

UMATILLA CITY PLANNING COMMISSION  
MEETING AGENDA  
June 26, 2018 - 6:30 P.M.  
Umatilla City Hall, Council Chambers

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- I. CALL TO ORDER & ROLL CALL
  
- II. APPROVAL OF MINUTES: May 22, 2018 minutes
  
- III. UNFINISHED BUSINESS: None
  
- IV. NEW BUSINESS:
  - A. **UEC Conditional Use CU-5-18:** The applicant, Umatilla Electric Cooperative, requests approval to construct a new five (5) mile overhead 115-kV electric transmission line from the McNary Substation owned by the Bonneville Power Administration to the existing Hermiston Butte Substation. This application is for the portion of the proposed transmission line within the City of Umatilla's Urban Growth Boundary. The proposed transmission line would be constructed primarily on private property, within utility easements, located adjacent to Lind Road. The properties are identified as Tax Lots 100 and 200 on Assessors' Map 5N2815BC, Tax Lot 100 on Map 5N2815CB, Tax Lots 3902, 3900, 3700, 3600, 4090, 4091 and 4100 on Map 5N2815CC, Tax Lots 1700, 1800, 1900, 2000 and 2003 on Map 5N2822BB, Tax Lots 700, 1800, 1900 2100 and 2300 on Map 5N2822 and Tax Lots 100, 200, and 1402 on Map 5N2821.
  
  - B. **Ochoa Conditional Use CU-8-18:** The applicant, Juan Ochoa, requests approval to establish a commercial/industrial machinery and equipment rental business. The applicant previously operated a trucking business and still owns a large number of trailers. The applicant is proposing to establish an office to lease/rent the trailers in the existing building and construct a new shop to maintain the trailers. The situs address is 30310 Highway 730, Umatilla, OR 97882.
  
  - C. **City of Umatilla Zone Change ZC-1-18:** The applicant, City of Umatilla, is proposing to amend the Sections 10-1-6, 10-3A-2, 10-3B-2 and Chapter 11 of the City of Umatilla Zoning Ordinance. The amendment will allow Accessory Dwelling Units in residential zones where detached single-family dwellings are allowed and adopt site and design standards for Accessory Dwelling Units.
  
- V. DISCUSSION ITEMS:

*Umatilla City Hall is handicapped accessible. Special accommodations can be provided for persons with hearing, visual, or manual impairments who wish to participate in the meeting by contacting City Hall at (541) 922-3226 or by using the TTY Relay Service at 1-800-735-2900 at least 24 hours prior to the meeting so that appropriate assistance can be arranged.*

VI. INFORMATIONAL ITEMS:

VII. ADJOURNMENT

**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
CONDITIONAL USE CU-5-18**

**DATE OF HEARING:** June 26, 2018

**REPORT PREPARED BY:** Brandon Seitz, City Planner

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Umatilla Electric Cooperative (UEC), 750 W Elm Avenue, Hermiston, Or 97838.

**Owners:** The proposed transmission line will traverse multiple parcels using easements or portions of the public right of way. The underlying landowners are listed in **Exhibit 1** of the application. Applicant has obtained express consent from 19 property owners as identified in **Exhibit 1**. (For ease of reference throughout this application, Applicant has designated each parcel as a unique number, beginning with “CU”.) Applicant also has existing easements from many of the property owners. Because these easements are exclusive to UEC, UEC is the only property interest holder who can apply for approval of a transmission line on those properties within the easement area. However, four of the property owners the proposed line would cross have not provided consent for the application. A condition of approval will be imposed requiring the applicant to obtain consent from the remaining landowners and provide proof of consent to the City prior to beginning construction.

**Land Use Review:** Conditional Use to establish a new five mile overhead 115-kV electric transmission line.

**Property Description:** The proposed 115-kV transmission line will connect the McNary substation in Umatilla to the Butte substation in Hermiston. The route is identified on the maps in **Exhibit 3**. This map uses the same unique number references for individual parcels as used in **Exhibit 1**. The individual easements on each parcel are identified in **Exhibit 5**.

**Proposed Development:** The request is by Umatilla Electric Cooperative for land use approval to construct a new five (5) mile overhead 115-kV electric transmission line from a breaker in the McNary Substation owned

by the Bonneville Power Administration (“BPA”) to Applicant’s existing Hermiston Butte Substation.

**Zoning:**

The line passes through the following zones within the City of Umatilla: M-1 (Light Industrial) and M-2 (Heavy Industrial). These zones are governed by the City of Umatilla Zoning Ordinance (“CUZO” or “City Code”). The line passes through the following zones within the City of Umatilla UGA: C-1 (General Commercial), F-2 (General Farm Zone), R-3 (Urban Residential), R-1 (Agricultural Residential), and M-1 (Light Industrial). These zones are governed by the Umatilla County Zoning Ordinance 1972 (“UCZO” or “County Code”). Zones for both the City and the UGA are identified on the route maps found in **Exhibit 3**.

**II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, Umatilla Electric Cooperative, requests approval to construct a new five (5) mile overhead 115-kV electric transmission line from a breaker in the McNary Substation owned by the Bonneville Power Administration (“BPA”) to Applicant’s existing Hermiston Butte Substation. The proposed transmission line will rely on existing and new easements at a width of 50 feet, or 25 feet if directly adjacent to a right-of-way. To reduce the physical disruption to the community, portions of the Transmission Line will be overbuilt or rebuilt on existing electrical 12.47 kV distribution circuits, thus making effective use of the existing electrical line routes in the area. Applicant has received a certificate of public convenience and necessity (the “Certificate of Need”) from the Oregon Public Utility Commission for the proposed transmission line, which is included as **Exhibit 2**. The tallest poles along the route will be 100 feet, but buried 12-13 feet deep, resulting in an estimated above-ground height of 87-88 feet. However, in order to accommodate specific site conditions during construction, Applicant is proposing a maximum of 95 feet for pole height.

Criteria for approval by zoning jurisdiction of the underlying property are shown in the table below:

<b>Zone</b>	<b>Area</b>	<b>Applicable Document and Section</b>
M-1 (Light Industrial)	City	CUZO Sections 10-5A-1 to 10-5A-5
M-2 (Heavy Industrial)	City	CUZO Sections 10-5B-1 to 10-5B-5
C-1 (General Commercial)	UGA	UCZO Sections 3.110 to 3.116
F-2 (General Rural Zone)	UGA	UCZO Sections 3.020 to 3.026
R-3 (Urban Residential)	UGA	UCZO Sections 3.090 to 3.097
R-1 (Agricultural Residential)	UGA	UCZO Sections 3.070 to 3.074
M-1 (Light Industrial)	UGA	UCZO Sections 3.130 to 3.138

**III. ANALYSIS**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

A. **LIGHT INDUSTRIAL (M-1) (CITY) – CUZO 10-5A-1 – 10-5A-5**

***10-5A-3: CONDITIONAL USES PERMITTED***

In an M-1 District, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 12 of this Title:

2. Community Services uses as provided by Chapter 6 of this Title.

**Applicant Response:** The proposed transmission line is a Community Service under Chapter 6 of this Title. Accordingly, in the M-1 Zone, it is a conditional use permitted subject to the requirements of Chapter 12. Section C below addresses the approval standards for conditional uses in more detail.

**Conclusion:** Section 10-6-1 of the CUZO specifically list utility facilities required for the transmission of power as a community service use. All community service uses are required to be reviewed as a condition use subject to the criteria of Chapter 12 of the CUZO. The criteria in Chapter 12 are addressed in Section C below and found to be met.

**10-5A-4: DEVELOPMENT STANDARDS:**

A. Buffer Area: If a use in this District abuts or faces a residential district, a landscape area of twenty feet (20') along the entire frontage will be required on the side abutting or facing the adjacent district in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent district may be required to be established and maintained by the property owner. The setback may be reduced if appropriate and compensating screening measures are proposed and approved through site review.

**Applicant Response:** This criterion does not apply. The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

**Conclusion:** The intent of this standards is to require a buffer area between industrial uses and residential uses on adjacent properties to minimize impacts to both the industrial and residential uses. The proposed use is a transmission line that will cross multiple properties in both residential and industrial zones. Therefore, a buffer area is not necessary or required.

B. Storage: Materials shall be stored and grounds maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard. Outside storage in a required yard shall not exceed ten feet (10') in height. Storage area shall not exceed fifty percent (50%) of the site.

**Applicant Response:** This criterion does not apply. The proposed use is a transmission line and will not involve any storage of materials.

**Conclusion:** The proposed use is a transmission land and would not involve the storage of materials.

C. Screening: Screening of storage or for other purposes shall consist of a sight-obscuring fence or landscaping, or other similar barrier. If screening is used to obstruct the view from adjacent residentially designated properties, the screening shall be of a material and design that is compatible with adjacent residences, shall be free of advertising, and shall be constructed

according to plans submitted by the owner or his authorized agent and approved through site review.

**Applicant Response:** The applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

**Conclusion:** The proposed use is a transmission line screening for storage or other purposes is not practical or necessary.

#### D. Dimensional Standards

**Applicant Response:** The criteria set forth in this section do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate. In addition, the proposed transmission line is not a “building” under CUZO 10-1-6.

**Conclusion:** The proposed transmission line is not considered a building and is therefore not subject to setbacks or building height limitations.

#### **10-5A-5: LIMITATIONS ON USE:**

A. All uses are subject to site review.

B. A chain-link fence that is made in part with barbed wire may be permitted for the purpose of security when it is not along a sidewalk or public right of way.

C. Any fence allowed or required in an M-1 District more than six feet (6') in height shall comply with setbacks for structures.

D. Loading areas shall not be located within a required yard setback. (Ord. 688, 6-15-1999)

**Applicant Response:** The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

**Conclusion:** The applicant is not proposing to develop a specific use on an individual property and is therefore not subject to site review. As addressed by the applicant no fencing or loading areas are proposed or necessary.

#### **B. HEAVY INDUSTRIAL (M-2) (CITY) – CUZO 10-5B-1 – 10-5B-5**

#### **10-5B-3: CONDITIONAL USES PERMITTED:**

6. Community Services uses as provided by Chapter 6 of this Title.

**Applicant Response:** The proposed transmission line is a Community Service under Chapter 6 of this Title. Accordingly, in the M-2 Zone, it is a conditional use permitted subject to the requirements of Chapter 12. Section C below addresses the approval standards for conditional uses in more detail.

**Conclusion:** Section 10-6-1 of the CUZO specifically list utility facilities required for the transmission of power as a community service use. All community service uses are required to be reviewed as a condition use subject to the criteria of Chapter 12 of the CUZO. The criteria in Chapter 12 are addressed in section C below and found to be met.

#### **10-5B-4: DEVELOPMENT STANDARDS:**

A. Buffer Area: If a use in this District abuts or faces a residential district, a landscape area of twenty feet (20') along the entire frontage will be required on the side abutting or facing the adjacent district in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent district may be required to be established and maintained by the property owner. The setback may be reduced if appropriate screening measures are proposed and approved through site review.

**Applicant Response:** This criterion does not apply.

**Conclusion:** The intent of this standards is to require a buffer area between industrial uses and residential uses on adjacent properties to minimize impacts to both the industrial and residential uses. The proposed use is a transmission line that will cross multiple properties in residential and industrial zones. Therefore, a buffer area is not necessary or required.

B. Storage: Materials shall be stored and grounds maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard. Outside storage in a required yard shall not exceed ten feet (10') in height.

**Applicant Response:** This criterion does not apply. The proposed use is a transmission line and will not involve any storage of materials.

**Conclusion:** The proposed use is a transmission land and would not involve the storage of materials.

C. Screening: Screening of storage or for other purposes shall consist of a sight-obscuring fence or landscaping, or other similar barrier. If screening is used to obstruct the view from adjacent residentially designated properties, the screening shall be of a material and design that is compatible with adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved through site review.

**Applicant Response:** The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

**Conclusion:** The proposed use is a transmission line screening for storage or other purposes is not practical or necessary.

#### D. Dimensional Standards

**Applicant Response:** The criteria set forth in this section do not apply. The Applicant is not proposing the creation of any new lots and will develop only existing lots within established easement areas, the width of which the City does not regulate. In addition, the proposed transmission line is not a “building” under CUZO 10-1-6.

**Conclusion:** The proposed transmission line is not considered a building and is therefore not subject to setbacks or building height limitations.

### **10-5B-5: LIMITATIONS ON USE:**

A. Site Review: All uses are subject to site review.

B. Fence Material: A chainlink fence that is made in part with barbed wire may be permitted for the purpose of security when it is not along a sidewalk or public right of way.

C. Fence Height: Any fence allowed or required in an M-2 District more than six feet (6') in height shall comply with setbacks for structures.

D. Loading Areas: Loading areas shall not be located within a required yard setback.

E. Nuisances: A use is prohibited which has been declared a nuisance by statute, by action of the City Council or by a court of competent jurisdiction.

F. Health Hazards: Materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

**Applicant Response:** The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures. The Applicant is not constructing any loading areas nor storing any materials.

**Conclusion:** The applicant is not proposing to develop a specific use on an individual property and is therefore not subject to site review. As addressed by the applicant no fencing or loading areas are proposed or necessary.

## C. CONDITIONAL USE CRITERIA FOR M-1 AND M-2 ZONES

### 10-12-1: AUTHORIZATION TO GRANT OR DENY:

A. Approval Criteria: The applicant shall carry the burden of proof in demonstrating that the following review criteria are satisfied, in addition to any specific criteria and standards in this Chapter, other applicable chapters of this Title, and this Code. If any of the following criteria and other applicable standards cannot be satisfied by requiring conditions with the approval, the use shall be denied:

1. Applicable Plans: The conditional use application complies with applicable policies of the Umatilla City Comprehensive Plan.

**Applicant Response:** It is Applicant's understanding that the City Code implements the Umatilla City Comprehensive Plan and that, by complying with the City Code, the proposal is also in conformance with the Comprehensive Plan.

**Conclusion:** The CUZO implements the comprehensive plan goals and policies. If a request is found to meet or be capable of meeting the applicable standards and criterion in the CUZO or UCZO the request is considered to be consistent with the comprehensive plan. This request is found to meet or be capable of meeting all of the applicable standards and criterion in the CUZO and UCZO as addressed in this report.

2. Code Provisions: The proposal complies with all applicable provisions of this Code, including, but not limited to, provisions of this Chapter, the base district, and site review, as well as any other applicable provisions of this Code.

**Applicant Response:** As addressed throughout the applicant's narrative, the proposed transmission line complies with all applicable provisions of the City Code.

**Conclusion:** The applicable provisions of the CUZO are addressed in this report. If the request is found to meet all of the criteria as addressed in this report the request will comply with this standard. The request is found to meet all of the applicable criteria of the CUZO as addressed in this report.

3. Use Characteristics: If the proposed use is a community service, application shall include evidence to demonstrate that the proposed use is needed within the community to provide a social or technical benefit.

**Applicant Response:** The proposed use is a transmission line, which is by definition a community service under this Code. The proposed use is needed within the community in order to provide reliable electricity to the surrounding community. Applicant has received a certificate of public convenience and necessity (the “Certificate of Need”) from the Oregon Public Utility Commission (“PUC”) for the proposed transmission line, which is included as **Exhibit 2**. To obtain the Certificate of Need, the Applicant had to demonstrate the necessity of the line. The PUC performed an independent investigation of the need for the line prior to issuing the Certificate of Need.

**Conclusion:** As addressed by the application the proposed transmission line is considered a community service use. The applicant has submitted a certificate of public convenience and necessity from the Oregon Public Utility Commission. The Certificate of Need satisfies the requirement to demonstrate the use is needed within the community.

4. Site Characteristics: The site is appropriate for the proposed use, considering, but not limited to, the following factors: neighboring land use, adequacy of transportation facilities and access, site size and configuration, adequacy of public facilities.

**Applicant Response:** This is a linear project and the site selected on each parcel is appropriate for the proposed transmission line. The Applicant specifically selected a route that could utilize existing facilities wherever possible to reduce the physical disruption to the community. In addition, the Applicant chose a route that runs parallel to Lind Road in order to effectively make use of existing rights of way. **Exhibit 5** depicts the easements on each individual parcel that the proposed transmission line will cross, demonstrating the minimal impact the proposed use will make on neighboring land. In addition, the proximity of the proposed line to existing roads will ensure no additional access roads will be needed for construction.

**Conclusion:** As addressed by the applicant the site was selected to utilize existing facilities where possible and limit further disruption to the community. Therefore, the site is considered appropriate for the proposed transmission line.

5. Impacts On The Neighborhood: Potential impacts on neighboring properties shall be identified. Mitigating measures shall be identified for unavoidable adverse impacts.

**Applicant Response:** The Applicant is aware of no impacts on neighboring properties because of the proposed transmission line. As discussed elsewhere in this Narrative, the project will utilize existing facilities wherever possible. Applicant is aware that the City may require Applicant to mitigate impacts, but Applicant is not aware of any conditions that would warrant such measures for the proposed use.

**Conclusion:** Potential negative impacts would likely be temporary and occur during construction and there should not be long-term impacts on neighboring properties. In addition, construction activities have the potential for unearthing artifacts of historic or cultural significance. If historic, cultural or other archaeological artifacts are discovered during construction the applicant will be required to cease construction activities and notify the appropriate agencies. The applicant will be required to restore (i.e. grading and reseeded) areas disturbed by construction activities.

6. Impacts On The Community: Potential impacts on the community shall be identified, including, but not limited to, public facilities, land supply within the particular zoning district, impact on housing, etc. Potential benefits of a proposed use may outweigh potential impacts, but such benefits and impacts should be identified. Unavoidable adverse impacts should be mitigated to the extent possible.

