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DEC 14 2006

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
Comprehensive Plan to include)
Goal 3 Exception and)
Comprehensive Plan Map)
for Residential Use for Leon)
Kennedy, and Daniel and Debora)
Wood)

ORDINANCE NO. 2006-19

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FEB 01 2007

UMATILLA COUNTY
PLANNING DEPARTMENT

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 Leon Kennedy, and Daniel and Debora Wood, requesting Umatilla County to allow the rezoning 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 Lots 4N29-07A-600 and 4N29-07C-900 (Kennedy), and Tax Lots 4N29-07B-800 and -900 (Wood), located in the North Half and the Southwest Quarter of Section 7, Township 4 North, Range 29, East of Willamette Meridian, Umatilla County, Oregon;

WHEREAS the Umatilla County Planning Commission held a public hearing on August 24, 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 October 4, 2006, continued to October 10, 2006, and December 12, 2006, to consider the proposed amendment, and voted to adopt the amendment.

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 A, 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, East County Developed/Committed Exceptions, Pg XVIII-321)

Area: Kennedy/Woods Area
Total Acres: 103.98

Finding:

The county previously has found an insufficient number of parcels available for rural residential use in Umatilla County based on the percentage of land within each rural land classification. Similarly, the addition of the Kennedy/Woods 104 acres will allow for an additional ten, 10 acre lots, which neither significantly add to the supply of large rural residential lots, nor diminish the supply of farm land.

The Kennedy/Woods property is unique in that it has physical constraints that make it ill suited for productive agricultural use. It is constrained on four sides by the physical boundaries of Ott Road to the west, the "A" line canal on the north, Canal Road on the east and the railroad tracks and associated right-of-way on the south. As a result the site is very narrow ranging in width from approximately 50 feet where the site fronts on Canal Road to 800 feet at its widest point. Approximately 50% of the length of the site is less than 700 feet wide. The property is on a hillside and in some places is too steep for machinery. In other places, there are natural springs which create runoff and standing water, causing problems for equipment.

According to the former owners of the property, the current owners of the property, an area farmer who has been approached to farm the site, and others, most of the subject property is unsuitable for farming. The lack of an adequate water supply for irrigation is also an issue.

The site is bounded on approximately about 75% of the site by residential exception lands that are committed to non-resource uses. Locating rural residential areas adjacent to areas where commercial farming is not planned, will allow the continuation of the most economic management practices for resource production.

Finding:

The land inside the UGB's whether or not it is Hermiston, Pendleton or other cities in Umatilla County are not designed to accommodate larger lot rural residential development and are discouraged by

administrative regulations. The 10 acre lot is considered by the State to be a rural level of development and should not be placed inside the Urban Growth Boundaries where land has been relied upon to serve eventual urban needs.

Finding:

Exception areas were created when Comprehensive Plans were being adopted statewide and there were areas at the fringe of cities that were not being planned for urbanization, agriculture, open space or forest use. In Umatilla County these areas were primarily built and committed to non-resource land uses and serve as rural communities and rural services centers. The exception areas are highly parcelized and occupied with single family homes.

There are five residential exception areas within 1 mile of the Hermiston UGB. The commercial and industrial exception areas were excluded because conversion of them to rural residential use would have resulted in the need for a Goal 9 exception and a loss of employment opportunity. Therefore commercial and industrial exception areas should not be considered as alternatives and have not been analyzed. The average parcel size would require assembly of multiple lots, and the removal of homes to accommodate the desired 10 acre lots. When the exception areas were acknowledged, they were created because of their inability to contribute to either the urban land base or the resource base. Since their initial identification and designation, further parcelization has occurred making their suitability for development even less likely. Finally, the density of uses on the existing rural residential subdivisions cannot be increased without taking a Goal 14 exception.

