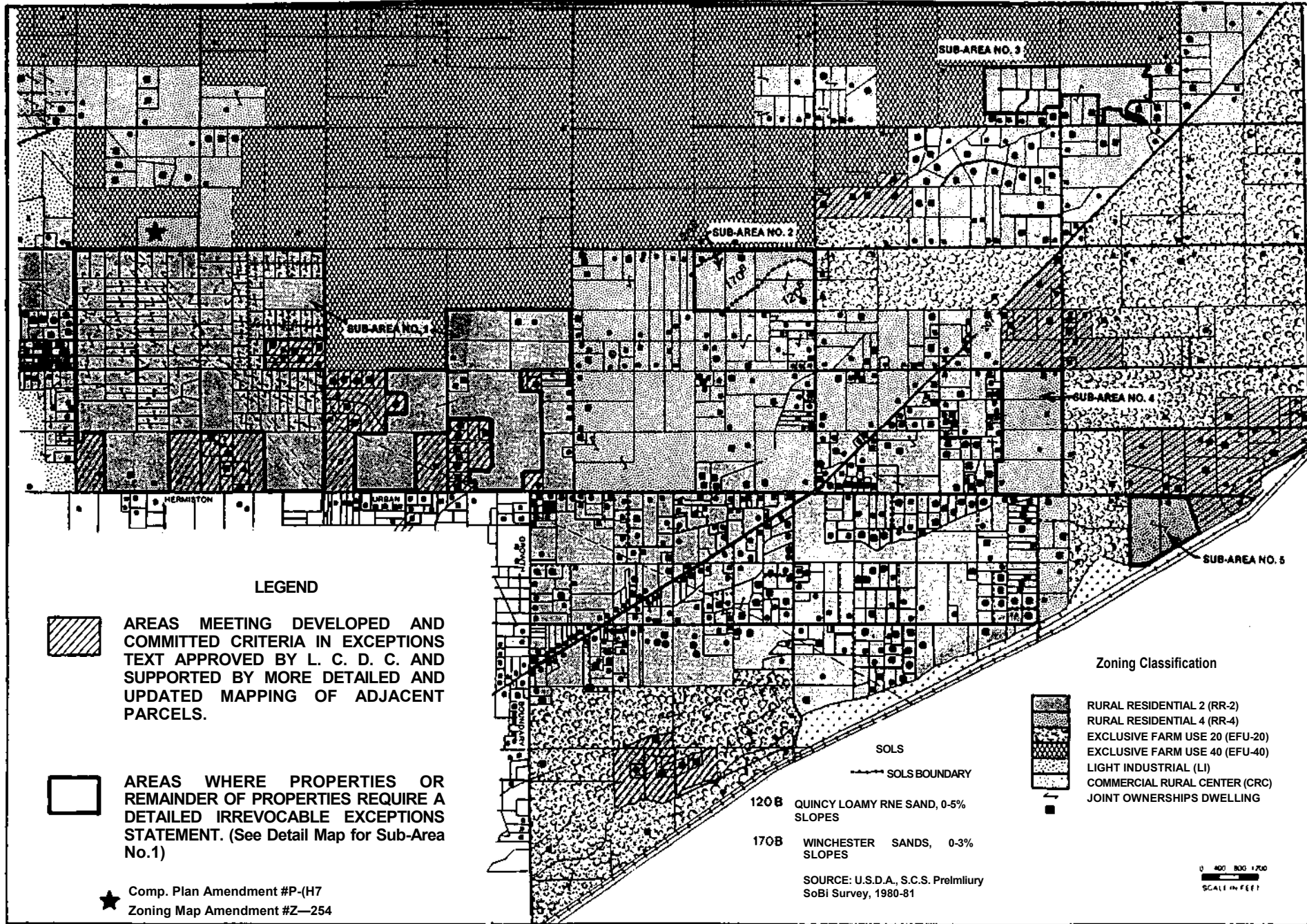
Smallest Parcel: .10 acre

Findings and Conclusions:

1. Classified as developed/committed land based upon very extensive rural residential home development and small lot divisions. Over 75% of lots are occupied by a home and the area contains three small lot subdivisions.
2. Area is considered marginal farmland. Nearly half of the undeveloped lots are vacant sagebrush areas with a class VII, non-agricultural soils classification. The other areas are in marginal pastures and in a few instances some hay fields (Soil Class IV Irrigated) . Not only do the soils make farming difficult, but unreliable water supplies and delivery systems of the Hermiston Irrigation District add to the uncertainty, marginality and incapability of commercial farming.
3. A large majority of area has been zoned since 1972 for rural residential use and is served by county roads and easements or access. A major road plan has been adopted since 1979 to help in the orderly growth of and service to rural residential property owners.

#### ADDITIONAL JUSTIFICATION

The March 16, 1984, Continuance Order required the County to provide additional site specific information for certain areas within the Columbia-Diagonal Road Area to justify development and commitment to non-agricultural uses not provided in the general findings above. While the intent of this section is to comply with the Continuance Order instructions, the County feels that there are several areas large enough within the Columbia/Diagonal Road region which meet the developed/committed criteria approved by LCDC on pages XVIII-266-268, and that should have probably received approval based upon the findings and conclusions above. In other words, there appears to have been an error in reviewing the plan by the LCDC staff, or that a lack of detailed mapping led to their instructions of further justification under the "committed" exceptions rule. The acreage involved totals approximately 525 acres and is shown on the "Exceptions Lands Map, Developed and Committed" on the following page.



**EXCEPTIONS LANDS MAP, DEVELOPED & COMMITTED  
COLUMBIA & DIAGONAL ROADS, AREA 4**

XVIII-281A

Additional Justification for Committed Parcels- To provide the additional site specific justification of commitment to non-agricultural use of certain parcels in the Columbia/Diagonal Roads, Area #4, four sub-area reviews follow outlining the factors that conclude Goal #3 can no longer be practically applied. Sub-Area #1 (Sagebrush/North Ott Roads) (See map on page XVIII-281A).

A. Basic Statistics

Total Acres: 996.9 acres

Number of Parcels: 193 (128 Landover Hills Subdivision)

Average Parcel Size: 5.1 acres

Number of Dwelling Units: 38

Largest Parcel: 76.3 acres

Smallest Parcel: .10 acres

Existing Dwellings: 40

Potential Homes: 200

B. Location- This committed sub-area is located north of Punkin Center Road, mostly between Sagebrush Road and North Ott Road. Punkin Center Road also forms the north line of the Hermiston Urban Growth Boundary. Sub-Area #1 is less than 1/2 mile north of the city limits of Hermiston and about two miles north of downtown Hermiston. Highway 395, the major north/south transportation link, is only 1/4 mile to the west. (See Exceptions Lands Map, Developed and Committed on page XVIII-281A and Sagebrush/North Ott Roads, Sub-Area #1, map on page XVIII-299A for reference regarding the following exceptions statement).

C. Description and Development History of Columbia Area and Sub-Area #1- Settlement and development in these areas began in the 1910's and 1920's as part of the Hermiston Irrigation Project. This project originally envisioned large acreage of once dry sagebrush land to be converted into vast areas of irrigated farmland. Part of the vast canal system of this project traverses across the committed sub-area under discussion. (See map on page XVIII-299A). The above project, however, could not support all lands in it due to lack of water. The parcels that were higher, elevated, and furthest away from the main water source (Cold Springs Reservoir) were dropped out as was the case for sub-area #1.

Rural residential and small hobby farm development began in the greater Columbia/Diagonal Road area during the early 1940's when the U.S. Army Ordinance was established, employing thousands of people from all across the country. Those who could afford it bought small acreage in the rural areas around Hermiston. The land in this area was basically undeveloped, and very few economic farm units had been established, mostly due to the sandy soils and the deficiency of applying water to this type of soil. This development pattern continued in the 1950's with the construction of McNary Dam bringing many more workers into the area. Some additional growth occurred in the 1960's, but significant partitioning occurred throughout the 1970's when irrigation and related development stimulated additional job opportunities in the greater West County area. Today an extensive rural residential

area exists northeast of Hermiston that stretches as far as four miles from the Hermiston city limits.

Sub-area #1 is on the outer fringes of the just-mentioned rural residential development pattern. There has been little farm or residential development of Sub-Area #1 for many years, and in fact several major utility lines had been constructed in the 1940's-1950\*s because the area was undeveloped with few obstructions and land improvements. Several hobby farms and dwellings have located along Punkin Center Road.

Rural residential development and planned rural residential development began in Sub-Area #1 during the mid-1960's and early 1970's. A few lots were partitioned north of Punkin Center, mostly as a result of development stimulus occurring to the south and west. A major subdivision was approved in 1971 in the northwest portion of Sub-Area #1 in response to the development pattern occurring around the area to the south and west. (See Attachment P Appendix for history of approval and subsequent development attempts and improvements completed and planned for this subdivision).

In 1972 the county planned and zoned Sub-Area #1 for rural residential use, recognizing the existing and planned rural residential growth pattern and lack of agricultural development here. In the mid-1970\*s additional areas were partitioned under county plan and development ordinance controls, along with the subsequent home development. An area to the north of Sub-Area #1 also during this time span incurred rural residential growth. The



county's 1983 Comprehensive Plan attempted to recognize and obtain state acknowledgment regarding the non-agricultural development and its influences upon Sub-Area #1, but failed because of insufficient information to substantiate commitment according to applicable administrative rules.

D. Public Facilities and Services- Public facilities and services in and around Sub-Area #1 are excellent, having a wide variety of them and with extra capacities. Facilities include eight improved roads, perimeter and interior electricity lines, natural gas, and phone service (perimeter and interior lines). Service includes police and fire protection, elementary and high school education, and bussing within the Hermiston School District. Plan policies and Development Ordinance standards have been designed to maintain and provide the mechanisms and/or actual public services and facilities when additional growth takes place (e.g. master road plan for Diagonal Road Special Study Area, public facilities and services policies, and analysis in Comprehensive Plan and Technical Report information). Also, several other events are taking place in or near the sub-area that will improve facility and service capabilities. First, a community water system is being planned to serve the large undeveloped subdivision in the northwest portion of committed Sub-Area #1. Second, a satellite fire station, only one mile to the east of Sub-Area #1, is planned for completion within a year or two which would vastly improve response times to the entire Columbia/Diagonal Roads area.

This sub-area, as with all rural residential areas in Umatilla County, will require septic tank/drainfields, and individual wells to dispose of sewage and obtain domestic water supplies. This area has not experienced any difficulties with septic tank approvals or obtaining domestic water supplies since records and permits have been required in the county since the early 1970's. E. Boundary Description and Adjacent Land Use Analysis

1. West Boundary- Sagebrush Road forms the entire west border of Sub-Area #1. Most of the length on the west side of Sagebrush Road is an extensive development of rural residential homes intermixed with small vacant home lots. Well over 20 homes border the road along with a near full subdivision of 40 existing homes.
2. North Boundary- Another road (Baggett Land) serves as the first 1/2 mile of boundary in the northwest corner of Sub-Area #1. The rest of the north boundary consists of private but mostly publicly owned property. Most of the property north of Sub-Area #1 is vacant sagebrush land. A small irrigation circle abuts up against the sub-area for about 1/8 of a mile in this locale. This is the only agricultural development that is adjacent to the entire 990 acre sub-area.
3. East Boundary- The east border is partly North Ott Road and partly private property lines. Twelve rural residential homes abut along the entire east border of Sub-area #1.

4. South Boundary- The south boundary is Punkin Center Road\* South of this major collector road along the entire perimeter are 35 rural residential parcels and 40 existing dwellings.
5. Interior Existing Land Uses- Within committed Sub-Area #1 are scattered pockets of developed land totalling nearly 180 acres and representing over 18% of Sub-Area #1. Thirty-three dwellings and 39 parcels are involved. The remaining 800 plus acres are nearly all vacant land except for some 65 acres of irrigated pasture and alfalfa land also scattered throughout the sub-area. This farmed acreage represents only 7% of the total area within Sub-Area #1.

F. Factors of Non-Agricultural Commitment- Existing land uses, location, and ownership patterns dictate a further division of review within Sub-Area #1 for the purposes of proving non-agricultural commitment. Four areas within Sub-Area #1 have common characteristics permitting such an analysis. (See Sagebrush/North Ott Roads-Sub-Area #1 Detail Map on page XVIII-299A for reference of the following discussion).

1. Area #1-Punkin Center Road- There are three committed parcels, each approximately 39 acres each, that are nearly equal distance from each other and separated from one another by developed rural residential land uses. These parcels are labeled A, B and C on the map on page

XVIII-299A. Parcels B and C are vacant. Parcel A has two existing dwellings and approximately 25 acres of it is irrigated alfalfa.

The influence of existing rural residential housing and the numerous small individual ownership lot patterns adjacent to these three committed parcels create incompatibility problems and nullifies consolidation opportunities. Parcel A is adjacent to developed/committed parcels meeting criteria approved by LCDC at the beginning of this exceptions statement. The parcels involved are 17.5 acres and 18 acres (both with dwellings) to the east and west; three two acre parcels and two 15 acre parcels with five dwellings to the south in the Hermiston Urban Growth Boundary, and vacant parcels of 2, 2, 5 and 19 acres to the north, whose commitment justification follows in a latter section. Parcel A is then totally surrounded by developed and/or committed non-agricultural uses with a total of 8 rural residential dwellings adjacent to it. In this situation, long-term agriculture is highly unlikely. Besides, 25 acres of alfalfa is definitely not a commercial farm unit based on numerous testimony at public hearings to identify economic farm units. Intensive crops which do not exist in this area (mostly due to lack of market) would even be more impractical because of the sensitive nature of herbicide/pesticide application drift problems

involved in areas such as this, where residents and related improvements could be adversely affected or damaged (opinion of Luther Fitch, Extension Service Agent, Hermiston Agricultural Experiment Station, personal interview, May 1983). Parcel B is nearly the exact situation as parcel A with developed/committed and totally surrounding it. This parcel is vacant, however, and has a major electrical transmission line and a local electrical line running randomly through it. These lines create some difficulties for most types of farming by breaking up the land into separate fields, making equipment movement, planting, and irrigating more difficult. This, coupled with the uneconomical parcel size and adjacent non-agricultural uses and parcels on all sides (five dwellings near or adjacent) are the main reasons of commitment to non-agricultural activities, and also several of the reasons why the land is vacant today. The owner has also indicated that the cost of obtaining water is too prohibitive and uncertain for such a small sized parcel. Water is not available from the Hermiston Irrigation District because of the threat of a critical groundwater ordinance upon the area. Unfortunately, the State Water Resources Department will neither confirm nor deny this possibility. Without water, the land cannot be put into any form of economical crop; and then the soils remain non-agricultural (Class VII). The above,

along with the interferences on the land, and with adjacent non-farm uses application of Goal 3 to this parcel (as far as the owner and county are concerned), is not practical. Parcel C, as with the other two parcels under discussion, is bounded on 2 1/2 sides by developed/committed land meeting criteria approved by LCDC on page XVIII-266-288, but apparently not enough data was originally presented to gain commitment approval. The county has provided that data showing commitment. To the south are seven rural residential lots within the acknowledged urban growth boundary of Hermiston that contains nine dwellings. (Thirteen dwellings surround parcel C). Parcel C is also vacant. The cost of making improvements to put the land into production would be impractical, considering the fact that the land would have to be irrigated (involves drilling a well and buying expensive pump and irrigation system equipment), and this large expense would be extremely risky on a parcel size which is suspect for economical returns for the usual farm crops grown in the area and that is totally surrounded by incompatible land uses. Future availability of irrigation water is also an uncertainty as mentioned earlier for parcel B. Again, without water the land is useless for commercial agriculture purposes and has an agricultural suitability of Class VII or a non-agricultural soil.

Another factor of non-agricultural commitment applicable to all three committed parcels above is that the potential rural residential development allowed on three parcels (approximately 13 dwellings) is limited by numerous utility/irrigation canal easements and corresponding building restrictions, and this type of development would most clearly be compatible with adjacent and existing rural residential development in the area. With the acknowledged Hermiston Urban Growth Boundary to the immediate south (with its existing dense non-agricultural development), the near non-existent agricultural activities and non-existence of commercial agriculture adjacent to them (for reasons earlier described), and the actual development within sub-area into rural residential uses under the local perception of these parcels being in a non-agricultural area with 12 years of rural residential planning and zoning, are additional factors leading to a neighborhood or regional characteristic of non-resource commitment. 2. Area #2 (Culp/North Ott)- Area #2 totals 190 acres, involves six tax lots and five ownerships. These six parcels are labeled D through I on the "Developed/Committed Land" map on page XVIII-299A. Parcels D, E, G and H are vacant, undeveloped properties. Parcel F has one dwelling, several accessory structures and a yard/garden area. The rest of parcel F is

undeveloped. Parcel I has two dwellings and improvements similar to parcel F.

Parcel D has over 50% of its area in non-agricultural soils. Information on Sagebrush-North Ott Roads, Sub-Area #1 map and the map and soils sheets in Attachment Q of the Appendix indicated a Class VII rating, even if water were available to the property, which it is not. Since no exception has to be taken for lands predominately non-agricultural, and considering that there is developed, non-agricultural uses (six rural residential homes) on 2 1/2 sides of parcel D, the county concludes that parcel D is not only a non-agricultural piece of property, but irrevocably committed to non-agricultural use. Subsequent rural residential development on parcel D would also be compatible with adjacent non-agricultural activities to the west, south, southeast and northeast. Residential development on parcel D would also not have any greater negative impact upon the canal 158 acre parcel to the north than the existing nine dwellings bordering along its south boundary now.

Parcel E is 76 acres and in common ownership with parcel D described above. It, like parcel D, is vacant, a large open irrigation ditch cuts diagonally across the parcel effectively dividing it into two separate areas



of approximately 33 acres and 43 acres. The entire parcel slopes toward Punkin Center Road and has dips and rolls throughout it.

Parcel E is impractical to apply Goal #3 to for several reasons. The most compelling reason is the incompatible development found along three sides of it consisting of 20 rural residential dwellings and 24 lots--over 90% of them smaller than five acres and the rest between 5 and 10 acres. It is impractical and risky to start developing the parcel for commercial agricultural purposes because of the negative impacts it would have upon these adjacent non-agricultural land uses. Normal farming practices of spraying, operating equipment at all hours of the day, blowing debris into field crops from non-farm homes, dust and noise associated with agricultural activities and the like would not be tolerated. Secondly, the soils on parcel E are Class VII without irrigation or classified as non-agricultural according to State Planning Goal #3. If water were available or obtainable, the soil classification improves to Class IV, a marginally productive soil. However, the likelihood of water is very questionable. There are no water rights from the Hermiston Irrigation District, nor will there ever likely be for sometime in the future. This, according to a phone interview with Jimmie Bevans, Manager of the Hermiston Irrigation District, is because

there is no extra capacity within the district to serve large parcels of the size of parcel E in this locale. Irrigation wells in the area are, as already mentioned, threatened with strict regulation and even cancellation in the future. Unfortunately, the State Water Resources Department will neither conform nor deny this possibility. This unknown still, nevertheless, casts considerable doubt; and property owners are very reluctant to invest many thousands of dollars in drilling for water sources to irrigate when they may not be able to use the investment. (Parcel E is certainly not large enough nor possesses soil qualities that would support economical crops that are dryland farmed). Therefore, the uncertainty of water for irrigation, the present non-agricultural soil classification, the parcelization and non-agricultural development on three sides and irrevocably committed land on the remaining side, all meet State Administrative Rule requirements of proving land to be impracticable for the application of Goal 3 and irrevocably committed to non-agricultural uses.

Parcels F, G, H and I are very similar and shall be treated as one area for purposes of showing irrevocable commitment. The area involved here is 77 acres in four 20 acre parcels under four separate ownerships. These four parcels have existed for many years, predating planning and zoning laws first established in the county

in 1972. Factors of non-agricultural commitment include similar justification as the previous sub-areas (lack of and uncertainty of water for irrigation, Class VII non-agricultural soils, adjacent non-farm development and compatibility issues) except that in addition, topography and physical constraints effectively eliminate these parcels' use for commercial agricultural purposes. The physical barriers involved are large open irrigation ditches that cut through two of the parcels (G and H). Undulating topography on Parcels G, H and I and to a lesser degree on parcel F further add to the impracticalities of farming this area. The parcel sizes, to begin with (20 acres), are marginal sizes; but with these two situations, the potential fields sizes are reduced in half (10 acres), and in several instances to as small as five acres. The shapes of these potential fields are also irregular and narrow and useless for most farm equipment normally used. Clearing of Locust and Russian Olive trees on several of the parcels and land leveling would be expensive additional costs to get the land into production. Consolidation of any of these parcels is virtually impossible and/or impractical due not only to the physical undesirabilities in this area, but also because expensive improvements (dwellings, accessory structures) would have to be purchased. The above factors are overwhelmingly conclusive of the

impracticalities of farming the area. These factors are the very reasons why the land has not been in production for many, many years. One last fact of commitment is that the limited development that could occur on these parcels (15) would certainly be compatible with the 10 existing rural residential dwellings to the east and south, and would not have any impacts upon the unused vacant land to the west and north. The county then, for all the above reasons, has shown that the Goal #3 can no longer be applied to parcels F, G, H and I in Sub-Area #1.

Area #4 (Landover Hills Area-Area J)- Area J depicted on the map on page XVIII-299A contains nearly 480 acres and 131 parcels owned in six ownerships. Most of the area (420 acres and 128 parcels) belongs to four landowners equally divided among them. This largest area is known as the Landover Hills Development. It is by far the largest area considered for commitment and takes up 42% of the area within Sub-Area #1. A history of parcelization (mostly a platted subdivision) infrastructure improvements, along with an aerial photo and map, and expert letters of testimony are contained within Attachment P & Q in the Appendix. However, it should be noted here that the existing and planned public facilities and services have or will have capacity to meet the expected additional growth.

The most pertinent fact of irrevocable commitment to non-agricultural uses or impracticality for long-term agricultural activities is that the land has so many roads, utilities and irrigation ditches criss-crossing it, and has such a diversity of topography from rolling hills to depressions, that it can never be utilized as an economic farm unit. Written testimony from an adjacent farmer (see Attachment P in Appendix) substantiates this fact and indicates that he would not be interested in this property for even consolidation purposes with his own operation. The same farmer also states that the soils are coarse blow sand and can only be made productive if irrigated, and specifically by center-pivot systems. Such systems are not possible for reasons previously given.

The soil within the Landover Hills area is classified as a non-agricultural soil or Class VI without irrigation and a marginal farm soil or class IV with irrigation, according to preliminary soil survey information of 1980 by S.C.S. To further substantiate the poor quality of the soil is a letter from an agronomist, which concludes that most of the soil is very sandy, requiring the addition of expensive fertilizers and other nutrients. Other portions of the property have rocky soils that could cause growth problems with bulb or tuber type crops (potatoes) grown in the area.

Several other facts are offered in the letter outlining why the soils and other external factors here make agriculture impractical (see Attachment P in Appendix).

Unavailability of surface irrigation water and the possible curtailment in the future of sub-surface irrigation water by the State Water Resources Department further drives home the point that the land is and will continue to be impractical to use for agricultural purposes. Confirmation by phone from the manager of the Hermiston Irrigation District explains that no ditch water rights apply to this area, and that further availability of such sources is highly improbable because the district is running at capacity now. Previously discussed has been the non-commitment of the State Water Resources Department to indicate one way or the other whether irrigation from wells would be restricted or allowed. This is certainly a big uncertainty and adds to the county's justification of the impractical nature of the area for existing and future agricultural use.

The last factor of irrevocable commitment that applies to area #4 within Sub-Area #1 is that the eventual non-agricultural development that would be allowed would be compatible with existing land uses in the area. There is a very dense rural residential development pattern to the west and scattered pockets of similar development on the south. Also, a significant


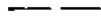
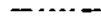
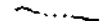


area of developed rural residential homes borders along the southeast half of this area. Along the north and northeast borders are lands predominately vacant and mostly publicly owned. Their future agricultural use is highly unlikely for many of the same reasons given in the exception statement. In fact, for such a large area as this is (having nearly three miles of border) there is only about 800 feet of developed and economically definable agricultural land bordering it. Therefore, the county concludes that the Landover Hills Area, if allowed to develop into rural residential uses as planned, would most definitely be compatible with nearly the entire three miles of bordering properties.

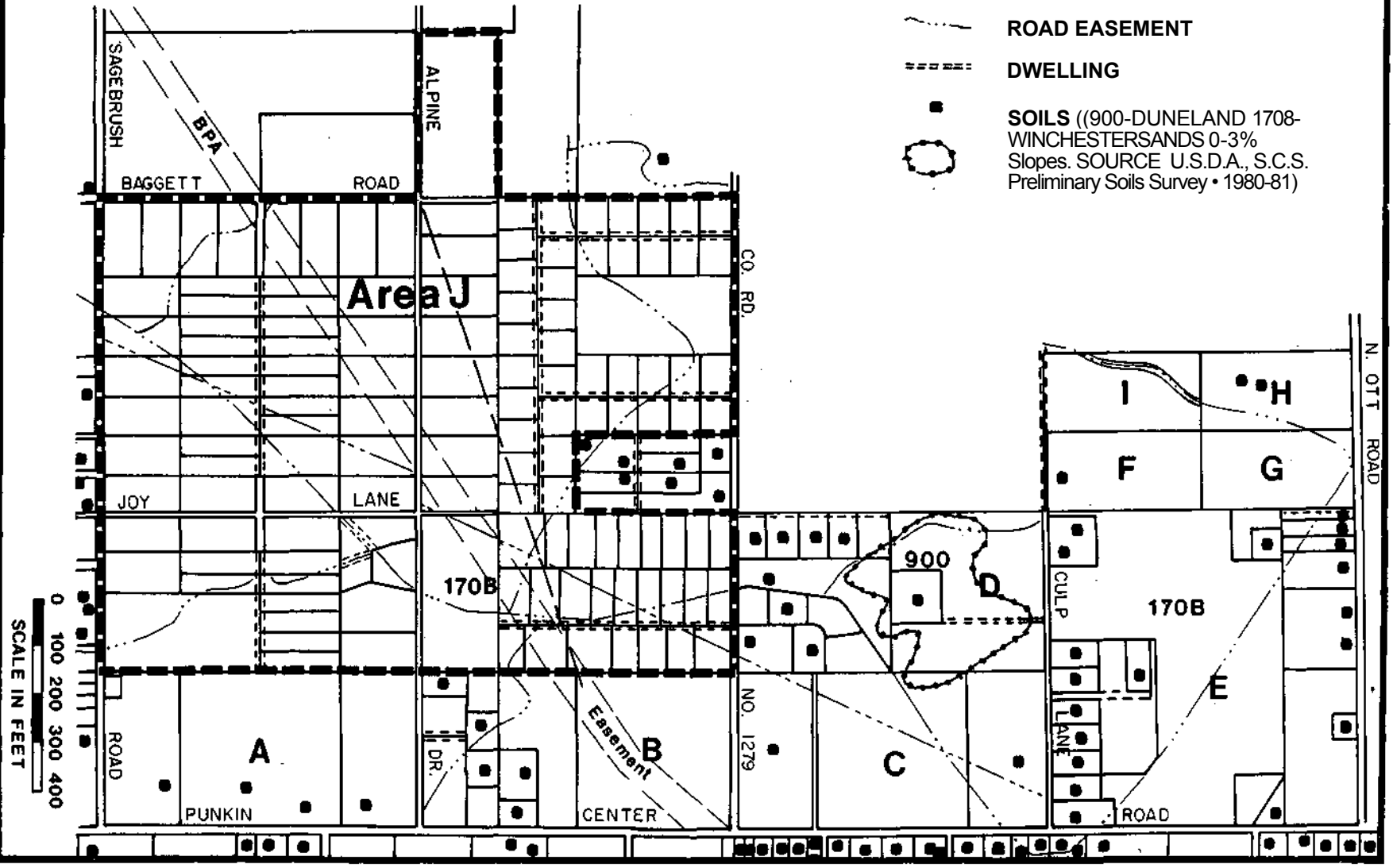
**SAGEBRUSH - NORTH OTT ROADS, SUB-AREA NO. 1  
COLUMBIA & DIAGONAL ROADS, AREA 4**

XVIII, 200A

Letters correspond to areas in the Developed and Committed Exceptions text.

**LEGEND AREA J<sup>1</sup>**

-  BOUNDARY
-  TRANSMISSION LINE
-  GAS PIPELINE CANAL
-  ROAD EASEMENT
-  DWELLING
-  SOILS ((900-DUNELAND 1708-WINCHESTERSANDS 0-3% Slopes. SOURCE U.S.D.A., S.C.S. Preliminary Soils Survey • 1980-81)



SCALE IN FEET  
0 100 200 300 400





Sub-Area #2 (Walls/Craig Road) - See map on page XVIII-315A

- A. Basic Statistics  
Total Acres: 76.5  
Number of Parcels: 4  
Average Parcel Size: 19.1 acres  
Number of Dwelling Units: 3  
Largest Parcel: 19.5 Smallest  
Parcel: 18.5 acres Existing  
Homes: 3 Potential Homes: 12

B. Location-Committed Sub-Area #2 is situated on the south side of Walls Road basically at the southwest intersection of Walls and Craig Roads. Hermiston is approximately 2 1/2 miles to the southwest. Diagonal Road (State Highway 207), the major arterial road in the area, is one mile to the south.

C. History. Description and Parcelization- Development history of this sub-area is nearly the same as described for Sub-Area #1 previously reviewed. Hobby farming and rural living patterns in the greater Diagonal Road area during the 1950's to date have advanced up to and including Sub-Area #2. Sub-Area #2, in other words, is on the outer edge of this type of non-agricultural development.

The major development stimulus in the immediate area of Sub-Area #2 occurred in the late 1960's and early 1970 's. Land to the east and south and southwest was partitioned down into lot sizes of between 5 and 10 acres. The impetus of development that occurred on these properties led to an eventual County Comprehensive Plan amendment to a "Rural Residential" designation in 1976 and subsequent rural residential home zoning. Sub-Area #2 was included within the plan and zoning designations because it,

like the rest of the area, had rural homes developed on marginal lands and soils and did not have any agricultural improvements (e.g. irrigation, cropping or pasturing). Also, this small corner (Sub-Area #2) was bordered on two sides by improved county roads and made a logical and distinguishable plan and zoning boundary where rural development could be contained and could use these available roads accesses and existing utilities along them.

D. Public Facilities and Services- Adequate services and facilities are now and can be made available to Sub-Area #2. The two county maintained graveled roads (Walls Road, Craig Road) are adequate to handle the small increase in traffic volumes if the four parcels within Sub-Area #2 are developed out to maximum density. County police and rural fire protection are also provided to the sub-area. School facilities in Hermiston are adequate and will provide education needs to this sub-area because it is within the Hermiston School District and along established bus routes. Septic tank/drainfields will be the means to dispose of sewage and wells will provide domestic water supplies. Conditions in the area, and based upon past development experience, shows that the addition of 12 or so more homes would have no trouble in obtaining approvals. (See Sub-Area #1 "public Facilities" discussion and Chapter J for more detailed report on availability and conditions of facilities and services).

E. Boundary Description/Existing Land Use

1. North- Two 39 acre irrigated fields border across Walls Road. One of these parcels has two existing dwellings; the other is void of housing. A rotation of crops occurs usually in alfalfa, wheat, corn, potatoes and sometimes watermelons on these two irrigated and generally level parcels.
2. East- A small rural residential lot and home and two parcels in pasture (15 acres and 19 acres) border on the east side. Both parcels in pasture have dwellings.
3. South- Seven dwellings on seven lots bound on the south side of Sub-Area #2. Six of the lots are five acres and less and the seventh is nine acres. This is only a small area of the extensive rural residential development in the general vicinity.
4. West- A narrow two acre rural residential lot with a home abuts the west side of Sub-Area #2. This lot is only one of seven other small rural residential lots with homes along Walls Road going west 1/2 mile to the intersection of North Ott Road.

F. Factors of Irrevocable Commitment to Non-Agricultural

Uses- The influence of ten existing rural residential homes along the south and west borders of Sub-Area #2 will cause incompatibilities with farming activities, should they be started within Sub-Area #2. Intensive agricultural practices would have

to be applied (e.g. irrigation, cultivation, fertilizing, etc.) in order to receive any reasonable monetary returns; and the opportunity to do this is virtually impossible or highly uncertain. Along with the incompatibilities (e.g. dust, noise, litter and debris blowing in form adjacent non-resource parcels, fertilizer spray drift) that would be encountered with such practices upon the adjacent non-farm residents, the opportunity and practicality of obtaining water to irrigate lends to the uncertainty aspect here. Three of the four 19 acre parcels here do not have water rights from the Hermiston Irrigation District, nor will they ever likely receive any water due to the District's tight water supply (according to phone interview with Jimmie Bevans, Hermiston Irrigation District Manager). Only one of the 20 acre parcels has a ditch water right and the owner has never exercised his right which could be taken away in the future, if ruled that the water was needed elsewhere by the Hermiston Irrigation Board of Directors. Future availability of underground water sources for irrigation are extremely uncertain as discussed in Sub-Area #1. State cut-off of irrigation wells or the restriction on new ones do not place the owners of these parcels in any position to spend tens of thousands of dollars to drill a well and then have it shut off. Besides, the parcel sizes are very marginal now to be an economical unit; and with the presence of the already mentioned non-agricultural uses, the risks are just too great to invest in costly irrigation systems. With the improbabilities of water for irrigation, the soils remain a Class VII or non-agricultural

according to State Planning Goal #3 (see information on the Exceptions Lands Map, page XVIII-281A, and soils sheet in Attachment Q in the appendix). Should the above scenarios about lack of irrigation water prove true, a detailed committed exceptions would not be necessary, and this sub-area easily declared non-agricultural.

The second point of non-agricultural commitment relates to compatibility. Additional rural residential homes would be an extension of the same type of non-agricultural development pattern to the west and south. The impacts of a few additional rural residential homes upon lands to the north and east would be negligible, and no more of a negative influence than the presence of existing rural residential dwellings along the other sides of them.

A conclusion or irrevocable commitment for Sub-Area #2 in the Columbia/Diagonal Roads area is substantiated by the innumerable conflicts with adjacent existing non-farm development, the present lack of and high improbability of water in the future for irrigation purposes, the non-agricultural status of the soils without water, and the overall compatibility of Sub-Area #2 with adjacent non-agricultural lands.

Sub-Area #3 (West Locust Road)

- A. Basic Statistics  
Total Acres: 77 acres  
Number of Parcels: 10  
Average Parcel Size: 7.6 acres  
Number of Dwelling Units: 0  
Largest Parcel: 41 acres  
Smallest Parcel: 3.8 acres  
Existing Dwelling Units: 0  
Potential Dwelling Units: 20

B. Location- Sub-Area #3 is located on the north side of West Locust Road, about 3 1/2 miles northeast of Hermiston. Diagonal Road (State Highway 2 07) is only 1/8 mile to the east which is the main arterial road for most of the Columbia/ Diagonal Road area (see Exceptions Lands Map, Developed and Committed, page XVIII-315A).

C. Development History and Description- Sub-Area #3 has had a similar development history as has the overall Columbia/Diagonal Roads area earlier reviewed. The development here, however, has been more recent, with much of the immediate area to the south and east being partitioned or subdivided into rural residential lots and homes in the early and mid-1970's. Some additional development or infill of these adjacent lots has also occurred since the late 1970's and early 1980's. Presently there are 12 dwellings and 16 small rural residential lots bordering on the south and east sides of Sub-Area #3. Recognizing the impacts of non-agricultural development upon Sub-Area #3, the county included this sub-area as irrevocably committed to rural residential use and zoned for infilling of homes in August 1983. Since this time (August 1984),

a nine lot subdivision has been approved for the west 38 acres of Sub-Area #3. The east 41 acre parcel is undeveloped.

D. Public Facilities and Services- Electricity and roads have been installed and constructed which serve all nine lots within the subdivision mentioned above called "DWD" Subdivision. The interior roads meet county standards for rural development; and Locust Road, from which the interior roads connect, is a paved county road. The 41 acre parcel has electricity service readily available located at its northwest corner. Several road rights-of-way is on the west parcel line that connects with West Locust Road to the south, and is also designed to fit into the road system within "DWD" Subdivision. About 1/8 mile to the east is another road right-of-way which will also serve future interior lots of the 41 acre parcel. Police and fire protection and school services are also as readily available here as they are throughout the Columbia and Diagonal Roads area. E. Boundary Description and Adjacent

Land Use Analysis

1. West Boundary- A private property line forms the west border of Sub-Area #3. The 29 acre parcel on the west side is irrigated and usually cultivated (alfalfa and sometimes for wheat crops). The property is under single ownership and is a nice hobby farm. It is currently zoned EFU for buffering purposes and at the request of the property owner.
2. South Boundary- Currently 11 dwellings and 13 rural residential lots border along the south parcel lines of

Sub-Area #3. The sizes of the lots vary from one acre to five acres in size.

3. East Boundary- Three residential dwellings and five small lots abut up against the east border of the 41 acre parcel in Sub-Area #3. Three additional rural residential dwellings and lots are just east across Golda Road from these residences.
4. North Boundary- Two 79 acre tracts under separate ownerships are found to the north of Sub-Area #3. Both tracts are irrigated. One tract is almost entirely cultivated (alfalfa) ; the other has approximately 20 acres of non-cultivated land, leaving the remaining 59 acres in alfalfa.

F. Factors of Non-Agricultural Commitment- The west 37 acres of Sub-Area #3 is a partially improved subdivision. Overhead electric lines and underground phone lines have been installed as well as the interior roads. These infrastructure improvements which have been approved via the county's regulations makes the parcel no longer useable for farming because they cut across the property, creating interferences for normal farming practices and farm equipment movement. Of additional significance is the presence of a well-established and negatively impacting rural residential development to the south and southwest. ,Spraying, farm equipment noise and dust associated with farming practices are incompatible with the non-farm residents and their activities in the immediate area. Complaints and lawsuits are common in these



situations, making long-term agricultural use impractical. For this reason, and that considerable expense and improvements have occurred for the eventual development of a nine lot subdivision, are the two compelling reasons why Goal 3 can no longer be applied to this portion of Sub-Area #3.

The eastern 41 acres of Sub-Area #3 are irrevocably committed because of the numerous restrictions and problems with existing rural residents on the south and east sides. The eventual development of the committed DWD Subdivision to the west will further restrict the normal use of this parcel for agricultural purposes by having three sides bordering non-agricultural uses. Expert testimony from the landowner and an unofficial opinion from a Umatilla County Land Appraiser further substantiates that Goal 3 can no longer be practically applied here because of the many physical difficulties of farming the land (e.g. rock soils, low topography, ponding of water—see letters in attachment P of the appendix). This factor, coupled with the above incompatibility problems, conclusively renders this 41 acre tract in Sub-Area #3 impractical for application of Goal 3.

Sub-Area #4 (Edwards/East Punkin Center/East Columbia Roads)

A. Basic Statistics

Total Acres: 79 acres  
Number of Parcels: 5  
Average Parcel Size: 15.8 acres  
Number of Dwelling Units: 6  
Largest Parcel: 20  
Smallest Parcel: 5  
Existing Homes: 6  
Potential Homes: 8-10

B. Location- Committed Sub-Area #4 lies mostly between East Columbia Road (north), Edwards Road (east), and East Punkin Center Road (south). The city limits of Hermiston is 3 1/2 miles to the southwest. (See Exceptions Lands Map, Developed and Committed, on next page).

C. History. Description and Parcelization- Rural living and hobby farming characterize this sub-area as well as most of the Columbia/Diagonal Roads area. (See discussion under Sub-Area #1 for more details of overall development history). The parcels under discussion in Sub-Area #4 have existed for many years, having no record of ever being partitioned as far back as 1968. On the west side of Sub-Area #4, several tracts of similar sizes (19 acres) were partitioned into two and five acre tracts in the early 1970's. The same parcelization pattern during the same time period occurred across Punkin Center Road to the south of Sub-Area #4. Rural residential lots of 9 to 16 acres with dwellings are to the north and northeast, having been in hobby farm/rural residential use and sizes since the 1960's and probably even earlier. Inclusion of Sub-Area #4 into a rural residential plan and zoning designation were for about the same reasons as discussed in Sub-Area #2 (parcel sizes marginal for commercial agriculture, existing residences, good road access with available utilities).

D. Public Facilities and Services- Facility and service availability is nearly identical for this sub-area as with any other rural residential area in the Columbia/Diagonal Roads areas- good and having excess capacities. It should be noted that road

access is very good here, with Punkin Center Road and Edwards Road being paved, county maintained roads.

E. Boundary Description/Existing Land Use

1. North and Northeast- Developed and committed rural residential land meeting criteria approved by LCDC listed earlier in this rural residential exception bounds Sub-Area #4 in these locations. Three parcels (18,16,1.3 acres) with three rural residential/hobby farm dwellings are more specifically the actual land uses bordering Sub-Area #4 here. Just to the north of these adjacent rural residential parcels are more numerous rural residential homes and lots (9 homes, 7 lots).
2. East- Is a mixture of rural residential, marginal farmland and one farm parcel bound on the east side. The farm parcel is 95.6 acres. The marginal or questionable economic farm is 34 acres. A 3.4 acre rural residential lot with a dwelling completes the inventory of land uses to the east.
3. South and Southeast- Five rural residential homes on five lots abut against the south border of Sub-Area #4. One parcel is 14 acres; the other four range in size from two to five acres.

4. West- A very concentrated rural residential development pattern exists to the west. There are 14 dwellings on 12 lots ranging in sizes from one acre to five acres.

F. Factors of Irrevocable Commitment to Non-Agricultural Uses- Parcel sizes, existing development, and individual ownership patterns define Sub-Area #4 as hobby farms with little chance of consolidation into economic farm units. The actual size of the area used for pasture is smaller than the actual property owned because a main line irrigation and drainage ditch cuts through Sub-Area #4, dissecting the land into separate units. The middle two 19 acre lots are also hilly, which further breaks up the land into even smaller areas. The result is significant portions of Sub-Area #4 are not useable for farm purposes, and what is used is small and incidental. In other words, the area has not or will never be an economic farm area.

Another factor of irrevocable commitment is the dominant non-agricultural influence of existing rural residential homes bounding Sub-Area #4 on three sides and partially on the fourth. Over 20 homes border this Sub-Area. Eventually, the pressures of existing development and the infill of additional homes in the immediate area will influence the sale of these incidental small pastures for similar non-agricultural uses.

One other factor of commitment to non-agricultural use is that the limited infill allowed by zoning and topography constraints within Sub-Area #4 would be minimal and compatible with adjacent

land uses. Only the east side is agricultural oriented, and even the parcels involved here already have developed rural residential uses adjacent to them to the east. The limited additional homes that would be sited along this side would be no more of an impact than already exists. Sub-Area #5 (Messenger Property)

- A. Basic Statistics  
Total Acres: 40.5 acres Number  
of Parcels: 2 Average Parcel  
Size: 20.2 acres Number of  
Dwellings: 1 Largest Parcel:  
20.5 acres Smallest Parcel: 20  
acres Existing Homes: 1  
Potential Homes: 6-7

B. Location- Committed Sub-Area #5 is found on the south side of the East Punkin Center Road, approximately between the Edwards Road and Tabor Road intersection with East Punkin Center. Hermiston is approximately four miles to the southwest. (See "Exceptions Lands Map-Developed and Committed," page XVIII-315A).

C. History, Description and Parcelization- The Messenger property is on the outskirts of the Hermiston Irrigation District project and also on the outer fringe area of the rural residential and hobby farming development, characteristic of the majority of the Columbia/Diagonal Road area. These two 20 acre parcels have been owned by the Messengers for over 20 years. They have testified that they are recently retired people from occupations other than farming, which is characteristic of hobby-farming people. The overall parcelization pattern is also typical of rural residential/hobby farm development. North across East Punkin

Center Road is a 120 acre area of 20 lots and 18 rural residential homes. On the east are two rural residential lots of eight and five acres, one having a dwelling. Most all of these lots and homes have been partitioned and developed in the 1950's and 1960's with a few divisions and homes occurring in the 1970's.

D. Public Facilities and Services- All the basic facilities and services are available here as they are to all of the other developed/committed lands discussed earlier. Included are electricity, phone, TV, paved county road (East Punkin Center), police and fire protection and available school facilities.

E. Boundary Description/Existing Land Use

1. North- Developed rural residential homes and lots of 1.5 to 10 acres are along the north side of the Messenger property. These homes exist here.
2. East- One rural home and two small lots are located on the east side. The lots are five acres and eight acres in size. These lots meet the "developed" rural residential criteria.
3. South- The Union Pacific Railroad and right-of-way forms the south border. This border is higher topographically than the north border. Topography plus the wide railroad right-of-way forms an effective visual barrier as well as efficient buffer from the commercial agricultural activities south of the railroad.

4. West- Two hobby farms of 15 to 29 acres border on the west side. These parcels are irrigated pasture and cropland. They are designated in the Special Agricultural designation with a 20 acre minimum lot size. If there were more adjacent non-agricultural uses and if the quality of the soils were worse, they too would be considered committed to non-agricultural use. F.

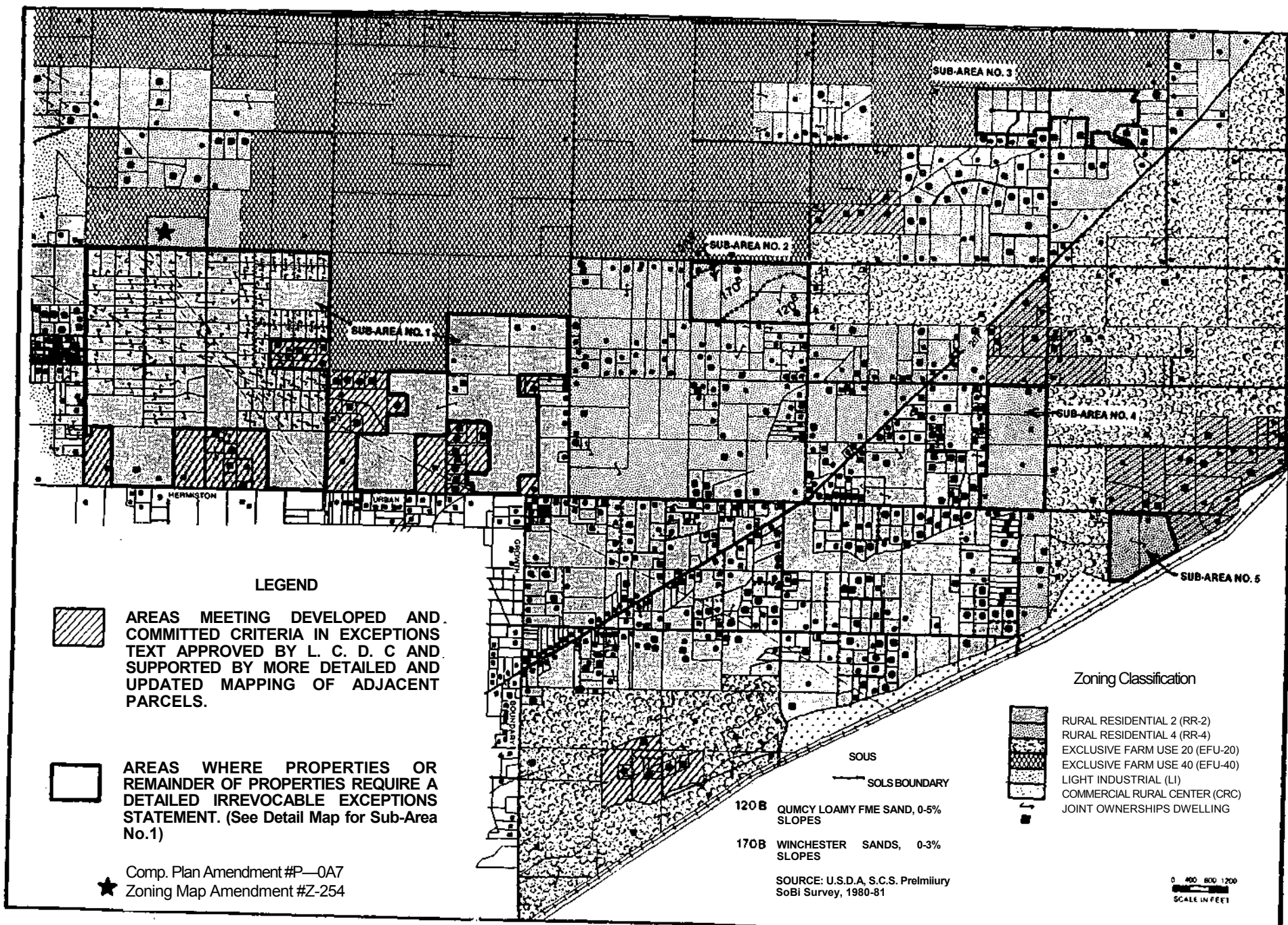
Factors of Irrevocable Commitment of Non-Agricultural Uses-

There are several factors that make long-term agricultural use of this property impractical. The first factor involves physical constraints of the area to agriculture. The land slopes quite steeply from south and north, making the application of irrigation water extremely difficult. The water runs off and ponds up towards the north and northwest; and because of this, the owner has received numerous complaints from adjacent rural residential property owners to the north and west (see letter, attachment GG in Appendix). The nature of the soil, topography and water table also creates a situation where only about eight acres is tillable, and the rest has to remain in permanent grass pasture. According to written testimony from the owner and adjacent neighbors, these sizes are not economical sizes for normal agricultural crops and/or activities. Only a few head of cattle could be supported on the pasture land; and again, the owner has testified by letter that he has not made any profits from any of the 20 years owning and working the land.



The second factor of non-agricultural commitment is the detrimental influence of rural residential homes to the immediate north and east. Not only are there complaints about ponding water, but other disputes involving flies, mosquitoes and noise. All of these add up to creating negative pressures and incompatibilities upon an already marginal, hobby-farm area. There are just too many interferences to continue any long-term, stable agricultural enterprise here, even if it were practical—which it has been shown not to be practical.

The last element of irrevocable commitment involves the compatibility issue. The limited number of homes allowed six by the zoning would not impose incompatibilities in the area because on two sides exists rural residential homes, and on the third side is railroad land buffered by topography, creating an effective barrier from agricultural land to the south. The two marginal farm parcels to the west will not be anymore impacted by several additional rural residential homes than which already exist now. There are five rural residential homes on the west side of these two parcels at present. See Map Next Page.












**LEGEND**

-  AREAS MEETING DEVELOPED AND COMMITTED CRITERIA IN EXCEPTIONS TEXT APPROVED BY L. C. D. C AND SUPPORTED BY MORE DETAILED AND UPDATED MAPPING OF ADJACENT PARCELS.
-  AREAS WHERE PROPERTIES OR REMAINDER OF PROPERTIES REQUIRE A DETAILED IRREVOCABLE EXCEPTIONS STATEMENT. (See Detail Map for Sub-Area No.1)

★ Comp. Plan Amendment #P-0A7  
 Zoning Map Amendment #Z-254

- Zoning Classification
-  RURAL RESIDENTIAL 2 (RR-2)
  -  RURAL RESIDENTIAL 4 (RR-4)
  -  EXCLUSIVE FARM USE 20 (EFU-20)
  -  EXCLUSIVE FARM USE 40 (EFU-40)
  -  LIGHT INDUSTRIAL (LI)
  -  COMMERCIAL RURAL CENTER (CRC)
  -  JOINT OWNERSHIP DWELLING

- SOUS
- SOUS BOUNDARY
- 120B QUMCY LOAMY FME SAND, 0-5% SLOPES
- 170B WINCHESTER SANDS, 0-3% SLOPES

SOURCE: U.S.D.A. S.C.S. Preliminary SoBi Survey, 1980-81

0 400 800 1200  
 SCALE IN FEET



**EXCEPTIONS LANDS MAP, DEVELOPED & COMMITTED  
 COLUMBIA & DIAGONAL ROADS, AREA 4**

XVIII-315A

Area: Minnehaha (Area #5) - See map on page XVIII-317A.

Total Acres: 637

Number of Parcels: 105

Average Parcel Size: 6 acres

Number of Dwellings: 90

Largest Parcel: 26 acres

Smallest Parcel: .25 acre

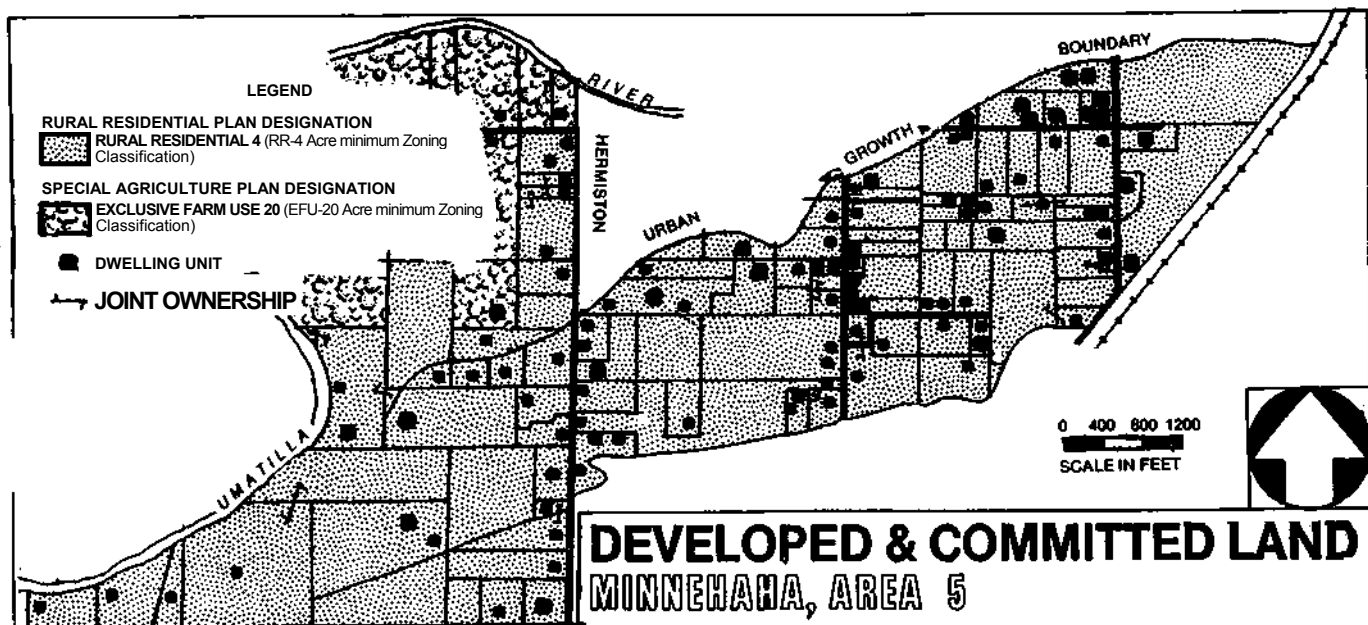
Findings and Conclusions:

1. Area meets developed/committed, non-agricultural lands category for reasons of rural residential development and small parcel sizes. Over 85% of parcels are under separate ownerships.
2. Soils in area have better agricultural capabilities than most West County areas (Class III Irrigated, Class VI Non-Irrigated) ; but with extensive non-farm development, small lot sizes and less than reliable irrigation delivery, Minnehaha has developed into a rural residential area with only a scattering of small hobby farms.
3. A rural residential plan and zoning designation has been in effect for this area since 1972, reflecting the residents' use of their property and the use that was predominant at that time.
4. Use of remaining undeveloped land for rural residential fits into overall land use patterns (e.g., Hermiston Urban Growth Boundary to the north, rural residential uses to the west).

Other existing uses and quasi-public ownerships (industrial uses and railroad company lands) buffer Minnehaha from agricultural land to the south. 5. Area has several good county roads which form a very good transportation network for existing and potential rural residents.

DEVELOPED AND COMMITTED LAND

MINNEHAHA, AREA 5



Area: Loop Road (Area #6) - See map next page.

Total Acres: 116

Number of Parcels: 28

Average Parcel Size: 4.3 acres

Number of Dwellings: 24

Largest Parcel: 20 acres

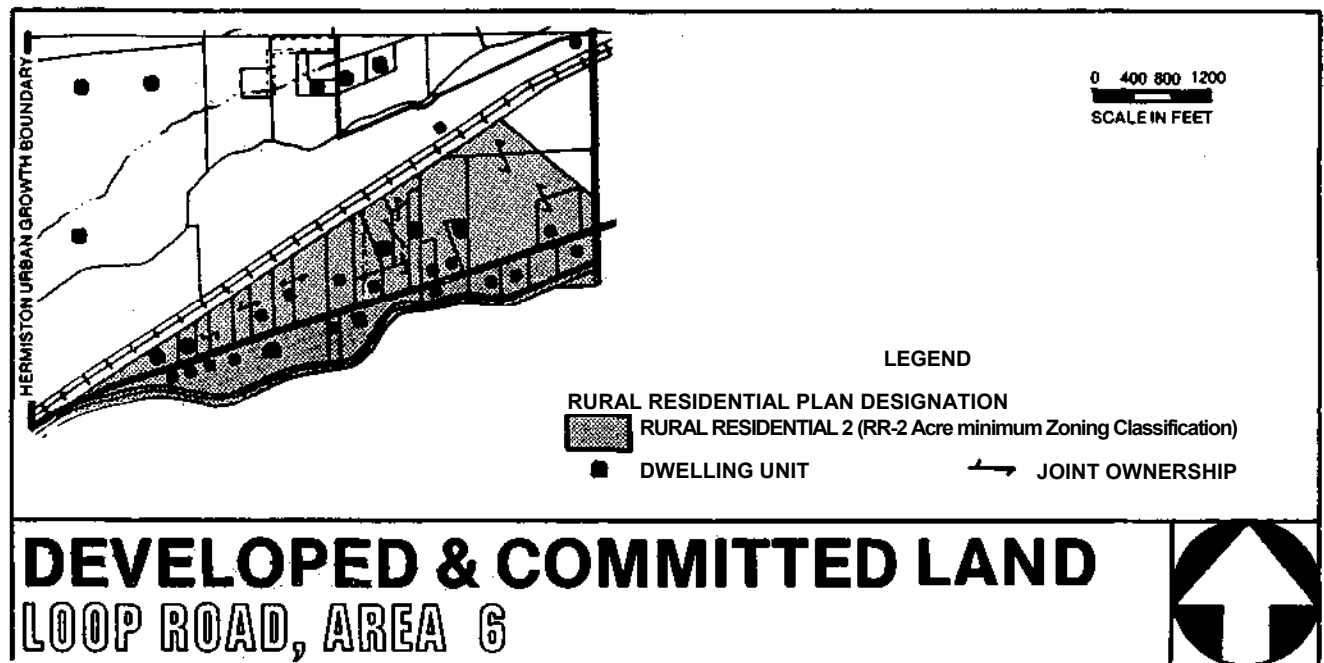
Smallest Parcel: .5 acre

Findings and Conclusions:

1. Size and number of lots along with many rural residential homes places area into a non-agriculture, developed and committed category.
2. While soils are very good for agriculture (Class II Irrigated), the majority of the area is rural residential associated with small irrigated pastures supporting horses and a variety of other livestock.
3. Lands to the north and west are also developed into rural residential use, thus compatible with each other. Commercial agricultural to the east and south are buffered by an irrigation canal and roads. Confined area with limited expansion capabilities also will assist in keeping rural residential and farming activities conflicts at a minimum.
4. For many years and since 1972, rural residential uses and zoning have been in effect on the parcels. These two factors along with previous findings are all reflective of non-agricultural use or commitment to this type of activity.

DEVELOPED AND COMMITTED LAND

LOOP ROAD, AREA 6



Area: Hat Rock (Area #7) - See map on next page.

Total Acres: 75

Number of Parcels: 60

Average Parcel Size: 1.25 acres

Number of Dwellings: 20

Largest Parcel: 5.92 acres

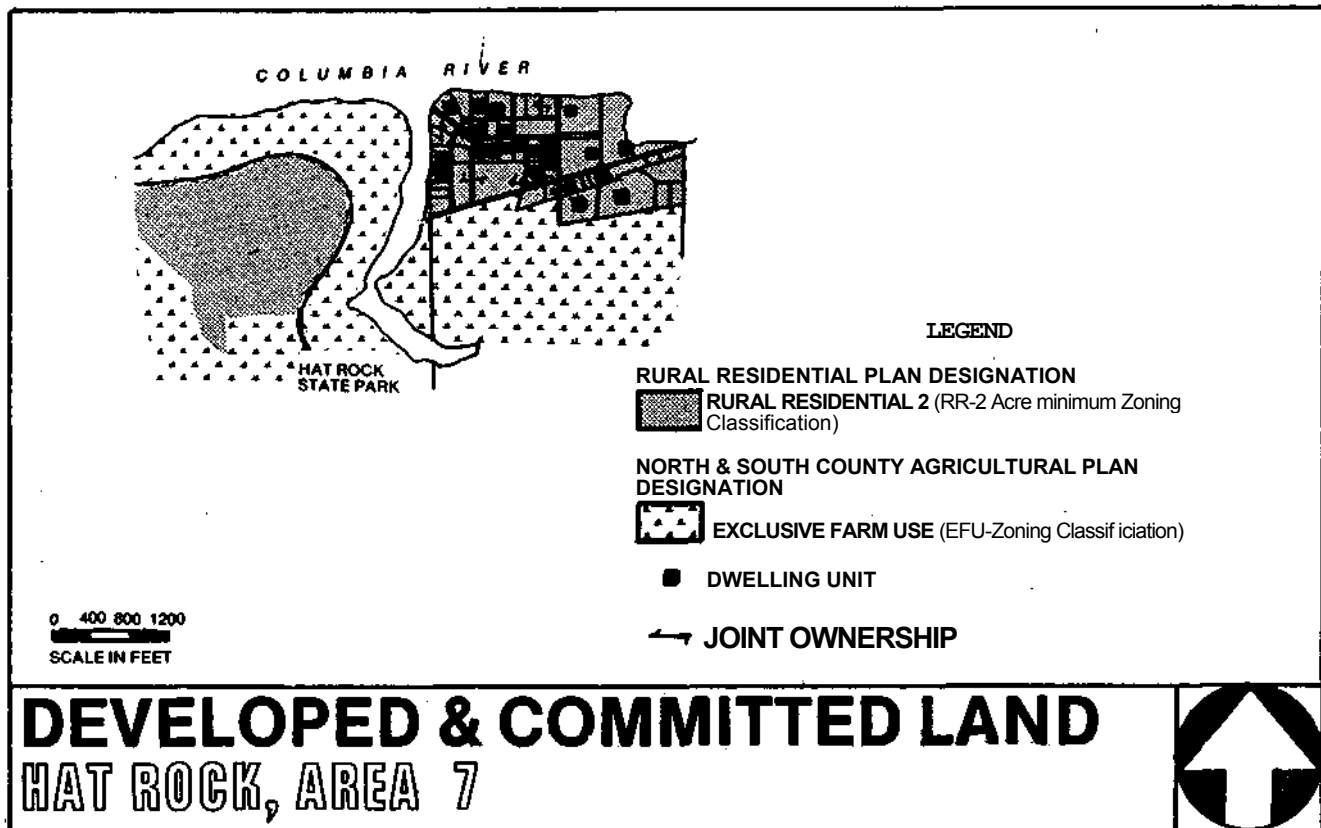
Smallest Parcel: .25 acre

Findings and Conclusions:

1. Existing subdivision and a few adjacent parcels with occupied rural residential homes qualify area as developed/committed land.
2. Long-standing use of and planning for rural residential development further substantiate commitment to this non-agricultural activity.
3. Subject lands and surrounding area has had very limited agriculture use (seasonal grazing due to the poor soil capabilities for farming-Class VI) . Very limited development opportunities due to small lots and rocky soils will therefore not impact the very marginal agricultural land nearby.

DEVELOPED AND COMMITTED LAND

HAT ROCK, AREA 7





Area: Kik Tracts Special Treatment Area #1) - See map on page XVIII-321A.

Total Acres: 68

Number of Parcels: 4

Average Parcel Size: 15 acres

Number of Dwellings: None

Largest Parcel: 54 acres

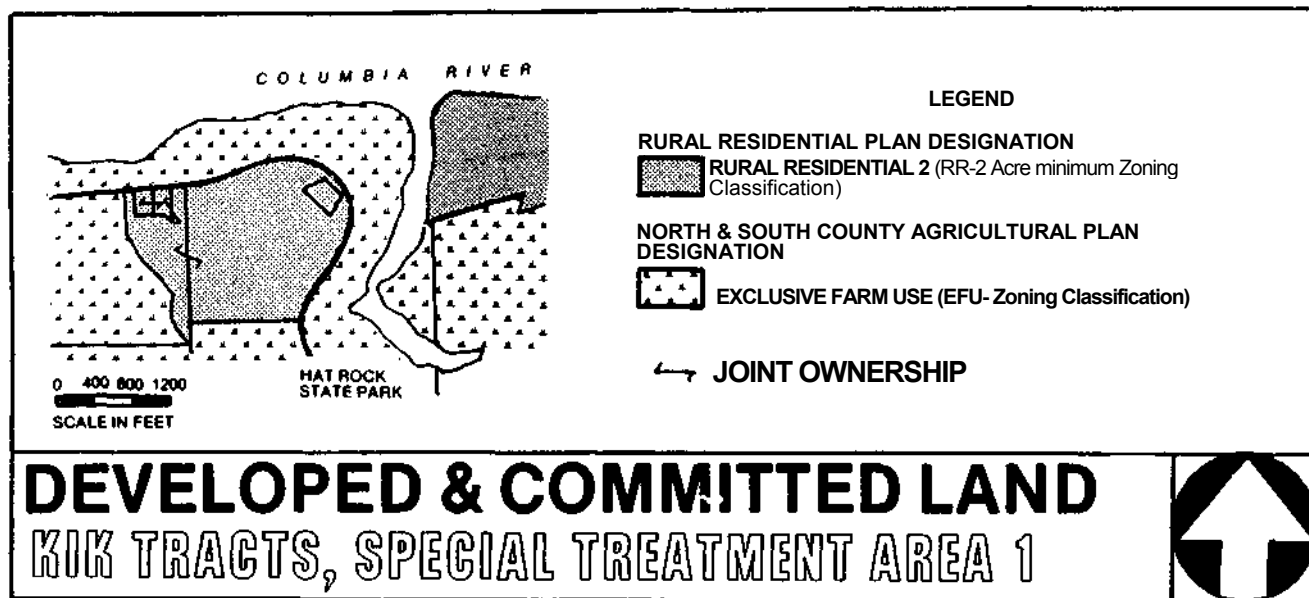
Smallest Parcel: 1 acre

Findings and Conclusions:

1. Selected because of general lack of agricultural soils.
2. Parcels are located near other parcels meeting non-resource criteria and recommended for rural residential use (Hat Rock Tracts).
3. Predominant soil types of property have capability ratings of Class VII and Class VIII (80%, 5% respectively), both Class VII and VIII being nonagricultural soil.
4. Nearly all of subject area as well as most land adjacent to the north and west has never been cultivated and sparingly grazed due to shallow soil depths and low annual rainfall.
5. Plan designation of Rural Residential would not remove quality agricultural land.
6. Residential planning and zoning of parcels since 1972 has recognized their very limited or no farm value and compatibility with other adjacent residential development.

7. Soils map and interpretation sheets are attached to support factual base of non-agricultural soil status (see Attachment S in Appendix material).

DEVELOPED AND COMMITTED LAND KIK  
TRACTS, SPECIAL TREATMENT AREA 1



CENTRAL COUNTY DEVELOPED/COMMITTED RURAL RESIDENTIAL EXCEPTIONS

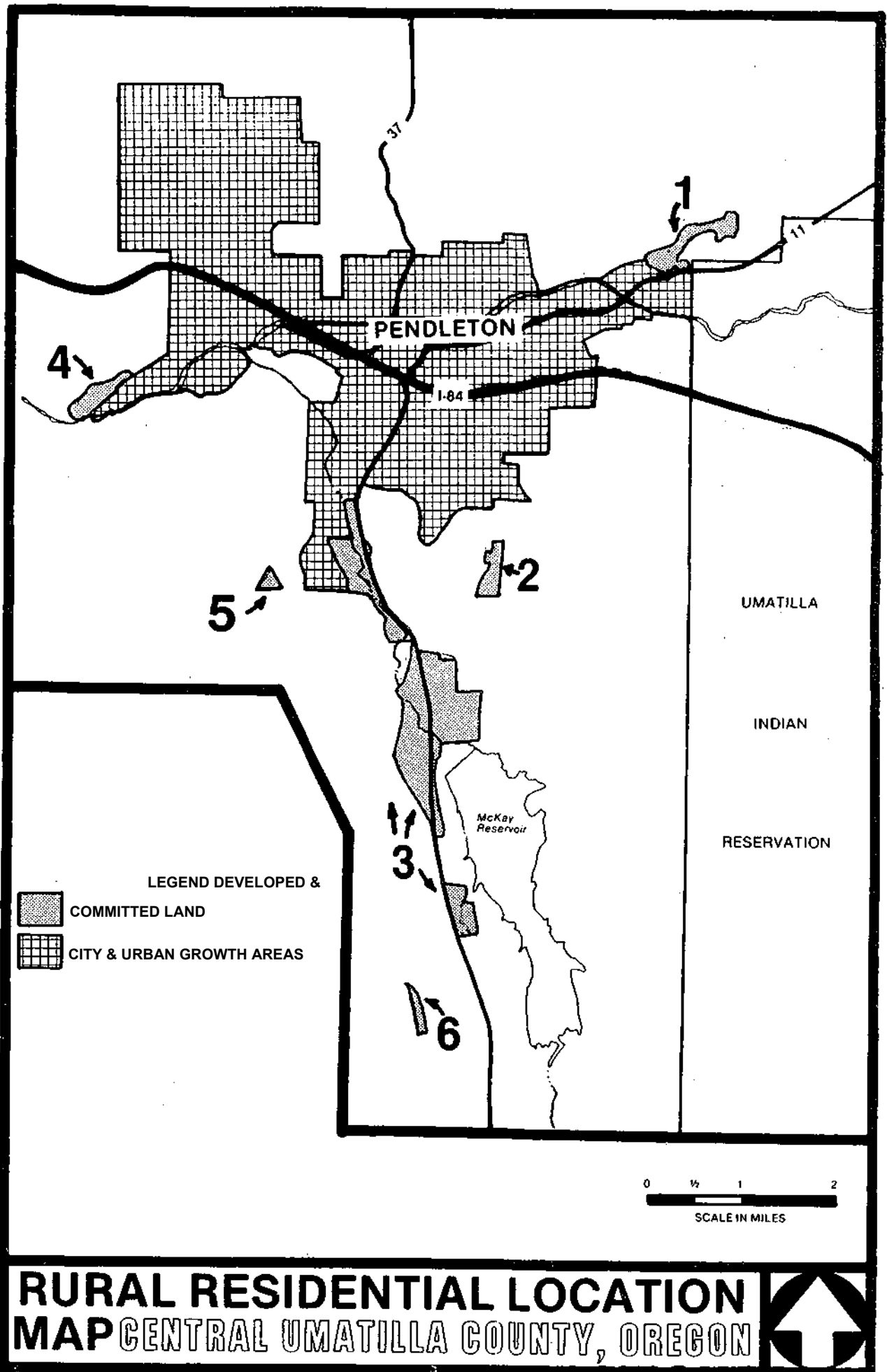
Employing the same criteria used in the West County area (pages XVIII-266 through XVIII-268) yields the following developed/committed lands analysis and figures table. Developed/committed lands in the Central County area are located mainly around Pendleton, with minor acreages near Pilot Rock. Again, descriptions providing justification for classifying these lands developed/committed, along with maps showing parcels and homes, follows.

TABLE 2 CENTRAL COUNTY  
DEVELOPED/COMMITTED STATISTICAL DATA

AREA	SIZE	EXISTING	BUILT	BUILDABLE	ADDITIONAL DWELLING
(Total Size)	DWEL	UNT.	ACRES	ACRES	CAPACITY
1*Rieth	65	61	55*	10*	10*
2**WldHrse	92	19	38	54	27
3**Tutuilla	40	8	16	14	7
4**Pilot Rk	123	11	22	101	50
5**McKav	637	246	492	145	73
Subtotal:	957	345	623	324	167
Griggs	26	0	0	26	6
6***Fldcrest	97	16	73++	24	6
7***Sparks	14	5	14++	0	0
8***Cargill	77	0	36**	36	9
9***Malcolm	13	1	9	2	2
Subtotal:	227	22	135	88	23
Grand		367	758	412	190

AREA	SIZE	EXISTING	BUILT	BUILDABLE	ADDITIONAL DWELLING
(Total Size)	DWEL	UNT.	ACRES	ACRES	CAPACITY
1*Rieth	65	61	55*	10*	10*
2**WldHrse	92	19	38	54	27
3**Tutuilla	40	8	16	14	7
4**Pilot Rk	123	11	22	101	50
5**McKay	632	24	492.	145.	73
Subtotal:	957	345	623	324	167
Griggs	260	0		26	6
6***Fldcrest	97	16	73++	24	6
7***Sparks	14	5	14++	0	0
8***Cargill	77	0	36**	36	9
9***Malcolm	121	9.		2	2
Subtotal:	227	22	135	88	23
Grand Total:	1,184	367	758	412	190

- \* Area #1 figured on a one-acre density. Consists mostly of the unincorporated area of Rieth that includes very small platted lots. Vacant lot analysis and usable areas were conducted to obtain "buildable areas" and "airfitinnai dwelling capacity" figures.
- \*\* Areas 2, 3, 4, 5 are figures at a two acre density.
- \*\*\* Areas 6, 7, 8, 9 are figures at a four acre density.
- ++ Built acres are adjusted and figured mostly on a vacant lot basis because of the prevalence of subdivision lots in these areas.



Area: Wildhorse Creek (Area #1) - See Map XVIII-324A

Total Acres: 92

Number of Parcels: 20

Average Parcel Size: 4.6 acres

Number of Dwellings: 19

Largest Parcel: 16 acres

Smallest Parcel: .77 acre

Findings and Conclusions:

1. Parcelization, separate ownerships plus rural residential development places area into a non-agricultural category.
2. Area is located in proximity to other non-farm uses and associated interferences. In particular, the City of Pendleton's Urban Growth Boundary with suburban-type uses is being developed immediately north of these parcels.
3. Area is in limited agricultural use even though portions of land contain Class III soils. Topography, shallow soils, and narrow or constricted land area due to roads and Tutuilla Creek all make profitable farming virtually impossible.
4. Lay of land and small area involved will not create serious incompatibility problems with nearby agricultural land. Steep slopes and creek flooding will likely further restrict rural residential development assuring compatibility.
5. Rural residential development has been the predominant use for many years and rural residential zoning applied to parcels since 1972.

6. The area is served by a paved county road, and electricity which should adequately serve both the existing and potential rural residential families. Narrowness of area should not require interior service roads; thus minimal demand upon county funding is anticipated.



**DEVELOPED & COMMITTED LAND**  
**WILDHORSE CREEK, AREA 1**



**LEGEND**

**RURAL RESIDENTIAL PLAN DESIGNATION**

 **RURAL RESIDENTIAL 2 (RR-2 Acre minimum Zoning Classification)**

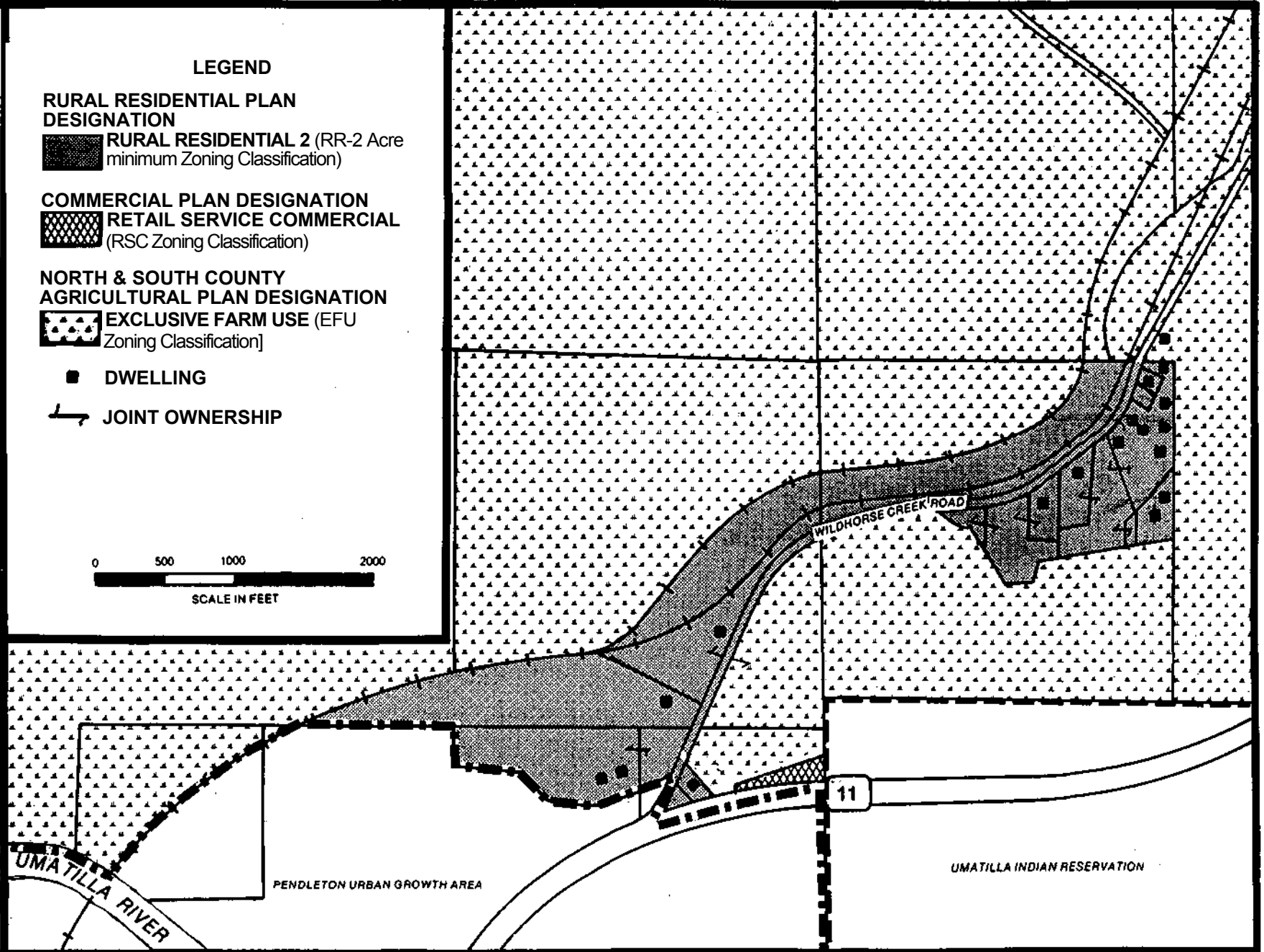
 **RETAIL SERVICE COMMERCIAL (RSC Zoning Classification)**

**NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**

 **EXCLUSIVE FARM USE (EFU Zoning Classification)**

 **DWELLING**

 **JOINT OWNERSHIP**



UMATILLA RIVER

PENDLETON URBAN GROWTH AREA

11

UMATILLA INDIAN RESERVATION

WILDHORSE CREEK ROAD

Area: Tutuilla Creek (Area #2) - See Map XVIII-326A

Total Acres: 40

Number of Parcels: 10

Average Parcel Size: 4.0 acres

Number of Dwellings: 5

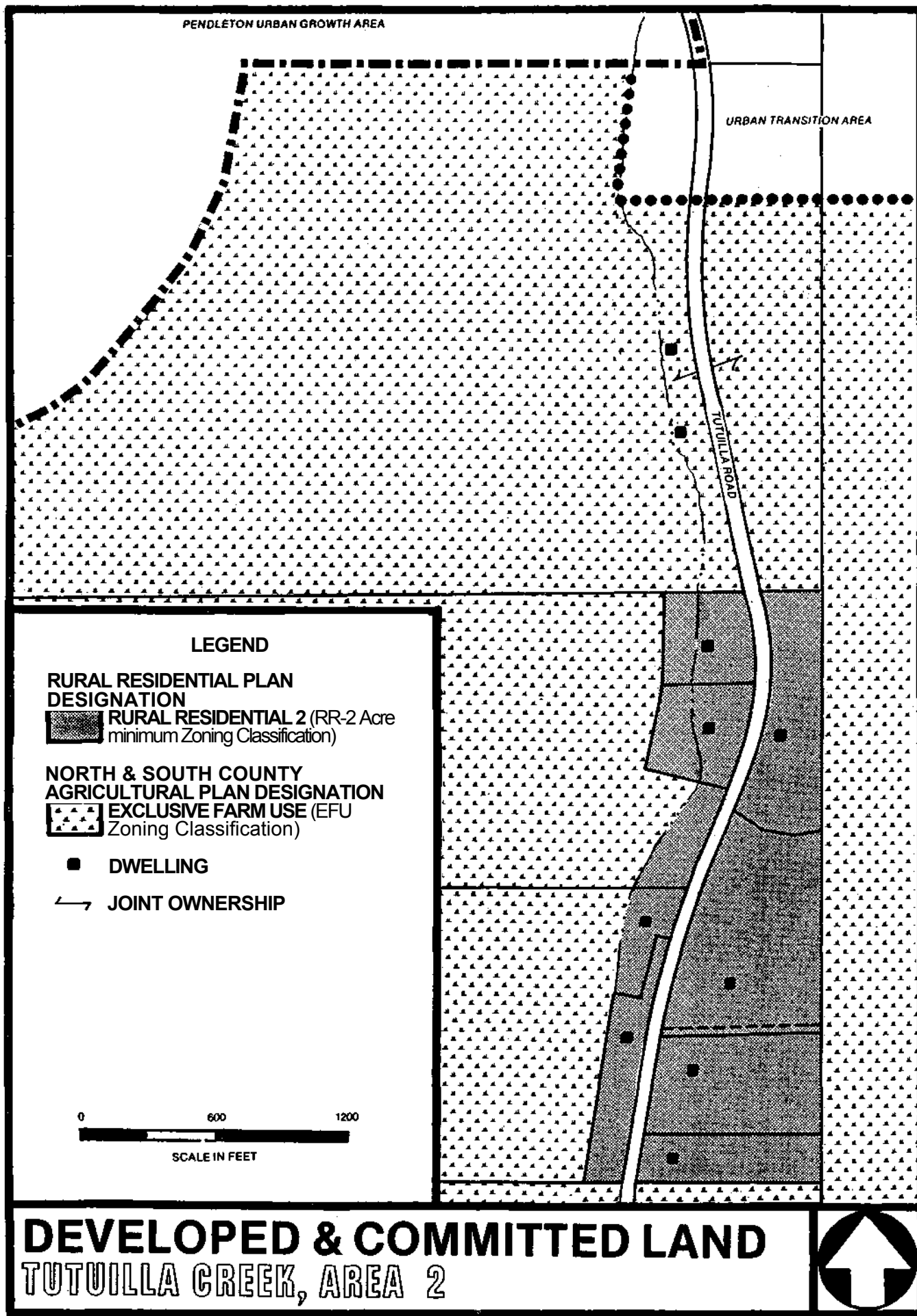
Largest Parcel: 11.27 acres

Smallest Parcel: 3.9 acres

Findings and Conclusions:

1. Small lots, under separate ownerships, identify parcels as non-agricultural land developed and committed to rural residential uses.
2. Significant numbers of residential dwellings on these small parcels add to evidence of rural residential commitment of area.
3. Rural residential planning and zoning for areas since 1972 recognizes parcels being used for many years as rural residential and/or hobby farms.
4. Soils in the creek bottoms possess agricultural capabilities (Class II Irrigated) whereas the agricultural capabilities on soils on developed/committed parcels beyond creek bottom are Class III Dryland. Existing non-farm development along with terrain problems and the numerous meanderings of the railroad and county road dividing these parcels into small, narrow and isolated tracts, all contribute to the difficulties of commercially farming these better agricultural soils.

5. Both electrical power and an improved county road adequately serve the area.
6. Floodplain and topography will further restrict full development of this developed/committed area. Limited rural residential dwelling opportunities will help to keep at a minimum conflicts with nearby agricultural activities and not unnecessary burdens upon public facilities and services.



Area: McKay Creek-McKay Reservoir (Area #3) See Map XVIII-335A,B,C

Total Acres: 803

Number of Parcels: 409

Average Parcel Size: 1.9 acres

•Number of Dwellings: 229

Largest Parcel: 30 acres\*

Smallest Parcel: .10 acre

Findings and Conclusions:

1. Extensive parcelization, separate ownerships and over 85% of the lots occupied by a dwelling justifies area as developed and/or committed to non-agricultural uses.
2. Non-resource lot sizes and development is supported by the presence of eight subdivisions whose lot sizes range from 1/4 acre to 4 acres. A good majority of them are extensively developed with homes.
3. The numerous partitioned lots (not within subdivisions) in a minority of cases have small pastures and irrigated alfalfa fields in association with rural homes. Agricultural suitability varies from Class II in creek bottoms to non-agricultural soils (Class VII) on slopes bordering McKay Creek and McKay Reservoir. Despite the good soils, the extensive non-agricultural development has irrevocably committed parcels to rural residential uses and activities.

4. The area has been the oldest established rural residential area around Pendleton where opportunity to live in the country and raise a few cattle or pasture a horse is available. This situation resulted in a majority of these parcels being zoned and planned for rural residential uses since the early 1970\*s, and further substantiates their non-agricultural use.
- \*5. A 30-acre parcel was considered irrevocably committed to non-agricultural use because of the many interferences adjacent to it (on two sides by existing rural residential uses and on another side by the Urban Growth Boundary of Pendleton).
6. Developed/committed area is adequately served by a major state highway (Highway 395), several paved county roads and in many cases paved interior subdivision streets.
7. The area is very near and in several instances adjacent to the City of Pendleton. New potential homes will occur near a wide variety of services and public facilities and within areas no longer commercially farmed.

#### Additional Justification for Committed Parcels

##### Explanation

Parcel A on Map A, parcels A, B, C, D and E on Map B (Lake Drive area) and Area A on Map C are committed parcels. Three sub-area explanations which follow will explain facts that lead to a conclusion of commitment to rural residential use rather than preserving them for agricultural purposes. See maps on pages XVIII-335A and 335C.

### Description of Parcel A

(Olson Property)- Parcel A on Map A, page XVIII-335A, is 30 acres in size and is located on the McKay Creek valley floor between McKay Creek and a steep bluff. The parcel is about 1/2 mile from the city limits of Pendleton. It is the only committed parcel on Map A questioned by LCDC in an extensively developed rural residential home/hobby farm area (180 acres of approved developed rural residential) extending along the creek bottom. About 18 acres of the parcel is cultivated, usually rotating alfalfa or wheat crops. The other twelve acres is steep hillside (five acres) or rocky soils/riparian vegetation along McKay Creek (seven acres). There are three dwellings on the subject committed parcel. Adjacent Land Uses to Parcel A and Development History of the Area.

A 4 acre, 6 acre, 6.1 acre, 1.3 acre, 2.3 acre, and 2 acre parcel border along the north and east sides. Seven dwellings are sited on the above mentioned parcels. Only the 6 acre and 1.3 acre tracts are vacant. The predominate land use in the immediate area is rural residential homes with small pastures. Larger wheat/hillside parcels border along the west and southwest sides of committed Parcel A, but are topographically buffered by steep hillside land (see Attachment T in Appendix). Land to the south, which is part of a larger dryland wheat operation to the west, is irrigated hay and alfalfa land on the valley floor. This area is similarly impacted by rural residential influences to the east and southeast as is the subject committed parcel.

This area of the McKay Creek valley as well as the entire 630 plus acres of exceptions lands in this valley has been developing into rural residential uses the 1940 's, being one of the few places around the major service center of Pendleton that was easily developable, having a good transportation line (Highway 395) and available utilities. The rural residential pattern grew steadily until the mid-1950's and through the 1960's when many subdivisions and rural lots were developed. It was during this time that the valley and developable portions of sidehills gave way to rural residential uses rather than continuing commercial agricultural practices. In the early 1970\*s the county planned and zoned the subject committed parcel as well as the valley bottom lands surrounding it for rural residential homesites. Since the 1970\*s, a more steady rural residential development pattern in the area has occurred. All this leads to a conclusion that the surrounding area and subject parcel under discussion is perceived by county and local residents as an established rural residential area.

Impracticalities for Agriculture

Besides the above explanations of the predominance of rural residential influence, there are other related reasons why Goal 3 should not be applied to this property. First, the size of cultivated area (18 acres) is simply not a commercial size for the crops now grown in rotation here. Extensive discussion and testimony pertaining to other committed parcels in the county clearly concludes that much larger acreages are needed to make a reasonable return on wheat and alfalfa. Also, specialty or high



return crops are non-existent in the McKay valley for the very profound reason of incompatibility of which this parcel is also subject. The parcel also has three homes sited on it, which is not only indicative of the existing rural residential influence, but also makes the resale of the parcel to the adjacent farming interest to the south (the only possibility) highly improbable due to the higher costs involved in purchasing these improvements along with the land. Conclusion of Commitment

The predominance of incompatible non-agricultural activities (rural residential), the small uneconomical size of the farmable area, the buffering affect of topography from commercial wheat farming to the west and southwest, if this parcel were developed to rural residential uses, all lead to a conclusion that this parcel is committed to non-resource activities; and therefore Goal 3 cannot be applied.

Description of "Lake Drive" Committed Area (See Map B, page XVIII-335B)

This area totals approximately 67 acres, involves five parcels, five different ownerships, a dwelling, and several accessory structures and related improvements. Parcel E is the largest (23 acres), having a storage building, well, septic tanks and electricity on-site. Currently, alfalfa is grown on the remaining unimproved portions. Parcel D (20 acres) has a dwelling, storage building, and other improvements on it. It too is mostly

alfalfa which is used to feed the owner's horses. Parcels C (20 acres), A (18 acres) and B (4.2 acres) are vacant. Area History and Adjacent Land Uses

Several parcels in this committed area were partitioned in the early and mid-1970's when county zoning for agriculture had a 19 acre minimum (parcels C, D, and E) . The remaining parcels (A and B) have been zoned for rural residential activities here and throughout the McKay Creek area. (See more thorough discussion of McKay area development history under committed parcel A, page XVIII-328).

To the south and west of committed parcels A, B and E is significant area of rural residential homesites and lots. To the south of parcel E is vacant buffer land owned by the U.S. Government as part of the McKay Reservoir property. To the north and east of Parcels A, C, D and E is dryland wheat fields.

All Lake Drive committed parcels have utilities on or near them and are close to a wide range of services.

#### Impracticalities of Agriculture

Parcels A and B are committed not only because they are adjacent to incompatible land uses, but mainly because they are non-agricultural lands. (See soils map and soils interpretation sheet in Appendix attachment U). Parcels C, D and E also contain some non-agricultural soils but are mainly committed because of their small size, individual ownerships and the degree of non-agricultural development on the committed parcels and in the immediate area. The 20 acre size range of these parcels are

definitely not commercial enterprises in the Central County area. Only alfalfa and wheat are the main commercial agricultural activities in this region, and they require larger acreages to make a living upon. (See Extension Service letter in Appendix). These parcels are hobby-farm sizes, typical in the area for those raising a few head of livestock or supporting horses, a popular hobby in the county. Because of the individual ownerships and expensive improvements now on the property (dwellings, buildings, wells, septic tanks/drainf ields), it is highly unlikely that consolidation will occur. The nature of the overall area is really rural residential heavily influenced by such non-agricultural development to the west. This influence is clearly evident by the one home on parcel D and improvements leading to eventual home development (septic tank, well, storage building) on parcel E. Goal 3, therefore, cannot be applied to these three "committed" parcels. Description of Committed Area A (Griggs Property) on Map C, page XVIII-335C.

Encompassing some 26 acres and 6 lots, this committed area (originally one parcel and classified and justified as part of a needs exception) is located on the east side of Highway 395, about five miles south of Pendleton (about 10 minutes travel time). The general area is known as "Rancho Vista" after the name of the established subdivision to the west of this committed area. The Griggs property is a newly developing rural residential subdivision (Happy Trails Subdivision), having the road system and utilities

(electricity and phone) installed and completed within the last six months.

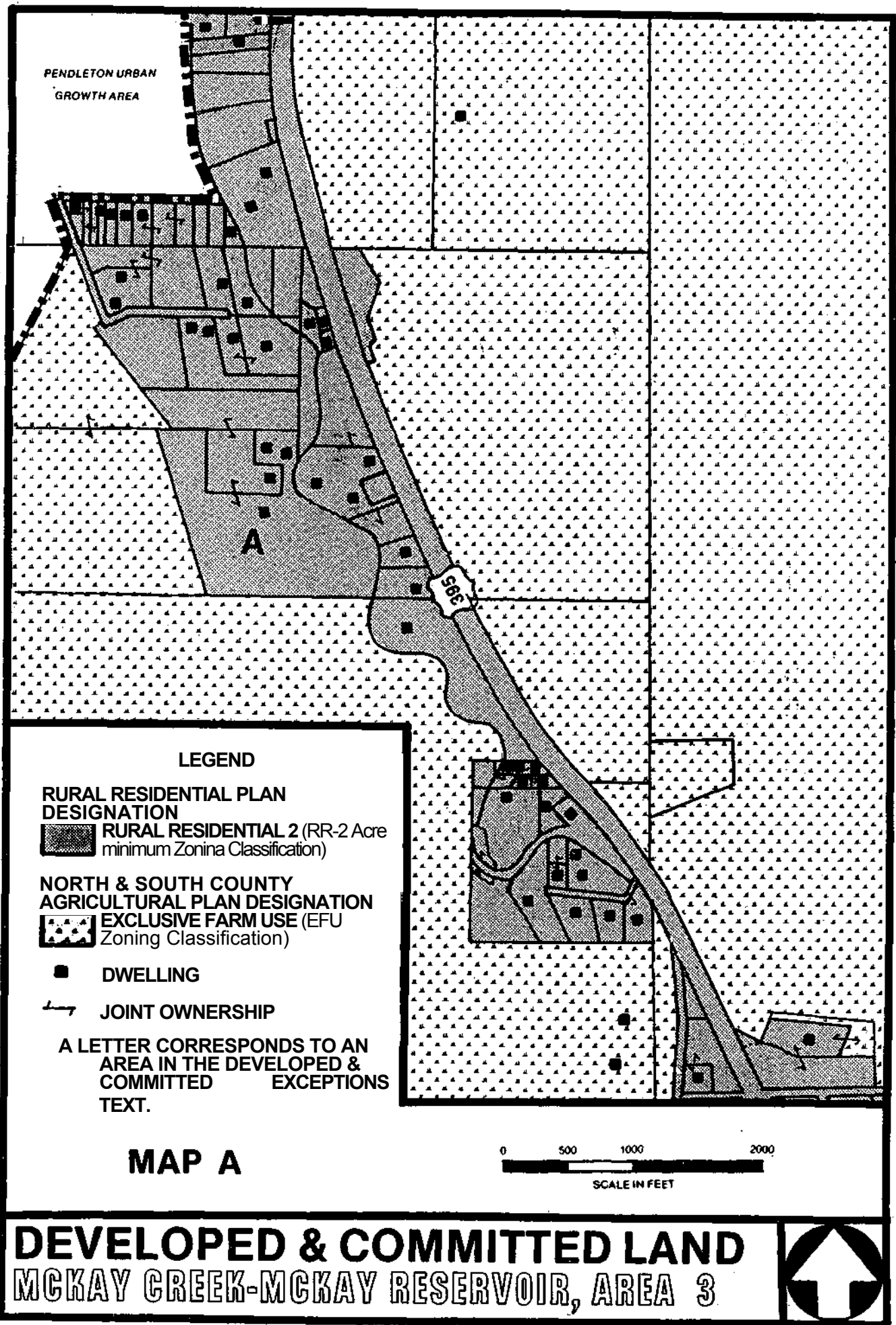
#### Development History and Adjacent Land Uses

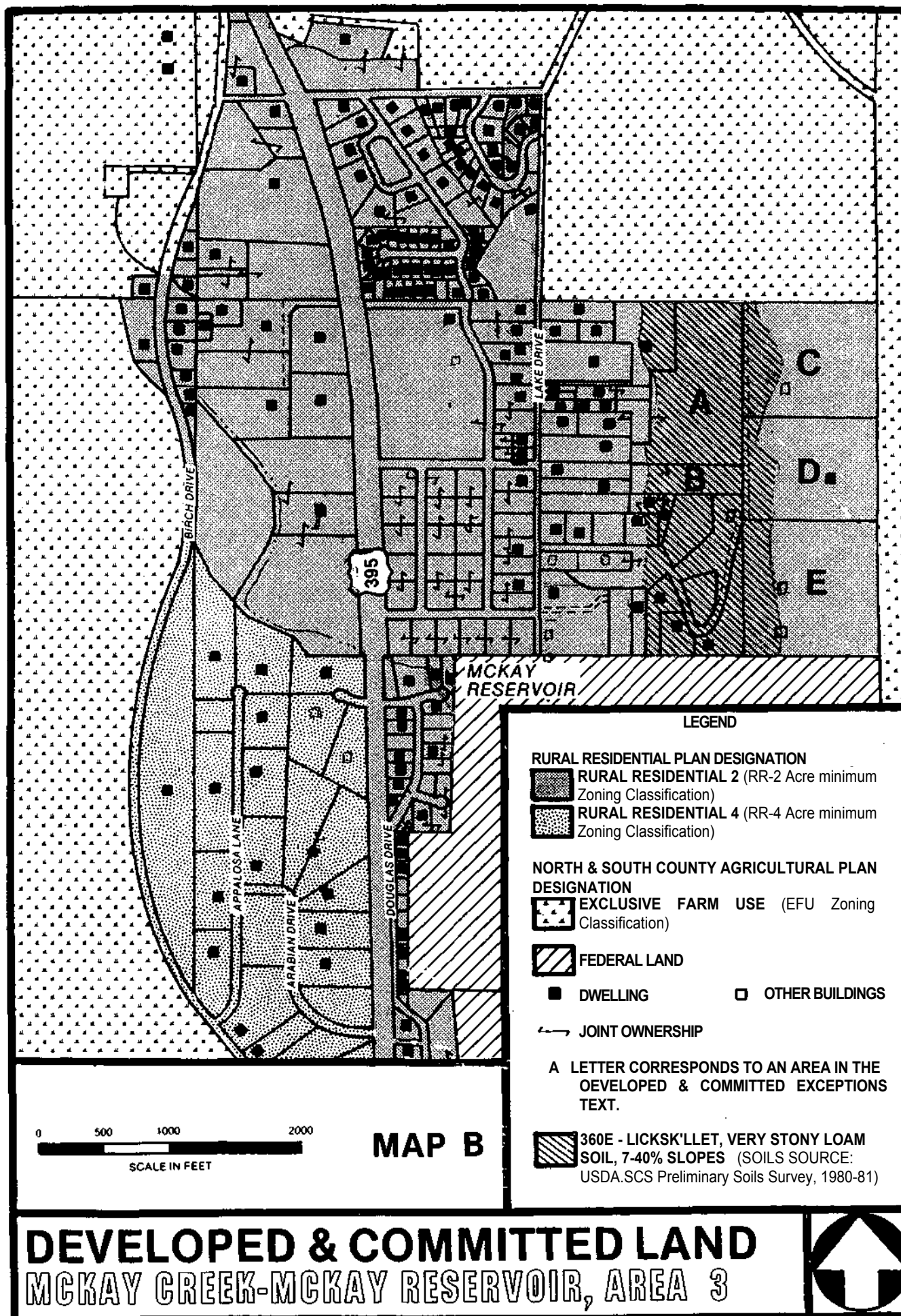
The general area has had a rural residential character since the 1950's and 1960's when the Rancho Vista Subdivision was developed along with a majority of rural residential development in the McKay Creek/McKay Reservoir area. Seven additional rural residential parcels were also partitioned during this time to the south of the Rancho Vista Subdivision. There are 20 dwellings within these two areas which border the Griggs committed parcel on the northwest and west sides.