**Applicant Response:** Applicant is aware of no impacts on the community because of the proposed transmission line. As discussed elsewhere in this Narrative, the project will utilize existing facilities wherever possible. Applicant is aware that the City may require Applicant to mitigate impacts, but Applicant is not aware of any conditions that would warrant such measures for the proposed use.

**Conclusion:** As addressed above the impacts from the proposed transmission line will be temporary during construction activities. The proposed transmission line has received a Certificate of Need to demonstrate the necessity of the line to sever the community and beyond. No impacts have been identified that would require mitigation outside of conditions to minimize impacts during construction.

#### **10-12-2: STANDARDS GOVERNING CONDITIONAL USES:**

D. Utilities, Storage Tanks, And Towers For Transmission Of Radio Waves For Cellular Communications And Similar Facilities: The Planning Commission shall determine that the proposed site is located to best serve the intended area and that impacts on surrounding properties and appropriate mitigating measures are identified. Such facilities shall be located, designed, and installed with regard for aesthetic values.

**Applicant Response:** The proposed transmission line meets these approval criteria because the transmission line is designed to minimize conflicts with aesthetic values and other light and heavy industrial uses by replacing existing facilities wherever possible, thus making effective use of the existing electrical routes in the area. In addition, the route selected runs parallel to Geer Road near Hermiston and along Lind Road up to the City of Umatilla in order to maintain the overall stability and land use patterns of the area.

**Conclusion:** The proposed transmission line is located adjacent to Lind Road and will utilize existing easements and facilities where possible to minimize impacts to surrounding properties. No additional conditions to limit impacts are necessary.

#### **D. GENERAL COMMERCIAL (C-1) (UGA) – UCZO 3.110 – 3.116**

##### **Section 3.113 CONDITIONAL USES**

In a C-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

(7) Utility facility;

**Applicant Response:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the C-1 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**Conclusion:** The application is proposing to develop a transmission line, which is considered a

utility facility and is being processed as a condition use.

### **Section 3.114 LIMITATIONS ON USES**

In a C-1 Zone the following limitations and conditions shall apply:

(1) Outside storage areas shall be screened with a sight-obscuring fence so that the area shall not be exposed to view from without the property;

(2) Outside display of any scrap or salvage material shall be prohibited.

**Applicant Response:** This criterion does not apply. The proposed use is a transmission line that will not involve any equipment storage.

**Conclusion:** As addressed above no outside storage is proposed or necessary.

### **Section 3.116 DIMENSIONAL STANDARDS**

In a C-1 Zone the following dimensional standards shall apply:

(1) Minimum Lot Area: As determined by the Department of Environmental Quality to be necessary for the protection of public health.

(2) Minimum Front Yard: 20 feet, except if the front yard is used for off-street parking space, the front yard shall be a minimum of 40 feet;

(3) Side Yard: When abutting property in an R-3 zone, a minimum side yard of 10 feet shall be provided;

(4) Rear Yard: When abutting property in an R-3 zone a minimum rear yard of 20 feet shall be provided;

(5) The above minimum front, side and rear yard standards may be modified, upon the request of a property owner, by a ruling of the Planning Commission.

**Applicant Response:** The criteria set forth in sections (1)-(5) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate.

**Conclusion:** The proposed transmission line is not considered a building and is therefore not subject to setbacks or building height limitations.

## **E. GENERAL RURAL ZONE (F-2) (UGA) – UCZO 3.020 – 3.026**

### **Section 3.024 CONDITIONAL USES**

In an F-2 Zone, the following uses and their accessory uses are permitted subject to the requirements of Section 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

(14) Utility facility;

**Applicant Response:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the F-2 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**Conclusion:** The application is proposing to develop a transmission line, which is considered a utility facility and is being processed as a condition use.

### **Section 3.026 DIMENSIONAL STANDARDS**

In an F-2 Zone, the following dimensional standards shall apply:

(1) Minimum Lot Area: 19 acres for a principal dwelling unit.

(2) Minimum Lot Area for All Other Uses: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(3) Setback: No building shall be located closer than 20 feet from a property line abutting a street or road;

(4) Conditional Uses: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided in Article 7.

**Applicant Response:** The criteria set forth in sections (1)-(3) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate. Section (4) is not an approval standard but a statement about potential conditions the City may require. Applicant acknowledges that the City has this authority but asserts no such conditions are warranted.

**Conclusion:** The proposed transmission line is not considered a building and is therefore not subject to setbacks or building height limitations.

### **F. URBAN RESIDENTIAL (R-3) (UGA) – UCZO 3.090 – 3.097**

#### **Section 3.094 CONDITIONAL USES**

In an R-3 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon the issuance of a zoning permit:

(11) Utility facility;

**Applicant Response:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the R-3 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**Conclusion:** The application is proposing to develop a transmission line, which is considered a utility facility and is being processed as a condition use.

#### **Section 3.096 DIMENSIONAL STANDARDS**

In an R-3 Zone, the following dimensional standards shall apply:

(1) Minimum Lot Area: 9,000 square feet. In addition, where a sewer system is not available the Department of Environmental Quality may establish a minimum lot area greater than 9,000 square feet;

(2) Minimum Lot Area for Multi-Family Residential: The minimum lot area for multifamily residential shall be 9,000 square feet for the first two dwelling units plus 1,200 square feet for each additional dwelling unit;

(3) Minimum Lot Width: 60 feet;

(4) Minimum Lot Depth: 100 feet;

(5) Minimum Front Yard: 20 feet;

(6) Minimum Side Yard: 5 feet except on the street side of a corner lot it shall be 15 feet;

(7) Minimum Rear Yard: 20 feet;

(8) Maximum Building Height: 45 feet;

(9) Maximum Lot Coverage: Buildings shall not occupy more than 35 percent of the lot area;

(10) Conditional Uses: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

**Applicant Response:** The criteria set forth in sections (1)-(9) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate. Section (4) is not an approval standard but a statement about potential conditions the City may require. Applicant acknowledges that the City has this authority but asserts no such conditions are warranted.

**Conclusion:** The proposed transmission line is not considered a building and is therefore not subject to setbacks or building height limitations.

#### **G. AGRICULTURAL RESIDENTIAL (R-1) (UGA) – UCZO 3.070 – 3.074**

##### **Section 3.072 CONDITIONAL USES**

In an R-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive, and upon the issuance of a zoning permit:

(6) Utility facility;

**Applicant Response:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the R-1 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**Conclusion:** The application is proposing to develop a transmission line, which is considered a utility facility and is being processed as a condition use.

##### **Section 3.073 DIMENSIONAL STANDARDS**

In an R-1 Zone, the following dimensional standards shall apply:

(1) Minimum Lot Area for Residential Use: 4 acres;

(2) Minimum Lot Area for Nonresidential Use: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(3) Setback: No building shall be located closer than 20 ft. from a lot line.

**Applicant Response:** The criteria set forth in sections (1)-(3) do not apply. The Applicant is not proposing the creation of any new lots and will develop only existing lots within established easement areas, the width of which the City does not regulate.

**Conclusion:** The proposed transmission line is not considered a building and is therefore not subject to setbacks or building height limitations.

#### **H. LIGHT INDUSTRIAL (M-1) (UGA) – UCZO 3.130-3.138**

##### **Section 3.134 LIMITATIONS ON USE**

(1) All business, commercial and industrial activities, and storage allowed in an M-1 Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in Farm, Residential or Commercial Zones, unless

the entire activity is conducted more than 500 feet from said surrounding property or road.

(2) All off-street loading areas shall be located wholly within a building or shall be screened from view if adjoining properties are in a Residential Zone.

(3) No merchandise shall be displayed outdoors in any front or side yard nor in any street right-of-way.

(4) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall be confined or reduced so as to not be unduly detrimental to surrounding properties.

**Applicant Response:** The Applicant meets these criteria. The proposed transmission line will not involve any commercial or industrial activities, nor will it involve any storage. The proposed use will also not involve any loading areas or merchandise sales. Finally, the proposed use will comply with appropriate state and federal regulations regarding noise, vibration, dust, odor, smoke, appearance, or other objectionable factors.

**Conclusion:** As addressed in this report the proposed use would not have outdoor storage, loading areas or merchandise for display outdoors. In addition, impacts such as noise, vibration, dust and other impacts would be temporary during construction. The City has implemented standards to limit impacts to surrounding properties during construction.

### **Section 3.136 CONDITIONAL USES**

In an M-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

(28) Utility facility;

**Applicant Response:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the M-1 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**Conclusion:** The application is proposing to develop a transmission line, which is considered a utility facility and is being processed as a condition use.

### **Section 3.138 DIMENSIONAL STANDARDS**

In an M-1 Zone the following dimensional standards shall apply:

(1) Minimum Lot Area: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(2) Setback: No building shall be located closer than 30 feet from a lot line except by a ruling of the Planning Commission upon the request of a property owner;

(3) Conditional Uses: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

**Applicant Response:** The criteria set forth in sections (1)-(3) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate.

**Conclusion:** The proposed transmission line is not considered a building and is therefore not subject to setbacks or building height limitations.

I. CONDITIONAL USE CRITERIA FOR UGA ZONES – UCZO SECTION 7.040

**Section 7.040 SUGGESTED STANDARDS GOVERNING CONDITIONAL USES**

In addition to the standards of the zone in which the conditional use is located and the general standards of this ordinance, the Hearings Officer shall consider the following additional requirements:

(1) Conditional uses, generally:

(a) Yards: In an F-2, F-4, F-5, R-2, R-3 and R-4 Zone, yards may be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.

**Applicant Response:** This criterion does not apply. Section 7.040 provides “suggested” standards for yards, and the use of the word “may” in this criterion further indicates that these yards are not mandatory requirements. The proposed use is a transmission line, which is not the sort of obstruction that necessitates a yard. For example, under Sections 1.090(66)-(69), the definitions of front, rear, side, and street side yard each refer to “the nearest point of a building.” (Emphasis added.) Similarly, the setback requirements in the individual zones reference buildings when determining setback distances (*see, e.g.*, Section 3.026 and Section 3.096). Accordingly, Applicant does not believe that any conditions regarding yards should be imposed on the portions of the line that pass through parcels zoned F-2 and R-3.

**Conclusion:** As addressed in this report the proposed transmission line is not considered a building and is therefore not required to meet building setbacks or height restrictions. Therefore, this requirement is not applicable.

(b) Limitations on access to property and on openings to buildings: In an R-3 and R-4 Zone, the Hearings Officer may limit or prohibit vehicle access from a conditional use, and it may limit or prohibit building openings within 50 feet of residential property if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

**Applicant Response:** This criterion does not apply. Even though one of the parcels is zoned R-3, the proposed use is a transmission line. The Applicant is not proposing any access roads or buildings.

**Conclusion:** The proposed transmission line will be located primarily adjacent to Lind Road and new access points are not proposed or necessary. Therefore, it is not necessary to limit access points onto the parcel zoned R-3. In addition, no buildings are proposed as part of this application.

(14) Radio, television tower, utility station, or substation:

(a) In a residential zone, all equipment storage on the site may be within an enclosed building;

**Applicant Response:** This criterion does not apply. The proposed use is a transmission line that will not involve any equipment storage.

**Conclusion:** The proposed transmission line will not involve equipment storage.

(b) The use may be fenced and provided with landscaping;

**Applicant Response:** The Applicant is not proposing fencing or other landscaping and is not aware of any impacts that warrant such measures.

**Conclusion:** The applicant is not proposing fencing or landscaping.

(c) The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property;

**Applicant Response:** The Applicant meets this criterion. The proposed transmission line is not a noise-producing development. Further, as discussed above, the route chosen follows routes for similar electrical facilities.

**Conclusion:** The applicant is requesting approval of a conditional use permit to develop a transmission line that will cross multiple properties. The creation of new lots is not proposed or necessary. This criterion is not applicable.

(d) Transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designed, and installed as to minimize their conflict with scenic values,

**Applicant Response:** The Applicant meets this criterion. As discussed above, the Applicant has specifically selected the route of the proposed transmission line in order to minimize conflicts with surrounding scenic values by replacing existing facilities wherever possible.

**Conclusion:** As address in this report the applicant has located and designed the proposed transmission lines to limit the impacts to scenic values.

#### **IV. SUMMARY AND RECOMMENDATION**

The applicant, Umatilla Electric Cooperative, requests approval to construct a new five (5) mile overhead 115-kV electric transmission line from the McNary Substation owned by the Bonneville Power Administration to the existing Hermiston Butte Substation. This application is for the portion of the proposed transmission line within the City of Umatilla's Urban Growth Boundary. The request appears to meet all of the applicable criteria and standards for this type of use. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, staff recommends approval of Conditional Use, CU-5-18, subject to the conditions of approval contained in Section V of this report.

#### **V. CONDITIONS OF APPROVAL**

1. The applicant, or applicant's representative, must provide the City proof of consent for those property owners who have not consented to the application at the time of submission prior to construction.
2. The applicant, or applicant's construction contractor, must obtain all federal, state and local permits necessary for construction of the proposed transmission line.
3. The applicant shall be responsible for ensuring that locates for all pre-existing utilities are called for at least 48 hours in advance using the Oregon 1-800-332-2344 Call Before You Dig hotline.
4. If any historic, cultural or other archaeological artifacts, are discovered during

construction and installation of the transmission line or associated structures, the applicant shall immediately cease construction activity and notify the appropriate agencies including but not limited to the City of Umatilla, State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program.

5. The applicant must begin construction of the proposed use within one year of the date of final approval of this request unless the applicant applies for and receives an extension prior to expiration of this approval.
6. Failure to comply with the conditions of approval established herein may result in revocation of this approval.

## **VI. EXHIBITS**

Exhibit 1 – Applicant’s Affected Landowners

Exhibit 2 – Applicant’s Certification of Public Convenience and Necessity

Exhibit 3 – Applicant’s Route Map

Exhibit 4 – Applicant’s Pole Diagrams

Exhibit 5 – Applicant’s Easement Diagrams

Exhibit 7 – Applicant’s Narrative

Exhibit 8 – Applicant’s Wetlands Response

# Exhibit 1

## List of Affected Land Owners

<u>Applicant's Reference #</u>	<u>Tax Lot #</u>	<u>Owner</u>	<u>Mailing Address</u>	<u>Zoning</u>	<u>Consent Obtained</u>
CU-801	100	Anacapa Land Co., LLC (c/o Calpine Corp)	717 Texas St., Ste. 1000 Houston, TX 77002	C1	Yes
CU-802	200	Umatilla, City of	P.O. Box 130 Umatilla, OR 97882	C1	Yes
CU-803	100	Anacapa Land Co., LLC (c/o Calpine Corp)	717 Texas St., Ste. 1000 Houston, TX 77002	F2	Yes
CU-804	3902	Poulson, Steven D. & Jonilyn M.	30410 Margaret Ave. Umatilla, OR 97882	R1	Yes
CU-805	3900	Ritzer, Michael Anthony & Tabitha June	80765 N Ott Rd Hermiston, OR 97838	R1	Yes
CU-806	3700	Frederickson, Daryl C. & June	82022 Lind Rd. Umatilla, OR 97882	R1	Yes
CU-807	3600	Frederickson, Daryl C. & June	82022 Lind Rd. Umatilla, OR 97882	R1	Yes
CU-808	4090	Charlo, Clarence L. & Geraldine	81999 Lind Rd. Umatilla, OR 97882	R1	No
CU-809	4091	Morris, Kenneth Leon & Marcia Dawn	81985 Lind Rd. Hermiston, OR 97838	R1	Yes
CU-810	4100	Morris, Kenneth Leon & Marcia Dawn	81985 Lind Rd. Hermiston, OR 97838	R1	Yes
CU-811	1700	Barreto, Guadalupe	2227 N. Townsend Rd. Hermiston, OR 97838	R3	Yes
CU-812	1800	Arteaga, Manuel & Eva	407 E. Wilshire Ave. Hermiston, OR 97838	R3	Yes
CU-813	1900	William Morgan Reuter Family Limited Par	79786 Agnew Rd Hermiston, OR 97838	R3	Yes

CU-814	2000	Fordice, Clinton J.	P.O. Box 653 Hermiston, OR 97838	M1	No
CU-815	2003	Bustillos, Soilo Garcia	2344 Oriole St Umatilla, OR 97882	M1	Yes
CU-816	700	Hiatt Betty ¼ et al ¾ (c/o Barnett & Moro PC)	495 E. Main St. Hermiston, OR 97838	M1	No
CU-816.1	100	Hiatt Betty ¼ et al ¾ (c/o Barnett & Moro PC)	495 E. Main St. Hermiston, OR 97838	M2 (City)	Yes
CU-816.2	200	Vadata Inc.	P.O. Box 80416 Seattle, WA 97108	M1 (City)	Yes
CU-817.1	1402	Ranne, Donald L.	81674 Lind Rd. Hermiston, OR 97838	R1	Yes
CU-818	1800	Williams, Ronald A.	P.O. Box 161 Hermiston, OR 97838	M1	Yes
CU-819	1900	Hiatt Betty ¼ et al ¾ (c/o Barnett & Moro PC)	495 E. Main St. Hermiston, OR 97838	M1	No
CU-820	2100	Burns, Paul	P.O. Box 970 Hermiston, OR 97838	M1	Yes
CU-821	2300	Umatilla County of (c/o Granite Construction Inc.)	P.O. Box 6 Hermiston, OR 97838	M1	Yes

## Exhibit 2

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

PCN 1

In the Matter of

UMATILLA ELECTRIC COOPERATIVE,

Petition for Certification of Public  
Convenience and Necessity.

ORDER

DISPOSITION: PETITION GRANTED

**I. INTRODUCTION**

In this order, we grant the petition filed by Umatilla Electric Cooperative (Umatilla) for a certificate of public convenience and necessity as required for the construction of a five mile overhead transmission line from a breaker in the McNary Substation, owned by the Bonneville Power Administration (BPA), to Umatilla's existing Hermiston Butte Substation.

