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UMATILLA COUNTY RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
 Comprehensive Plan to include) ORDINANCE NO. 2006-14
 Goal 3 Exception and)
 Comprehensive Plan Map)
 for Residential Use for Brad)
 and Pam Wheeler)

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

WHEREAS an application was received from Brad and Pam Wheeler requesting Umatilla County to allow the re-zoning of Exclusive Farm Use property to allow for residential use, which would require an exception to Goal 3, on the property known as Umatilla County Tax Lot 1N32-1000 located in the South Half of the Northeast Quarter of Section 4, Township 1 North, Range 32, East of Willamette Meridian, Umatilla County, Oregon;

WHEREAS the Umatilla County Planning Commission held a public hearing on May 25, 2006 to review the application and the proposed amendment to the plan and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissions held a public hearing on June 13, 2006, to consider the proposed amendment, and voted to adopt the amendment as proposed by the Planning Commission.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Umatilla County Comprehensive Plan, adopted May 9, 1983, be further amended as follows:

I. The Comprehensive Planning Map, including Comprehensive Plan Map E, is amended to change the designation of the subject property from North/South County Agriculture (resource lands) to Rural Residential (non-resource lands).

II. (To be inserted after section for Goal Exceptions Statement for Rural Residential, Central County Developed/Committed Exceptions, Pg XVIII-347)

Area: Sparks Area (Area #8)
Total Acres: 25.83
Number of Dwellings: 1

Goal Exception Statement

The exception is justified as a "reasons" exception in accordance with ORS 197.721(1)(c) and OAR 660-004-0020 through 660-004-0022. The change of the designation of this site from Agriculture to Rural Residential is justified by the particular circumstances that are unique to the property. The site is part of an area with a mix of lot areas and Comprehensive Plan and zoning designations. The site is located north and west of Coombs Canyon Road, which forms a physical barrier between development in the Birch Creek within Coombs Canyon and dry land farms to the south. The site is bisected by Birch Creek, which creates two lots for practical purposes of maintenance and security, owing to limitations on access. Both sides of the creek have septic system approvals and currently have functioning systems in place. If eventually divided to create two parcels as the applicants' hope, both will have irrigation water and sufficient area to maintain some level of agricultural activities. The existing buildings west of the creek could accommodate an indoor arena, horse boarding, or similar activities.

1. Alternative Sites

An exception must consider alternative sites, even when a use is already established or circumstances of a particular property argue for unique circumstances. The site is already committed to the Rural Residential form of small acreage development. The site is relatively small, as compared to neighboring properties that are farmed, and has a residence. The property is split by Birch Creek, which makes access, security, and management problematic. No public facilities are necessary for the proposed use as Rural Residential. Septic approvals have been granted on both the east and west sides of the creek, and the existing domestic well has sufficient capacity to support a second residence. No alternative site that would not also require an exception could accommodate the use.

2. Adverse Impacts

The site is 25.38 acres in area, and as such has virtually no environmental, economic, social or energy consequences, certainly none that rise to the level of "significantly more adverse" than existing permitted development. The difference between the proposed

designation and present designation would be the potential for one additional residence, west of the creek, where several outbuildings and support systems are already in place. The environmental, economic, social, and energy consequences of the proposed exception are anticipated to go unnoticed, particularly in view of the scale of the proposed change.

(A) The environmental consequences of the proposed change in designation are non-existent. A septic system has been approved for both sides of the creek and domestic water is available from an existing well. In addition, a site for a new residence is available above the 100 year flood elevation, which would have the concomitant effect of limiting new impervious surface in the vicinity of the creek.

(B) Economic consequences are similarly non-existent. One more residence on the site would hardly be noticed in the County's economy. The site is not presently farmed, though the applicants operated a mink farm for 12 years until they realized that the operation could not be profitable. The buildings remain on the site and could be used for farm and related operations, such as horse boarding and training, and so on.

(C) Social consequences of the proposed change to Rural Residential would include the potential for one new residence, in an area along Birch Creek where residences have historically been constructed because the land was relatively flat and water was available. New development is occurring in Pendleton and along Highway 395 in the McKay Reservoir vicinity.

(D) Energy consequences would factor in the costs of constructing and maintaining a new residence, and commuting to and from employment.

3. Compatibility

The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. A residence is located across Coombs Canyon Road to the south and a mix of parcel sizes and residences are scattered along Birch Creek north and south of the site. In addition, uses allowed in the EFU and RR-10 Zones are similar, providing for many of the same type of agricultural-related uses. The exception would create the potential for one additional residence, and that the criterion was satisfied because residences along watercourses and roadways were common throughout the County and because future uses on the

site would remain agricultural.

In addition to the tax lots in the immediate vicinity of the site, rural residential uses (RR-2, RR-4, and RR-10) have been developed to the south near the Country Club, along the ridge top adjacent to Highway 395, and near McKay Reservoir.