Federal land (part of the McKay Reservoir complex) borders to the north. In fact, approximately three acres of the Griggs land was donated to the Federal Government (U.S. Fish and Wildlife Service) to give additional buffer area to protect the scenic and other recreational values of the McKay Wildlife Refuge. The 50 acre parcel to the east has been used for grazing the last three to four years, and before that was in dryland wheat/fallow. A large dryland wheat parcel is to the south and only borders the subject committed property for about 250 ft. Factors of Commitment

Goal 3 cannot be applied to the Griggs committed area for several reasons. First, an exception and subdivision approval according to state planning goals permitted initial basic improvements to be made to all lots (e.g. roads, utilities) . These improvements have effectively committed the land to rural

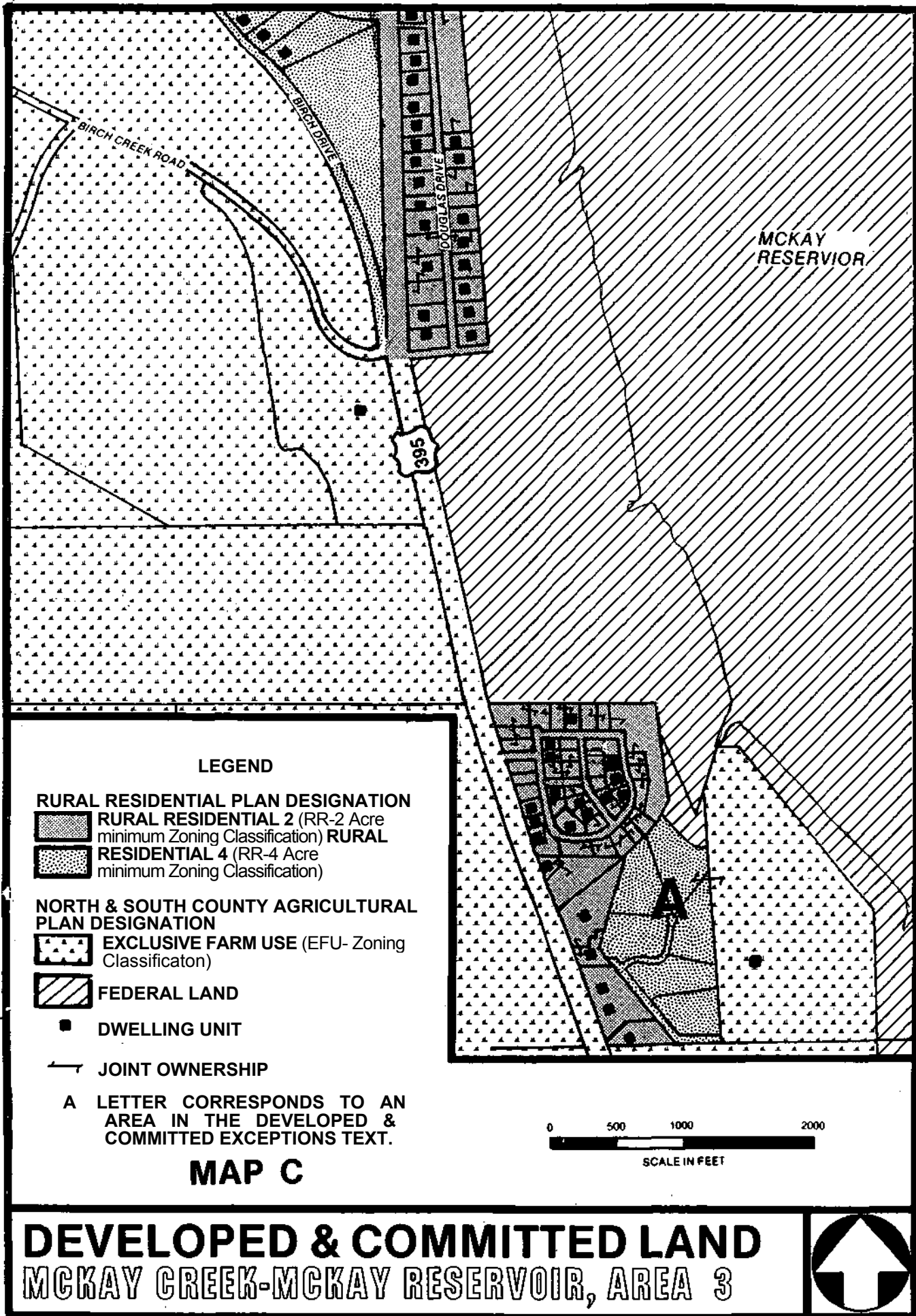
residential use. In other words, the owners have invested money and improvements to initiate the completion of an overall development plan approved by the county. The presence of these improvements precludes the land's use for agricultural purposes. Secondly, the four acre density, topographic difference to the north and east (a large gully) and adjacent rural residential uses to the west and northwest allow similar, minimal development within an area largely impacted by existing rural residential activities, and can be contained with minimal or no impacts upon adjacent resource lands and upon utilities and services in the area.





**DEVELOPED & COMMITTED LAND**  
**MCKAY CREEK-MCKAY RESERVOIR, AREA 3**







Area: Rieth (Area #4) - See map next page.

Total Acres: 65

Number of Parcels: 161

Average Parcel Size: .4 acres

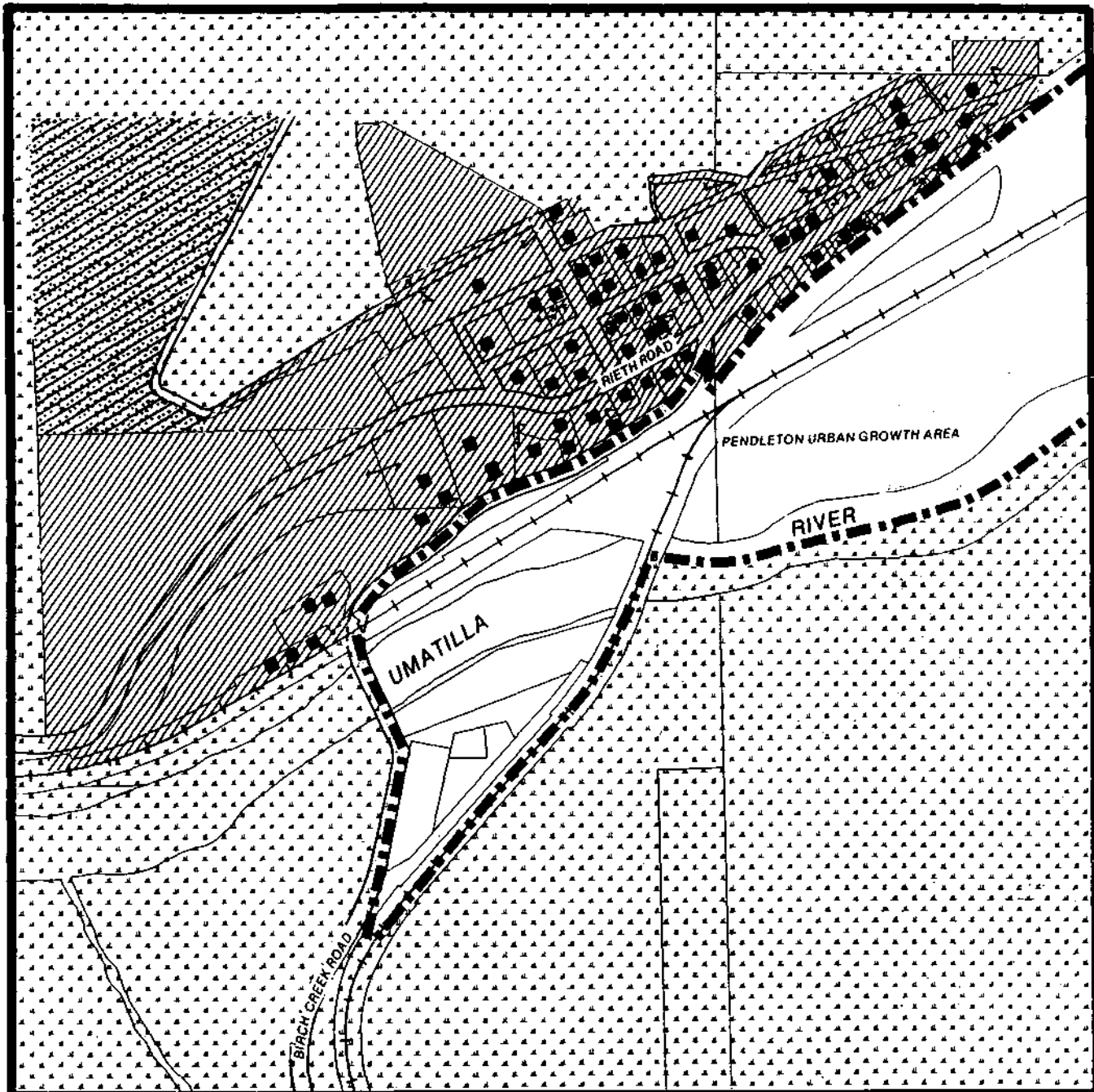
Number of Dwellings: 61

Largest Parcel: 14 acres

Smallest Parcel: .10 acre

Findings and Conclusions:

1. Unincorporated town of Rieth and small lot rural residential development adjacent to it classifies area as developed and committed lands.
2. Area supports very small acreages of agricultural soils, mostly due to steep slopes and shallow soil depths (Classes VI and VII) . Very little of the vacant land is considered developable.
3. Adjacent lands also possess poor agricultural soils, are steep sloping and unused. The very limited infilling that could occur on developed/committed parcels would therefore not interfere with any adjacent or nearby agricultural activities.



LEGEND



UNINCORPORATED COMMUNITY

NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION



EXCLUSIVE FARM USE (EFU- Zoning Classification)

INDUSTRIAL PLAN DESIGNATION



HEAVY INDUSTRIAL (HI Zoning Classification)



DWELLING UNIT



JOINT OWNERSHIP



SCALE IN FEET

**DEVELOPED & COMMITTED LAND**  
**RIETH, AREA 4**



Area: Westfield Subdivision (Area #5) - See map on page XVIII-342A

Total Acres: 42

Number of Parcels: 9

Average Parcel Size: 4.5 acres

Number of Dwellings: 1

Largest Parcel: 5.8 acres

Smallest Parcel: 4 acres

Findings and Conclusions:

1. Nine-lot subdivision classified "committed" because 1979 plan and zone changes as well as subdivision plat were approved and tested against applicable State Land Use Planning Goals.
2. Commitment is also based on the fact that several wells have been drilled, two lots sold, and one rural residential home has been constructed within the subdivision. Also, an improved oil mat road serving most of the platted lots has been completed. Electricity and phone service is installed and available to all lots. (See Additional Justification below).
3. Four-acre parcel size, topography, nearness (adjacent) to planned rural residential areas, and contract commitments to upgrade the main access road to the area (Gleridale Road) will not likely cause excessive demands upon rural facilities nor negatively impact commercial farming in the immediate area.
4. Location of the subdivision near Pendleton city limits, Urban Growth Boundary, and the one remaining Urban Transition Area

property (Kulm property) , along with larger lot "holding" size of platted lots in the Urban Transition area, will allow redevelopment of lots when expansion of city occurs into the area. Additional Justification for Committed Parcels

A. History and Description. The 42 acre Westfield Subdivision is a portion of a 160 acre tract purchased in 1978 for rural residential development. At that time, the parcel was zoned Exclusive Farm Use (F-1) with a 19 acre minimum. In 1979, the new owners requested the county for a plan and zone change (F-1 Farm to Residential four acre minimum). Along with these amendment requests, an exception to the statewide agricultural lands goal was taken. The county considered the four factors required at that time: (1) needs; (2) consequences; (3) compatibility; and (4) alternatives (see appendix AA for exception justification). The county approved of the subdivision plat with conditions to assure that roads and other public facilities would be provided adequate to meet expected demand.

In 1983 the County included the Westfield Subdivision in its exceptions statement to LCDC for acknowledgement. A "developed/committed" exception was taken because several improvements had occurred within the subdivision, rendering application of Goal 3 impossible. LCDC did not uphold the exception due to lack of substantial evidence, but gave the option to the county to provide the needed facts according to updated Oregon Administrative Rules.

Again in 1984 the county resubmitted its developed/committed exceptions to LCDC for acknowledgement with support from DLCD staff, based partly upon development creating Goal 3 impracticalities and partly upon vested rights. However, DLCD staff (February 21, 1985), still says that the County did not provide adequate findings and reasons as to why it is impractical to apply Goal 3. The option to provide additional findings for commitment to rural residential uses is still offered the County, and that is what the following detailed findings will conclude.

B. Public Facilities and Services. Public facilities to the subdivision are adequate. An oil mat road has been constructed serving all lots. Glendale Road, the main access road, is graveled and is tied to an improvement agreement with the developers for upgrading as more development occurs. The subdivision has underground electricity and phone service to all 9 lots. Police and fire protection, elementary and high school education are also readily available in Pendleton, which is only 1/2 mile to the east. The small size of the subdivision and its minimal demands upon public facilities and services along with plan policies and development ordinance standards will assure no negative impacts.

C. Boundary Description and Adjacent Land Uses

1. North- Dryland wheat farm.
2. East- Westfield Blvd.- An oil mat road forms most of the east border between the subdivision and the southeastern corner of the same dryland wheat farm that borders the

north portion of this subdivision.

3. South- Steep topography (gullies) separates the subdivision from a 53.7 acre parcel and a larger 780 acre parcel, both dryland farmed. In other words, the north borders of these two adjacent tracts are the steeper portions with drainages, vacant land, and poorer crop producing soils.
4. West- Very steep topography (several large gullies) of the remaining 115 acre portion owned by the same owners and developers of Westfield Subdivision.
5. Interior Land Uses- A lot has been sold and one home has been constructed within the subdivision. Another lot has also been sold, but no dwelling construction has occurred. Two domestic wells have been drilled on both of the sold parcels. The remaining seven lots belong to the original owners/developers. Underground utilities (e.g. phone and electricity) exist to all nine lots as earlier mentioned.

D. Factors of Non-Agricultural Commitment. Goal 3 cannot be applied to Westfield Subdivision for several reasons. First, the 1979 exception, according to the LCDC goals requirements at that time, was approved. This approval permitted the subdivision and in turn allowed basic improvements which were made to all lots (e.g. road construction, utilities, and domestic well improvements). Furthermore, several lots have been sold, with one house constructed in 1982. These improvements, house development,

and new ownerships have effectively committed the subject area to rural residential use in the following ways:

1. The oil mat road prevents efficient cultivation as a unit (as originally farmed prior to subdivision existence) because the road effectively separates and creates a barrier to cultivated lands to the east and the now small, narrow configured level portion of the subdivision (approximately 20 acres or 1/2 of the area containing the subdivision).
2. The underground utilities within the level portion make it impractical for cultivation crops because the ground has been compacted where the utilities have been buried, lowering the yield capabilities of the soils and creating an obstacle for plowing.
3. More importantly, the size of this area and the area itself is now too small for commercial farming and always has been undesirable or marginal for wheat cropping or livestock grazing. The area is located on a mostly basalt rimrock and contains fingers of low yielding, steep Class IV and VI soils.
4. Additionally, the home and the two additional ownerships make the resale of the property to adjacent farming interests highly unlikely due to the higher costs involved in consolidating and purchasing the land and improvements and the numerous incompatibilities mentioned above.

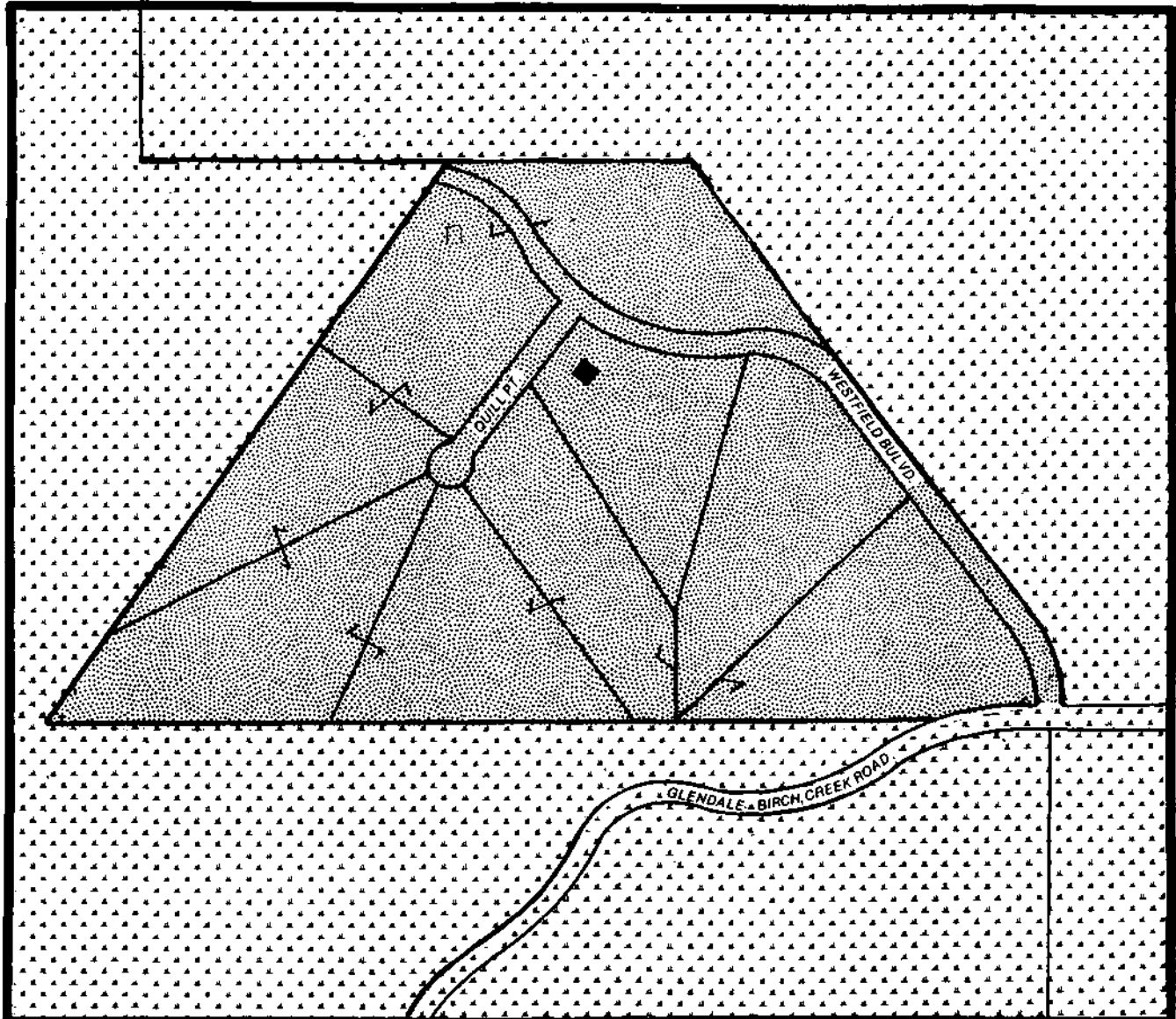
The small number of lots (9) and the buffering effect of topography, especially to the south and west, will not negatively

impact adjacent farmlands. The only farmland directly adjacent to Westfield Subdivision is the land to the north and east from which whose owner sold the area encompassing the Westfield Subdivision because it was a poor agricultural corner of his field. Besides, there are many other areas in the Pendleton vicinity where homes had wheat fields have co-existed without difficulty for years.





#### Conclusion of Commitment

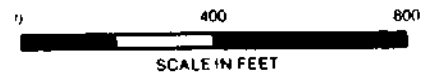
The existence of incompatible, non-agricultural activities and related improvements (e.g. a rural, non-farm home, access road, underground utilities and domestic wells), the small, isolated (poor soil quality) and uneconomical size of the farmable area, and the small number of homes possible in combination with topographic buffering, all lead to a conclusion that Westfield Subdivision is committed to a non-resource use, and therefore Goal 3 cannot be applied.





**LEGEND**

- RURAL RESIDENTIAL PLAN DESIGNATION**  
 RURAL RESIDENTIAL 4(RR-4Acre minimum Zoning Classification)
- NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**  
 EXCLUSIVE FARM USE (EFU- Zoning Classification)
-  DWELLING UNIT
-  JOINT OWNERSHIP



**DEVELOPED & COMMITTED LAND**  
**WESTFIELD SUBDIVISION, AREA 5**



Area: Birch Creek-Sparks Area (Area #6) - See map on next page

Total Acres: 13.4

Number of Parcels: 5

Average Parcel Size: 2.6 acres

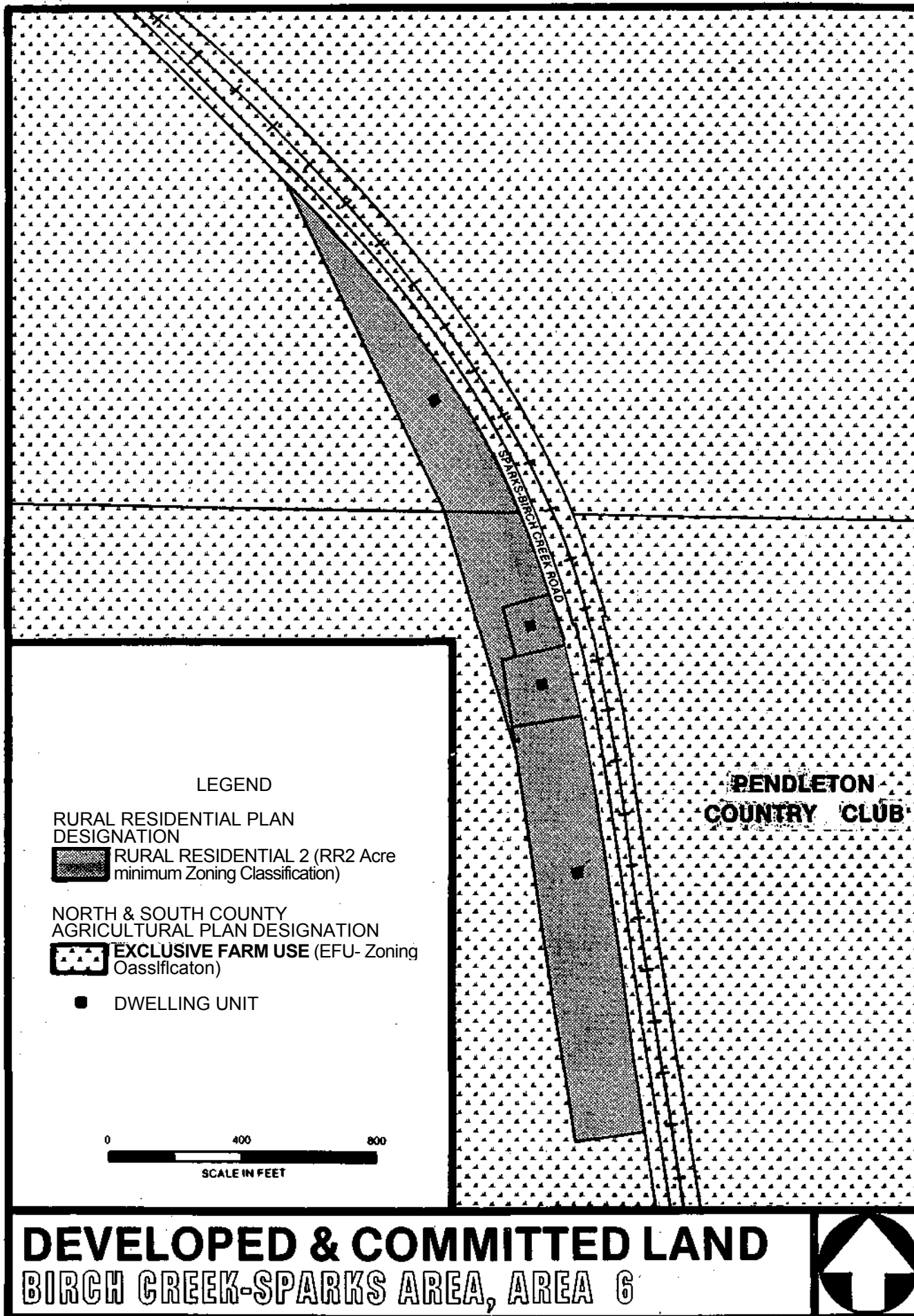
Number of Dwellings: 4

Largest Parcel: 6 acres

Smallest Parcel: .5 acre

Findings and Conclusions:

1. Non-farm dwellings located on individually-owned, small lots classifies area as developed/committed to non-resource uses.
2. Even though soils have good agricultural capabilities (Class III) , all of the area has been divided up into acreage residential uses where conversion back to commercial farming is now very doubtful.
3. Area is situated adjacent to an existing recreational facility (Pendleton Country Club). Adjacent farmland to the west, south and north is somewhat buffered by topographical differences. Therefore, the area is and should remain compatible with the surrounding land uses.
4. The very limited infilling allowed by the prescribed zoning density will help avoid compatibility problems with adjacent agricultural activities.
5. Limited potential homesites (one or two homes) will not place excessive additional burdens upon public facilities and services.



Area: Pilot Rock Vicinity (Area #7) - See map on page XVIII-347A

Total Acres: 123

Number of Parcels: 16

Average Parcel Size: 7.6 acres

Number of Dwellings: 11

Largest Parcel: 27 acres

Smallest Parcel: .4 acre

Findings and Conclusions:

1. Selected on the basis of numerous separately-owned and small, nonagricultural lot parcelization.
2. Over half of the parcels are occupied by a dwelling unit indicative of the predominance of non-farm development.
3. All parcels are in areas adjacent to other non-farm uses and/or adjacent to either the city limits of Pilot Rock or its Urban Growth Boundary. Therefore, infilling of rural residential homes will occur in areas already developed into non-agricultural uses or near areas where agricultural activities are determined to be greatly retarded by the presence of non-farm interferences and pressures.
4. Full use of these parcels is restricted by development limitations, further reducing possibilities of agricultural-residential conflicts.
5. A good majority of parcels have been zoned rural residential since the early 1970\*s in recognition of existing rural residential use. Also, policies in Pilot Rock Comprehensive

Plan recognize some of the developed/committed parcels to be in several designated expansion areas where rural residential development and future conversion into city densities is desirable. Additional Justification for Committed Parcels Explanation - Several parcels in the Pilot Rock and Vicinity area meet the definition of "committed". Two sub-area reviews will follow explaining the factors leading to conclusions of commitment to rural residential use. (See Developed/Committed Map on page XVIII-347A for locations of committed parcels).

Description of Sub-Area A- Sub-Area is located northwest of and adjacent to the city limits of Pilot Rock. The area consists of 52 acres, involving six full tax lots and a portion of a seventh lot. There are two houses constructed in the northern part of the area. This sub-area is designed as "Urban Expansion" in the Pilot Rock Comprehensive Plan, requiring short-term rural residential with long-term conversion into eventual city densities. Findings and Conclusions of Commitment f^ub-Area A)

1. Sub-Area A is recognized and planned for rural residential use based upon lack<sup>7</sup> of agricultural soils.
2. Over 95% of sub-area has Class VII soils, being non-agricultural according to State Planning Goal #3. (See Soil Interpretation Sheets, Attachment in Appendix and soil information on the map on page XVIII-347A).
3. Development of rural residential homes would not remove agricultural land and would be buffered from agricultural

land to the west because of topography and a landing strip. (See USGS Topography Map in Appendix, Attachment V).

4. Development of area would be an extension of residential homes developed to the north and east, and thus compatible with the existing development pattern.

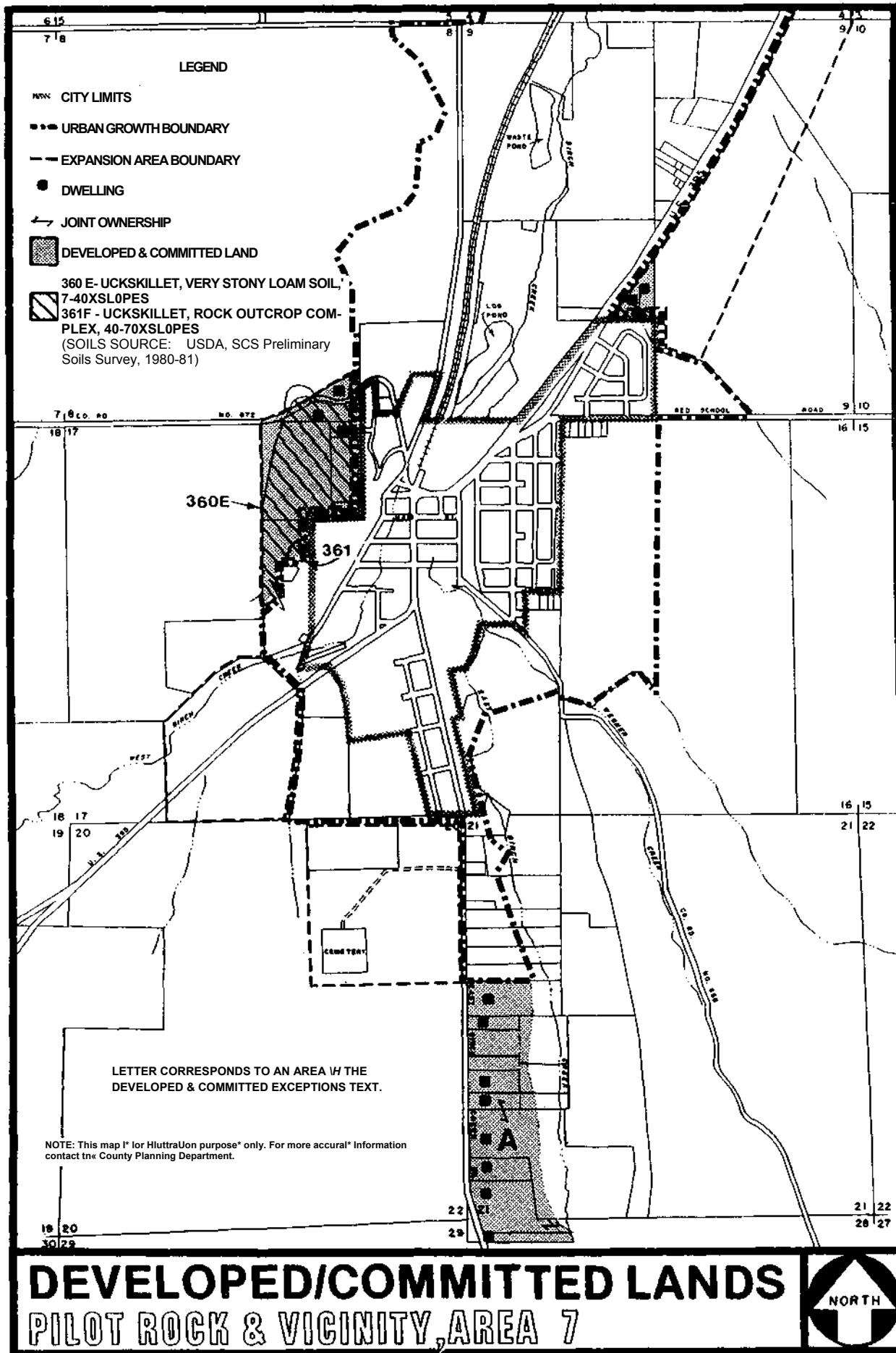
Description of Sub-Area B- An 11.5 acre portion separated topographically from a 45 acre tax lot is the only committed parcel within a nearly 60 acre area of "developed" rural residential exception. This sub-area and the subject committed parcel (parcel A on map page XVIII-347A) is located south and adjacent to the Pilot Rock Urban Growth Boundary in the Birch Creek Valley between East Birch Creek Road, and a bluff or bench over-looking East Birch Creek. The "committed" portion of the subject parcel has a home constructed on it and is in alfalfa. It lies between or adjacent to four other "developed" rural residential lots (\*7.8 acres, 5.2 acres, 13.51 acres and .72 acres respectively) with three of these parcels having dwellings. The committed portion is basically between the existing rural development on top of the bluff.

Findings and Conclusions of Commitment (Sub-Area B)

1. Committed parcel is bounded on two sides by other small lots, nearly full-developed rural residential parcels and homes and in the middle of a well-developed and established rural residential area, indicative of the predominance of non-farm development.
2. Home development on this small of an area (11 acres)

would basically be an infilling of and extension of rural residential development, thus compatible with the predominate use in this area.

3. The small number of homes possible (approximately four) will certainly not impact agricultural land to the west anymore than exists at present and is topographically separated from the hay and alfalfa field below the bluff.
4. The dominance of rural residential development and the associated potential conflicts and pressures exerted upon the bench area above the floodplain floor make it impractical to apply Goal #3 to this committed parcel.





EAST COUNTY DEVELOPED/COMMITTED RURAL RESIDENTIAL EXCEPTIONS The East County, with the apportionment of 5,500 rural population, includes an unusual, more densely-populated fruit production area north of Milton-Freewater and to a lesser degree along the Walla Walla River south of Milton-Freewater. Pressure for additional development precipitated a special 1978 study to complete comprehensive planning for the area north of town called the "Orchards District" prior to the 1983 County Comprehensive Plan compliance date.

The rationale establishing an Orchards District planning unit was based upon the need to respond rapidly to intensifying development pressures in a unique fruit-producing area. The district boundary was selected to encompass existing and potential fruit-producing cobbly loam soils and adjacent areas impacted similarly by the overall development pattern.

Applying a preliminary set of developed/committed criteria, it was noted that a significant number of properties qualified as non-farm parcels, and residences in the east side area and along Highway 11/Old Walla Walla Highway corridor. This development had occurred on the valley floor, with serious groundwater pollution resulting from the hundreds of septic tanks installed. Future residential development was therefore directed to two terraced areas, Tum-a-Lum Heights and Ferndale Heights, where the soils are less advantageous for fruit production and better suited to subsurface sewage disposal. Both were already developing residential areas and little of the land was under farm deferral.

Therefore, the preliminary set of developed/committed criteria in the Orchards District were modified slightly and applied to these two terraced areas as well as to a small stretch along the Walla Walla River south of Milton-Freewater, where land uses appeared to be non-farm in nature. Rural Residential Exceptions Explanation

It should be noted that since the November 1983 and March 1984 LCDC reviews of the Orchards District Plan, several major changes to the adopted developed/committed criteria of August 29, 1983 were required. The first change involves the modification and application of "developed lands" criteria #2 on next page. The change involves the elimination of the farm deferral requirement and to extend this criterion's application to several additional areas on the valley floor besides just the two terrace areas mentioned earlier. These changes were made for several reasons:

1. The farm deferral requirement in criterion #2 is not one that is listed or required in Oregon Administrative Rules or state land use laws indicating or proving substantial commitment to rural residential use, or for that matter agricultural uses.
2. This criterion had been used originally in a very site specific manner (on terraced areas only) in conjunction with the EFU-4 zoning assigned to mostly hobby farm, non-orchard areas within the valley bottom of the Orchards District in 1979. However, since the EFU-4 zone cannot be supported, LCDC had required the county to either

rezone the EFU-4 areas into EFU-10 zoning, or take an exception to all or parts of these EFU-4 zoned lands. In keeping with the overall policies of the 1979 Orchards District Plan as much as is possible, it is the county's intention to rezone a majority of the EFU-4 zoned areas into the EFU-10 zoning to protect the valley bottom groundwater aquifer. However, in several scattered locations in the non-orchard, small hobby farm areas of the Walla Walla Valley, a developed exceptions will be taken. Relevant facts showing that these small, scattered areas are no longer agricultural lands will be provided. Additional reasoning supporting the modifications to this criterion is explained below. This criterion will still be applied to specific areas as explained above and will not commit large vacant parcels adjacent to valuable resource parcels (in this case not next to orchards, but next to small scale pasture and alfalfa fields). Several new plan policies, along with a restricted "developed" exception, will assure that this limited and compact development pattern on the valley floor will remain as such. (A spread-out and growing development pattern on the valley floor was a pattern that the locally adopted Orchards District Plan of 1979 sought to avoid because of the serious groundwater pollution problems possible here).

The second major change regarding the August 1983 developed/committed criteria for the East County area is the elimination of all "committed lands" criteria. None of these criteria were approved by LCDC because they were too general, were not supported by site specific reasons, nor satisfied committed lands criteria in ORS 197.732 (1) (a) and (b) in OAR 660, Division 4. Therefore, the county has eliminated all the original "committed" criteria and will provide site specific findings required in the above statute and related administrative rule showing that Goal #3 (agriculture) requirements can no longer be practically applied to certain parcels or areas within the East County Rural Residential Exceptions areas.

Rural lands in the Orchards District and Walla Walla River areas are considered developed or committed to non-agricultural uses if they have the following characteristics: Developed Lands Criteria

1. Parcels less than two acres, with or without a dwelling when found within or adjacent to similar sized parcels:
  - A. This size was determined to be non-agricultural for most crops grown, not only because of the farm management problems encountered by the limited area, but also due to the presence of incompatible non-farm uses hindering commercial production of farm crops.
2. Parcels less than five acres with a dwelling; when located in a predominately non-orchard area where orcharding is impractical due to soil, climate, and other physical

constraints, when found next to or in association with other developed and committed lands and when predominately in single ownerships.

A. These sizes, especially when owned singularly, are not commercial agricultural sizes. Alfalfa hay and pastures require larger acreages (often 40 acres and larger) to make an adequate rate of return on investment, which is the dominate agricultural activity occurring outside of orcharding areas within the Orchards District. Testimony from area residents indicated that sizes approaching five acres with a dwelling would have about 1/2 to one acre in use for the dwelling and associated structures and about 3 1/2 to 4 acres in pasture or hay use. These are definitely hobby farm sizes, and their ability to become economical units is too severely limited when found within areas of small, individually owned, developed rural residential lands. 3. Residential portions of parcels when located between adjacent

developed rural residential parcels:

A. This criteria is rather self-explanatory except that this development pattern occurs most frequently in the East County area. The shapes and sizes of the lots are such that a larger lot may have a developed portion along a road with other small, non-farm developed lots on either side, but the back portion of the larger lot can be in farm use and not necessarily committed to a non-farm use.

Committed Lands Criteria

1. For other sized parcels and/or in different circumstances than that listed above, a detailed written report, and if appropriate, detailed mapping outlining applicable factors in OAR 660-04-028, will be provided to show substantial evidence of commitment.

Area: Terrace Rural Residential (Tum-a-Lum Terrace)

Total Acres: 394.7

Number of Parcels: 94

Average Parcel Size: 4.2 acres

Number of Dwellings: 88

Largest Parcel: 18 acres

Smallest Parcel: .20 acre

Findings and Conclusions:

1. Small, individually-owned parcel sizes place many of these lands into a non-resource category.
2. Large majority of parcels are occupied by a dwelling unit.
3. Area has good agricultural soils (Class II Irrigated), but small lot parcelization plus their terrace location (which is not frost-protected for fruit trees, the predominate agricultural enterprise in the area) stimulated rural residential development rather than agricultural activities. Almost all parcels do not qualify for and have not received farm deferral tax assessments.
4. Terrace location separates or helps to buffer this rural residential area from agricultural activity occurring on the valley floor. Infilling of remaining land for rural residential hoes should not create agriculture-home conflicts.
5. improved roads and utilities are available and soils are well-suited for septic tanks, all desirable situations for rural residential development.

Area: Ferndale Terrace Rural Residential (See map on page XVIII-365A)

Total Acres: 57.3

Number of Parcels: 21

Average Parcel Size: 2.7 acres

Number of Dwellings: 21

largest Parcel: 6.3 acres

Smallest Parcel: 1 acre

Possible New Dwellings: 8

Findings and Conclusions:

1. Small, individually-owned parcel sizes place most of these lands into a non-resource category.
2. Large majority of parcels are occupied by a dwelling unit.
3. Terrace location separates or helps to buffer this rural residential area from agricultural activities occurring on the valley flood. Infilling of remaining land for rural residential homes should not create agriculture-home conflicts.
4. Improved roads, utilities and services are available, and soils are well-suited for septic tanks, all desirable situations for rural residential development.
5. All but one parcel meets the developed criteria on page XVIII-351-352.



Additional Justification Required by LCDC Continuance Order (OAR-04-028)

The March 16, 1984, Continuance Order required the county to show why this terrace location and other relevant factors make it impractical to apply Goal #3. Most obvious is that almost every parcel is a developed rural residential lot; however, for the sake of one parcel that is classified "committed," a brief history and analysis of area will be made which shall lead to the conclusion that this parcel (parcel A) and the Ferndale Terrace as a whole can no longer be practically used for agriculture. A. History and Agricultural Impracticalities

The only possible crop of economic value to the area or landowners in the Walla Walla Valley on parcels of 9 acres or less is orcharding. Other agricultural activities normally found in the area are pasturing animals or growing alfalfa hay and seed. A letter from the local agricultural extension agent (see Attachment W in Appendix) testifies to the fact that such activities in the greater MiltonFreewater area should be at a minimum of 40 acres.

Orcharding requires the right types of soil, a protective location from frost, adequate irrigation supplies at reasonable costs, and parcel sizes allowing an economic return. All these qualities are found in the valley floor areas and not on terrace locations such as this area. Terraces have different soils (few rocks and stones which allow earlier fruit crops and corresponding higher prices which are the norm for valley bottom areas), are more exposed to cool or freezing air currents, and are costlier to

irrigate because water will have to be either pumped up to parcels or deep wells drilled to reach water—both methods involving prohibitively high costs. Lastly, the desired sizes for orcharding (over 10 acres) are not large enough on the Ferndale Terrace to allow adequate return on investments made.

What is said above can be substantiated by reviewing old airphotos of the area in 1939, 1955, and 1968. All show that orcharding has never been predominate here or even in the surrounding area. Since the 1955 freeze that killed many orchards in the Walla Walla Valley, only good areas were replanted where risks were least to be found. Other areas, like this area and surrounding land, had more wet soils, less rocks and more alkali soils. Many non-agricultural related homes with small pastures and hay fields tended to locate in these areas, especially where soils were conducive for septic tank disposal systems. This has been a trend, especially in the last 15 years, because development on the valley bottom has caused many concerns about the high water table and its quality. Terrace areas are the only areas where soils have good qualities to allow rural residential densities and permit a view of the valley.

Since 1955 to the early 1970's rural residential dwellings have been sited here because of the reasons discussed above. In 1972 and 1979 county plans have recognized this development pattern taking place. Since 1979 a few more homes and partitions have occurred representing the steady and continued rural residential development pattern. About six to eight more dwellings are

possible, based on the current zoning density and lot sizes found here.

The committed parcel mentioned earlier is 6.3 acres. It is bounded on two sides and partially on a third side by rural residential development. Also on two sides are paved county roads. A vacant single-family dwelling is located on the parcel. Consolidation of this parcel into adjacent resource parcels to the south and west is highly improbable due to its small size and potential incompatibilities involved with the adjacent rural residential development. The vacant house also takes up some of the small acreage, further reducing its size for agricultural use. The house would probably have to be torn down at too great of an expense to purchase the property for agricultural purposes. Utilities (electricity and phone) are on three sides of the Ferndale Terrace and are certainly capable of handling the limited additional development opportunities here. This limited development possibly also will not impact adjacent agricultural activities anymore than is present today.

Based upon all the facts presented above, a conclusion of developed/committed to rural residential use is proven. Applying Goal #3 to this area is no longer possible or practical.

Area: Tum-a-Lum Terrace Rural Residential (See map on page XVIII-365A)

Total 1 Acres: 394. 7

Number of Parcels: 94

Average Parcel Size: 4.2

Number of Dwellings: 88

Largest Parcel: 18 acres

Smallest Parcel: .2 acres

Possible New Dwellings: 40-45

Findings and Conclusions:

1. Small, individually-owned parcel sizes place many of these lands into a non-resource category.
2. Large majority of parcels are occupied by a non-farm dwelling unit.
3. Significant acreages were approved by LCDC as developed rural residential properties in its March 16, 1984 review of the county's plan.
4. Terrace location separates or helps to buffer this rural residential area from agricultural activities occurring on the valley floor. Infilling of remaining land for rural residential homes should not create agriculture home conflicts.
5. Improved roads, utilities, and services are available, and soils are well-suited for septic tanks, all desirable situations for rural residential development.

6. Updating and correcting some mapping errors shows that several small areas within the terrace meets the developed criteria on pages XVIII-351-352.
7. The remaining parcels will be justified as "committed" to rural residential use using criteria in OAR 660-04-028.

Committed Justification

Location. The Tum-a-Lum Terrace Rural Residential Area is located approximately four miles north of Milton-Freewater near the Oregon-Washington state border. See map on page XVIII-365A) . It is also located approximately the same distance (four or five miles) to Walla Walla, Washington to the north. Most of the area under review is between the Walla Walla River and east side of State Highway 11. There are about 40 acres that lie on the west side of Highway 11 in the extreme northwest corner of the terrace. (Grandview Sub-area)

A. Description and History of Area - The Tum-a-Lum Terrace comprises 460-500 acres running from about the Tum-a-Lum School near its south tip to the Stateline Seventh-Day Adventist Church on the northern end. Over 400 acres are comprised of rural residential/hobby farm uses with the remaining 60-100 acres being commercial, agri-business, or industrial uses. Before the 1940's the area was basically a rural agricultural area, growing wheat and alfalfa along with some pastures and a few orchards. Commercial orcharding never could get established here for the same reasons explained in the Ferndale Terrace exceptions. Because Tum-a-Lum Terrace was

located between Milton Freewater and Walla Walla in the middle of the beautiful Walla Walla Valley, many began to build rural homes within easy commuting distance to these towns' services. Rural residential home construction here was stimulated also by the construction of Highway 11 in 1947, connecting Walla Walla and Milton-Freewater. Steady rural residential growth and business development continued through the 1950's, 1960's, and early 1970's. The County's 1972 Comprehensive Plan, developed under Senate Bill 10 laws, recognized this area as a developing rural residential community. The Orchards District Plan, adopted in 1979 and using the state land use planning goals, attempted to reaffirm the existing development pattern of rural residential inter-mixed with commercial and agricultural business uses.

Since 1979 to the present (August 1984), there has been a steady growth of rural residential land partitions and home development in the Tum-a-Lum Terrace area, based upon the County's findings that this area was a developed or irrevocably committed area to a non-resource use. While there are a few small remaining pastures, wheat and field crop parcels, the area is considered a rural residential community.

Public Facilities and Services - The Tum-a-Lum Terrace area is served very well by state and county roads. The bulk of the rural residential area uses Tum-a-Lum Road, a two-lane, paved county road. Several other paved county roads also provide excellent access here—Ballou and Stateline Roads. State

Highway 11 to a lesser degree serves some of the rural residential parcels. Private and individual septic tank disposal systems and wells serve the existing developments' sanitation and water supply needs. Full service electrical and telephone utilities are easily available to all areas with extra-capacity capabilities. Tum-a-Lum Grade School is only an 1/8 of a mile from the south tip of the terrace, having excess capacity for additional students (see Public Facilities Review). Milton-Freewater High School in Milton-Freewater serves the region's higher grade educational needs with additional capacity to handle the projected growth. Fire protection is readily available by contract from the Milton-Freewater Rural Fire District, whose station on Eastside Road only 1 1/2 miles to the south, provides a very direct and quick response time capability. Police protection is provided by both the State Police and Umatilla County Sheriff Departments stationed at Milton-Freewater.

Boundary Description and Adjacent Land Use Analysis - The Tum-a-Lum Terrace can be divided into two distinct sub-areas- (1) The Grandview Tracts area east of Highway 11; and (2) The Tum-a-Lum Heights area east of Highway 11. Separate descriptions and findings of commitment will be discussed under these two sub-area headings that follow: 1. Grandview Tracts - Topography differences form the

boundaries on the south and west sides of this sub-area.

The terrace edge is located here. The north boundary is

the Washington Stateline and the east boundary is Highway 11. Adjacent land uses below the terrace on the southwest and south edges are several wheat fields of 40, 40 and 28 acres. Along the northwest border of the Grandview Tracts sub-area is a 16 acre parcel, half in alfalfa and the other half in permanent pasture. On the east side are several existing businesses and a future gas and oil storage facility along Highway 11. North of this sub-area in Walla Walla County are several small wheat fields and a few rural residential homes. Long-range development plans here according to the Walla Walla Comprehensive Plan are for rural residential development at one and two acre densities. Present zoning reflects an interim use which has a 10 acre minimum lot size and permits a combination of agricultural and rural residential uses.

The Grandview sub-area contains two parcels that fall into the definition of committed lands. These two parcels labeled A and B on map referenced earlier are large enough to permit additional dwellings. The present two acre density could permit only four to seven new dwellings. One parcel is 15.4 acres; and the other is 8.5 acres and is under different ownerships. Current use of these two parcels involve a mixture of dryland wheat and permanent pasture. Most of the land is in wheat production. The two parcels have a sloping



topography with a drainage gully running west to east in the southern portions of these properties.

The long-term use of these two parcels for agricultural purposes is considered impractical for many reasons. First of all, orcharding and row crops are not practical here because of the small sizes and little consolidation possibilities to comprise economic units. An area extension agent has testified by letter (Attachment W in Appendix) that row crops require at least 20 acres and usually more to provide reasonable returns on investment. The two parcels together only total 23 acres. Both parcels are large enough for orcharding but do not possess the desired soils, water and protection aspect found on valley bottom lands nearer to Milton-Freewater. More importantly than the size issue is the incompatibility aspect of operating intensive crops with their herbicide and fertilizer application requirements in an area surrounded by rural residential homes, a church and business uses. Such would be the case in the Grandview Sub-area if row crops or orcharding were tried. Secondly, the continued wheat and permanent pasture uses on parcels of this size are impractical also because the sizes are so uneconomical, lack consolidation opportunities, and eventually will give way to the predominate rural residential use

occurring now and planned to occur in the immediate area and north in Walla Walla County.

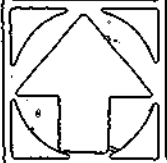
The limited development opportunities, the natural boundary separating farm uses from residential homes and the predominate rural residential pattern now in place here will certainly permit new residential development. Roads and services can most certainly handle the small number of additional homes permitted through zoning laws. Infill of rural residential housing will also fit into the overall future planning in Walla Walla County immediately across the stateline.

Conclusion- Based upon the above facts and analysis, a conclusion of rural residential development and commitment clearly shows that the application of Goal #3 can no longer be applied to the Grandview sub-area.

2. Tum-a-Lum Heights- The boundary description and adjacent land use analysis for Tum-a-Lum Heights Terrace sub-area is as follows:

- a. West-Highway 11 which is mostly business and rural residential uses on the west side of the highway;
- b. South-The terrace bluff serves as the boundary between this rural residential area and agricultural uses. Agricultural zoning below the bluff on the valley floor reflects existing pastures having rather small sizes of 4 and 15 acres and also several small hobby farms.

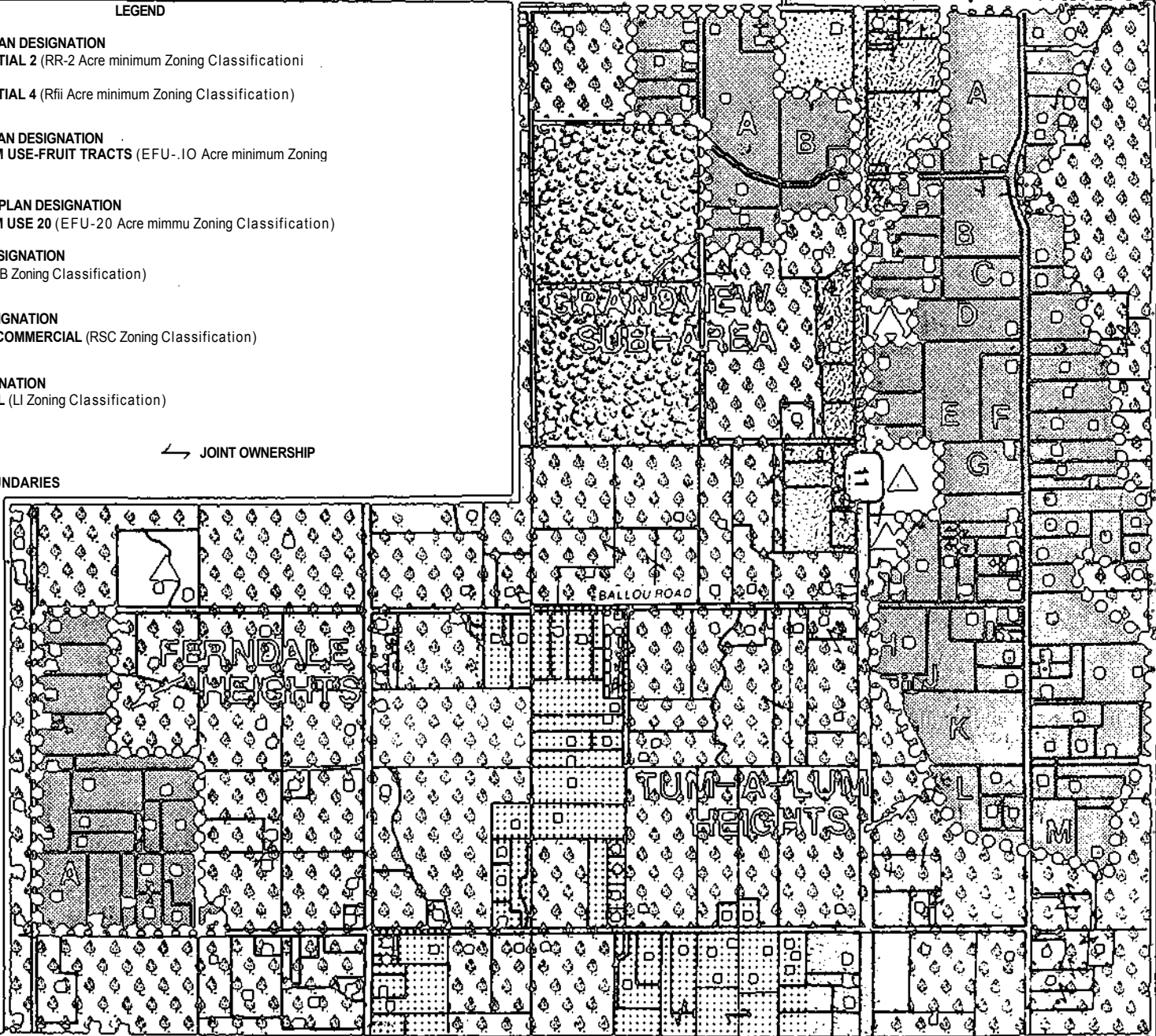
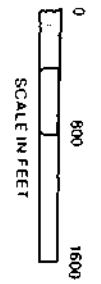
# DEVELOPED & COMMITTED LAND ORCHARDS DISTRICT



### LEGEND

- RURAL RESIDENTIAL PLAN DESIGNATION**
- RURAL RESIDENTIAL 2 (RR-2 Acre minimum Zoning Classification)
  - RURAL RESIDENTIAL 4 (Rfii Acre minimum Zoning Classification)
- ORCHARDS DISTRICT PLAN DESIGNATION**
- EXCLUSIVE FARM USE-FRUIT TRACTS (EFU-.10 Acre minimum Zoning Classification)
- SPECIAL AGRICULTURE PLAN DESIGNATION**
- EXCLUSIVE FARM USE 20 (EFU-20 Acre minimum Zoning Classification)
- AGRIBUSINESS PLAN DESIGNATION**
- AGRIBUSINESS (AB Zoning Classification)
- COMMERCIAL PLAN DESIGNATION**
- RETAIL SERVICE COMMERCIAL (RSC Zoning Classification)
- INDUSTRIAL PLAN DESIGNATION**
- LIGHT INDUSTRIAL (LI Zoning Classification)
- DWELLING
- JOINT OWNERSHIP
- SUB-AREA BOUNDARIES

Letters correspond to areas in the Developed and Committed Exceptions text.



- c. East-The 100-year floodplain boundary and terrace bluff both act as the east border of the sub-area. Most of the area between the 100-year floodplain line and the Walla Walla River is permanent open space/river vegetation. Inter-dispersed are some small permanent pastures varying in size from two to eight acres. The real border is the Walla Walla River and is the most effective barrier between the large irrigated and dryland wheat fields to the east.
- d. North-The north boundary is the Washington-Oregon border. On the Washington side are several small pastures and rural residential homes. A slope difference also occurs here somewhat buffering this area from the land uses on the Oregon side.

There are about 15 parcels that can be categorized as committed with the ability to allow additional housing. There are about ten other parcels with portions above and below the terrace bluff whose acreage above in the rural residential area is either too small or already occupied to permit any additional development. These parcels shall be considered "developed."

Review of the committed parcels can be accomplished in four sub-area analyses below:

A. DeMotts Property - Area consists of two parcels in common ownerships, parcels A and B (see pg. XVIII-375A) . Total acreage is nearly 29 acres—one parcel about 19 acres and the other about 10 acres. The property is located just south of the stateline on the west side of Tum-a-Lum Road. The land has been approved for a subdivision in April 1984, when the County gave preliminary plat approval. Site specific findings of rural residential commitment are largely based on owner and other expert testimony. These findings are found in Attachment X of the Appendix.

However, DLCD did not approve of these findings in their acknowledgement report of February 21, 1985. DLCD said that the justification was based mostly on agricultural difficulties (e.g. soil and climatic conditions) and thus not substantial evidence as required in OAR 660-04-028. The County has been given the option to rezone the property to a resource use or present additional findings consistent with OAR 660, Division 4, that will constitute substantial evidence. The following additional facts are presented to show substantial evidence of this property's commitment to non-agricultural uses.

Adjacent, incompatible land uses provide another compelling reason making the application of Goal #3 to parcels A & B on the map on page XVIII-375A impractical. A review of adjacent land uses land uses will confirm this:

1. North boundary- Stateline Road, a paved county road, forms the north border of parcels A and B (the DeMott's property). North of this road, in Walla Walla County, Washington, are four small, non-farm parcels with four rural residential homes to the northwest of the DeMott's parcel (the largest property is 5.2 acres) . A 12.7 acre parcel with two homes is immediately east of these properties which borders on the northeast corner of the DeMott's property. A 1.48 acre parcel directly across from DeMotts land has a recently improved gravel access road and incidental excavation indicating a potential new dwelling to be sited here.
2. East boundary- Six parcels with four dwellings and several small but well buffered portions of a larger lot of 20 acres (half of which is in the 100-year floodplain and separated by a bluff) border the DeMott's land. A 1.8 and a two acre parcel are vacant.
3. South border- Two more developed parcels of 4.8 acres and 2.1 acres, both with dwellings, are found along the south DeMott's property line.
4. West- A series of four small parcels ranging in sizes from .9 acres abut the southwest corner of the subject property. There are six dwellings here, three of which are on the largest parcel (3.25

acre). While not immediately adjacent to the subject parcel, but in this same area, a doctor's office and another rural residential dwelling on less than a 1/2 acre add to the non-farm use predominance. A vacant 8.5 acre committed commercial parcel, previously approved by LCDC, lies just to the north of the non-farm uses just discussed. North of this parcel is another partially developed commercial property of 5.3 acres. The west half is a commercial nursery outlet. The east half is undeveloped. North of this parcel are several other developed commercial parcels and a dwelling. Existing businesses include a gas station and a woodstove sales outlet.

The above extensive parcelization and land use analysis clearly shows the dominance of incompatible, rural residential uses existing immediately adjacent to or within the very near vicinity of the DeMotts property on all sides. Fourteen rural residential dwellings border on portions of all four sides. An additional nine dwellings are in the near vicinity. A total of 20 small, rural residential parcels surround this property, of which 18 are individually owned. While the three commercial businesses are not immediately adjacent to the DeMotts land, there eventually will be similar incompatible commercial uses on the immediate border on

undeveloped and previously acknowledged committed commercial parcels directly to the west. Overall, there are just too many interferences with the adjacent incompatible rural residential homes and businesses that make short and long-term agricultural use impractical.

The extensive parcelization and development pattern above has occurred steadily over a period of years to where finally it has become difficult and no longer practical to farm the DeMotts' land. The maps on pages XVTHI-375A and 379A following page show that there has been a progressive and steady residential land division development pattern occurring on all four sides of the subject property. A description of this progression is as follows:

- a. To the southwest, significant rural residential related parcelization occurred between 1972-1978. It was during this period that the County first regulated land uses and compiled records of development under planning laws prior to statewide land use goals. Since the County recognized the Tum-a-Lum Heights area as a rural hobby farming area, it was zoned in 1972 for rural residential uses with a two acre minimum lot size. As a consequence, two 2 acre divisions occurred on the west side of Parcel B and Highway 11. Two new dwellings were developed on these divisions, plus



a dwelling was constructed on one of the vacant remainder portions during the 1972-79 time period. A one acre division also occurred in this area in 1974 for a commercial use (doctor's office) fronting Highway 11.

- b. On the west side of Parcel A (Demotts\*) several commercial land divisions and sales took place. One in 1978 resulted in the ownership transfer of a commercial business (woodstove sales) on a 0.6 acre lot. The other division (in 1982) was a result of securing ownership of an existing commercial nursery from an adjacent ownership to the north of it. This nursery was started in 1973 and has expanded several times which now encompasses the west half of this 5.3 acre parcel.
- c. Several non-farm related divisions have occurred along Parcel A's east property line. In 1979 an existing home and adjoining yard area (5.06 acres) was divided off and sold, leaving a currently vacant two acre parcel. Directly south, almost the same parcelization pattern occurred in 1981. However, a new rural residential dwelling was constructed on the larger parcel having enough area to accommodate the two acre per dwelling density requirement.

- d. Obtaining parcelization and development information to the north of Parcel A on the Washington State side has been partially successful. Actual lot lines and acreage data was secured from Walla Walla County officials, but land use information, partitioning dates and dwelling construction or placement records were not readily available. However, field inspections do indicate that a new dwelling on a probable recent partition is being developed directly north of Parcel A. The remainder of the parcels and homes across the stateline appear to have occurred in the 1960's or early 1970's, judging by the homestyles.

It is very evident that the above sequential rural residential development and division pattern has negatively impacted the usual and normal farming activities that occur on the DeMotts property in a similar manner as described in other Orchard District exception areas. A significant agricultural difficulty is the application of herbicides and pesticides that is inherent with intensive agricultural crops like onions or orcharding when such activities are near rural residences or similar non-farm uses. Only these two common area crop types would be practical under normal farming conditions on such small acreages; however, the drifting of these chemicals can and has killed or damaged gardens, flowers, and trees of rural residents in the Milton-Freewater area. Rural residents nearby surround Mr. DeMotts' land. This particular

problem is highlighted in this area by letters from adjacent landowners, which are included in Attachment X of the Appendix. One owner has a commercial nursery business and has been very concerned by the use of herbicides and pesticides and their potential destructive damage upon his sensitive shrubs, trees, and other nursery stock. This nursery is oriented towards urban and rural homeowners rather than agri-related. Nursery stock is brought in for sale from a wholesaler rather than growing it on the site. The nursery is located along Highway 11 next to other existing commercial uses to take advantage of the retail trade from motorists traveling between Milton-Freewater and Walla Walla. Most of the nursery stock is for rural and urban dwellers for landscaping and of an ornamental nature. In other words, the nursery's stock is of the same type used by non-farm residents similar to those adjacent to the DeMotts property whose shrubs, gardens, and flowers are susceptible to damage from agricultural practices.

Other existing and potential incompatible agricultural activities associated with typical farming practices in the area are farm equipment noise problems, odd hour working conflicts (e.g. wind machines, smudge pot activities) and the normal irritations and complaints of non-farm residents about dust from farming practices covering their yard, flowers, cars and buildings. Complaints such as these, including pesticide and chemical drift problems, very often bring expensive and potentially economically

devastating lawsuits upon farmers. This is the situation with the DeMott's property where long-term agricultural use is impractical.

### Overall Summary

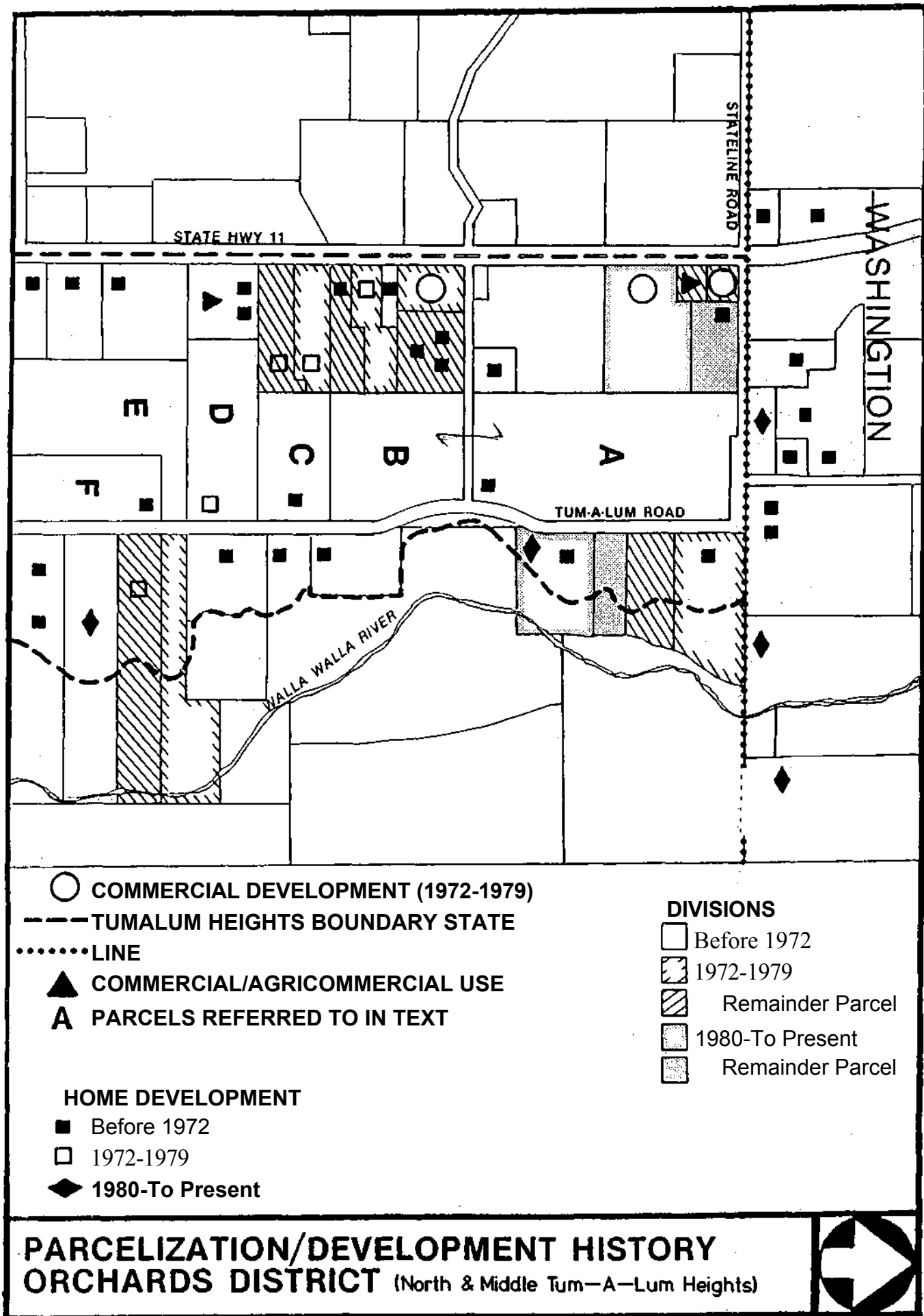
The findings presented in Attachment X in the Appendix (showing many physiographic and economic resource impracticalities), evidence of the long-standing and continuing perception of the Tum-a-Lum area as rural residential, along with the above parcelization history, ownership and other land use incompatibility factors, provides substantial evidence that the DeMotts<sup>1</sup> property (parcels A & B on the map XVIII-375A) is irrevocably committed to non-resource uses, and therefore an exception to Goal #3 is justifiable.

B. Middle Tum-a-Lum Heights - This area consists of a series of five parcels ranging in size from 4.8 acres to 9.8 acres (parcels C, D, E, and F on map, page XVIII-375A and parcel G on map, page XVIII-379A. Three of these parcels are horse pastures, with rural residential homes constructed on them. The other two parcels (C and F) are both 4.8 acres. One is a horse pasture, and the other is a small cultivated field. Both properties C and F have dwellings located on them.

Continued, long-term agricultural use of these committed parcels is impractical for several reasons. The orcharding or row crops of these parcels are either too hilly, wet and/or small to be economical units for most agricultural activities typically engaged in the area. Again, the extension agent's letter says these sizes are not economical for row crops (20 acres) or even

orcharding (10 acres). There would also be too many interferences with the adjacent incompatible rural residential homes to the west and south recognized as "developed" by LCDC. Along the east side of these committed parcels are also rural residential homes of which most are "developed" portions above the bluff. They are downwind of the subject committed parcels and the most likely source of complaints. Also, north (making a complete development ring around these parcels) is the proposed subdivisions on the DeMotts property, and additional incompatibility possibility. Lastly, there is virtually no chance of consolidating these parcels because of the individual ownerships with expensive home improvements.

C. Southwest Tum-a-Lum - Again, small parcel sizes, incompatibilities, and in several instances irregular shapes of land, preclude long-term economic use for agricultural purposes in the sub-area. There are five lots (H through L) ranging in sizes from one to 16 acres and are shown on the map on page XVIII-379A. All parcels except parcel H are in improved or unimproved pastures. Parcel H (5.3 acres) has a 3.5 acre orchard on it. Basically, the "developed" rural residential lots to the north, east and south create too many uncertainties for any intensive agricultural practices (e.g. spraying, fertilizer application, land consolidation opportunities) that would have to locate here to make any reasonable return on such small-sized parcels. The sub-area is really better suited for rural



residential infilling. Such infilling would be buffered away from the valley bottom small pastures because of the topographic differences.

Several small portions of the Tum-a-Lum Heights exception were not recommended by DLCD in their February 21, 1985, acknowledgement report. In particular, two parcels (K and L on the map on page XVIII-379A) within the southwest Tum-a-Lum subdistrict failed to meet exception requirements. The IOTC statement suggested that the County could either amend the plan and zoning of these two parcels into an appropriate agricultural plan and zoning scheme, or provide additional findings that would conclusively show substantial evidence of non-resource commitment. The County has maintained that non-resource commitment factors do exist and have been presented, but will provide a more detailed presentation of the facts showing why Goal #3 cannot be practically applied to parcels K and L in the southwest Tum-a-Lum area. Additional Justification

An area review of the development history and the encircling adjacent incompatible land uses will substantiate a non-resource commitment for the above two subject parcels. A verbal description of this non-resource development pattern is as follows (see map on page XVIII-375A for visual guide):

1. The Tum-a-Lum Heights area was and has been developing as a rural residential area long before state-mandated land use planning. Maps on the pages XVIII-375A and 379A pictorially show that there was significant small

parcelization and rural residential home development prior to 1972. The County's first planning effort in the early 1970's recognized the existing overall rural residential character and the residents' perception of Tum-a-Lum Heights as a desirable and predominately rural home area, mixed and associated with small hobby farms. A two acre rural residential zone was placed upon the Tum-a-Lum area along with a residential plan designated in July of 1972.

2. Further population increases in the 1970's along with complimentary planning and zoning directives stimulated further rural residential infilling and development. From 1972 to 1979 (prior to statewide planning goals and detailed finding requirements for partitioning and development approvals) , a significant amount of small lot partitioning and overall rural residential development occurred throughout the entire Tum-a-Lum area, and specifically adjacent to or in the immediate vicinity of subject parcels K and L.

A detailed description of adjacent incompatible land uses and a further discussion of the progressive nature of this development adjacent to parcels K and L is as follows:

- a. North - Three small, rural residential lots with two rural residential dwellings immediately border parcel K. (See map on page XVIII-379A) . The

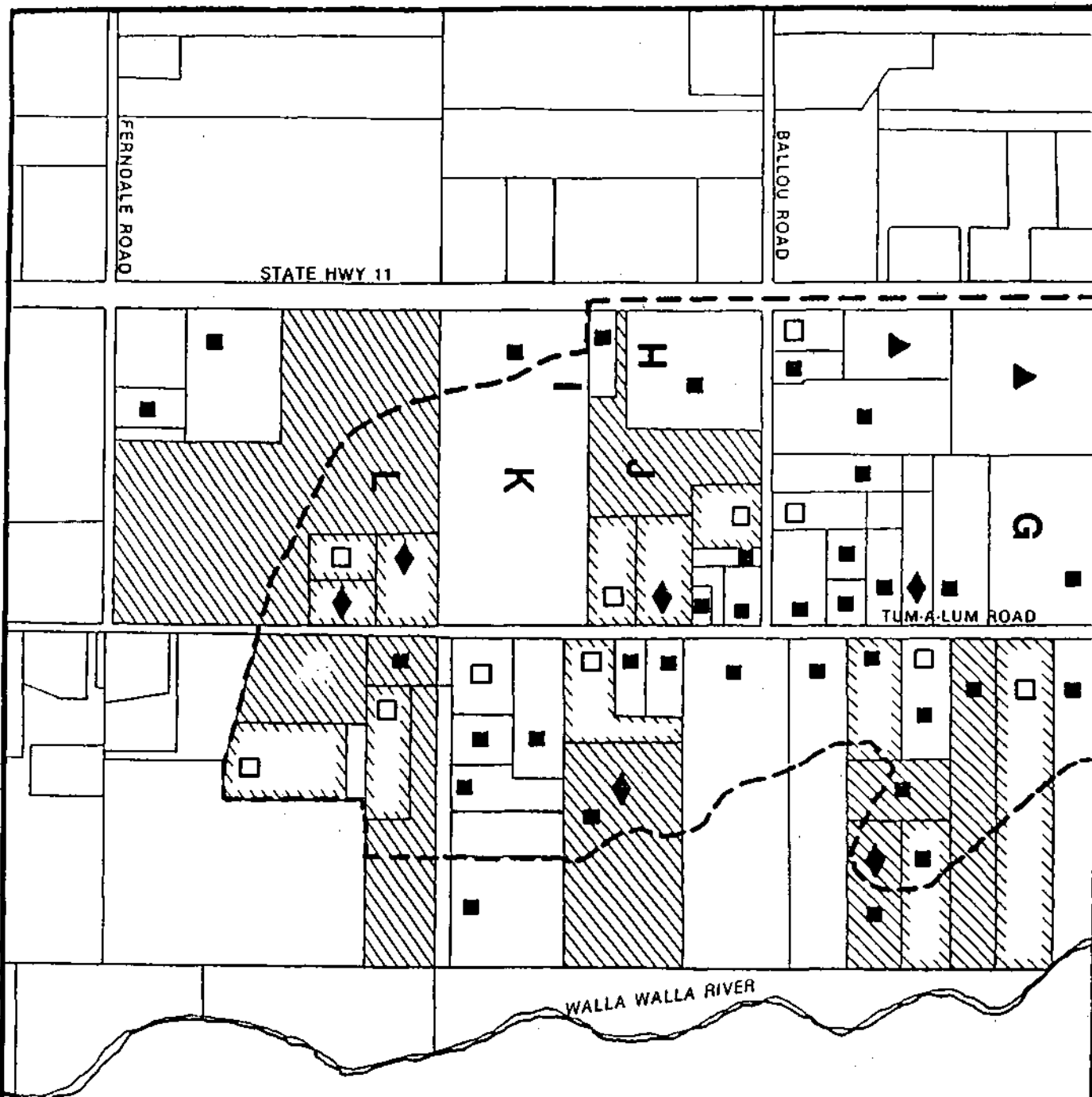


dwellings are on one and two acre lots. A 4.6 acre pasture (directly to the north) approved as committed is void of home development at present. The dwelling on the two acre tract was constructed during the above-mentioned 1972-79 period and was partitioned off the 4.5 acre parcel. Two other acre lots were divided off this same parcel to the northeast with one rural residential dwelling unit in 1978 and the other rural residential home in 1981. Both of these lots and dwellings are in the near vicinity of parcel K and do contribute to the overall rural residential impacts upon it. b. East - East of parcel K (10 acres) are four small rural residential lots with four dwellings. One of these parcels (two acres) was partitioned between 1972-1979. The other three parcels pre-dated 1972 and are 2.5, 1.6, and 1.3 acres. Two of the four dwellings were constructed during the 1972-79 period—one of the pre-1972 lot, while the other dwelling was developed on the above mentioned two acre parcel divided prior to 1979. East of parcel L (six acres) that is also the subject of this committed exceptions are three two acre lots. One lot was partitioned in 1977, the other two in 1978. One rural residential dwelling was constructed in 1977, one home in 1980, and the last one in 1983. It

must be noted that one of these lots and a rural residential dwelling borders on one-half of the south property line of subject parcel K which further highlights the fact that parcel K has individually owned, rural residential parcels and homes on nearly three sides.

c. South and West - South of subject parcel L (6-7 acres) is the remaining 23 acre portion of parcel L which is below and separated by a 35 and 50 foot bluff and creek also separate parcel K from its remaining six acre portion to the west, also on the valley floor. Both of these remaining portions are completely different in nature and are isolated from subject committed parcels K and L because they are on the valley floor, have high water tables, different soils, and thereby have totally contrasting land use histories and activities. These separated parcels on the valley floor are in small pastures. Parcel K has been intermittently cropped in the last five years, whereas parcel L has not been cropped or used for farming purposes for the last three to four years.

3. The above parcelization/development pattern chronology rather pointedly shows the significant presence of existing incompatible rural residential uses within or very near to parcels K and L. All together, there are



- TUM-A-LUM HEIGHTS BOUNDARY
- ..... STATE LINE
- ▲ AGRICOMMERCIAL USE PARCELS
- A REFERRED TO IN TEXT

- DIVISIONS**
- Before 1972
  - ▨ 1972-1979
  - ▩ Remainder Parcel

- HOME DEVELOPMENT**
- Before 1972
  - 1972-1979
  - ◆ 1980-To Present

XVIII-379A

**PARCELIZATION/DEVELOPMENT HISTORY**  
**ORCHARDS DISTRICT (S.W. & East Tum-A-Lum Heights)**



11 small lots (mostly two acre lots and none over five acres), individually owned, with ten rural residential homes on them that immediately border these subject parcels. This development pattern has occurred steadily over the past 10 to 15 years. It has become very difficult and impractical in the last (10) years to farm these two parcels due in part to interferences with adjacent rural residential development. Specific interferences are documented in a letter by the present owner which included in Attachment #6 (in Appendix). These interferences may seem minor; nevertheless, they are significant enough to frustrate efforts in making a profitable return. This is especially the case with the mentioned trespass experiences. 4. Other compelling factors showing that parcels K and Lean no longer be practically farmed include their noncommercial size, isolation from other farmland, and in the case of parcel L irregular shape—all of which restricts or eliminates logical consolidation possibilities. Parcel L is very irregularly shape and about six to seven acres in size. Only about four acres of this parcel is fairly level, having a long history of pasture use due to the small size. The other two acres are the slope part. No crops in the greater Milton-Freewater area can be economically grown on this size of ground (see Attachment X in Appendix) . This is

especially true if the adjacent land uses are non-farm in nature (rural residential, commercial, industrial uses) and where expensive and intensive row crops (e.g. onion, berries) and fruit orchards (the only crop types with realistic monetary returns) are contemplated. There are no other agricultural lands above the bluff on Tum-a-Lum Heights to consolidate parcel L with the exception of parcel K. This consolidation would still not create a viable agricultural unit for several reasons. First, the existing adjacent difficulties documented earlier. Second, the total size of consolidation would be about 16 acres, still too small for most all commercial farming activities in the Orchards District region. Again, the high cost and extreme risk of preparing the land for money returning crops in a predominately rural residential area is unrealistic. Third, the land and narrow shape and sloping nature of parcel L would not add any desirable physical qualities for farming, whether in combination with parcel K or on an individual basis. Likewise, parcel K (10 acres) is an uneconomical size. This fact is very well documented in the owner's letter (Attachment #6-See in Appendix). 5. Another fact regarding the consolidation issue is that it must be understood that parcels K and L have not been successfully farmed as a single unit with the remaining parent tracts on the valley floor for a significant

period of years. As earlier and generally mentioned, parcels K and L are separated from adjacent lands to the south and west on the valley floor by a bluff of variable heights which does not show up dramatically on available USGS maps. Nevertheless, there is a topographic difference which has and does effectively isolate the land use activities of Tum-a-Lum Heights and the Walla Walla Valley Floor. There are virtually no reasonable consolidation possibilities, including the combination of both parcels K and L, and even the entire consolidation with the remainder portions on the valley floor. 6. Rural residential development that would take place on parcels K and L would be incidental infilling and thus compatible. The additional six to eight dwellings possible would blend in with and be on the same topographic level as the ten existing dwellings in the immediate vicinity of Tum-a-Lum Heights. Viewed another way, this potential development would be buffered topographically from valley floor lands by the bluff, as is the present rural residential development next to parcels K and L. The additional development on parcels K and L could be easily accommodated because the major access road is paved, soil conditions for septic tanks are excellent, and groundwater supplies appear stable and in good supply. Other public services and facilities

available can also easily handle the potential infilling (see pages XVIII-361, 362 for a more detailed explanation regarding availability and capacity of area services and facilities).

### Conclusion

Compelling facts concerning resource impracticalities, rural residential neighborhood characteristics, and land use compatibility issues pertinent to taking an exception have been fully presented above. The County concludes that the exception is warranted.

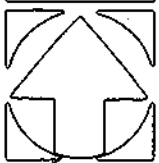
D. East Tum-a-Lum - Committed parcels in this sub-area are mostly small portions of lots that are above the terrace bluff overlooking the Walla Walla River floodplain. (Parcel east of Tum-a-Lum Road). The largest size in this category is seven acres, with several other parcels just under five acres. (As noted earlier, inter-dispersed among these committed parcels are "developed" rural residential homesite on parcels of about two to three acres) . All but one of the committed parcels (about five lots) have dwellings on them. Several of these lots are in pasture. Small lot sizes, individual ownerships, residential improvements and adjacent incompatible land uses eliminate or make impractical agricultural use of the committed parcels in this area. Discussion of these impracticalities has been previously elaborated upon in other Tum-a-Lum Heights sub-area reviews. With only about six to eight new dwellings possible here, the impacts upon facilities

and services will certainly not be of any significance. The remaining development that is possible would be infilling, and again buffered away from adjacent agricultural activities because of the topography difference. (See map on page XVIII-379A).

Based upon the facts discussed above, all sub-areas in the Tum-a-Lum Heights area are either developed or committed to rural residential use, and this extensive development pattern effectively precludes the application of Goal #3 to these lands.



# DEVELOPED & COMMITTED LAND ORCHARDS DISTRICT



### LEGEND

#### RURAL RESIDENTIAL PLAN DESIGNATION

RURAL RESIDENTIAL 2 (RR-2 Acre minimum Zoning Classification)

RURAL RESIDENTIAL 4 (RR-4 Acre minimum Zoning Classification)

#### ORCHARDS DISTRICT PLAN DESIGNATION

EXCLUSIVE FARM USE-FRUIT TRACTS (EFU-10 Acre minimum Zoning Classification)

#### SPECIAL AGRICULTURE PLAN DESIGNATION

EXCLUSIVE FARM USE 20 (EFU-20 Acre minimum Zoning Classification)

#### AGRIBUSINESS PLAN DESIGNATION

AGRIBUSINESS (AB Zoning Classification)

#### COMMERCIAL PLAN DESIGNATION

RETAIL SERVICE COMMERCIAL (RSC Zoning Classification)

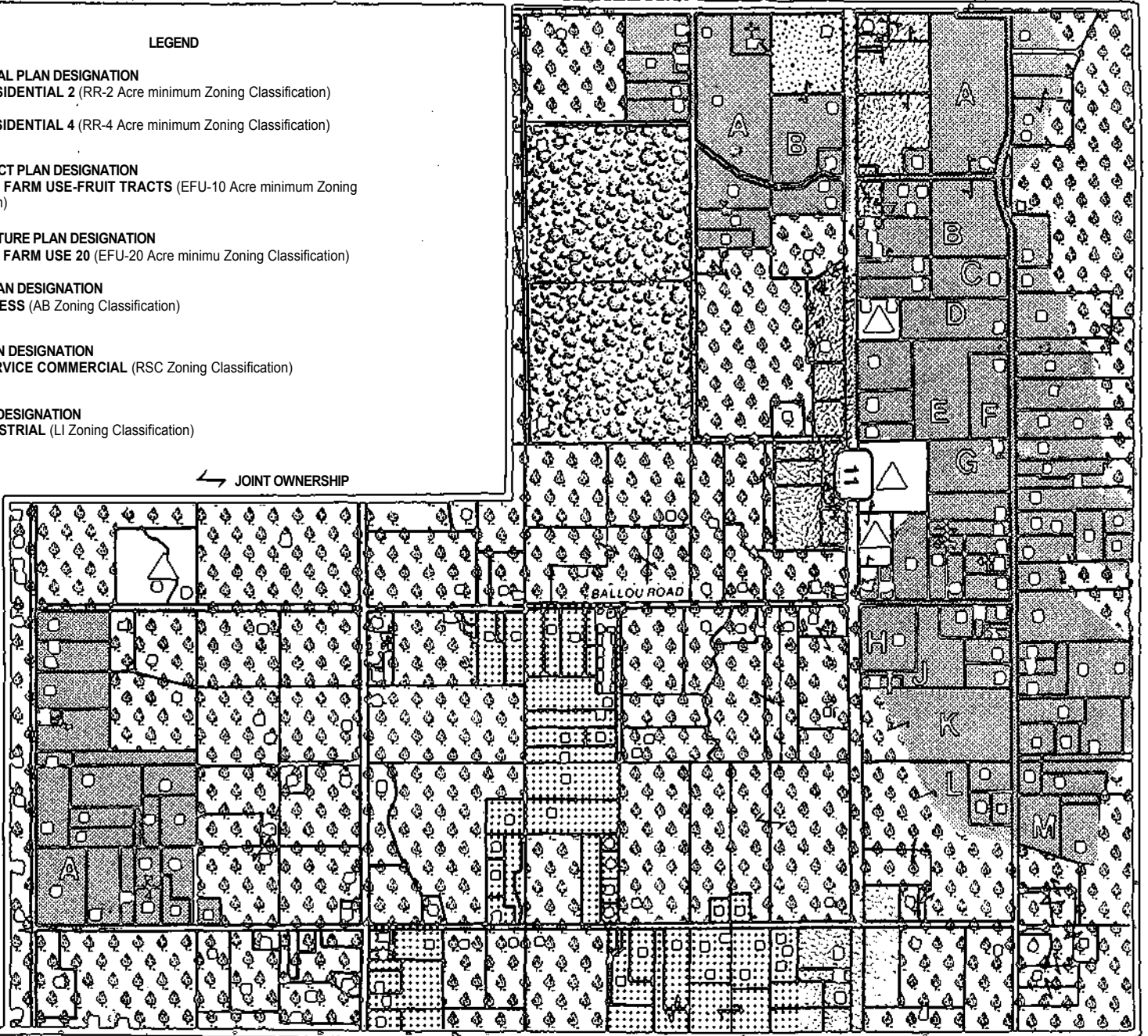
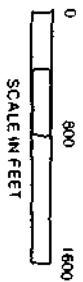
#### INDUSTRIAL PLAN DESIGNATION

LIGHT INDUSTRIAL (LI Zoning Classification)

DWELLING

JOINT OWNERSHIP

Letters correspond to areas in the Developed and Committed Exceptions text.



Area: Walla Walla River Rural Residential (See map, page XVIII-386A)

Total Acres: 130

Number of parcels: 58

Average Parcel Size: 2.2 acres

Number of Dwellings: 45

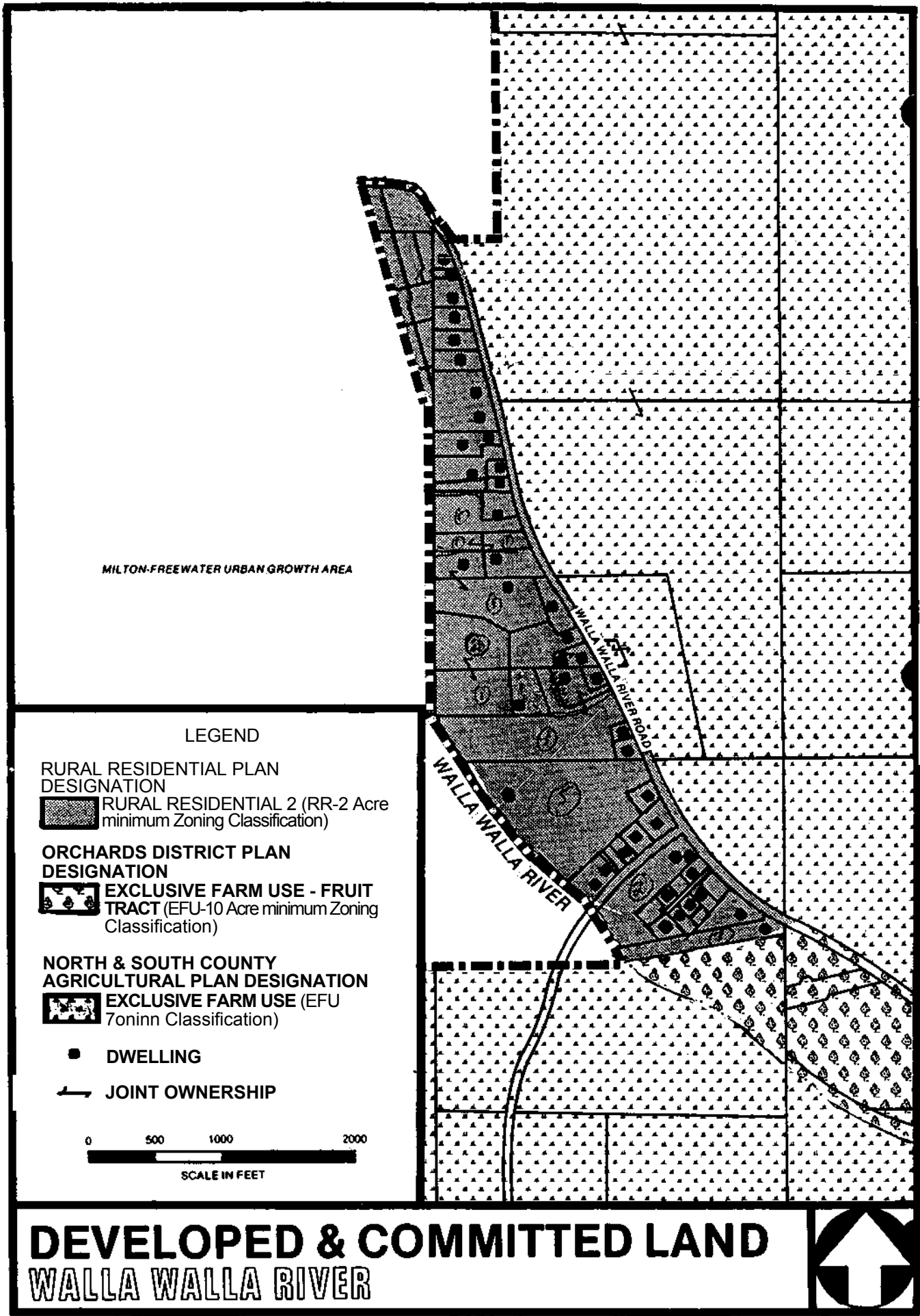
Largest Parcel: 13 acres

Smallest Parcel: .29 acres

Findings and Conclusions:

1. Classified as committed/developed for non-resource uses on basis of extent of small, mostly individually-owned parcelization.
2. About 75% of parcels are occupied by a non-resource dwelling, further evidence of rural residential development.
3. Although soil capabilities for agriculture are good (Class III) , most of the land has been cut up and developed into rural residential-hobby farms where conversion back into commercial operations is now virtually impossible.
4. Majority of parcels are neither receiving nor qualifying for farm deferral. There are several small orchards receiving farm deferral, but they are bounded on three sides by other developed/committed lands. Their continued preservation and protection by exclusive farm use zoning is not warranted in light of the mounting conflicts with existing non-agricultural uses surrounding them.

5. Area is located near other non-farm uses; in particular, lands in the Milton-Freewater Urban Growth Boundary to the north.
6. Steep slopes and the Walla Walla River help isolate area from other agricultural uses with future infilling of additional rural residential homes not creating incompatibility problems.
7. Several paved county roads now serve area residents. Electrical and other utility services are also available. Limited potential homesites will not place excessive burdens upon capacity capabilities of the existing public facilities or services.



Area: Valley Bottom "Developed" Rural Residential (See map on page XVIII-388A)

Total acres: 228.5

Number of Parcels: 137

Average Parcel Size: 1.6 acres

Number of Dwellings: 171 (includes a 40+ unit mobile home park)

Largest Parcel: 4.9 acres

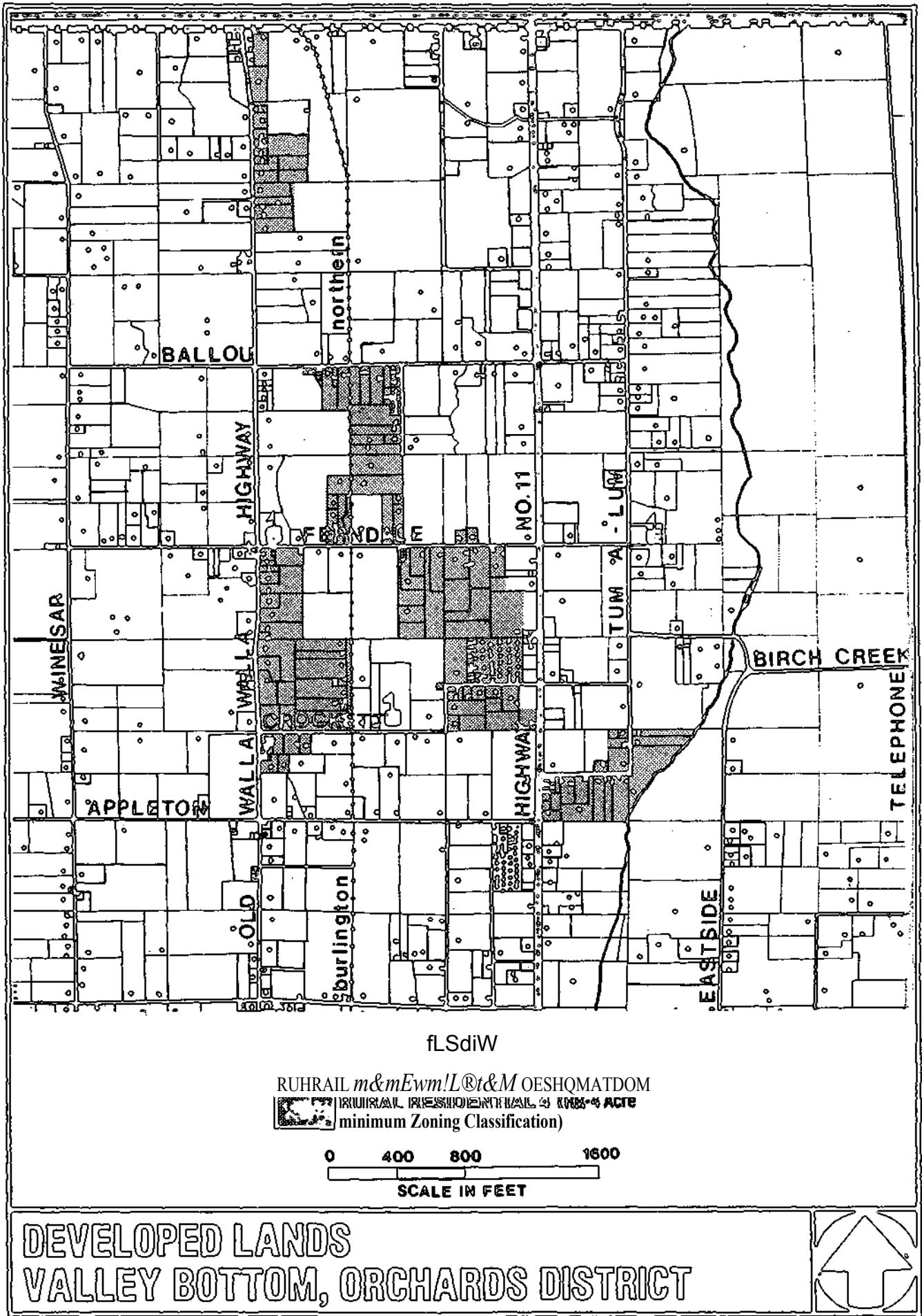
Smallest Parcel: .12 acres

Possible New Dwellings: 20

Findings and Conclusions:

1. These areas (five scattered sub-areas) are new exceptions areas established upon LCDC compliance order of removing the Orchards District Plan EFU-4 Small Farm zone and either rezoning these lands into EFU-10 or applying the developed/committed criteria for rural residential.
2. The county decided, based upon review of the area and the Orchards District Plan policies, that the areas described herein meet the "developed" criteria on page XVIII-351. Subsequent development (very minor) would not be disruptive to adjacent agricultural activities, would not negatively impact the fragile water table, but would permit some infilling on vacant and/or substandard lots which was one of the policies in the Orchards District Plan for areas outside of the main orcharding area.
3. Most all parcels are individually owned and occupied by a dwelling unit.

4. Almost all parcels are under five acres, or if larger than four acres, the usable area is less than five acres, or the dwelling density is greater than one house per two acres.
5. All areas have improved roads, utilities and services adequate enough to handle the very limited development opportunities.
6. The limited development possibilities will not have any negative impacts upon orcharding, the most valuable crop in the region, because most all these "developed" areas are located away from orchard lands.
7. Several plan policies and the prescribed zoning density of four acres helps to reduce and contain rural residential housing in areas having high-water table problems, which was a major concern when developing the 1979 Orchards District Plan.



## RURAL RESIDENTIAL PLAN MAP SECTION

This section outlines growth and development guidelines in the rural residential areas of Umatilla County. This chapter is meant to bring together the various issues which deal with rural residential uses.

The exception statement that Umatilla County has prepared shows that significant rural residential development has occurred in the past. State planning laws and land use goals largely discourage non-resource development and greatly favor resource protection. However, the existing rural residential development is a reality. It is a long established and recognized lifestyle in Umatilla County.

General planning goals have been adopted to guide and control the location and design of recognized rural residential uses near agricultural areas, to minimize their impacts upon adjacent resource activities, to minimize costs to the public for demanded facilities and services. Numerous goals and policies are found throughout the plan which reflects the County's commitment to protect adjacent resource lands.

To guide rural residential development into appropriate patterns and location, the following goals have been prepared:

### Goals

1. To provide an alternative lifestyle to urban living by providing adequate numbers of rural residential housing units in areas of the County where such housing is needed.
2. To allow flexibility of housing location, type and design in Umatilla County.



3. To preserve and enhance the rural character within existing and proposed rural residential areas until such time as conversion to other uses as deemed appropriate.
4. To provide rural housing needs at a density consistent with the level of public services and facilities that can reasonably be provided in that area and within the capability of the land to yield safe drinking water and accommodate septic systems.

During the development of this part of the plan, many land use issues were raised by a variety of interests. Policies needed to accomplish the identified goals and land use issues were largely developed by several area citizens' committee and from citizen/property owner comments at public meetings and hearings. It was obvious that some additional policies would be needed to pull the various environmental, public facility and property owner concerns together and to fill in some gaps so that a more complete plan was possible. Many of these reasons for these policies are reiterated throughout the plan.

As a result of public hearings, several proposed rural residential policies have been amended and several new ones have been adopted. The amended policies involve development densities and are specific to the West County. Originally all rural residential areas in the county were to have a two acre density. However, in areas like the East County, where significant rural residential infill is possible, and where uncertainties of water supplies and sewage disposal are either unregulated, or approvals continue on a site-by-site basis without areawide impact evaluations, an overall two acre density at this time could not be supported by rural residential residents in Western Umatilla

County. Rather than allowing full density development to accommodate expected population projections without adequate knowledge of possible impacts upon water supplies and quality, a less dense interim development pattern has been adopted with conversion to greater densities occurring only after conditions and standards in a set of "conversion" policies exist, or can be met. These conversion policies are listed on page XVIII-398 under Section G "Conversion Policies."