**II. BACKGROUND**

Umatilla provides electric service to its Oregon members in Morrow, Umatilla, Union, and Wallowa counties. Umatilla's service territory is located west of Boardman in Morrow County and covers much of Umatilla County, surrounding the cities of Hermiston and Pendleton and into the Blue Mountains.

As a consumer-owned utility, Umatilla is not subject to our jurisdiction with regard to its rates, service, and financial matters. However, under ORS 758.015, Umatilla is required to obtain from this Commission a certificate of public convenience and necessity (CPCN) in order to condemn property for purposes of building a transmission line.

The proposed 115 kV transmission line would run approximately five miles from BPA's McNary Substation to Umatilla's Hermiston Butte Substation. It would become the main feed to the Hermiston Butte Substation and provide backup to the existing feed from the McNary Substation into the Hermiston area. The transmission line is needed to adequately provide service to existing and new loads in the City of Hermiston and Umatilla's surrounding service territory.

On September 22, 2016, we held a public comment hearing and prehearing conference in this matter in Hermiston, Oregon. Umatilla and the Commission Staff made presentations at the hearing and answered questions. No petitions to intervene have been

filed and no members of the public participated in the prehearing conference. However, we have received some written comments from interested persons.

Umatilla and Staff filed testimony that was received at a hearing on December 12, 2016. The matter was submitted with the filing of briefs by Staff and Umatilla on January 11, 2016. There are no contested issues of fact and law. Staff supports Umatilla's application.

### III. DISCUSSION

#### A. Legal Standard

Upon receipt of the petition, ORS 758.015(2) requires this Commission to undertake an "investigation to determine the necessity, safety, practicability and justification in the public interest for the proposed transmission line." In addition, OAR 860-025-0030(2) requires us to determine whether the proposed transmission line is compatible with land use regulations.

##### 1. ORS 758.015(2)

In Order No. 11-366, we interpreted the statutory phrase "necessity, safety, practicability and justification in the public interest of the proposed transmission line."<sup>1</sup> Construing the phrase in the context of the laws and policies governing the condemnation of private property, we concluded that the statute required use to make separate determinations on the necessity, safety, practicability, and justification of the proposed transmission line, and must consider the "public interest" when addressing each of these requirements.<sup>2</sup> Furthermore, because we are acting in a legislative capacity making these public interest determinations, we concluded that we must focus on the benefits and costs to all Oregonians.<sup>3</sup> Thus, although the interests of the petitioning entity must be considered, we do not require a specialized showing of benefits to these customers to issue a CPCN.

With regard to the specific meaning of "necessity, safety, practicability and justification" of a project, we relied on the plain, natural, and ordinary meanings of these terms.<sup>4</sup> To establish the necessity of a project, we concluded that the petitioner must demonstrate that Oregonians will forego something desirable and useful without it. To establish the safety of a project, we held that a petitioner must show that the project will be constructed, operated, and maintained in a manner that protects the public from danger. To establish the practicability of the project, the petitioner must show the project is feasible and will be effectively and efficiently constructed. Finally, to show that a project is justified, the petitioner must show sufficient reason for the project to be built.

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<sup>1</sup> *In the Matter of PacifiCorp, dba Pacific Power*, Docket No. UM 1495, Order No. 11-366 (Sept 22, 2011).

<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.*

2. *OAR 860-025-0030(2)*

In addition to the statutory criteria discussed above, OAR 860-025-0030 requires a petitioner to show that the proposed transmission project complies with Oregon’s Statewide Planning Goals and is compatible with the acknowledged comprehensive plans and land use regulations of each local government where the project is to be located. The rule allows the petitioner to prove compatibility by showing either (1) it already has received and use permits from local planning authorities; (2) the project does not require land use permits; (3) the project can be approved by the local authorities if the petitioner follows the proper procedures. The rule also allows us to make direct findings of compatibility with Statewide Planning Goals.

**B. Necessity of Proposed Transmission Line**

1. *Position of the Parties*

Umatilla and Staff agree that the new line is necessary to provide reliable and safe service to existing and new loads in the City of Hermiston and the surrounding service territory and for the continued public health, safety, and economic welfare of Umatilla’s members. The cooperative states that it is experiencing rapid growth and is expanding, replacing, and adding infrastructure. Staff agrees that Umatilla has experienced rapid growth over the last five years, with continued growth forecast, and notes that outages on the system have increased in severity.

The parties also agree that an upgrade to the existing line would not be as effective as development of the proposed line with respect to reliability and would be more expensive. The area is currently served by a 115kV line owned by Umatilla and sourced from BPA’s McNary Substation. The existing line has limited capacity and limited reliability and has resulted in outages. Umatilla looked into upgrading the existing line but determined that upgrades would be an inferior choice.

The parties also note the benefits of the new line. Umatilla contends the new line will benefit Oregonians directly and indirectly by supporting economic development, jobs, and the tax base. Staff notes that a neighboring utility, Hermiston Energy Services, also will benefit through increased reliability.

2. *Commission Resolution*

We conclude that Umatilla has established the necessity of the proposed line. Umatilla has shown that it is experiencing rapid growth. The existing line has limited capacity and limited reliability, resulting in outages. Upgrading the existing line would be an inferior choice.

## C. Safety of Proposed Transmission Line

### 1. *Position of the Parties*

Umatilla and Staff contend that the project will be executed in a manner that protects the public from danger and is therefore safe. Umatilla states that safety is a priority for the cooperative in its operation and maintenance of its system, and it has substantial experience constructing, operating and maintaining transmission lines in a safe, efficient manner. Umatilla explains that the proposed line will be constructed, operated, and maintained to meet or exceed all National Electric Safety Code standards, as well as all applicable federal, state and local laws, regulations, and ordinances. Moreover, Umatilla adds that it designs and maintains all of its electrical facilities in conformance with State of Oregon<sup>5</sup> and United States Department of Agriculture service standards.

Staff is satisfied that Umatilla will comply with applicable standards for construction, operation, and maintenance of the transmission line. Staff responds to concerns from land owners which it finds are not relevant or have been fully addressed by the project design. Staff investigated potential environmental harm and exposure to electromagnetic fields. Staff found minimal environmental impacts and exposures well below the applicable standard.

### 2. *Commission Resolution*

We find that Umatilla has demonstrated that the proposed transmission line will be constructed, operated, and maintained in a manner that protects the public from danger. The company commits to meet or exceed all applicable safety standards and rules. These standards and rules ensure that the line is constructed, operated, and maintained in a manner that protects the public.

## D. Practicability

### 1. *Position of Parties*

Umatilla and Staff contend that the proposed transmission line is practical. Umatilla notes that the proposed line will use an existing transmission corridor and take a relatively straight route between the McNary Substation and the Hermiston Butte Substation. Any alternate route would require new easements, the potential condemnation of more private property, and potential impacts to resource lands, such as agricultural parcels.

Staff describes Umatilla's planning process and compares the estimated cost of the proposed line to the costs of the alternatives which are more expensive. Staff notes that due to the significant growth forecast for the service territory, the rate impact of the project on the utility's customers is not significant. Umatilla has been granted

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<sup>5</sup> OAR 860, Division 024 (Safety Standards).

preliminary approval for financing the project through the Department of Agriculture, Rural Utilities Service (RUS), which requires a showing that the project is justified.

Given the number of landowners involved, Staff finds it reasonable to assume that Umatilla would have to resort to condemnation regardless of the route chosen. Thus, the project is not practicable without a CPCN because the cooperative otherwise would be unable to initiate the condemnation proceedings to acquire the necessary land or interests in land.

## **2. *Commission Resolution***

We find that Umatilla has established that the proposed transmission line is feasible and will be effectively and efficiently constructed. Umatilla has the experience and resources necessary to effectively and efficiently complete the project. The proposed line is the most cost-effective solution to the utility's need for new transmission into its Hermiston Butte Substation.

### **E. *Justification***

#### **1. *Position of Parties***

Both Umatilla and Staff agree that the proposed transmission line is justified. In terms of benefits, Umatilla anticipates the proposed line will help meet its obligation to provide safe and reliable service to its customers. Umatilla states that reliability is essential, because the load center to be served has several critical loads, including hospital and medical facilities, large merchandise outlets, and industrial processes.

In terms of costs, Umatilla reports that the cost of the line is estimated to be \$5.74 million. The average impact on a residential member's bill is \$0.37 per month.

Umatilla adds that it plans to receive financing for the line from RUS. As part of receiving RUS financing Umatilla must demonstrate that the line is justified, and an environmental analysis must be performed.

Staff did not engage in a traditional cost/benefit study because most of the benefits of the line, including improved reliability, reduced outages, flexibility in serving load, and increased load serving capabilities are not readily quantifiable. To assess justification, Staff examined the alternate routes and the upgrade option and found the project to be justified by comparison. Staff also considered the impact to customers and businesses and found that the improved reliability benefits all affected persons.

#### **2. *Commission Resolution***

Based on Staff's independent analysis, we find that Umatilla has shown sufficient reason for the proposed transmission line to be built. We agree that many of the economic benefits of the line are not readily quantifiable, but they are tangible and cannot be

achieved more efficiently or cheaply. We make this determination to facilitate Umatilla's use of condemnation. Because we have no rate-making jurisdiction over Umatilla, our finding cannot be used to justify Umatilla's recovery of its related costs. However, as noted by Staff, as a municipal utility, Umatilla can be presumed to act in the best interests of its customers.

## **F. Compatibility with Land Use Regulations**

### *1. Position of Parties*

At the outset, Umatilla states its willingness to work with all landowners to avoid the need for condemnation (and the need for this proceeding). However, if condemnation is required, the cooperative faces a timing issue – it cannot apply for final land use approval from the county until it has a property interest in the land on which the line will be constructed – and it needs condemnation to acquire that property interest.

Umatilla states that it has worked with local land use authorities to confirm that the line is a permissible use along the route both within and without the Umatilla County/City Urban Growth Areas and in the City of Hermiston. In the case of the county, the transmission line would be a conditional use, such that the county may place conditions on its approval to address any compatibility issues.

Regarding the Statewide Planning Goals, Umatilla separately discusses the application of each of the relevant goals to its application.

Goal No. 1 is "Citizen Involvement." Umatilla notes that there is the opportunity for citizen involvement in this proceeding as well as in the local permitting process.

Goal No. 2 is "Land Use Planning and Exceptions." Consistency of the transmission line with the county comprehensive plan is a requirement for the conditional use permit that Umatilla will obtain from the county.

Goal No. 3 is "Agricultural Lands." Umatilla states that the proposed route avoids all relevant lands.

Goal No. 5 is "Open Spaces, Scenic and Historic Areas, and Natural Resources." Umatilla states that the proposed line does not pass through any such designated areas.

Goal No. 6 is "Air, Water, and Land Resources." Umatilla states it will obtain permits for applicable federal and state environmental standards, including air and water quality standards. The construction of the line will be in accordance with all applicable statutes, regulations, and standards.

Goal No. 8 is “Recreational Needs.” Umatilla states that the transmission line will have no material impact on recreational opportunities in and around the area to be developed.

Goal No. 9 is “Economy of the State.” Umatilla cites the improved transmission reliability resulting from the project that will support future load growth and economic development.

Goal No. 13 is “Energy Conservation.” Umatilla cites the efficiency of building the straight—and therefore short—line in an existing corridor as promoting energy conservation. The shorter the line, the lower the line losses.

Staff likewise investigated the plan for the project in terms of local and statewide planning criteria. With regard to local planning requirements, Staff relied on letters from the City of Hermiston’s Planning Department and from the Umatilla County Department of Land Use Planning. In its letter, the City of Hermiston noted that the route passes through two areas of the city zoned for power transmission lines so that no land use approval is required. In its letter, Umatilla County indicates that the line can be approved under a conditional use permit in compliance with land use regulations, once the utility has acquired the subject property.

Staff also works its way through each of the Statewide Planning Goals addressed by Umatilla in its showing and independently agrees that the project is compatible with the particular goal.

## 2. *Commission Resolution*

We find that Umatilla has established, and Staff has confirmed, that the proposed project is compatible with statewide and local land use regulations and goals.

## IV. PUBLIC CONCERNS

Although no person intervened in this proceeding, we did receive comments or expressions of concerns regarding the project from members of the public. To the extent those concerns relate to the adequacy of the payments to be made by Umatilla to landowners in the condemnation process, those concerns are outside of our jurisdiction.

In its investigation, Staff reviewed concerns regarding the location of the line in relation to existing housing and found that the placement of the line sufficiently addresses the concerns.

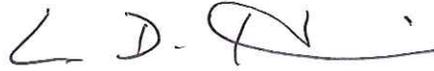
## V. CONCLUSION

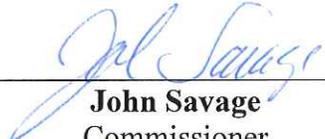
We approve Umatilla’s petition. We find that Umatilla has met the legal requirements under ORS 758.015 and OAR 860-025-0030(2) for granting a certificate of public convenience and necessity for the proposed line.

VI. ORDER

IT IS ORDERED that Umatilla Electric Cooperative is granted a Certificate of Public Convenience and Necessity to construct a five mile overhead transmission line from the Bonneville Power Administration's McNary Substation to Umatilla Electric Cooperative's Hermiston Butte Substation.

Made, entered, and effective MAR 21 2017.

  
\_\_\_\_\_  
**Lisa D. Hardie**  
Chair

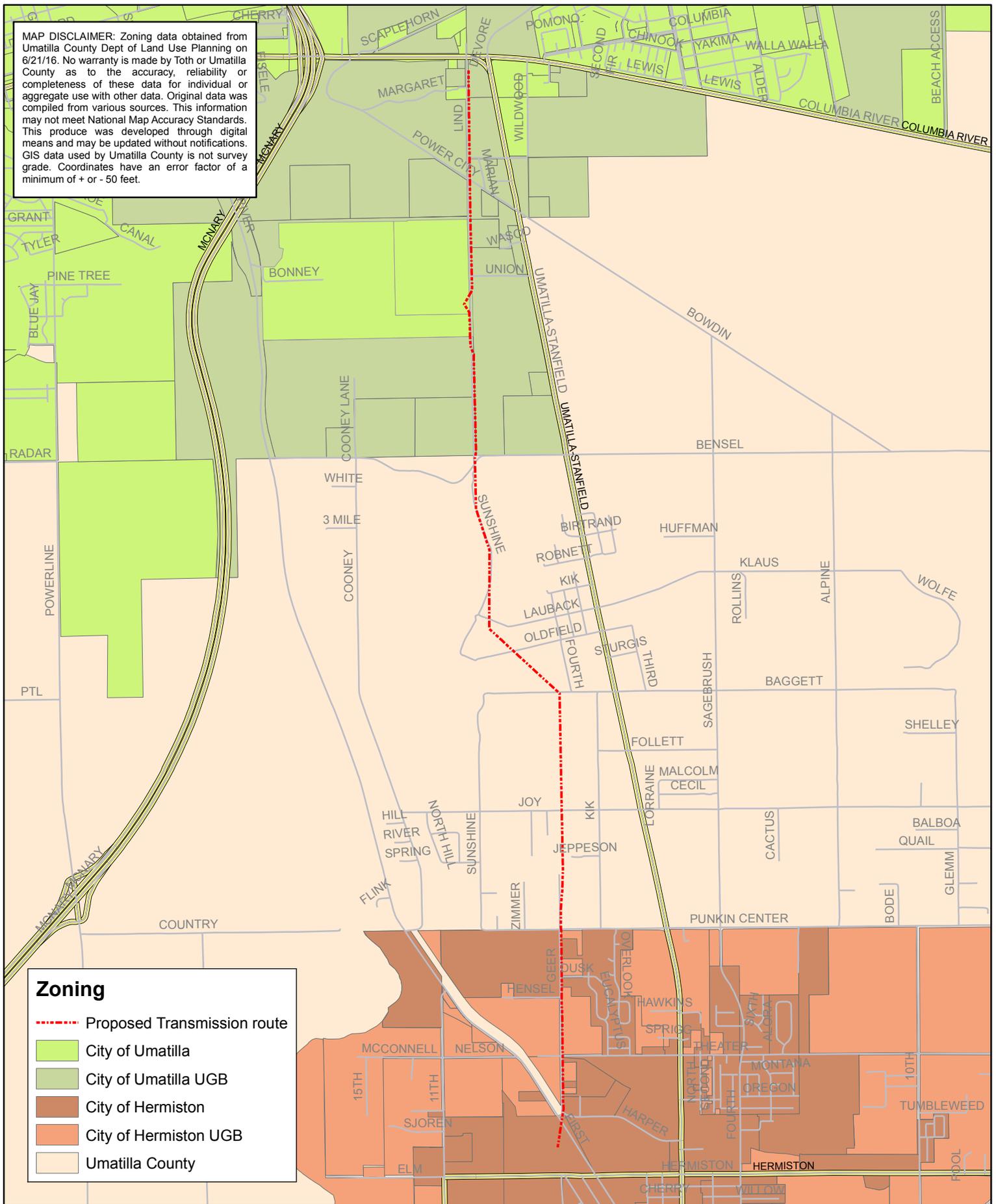
  
\_\_\_\_\_  
**John Savage**  
Commissioner



  
\_\_\_\_\_  
**Stephen M. Bloom**  
Commissioner

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

MAP DISCLAIMER: Zoning data obtained from Umatilla County Dept of Land Use Planning on 6/21/16. No warranty is made by Toth or Umatilla County as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This produce was developed through digital means and may be updated without notifications. GIS data used by Umatilla County is not survey grade. Coordinates have an error factor of a minimum of + or - 50 feet.