To summarize, adjacent uses include at least two residences as well as irrigated pasture, and irrigated and dry land farming. Little farming activity of any kind occurs on the steep slopes of Coombs Canyon. Rural residences are common on smaller lots, though not immediately adjacent to the site.

4. Identification of potential adverse impacts

No "adverse impacts" have been identified, and no mitigating measures are necessary. The proposed Comprehensive Plan and Zoning change would allow one additional residence and uses allowed in the RR-10 Zone. Potential impacts of a new residence include new trips on Coombs Canyon Road to Highway 395 and additional noise. A septic system is already in place, used for the mink ranching operation, along with a water system, buildings, and lights. As the site already is occupied by a residence and outbuildings related to farm uses, no new potential impacts would be expected from continuing farm uses, such as pasture for animals, etc.

A single family residence generates less than 10 trips daily, according to the ITE Manual used by transportation engineers to calculate traffic impacts. Coombs Canyon Road has a very low level of trips, serving primarily local farms and rural residences on Birch Creek. Highway 395 carries significantly more vehicles, however is a state highway and designed to accommodate higher traffic flow. One single family residence will not have a noticeable effect on the traffic on adjacent roads, certainly nothing approaching an "adverse impact" that would require mitigation.

A single family residence generates a certain amount of noise, just by its existence, however, noise is mitigated by distance. The closest residences are the existing residence on Tax Lot 1000 and the "McDaniel place" south of Coombs Canyon Road, both at a distance of several hundred feet. No other noise sensitive use is located in the vicinity and a railroad line is immediately adjacent to the potential home site along the west property boundary. Therefore, the new noise created by an additional residence will probably not have a noticeable effect in the area or on nearby

residences, certainly nothing that would approach an "adverse impact" requiring mitigation.

One last consideration is the potential impact on the overall land use program and policy that calls for preservation of resource land. Approval of the proposed plan and zone change is not the beginning of a "slippery slope" that will lead to an "abyss" of zone changes throughout the county, but rather a recognition that this site and these circumstances are unusual and do not constitute an attack on the state and County policy embodied in Goal 3. The effect of the exception would allow a single new residence, through the partition of a 25 acre site created in 1957 that is already divided by Birch Creek. The arrangement of the site, with buildings located on both sides of the creek, is such that the appearance suggests two separate properties are already established. A 10-acre site is within the means and management ability of a part-time farmer, whose primary income is derived from other sources, so the site will very likely remain as pasture, maintaining the resource-related use.

5. Need for Use

To satisfy this requirement, the site must be show that there is a need for new rural residential development based on circumstances in the area. There is a demand for rural uses in farming and livestock on small ten acre parcels in association with housing and residential uses. The level of agricultural activity on the property will not be materially be changed by the change in plan and zone designation. The majority of the property will remain as irrigated pasture, within the flood plain. The outbuildings west of the creek could be used for raising animals as previously occurred, or be converted to an indoor riding arena or similar activity. There are very few "RR-10" properties, which are large enough to support a minimal level of farm use yet within a manageable and affordable size.

The property subject to this application is at the edge of a natural boundary to further expansion of rural residential development. South of Coombs Canyon Road, the land opens to the south and west, with larger property holdings and dry land grain farms. North of Coombs Canyon, along the creek, there is a mix of smaller properties and rural residential designations.

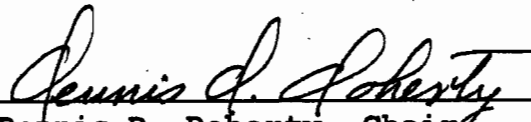
Economic activity in the vicinity that may generate a need for additional housing includes the Sparks Grain Elevator (approximately 1/8 of a mile), the Pendleton Country Club (along

Birch Creek, about 2 miles distant), and the landfill near Hoeft Road (2.5 miles). These activities generate approximately 8-10 jobs, which could be filled by nearby residents.

There is a need for larger lot rural residential land, which can continue to be used for farm-related activities and yet be manageable and affordable. The present size of the site is smaller than the minimum lot area in the EFU district and, more importantly, smaller than the typical economic farm property. There are economic activities in the vicinity of the site, which can justify provision of nearby housing. The site is in an area where rural residential development occurred historically, along the creek bottom land. The site is in a location that forms a natural boundary to further expansion of rural residential uses to the south, where Coombs Canyon Road crosses Birch Creek at the railroad line. Therefore, approval of the exception is justified.

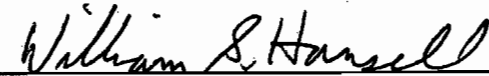
DATED this 13th day of June, 2006.

UMATILLA COUNTY BOARD OF COMMISSIONERS


Dennis D. Doherty, Chair

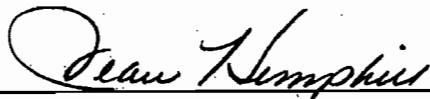
ABSENT

Emile M. Holeman, Commissioner



William S. Hansell, Commissioner

ATTEST:
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Records Officer