In and around Pendleton, several rural residential areas were zoned at a lesser density than the overall two acre density originally proposed. A four acre minimum lot size was placed upon lands having steeper slopes where larger areas are needed for septic tank drain lines and forage for pasturing animals. Also, several of these properties are located near commercial agriculture or in one instance near a wildlife refuge, where the large lot size minimum would provide a better buffer between these normally conflicting uses. In Central Umatilla County, the expected rural residential population is accommodated by the two and four acre zones, so no interim conversion policies are needed like in Umatilla County. A specific no conversion policy of the four acre zones in Pendleton/Central County area is listed on page XVIII-400.

In scattered locations on the valley floor within the Orchard District, compact and contained rural residential areas were zoned at a four acre density. This was a different zoning density (two acre minimum) from the terraced areas within the district because

of the concern to protect the fragile groundwater quality of existing as well as future development on the valley floor. These areas were designated and zoned rural residential because of state planning goal requirements and adjustments to the 1979 Orchards District Plan to receive state acknowledgement. This zoning density (four acres) would only permit minor infilling of vacant lots because none of the parcels are large enough for redivision. This strategy would also maintain the same density as the original but unjustifiable and repealed EFU-4 acre zone which the Orchards District citizen planners felt was an adequate density to protect the groundwater quality, and a density which should not be increased, or otherwise could create groundwater quality problems. Expansion of existing or creation of new valley floor four acre minimum zoned areas are also strongly discouraged for the same concerns above. Several specific policies regarding the conversion to the rural residential four acre zoning for the Orchards District are listed on page XVIII-400-401.

Another additional rural residential policy adopted because of public hearings involves several unique situations occurring in both West and Central County rural residential areas. On several parcels in these two regions, plan and three are amendments were approved at greater densities than what has been approved as overall densities adopted in the 1983 Comprehensive Plan. Since the approved amendments have been tested against the state land use goals, the area involved is very small (total potential of less than 15 partitions), and each property has specific contract

provisions, and a policy to permit their full development with a reasonable time frame has been adopted. Specific details of this policy are outlined on page XVIII-401 under Contract Zone Policy Section J.

A. GENERAL REVIEW POLICIES

Policy 1 - Future rural residential development will be reviewed to ensure compatibility with existing similar uses and with adjacent designated resource lands.

Policy 2 - New major development (those involving ten or more lots for rural home structures or related uses) that creates significant impacts upon existing facilities, services or requiring additions to or new facilities or services shall be carefully examined. Examination shall include land use compatibility questions and issues regarding adequate services provided and readily available.

B. DEVELOPMENT STRATEGY POLICIES

Policy 3 - To accomodate citizen desire and to help assure availability of rural residential property to as many income groups as possible, a rural residential use zone at several densities has been created. Policy 4 - To maintain plan flexibility desired by many citizens,

clustering will be strongly encouraged but not required.

Policy 5 - In designated rural residential areas, cluster developments shall be allowed on parcels of ten acres or larger.

Policy 6 - The overall density of a cluster development in designated rural residential areas shall be according to the prescribed zoning lot size minimum on the county zoning map. Homesite lots in a cluster development shall be about one-half acre per site. Cluster developments shall be processed and reviewed according to procedures in the County Development Ordinance and must meet all applicable criteria contained therein.

Policy 7 - A density bonus of 20% will be given for those who cluster rural residential development.

C. OTHER USES POLICIES

Policy 8 - Certain agricultural uses are compatible with rural residential activities and shall be permitted within designated rural regional areas according to limitations and requirements in the Development Ordinance.

Policy 9 - Public/semi-public uses, non-commercial greenhouses or nurseries and certain types of signs shall also be allowed with minimal requirements in rural residential areas.

Policy 10 - Other uses normally found within rural home areas or that support and serve rural residential uses and activities will be permitted within the rural residential zone based upon certain considerations and evaluations of the proposal. Conditional use procedures and standards in the Development Ordinance shall apply to these uses to help ensure compatibility with adjacent land use activities.

Policy 11 - Mobile home parks, apartments or other higher density housing developments are not in keeping with the rural character or service capabilities in these county areas and are not permitted within designated rural residential lands. These uses shall be encouraged to develop within urban growth boundaries around incorporated cities.

D. PUBLIC FACILITIES AND SERVICES

1. Roads

Policy 12 - To assure efficiency of road improvements, the county will adopt in the Development Ordinance road improvement standards based on the Public Works Director's recommendation for development in rural residential areas.

Policy 13 - Developers and property owners proposing new subdivisions, partitions, or other major development (e.g. involving 10 lots or more) that generate significant amounts of traffic shall be required to meet access improvement requirements in the Development Ordinance.

Policy 14 - In most rural residential areas, future road improvements to accommodate anticipated rural residential growth will be assured through irrevocable consent, agreement requirements listed in the Development Ordinance.

Policy 15 - Major developments defined above not locating on roads constructed to minimum county standards shall be discouraged. However, if developers agree to make necessary improvements to handle the expected traffic as determined by the Public Works Director, such development may be permitted, provided

other applicable standards and requirements in the Development Ordinance are complied with.

Policy 16 - Access control shall be emphasized to minimize negative effects and traffic hazards generated by new development. Common or limited access and other strategies outlined in the Oregon Department of Transportation Access Control Guidebook shall be used whenever feasible. Also, Umatilla County Road Department regulations pertaining to access shall be considered when determining traffic safety situations.

Policy 17 - At the first plan update, a county-wide study shall be undertaken to develop an integrated comprehensive transportation plan and shall address among other issues rural residential road plans and their coordination and integration with County/City co-adopted road plans within urban growth boundaries of all the incorporated cities in the county.

## 2. Water/Sewage Disposal

Policy 18 - The County will rely upon pertinent state statutes and administrative rules administered by the Department of Environmental Quality and the County Health Department for domestic water and waste disposal regulations as the means to provide and protect the quality of this important resource.

Policy 19 - Major development (ten or more lots) and/or other types of development requiring large amounts of domestic water and/or discharging sewage in quantities greater than state or

local agencies regulate, shall meet any applicable federal laws or acts.

### 3. Other Service and Facility Considerations

Policy 20 - Large subdivisions (over ten lots) shall be sent for review to the appropriate rural fire district for consideration of owner/developer-provided fire equipment and/or other facilities (e.g. water storage) deemed appropriate by the rural fire district. Ingress and egress considerations for fire emergency equipment use shall also be solicited from the appropriate rural fire district and the County Road Department.

Policy 21 - Future rural residential development shall depend on close proximity and available to existing services and facilities. Major developments as previously defined shall be required to provide services and facilities beyond those that county facilities and services are capable of.

Policy 22 - The County will continue to try to provide minimum services based upon budget availabilities. The County will also develop a mechanism to allocate improvements and/or other funds for roads and police service via a Capital Improvement Program or similar planning program at the first scheduled Comprehensive Plan update. Consultation with rural fire districts, other agencies involved in providing rural services and the citizens of Umatilla County will be an integral part in developing a comprehensive service/facility program.



E. NUISANCE POLICIES

Policy 23 - As a commitment to initiate solutions and help solve existing nuisance problems of dog control, illegal dumping, sanitation and odor problems relating to livestock and animals, land use incompatibility problems, etc. (all sometimes found in rural residential areas), the County will work with private property owners and appropriate regulatory agencies to develop solutions that will accomplish this policy. Basic control measures for livestock and animals have been incorporated with the "Rural Residential" zone to help control livestock and animal-related nuisance problems.

F. HISTORIC. SCENIC. NATURAL AREA POLICIES

Policy 24 - The County will thoroughly review new rural residential development as it may affect historic, cultural, and scenic values and resources. Policy 25 - The County will adopt regulations and provide encouragements that are reasonable and enforceable to protect historic, cultural and scenic resources.

G. CONVERSION POLICIES

Policy 26 - Umatilla County will, in areas zoned for rural residential at four acre minimums but proposed for an ultimate density of two acres on the Comprehensive Plan Map, permit the higher density zoning when:

- A. A water study has been completed in the general area showing that water supplies are available to accommodate the additional expected population at the maximum density; and
- B. A study approved by DEQ has been completed substantiating that septic tank installations would not pollute groundwater supplies in the general area based upon the expected density of development; and
- C. An area master road plan (including local streets and roads) has been developed and designed to facilitate the additional traffic and population forecasted; or
- D. The area is near or has ready access to urban and/or community facilities and services that have the capacity of being extended into the area should they be needed.

Policy 27 - Umatilla County will require that items A, B, C above be completed or item D has been developed before considering the approval or denial of any rural residential zoning.

Policy 28 - The County shall pursue federal, state and other available funds or grants and work with appropriate state and local jurisdictions and agencies in initiating, coordinating and completing the above water and sewage studies. Area road plans shall be conducted according to policies and provisions in the Umatilla County Master Road Plan scheduled for completion by the first plan update.

Policy 29 - To avoid piecemeal and unrelated zoning densities and to help assure a more comprehensive development pattern, the County shall consider large block rural residential rezonings instead of individual property owner rezoning requests.

H. CENTRAL COUNTY FOUR ACRE ZONE POLICY

Policy 30 - There shall be no rezoning of parcels with a zoning classification of Rural Residential four acre minimum lot size, to the more dense Rural Residential two acre minimum lot size, unless it can be shown that:

- A. The projected year 2,000 population has been accommodated, and there is a demonstrated need for additional rural residential acreages; and
- B. The area proposed for the rezoning would not interfere with adjacent land use activities, and meet the requirements of the Goal #2 exceptions process, or its statutory successor; and
- C. The proposed rezoning is consistent with the level of public services and facilities that can be provided in the area.

I. EAST COUNTY FOUR ACRE ZONE POLICY

Policy 31 - There shall be no expansion of existing four acre rural residential zoned areas nor rezoning of parcels with a Rural Residential four acre minimum lot size on valley floor acres within the Orchards District, unless it can be shown that A, B, and C in Policy 21 and B in Policy 28 are met or are applicable.

Policy 32 - A 45-day extension shall be granted to partitions with at least preliminary County approval, and a one-year extension for buildings with at least an issued zoning permit will be allowed that have been approved under EFU-4 acre zoning regulations, starting from the time of plan amendment adoption by the Board of County Commissioners repealing the EFU-4 zone.

Policy 3 3 - In the Tum-a-Lum Terrace rural residential area where zone boundaries follow bluff or floodplain boundaries instead of property lines, the County shall allow the total property acreage (tax lot) to be counted in figuring usable acres for partitioning purposes in the more dense rural residential two acre zoning above the terrace. (In this case, however, no dwellings shall be permitted to be built below the bluff or within the floodplain area zone EFU-10).

J. CONTRACT ZONE POLICY

Policy 34 - Contract zone amendments approved for more dense zoning than prescribed in this plan shall have one year from the adoption of the plan to develop the property rezoned to the higher density. If the contract signers have not completed the development of the property that was rezoned within the one-year period, the right to develop at the higher density will terminate, and the new plan and zoning will apply. An extension of up to one year may be granted by the Planning Commission if it is found that the development has been started but not completed due to extenuating circumstances.

## COMMERCIAL

Commercial land uses are those activities providing goods and services to the public. Outside of urban areas, there are needs for commercial land uses comprised of three general types: (1) Rural Center facilities limited to sales of frequently purchased items such as gasoline and groceries primarily to the surrounding rural residents; (2) Tourist Commercial facilities needed by the traveling public (e.g. restaurant, service stations, and overnight accommodations); (3) Retail and Service Commercial activities comprised either of business establishments requiring relatively large sites for storage of merchandise such as farm machinery and lumber, or relatively small business catering to the rural market place.

There are locational considerations that qualify certain areas for each of these classifications. Proximity and access to intersections of major highways are vital for tourist commercial uses, while proximity to materials is adequate for retail service commercial uses. Water adequate for fire fighting is needed for all types of commercial areas. Sewers may be required of heavily-used businesses (perhaps indicating the need for specific projects to locate inside urbanization areas). The distance from comparable, competing facilities areas, and businesses within urbanizing areas must also be taken into account.

Because of the individual nature of different businesses, the character of each area lends itself to a slightly different range of development opportunities. Certain establishments will require greater fire or police protection. Others will need more direct access to public sewage treatment facilities or approved public water systems.

This plan does not intend to require peripheral commercial enterprises, such as home occupations and the sale of agricultural products grown on the premises, to locate only in commercially designated areas. Also, residences and some light . industries directly supportive of commercial activities may be compatible with commercial businesses (e.g. overnight tourist facility with manager's quarters). Discussion of each type of commercial land us follows. The plan map, however, does not distinguish the specific type of commercial use, but rather designates these 400 acres simply as commercial. It should also be noted that the County is also taking a developed or irrevocably committed exceptions to all but 33 acres of this land. Only two areas do not have any commercial development, and the Count proposes to take a needs exceptions for this one area. They are parts of two freeway interchanges in the West County area. COMMERCIAL RURAL CENTER

Primarily local rural service in nature, this classification is intended to serve nearby rural development. Although only in use on one small parcel, it is expected that this land use classification will be assigned to specific locations as rural

development patterns occur. Developers of larger blocks of residential lands are encouraged to investigate the possibilities of incorporating small commercial services facilities in to planned unit development proposals. Rural residential properties should also be considered for this use when the need becomes apparent. Large industrial facilities, especially those of labor intensive nature, may also spawn the need for nearby commercial services. Designating land under this classification shall be based upon establishment of need, proximity to the residential or industrial areas to be served, safe vehicular access, and minimized size necessary to provide the service. TOURIST COMMERCIAL

Tourist commercial lands are those intended to serve the traveling public along major traffic corridors and/or appropriate recreational locations. Facilities may include service stations, restaurants, and various forms of overnight accommodations. An example of an appropriate recreational siting, the Hat Rock tourist commercial area is situated near a regional park and offers tourists convenient services without incompatible infringements upon adjacent land uses. Most of the tourist commercial areas in the County's forest lands, however, are not classified as such. Rather they are included under one of the Multiple Use Zones. Development of new tourist commercial facilities in these areas is allowable as a conditional use.

Outside of urban growth boundaries, sites established to serve Interstate 1-84 (previously I-80N) travelers include access points at Buttercreek, Westland, and Barnhart. Additional tourist commercial location along 1-84 and other major roadways may be identified during development of the County Transportation Master Plan. Until then, such potential sites may be considered eligible for private and public park locations under the conditional use criteria of ORS 215.213. RETAIL/SERVICE COMMERCIAL

The great majority of commercial facilities are intended to develop within urban and urbanizable lands. However, specific commercial activities require larger sites than may be available within urban growth boundaries and are encouraged to locate in those rural industrial areas that allow commercial uses. Should increased rural needs for rural "retail/service" designations surpass urbanizing and industrial site availabilities, additional rural lands may be classified commercial upon demonstration of (1) Need for that additional site; (2) Non-availability of appropriate sites in urban growth boundaries and rural industrial areas; (3) Adequate services for that commercial activity; and (4) Compatibility with surrounding land uses.

Existing designated "retail/service" areas shall provide adequate off-street parking areas and be designed so that ingress and egress do not hinder traffic on existing streets. Landscaping shall also be provided on new businesses or expansion of existing businesses, to provide for an aesthetically pleasing setting.



Lands classified as retail/service commercial in the east county area occur as nodes along Highway 11 north of Milton-Freewater. Many small businesses, several vehicle sales facilities, a large shopping center, and scattered industrial firms have been developed, which have created a strip of commercial development. In 1979 a citizens committee recommended to the County Board of Commissioners a consolidation of the existing development; hence, the present six nodules of commercial.

New business in the east county area shall be limited to these six commercial nodes along highway and should be small-scale (under 4,500 sq.ft. in the floor area) and oriented to the rural market in the area. Larger facilities may be allowed conditionally if the four criteria listed in the first paragraph of this section can be met. Additional large-scale development such as the shopping center shall not be permitted. EXCEPTION AREAS

In evaluating the commercial lands inventory of the county it became evident that several areas outside urban growth boundaries had developed into commercial centers. This makes it possible for the county to designate the identified commercial areas for commercial use using the requirements of ORS 197.732(1)(a) and (b) and the OAR 660-04-025 and 028. Only two small areas along 1-84 were included for tourist commercial development through the process listed in ORS 197.732(1)(c) and OAR 660-04-020. A majority of the commercially designated lands are located in the west portion of the county and is the first area covered below.

WEST COUNTY COMMERCIAL

HAT ROCK (Area #6) - See map on page XVIII-407A

Hat Rock is an existing commercial area adjacent to Hat Rock State Park. This 15 acre piece of property is under single ownership and consists of a convenience store, mobile home park, overnight facilities, and picnicking areas. Detailed mapping has been provided that depicts this development. A majority of the property is already developed. DIAGONAL ROAD/PUMPKIN CENTER ROAD (Area #7)

The Diagonal Road/Pumpkin Center Road commercial area is the only area that has been identified for commercial rural center use. The site contains 2.78 acres and is located at the intersection of three major roads. Currently, a convenience store and gas station occupy this developed parcel. The location of this site is centrally located to a large developed rural residential area located northeast of Hermiston. The county considers this site developed under the requirements of ORS 197.732(1)(a) and OAR 600-04-025. (See map page XVIII-407B) .

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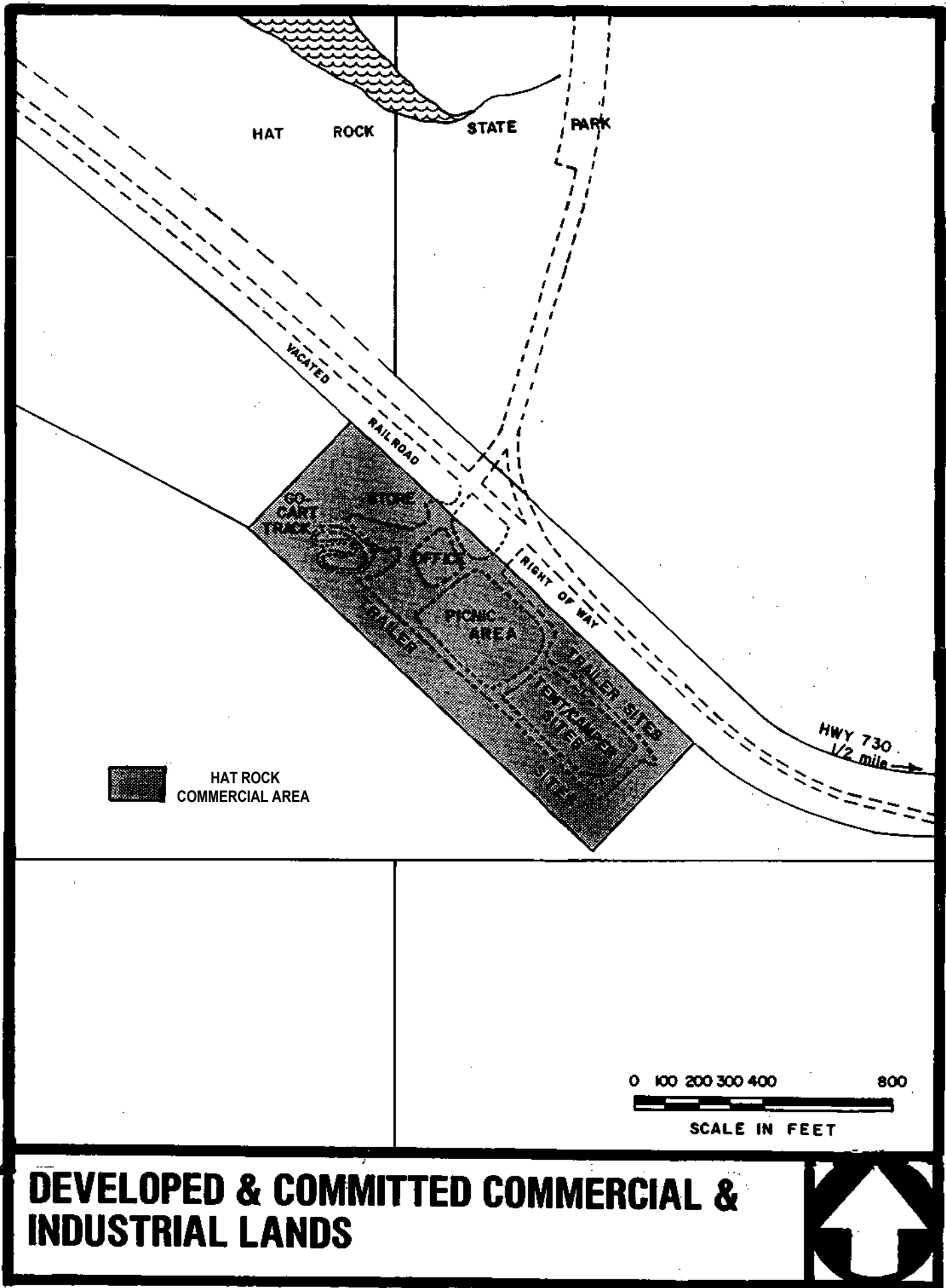


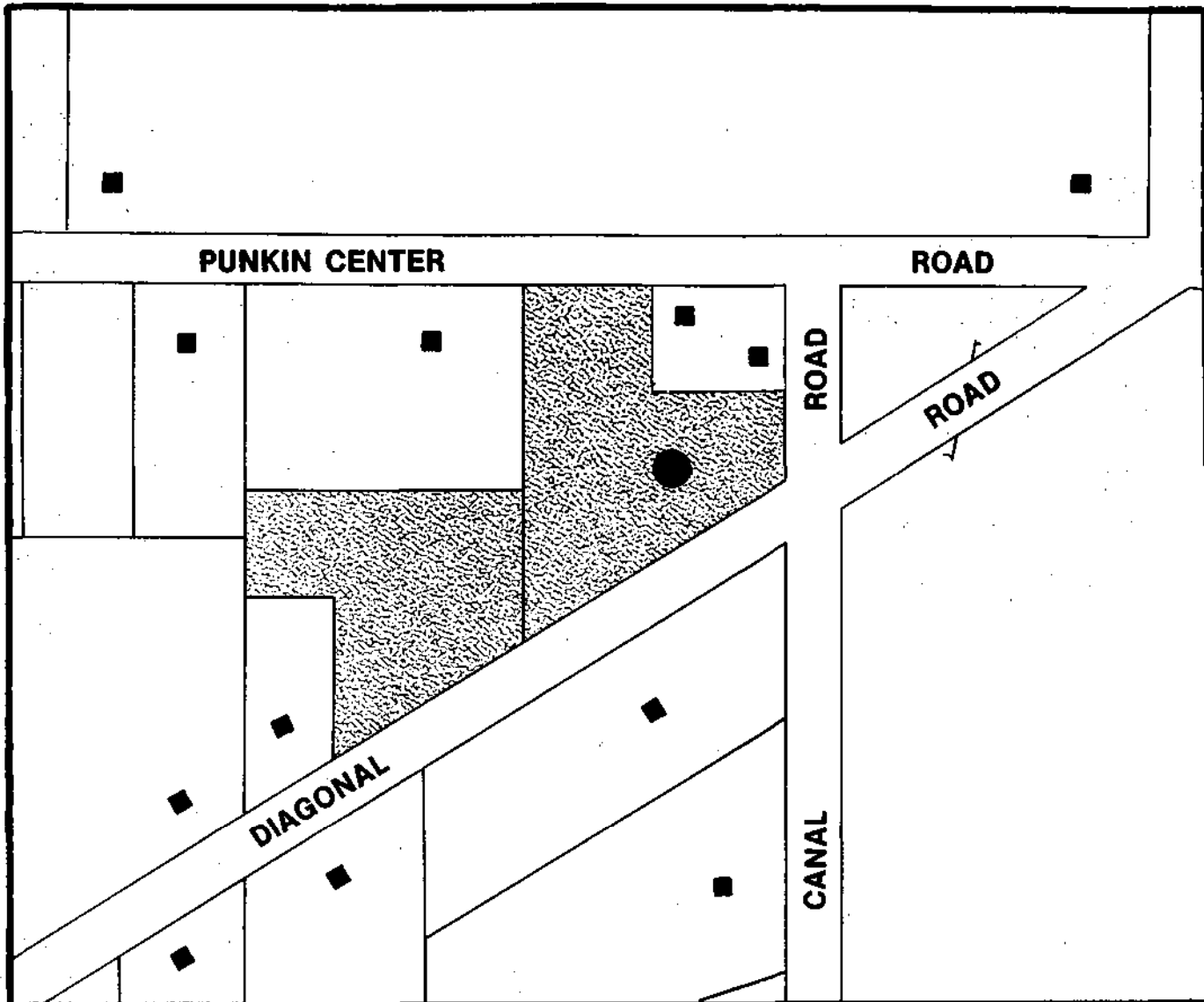
WEST COUNTY COMMERCIAL

HAT ROCK (Area #61 - See map on page XVIII-407A)

Hat Rock is an existing commercial area adjacent to Hat Rock State Park. This 15 acre piece of property is under single ownership and consists of a convenience store, mobile home park, overnight facilities, and picnicking areas. Detailed mapping has been provided that depicts this development. A majority of the property is already developed. DIAGONAL ROAD/PUMPKIN CENTER ROAD (Area #7)

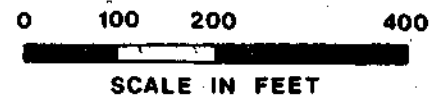
The Diagonal Road/Pumpkin Center Road commercial area is the only area that has been identified for commercial rural center use. The site contains 2.78 acres and is located at the intersection of three major roads. Currently, a convenience store and gas station occupy this developed parcel. The location of this site is centrally located to a large developed rural residential area located northeast of Hermiston. The county considers this site developed under the requirements of ORS 197.732(1)(a) and OAR 600-04-p25. (See map page XVIII-407B).





LEGEND

- DWELLING
- COMMERCIAL BUSINESS
- ▨ COMMERCIAL RURAL CENTER ZONING CLASSIFICATION



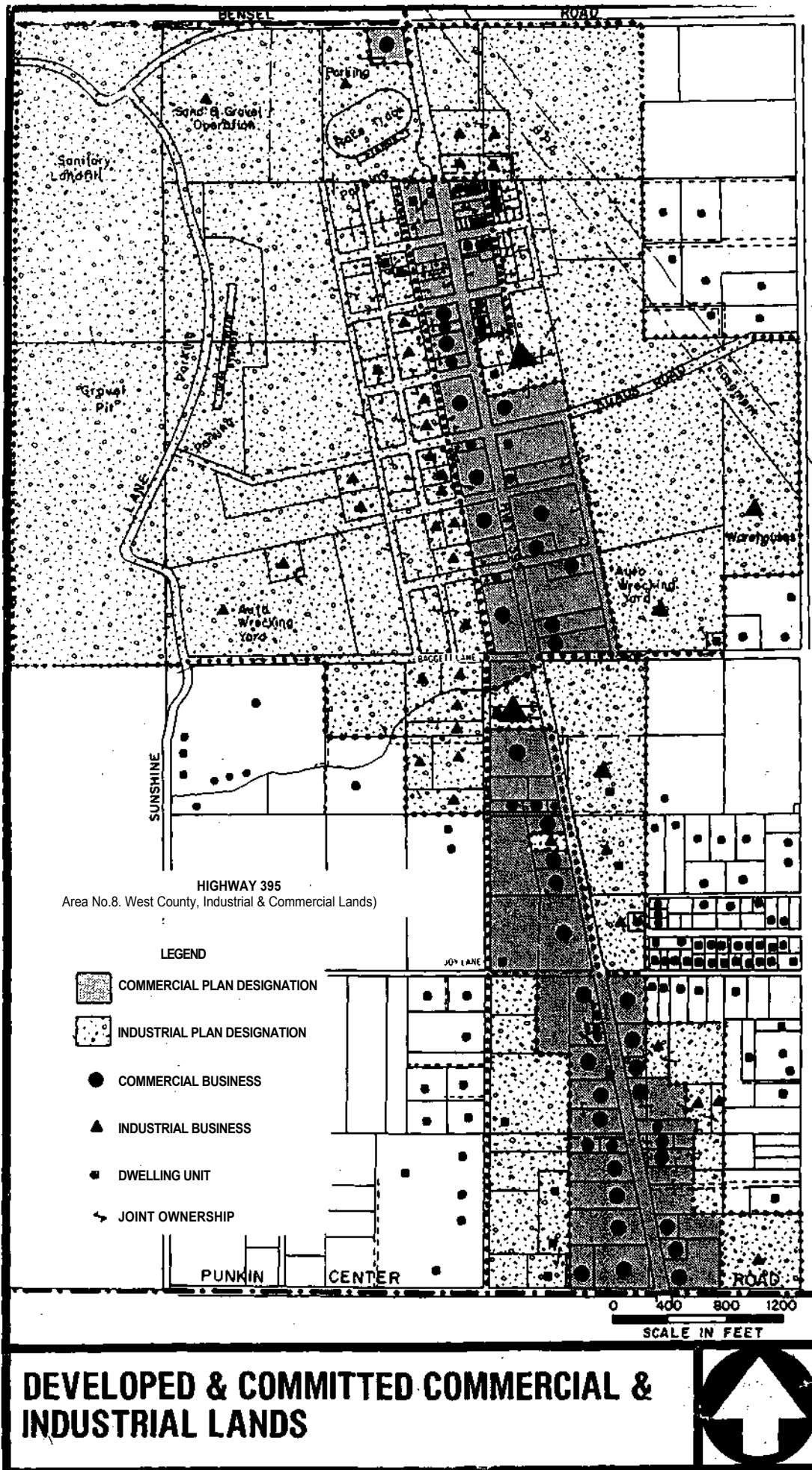
**COMMERCIAL AREA NO. 6 (COMMERCIAL RURAL CENTER)  
DIAGONAL ROAD / PUNKIN CENTER ROAD**

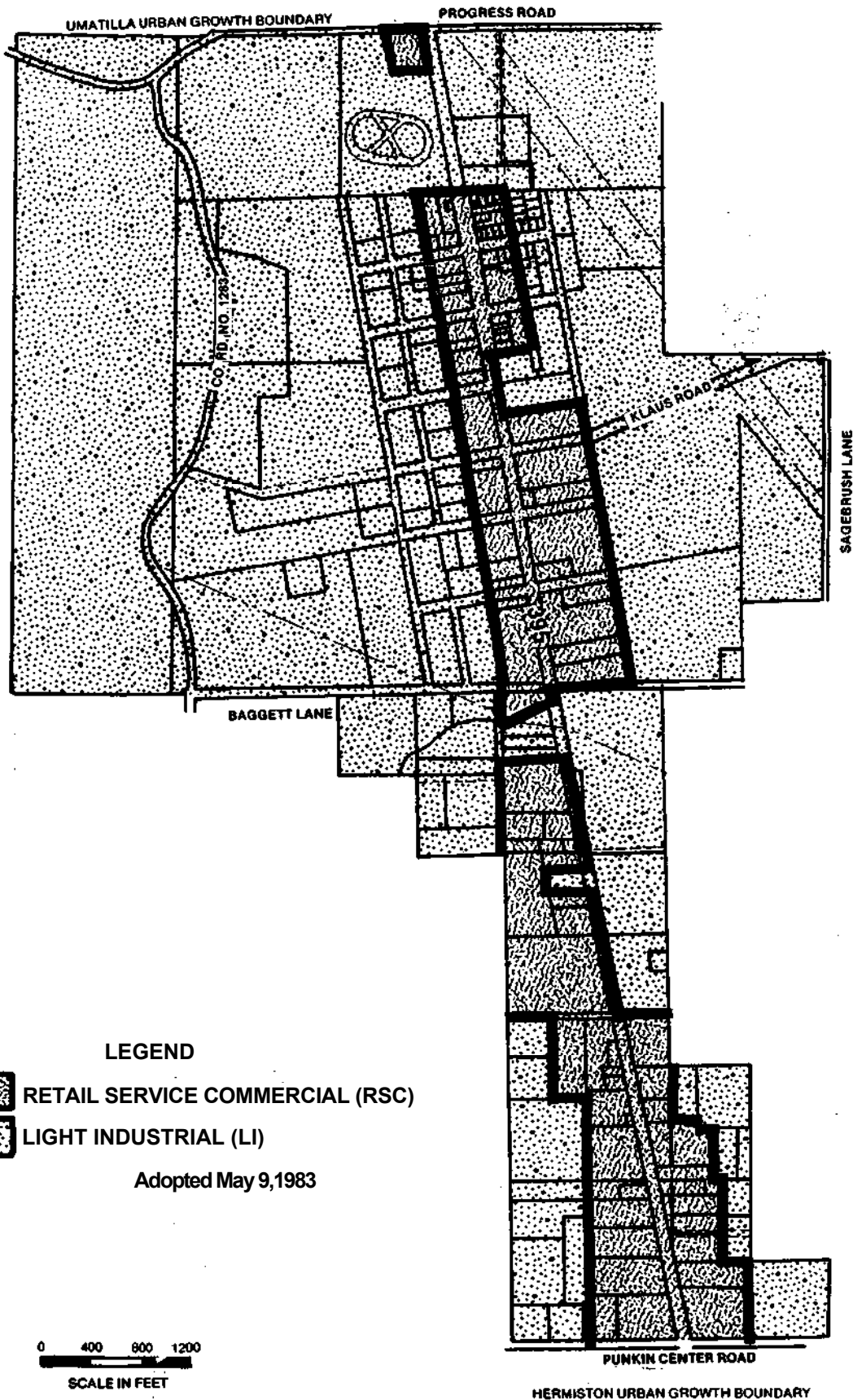


## HIGHWAY 395 (Area #8)

This commercial area stretches from the north Urban Growth Boundary of Hermiston and the south Urban Growth Boundary of Umatilla along U.S. Highway 395. This area is a rapidly developing commercial and light industrial area between these two urban areas. Many businesses have located in the area to take advantage of high site visibility, resulting in several commercial businesses. Setting back from the highway are several warehouses, light industrial uses, and a couple of automobile wrecking yards. Originally, the entire area was proposed for light industrial use, but a land use study conducted by the County indicated that 38 commercial businesses were located along the highway and include several car dealerships (both new and used), mobile home sales, real estate offices, auto repair, and professional offices. Approximately 80% of the 160 acres of land designated for commercial in this commercial area are already developed.

The commercially designated lands in Area #8 are generally surrounded by industrial uses. A lengthy discussion on the adjacent industrial lands is included under the industrial lands exception statement. A majority of the property in this area contains Class VII soils and are not classified as an agricultural soil. Therefore, because of the development in this area and poor soils, the County has designated this area for commercial development. (See map on page XVIII-408A & 408B) .



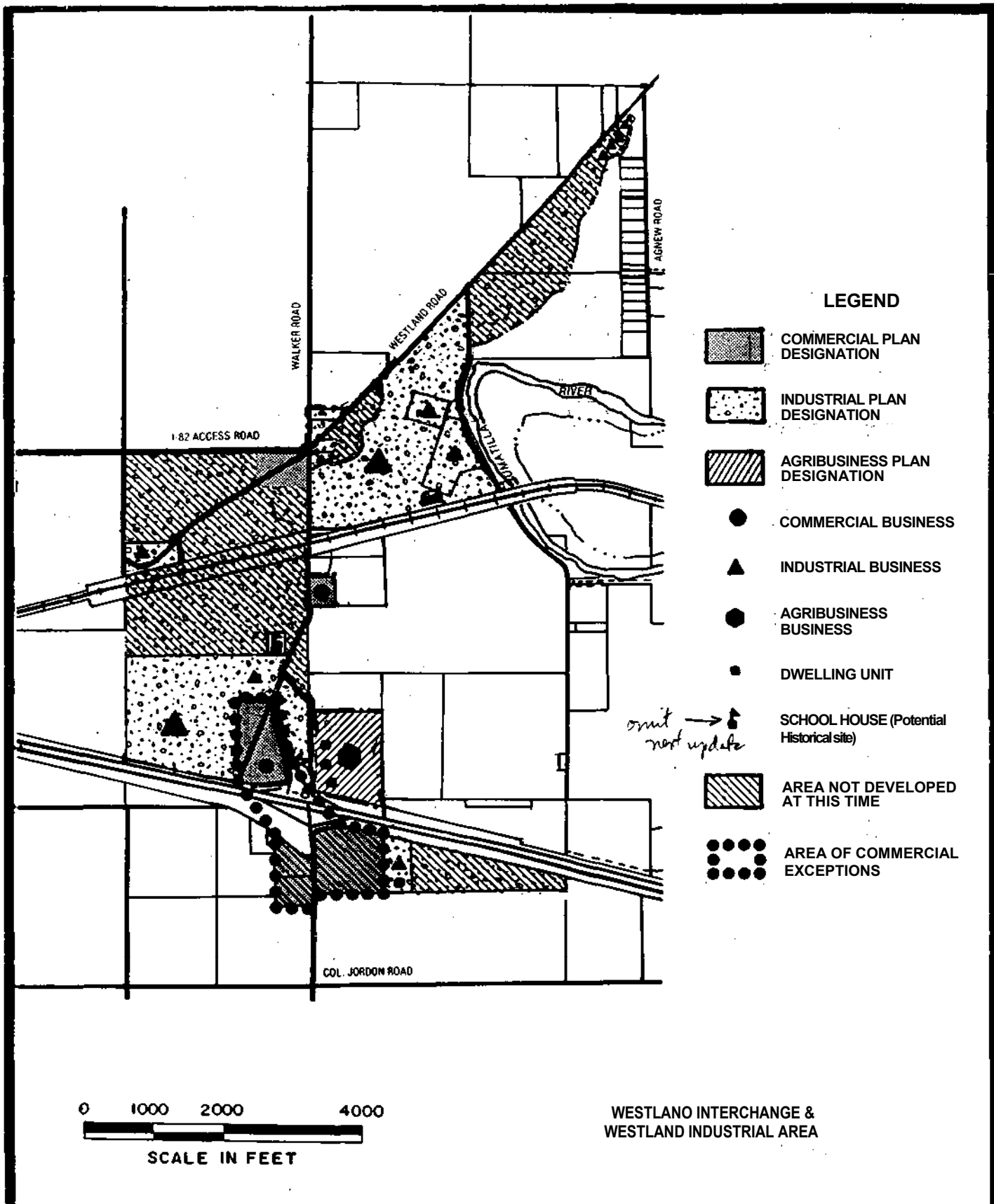


**INDUSTRIAL - COMMERCIAL ZONING**  
**HIGHWAY 395 BETWEEN PROGRESS & PUNKIN CENTER ROADS**

WESTLAND INTERCHANGE (Area #9) - Commercial Justification

The Westland Interchange consists of 45 acres of commercial designated land in the northwest, southwest, and southeast quadrant of this 1-84 interchange. The northwest quadrant contains 14 acres and is surrounded by industrial designated lands (see map on next page). Much of the land surrounding this land had been developed for industrial use. A railroad tie yard, where railroad ties are stored, sorted and sold is located on the site. To the west and north are several buildings that are associated with a horse racing track and an industrial warehouse. To the east is a major livestock sales yard and the south is Interstate 1-84. The property is considered developed by the County. The southwest and southeast quadrants contain 11 acres and 20 acres respectively. The southwest quadrant has never been developed, but the County believes an exception pursuant to ORS 197.732(c) is justifiable and will discuss this area in detail. The 20 acres in the southeast quadrant meets the requirements for irrevocable commitment as outlined in ORS 197.732(b) in the estimation of the County.

The southeast quadrant lies between the county road and an industrial building and use along the south side of the interstate. The site lacks irrigation water which results in the soils classification of the property being Class VII soils (see discussion of Westland Industrial area) . The land is used at times for the storage of truck trailers and trucks. Recently a proposal was made by the landowner to construct a truck/car fueling and repair facility, cafe and motel on this site.



# DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS





Presently the site has an access road on two sides that provide access to the industrial use to the east. A domestic well is located on the industrial developed parcel that can serve this area. Electrical power lines are located along the north side of the property and would supply electrical needs in this area.

The site is well buffered from lands devoted to resource use. The freeway is located on the north and has a 300 foot right-of-way. The county road is located on the west and raises to cross over the freeway. This acts as a berm and protects the farmland to the west which is up wind from the proposed commercial area. Because the road is built-up, the right-of-way for the county road widens at the proposed commercial area which makes an even wider buffer between this area and the farmland to the west. To the east is developed industrial property which buffers the commercial area from farmland to the east. The land to the south is not farmed and does not have a water right. It is highly unlikely that the area will be used for agriculture because the area is in a critical groundwater area and new permits for agricultural irrigation are restricted.

The 1-82 intersection with 1-84 is approximately 2000 ft. to the west. That makes this intersection very desirable for tourist and highway travelers, especially the long haul truck drivers, since the freeway bypasses Hermiston. This intersection is the most logical for commercial development due to its proximity to this major intersection of two freeways.

The southwest quadrant of the Westland Interchange contains 11 acres of land designated for commercial use. This area is undeveloped and has been used marginally for pasture use. The County believes that an exceptions pursuant ORS 197.732 (1)'(c) is justified on these 11 acres. The criteria for an exception is as follows:

- (A) Reasons justifying why the state policy embodied in the applicable goals should not apply;
- (B) Areas which do not require a new exception cannot reasonably accommodate the use;
- (C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
- (D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts;

A. Reasons justify why the state policy embodied in the Applicable goals should not apply - The applicable goal involved with the exceptions is the Agricultural Lands Goal (Goal #3). The eleven acres involved contain Quincy Loamy Fine Sand Gravelly sub-stratum according to the SCS soil survey. With irrigation the site has an agricultural land capacity of Class IVe, but without water the capability drops to Class Vile. No forest land exists near the

site so the only resource goal concerned is the Agricultural Lands Goal.

The County believes that additional lands for tourist commercial activities are necessary to serve the traveling public, especially along Interstate 84. According to State Highway Division figures compiled in 1982, the average daily traffic volume that approaches the Westland Interchange is 4650 vehicles per day. At the Westland Interchange an average of 1100 cars per day turn off, while 3550 proceed along the interstate. The 4650 vehicles per day equates to a little over three cars per minute on an average in a 24 hour period. Traffic is generally heavier during the daylight hours, so actual traffic counts in any one daylight time period would likely be even higher.

The Westland Interchange is the first major interchange in western Umatilla County and could appropriately be called the gateway to Umatilla County. It is approximately 20 miles from the town of Boardman where the next nearest services are to the west. With the completion of Interstate 82 to the west (which will only connect the two freeways and not have off-ramps), the Westland Interchange will be a prime location for tourist related facilities to locate. It should be mentioned that I-82 will not pass through Hermiston. The cities of Stanfield and Echo are about ten miles further east on Interstate 84, but both cities are located about one mile from the freeway.

The County has adopted policies within the plan which encourage tourist commercial development along the freeway. The amount of land designated for tourist commercial use is very limited, though. There are approximately 62 acres of developed and committed tourist commercial lands in the county along the entire length of the freeway, which runs for approximately 70 miles in Umatilla County. Only about 20 acres is entirely undeveloped and suitable for building. The remaining lands are developed or have development located on the property, which limits the potential for development. The eleven acres at Westland are vacant, flat and prime for development. The inclusion of this land is infinitesimal to the amount of agricultural lands in the county, and the land proposed to be removed is not even prime land. Research by the County regarding water rights shows that the land lacks any right to irrigation water. This results in a Class Vile soils classification and limits the land for use as permanent pasture grass which dries up during the summer months. The eleven acres • are in separate ownerships and are not contiguous to the other lands under the same ownership. Because of the small size and lack of water, it would be undesirable for a farm operator to absorb this land with this adjacent farmland. This set of circumstances has resulted in these two small, unmanageable parcels.

B. Areas which do not require a new exception cannot reasonably accommodate the use.

The areas available for tourist commercial use are limited by the very nature of the interstate freeway system. Interstate 84 is a limited access highway, and ingress and egress to the highway are limited to on and off ramps spaced every so often along the highway. Along approximately 18 miles of the freeway in western Umatilla County there are five of these interchanges. Of the five, one is the Urban Growth Boundary of two cities (see Area B on map, page XVIII-416A) , two others have commercially developed or irrevocably committed lands that total 48 acres of land and two areas in agricultural production. A majority of the land identified for commercial is occupied by businesses. At the Westland Interchange Area B on map, page XVIII-416A in the northwest quadrant is a 14 acre parcel that is used in conjunction with a retail railroad tie sales yard (see discussion under committed and developed commercial lands in the northwest quadrant of Westland Interchange on page XVIIII-409. In the southeast quadrant of the same interchange is a 20 acre parcel that is presently vacant. However, plans are being solidified to construct a major car/truck stop facility (fuel, repair, and restaurant). The other intersection with commercial land is 14 acres at Buttercreek Highway (State Highway 207) Interchange, which is approximately 2 1/2 miles east of Westland Interchange. See Area C on map, page XVIII-416A). This area has a travel trailer park, gas station-repair facility and restaurant. A large majority of

the property is developed or used as a drainfield for septic tank disposal. The other two interchanges, Ordinance and Echo road are generally used as farm parcels and have better agricultural soil. Only the Stanfield Interchange (ten miles east of Westland) has planned commercial usage. The north side of this interchange is within the Stanfield UGB, while the south side of it is within the Echo UGB.

Stanfield has 60 acres of land designated for commercial use on the north side of the Stanfield junction. None of the land is developed at this time, and the site is located one mile away from city services. Extension of services to this area is highly unlikely at this time and cost prohibitive for all but the most major types of development.

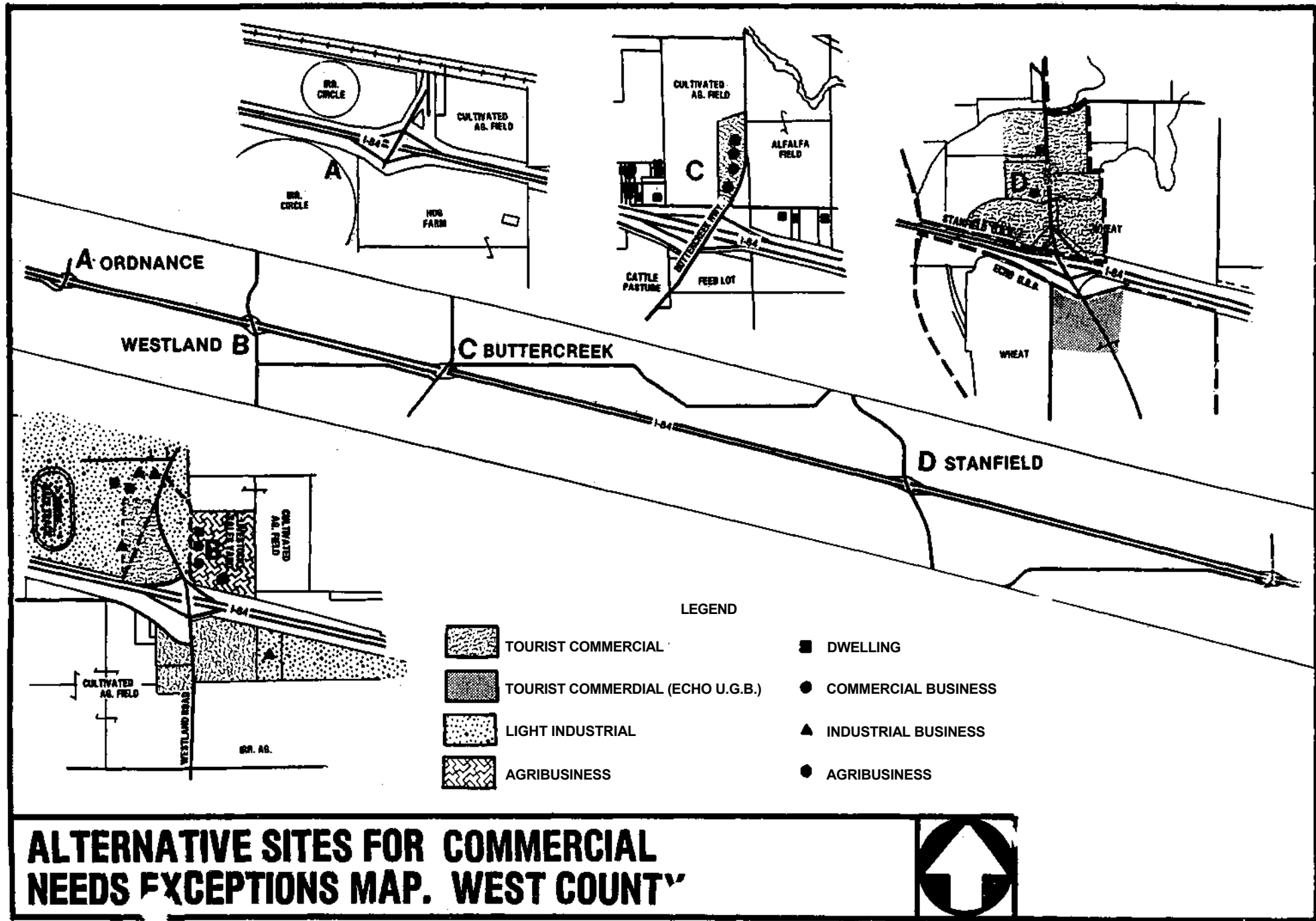
On the south side of Stanfield Interchange is the northern boundary of the acknowledged Echo UGB. One hundred and sixty acres is designated for commercial/ industrial use by the Echo Comprehensive Plan. Approximately 30 acres has been zoned for Tourist Commercial use. The remaining acreage is zoned for industrial use. This area is also about 3/4 of a mile north of the present city limits and at least 1/2 mile away from the sewer plant. The land in Echo UGB is also farmed at this time. The soils (Class Ie irrigated, Class IVe non-irrigated) are much better at this location than at Westland.

While a certain amount of traffic passes by this Stanfield Interchange, it is not the intersection of two major freeways as is Westland. The Stanfield Interchange will not get the traffic

from the west that will turn off to points north. Cars totaling 1700 per day leave the freeway between Westland and Stanfield junction with 1100 of them exiting at Westland itself. This is a considerable amount of traffic that misses the Stanfield Interchange which potentially would utilize tourist commercial facilities. By providing for commercial development at The Westland Interchange, this portion of the traffic volume that misses Stanfield could be served.

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

Some of the major reasons the Westland Interchange was chosen for commercial development was that there was existing non-resource development in the area and it was adjacent to a major freeway where traffic exited off in large volume to go to points north. Further, it is the first interchange that the traveling public can exit off from after the junction of the two freeways (I-84 and 1-82). This makes the Westland Interchange ideally suited for commercial use. As stated earlier, 4650 vehicles per day approach the Westland Interchange, with 1100 vehicles exiting or entering the highway at this point. If services were made available at Westland, road vehicles will be able to exit and enter the freeway with minimum inconvenience. This would save time and



XVIII-416A



energy that now has to be expended by traveling several miles out of the way to get to an urban area where commercial facilities are located. -The same could be said for other interchanges along the freeway, but traffic counts indicate a decrease in vehicles east of Westland Interchange. Already three of the quadrants of the Westland Interchange are in some other non-resource use. There are three other interchanges along 1-84 in the West County area that could be identified as commercial by taking on. exception. They are Ordnance, Buttercreek, (not including the area already developed) and Echo Road. In evaluating these other interchanges in comparison to Westland interchange, it became apparent that the other interchanges were much more suited for agricultural use. At Ordnance the north side is adjacent to the Umatilla Ordnance Depot and land uses are restricted to agricultural and open space uses by deed restriction. On the south side is a major hog farm and irrigated farmland. At Buttercreek, irrigated crop land is on the north side and a feedlot and cattle operation are located on the south side. At Echo Road Interchange three of the four quadrants are in wheat/fallow rotation and the fourth side is a scabby, alkali depression. This fourth quadrant (the northwest) could be suited for commercial use; however, several attempts to justify it for commercial uses have been denied by the state. Overall, as a general rule the lands around these other intersections are better producing soils or have operation that would be severely impacted by non-resource uses.

The eleven acres at Westland Road is an infinitesimally small portion of the County's agricultural resource lands. The removal of these eleven acres would have a minor negative impact on the County's economy. Conversely, if the property was designated for commercial use and development occurred, the assessed valuation of the property would be greatly increased. In turn, this would add to the valuation of the county and all special districts that receive tax benefits from this property. The increase in valuation would offset the property tax burden of other properties in the county and the special districts.

With the site being downwind of other agricultural land and non-resource development occurring on the other three quadrants of the interchange, the removal of the eleven acres would have minimal impact on the resource base. However, by allowing commercial development to occur at Westland Interchange (and non-resource development on all four quadrants) the traveling public can be more easily serviced. The choice in the market place will be broadened while still providing the most beneficial location without adversely impacting resource activities as could occur at other interchanges. D. The proposed uses are compatible with other adjacent uses or

will be so rendered through measures designed to reduce adverse impacts.

The site is well buffered on two sides by the freeway off-ramp and access road on the north and by Westland Road on the east. Across Westland Road further to the east is more land that has been

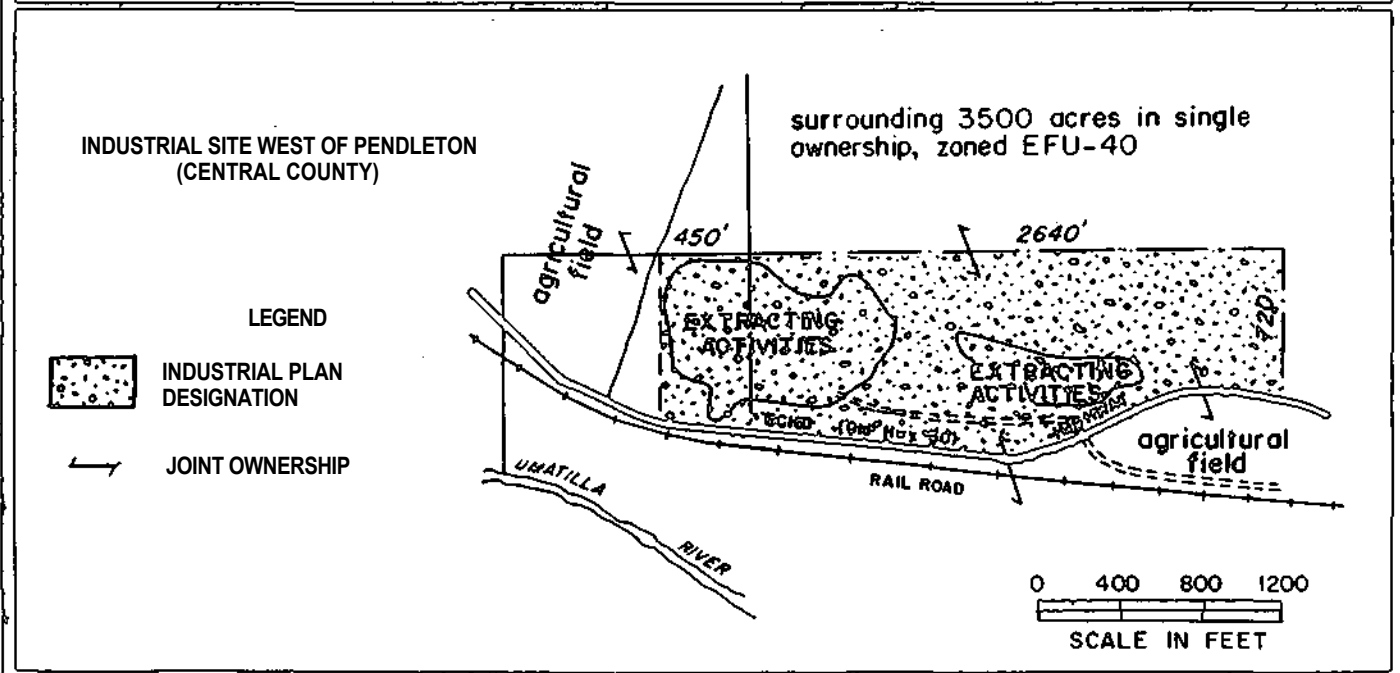
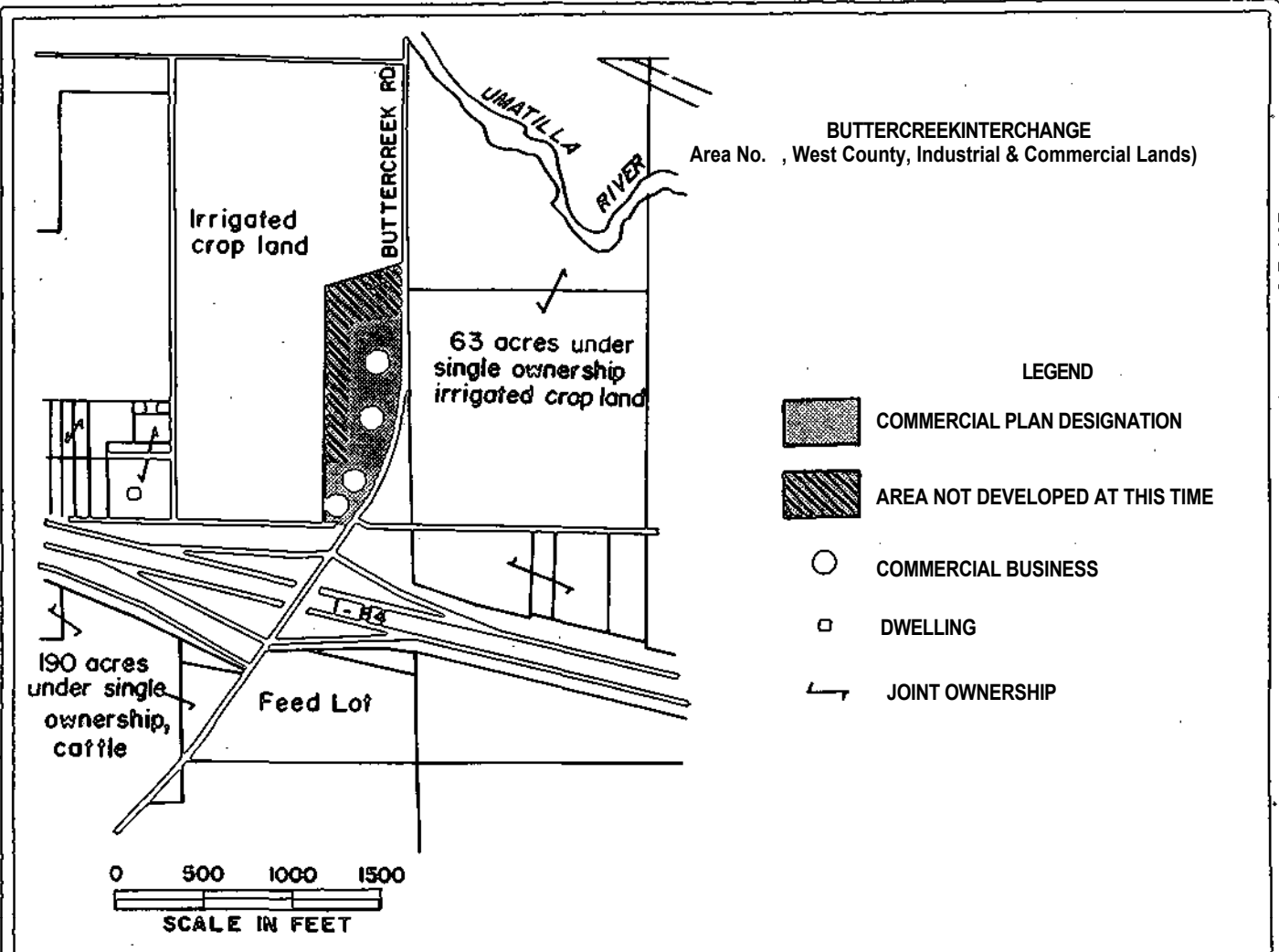
identified for tourist commercial use. The only lands being used for resource purposes are the lands to the south and west. As stated before, the eleven acres proposed for commercial use in the southwest quadrant are downwind from the agricultural lands. Therefore, the problems associated with commercial development in agricultural areas, such as litter and blowing debris accumulating in agricultural fields, will be eliminated.

Further buffering measures are provided for in the County Development Ordinance. All uses are required to meet design review criteria. Landscaping, fire breaks, setbacks and other standards can be applied to mitigate any possible adverse impacts that tourist commercial development could have on agricultural lands to the south and west of this quadrant of the interchange. The fact that development will be limited to tourist commercial development, which generally provides services to the traveling public, will limit conflicts with adjacent resource uses. Permanent residency is limited in tourist commercial areas which will further reduce compatibility problems. Again, the design review and conditional use process provide for effective measures to insure that uses will be compatible with adjacent resource lands.

BUTTERCREEK INTERCHANGE (Area #10) - See top of map on page XVIII-420A.

The 14 acres at the Buttercreek Interchange, located in the northwest quadrant of the interchange, have been designed and zoned for Commercial since 1979. This occurred after a request by the landowner was approved by the county. The decision was evaluated

by using the land use planning goals and extensive public hearings. The site contains a gas station, produce stand, restaurant, car repair facility and travel trailer park; and for practical purposes is all developed.



**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS**

## EAST COUNTY COMMERCIAL

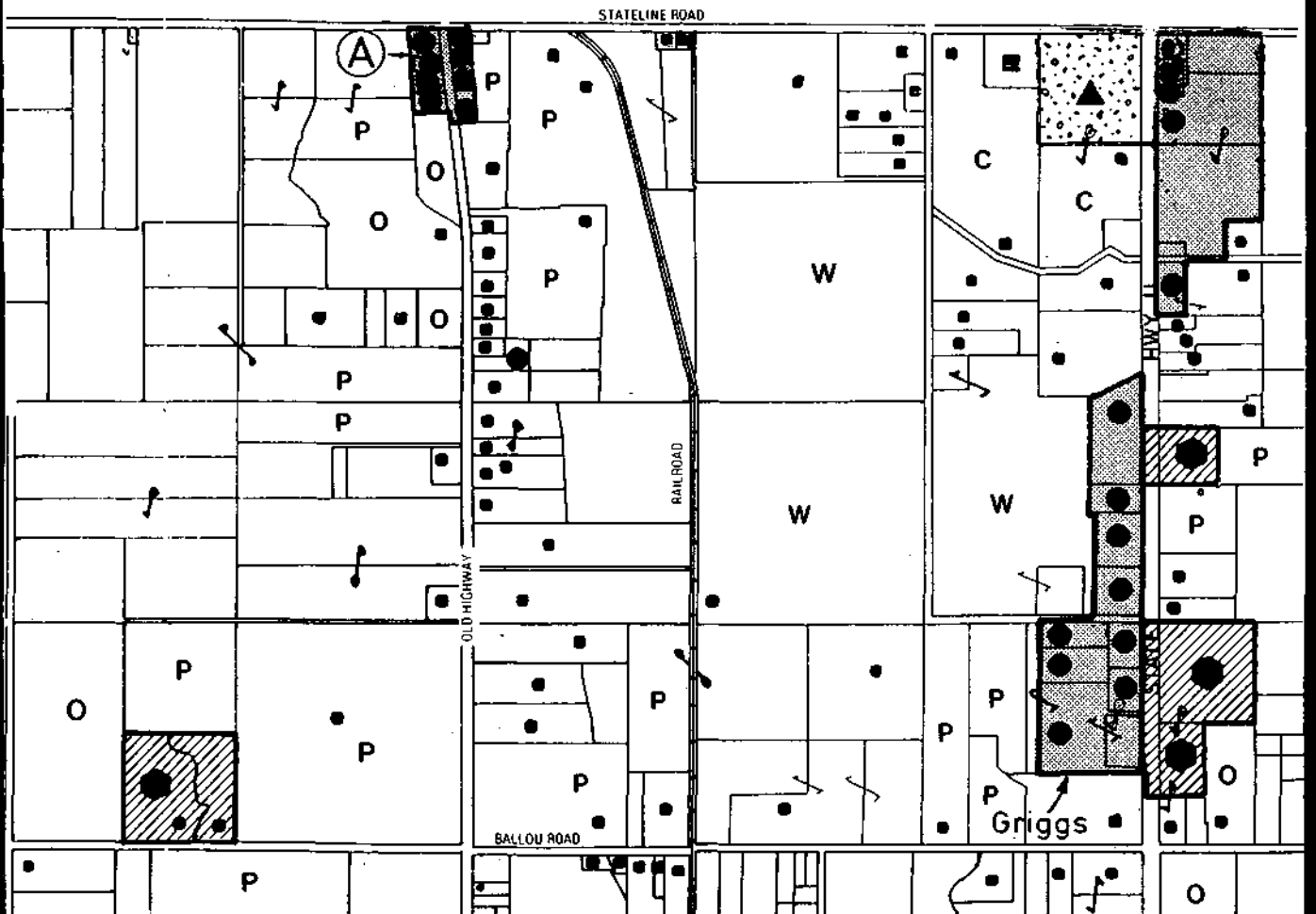
In the east county, eight nodes of commercial have been identified through the Orchards District planning effort conducted in 1978 and 1979. These areas have been incorporated into the total County Comprehensive Plan and reflect many hours of citizen involvement and some fine tuning done since adoption of the Orchards District Plan. In delineating the areas for commercial development, the following criteria were used to show that the site was not available for resource use and should be designated for commercial use:

- (1) Parcels or portions of large parcels already developed for commercial use;
- (2) Parcels or portions of large parcels considered to be committed to non-farm use because of:
  - (a) location along Highway 11 of the Old Walla Walla Highway between existing businesses and within a cluster of commercial use;
  - (b) adjacent to a commercial area at a crossroad;
  - (c) located between existing commercial uses and commercial areas planned by the City of Milton-Freewater.












Consideration was also given to the farm value of land in question, and whether the commercial designation was actually desired by the property owner involved.

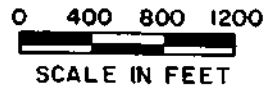
Six areas along Highway 11 were identified as meeting the above criteria. (See map on page XVIII-421A). Starting from the Oregon-Washington border and going south along Highway 11, the

WASHINGTON



LEGEND

- |   |                               |   |               |
|---|-------------------------------|---|---------------|
|  | INDUSTRIAL PLAN DESIGNATION   |  | DWELLING UNIT |
|  | COMMERCIAL PLAN DESIGNATION   |  | ORCHARD       |
|  | AGRIBUSINESS PLAN DESIGNATION |  | PASTURE       |
|  | COMMERCIAL BUSINESS           |  | WHEAT ROW     |
|  | INDUSTRIAL BUSINESS           |  | CROP          |
|  | AGRIBUSINESS BUSINESS         |   |               |
|  | JOINT OWNERSHIP               |   |               |



MILTON-FREEWATER COMMERCIAL, INDUSTRIAL & AGRIBUSINESS SITES  
(East County Numbers 1, 2 & 7)

**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS**












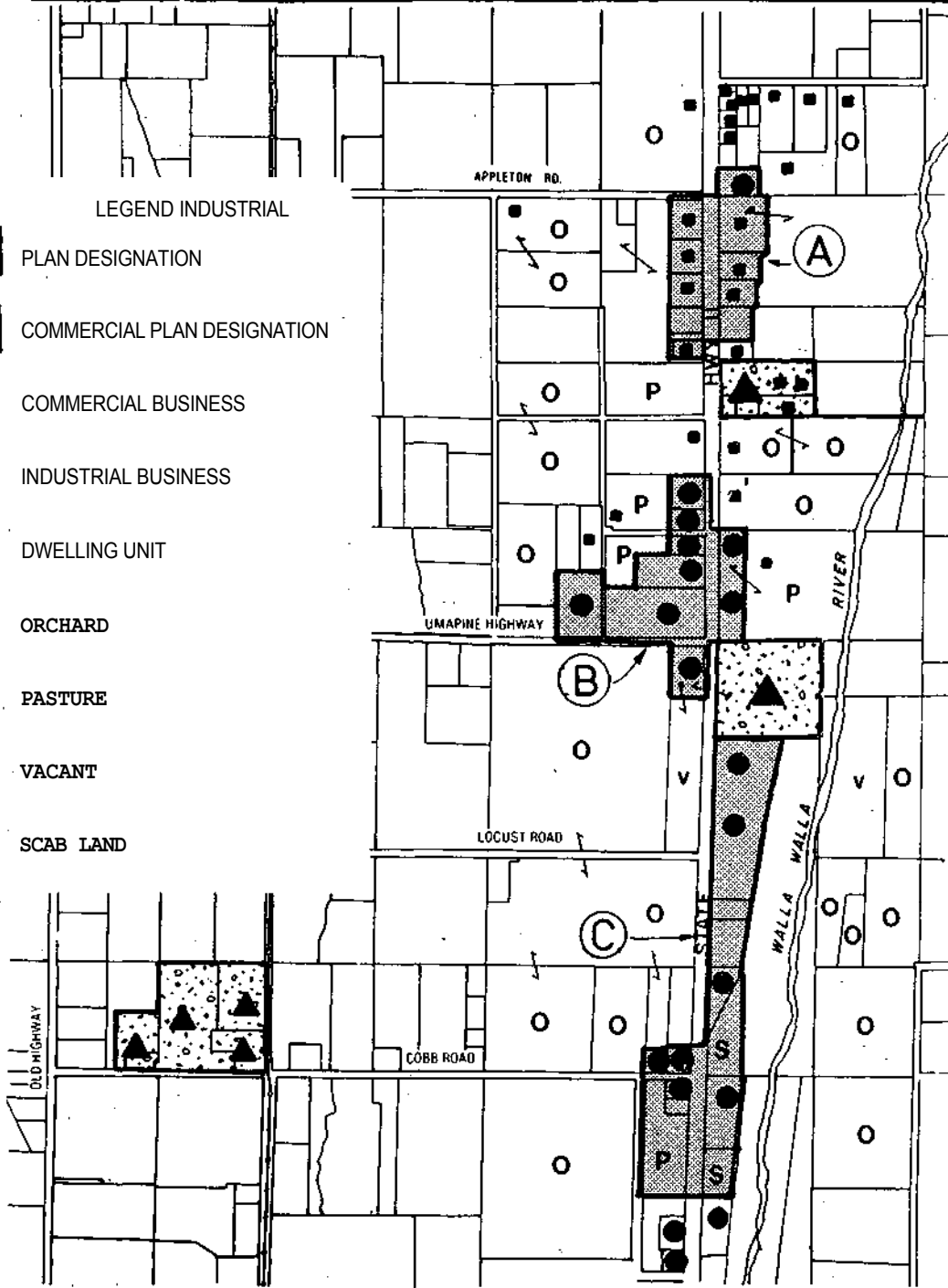
first area can best be described as the Stateline Area. This area consists of 18.19 acres in eight parcels, ranging in size from 0.09 to 8.12 acres. Approximately 7.6 acres are already developed and consist of a woodstove sales outlet, gas station, nursery and greenhouse operation, and a doctor's office. The balance of the land included is an infilling of the area.

The second area going south is the Griggs Area and consists of 21.8 acres in nine parcels ranging in size from 0.09 to 5.08 acres. Approximately 17 acres are developed and include a major department store (Griggs), a boat shop, mobile home and used car sales lot, farm tank and pipe supply store, gas station, and roller skating rink. Quite a large area is reserved for parking around the Griggs store and roller rink. The balance of the area is an infilling between existing commercial developments. (See map page 368) .

The third area is referred to as Ferndale/Crockett and lies between the intersection of Ferndale Road and Crockett Road along Highway 11. See map on page XVIII-422A) . This area is along both sides of the highway and consists of 28.96 acres in 19 parcels or parts of parcels, ranging from a low of 0.50 acres and a high of 4.54 acres. The reason for including portions of parcels is that the original Citizens Advisory Committee (CAC) set a policy of limiting commercial development to within 300 ft. of the highway. This has been fine tuned by the Planning Commission since 1979 to reflect topography, location of businesses, and homesites. Approximately 20.5 acres is developed for commercial use and



- LEGEND INDUSTRIAL
-  PLAN DESIGNATION
  -  COMMERCIAL PLAN DESIGNATION
  -  COMMERCIAL BUSINESS
  -  INDUSTRIAL BUSINESS
  -  DWELLING UNIT
  -  ORCHARD
  -  PASTURE
  -  VACANT
  -  SCAB LAND



MILTON-FREEWATER COMMERCIAL NODES AND INDUSTRIAL SITES  
(East County Numbers 4, 5, 6 & 8)



**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS**











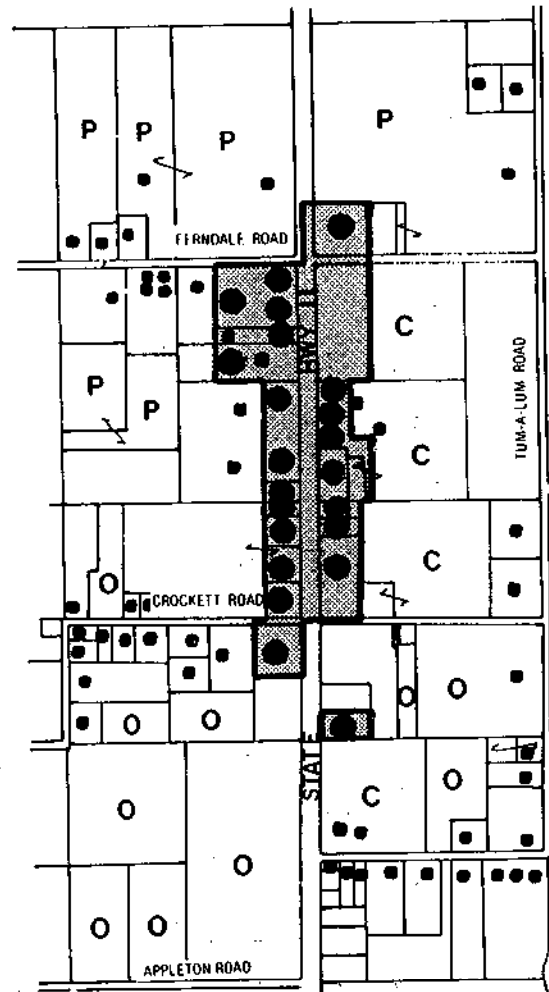
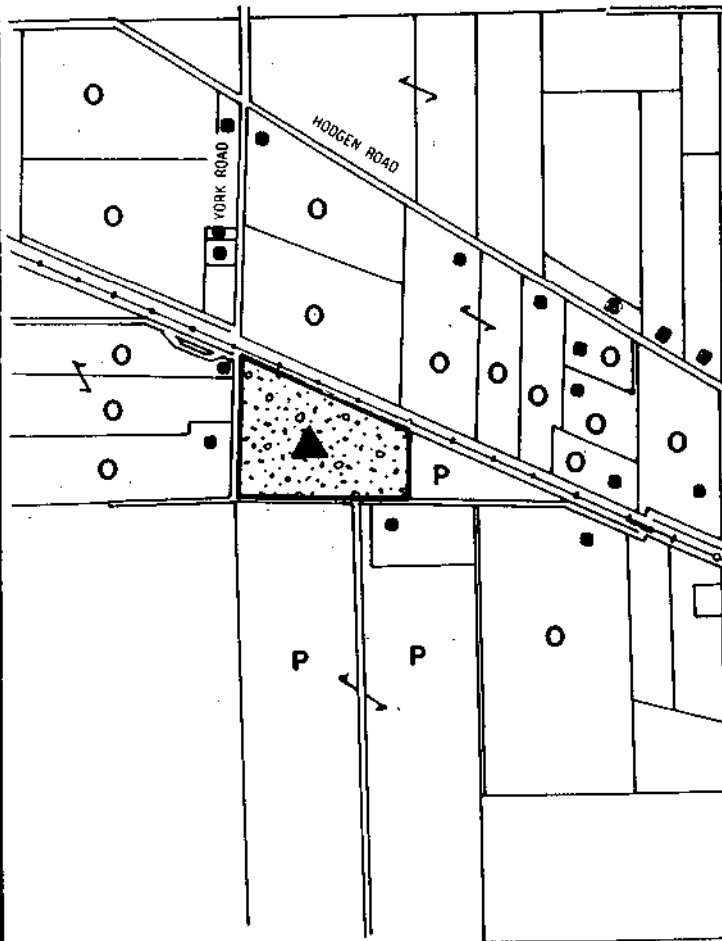
includes a mobile home sales outlet, floor covering sales outlet, farm machinery sales outlet, woodstove sales outlet, veterinary clinic, restaurant, saw shop, auction barn, antique shop, two gas stations and an RV Sales lot. The remaining acreage is infilling between the existing development along the highway.

The fourth area referred to as Appleton Road/Farmer's Market contains 11.37 acres at and south of the intersection of West Appleton Road and Highway 11. (See area A on map on page XVIII-423A). Commercial areas are located along both sides of the highway and are completely developed. The parcels range in size from 0.24 acres to 2.28 acres and include an antique shop, tavern, saddle shop, farmer's market, electrical and plumbing shop, and a realty agency.

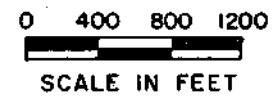
The fifth area is located around the intersection of the Sunnyside-Umapine Highway and Highway 11 and contains eight parcels or portions of parcels containing 15.62 acres ranging from 0.58 acres to 4.47 acres. (See area B on map, page XVIII-423A) . The portions of parcels included reflects the original Citizen Advisory Committee's policy to restrict development to within 300 feet of the highway. Approximately 12 acres of the area is developed and includes a drive-in theater, contractor's equipment storage and shop, retail fence post sales, produce market, machinery repair, and shop building. Adjacent to this site is an eight acres tract zoned industrial and which is the location of a sand and gravel operation. The balance of the acreage is again infilling between existing development.

LEGEND COMMERCIAL

-  PLAN DESIGNATION
-  INDUSTRIAL PLAN DESIGNATION
-  COMMERCIAL BUSINESS
-  INDUSTRIAL BUSINESS
-  DWELLING UNIT
-  ORCHARD
-  PASTURE
-  ROW CROP



MILTON-FREEWATER  
COMMERCIAL SITES  
& INDUSTRIAL SITE  
(East county Numbers 3 & 9)

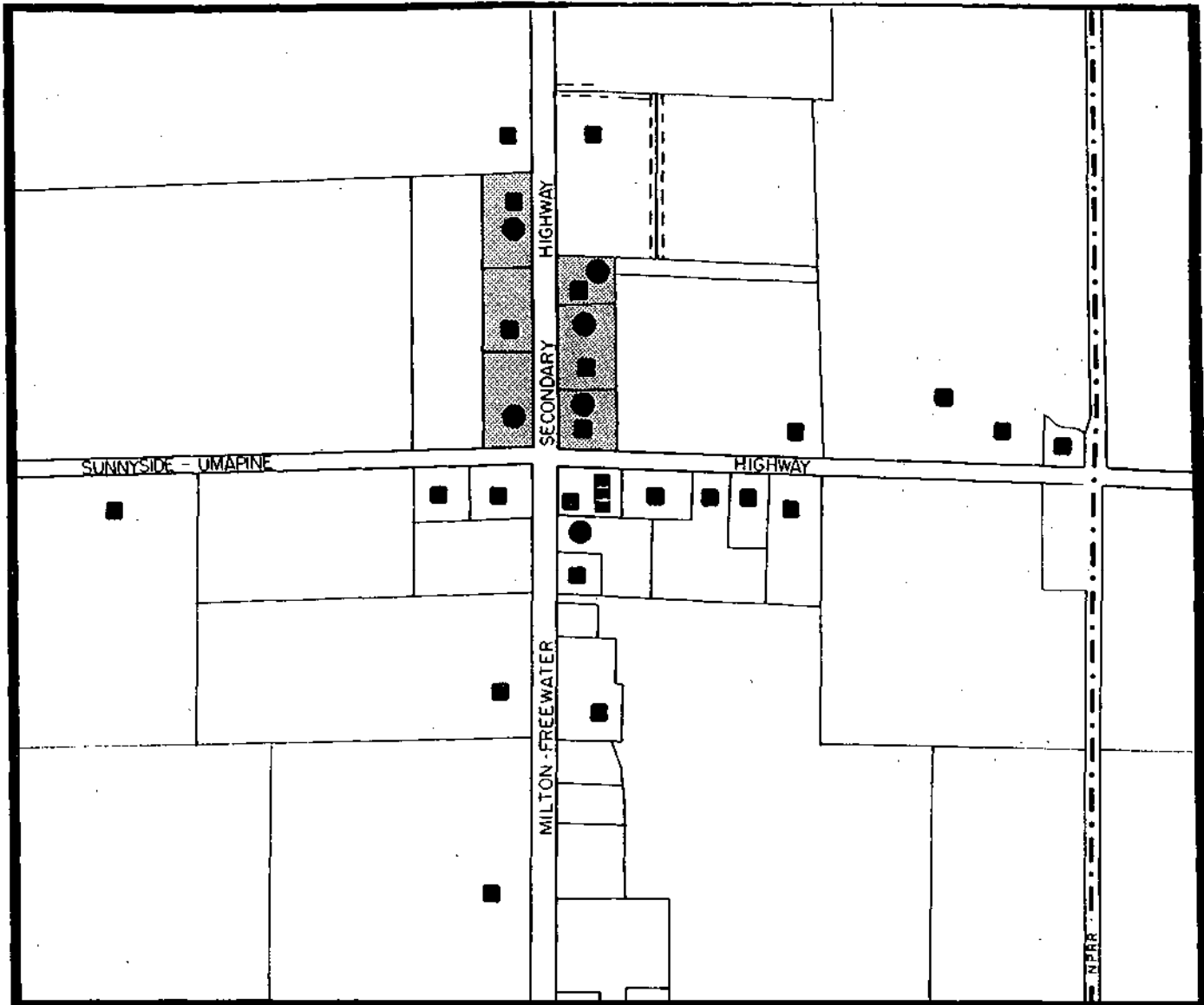


**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS**






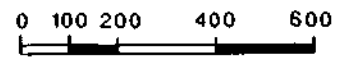
The final area considered along Highway 11 is around the Cobb Road/Highway 11 intersection south to the Milton-Freewater Urban Growth Boundary. (See area C on map, page XVIII 423A) . There are 13 parcels or portions of parcels containing 25.21 acres ranging in size from 0.05 acres to 8.33 acres. The largest parcel is occupied by an automobile wrecking yard and parts house. The area is contained between the highway and the dike along the agricultural land (river wash with no SCS rating) that is infilling between the existing development and the Milton-Freewater Urban Growth Boundary.

Two additional areas in the east county were considered along the Old Walla Walla Highway. Seven parcels containing 3.45 acres are located at the stateline and the old highway. (Area A on map, page XVIII-421A) . This area is completely developed and contains a gas station, tavern/restaurant, store, and five residences. All the parcels are under one acre in size. Six parcels contain 3.23 acres and are located in the northwest and northeast corners of the intersections of the Old Walla Walla Highway and the Sunnyside-Umapine Highway. In times past this was a major intersection in the area, and commercial development settled around this corner. Presently there is an auto repair shop, fruit stand and ceramic shop, commercial shop building, and two residences which take up the entire area.



LEGEND

-  COMMERCIAL PLAN DESIGNATION
-  COMMERCIAL BUSINESS
-  DWELLING UNIT



MILTON-FREEWATER COMMERCIAL SITES

SCALE IN FEET

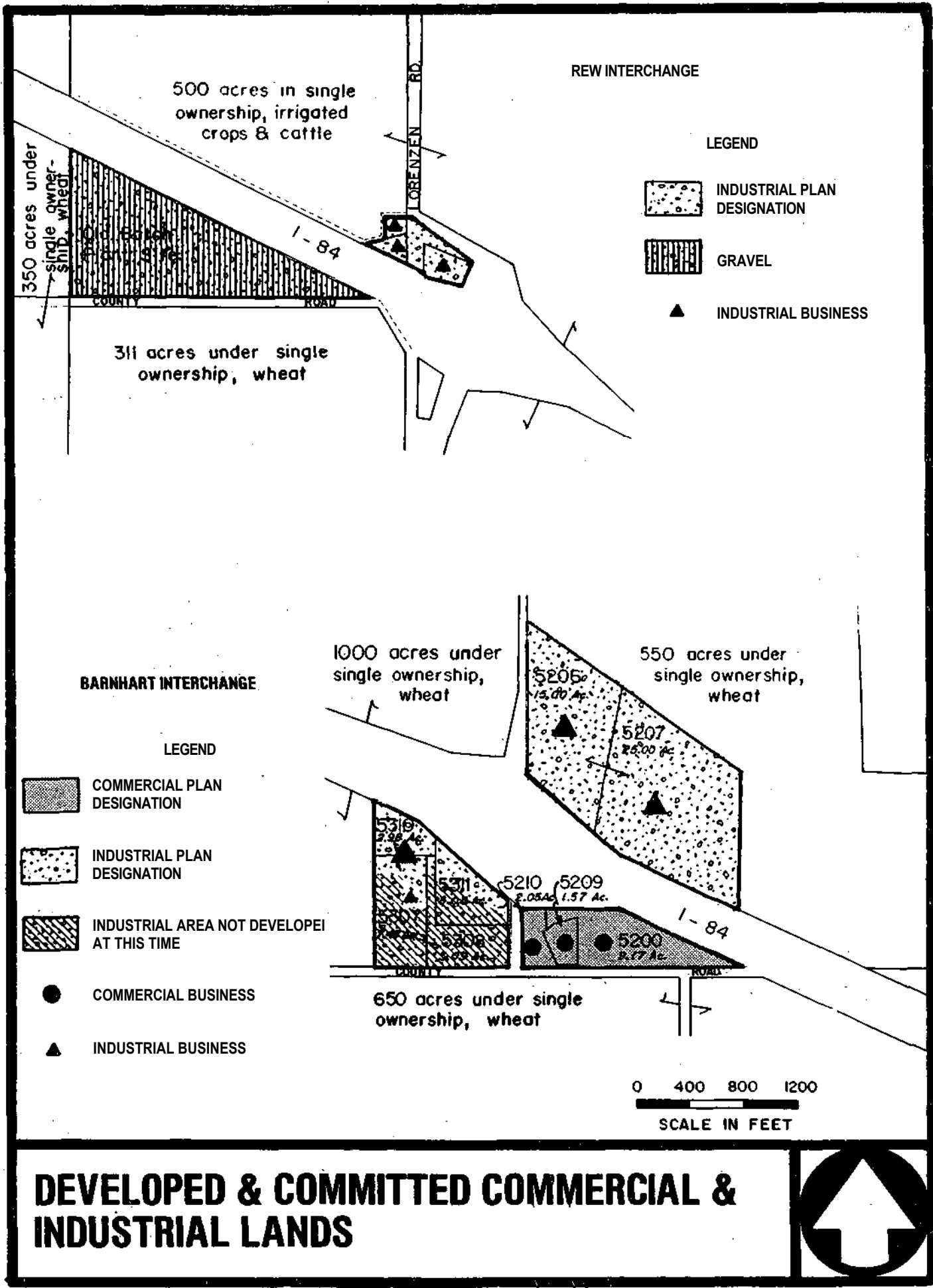
**DEVELOPED & COMMITTED  
COMMERCIAL LANDS**



## CENTRAL COUNTY COMMERCIAL

In the central portion of the county, there is one area designated for Commercial. That is at the Barnhart Interchange where additional land has been designated for industrial development. (See map on page XVIII-425A) . Eight and one-half acres have been identified as Commercial in the southwest quadrant of the interchange and are developed as a truck stop, restaurant, motel, and truck parking area. This area is already developed and there is not a large area left for any expansion.

Additional commercial land may be necessary in the future should conditions change. The exception process listed under Statewide Planning Goal #2 Land Use Planning (ORS 197.732(a)(c) and OAR 660-04-020) will be used to guide the location of any additional commercial land in resource areas.



## INDUSTRIAL NEEDS ANALYSIS

Industrial development in Umatilla County has historically been tied to agriculture and forestry. In recent years, though, the County has diversified its economy with the inclusion of a plastic pipe manufacturer and a major rail transportation facility at Hinkle; although generally, major industries in Umatilla County still are related to the two resource-dependent activities of agriculture or forestry. For example, there were eleven major food processing and five major wood products plants located in Umatilla County in the early 1980's. By contrast, the remaining large employers are relatively few and considered light industrial manufacturers which include three travel trailer or mobile home manufacturers, a fabric mill and commodities and warehousing firm, a plastic pipe manufacturer, and a flour mill.

Exceptions exist, though, in this trend; and one is the Union Pacific Railroad's Hinkle Rail Classification Yard. This facility is a major transportation consideration in Umatilla County and is one of the largest facilities in the western United States. Car trains are made up at Hinkle for general routing along the Union Pacific's vast system. Repair and maintenance facilities are also located at Hinkle. This rail facility makes the entire west portion of the county ideal for industrial users who desire rail facilities.



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 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.

The State of Oregon also provides a considerable amount of employment in Umatilla County, with the mental health facility and new prison facility located in Pendleton. Again, the state is not an industry in the sense of manufacturing, but does employ many skilled workers otherwise available for industrial work.

Throughout the county's history, the industrial development has never been steady. As discussed in other areas of the county's Comprehensive Plan and Technical Report, Umatilla County has been subjected to several cyclical development periods. Large capital outlays for the Army Depot, McNary Dam, construction of the interstate freeway system, and power generating plants have created boom and bust periods throughout the past 50 years. It is expected, although through the planning effort hopefully minimized, that this cyclical occurrence will continue.

In developing the industrial needs analysis for Umatilla County, past and present population and employment trends were reviewed. Consistently, civilian employment has run about 50% of the county's total population. Military employment is not taken into consideration in the employment figures. Further, it is

likely that the percentage of civilian workers will increase some as national statistics show that there are more and more two income earners per household. Also, the employment statistics have no handle on the number of discouraged workers or those who have given up looking for a job, but would be available in the work force.

Allowing for military employment, a slight increase in two wage earning household, and adding in for discouraged workers, the County could expect approximately 55% of its population to be available for the work force. This figure is in line with predictions by BPA in its Environmental Impact Statement for the Alumax Aluminum Reduction Plant proposal. BPA estimates that approximately 54% of the population will be in the work force.

Utilizing the coordinated population figures for the county, a population of approximately 124,000 people is projected by the year 2000 (plus or minus 10%). Fifty-five percent of this figure yields approximately 68,000 people in the work force by the year 2000.

Studies done by the Planning Department indicate that the major industry in Umatilla County employs from one employee per acre (1:1) to 15 employees per acre (15:1), with the average being about seven to eight employees per acre (7:1 or 8:1). The agricultural processing industries have lower employee per acres ratio than this.

Using a ratio of seven employees to one acre of land for industrial activities yields, a total of 9700 acres of land that is needed. A ratio of 8 to 1 yields a requirement of 8500 acres of industrial lands needed by the year 2000. Therefore, Umatilla County has an identified need for between 8500 and 9700 acres of industrial land to accommodate industrial development through the year 2000.

The following chart illustrates the number of acres of industrial lands designated within city limits and urban growth boundaries:

<u>City</u>	<u>Industrial Designated Land (in acres)</u>
Pendleton	1,747
Milton-Freewater	245
Pilot Rock	377
Athena	78
Weston	90
Adams	19
Helix	30
Ukiah	21
Umatilla	210
Hermiston	1,140
Stanfield	325
Echo	200
Total:	4,512

Subtracting out the 4500 acres of industrial lands within urban growth boundaries from the projected need of 8800 to 9700 acres of land needed, yields a remainder of between 4300 to 5200 acres of additional lands needed to accommodate industrial development. The County has identified sufficient land within the comprehensive plan to meet this stated industrial lands requirement.

A detailed description and amount of land identified for industrial development is found in the Plan Map Section. Most all of the land was found to be already developed or irrevocably committed to a non-resource use. With the land identified by the County for industrial use through the developed/committed exception process, the County will have an adequate supply of industrial land to serve its needs for the next 20 years.

As indicated elsewhere in the plan, water is a limiting factor for economic development in Umatilla County. However, during the identification of industrial lands within the county, it became evident that development has occurred where water is available. The additional lands identified by the County are adjacent to the already developed lands. Only one area (Westland) is in an identified critical groundwater area. The parcels identified as committed, though, have wells on them that are adequate for industrial purposes (discussions with landowners). Through the policies listed in the comprehensive plan and requirement listed in the development ordinance, large water consuming industries will be reviewed as to their impacts on existing water resources.

INDUSTRIAL LANDS EXCEPTIONS ANALYSIS Industrial

lands within Umatilla County have been designated for industrial use after carefully examining each area for compliance with LCDC goals, administrative rules and court cases. The purpose of this portion of the plan map section is **to** show the methodology, findings and conclusions used to justify designating the areas chosen for industrial development. Detailed mapping has been moved to better show development on and surrounding industrial designated lands, and the commitment of other lands where relevant factors cause the sites to be committed to other non-resource uses. On one site, justification is based specifically upon the fact that the Agricultural Goal (Goal #3) does not apply to this site. That is to say that the site does not meet the requirements of agricultural land; therefore, this goal does not apply.

In other areas, the County believes that justification exists for a specific needs exception as listed in ORS 197.732 (a) (c). Detailed analysis plus additional mapping is included in the following section to support this type of needs exception. McNary (Area #1)

**1993 Revision - The McNary area has not been officially acknowledged by the Land Conservation and Development Commission. The State Commission has deferred a final decision of full acknowledgement until they deferred a final decision of full acknowledgement until they resolve a state court directive to define the difference between a rural and urban land use and how each type shall be treated against the state land use planning**

**goals. This situation places the land within this area in limbo or hold.**

This 1400 acre site is adjacent to the Umatilla Urban Growth Boundary, and as stated elsewhere in the plan is a highly desirable location for industrial activities. The County believes an industrial land use designation is justifiable because of the poor to very poor soils located on and adjacent to this site. The entire site is characterized by Starbuck Rock Outcrop Complex according to the SCS Preliminary Soil Survey of 1983. According to soils maps and interpretation by SCS soil scientists, approximately 60% of the 1400 acres consists of Class VIII soils, while other 40% consists of Class VII and Class VIII soils. This area is very rocky, with several areas of standing water due to the shallow depth to bedrock. Irrigation is impractical if cost would even allow for it. Very little natural vegetation exists on the site, and SCS has stated to the County Planning Department that to try and seed the land to perennial grasses would be fruitless as well as cost-prohibitive. (See map on page XVIII-444A).

Surrounding land uses are similar to the existing land use on the site. Agriculturally productive lands do not begin for a couple of miles to the east or across Highway 730 to the south, lands to the north and west are located within the Umatilla Urban Growth Boundary and are designated for industrial use. Some development under the direction of the Port of Umatilla has occurred to the west. Prevailing wind patterns are from west to east; therefore, any major development on the lands within the

Umatilla Urban Growth Boundary would have an impact on these county lands.

The site is buffered from productive agricultural lands by U.S. Highway 730, which is a paved, two-lane highway which also provides excellent access to the site. The land currently under agricultural production lies south of Highway 730 and would not be impacted by any non-resource development at McNary due to the buffering created by the highway. No other farming practices occur in the area which would require agricultural land protection.

Other relevant factors that apply to this land are the proximity of the site to developed lands within the Umatilla Urban Growth Boundary. Water, electricity, and phone utilities are all available on the site. The Port maintains their own water system for development purposes. Rail facilities are nearby; and as stated prior, the site has access from Highway 730 for approximately 3/4 mile, and a paved county road for approximately 1/2 mile.

All the factors listed and discussed above render this property non-agricultural under the definition of Goal #3; and therefore, the goal would not apply to these lands.

ADDITIONAL JUSTIFICATION FOR McNARY INDUSTRIAL AREA

(See 1993 Reprint explanation on page XVIII-431 applicable to this section).

The County has attempted to show that the 1400 acres at the McNary Industrial Area are non-resource land and that Goal #3 does not apply. A portion was approved as qualifying as non-resource lands in the February 21, 1985, LCDC staff report and is the western portion which is bordered on two sides by the Umatilla Urban Growth Boundary. After reviewing the information available to the County and conducting an on-site inspection of the area, the County believes that there is substantial evidence to show that the remaining area is non-resource lands.

To better facilitate this review, the County has divided the remaining area that was questioned into two separately identified parcels (see map on page XVIII-444B). Parcel A consists of 175.47 acres and lies adjacent to the west end of the Umatilla Urban Growth Boundary. Parcel B consists of 640.51 acres and is south of Parcel A and adjacent to the 500 acres of approved rural industrial lands.

Reviewing the soils information on parcel A, the County is using an updated Soil Conservation Service Soil Survey for Umatilla County. The updated soil survey shows that about 60% of the land (approximately 105 acres) is Class VI soils and the remaining area (approximately 70 acres) contains Class Vie soils that are rocky. An on-site inspection revealed that there were numerous basalt rock outcroppings throughout the area with pockets of shallow soil. The



entire north side of parcel A is a rock bluff that overlooks the Columbia River. As stated previously in McNary Industrial Area discussion, the prevailing winds are from the west. Industrial activities within the Umatilla Urban Growth Boundary will impact this land because of these prevailing winds coming from industrial uses.

Lands further to the east should not be adversely impacted by any industrial activities that occur on parcel A because of the shape of the parcel and the activities (or rather lack of activities) that occur on lands to the east. Parcel A is triangular in shape, with the Columbia River forming the long side of the triangle on the north side narrowing down to a point on the east end. Any wind-carried industrial by-products would more likely be blown over the water and dissipated rather than carried onto adjacent lands to the east. Even if the industrial by-products were carried onto lands to the east, it would not adversely impact them because of the lack of resource activities occurring there.

The nearest cultivated lands are approximately 2 1/2 miles to the east. The distance between the cultivated fields to the east (downwind) from the proposed industrial uses on parcel A (upwind) would mitigate any adverse impacts industrial activities might have on agricultural lands. The BPA Environment Impacts Statement for the Alumax Aluminum Plant (1977) reviewed the impacts of several pollutants that the plant would emit, and found that no air quality requirements would be exceeded east of the plant site which

includes the lands east of parcels A and B. Therefore, industrial activities on parcel A will not adversely impact the distant lands east of parcel A which are cultivated.

The lands between parcels A and the cultivated lands to the east all have poor to very poor soils. The soils are generally the same as parcel A (being rocky with shallow pockets of soil, Class Vie by SCS) or worse (a large area of Class Vile soils is adjacent to the east boundary of parcel A) . This land area has no irrigation water rights; and even if there was water available, it would be impractical to irrigate because of the rocky impervious nature of the ground. The land to the east of parcel A is very marginal grazing land. The SCS soil interpretation sheet on this soil has no capability of carrying capacity information for grazing of this land when no irrigation water is applied to the land. This means the land has no grazing potential. Even if water were available and could feasibly be applied to this land, then the grazing potential is only 9 AUM's (Animal Unit Months). Typical irrigated grazing lands in the West County can carry 15 AUM's or approximately 2/3 more than the marginal lands on and adjacent to parcel A.

Just east of parcel A is the mouth of Box Canyon which is a deep canyon running perpendicular to the Columbia River. A vertical drop of over 100 feet separates the land in the bottom of Box Canyon from the land on top which is level with parcel A. The Box Canyon area has all Class Vile soils according to SCS soils mapping information. There are several cattle pens in the bottom

of the canyon. A concentrated feedlot operation is run by the owners of parcel A. They also own several thousand acres in the Umatilla area. The site is a logical one for a feedlot because it sets down in the canyon and is protected from the winds. The steep sidewalls of the canyon help keep the cattle concentrated. Feed is hauled in from other cultivated lands, which the landowner has (including the cultivated lands to the east). Industrial development to the west (on parcel A) would not impact this non-commercial feedlot. The feedlot is the only agricultural activity that occurs west (downwind) of parcel A, and it would be well-buffered from potential non-resource activities since it is topographically buffered (sits down in the canyon) and is wind sheltered. Any blowing of industrial by-products would likely drift over this area or be dispersed so as not to cause any environmental degradation.

In conclusion, the designation of parcel A for industrial use will not adversely impact adjacent lands and activities to the east because of topographical buffering and the lack of resource activities occurring in this vicinity.

Parcel B, as stated previously, consists of 64CK51 acres and lies immediately west of the approved rural industrial site at McNary and immediately south of parcel A. About 630 acres is being considered for non-resource use (rural industrial) as U.S. Highway 73 0 divides off approximately ten acres of the parcel. The County has determined that Highway 730 is a definite and effective southern boundary and buffer for the anticipated non-resource

(rural industrial) uses. Parcel B is land that is owned by the Port of Umatilla which is the lead agency or economic developed for Umatilla County. (See map on pge XVIII-440B

The soils information for parcel B shows that about 35% of the land (approximately 220 acres) is Class VIII soils and the remaining area (approximately 440 acres) contains Class Vie soils that are very rocky. The soils<sup>1</sup> condition is much the same as parcel A, discussed earlier. Numerous outcroppings of basalt rocks surrounding shallow pockets of soil that support limited vegetation were evident during an on-site inspection. The rock outcroppings make it impossible to drive a tractor on the land to try and work any of the shallow soil. Potential grazing use of the land is limited to a couple of weeks in the spring and late fall when rains green up the sparse grasses, according to the Port Manager's office and the adjacent landowner who leases the land to use in conjunction with other lands for minimal grazing activities.