**Zoning**

- - - - - Proposed Transmission route
- City of Umatilla
- City of Umatilla UGB
- City of Hermiston
- City of Hermiston UGB
- Umatilla County



T5N, R28E, Sections, 27, 28, 33, 34  
County: Umatilla

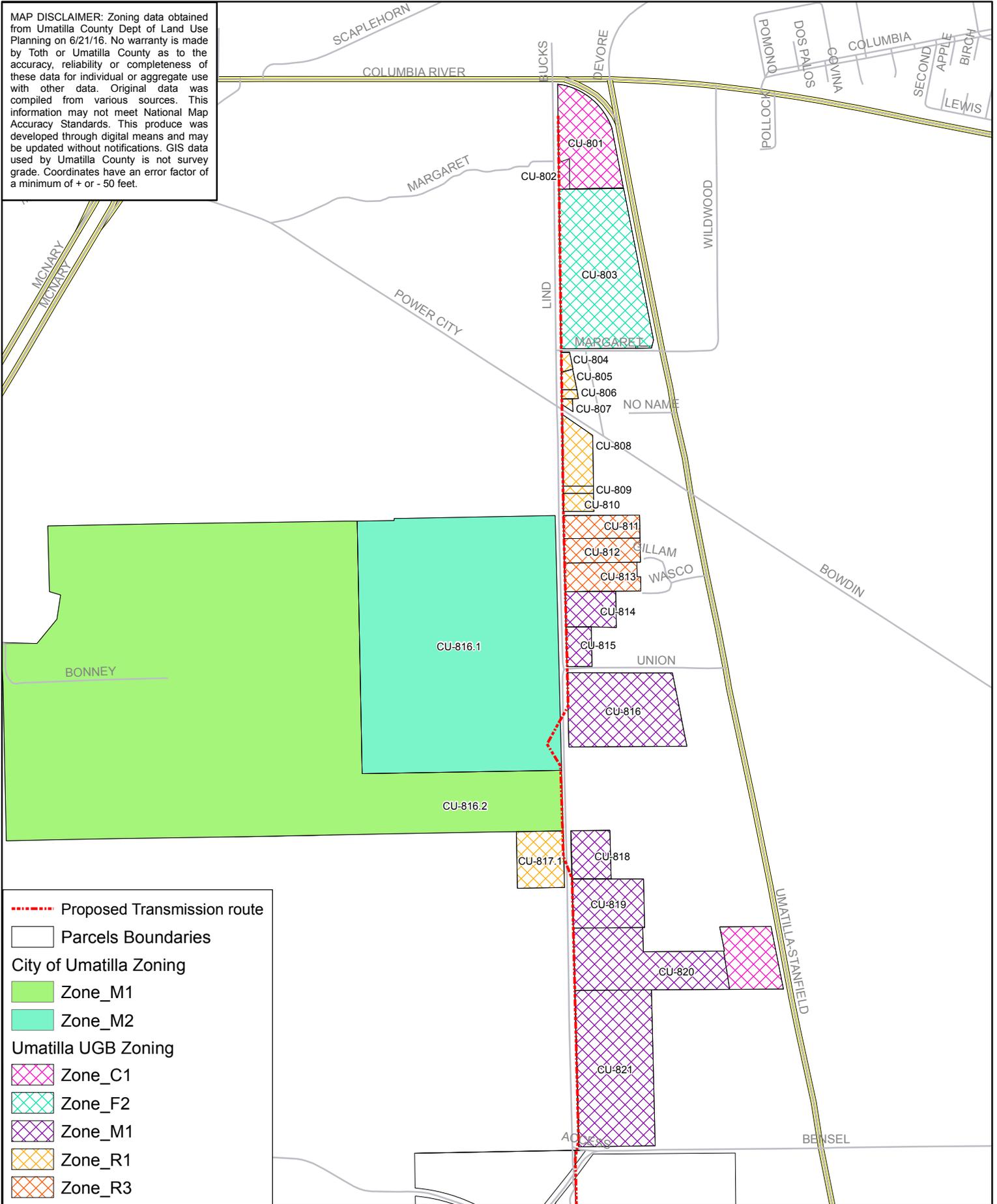


Map by Gopala Borchelt Dec. 20, 2017

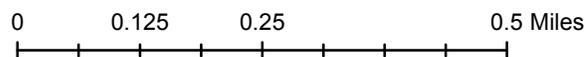
O:\Oregon\OR14\Trans\Butte-McNary\GIS\MXDs\UmatillaCoZoningOverviewMap.mxd

# Exhibit 3

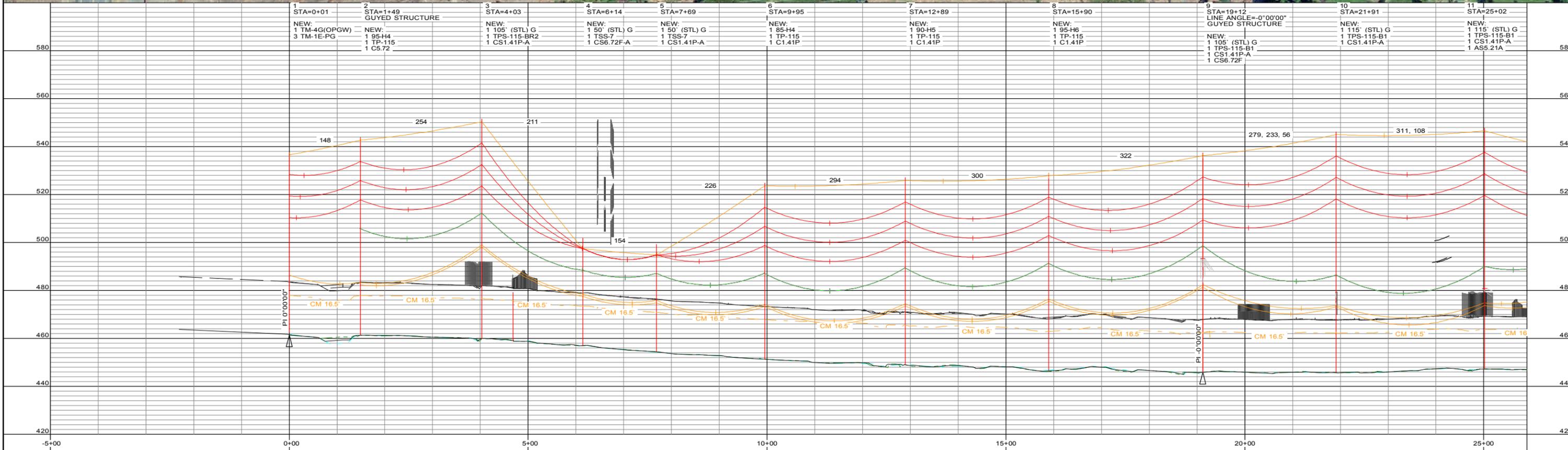
MAP DISCLAIMER: Zoning data obtained from Umatilla County Dept of Land Use Planning on 6/21/16. No warranty is made by Toth or Umatilla County as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This produce was developed through digital means and may be updated without notifications. GIS data used by Umatilla County is not survey grade. Coordinates have an error factor of a minimum of + or - 50 feet.



T5N, R28E, Sections, 15, 16, 21, 24  
County: Umatilla



GB Date: 3/23/2018



1 STA=0+01 NEW: 1 TM-4G(OPGW) 3 TM-1E-PG	2 STA=1+49 GUYED STRUCTURE NEW: 1 95-H4 1 TP-115 1 CS.72	3 STA=4+03 NEW: 1 105' (STL) G 1 TPS-115-BR2 1 CS1.41P-A	4 STA=6+14 NEW: 1 50' (STL) G 1 TSS-7 1 CS6.72F-A	5 STA=7+69 NEW: 1 50' (STL) G 1 TSS-7 1 CS1.41P-A	6 STA=9+95 NEW: 1 85-H4 1 TP-115 1 C1.41P	7 STA=12+89 NEW: 1 90-H5 1 TP-115 1 C1.41P	8 STA=15+90 NEW: 1 95-H6 1 TP-115 1 C1.41P	9 STA=19+12 LINE ANGLE=-0°00'00" GUYED STRUCTURE NEW: 1 105' (STL) G 1 TPS-115-B1 1 CS1.41P-A 1 CS6.72F	10 STA=21+91 NEW: 1 115' (STL) G 1 TPS-115-B1 1 CS1.41P-A	11 STA=25+02 NEW: 1 115' (STL) G 1 TPS-115-B1 1 CS1.41P-A 1 AS5.21A
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DESIGN INFORMATION	
RULING SPAN = 300-FT	TRANSMISSION CONDUCTOR: SIZE = 1272 ACSR (PHEASANT) D. T. = 7,800-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT 212° F (FINAL)
STATIC WIRE: SIZE = AFL, CC-75-528-48F, (OPGW) D. T. = 3,500-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT EXTREME COLD (-20° F)	DISTRIBUTION: SIZE = 556 AA (DAHLIA) D. T. = 3,400-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT 167° F (FINAL)

CLEARANCES			
GROUND	ROAD	RAILROAD	WATER
22'	22'	32'	22'
LOADING			
STD = NESC MEDIUM LOADING			
WIND	ICE	K	F
4-PSF	1/4-IN	0.2	15-DEG
R.O.W. WIDTH: 25-FT			

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# Exhibit 4

ISSUED FOR REFERENCE  
7/14/16

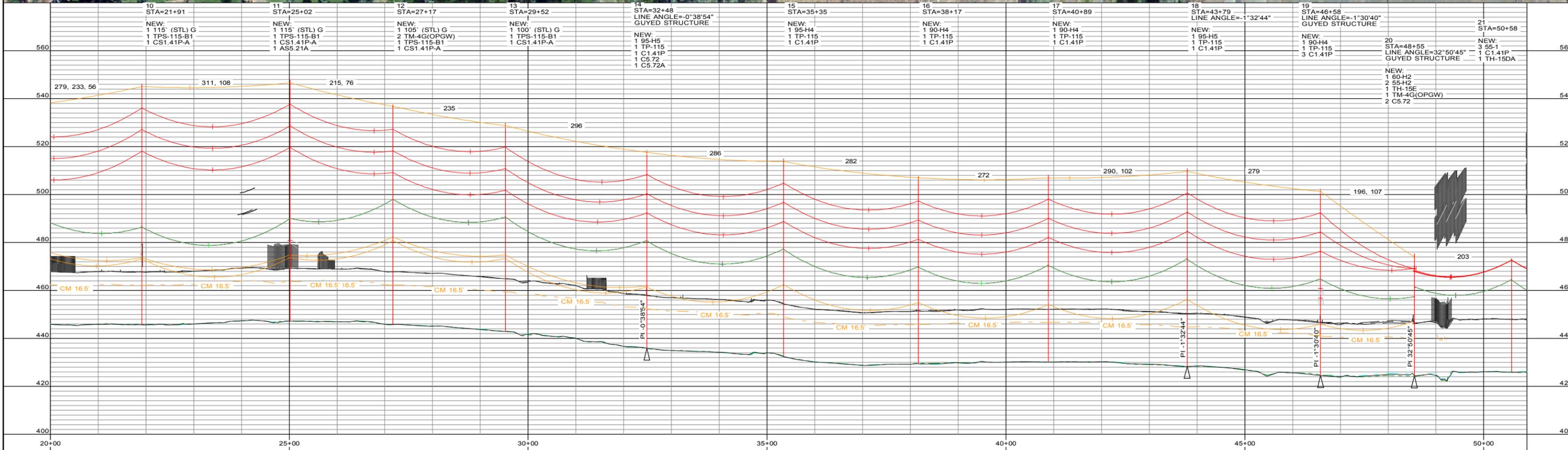
DATE	REVISION

100.0 FT. — HORIZ. SCALE  
20.0 FT. — VERT. SCALE

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DWN. BY: JLB CKD. BY: LBW APPD. BY: LBW DATE: 3/9/2015 SCALE: AS NOTED NOTE: GRAPHIC SCALE MAY CHANGE DUE TO DRAWING REPRODUCTION.	PROJECT: <b>BUTTE-MCNARY 115 KV TRANSMISSION LINE</b> LOCATION: LAT: 45.917202, LON: -119.307364 TO LAT: 45.851252, LON: -119.300948 UMATILLA COUNTY, OR CLIENT: UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA TITLE: PLAN AND PROFILE STA. -5+00 TO 25+91 SHT NO: CU-101
---	--



DESIGN INFORMATION	
RULING SPAN = 300-FT	TRANSMISSION CONDUCTOR:
SIZE = 1272 ACSR (PHEASANT)	D. T. = 7,800-LBS (NESC MEDIUM-INITIAL)
CURVE SHOWN AT 212° F (FINAL)	
STATIC WIRE:	
SIZE = AFL, CC-75-528-48F, (OPGW)	D. T. = 3,500-LBS (NESC MEDIUM-INITIAL)
CURVE SHOWN AT EXTREME COLD (-20° F)	
DISTRIBUTION:	
SIZE = 556 AA&1 DAHLIA	D. T. = 3,400-LBS (NESC MEDIUM-INITIAL)
CURVE SHOWN AT 167° F (FINAL)	

CLEARANCES			
GROUND	ROAD	RAILROAD	WATER
22'	22'	32'	22'
LOADING			
STD = NESC MEDIUM LOADING			
WIND	ICE	K	F
4-PSF	1/4-IN	0.2	15-DEG
R.O.W. WIDTH: 25-FT			

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20.0 FT. → VERT. SCALE

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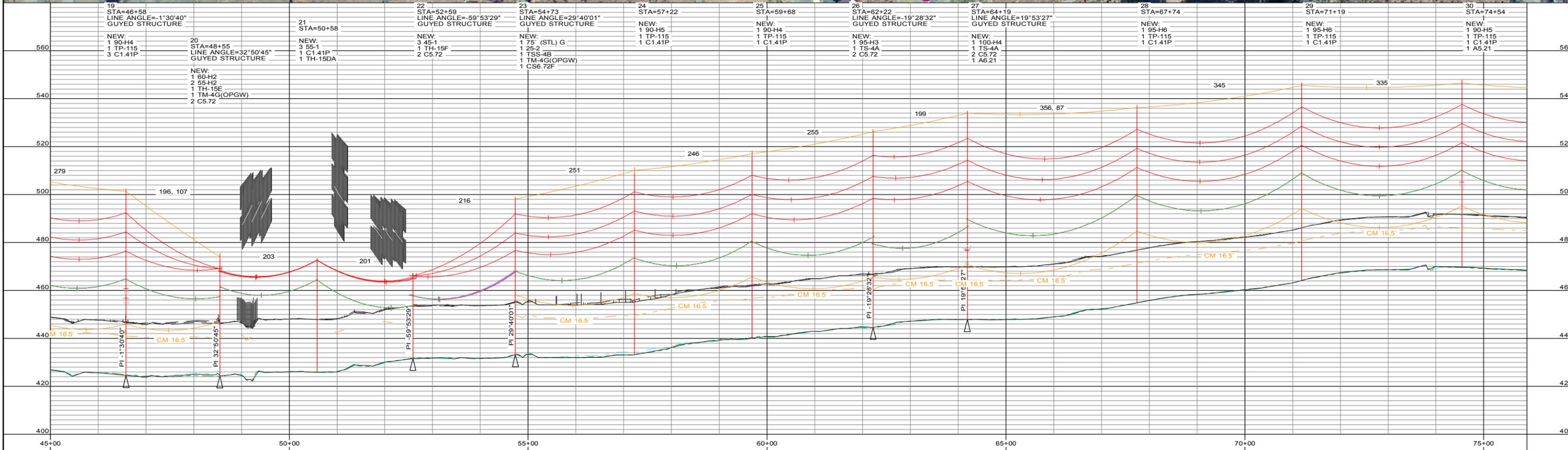
**BUTTE-MCNARY 115 KV TRANSMISSION LINE**

LOCATION: LAT: 45.917202, LON: -119.307364 TO LAT: 45.851252, LON: -119.300948 UMATILLA COUNTY, OR

CLIENT: **UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA**

TITLE: **PLAN AND PROFILE STA. 20+00 TO 50+91**

SHT NO: **CU-102**



DESIGN INFORMATION		CLEARANCES	
RULING SPAN = 300-FT	TRANSMISSION CONDUCTOR: SIZE = 1272 ACSR (PHEASANT) D. T. = 7,800-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT 212° F (FINAL)	GROUND 22'	ROAD 22'
STATIC WIRE: SIZE = AFL, CC-75-528-48F, (OPGW) D. T. = 3,500-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT EXTREME COLD (-20° F)	DISTRIBUTION: SIZE = 556 AA6 DAHLIA D. T. = 3,400-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT 167° F (FINAL)	RAILROAD 32'	WATER 22'
LOADING		STD = NESC MEDIUM LOADING	
WIND 4-PSF		ICE 1/4-IN	
K 0.2		F 15-DEG	
R.O.W. WIDTH: 25-FT			