Finding:

The subject site is not productive farm land, whereas other irrigated and more isolated land is more appropriate for the EFU designation. Moreover, no land zoned EFU in Umatilla County can be rezoned RR - 10 without also receiving approval for an exception. The subject site was selected due to its size, low agricultural productive value, proximity to developed rural residential lands and to avoid disrupting large parcels of productive farm ground located in remote areas away from incorporated areas and existing developed and committed areas.

Finding:

The other areas that would require an exception are other resource areas. Because this site is a very low productivity resource farming site, the impacts of converting it to a non-resource use are less than at other farming locations

Environmental: One of the reasons that the site is not appropriate for farming is because of the close proximity to a significant number of homes. The ability to use the site for farming is limited, in part, because of the potential objections by nearby residents of the use of fertilizers, potential dust and noise pollution. By converting the site to ten acre homesites, the potential for impacts related to commercial farming are reduced.

The proposed rezone and Goal 3 exception within the Stage Gulch CGWA will not significantly impact groundwater on the property or on nearby properties for the reasons discussed below. The surface waters presently available on the properties may be better applied to help the overall surface and groundwater supplies by better application of the existing surface water availability which will help enhance overall water supplies.

Some of the property has a relatively high water level resulting from onsite springs and seepage from up-gradient sources. While the exact origin is unknown, the source is most likely a result of up-gradient irrigation between Hermiston and Stanfield, seepage from the USBR canal, and other natural flows of water within the Cold Springs drain of the Umatilla Basin.

The small quantities of water used for a domestic well will not significantly affect the existing surface water rights. The Kennedy proposed Water Certificate allows for approximately 253 acre feet per year. On the assumption that a domestic well would use .7 acre feet per year that quantity could support approximately 360 homesites. The development in this area of six to ten domestic wells, even if all shallow, would not have a significant impact on the surface water rights. The use of small groundwater based supply systems for individual household wells, spread out on minimum ten acres lot sizes increases the water resource base and provides the greatest opportunity for minimum environmental impact on all aquifers.

The availability of surface waters on the Kennedy and Wood property are somewhat unique to the Hermiston rural area and make the properties one of the far better candidates for rural residential

development by keeping within the goals of the rural residential zone as well as the other county goals and policies for residential development by minimizing impacts to the existing water base.

Economic Impacts: Because the site has been demonstrated to be unsuitable for commercial farming activities there are no adverse impacts on the economy.

Finding:

The rural residential use proposed for the property is compatible with the rural residential uses located to the south and a portion of the northern properties which are also used for rural residential uses. In fact, the proposed rural residential use is more compatible with these uses than the existing EFU use for the reasons stated above. As no public services are necessary to serve the proposed use, the impacts to adjacent properties are minimal.

Finding:

The proposed residential development is necessary to satisfy the market demand for housing generated by the economic activity in the area, primarily inside Hermiston. The market demand proven in the record, is not just a market demand for "housing", but a demand for rural uses in farming and livestock on small ten acre parcels in association with housing and residential uses. There is a shortage of properties in the range of ten acres for owners who desire to pursue agricultural uses in conjunction with their residential uses on smaller tracts without making the much larger expenditure necessary for land that is in larger tracts and are better suited for commercial agricultural use.

The term "farm use" in Goal Three allows for a wide spectrum of related farm uses. However, the Comprehensive Plan Statement allows for the weighing of less productive farm land with more productive farm lands, and discourages the needless conversion of valuable farm lands. The property is not high value farmland, and oral and written testimony demonstrates that it is not valuable from a commercial standpoint. The site is surrounded on 75% of its border by property either in the Urban Growth Boundary or/used and zoned as rural residential development. It's narrow and unusual shape, the presence of a high water table and proximity to residential uses, make it less valuable than other high value, more isolated, and more physically appropriate farm land.

DATED this 14th day of December, 2006.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dennis D. Doherty

Dennis D. Doherty, Chair

William S. Hansell

William S. Hansell, Commissioner

ABSENT

Emile M. Holeman, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Steve Churchill

Records Officer