Discussions with the Port Manager and the lessee indicated that parcel B is not fenced because it is not worth cost of fencing to the Port District to keep any incidental grazing cattle off of parcel B. (Range laws require landowners to fence out any wandering animals if the landowner does not want the animals on his land). Rather, The Port maintains a nominal lease with the adjacent landowner (around \$250.00 total per year) that allows the cattle to roam freely for the couple of weeks that they may be in the area. If the land were valuable for grazing, cross fences would be built to better manage the land and a substantial increase

in the leasing fees would be in order, according to the lessee and Port Manager. The rocky soils, though, make it difficult if not impossible to manage the land in this area of grazing use.

Parcel B is situated between approved rural industrial lands to the west and parcel A to the north which has been discussed earlier as to the reasons why Goal #3 does not apply to it. Again, the prevailing wind patterns from west to east would impact parcel B when industrial development occurs on approved industrial lands to the west (including developed and vacant industrial designated lands within the Umatilla Urban Growth Boundary).

Lands further to the east should not be adversely impacted by any industrial activities that would occur on parcel B because of the limited resource activities that occur or can occur on them. The nearest cultivated lands are approximately 2 1/2 miles to the east. The distance between the cultivated fields to the east (downwind) and the proposed industrial uses on parcel B (upwind) would effectively mitigate any adverse impacts industrial activities might have on these distant and more intensively managed agricultural lands. Parcel B was to be a portion of the Alumax Aluminum Reduction Plant site and the BPA Environmental Impact Statement (EIS) for the plant (dated 1977) reviewed the impacts of several pollutants that the plant would emit. The EIS found that no air quality requirements would be exceeded east of the plant site (i.e. the lands east of parcel B). Therefore, industrial activities on Parcel B will not adversely impact the lands east of parcel B that are cultivated.

The lands between parcel B and the cultivated lands to the east all have poor to very poor soils. The soil characteristics are generally the same as parcel B, being rocky with shallow

pockets of soil (Class Vie SCS) or worse (Class Vile soils). This area has no irrigation water rights; and even if there was water available, it would be impractical to irrigate because of the rocky impervious nature of the ground. The land to the east of parcel B is very marginal grazing land limited to grazing use a few weeks in the spring and a few weeks in late fall when the sparse rains green the natural vegetation. The SCS soil interpretation sheets for this soil have no capability or carrying capacity for grazing of this land when no irrigation water is applied to the land. , This means that the land has no grazing potential. Even if water were available and could be feasibly applied (and it cannot) to this land, then the grazing potential is only 9 AUM's (Animal Units Months). Typical irrigated grazing lands in the West County can carry 15 AUM's or approximately 2/3 more than the marginal lands on and adjacent to parcel B. Therefore, the lack of water makes this land virtually useless for any type of agricultural use except for minor incidental grazing use a few weeks out of the year.

About 300-600 ft. east of the eastern boundary of parcel B is Box Canyon which is a deep canyon running perpendicular to the Columbia River. A vertical drop of over 100 ft. separates the land in the bottom of Box Canyon from the land on top which is level with parcel B. A mental picture of this area would be a fairly level, rocky piece of ground extending across parcel B and then further eastward another 300-600 ft. to an abrupt drop off into Boa Canyon.

Box Canyon is all Class Vile soils according to SCS soils mapping information. Although there are very poor soils in Box Canyon, there are several cattle pens in the bottom of the canyon. A concentrated feedlot operation is run by the owners of parcel A. They also own several thousand acres in the Umatilla area. The site is a logical one for a feedlot because it sets down in the canyon and is protected from the winds. The steep sidewalls of the canyon help keep the cattle concentrated and confined. Feed is hauled in from other cultivated lands, which the landowner has (including the cultivated land to the east). Industrial development to the west (on parcel B) would not impact this non-commercial feedlot. The feedlot is the only intensive agricultural activity that occurs east of parcel B and directly downwind. This feedlot would be well buffered from potential non-resource activities since it is topographically buffered (down in the bottom of the canyon) and is wind sheltered. Any blowing of industrial by-products would likely drift over this area and be dispersed so as not to cause any environmental degradation. Any industrial by-product that settle out to the east would most certainly settle out over the vacant rocky scab land before reaching the distant cultivated agricultural land to the east.

The land to the south of parcel B would not be impacted by industrial development on parcel B for several reasons. First, the County is using U.S. Highway 73 0 as the southern edge of non-resource development. The highway acts as a buffer between the lands to the north and lands to the south. The physical separation



caused by the highway creates two separate land areas that are independent of one another. Uses occurring on one side of the road must be managed differently than on the south side because of the separation.

The land on the south side of Highway 730 generally consists of the same type of rocky, sparsely vegetated land that occurs on the north side of the highway and described in detail above. Agricultural activities are limited to grazing livestock during early spring and late fall. The buffering provided by the highway mitigates any adverse impacts non-resource development to the north would have on the lands south of the highway.

Farming practices are also limited on the lands to the south because of the McNary potholes. These wetlands are currently being protected by the County as a 3C site under Goal #5 rules (limit the conflicting uses). The limiting factors for agricultural, though, are not because the County is protecting the potholes; rather, the potholes limit the ability of the landowners to manage the land for full-time grazing. It is virtually impossible to drive a tractor across the land due to the rockiness, let alone set out irrigation lines to try and irrigate the shallow soils.

In conclusion, the designation of parcel B for industrial use will not adversely impact adjacent lands and agricultural activities because of the poor soils, topographical or physical buffering and the lack of resource activities occurring in this vicinity.

As an additional note, the County is vitally concerned with securing an industrial designation at the McNary site. Parcel B has been owned by the Port of Umatilla since 1969. The land was purchased by the Port with tax supported bonds, approved by the citizens of Umatilla County for industrial use to stimulate and hopefully secure economic development in Umatilla County. It is the largest block of publicly owned industrial land in the county, and together with the other adjacent rural lands at McNary, comprise a large block of land that can attract industrial users. According to Port officials, the McNary site is only one of two sites in Oregon that the Department of Economical Development has on its inventory for prospective industrial users seeking large vacant industrial properties.

All the land at McNary was optioned to Alumax in early 1975 for the construction of an alumaxing reduction plant. The purchase of parcel B by the Port and the option to Alumax both pre-date the adoption or the application of the statewide planning goals. Alumax held the option until early 1983 when due to several well-publicized reasons, their option was dropped. During the period between 1975 and 1983, Alumax applied for, received and kept current all applicable planning permits. Now, because of circumstances beyond the control of the County, the McNary area has been identified by the state as lacking substantial evidence to show that Goal #3 does not apply to this area.

The County believes that substantial evidence has been provided to show that the McNary area is not resource lands and

●●●●●●●● McNARY INDUSTRIAL SITE

----- UMATILLA U.G.B.

○○○ WET AREAS

A B PARCELS REFERRED TO IN TEXT

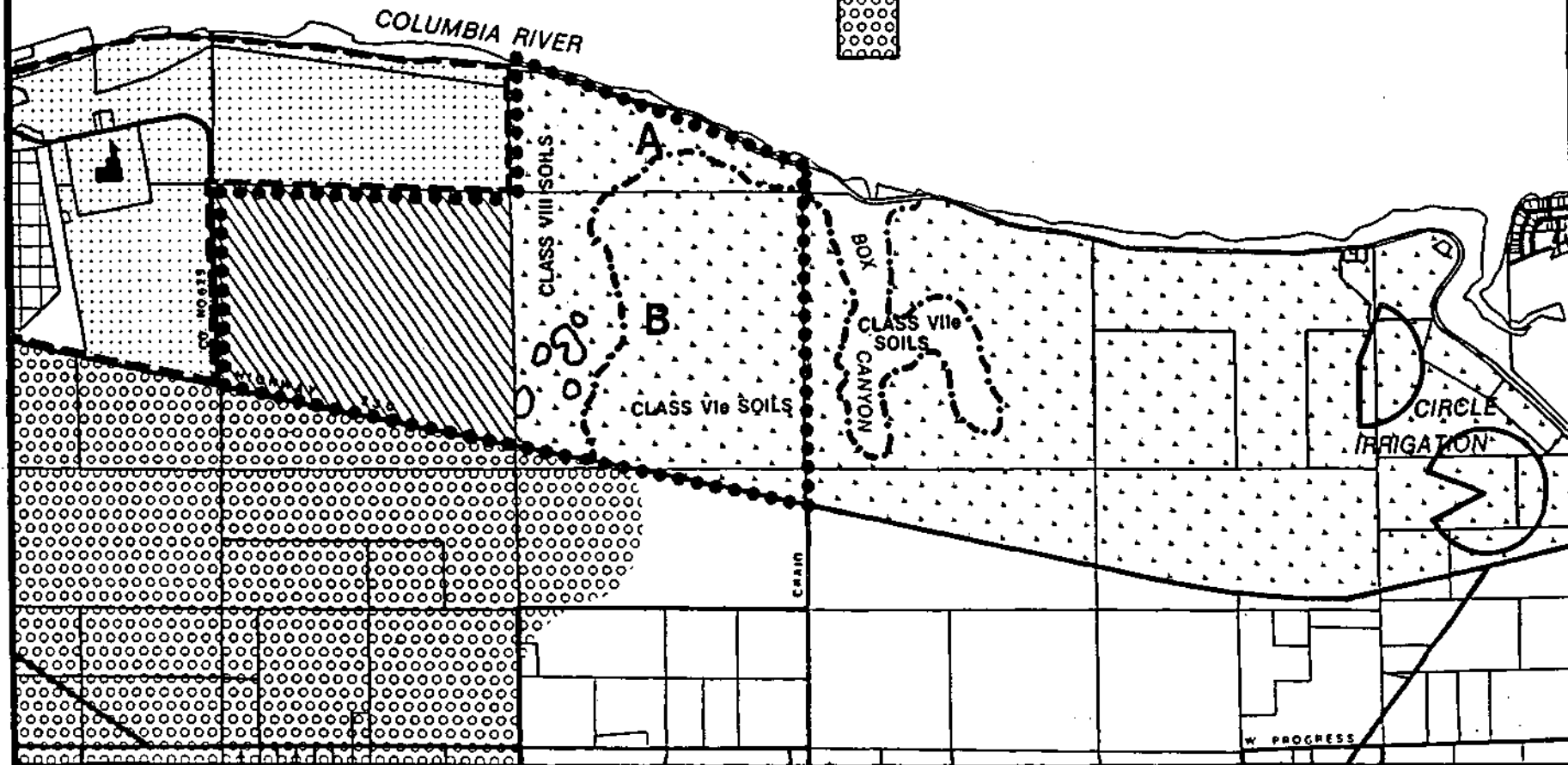
 AREA APPROVED IN 2/21/85 STAFF REPORT

 INDUSTRIAL (UMATILLA U.G.B.) ROCKY

 OUTCROPPING CITY OF UMATILLA McNARY

 POTHOLES

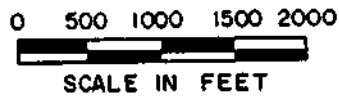
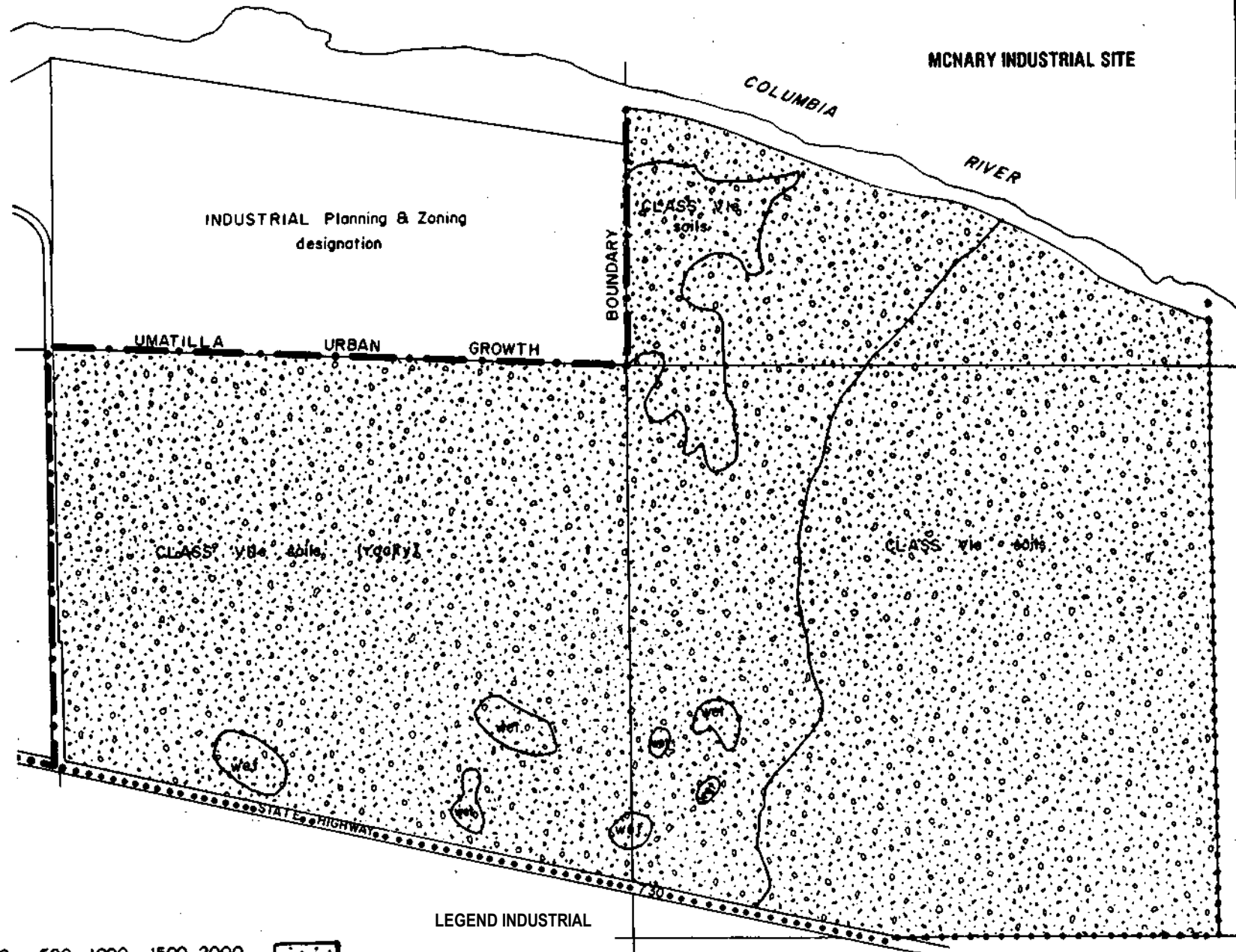




# MCNARY INDUSTRIAL SITE

**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS**

XVIII:AAAA



LEGEND INDUSTRIAL  
PLAN DESIGNATION



does not need to be protected by Goal #3 requirements. In fact, the County has and is using good planning practices and is preserving valuable resource lands for resource uses while directing non-resource development away from valuable resource lands.

Highway 395 (Area #2)

The County believes that relevant factors under ORS 197.732(1) (a) and OAR 660-04-025 and 028 are available to show that this 800 acres area is developed or irrevocably committed to non-resource uses. Detailed mapping of the area is provided i in this section showing the lands that have been developed already for industrial or other non-resource uses.

This area lies between two urban growth boundaries along a two mile stretch. There is a long history of industrial and commercial development along this stretch which resulted in several developed parcels (see map on page XVIII-449A). Development is concentrated most densely along the highway. A private water system serves the area and electricity is readily available to all parcels. Typical development that is common to the area is warehousing on lots of one acre or more in size. Two large auto wrecking yards take up quite a bit of land area.

Of the lands not physically developed within this industrial area, there are three areas that the County believes are justified as irrevocably committed even though they approach manageable sizes for resource use. The first area lies west of Highway 395 south of the race track to Baggett Lane (see north part of map or page

XVIII-449A) , and consists of approximately 100 acres of land which is currently undeveloped. Approximately 80 acres is owned by one individual. The area, though, is severely impacted by surrounding non-resource uses. To the north of this committed area is a sand and gravel operation, retail boat sales yard, and a racetrack and associated facilities; to the east is intensive commercial and light industrial development (warehousing); on the south is an auto wrecking yard, light industrial development (manufacturing and sales), and rural residential development which was approved as developed and committed lands; and on the west is a sand drag racing facility and the Umatilla Butte, which rises quite steeply above the level of the surrounding lands. The butte is federally owned (BLM) and acts as a buffer between industrial uses to the east and rural residential development to the west. A sanitary landfill and gravel pit are located on this BLM property through a leasing agreement with the County and the State of Oregon.

Although this is a fairly large undeveloped area, the surrounding land uses discussed above render this area unsuitable for resource development. Compounding the problems of trying to preserve the land for agricultural use are the poor soils on the site (Class IVe irrigated and Vile non-irrigated: and the lack of any irrigation water for the site. The area is devoid of vegetation and lacks any potential for resource development.

Finally, this committed area is surrounded by the county or public roads, and in some cases these roads go right through the committed area and provide access to other developed parcels.

These roads act not only as an adequate transportation network, but also provide physical boundaries to separate uses, or in the case of Bensel Road on the north, a separation from industrial designated lands within the Umatilla Urban Growth Boundary.

A second committed area lies on the east side of Highway 395 between Bensel Road on the north and Baggett Lane on the south, and consists of approximately 125 acres of undeveloped land. This committed area is severely impacted by non-farm uses on three sides and a wildlife refuge on the fourth side. The area is also chopped up by a major power transmission line and roads (see map on page XVIII-449A).

The land on the north of this committed area is presently used for a bird refuge and administrated by the U.S. Fish and Wildlife Service. The refuge lies north across Bensel Road, which is a two-lane gravel road. Expansion of any industrial activities to the north would be limited by the road and the refuge. To the east is an approved rural residential developed and irrevocably committed area. Several homesites are located along the east side north of the powerline. Further to the south but still along the east side of this committed area is a large warehousing complex which is considered by the County to be developed lands.

The adjacent land uses to the south include auto wrecking yard and several commercial businesses (pump sales, auto body shop, health spa) . The entire west side of this committed area is occupied by commercial businesses that cater to the traveling public along Highway 395. The development pattern that surrounds

this committed area constricts the use of the land. It is impractical for any continued commercial agricultural operations to continue on this area because of the severe impact the surrounding land uses would have on normal farming activities. Compounding the issue of continued agricultural use of this committed area is the large power transmission line and associated towers that cut diagonally across the area mentioned earlier. Field sizes are reduced considerably because of the powerline and result in field sizes below desirable management sizes. Further, the southern half of this area lacks any irrigation water rights, and the SCS Soil Classification becomes Class Vile soils and virtually useless for agricultural use.

Further justification of the commitment of this land is evidenced by the road system and available electricity supplies that are available along each road. Three county roads provide excellent accessibility on three sides of this committed area. A fourth county road runs through the middle of this area, which provides for a total of three distinct access points to Highway 395, each one spaced roughly equally apart.

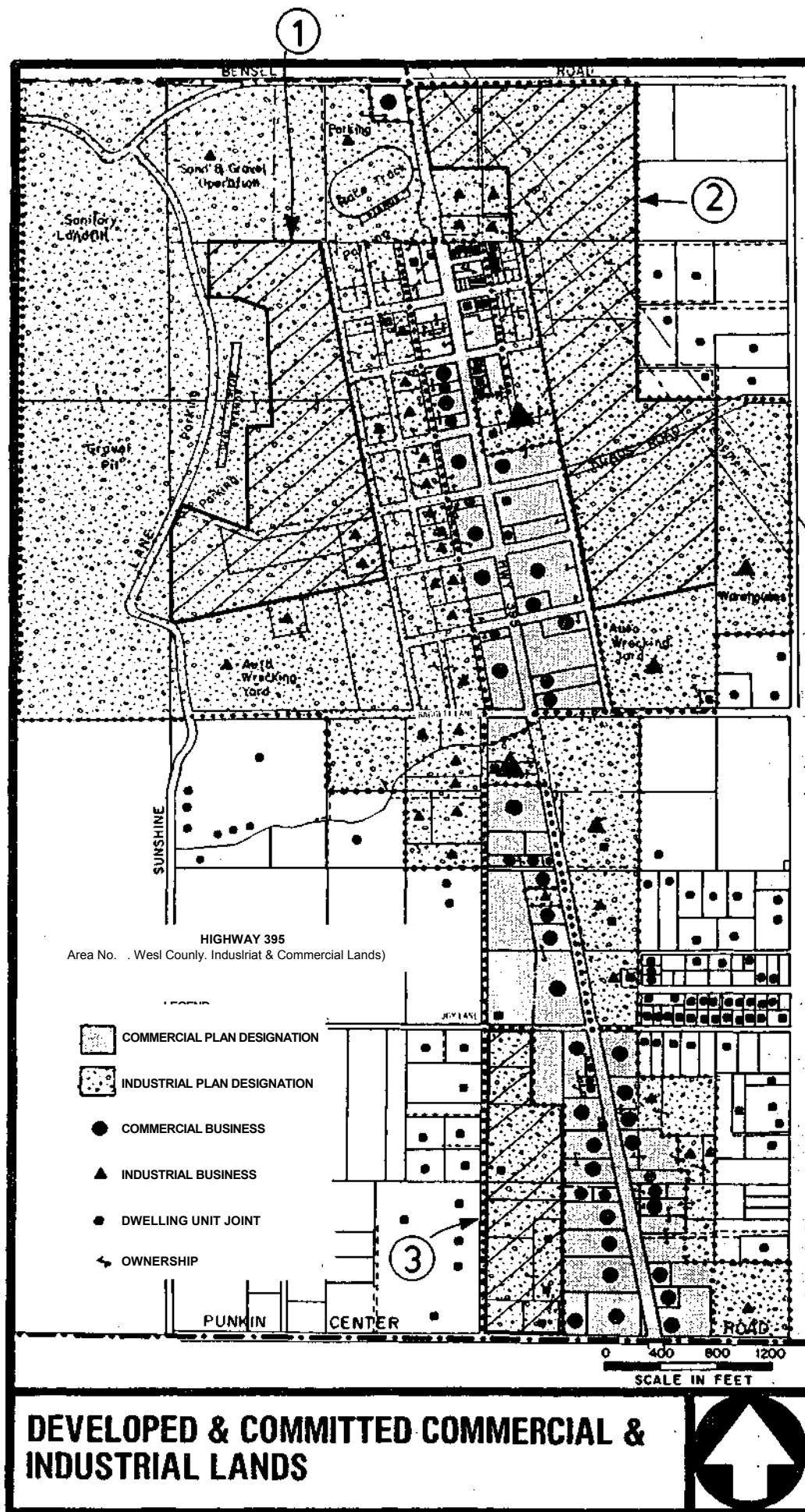
The entire developed portion of the Highway 395 industrial area is characterized by light manufacturing and warehousing. Large areas are needed for building, but relatively few employees work for any one particular employer. The County would envision that the committed areas would continue to develop in a similar manner. Thus, the County would anticipate relatively large capital investment on each site with low employee numbers that would

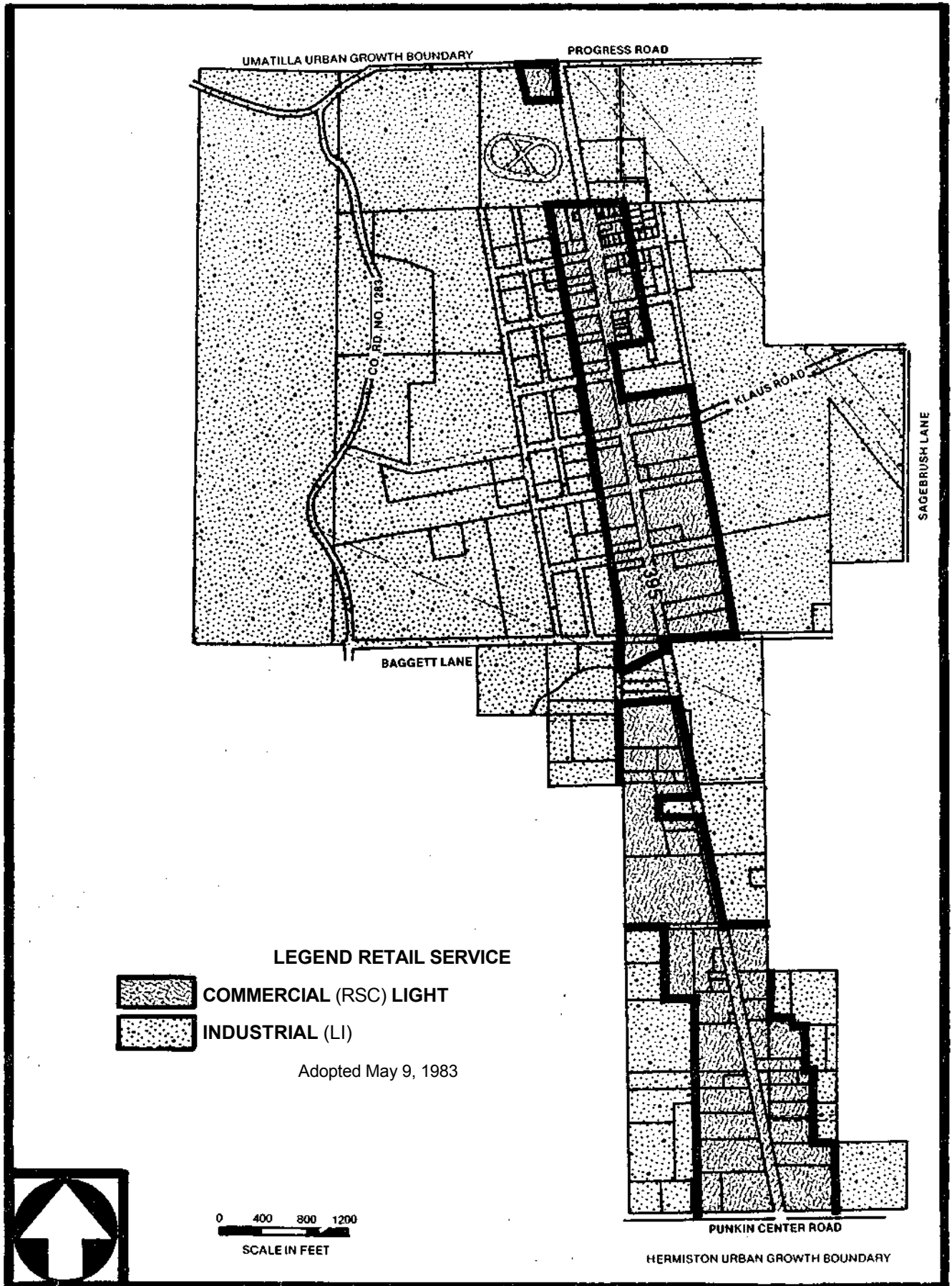


require little more than the present basic facilities with those present facilities more than adequate to serve the area. Development that does occur would be buffered from existing rural residential development to the east by the County's Development Ordinance, which requires site review and a 200 foot setback from rural residential areas. Impacts to surrounding uses would thus be minimized if not entirely eliminated.

The third committed area within the Highway 395 industrial area is towards the southern end and on the west side of Highway 395. (Also see map on page XVIII-449A) . The area consists of approximately 50 acres under eleven separate ownerships. It is bounded by roads on three sides (on the north a public road, the west by a county road, and the south by Pumpkin Center Road) and commercial development to the east (see map) . The area is long and narrow and not conducive for farm operations because of the surrounding land uses and soil types of the committed area.

The north end of this committed area is bordered by commercial development (fruit stand, second-hand store, bottled gas sales) and light industrial uses (warehousing and a manufacturing plant). The east side is bordered on by several highway-oriented commercial uses (retail sales and service outlets). To the south is the Hermiston Urban Growth Boundary where commercial and residential development has occurred. Along the west side is rural residential development that has been approved as being developed or irrevocably committed to non-resource use. Much of the land on the west has been developed as rural residential already. Within





**INDUSTRIAL - COMMERCIAL ZONING**  
**HIGHWAY 395 BETWEEN PROGRESS & PUNKIN CENTER ROADS**

the committed area are five dwelling units scattered throughout this 50 acres.

This committed area also lacks irrigation water rights and results in a SCS Soil Classification of Class Vile. It would be impractical due to the surrounding land uses, and development located in the area, and the lack of water rights, to feasibly use the land for agricultural purposes.

The light industrial activities that have occurred in and are likely to continue in the Highway 395 area would be an appropriate transition from the intense commercial development that occurring to the east. The additional setbacks required by the Development Ordinance will further protect adjacent land uses from incompatibility. Westland (Area #3)

This industrial area has been reduced in size from earlier planning efforts. After a re-examination of land uses, originally 640 acres was considered for an industrial land use designation. This figure has been reduced to 430 acres after further review. Some acreage was removed and a major livestock feedyard was designated Agri-Business to better reflect the existing land use. Of the remaining 430 acres of land, approximately half or 215 acres are physically developed (see map on page XVIII-454A). The remaining 215 acres the County believes are committed under the requirements of OAR 660-04-028 and are located in five distinct areas with the Westland Area.

This first area under discussion and labeled #1 on the above mentioned map is on the north end of the Westland Industrial Area and consists of approximately 45 acres of land under one ownership. It lies on the southern side of Westland Road between the road and the Westland Canal, which is a large open ditch which provides irrigation water for agricultural land to the north. The lands across Westland Road to the north and west are currently under agricultural production. To the east are two warehouse buildings that house light industrial type activities (wholesale supplies) and a one acre residential development that is 75% developed. The remainder of the land on the east side is vacant land. To the south across the Westland Canal is irrigated farmland, while to the southwest is developed industrial land, including a cold storage warehouse and a potato processing plant.

Currently electricity, gas and telephone service are available to this area. A major electrical substation is located southwest of this committed area. The area also fronts along Westland Road, which is a paved, two-lane road. Westland Road provides direct access to 1-84, which is 1 1/2 miles to the south, and the City of Hermiston, which is six miles to the northeast. Interstate 82 is also under construction and direct access to it will be provided from Westland Road. 1-82 would only be 1 1/2 miles to the west and will provide access to points north in Washington.

The soils on this committed area and adjacent lands are Quincy Loamy Fine Sand, Gravelly Substratum and Quincy Fine Sand. The predominate soil on this committed land is the Loamy Fine Sand,

which has an SCS agricultural land capability of Class IVe irrigated and Class Vile non-irrigated. Although there are 122 acres in one ownership on and adjacent to this committed area, the famiability of this area is severely restricted by the Westland Canal. As stated earlier, this is a large, wide irrigation canal that has no bridge across it to connect the two fields. In reality, there are two separate fields: one of approximately 45 acres north of the canal and the other of approximately 77 acres south of the canal. The 44 acre parcel is that part which the County believes is committed.

The road and the canal form physical barriers to the extension of any agricultural consolidation efforts in this area. Along with developed industrial lands on the other two sides, it is impractical to continue farming this site. With the road, canal and adjacent industrial activities on opposite ends, this committed area is sufficiently buffered from other resource uses\*

The second committed area labled #2 on the map on page XVIII-454A is just east of the intersection of Westland and Walker Roads. It consists of 12.30 acres of land that is bounded on all sides by the Westland Canal and Westland Road. This area is surrounded by other developed industrial lands which include a major food processing plant, warehousing and a furniture store. The development that surrounds the property makes it impossible to combine it in with any agricultural land, and its small size makes the parcel impractical to farm by itself. (See map on page XVIII-454A) .

The third area is along the west portion of the Westland Industrial Area across from the food processing plant. The site contains a little less than 80 acres. To the north of this site is agricultural land (circle irrigation). To the east is a developed industrial land. To the south is marginal grazing land, and to the west is agricultural land under irrigation. A large potato warehouse with rail access is located in the southeast corner of this area. (See area #3 on map on page XVIII-454A).

Although there is agricultural land on two sides of this area, it is well buffered from these resource area. The area is encircled by three roads and the mainline of the Union Pacific Railroad. The site is buffered from the- circle irrigated land to the north by freeway located to the west. The agricultural land on the west is being impacted by the construction of 1-82 and will severely curtail agricultural operations to the west. On the south is the mainline of the Union Pacific Railroad that has a right-of-way that is 200 ft. wide. This wide of a buffer provides an excellent separation from the very marginal agricultural lands to the south.

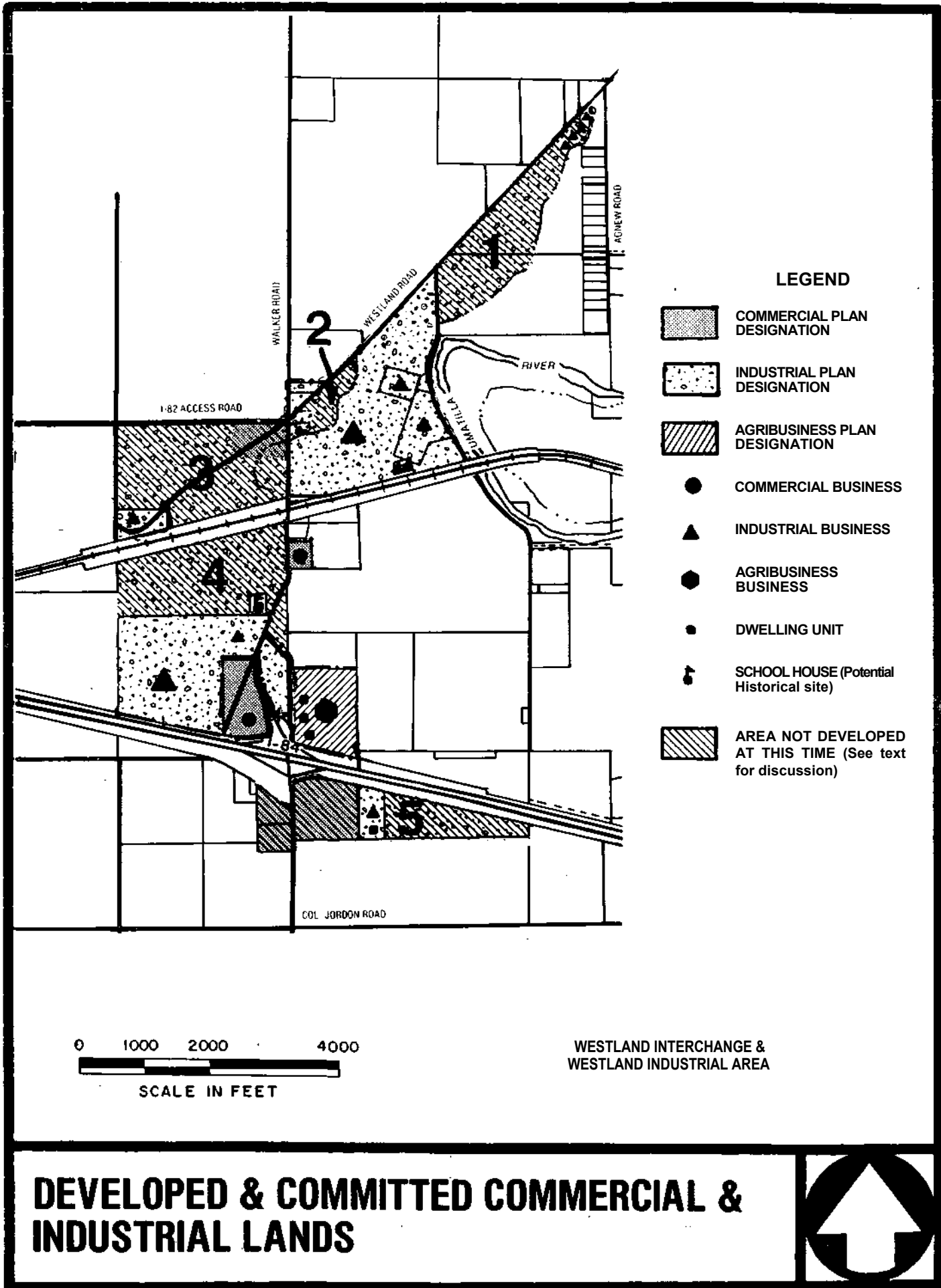
The size of the parcel which is under one ownership is also deceptive. Although it is near 80 acres in size, it is divided diagonally by a county road and along the east by the Westland Canal (discussed earlier). The configuration of the road and canals severely reduces its potential for agricultural activities.

The soils on the property are Quincy Loamy Fine Sands, Gravelly Substratum, and have an irrigated land capability of Class IVe and a non-irrigated rating of Class Vile. A check of water rights shows that the site only has a 12 acre water right. The site is within a critical groundwater area and it is doubtful that further water could be obtained. Thus, a majority of the property is classified as having Class VII soils which are very poor agricultural production.

Locational factors also lend this site to being committed for industrial use. Presently a spur line from the mainline of the railroad services the potato warehouse. Extension of this spur line could be completed with little problem. Rail access is a desirable feature for potential industrial users. The site also has direct access to two freeway systems, which is also a desirable attribute for industrial users. These factors make this site attractive for industrial development.

The fourth area labled on the map on page XVIII-454A lies across the railroad tracks to the south from the third area described above. The site contains approximately 60 acres and is part of a larger 190 acre tract of land under single ownership. Over half of the land is to the west and southwest. Surrounding land uses include the mainline of the Union Pacific Railroad and a large potato warehouse to the north. To the east is a large potato plant, a tavern and mobile home park. To the south is the Westland School site, light industrial warehousing, and a horse race track and related buildings. To the west is vacant sagebrush





covered land that is under the same ownership as this committed piece and the mainline of the railroad.

Presently this site has electricity and phone service available to it and is adjacent to Westland Road on the east side of the property. The site would also have rail access available. Presently the property owner is negotiating to sell 15 acres along the railroad tracks to a trucking firm. A new fifty-foot right-of-way is proposed to serve the development that will parallel the railroad tracks approximately 500 ft. to the south. The site is less than 1/2 mile to 1-84 and less than a mile from direct access onto the new freeway, 1-82.

This site lies between two developed industrial areas with the major potato processing plant and cold storage facility to the north, and the light warehousing and race track and facility to the south. Because of its close proximity to this existing development, available rail facilities and closeness to two major freeways, the site is ideally suited for industrial development. In fact, as stated earlier, a long haul trucking firm is negotiating to purchase a portion of this property and locate on the site because of its good access to the two freeways.

This entire property also lacks any water rights for irrigation purposes either from the irrigation ditch or from wells. Without water the soil classifications for this property drops to Class Vile (Quincy Loamy Fine Sands, Gravelly Substratum). This is a very poor soil and the landowner has stated that he is unable to even run cattle on the land in the spring and sustain them on

the natural vegetation. Coupled with the lack of water, the landowner has not been able to actively farm this land and has lost his farm deferral tax because of the lack of being able to show intent to farm. This has rendered this ground virtually useless.

The site is well buffered from agricultural uses by the railroad tracks to the north and the related non-resource development across the tracks. The major potato processing plant and tavern are on the immediate east side while the horse track, its related facilities and the warehouse are to the south. The only potential for agricultural use lies to the west, and this land has been appropriated for the 1-82 freeway, which will further buffer this land from bonafide agricultural operations that occur in this area.

Consequently, the County believes this 60 acres of ground is committed under OAR 660-04-028 because of the adjacent land uses, poor soils, lack of irrigation water, and buffering from agricultural lands in the area.

The fifth area labeled number five on the map on page XVIII-454A lies on the south side of 1-84 and contains approximately 19 acres in a triangular shape with the long side along the freeway. On the two remaining sides are vacant sagebrush land along, the south and a major truck and trailer repair facility on the west.

Presently the site has electricity available to it and access to the freeway interchange via a gravel road that serves the truck and trailer repair facility to the west. As with the developed areas, this site would be dependent upon subsurface disposal

systems for waste that is generated. This would not be of any particular problem in this area as the soil type provides for excellent drainage and absorption.

This 19 acre parcel is part of a 116 acre tract of land under one ownership and is the largest ownership in the area. It is also one of the least productive sites because of the lack of water. A check with water agencies in the county indicates that this site has a 20 acre water right for that land on the extreme southern portion of the 116 acre parcel. The remaining land is all dryland and has an agricultural land classification of Vile. Without water this land is virtually useless for any type of agricultural activity. The Watermaster's Office has stated that no additional water rights are available in this area because it is in a critical groundwater area. No new permits for water are being issued, and in fact some wells have been shut off. This renders a majority of this property unusable for agricultural activities.

Further, the shape of the parcel, a long triangular piece, makes regular farming practices difficult to conduct. It is not possible to take farm machinery down to the end and turn it around. This would leave an unusable weed patch. It is very impractical to try and include it with other unirrigated land to the south. The lack of water severely restricts the potential of any land in this area to be used for farm use.

By including this triangular piece of property for industrial use, it would tie in with the developed industrial land on the west. It would also square up the field to the south so that if

ever any water becomes available for use on the site, there would be a compact, easily managed farm unit, with no jogs or difficult corners to try and turn around in.

This site is also extremely well buffered from land under agricultural production. The freeway provides an excellent buffer from the agricultural lands to the north and east. The right-of-way for this four-lane divided highway ranges from 285 to 300 ft. in width. To the west is industrial development and the freeway interchange. Agricultural lands are located west of the interchange across the county road which is built up so that traffic can cross over the freeway. This situation isolates the site from all the productive agricultural land, and since the prevailing winds are from the southwest, industrial development would not impact those agricultural lands to the west. The only area that is not physically buffered from this committed area is the land to the south. However, as stated earlier, the land to the south only has a 20 acre water right which is applied to the lands adjacent to the county road on the south. That leaves approximately a 1000 ft. open area between the committed area and productive agricultural land on the south. This open area is a dry, vacant space that due to the lack of water is not able to be used for even a limited amount of grazing.

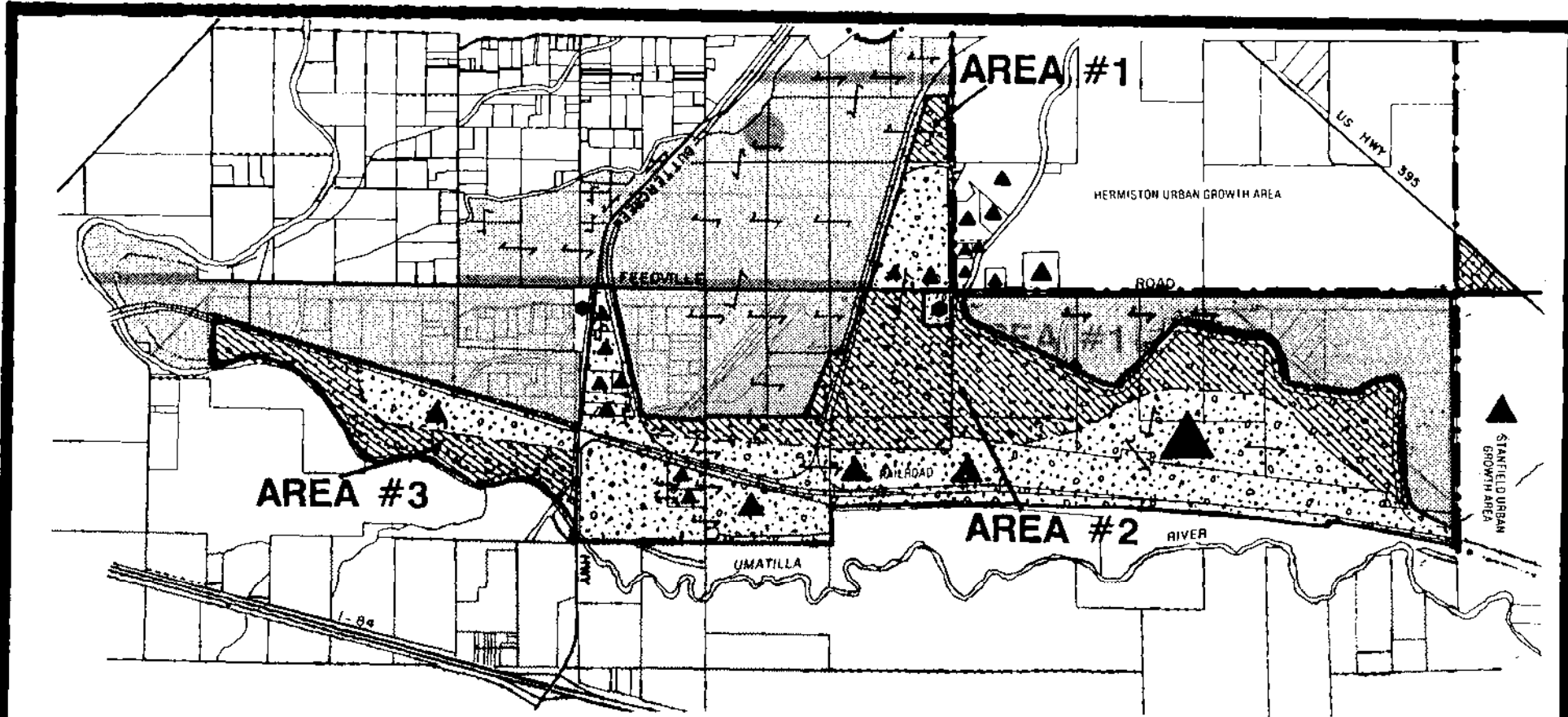
Consequently, for the reasons listed above, (i.e. physical development, buffering, poor soils, and lack of irrigation water), the County believes that this 19 acre tract of land is committed as prescribed under OAR 660-04-028.

#### Hinkle (Area #4)

As originally proposed, this area consisted of approximately 3600 acres of land designated for industrial use. Almost 2900 acres of this land was either vacant or under agricultural production. After further review and refinement of the County's industrial needs analysis, it was found that this area needed to be reduced. Evaluation of the existing land uses and discussion with the property owners allowed for an orderly and more compact development area of a reduced size. Industrial development has been targeted for approximately 1960 acres of land. This is a reduction of almost 1700 acres of land, which was all vacant or under agricultural use. Of the 1960 acres of land designated for industrial use, approximately 912 acres is already developed for industrial use. Another 375 acres is irrevocably committed for industrial use due to the existing land use patterns and development of land for industrial purposes next to these lands.




There are three major areas that the County considers committed in the Hinkle area and as discussed above, totaling approximately 375 acres. The first area is on the north end of the Hinkle Industrial area and contains approximately 20 acres of land. (See map on page XVIII-459A) . It is triangular in shape and is rounded on two sides by railroad tracks (one a main line and one a spur line) and on a third side by the county-road which provides access from Hermiston to the whole Hinkle Industrial Area.





The lands to the north and west of this site are lands owned by the Union Pacific Railroad and are vacant sagebrush land. These



0 1000 2000 3000  
SCALE IN FEET

LEGEND

-  INDUSTRIAL BOUNDARY
-  DEVELOPED INDUSTRIAL LAND
-  IRREVOCABLY COMMITTED AREAS  
(Refer to text)

-  FUTURE INDUSTRIAL OVERLAY ZONE
-  DEVELOPED AGRIBUSINESS LAND
-  INDUSTRIAL BUILDING OR USE
-  JOptOWMErTSrllP



**DEVELOPED & COMMITTED  
INDUSTRIAL LANDS**

HINKLE

lands lie across the railroad tracks which is the north mainline for the railroad. Lands to the east are inside the Hermiston Urban Growth Boundary and are occupied by the Oregon State University Experiment Station and a potato packing and processing plant. Lands to the south are used in conjunction with a hay cubing plant and fertilizer plant operated by a local farm cooperative located 1/4 mile further south.

Presently electricity, gas and telephone facilities are available to this site. The property is adjacent to land within the urban growth boundary, and municipal water may be made available. The railroad, which owns this property, has also developed its own water system for their facilities south of here.

The railroad tracks and the county road which surround this property make an excellent buffer from surrounding land use not devoted to agricultural uses. The only land that is being used for agricultural production is that land directly east of Area #1 on the OSU Experiment Station, which is within the Hermiston Urban Growth Boundary. Other surrounding lands are vacant or under industrial use. This property would tie in with the other developed industrial land both in the county and within the urban growth area, and would actually be an extension of the industrial lands.

The second committed area (Area #2 on map on page XVIII-459A) consists of approximately 215 acres of land lying in a reverse "L" shape between develop industrial land on the north and on the south. The land is in two ownership: the Union Pacific railroad



and Pendleton Grain Growers (PGG). Both of these landowners have developed industrially or agri-business related operations adjacent to this committed area.

The land to the north of this committed area is occupied by a fertilizer plant, hay cubing plant, chemical control plant, and farm machinery sales and services. To the east is vacant sagebrush covered land owned by the railroad. To the south is the Hinkle railroad facility which includes repair facilities for rail cars, administrative offices, several railroad tracks leading to the rail classification yard further east, and fueling facilities. To the west is the mainline of the Union Pacific Railroad along the one side of the "L" and developed industrial lands along the other side.

This area is served by electricity, telephone and gas. The railroad has available a water system to service its land. All parcels have direct access to rail facilities and paved county roads. Telephone service is also available to this area. The site is within a rural fire district and the railroad has its own fire fighting facilities.

As stated earlier, this committed area is buffered on two sides by developed industrial lands and partially on the third side by the main line of the Union Pacific Railroad. The fourth side is other vacant land owned by the railroad. This adjacent land is not farmed and has no water rights. The railroad has indicated that it has no desire to maintain this area for farming as it is adjacent to other developed industrial lands of the railroad's.

The soils on the property, with water, result in Class IVc and Vie soils which are not very productive in this area if they were utilized for agricultural purposes. Seeing how these lands are not nor have they been used for agricultural purposes, and the railroad desires that the lands be designated for industrial use, there would be little conflict with adjacent lands that are actually devoted to resource use.

The County believes that adequate information has been brought out to show that this area is a developing rural industrial area. The major rail facility and agricultural related industrial development at Hinkle provides a large impetus for further industrial development in this area.

The third committed area labeled #3 on map on page XVTIII-459A lies at the west end of the Hinkle industrial area and consists of approximately 140 acres. The entire tract designated for industrial use consists of approximately 220 acres, but approximately 80 acres is already developed as a gravel extraction, crushing, and rail car loading facilities. The entire 220 acres is under the ownership of the Union Pacific Railroad.

Adjacent land uses include to the north the gravel extraction facility, rail car loading, spur lines and the double tracks is irrigated farmland. To the east is a major potato processing plant (J.R. Simplot) and its related facilities (trucking facilities, laboratories, industrial waste, parking) and Buttercreek Highway, which is a paved two-lane state highway. To the south is the Umatilla River, an irrigation diversion and ditch. The area along

the river is considered in a floodprone area, although no mapping has been completed by any regulatory agency. The Umatilla River is quite wide through this area and flows year around. On the west is a small area of pasture land and the Umatilla River.

The site is served by a spur line from the mainline of the railroad. A state highway is located on the east side of this area. Electricity and telephone are available to the property, plus the railroad maintains their own communication systems which is on the site. Water for the existing crushing operation is taken from the irrigation ditch that is along the south side of the property.

This committed area is well buffered from adjacent resource lands by railroad tracks, roads, and the Umatilla River. The agricultural land that is north of this area lies across the mainline of the Union Pacific Railroad. Through this area the railroad maintains a 100 ft. right-of-way. A double track is provided through this area and the right-of-way is cleared for the full 100 ft. width that provides an excellent buffer from the agricultural lands on the north. The land to the east is developed for industrial use, so no conflict between the committed lands and lands to the east will occur in relationship to buffering resource lands. Agricultural land to the south is buffered by the Umatilla River. Prevailing wind patterns would also carry any industrial waste away from these areas (prevailing winds are from the southwest). Only a small amount of agricultural land exists to the west due to the river turning north and the railroad tracks turning

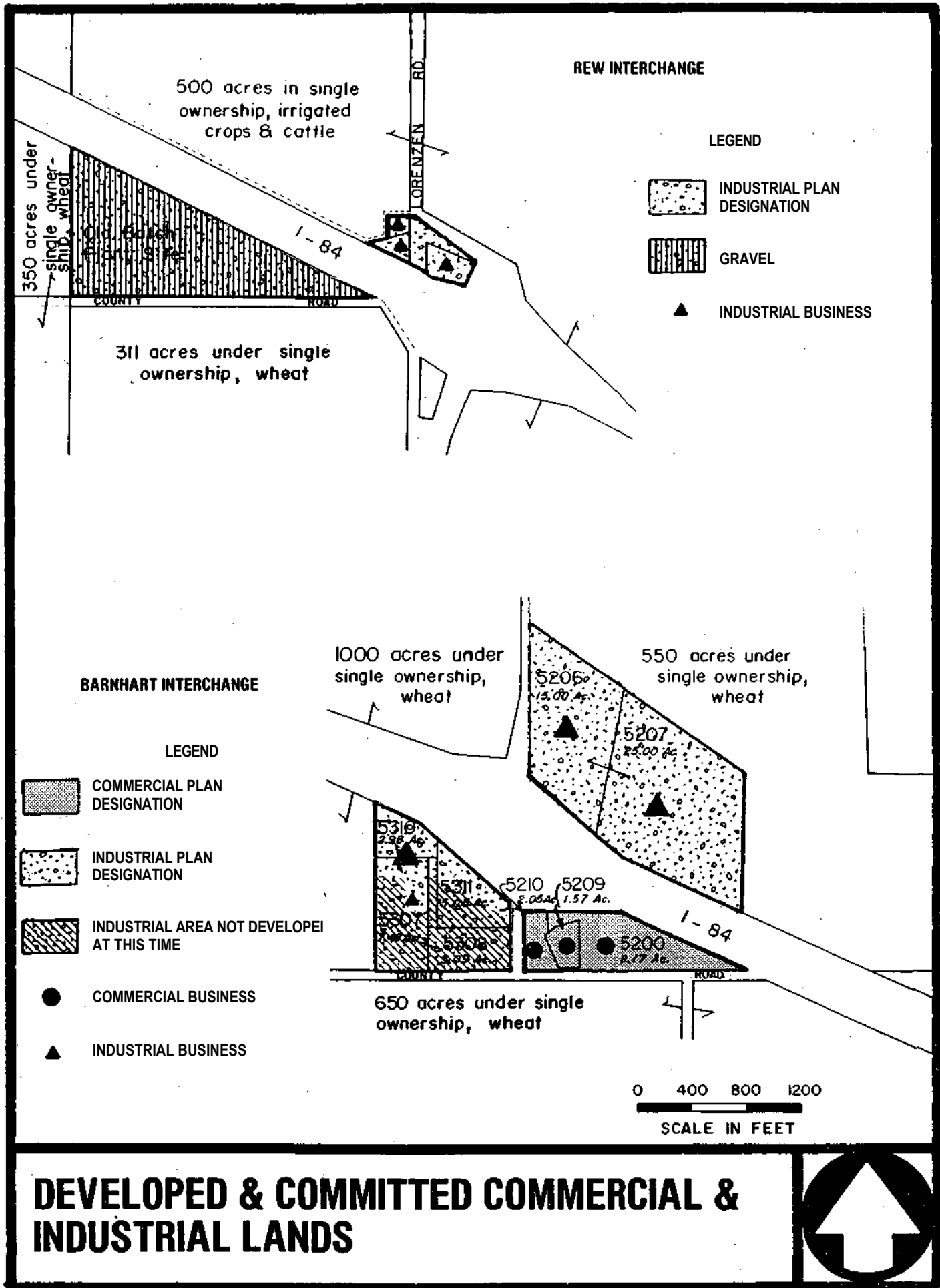
west (see map on page XVIII-459A).

The western portion of this committed area has been worked in the early 1970's for gravel extraction. The soils in this area are disturbed and have not been properly reclaimed for future agricultural use. With the development that is occurring on the eastern portion of the site (discussed earlier), this entire area is rendered unsuitable for resource use. For the reasons stated here and above, this area is irrevocably committed to a non-resource use in the County's estimation and in compliance with the requirements listed in the Administrative Rule.

### Rew Interchange (Area #5)

The Rew Interchange consists of 35 acres of developed industrial land (see top of map on next page). 3.5 acres in the northwest quadrant of the interchange have already been developed for use as a safety fuel stop for a large trucking operation, and consists of two large shop buildings, a manager's home, fuel tanks, and parking. Immediately adjacent to this is land operated by a cooperative for grain storage. Across the interstate in the southwest quadrant are two parcels of land roughly 32 acres in size which have also been developed. The larger of the two parcels is triangular in shape and was used during the construction of the interstate for parking trucks and machinery. A batch plant was also located on this site which mixed concrete during the highway construction. A heavy layer of gravel was laid down over the parcel and the heavy trucks ground the rocks into the dirt, rendering the parcel impractical to farm. Since the time of the highway construction, the landowner has not farmed this portion of his property. The smaller parcel is completely surrounded by roads, which makes it difficult to farm, and has laid idle, since the construction of the overpass. Therefore, these two parcels on the south side of the freeway have been included for industrial use. Central County Industrial Lands

Five sites in the central portion of the county have been identified for industrial use. Three are located west of Pendleton along the old highway, one west of Pendleton along the freeway, and



one north of Pilot Rock. Detailed mapping of all five sites has been provided to show the extent of development on these sites which precludes their use for resource activities.

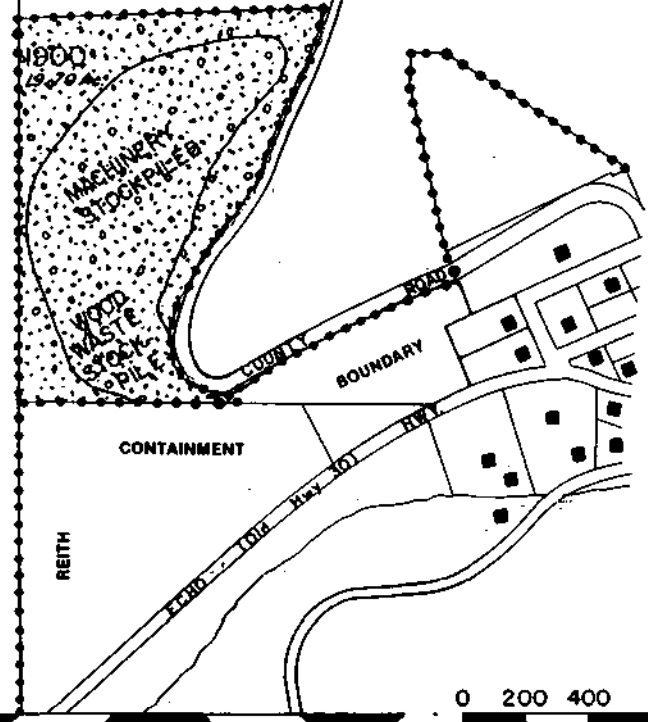
A 20 acres site, situated near the unincorporated community of Rieth, was the site of an old county sanitary landfill. (See top of map on page XVIII-466A) . It is presently used to store some equipment and as a dump site for wood chips, mainly from the lumber mill located nearby in the Pendleton Urban Growth Area. It has also been used as a storage site for wood chips. The use of the site for a landfill and storage yard and the fact that surrounding properties are in residential use precludes the use of this site for commercial agricultural production.

Two gravel sites are located further west from Rieth. (See bottom of map on page XVTII-466A) . The one closest to Rieth contains approximately 22 acres and is a major source for basalt for the railroad mainline. A rock crushing plant has been located on the site for several years with conveyor belts and loading facilities for the rail cars that have access to the site via a spur line. Several pieces of heavy equipment are used to remove and load the rock into the crusher.




The second gravel operation is approximately one mile west of the first site on the old highway and contains roughly 53 acres. Presently about half the land has been disturbed with some large stockpiles existing in these areas (see general map on page XVIII-473F). The site is located on scabland north of the county road, and only the area not cultivated has been designated for industrial

**INDUSTRIAL SITE WEST OF PENDLETON  
AT REITH (CENTRAL COUNTY)**

650 acres under single ownership





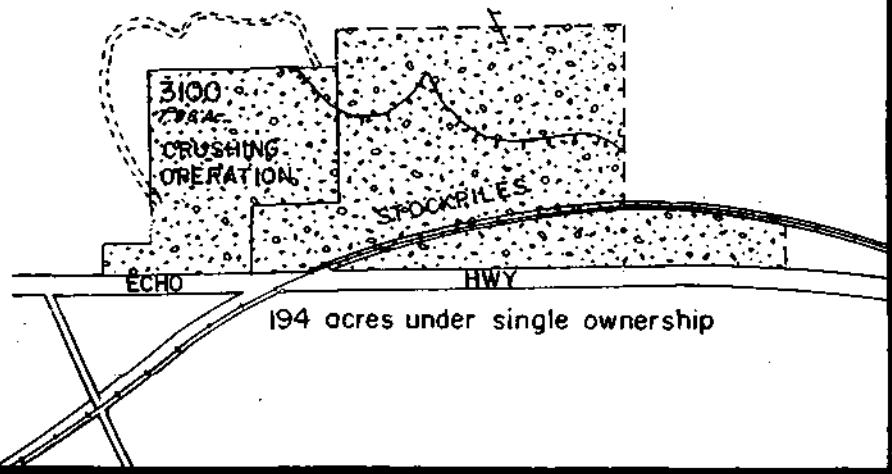
LEGEND INDUSTRIAL PLAN

-  DESIGNATION
-  DWELLING UNIT
-  JOINT OWNERSHIP



3000 acres under single ownership

- LEGEND
-  INDUSTRIAL PLAN DESIGNATION
  -  JOINT OWNERSHIP



**DEVELOPED & COMMITTED COMMERCIAL &  
INDUSTRIAL LANDS**





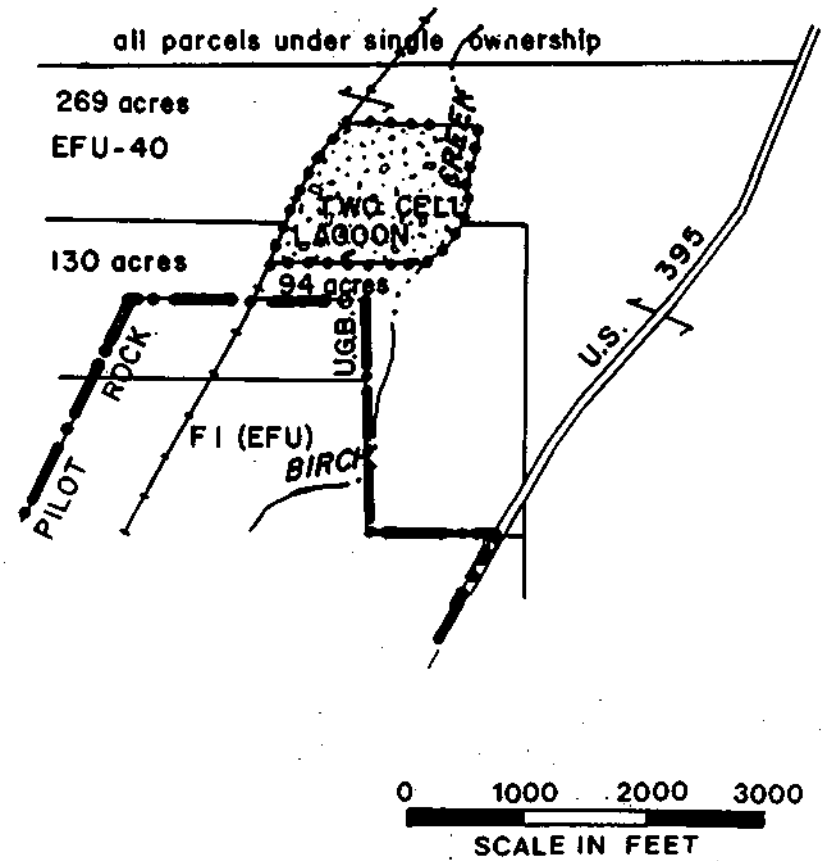
**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS (PILOT ROCK)**

XVIII-466R



INDUSTRIAL SITE NORTH OF PILOT ROCK  
(CENTRAL COUNTY)

- LEGEND INDUSTRIAL PLAN
-  DESIGNATION
  -  JOINT OWNERSHIP












use. All surrounding agricultural lands have been preserved for agricultural use.

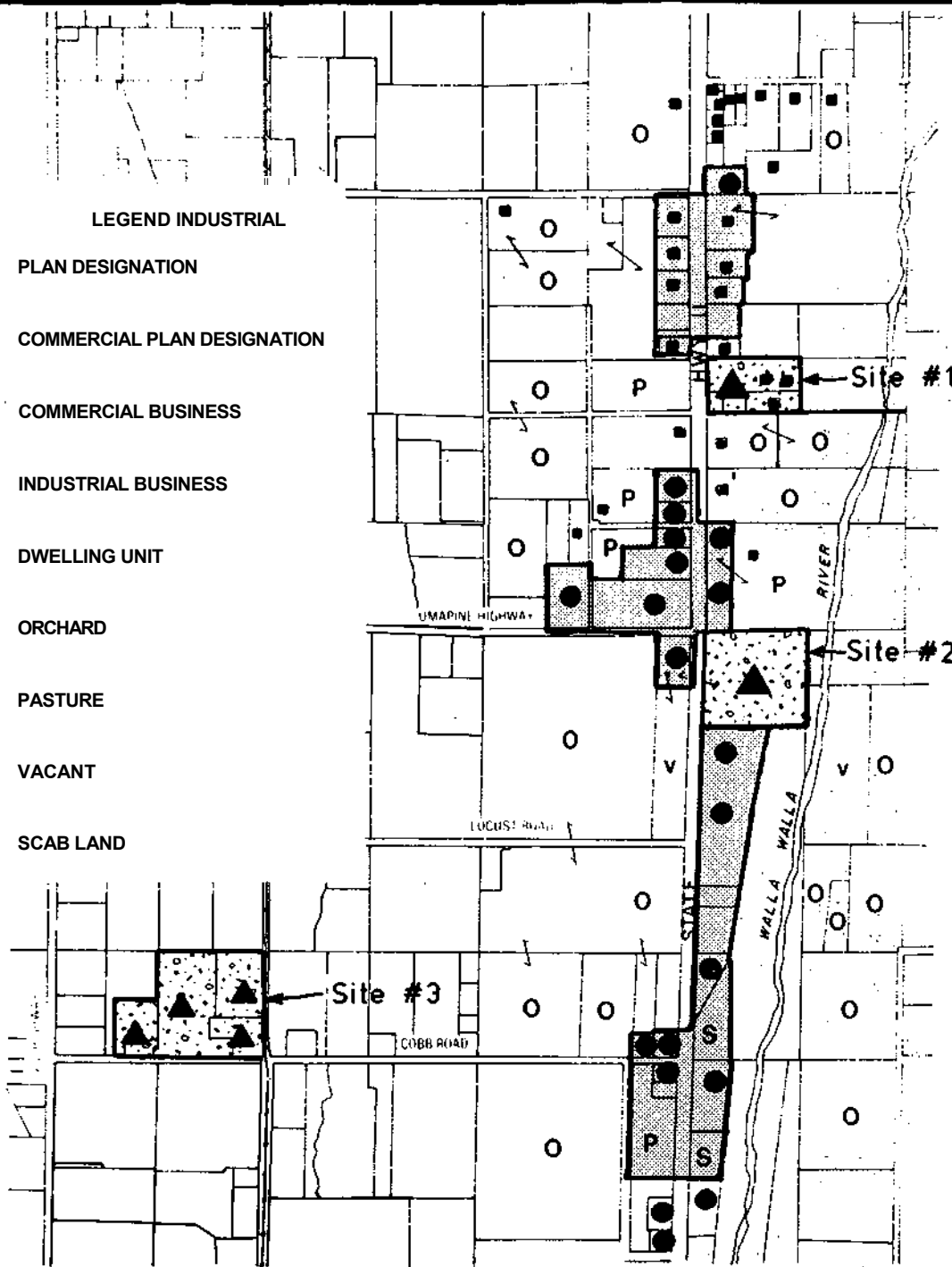
A fourth area is located off 1-84 at the Barnhart Interchange along with some commercial land. (See top of map on page XVIII-465A) . The 55 acres industrial site has a major advantage over most other industrial areas in that it is readily accessible to interstate traffic. The present land uses of this zoned industrial land consists of two truck repair and sale shops. Both operations demand large site areas, and these two businesses use a majority of the land under their ownership. One landowner (in the southwest quadrant) testified that he is in the process of expanding and will be utilizing about 50% of the area.

The final area in the Central County is 37 acres located north of the Pilot Rock Urban Growth Boundary. This entire parcel contains a two-cell sewage lagoon and related facilities owned and operated by the City of Pilot Rock. (See map on page XVIII-466B) .

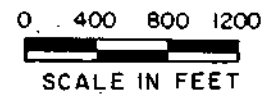
#### East County Industrial Lands

In the East County 36 acres of industrial land comprising ten tax lots in four separate locations are located outside of the Milton-Freewater Urban Growth Boundary. All the 36 acres are developed with non-farm uses. Site #1 is located on the east side of Highway 11 between Appleton Road and Sunnyside Road and contains 4.3 acres. (See map on page XVIII-467A) . It is the site of a junkyard. Site #2 labeled is adjacent to Sunnyside-Umapine Highway on the east side of Highway 11 and contains 7.75 acres. It is the

- LEGEND INDUSTRIAL**
-  PLAN DESIGNATION
  -  COMMERCIAL PLAN DESIGNATION
  -  COMMERCIAL BUSINESS
  -  INDUSTRIAL BUSINESS
  -  DWELLING UNIT
  -  ORCHARD
  -  PASTURE
  -  VACANT
  -  SCAB LAND



MILTON-FREEWATER COMMERCIAL NODES AND INDUSTRIAL SITES  
(East County Numbers 4, 5, 6 & 8)



**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS**



site of a major sand and gravel operation that occupies the entire parcel.









Site #3 consists of 11.5 acres fronting the north side of Cobb Road, just west of the Walla Walla Valley Railroad Tracks. It is the site of a major Bonneville Power Administration substation, a farm chemical storage and sales business, and livestock feedyard and a farm supply store.

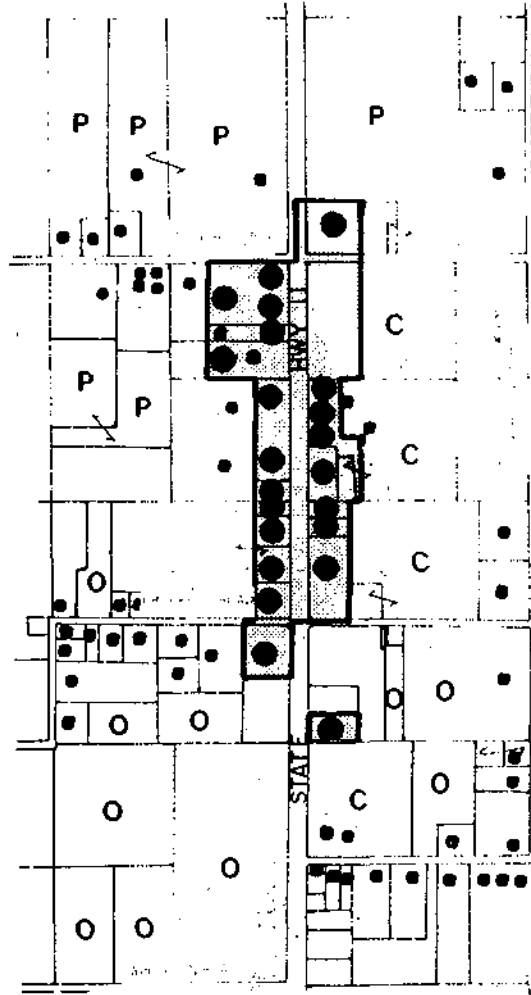
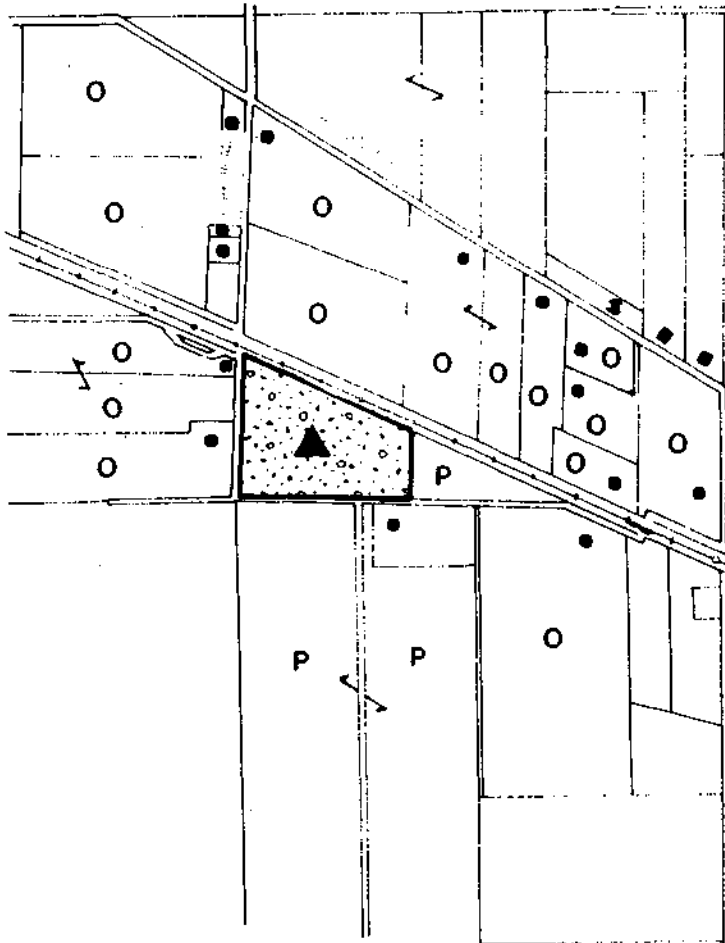
The final area is approximately 13 acres of land located northwest of Milton-Freewater along York Road. It is the site of the county shops, several large buildings and large road building equipment. The entire area is overlaid with gravel for parking of machinery. Detailed mapping has been provided for all four sites. . (See lower left side of map on page XVIII-468A).

Future Industrial Lands. After evaluating many sites for their potential use as industrial lands, the County found that there were areas adjacent to developed and irrevocably committed lands that were ideally suited for future industrial use. However, due to the requirements of the Statewide Planning Goals, it was not possible to designate these additional lands for industrial use at this time.

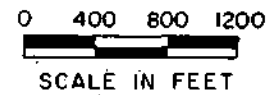
Many of the sites contain desirable amenities such as direct rail access, paved roads, proximity to highways and freeways, large quantities of water, and level ground with few building restrictions. Many of the sites were also actively farmed, and to designate them for industrial use would be contrary to state planning goals and policies found elsewhere in the Umatilla

LEGEND COMMERCIAL

-  PLAN DESIGNATION
-  INDUSTRIAL PLAN DESIGNATION
-  COMMERCIAL BUSINESS
-  INDUSTRIAL BUSINESS
-  DWELLING UNIT
-  ORCHARD
-  PASTURE
-  ROW CROP



MILTON-FREEWATER  
COMMERCIAL SITES  
& INDUSTRIAL SITE  
(East county Numbers'3 &9)



**DEVELOPED & COMMITTED COMMERCIAL & INDUSTRIAL LANDS**



County's Comprehensive Plan. Nevertheless, the county believes these areas should be identified for future consideration as industrial lands, should existing inventories be exhausted or prove inadequate for industrial users.

Therefore, the county has developed a Future Industrial Overlay Zone to apply to lands that cannot presently be designated for industrial use. In doing so, the county is identifying the potential of the land for industrial use while still preserving the valuable resource use it presently has. Any change in the land use designation of the site to a non-resource use would still require that an exception be taken pursuant to ORS 197.732 and OAR 660-04-020 to 028. The advantage of identifying these sites now is that future industrial development will be directed towards areas where the county most desires additional development to occur.

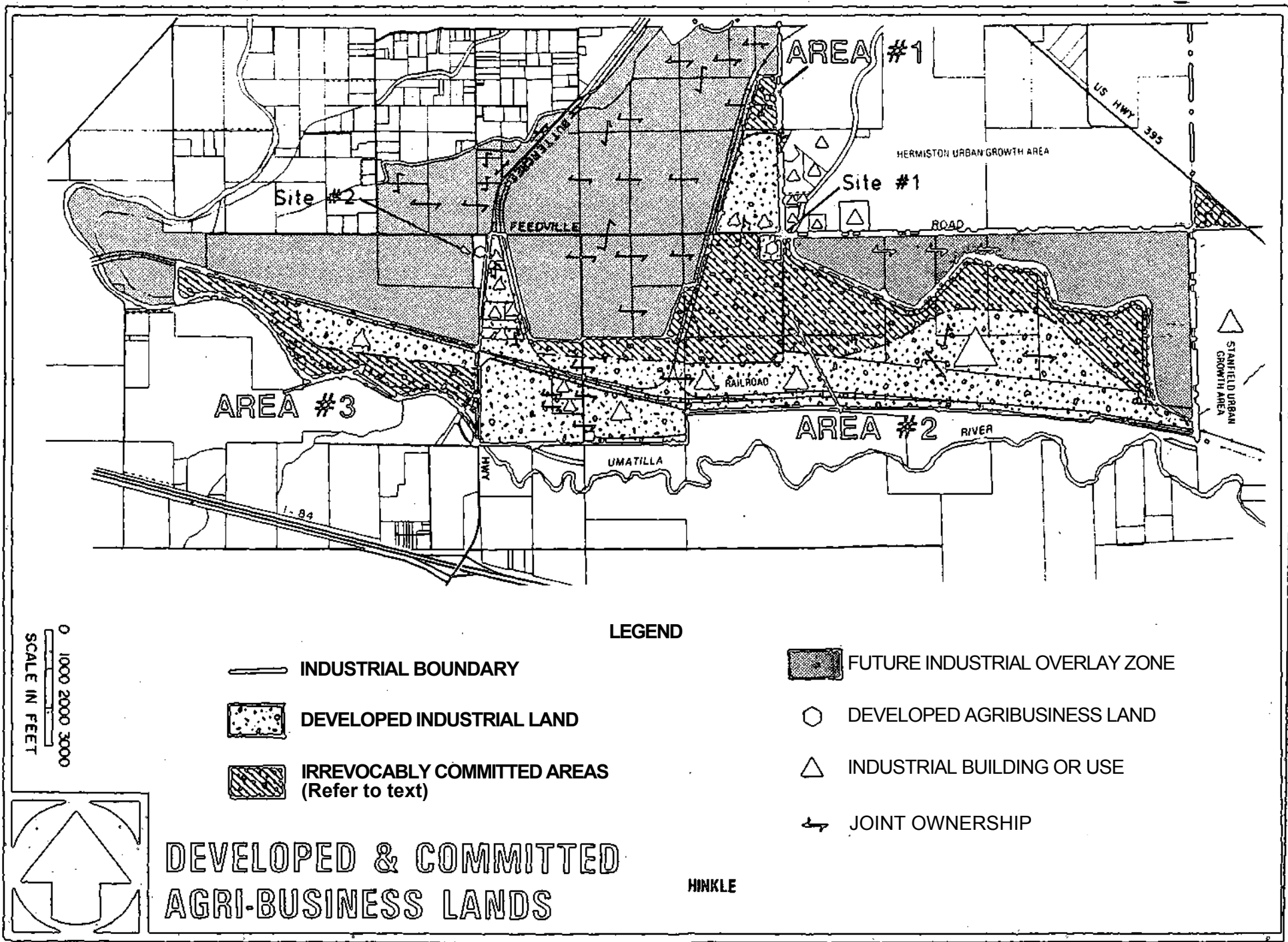
## AGRI-BUSINESS

Agri-Business land uses are those activities that provide a commercial or industrial use related to the agricultural activities in the area, or provide an agriculturally related product or service. The agri-business land use designation is appropriate where a commercial or industrial designation may not be compatible with the surrounding land use, or where it is not appropriate to classify existing land uses as commercial or industrial. Certain activities allowed under a commercial or industrial land designation could have detrimental impacts in an area. The agri-business designation is designed to provide for flexibility, yet protect and preserve the integrity of an area.

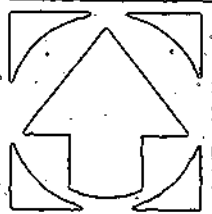
Six sites have been designated for agribusiness throughout the county; three sites in the west portion of the county and three sites in the Orchards District. Detailed mapping of all six sites has been provided.

Of the three sites in the West County, two are located in the Hinkle Industrial Area and one in the Westland Industrial Area. The sites in the Hinkle Industrial Area are farm machinery sales and service businesses. The first is located in the southwest corner of the intersection of Feedville Road and is located in the southwest corner of the intersection of Feedville Road and Hinkle Road. (See hexagon symbol on map on next page). It consists of approximately ten acres of developed land. It is owned by the local farmers<sup>1</sup> cooperative and serves the regional farm market. It is close to rail facilities for easy delivery of farm equipment.

XVIII-470A



0 1000 2000 3000  
SCALE IN FEET



**DEVELOPED & COMMITTED  
AGRI-BUSINESS LANDS**

**LEGEND**

-  INDUSTRIAL BOUNDARY
-  DEVELOPED INDUSTRIAL LAND
-  IRREVOCABLY COMMITTED AREAS  
(Refer to text)
-  FUTURE INDUSTRIAL OVERLAY ZONE
-  DEVELOPED AGRIBUSINESS LAND
-  INDUSTRIAL BUILDING OR USE
-  JOINT OWNERSHIP

HINKLE

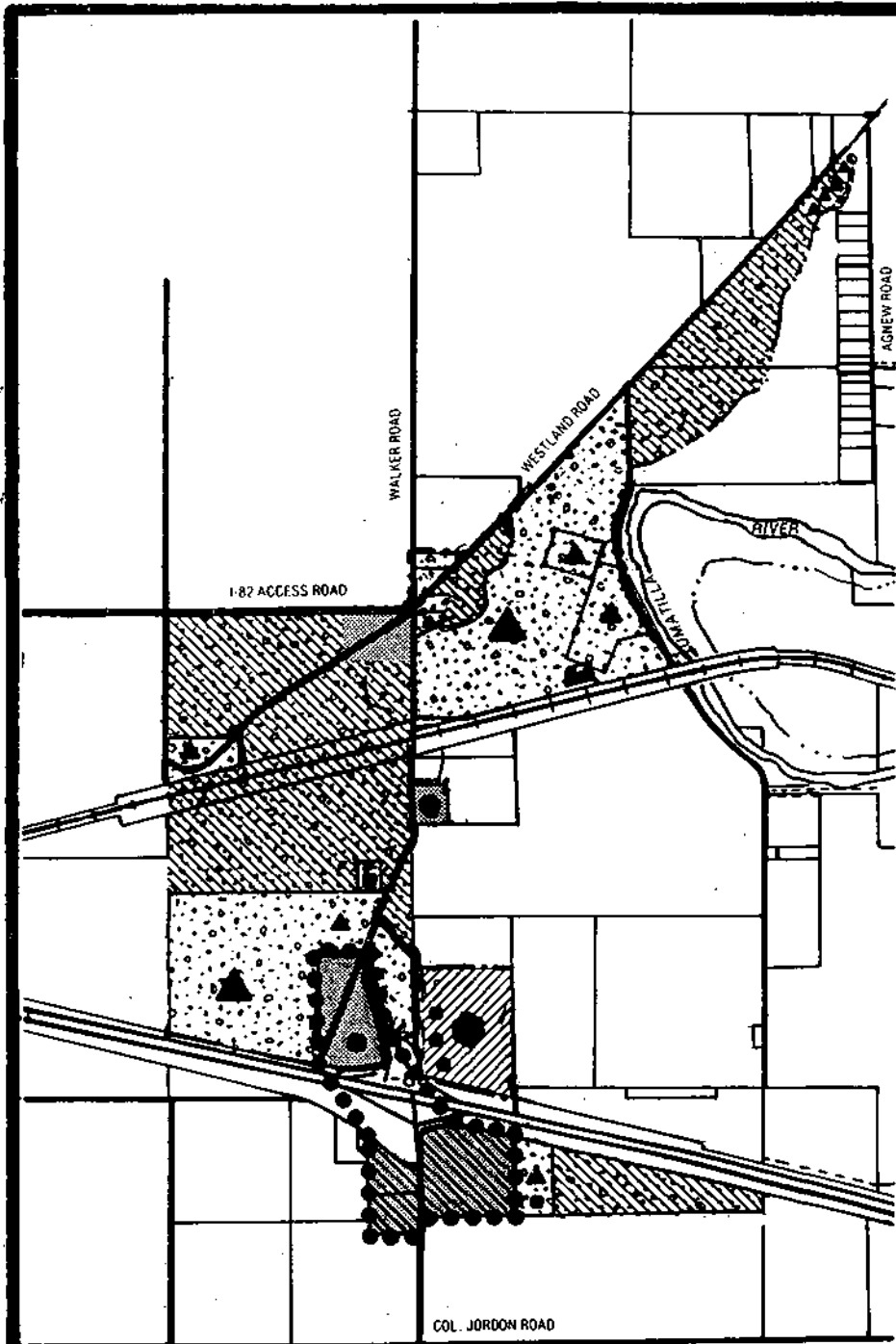


It is also centrally located to the farming area in the west portion of the county.











Site #2 on this above referenced map is one mile to the west of the first site and is situated along the west side of the Buttercreek Highway, adjacent to Feedville Road. The site contains approximately 15 acres of developed land. Two farm implement dealerships are located on this site. Again, the site is close to rail facilities, is located on a major state highway, and is centrally located for the farm operators in the west portion of the county.

The third area designated for agri-business use is in the northeast quadrant of the Westland Road Interchange along 1-84 (see map on page XVIII-471A) . The 33 acres involved are used as a livestock sales yard. A large barn, pens, show area, cafe, and three mobile homes are located on the site. In recent years this sales yard has become a major retailing outlet for independent cattlemen and horsebreeders. The site has direct access to 1-84 and to Westland Road, which has direct access into the City of Hermiston. The identification of this site for agri-business use will allow for the growth of the business without putting it into a non-conforming status.

In the Orchards District five parcels in three specific sites totaling approximately 24 acres have been identified for agri-business use (see map on page XVIII-472A). Industrial, and Agri-Business sites). Three of the parcels are along Highway 11 and include a custom meat cutting business (2.90 acres) and a nursery



**LEGEND**

-  COMMERCIAL PLAN DESIGNATION
-  INDUSTRIAL PLAN DESIGNATION
-  AGRIBUSINESS PLAN DESIGNATION
-  COMMERCIAL BUSINESS
-  INDUSTRIAL BUSINESS
-  AGRIBUSINESS BUSINESS
-  DWELLING UNIT
-  SCHOOL HOUSE (Potential Historical site)
-  AREA NOT DEVELOPED AT THIS TIME
-  AREA OF COMMERCIAL EXCEPTIONS



WESTLAND INTERCHANGE &  
WESTLAND INDUSTRIAL AREA

**DEVELOPED & COMMITTED  
AGRI-BUSINESS LANDS**

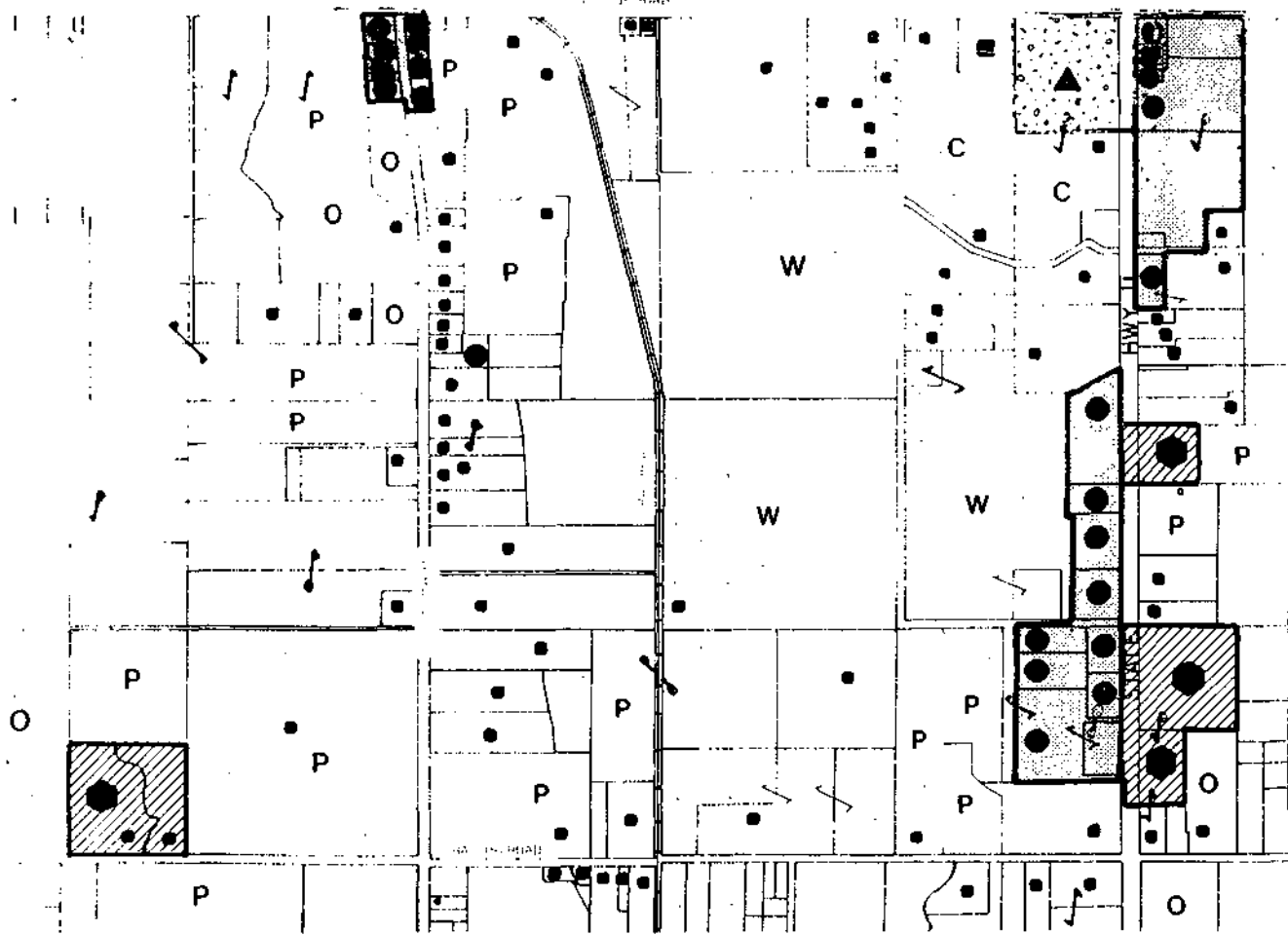


(11.28 acres). Both of these uses were considered by the Orchards District Citizens Advisory Committee for commercial use, but the Citizens Advisory Committee (CAC) recommended that an agri-business designation be placed on them. This was to preclude a future strip commercial development along the highway. Both businesses have been in operation for many years, and the designation as agri-business would allow them to continue without having to be designated commercial, and possibly leading to more intensive commercial development in the future. Some agri-business uses (i.e. nurseries) require large vacant areas for stock , and a Commercial or Industrial designation could place added pressures on these types of businesses to convert the land to a more cost-effect use.













The other area identified as Industrial is along Ballou Road, west of the highway. It is the site of a building used for packing and slaughtering. The area designated agri-business includes 9.70 acres. A building, mobile home, and sewage lagoons are located on the property.

Other areas in the county may be designated and zoned for agri-business use by the county upon a showing that the site has: (1) Needed specific site characteristics for the use to be established (i.e. close to the market situated on a necessary transportation mode); (2) Identification of other sites which can reasonably fill that need; (3) Assessments of the physical characteristics of the site and how the site would impact the economic and environmental quality of the area by reclassification;

WASHINGTON



LEGEND

-  INDUSTRIAL PLAN DESIGNATION
-  COMMERCIAL PLAN DESIGNATION
-  AGRIBUSINESS PLAN DESIGNATION
-  COMMERCIAL BUSINESS
-  INDUSTRIAL BUSINESS
-  AGRIBUSINESS BUSINESS
-  JOINT OWNERSHIP
-  DWELLING UNIT
-  ORCHARD
-  PASTURE
-  WHEAT ROW
-  CROP



MILTON-FREEWATER COMMERCIAL, INDUSTRIAL & AGRIBUSINESS SITES  
(East County Numbers 1, 2 & 7)

**DEVELOPED & COMMITTED  
AGRI-BUSINESS LANDS**



(4) Evaluation of compatibility with the surrounding land uses and the feasibility of mitigating actions.

For the readers benefit a summary table of commercial and industrial lands are listed with acreage, land use information and soils data. Two general area maps are included for reference purposes. (See pages XVIII-473A through XVIII-473F).

#### UNINCORPORATED COMMUNITIES

These areas are, in essence, unincorporated built-up areas. Density patterns are relatively high within subsurface sewage disposal constraints. The areas are potentially suited to eventual municipal incorporation. Until that time, it is the intent of this plan to provide opportunities for limited expansion while encouraging infill. Areas such as Rieth, Meacham and Umapine are identified and provided with development boundaries. Within the boundaries, land is considered potentially developable and uses allowed will be only those that will maintain the character of the community and be at levels consistent with available public facilities (See Containment Maps on pages 474 A through C).

Because the facilities are limited and the potential for adverse impacts on adjacent resource lands exists, the containment boundaries shall not be expanded any further than outlined on the containment maps. In Rieth, if major development is proposed or expansion of the containment boundary can be justified, then the county would encourage that the Rieth area be included into the adjacent Pendleton Urban Growth Boundary which has been co-adopted by the County.

<u>AREA</u>	<u>ACRES</u>	<u>LAND USE</u>	<u>SOIL CLASS</u>	<u>ROADS/UTILITIES</u>	<u>OTHER</u>
1. McNary	1400	Vacant, grazing	VII, VIII	U.S. Highway 730, County Road 625. <u>Utilities Available:</u> electricity, water, railroad, paved roads, barge facilities.	Large portion of land was under option to Alumax Pacific for several years for use as an aluminum reduction plant. Part of the Port of Umatilla's identified industrial land inventory.
2. Highway 395	800	Warehousing, wreck- ing yards, light manufacturing, land- fill, aggregate ex- traction and crush- ing, sand drag track, vacant land, grazing.	VII, VIII 600 ac. VI approx. 200 ac.	U.S. Highway 305. Three county roads, nine public roads. <u>Utilities Available:</u> electricity, water, highway, one paved county road, 2 gravel- led county roads, two gravelled public roads.	This area has been identi- fied since 1976 for light industrial use. Many uses have located out in this area since 1976. This area lacks any irrigation water rights from the irrigation, district.
3. Westland	430	Potato processing plant, cold storage facility, cattle auction yard, horse training tract, truck repair business, rail- road tie storage and sales yard, tavern, mobile home park, light warehousing and commercial retail, grazing.	III Irrigated VI Non-irrigated	County road, 1-84, freeway interchange. <u>Utilities Available:</u> electricity, gas, railroad, paved road, freeway access.	Only 35 acres have been used for agricultural purposes in recent years. In close proximity to rail and freeway.
4. Hinkle	1960	Railroad classifi- cation yard, potato processing plant, hay cubing plant, potato cold storage, fertilizer plant, vacant land, gravel pit.	II e, I lie Irrigated IV Non-irrigated	Two county roads, State Highway 207. <u>Utilities Available:</u> electricity, gas paved county road, state highway, railroad,	Much of the land is owned by the railroad. This entire area has been designated industrial for over 8 years, and approxi- mately 500 acres of development has occurred,

\*See map on r>a°:e XVIII-473E for general locations.

AREA	ACRES	LAND USE ;	SOIL CLASS	ROADS/UTILITIES	OTHER
5. Rew	35	Grain elevator,, safety fuel stop for trucking business (truck terminal).	VI	Freeway interchange, county road. Utilities Available: electricity, freeway access.	32 acres were used for a batch plant when the freeway was put in and several inches of gravel have been com- pacted on the site.
6. Hat Rock	15	Convenience store, mobile home park, overnite facilities and picnic area.	VII	State park access park-paved. Utilities Available: Electricity, water, community sewer, paved road.	This area is almost entirely developed,
7. Punkin Center	2.5	Convenience store and gas station	IV Irrigated  VII Non-irrigated	Punkin Center, Craig Canal-county roads; State Highway 207. <u>Utilities Available:</u> electricity, paved roads.	Area is characterized by several rural residential homesites on small lots which precludes the land from being preserved for agricultural use and commits it to a non-farm use.
8. Highway 395	160	Numerous busi- nesses including retail sales, mobile home sales lots, building supplies, profes- sional offices, real estate offices, 38 total businesses	VII	U.S. Highway 395, two county roads and nine public roads. <u>Utilities Available:</u> electricity, water, paved roads,	This area is almost entirely development, Any additional devel- opment would only be infilling,

\*See map on page XVIII-473E for locations.

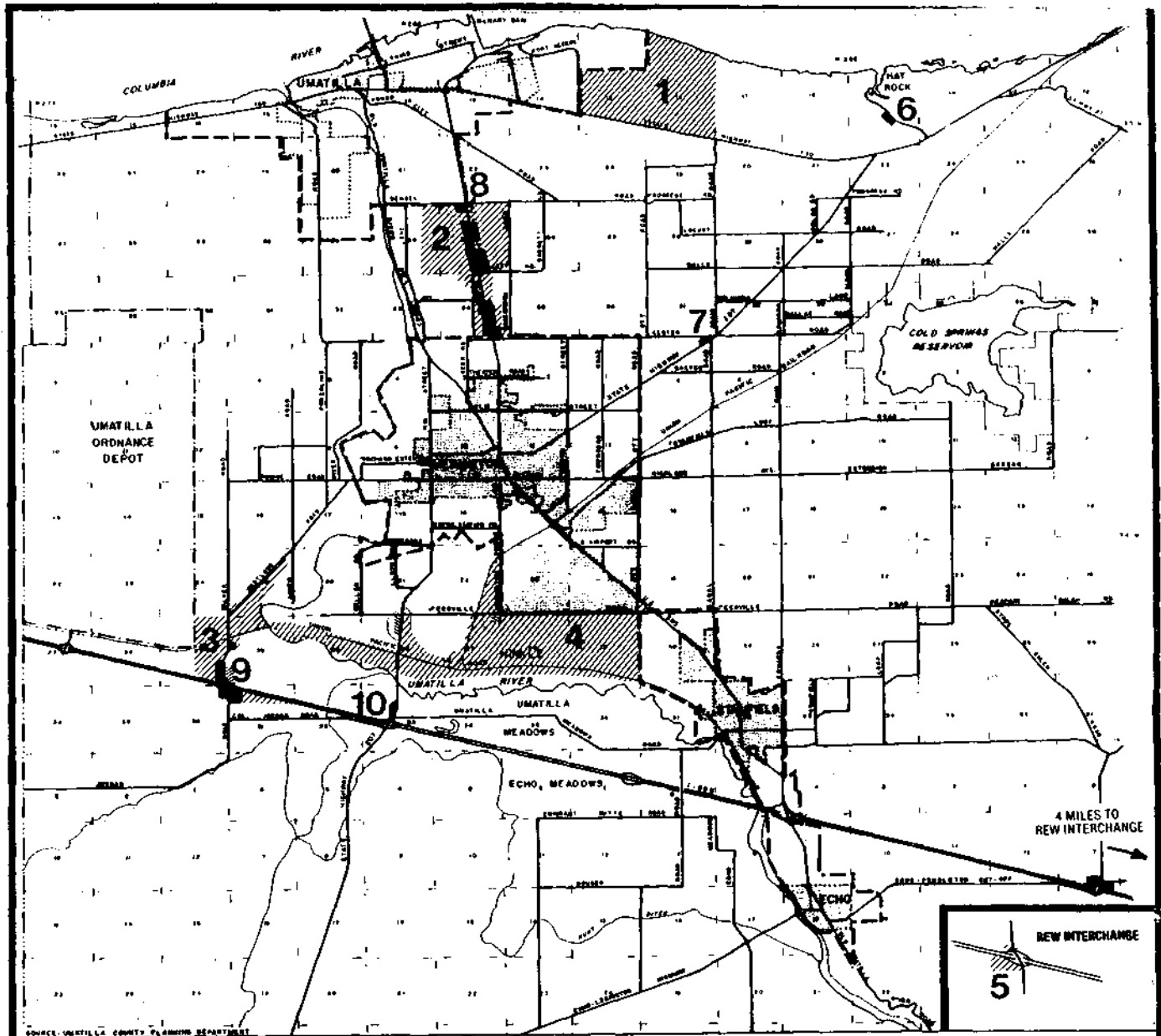
<u>AREA</u>	<u>ACRES</u>	<u>LAND USE</u>	<u>SOIL CLASS</u>	<u>ROADS/UTILITIES</u>	<u>OTHER</u>
9. Westland Interchange	35	Railroad ties sales office - vacant.	III Irrigated  VI Non-irrigated	Freeway interchange, county road.  <u>Utilities Available:</u> electricity, paved roads, freeway access.	This 35 acres is divided up into three different parcels in three quadrants of the freeway interchange. The area lacks any irrigation water rights.
10. Buttercreek	14	Gas station, store, produce stand, travel trailer park,	II Irrigated	Freeway interchange, State Highway 207. <u>Utilities Available:</u> electricity, private sewer and water, paved road, freeway access.	This site is entirely developed and has a long history of commercial use.