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20.0 FT. → VERT. SCALE

DATE	REVISION

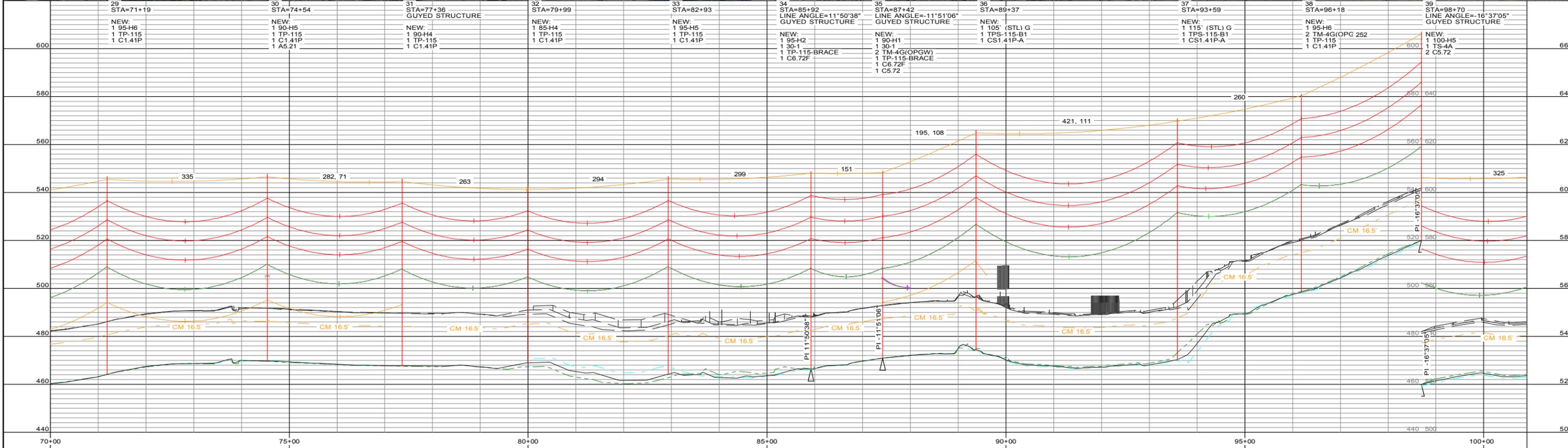
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DRAWN BY: JLB	PROJECT: BUTTE-MCNARY 115 KV TRANSMISSION LINE
CHKD BY: LBW	LOCATION: LAT: 45.917202, LON: -119.307364 TO LAT: 45.851252, LON: -119.300948 UMATILLA COUNTY, OR
APPRD BY: LBW	CLIENT: UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA
DATE: 3/9/2015	TITLE: PLAN AND PROFILE STA. 45+00 TO 75+91
SCALE: AS NOTED	SHT NO: CU-103

**ISSUED FOR REFERENCE**  
7/14/16



DESIGN INFORMATION	
RULING SPAN = 300-FT	TRANSMISSION CONDUCTOR: SIZE = 1272 ACSR (PHEASANT) D. T. = 7,800-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT 212° F (FINAL)
STATIC WIRE: SIZE = AFL, CC-75-528-48F, (OPGW) D. T. = 3,500-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT EXTREME COLD (-20° F)	DISTRIBUTION: SIZE = 556 AA6 DAHLIA D. T. = 3,400-LBS (NESC MEDIUM-INITIAL) CURVE SHOWN AT 167° F (FINAL)

CLEARANCES			
GROUND	ROAD	RAILROAD	WATER
22'	22'	32'	22'
LOADING			
STD = NESC MEDIUM LOADING			
WIND	ICE	K	F
4-PSF	1/4-IN	0.2	15-DEG
R.O.W. WIDTH: 25-FT			

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**BUTTE-MCNARY 115 KV TRANSMISSION LINE**

LOCATION: LAT: 45.917202, LON: -119.307364 TO LAT: 45.851252, LON: -119.300948 UMATILLA COUNTY, OR

CLIENT: **UMATILLA ELECTRIC COOPERATIVE HERMISTON, OREGON OREGON-14-UMATILLA**

TITLE: **PLAN AND PROFILE STA. 70+00 TO 100+91**

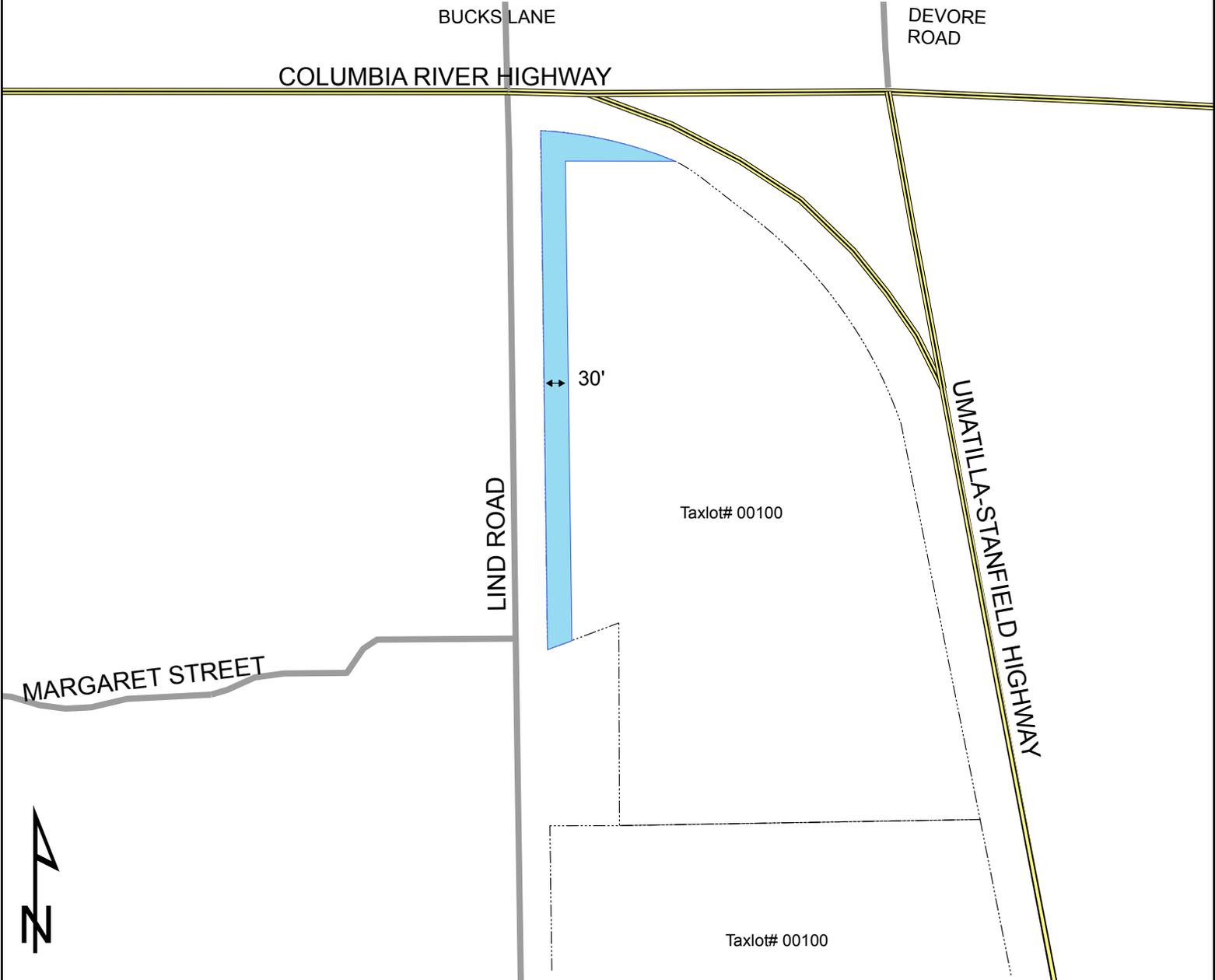
SHT NO: **CU-104**

**EASEMENT AREA DESCRIPTION:**

LEGAL DESCRIPTION FOR A POWER LINE EASEMENT LOCATED ACROSS A PARCEL OF LAND CONVEYED TO ANACAPA LAND COMPANY, LLC. IN A DEED RECORDED AUGUST 19, 2003 AS INSTRUMENT NO. 2003-4450295, RECORDS OF UMATILLA COUNTY, OREGON, LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON.

SAID AREA IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 15, THENCE NORTH 08°04'16" EAST A DISTANCE OF 215.40 FEET TO THE EAST RIGHT-OF-WAY LINE OF LIND ROAD AND THE SOUTHWEST CORNER OF SAID DEED 2003-4450295 RECORDS OF UMATILLA COUNTY, OREGON ALSO BEING THE TRUE POINT OF BEGINNING NO. 1; THENCE NORTH 00°44'29" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 645.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 395; THENCE ALONG SAID RIGHT-OF-WAY AROUND A 513.88 FEET RADIUS CURVE TO THE RIGHT A DISTANCE OF 172.27 FEET, LONG CHORD BEARS SOUTH 77°09' 10" EAST, 171.46 FEET; THENCE NORTH 89°57'34" WEST A DISTANCE OF 136.68 FEET; THENCE SOUTH 00°44'29" EAST A DISTANCE OF 595.95 FEET TO THE SOUTH LINE OF SAID DEED RECORDED AUGUST 19, 2003 AS INSTRUMENT NO. 2003-4450295, RECORDS OF UMATILLA COUNTY, OREGON; THENCE SOUTH 68°17'36" WEST ALONG SAID SOUTH LINE A DISTANCE OF 32.13 FEET TO TRUE POINT OF BEGINNING NO. 1 CONTAINING 22,050 SQUARE FEET MORE OR LESS.

ALSO A POWER LINE EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 15, THENCE NORTH 38°10' 15" EAST A DISTANCE OF 732.23 FEET TO THE WEST RIGHT-OF-WAY LINE OF HIGHWAY 395 AND THE TRUE POINT OF BEGINNING NO. 2 OF THIS DESCRIPTION; THENCE SOUTH 62°53'58" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 27°06'02" WEST A DISTANCE OF 10.00 FEET; THENCE NORTH 62°53'58" EAST A DISTANCE OF 10.00 TO SAID WEST LINE OF HIGHWAY 395; THENCE ALONG SAID RIGHT-OF-WAY LINE AROUND A 513.88 FEET RADIUS CURVE TO THE RIGHT A DISTANCE OF 10.00 FEET, LONG CHORD BEARS SOUTH 27°0 6'02" EAST, 10.00 FEET TO THE TRUE POINT OF BEGINNING NO. 2, CONTAINING 100 SQUARE FEET. MORE OR LESS.



**Exhibit 5**

 Easement

0 45 90 180  
Feet



1 in = 185 ft



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

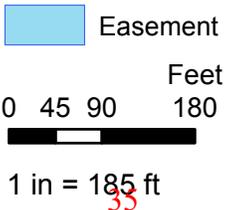
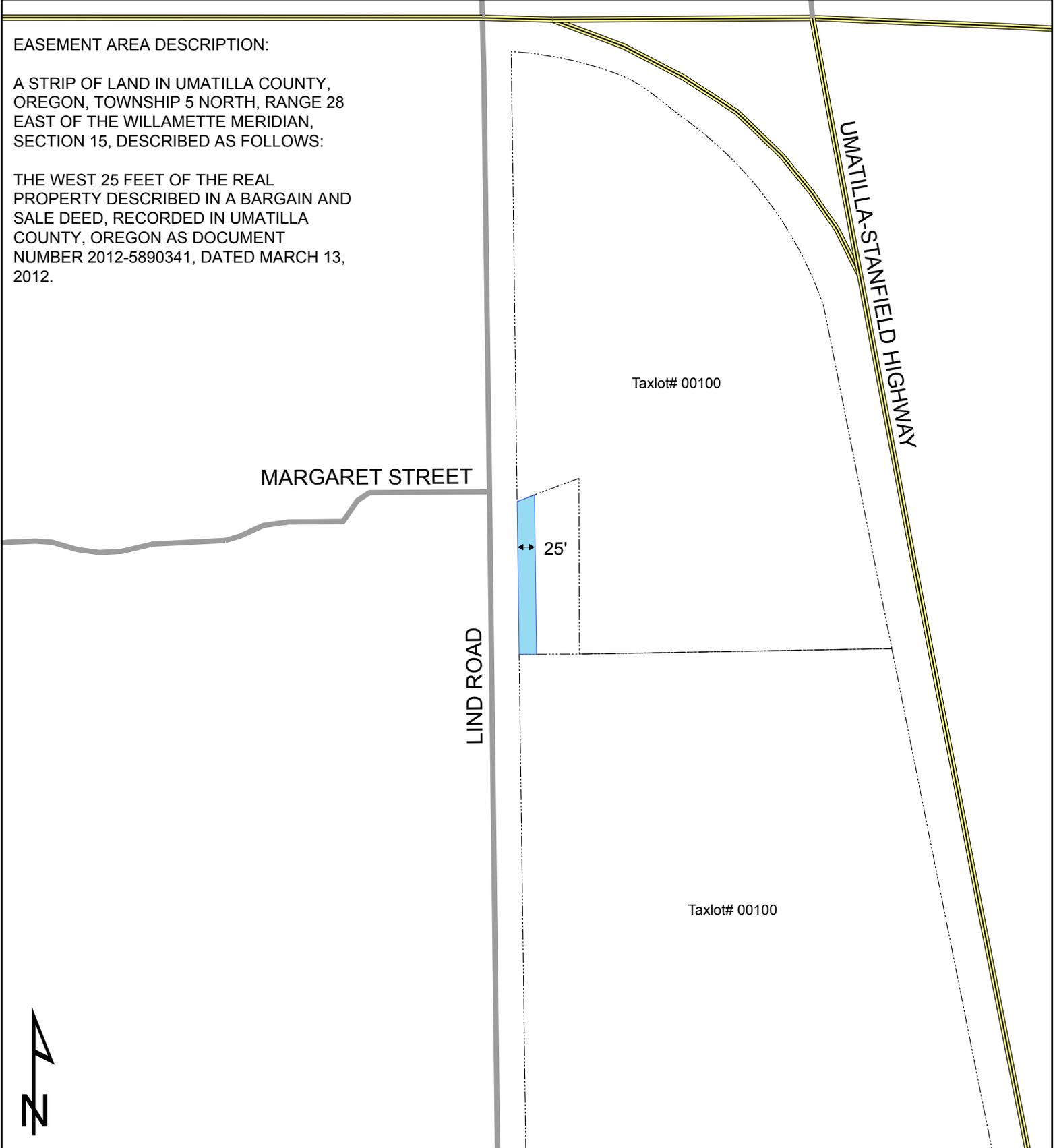
Owner: ANACAPA LAND CO LLC (c/o CALPINE CORP) **CU-801**

ASSESSMENT MAP 5N 28 15BC TAX Lot# 100

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY,  
 OREGON, TOWNSHIP 5 NORTH, RANGE 28  
 EAST OF THE WILLAMETTE MERIDIAN,  
 SECTION 15, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL  
 PROPERTY DESCRIBED IN A BARGAIN AND  
 SALE DEED, RECORDED IN UMATILLA  
 COUNTY, OREGON AS DOCUMENT  
 NUMBER 2012-5890341, DATED MARCH 13,  
 2012.



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

**Client:** Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

**Owner:** UMATILLA, CITY OF **CU-802**

ASSESSMENT MAP 5N 28 15BC TAX Lot# 200

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 15, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED AS TRACT II IN A STATUTORY WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2003-4450295, DATED AUGUST 19, 2003.

LIND ROAD

Taxlot# 00100

UMATILLA-STANFIELD HIGHWAY

25'

Taxlot# 00100

MARGARET AVENUE

Taxlot# 03902



 Easement

Feet

0 45 90 180



1 in = 185 ft

36



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

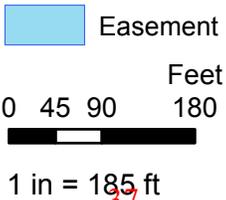
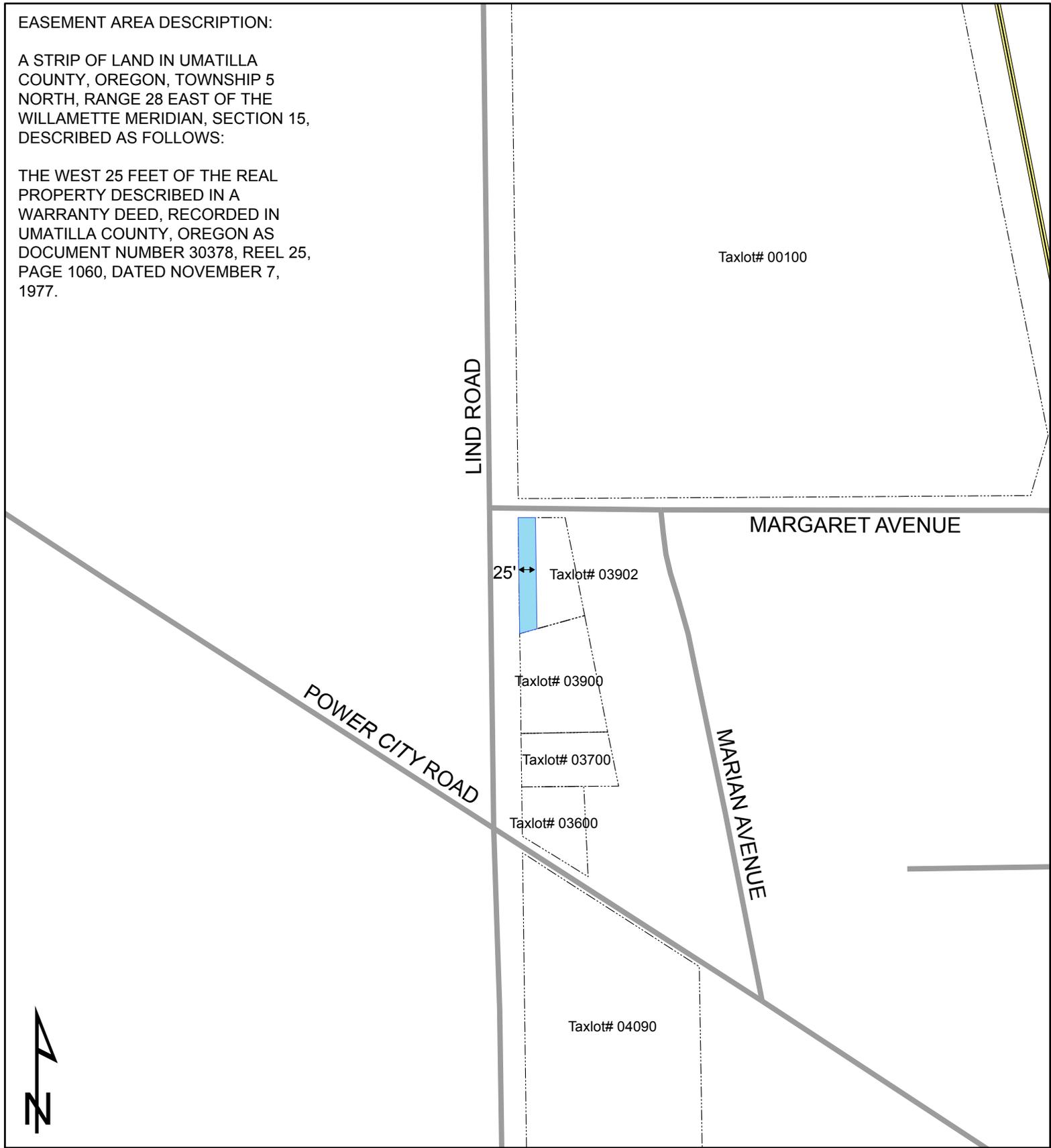
Owner: ANACAPA LAND CO LLC (c/o CALPINE CORP) **CU-803**

ASSESSMENT MAP 5N 28 15CB TAX Lot# 100

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 15, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 30378, REEL 25, PAGE 1060, DATED NOVEMBER 7, 1977.



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

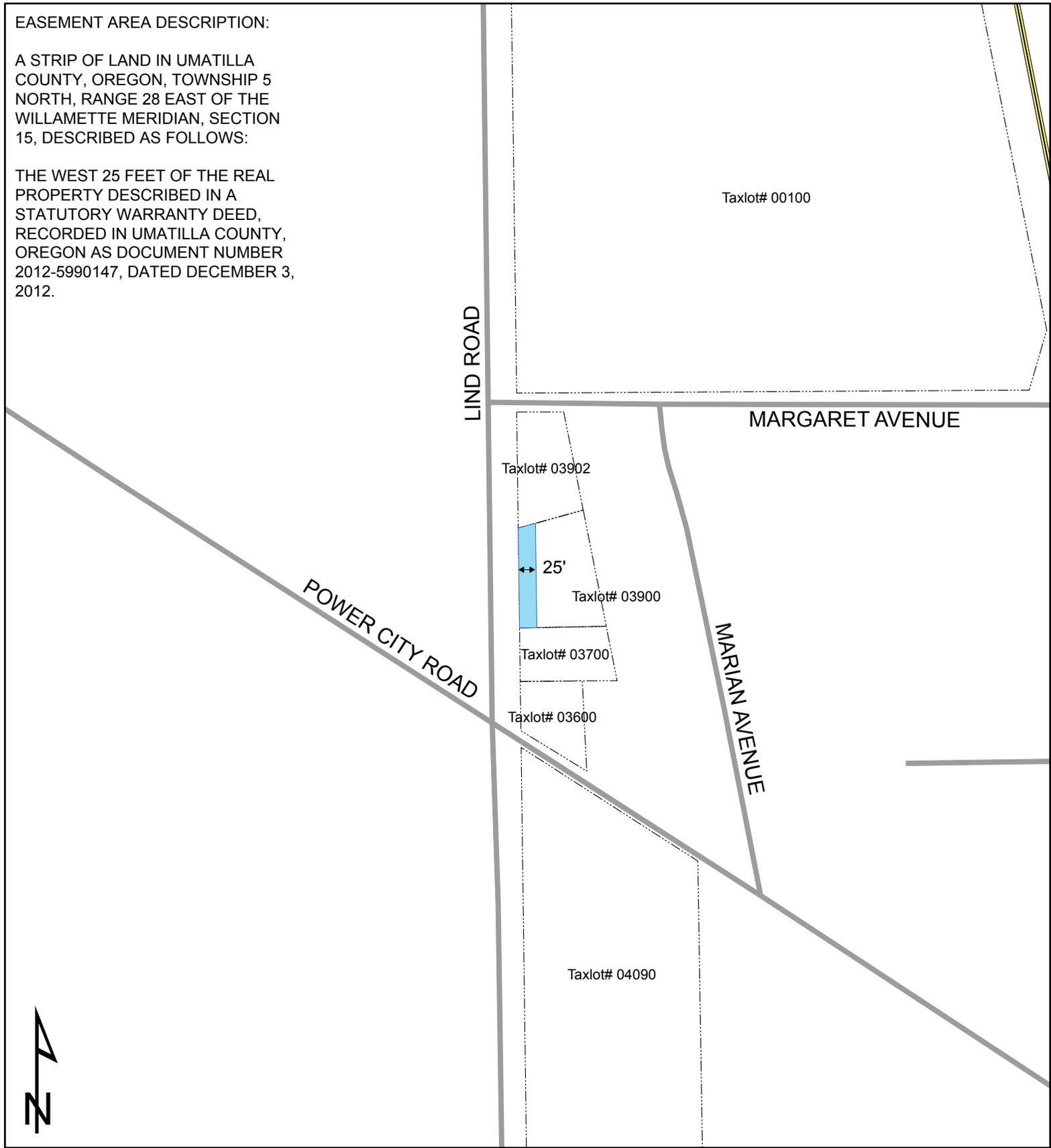
Owner: POULSON STEVEN D & JONILYN M CU-804

ASSESSMENT MAP 5N 28 15CC TAX Lot# 3902

EASEMENT AREA DESCRIPTION:

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 15, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A STATUTORY WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2012-5990147, DATED DECEMBER 3, 2012.



Easement

Feet

0 45 90 180



1 in = 185 ft

38



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BUTTE - MCNARY 115 KV TRANSMISSION LINE

Client: Umatilla Electric Cooperative, Hermiston OR Oregon-14-Umatilla

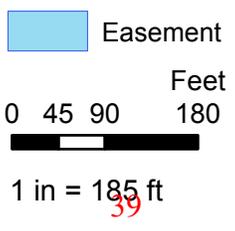
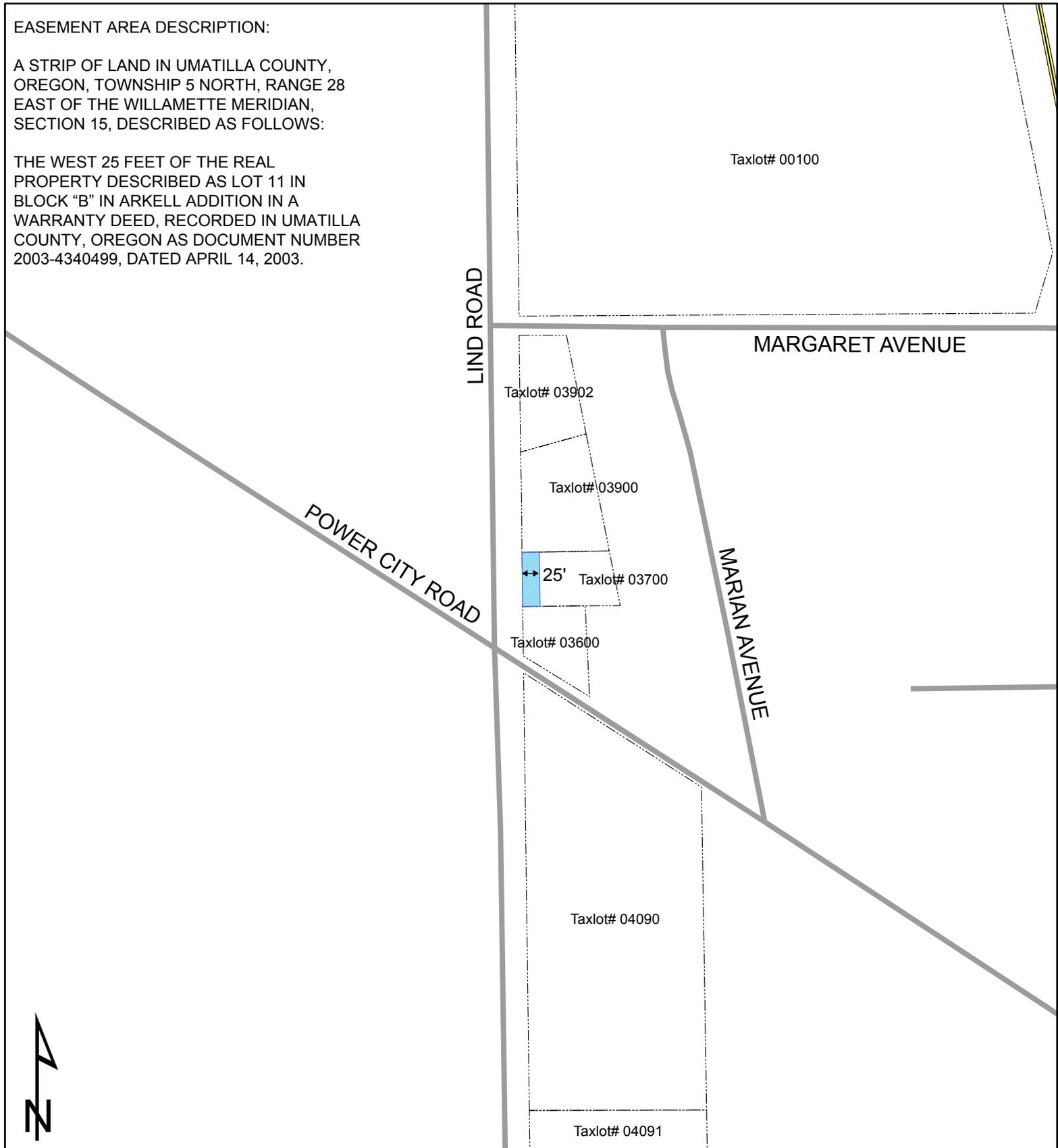
Owner: RITZER MICHAEL ANTHONY & TABITHA JUNE CU-805

ASSESSMENT MAP 5N 28 15CC TAX Lot# 3900

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY,  
OREGON, TOWNSHIP 5 NORTH, RANGE 28  
EAST OF THE WILLAMETTE MERIDIAN,  
SECTION 15, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL  
PROPERTY DESCRIBED AS LOT 11 IN  
BLOCK "B" IN ARKELL ADDITION IN A  
WARRANTY DEED, RECORDED IN UMATILLA  
COUNTY, OREGON AS DOCUMENT NUMBER  
2003-4340499, DATED APRIL 14, 2003.



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

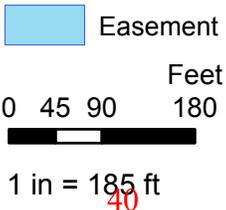
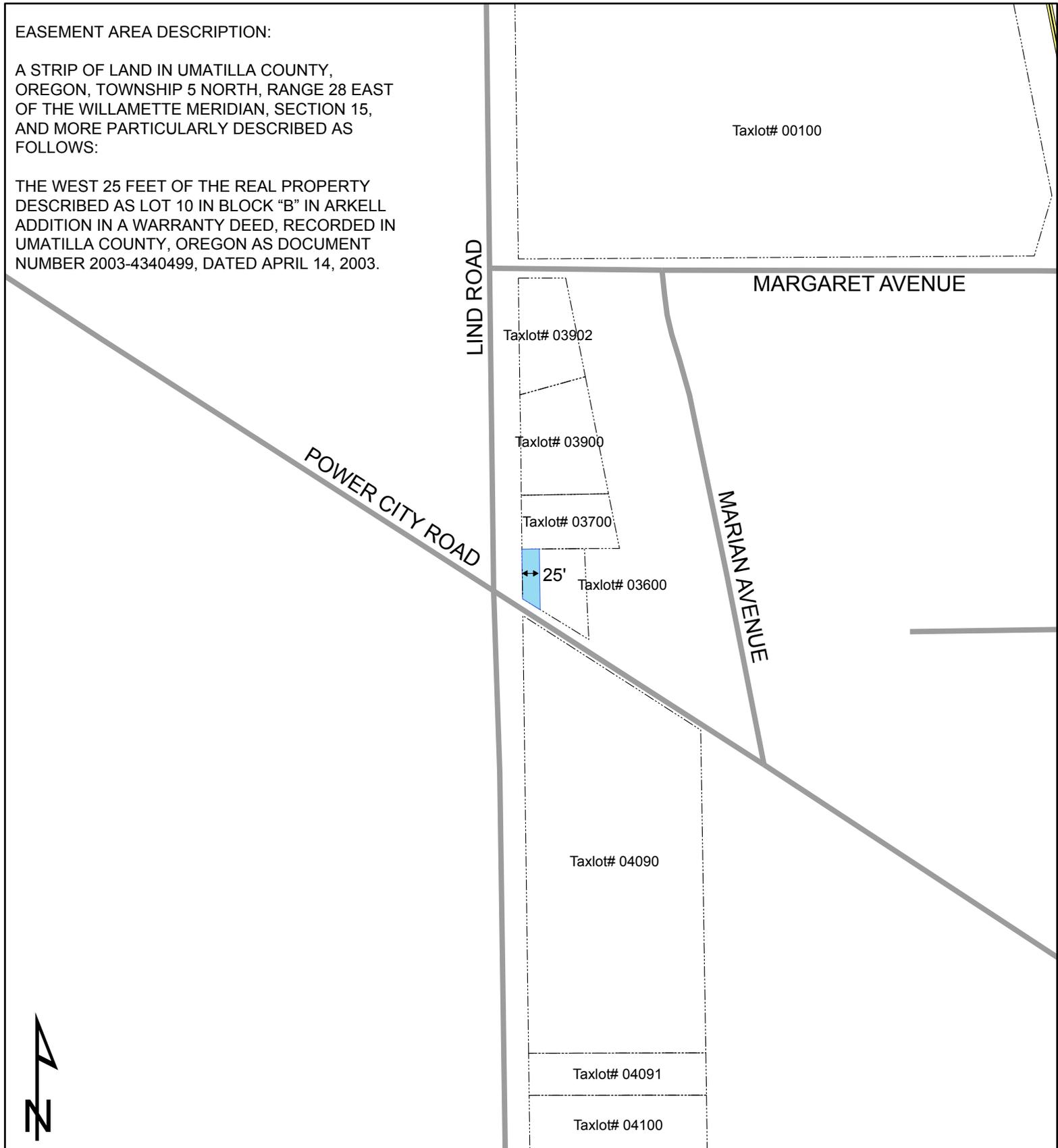
Owner: FREDERICKSON DARYL C & JUNE CU-806

ASSESSMENT MAP 5N 28 15CC TAX Lot# 3700

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 15, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED AS LOT 10 IN BLOCK "B" IN ARKELL ADDITION IN A WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2003-4340499, DATED APRIL 14, 2003.



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

**Client:** Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

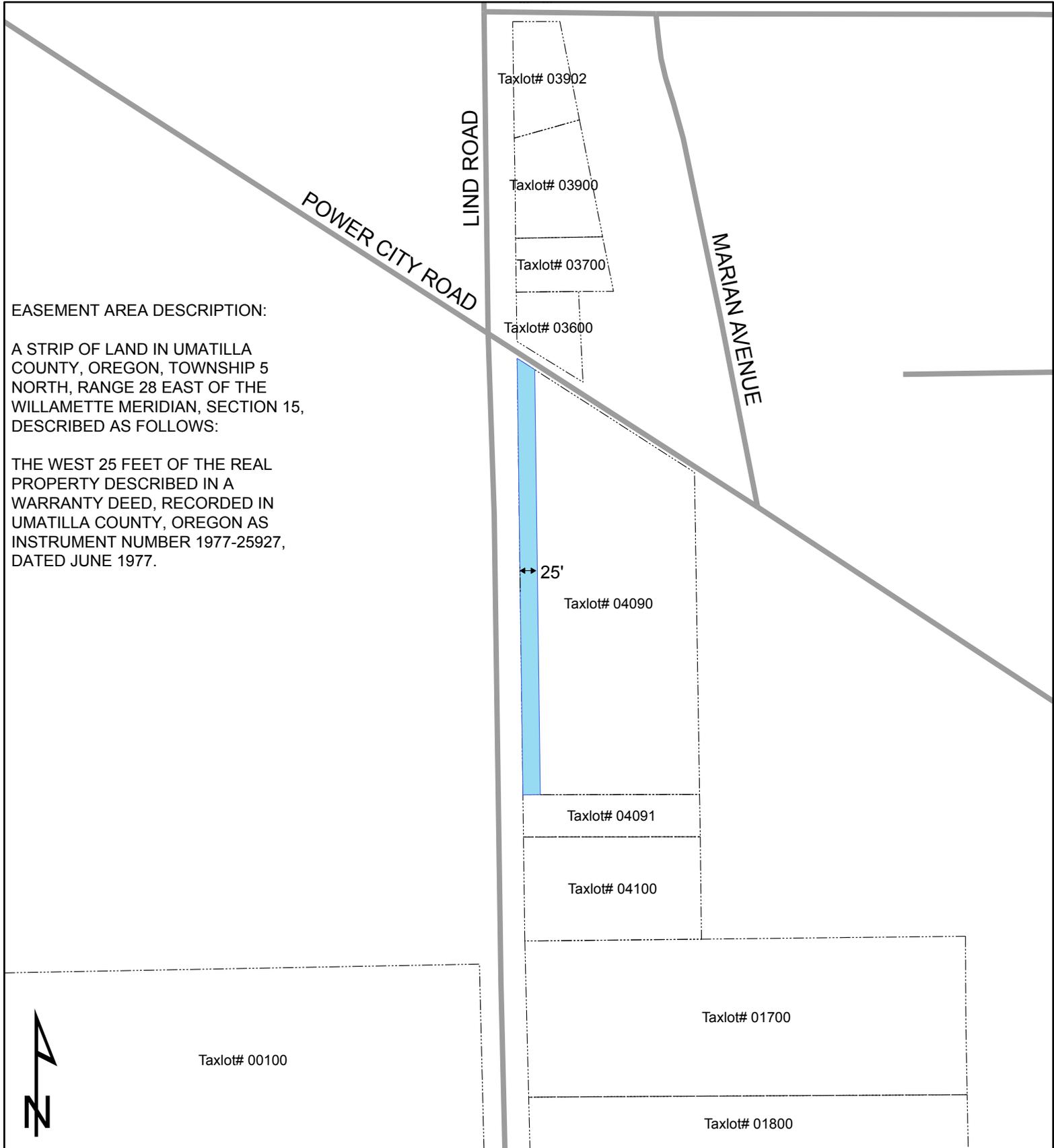
**Owner:** FREDERICKSON DARYL C & JUNE **CU-807**

ASSESSMENT MAP 5N 28 15CC TAX Lot# 3600

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 15, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS INSTRUMENT NUMBER 1977-25927, DATED JUNE 1977.