\*See map on page XVIII-473E for general locations.







AREA	ACRES	LAND USE	SOIL CLASS	ROADS/UTILITIES	OTHER
L. Rieth	20	Wood, chip storage		Old Umatilla River Road Utilities Available: electricity, paved road,	Once the site of old landfill, railroad
>. Umatilla River Pits "· 1^22^ C"-6 ior'il blte #z^J;	75	Gravel extraction electricity, paved road, railroad	VI, VII <u>Utilities Available:</u>	Old Umatilla River Road still active	Both pits
5. Barnhart Interchange	55	Truck sales, bottling works	-	1-84, county road, freeway interchange Utilities Available: electricity, paved roads, freeway access	
4. Pilot Rock	37	Sewage lagoon	-	County road Utilities Available: electricity	City of Pilot Rock Sewage Lagoon
».. East County Industry	36.5	Variety of uses	-	County roads, Highway 11 Utilities Available: electricity, paved county roads	Most of this area is developed, Very little area vacant.

\*See map on page XVIII-437F for seneral locations.



**LEGEND**

	<b>INDUSTRIAL AREAS</b>		<b>COMMERCIAL AREAS</b>
1	MCNARY	6	HAT ROCK
2	HIGHWAY 395	7	DIAGONAL / PUNKIN CENTER ROADS
3	WESTLAND	8	HIGHWAY 395
4	HINKLE	9	WESTLAND INTERCHANGE
5	REW INTERCHANGE	10	BUTTERCREEK INTERCHANGE
	<b>AGRIBUSINESS AREAS</b>		

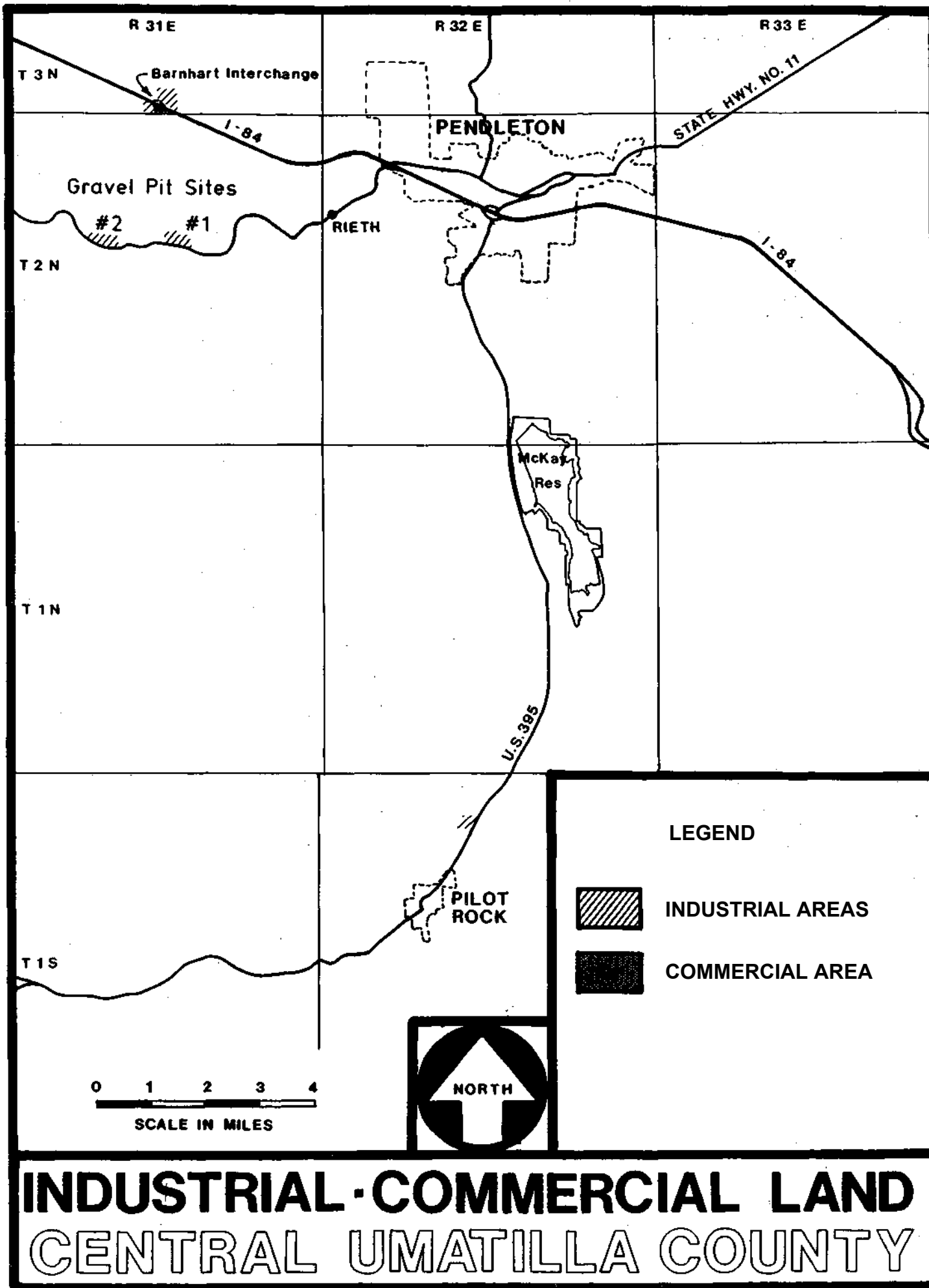


Note: This map is for illustrative purposes only. For more accurate information contact the County Planning Department, Courthouse, Pendleton, OR 97801.

**INDUSTRIAL & COMMERCIAL LANDS** MAY, 1984

**WEST UMATILLA COUNTY CITIES & VICINITY**



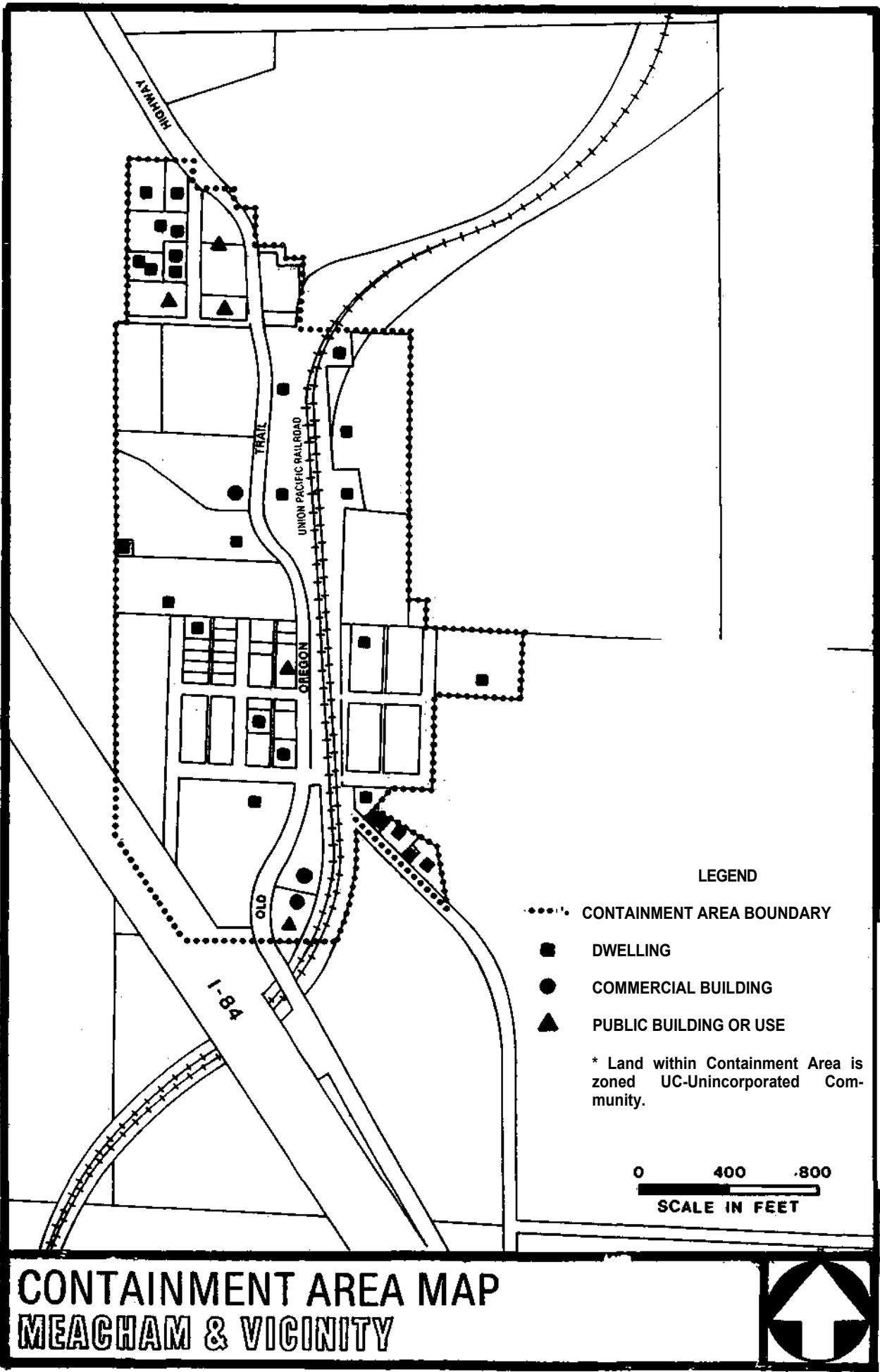


## URBANIZABLE

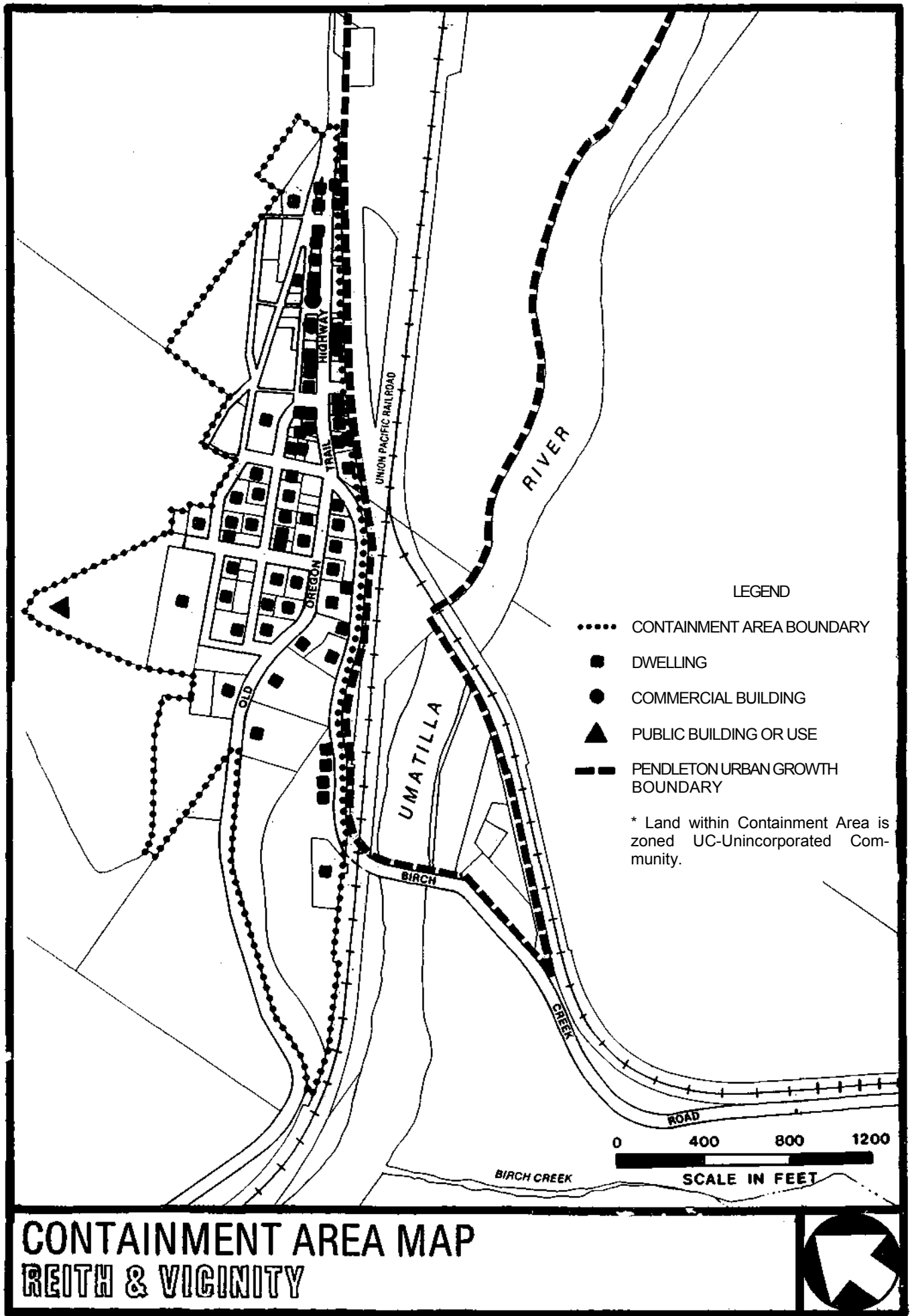
Urbanizable lands are distinguished from other land categories in that they are within each cities' Urban Growth Boundary and outside its incorporated limits. The boundaries have been established and may be altered by joint adoption of the various cities and the county.

These lands are slated for urban services as each city expands into its urban growth area. Land use classifications inside the urbanizing area are defined in each city's comprehensive plan and are adopted by the county as county Comprehensive Plan Amendments. Within Umatilla County, each city's plan for lands between city limits and Urban Growth Boundary are, by reference, part of this plan. Coordination between the county and cities is a feature of the joint adoption process. Specific features of the plan for each city's urban growth area vary slightly and will be found in that city's Comprehensive Plan and in the implementing Joint Management Agreement. FEDERAL LANDS

The federal government owns 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 376,504 acres.



**CONTAINMENT AREA MAP  
MEACHAM & VICINITY**





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.



UMATILLA RESERVATION AND TRIBAL TRUST LANDS

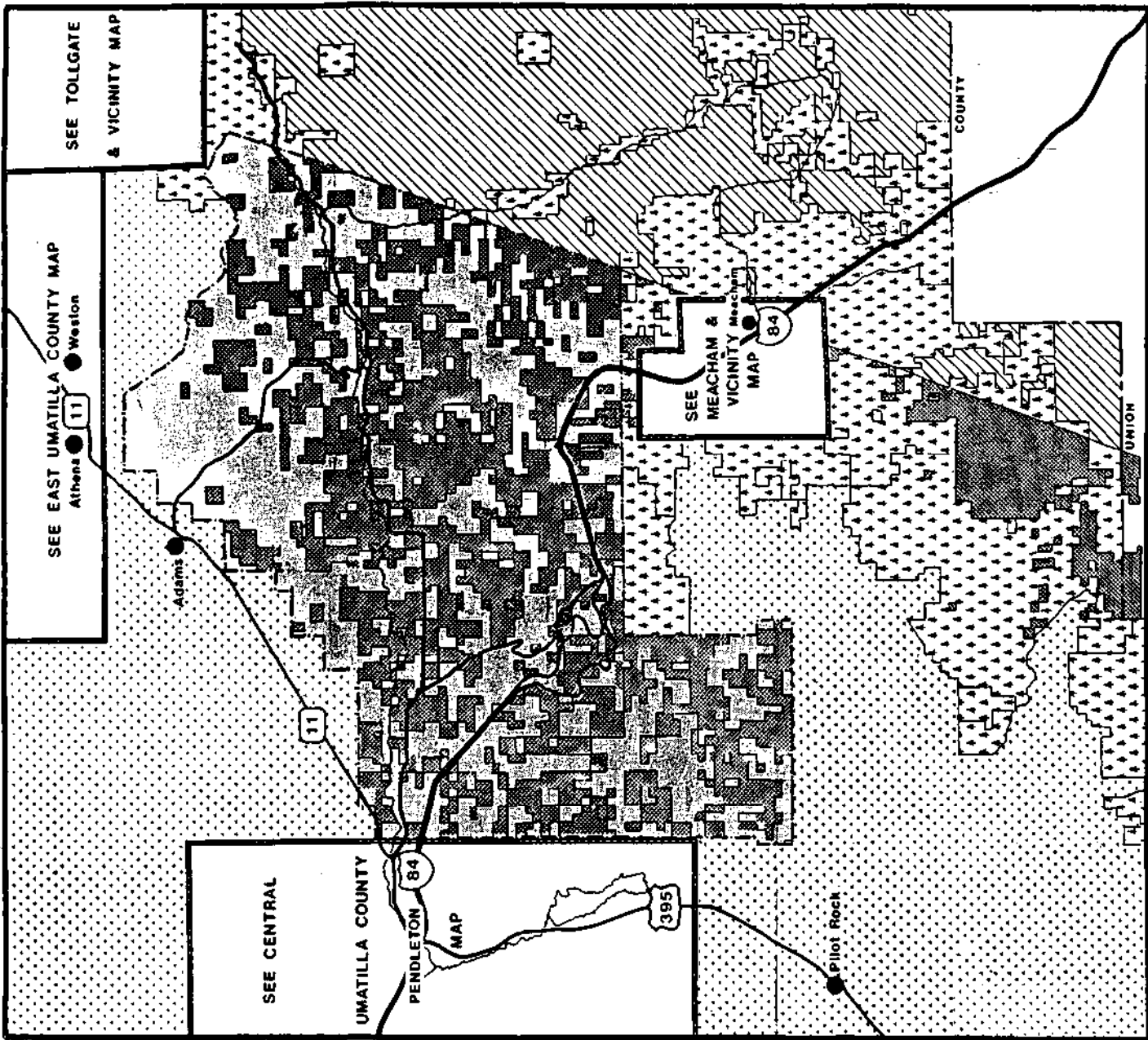
The Confederated Tribes of the Umatilla Indian Reservation control 170,730 acres of land in Umatilla County, of which 157,982 acres are within Reservation boundaries and 12,758 acres are outside. In total, this consists of eight percent (8%) of the County's land area. Lands within the existing boundaries of the Umatilla Indian Reservation are not subject to this plan. However, the Tribe and the County shall continue joint administration of zoning within the Reservation. Land use designations and zoning classifications for deeded lands within the diminished boundaries of the Umatilla Indian Reservation will not change under this plan.

Tribal Trust lands off the reservation shall be subject to the above federal lands policy. (See map on page XVTII-427A). STATE LANDS

The State of Oregon owns 27,320 acres in the County. These lands are managed by various state agencies, including the Department of Forestry, Department of Fish and Wildlife, and Department of Transportation, and serve a variety of functions, including parks, camping areas, road waysides, and a wildlife management area. Unlike federal and Tribal lands, the county does have jurisdiction on state-owned lands; therefore, plan and zoning designations apply.

State-owned lands are recognized primarily as resource areas managed by state agencies for the overall benefits of Oregon's citizens. Accordingly, county land-use controls for such lands are to accommodate the appropriate caretaker agency's intended plans

while protecting these lands with compatible zoning and appropriate development standards placed upon adjacent development proposals and land use activities. Most state management uses are allowed in the Development Ordinance.



LEGEND TRUST LAND

- (Indian owned)
- DEEDED LAND [not Indian owned]
- NORTH & SOUTH COUNTY AGRICULTURE PLAN DESIGNATION
  - Exclusive Farm Use [EFU-Zoning Classification]
- GRAZING/FOREST PLAN DESIGNATION
  - Grazing Farm [IGF-Zoning Classification]
- NATIONAL FOREST

\* TRUST LAND outside the Diminished Reservation Boundary shall be zoned the same as adjacent properties.



**UMATILLA INDIAN RESERVATION AND VICINITY**

## DEFINITIONS

AGRICULTURAL LANDS - Land of predominately Class I, II, III, IV, V, and VI soils as identified in the Soil Capability Classification system of the United States Soil Conservation Service, and other lands producing products through specialized local expertise.

AGRICULTURAL LAND CAPABILITY CLASSIFICATION - System used by the United States Soil Conservation Service to categorized lands according to their ability to support various crops, vegetation, etc. Ratings ranged from I to VIII, with I referring to the best possible agricultural land.

CARRYING CAPACITY - Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land and water resources.

CITIZEN - Any individual within the planning area; any public or private entity or association within the planning area, including corporations, governmental and private agencies, associations, firms, partnerships, joint stock companies and any group of citizens.

COMMERCIAL FOREST LANDS - Land that has not been reserved or deferred and which is capable of producing a minimum of 20 cubic feet of timber per acre per year without being managed by man.

COMMERCIAL LANDS - Land where goods and services are offered for exchange.

COMPREHENSIVE PLAN - See introduction for statutory definition.

CONSERVATION - The act of conserving the environment.

CONSERVE - To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

DEVELOP - To bring about growth or availability; to construct or alter a structure; to conduct a minimum operation; to make a physical change in the use of appearance of land; to divide land into parcels; or, to create or terminate rights of access.

DEVELOPMENT - The act, process or result of developing.

DEVELOPMENT STANDARDS - Measures established to implement the Comprehensive Plan including, but not limited to Zoning and Subdivision Ordinances, Capital Improvement Programs and Housing/Building Code.

ENCOURAGE - Stimulate; give help to; foster.

FINDING - Conclusions drawn from evaluation of a set of data.

FOREST LANDS - Lands composed of existing and potential forest lands which are suitable for commercial forest uses; other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; land where extreme conditions of climate, soil and topography require the maintenance of vegetative core irrespective of use; other forested lands in urban and agricultural areas which provide urban buffers, wind breakers, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

GOAL - A statement of a desired condition or circumstance to be achieved at some point in the future.

IMPACT - The consequences of a course of action; effect on a goal, guideline, plan or decision.

INDUSTRIAL LANDS - Land where processing activities convert materials into new forms or products.

INSURE - Guarantee; make sure or certain something will happen.

INTENSIVE - As used in "less intensive"; refers to the magnitude of use of given acre of land, or impact placed on that land. Open pasture land is being used less intensively than developed land on which dwelling units are located, for example. Land values generally reflect this. More intensively-used parcels are valued higher for property tax purposes.

LAND-USE CLASSIFICATIONS - The underlying, plan-identified, general land use toward which implementing measures (e.g. zoning) are directed.

JOINT MANAGEMENT AGREEMENT - A city-county implementation agreement enabling County jurisdictional action designed to achieve city determined land patterns outside corporate limits and within the Urban Growth Boundary.

MAINTAIN - Support, keep, and continue in an existing state or condition without decline.

NATURAL RESOURCES - Air, land and water and the elements therefore which are valued for their existing and potential usefulness to man.

PLANNING AREA - The air, land, and water resources within the jurisdiction of a governmental agency.

POLICY - A statement of method or approach used to achieve a goal, or move toward it; implies making decisions in line with the policy.

POLLUTION - The violation or threatened violation of applicable state or federal environmental quality statutes, rules, and standards.

PRESERVE - To save from change or loss and reserve for a special purpose.

PROGRAM - Proposed or desired plan or course of proceedings and action.

PROTECT - Save or shield from loss, destruction, or injury or for future intended use.

PUBLIC FACILITIES AND SERVICES - Projects, activities, and facilities which the planning agency determines to be necessary for the public health, safety and welfare.

QUALITY - The degree of excellence or relative goodness.

RECOMMENDATION - A suggested course of action intended to carry out a policy, resolve problems, improve on good situations, etc.

RESOURCE LANDS - Lands defined by ORS 215.2 03 or lands used consistent with the definition of Forest Lands in Statewide Planning Goal #4 Forest Lands.

RURAL FACILITIES AND SERVICES - Facilities and services which are determined to be suitable and appropriate solely for the needs of rural use.

RURAL RESIDENTIAL LANDS - Land area outside of an urban growth boundary suitable for rural/small farm acreage homesites and served by rural public facilities and services.

SOCIAL CONSEQUENCES - The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

SPECIAL STUDY AREAS - Areas which due to their water and soil characteristics and existing and potential residential development present special water quality and road coordination problems.

STRUCTURE - Anything constructed or installed or portable, the use of which requires a location of a parcel of land.

URBAN LAND - Urban areas are those places which are within an incorporated city.

URBANIZABLE LAND - Urbanizable lands are those lands within the urban growth boundary and outside of corporate city limits and:

(a) Determined to be necessary and suitable for future urban uses;

(b) Can be served by urban services and facilities;

(c) Are needed for the expansion of an urban area.

ZONE - The specific land use designation employed to implement plan policies and land use classifications.

## APPENDIX

### ATTACHMENTS

- A. P-022 Findings and Fact and Conclusion of Law
- B. Forest Service Letters - August 13, 1980
- C. Umatilla Electric Coop. Letter - June 9, 1981
- D. Soil Interpretation Sheet - Anatone, 215D
- E. Cross Chronology - June 19, 1981
- F. Ball, Janik and Novack Letter - Sept. 20, 1982
- G. Motion for Dismissal
- H. Edwards Letter - April 5, 1984
- I. DEQ Report - Cross Property
- J. Cross Properties Expenditures - April 9, 1984
- K. Harris - Tollgate Property - No date
- L. Soil Interpretation Sheet (Fisk Sub-Area) - 210B, Aquent Series
- M. Westland Map, Soils Interpretation - Dev/Committed Land
- N. Sheets and letters
- O. Columbia and Diagonal Road, Area 4 Map and Soil Sheets
- P. Haagen Property letters
- Q. Columbia and Diagonal Road, Area 4 Map and Soil Sheets
- R. DeMoss Property letter and Testimony - March 8, 1982
- S. Kik Property Map and Soil Interpretation Sheets
- T. Topography Map; McKay Creek, McKay Reservoir
- U. McKay Creek - McKay Reservoir and Soils Interpretation Sheets
- V. Pilot Rock Vicinity Maps and Soil Interpretation Sheets
- W. O.S.U. Extension Service Letter - Nov 28, 1979
- X. MeMotts Property letter
- Y. Pendleton Joint Management Agreement
- Z. Umatilla Indian Reservation Comprehensive Plan
- AA. West Courty Master Road Plan BB.  
Comprehensive Plan Maps CC. Zoning Maps DD.  
Messenger letter - Sept. 18, 1984
- 1. Forest Service letter - 1985
- 2. Land Curve Weston Mountain - July 1, 1985
- 3. Very Limited Access; Land Curve Weston Mt. - July 1, 1985
- 4. Key Letter - May 28, 1985
- 5. Fisk Sub-Area - Soil Interpretation Map
- 6. Meanings Letter - April 12, 1985





ISEFOR: THE BOARD OF COUNTY COMMISSIONERS

FOR UMATILLA COUNTY, OREGON-

In the matter of taking an exception )  
to the Statewide Planning Goal #4 )  
(Forest Lands) for a proposed sub- )  
division; Comprehensive Plan Amendment )  
, #P-022; AT J. Beard and Kenneth Giger, )  
owners/applicants )

Comprehensive Plan Amendment  
#P-022  
Findings of Fact and  
Conclusions of Law  
Order granting exception

Synopsis:

Al J. Beard and Kenneth Giger, hereinafter called "applicant," filed an application for a Comprehensive Plan Amendment to take exception to Statewide Planning Goal #4 (Forest Lands) in proper form with the Umatilla County Planning Department on November 14, 1979. The applicant seeks to subdivide into 5-acre-tracts the following described parcel :

Tax Lot 10805, Assessor's Map 4N 36, approximately 100 acres located 1/8 miles south of Highway 204, approximately 6.8 miles west of the Tollgate Mountain Chalet and approximately 8 miles east of the Weston City Limits.

Pursuant to the Umatilla County Zoning Ordinance hereinafter called "Ordinance," a public hearing was held before the Umatilla County Planning Commission, hereinafter called, "Planning Commission," on January 16, 1980. At that hearing, after considering the evidence the Planning Commission recommended to the Umatilla County Board of Commissioners, hereinafter "Board," that they deny an exception to the Statewide Planning Goal #4 (Forest Lands) to be taken for the purpose of subdividing the subject parcel.

On January 16, 1980, the Board held a hearing on the request, and after considering the evidence, the Board closed the hearing and postponed a decision on the request until the Tollgate portion of the Umatilla County Comprehensive Plan is completed.

V ■••.>...!■ .'■, I-.K'u. The Board reconvened and decided to take an exception to *thv*. Statewide Planning Goal #4 (Forest Lands) and adopted the fol'ov/i.'M ■ ic.jinys of Fact and Conclusion of Law.

#### FINDINGS OF FACT

1. Notice of the January 16, 1980, hearing was given by publication in the E£LLP.r.¢f'.^n\_Ll!l<sup>01</sup> January 5, 1980. Notice was also given by mail to all property owners within 250 feet of the subject property.
2. For:-v.l Rules of Procedures for conduct of Board hearings'pursuant to Umatilla County Land Use Ordinances were adopted by the Board in a resolution dated July, 1973.
3. No challenges" for bias, prejudgement or personal interest have been made to trio c|ial i f"ications of any Commission members, by any proponent or opponent *of* the request.
4. No Board member has disqualified himself due to any personal or other conflict of interest.
5. There were no objections to the jurisdiction of the Board members to hear the matter.
6. At the commencement of each hearing, the presiding officer announced the nature and purpose of the hearing and summarized the Rules of Conduct for the hearing.
7. As provided by the Adopted Rules of Procedures, a representative of the County Planning Department presented the Planning Staff Report and gave a summary of the Planning Commission's recommendation and previous actions *on* the request.
8. A complete copy of the file, including all referral replies and minutes of the Planning Commission meeting has been distributed to the Commission prior to tfie hearing.
9. Evidence was presented by the applicant or his appointed agent, after which an opportunity was given for cross examination by *any*

Commission member or opponent of the proposed request.

10. The opportunity was then given for opponents of the proposal to present evidence, after which an opportunity was given for cross examination by any Commission member or opponent for the proposed request.

11. Public agencies were then given an opportunity to present evidence, as provided by the Adopted Rules of Procedure.

12. The applicant was then allowed to present rebuttal evidence.

13. The hearing was then closed and the Board upon open deliberation recessed the hearing and then at a later date granted the application.

14. All proceedings were recorded electronically, and a written summary of the proceedings has been provided as required by law.

15. The Soil Conservation Service designates the site and surrounding properties as containing Tolo, McGarr, Couse Silt Loams, and Gwin Very Cobbly Silt Loam Soils, in descending order of occurrence. Except for Gwin, all are woodland soils and have timber growth potentials that are about average overall, by eastern Oregon Standards. Agricultural capabilities for the subject parcel range from Class III for Tolo and Couse to Class VII for Tolo, McGarr and Gwin. McGarr, Gwin and Couse have severe ratings for septic tanks. The limiting factor for McGarr and Gwin is depth of bedrock. Couse is handicapped by slow permeability. (Exhibit #3)

16. The subject parcel is located in the foothills of the Blue Mountains.

17. The subject parcel has been identified by the Department of Fish and Wildlife as winter range area for both elk and deer. (Exhibit #3)

18. The site is presently served by a 60-foot county road right-of-way (platted as County Road No. 276) from State Highway 204. A second access point from the highway is through a private easement. Both are presently unimproved.

dependent on in.; nJual ~,eptic tanks and wells. dhibit #3)

20. The i.'-:::at i l Id County Comprehensive Plan, adopted on April 6, 1972, designates the northwest half of the property as .Agricultural , the South-east half Forest. (Exhibit ?3)

21. The site is zoned R-4 Recreational/Residential (one-acre minimum). (Exhibit 43)

22. The present use on the property is limited to grazing since it is too high an elevation for crop production. (Exhibit \*3) ■'

23. Due to the fact that the land is available for grazing only 4-5 months per *year*, it is not economical to farm. (Testimony of Elliot and Nichols)

24. The *area* is Sparsely covered with timber. It was logged in 1930. No further commercial timber will be available on the property for many years. (Exhibit \$2)

25. Use restrictions would be placed on the property, including one which would prohibit the removal of timber from the property. (Exhibit #2)

26. A recreational subdivision of Twenty five-acre tracts is proposed on the property. (Exhibit #2)

27. No logging on the northern 60 acres has ever taken place. (Exhibit #10)

28. Private roads within the development will be maintained by the property owners. The applicants will maintain the remaining 60-foot wide stretch of roadway, to be built to County standards (Testimony of Elliot Nichols)..

29. There are many people desiring to own 5, 10 or 15 acre rec reational-residential tracts of land in the Tollgate area, and. not many suitable pa re-;? Is are available (Testimony fo Elliot Nichols).

I. Procedures

1. Adequate notice for all hearings were given as required by applicable Statutes and Ordinances to<sup>1</sup> all involved parties, (Finding *HI*).
2. Formal Rules of Procedure for the conduct of land use hearings have previously been adopted by the Board, (Finding £2).
3. No Commissioner was disqualified, either personally or by any opponent or proponent of the request and the Board has jurisdiction to decide the matter, (Findings £3-5).
4. The Board correctly followed the adopted Rules of Procedure, and all persons present had an opportunity to be heard, to present and to rebut evidence, (Findings £6-14).

II. Comprehensive Plan

The request is in conformance with the existing Comprehensive Plan and zoning, (Findings £21 and 22).

III. Statewide Goals

1. Citizen Involvement - The Board has given adequate opportunity for public input and involvement by affected persons, (Findings #1-14).
2. Land Use Planning - The Board has conducted all hearings on this matter in accordance with applicable law, (Findings £1-14)
3. Agricultural Lands - This goal is not applicable because the land is not economically feasible to farm, (Findings £23 and 24).
4. Forest Lands - Approval of this request would violate the Forest Lands Goal. However, an exception is justified for the following reasons:
  - a. Other Uses - There is a need to provide recreational property in the mountain area and it is advisable to do so on land with marginal potential for timber production, (Findings £25, 28, and 30).
  - b. Alternative Locations - There are limited alternative sites for recreational property in 5, 10 or 15 acres, in

trio j: iij.-iV.' o !■;■.'.. ibis site is better suited for development because ntr-r- •; itos have higher timber production ■potenti al and a>e 'M's readily accessible and possibly have sewer problems. Also, services are available in this location, (Findings ~?A, 25, and 30).

- c. Long-Term Consequences - Due to the increasing population of Umatilla County, there is a growing need for an increased inventory of recreational property to accommodate this growth. It is advisable to use marginal timber land for this purpose rather than high-yield lands where economic and environmental consequences would be greater, (Findings .v 2 4, 25, and 30).
- d. Compatibility - Due to deed restrictions and size of the lots the proposed use of the property will be compatible with other adjacent uses, (Findings #26 and 27).

5 • Open Space, Scenic and Historic Areas and Natural Resources

Due to the size of the lots proposed, impacts on this goal would be minimal, (Finding ?27).

6. Air, Water and Land Resource Quality - There is no evidence in the record to indicate that this goal would be adversely impacted.

7. Areas Subject to Natural Disasters and Hazards - Not applicable.

8. Recreational Needs - The development would provide recreational opportunities for lot owners, (Finding #27).

9. Economic Impact of the State - The county timber base would not be adversely affected because the land still would be capable of being logged. The request would boost building trades and related industries, (Finding #26).

10. Goals 10-13 - Due to the seasonal occupancy of the residences proposed, there would be little impact on these goals.

11- Goal 14, Urbanization - This goal is not applicable because no Urban land use is contemplated.

12. Goals -15-1 "9 arc not applicable to Umatilla County. Based on the above stated Findings of Fact and Conclusions of Law the Umatilla County Board of Commissioners hereby orders that applicant's request for an exception to Statewide Goal **M** Forest Lands, be granted

on the condition that a subdivision plat for 5-acre tracts be submitted to the County Planning Commission.

DATED this 30<sup>th</sup> day of September, 1980.

UMATILLA COUNTY BOARD OF COMMISSIONERS

F. K. Starrett  
F. K. Starrett, Chairman

Ford Robertson  
Ford Robertson

A. L. Draper  
A. L. Draper

ATTEST: J. Dean Fouquette

J. Dean Fouquette  
County Clerk

PC. Recg 8/14/80  
Exhibit # 10

Attachment B

**B**

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Umatilla National Forest  
2517 S.W. Hailey Avenue  
Pendleton, Oregon 97801

2310  
August 13, 1980



Mr. Larry Cross  
Tollgate Mountain Resort  
2326 West 16th  
Kennewick, WA 99336

Dear Mr. Cross:

The following is the recreation use data that you requested from Dick Lemmon. The data pertains to recreation use of U.S. Forest Service facilities and land along and near Highway 204.

Developed Sites

Jubilee Lake Campground	25,500 RVDU
Target Meadows Campground	4,000 "
Woodward Campground	10,400 "
Woodland Campground	3,600 "
Spout Springs Ski Area	11,794 "
Spout Springs Recreation Residences	7,800 "
Subtotal, Developed Sites	63,094 RVDU

Dispersed Recreation

Snowmobiling	36,400 RVDU
Cross-Country Skiing	2,000 "
Snow Play	9,100 "
Hunting	40,000 "
Berry Picking, etc.	2,000 "
Subtotal, Dispersed Recreation	89,500 RVDU

Grand Total 152,594 RVDU

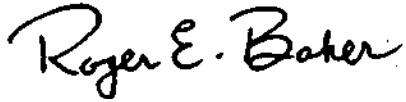
RVDU means recreation visitor-days use. A recreation visitor-day consists of 12 visitor-hours in which the visitor-hours contained therein have been spent by persons in any activities, except those which are part of or incidental to the pursuit of a gainful occupation. The 12 visitor-hours may be aggregated continuously, intermittently, or simultaneously by one or more persons. Thus, twenty-four visitor-hours use of National Forest will be recorded as 2 visitor-days. It may help to visualize this as representing 1 visitor-day of use, and 1 visitor-day of overnight use.



Page 2

The use figures for the developed sites are firm figures. The dispersed recreation use figures are estimates adjusted to **fit** this use along and near Highway 204. The use figures are **from-** 1979.

Sincerely,

A handwritten signature in black ink that reads "Roger E. Baker". The signature is written in a cursive style with a large, prominent "R" and "B".

ROGER E. BAKER  
Resource Staff

Hermiton C

C



## UMATILLA ELECTRIC COOPERATIVE ASSOCIATION



P. O. BOX 48 • HERMISTON, OREGON 97838

June 9, 1981

TELEPHONE 567-6414

Jim Burns  
Tollgate Area Planning Advisory Committee  
410 North Main  
Milton-Freewater, Oregon 97862

Dear Mr. Burns:

I am responding to a letter dated June 4, 1981 from Bob Perry of the Umatilla County Planning Department (see copy enclosed).

The answer to question #1 - The Umatilla Electric Cooperative Association currently serves 485 customers on Weston Mountain, which includes the area near Spout Springs, which is in Union County. The total number of customers per type is: Rural, 115; Seasonal, 339; and Commercial, 31. There are approximately 22 Seasonal customers and 5 Commercial customers in Union County.

The answer to question #2 - Based upon what currently is being consumed per customer, and if the customer of the future uses what he is today, the UECA can handle 50% more expansions without any major changes. Remember that with the higher cost of power, customers conserve more. Therefore, the 50% figure could conceivably be 75% 20 years into the future. There are many variables that could change this 50% figure. The increased load of Spout Springs could change this over night. A large resort adding considerable load could do the same thing.

The answer to question #3 - From the Cooperative's view point, we react to the customer's needs. Therefore, if additional developments of say two or three times happen in the next 20 years, then we would have to provide the service. One has to realize that many factors influence and change policies that exist today, but may not be here tomorrow. These policies, primarily due to cost, could have an impact on development. For example, some utilities currently require the customer in mountainous regions to pay the total cost in providing service to Seasonal cabins. Also, this type of policy could cause many cabins to not have power. But, this one facet

**LIVE BETTER**

**FARM BETTER**

**ELECTRICALLY**

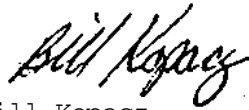
Page 2 Jim  
Burns

of the total picture would probably not stop people from building and having cabins. Therefore, if all of the new services in the next 20 years in the mountain received power, then UECA would need to rebuild or add to its substation, and install larger wire to handle the loads. Hopefully, the cost to add new facilities can be justified by those new and old customers who are required to pay those rates for their type of service. UECA currently uses the cost of service approach in determining its rates for each type of customer.

The answer to question #4 - If the development continues as in the past five years, UECA proposes to bury all its main overhead line out of the Weston Substation going east to Spout Springs. Also, we plan to rebuild our existing overhead line west out of the substation down to the Umatilla River. Remember that several decisions are needed from other bodies prior to implementing any major rebuilding or construction. Our Board of Directors, REA and CFC (Cooperative Finance Corporation) ask questions that require answers prior to building or rebuilding any lines. Please remember that all proposals by UECA have their limitations.

I hope this will give the Planning Advisory Committee enough information from which to make a decision. Remember, whatever is done has to be paid by the customer in the long run since we are a non-profit cooperative utility.

Sincerely,



Bill Kopacz  
Customer Service Manager

BK/lh  
encl.



SOIL INTERPRETATIONS RECORD

VEBY COBBLY SILT LOAN. 2 TO 20 PERCENT SLOPES\*

TH\* ANATONE SERIES CONSISTS OF SHALLOW, WELL ORAINEO SOILS FORMED IN LOESS AND MATERIAL MOUNTAIN SIOE SLOPES. VEGETATION IS GRASS. THE M.A.P. IS 17 TO 30 INCHES. THE F.F.S. IS F.BPUT \*» F. TYPICALLY. THE SURFACE LAYER IS A REDOISH BROWN VF.RY COBBLY SILT LOAM ASOUT BEDOISH BROWN VERY GRAVELLY SILT LOAM ABOUT 13 INCHES THICK ANO IS UNDERLAIN BY BASALT.

WEATHERED FROM BASALT ON 90 TO 100 OAYS ANO M.A.A.T. IS » INCHES THICK. THE SUBSOIL IS

ESTIMATED SOIL PROPERTIES												
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	FRACT PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.					LIQUID LIMIT	PLASTICITY INDEX		
				>3 IN (PCT)	4	10	40	200				
0-5	CBV-SIL	GM	A-2, A-4	20-55	50-60	40-50	35-45	30-40	25-35	NP-10		
5-12	GRV-SIL, CRV-L, CRX-L	GM, ML	A-2, A-4, A-6	20-70	40-70	30-65	25-60	20-55	30-40	5-15		
12	UVB											

DEPTH (IN.)	CLAY (PCT)	MOIST DENSITY (G/CM3)	BULK DENSITY (G/CM3)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL	EROSION FACTORS	WIND EROD. GROUP	ORGANIC MATTER (PCT)	CORROSIVITY	
												STEEL	CONCRETE
0-5	10-20	1.20-1.30	0.6-2.0	0.09-0.11	6.1-7.3	-	LOW	1.24	1	8	2-3	MODERATE	LOW
5-12	10-20	1.20-1.30	0.6-2.0	0.09-0.12	6.1-7.3	-	LOW	1.20					
12													

FREQUENCY	DURATION	MONTHS	HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SUBSIDENCE		HYDROPHOBICITY	POTENTIAL
			DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INIT. (IN)	TOTAL (IN)		
NONE			26.0					10-20	HARD			

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-DEPTH TO ROCK, LARGE STONES	ROADFILL	POOR-AREA RECLAIM, LARGE STONES
SEWAGE LAGOON AREAS	SEVERE-DEPTH TO ROCK, SLOPE, LARGE STONES	SAND	IMPROBABLE-EXCESS FINES, LARGE STONES
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK, LARGE STONES	GRAVEL	IMPROBABLE-EXCESS FINES, LARGE STONES
SANITARY LANDFILL (AREA)	SEVERE-DEPTH TO ROCK	TOPSOIL	POOR-AREA RECLAIM, LARGE STONES
DAILY COVER FOR LANDFILL	POOR-AREA RECLAIM, LARGE STONES	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-DEPTH TO ROCK, SLOPE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-DEPTH TO ROCK, LARGE STONES	EMBANKMENTS, DIKES AND LEVEES	SEVERE-PIPING, LARGE STONES
DWELLINGS WITHOUT BASEMENTS	SEVERE-DEPTH TO ROCK, LARGE STONES	EXCAVATED PONDS, AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-DEPTH TO ROCK, LARGE STONES	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE, DEPTH TO ROCK, LARGE STONES	IRRIGATION	LARGE STONES, DROUGHTY, DEPTH TO ROCK
LOCAL ROADS AND STREETS	SEVERE-DEPTH TO ROCK, LARGE STONES	TERRACES AND DIVERSIONS	SLOPE, LARGE STONES, DEPTH TO ROCK
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SMALL STONES, LARGE STONES	GRASSED WATERWAYS	LARGE STONES, SLOPE, DROUGHTY

RECREATIONAL DEVELOPMENT			
CAMP AREAS	SEVERE-SMALL STONES	PLAYGROUNDS	SEVERE-LARGE STONES, SLOPE, SMALL STONES
PICNIC AREAS	SEVERE-SMALL STONES	PATHS AND TRAILS	SEVERE-LARGE STONES

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)									
CAPA-BILITY									
	NIRP LBS.	NIRP LBS.	NIRP LBS.	NIRP LBS.	NIRP LBS.	NIRP LBS.	NIRP LBS.	NIRP LBS.	NIRP LBS.
75									

WOODLAND SUITABILITY							
ORD SYM	MANAGEMENT PROBLEMS				POTENTIAL PRODUCTIVITY		TREES TO PLANT
	EROSION HAZARD	EQUIP. LIMIT	SEEDING MOBILITY	WINDTH. HAZARD	PLANT COMPET.	POTENTIAL COMMON TREES	
						NONE	

VINOSEAS										
SPECIES		INT	SPECIES		INT	SPECIES		INT	SPECIES	INT
NONE										

WILDLIFE HABITAT SUITABILITY												
POTENTIAL FOR HABITAT ELEMENTS					POTENTIAL AS HABITAT FOR:							
GRAIN	GRASS & WILD SEED	LEGUME	HERB.	WILD TREES	CONIFER	SHRUBS	WETLAND	SHALLOW WATER	OPENLD	WOODLD	WETLAND	RANGELD
	V. POOR	V. POOR	POOR	-	-	POOR	V. POOR	V. POOR	V. POOR	-	V. POOR	POOR

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)									
COMMON PLANT NAME	PLANT SYMBOL (NLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)							

POTENTIAL PRODUCTION (LBS./AC. DRY WT):									
FAVORABLE YEARS									
NORMAL YEARS									
UNFAVORABLE YEARS									

FOOTNOTES



**March 25, 1981**

Notice of Intent to Appeal was received by County District Attorney's Office concerning the approval of the preliminary plat and exception to Statewide Planning Goal #1.

April 9, 1981:

Copy of the record concerning Tollgate Mt. Resort sent to Land Use Board of Appeals.

June 16, 1981:

Copy of Tri-City Herald classified advertisement concerning the sale of one acre lots in Tollgate Mt. Resort submitted to our office by Robert TenEyck.

June 16, 1981:

Letter sent to Oregon Department of Commerce Real Estate Division Subdivision Section (Don Malarkey) from Planning Department (Brian Little).

**June 16, 1981**

Memo sent to District Attorney (Fred Bennett) from Planning Department (Brian Little) concerning possible violation of County Subdivision Ordinance.

**The complete record** of the Tollgate Mt. Resort (our File -S-013) is available **in the Planning** Department Office for your inspection. Copies of pertinent **and** referenced information are enclosed.

B.D.L.

**BDL:vw**  
**enclosures**

Exhibit **F**

**BALL, JANIK & NOVACK**  
ATTORNEYS AT LAW  
SUITE 1410, ONE MAIN PLACE  
100 S W MAIN STREET  
PORTLAND, OREGON 97204  
TELEPHONE (503) 228-2525

ROBERT S. BALL  
STEPHEN T. JANIK  
KENNETH M. NOVACK  
JACK L. ORCHARD  
JOHN W. LILJEGREN  
SUSAN M. QUICK

OF COUNSEL  
JAMES M. KENNEDY

September 20, 1982

Land Use Board of Appeals  
106 State Library Building  
Salem, OR 97301

Re: Ten Eyck v. Umatilla County, No. 81-033

Gentlemen:

Enclosed please find an order and motion for dismissal of this case presented by my client, Umatilla County, respondent in the above entitled proceeding. This case is subject to dismissal because the matter has now become moot. Enclosed please find a copy of a letter from Mr. Larry Derr, attorney for petitioner, in which he concurs in the motion I have submitted and stipulates to the requested order. This should finally resolve this case.

If you have any questions, please do not hesitate to call me.

Very truly yours.,

Stephen T. Jariik

STJ:gb

Enclosures

cc: **Mr. Larry Derr**  
**Mr. Dennis Olson**



*Weiss, Derr & DeCamp*

LAWYERS

ROBERT L. WEISS, P.C.  
LAWRENCE R. DERR  
JOHN B. DECAMP, JR.  
CHARLES P. STARKEY  
ROBERT H. THOMSON  
MARK A. DEBERGEN

NORTON HOUSE  
33 N.W. FIRST AVENUE  
PORTLAND, OREGON 97209  
(503) 227-3331

September 15, 1982

Land Use Board of Appeals  
475 Cottage Street, N.E.  
Salem, Oregon 97301

Ten Syck v. Umatilla County, LUBA No. 81-033

Gentlemen:

I have been provided a copy of the Motion for Dismissal proposed to be submitted by Respondent. On behalf of Petitioner I concur in the proposed action of dismissal and refund of filing fee and cost deposit to Petitioner if made for the reason stated in the Motion. If the Board does not concur in either the reason or the result I request an opportunity to be heard on the Motion for Dismissal,

Very truly yours,

Lawrence R. Derr

LRD:dlm

cc Stephen T. Janik, Esq.



1 require the subdivider to initiate a new proceeding for  
2 approval of a tentative subdivision plan.

3 Based upon the above facts, the tentative subdivision  
4 plan approval that is the subject of this proceeding is  
5 void and this proceeding should be dismissed. This dismissal  
6 is not based upon the fault or inaction of Petitioner and  
7 the filing fee and deposit for costs should be returned  
8 to Petitioner.

9 DATED this    day of September, 1982.

10  
11 STEPHEN T. JANIK  
12 Stephen T. Janik  
13 \*\* Of Attorneys for Respondent

14 Based upon the facts and for the reason stated "  
15 in the motion above it is. ORDERED that the above captioned  
16 proceeding be and it is dismissed, and it is further ORDERED  
17 that the filing fee and deposit for costs be returned to  
18 Petitioner.

19 DATED this    day of September, 1982.

20  
21  
22  
23  
24  
25  
26

RECREATIONAL DEVELOPMENT			
PLAY AREAS	SLIGHT	PLAYGROUNDS	MODERATE-SLOPE
PICNIC AREAS	SLIGHT	PATHS AND TRAILS	SLIGHT

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)														
CAPABILITY	WHEAT WINTER (BU)		ALFALFA MAY (TONS)		PASTURE (AUM)		POTATOES IRISH (CWT)		ALFALFA SEED (LBS)		CORN (BU)		APPLES (DU)	
	NI	IR	NI	IR	NI	IR	NI	IR	NI	IR	NI	IR	NI	IR
7F	4F		100		7.0		15		500		130		630	

WOODLAND SUITABILITY									
ORD SYM	MANAGEMENT PROBLEMS				POTENTIAL PRODUCTIVITY				
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT'Y.	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES		SITE INDEX	TREES TO PLANT
						NONE			

MINORPEAKS											
SPECIES		HT	SPECIES		HT	SPECIES		HT	SPECIES		HT
1	LOMBARDY POPLAR	65	1	AUSTRIAN PINE	40	1	PEKING COTONEASTER	15	1	SIBERIAN PEASHRUB	15
2	RUSSIAN-OLIVE	30	2	LILAC	20	2	GOLDEN WILLOW	35	2	HONEYSUCKLE	10
3	GREEN ASH	50	3	BLUE SPRUCE	20	3	NORTHERN WHITE-CEDAR	25	3	ROCKY MT. JUNIPER	20

WILDLIFE HABITAT SUITABILITY										
POTENTIAL FOR HABITAT ELEMENTS					POTENTIAL AS HABITAT FOR:					
GRAIN & GRASS	WILD SEED	WILD LEGUME	WILD HERB	WILD TREES & PLANTS	WETLAND PLANTS	SHALLOW WATER	OPENLD	WOODLD	WETLAND	RANGELD
V. POOR	V. POOR	V. POOR	POOR	-	POOR	V. POOR	V. POOR	POOR	-	V. POOR

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)									
COMMON PLANT NAME	PLANT SYMBOL (NLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)							

POTENTIAL PRODUCTION (LBS./AC. DRY WT):									
FAVORABLE YEARS									
NORMAL YEARS									
UNFAVORABLE YEARS									

FOOTNOTES

1. POSSIBLE HAZARD OF GROUNDWATER CONTAMINATION.

RECREATIONAL DEVELOPMENT												
CAMP AREAS	SLIGHT				PLAYGROUNDS	MODERATE-SLOPE						
PICNIC AREAS	SLIGHT				PATHS AND TRAILS	SLIGHT						
CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)												
	CORN CAPABILITY		WHEAT WINTER (BU)	ALFALFA HAY (TONS)	PASTURE (AUM)	POTATOES IRISH (CNT)	ALFALFA SEED (LBS)	CORN (BU)	APPLES (BU)			
	NIRR	IIRR	NIRR	IIRR	NIRR	IIRR	NIRR	IIRR	NIRR	IIRR	NIRR	IIRR
	75	45	100	7.0	15	500		130	630			

WOODLAND SUITABILITY									
ORD SYN	MANAGEMENT PROBLEMS				POTENTIAL PRODUCTIVITY				
	EROSION HAZARD	FOUD. LIMIT	SEEDLING MOBILITY	WINDTH. HAZARD	PLANT COMPEI.	COMMON TREES	SITE INDX	TREES TO PLANT	
						NONE			

MINOR TREES											
SPECIES		HT	SPECIES		HT	SPECIES		HT	SPECIES		HT
LOMBARDY POPLAR		65	AUSTRIAN PINE		40	PEKING COTONEASTER		5	SIBERIAN PEASHRUB		15
RUSSIAN-OLIVE		30	LILAC		20	GOLDEN WILLOW		35	MONEYSUCKLE		10
GREEN ASH		50	BLUE SPRUCE		20	NORTHERN WHITE- CEDAR		25	ROCKY MT. JUNIPER		20

WILDLIFE HABITAT SUITABILITY											
POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
GRAIN & GRASS	WILD SEED	WILDCRUM	WILDBERR	WILDTREES	WILDCONIFERS	WETLAND PLANTS	SHALLOW WATER	OPEN WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE	RANGELAND WILDLIFE
V. POOR	POOR	POOR			POOR	V. POOR	V. POOR	POOR		V. POOR	POOR

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)											
COMMON PLANT NAME	PLANT SYMBOL	PERCENTAGE COMPOSITION (DRY WEIGHT)									
	(SUSPNS)										

POTENTIAL PRODUCTION (LBS./AC. DRY WT):											
FAVORABLE YEARS											
NORMAL YEARS											
UNFAVORABLE YEARS											

1. POSSIBLE HAZARD OF GROUNDWATER CONTAMINATION.

FOOTNOTES

G

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF UMATILLA

3 DONALD F. EDWARDS and )  
ALBERTA EDWARDS, Husband )  
4 and Wife, )

5 Plaintiffs, )

6 vs. )

7 LARRY D. CROSS and )  
SHARON R. CROSS, Husband )

No. 82-3-304

8 and Wife, et. al., )

MOTION FOR DISMISSAL

9 Defendants, )

10 vs. )

11 UMATILLA COUNTY, )

12 Third-Party Defendant. )

13 Defendant moves the Court for an order as follows:

14 1. Dismissing the third-party complaint filed by third-

15 party plaintiff Robert J. Wright against third-party defendant

16 Umatilla County;

17 2. Giving judgment in favor of third-party defendant

18 Umatilla County and against third-party plaintiff Robert J. Wright,

19 with costs to neither party.

20 Respectfully submitted,

21 MICHELE HALLMAN

22 Michele Hallman

Attorney for Third-Party Defendant

23 Umatilla County

24 POINTS AND AUTHORITIES

25 On June 30, 1982, this Court entered an order granting

1 third-party defendant's motion to strike third-party plaintiff's  
2 complaint in its entirety. Third-party plaintiff Robert J. Wright  
3 has not pleaded further in this case, and therefore third-party  
4 defendant Umatilla County desires that this matter be finally  
5 concluded that it be awarded a judgment of dismissal.

6

7

8

9 10 11 12 13 14 15 16 17

18 19 20 21 22 23 24 25

Page 2 - MOTION FOR DISMISSAL

**MICHELE HALLMAN**  
Attorney at law  
221 S Main - Suite No 3  
Pendleton, Or-aon 97801





April 5, 1984 9010  
W. Court Pasco,  
Wa. 99301  
April 5, 198\*4-9010  
W. Court Pasco, tfa.  
99301

Umatilla County Planning Department Umatilla  
County Courthouse Pendleton, Oregon 97801

To: Bob Perry  
Senior Planner

Here are some answers to your letter of March 28, 198^.

Intended use since property sale back in 1975 to Naz Enterprises has been 1 Acre Recreation property - to this day the intended use has not been changed.

Be. cause of the inability to satisfy Umatilla County for the recreational land use of said zoned property, here are some of the physical costs as shown on the attached map:

Cabin sites, power lines, wells, roads, telephone, Cat work, 3 surveys, perk -tests.

December 30, 1980, Teneyck appealed the final approval of said property. At that time the owners of the property were unable, due to financial loss, to carry on the extended battle with Umatilla County for intended use. At that time the investor had no other choice than to take legal action which brings you up to this point.

In your letter you question why we haven't developed the property. Our answer is

1. New comp. plan?
- 2> Changed density on cabin site?
3. No approved comp plan?

There have also been numerous trips to Milton-Freewater, Hermiston, Tollgate, Portland, Salem, Pendleton for meetings with the Planning Commission, Commissioners.

Physical costs to date are: \$126^000; Legal and additional costs \$48,4?<

Hope this answers some of your questions.

Don



& Alberta Edwards

State of Oregon DEPARTMENT OF ENVIRONMENTAL QUALITY

CERTIFICATE OF FAVORABLE SITE EVALUATION FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM (Not a permit for construction)

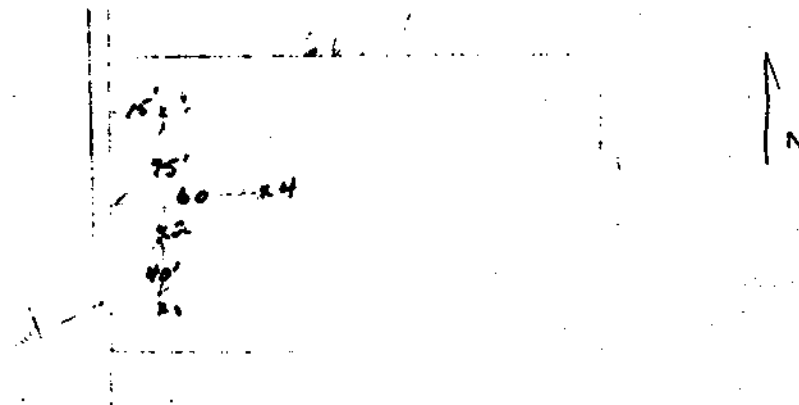
This is to certify that the following described property Township 4 North, Range 33, Section 32, Tax Lot 2600, Tollgate Mountain Resort, Lot 219, 260' x 150', UMATILLA COUNTY

has been evaluated on October 30, 1980 and found to be approvable for the installation of one subsurface sewage disposal system in accordance with ORS 454.605 through 454.755 and administrative rules of the Environmental Quality Commission promulgated thereunder.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit under the statutes and rules noted above. Any such subdivision, partitioning or alteration voids this certificate.

The subsurface sewage disposal system is to be located on the above-described property as follows:

MA-15



A system to be located anywhere on the lot or parcel other than as described above will require an additional site evaluation along with an additional fee.

This certification is valid until a subsurface sewage disposal system is installed pursuant to a permit obtained from Department of Environmental Quality, Eastern office or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the then owners according to Department records or the county tax records, whichever are more current. Subject to the foregoing, this certification runs with the land and will automatically benefit subsequent owners of the land.

Issued: October 31, 1980 Date

To: Larry D. Cross Landowner

719 S. Conway Address

Kennecott, WA 97531 City State Zip

By DEQ or Contract Agent

State of Oregon DEPARTMENT OF ENVIRONMENTAL QUALITY

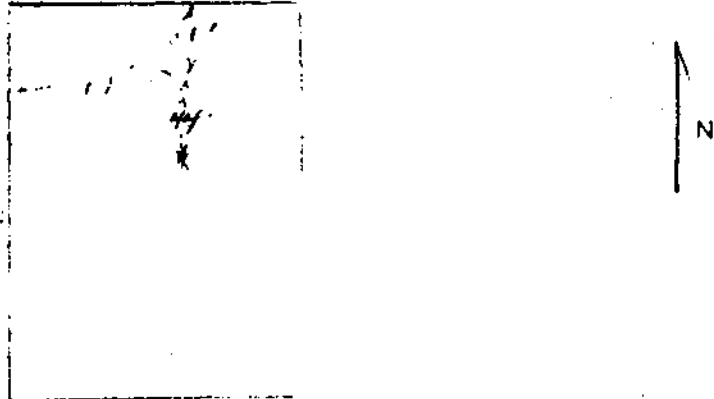
CERTIFICATE OF FAVORABLE SITE EVALUATION FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM (Not a permit for construction)

This is to certify that the following described property Township 4 North, Range 30, Section 32, Tax Lot 2600, Tollgate Mountain Resort, Lot #3, 150' x 200', UMATILLA COUNTY

has been evaluated on October 30, 1980 and found to be approvable for the installation of one subsurface sewage disposal system in accordance with ORS 454.605 through 454.755 and administrative rules of the Environmental Quality Commission promulgated thereunder.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit under the statutes and rules noted above. Any such subdivision, partitioning or alteration voids this certificate.

The subsurface sewage disposal system is to be located on the above-described property as follows: lot # 3



A system to be located anywhere on the lot or parcel other than as described above will require an additional site evaluation along with an additional fee.

This certification is valid until a subsurface sewage disposal system is installed pursuant to a permit obtained from Department of Environmental Quality, Eastern Region or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the then owners according to Department records or the county tax records, whichever are more current. Subject to the foregoing, this certification runs with the land and will automatically benefit subsequent owners of the land.

Issued: October 31, 1980 Date

To: Larry D. Cross Landowner

710 S. Conway Address

Kennewick, WA 99336 City State Zip

By: [Signature] DEQ or Contract Agent

Stat\* of Oregon DEPARTMENT OF ENVIRONMENTAL QUALITY

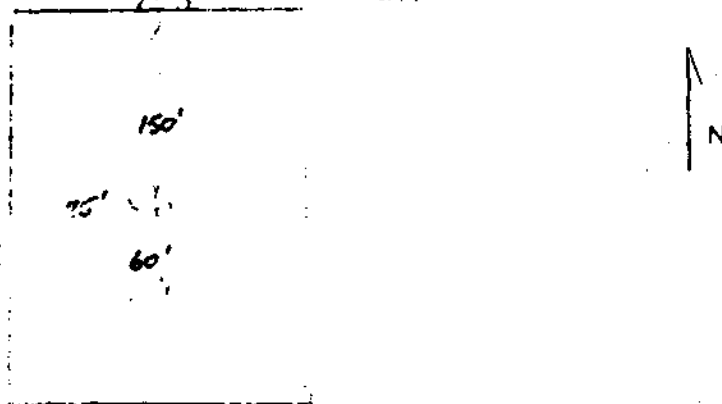
CERTIFICATE OF FAVORABLE SITE EVALUATION FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM (Not \* permit for construction)

This is to certify that the following described property Township 4 North, Range 38, Section 32, Tax Lot 2600, Tollgate Mountain Resort, Lot #12, 150' x 300' UMATILLA COUNTY

has been evaluated on October 30, 1980 and found to be approvable for the installation of one subsurface sewage disposal system in accordance with ORS 454.605 through 454.755 and administrative rules of the Environmental Quality Commission promulgated thereunder.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit under the statutes and rules noted above. Any such subdivision, partitioning or alteration voids this certificate.

The subsurface sewage disposal system is to be located on the above-described property as follows: Lot #12



A system to be located anywhere on the lot or parcel other than as described above will require an additional site evaluation along with an additional fee.

This certification is valid until a subsurface sewage disposal system is installed pursuant to a permit obtained from Department of Environmental Quality, Eastern Region or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the then owners according to Department records or the county tax records, whichever are more current. Subject to the foregoing, this certification runs with the land and will automatically benefit subsequent owners of the land.

Issued: October 31, 1980 Date

To: Larry E. Cross Landowner

710 S. Lenway Address

Kennewick WA 98536 City State Zip

By \_\_\_\_\_ DEQ or Contract Agent

State of Oregon DEPARTMENT OF ENVIRONMENTAL QUALITY

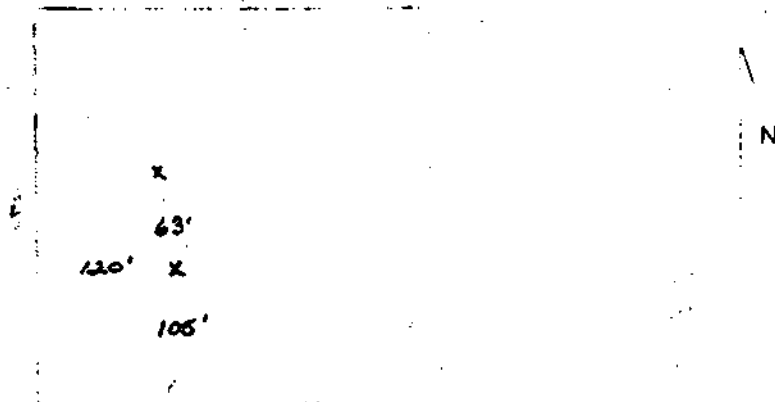
CERTIFICATE OF FAVORABLE SITE EVALUATION FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM (Not a permit for construction)

This is to certify that the following described property Township 4 North, Range 33, Section 32, Tax Lot 2600, Tollgate Mountain Resort, Lot 26, 2.1 Acres UMATILLA COUNTY

has been evaluated on October 30, 1980 and found to be approvable for the installation of one subsurface sewage disposal system in accordance with ORS 454.605 through 454.755 and administrative rules of the Environmental Quality Commission promulgated thereunder.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit under the statutes and rules noted above. Any such subdivision, partitioning or alteration voids this certificate.

The subsurface sewage disposal system is to be located on the above-described property as follows:



A system to be located anywhere on the lot or parcel other than as described above will require an additional site evaluation along with an additional fee.

This certification is valid until a subsurface sewage disposal system is installed pursuant to a permit obtained from Department of Environmental Quality, Eastern Region or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the then owners according to Department records or the county tax records, whichever are more current. Subject to the foregoing, this certification runs with the land and will automatically benefit subsequent owners of the land.

Issued: October 31, 1980 Date

To: Larry D. Cross Landowner

710 S. Godway Address

Heppewick, WA 97330 City State Zip

By \_\_\_\_\_ DEQ or Contract Agent

UMATILLA COUNTY PLANNING COMMITTEE

April 9, 1984

**J**

APR 11 1984

THE ATTACHED IS A LISTING AS COMPLETE AS WE CAN MAKE IT AT THIS TIME OF MONIES SPENT IN THE PURCHASE AND DEVELOPMENT OF THE PROPERTY ON TOLGATE. THE PROPERTY WAS PURCHASED BY LARRY CROSS AND PARTNER CARL ADAMS. LARRY CROSS SOLD ONE ACRE LOTS TO SEVERAL PEOPLE, WHEN HE GOT INTO FINANCIAL DIFFICULTIES (12) OF THE BUYERS FORECLOSED AND NOW OWN ONE SECTION OF THE LAND AND DON EDWARDS OWNS THE OTHER. PROPERTY DESCRIPTION ATTACHED.

CROSS/ADAMS ORIGINAL INVESTMENT	\$34,000
CROSS EXPENSE STATEMENT	52,370
CROSS LOST WAGES (DEALING WITH COUNTY FOR ZONING)	29,500
PURCHASERS OF ONE ACRE PLOTS	87,542
PAYMENTS, ATTORNEY'S & TAXES (12 OWNERS)	16,800
WELLS & ROAD ON THE PROPERTY ACCOUNTED FOR IN THE REPORT SUBMITTED BY DON EDWARDS	
EACH OWNER HAS SPENT MONEY IN TRAVEL AND TIME LOSS FROM JOBS IN RESOLUTION OF THIS SITUATION	200 (EACH AVERAGE)

CONSIDER THAT AT 5 ACRE DENSITY ZONING WE HAVE ALL SUFFERED A LOSS ON THIS INVESTMENT.

WE WILL APPRECIATE YOUR CAREFUL CONSIDERATION TO THIS MATTER.

**MONEY SPENT BY C. LARRY CROSS IN  
EFFORTS TO DEVELOP PROPERTY IN THE  
TOLGATE MOUNTAIN AREA**

Attorney Fees

Sam Ledridge	'3,000	
Sam Tucker	1,000	
Steve Corey	600	
John Schultz	500	
Bill Stone	300	
Bob Wright	1,000	6,500^

Survey Fees

Golladay & Spinks	9,000	
Bob Stratton	900	9,900

Property Payments

1980	12,000	
1981	12,000	

Property taxes

1979	1,200	(Based on one acre density)
1981	1,130	
1982	960	3,290

Telephone Bills

1979	2,400	
1980	2,400	
1981	2,400	7,200

Excavating	1,000	1,000
------------	-------	-------

Perk Testing	480	480
--------------	-----	-----

\$52,370 =

Mr. Cross lost about \$29,500 in wages in 1981 and 1982 in time spent trying to resolve the matter of zoning etc.

Davis L. Cross SCHEDULE OF  
MONEY RECEIVED

◆Lee Stoner  
 ◆Mike Stoner  
 ◆Kathy Stoner  
 ◆Bob WJ4M (Hull)  
     \*Jim Hall  
 \*Elmer Podratz  
     \*Dino Graham  
     \*Silvers  
     \*Hank Termes  
         Simpson  
         Jack Hamon  
         Yamaha  
 Gary Desmrae  
 Bob Stratton  
     Joe Traucio  
     \*Bob Bailey  
     Arnie Dorn  
     \*J. F. Moore  
 \*Ken Turner (later withdrew from the group)

Del White	5,000
Don Edwards	<u>10,000</u>
Total cash received	<u>\$87.542</u>

◆These people remained as a group and now have legal and complete control of piece of the property and Don Edwards has full legal control of the other section. The others chose to suffer the loss and leave the situation. Payments and taxes and attorney fees are being shared by the remaining 12 (11) after Turner withdrew.

These purchases were made for a one acre developed recreational lot, on which a cabin could be built for the purpose of mountain recreation.



EXHIBIT \_JVA^\_

TRACT I: \_

; .?.oing a portion of North Half of Section-'32/ Township 4 North', .Range 38, E. W. M.', and described as follows:

*But follow in order*

Commencing at a brass cap at center of said Section 32; thence North' 0° 00' 43" East along center' section line 660 .feet; thence North 89° 55' 33" East 1327.63 feet to 1/16 line;' thence North .0°, 02' . 03"' East along 1/16 line'1328.64 feet to the .true point.'of beginning; thence North 0° 02' . 03" East 664.32-.f eet; to a.brass, cap ;at East 1/16 corner between Sections .29, and 32 ;:thence ;North '8 9° ..-'50.'-;..15" West'-1-3 2 8 ..3 8 feet to a brass cap at North" Quarter ;.cofner..:of ' Section 32; thence South 39° 49' 09" -West 1329.19 'feet'to a brass cap"at" West ,1/16 corner between Sections 29 and 32; .thence South 0° 06' ; 09" .East along 1/16 line, 1999.45 feet.to.North right of way line of Weston-Elgin Highway;' thence South 54° ; 57' 55". East, along said fight of way 525 feet; thence North 0° .02' 03" East 1643.25 feet; thence South 89° 50' 15" East 2222.74 . feet" to the true point of beainnina;

All being East 6f the Willamette Meridian. Umatilla Countv, Oregon.

TRACT II:

A tract of land located in North Half of Section 32, Township 4 North, Range 38, E. W. M. , and described as follows:

*Strong owned*

Beginning at a brass cap at center of said Section 32; thence North 0° 00' 43" East along center section line, 660 feet; thence North 59° 55\* 33" East 1327.63 feet to 1/15 line; *i-h^nce* North 0° 02' 03" *~ar-t* ajorig 1/16 line 654.32 ."c-et to the trua-point of >. ; .pi -.nine for this description; thence North 0° 02' 03" East along 1/16 line/ cG4.32 feet"; thence North 89° 50' 15" west 2222.74 ho-; t-; •:■. 1^3 South 0° 02' 03" West 1643.25 feet to North right of way line of Weston-Elgin Highway; thence South 54° 57' 55" East along said right of way, 287.30 feet; thence Easterly along said right of way through a curve to the left having a.radius of 1392.94 feet and a central angle of 9° 18' 21" and a. arc ., length of 226.24 feet; thence North 0° 02' 03" East 1256.92 feet;- thence South 89° 50' 15" East 1792.40 feet to the point of beginning;

SUBJECT to any and all water rights of way and roads;

All be'ing East of the Willamette Meridian, Umatilla County, Oregon.

EXHIBIT "A"

LAND USE PLANNING ROBERT W. HARRIS -

TOLLGATE HIGHWAY PROPERTY

Owner desires present multiple use designation for the property which will allow cabins and similar recreational development. Owner does not want property to be placed into a resource land category.

Existing Development. There is an old cabin on the land which is served with electricity. It does not have telephone service but the telephone line is close by and available. Also there is an out building in disrepair and a developed well. There is a "yard" adjacent to the cabin. The property was at one time fenced but winter conditions and other factors have made it uneconomic to maintain.

Resource Restrictions. Generally, the Harris property does not lend itself to resource development and there is little reason why it should be placed in a resource land category or zoning. The soil is shallow and of poor quality. Some of the land is sloping and in an area of high snow fall. Resource development is restricted due to the presence of considerable rocky areas, scab patches, swampy land as well as alder and chaparral thickets. There are cabin sites and neighbors adjacent to the Harris property who represent potential problems should there be an attempt to utilize the land for extensive grazing or even timber management.

The property would not be suitable for timber development. The available acreage is only about 115 acres but that quantity is reduced substantially by the highway right of way, two Forest Service roads, the view point, old logging landings, private logging roads, scab patches, thickets and other conditions, mentioned above. Probably

the best timber return which could be expected on the limited acreage would be lodge pole pine which is of small economic value. In summary the land would not be suitable for timber management.

In years past there have been attempts to use the land for livestock grazing; however it is generally regarded by those familiar with the property that it is not economical to graze the land, again for the reasons set forth above. The expected revenue from grazing would not justify fencing and livestock operators have advised the owner that they would not be interested in the land if it is not fenced.

There is no other resource use which can be considered for this property to the owner's knowledge.

Recreational Development. The Umatilla County Planning Department files contain a great deal of information regarding the recreational uses available on this property and surrounding properties. Tollgate is a well known recreational area in Northeastern Oregon. The Harris property is served by all weather roads maintained by the State Highway Department and Forest Service. There is an old dirt road leading to the McIntyre area from the property. All of the usual summer and winter recreational activities are available in some degree on this property or in the immediate area. These include cross country skiing, snow shoeing, sledding, tobogganing, down hill skiing, snow mobiling and similar winter sports. There is a great variety of summer activities such as fishing, mushrooming, hiking, motorcycling, huckleberrying, grouse hunting, deer hunting, elk hunting, wild honey hunting, horseback riding, wood cutting and camping. Residents of the Tollgate area find that they are in the center of Northeastern hunting and fishing. It is an easy drive to

the fishing and picnicking area of Jubilee Lake and to the Wallowa area with its outstanding fishing, hunting and Alpine area. The Harris property has an outstanding view and its elevation, is above the valley smog and high summer temperatures. The land is only a few minutes drive from the developed ski area at Spout Springs.

If the zoning is designated recreational, the owner hopes to develop plans for recreational development for cabin sites and possibly resort type motel, hotel, camp ground, trailer park and similar improvements. The land is fairly level and could be planned for a cluster type cabin development. The necessary utilities are present and it is close to the Tollgate shopping center and the Tamarack and Chalet restaurants. The land is cut up by roads which would be helpful in planning for recreational development but a severe hindrance to any resource type planning.

210B

*Atter limit*

DATE: 1/78 DRI: AQUPTS and AQUOLLS SERIES: SOILS: 1. Aqupts and Aquolls, nearly level

Aqupts and Aquolls consist of somewhat poorly drained soils formed in loess, volcanic ash and alluvium. They occur in wet mountain meadows and have slopes of 0 to 5 percent. Elevations range from 1,500 to 5,100 feet. Vegetation includes tufted hairgrass, red top, Nebraska sedge, and Kentucky bluegrass. Average annual precipitation is 20 to 28 inches, mean annual air temperature is 42 to 45 degrees F. The frost-free period is 30 to 60 days at 32 degrees F and 80 to 110 days at 28 degrees F.

Typically, the surface layer of Aqupts is black and very dark brown silt loam about 15 inches thick. The subsoil is grayish brown and dark brown silt loam and silty clay loam about 17 inches thick. The substratum is black and dark greenish gray silty clay and silty clay loam about 28 inches thick.

Typically, the surface layer of Aquolls is black silt loam about 3 inches thick. The subsoil is black and very dark gray silty clay loam about 35 inches thick. The substratum is very dark gray and very dark grayish brown silty clay about 22 inches thick.

Permeability is slow. Available water capacity is 10 to 13 inches. Water supplying capacity is variable. Effective rooting depth is 60 inches. Runoff is slow. The hazard of water erosion is slight.

Aqupts and Aquolls are used for range and wildlife. These soils occur in north central Oregon (E43).

ESTIMATED SOIL PROPERTIES

DEPTH FROM SURFACE (in.)	CLASSIFICATION			COARSE FRACT. OVER 3 IN.	% OF MATERIAL PASSING SIEVE				LIQUID LIMIT	PLAS-TICITY INDEX	PERMEA-BILITY (in/hr)	AVAIL. WATER CAP. (in/in)	SOIL REAC-TION (pH)	SHRINK SWELL POTEN-TIAL
	USDA TEXTURE	UNI-FIED	AASHTO		#4	#10	#40	#200						
0-27	silt loam, silty	CL	A-4, A-6	0	100	100	90-100	80-95	25-35	5-15	0.2-0.6	16-.23	6.6-7.3	Moderate
27-60	silt, silty clay, clay	MH	A-7	0	100	100	90-100	75-95	50-60	20-25	0.06-0.2	14-.21	6.1-7.3	High
DEPTH (in.)	SALINITY (meq/100g)	% CLAY (<2µ)	B.D. (g/cm <sup>3</sup> )	ORGANIC MATTER (%)	EROSION FACTOR	WIND PROD. (lb/acre)	FLOODING FREQUENCY	FLOODING DURATION	FLOODING MONTHS	HIGH WATER TABLE				
0-27	-	20-35	1.00-1.20	-	0.3	-	-	-	-	0-3	Perched	Mar-June		
27-60	-	30-60	1.10-1.20	-	0.37	-	CEMENTED PAN	BEDROCK						
							DEPTH (in.)	HARDNESS	DEPTH (in.)	HARDNESS	FROST ACTION	CORROSIVITY	STEEL	CONCRETE
							>6.0				Moderate	High	Moderate	

SANITARY FACILITIES AND COMMUNITY DEVELOPMENT				SOURCE MATERIAL AND WATER MANAGEMENT			
USE	SOIL	RATING	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
SEPTIC TANK ABSORPTION TRENCHES	1	Severe	Percs slowly, wetness	ROADFILL	1	Poor	Low strength, wetness, shrink-swell
SEWAGE LAGOONS	1	Severe	Floods, wetness	SAND	1	Unsuited	Excess fines
SANITARY LANDFILL (TRENCH)	1	Severe	Wetness, too clayey	GRAVEL	1	Unsuited	Excess fines
SANITARY LANDFILL (AREA)	1	Severe	Wetness	TOPSOIL	1	Poor	Wetness
DAILY COVER FOR LANDFILL	1	Poor	Wetness, too clayey	POND RESERVOIR AREA	1	Favorable	
SHALLOW EXCAVATIONS	1	Severe	Wetness, too clayey	EMBANKMENTS DIKES AND LEVEES	1	Severe	Piping, wetness
DWELLINGS WITHOUT BASEMENTS	1	Severe	Floods, wetness, shrink-swell	DRAINAGE	1	Favorable	
DWELLINGS WITH BASEMENTS	1	Severe	Floods, wetness, shrink-swell	IRRIGATION	1	Poor	Wetness, slow intake, percs slowly
SMALL COMMERCIAL BUILDINGS	1	Severe	Floods, wetness, shrink-swell	TERRACES AND DIVERSIONS	1	Not needed	
LOCAL ROADS AND STREETS	1	Severe	Low strength, wetness, shrink-swell	GRASSED WATERWAYS	1	Not needed	

RECREATION

USE	SOIL	RATING	RESTRICTIVE FEATURES	PLANT COMMUNITY	ANIMAL COMMUNITY
CAMP AREAS	1	Severe	Floods, wetness	PLANT COMMUNITY	ANIMAL COMMUNITY
PICNIC AREAS	1	Severe	Wetness	PAINC. ANI	ANIMAL COMMUNITY

CAPABILITY AND PREDICTED YIELD - CEREAL AND PASTURE

SOIL	CAPABILITY		CEREAL		PASTURE		CATTLE		HORSE	
	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR
1	Vu									

WOODLAND SUITABILITY

SOIL	POTENTIAL PRODUCTIVITY		WOOD SPECIES	CROBION GROUP	EQUIPMENT HAZARD	MANAGEMENT		NATIVE SPECIES
	SPECIES	SITE INDEX				LIMIT	MORTALITY HAZARD	
1	None							

WINDBREAKS

SOILS	SPECIES	WT. AGE 20	PERFOR-MANCE	SPECIES	WT. AGE 20	PERFOR-MANCE	WT. AGE 20	PERFOR-MANCE
1	None							

WILDLIFE HABITAT SUITABILITY

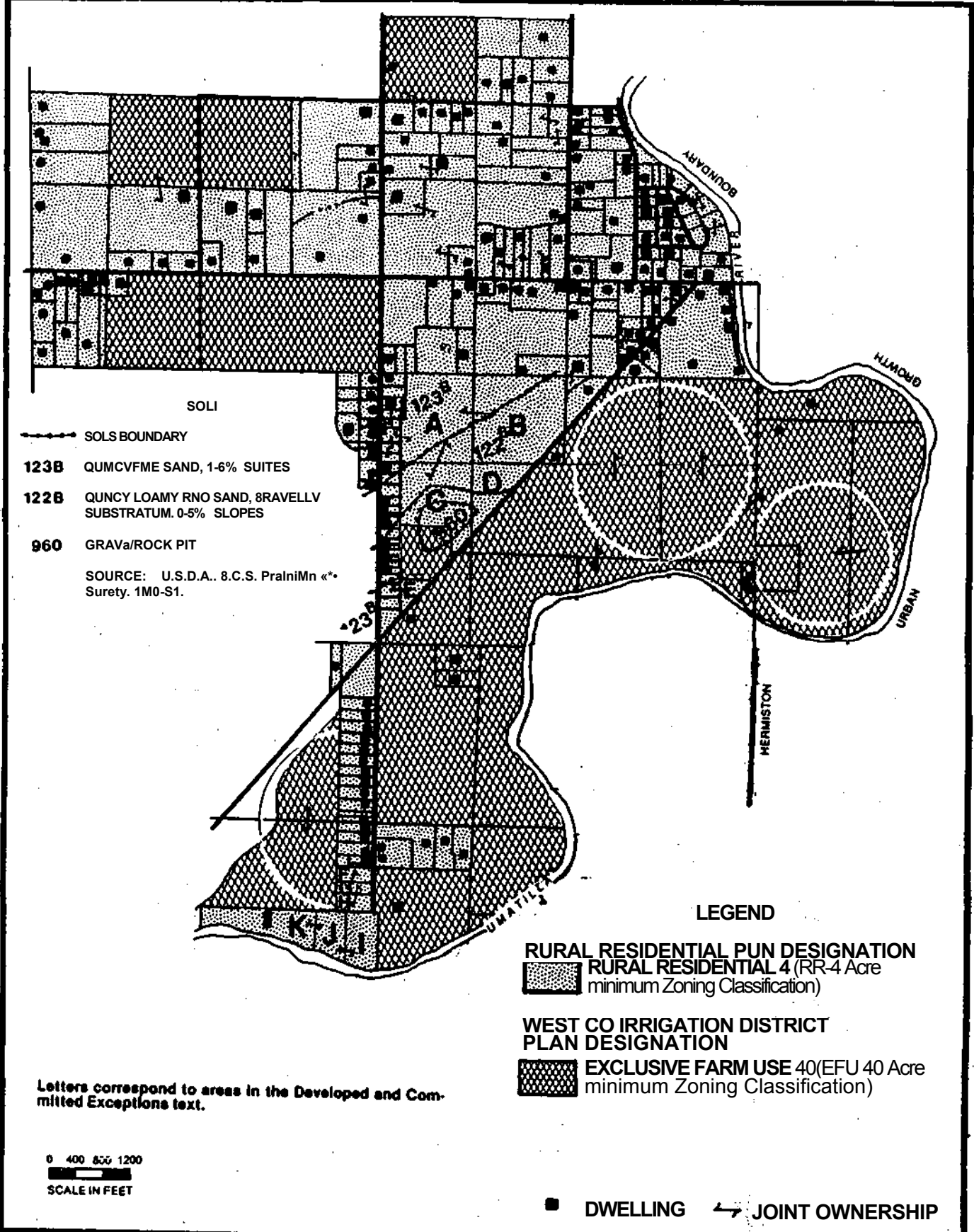
SOIL	POTENTIAL FOR HABITAT ELEMENTS							SUITABLE AS HABITAT FOR:				
	GRAIN & SEED	GRASS & LEGUME	WILD HERB.	HARDW. TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE	RANGELAND WILDLIFE
1	V. poor	Poor	Fair	-	-	Poor	Good	Good	Fair	-	Good	Poor

RANGE

COMMON PLANT NAME	CATTLE FORAGE VALUE	PERCENTAGE COMPOSITION BY MAPPING UNIT (DRY WEIGHT)				REMARKS
		1	2	3	4	
Tufted Hairgrass		70				
Nebraska Sedge		5				
Redtop		5				
Kentucky Bluegrass		5				
Clover		2				
Cinquefoil		2				
Western Buttercup		2				
POTENTIAL PRODUCTION LB/AC DRY WEIGHT	FAVORABLE YEARS	2300				
	NORMAL YEARS	900				
	UNFAVORABLE YRS.	1250				
OREGON RANGE SITE		Med				
		Med low				

FOOTNOTES:

11/1/88



**DEVELOPED & COMMITTED LAND**  
**WESTLAND, AREA 3**



Attachment N

## WESTLAND IRRIGATION DISTRICT

Stanfield, Oregon 97875

8-1-8/.

Bob Perry  
Planning Commission  
216 S.F.J /.tli  
Pendleton. OR 97801

Bob:

In regards to your recent telephone rail about the northwest portion of Section 17, /N.28. Most of this area does not have rights through the irrigation District. However, they are possibly attainable with the approval of the West land Irrigation District Board of Directors, if the following were satisfied:

1. Other water rights of equal acreage were cancelled within the district, (no extra water capacity in total, system):
2. Owner or owner's put in necessary systems at their own expense and maintain them;
3. Owner or owner's are engaged in bon-a-fide agricultural operations, having bigger acreages and in areas where agricultural operation and activities are fairly stable.

In the area you are questioning, the overall land use pattern seems to be developing into rural residential homes. A small-lot subdivision to the west along Agnew Road, and an extensive rural residential community to the north and northeast substantiates the non-agriculture/hobby farm nature of the area. I am also aware that the county has had this area planned and zoned for rural residential since 1972. The Board's policy to transfer water rights in this area is then very questionable because of the long-term uncertainty for agriculture.

For example, most people would probably desire to develop acreage tracts and rural residential subdivisions in this area. If a developer of this type approached the Board and asked to transfer water rights onto the land and explained to them that he was going to make a subdivision, the Board would hesitate to give approval. The reason being developers are very reluctant to spend the money to put in a system which would adequately serve everyone. Consequently when the development was in and some problem developed with the irrigation system, the people would look to the Irrigation District to correct it. For this reason the Board is very reluctant to work with developers because of the problems that arise from high density areas,



RECREATIONAL DEVELOPMENT			
CAMP AREAS	SLIGHT	PLAYGROUNDS	MODERATE-SLOPE
PICNIC AREAS	SLIGHT	PATHS AND TRAILS	SLIGHT

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)															
CAPA-BILITY	WHEAT, WINTER (BU)		WATER-MELONS (TNS)		POTATOES, IRISH (CNT)		CORN (BU)		CORN SILAGE (TNS)		ALFALFA HAY (TNS)		PASTURE (AIM)		
	NI	IRR	NI	IRR	NI	IRR	NI	IRR	NI	IRR	NI	IRR	NI	IRR	
7E	45	-	90	-	15	-	500	-	150	-	25	-	6.5	-	12

WOODLAND SUITABILITY									
ORD SYN	MANAGEMENT PROBLEMS					POTENTIAL PRODUCTIVITY			
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT'Y.	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES		SITE INDX	TREES TO PLANT
						NONE			

WINDBREAKS										
SPECIES		HT	SPECIES		HT	SPECIES		HT	SPECIES	HT
GREEN ASH		20	PONDEROSA PINE		30	AUSTRIAN PINE		25	BLACK LOCUST	30
RUSSIAN-OLIVE		15	LOMBARDY POPLAR		60	NANKING CHERRY		12	SCOTCH PINE	20
SIBERIAN PEASHRUB		12								

WILDLIFE HABITAT SUITABILITY											
POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
GRAIN & SEED	GRASS & LEGUME	WILD HERB.	HARDWD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD WILDLF	WOODLD WILDLF	WETLAND WILDLF	RANGELD WILDLF
POOR	FAIR	POOR	-	-	POOR	V. POOR	V. POOR	POOR	-	V. POOR	POOR

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)									
COMMON PLANT NAME	PLANT SYMBOL (N, SPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)							

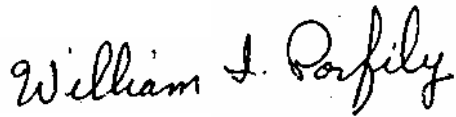
POTENTIAL PRODUCTION (LBS./AC. DRY WT):			
FAVORABLE YEARS			
NORMAL YEARS			
UNFAVORABLE YEARS			

FOOTNOTES

such as the area under discussion, on our present: Irrigation system. They trend more to the higger, less headache irrigators, where agriculture is more stable and has a longer term future.

*if*. I can be of further help to you, please, feel free, to contact me.

Sincerely, Sincerely,

A handwritten signature in cursive script that reads "William I. Porfily". The signature is written in black ink and is positioned above the typed name and title.

William I. Porfily  
Manager



## *Water Resources Department*

3920 WEST GATE, ~~P.O. BOX 888~~, PENDLETON, OREGON 97801 PHONE 276-7111

August 9, 1984

Robert Perry  
Umatilla County Planning Department  
Umatilla County Court House  
Pendleton, OR 97801

Recently you asked about the availability of water for agriculture use in the NW $\frac{1}{4}$ , Section 17, T.4N., R.28E., W.M., near Westland Road in the West County Area.

This area is in the Westland Irrigation District. I understand you are checking with them to determine the availability of water from their system.

This area is within both the Ordnance Gravels Critical Groundwater Area and the Butter Creek Groundwater Study Area. No new groundwater appropriations are being allowed at all in the Ordnance Area. No new appropriations are being allowed in the Butter Creek Area, pending the outcome of the Critical Groundwater Proceeding.

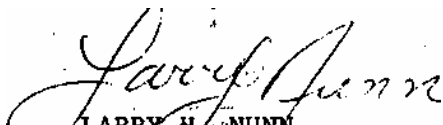
The only new groundwater appropriations being allowed in these areas are exempt uses under ORS 537.545. These are stockwater, domestic use, commercial use under 5000 gallons per day, irrigation of less than one-half acre lawn and garden, and irrigation of small school yards.

This area is near the Umatilla River. The river is open for further appropriation, however, in most years there would not be water available for such late priorities. In addition, any new appropriations would be subject to the Proposed Minimum Streamflow now pending before the Water Policy Review Board.

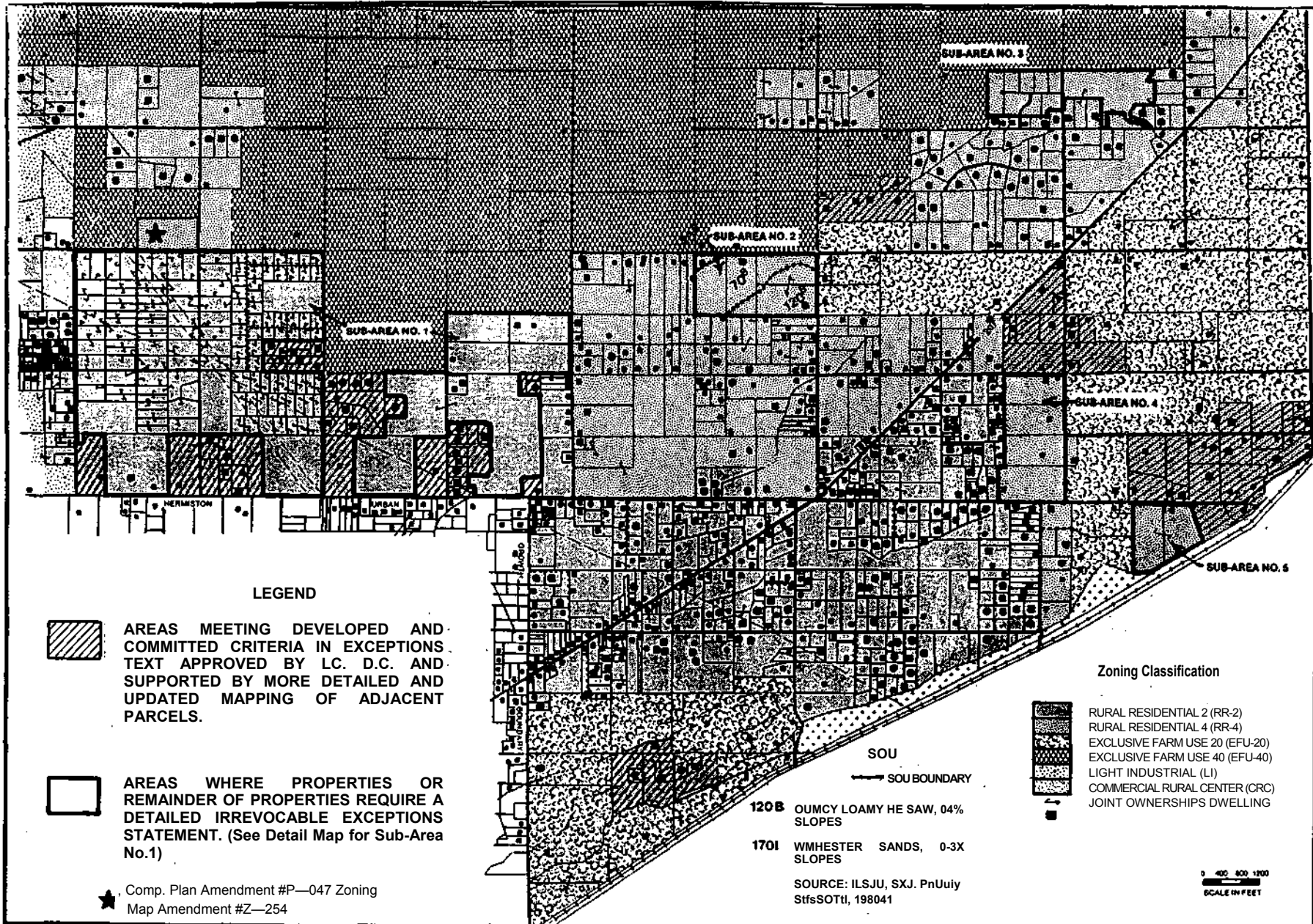
To summarize, there is little or no water available, for agriculture use, in this area. The only water available would be for domestic and stock use.

If you have any questions, please call me

Sincerely,

  
LARRY H. NUNN  
Watermaster

LN



SOIL INT FOPPRNRRIOM' - PTCOPP

900 OUNF t\*\*JO

>UN5 LAND CONSISTS n° SAN) 1\* POCFS ANO INTERVENING TROUGHS THAT SHIFT WITH iwf WINO. IT IS FSESSENTIALY BAH

ESTIMATED SOIL PROPERTIES												
DEPTH (IN.)	USDA TEXTURE	UNIFID	AASHTO	FRACT >3 IN (PCT)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIQUID LIMIT		PLASTICITY	
0-5	S	SP, SP-SM, SM	A-3, A-2	0	100	100	50-70	0-15	-	-	MP	
6-60	S, FS	SP, SP-SM, SM	A-3, A-2	0	100	100	50-80	0-25	-	-	MP	
DEPTH (IN.)	CLAY (PCT)	MOIST DENSITY (G/CM <sup>3</sup> )	BULK DENSITY (G/CM <sup>3</sup> )	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL (%)	EROSION FACTORS (K, I, GROUP)	WIND EROD. (PCT)	ORGANIC MATTER (PCT)	CORROSIVITY (STEEL, CONCR)
0-5	0-1	-	>6.0	>6.0	0.03-0.04	-	-	LOW .10	1	1	<.1	-
6-60	0-1	-	>6.0	>6.0	0.03-0.05	-	-	LOW .10	1	1	<.1	-
FLOODING			HIGH WATER TABLE			CEMENTED PAN		BEDROCK		SUBSIDENCE		HYDROLYTIC
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS (IN)	DEPTH (IN)	HARDNESS (IN)	INIT. (IN)	TOTAL (IN)	FROST ACTION
NONE			>6.0									A
SANITARY FACILITIES				CONSTRUCTION MATERIAL								
SEPTIC TANK ABSORPTION PIPES	SEVERE-POOR FILTER, SLOPE			ROADFILL	FAIR-SLOPE							
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE, SLOPE			SAND	PROBABLE							
SANITARY LANDFILL (TRENCH)	SEVERE-SEEPAGE, SLOPE, TOO SANDY			GRAVEL	IMPROBABLE-TOO SANDY							
SANITARY LANDFILL (AREA)	SEVERE-SEEPAGE, SLOPE			TOPSOIL	POOR-TOO SANDY, SLOPE							
DAILY COVER FOR LANDFILL	POOR-SEEPAGE, TOO SANDY, SLOPE			POOND RESERVOIR AREA	SEVERE-SEEPAGE, SLOPE							
BUILDING SITE DEVELOPMENT				WATER MANAGEMENT								
SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE, SLOPE			EMBANKMENTS DIKES AND LEVEES	SEVERE-SEEPAGE, PIPING							
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE			EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER							
DWELLINGS WITH BASEMENTS	SEVERE-SLOPE			DRAINAGE	DEEP TO WATER							
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE			IRRIGATION	DROUGHTY, FAST INTAKE, SOIL BLOWING							
LOCAL ROADS AND STREETS	SEVERE-SLOPE			TERRACES AND DIVERSIONS	SLOPE, TOO SANDY, SOIL BLOWING							
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-DROUGHTY, SLOPE			GRASSED WATERWAYS	SLOPE, DROUGHTY							

170 B

*★ Rupert Sand Series*

OR-SOILS-1 12/72  
FILE CODE SOILS 12

SMITH PATENT TITLATIONS FOR ORFCON

U.K.D.A. SOIL CONSERVATION SERVICE

DATE: 1/73 A-P-G Winchester S^KIKS son.S:

- 1. W-incAcA-teA band, 0 to Spzice.n&.  
^-----blopU-----t-----^
- 2. Wenc/IM-teA band, 5 -CoTJ pZAttnt  
biopeb
- 3. UindiMteA band, 12 to 20 peACWt  
bloptb

The Winchester series consists of exnos-ii-vly drained sandy soils formed in alluvial sands. These terrace soils have 0 to 20 percent slopes. Elevations range from 330 to 700 feet. Vegetation includes Indian ricegrass and related forbs and shrubs. Average annual precipitation is 7 to 9 inches. The average frost-free period (32° F.) is 1-M) to 180 days and 2H

mean annual air temperature is 52 to :54 F. F. Is 180 to 215 days.