**Easement**

0 45 90 180 Feet

1 in = 185 ft

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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

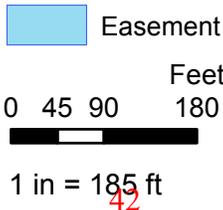
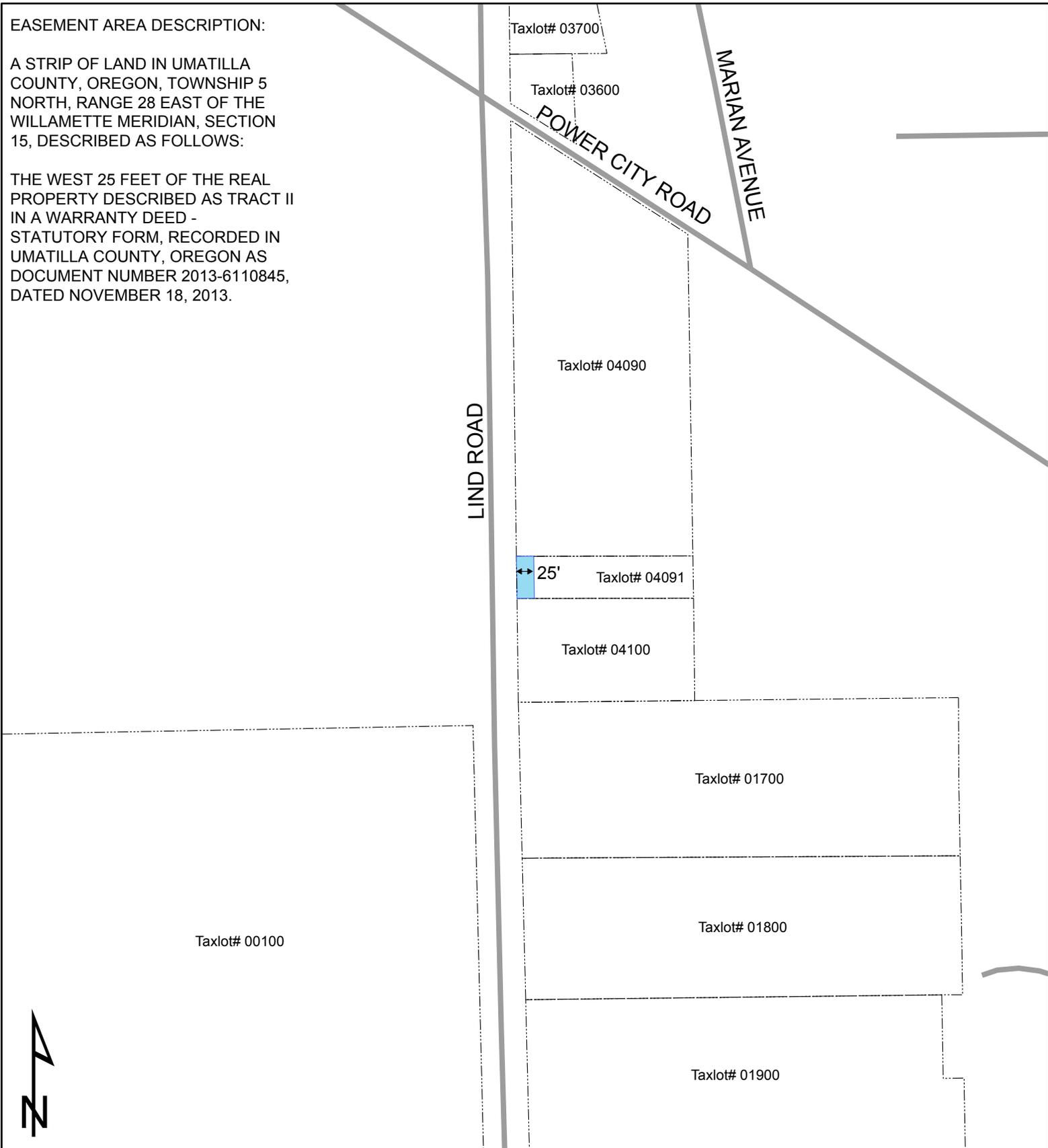
Owner: CHARLO CLARENCE L & GERALDINE **CU-808**

ASSESSMENT MAP 5N 28 15CC TAX Lot# 4090

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 15, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED AS TRACT II IN A WARRANTY DEED - STATUTORY FORM, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2013-6110845, DATED NOVEMBER 18, 2013.



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

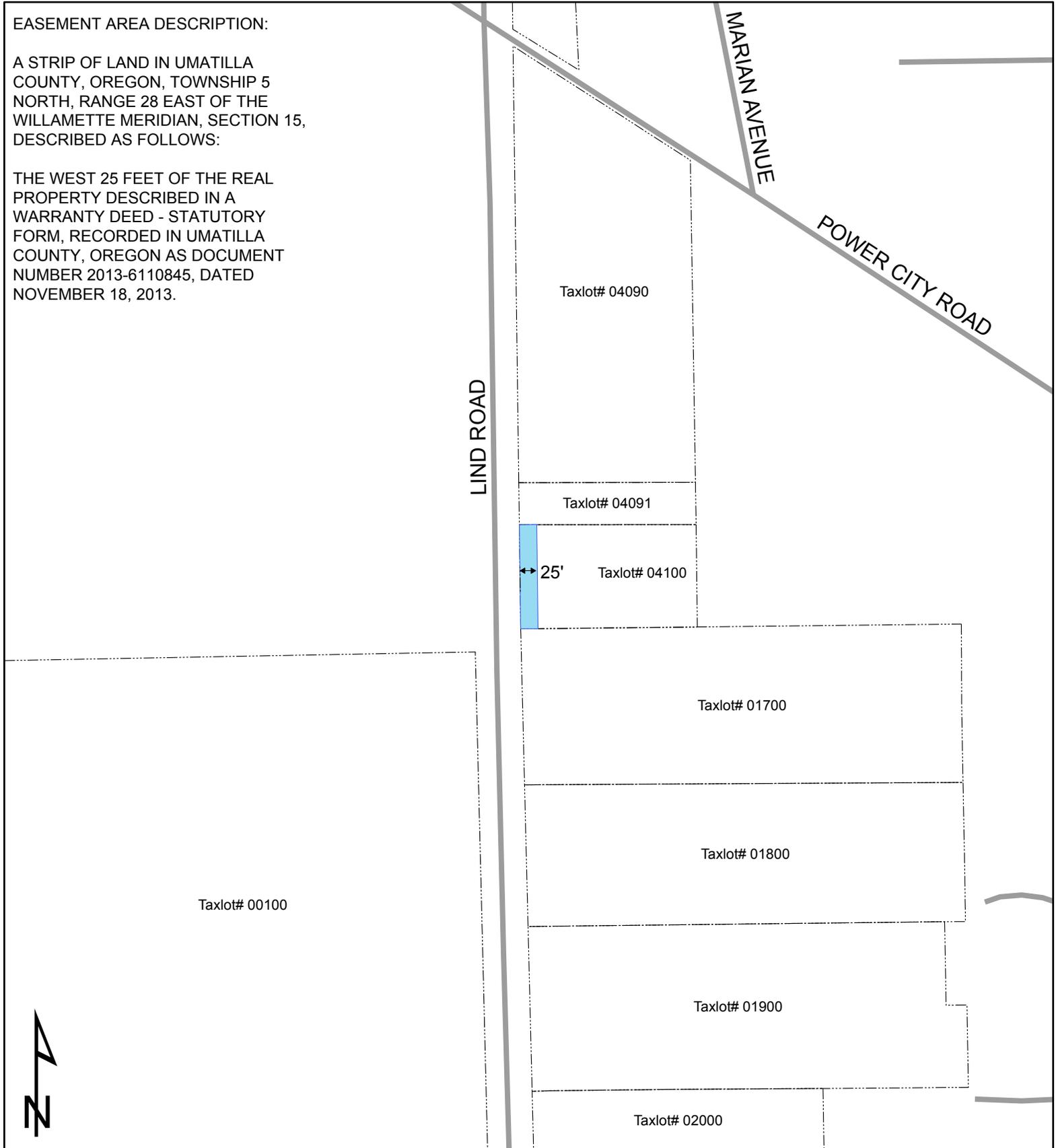
Owner: MORRIS KENNETH LEON & MARCIA DAWN CU-809

ASSESSMENT MAP 5N 28 15CC TAX Lot# 4091

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 15, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A WARRANTY DEED - STATUTORY FORM, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2013-6110845, DATED NOVEMBER 18, 2013.



Easement

Feet

0 45 90 180



1 in = 185 ft

43



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

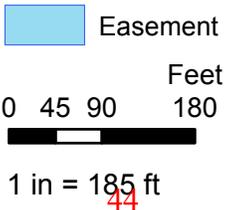
Owner: MORRIS KENNETH LEON & MARCIA DAWN **CU-810**

ASSESSMENT MAP 5N 28 15CC TAX Lot# 4100

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A STATUTORY WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2004-4700190, DATED SEPTEMBER 30, 2004.



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

Owner: **BARRETO, GUADALUPE** **CU-811**

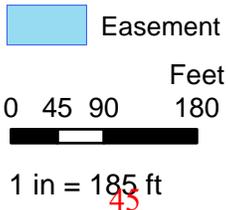
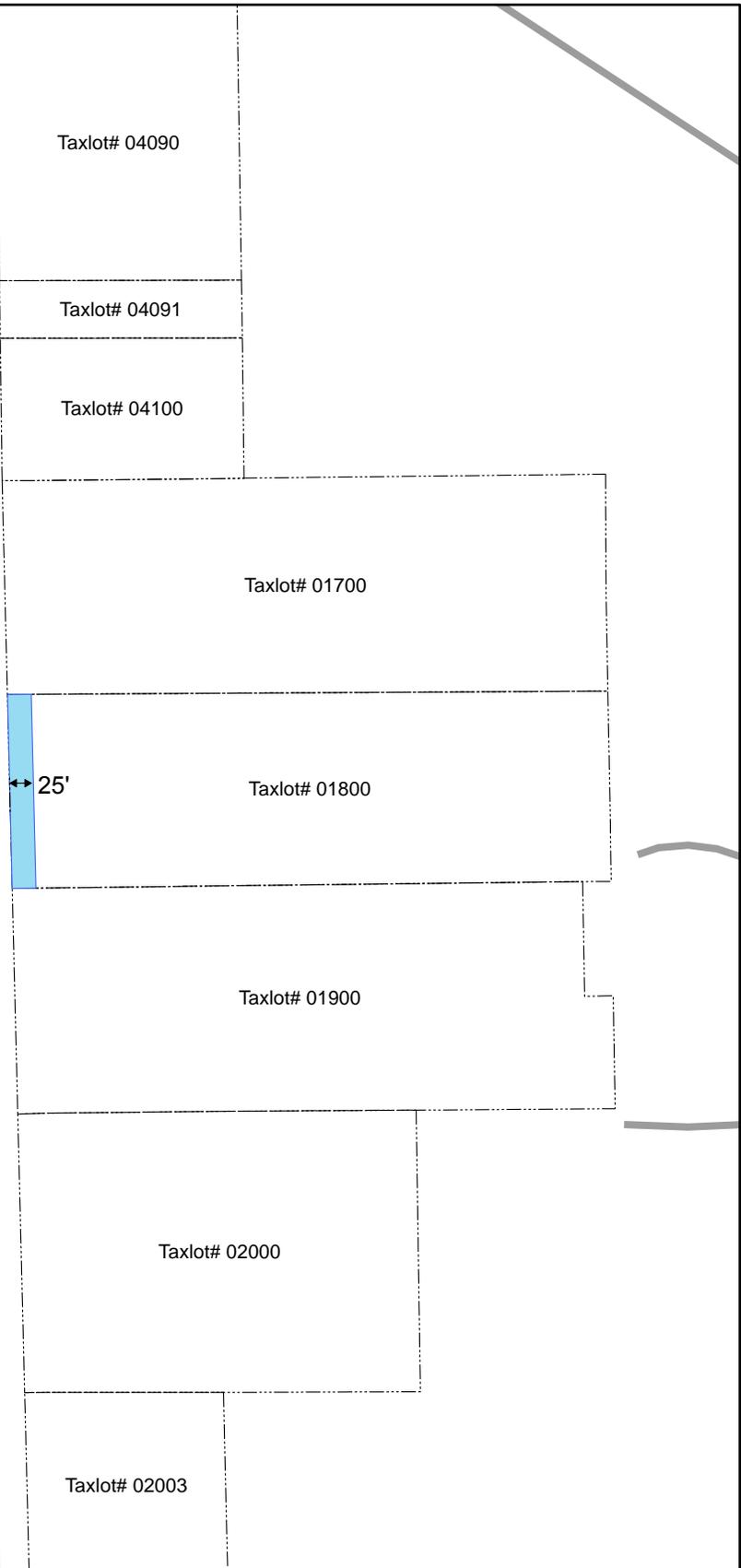
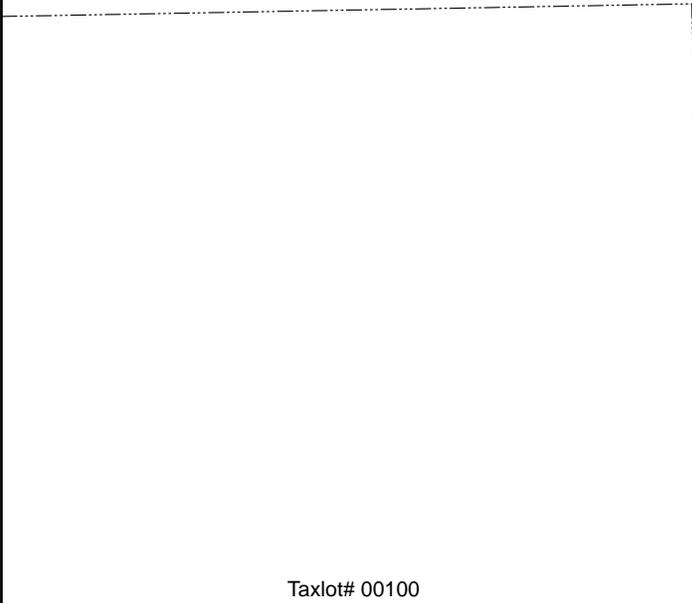
ASSESSMENT MAP 5N 28 22BB TAX Lot# 1700

EASEMENT AREA DESCRIPTION:

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A SPECIAL WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2009-5490385, DATED MARCH 31, 2009.

LIND ROAD



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 Date: 3/6/2018 (GB.)

**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR Oregon-14-Umatilla

Owner: ARTEAGA, MANUEL & EVA CU-812

ASSESSMENT MAP 5N 28 22BB TAX Lot# 1800

EASEMENT AREA DESCRIPTION:

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 1998-3380139, DATED OCTOBER 7, 1998.

Taxlot# 00100

LIND ROAD

Taxlot# 04090

Taxlot# 04091

Taxlot# 04100

Taxlot# 01700

Taxlot# 01800

↔ 25'

Taxlot# 01900

Taxlot# 02000

Taxlot# 02003

UNION STREET

Taxlot# 00700



 Easement

Feet

0 45 90 180



1 in = 185 ft

46



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BUTTE - MCNARY 115 KV TRANSMISSION LINE

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

Owner: CU-813  
WILLIAM MORGAN REUTER FAMILY LIMITED PARTNERSHIP  
ASSESSMENT MAP 5N 28 22BB TAX Lot# 1900

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A WARRANTY DEED, RECORDED IN UMATILLA COUNTY, OREGON, AS DOCUMENT NUMBER 96-218928, DATED MAY 24, 1996, SAID PROPERTY EXCEPTING PARCEL 2 AND PARCEL 3, PARTITION PLAT 2001-52, INSTRUMENT NO. 2001-4010292, OFFICE OF UMATILLA COUNTY RECORDS.

Taxlot# 00100

LIND ROAD

Taxlot# 01700

Taxlot# 01800

Taxlot# 01900

↔ 25'

Taxlot# 02000

Taxlot# 02003

UNION STREET

Taxlot# 00700



 Easement

Feet

0 45 90 180



1 in = 185 ft

47



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

Owner:  
FORDICE, CLINTON J

CU-814

ASSESSMENT MAP 5N 28 22BB TAX Lot# 2000

EASEMENT AREA DESCRIPTION:

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED IN A WARRANTY DEED - STATUTORY FORM, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2013-6020219, DATED FEBRUARY 28, 2013.

Taxlot# 00100

LIND ROAD

Taxlot# 01800

Taxlot# 01900

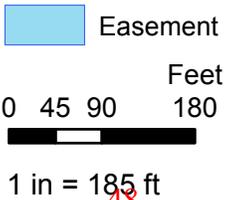
Taxlot# 02000

↔ 25'

Taxlot# 02003

UNION STREET

Taxlot# 00700



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Date: 3/6/2018 (GB.)

BUTTE - MCNARY 115 KV TRANSMISSION LINE

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

Owner: BUSTILLOS, SOILO GARCIA CU-815

ASSESSMENT MAP 5N 28 22BB TAX Lot# 2003

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID PROPERTY IS DESCRIBED AS TRACT 4 IN STATUTORY WARRANTY DEED AND ASSIGNMENT OF CONTRACTS RECORDED IN UMATILLA COUNTY, OREGON, AS INSTRUMENT NUMBER 2016-6410442, DATED MARCH 28, 2016.