Typically, the surface layer is griyiiih-hrc-n (dry) sand about 12 inches thick. The substratum is dark gray (dry) coarse sand about 4S inches thick. Depth to bedrock is more than 60 inches.

Permeability is very rapid. Available water capacity is 2.5 to 3.5 inches. Water-supplying capacity is 2 to 4 inches. Effective rooting depth is 60 or more inches. Runoff is slov on units 1 and 2 and medium on unit 3. The water erosion hazard is slight on units 1 and 2 and moderate on unit 3. The wind erosion hazard is severe.

Winchester soils are used for irrigated crops, range and wildlife. These soils occur in north central Oregon (B7).

The Winchester series is a member of the mixed, mesic family of Xeric Torriplsamments.

ESTIMATED SOIL PROPERTIES

DEPTH FROM SURFACE (in.)	CLASSIFICATION			COARSE FRACT. OVER 3 IN.	% OF MATERIAL PASSING SIEVE				LIQUID LIMIT	PLAS-TICITY INDEX	PERMEA-BILITY (in/hr)	AVAIL. WATER CAP. (in/in)	SOIL REAC-TION (pH)	SHRINK SWELL POTEN-TIAL
	USDA TEXTURE	UNI-FIED	AASHO		#5	#10	#40	#200						
0-60	sand over coarse sand	SP, SM	A-2	0	85-100	80-100	40-70	5-15	nonplastic		> 20.0	.04-.06	6.6-7.8	low

DEPTH (in.)	CONDUCTIVITY (mmhos/cm)	CORROSIVITY		EROSION FACTORS	WIND EROD. GROUPS	FLOODING			HIGH WATER TABLE			HYDRO-LOGIC GROUP		
		STEEL	CONCRETE			FREQUENCY	DURATION	MONTHS	DEPTH (ft.)	KIND	MONTHS			
0-60	-	low	low	10	5	1	none	-	-	-	> 6	-	-	A

SANITARY FACILITIES AND COMMUNITY DEVELOPMENT				SOURCE MATERIAL AND WATER MANAGEMENT			
USE	SOIL	RATING	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
SEPTIC TANK ABSORPTION FIELDS	1	Slight	-	ROADFILL	1,2	Good	-
	2	Moderate	Slope		3	Fair	Slope
	3	Severe	Slope				
SEWAGE LAGOONS	1, 2, 3	Severe	Percolates rapidly	SAND	1,2,3	Good	-
SANITARY LANDFILL (TRENCH)	1,2,3	Severe	Percolates rapidly	GRAVEL	1,2,3	Unsuited	Excessive sand
SANITARY LANDFILL (AREA)	1,2,3	Severe	Percolates rapidly	TOPSOIL	1,2,3	Poor	Too sandy
DAILY COVER FOR LANDFILL	1,2,3	Poor	Too sandy	POND RESERVOIR AREA	1,2,3	Severe	Percolates rapidly
SHALLOW EXCAVATIONS	1,2,3	Severe	Outbanks cave	EMBANKMENTS, DIKES AND LEVIES	1,2,3	Severe	Not compressible, piping, percolates rapidly
WELLINGS WITHOUT CASEMENTS	1,2,3	Slight, Moderate, Severe	Slope	DRAINAGE	1,2,3	-	Not needed
WELLINGS WITH CASEMENTS	1,2,3	Slight, Moderate, Severe	Slope	IRRIGATION	1,2,3	Poor	Fast intake
SMALL COMMERCIAL BUILDINGS	1,2,3	Slight, Severe	Slope	TERRACES AND DIVERSIONS	1,2,3	Severe	Too sandy
LOCAL ROADS AND DRIVEWAYS	1,2,3	Slight, Moderate, Severe	Slope	GRASSED	1,2,3	Severe	Droughty, erodes easily

X

P

Douglas L. Fritz P.  
0. Box 331 Roadman,  
Oregon 97818

Mr. Leroy G. Haagen  
8326 Middleway  
Vancouver, Washington 98664

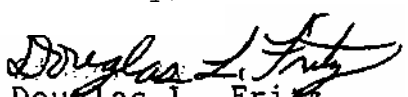
Dear Mr. Haagen:

I am an experienced farmer and agronomist and have worked in the Morrow and Umatilla Counties area for ten years. My experience is with irrigation and sandy soils. I have carefully examined the map of and driven through your project. Your project is unsuited for the type of agriculture practiced in this area. I will explain this to you using irrigation as the main topic.

Your land does not lend itself to modern irrigation methods. Irrigation is the backbone to farming in this desert. Your land is chopped into pieces with easements for powerlines, gaslines, water ditch and pips-line, and numerous roads and streets. This pretty much eliminates pivot irrigation and wheel-line systems. Your soil is extremely sandy from two feet and down and very sandy on the top. The topography would require some extensive levelling. This would create uncontrollable sand erosion. Your soil is also quite rocky in places; rocks the size to cause problems with root, bulb, and tuber type crops. The soil in the existing sand blows and the soil at two feet and deeper is relatively poor for growing anything without abundant amounts of added nutrients.

Solid-set irrigation and perminent crops would be the only feasible type farming methods for the shape of your land.. There much better land in the area suited for ,that style of farming. Besides, I doubt one could make any money on pasture on your land especially since no irrigation exists and establishment costs are so high.

Mr. Haagen, turning your land into a farm would be about as rediculous as turning a livestock sale yard into a grade school. I consider myself a good farmer and do not feel I could make your land work for me.

Sincerely,  
Sincerely,  
  
Douglas L. Fritz

# Bill Wolfe Ranches, Inc

Bryan & Lou Ann Wolfe

Phone (503) 567-3050  
Res. Ph. (503) 567-9215

Route 2, Box 2743  
Hermiston, Oregon 97101

Aug 27 84

August 22, 1984

Bob Perry, Senior Planner Umatilla  
County Planning Department Umatilla  
County Courthouse Pendleton, Oregon  
97801

Dear Mr. Perry:

Re: Eaagen property, Section 35, T28N, R28E, V5N, S1E

Mr. Leroy Haagen asked me to analyze the property for irrigation and farming, possibilities. Herein are my personal observations and thoughts.

The land in question has many existing easements including: B.P.A. and Y.P.P. L. Overland Underground natural gas pipelines adjacent to the Hermiston Irrigation District levee as an undersoil-t-tic-ai Pipe..

Course blow sand such as the makeup on this property, in my experience, can only be farmed by center pivot irrigation unless the easements make it unsuitable for center pivots due to their restrictive size and configurations.

It is my feeling that this land could not support itself as a farm unit. If you have any questions regarding my thoughts please feel free to call me at 567-3050 or drop me a line.

Sincerely,

W. Bryan Wolfe

WBW:lac

cc:Leroy Hangen





*Department of Human Resources*  
**HEALTH DIVISION**

1400 S.W. 5th AVENUE, PORTLAND, OREGON 97201. PHONE 229-5954

July 17, 1984

Mr. Stan Wallulis, PE  
Wallulis & Associates, Inc.  
PO Box 398  
Pendleton, Oregon 97801

RE: W - Sunridge Water System

Dear Mr. Wallulis:

Thank you for submitting the Master Plan (log book entry #70) showing the water system facilities at Sunridge north of Hermison, and the completed Land Use Compatibility Statement for that project. We also received the check in ;the amount of \$250 from Mr. Haagen to cover our plan review fee.

We note that the development will include 128 lots ranging in size from 2 acres to 5 acres and that 2 existing wells and 4 potential wells are being considered as sources of water. We also note that storage will be provided at one or more of the well sites and that the 6", 4", and 3" distribution mains have been sized for planning purposes only and that;actual pipe sizes will depend on the output of the wells.

We have reviewed the material you provided and find that although only preliminary in nature, the proposals conform with the requirements of our rules. Accordingly, your master plan for the Sunridge Water System is hereby approved.

As you know, before work on the system is started, it will be necessary for you to submit design data and construction plans for the various components of the system as follows:

1. Estimates of average and maximum water.use.
2. Information on the nature of the development; i.e. residential, commercial, etc.
3. Site plans for the wells.
4. Detailed plans of well houses, the reservoirs, and the booster pumping stations.
5. Plans of the water main installations.
6. Specifications on all construction.

We look forward to receiving these items.

Very truly yours,

A.D. Smythe, PE  
Manager, Plan Review

cc: Gary Burnett

August 21, 1984.

Umatilla County  
Planning department

Mr. Bob Perry:

I am writing this letter to give my opinion on  
the availability of water from deep wells from section

I have drilled the two wells for Mr. Haagen in Section 35>> these  
were test wells for future use. These wells would not produce  
enough water for irrigation of a farm unit.

the well log states very little top soil and coarse gray sand from  
2\* to 75'ft. This is a good explanation why no farming has  
accrued on this land. It would not support the costs of  
irrigating and farming this land.

1307 SW 23rd, Pendleton Ore  
97801

Sincerely

Patrick C Wallace

August 15, 1984

Umatilla County Planning Department  
Umatilla County Courthouse  
Pendleton, re. V/801

Mr. Job Perry:  
Senior Planner

Dear Sir:

The following is a chronological factual history of the property we own in Section 35 TW5MR28EWN in Umatilla County containing 128 lots that we have owned over 25 years .

In July 1972. Part II of the comprehensive plan for Umatilla County was adapted. On September 27, 1972 the final plat of Landover Hills was approved with covenants and restrictions the property was zoned residential and in 1975 . Every lot was approved for septic tanks and the plat was recorded in Umatilla County and Salem, Oregon.

We have had an on going plan to develop the property. The property has been zoned RIA-two acres property. The property for many years had been zoned RIA. However, we preferred one acre zoning also mobile home park zoning. Our efforts were not successful even after many years of effort and money. We gave up on changing zoning to a higher density. On May 3rd, 1978 the West County framework plan was adopted designating the subject property as rural residential /JTA two acres.

Over the last few years we have sold off most of the property to other lot buyers. At the present time we own 37 remaining scattered lots out of the total of 128 lots in the project, however we are obliged to build the water system to each lot., which we are now doing.

Mr. Stan Wallulis is the Engineer for the building of this domestic water system. (See enclosed letter from the Department of Human Resources Health Division approving the water plan of Sundridge domestic water system. We believe as property owners we have had a vested interest in the property and we have zoned the property , drilled wells, built roads, electric tanks, flattened and partitioned and sold lots all with the approval of Umatilla County and the State of Oregon.

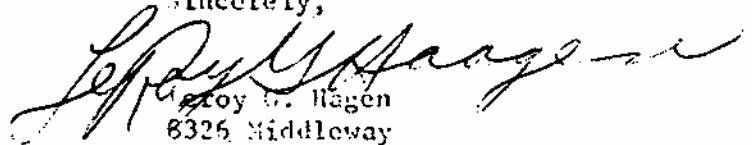
Please see attached letters and maps:

- (1) Health Division (Water system)
- (2) Umatilla County (Roads Dept.;
- (3) DEQ- 37 Septic Permits
- (A) Pacific Northwest Bell
- (5) Cascade Cas
- (G) Recorded final plats-- Sept. 27, 1972
- (7) Map 'Rural Residential Land--West County Planning Unit;
- (8) Map of 128 Lots showing all easements, roads to property, etc.
- (9) 2 Well Logs.
- UO) Soil Reports--US Dept of Agriculture
- (11) Aerial photo of property showing conditions of the property, sandy wind blown, sagebrush--the soil classification is for class

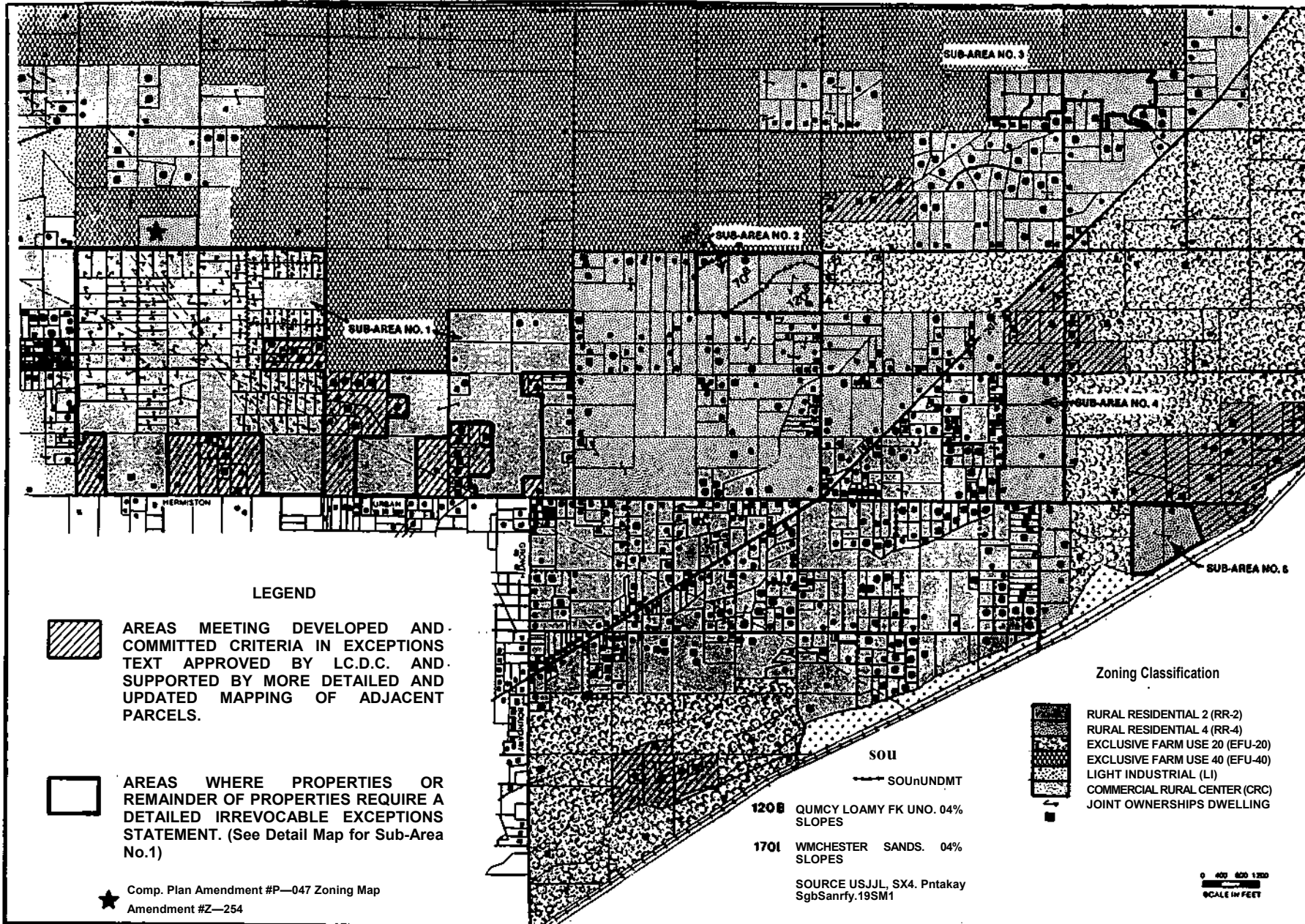
4 irrigated and class 7 non irrigated. This property doesn't have any water rights, this soil cannot be irrigated economically, there is no proven water supply, also the soil is coarse, blown sand and will not accept flood irrigations. Also the topography is too hilly with gullies and land shapes that would not allow wheel irrigation. Irrigation of the property would be an economic disaster.

I have the authority to speak for all of the owners on this subject property and we request that this property be forever rural, residential as it has been represented by the County of Umatilla and the State of Oregon., and the property owners, and never could be agricultural. It again, would make it incompatible with the surrounding single family neighborhoods.


Sincerely,




Leroy G. Hagen  
6326 Middleway  
Vancouver, Wash. 98664










**LEGEND**

 AREAS MEETING DEVELOPED AND COMMITTED CRITERIA IN EXCEPTIONS TEXT APPROVED BY LC.D.C. AND SUPPORTED BY MORE DETAILED AND UPDATED MAPPING OF ADJACENT PARCELS.

 AREAS WHERE PROPERTIES OR REMAINDER OF PROPERTIES REQUIRE A DETAILED IRREVOCABLE EXCEPTIONS STATEMENT. (See Detail Map for Sub-Area No.1)

★ Comp. Plan Amendment #P—047 Zoning Map  
Amendment #Z—254

**Zoning Classification**

-  RURAL RESIDENTIAL 2 (RR-2)
-  RURAL RESIDENTIAL 4 (RR-4)
-  EXCLUSIVE FARM USE 20 (EFU-20)
-  EXCLUSIVE FARM USE 40 (EFU-40)
-  LIGHT INDUSTRIAL (LI)
-  COMMERCIAL RURAL CENTER (CRC)
-  JOINT OWNERSHIPS DWELLING

**SOU**  
— SOUnUNDMT

- 1208** QUMCY LOAMY FK UNO. 04% SLOPES
- 1701** WMCHESTER SANDS. 04% SLOPES
- SOURCE USJLL, SX4. Pntakay SgbSanrly.19SM1

0 400 800 1200  
SCALE IN FEET



**EXCEPTIONS LANDS MAP, DEVELOPED & COMMITTED  
COLUMBIA & DIAGONAL ROADS, AREA 4**

OR-SOILS-1 12/72  
FILE CODE SOILS 12

SOIL INTERPRETATIONS FOR OREGON

*Rupert Sand Series*  
H.R.D.A. SOIL CONSERVATION SERVICE

DATE: 1/73 A-D-G Winchester SERIES SOILS:

1. Winchester sand, 0 to 5 percent slopes
2. Winchester sand, 5 to 12 percent slopes
3. Winchester sand, 12 to 20 percent slopes

The Winchester series consists of excessively drained sandy soils formed in alluvial sands. These terrace soils have 0 to 20 percent slopes. Elevations range from 380 to 700 feet/

Vegetation includes Indian ricegrass and related

forbs and shrubs. Average annual precipitation is 7 to 9 inches; mean annual air temperature is 52 to 54 F. The average frost-free period (32° F.) is 140 to 180 days and 28 F. is 180 to 215 days.

Typically, the surface layer is grayish-brown (dry) sand about 12 inches thick. The substratum is dark gray (dry) coarse sand about 48 inches thick. Depth to bedrock is more than 60 inches.

Permeability is very rapid. Available water capacity is 2.5 to 3.5 inches. Water-supplying capacity is 2 to 4 inches. Effective rooting depth is 60 or more inches. Runoff is slow on units 1 and 2 and medium on unit 3. The water erosion hazard is slight on units 1 and 2 and moderate on unit 3. The wind erosion hazard is severe.

Winchester soils are used for irrigated crops, range and wildlife. These soils occur in north central Oregon (B7).

The Winchester series is a member of the mixed, mesic family of Xeric Torripsamments.

ESTIMATED SOIL PROPERTIES

DEPTH FROM SURFACE (in.)	CLASSIFICATION			COARSE FRACT. OVER 3 IN.	% OF MATERIAL PASSING SIEVE				LIQUID LIMIT	PLAS-TICITY INDEX	PERMEA-BILITY (in/hr)	AVAIL. WATER CAP. (in/in)	SOIL REAC-TION (pH)	SHRINK SWELL POTEN-TIAL
	USDA TEXTURE	UNI-FIED	AASHO		#4	#10	#40	#200						
0-60	sand over coarse sand	SP, SM	A-2	0	85-100	80-100	40-70	5-15	nonplastic		> 20.0	.04-.06	6.6-7.8	low

DEPTH (in.)	CONDUCTIVITY (mmhos/cm)	CORROSION		EROSION FACTORS K T	WIND EROD. GROUPS	FLOODING			HIGH WATER TABLE			HYDRO-LOGIC GROUP		
		STEEL	CONCRETE			FREQUENCY	DURATION	MONTHS	DEPTH (ft.)	KIND	MONTHS			
0-60	-	low	low	.10	5	1	none	-	-	-	> 6	-	-	A
							CEMENTED PAN	BEDROCK	FROST ACTION	REMARKS				
							DEPTH (in.)	HARDNESS	DEPTH (in.)	HARDNESS				
							-	-	> 60	-	-	-	-	-

SANITARY FACILITIES AND COMMUNITY DEVELOPMENT				SOURCE MATERIAL AND WATER MANAGEMENT			
USE	SOIL	RATING	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
SEPTIC TANK ABSORPTION FIELDS	1, 2, 3	Slight Moderate Severe	- Slope Slope	ROADFILL	1, 2, 3	Good Fair	- Slope
SEWAGE LAGOONS	1, 2, 3	Severe Severe	Percolates rapidly Slope, percolates rapidly	SAND	1, 2, 3	Good	-
SANITARY LANDFILL (TRENCH)	1, 2, 3	Severe	Percolates rapidly	GRAVEL	1, 2, 3	Unsuited	Excessive sand
SANITARY LANDFILL (AREA)	1, 2, 3	Severe Severe	Percolates rapidly Slope, percolates rapidly	TOPSOIL	1, 2, 3	Poor Poor	Too sandy Slope, too sandy
DAILY COVER FOR LANDFILL	1, 2, 3	Poor Poor	Too sandy Slope, too sandy	POND RESERVOIR AREA	1, 2, 3	Severe Severe	Percolates rapidly Slope, percolates rapidly
SHALLOW EXCAVATIONS	1, 2, 3	Severe Severe	Cutbanks cave Slope, cutbanks cave	EMBANKMENTS DIKES AND LEVEES	1, 2, 3	Severe	Not compressible, piping, percolates rapidly
WELLINGS WITHOUT BASEMENTS	1, 2, 3	Slight Moderate Severe	- Slope Slope	DRAINAGE	1, 2, 3		Not needed
WELLINGS WITH BASEMENTS	1, 2, 3	Slight Moderate Severe	- Slope Slope	IRRIGATION	1, 2, 3	Poor Poor	Fast intake Slope, fast intake
SMALL COMMERCIAL BUILDINGS	1, 2, 3	Slight Severe	- Slope	TERRACES AND DIVERSIONS	1, 2, 3	Severe	Too sandy
LOCAL ROADS AND STREETS	1, 2, 3	Slight Moderate Severe	- Slope Slope	GRASSED WATERWAYS	1, 2, 3	Severe Severe	Droughty, erodes easily Slope, droughty.

SOIL INTERPRETATIONS RECOPO

120B QWNCY LOAHY FINE SAND. 0 TO 5 PERCENT SLOPES

THE QUINCY SERIES CONSISTS OF OFEP. EXCESSIVELY DRAINED SOILS FORMED IN EOLIAN SAND. THE PARENT MATERIALS ARE MAINLY ANITIC. QUARTZITIC. AND BASALTIC SAND. THESE NEARLY LEVEL TO STEEP SOILS HAVE RIDGED. HUKMOCKY. UNUSUAL RELIEF. VEGETATION IS GRASS. KAAT IS 2F. MAP IS 8 TO 10 INCHES. FFS IS 160 TO 190 DAYS. TYPICALLY, THE PROFILE IS A CRAYISH-BROWN FINE SAND THAT EXTENDS TO 60 INCHES OR MORE.

ESTIMATED SOIL PROPERTIES												
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	FRACT (%)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIQUID LIMIT	PLAS- TICITY INDEX		
					4	10	40	200				
0-4	LFS	SM	A-2	0	100	100	85-100	15-30	-	NP		
4-60	LFS, FS, S	SM	A-2	0	100	100	65-80	10-30	-	NP		

DEPTH (IN.)	CLAY (PCT)	MOIST BULK DENSITY (G/CM <sup>3</sup> )	PERMEA- BILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK- SWELL POTENTIAL	EROSION FACTORS K T GROUP	WIND EROD. MATTER (PCT)	ORGANIC MATTER (PCT)	CORROSIVITY STEEL CONCRETE
0-4	1-6	-	6.0-20	0.11-0.15	6.1-8.4	-	LOW	.17	5	2	+5-1 HIGH LOW
4-60	1-7	-	6.0-20	0.06-0.09	6.6-8.4	-	LOW	.17			

FLOODING		HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SURSIDENCE		HYD	POTENTIAL	
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INIT.	TOTAL GRP	FROST ACTION
NONE			>6.0									A LD

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-POOR FILTER	ROADFILL	GOOD
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TPFCH)	SEVERE-TOO SANDY	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SLIGHT	TOPSOIL	FAIR-TOO SANDY
DAILY COVER FOR LANDFILL	POOR-TOO SANDY	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-SEEPAGE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE	EMBANKMENTS DIKES AND LEVEES	SEVERE-SEEPAGE, PIPING
DWELLINGS WITHOUT BASEMENTS	SLIGHT	EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SLIGHT	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SLIGHT	IRRIGATION	DROUGHTY, FAST INTAKE, SOIL BLOWING
LOCAL ROADS AND STREETS	SLIGHT	TERRACES AND DIVERSIONS	TOO SANDY, SOIL BLOWING
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	MODERATE-DROUGHTY	GRASSED WATERWAYS	DROUGHTY

March 8, 1982

Rural Residential  
West Co.

**R**

Umatilla County Planning Department  
216 SE 4th  
Pendleton, Oregon 97801

Dear Sirs:

We are requesting the alfalfa land lying north of West Locust road be included under the Comp. plan as rural residential. There are a number of reasons for this request. The way it is presently divided with Fl agriculture on the north part, and rural residential on the south, we are left with two tracts on the rural residential part that we can't sell. One strip is approximately 100 feet wide and 775 feet long, the other is fairly square but less than 2 acres.

If the alfalfa ground was changed to rural residential, the drain ditch on the west and north of the property would provide an excellent buffer between agricultural and rural residential land. This land has little potential for agriculture because it is not consistent. The lower ground is quite damp and fairly productive. The higher ground is very sandy and rather unproductive. The north part of the west piece has gravel in the lower ground which is not really covered deep enough to keep it from coming to the surface with farming. This occurred when we dug the drain ditch and encountered considerable gravel.

We had Darrell Maxwell and Luther Fitch go over this land several years ago to determine what they considered the best use of the land would be. They both agreed the best use was not agricultural, but rural residential. If this was subdivided with a goal of 2 acre tracts, the size would be closer to 3 acre tracts because of the need for high ground in each tract for a dwelling and sewage disposal. When you split ground of this type into 2 acre tracts you take nothing away from the agricultural potential of the land because in small tracts they farm it much more intensively, so get higher yields.

Everyone should be concerned about saving good agricultural land that is situated where it can be a unit that is economically sound. But, small marginal tracts do not fit this category. Some would argue there is no need for more small tracts because there are many available at the present time, but in our case we have sold everything we have ever offered for sale.

Sincerely yours,

Donald DeMoss

*Donald DeMoss*



We are requesting that *the* 3 acres lying north or west of the town of ...  
under the Comprehensive plan as rural residential, instead of agricultural.

This ground is bordered on the west and north with a Hermiston Irrigation District drain ditch, which forestalls any chance of increasing the tract size by blending it with other land. On the north is also a Pacific Power and Light high voltage transmission line.

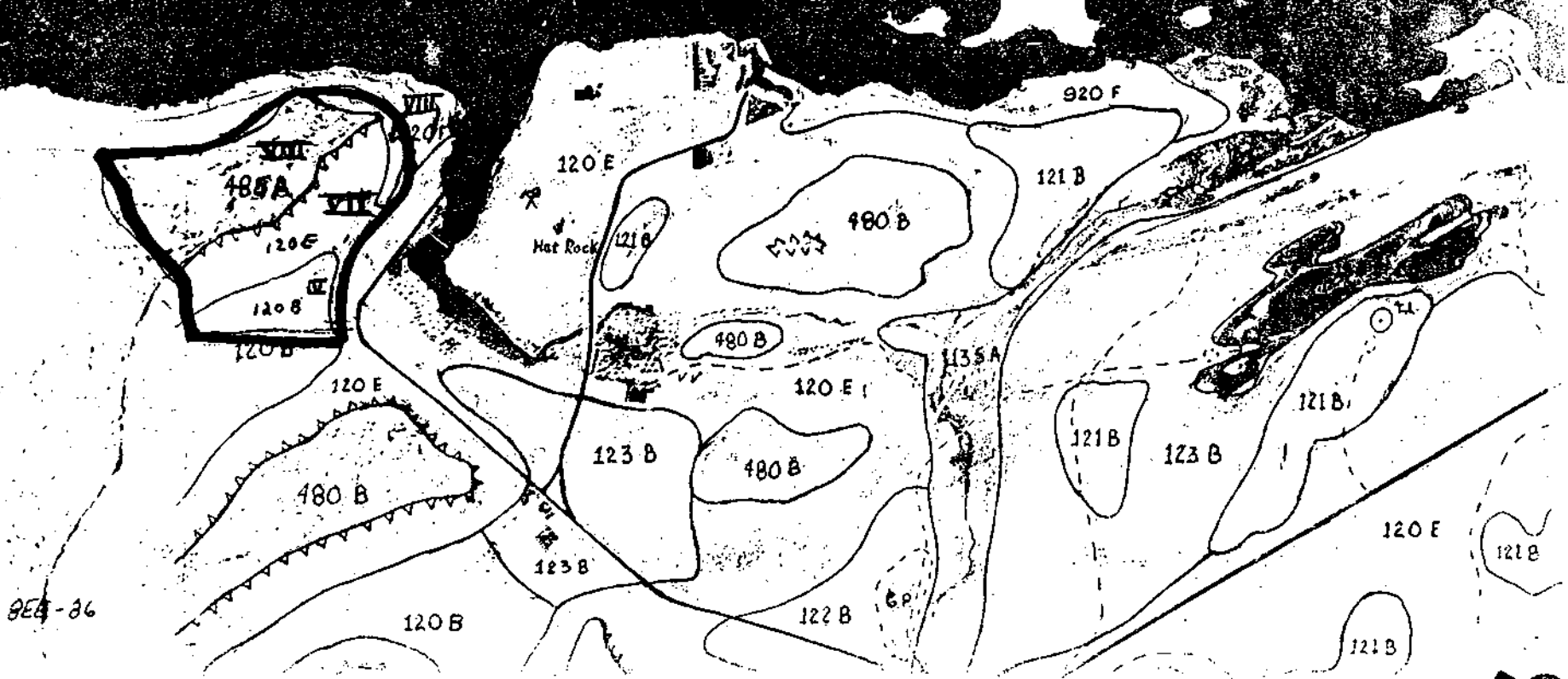
It would seem there are two main issues in question. The first. Is this marginal land? About five years ago before we had attempted any zone change, I asked Darrell Maxwell and Luther Fitch to make an inspection of this tract and determine what they considered would be its best use. They went over the ground carefully and both agreed that due to the marginal nature of the land, its best use was rural residential.

Recently I went to the assessor's office and visited with Nide Huffman, the man in charge of land appraisals in Umatilla County. First, I asked him what classification the county had given our land in question. He looked it up and said it was class 5. I asked, "what does this mean?" He replied, "class 5 is the poorest land considered for agriculture. Strictly marginal." I then asked if he would give me a letter to that effect. He then had a conference and came back and told me he couldn't do that, but he would make a statement from his experience in classifying land - not as an employee of the assessor's office. I asked if I might quote him and he said that I could. / Nide's remarks were as follows: "The land in your area under the Hermiston J Irrigation District is underlaid with basalt which traps the water that is on top of the basalt. The drain ditches have very little fall, so the amount of water they can drain from the land is very limited. This condition leads to very damp ground on the low ground and in conjunction with the higher sandy ridges, makes growing crops very difficult. If you grow alfalfa the grass will take over the low ground. When you try to bale the alfalfa, some will be too wet and some too dry. This land works out reasonably well in rural residential if careful consideration is given to keeping enough dry land in each tract" to take care of the buildings and drainage system." (end of quote)

Submitted by:  
Don DeSnick

Kik Property  
Special Exceptions Area #1

NZ-8EE-88



9EE-86

5

SOIL INTERPRETATIONS RECORD

485A, 486A STARBUCK-ROCK OUTCROP COMPLEX. 0 TO 5 PERCENT SLOPES\* ROCK  
OUTCROP PART

ROCK OUTCROP CONSISTS OF EXPOSURES 0" BARE, HARD BEDROCK OTHER THAN LAVA FLOWS AND ROCK-LINED PITS. THY CONSIST MAI OF UNWFATHERED VDLRANIC AND ETAMORPHIC ROCK. BUT INCLUDES SOME SEOIMENTARY ROCK SUCH AS CONSOLIDATED LIMESTONE AND CONFLWFRATE.

ESTIMATED SOIL PROPERTIES													
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS				LIQUID LIMIT	PLAS- TICITY INDEX				
				>3 IN (PCT)	THAN 3" PASSING SIEVE NO.	40	200						
0-60													
DEPTH (IN.)	CLAY (PCT)	MOIST BULK DENSITY (G/CM <sup>3</sup> )	PERMEA- BILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK- SWELL POTENTIAL	EROSION FACTORS K T	WIND EROD. (GROUP)	ORGANIC MATTER (PCT)	CORROSION		
											STEEL	CONCRETE	
0-60													
FLOODING			HIGH WATER TABLE			CEMENTED PAV		BEDROCK		SUBSIDENCE		HYDRO- POTENTIAL	
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS (IN)	DEPTH (IN)	HARDNESS (IN)	INIT. (IN)	TOTAL (IN)	GRP	FROST ACTION
NONE			>6.2					0	HARD				D

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-DEPTH TO ROCK	ROADFILL	POOR-AREA RECLAIM
SEWAGE LAGDON AREAS	SEVERE-DEPTH TO ROCK	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRFNCH)	SEVERE-DEPTH TO ROCK	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-DEPTH TO ROCK	TOPSOIL	POOR-AREA RECLAIM
DAILY COVER FOR LANDFILL	POOR-AREA RECLAIM	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-DEPTH TO ROCK
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-DEPTH TO ROCK	EMBANKMENTS DIKES AND LEVEES	SEVERE-AREA RECLAIM
DWELLINGS WITHOUT BASEMENTS	SEVERE-DEPTH TO ROCK	EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-DEPTH TO ROCK	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-DEPTH TO ROCK	IRRIGATION	DEPTH TO ROCK
LOCAL ROADS AND STREETS	SEVERE-DEPTH TO ROCK	TERRACES AND DIVERSIONS	DEPTH TO ROCK
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-THIN LAYER	GRASSED WATERWAYS	DEPTH TO ROCK

RECREATIONAL DEVELOPMENT													
CAMP AREAS	SEVERE-DEPTH TO ROCK					PLAYGROUNDS	SEVERE-DEPTH TO ROCK						
PICNIC AREAS	SEVERE-DEPTH TO ROCK					PATHS AND TRAILS	SLIGHT						
CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)													
	CAPA-BILITY												
	AS												
WOODLAND SUITABILITY													
	CRD SYM	MANAGEMENT PROBLEMS				POTENTIAL PRODUCTIVITY							
		EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT'Y.	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES		SITE INDX	TREES TO PLANT			
							NONE						
WINDBREAKS													
		SPECIES		HT	SPECIES		HT	SPECIES		HT	SPECIES		HT
		NONE											
WILDLIFE HABITAT SUITABILITY													
		POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
		GRAIN & SPOD	GRASS & LEGUMINE	WILD HERB.	HAROLD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD	WOODLD	WETLAND	RANGELD
		V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)													
	COMMON PLANT NAME	PLANT SYMBOL (N. SPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)										
	POTENTIAL PRODUCTION (LBS./AC. DRY WT):												
	FAVORABLE YEARS												
	NORMAL YEARS												
	UNFAVORABLE YEARS												
FOOTNOTES													

SOIL INTENT > p K / T A T I ( I N S P I C I P O

0. For SPCK c'UTCI'GP-XFFtic TOBI>IOOTHF>JTS COMPLFX. VERY STEITP'WCK DUU'nPI  
"Al>T .

o'.TK n'.iTCPnp CONSIST:; n- nxpc^-iiim-". u" BANT, HARD t>Fn'"fifi: OTHTO THAN LAVA FLOWS AND ROCK-LINF.O PITS, THEY CONSIST MAI. -  
or IJNto-ATHFI"n VOLCANIC AM") MCTIMDHPIK POCK, BUT tnfL.(IN'f. SD'F ;;eoIMFNT M>Y ROCK SUCH AS CONSOLIDATED LIMESTONE AND comc.ffer;ATI.

ESTIMATED SOIL PROPERTIES										
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO		PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIQUID LIMIT	PLASTICITY INDEX
0-60"										
DEPTH (IN.)	CLAY (PCT)	MOISTURE DENSITY (G/CM <sup>3</sup> )	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PK)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL (K/T GROUP) (PCT)	EROSION FACTORS (K/T GROUP) (PCT)	WIND EROD. MATTER (PCT)	CORROSION POTENTIAL (STEEL/CONCRETE)
0-60"										
FLOODING			HIGH WATER TABLE		CEMENTED PAV.		BEDROCK		SUBSIDENCE (HYD) POTENTIAL	
FREQUENCY	DURATION		DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS (K)	DEPTH (IN)	HARDNESS (K)	INIT. (IN)	TOTAL (IN)
NONE			>2000				0	HARD		

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-DEPTH TO ROCK, SLOPE	ROADFILL	POOR-AREA RECLAIM, SLOPE
SEWAGE LAGOON AREAS	SEVERE-DEPTH TO ROCK, SLOPE	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK, SLOPE	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-DEPTH TO ROCK, SLOPE	TOPSOIL	POOR-AREA RECLAIM, SLOPE
DAILY COVER FOR LANDFILL	POOR-AREA RECLAIM, SLOPE	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-DEPTH TO ROCK, SLOPE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-DEPTH TO ROCK, SLOPE	EMBANKMENTS DIKES AND LEVEES	SEVERE-AREA RECLAIM
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE, DEPTH TO ROCK	EXCAVATED PONDS AQUIFER FEED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-DEPTH TO ROCK, SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE, DEPTH TO ROCK	IRRIGATION	DEPTH TO ROCK, SLOPE
LOCAL ROADS AND STREETS	SEVERE-DEPTH TO ROCK, SLOPE	TERRACES AND DIVERSIONS	SLOPE, DEPTH TO ROCK
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SLOPE, THEN FLAT	GRASSED WATERWAYS	SLOPE, DEPTH TO ROCK

ROCK OUTCROPS - SEVERE SLOPE, DEPTH TO ROCK COMPLEX, VERY STEEP  
 ROCK OUTCROPS PART

4-6

RECREATIONAL DEVELOPMENT			
CAMP AREAS	SEVERE-SLOPE, DEPTH TO ROCK	PLAYGROUNDS	SEVERE-SLOPE, DEPTH TO ROCK
PICNIC AREAS	SEVERE-SLOPE, DEPTH TO ROCK	PATHS AND TRAILS	SEVERE-SLOPE

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)													
CAPABILITY		CORN		SOYBEANS		WHEAT		BARLEY		RICE		PASTURE	
NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR

WOODLAND SUITABILITY									
ORD SYM	MANAGEMENT PROBLEMS					POTENTIAL PRODUCTIVITY			
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORTALITY	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES		SITE INDX	TREES TO PLANT
						NONE			

WINDBREAKS								
SPECIES		HT	SPECIES		HT	SPECIES		HT
NONE								

WILDLIFE HABITAT SUITABILITY															
POTENTIAL FOR HABITAT ELEMENTS							POTENTIAL AS HABITAT EDGE								
GRAIN & SEED	GRASS	WILD LEGUME	HARDWOOD TREES	CONIFER TREES	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD	WOODLD	WETLAND	RANGELD	WILDLIFE	WILDLIFE	WILDLIFE	WILDLIFE
V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR	V. POOR

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)					
COMMON PLANT NAME	PLANT SYMBOL (NLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)			

POTENTIAL PRODUCTION (LBS./AC. DRY WT):	
FAVORABLE YEARS	
NOFAL YEARS	
UNFAVORABLE YEARS	

FOOTNOTES

SOIL INTERPRETATIONS RECORD

1200 QUINCY LOAMY FINE SAND, 5 TO 25 PERCENT SLOPES\*

THE QUINCY SERIES CONSISTS OF DEEP, EXCESSIVELY DRAINED SOILS FORMED IN SOLIQUAN SAND. THE PARENT MATERIALS ARE MAINLY GRANITIC, QUARTZITIC, AND BASALTIC SAND. THESE NEARLY LEVEL TO STEEP SOILS HAVE RIDGED, HUMMOCKY, DUNELIKE RELIEF. VEGETATION IS GRASS. MAAT IS 50%. MAP IS 8 TO 10 INCHES. FFS IS 160 TO 190 DAYS. TYPICALLY, THE PROFILE IS A GRAYISH-BROWN FINE SAND THAT EXTENDS TO 60 INCHES OR MORE.

ESTIMATED SOIL PROPERTIES											
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				LIQUID LIMIT	PLASTICITY INDEX		
0-4	LFS	SM	A-2	0	100	100	85-100	15-30	-	NP	
4-60	LFS, CLS	SM	A-2	0	100	100	65-80	10-30	-	NP	

DEPTH (IN.)	CLAY (PCT)	MOISTURE DENSITY (G/CM <sup>3</sup> )	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL	EROSION FACTORS (K, Y)	WIND EROD. (GROUP)	ORGANIC MATTER (PCT)	CORROSIVITY (STEEL, CONCRETE)		
0-4	1-4	-	6.0-20	0.11-0.15	6.1-8.4	-	LOW	1.17	5	2	.5-1	HIGH	LOW
4-60	1-7	-	6.0-20	0.06-0.09	6.6-8.4	-	LOW	1.17					

FLOODING		HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SUBSIDENCE		HYDRO-POTENTIAL	
FREQUENCY	DURATION (MONTHS)	DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INIT. (IN)	TOTAL (IN)	GRP	FROST ACTION
NONE		26.0		-		260		-		A	LOW

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-POOR FILTER, SLOPE	ROADFILL	FAIR-SLOPE
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE, SLOPE	SAND	IMPOSSIBLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-SLOPE, TOO SANDY	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-SLOPE	TOPSOIL	POOR-SLOPE
DAILY COVER FOR LANDFILL	POOR-TOO SANDY, SLOPE	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-SEEPAGE, SLOPE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE, SLOPE	EMBANKMENTS DIKES AND LEVEES	SEVERE-SEEPAGE, PIPING
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE	EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE	IRRIGATION	DROUGHTY, FAST INTAKE, SOIL BLOWING
LOCAL ROADS AND DRIVEWAYS	SEVERE-SLOPE	TERRACES AND DIVERSIONS	SLOPE, TOO SANDY, SOIL BLOWING
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SLOPE	GRASSED WATERWAYS	SLOPE, DROUGHTY

1. FOR QUINCY LOAMY FINE SAND, 5 TO 25 PERCENT SLOPES\*

RECREATIONAL DEVELOPMENT															
CAMP AREAS	SEVERE-SLOPE					PLAYGROUNDS		SEVERE-SLOPE							
	SEVERE-SLOPE					PATHS AND TRAILS		MODERATE-SLOPE							
PICNIC AREAS	SEVERE-SLOPE					PATHS AND TRAILS		MODERATE-SLOPE							
	SEVERE-SLOPE					PATHS AND TRAILS		MODERATE-SLOPE							
CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)															
CAPABILITY		WHEAT WINTER (BU)		ALFALFA HAY (TONS)		PASTURE (AUM)		POTATOES (CWT)		ALFALFA SEED (LBS)		CORN (BU)		APPLES (BU)	
NIRR IRR		NIRR IRR		NIRR IRR		NIRR IRR		NIRR IRR		NIRR IRR		NIRR IRR		NIRR IRR	
7E 6F														630	
WOODLAND SUITABILITY															
ORD SYM	MANAGEMENT PROBLEMS					POTENTIAL PRODUCTIVITY					TREES TO PLANT				
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT.Y.	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES		SITE INDX							
						NONE									
WINDBREAKS															
SPECIES		HT		SPECIES		HT		SPECIES		HT					
LONGLEAF PINE		65		AUSTRIAN PINE		40		PEKING COTONEASTER		5					
RUSSIAN-OLIVE		30		LILAC		20		GOLDEN WILLOW		35					
GREEN ASH		50		BLUE SPRUCE		20		NORTHERN WHITE-CEDAR		25					
								ROCKY MT. JUNIPER		20					
WILDLIFE HABITAT SUITABILITY															
POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FORM									
GRAIN	PASS	WILD	HARDW	CONIFER	SHRUBS	WETLAND	SHALLOW	OPENLD	WOODLD	WETLAND	RANGELD				
SEED	LEGUME	HERB.	TREES	PLANTS		PLANTS	WATER	WILDLF	WILDLF	WILDLF	WILDLF				
v. POOR	v. POOR	POOR	-	-	POOR	v. POOR	v. POOR	POOR	-	v. POOR	POOR				
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)															
COMMON PLANT NAME	PLANT SYMBOL (NLSPN)		PERCENTAGE COMPOSITION (DRY WEIGHT)												
POTENTIAL PRODUCTION (LBS./AC. DRY WT):															
FAVORABLE YEARS															
NORMAL YEARS															
UNFAVORABLE YEARS															

\* POSSIBLE HAZARD OF GROUNDWATER CONTAMINATION.

FOOTNOTES



SOIL INTERPRETATIONS RECORD  
100% QUINCY LOAMY FINE SAND, 0 TO 5 PERCENT SLOPES

THE QUINCY SOILS CONSISTS OF DEEP, EXCESSIVELY DRAINED SOILS FORMED IN VOLCANIC SAND. THE PARENT MATERIALS ARE MAINLY GRANITIC, QUARTZITIC, AND BASALTIC SAND. THESE NEARLY LEVEL TO STEEP SOILS HAVE RIDGED, HUMMOCKY, DUNELIKE RELIEF. VEGETATION IS GRASS. MAAT IS 50. MAAT IS 8 TO 10 INCHES. FFS IS 160 TO 190 DAYS. TYPICALLY, THE PROFILE IS A GRAYISH-BROWN FINE SAND THAT EXTENDS TO 60 INCHES OR MORE.

ESTIMATED SOIL PROPERTIES											
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS (IN.) THAN 3" PASSING SIEVE NO.					LIQUID LIMIT	PLAS- TICITY INDEX	
				4	10	40	200	475			
0-4	ULFS	SM	A-2	0	100	100	85-100	15-30	-	NP	
4-60	CLLES, FC, S	SM	A-2	0	100	100	65-80	10-30	-	NP	

DEPTH (IN.)	CLAY (%)	MOISTURE CONTENT (%)	DENSITY (G/CM <sup>3</sup> )	PERMEA- BILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK- SWELL POTENTIAL	EROSION FACTORS K <sub>t</sub>	WIND EROD. GROUP	ORGANIC MATTER (%)	CORROSION	
												STEEL	CONCRETE
0-4	1-6	-	6.0-20	0.11-0.15	6.1-8.4	-	LOW	.17	5	2	.5-1	HIGH	LOW
4-60	1-7	-	6.0-20	0.06-0.09	6.6-8.4	-	LOW	.17					

FREQUENCY	DURATION (MONTHS)	HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SUBSIDENCE		HYDRO- POTENTIAL		
		DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INITIAL (IN)	TOTAL (IN)	GROUP	FROST ACTION	
NONE		26.0		-		26.0		-			LA	LO

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-DOOR FILTER	ROADFILL	GOOD
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-TOO SANDY	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SLIGHT	TOPSOIL	FAIR-TOO SANDY
DAILY COVER FOR LANDFILL	DOOR-TOO SANDY	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-SEEPAGE

BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE	EMBANKMENTS DIKES AND LEVERS	SEVERE-SEEPAGE, PIPING
DWELLINGS WITHOUT BASEMENTS	SLIGHT	EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SLIGHT	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SLIGHT	IRRIGATION	DROUGHTY, FAST INTAKE, SOIL BLOWING
LOCAL PIEDMONT AND STREETS	SLIGHT	TERRACES AND DIVERSIONS	TOO SANDY, SOIL BLOWING
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	MODERATE-SEVERELY	GRASSED WATERWAYS	DROUGHTY

RECREATIONAL DEVELOPMENT			
LAND AREAS	SLIGHT	PLAYGROUNDS	MODERATE-SLOPE
TOPOIC AREAS	SLIGHT	PATHS AND TRAILS	SLIGHT

CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)												
CAPABILITY	WHEAT, WINTER (BU)		ALFALFA HAY (TONS)		PASTURE (AUM)		POTATOES, IRISH (CWT)		ALFALFA SEED (LBS)		CORN APPLIED (BU)	
	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR
2F	4F		100		7.0	15		500			130	630

WOODLAND SUITABILITY									
GRD SYM	MANAGEMENT PROBLEMS				POTENTIAL PRODUCTIVITY		TREES TO PLANT		
	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORT'Y.	WINDTH. HAZARD	PLANT COMPET.	COMMON TREES		SITE INDX	
						NONE			

WINDBREAKS									
SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES	HT		
LOMBARDY POPLAR	65	AUSTRIAN PINE	40	PEKING COTONEASTER	5	SIBERIAN PEASHRUB	15		
RUSSIAN-OLIVE	30	LILAC	20	GOLDEN WILLOW	35	HONEYSUCKLE	10		
GREEN ASH	50	BLUE SPRUCE	20	NORTHERN WHITE-CEDAR	25	ROCKY MT. JUNIPER	20		

WILDLIFE HABITAT SUITABILITY														
POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:								
GRAIN	GRASS	WILD SEED	LEGUME	HERB.	WILD	HARDWOOD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD WILDLF	WOODLD WILDLF	WETLAND WILDLF	RANGELD WILDLF
V. POOR	V. POOR	POOR						POOR	V. POOR	V. POOR	POOR		V. POOR	POOR

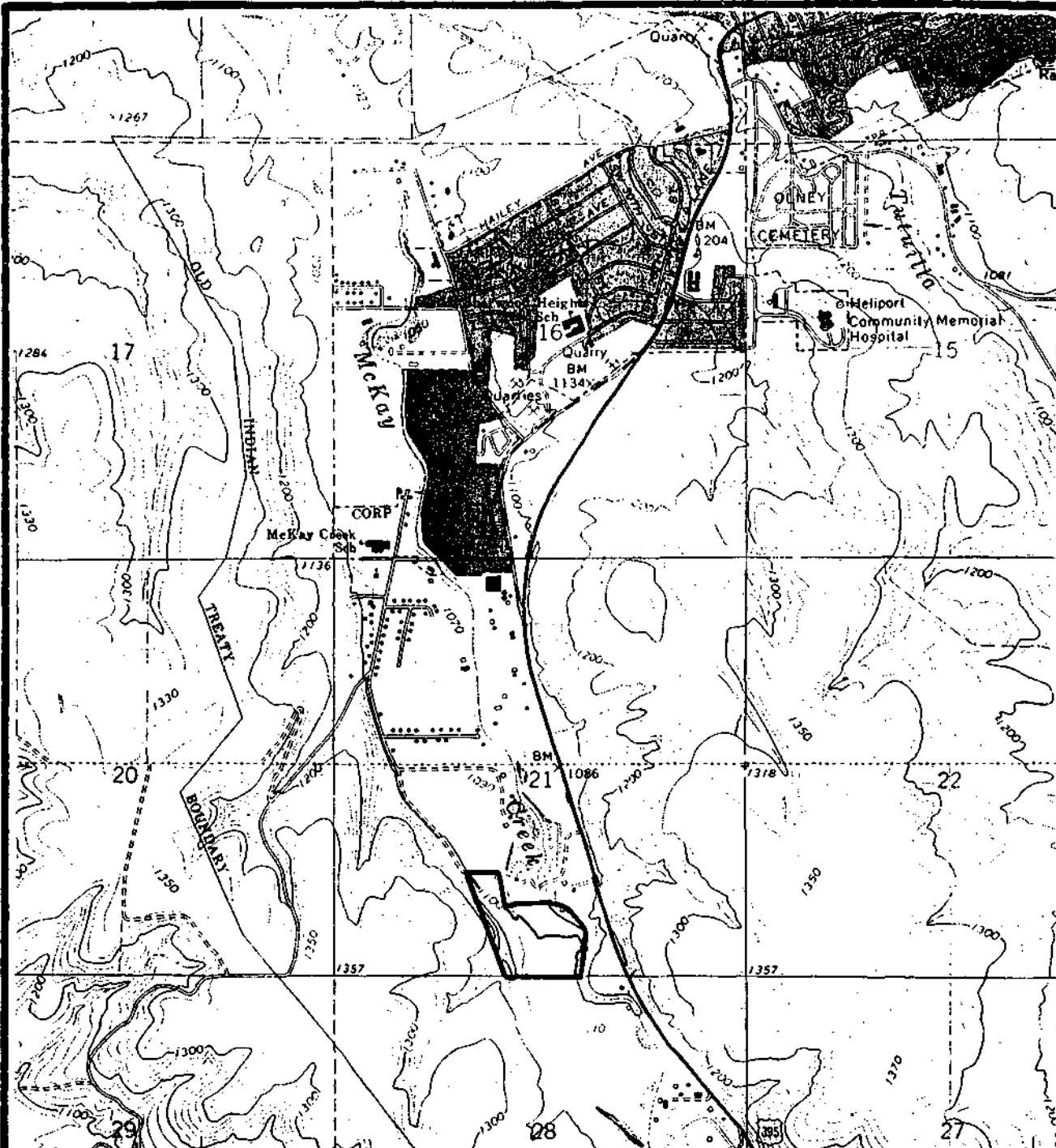
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)											
COMMON PLANT NAME	PLANT SYMBOL (NLSFN)	PERCENTAGE COMPOSITION (DRY WEIGHT)									

POTENTIAL PRODUCTION (LBS./AC. DRY WT):
FAVORABLE YEARS
NORMAL YEARS
UNFAVORABLE YEARS

FOOTNOTES

1. POSSIBLE HAZARD OF GROUNDWATER CONTAMINATION.

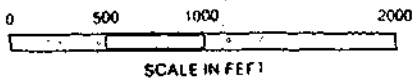
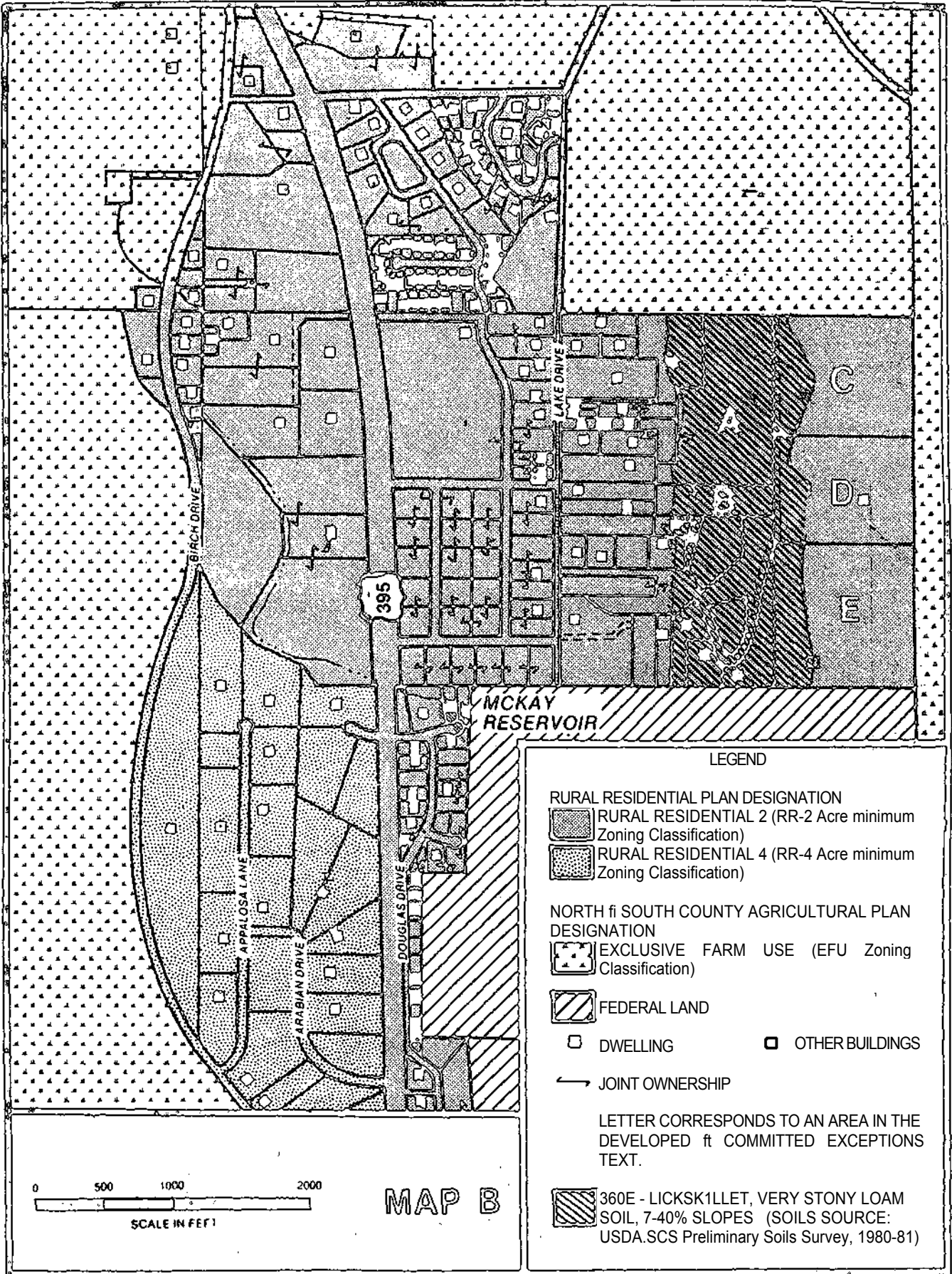
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SOURCE' U.S.G.S. PENDLETON QUADRANGLE

**TOPOGRAPHY MAP (Parcel A, Map A - Olson Property)**  
**MCKAY CREEK - MCKAY RESERVOIR**





MAP B

**DEVELOPED & COMMITTED LAND  
MCKAY CREEK-MCKAY RESERVOIR, AREA 3**



SOIL INTERPRETATIONS « E C O R [5360P

LICKSKILLET VERY STONY LOAM. 7 TO 40 PERCENT SLOPKS\*

7. STONY PHASE OF LICKSKILLET SERIES CONSISTS OF SOILS FORMED IN SHALLOW STONY COLLUVIUM. TYPICALLY, THE SURFACE LAYER IS VERY STONY LOAM ABOUT 9 INCHES THICK. SUBSOIL IS VERY GRAVELLY CLAY LOAM ABOUT 10 INCHES THICK. DEPTH TO BASALT-ROCK IS 10 TO 20 INCHES. ELEVATION IS 200 TO 3600 FEET. MEAN ANNUAL PRECIPITATION IS 10 TO 16 INCHES. MEAN ANNUAL AIR TEMP. IS AS TP 33 F. AVERAGE FROST FREE PERIOD (32F) IS 100 TO 150 DAYS. AND 26F IS 120 TO 210 DAYS.

ESTIMATED SOIL PROPERTIES												
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.					LIQUID LIMIT	PLASTICITY INDEX		
				20-30 (PCT)	40-60 (PCT)	60-70 (PCT)	70-80 (PCT)	80-100 (PCT)				
0-6	STV-L	CL-WL	A-4	20-30	40-60	60-70	70-80	80-100	25-35	5-10		
6-18	GRV-CL, GRV-L, CBV-L	GC, GM	A-2, A-6, A-7	15-50	40-65	30-50	25-50	20-40	35-45	10-20		
18	UW*											

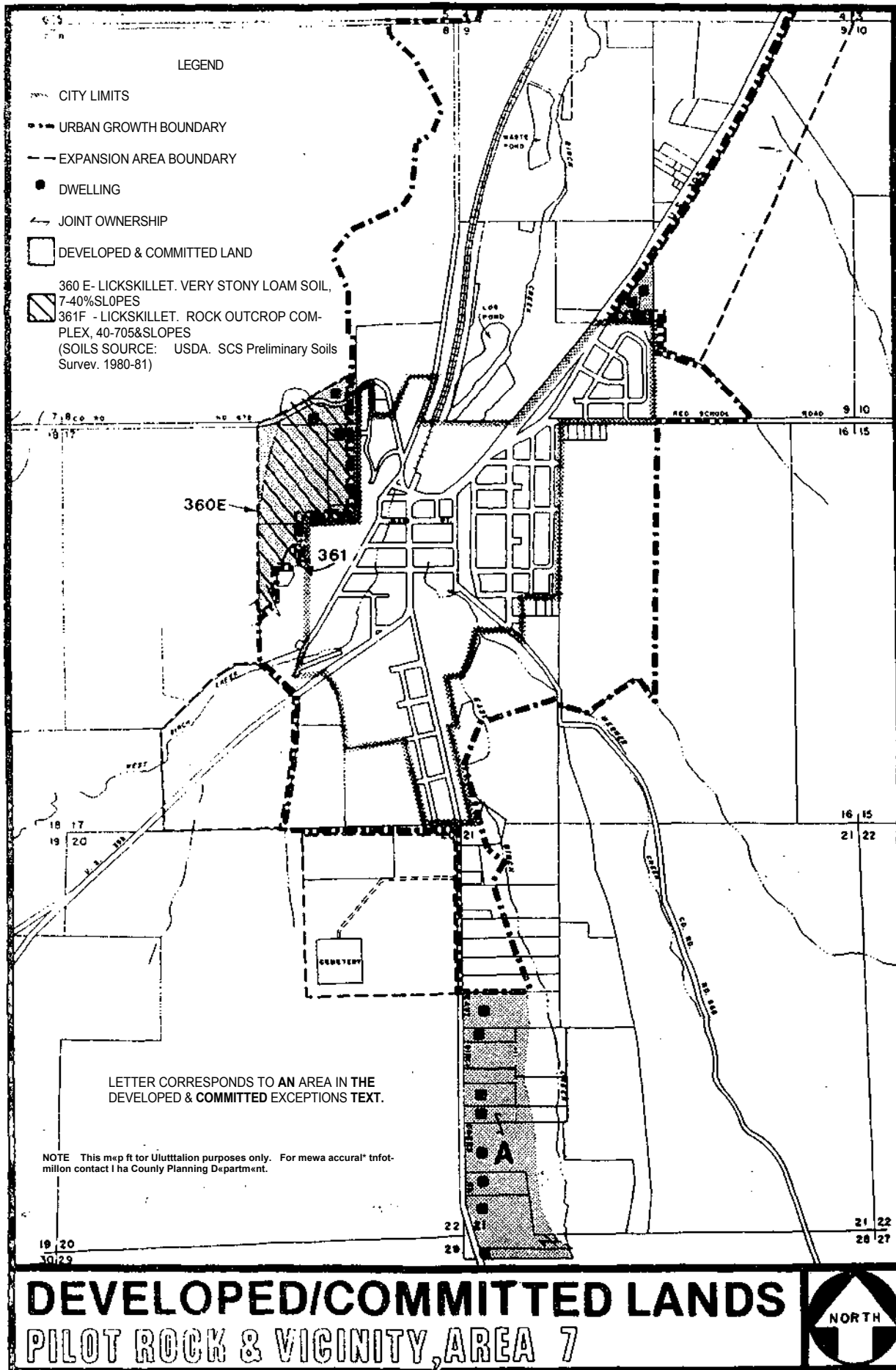
DEPTH (IN.)	CLAY (PCT)	MOISTURE DENSITY (G/CM <sup>3</sup> )	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHDS/CM)	SHRINK-SWELL POTENTIAL	EROSION FACTORS	WIND EROD. GROUP	ORGANIC MATTER (PCT)	CORROSION	
											STEEL	CONCRETE
0-6	15-25	1.25-1.35	0.6-2.0	0.08-0.14	6.1-7.3		LOW	1-20	1	1-2	MODERATE	LOW
6-18	23-33	1.30-1.40	0.6-2.0	0.06-0.14	6.6-7.3		LOW	1-17				
18												

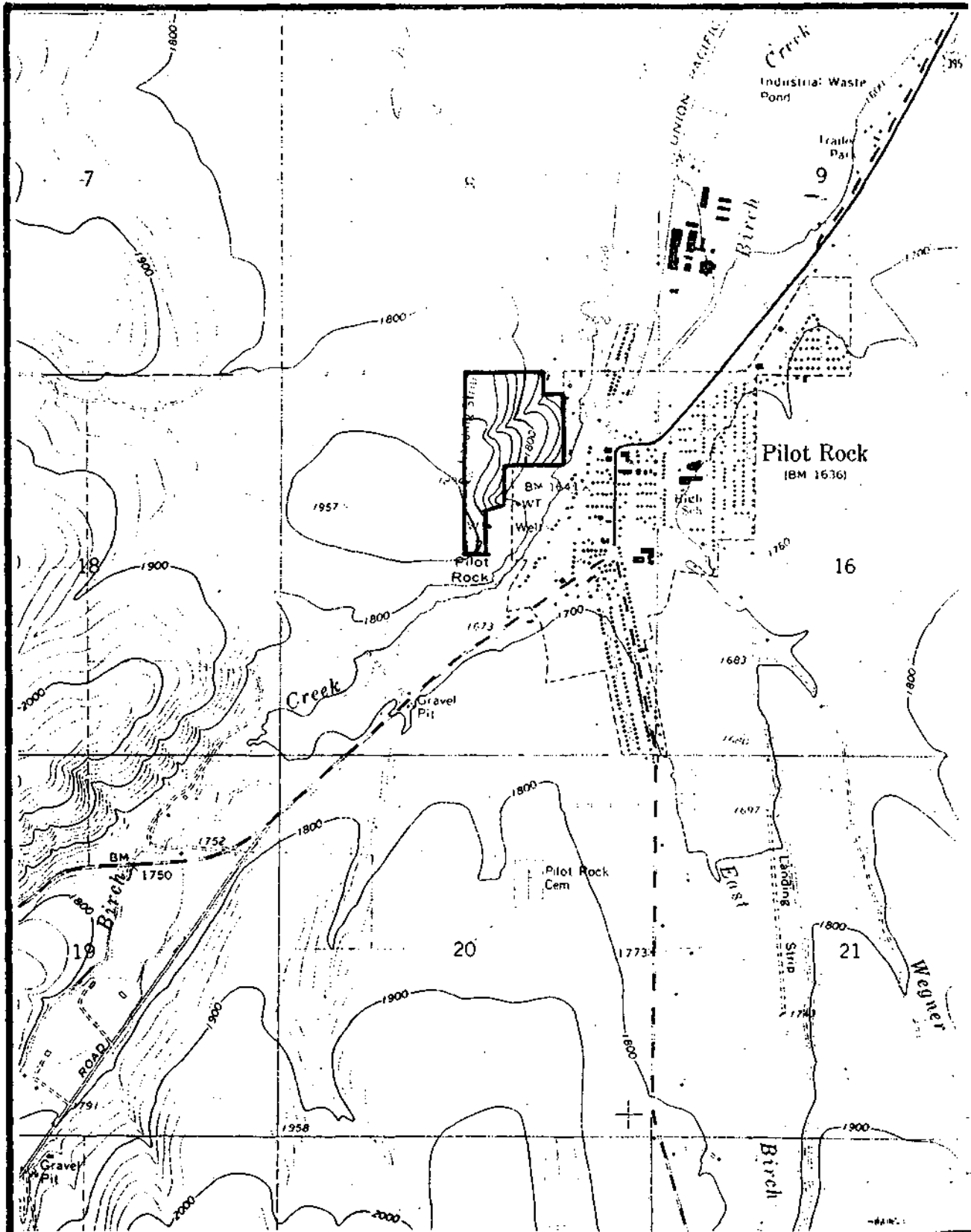
  

FLOODING			HIGH WATER TABLE			CEMENTED PAVEMENT			ROCK			SUBSIDENCE			HYDRO-POTENTIAL		
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INITIAL (IN)	TOTAL (IN)	GROUP	FROST ACTION				
NONE			>6.0										MODERATE				

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION PIPES	SEVERE-DEPTH TO ROCK, SLOPE	ROADFILL	POOR-AREA RECLAIM
SEWAGE LAGOON AREAS	SEVERE-DEPTH TO ROCK, SLOPE, LARGE STONES	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK, SLOPE, LARGE STONES	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-DEPTH TO ROCK, SLOPE	TOPSOIL	POOR-AREA RECLAIM, SMALL STONES, SLOPE
DAILY COVER FOR LANDFILL	POOR-AREA RECLAIM, SMALL STONES, SLOPE	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-DEPTH TO ROCK, SLOPE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-DEPTH TO ROCK, SLOPE	EMBANKMENTS, DIKES AND LEVEES	SEVERE-LARGE STONES
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE, DEPTH TO ROCK	EXCAVATED PONDS, AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-DEPTH TO ROCK, SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE, DEPTH TO ROCK	IRRIGATION	LARGE STONES, DROUGHTY, DEPTH TO ROCK
LOCAL ROADS AND STREETS	SEVERE-DEPTH TO ROCK, SLOPE	TERRACES AND DIVERSIONS	SLOPE, LARGE STONES, DEPTH TO ROCK
LAWNS, LANDSCAPING AND GOLF PATHWAYS	SEVERE-SLOPE, THIN LAYER	GRASSED WATERWAYS	LARGE STONES, SLOPE, DROUGHTY







SOURCE: U.S.G.S., PILOT ROCK QUADRANGLE

**TOPOGRAPHY MAP (Sub - Area A)**  
**PILOT ROCK VICINITY, AREA NO. 7**





SOIL INTERPRETATIONS RECORD

360E LICKSKILLET VRY STOMY LOAM. 7 TO 40 PERCENT SLOPES\*

**J** PBHrIPMWT Or LICKSKILLET SERIES CONSISTS OF SOILS FORMED IN SHALLOW STONY COLLUVIUM. TYPICALLY, THE SURFACE LAYE (CLAY LOAM) OUT 9 INCHES THICK. SUBSOIL IS VERY GRAVELLY CLAY LOAM ABOUT 10 INCHES THICK. DEPTH TO BASALT 19 II TO 40 INCHES. ELEVATION IS 200 TO 3600 FEET. MEAN ANNUAL PRECIPITATION IS 10 TO 16 INCHES. MEAN ANNUAL AIR F. AVERAGE FROST FREE PERIOD (32F) IS 100 TO 190 DAYS. AND 28F IS 120 TO 210 DAYS.

ESTIMATED SOIL PROPERTIES												
SOIL TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.					LIQUID LIMIT	PLASTICITY INDEX			
			>3 IN (PCT)	4	10	40	200					
CLAY (GV-L); COV-L	CL-ML GC, GM	A-4 A-2, A-6, A-7	20-30	80-90	70-80	60-70	50-60	25-30	5-10			
			15-50	40-65	30-50	25-50	20-40	35-45	10-20			
MOISTURE		PERMEABILITY	AVAILABLE WATER CAPACITY	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL	EROSION FACTORS	WIND EROD. GROUP	ORGANIC MATTER (PCT)	CORROSIVITY		
20-30	1.25-1.35	0.6-2.0	0.06-0.14	6.1-7.3	-	LOW	1.20	1	-	1-2	MODERATE	
30-50	1.30-1.40	0.6-2.0	0.06-0.14	6.6-7.3	-	LOW	1.17				LOW	
FLOODING			HIGH WATER TABLE		CEMENTED PAV.	BEDROCK	SUBSIDENCE		HYDRO-POTENTIAL	FROST ACTION		
NONE			DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS (IN)	DEPTH (IN)	HARDNESS (IN)	TOTAL (IN)	GROUP	
			>2.0					12-20	HARD		0	
SANITARY FACILITIES				CONSTRUCTION MATERIAL								
SEPTIC TANK ABSORPTION PIELDS	SEVERE-DEPTH TO ROCK, SLOPE			ROADFILL	POOR-AREA RECLAIM							
SEWAGE LAGOON AREAS	SEVERE-DEPTH TO ROCK, SLOPE, LARGE STONES			SAND	IMPROBABLE-EXCESS FINES							
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK, SLOPE, LARGE STONES			GRAVEL	IMPROBABLE-EXCESS FINES							
SANITARY LANDFILL (AREA)	SEVERE-DEPTH TO ROCK, SLOPE			TOPSOIL	POOR-AREA RECLAIM, SMALL STONES, SLOPE							
DAILY COVER FOR LANDFILL	POOR-AREA RECLAIM, SMALL STONES, SLOPE			WATER MANAGEMENT								
				POND RESERVOIR AREA	SEVERE-DEPTH TO ROCK, SLOPE							
BUILDING SITE DEVELOPMENT												
SHALLOW EXCAVATIONS	SEVERE-DEPTH TO ROCK, SLOPE			EMBANKMENTS DIKES AND LEVEES	SEVERE-LARGE STONES							
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE, DEPTH TO ROCK			EXCAVATED PONDS AQUIFER FED	SEVERE-NO WATER							
DWELLINGS WITH BASEMENTS	SEVERE-DEPTH TO ROCK, SLOPE			DRAINAGE	DEEP TO WATER							
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE, DEPTH TO ROCK			IRRIGATION	LARGE STONES, DROUGHTY, DEPTH TO ROCK							
LOCAL ROADS AND STREETS	SEVERE-DEPTH TO ROCK, SLOPE			TERRACES AND DIVERSIONS	SLOPE, LARGE STONES, DEPTH TO ROCK							
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SLOPE, THIN LAYER			GRASSED WATERWAYS	LARGE STONES, SLOPE, DROUGHTY							

		RECREATIONAL DEVELOPMENT									
CAMP AREAS	SEVERE-SLOPE, DEPTH TO ROCK	PLAYGROUNDS		SEVERE-LARGE STONES, SLOPE, SMALL STONES							
PICNIC AREAS	SEVERE-SLOPE, DEPTH TO ROCK	PATHS AND TRAILS		MODERATE-SLOPE, DUSTY							
CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)											
CAPABILITY											
75											
FOODLAND SUITABILITY											
ORD SYM	EROSION HAZARD	EQUIP. LIMIT	SEEDLING MORTALITY	PLANT HAZARD	PLANT COMPET.	POTENTIAL PRODUCTIVITY COMMON TREES	SITE INDEX	TREES TO PLANT			
						NONE					
MINOR TREES											
SPECIES		INT	SPECIES		INT	SPECIES		INT			
NONE											
WILDLIFE HABITAT SUITABILITY											
POTENTIAL FOR HABITAT ELEMENTS				POTENTIAL AS HABITAT FOR:							
GRAIN & SEED	GRASS & LEGUME	WILD WHER.	NARROW TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPEN FLD	WOODL	WETLAND	RANGEL
V. POOR	V. POOR	FAIR	-	-	V. POOR	V. POOR	V. POOR	V. POOR	-	V. POOR	POOR
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)											
COMMON PLANT NAME		PLANT SYMBO (NLSO)	PERCENTAGE COMPOSITION (DRY WEIGHT)								
POTENTIAL PRODUCTION (LBS./AC. DRY WT):											
FAVORABLE YEARS											
NORMAL YEARS											
UNFAVORABLE YEARS											

SOIL INTERPRETATIONS RECORD

361F LICKSKILLET-ROCK OUTCROP COMPLEX, 0 TO 70 PERCENT SLOPES LICKSKILLFT PART

THE STONY PHASE OF LICKSKILLFT SERIES CONSISTS OF SOILS FORMED IN SHALLOW STONY COLLUVIUM. TYPICALLY, THE SURFACE LAYER IS STONY LOAM ABOUT 8 INCHES THICK. SUBSOIL IS VERY GRAVELLY CLAY LOAM ABOUT 10 INCHES THICK. DEPTH TO BASALT BEDROCK IS 12 TO 20 INCHES. FLOODING IS 200 TO 3600 FEET. MEAN ANNUAL PRECIPITATION IS 10 TO 18 INCHES. MEAN ANNUAL FROST FREE PERIOD (32F) IS 100 TO 150 DAYS. AND J8F IS 120 TO 210 DAYS.

ESTIMATED SOIL PROPERTIES												
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.					LIQUID LIMIT (%)	PLASTICITY INDEX (%)	CORROSION	POTENTIAL
				4	10	40	200	425				
0-6	STX-L	SM, GM, ML	A-4	30-50	60-90	60-85	50-80	35-65	30-35	5-1		
6-18	GRV-CL, GRV-L, CRV-L	GC, GM	A-2, A-6, A-7	15-50	40-65	30-50	25-50	20-40	35-45	10-2		
18	UVB											

DEPTH (IN.)	CLAY (PCT)	MOIST BULK DENSITY (G/CM3)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SHRINK-SWELL POTENTIAL	EROSION FACTORS (K, I, T)	WIND EROSION GROUP	ORGANIC MATTER (PCT)	CORROSION		
											STEEL	CONCRETE	
0-6	15-25	1.25-1.35	0.6-2.0	0.08-0.14	6.1-7.3	-	LOW	15	1	-	1-2	MODERATE	LOW
6-18	23-33	1.30-1.40	0.6-2.0	0.06-0.14	6.6-7.3	-	LOW	17					
18													

FLOODING		HIGH WATER TABLE		CEMENTED PAVEMENT		BEDROCK		SUBSIDENCE		HYDROLYTIC POTENTIAL		
FREQUENCY	DURATION	DEPTH (FT)	KIND	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	DEPTH (IN)	TOTAL	GROUP	FROST ACTION	
NONE		>6.0						12-20	HARD			MODERATE

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION PIPES	SEVERE-DEPTH TO ROCK, SLOPE	ROADFILL	POOR-AREA RECLAIM, SLOPE
SEWAGE LAGOON AREAS	SEVERE-DEPTH TO ROCK, SLOPE, LARGE STONES	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-DEPTH TO ROCK, SLOPE, LARGE STONES	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-DEPTH TO ROCK, SLOPE	TOPSOIL	POOR-AREA RECLAIM, SMALL STONES, SLOPE
DAILY COVER FOR LANDFILL	POOR-AREA RECLAIM, SMALL STONES, SLOPE	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-DEPTH TO ROCK, SLOPE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-DEPTH TO ROCK, SLOPE	EMBANKMENTS, DIKES AND LEVEES	SEVERE-LARGE STONES
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE, DEPTH TO ROCK	EXCAVATED PONDS, AQUIFER FED	SEVERE-NO WATER
DWELLINGS WITH BASEMENTS	SEVERE-DEPTH TO ROCK, SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE, DEPTH TO ROCK	IRRIGATION	LARGE STONES, DROUGHTY, DEPTH TO ROCK
LOCAL ROADS AND STREETS	SEVERE-DEPTH TO ROCK, SLOPE	TERRACES AND DIVERSIONS	SLOPE, LARGE STONES, DEPTH TO ROCK
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-LARGE STONES, SLOPE, THIN LAYER	GRASSED WATERWAYS	LARGE STONES, SLOPE, DROUGHTY

		RECREATIONAL DEVELOPMENT			
CAMP AREAS	SEVERE-SLOPE, DEPTH TO ROCK	PLAYGROUNDS		SEVERE-LARGE STONES, SLOPE, SMALL STONES	
PICNIC AREAS	SEVERE-SLOPE, DEPTH TO ROCK	PATHS AND TRAILS		SEVERE-SLOPE	
CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)					
CAPABILITY					
MINOR IRR., IRREG. IRR., IRREG. IRR., IRREG. IRR., IRREG. IRR., IRREG. IRR., IRREG. IRR., IRREG. IRR.					
75					
WOODLAND SUITABILITY					
ORD. SYM.	EROSION HAZARD	MANAGEMENT EQUIP. LIMIT	SEEDLING MOBILITY	WINDTH. HAZARD	POTENTIAL PRODUCTIVITY COMMON TREES
					NONE
MINOR BREAKS					
SPECIES (MT)		SPECIES (MT)		SPECIES (MT)	
NONE					
WILDLIFE HABITAT SUITABILITY					
POTENTIAL FOR HABITAT ELEMENTS			POTENTIAL AS HABITAT FOR		
GRAIN	PASS	WILD	HARROW	CONIFER	SHRUBS
WETLAND	SHALLOW	OPENLD	WOODLD	WETLAND	RANGELD
SPEED	ILPONS	MOOR	TREES	PLANTS	WATER
V. POOR	V. POOR	FAIR		V. POOR	V. POOR
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)					
COMMON PLANT NAME	PLANT SYMBOL (N. DEN.)	PERCENTAGE COMPOSITION (DRY WEIGHT)			
POTENTIAL PRODUCTION (LBS./AC. DRY MAT.)					
FAVORABLE YEARS					
NORMAL YEARS					
UNFAVORABLE YEARS					

EXTENSION SERVICE  
Umatilla County



P. O. Box E Milton  
Freewater, Oregon 97862 (503) 938-5597  
418 N. Main

November 28,  
1979

**W**  
**RECEIVED**  
PLANNING  
EXTENSION

Bob Perry Planning  
Office Courthouse  
Pendleton, OR 97801

Dear Bob,

The area north and west of Umapine breaks down as follows:

Main Crops- Alfalfa seed, irrigated and dryland wheat, small livestock operations, some barley, alfalfa hay, small amount of row crops.

The only good acreage figures I have is about 3500 acres for alfalfa seed. Average yields have been about 400 pounds of seed per acre, but the last three years yields have been 200 pounds or less for many growers. This year seed is \$1.25 per pound.

Hay yields would be from *k-J* tons per acre. The price this year is \$75" 80 dollars per ton, some years a lot less.

Irrigated wheat should yield at 60-90 bushels per acre. The price is variable, but \$3-50 per bushel is in the ball park.

Other crops have been tried, such as sunflowers and dry beans but no large acreages.

I don't foresee any radical changes in farming patterns in that area.

Alfalfa seed acreage could decline with an increase in wheat. Hay at \$80 per ton is not really competitive with wheat because production costs of hay is much greater. Also, many growers would not purchase haying equipment.

It's doubtful that row crops would become important to the area.

International markets have been explored for many crops but it takes many years for their development. Wheat growers here find that the price of wheat usually falls when the grain facilities in Portland become full.

Page two  
to Bob Perry  
from Tom Darnel 1

You'll get a lot of arguments on minimum lot size in this area. It's possible to make a living on 20 acres of onions most years, but most row crop growers produce three or four crops to reduce dependence on one crop.

Forty acres of alfalfa and irrigated wheat won't come close to being an economical unit. However, as a hobby farm, anything from one acre on up would appeal to many people.

As you know, a few acres where a family can have horses, chickens, and a few goats is very popular, but many times creates problems for farmers, particularly when using pesticides.

Fruit production patterns probably won't change much up the Walla Walla River. Fruit in that area matures later than the lower valley and the advantage to growers is the early market.

Any livestock information you can get from Fred Kerr, Livestock Agent, at 276-7111, Extension 300.

If you need any more information, let me know.

Sincerely,

A handwritten signature in cursive script that reads "Tom Darnel". The signature is written in black ink and is positioned above the typed name and title.

Tom Darnel 1  
Umatilla County Extension Agent

X

COREY, BYLER, REW, LORENZEN & HOJEM

ATTORNEYS AT LAW  
222 S.E. DORION AVE  
P.O. BOX 218  
PENDLETON, OREGON 97801

July 31, 1984

AUG .

U.  
TELEPHONE  
AREA CODE 503  
276 3331

GEORGE H. COREY  
ALEX M. BYLER  
LAWRENCE B. REW  
STEVEN H. COREY  
HENRY C. LORENZEN  
DOUGLASE HOJEM

Mr. Bob Perry  
Umatilla County Planning Office  
Umatilla County Courthouse  
Pendleton, OR 97801

HAND DELIVERED

Re: Henry DeMotts -- Zoning

Dear Bob:

In connection with your work on the property near the state line belonging to Henry DeMotts, whom I represent, please find the following: . . .

1. Letter of July 26, 1984, from Henry DeMotts, together with exhibits;
2. Letter of July 28, 1984, from Frank Hamada;
3. Letter of July 28, 1984, from Jim Larson;
4. Letter of July 27, 1984, from James L. Kessler.

The tentative plan of Tum-A-Lum Heights, attached as an exhibit to the letter of Mr. DeMotts, shows the present positions of the buildings on the property. As you probably know, those buildings do not amount to much, and in fact if someone was to use the property for farming and want to live there in a farm home, they would need to expend the capital as well to entirely refurbish these buildings.

If I can be of any additional help, please give me a call.

Thank you.

Sincerely yours,

**ST-AM**

Steven H. Corey

SHC:m  
Encls.  
cc: Mr. Henry DeMotts  
cc: Mr. David Krumbein

July 26, 1984

RECEIVED  
JUL 20 1984  
CLERK OF COURT

Umatilla County Planning Department  
Umatilla County Courthouse  
Pendleton, OR 97801

Re: 27.49 Acres/Committed Lands  
Tum-A-Lum Road

Gentlemen:

I own a 27.49 acre parcel of land approximately five miles north of the Milton-Freewater city limits. I write this letter to you, in order that you might have additional information concerning my feelings as to v/hy this property is irrevocably committed and why it should be retained in an RR-2 Rurual Residential (two acre minimum) Zone.

You recently have done a staff report on my property. It was prepared on May 11, 1984. I attach a copy of that staff report. I also attach the preliminary plat of the property, showing the existing buildings.

OAR 660-04-028(2) addresses the issue when lands have been irrevocably committed. I want to address certain of the factors that need to bs considered:

1. The Specific Site. My site of 27.49 acres is detailed both in the staff report and in the preliminary plat. The site itself is relatively flat, but it is located on a terrace approximately 60 feet above the remainder of the land in the vicinity. It is not suitable for farming or pasture, for the following reasons: ~

a. Orchards. The site is located in a frost zone, where late freezes destroy budding fruit. The soil on the terrace is unlike the rocky soil off of the terrace, and can frequently cause killing of fruit trees in winter, unlike the orchard land below. The drainage of the soil is not good, affecting fruit trees. ; Water on the terrace is moire costly for irrigation purposes S^an the lower lands, for the reason that pesriping costs are higher. There exists only one orchard in the terraced area, which is a hobby orchard, demonstrating each of the above factors.



b. Wheat and Alfalfa. It is not economically feasible to raise either of these crops upon the land. Again, the water is more costly for irrigating these crops than it is on comparable land not located on the terrace.

c. Onions. While the property at one point in time in its history produced good onion crops, it no longer is capable of good onion crops. This is because of "white rot," a disease to onions which inhibits growing sweet onions on the field not only now but for all foreseeable time in the future. A winter onion crop is planted this year, and to a casual observer the crop looks good - but the white rot even is affecting this crop. The tenant farmer had one year left on his lease, and tried to make a go of this crop, but it is only a break-even crop. He estimates 100 plus acres would be needed to make an economic crop of winter onions. Water lifted for irrigation is very expensive.

d. Pasture. The same problem exists with water and lifting of water for irrigation purposes. It is not good as an economic farm unit for pasture.

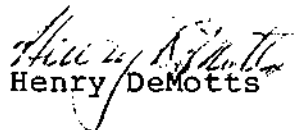
2. Existing Adjacent Uses. Lands to the east and south are used for rural residences and pasture. Some lands to the east include commercial uses at the state line, as well as rural residences. The terrace itself becomes a natural buffer separating rural residences from farm use. Immediately to the east of this property is the Walla Walla River, and the lands further east are farmlands. That reflects the r~buffer. Adjacent uses are not compatible with the normal \ farming practices that would be involved for the parcel, •-including the application of herbicides and pesticides.

3. Public Facilities. The parcel fronts the south side of State Line Road, a paved road, and the west side of Tum-A-Lum Road, a paved road. Both of these roads are public, and maintained by the county. Telephone service is available to the entire property. Power is available to the entire property. Garbage service is available to the entire property. All of the property is of good soil for the use of septic tanks. All of the property is within the fire district and has fire protection. The property, as well as adjacent properties, have domestic water wells.

Umatilla County Planning Department  
July 26, 1984 Page 3

4. Parcel Size and Ownership Patterns. There exist a great number of reasons historically why the area around the parcel has developed as it did. The adjacent parcels to the west, in part of commercial use and in part of "residential use, came about because of their frontage on the primary state highway between Milton-Freewater and Walla Walla. Persons desiring to work in Walla Walla but live in Oregon settled in the area. The state line is just across the road to the north of this property. I have owned my property since approximately 1965. I have found that the property has virtually been surrounded by rural residences, all created at prior times with legitimate purposes and appropriate approvals. The area was a natural area to develop for rural residences because of its close proximity to Walla Walla, Washington. Because it was on a terrace, it had natural buffer from the farmlands below. As can be seen by the attached diagram to the staff report, there are a series of small parcels with rural residences on them, owned primarily by different people, and surrounding the parcel that I own.

Sincerely yours,

  
Henry Demotts

Encls.

July 28, 1984

Umatilla County Planning Department  
Umatilla County Courthouse  
Pendleton, OR 97801

Gentlemen:

I am a farmer and I have been engaged in farming all of my life. Over the past number of years I have leased from Henry DeMotts a parcel of land, 26 acres more or less, located at the corner of the Stateline and Tum-A-Lum roads - Oregon - for the production of early sweet onions. The land has now become infected with a soil fungus commonly known as "Whiterot", and is therefore no longer usable for the growth of sweet onions. Soil scientist have not as yet - this has been studied for 25 years or more- come up with a way of eradicating this fungus from a field once infected.

Mr. DeMotts has asked me if in my opinion this tract of land is large enough to constitute an economical farming unit. From my experience, I must answer no. I doubt that twice the acres, even if farmed to the most concentrated of row crops, could produce an income commensurate to the needs of a modern family. This tract of land would certainly not support a new house and farm buildings which are entirely lacking on this acreage.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Frank Hamada". The signature is fluid and cursive, with a long horizontal stroke at the end.

Frank Hamada 328  
Woodland Walla Walla,  
WA 99362

July 28, 1984

Umatilla County Planning Department  
County Courthouse Pendleton, OR  
97801

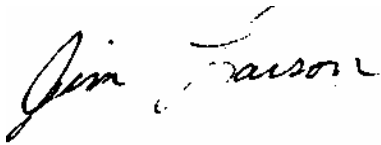
Gentlemen:

I am the owner of Larson's Gardens and Green Houses adjacent to a tract of land owned by Henry DeMotts on the corner of Tum-A-Lum and Stateline roads - Oregon. I wish to advise the Planning Department that I most seriously object to any zoning which would lead to the use of herbicides and pesticides on that land as I know this practise would be a danger to my operation.

Practically all farm crops are today dependent upon the use of herbicides and pesticides to eliminate crop inhibiting weeds and crop destroying pests. Mr. DeMotts' land is practically surrounded by small tracts of one acre, more or less, with gardens, flowers, trees, etc. - all of which would be in danger from drift and overspray of herbicide application.

I feel that the Planning Department should give serious thought to the effect of any regulating zoning upon neighboring lands and people.

Sincerely,

A handwritten signature in cursive script that reads "Jim Larson". The signature is written in black ink and is positioned below the typed name.

Jim Larson

~~SECRET~~

4-23-85

Umatilla County Planning Department  
County Courthouse Pendleton, Oregon  
97801

Re: Tum-A-Lum Heights

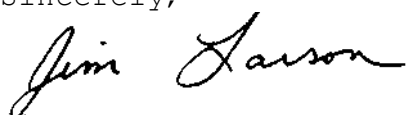
Dear Sirs:

To add further emphasis to my letter of July 28, 1984, I would like to add that our operation grows a number of ornamental and decorative shrubs adjacent to Mr. DeMott's Tum-A-Lum Heights Addition. We have worked with Mr. De-Motts to prevent any of his agricultural sprays from damaging our plants; however it is possible anytime herbicides or fertilizers are being applied for a wind shift to cause several thousands of dollars worth of damage to our plants. We also realize that the care Mr. DeMotts has taken to prevent damage has cost him time and money in his farming operations, further reducing any chance of having an economically feasible agricultural operation.

We, at present, experience spray damage to our bedding plants whenever sprays are used in our vicinity and we feel that sprays needed for agricultural usage of Mr. DeMotts' adjacent property would be a very serious threat to our investment.

We propose that continued residential use of Mr. DeMotts' property would provide a good protection for our commercial operation.

Sincerely;



Jim Larson

July 27, 1984

Umatilla County Planning Department  
Court House  
Pendleton, Oregon 97801

Gentlemen:

I am a farmer and I have farmed in the Milton-Freewater area of Umatilla County for the past twenty five years. Henry DeMott's owns a parcel of land North of Milton-Freewater and at the corner of the Tum-A-Lum and State Line roads, Oregon, and he has asked me to give an opinion on the economical usage of this parcel of land. I am well acquainted with the land involved and know that it is located in a well known frost zone and therefore not suitable to Orchard crops. I consider that the planting of this land to Orchard would be economically dangerous.

I will also state that I do not think that twenty five acres of producing orchard, located on the very best of orchard land would be an economical farm unit. I note that the land in question has no house or other suitable farm buildings and most certainly could not support the cost of all the improvements needed.

The accuracy of my above opinions  
can be very easily checked by a simple  
telephone call to The U.S. Farmers Home  
Administration, Pendleton, Oregon.

Amos L. Kessler

RT2 Bx 216

Y

PENDLETON PLANNING AREA  
JOINT MANAGEMENT AGREEMENT

CITY OF PENDLETON RESOLUTION <sup>s±?JJ\_</sup>

UMATILLA COUNTY RESOLUTION

I. PARTIES

This Agreement is made and entered into this 2nd day of March 1983, by and between the City of Pendleton, an Oregon Municipal Corporation, hereinafter *referred* to as "City", and Umatilla County, a political subdivision., of the State of Oregon, hereinafter referred to as "County".

II. RECITALS

3.. This Joint Management Agreement is the culmination of a lengthy planning process and a series of actions intended, to facilitate the orderly and efficient development of land in and around the City of Pendleton. Such actions include the preparation and adoption of city's comprehensive plans, the cooperative establishment of an urban growth boundary and urban transition areas, coordination with affected governmental units and mutual review of the City and County Comprehensive Plans. This process has been accomplished pursuant to Oregon's Statewide Land Use Planning Program as enumerated by Oregon Revised Statutes (ORS) and the Oregon Land Conservation and Development Commission.

?.. The City adopted a Comprehensive Plan, hereinafter referred to as the "Comprehensive Plan", on the 27th day of January 1983, to replace the Comprehensive Plan of 1965 and to comply with applicable Statewide Planning Goals.

3. The City and County desire to plan for the orderly management and development of the entire Pendleton planning area as provided in their respective Comprehensive Plans and through their joint efforts and cooperation. Therefore, they enter into this Joint Management Agreement pursuant to Oregon Statewide Planning Law and as authorized by ORS 215.100.

III. DEFINITIONS

1. • The Cil\_,' , 1983 Comprehensive Plan has designated areas outside but adjacent to the City's corporate limits, and within the jurisdiction of the County, as "Urban Growth Areas" and Urban Transition Areas", which are defined as follows:

- a. Urban Growth Area: that area of land extending from the City's corporate limits to the City's Urban Growth Boundary, as referenced and mapped on the City's Comprehensive Plan, and within which the City may annex land and allow its development in *an* orderly and efficient manner.



Pendleton Planning Area Joint Management Agreement - Page 3

a) the City's 1983 Zoning Ordinance, excepting Section 156 B (appeals) and certain features of the Zoning Map noted below in Item V-3, and;

b) the City's 1983 Subdivision Ordinance, excepting Article V (creation of public streets), Article IX (vacation of a street, or plat), and Section 54B and 54C (appeals).

3. The County will adopt by ordinance as an amendment to the County's Zoning Map the Zoning Map of the City's 1983 Zoning Ordinance for application within the UGA, thereby rezoning the UGA to applicable City zones, excepting that County Exclusive Farm Use zoning will be retained on land within the UGA whose owners so notify the City and County in writing. Subsequent rezoning of said land shall be to City zones as indicated on the City's Zoning Map in effect at the time of application for rezoning.

4. As empowered by OR-S 215.020 and 215.406, the County hereby creates a Pendleton UGA Planning Commission, which shall function in the capacity of a County Planning Commission and County Hearings Officer for the Pendleton UGA only and which shall operate in compliance with the written rules of the County Planning Commission and County Hearings Officer, respectfully.

5. The County appoints the City's Planning Commission as the Pendleton UGA Planning Commission and appoints the City's Planning Department as the Pendleton UGA Planning Department to function as the staff for the Pendleton UGA Planning Commission and as the planning administrators for the UGA.

6. The City shall create an additional ex officio position on the City's Planning Commission to be filled by a member of the County Planning Commission. To fill this position, the County shall appoint one member of the County Planning Commission as the regular ex officio member and another member as an Alternate.

7. All applications for land use requests within the UGA, including but not limited to subdivisions, variances, conditional uses, zoning permits, minor partitions and amendments to the Comprehensive Plan, and Implementing Ordinances applicable to the UGA shall be made through the City's Planning Department.

8. The County adopts the City's application fee schedule for use within the UGA.

9. The County empowers the City to collect, for the City's use, the application fees for all land use requests within the UGA initiated through the City's Planning Department.

10. The City Planning Department will refer to the County Planning Department for review and comment all land use requests within the UGA for which a public hearing is required. Such notice shall be sent at least ten (10) days prior to the date of the first public hearing on each request. The City shall send the County the staff reports on such requests at least one week prior to the first public hearing.

11. If adequate time is available, the County Planning Commission will review and comment on each such UGA land use request notice, otherwise the County Planning Department will review and comment on the behalf of the County

Planning Commission, and will so notify them at the next Planning Commission meeting. The County will relay to the City comments on each such request by the date of the first public hearing or at said public hearing, even if the County response is "no comment".

12. The City Planning Department will refer back to the County prior to final action any such request in the UGA for which amendments by the applicant or City were made subsequent to the first or additional public hearings together with relevant new staff comments. The same ten-day notice period will apply.

13. The City Planning Department will notify the County Planning Department in writing of all Pendleton UGA Planning Commission actions and staff permit approvals within the UGA, including building permit approvals, within five (5) business days of such action or approval.

14. All subdivisions which are approved within the UGA by the Pendleton UGA Planning Commission shall be sent to the County Board of Commissioners for their signatures.

15. All City Planning Department staff permit approvals, administrative interpretations, or other actions made pursuant to this Agreement may be appealed to the UGA Planning Commission within fifteen (15) days of such actions or rulings. Such appeals shall be filed in writing with the City Planning Department and shall be accompanied by the appropriate filing fee. The UGA Planning Commission will hold a public hearing and act on the appeal within thirty (30) days of its filing unless a longer period of time is agreed upon by the Commission and the appellant in written form by the end of the thirty days. Failure of the UGA Planning Commission to hold a hearing within 30 days of the filing of the appeal, shall constitute a denial of the appeal, except where parties agree in writing for a longer period of time as provided above.

16. Appeals of Pendleton UGA Planning Commission decisions shall be made to the County Board of Commissioners within fifteen (15) days of the decision. Appeals pursuant to this Section shall be filed in writing with the County Board of Commissioners along with the applicable filing fee. The County Board of Commissioners will hold a de novo public hearing on the appeal within thirty (30) days of its filing. The City Planning Department shall provide staff support to the County Board of Commissioners and shall be responsible for processing such appeals. Within ten (10) days of filing such an appeal, copies of the record shall be transmitted to the County Board of Commissioners. The record shall include at least:

- a) The final UGA Planning Commission decision, including the findings and conclusions.
- b) All exhibits, maps, documents, or other written materials.
- c) All written testimony submitted in the course of the UGA Planning Commission's proceedings.
- d) The minutes of said proceedings as required by law.

All such appeals shall also be *referred* within ten (10) days of filing to the County Planning Commission and City Council for their review and comment, along with a copy of the record.

At least ten (10) days prior to the scheduled public hearing, the UGA Planning Commission will send a report and recommendation on each appeal to the County Board of Commissioners, County Planning Commission, and City Council. The County Board of Commissioners may remand, amend, rescind, or affirm the decision of the UGA Planning Commission. A decision not appealed within fifteen (15) days will be considered final. A decision of the UGA Planning Commission for which no hearing is held within thirty (30) days and for which no written extension has been entered into shall be considered final.

17. Amendments to the Comprehensive Plan, and Implementing Ordinances applicable to the UGA may be initiated by the City, the County or an affected person, by application through the City Planning Department. Application for such amendments shall be *referred* to the County within five (5) days of receipt and shall be processed by City ordinance amendment procedure. All such applications shall be reviewed first by the City Planning Commission and then by the City Council. If any proposed amendments are approved, by the City Planning Commission and City Council, they shall be referred to the County Planning Commission and Board of Commissioners for adoption as amendments to the County Comprehensive Plan and Land Development Code with respect to the UGA, following required public hearings. Unless the County adopts amendments approved by the City, such amendments may not be applied in the UGA.

18. Decisions of the County Board of Commissioners regarding appeals of Pendleton UGA Planning Commission decisions and amendments to the Comprehensive Plan, and Implementing Ordinances for the UGA may be appealed to the appropriate tribunal. The applicant for a land use request or amendment bears the burden of proof regarding the request or amendment and the responsibility of defending an appeal. The applicant affected by an appeal shall be required to notify the County in writing within five (5) days of receiving notice whether he desires to undertake his own defense or will withdraw the requested land use action or amendment. In the absence of such written communication, the County may either:

- a) Tender the defense to the applicant, or the City or
- b) Elect to defend its decision at County expense, should the issue be determined to be of county-wide significance.

The County Board of Commissioners and/or the City of Pendleton may elect to participate jointly or singly in all or a portion of the cost of defending such an appeal, if the issues *are* determined to be of county-wide or city-wide significance.

If any suit or action is instituted by the applicant in connection with any controversy arising out of this request, there shall be taxed and allowed to the City and/or County as a part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and upon appeal.

19. The City shall refer all annexation proposals submitted to the UGA to the County for review and comment at least ten (10) days prior to the first public hearing on the annexation. The City will allow additional County review

and comment changes to be made in the annexation proposal following initial or subsequent hearings.

20. The City may extend water, sewer <sup>^</sup>*nd* streets into the UGA after first attempting in good faith to:

- (1) annex the land into the city; or
- (2) acquire a recorded irrevocable consent to annex at some time "in the future from all affected property owners..

21. The City will provide notice to the County and allow the County a ten (10) day period within which to review and comment on any proposal to extend water, sewer and street services within the UGA.

22. Any adjacent County road rights-of-way will be included within the boundaries of all annexations.

23. The City will neither accept nor maintain any County road within an annexed area or elsewhere in the UGA unless and until it meets City Standards in effect at the time and is acceptable to the City's Public Works Department. The County will not relinquish control and responsibility for any such improved County road and will continue to maintain all existing County roads unless so approved by the County Board of Commissioners.

24. As a condition of annexation, the City will require the applicant to agree to improve to City Standards any included or impacted portions of County roads by;

- (1) irrevocable consent to participate in a Local Improvement District to improve to City Standards by all affected property owners;
- (2) improve to City Standards prior to any development on any of the said property.

25. Streets platted after the effective date of the agreement shall be designed and constructed to City Standards.

26. The City, through its Planning staff and City Attorney, shall have the authority to enforce all ordinances applicable within the Urban Growth Boundary, except that only the County may authorize suit in Circuit Court on its behalf upon the recommendation of the City Planning staff or City Attorney. Suits filed by „.the\_County-in. Circuit Court shall be at Couniv exDense.

### Any uRBANj^Nsjmmij^

It is agreed by and between the parties as follows:

1. Th^'County will adopt |jf ordinance as an amendment to the County Comprehensive Plan of the City's 1983 Comprehensive Plan with respect to the Urban Transition Area, including the plan map, urban transition area boundaries, and applicable policies.

2.) It is the intent of the County to take a need exception for the UTA, and to" designate and zone the exception areas as "rural residential. However, existing Exclusive Farm Use Zoning will remain in effect if so desired by the

individual property owner(s). Until such time as adequate exception documents have been adopted by the County, the land will retain its existing zoning.

3. The County will require that any subdivision or individual partition, shall be built to current County Standards and also be designed for redevelopment to City standards. City road and subdivision improvement standards. Road improvements, either immediate or future, will be required in accordance with the County's proposed Land Development Code. The County shall also require all property owners to consent in advance by recorded irrevocable consent to participate in local improvement districts or other funding mechanisms acceptable to the City to receive local subdivision or series of partitions or individual partitions to City Standards upon inclusion of the property inside the UGB or initiation of annexation.

4. The County will, utilize the City street plan for the UTA and will require construction of designated roads or will require designated rights-of-way as necessary, pursuant to the County's proposed or adopted Land Development Code. The County will require all property owners to record an irrevocable consent to participate in a local improvement district or appropriate funding mechanism acceptable to the City for future road development or improvement, as part of each subdivision partition, or series of partitions.

f). The County will provide notice to the City at least, ten (10) days prior to the first public hearing regarding a land use request within the UTA for which a public hearing is required.

6. The City Planning Commission shall review and comment on any subdivision or partition within the UTA.

7. The County will notify the City in writing of all County and Planning Commission or Hearings Officer actions and all staff permit approvals within the UTA within five (5) business days of such action or approval.

8. The County will retain full plan administration responsibilities within the UTA, utilizing the County's Comprehensive Plan and Implementing Ordinances.

9. Amendments to the UTA boundaries, plan map and plan policies shall be initiated, processed and acted upon in the same manner as for the UGA pursuant to Section V-17.

10. Zoning Map Amendments within the UTA shall be heard solely by the County Planning Commission, unless a corresponding Comprehensive Plan Amendment is also required, pursuant to Section VI-9.

#### VII. CITY'S SPHERE OF INFLUENCE

It is agreed by and between the parties as follows:

1. The County will send the City notice on land use requests and land use actions within the City's sphere of influence in the same manner as for the UTA pursuant to Sections III-1; and VI-1.

2. The County will coordinate with the City the development of new roads and road routings within the City's sphere of influence.

3. The City will review and comment on the development and future amendment of the County Comprehensive Plan and Implementing Ordinances for the City's sphere of influence area.

4. The County will adopt by ordinance as an amendment to the Land Development Code the boundaries and standards of the City's Airport Hazard Zone as mapped by the City with respect to the area outside the City's corporate limits.

#### VIII. COUNTY'S SPHERE..OF INFLUENCE

It is agreed by and between the parties as follows:

1. The City will send notices to the County on land use requests and land use actions within the County's sphere of influence in the same manner as for the UGA pursuant to Sections V-10 through V-13.

2. The City will require all applicants whose property fronts on a County road to obtain a necessary access permit from the County Road Department before creating or altering access to the county road in question.

3. The County will review and comment on the development of any future updates, revisions, or amendments to the City's Comprehensive Plan and implementing regulations with respect to the County's sphere of influence.

#### IX. GENERAL PROVISIONS

It is agreed by and between the parties as follows:

1. This Agreement represents the final and complete written agreement of the parties with respect to joint management of planning and land development activities within the Pendleton planning area, and replaces all existing oral or written agreement.

2. The provisions of the Joint Management Agreement *are* severable. If an article, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Agreement.

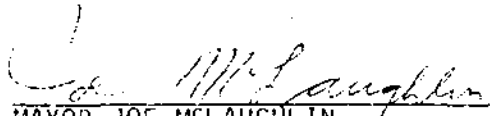
3. If the City Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance, as applied to the UGA, UTA, and County sphere of influence, or the County Comprehensive Plan and Land Development Code, as applied to the UTA *and* City sphere of influence fail to comply with Oregon Revised Statutes, the non-conforming document will be amended as necessary as soon as practicable, after the expiration of all appeal periods.

4/. This Agreement may be amended only by mutual agreement by the City Council and County Ro-'rd of Commissioners after recommendations have been received from both the City and County Planning Commissions.

5. In the event the City disagrees with County action within the land use *area* of this Agreement, the City has standing to appeal the decision to the



APPROVED on behalf of the CITY OF PENDLETON this 1 day of April 1983

  
MAYOR JOE MCLAUGHLIN

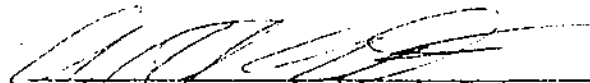
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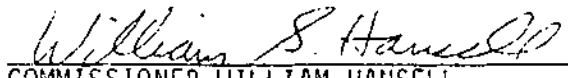
  
DUANE R. COLE, CITY RECORDER

APPROVED on behalf of UMATILLA COUNTY this 1 day of April 1983

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
CHAIRMAN ROBERT TEN EYCK


  
VICE-CHAIRMAN A. L. "BUD" DRAPER

  
COMMISSIONER WILLIAM HANSELL

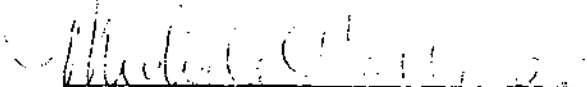
ATTEST:

  
J. DEAN FOUQUETTE, SR., COUNTY RECORDER

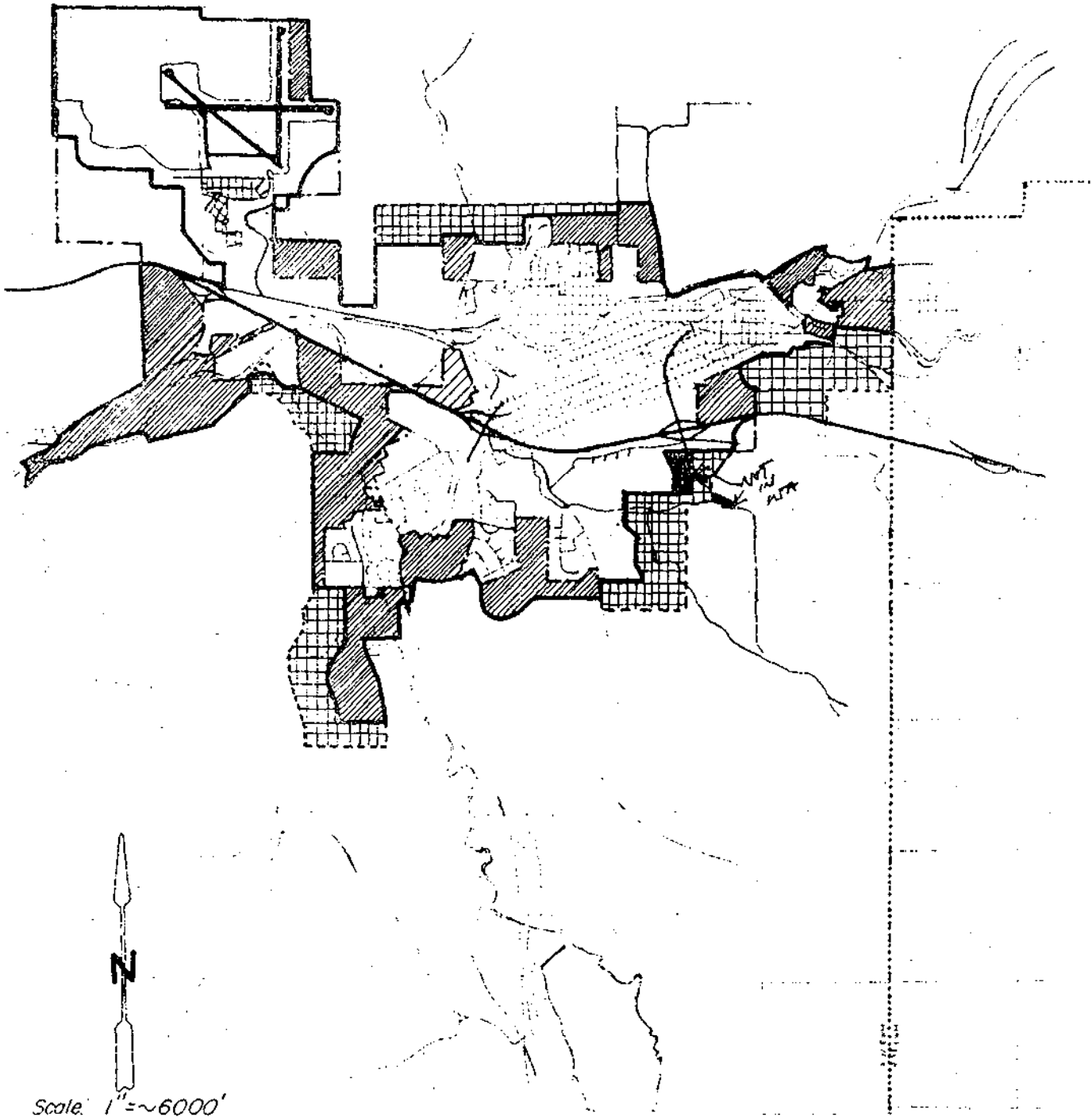
APPROVED AS TO FORM:

  
RUDY M. MURGO, CITY ATTORNEY

APPROVED AS TO FORM:


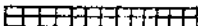




  
MICHELLE HALLMAN, COUNTY COUNSEL

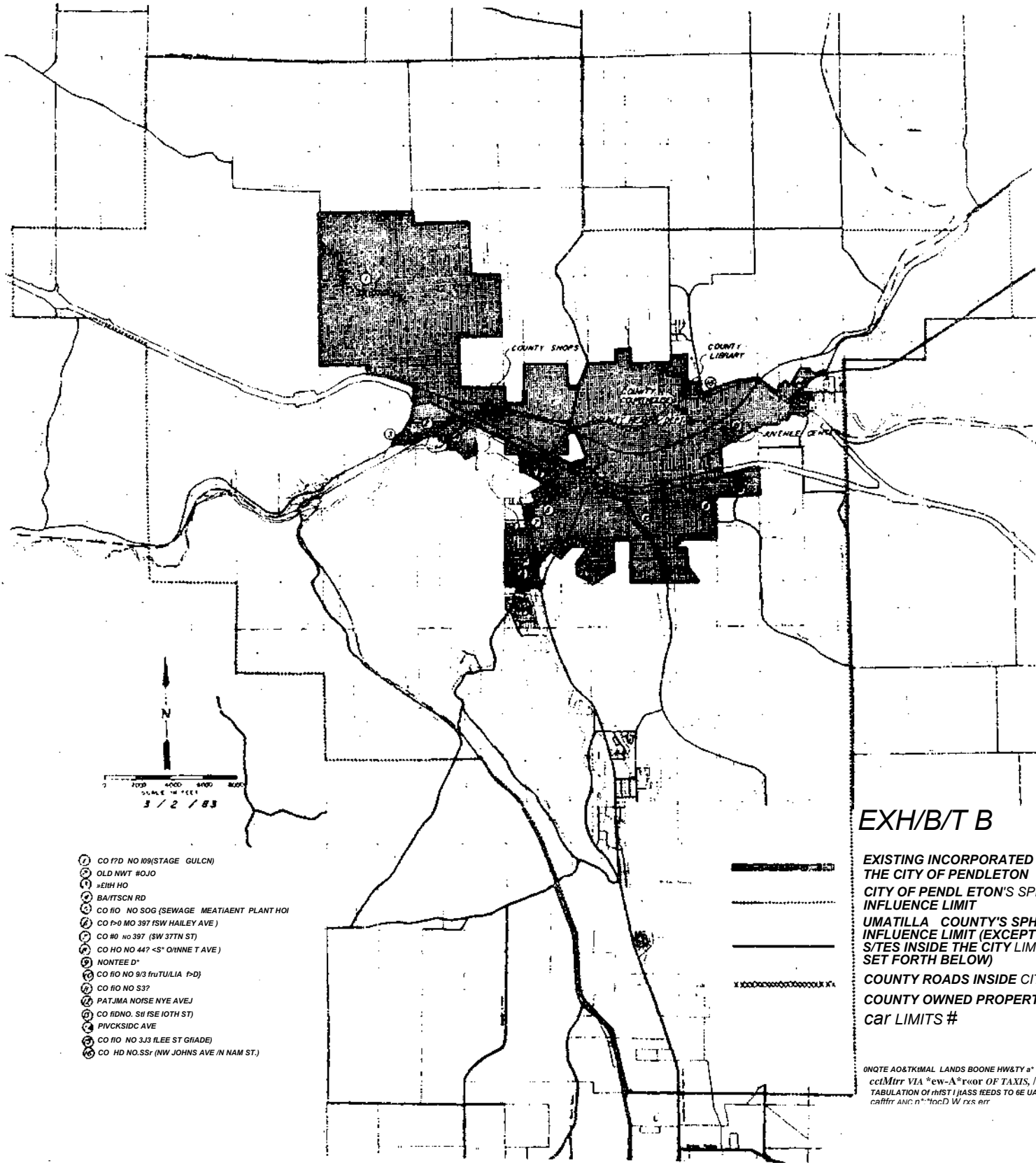




Scale: 1" = ~6000'  
3/2/83

## EXHIBIT A

- |   |  |
|---|--|
|  | <p>AREA OUTSIDE THE EXISTING CITY LIMITS<br/>AND INSIDE THE CITY'S UP BAN GROWTH BOUNDARY</p>            |
|  | <p>AREA OUTSIDE THE CITY'S URBAN GROWTH BOUNDARY AND<br/>INSIDE THE DESIGNATED URBAN TRANSITION AREA</p> |
|  | <p>URBAN GROWTH BOUNDARY</p>   |
|  | <p>URBAN TRANSITION AREA BOUNDARY</p>  |
|  | <p>CITY LIMIT BOUNDARY</p>   |
|  | <p>UMATILLA INDIAN RESERVATION BOUNDARY</p>  |



3 / 2 / 83

- ① CO PD NO 109 (STAGE GULCH)
- ② OLD NWT #0JO
- ③ EIH HO
- ④ BAITSCN RD
- ⑤ CO HO NO SOG (SEWAGE MEATIAENT PLANT HOI)
- ⑥ CO PD NO 397 (SW HAILEY AVE)
- ⑦ CO HO NO 397 (SW 37TH ST)
- ⑧ CO HO NO 44? (S OINNE T AVE)
- ⑨ NONTEE D\*
- ⑩ CO HO NO 9/3 (TULIA PD)
- ⑪ CO HO NO S3?
- ⑫ PATJMA NOISE NYE AVEJ
- ⑬ CO HD NO. S4 (SE 10TH ST)
- ⑭ PIVCKSIDC AVE
- ⑮ CO HO NO 3J3 (LEE ST GRADE)
- ⑯ CO HD NO. S5r (NW JOHNS AVE / N NAM ST.)

**EXH/B/T B**

EXISTING INCORPORATED LIMITS C.  
 THE CITY OF PENDLETON  
 CITY OF PENDLETON'S SPHERE OF  
 INFLUENCE LIMIT  
 UMATILLA COUNTY'S SPHERE OF  
 INFLUENCE LIMIT (EXCEPT FOR  
 SITES INSIDE THE CITY LIMITS A ?  
 SET FORTH BELOW)  
 COUNTY ROADS INSIDE CITY LIMIT  
 COUNTY OWNED PROPERTY INSIDE  
 CITY LIMITS #

NOTE: AOSTKIMAL LANDS BOONE HWY & ...  
 cclMtrr VIA ...  
 TABULATION OF ...  
 callfr ...

ORDINANCE # 83-02

UMATILLA COUNTY

STATE OF OREGON

AN ORDINANCE CO-ADOPTING THE CITY OF PENDLETON'S COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION ORDINANCES FOR APPLICATION WITHIN THE PENDLETON URBAN GROWTH AREA, AND THEREBY AMENDING THE FOLLOWING ORDINANCES:

UMATILLA COUNTY COMPREHENSIVE PLAN OF 2 APRIL 1972, as amended;  
UMATILLA COUNTY ZONING ORDINANCE OF 19 JULY 1972, as amended;  
UMATILLA COUNTY SUBDIVISION ORDINANCE OF FEBRUARY 1970, as amended.

WHEREAS, on 20 July 1977, the Umatilla County Board of Commissioners adopted by resolution procedures and standards for County review of City Comprehensive Plans, in fulfillment of the County's mandated coordination responsibilities pursuant to ORS 197.190 and 197.255, and

WHEREAS, pursuant to said resolution, the City of Pendleton Draft Comprehensive Plan was formally reviewed by the Umatilla County Planning Commission on 12 August 1982, and by the Umatilla County Board of Commissioners on 18 August 1982, and

WHEREAS, a subcommittee of the Planning Commission, working with Mike Hyde, the City's senior planner, and Steve Randolph, the County's planning coordinator, reviewed the Draft Plan, discussed issues of mutual concern, and prepared a report recommending certain policies and considerations, which was accepted by the Planning Commission and Board of Commissioners and was relayed to the City as official County comment, and

WHEREAS, the City revised their Draft Comprehensive Plan during the fall of 1982, incorporating many changes suggested by citizens, other agencies, and the County, and

WHEREAS, in mid-January the City released their Final Draft Comprehensive Plan for public review, held hearings on the Plan, made some further revisions, and formally adopted the Final Plan on 27 January 1983, and

WHEREAS, on Friday, 21 January 1983, the City mailed notices of the proposed City hearings as well as County co-adoption hearings to all owners of property within the proposed Urban Growth Area and Urban Transition Area and within 250 feet of the outer boundaries of this area, and

WHEREAS, on Wednesday, 16 February 1983, the City and County staffs reached agreement on the text of the Pendleton Planning Area Joint Management Agreement, and

WHEREAS, on Thursday, 17 February 1983, the Umatilla County Planning Commission conducted their public hearing on the new Pendleton Comprehensive Plan, and following reports by Mr. Randolph and Edd Rhodes, the City's planning director, recommended to the Board of Commissioners that the City's Plan be co-adopted and the Joint Management Agreement be approved; and

WHEREAS, the Umatilla County Board of Commissioner's scheduled co-adoption public hearing on Wednesday, 2 March 1983, was advertised in the East Oregonian on Saturday, 19 February 1983, and

WHEREAS, the Pendleton City Council approved and signed the Pendleton Planning Area Joint Management Agreement on 1 March 1983, and

WHEREAS, the Board of Commissioners held the public hearing as scheduled on 2 March 1983, and after receiving reports from Mr. Randolph and Mr. Rhodes, and after receiving no substantial public opposition, accepted the recommendations of the Planning Commission and made the following findings:

1. The City's Comprehensive Plan is in substantial compliance with Oregon's Statewide Planning Goals.
2. The City's adopted Urban Growth Boundary is justifiable, but the City needs to present a more complete explanation and analysis of the Urban Growth Boundary to Land Conservation and Development Commission.
3. The issues of mutual City and County concern and the County's official comments of 18 August 1982 have been favorably addressed in the Comprehensive Plan and Joint Management Agreement.
4. The City Planning Commission and staff is well qualified to take over planning administration responsibilities within the Urban Growth Area.
5. The County supports the concept of the Urban Transition Area and intends to take a "needs exception" to Statewide Planning Goal #3, Agricultural Lands, to designate the Urban Transition Area for interim residential development.
6. There is a definite need to submit Pendleton's Plan to Land Conservation and Development Commission as soon as possible.

WHEREAS, the Board of Commissioners therefore approved the Pendleton Planning Area Joint Management Agreement following the hearing and signed it as Resolution # \_\_\_\_\_, effective at 5 p.m., 2 March 1983,

NOW THEREFORE,

in fulfillment of the Pendleton Planning Area Joint Management Agreement (Resolution # \_\_\_\_\_), the Umatilla County Board of Commissioners hereby ordains that the Pendleton Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are co-adopted by Umatilla County and are amended into the following County ordinances, for application only within the Pendleton Urban Growth Area:

1. Umatilla County Comprehensive Plan of 2 April 1972, as amended;
2. Umatilla County Zoning Ordinance of 19 July 1972, as amended;
3. Umatilla County Subdivision Ordinance of February 1970, as amended;

excepting as follows:

4. Section 156 B (appeals) of the Pendleton Zoning Ordinance;
5. Section 54 B (appeals), Article V (creation of public streets) and Article IX (vacation of a street or plat) of the Pendleton Subdivision Ordinance;

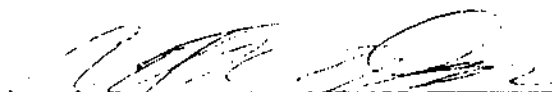
6. Rezoning of properties from F-1, Exclusive Farm Use, to the appropriate City zone, as requested in writing by the property owner(s)

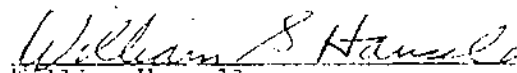
The Umatilla County Board of Commissioners does hereby declare that an emergency exists, and that this Ordinance is effective at 5 p.m. the day it is signed.

APPROVED this 2ND day of MARCH, 1983.

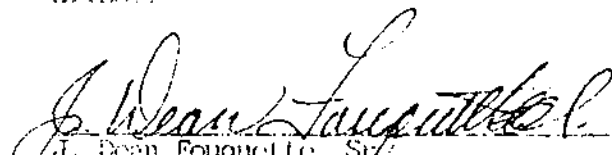
Umatilla County Board of Commissioners:

  
Robert E. Tom Eyck, Chairman

  
A. L. "Bud" Draper, Vice-Chairman

  
William Hansell

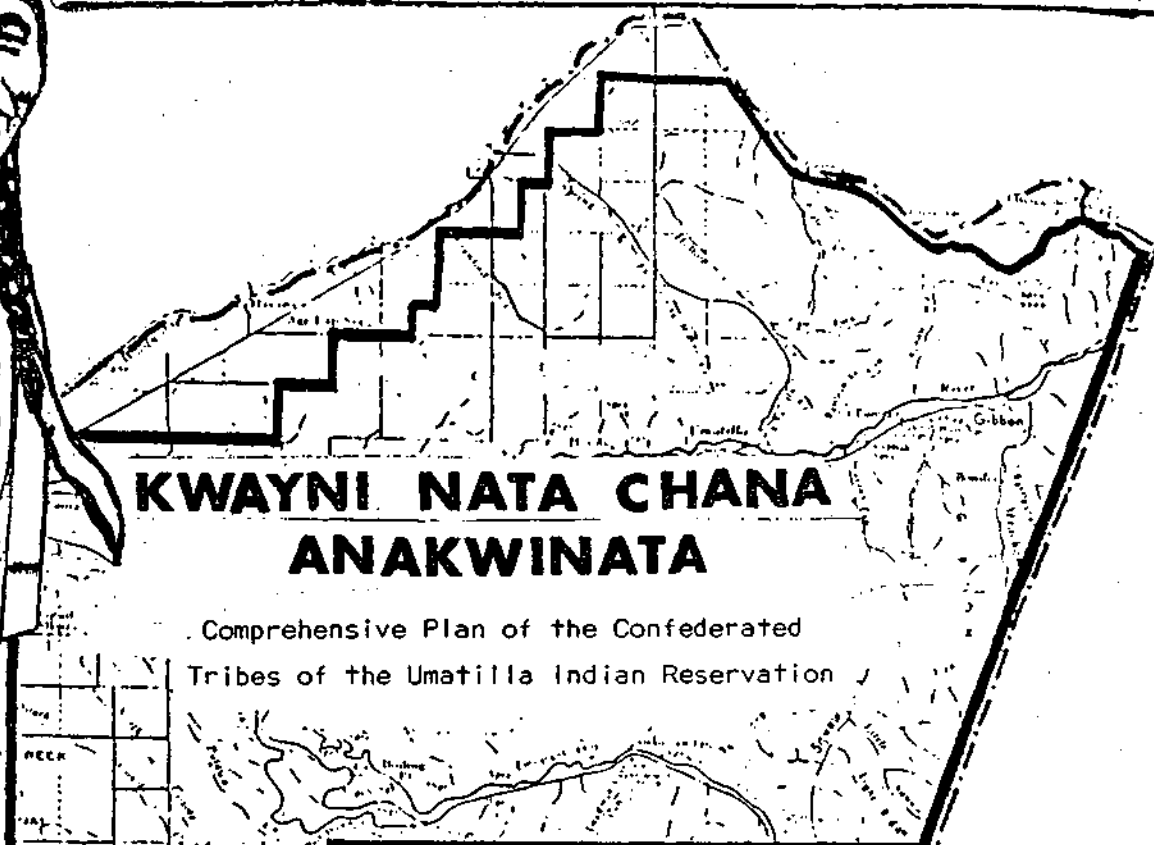
ATTEST:

  
J. Dean Fouquette, Sr.  
Umatilla County Recorder

Note: Copies of the Joint Management Agreement, Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are on file at the Umatilla County Planning Department, Umatilla County Clerk's Office and Pendleton City Hall.

Z

CONFEDERATED TRIBES  
OF THE UMATILLA INDIAN RESERVATION IN OREGON



**KWAYNI NATA CHANA  
ANAKWINATA**

Comprehensive Plan of the Confederated  
Tribes of the Umatilla Indian Reservation



PREPARED BY THE TRIBAL DEVELOPMENT OFFICE

## A HISTORY OF THE SITUATION

### Introduction

History is often disregarded in today's fast-moving, technological society. But for the remaining Indian Tribes in the United States history is a reality and still greatly affects the lives of the people on the reservations. The treaty and subsequent acts of Congress in the middle 1800's have all impacted Indian economics, politics, social structure, and the individual lives of the Indians themselves.

The Confederated Tribes of the Umatilla Indian Reservation entered into the Treaty of 1855 near Walla Walla, Washington on June 9, 1855. The Treaty was subsequently ratified by Congress on March 8, 1859.

The three Tribes, Cayuse, Walla Walla, and Umatilla were a part of the larger culture of Shahaptian speaking people of South eastern Washington, Northeast Oregon, and Western Idaho. These people have maintained the cultural and social traditions on the Umatilla and Warm Springs Reservations of Oregon, the Nez Perce Tribe of Idaho and the Yakima and Colville Reservations of Washington. All of these tribes are related to one another by blood and marriage, linguistics, traditions, history, and religion.

The three tribes of the Umatilla were very influential within the region in economics and politics of the Shahaptian culture due to their geographical setting which was between the Pacific Coast and Great Plains trade networks. The horse was believed to have come to the Shahaptian people via the Cayuse who attained the horse through the Shoshoneans in the early 1700's through visions of one of the tribesmen. By the time the Lewis and Clark Expedition had contacted the tribes in 1806, the Cayuse, Walla Walla, and Umatilla were firmly entrenched within their region as a sovereign/military and political forces providing wealth and security for their people.



## THE DISCIPLINES



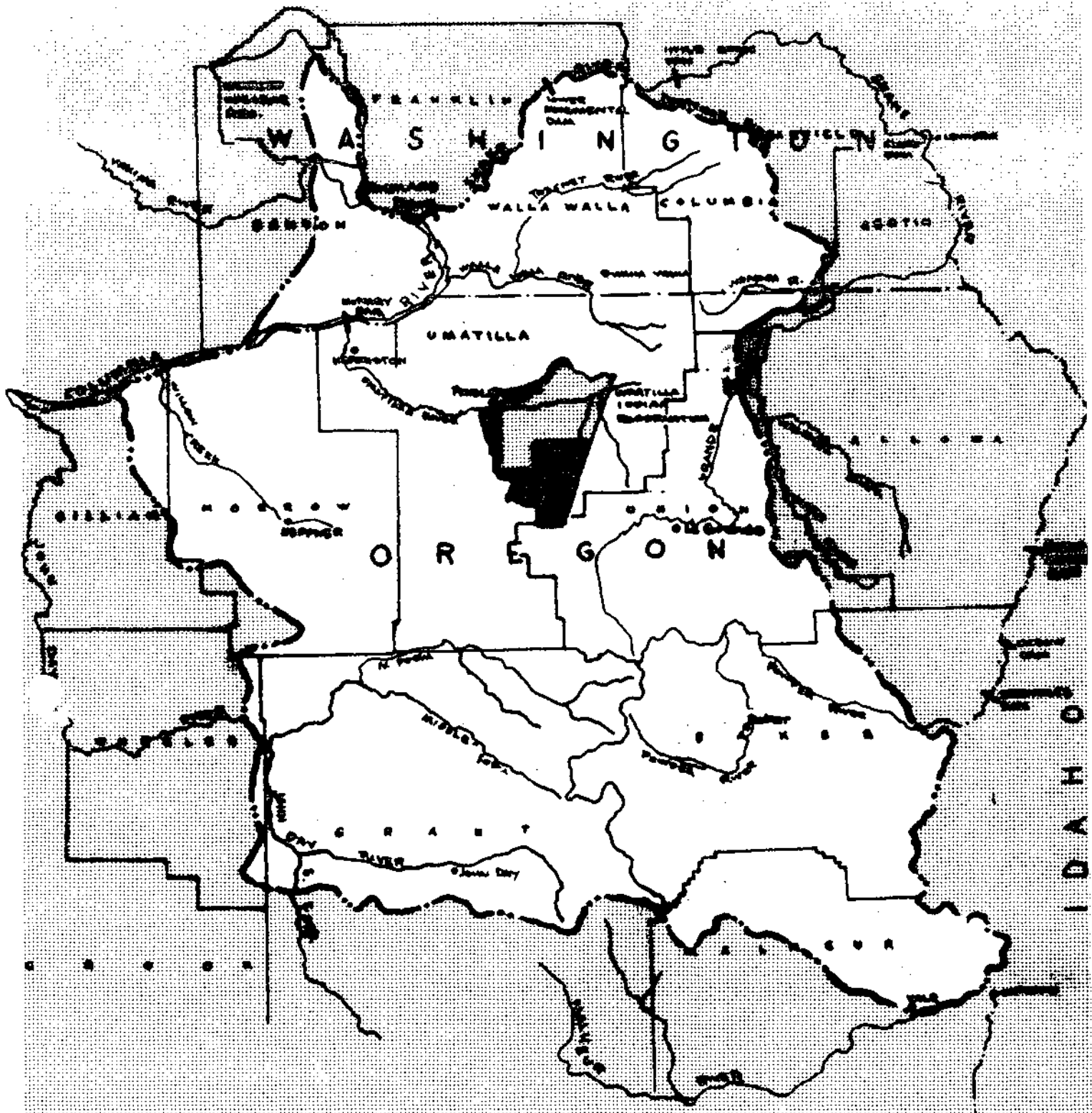
The people maintained their power and sovereignty through individual and group discipline. The disciplines were social, physical, and spiritual training of a person from birth to death. The roles of every person was common knowledge and these roles were strictly adhered to in order to maintain dominance over groups considered to be inferior, especially over slaves within the bands.

Social discipline, responsibilities and roles of men, women, children and elders were maintained through a sense of awareness of who one was. Extended family relationships were known by all as well as where one's people were from, their number, character, and dependability in certain situation<sup>1</sup>-. The language was most crucial in this regard. It was the base for all training of the band and vehicle for disseminating traditions, history, and culture of the people. As an example there is no word in the dialects which corresponds to "Cousin."

The relations were either brother or sister, grandmother or grandfather, mother or father. The individual therefore, had strength and power of his extended family to depend on in times of crisis, counsel of headmen and chiefs, advice and wisdom of the elders, and military prowess of one's brothers.

Physical and spiritual discipline went hand in hand. Children and adults were expected to be physically fit and able to withstand pain and hardship of the elements. In the spiritual sense there were visions, dreams, spirit beings were all about the country and if these supernatural powers determined that a person was worthy and willing to do good for the people, then the spirit or "Weyer-a-Kin" would enter the person's body to guide and help the people. However, if the person was not worthy the opposite could happen with disastrous affects on the people. Stories abound where men and women have been known to chaifge the weather, or to make prophesies, and predict hardship or good times through dreams. The supernatural and spirits could be seen, heard, and felt through the strongest members of the band. Thus, the Indian world view was complete and all of creation was as one in the eyes of the people.





**CEDED LANDS BY THE TREATY OF 1855**

Indian Claims Commission - Docket No. 264

Cayuse, Umatilla and Walla Walla Tribes

## THE ECONOMY AND WARFARE

### *The Economy and Warfare.*

The horse was the key to expansion of the Shahaptian culture. Mobility of the horse brought the people into contact with other Indian cultures in Montana, Canada, California, Nevada, and the Pacific Northwest. The region was rich with food, materials for shelter, water, fish, game, and food and medicinal herbs. The geographic setting placed the people in the prime situation of being the middlemen of the trade between the Great Plains and rich Pacific Coast cultures. The people were in essence the wholesalers and retailers between the two cultures.

Because of the wealth of the people, it became necessary for the people of the Tribes to develop and maintain strong military traditions to defend it's people, resources, and territory from numerous enemies to the South and East. The majority of warfare was carried on with the Shoshonean speaking people, who were themselves powerful and numerous. These people constantly raided the Shahaptians for women, children, horses, and property. In retaliation, the Tribes also raided the Shoshoneans for the same purposes. The Cayuse absorbed the majority of the onslaughts since their territory was the first to be penetrated from the East and SouthEast. Historians often relate that the Cayuse were the "Fiercest of Warriors" on the Columbia Plateau. Warfare was also carried on for the glorification of tribal warriors as well as for the economic benefits of accumulated property, slaves, and horses.



## TRIBAL AFFAIRS

### Tribal Affairs

Most of the headmen and chiefs were well trained in the disciplines and this was known by their followers as well as by the rest of the Shahaptian Nations. The leaders were well trained in oration, delivering powerful presentations. They were decisive when they believed that a consensus among thejLr followers had been arrived at. If there was no consensus powerful orations between the headmen and chiefs might soon swing the people on issues or problems of the day.

On the other hand, if an individual disagreed with the decision of the band, he did not nor was he forced to comply with the decision. Many of the Tribes' men were known to have fought in most of the great wars of the Northwest with other tribes. That is, they, being warriors felt obliged to fight for their hosts. Many of these warriors may have left their home village for one reason or another. One of those reasons may have been disagreement with his home village. Overall decisions of the tribe were arrived at by consensus of the people. Individuals who disagreed were allowed that right. Headmen and chiefs regulated trade, warfare, and discipline within his band. These values and attitudes were a decisive factor during initial contacts with the immigrants. In fact, they are a key even today, old values still exist or have been modified by each and every Indian individual.



## THE EXTERNAL FORCES

Initial contacts with the Anglo/Saxons were strictly economic in nature. The Indian Nations viewed the goods and supplies as a welcome addition to their already thriving economy. As a result of trading activity, Fort Nez Perce (later named Fort Walla Walla, 1835), was established in 1830 by the Northwest Fur Company at the confluence of the Walla Walla and Columbia River. However, the Indians wanted to limit the whites to trade only. There were disagreements with trappers and traders within the country. Indian regulation of trade was enforced by the headmen and chiefs. The Northwest Fur employees eventually abided by the rules set down by the Indians simply because of the control the Indians exerted over their neighbors and for locational and business purposes. As an example, the Cayuse would not allow the Fur Company to trade with their enemies to the South unless the company guaranteed them that they would not sell guns to the Shoshoneans, while they, themselves purchased the same. Tarriffs were levied against the Trading Post for incoming and outgoing goods by the leaders of the bands whose forts occupied their lands. When Fort Walla Walla burned in 1843, the warriors went to guard against looters.

The currency of the day in Oregon territory was the beaver pelt and horse in trade with non-Indians. The Tribes in return needed the trading posts for the continuation of their own affluence and influence within the region. However, by the mid 1840\*8 the economics of trading pelts began to decline and with decline the Tribes began to lose more and more of the wealth they had attained. Traders at Fort Walla Walla began to favor trade with bands they felt the most dependable and in so doing recognized certain chiefs and headmen as speakers for the rest of the nations. Soon the Tribes were venturing to far off posts in California to trade for weapons and other goods from other fur companies.





Contacts with the trading posts had initially introduced the Indian Nations to concepts of Christianity. This was done through British Protestants and French-Canadian trappers who were for the most part Catholic. The trappers were much impressed by the Native Religion in the area and found it to be compatible with Christianity.

Protestant Missionaries had been in contact with Indians and some of the headmen in the region. Specifically the American Board of Foreign Missions in 1835, promised to locate Missions in Cayuse and Nez Perce territories. Knowing that the Indians were business minded, compensation for land in the Walla Walla Valley was guaranteed as well as farming implements and teachers.

The Indians viewed the proposed mission as a new path to gaining knowledge of the whitemen's systems, satisfaction of learning about Christianity and of course the receiving of new spirit powers, guns, ammunition and increased trade. . The Reverend Whitman and Spalding arrived in 1836. Spalding was assigned to the Nez Perce while Whitman went to the Cayuse.

In 1838, two priests, Father Blanchet and Demers of the Diocese of Quebec arrived at Fort Walla Walla to estimate the possibilities of beginning a Catholic Mission in the territory. The following year Father Demers returned to Fort Walla Walla to administer the faith to the French-Canadians and Indian populations. St. Anne's Mission on the Umatilla River was established in 1847.

The Protestants and Catholics soon began vying for as many converts as possible accusing each other of leading their followers to hell. By the early 1840's the people began to recognize the differences in value and attitudes of the Missionaries. While working was glorified by the whites, the Indians believed work to be fit for women and slaves. As an example the Indians wondered why Whitman was always trying to "Make the work for his wife easier." Why did he always take her on trips rather than leaving her at home? Why did Whitman have an Indian house on the Mission and why were they never invited into his house? Most important of all, was the payment for land and resources which Whitman refused to pay.

By 1840, heavy immigrations of settlers were moving over the peoples' territory from present day Weiser, Idaho to Arlington, Oregon. Estimates from 1842 to 1849 indicate 12,287 immigrants moved through tribal home lands.

Indians views of the immigration were mixed. The tribesmen viewed the immigrants as poor people moving through the country. Their horses and cattle were as exhausted as the immigrants themselves. The immigrants were often dirty and hungry. Both races, for the most part, viewed each other as inferior people.

The Indians had obtained seed from the Whitman Mission to raise their own crops. One to four acre plots were fenced for the purposes of raising wheat, potatoes, barley and other foods. Those foods along with horses were traded to the immigrants as they entered the territory for goods, supplies, weapons, and ammunition.

Many of the immigrants broke off from the main body of settlers to rest and recuperate at the Whitman Mission. This greatly disturbed the people for they had increasing conflicts with Whitman and did not approve of the immigrants stopping off in their country.

In 1847, Whitman and his followers were killed by the Walla Walla Valley band of Cayuse along with some of their Walla Walla, Umatilla, and Nez Perce allies. The reasons are many and varied but include; non-payment for property taken by the Mission, increasing immigrations, fear of Whitman himself whom the Indians felt was poisoning them, and by constant outbreaks of diseases which had reduced the tribes by half.

Women and children were taken from the Mission as slaves. Whitman being a doctor was killed for presumably poisoning "his Indian children" while non-Indians recovered from their diseases. Whitman's wealth was on the increase due to trade with the immigrants and was thus a competitor. Also little known to the non-Indian was the practice of killing medicine men for failure to cure. These values and attitudes set the stage for the so-called Cayuse War of 1847-1850.

Actually, the War consisted of minor skirmishes with Cayuse led war parties against the territorial militia. The war parties were represented by most interior tribesmen who felt compelled to turn the immigrations back. Most headmen and chiefs of the Shoshone people condemned the killing of Whitman including major bands of the Cayuse. A few bands of Tenino, Palouse, Nez Perce, Walla Walla and Umatillas' sided with the Walla Walla Valley band of Cayuses. Hostile Indians tried to persuade other tribes to enter into the conflict but the majority of them refused.

The war ended when five Cayuses, who felt their actions were justified, were convicted of killing Whitman and were hanged in Oregon City in 1850. All throughout the war the non-hostile Indians remained apprehensive of increased troop movements through their country and suffered depredations from the Oregon militia. In short the Cayuse War had settled nothing.

## THE TREATY 1850-1859

As immigrations began to increase, the Shahaptian peoples began to hear rumors that government representatives were plotting to steal the homelands. The Donation Land Act of 1850 and territorial approval of settlers in the Shahaptian lands without regard to the Tribal consent made for a pressure-packed situation. Indians knew of the intentions of the Americans and favored the British representatives of the Hudson's Bay Company, who constantly spread rumors about the Americans.

The American government was encouraging its citizens to move to the Oregon Territory without first extinguishing claims the Indians had to their lands and by depriving the Indians of their usual and accustomed means of livelihood.

In 1851 the Tribes invited the Americans to build an Agency called "Uvilla" near present day Echo, Oregon. However, they became disappointed in the first Superintendent since he engaged in illegal trading activities with whiskey-peddling and horse thievery with other unscrupulous whites.

By 1852 the Tribes were planning to rid themselves of the intruders once again. These plans were agreed upon by Kamiakin of the more numerous Yakimas as well as most of the Interior Tribes who had heard the rumors to displace them. Word was sent out by runners contacting tribes in Northern California, Shoshone and Bannocks in Southern Idaho, and Flatheads of Montana. The Yakimas sent runners as far west as the lands of the Nisquallies of the Puget Sound.

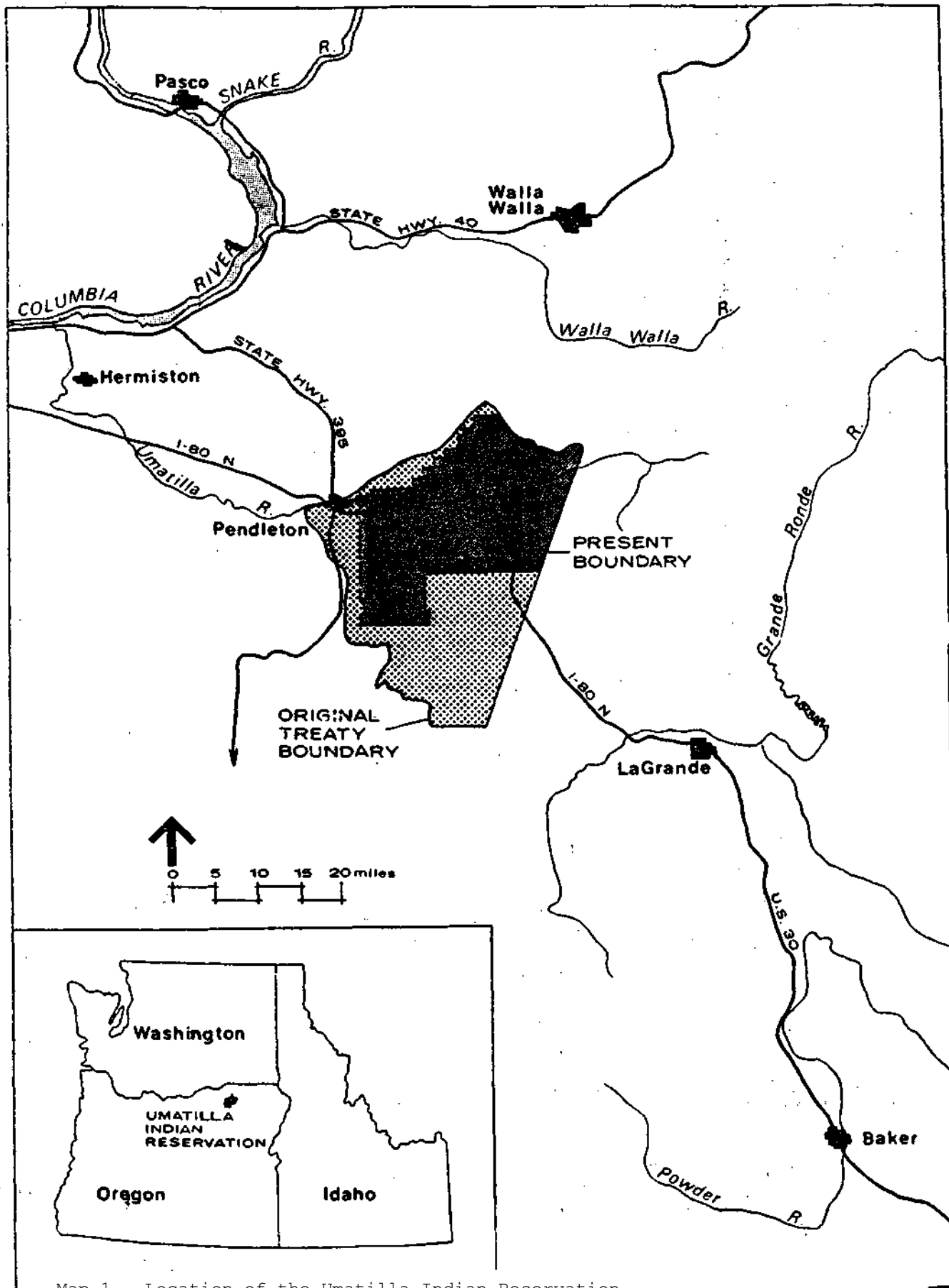
By 1854, Governor Palmer of Oregon had convinced the Indian Department that no further settlements were to be established east of the Cascades until the Indians there could be moved to Reservations by Treaty.

Many of the Shahaptians were at the Treaty Council in 1855. However, most of the Indians of the region were not. Most were attending to their summer business in the mountains or in Buffalo country. Those present, were to sign the Treaty but reluctantly so. Some of the headmen signed with the idea of giving them more time to prepare to war. Those not present at the treaty did not feel bound by the treaty signing and this would cause much conflict in the future. In the fall of 1855 hostilities broke out with the Yakimas under Kamiakin and Owhi with a company of militia from the Dalles who were soundly defeated at Toppenish Creek.

Yakima runners informed the Tribesmen of the Eastern Plateau and Peo Peo Mox Mox of the Walla Walla promptly gathered his warriors, Cayuses, Umatillas, Teninos' and Palouses to fight in the Walla Walla Valley. There they intended to kill Governor Stevens on his return from treaty negotiations with the Blackfeet. Battles were fought in the Yakima Valley, the Walla Walla Valley, and carried on to the Dalles where the Tenino raided and harassed troops.

Friendly Indians of the region were constantly harassed and mistreated by the Oregon militia. Governor Stevens and Palmer were forced to ask the United States Government to assist since they feared that the friendly Indians would soon join with the hostiles. By 1856 many Nez Perce headmen were nearly ready to join the war against the whites having heard and witnessed a massacre of friendly Cayuse men, women and children in the Grande Ronde Valley.

By 1858 the materially superior forces of the Americans had prevailed and most of the warring tribes were at peace. Because of the prolonged war the Indians were impoverished and greatly reduced in number. To make matters worse the Shoshoneans began to take advantage of the war-weakened Shahaptians of the region by constantly raiding for slaves and stock.



Map 1. Location of the Umatilla Indian Reservation.

SOURCE: CH.M-Hill, p. 23.



Goin<>, to the  
Reservation

On March 8, 1859, the Congress ratified the Treaty of June 9, 1855. G.H. Abbot was given orders by the Indian Department and forced by the settlers under threat of hanging Indians, to move the Cayuses, Umatillas and Walla Wallas to their Reservation. By this time many settlers had moved into the Walla Walla Valley and there were constant conflicts between the two peoples.

Small bands of the Confederated Tribes, who were not present at the Treaty Council, refused to move to the Umatilla Reservation. Some wished to remain in their ancestral home lands of the Grande Ronde and Walla Walla Valleys. Still more traveled to the White Bluffs of Washington to be near the Prophet Smohalla. Smohalla of the Wanapums had many followers in the Shahaptian Nation who believed that through his religion there would be a return to the good days. Consequently, all of the Indians who refused to go onto the Reservations were branded as renegades by the whites and especially, Smohalla.

As for the Indians on the Reservation, there were problems with ever increasing immigration both east and west. Whiskey peddling, horse stealing and other deprivations by the outsiders were beginning to cause the Superintendent of the Umatilla Agency many headaches. When whiskey peddlers were caught on the Reservation and brought to court it was found that there were no clauses under U.S. law to punish offenders. This decision only served to increase the whiskey traffic.

However, there was a brighter side to the Reservation's scene. Many of the people were raising gardens along the Umatilla in one to five acre lots, trade continued with the non-Indians. As usual the people had many horses which was still the heart of their economy.

Leadership on the Reservation was constantly challenged by the agents assigned in the early 1860's. The agents were charged with educating and civilizing the Indians. Conflicts arose when the agents did not use the Chiefs and Headmen or when the agent directly supervised the People without their consent. Some of the elders have stated that this was done purposely, since the Treaty called for annual payments to the Chiefs of the Tribes and that the government representative did not want to pay up. In fact, very little of supplies, money, and other materials arrived at the Reservation. It is believed, that most goods and supplies never did get to the Reservation.

Public meetings were held in La Grande, Pendleton, and Walla Walla by the late 1860's, to remove the Indians from the Umatilla Reservation. The settlers had discovered that Indian lands were capable of producing wheat. Roads and Trails were utilized by the whites to constantly encroach on reservation lands. The settlers were in hopes of pushing the people into another war, the objective being, to extinguish the Reservation.

By the early 1870's the Umatilla Reservation headmen and chiefs were nearly ready to move to the Wallowa Valley with Young Joseph. The Wallowa Nez Perces were being pressured to move to the Idaho Reservation. Joseph and the Umatilla headmen felt that if the government could arrange the ceding of the Reservation to the government then they could move to the more remote Wallowa Valley. These hopes were not to be, however, as the Wallawas were forced into war by 1877.

Civilizing  
The Indians

By the 1870's many government and non-government policies had been developed to subdue and eradicate the power of Indian Nations. Policies had their beginnings in the European setting and were transferred to dealings with the Indians through neo-colonial policy of Britain, France, Spain and the newly established American governments.

Treaties were entered into for the purpose of physically controlling the Nations and for extinguishing the claims of Indians for their territory.

The Federal Government forced Indians into the reservation whereby the ceded

Indian territories (Public Domain) were auctioned at Public sale usually to land speculators and the railroads.

Indian Agents on the reservations were ordered to "educate and civilize" the Indians, which meant missionaries, schools, farming, and the allotment of lands. By 1890, Indian Treaty Lands in the United States had been reduced by half. The Umatilla Reservation, through the Allotment or Dawes Act of 1887, was reduced from 245,699 acres to 158,000 acres. More importantly was the fact that many "forced" fee patents were issued to the individuals who were described as being "'competent" by the agent and his "committee from town." Much of the 87,699 acres taken away from the original Reservation was bought by speculators and the timber or sheep industries. Land within the "diminished boundaries" were often purchased or swindled from the Indians Holding fee patents.

Civilizing the Tribesmen was carried out through the missionaries and government teachers who basically told their followers that their ways of the Dreamer Faith were heathenous and inferior. Social discipline of the Tribes fell apart by the way of whiskey and decisions of the Indian Agents over that of the headmen and Chiefs.

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Four decades after establishment of the Reservation a number of Congressional Acts were passes. The Acts for the most part were land based, punitive actions on the part of Congress to correct the failing Allotment Act of 1887. In the private world of the Indians, the acts were viewed as further attempts by the whites to break reservation Lands up and invite further incursions by non-Indians.

In 1891, the Leasing Act and subsequent amendments were Implemented on the Umatilla. The passage of the Lease Act promptly placed the non-Indians in a situation whereby they could approach Indians on a one to one basis for control of Indian resources. Once firmly entrenched it became difficult for the Indians, and sometiaes the Indian Agent, to remove or cancel leases.

As a result of the allotment or Dawes Act of 1887, Congress passed an Act on July 1, 1902 for the sale of 70,000 acres of timber and range land not allotted. (Surplus Treaty Boundary Lands)

The Burke Act of May, 1906 authorized the Secretary of Interior to issue fee patents to Indians deemed "competent." This too, expanded the market for sale of Indian lands.

Heirship Acts from 1902 to 1916 further .authorized the Secretary to sell lands of Indians deemed competent or incompetent. Money received was held for a 25 year period.

Transactions with Public and Semi-Public agencies were conducted during the early 1900's. Many of these transactions were based upon Article 10 of the 1855 Treaty which specified creation of roads, easements, and rights of way for "public projects" always required more and more land, their complaints usually fell on the agent who was powerless to stop the actions of the Federal, State, City and County governments. The people often referred to Governor Steven's claim at the Treaty Council that the Oregon Trail was to be re-routed to the south of the Reservation.

The Restoration Act of 1939 returned 14,140 acres of land to the Confederated Tribes. The 14,000 acres was returned to trust status through a series of Congressional actions aimed at improvinj the lot of Reservation Indians. The Miriam Report of 1928 was a comprehensive study of post congressional Acts and their impacts upon the Indian\* communities. The result"of the study indicated mismanagement of Indian Affairs by Congress and recommended change in policy, and as a result of the 1928 Miriam Report the Indian Reorganization Act of 1934 was offered

to the Umatilla Confederation as a reform of the Federal Government's Indian Policy. The Reorganization Act objectives were to:

- 1) End the allotment of Reservation land.
- 2) Extend the trust period of lands allotted.
- 3) Restore unsold, surplus lands to tribal ownership.
- 4) Ending all sales of Indian lands to non-Indians except in special situations.
- 5) Acquiring lands\* on or off the Reservation for Indian use.
- 6) Ensuring good management practices on Indian forest and range.
- 7) Establishing new reservations or enlarging existing reservations as necessary.
- 8) Establishing the right of tribes to incorporate.
- 9) Allocating funds for loans and to cover the cost of incorporating.

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The Tribal Council voted by a 2 to 1 margin not to accept the provisions of the Indian Reorganization Act. Tribal elders recall that farmers, ranchers, and merchants in the area vigorously opposed the Indian Reorganization Act. They claimed that the concept of I.R.A.; was communistic and would further erode the powers of the Council. Some of the tribal members who were proponents of the I.R.A. indicated that they felt the outsiders feared passage of the Act by the Council and that outside, economic success depended upon the leasing systems of the Bureau of Indian Affairs. Elders believe that many of the Council and members were pressured and threatened by their "renters" to vote against reform. By the 1940's the Tribal Council found itself in a dilemma due to the lack of authority to control outside interests, especially with regards to lands passing out of Indian ownership. Another concern of the Council was poor management and conservation practices of the non-Indian farmers and ranchers. Erosion of farm lands, poor logging practices in the forests and overgrazing being primary concerns. In short, the tribes were told they lacked the authority to deal with their situation.

The tribes had available to them the following sovereign powers recognized by Congress.

- 1) The right to choose a form of self government;
- 2) The right to specify the conditions of tribal membership;
- 3) The right to regulate the domestic relations of its members;
- 4) The right to promulgate rules of inheritance;
- 5) The right to administer justice;

6) The right to regulate real estate;

7) The right to levy taxes;

Beginning in 1947 a committee of tribal members were authorized by the Tribal Council to begin researching ways in which the Tribes could attain more "authority" over their affairs. The Committee sought Bureau of Indian Affairs assistance. By 1949 a Constitution and By-Laws was adopted by a majority vote of the Council with 9 votes being the "decisive factor." The establishment of the Constitution and By-Laws as the operating charter, effectively brought to an end the power of the headmen and recognized chiefs in the Tribal Council. The new leaders of the Tribes would be the Board of Trustees. The nine vote factor was new to the Council in that most of the decisions of the people usually showed a clear consensus either favoring or disfavoring past issues. It was reminiscent of the Treaty signing where many of the Shahaptians did not feel obligated to settle on the Reservation because they had; not agreed to sign a Treaty with the U.S. Government. Clearly there was a lack of Tribal consensus in the eyes of the government the "majority vote prevailed" and the Constitution and By-Laws was endorsed by the Secretary of the Interior in 1954 (Official Soils).

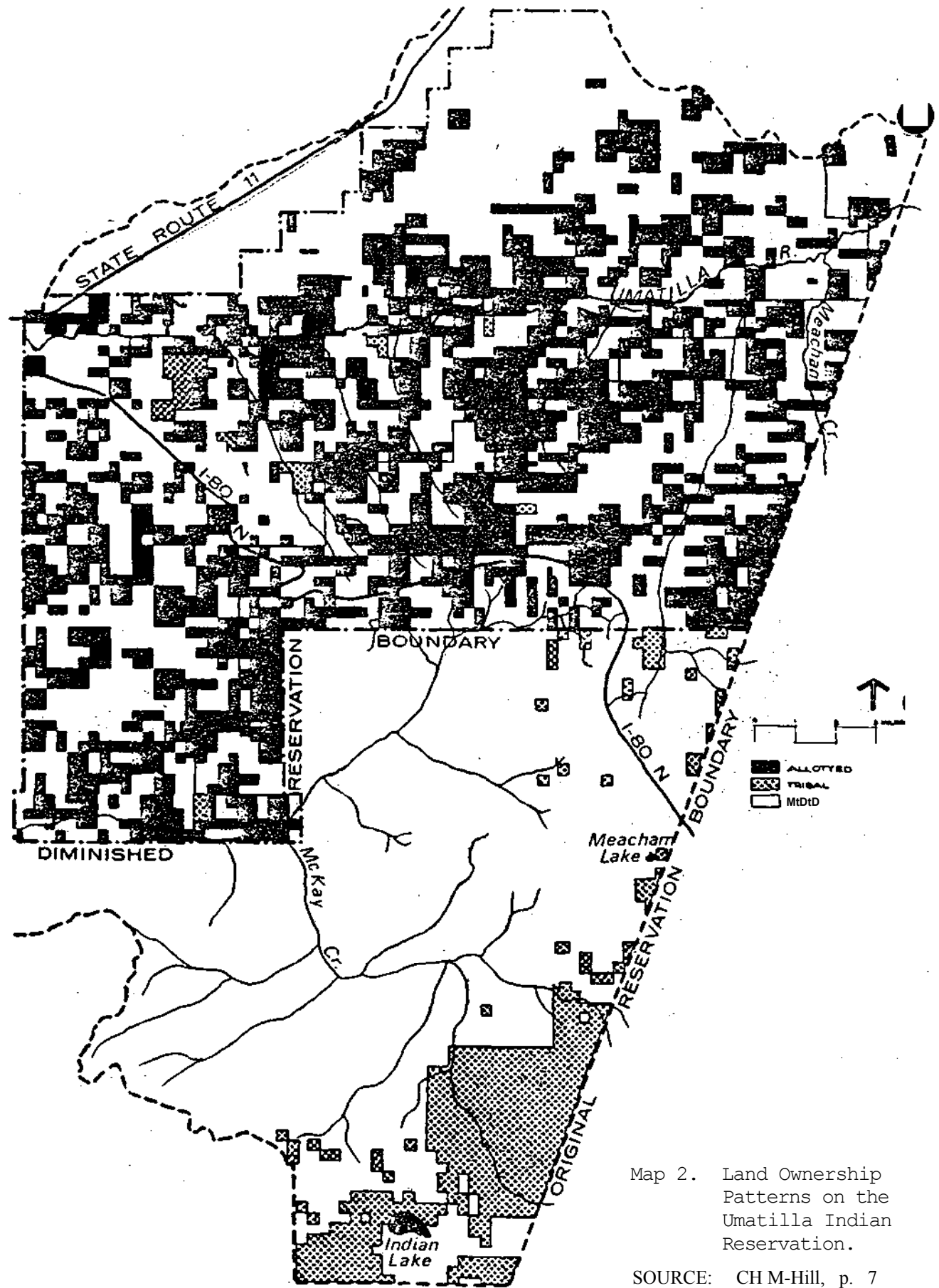
In 1950 the first Board of Trustees began to identify ways in which they could improve the Reservation and attend to the needs of the people. Financing for most tribal projects were attained through timber sales and other smaller sources in income. The needs of the community increased with additional concerns being; education, standard housing, and health care. The concept of economic development was established through Tribal resolutions aimed at resource management in timber, range and farming. The Board apparently was not willing to hinder any enrollee from bettering his or her economic situation. As an example, the Board of Trustees ratified a resolution pertaining to land purchases. Enrollees of the Tribe were given first preference while the corporate Tribe received second preference. In short the Board's policy was based on individual preference for enterprise, especially if it related to utilization of tribal natural resources.

In 1954, the Congress enacted House Concurrent Resolution 108, known as the Termination Bill. This net threat to Tribal survival was vigorously opposed by the Umatilla Confederation. Accompanying the Termination Bill, was the notorious Public Law 83-280. Its purpose was to place the people under the state and county governments for Criminal and Civil Jurisdiction. Also, the maintenance of roads systems were turned over to the State and County Highway Departments which further alienated more trust land from the allottees.

If Public Law 280 was viewed by the Federal and State government as the initial in-road to terminating the Reservation. Even though the reservation was not terminated P.L. 280 was never repealed and is still a controversial item today.

The newly organized Confederated Tribes Board of Trustees felt strongly inclined to develop its natural resources and to address the issue of becoming economically self-sufficient. The work began very early and was culminated in 1969.

In 1951 the Umatilla Tribes directed its attorney to file a claim for lands ceded to the U.S. Government at the signing of the treaty of June 9, 1855. The lands (3,599,00 acres) were located in southeastern Washington and northeastern Oregon. Also included in the claim was the Tribe's position that an erroneous survey had resulted in establishment of the Reservation Treaty Boundary. The tribes contended that approximately 17,000 acres had been excluded from the Reservation; and damages from the loss of fish and eel runs in the Umatilla River were also to be addressed in the courts. "Claims in the latter two cases were not tried;" the value of these two smaller claims were eventually to be valued at \$150,000. Board Members also were considering another suit aimed at restoring lands lost through the Allotment Act. The Indian Claims Commission issued its final judgement on February 11, 1966 in favor of the Confederated Tribes on docket 264, docket 264-A and 264-B were settled out of court for the previously \*Public Law 280 was retroceded on January 2, 1981.



Map 2. Land Ownership Patterns on the Umatilla Indian Reservation.

SOURCE: CH M-Hill, p. 7

mentioned \$150,000.

In September of 1967 the Board of Trustees Program Planning Committee adopted a preliminary plan for the development of the Reservation human and natural resources. At the same time issue groups were meeting on and off the Reservation. Some of them had intentions of lobbying against the Board of Trustees plan in favor of full per capita payments. Some were meeting to support plans for ,the Reservation development and partial per capita payments. The Board's preliminary plans in 1967 included:

1) \$500. per capita distribution	\$650,000.
2) Voluntary withdraw 1 plan	\$445,428.
3) Economic development & feasibility studies	\$ 10,000.
4) Remodel building No. 6	\$ 16,000.
5) Tribal well at Celebration Grounds	\$ 15,000.
6) Development of recreation on proposed damsite	\$250,000.
7) Land Consolidation	\$250,000.
8) Agriculture and Farm Enterprise	\$ 75,000.
9) New home construction & hone repair	\$100,000.
10) Livestock program	\$ 15,000.
11) General funding of credit loan funds	\$100,000.
12) Retained pending further studies and determination of amount available (further land claims).	\$278,572.

On December 11, 1967 and March 30, 1968 Tribal members attended General Council meetings and overwhelmingly voted for the abandonment of the previous Board's programming plans and partial per capita payments. The votes were so overwhelming. that it nerits some discussion about the General Council.

In 1953 the Tribe received \$4,198,000. from the United States for the loss of fishing sites at Celilo, Oregon. All enrollees realized approximately \$3,494.61 in per capita payments. Also 47% of the Umatilla enrollees lived off of the Reservation. These people were repeatedly described by Federal and pro-per capita tribal officials as being for the most part "capable of handling their own affairs." It was from this group that the pro-per capita faction on the Reservation would draw their support when referendum and General Council votes would eventually constitute 56% pro-per capita and 15% favoring programming.

In August of 1968, a recall of the Board of Trustees occurred for one reason. That reason, of course, was that the majority of the Board members were in favor of programming the judgement funds. It is probably the only time in tribal history that an "issue group" did persuade the General Council to elect from its membership aBoard of Trustees for one singular purpose—to get the per capita.

Realizing this, the anti-per capita faction, largely based on the reservation began lobbying and fund raising campaigns to send their representatives back to Washington, D.C. The purpose was to present the minority view to program the monies and to also implement a long range plan, elements of which were identified by the E.D. A. funded Ernst & Ernst re'port.

The majority of the new Board of Trustees proposed full per capita payments with the exception of \$200,000. reserved for scholarships. There was a small minority of anti-per capita members on the Board at that time. Eventually, the anti-per capita factions would sponsor Raymond Burke and William Minthorn to Washington, D.C. to represent the minority view.

On October 29, 1969 a hearing was held before the sub-committee on Indian Affairs. This hearing was attended by three members of the Board of Trustees and the Tribal Attorney. Also in attendance were Assistant Secretary, Harrison Loesch; of the Interior and Senator Quentin Burdick (N.D.) & Senator Gordon Allott (Colorado).

As a result of the hearings in which both sides of the controversy were heard, the sub-committee requested a referendum vote on disbursement of the funds. The anti-per capita faction could be credited with this last delay. They had testified that the General Council had not been fully appraised of the Ernst & Ernst report. Also Senator Burdick put some difficult questions to the pro-per capita faction. Their testimony was not convincing except on the matter of the \$200,000 for the Scholarship monies. Secretary Loesch made it clear that the Department of Interior had supported the previous Board's plan to program the judgement funds.

On November 29, 1969, one month after testimony was given to the Interior Sub-committee, the General Council voted by referendum on the disbursement of the judgement funds. During the one month interval the Program Planning Committee and the few Board members who were proponents of programming tried to have the Ernst & Ernst report reviewed/ by the General Council. The majority of the Board of Trustees however dismissed repeated requests for a 60 day review period.

On November 29th, the General Council went to the polls to vote on the following:

#### THE VOTE

Choice No. 1 Disburse all judgement funds for full per capita payments with a set aside of \$200,000. for scholarship purposes and \$450,000. for attorney's fees.

On Reservation 132

Off Reservation 382

Choice No. 2 Distribute \$500. per capita payments. Retain \$1,800,000. for a Commercial Complex, Industrial Complex, Recreational Complex, Multi-Purpose Community Skills Center, Land Purchase Program, and press further claims for lands against the United States.

On Reservation 105

Off Reservation 69

During 1970 the per capita payments came in three separate payments. As for the Board of Trustees, their goal, finally realized, they finally ended up with no tribal staff, and the tribal operating budget was completely exhausted. The General Council meetings, which at one time boasted 200 people per meeting, became inoperative for approximately one year due to a constant lack of quorum. The off-reservation groups who had supported the Board and General Council no longer came to the meetings, wrote letters, or lobbied for further settlements. Claims hearings would show that the tribal rolls had been opened completely disregarding the Articles for Enrollment of the Constitution and By-Laws.

Meanwhile the anti-per capita factions began to sort the pieces of tribal government which were still left intact. They relied heavily on the Program Planning Committee and Board of Trustees to program grants and contracts from the Federal Government. Many of the original projects- which the partial per capita Board sought to implement through the Ernst & Ernst report, were again investigated. Many other projects and committees began to evolve into full fledged programs.

On December 17, 1965 a delegation of Board members and Tribal staff made a trip back to Washington to appeal the U.S. Claims Commission decision for two million dollars. It was still the Board's contention that they would sue for the original twenty-three million dollars. This trip was thought to be necessary in order to officially notify the Commission and the Office of the Budget that the Tribe considered their decision as a partial payment and that the Board would continue to press for land and further payments.

By 1970 the issues of Claims and Per Capita payments had been settled. Tribal officials elected to office became heavily dependent upon Non-elected members of the community for help and assistance since tribal coffers had been completely decimated during the 1968 and 1969 administrations. In short the Tribe was broke and completely disorganized, members of the community quickly grasped on to "the unfinished business of the 1967 Board of Trustees' Program Planning Committee.

A loosely knit "Program Planning Committee" with no funds, staff, or officers was to carry much of the Board's responsibilities from 1970-1973. The committee came to depend on, the B.I.A. Reservation Programs Officer for assistance. The Reservation Program Officer researched federal and state sources of assistance, identifying possibilities for implementation of programs with Board of Trustees approval. Among the accomplishments of the Planning Committee were;

- 1) Acquisition of an E.D.A. Grant to construct the Community Center.
- 2) Construction of the first phase of Yellow Hawk Clinic.
- 3) Establishment of the Matsilla Reservation Housing Authority and 64 units of n.U.D. financed housing.
- 4) Mission sewer Trunkline.
- 5) Acquisition of H.U.D. and E.D.A. Planning Assistance grants.
- 6) Matsilla Reservation Interim Zoning Ordinance of 1973.

Meanwhile the Board of Trustees was attending to other government functions with a small, dedicated and overworked staff under direction of the Tribal Executive Secretary. Much of the Tribal staff's operating budgets were B.I.A. financed contracts

The national mood toward the plight of the Indian nations was very receptive. The Johnson and Nixon Administration's sought to assist the nations in their quest for human and economic self sufficiency. Indian Governments were qualified to receive a myriad of federal assistance largely due to the Indian Self Determination and Education Assistance Act of 1974, P.L. 93-638. Consequently, Tribal Government began to absorb many grants and contracts from federal and state governments. However, new demands would be placed upon the tribal government with credibility and accountability being the key issues. Credibility and accountability was demanded by the General Council and by the Federal Bureaucracy. The impact of federal dollars had a tremendous influence, some positive and some negative. The tribal staff grew to address the needs of;

- 1) Housing
- 2) Training & Employment
- 3) Education and Health
- 4) Natural Resource Committees and Enterprises
- 5) Commercial Development
- 6) Management and Government reforms
- 7) Community Facilities

The negative impacts can be attributed to the lack of an adequate means by which to program tribal and federal budgets on the Tribe's behalf. That is, in order to get the necessary dollars, the tribe had to compromise its plans and priorities to become eligible. Another problem which can be attributed to federal funding is the lack of control exerted over the federal agencies themselves. The tribes do not have the time to plan adequately if they are constantly being pressured to comply with this or that form, report, audit or whatever requirements are necessary. At the Tribal level, federal agencies have been known to politic right



along with various issue groups on the Reservations causing further disorganization, creating autonomous tribal groups which become dependent upon the agency. Tribal affairs and leadership in days gone by was carried out through the chiefs and headmen. They were truly leaders and must be credited with negotiating for the survival of the people. Tribal government has many attributes from which to draw from the past. However, caution is needed. Vine Deloria, one of our most prominent Indian writers states:

"The conflict over Indian sovereignty today, originates in part because of the misconceptions held., by the Non-Indians with respect to social institutions and nationality and the adoption of that misconception by Indian, political leaders, in some cases, as a means of communicating with and influencing the larger, social and political institutions. North Americans have a tendency to look at the sources of power rather than the proper exercise of it. Thus, concern is focused on whether or not a certain institution has the right to do certain things rather than the wisdom of what it does. American politicians are discarded when they have lost their sources of power (usually financial), not when they have done wrong."

As for the people of the Reservation the disciplines have been partially destroyed. However, they have not been completely eradicated. In the social sense every Indian individual has a responsibility to uphold the values and attitudes of the Tribe. This is an individual responsibility.

Vine Deloria sums it up again in this manner:

"A self-disciplined community that holds itself together and acts with unified vision possesses sufficient sovereignty to confront and resolve any difficulty. Much of the erosion of Indian Sovereignty is not through the passage of laws by Congress taking away powers of self-government, but rather the alienation of Indian citizens who refuse to be bound by Indian Community decisions and values."

While much progress has been made upon the Umatilla Reservation during the 1970's, there is still the need to develop tribal unity, something which has always alluded the Confederated Tribes and the rest of the Shoshone Nations. A strategy must be developed to exercise the sovereign powers of Tribal government. The first step, therefore, is planning.

- 1) PLANNING - is an intent to do something.
- 2) IMPLEMENT - means to put the plan into motion.
- 3) MONITOR - means to watch and safeguard.
- A) EVALUATION - simply means, did you complete what you set out to do?

Throughout the history of the Confederated Tribes of the Umatilla Indian Reservation, there has been a lack of a defined way of thinking, of progressing to an undivided position based on the consensus of the people as a whole, not just simple majority. There is a great need for Tribesmen to plan for their generation and generations to come. The planning process, through the Comprehensive Plan will help to alleviate this need and provide the "Common ground" by which the Tribe stands. The plan should be understood, arrived at by consensus, and never unduly compromised, this will insure the survival of the culture and community through policies, objectives, and goals developed by the community and implemented and enforced by the Board of Trustees.

Through the Comprehensive Plan, goals and objectives will be developed to address the needs and wants of the people. As an integral part of the Comprehensive Plan, the Overall Economic Development Plan will be a valued tool for obtaining these needs and wants, based on the resources the Tribe has available.

## THE PLAN

The Confederated Tribes of the Umatilla Indian Reservations Comprehensive Plan is the voice of the people expressing what their needs, wants, and policies are. The intent of their plan is to guide the Board of Trustees in making decisions for managing growth, coordinating development, protecting rights, preserving all resources and ultimately addressing their needs. The following needs statement is a result of many resource documents prepared between 1969 to 1979. The needs are stated in simple terms and are ranked according to priority (more detail is found in the appendix.)

### OVERALL PURPOSE

To protect all existing and future tribal rights and promote the interests of the Indians of the Umatilla Indian Reservation.

The above overall purpose is founded in the Constitution and By-Laws. It sets forth the mandate of the people to its governing body charging the elected officials with general expectations to guide the governmental activities. The elected officials rely upon this statement to address the various issues currently confronting the tribe's and their resources.

- 1) Educate the people to manage their own affairs'.
- 2) Management of the natural resources.
- 3) Acquisition of reservation land base.
- 4) Comprehensive health care.
- 5) Employment opportunities.
- 6) Housing
- 7) Community facilities, utilities and transportation.

PART I of the Plan states the Long-Range goals and objectives of the Confederated Tribes of the Umatilla Indian Reservation. Part I also sets forth a framework for Part II; The Annual Planning Process. The Annual Planning Process calls for a Plan of Operation which will comply with the long-range goals and objectives. Evaluation of the Board of Trustees' efforts to implement the plan can be measured by comparing the long-range goals and objectives to each year's plan of operation.

### OVERALL GOAL

To strengthen the independence and sovereignty of the Confederated Tribes of the Umatilla Indian Reservation.

The above overall goal establishes the guide to measure all tribal decisions. The measures should consider the legal, logical, and moral capacities as expected by the tribes. The capacity to exercise independence and sovereignty is essential. All powers to enforce and implement the goals and objectives of this plan are based upon the principles of sovereignty.

## GENERAL COUNCIL

**GOAL:** To strengthen the independence and sovereignty of the Confederated Tribes of the Umatilla Indian Reservation.

### OBJECTIVES:

- Elect a responsible and objective Board of Trustees.
- Enroll members into the Confederated Tribes.
- Amend, modify, and update the Tribal Constitution and By-Laws, tribal codes, ordinances and laws through established procedures. -Identify unmet needs and issues of the Reservation community. -Provide information about culture, history and traditions to guide programs and tribal plans.

### POLICIES:

- Review and make recommendations on the long range goals of the Confederated Tribes of the Umatilla Indian Reservation to the Board of Trustees. -Review and make recommendations on annual plans of the Board of Trustees. -Approve an acceptable annual report from the Board of Trustees. -Review and make recommendations on all tribal ordinances, laws and codes adopted by the Board of Trustees.

## BOARD OF TRUSTEES

**GOAL:** To protect all existing and future tribal rights and *present and future* interests of the Indians of the Umatilla Indian Reservation.

### OBJECTIVES:

- Establish Tribal wide policy.
- Direct and coordinate activities of the Tribe, Bureau of Indian Affairs and the Indian Health Service. -Ensure General Council involvement by conducting public hearings. -Submit annual reports to the General Council. -Coordinate the communication with local, state, and federal governments.

### POLICIES:

- Prepare an annual plan of operation.
- Enact and direct enforcement of the Tribal codes, ordinances, and laws.
- The BIA support and assist in the enforcement of codes, ordinances, and laws adopted by the Board of Trustees. -Conflicts in the BIA policy and tribal policy require resolution through the Board of Trustees. -The Board of Trustees retains the authority for review and approval of all easements, partitions, and road creations on all lands (fee and trust) through the Natural Resources Commission. -Motions of the General Council be addressed by the Board of Trustees. -All water and mineral rights are to be retained in the name of the Confederated Tribes of the Umatilla Indian Reservation. -Land acquisitions of the Tribes must be cost effective.

## BUSINESS MANAGER

GOAL: Ensure that the Overall Goals and Purpose of the CTUIR is achieved.

### OBJECTIVES:

- Manage the utilization of tribal resources.
- Achieve long range tribal goals.
- Assist the Board to establish long range tribal goals and develop an Annual Plan of Operations to achieve those goals.
- Protect tribal assets.
- Administer tribal laws, ordinances, and codes consistent with tribal goals and thereby ensure the public health, welfare, and safety of the residents of the CTUIR.
- Monitor and maintain all public facilities to ensure maximum use of those facilities.
- To properly account for all finances, grants, and contracts.
- To provide for training and upgrading of tribal employees.

### POLICIES:

- Submit an annual report to the Board of Trustees.
- Coordinate all planning, projects, and implementation activities of the CTUIR.
- To comply with granting agencies regulations.
- Enforce personnel policies.
- Utilize the Tribal Comprehensive Plan and the Overall Economic Development Program as the overall long-range strategy of the Tribe.

## ANNUAL PLAN OF OPERATIONS

Each year an annual plan of operation is developed for the approval of the Board of Trustees. The Assistant Business Manager, with assistance from the Tribal Development Office, is principally responsible for development of the plan. The annual plan of operations shall include, at minimum, a detailed description of three year needs and goals for each division and projected cost (Budgets) and revenue for the first year. A separate budget shall be developed for each program, function and business and for the use of Tribal funds and indirect funds.

Tribal members are involved in developing the plan through each of the Tribe's advisory committees and through a series of hearings to review the plan. Final approval of the plan is the responsibility of the Board of Trustees. In approving the plan, the Board will consider the following:

- 1) Tribal membership, general manager and advisory committee recommendations.
- 2) Long-range goals of the Tribes.
- 3) Availability of funds.
- 4) Capability of the Tribes to carry out the work.

Once approved, all subsequent operations must be consistent with the plan.

An important part of each year's plan will be the manner in which the Tribe desires to utilize the programs and services of the BIA agency office. Consequently, the Tribes' planning process must be integrated with that of the Bureau. The Board approves all contracts for and recommended modifications of Bureau programs and services.

NOTE: This process will assist in the preparation of a Tribal indirect cost proposal.

## NATURAL RESOURCES

COAL: To promote the intergrity of the natural resources of the Confederated Tribes of the Umatilla Indian Reservation.

### OBJECTIVES:

-Conservation-of Agriculture, Forests, Range Lands, and minerals within the CTUIR boundaries. -Protection of Flood Plains, Natural Areas, Recreational Areas, and Cultural Areas to assure these resources for future generations. -Preserve Historic, Hunting, Fishing, Root-digging, Berry Picking, and Archeological Sites. -Maintain and improve the quality of the Air, Water and Land Resources of the Reservation.

### POLICIES:

-Minimize Non-Agricultural and Non-Forest uses to maximize resource productivity.  
-Establish "Low or No" Density Standards for Flood Plains, Natural, Recreational and Cultural Areas. -Identify, list, and map Historic and Archeological Sites, and all Treaty Rights to be registered with the Tribal, State, and Federal Governments. - Establish and enforce standards to maintain and improve the quality of the Air, Water and Land. -Prepare a Master Land Use Map that:

1. Conserves Energy.
2. Guides Public Facilities and Services.
3. Provides adequate Housing Sites located in proximity to Public Housing Facilities and Services.
- A. Identifies existing and future Parks, Playgrounds, and Najtvgral areas.
5. Designs a safe and efficient transportation system.
6. Identifies cultural areas for Hunting, Fishing, Root-digging, Berry-picking, and Historic/Archeological Sites.
7. Identifies sites suitable for Industrial Development.
8. Identifies sites suitable for Commercial Development.

-Prepare a map that designates Land Use Zones consistent with the master Land Use Plan.  
-Prepare Land Development Codes to establish standards and regulate development and land uses consistent with the Master Land Use and Zoning Map.  
-Criteria for change of the Master Land Use Map;

1. Demonstrated need for:
  - A. Tribal Growth
  - B. Housing
  - C. Employment
  - D. Livability
2. Environmental, Energy, Economic, and Social consequences.
3. Retention of Agricultural Land with Class, I, II, III being highest priority:
  - A. Compatability of the proposed change with nearby Land Use Designations; - The concentration of people and development be directed to the Mission Basin as defined in the Mission Basin Carrying Capacity Estimate, 1978 (See Appendix)

## BUSINESS ENTERPRISES

GOAL: To develop profitable enterprises that will diversity and improve the economy of the Reservation.

### OBJECTIVES:

- Create natural resource based enterprises which join together harvesting, marketing and reproduction of farm, forest, range, water and mineral products.
- Promote Indian private and tribal enterprises that diversify and improve the reservation economy.
- Provide areas suitable for industrial, commercial and residential land uses with adequate water, sewer, transportation, power, police, and fire protection.

### POLICIES:

- Pjerequisite feasibility studies for tribal businesses.
- Ensure adequate operating capital.
- The standard for tribal business operations shall be generation of the profit.
- Establish time lines for determination of continuing or dissolving a tribal business.
- Provide technical assistance and referral for private Indian Enterprises.

## HEALTH

GOAL: Provide for the overall health care needs of tribal members.. .

### OBJECTIVES:

- Community Health Representatives to act as liasons and communicator between the Indian population and various health facilities for the medical, environmental, and mental health needs of the community.
- Safety and Emergency Services to locate and remedy any unsafe condition or practice found on the reservation and prepare plans to effectively handle any emergency or natural disaster which may occur.
- Environmental Health - monitor and maintain water quality and sanitary facilities.
- Alcohol and Drugs - to provide education and counseling on alcohol and drug related problems for the people of the CTUIR.
- Yellowhawk Clinic (Indian Health Service) - to ensure the finest treatment and out-patient care available and assist the Tribal Health Department with it's operation and education of the Indian people.

### POLICIES:

- Prepare an annual Plan of Operations.
- Provide Health Care which is preventive as well as curative.
- Maintain a halfway house for follow up on treatment of those in need.
- Provide emergency food (WIC) to those tribal members in need.
- Health care and related services be consistent with cultural values.
- Determine health needs of Tribal members and implement services to meet those needs.

## EDUCATION AND TRAINING

GOAL: Promote the Training and Educational welfare of the Tribes.

### OBJECTIVES:

- Early Childhood Development - to provide for a comprehensive child development program including readiness and basic care.
- Elementary Education - to refine the mathematical, language, reading, and composition skills which will prepare students for higher education, a trade, or career.
- Higher Education to provide tribal members the opportunities to attain a skill, trade or profession by attending the college or university of the person's choice.
- Training (CETA and Indian Action Team) - provide pre-employment and on-the-job training with the necessary skills for successful employment.
- Adult Education - to provide opportunities for remedial education, and upgrading of skills. Develop a curriculum on Management and Leadership Skills to improve qualities of Leadership and Management for all Tribal employees & members.
- Refine the Education Code.
- Establish and formalize the Scholarship systems.
- Provide Training and on-the-job training slots for returning students and graduates.
- Hire an Education Director.
- Coordinate all Tribal Education Programs.
- Increase parent involvement.

### POLICIES:

- Prepare an annual Plan of Operations.
- Actively participate on local School Board
- Promote learning experience through counseling, tutoring, and advocacy within the school systems.
- The school curriculum will incorporate the cultural heritage of the Umatilla Indian Reservation with assistance of the Tribes.
- Adult Education will provide classes aimed at Reservation civic responsibilities and the role of tribal government.
- Promote the employability through on-the-job training and counseling.
- Enforce the Education Code.

## HOUSING

GOAL: Ensure safe and sanitary housing opportunities for all Tribal members.

### OBJECTIVES:

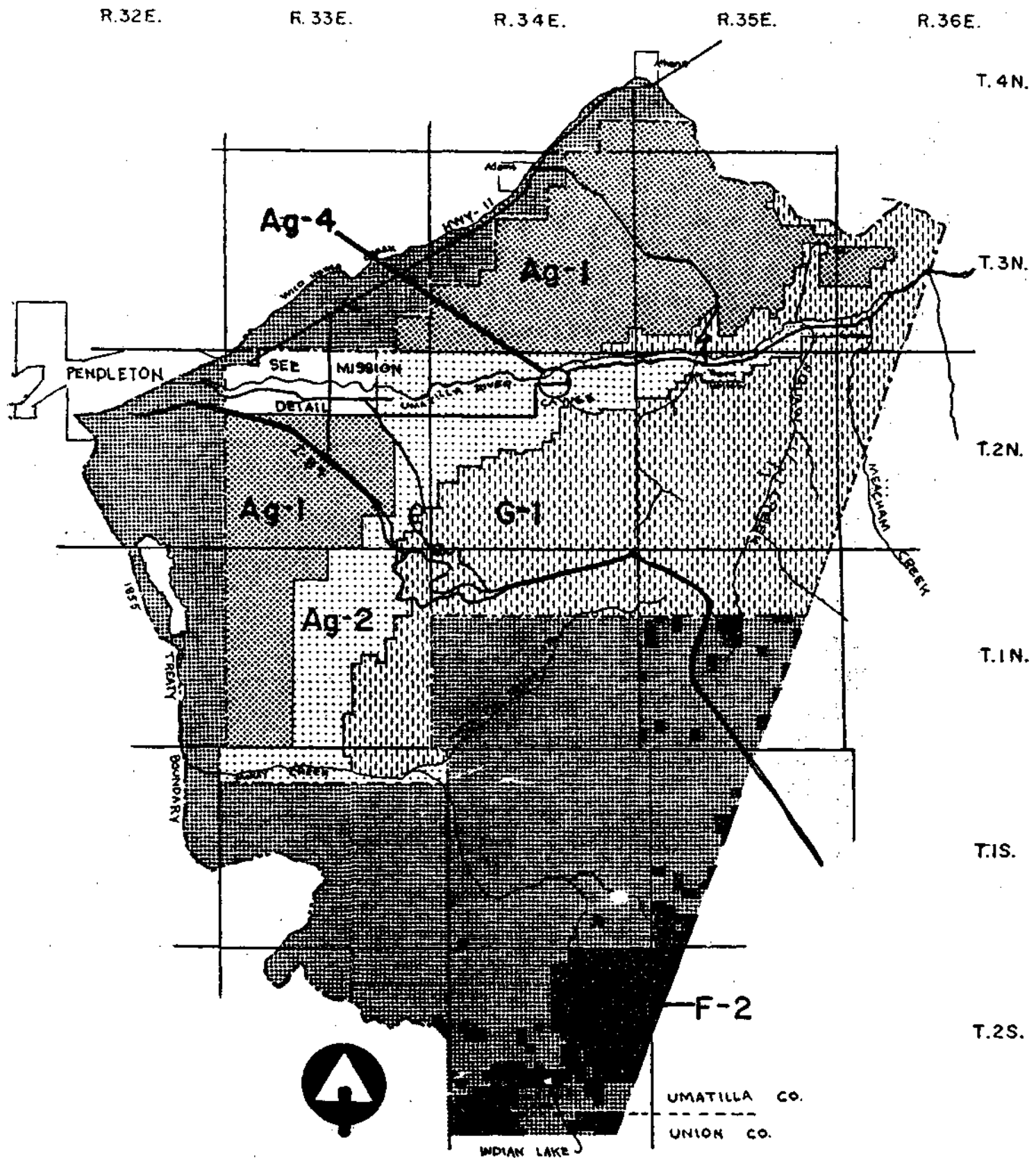
- Remedy unsafe and unsanitary housing conditions.
- Provide dwellings for low income households.
- Maintain existing rental housing facilities.
- Provide housing alternatives with technical assistance in securing home financing and sites. -Develop and enforce eviction policies. - Adopt and draft Financial Responsibility Code.

POLICIES:

- Prepare annual Plan of Operation.
- Provide **employment opportunities** through construction and repair.
- Assist in providing suitable housing sites in proximity to services (both fee and trust lands). -Ensure that housing development is coordinated and consistent with tribal plans and ordinances. -Encourage the use of cultural values and designs in all housing projects, tribal and individual. -Employ ideas and energy saving techniques to the natural environment and the







# LAND USE MAP of the

## UMATILLA INDIAN RESERVATION LAND DEVELOPMENT CODE



CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION  
 DEMOGRAPHIC-PROF ILt'19BO CENSUS APRIL 17, 19M

(1) Population by Race

White	1,619	63*
Black	0	0
American Indian	9^6	36-7%
Asian & Pacific Islander	0	
Other Race	. ___ 7	.3%
<b>TOTAL</b>		<b>2,572</b>

(2) Tribal Enrollment

Total Resident Population	728	
Adult	1*97	
Minors	231	
Total Non-Res. Population	606	
Adult	52*»	
Minors	<u>82</u>	
Total enrolled members		1,33^

(3) Persons, by Race, by Age

<u>Age</u>	<u>Whi te</u>	<u>Indian 6 Other</u>
Under 5	105	110
5 to 11»	209	225
15 to 59	980	485
60 to 64	88	k)
65 yrs +	237	92

(4) Persons by Sex by Age

<u>WHITE</u>	<u>TOTAL</u>	<u>PEMALE</u>	<u>MALE</u>
Under 5	105	31	74
5 to 14	209	123	86
15 to 59	980	508	472
60 to 64	88	40	48
65 yrs +	237	86	151
TOTAL	1,619	818	801

Indian & Other (.3%)

Under 5	110	60	50
5 to 14	225	131	94
15 to 14	485	271	214
60 to 64	41	14	27
65 yrs +	92	49	43
TOTAL	953	525	428

(5) Total Households all Races

	<u>TOTAL</u>	<u>INDIAN</u>	<u>WHITE</u>
Family	687	212	475
Non Family	131	22	109
TOTAL	818	234	584

(6) Family households by Presence of  
By Race of Householder by Family

		<u>Own Children Type.</u>	
		<u>w/own Children</u>	<u>w/out own Children</u>
Total Families	687		
TOTAL:			
-Married Couple		251	341
-Family w/male hsholder/no wife			7
-Family w/female hsholder/no husband	73		15

	<u>w/own Children</u>	<u>w/out own Children</u>
White:		
-Married Couple	170	276
-Family w/male hsholder/no wife	-7	--
-Family w/female hsholder/no husband	22	-

American Indian t Other

-Married Couple	81	65
-Family w/male hsholder/no wife	---	-
-Family w/female hsholder/no husband	51	15

-132 Indian families with children- (51) or 33% are female householder with no husband present.

-80 Indian families without children- 15 or 15% are female householder without children.

-212 Total Indian Families- 66 or 31% are female head of households.

(7) Persons 25 years old & over by Race/years of school completed.

TOTAL		<u>% of Total</u>
-Elementary (0 to 8 years)	226	14.3
-High School:		
-1 to 3 years	197	12.5
-4 years	701	44.3
-College		
-1 to 3 years	347	21.9
-4 years or more	111	7.0
	1552	100%

White

-Elementary (0 to 8 years)	107	9-5
-High School:		
-1 to 3 years	92	8.2
-4 years	544	48.2
-College:		
-1 to 3 years	286	25-3
-4 years or more	100	8.8
	1129	100%

American Indian Z Other

-Elementary (0 to 8 years)

-High School:

-1 to 3 years	119	26.3
-4 years	157	31.7

-College:

-1 to 3 years	61	13.4
-4 years or more	<u>11</u>	<u>2.4</u>
	453	100%

(8) Person 3 years old & over enrolled in school by enrollment by Race

	<u>Nursery</u>	<u>K-8</u>	<u>H.S.</u>	<u>College</u>	<u>Total</u>
Total	54	398	215	45	712
White	29	186	81	17	313
A. I./Other	25	212	134	28	399

(9) Persons 16 years & over by sex/race/employment

TOTAL	<u>MALE</u>	<u>FEMALE</u>
Armed Forces	-	----
Civilian Labor Force		
-Employed	556	425
-Unemployed	46	20
Not in Labor force	305	517
White		
Armed Forces	--	--
Civilian Labor Force		
-Employed	462	322
-Unemployed	9	6
Not in Labor Force	161	319
A. I./Other		
Armed Forces	----	---
Civilian Labor Force		
-Employed	94	103
-Unemployed	37	14
Not in Labor Force	144	198

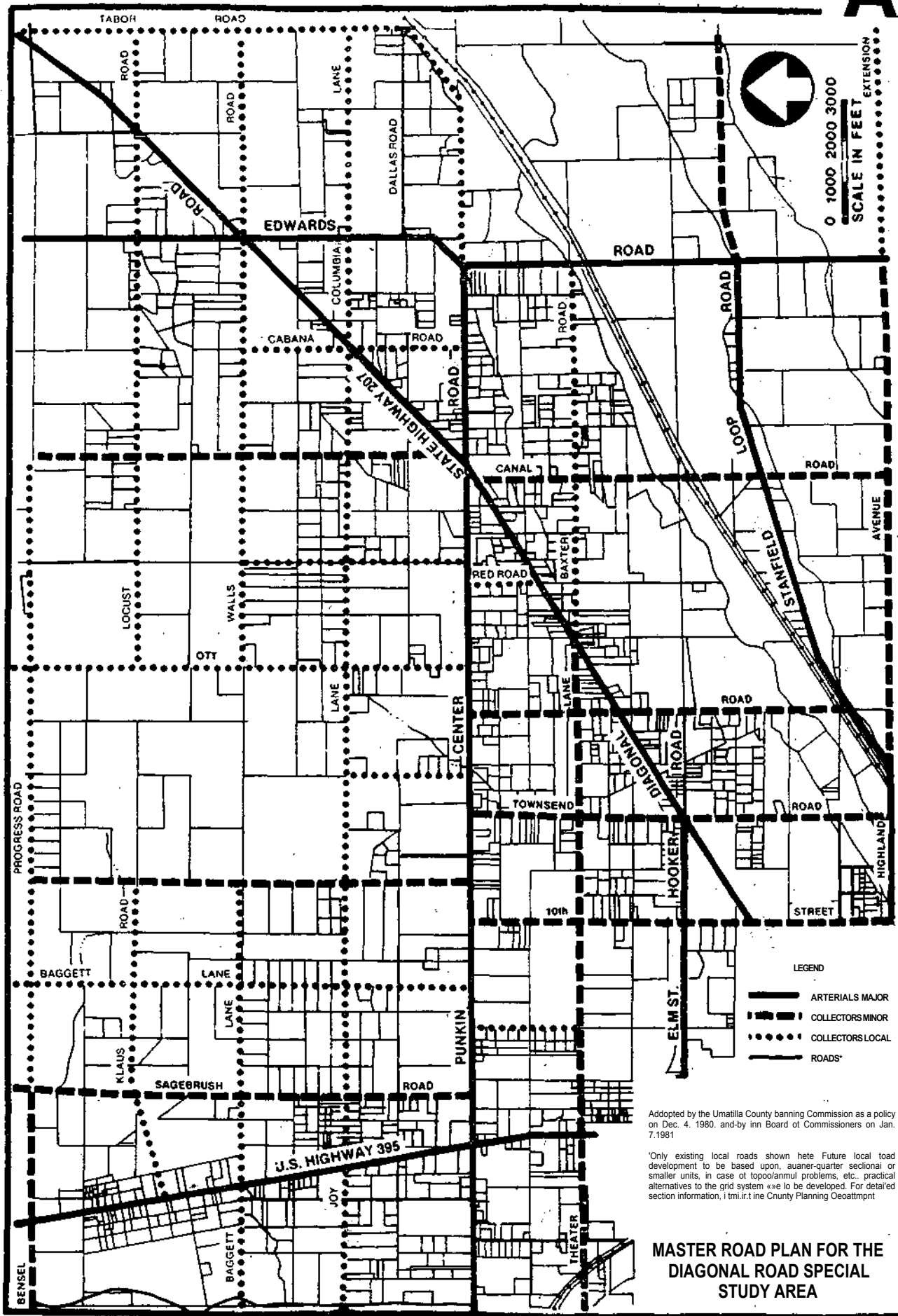
(10) Inconn by Race

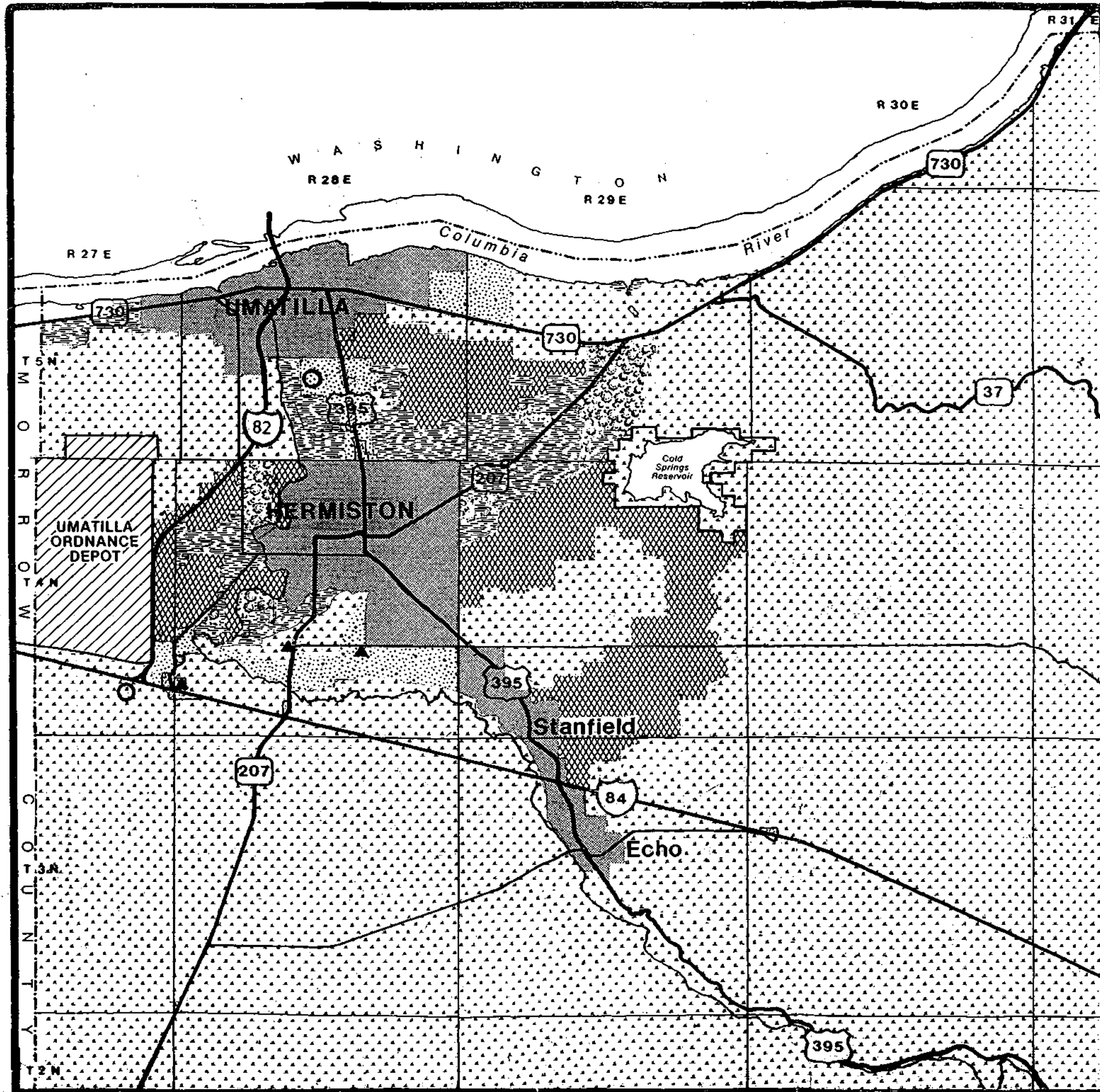
	<u>White</u>	<u>Indian</u>
Less than 5,000	15	13
5,000 to 7,499	43	36
7,500 to 9,999	35	35
10,000 to 14,999	41	64
15,000 to 19,999	*2	38
20,000 to 24,999	90	20
25,000 to 34,999	36	
35,000 to 49,999	17	6
50,000 +	56	=
MEAN	\$26,022	\$13,163

(11) Persons for which poverty status is determined by poverty status in 1979 by Race.











	<u>INCOME IN 1979</u>	
	<u>Above Poverty Level</u>	<u>Below Poverty Level</u>
TOTAL	1943	542
White	1384	154
American Indian & Other	559	388

AA

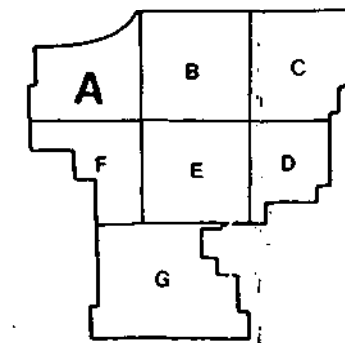




LEGEND

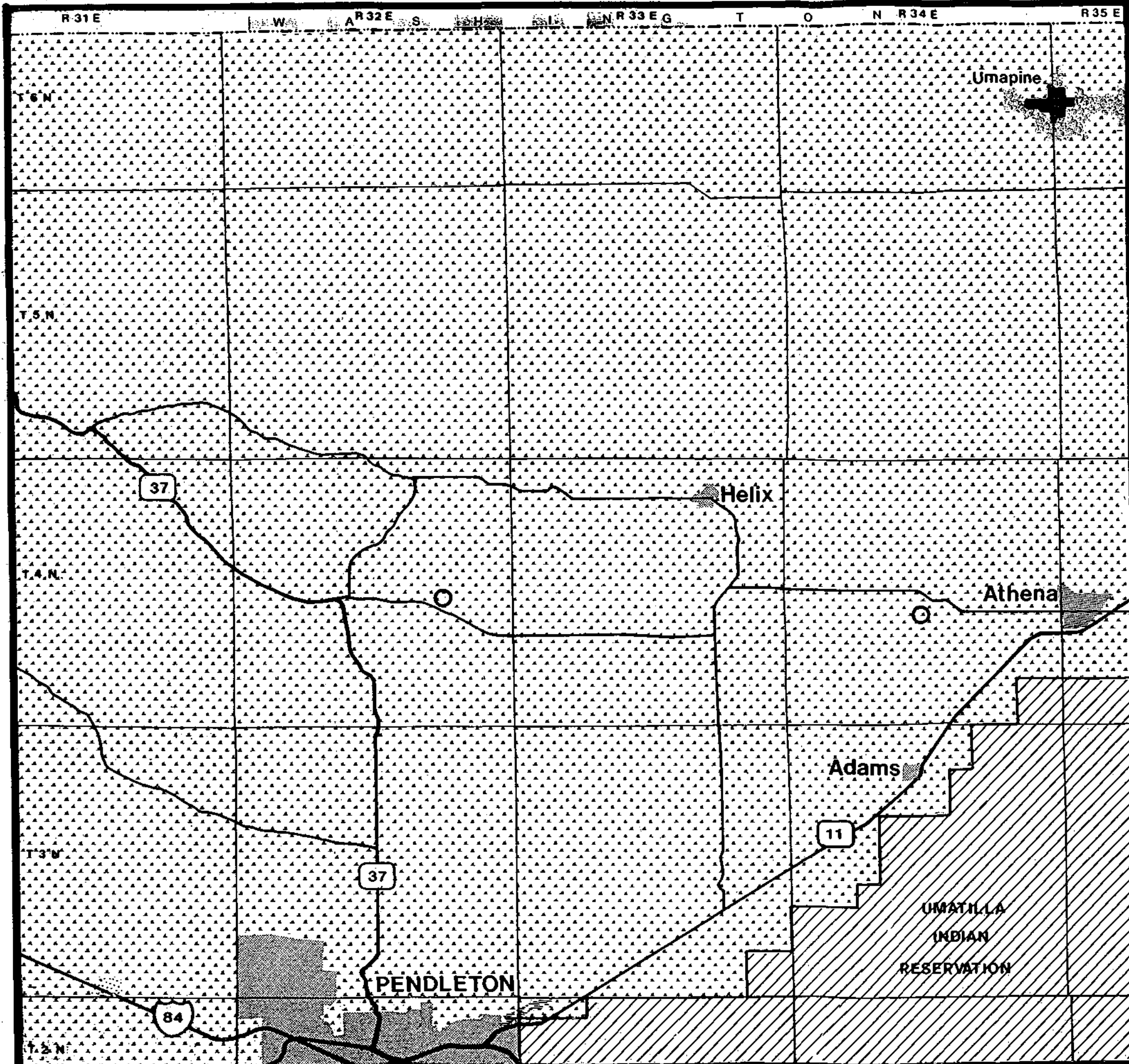
-  RURAL RESIDENTIAL PLAN DESIGNATION
-  COMMERCIAL PLAN DESIGNATION
-  INDUSTRIAL PLAN DESIGNATION
-  NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION
-  FEDERAL LAND
-  CITIES & URBAN GROWTH AREAS
-  SPECIAL AGRICULTURE PLAN DESIGNATION
-  AGRIBUSINESS PLAN DESIGNATION
-  WEST CO IRRIGATION DISTRICT PLAN DESIGNATION
-  AGGREGATE RESOURCE OVERLAY ZONE









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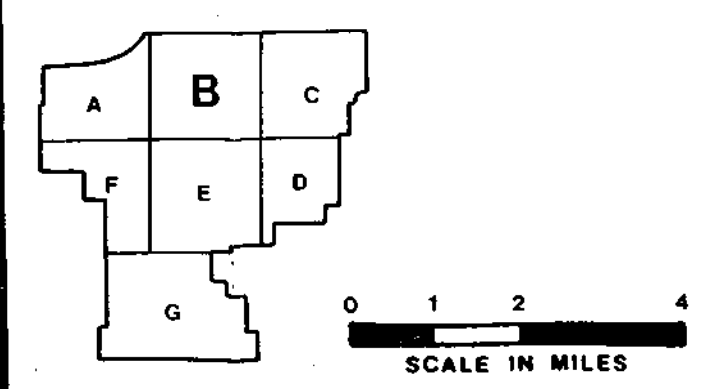
COMPREHENSIVE PLAN MAP  
UMATILLA COUNTY, MAP A






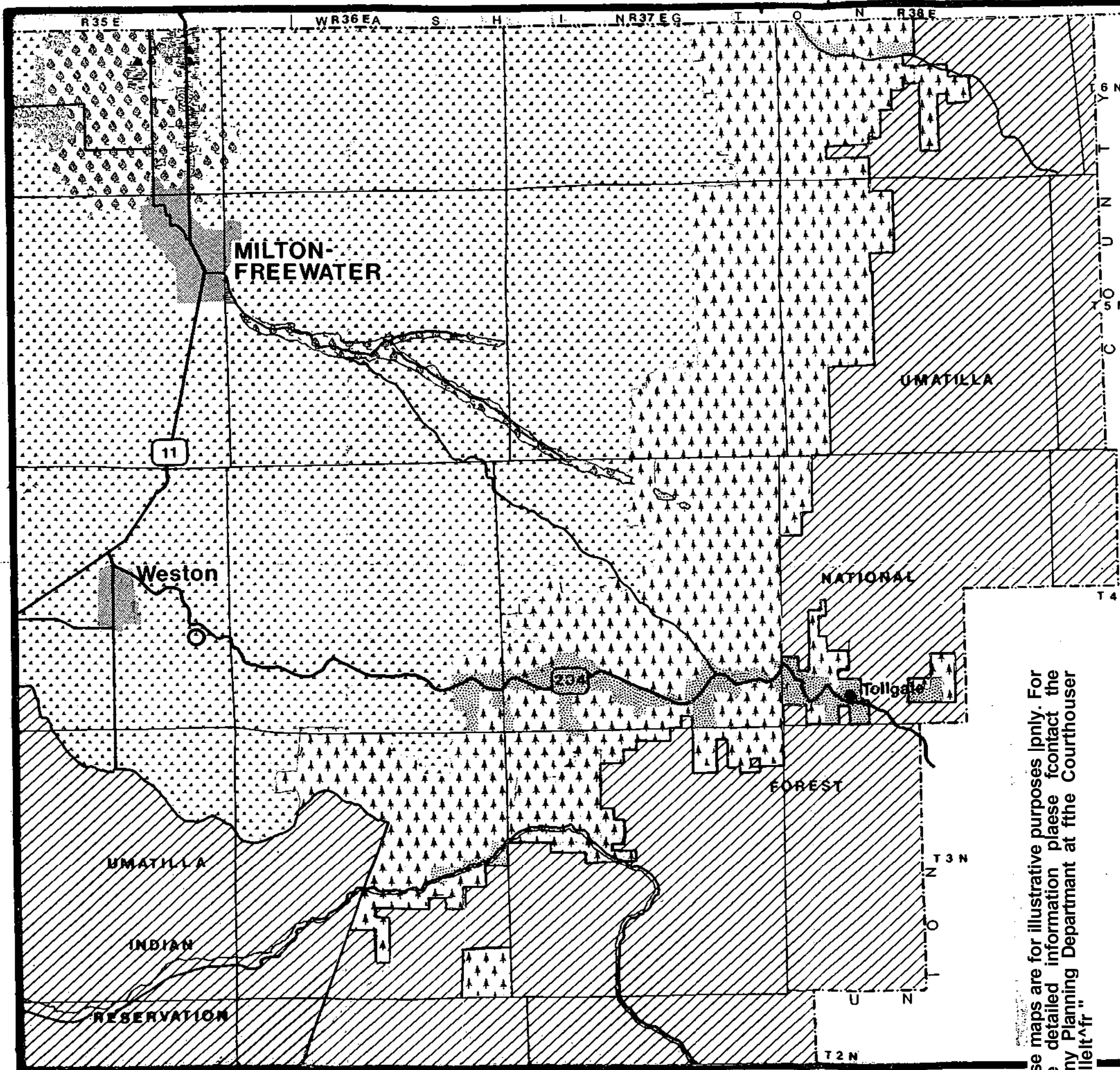
- LEGEND COMMERCIAL PLAN DESIGNATION**
-  DESIGNATION
  -  INDUSTRIAL PLAN DESIGNATION
  -  NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION
  -  SPECIAL AGRICULTURE PLAN DESIGNATION
  -  FEDERAL LAND
  -  CITIES & URBAN GROWTH AREAS
  -  RURAL RESIDENTIAL PLAN DESIGNATION
  -  UNINCORPORATED COMMUNITY
  -  AGGREGATE RESOURCE OVERLAY ZONE

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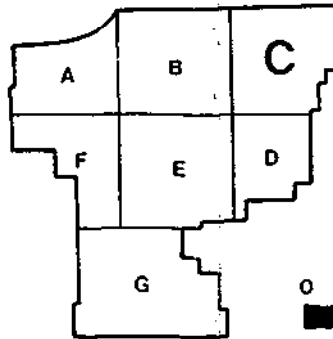
**COMPREHENSIVE PLAN MAP  
UMATILLA COUNTY, MAP B**



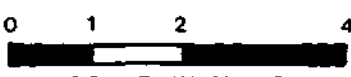
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**LEGEND MULTIPLE USE PLAN**

-  DESIGNATION
-  COMMERCIAL PLAN DESIGNATION
-  AGRIBUSINESS PLAN DESIGNATION
-  INDUSTRIAL PLAN DESIGNATION
-  NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION
-  ORCHARDS DISTRICT PLAN DESIGNATION
-  SPECIAL AGRICULTURE PLAN DESIGNATION
-  GRAZING/FOREST PLAN DESIGNATION
-  FEDERAL LAND
-  CITIES & URBAN GROWTH AREAS
-  RURAL RESIDENTIAL PLAN DESIGNATION
-  AGGREGATE RESOURCE OVERLAY ZONE

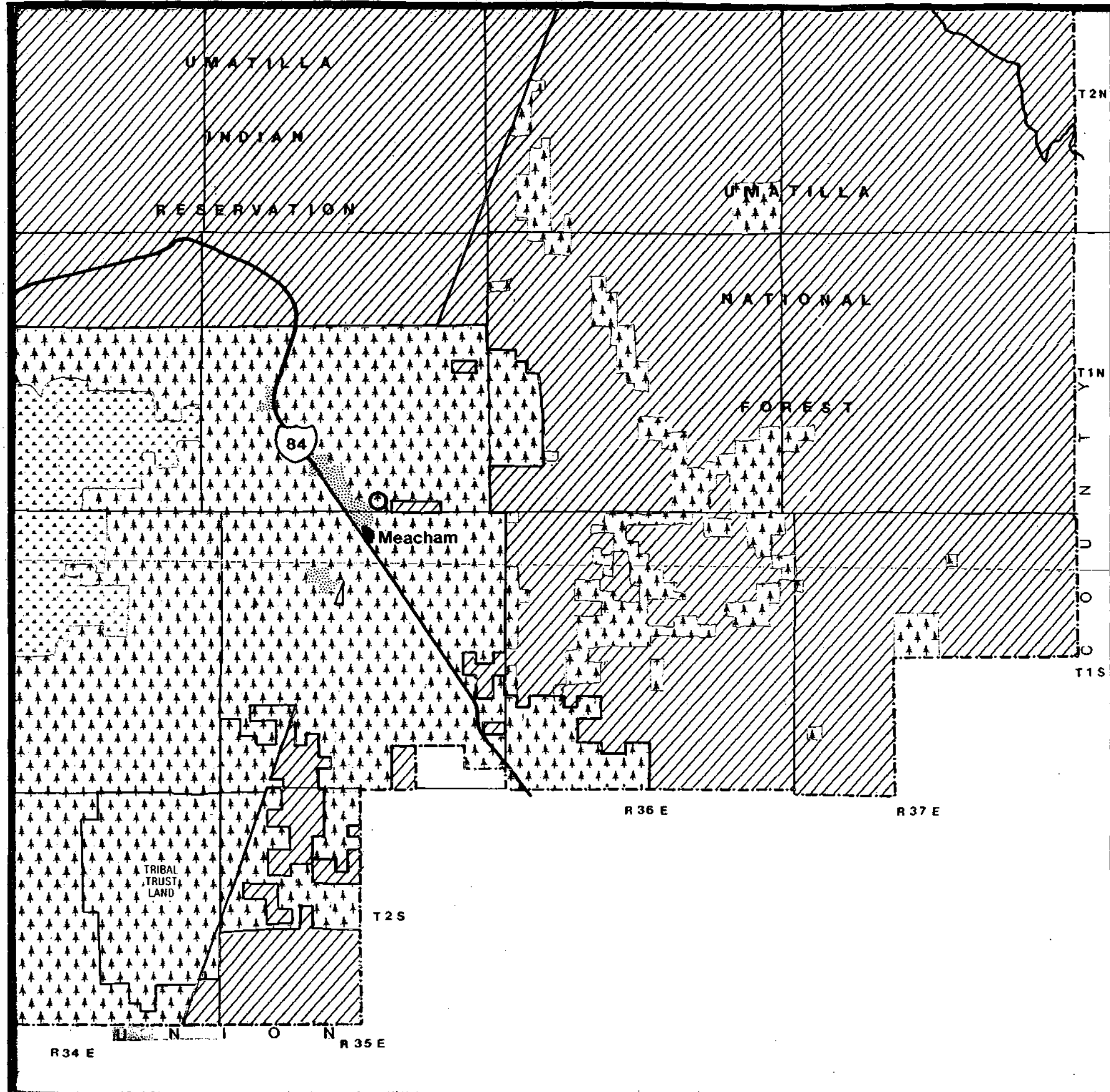








SCALE IN MILES



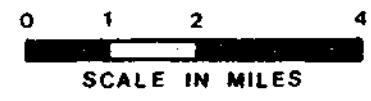
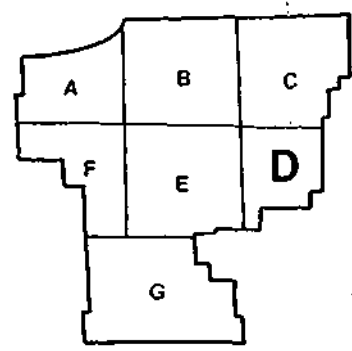


# COMPREHENSIVE PLAN MAP UMATILLA COUNTY, MAP C



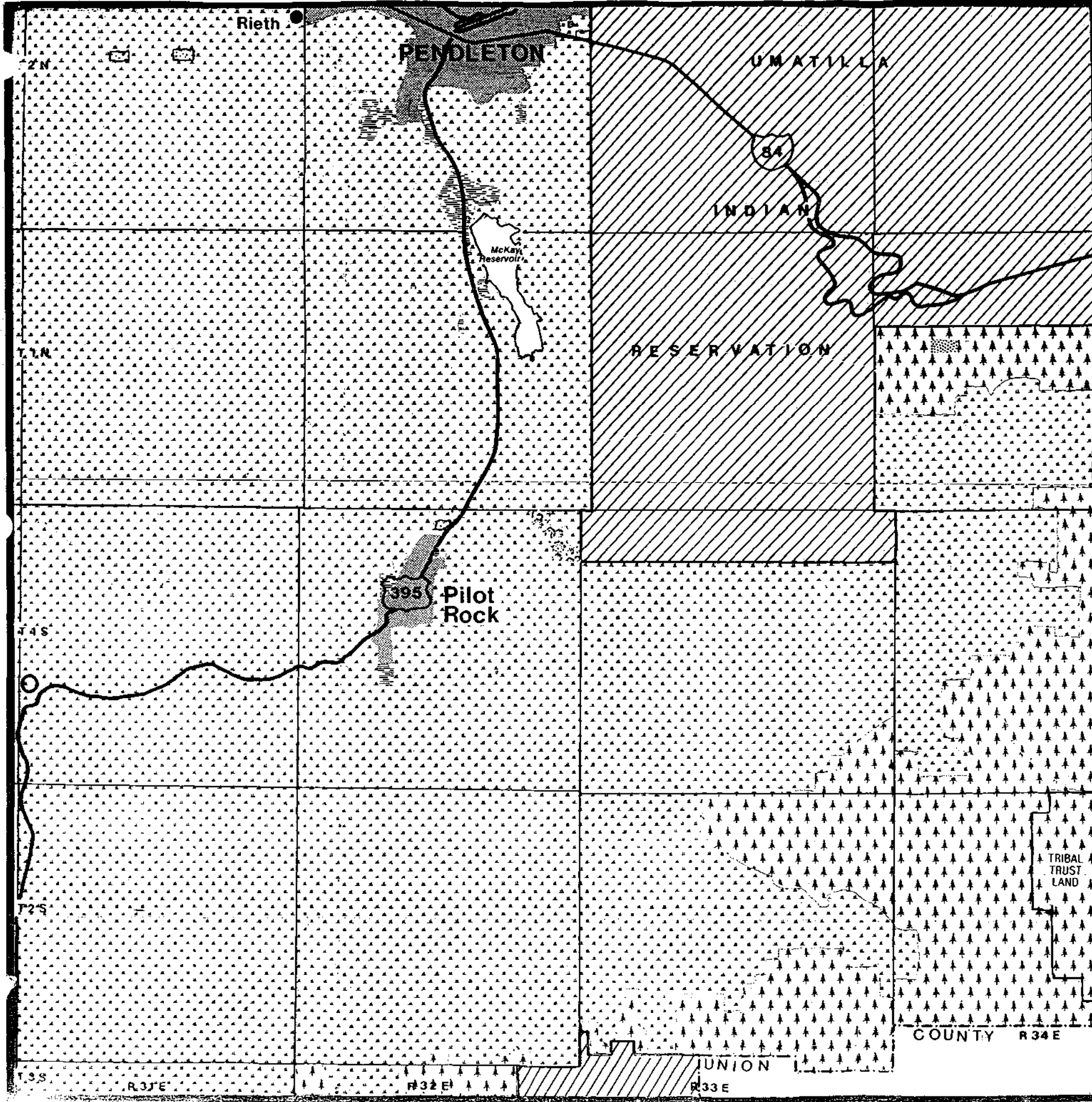
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-  PLAN DESIGNATION
  -  NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION
  -  GRAZING/FOREST PLAN DESIGNATION
  -  FEDERAL LAND UNINCORPORATED
  -  COMMUNITY
  -  AGGREGATE RESOURCE OVERLAY ZONE







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COMPREHENSIVE PLAN MAP  
 UMATILLA COUNTY, MAP D

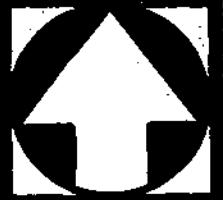
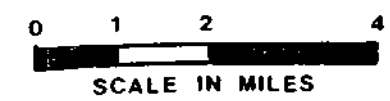
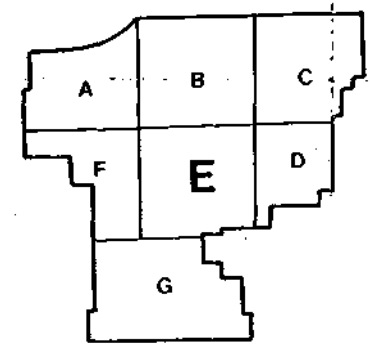




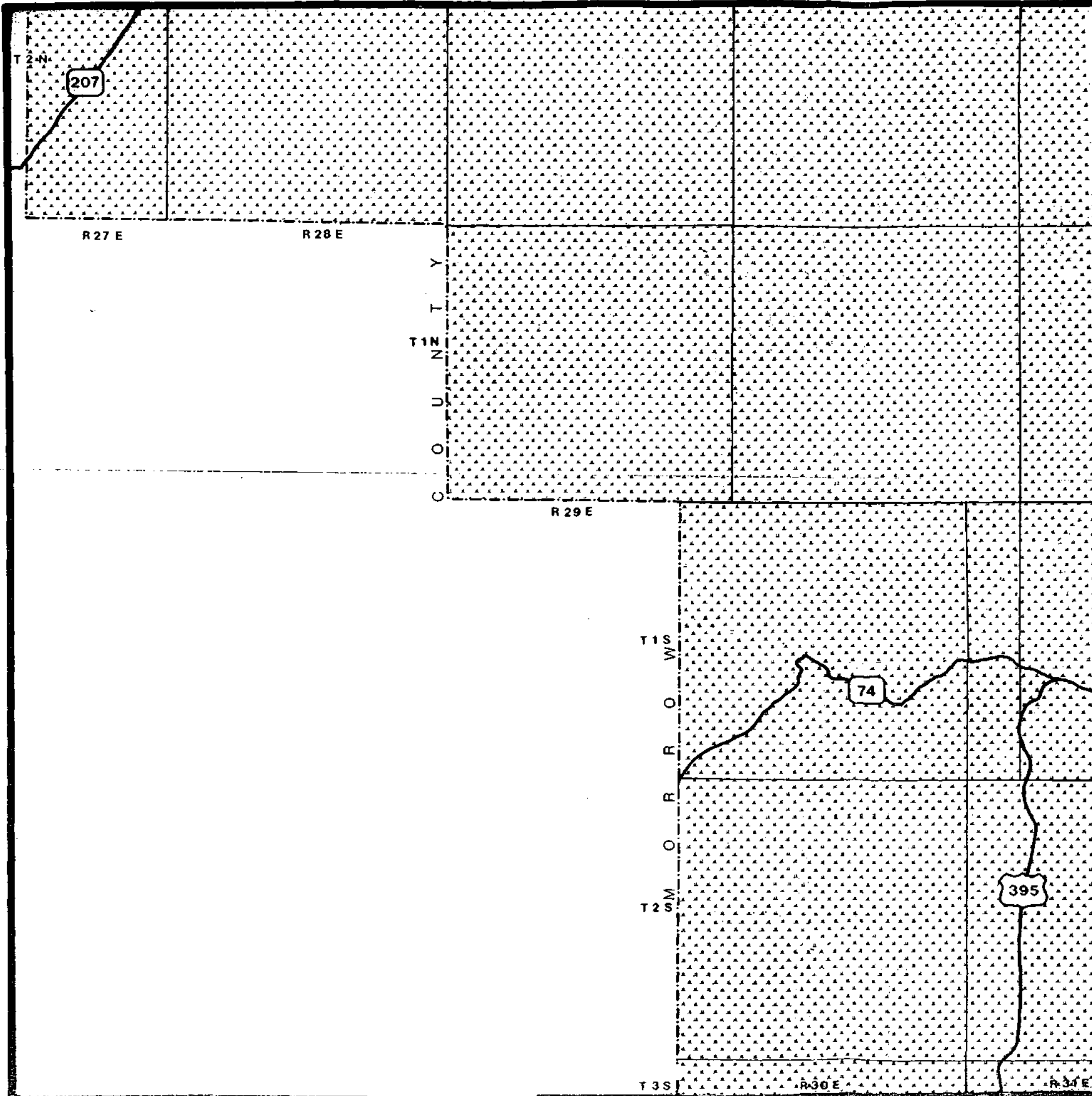
- LEGEND MULTIPLE USE PLAN**
-  DESIGNATION
  -  RURAL RESIDENTIAL PLAN DESIGNATION
  -  INDUSTRIAL PLAN DESIGNATION
  -  SPECIAL AGRICULTURE PLAN DESIGNATION
  -  NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION
  -  CITIES & URBAN GROWTH AREAS
  -  UNINCORPORATED COMMUNITY
  -  FEDERAL LAND
  -  GRAZING/FOREST PLAN DESIGNATION

These maps are for illustrative purposes only. For more detailed information please contact the County Planning Department at the Courthouse in Pendleton.

 AGGRE<sup>riAm</sup> = DC SOURCE OVERLAY ZONE

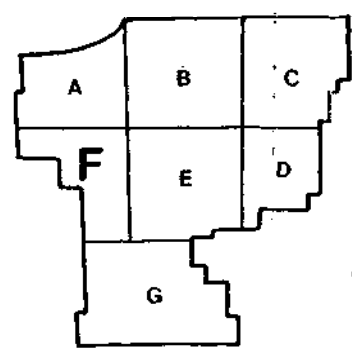


**COMPREHENSIVE PLAN MAP  
UMATILLA COUNTY, MAP E**



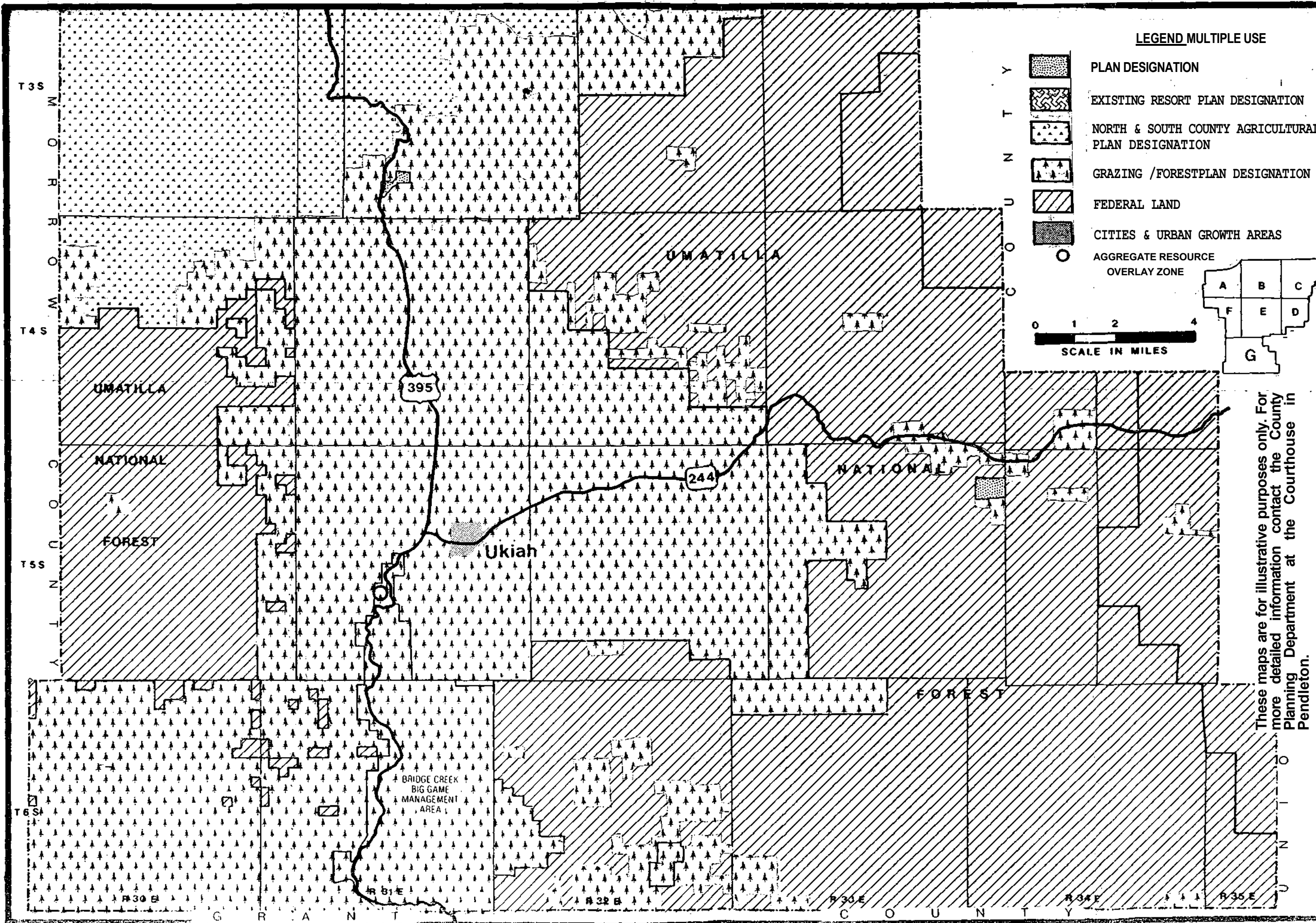
**LEGEND**  
 NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION

These maps are for illustrative purposes only. For more detailed information please contact the County Planning Department at the Courthouse in Pendleton.



**COMPREHENSIVE PLAN MAP  
 UMATILLA COUNTY, MAP F**

BB

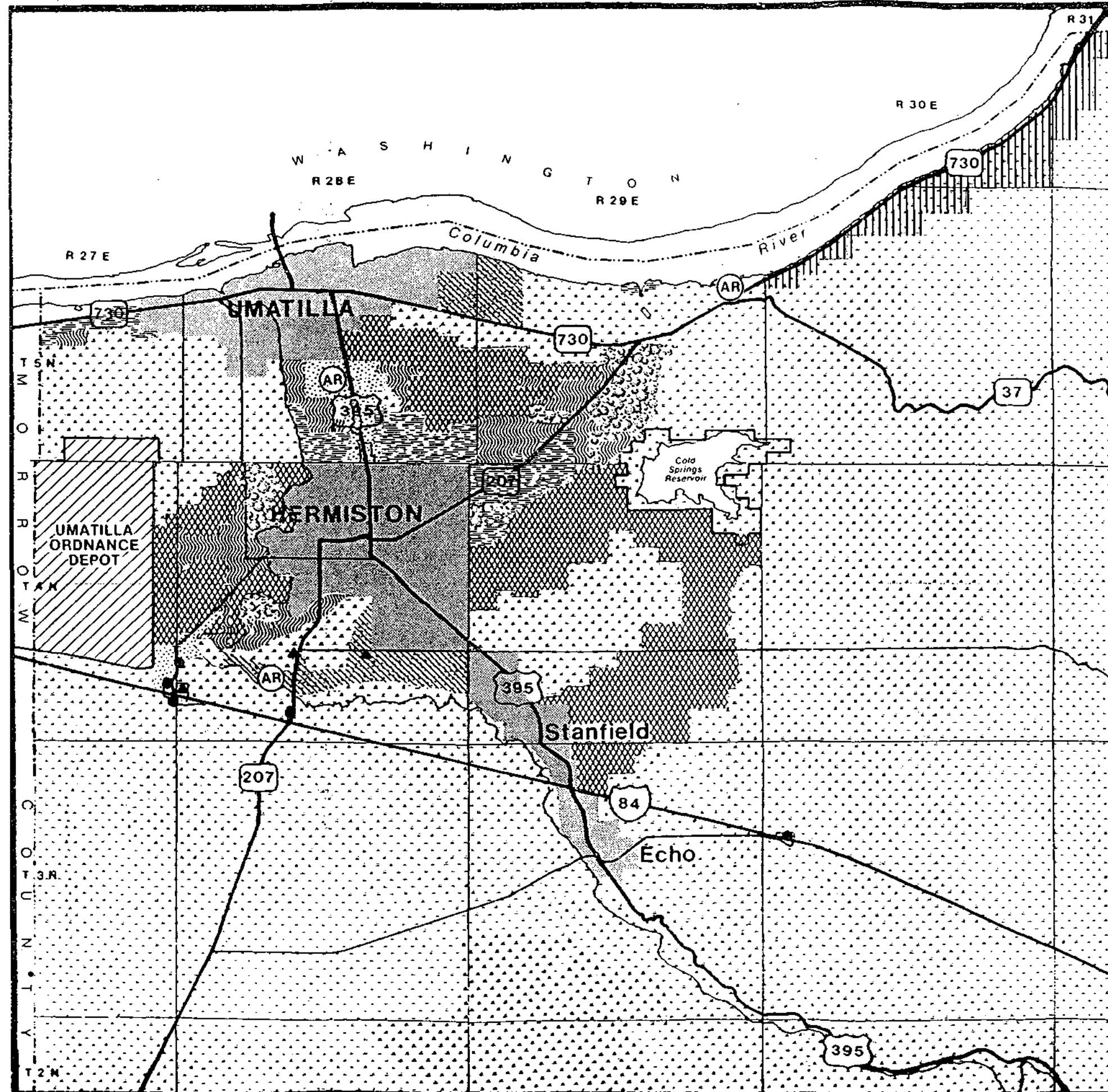


These maps are for illustrative purposes only. For more detailed information contact the County Planning Department at the Courthouse in Pendleton.

**COMPREHENSIVE PLAN MAP  
UMATILLA COUNTY, MAP G**









**LEGEND**


**RURAL RESIDENTIAL PLAN DESIGNATION**

-  **RURAL RESIDENTIAL 2 (RR-2 Acre minimum Zoning Classification)**
-  **RURAL RESIDENTIAL 4 (RR-4 Acre minimum Zoning Classification)**

**COMMERCIAL PLAN DESIGNATION**

-  **COMMERCIAL RURAL CENTER (CRC- Zoning Classification)**
-  **RETAIL SERVICE COMMERCIAL (RSC- Zoning Classification)**
-  **TOURIST COMMERCIAL (TC- Zoning Classification)**

**AGRIBUSINESS PLAN DESIGNATION**

-  **AGRIBUSINESS (AB- Zoning Classification)**


**INDUSTRIAL PLAN DESIGNATION**

-  **LIGHT INDUSTRIAL (LI- Zoning Classification)**
-  **HEAVY INDUSTRIAL (HI- Zoning Classification)**

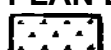
**SPECIAL AGRICULTURE PLAN DESIGNATION**

-  **EXCLUSIVE FARM USE 20 (EFU-20 Acre minimum Zoning Classification)**

**WEST CO IRRIGATION DISTRICT PLAN DESIGNATION**

-  **EXCLUSIVE FARM USE 40 (EFU 40 Acre minimum Zoning Classification)**

**NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**

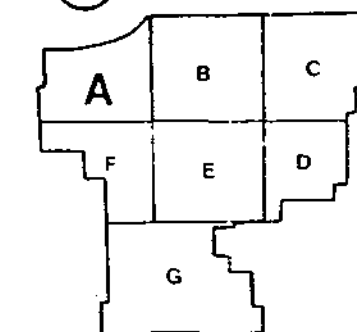
-  **EXCLUSIVE FARM USE (EFU Zoning Classification)**

-  **FEDERAL LAND**

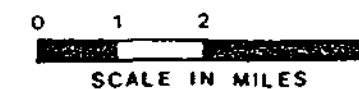
-  **CITIES & URBAN GROWTH AREAS**

**OVERLAY ZONES**

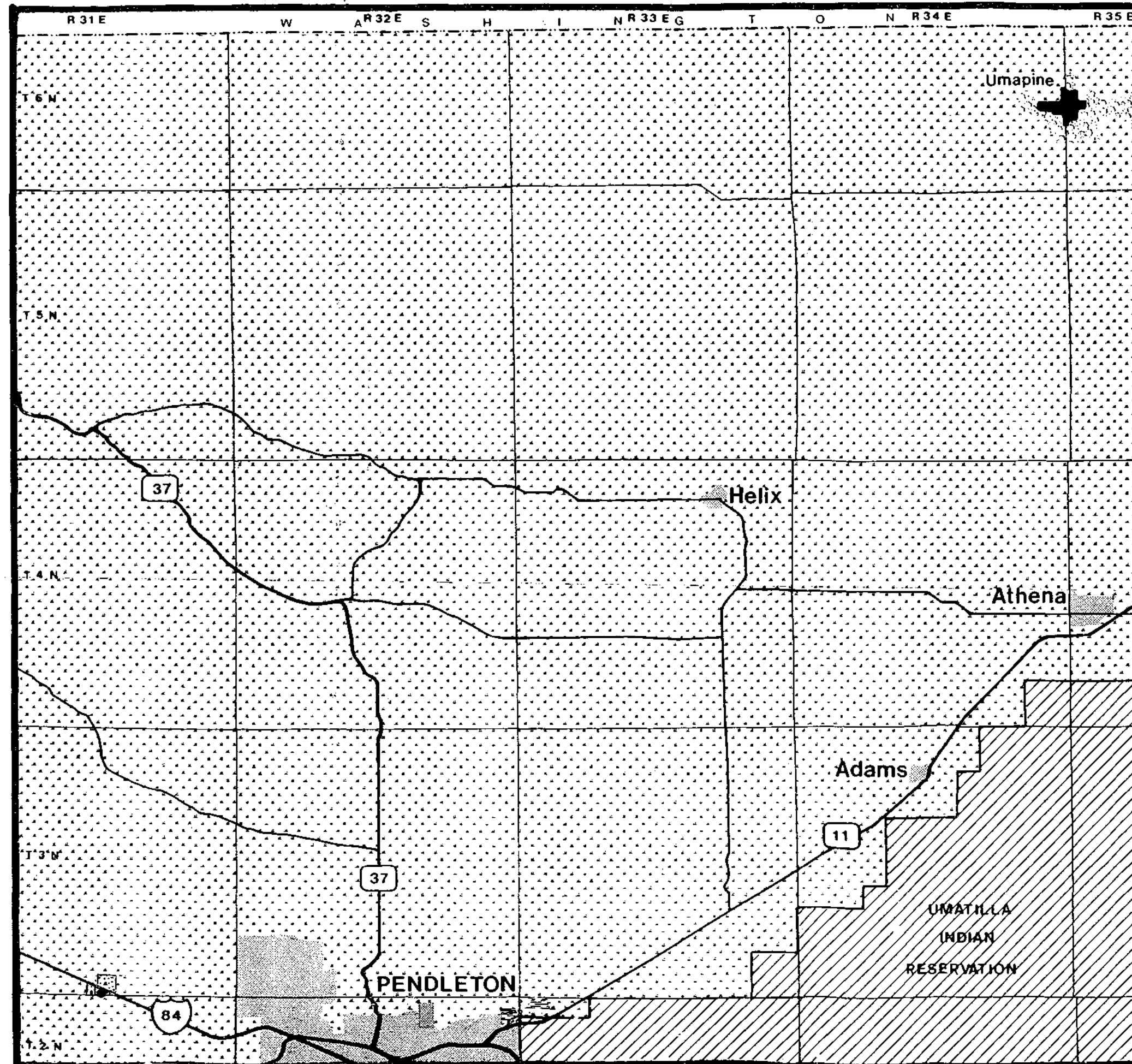
-  **HISTORIC SITE (HAC)**
-  **AGGREGATE RESOURCE (AR)**



NOTE: These maps are for illustrative purposes only, (or more detailed information please contact the County Planning Department at the Courthouse in Pendleton.



ZONING MAP UMATILLA COUNTY, MAP A



**LEGEND**

**RURAL RESIDENTIAL PLAN DESIGNATION**  
**RURAL RESIDENTIAL 2 (RR-2 Acre minimum Zoning Classification)**

**COMMERCIAL PLAN DESIGNATION**  
**TOURIST COMMERCIAL (TC- Zoning Classification)**  
**RETAIL SERVICE COMMERCIAL (RSC- Zoning Classification)**

**INDUSTRIAL PLAN DESIGNATION**  
**LIGHT INDUSTRIAL (LI- Zoning Classification)**

**SPECIAL AGRICULTURE PLAN DESIGNATION**  
**EXCLUSIVE FARM USE 20 (EFU 20 Acre minimum Zoning Classification)**

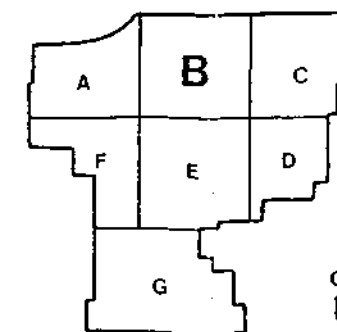
**NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**  
**EXCLUSIVE FARM USE (EFU- Zoning Classification)**

**FEDERAL LAND**

**UNINCORPORATED COMMUNITY**

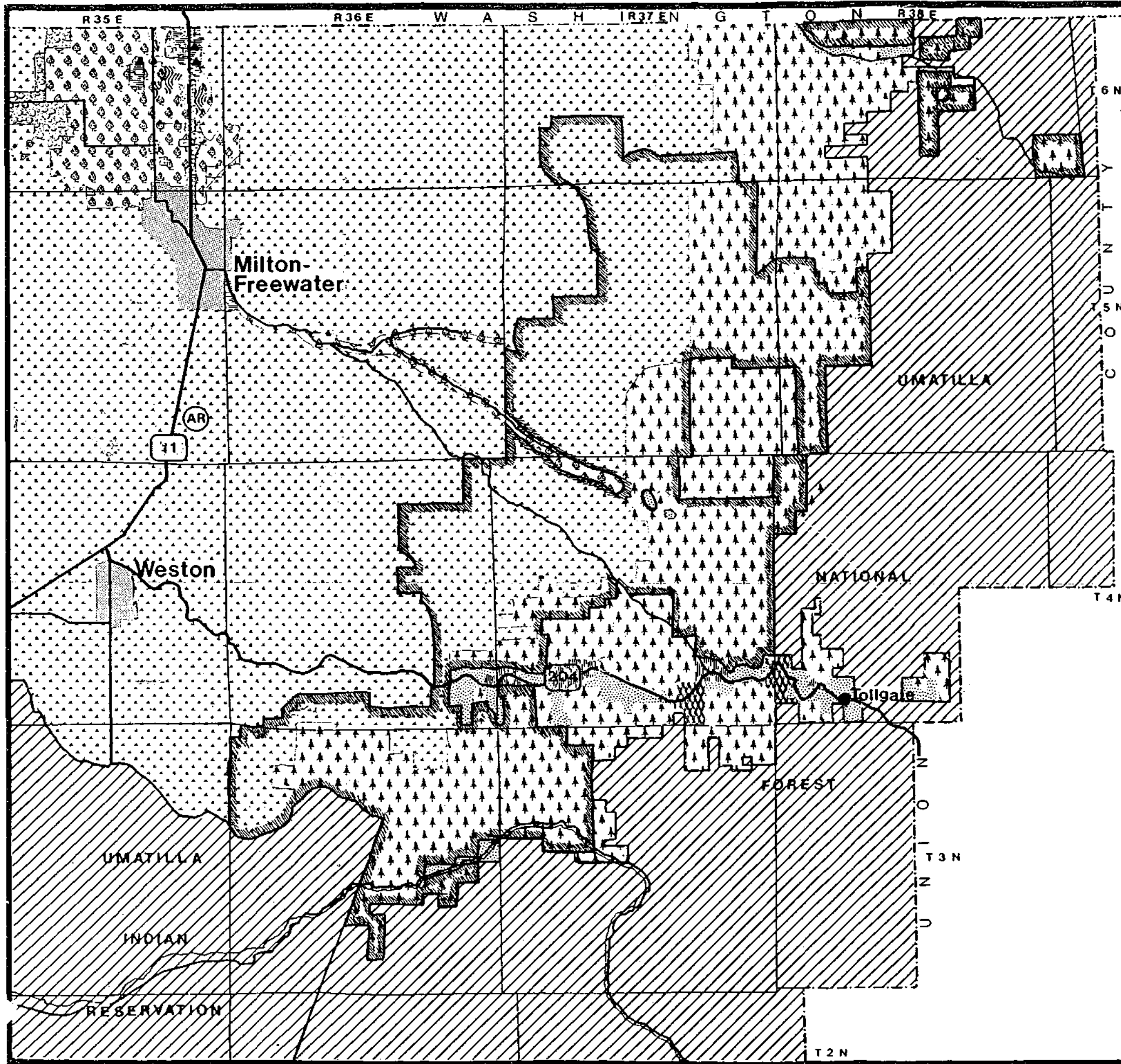
**CITIES & URBAN GROWTH AREAS**

These maps are for illustrative purposes only. For more detailed information please contact the County Planning Department at the Courthouse in Pendleton.



**ZONING MAP  
 UMATILLA COUNTY, MAP B**





**LEGEND**

- RURAL RESIDENTIAL PLAN DESIGNATION**
- RURAL RESIDENTIAL 2 (RR-2 Acre minimum Zoning Classification)**
  - RURAL RESIDENTIAL 4(RR-4 Acre minimum Zoning Classification)**

- MULTIPLE USE PLAN DESIGNATION**
- MOUNTAIN RESIDENTIAL (MR-1 Acre minimum Zoning Classification)**
  - FOREST RESIDENTIAL (FR-5 Acre minimum Zoning Classification)**
  - MULTIPLE USE FOREST (MUF-10 Acre minimum Zoning Classification)**

- COMMERCIAL PLAN DESIGNATION**
- RETAIL SERVICE COMMERCIAL (RSC Zoning Classification)**

- AGRIBUSINESS PLAN DESIGNATION**
- AGRIBUSINESS (A8 Zoning Classification)**

- INDUSTRIAL PLAN DESIGNATION**
- LIGHT INDUSTRIAL (LI Zoning Classification)**

- ORCHARDS DISTRICT PLAN DESIGNATION**
- EXCLUSIVE FARM USE-FRUIT TRACT (EFU-10 Acre minimum Zoning Classification)**

- SPECIAL AGRICULTURE PLAN DESIGNATION**
- EXCLUSIVE FARM USE 20 (EFU20 Acre minimum Zoning Classification)**

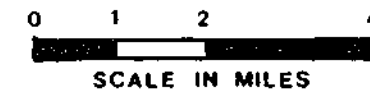
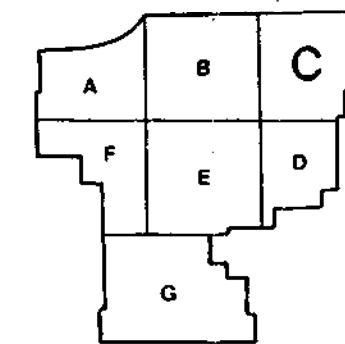
- NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**
- EXCLUSIVE FARM USE (EFU Zoning Classification)**

- GRAZING / FOREST PLAN DESIGNATION**
- GRAZING FARM (GF Zoning Classification)**

- FEDERAL LAND**
- CITIES & URBAN GROWTH AREAS**

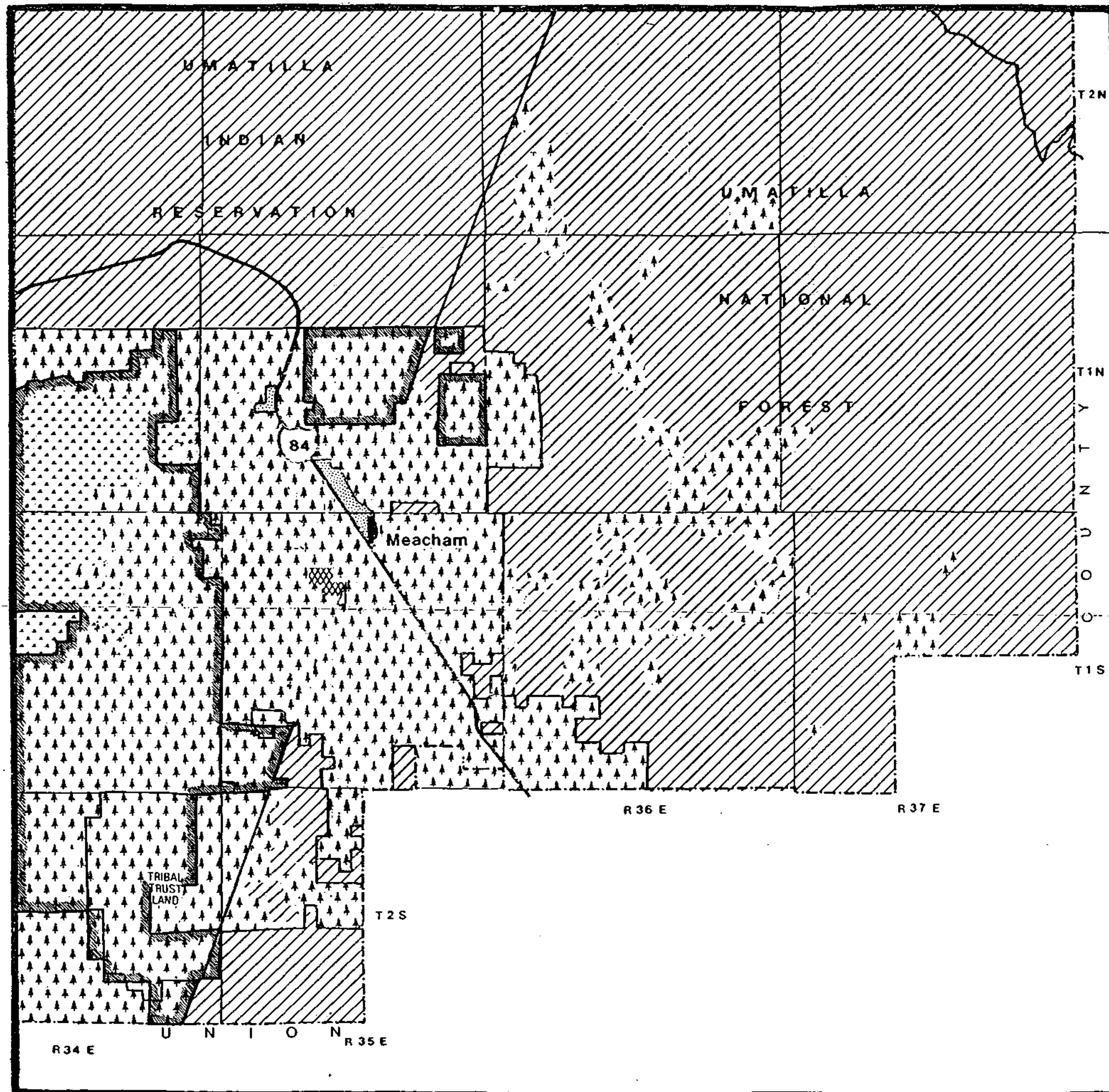
**OVERLAY ZONES**

- CRITICAL WINTER RANGE(CWR)**
- AGGREGATE RESOURCE(AR)**



These maps are for illustrative purposes only. For more detailed information contact the County Planning Department at the Courthouse in Pendleton.

**ZONING MAP  
UMATILLA COUNTY, MAP C**



**LEGEND**

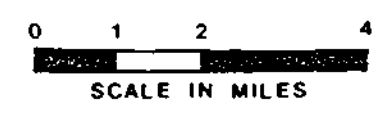
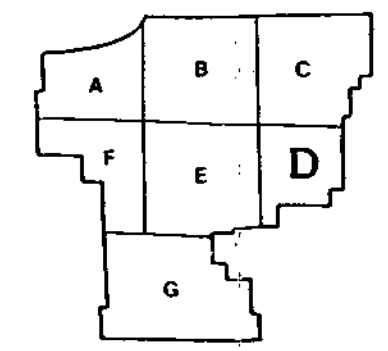
- MULTIPLE USE PLAN DESIGNATION**
- FOREST RESIDENTIAL (FR-5 Acre minimum Zoning Classification)**
  - MULTIPLE USE FOREST (MUF-10 Acre minimum Zoning Classification)**

- NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**
- EXCLUSIVE FARM USE (EFU- Zoning Classification)**

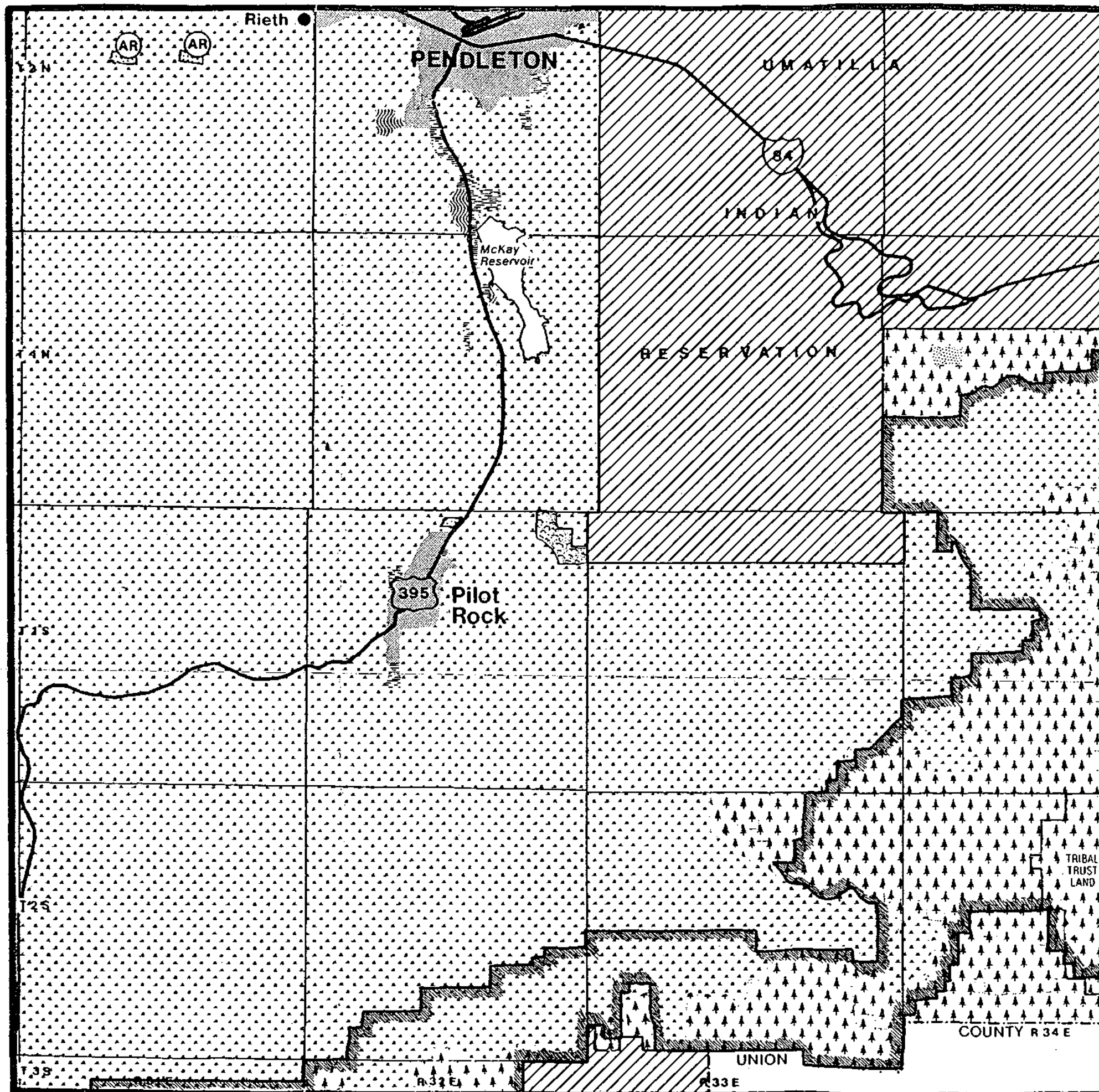
- GRAZING / FOREST PLAN DESIGNATION**
- GRAZING FARM (GF- Zoning Classification)**
  - FEDERAL LAND**
  - UNINCORPORATED COMMUNITY**

- OVERLAY ZONES**
- CRITICAL WINTER RANGE(CWR)**

These maps are for illustrative purposes only. For more detailed information contact the County Planning Department at the Courthouse in Pendleton.





**ZONING MAP  
UMATILLA COUNTY, MAP D**




**LEGEND**

**RURAL RESIDENTIAL PLAN DESIGNATION**

-  **RURAL RESIDENTIAL 2 RR-2** Acre minimum Zoning Classification
-  **RURAL RESIDENTIAL 4 (RR-4)** Acre minimum Zoning Classification


**MULTIPLE USE PLAN DESIGNATION**

-  **FOREST RESIDENTIAL (FR-5)** Acre minimum Zoning Classification

**INDUSTRIAL PLAN DESIGNATION**

-  **LIGHT INDUSTRIAL (LI-)** Zoning Classification

**SPECIAL AGRICULTURE PLAN DESIGNATION**

-  **EXCLUSIVE FARM USE 20 (EFU-20)** Acre minimum Zoning Classification

**NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**

-  **EXCLUSIVE FARM USE (EFU-)** Zoning Classification

**GRAZING**

-  **GRAZING FARM (GF-)** Zoning Classification

-  **FEDERAL LANDS UNINCORPORATED**

-  **COMMUNITY CITIES & URBAN**

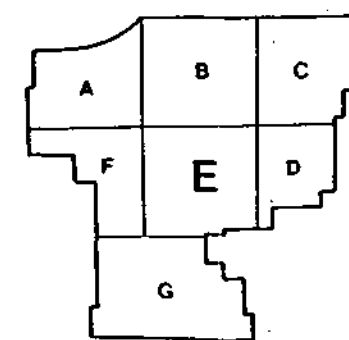
-  **GROWTH AREAS**

**OVERLAY ZONES**

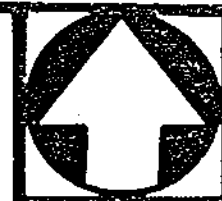
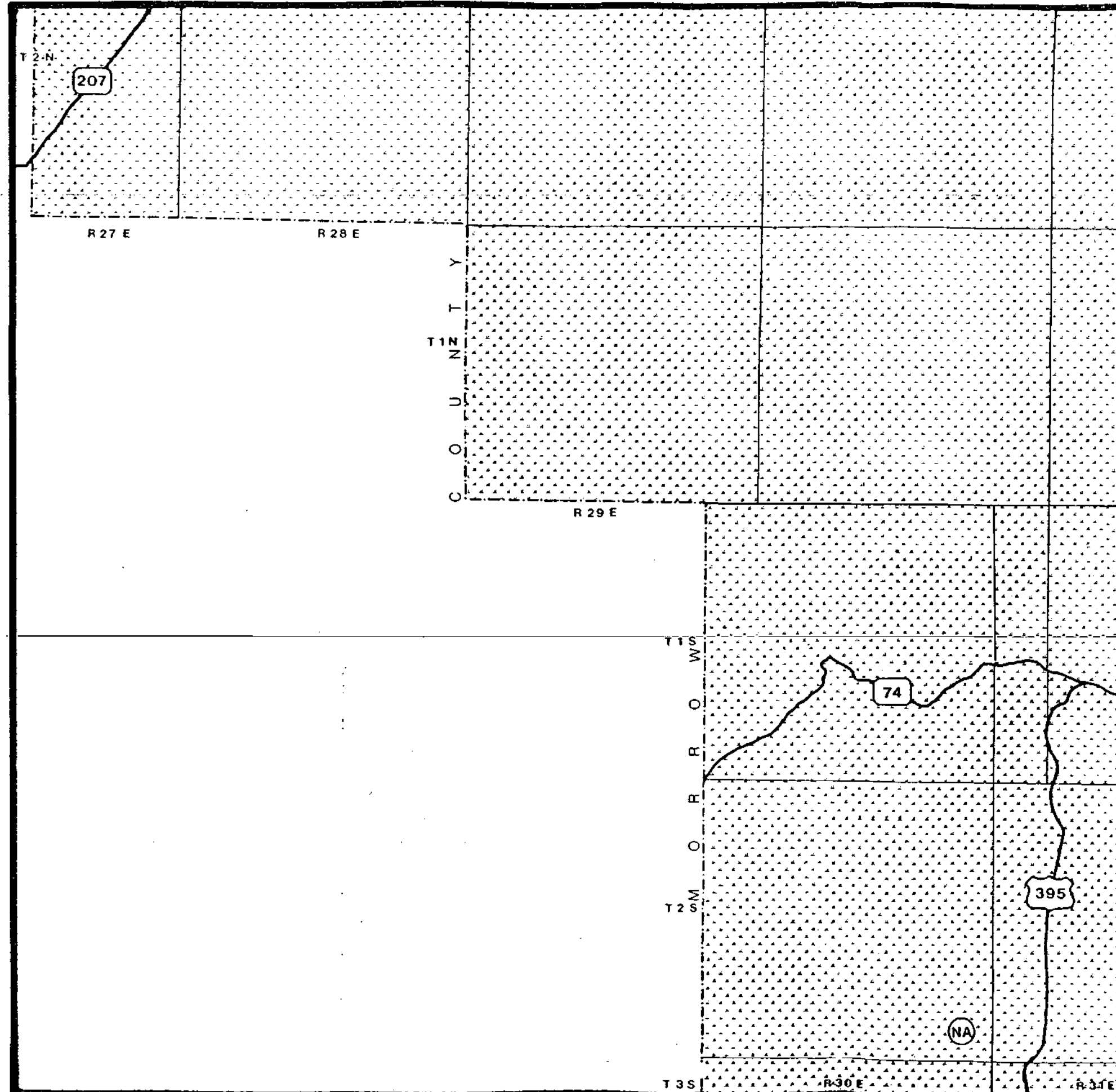
-  **CRITICAL WINTER RANGE(CWR)**

-  **AGGREGATE RESOURCE(AR)**

These maps are for illustrative purposes only. For more detailed information contact the County Planning Department at the Courthouse in Pendleton.




**ZONING MAP  
 UMATILLA COUNTY, OREGON**



**LEGEND**

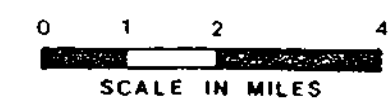
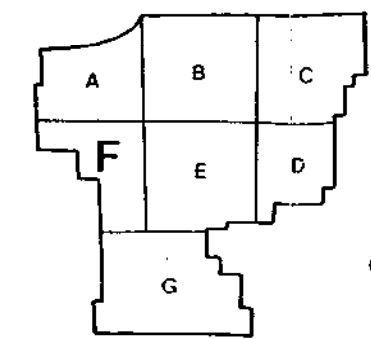
**NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**

 **EXCLUSIVE FARM USE (EFU Zoning Classification)**

**OVERLAY ZONES**

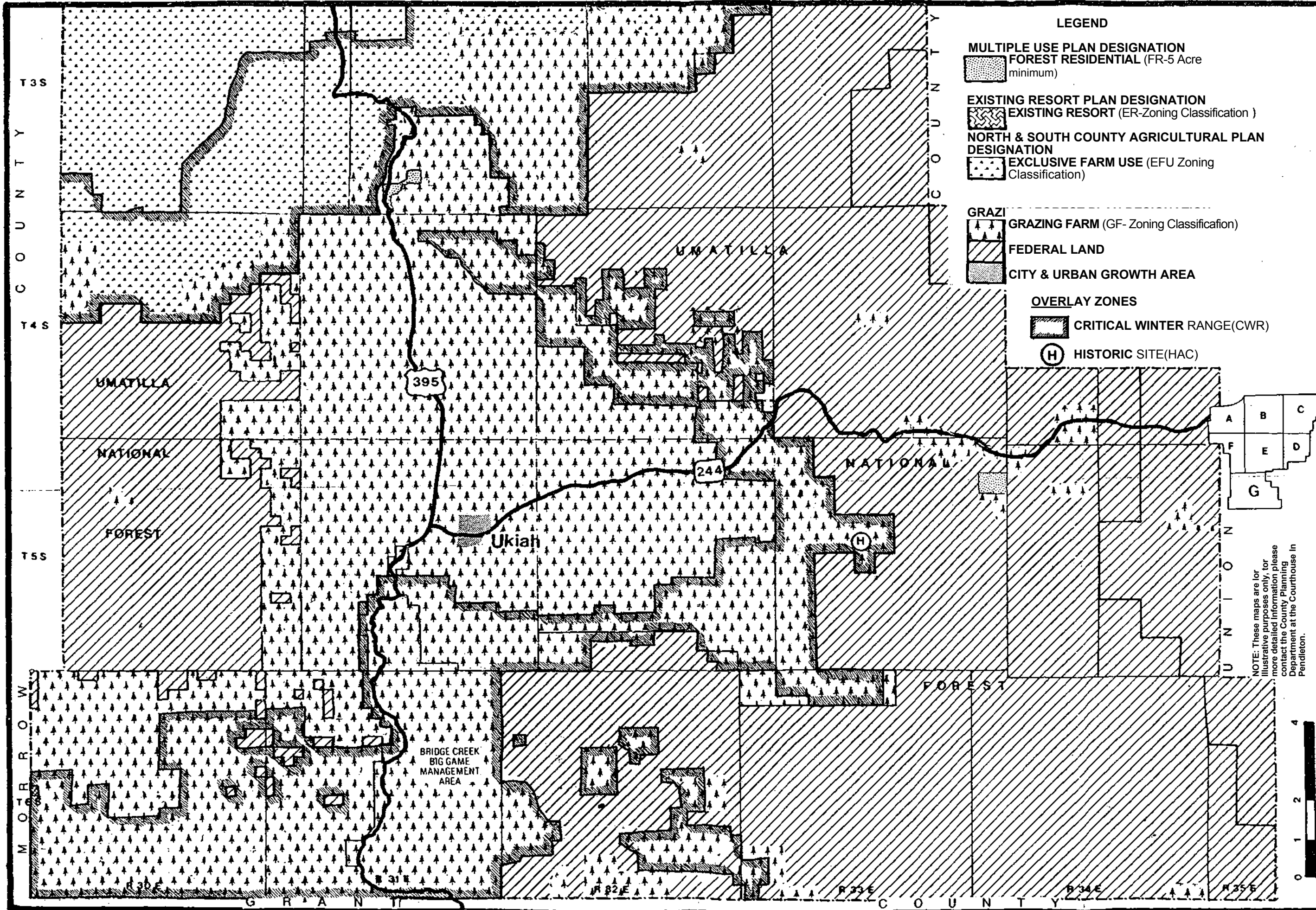
 **NATURAL AREA**

These maps are for illustrative purposes only. For more detailed information please contact the County Planning Department at the Courthouse in Pendleton.



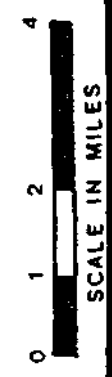
**ZONING MAP  
UMATILLA COUNTY, MAP F**





- LEGEND**
- MULTIPLE USE PLAN DESIGNATION**
    - FOREST RESIDENTIAL (FR-5 Acre minimum)
  - EXISTING RESORT PLAN DESIGNATION**
    - EXISTING RESORT (ER-Zoning Classification)
  - NORTH & SOUTH COUNTY AGRICULTURAL PLAN DESIGNATION**
    - EXCLUSIVE FARM USE (EFU Zoning Classification)
  - GRAZING**
    - GRAZING FARM (GF-Zoning Classification)
  - FEDERAL LAND**
  - CITY & URBAN GROWTH AREA**
  - OVERLAY ZONES**
    - CRITICAL WINTER RANGE(CWR)
    - HISTORIC SITE(HAC)

NOTE: These maps are for illustrative purposes only, for more detailed information please contact the County Planning Department at the Courthouse in Pendleton.



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**ZONING MAP**  
**UMATILLA COUNTY, MAP C**

Hermiston, Oregon  
September 18, 1984

Umatilla County Planning Department  
Umatilla County Court House 216  
South 4 st. Pendleton, Oregon  
97801

DD

Attention: Bob Perry

Ladies and Gentlemen:

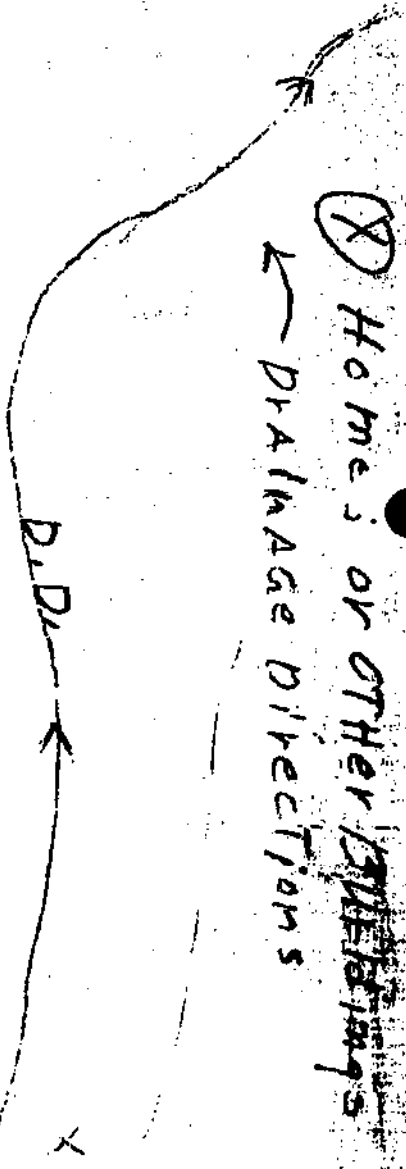
I would first like to make known that I do not oppose good sensible land use planning. Planning has been a way of life with me for most of my 62 years. Only one year ago I visited a ten acre tract of land now well within the City of Great Falls, Mont. Thirty five years ago we didn't have any planners, with the cooperation of the City Engineer, I was able to plot this land and partially develop it. It is now a very choice residential area. I must admit that I came away with a tear in my eye and a great sense of pride and accomplishment. You may rest assured that my attitude towards sensible well thought out planning will continue.

I do not consider myself as either a developer or speculator. I purchased my property twenty years ago and intend to spend the rest of my life here. This property has cost us dearly, our eldest son lost his life in a tractor accident while correcting an erosion problem. It is my hopes and prayers that I be allowed to continue the work that has been in the making all these many years. To deny me ray God given right to eventually create a rural residential area that I could be proud of is to deny us the rights of free men living in a free country, a country that I offered my life for during all of World War II. I am a disabled American war veteran.

Gentlemen, I am asking you do not exclude my property from the existing comprehensive plan present by the Umatilla County Planning Department to the LCDC, but allow it to exist either as RR2 preferably or RR4,, To withdraw this into EPU 20 can only bring great hardships down on my family and myself, deny tax revenues and cause a continuation of idle and therefore waste land. This is not farmable land that can produce agriculture related produce on either a volumus or profitable scale. Twenty years of experience has taught me this fact, The greatest part of my life has been agricultural related, therefore I can speak with some authority. I am afraid that all of us use the word farm too literally. Type of farming and the ability of the land to produce should be first considered. I have met with the County Extention Agent several times and the only plan we have been able to come up with is to leave the land in the grasses I have established in shelter belts and water bars. It must be realized that small acreages can help to preserve this land. The creation of tree row homes and etck all tend to break the wind, this, can't be denied. Many of us either do not remember or are aot aware of the fact that during the dirty thirties and into the forties this very area was a focal point of the Soil Conservation Department. The CCC (Civilian Conservation Corp), which I was a member of in 1938 & 1939j>and World War II prisoners of war .lo'cated at Stanf°ield, Oregon labored in this-area filling washouts, planting thousands of trees in shelter belts and creating small parcels of land where a man might build a home and raise a family,, Smal'l country home sites such as this are good for the people of this country. There is a need for this and always will be, God permitting.

The following statements are only a few of the reasons why this area should be excluded from EPU 20 and zoned RR2 preferably or RR4

⊗ Homes or other buildings  
← Drainage Directions



XX X

R.R. 4  
X X X

E. PARKIN CENTER R.D.

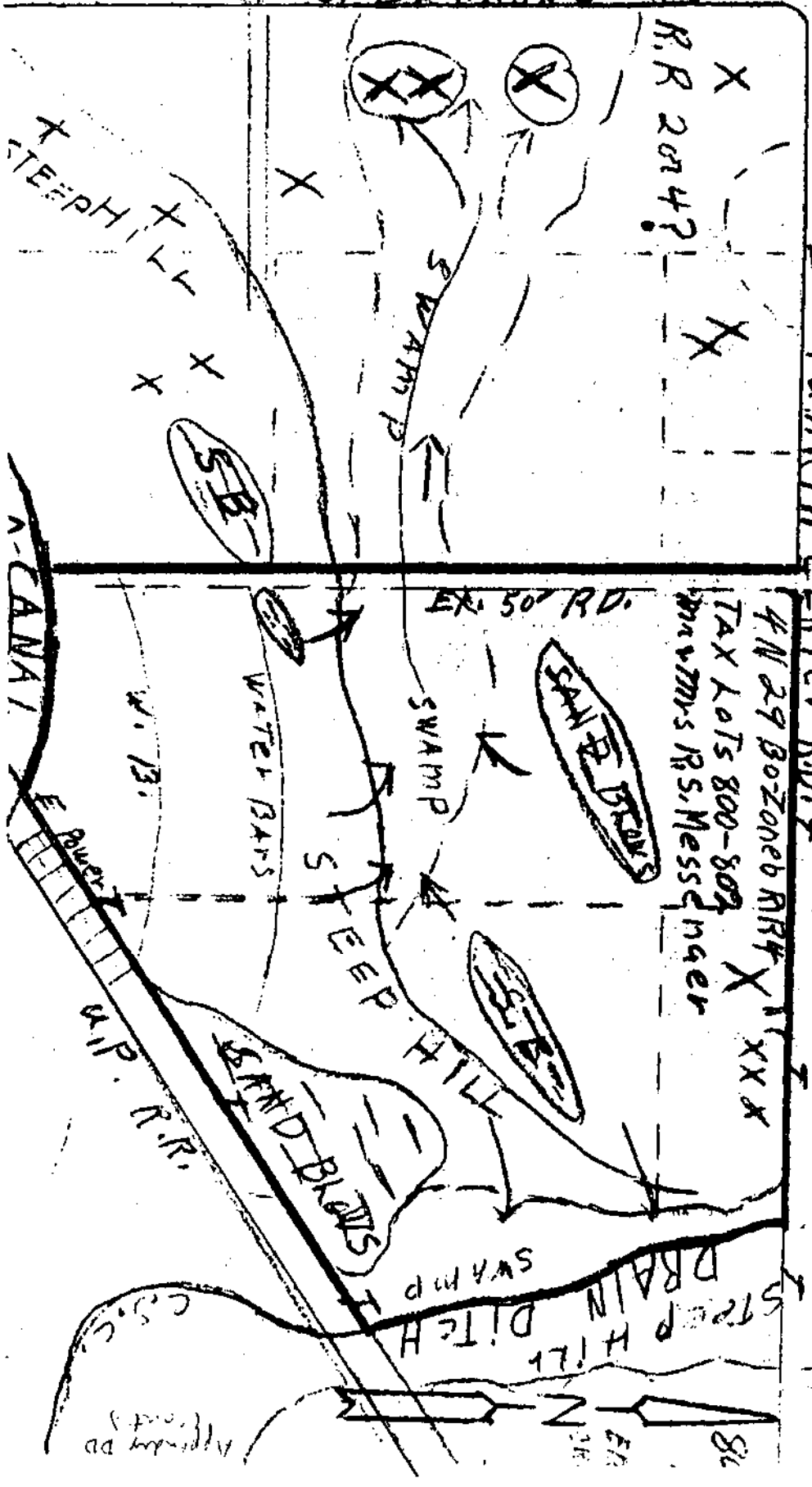
R.R. 2014?  
X X

4 N 29 BOZONE RR 4  
TAX LOTS 800-809  
MURPHY'S R.S. Messenger

R.R. 2  
2 ponds

S. EDWARDS RD.

EX. 50' RD.





United States  
Department of  
Agriculture

Forest  
Service

Umatilla  
National  
Forest

2517 S.W. Hailey Ave.  
Pendleton, OR 97801

Reply io 2310

o»« May 1f j 1985

r

Mr. Bob Perry  
Umatilla Planning Commission  
216 S.E. 4th  
Pendleton, Oregon 97801

L

Dear Mr. Perry:

This letter is in response to a request for information on the land management allocations for U.S. Forest Service lands along State Highway 204. The allocation for this area under the current Elgin Land Management Plan is LMA 17. LMA 17 provides for a variety of recreational experiences. The objective for this allocation states: "To provide nearly all types of recreation, from the highly developed to the near primitive, located in one general area. The area should have a natural environment that has the potential for both summer and winter activities such as vehicle and tent camping, backpacking, horseback riding, trail bike riding, skiing, snowmobiles, fishing and hunting." Enclosed is a copy of Land Management Allocation 17 to show the direction for the other resource areas. Current policy also directs us to encourage further facility development on private lands..

The following is the recreation use data you requested:

DEVELOPED SITES	RVD»
Jublilee Lake Campground	35,800
Target Meadows Campground	4,900
Woodward Campground	5,200
Woodland Campground	4,100
Spout Springs Ski Area	5,500
Spout Springs Recreation Residence	7,200
 DISPERSED RECREATION	
Snowmobiling	24,900
Cross Country Skiing	5,800
Snow Play	3,400
Hunting	165,900
Berry Picking	<u>2,500</u>
GRAND TOTAL	265,200

•RVD - Recreation Visitor Day





The use figures for the developed sites are firm figures. The dispersed recreation figures are the estimated use figures for the entire Walla Walla Ranger District. The use figures are from 1984.

If you have any questions, please contact Lynn Roehm here at our office.

A handwritten signature in cursive script that reads "Gordon Reinhart".

GORDON REINHART  
Fire and Recreation Staff

Sincerely,

LAND MANAGEMENT ALLOCATION 17

OBJECTIVE  
CONCEPT: To provide nearly all types of recreation, from the highly developed to the near primitive, located in one general area. The area should have a natural environment that has the potential for both summer and winter activities such-as vehicle and tent camping, backpacking, horseback riding, trail bike riding, skiing, snowmobiles, fishing and hunting.

PRINCIPAL  
VALUE: Various recreation.

DIRECTION:

Timber: Commercial timber harvesting permitted with the following constraints: harvesting entries reduced to decrease conflicts with recreationists; all timber management prescriptions subservient to recreation objectives.

Recreation: Preference Types I through V.

Wildlife: Elk habitat will be optimized with habitat provision for other general forest wildlife; snag habitat will be maintained to provide for viable population levels as outlined in the Region 6 and Umatilla Forest Snag Supplement; threatened and endangered species and fisheries habitat protected; old growth habitat will be maintained for self-sustaining wildlife populations.

Range: Cattle and sheep grazing will meet recreation objectives.

Fuels: Fuels reduced to levels consistent with protection objectives in areas where timber is managed for consumption; fuel breaks allowed but will meet recreation objectives.

ORV: Permitted in some areas.

Transpox.  
tation: Roads constructed for timber management may be closed to auto traffic.

Visual: All roads and trails will be classified as Sensitivity Level I (Quality Objectives of Retention and Partial Retention).

Other: Streamside Management Policy practiced.

Land Curve Weston Mountain  
 (4N36-4N38 & Submaps)  
 July 1, 1981

<u>Acres</u>	<u>\$/Acres</u>	<u>Lump Sum</u>
.25	\$13,000	\$3,250
.50	\$8,000	\$4,000
.75	\$7,250	\$5,438
1.	\$6,874	\$6,870
2	(\$5,438/	\$10,880
3	\$4,188	\$12,560
4	\$3,250	\$13,000
5	\$2,624	\$13,120
6	\$2,220	\$13,320
7	\$1,980	\$13,860
8	\$1,812	\$14,500
9	\$1,668	\$15,010
10	\$1,592	\$15,920
11	\$1,530	\$16,830
12	\$1,470	\$17,640
13	\$1,440	\$18,720
14	\$1,400	\$19,600
15	\$1,342	\$20,130
16	\$1,310	\$20,960
17	\$1,270	\$21,590
18	\$1,250	\$22,500
19	\$1,188	\$22,572
20	\$1,160	\$23,200
25	\$1,110	\$27,750
30	\$1,057	\$31,710
35	\$1,000	\$35,000
100'	\$498	\$49,800
110	\$490	\$53,900
120	\$460	\$55,200
130	\$430	\$55,900
140	\$400	\$56,000
150 Up	\$390	\$58,500

Note: This curve is based on Average Topography and access in the area.

Note: Overall adjustments for access and Topography limited to + or - 10%.

Very Limited Access Land

Curve Weston Mountain

(4N36-4N38 & Submaps)

July 1, 1981

<u>Acres</u>	<u>\$/Acre</u>	<u>Lump Sum</u>
0.25	\$3,750	\$940
0.25	\$3,500	\$1,750
0.75	\$3,250	\$2,440
1.00	\$3,000	\$3,000
2.00	\$2,250	\$4,500
3.00	\$1,664	\$4,990
4.00-40.00	\$1,000	
40.00 and up	Revert to other land curve.	

t

Note: This curve is based on limited access created by Topography Problems. Extreme Topography may warrant a slight further adjustment.

^ .May 28, 1985

Planning Commission, Umatilla County 216  
S.E. 4th Pendleton, OR 97801

Dear Sirs:

We wish to offer testimony that will show committment or recreation use of our property next to Woodward Campground in the Tollgate/J-apgdon Lake area.

First, we emphatically state that our 20 acres is neither suitable for grazing, timber or Christmas tree sales. These are the only major resource activities taking place in the mountain areas of Umatilla County.

Commercial timber management and or Christmas tree horticulture is impractical on our land because of the thick and heavy brush that would have to be removed, cleared and replanted. These preperation costs could amount to \$1,000 per acre. Borrowing the money to do this work at 10% interest is \$2,000 ( $\$1,000 \times 20 \text{ acres} @ 10\%$ ). If added to the \$21,000 original purchase price another \$2,100 in interest would result for a total annual interest cost of \$4,100. You might get \$100 per acre for Christmas trees or \$2,000 per year on a 20 acre tract like ours. You can see that economically such tree growing use is impractical. We have also been told that there is a high possibility of the tops of these young trees being damaged by the heavy snowmobile use occuring on our property and on adjacent properties, especially during low snowfall years when they would be exposed. This would make the trees unsaleable. This situation, we have been advised, has occurred in some locations in the Tollgate area both on private and forest service lands.

Grazing management is also not economically practical. The same costs clearing and improving the land are involved (\$1,000 per acre). You may be able to support 5 pair of cows for four months which might net you \$10 to \$200 per year - a real money making enterprise?!! The only feasible way to manage the livestock so they do not create problems with adjacent recreational uses and lands is to fence them. This is totally ridiculous. We used to run cattle in the general area on much larger properties and have witnessed numerous fence cutting and other similar damage. This is annoying, time consuming and expensive. We know this will happen . on our small tract if cattle were contained on it because of all the hunters and snowmobilers that travel across our property. We have had to several times repair the existing fence that runs along part of this property. The cost to provide water for livestock would also be prohibitive because a drilled well .is the only possible source of water. A well is extremely expensive and would not make sense to invest in for only 20 head of livestock.

Concluding, we purchased the property some 5 years ago for recreational purposes because of the existing recreational development and similar activites taking place all around our property. We had planned to build a cabin by now except that the bad economic climate of these last several years of which we all have experienced has prevented us from doing so. It makes no since to us to call our property resource for the reasons we have given above. There is not even a possibility to purchase adjacent lands for consolidation to allow larger resource tracts because the land values

Page 2

here are extremely high and again is one of many cost prohibitive factors restricting and or eliminating resource activities in this region (again, resource use was not our original intent).

We hope this letter will suffice L.C.D.C.'s requirements and permit the County to take an exception for our land and other lands in the Toll gate area. If you have any other questions or need additional data or facts we will try to answer and comply with any of your requests.

Sincerely,

  
Don and Lela Key

# Unit No. 158

## ENGINEERING

Unified Class.	Surface Subsoil	ML CLGC-GM
Suit. as Topsoil Source	Suited	
Sand or Gravel Source	Unsuited	
Suit. as Clay Source	Unsuited	
Suit. Bedrock for Roadrock	Fair	
Limit of Bedrock for Roadrock	Soft breccias and pyroclastics	
Est. of Roadrock Thickness	Thick	
Consid. for Road Location b Construction	Frost, heavy snow, heavy subsoils	
Method of Excavation	Blade and rip	
Cutbank b Ditch Erosion Potential	Moderate	
Susceptibility to Cutbank Sloughing b Raveling	Moderate	
Est. Cutslope Ratio	Soil	Moderate
	Bedrock	Steep
Probability of Cutbank Failure	Stable	
Considerations for Cutbank Stability Problems	Drainage and minima/cuts	
Failure Potential on Waste b Fill	Moderate	
Erosion Potential on Road Waste and Fills	Moderate	
Suitability of Road Waste b Fill Slopes to Seeding	Fair	
Limitations to Road Waste and Fill Slope Seeding	Short season; heavy snows	
Suggestions for Road Waste and Fill Slope Seeding	Seed early and mulch	
Suitability of Cutbank Seeding	Good	
Limit of Cutbank Seeding	Short season; cool site	
Suggestions for Cutbank Seeding	Leave rough	

## TIMBER MANAGEMENT

Susceptible to Brush	Moderate
Revegetation	
Susceptibility to Pinegrass	Low
Revegetation	
Potential for Regeneration	( Fair )
Limitations to Regeneration	Burning, ground cover, frost
Suggested Tree Planting Species	Fir, larch
Waterbar Interval	8 ft. vertical
Harvest Potential Impact on Soil Resource	( High )
Type of Damage	1 Compaction, \ \ burning /
Suggested Slash Disposal	Lop and scatter leaving the fines

## EROSION AND HYDROLOGY

Natural Stability	Stable
Nature of Mass Movement .	Soil creep and small slipouts
Expected Mass Movement from Man's Activity '	Unchanged
Surface Soil Erosion Potential	Moderate
Subsoil Erosion Potential	Low
Suggestions for Controlling Subsoil Erosion	Good infiltration
Water Yield Class	II
Bedrock Hydrologic Characteristics	1
Hydrologic Group	B
Sedimentation Yield Potential	Moderate
Expected Sediment Size	Surface Silt, Subsoil clay

## RANGE AND WILDLIFE

Limitations for Domestic Livestock and Wildlife Use	Cool short growing season )
Susceptibility to Soil Compaction V	High N
Susceptibility to Soil Displacement	low
Potential for Range Improvements through Seeding	C?L3
Limitations to Range Seeding	Heavy snow, big game use

# Unit No. 315

## ENGINEERING

Unified Subsoil	Surfac* ML Class. MLGM
Suit, as Topsoil Source	Unsuited because of position
Sand or Gravel Source	Unsuited
Suit, as Clay Source	Unsuited
Suit. Bedrock for Roadrock	Fair
Limit of Bedrock for Roadrock	Soft interflows
Est. of Roadrock Thickness	Thick
Consid. for Road Location Construction	High TM site; wet, springs, soft
Method of Excavation	Blade
Cutbank <i>it</i> Ditch Erosion Potential	Low
Susceptibility to Cutbank Sloughing <i>it</i> Raveling	Moderate
Est. Gutslope Ratio	Soil Moderate Bedrock Steep
Probability of Cutbank Failure	Moderate
Considerations for Cutbank Stability Problems	Roll grade; limit cuts
Failure Potential on Waste <i>it</i> Fill	. Moderate
Erosion Potential on Road Waste and Fills	Moderate
Suitability of Road Waste <i>it</i> Fill Slopes to Seeding	Good
Limitations to Road Waste and Fill Slope Seeding	None
Suggestions for Road Waste and Fill Slope Seeding	Seed, mulch follow up
Suitability of Cutbank Seeding	Good
Limit of Cutbank Seeding	None
Suggestions for Cutbank Seeding	Leave rough; seed when work is done

## TIMBER MANAGEMENT

Susceptible to Brush Revegetation	^High^ 1
Susceptibility to Pinegrass Revegetation	Low
Potential for Regeneration	Good
Limitations to Regeneration	(f Brush, cool site ^
Suggested Tree Planting Species	Fir
Waterbar Interval	5' vertical
Harvest Potential ( Impact on Soil Resource)	Severe ^
Type of Damage	Sedimentation, brush takeover, compaction
Suggested Slash Disposal	Leave only small fines

## EROSION AND HYDROLOGY

Natural Stability	Moderately stable
Nature of Mass Movement	Small slumps
Expected Mass Movement from Man's Activity	Increased
Surface Soil Erosion Potential	Moderate
Subsoil Erosion Potential	Moderate
Suggestions for Controlling Subsoil Erosion	Limited disturbance; ground cover
Water Yield Class	1
Bedrock Hydrologic Characteristics	1
Hydrologic Group	B
Sedimentation Yield Potential	High
Expected Sediment Size	Surface Silt Subsoil Silt, clay i

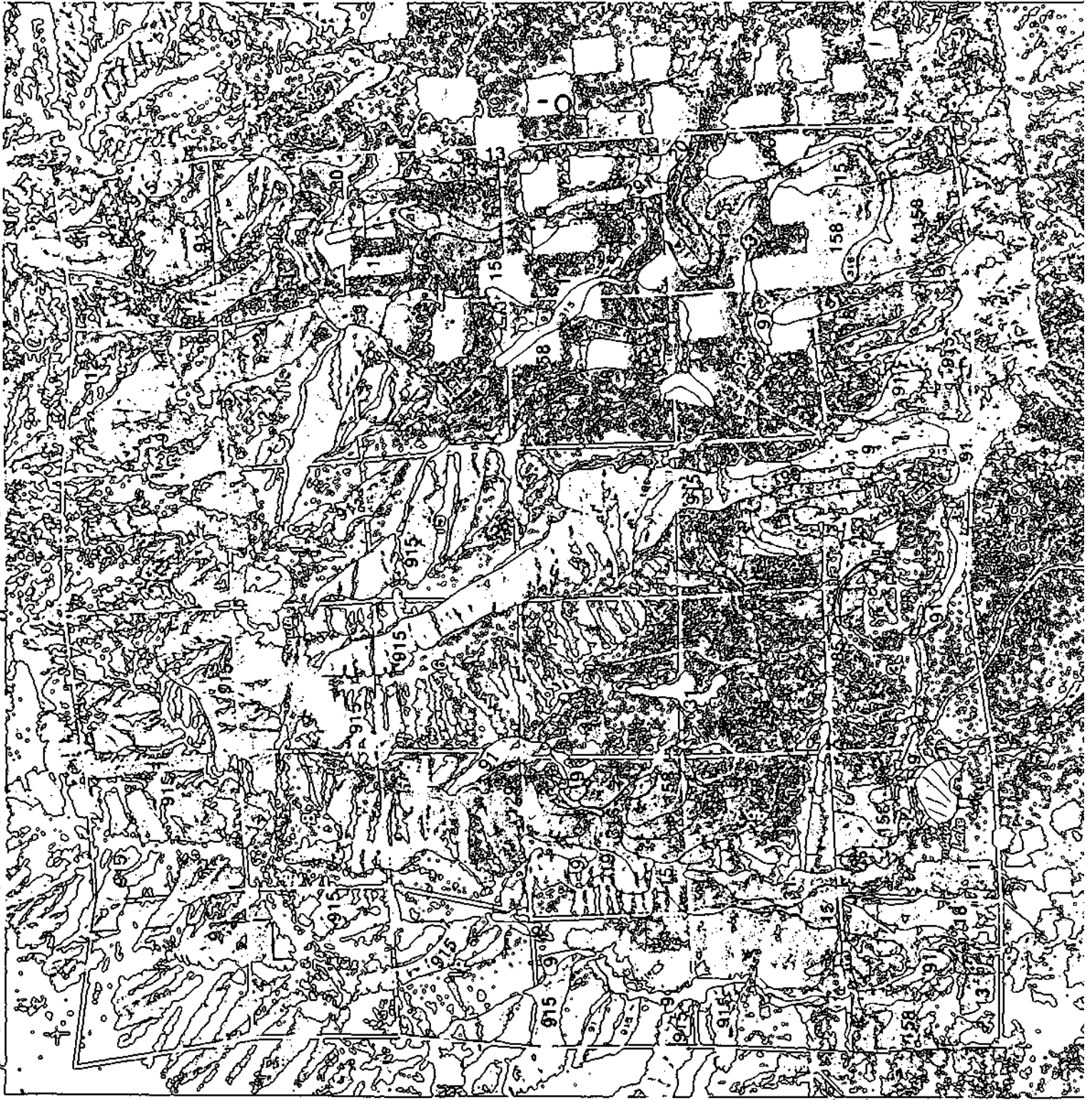
## RANGE AND WILDLIFE

Limitations for Domestic Livestock and Wildlife Use	Low
Susceptibility to Soil Compaction	, f High T \
Susceptibility to Soil Displacement	Low
Potential for Range Improvements through Seeding	^ " Low ~ \ ^
Limitations to Range Seeding	^ _____ . ( ' Brush, cool wet \ site, pollution J





Map from Soil Resource Inventory - 11.0



Fisk Property

Attachment ①

1107 S.W. 33rd  
Pendleton, Ore. 97801  
April 12, 1985

Umatilla Co. Planning Dept.  
Umatilla Co. Court House  
216 S.E. 4th  
Pendleton, Oregon 97801

Regarding: zone change of  
acreage north of Milton Incewater

Attention Bob Perry:

It has come to my attention that a proposal is at hand to change the zoning of some acreage, of which I am part owner and overseer, from RR-2 to EFU.

Let me express my concern for such a proposal. Over the past 8 years I have had the responsibility of managing the land for an estate in which it was held. During this time two different parties have leased the property and have made an earnest effort to farm the land with an intent to make a profit. Prior to that time, the property was leased off and on by other parties who tried different row crops.

None of these parties have managed to make a profit and for the following reasons related

to me have found the property to be undesirable for farming:

a) The unit in question is approximately 10 acres in size and not large enough to be a productive farm unit, consideration given to the costs of cultivation and harvest equipment plus costs of irrigation.

b) Part of the unit is sub-irrigated and too wet for row crops.

c) A 60 ft. bluff divides part of this 10 acres from another 6 non-tillable acres where outbuilding are located for storage. The bluff takes away part of the tillable 10 acres plus it makes it necessary to move farm equipment on state and county roads to get from the front to the back of the property.

d) The 10 acres in question are bounded on three sides with RR-2 zoned land and much of that acreage has developed homesteads. This presents several problems:

① There is no foreseeable way of acquiring additional adjoining property to make the property large enough to become a productive farm unit.

- ② On occasion young people have broken locked gates to gain access to the newly planted field for the purpose of riding motor bikes or horses.
- ③ Because of the close proximity of the developed homesites, crop spraying with insecticides and herbicides has been a special concern for all parties.
- e) The land situated above the bluff makes it some of the highest in the valley and very susceptible to frosts and winds, making the acreage undesirable for an orchard.
- f) Attempts have been made to custom farm the acreage but it is so small that the cannery has opted to take crops from larger properties first, often leaving a poor quality harvest when and if harvested at all.

It seems very evident to me that the land in question is not compatible farm land and should retain its present zoning of RR-2. Should this letter fail to erase any doubts as to the usefulness of the land for farming, please advise me and I will be happy to appear and answer any questions.

Sincerely,



CUNNINGHAM SHEEP & LAND COMPANY  
PENDLETON RANCHES, INC  
MUD SPRINGS RANCHES  
HOKE RANCHES

## CUNNINGHAM SHEEP COMPANY

303 S. E. 3RD ST. P. O. BOX 1186  
503-276-6391  
PENDLETON, OREGON 97801

June 19, 1984

Umatilla County Planning Department  
216 S. E. 4th Pendleton, Oregon  
97801

Dear Sirs:

This is to notify you that the Darr Flat area will remain in its present status. No changes are anticipated in present use or ownership. Therefore we see no real need for additional protective measures at this time.

If in the future Cunningham Sheep Company decides to make any changes in use or ownership, we are willing to notify you.

Sincerely,

Lou Levy  
Vice President

LL:pm