LEGAL DESCRIPTION FOR A POWERLINE AND GUY ANCHOR EASEMENT LOCATED IN THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF PARCEL 2 OF PARTITION PLAT NO. 1997-25, RECORDS OF UMATILLA COUNTY, OREGON, THENCE NORTH 89° 33'06" EAST ALONG THE NORTH LINE OF SAID PARCEL 2 A DISTANCE OF 25.01 FEET; THENCE SOUTH 01°25'06" EAST A DISTANCE OF 72.81 FEET; THENCE SOUTH 15°51'44" EAST A DISTANCE OF 180.41 FEET; THENCE SOUTH 44°47'28" WEST A DISTANCE OF 62.34 FEET; THENCE SOUTH 01°25'06" EAST A DISTANCE OF 65.00 FEET; THENCE SOUTH 88°49'58" WEST A DISTANCE OF 25.00 FEET TO THE WEST LINE OF SAID PARCEL 2; THENCE NORTH 01°25'06" WEST ALONG THE WEST LINE OF SAID PARCEL 2 A DISTANCE OF 356.37 FEET TO THE POINT OF BEGINNING. CONTAINS 13,802 SQUARE FEET.

LIND ROAD

Taxlot# 02000

Taxlot# 02003

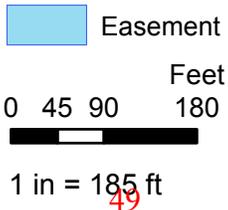
UNION STREET

Taxlot# 00700

Taxlot# 01600

Taxlot# 01601

Taxlot# 00200



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

Owner: **CU-816**

HIATT BETTY 1/4 ET AL 3/4

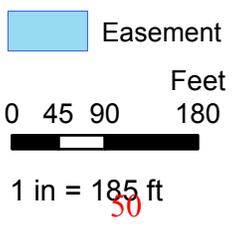
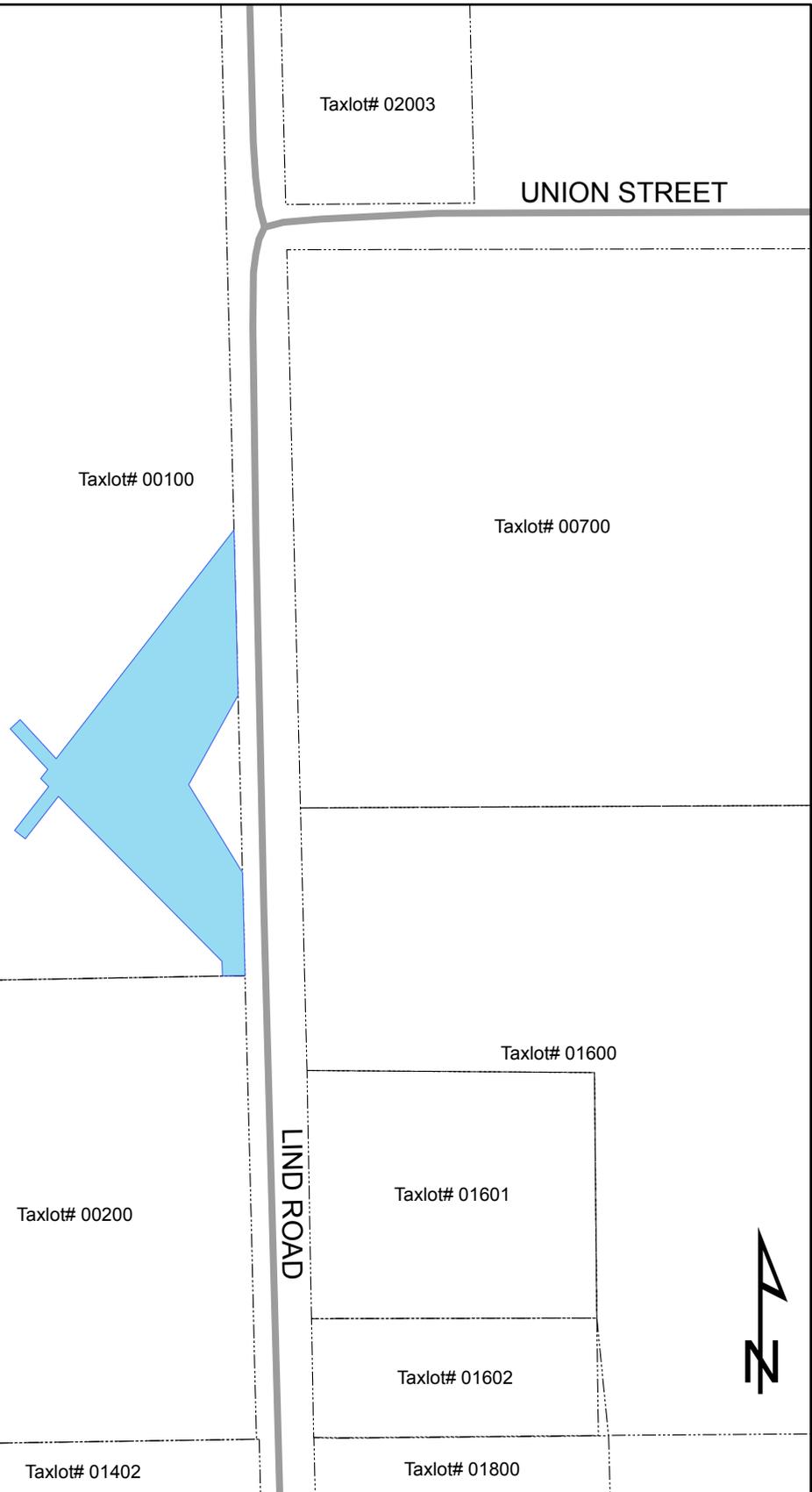
ASSESSMENT MAP 5N 28 22

TAX Lot# 700

**EASEMENT AREA DESCRIPTION:**

LEGAL DESCRIPTION FOR A POWERLINE AND GUY ANCHOR EASEMENT LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 3 OF PARTITION PLAT NO. 2004-07, RECORDS OF UMATILLA COUNTY, OREGON, THENCE NORTH 01°25'08" WEST ALONG THE WEST LINE RIGHT-OF-WAY LINE OF LIND ROAD A DISTANCE OF 500.00 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO VA DATA, INC. IN DEEDS MF 2017-6610150, RECORDS OF UMATILLA COUNTY, OREGON AND THE TRUE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE SOUTH 89°50'01" WEST ALONG THE NORTH LINE OF SAID VA DATA, INC. TRACT A DISTANCE OF 25.01 FEET; THENCE NORTH 01°25'08" WEST A DISTANCE OF 7.75 FEET; THENCE NORTH 44°48'14" WEST A DISTANCE OF 280.59 FEET; THENCE SOUTH 37°54'40" WEST A DISTANCE OF 59.49 FEET; THENCE NORTH 52°05'20" WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 37°54'40" EAST A DISTANCE OF 61.40 FEET; THENCE NORTH 44°48'14" WEST A DISTANCE OF 12.60 FEET; THENCE NORTH 37°54'31" EAST A DISTANCE OF 12.67 FEET; THENCE NORTH 42°48'50" WEST A DISTANCE OF 60.96 FEET; THENCE NORTH 47°11'10" EAST A DISTANCE OF 15.00 FEET; THENCE SOUTH 42°48'50" EAST A DISTANCE OF 58.51 FEET; THENCE NORTH 37°54'31" EAST A DISTANCE OF 345.75 FEET TO THE WEST RIGHT-OF-WAY LINE OF LIND ROAD; THENCE SOUTH 01°25'08" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 174.65 FEET; THENCE SOUTH 29°04'03" WEST A DISTANCE OF 145.20 FEET; THENCE SOUTH 31°29'59" EAST A DISTANCE OF 146.97 FEET TO SAID WEST RIGHT-OF-WAY LINE OF LIND ROAD; THENCE SOUTH 01°25'08" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 94.42 FEET TO THE TRUE POINT OF BEGINNING. CONTAINS 56,254 SQUARE FEET.



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 Date: 3/6/2018 (GB.)

**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR Oregon-14-Umatilla

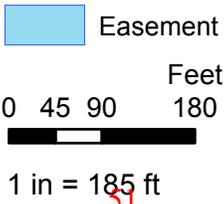
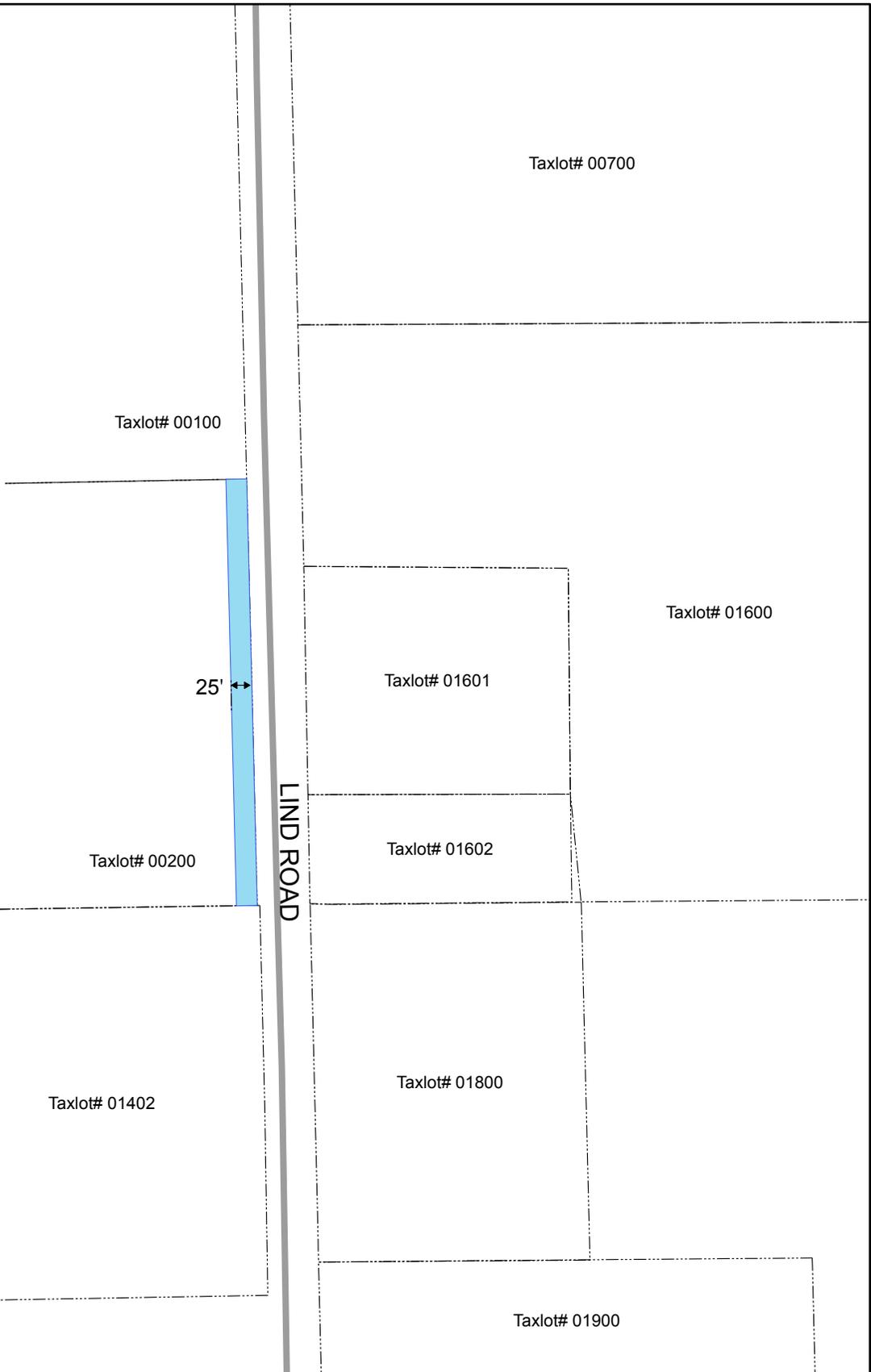
Owner: **CU-816.1**  
 HIATT BETTY 1/4 ET AL 3/4

ASSESSMENT MAP 5N 28C TAX Lot# 100

**EASEMENT AREA DESCRIPTION:**

LEGAL DESCRIPTION FOR A POWERLINE AND GUY ANCHOR EASEMENT LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 3 OF PARTITION PLAT NO. 2004-07, RECORDS OF UMATILLA COUNTY, OREGON, THENCE SOUTH 89°50'01" WEST ALONG THE NORTH LINE OF SAID PARCEL 3 25.00 FEET; THENCE NORTH 01°25'08" WEST A DISTANCE OF 500.00 FEET TO THE NORTH LINE OF A TRACT OF LAND CONVEYED TO VADATA, INC. IN DEEDS MF 2017-6610150, RECORDS OF UMATILLA COUNTY, OREGON; THENCE NORTH 89°50'01" EAST ALONG THE NORTH LINE OF SAID VADATA, INC. TRACT 25.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF LIND ROAD; THENCE SOUTH 01°25'08" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING. CONTAINS 12,504 SQUARE FEET.



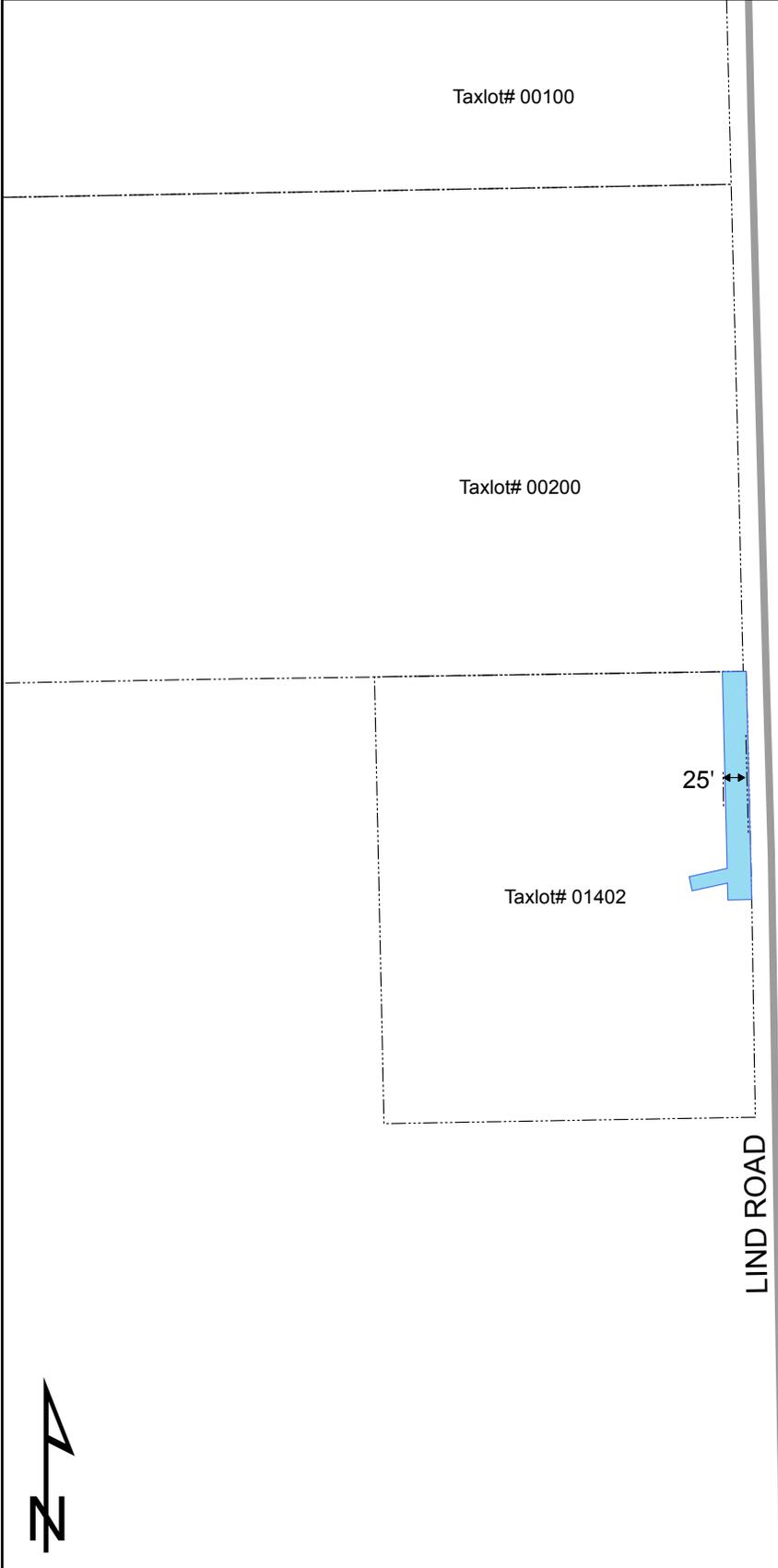
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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

Owner: VATDATA INC CU-816.2

ASSESSMENT MAP 5N 28C TAX Lot# 200



**EASEMENT AREA DESCRIPTION:**

LEGAL DESCRIPTION FOR A POWERLINE AND GUY ANCHOR EASEMENT LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 3 OF PARTITION PLAT NO. 2004-07, RECORDS OF UMATILLA COUNTY, OREGON, THENCE SOUTH 01°25'09" EAST ALONG THE EAST LINE OF SAID PARCEL 3 A DISTANCE OF 239.59 FEET; THENCE SOUTH 88°34'56" WEST A DISTANCE OF 25.00 FEET; THENCE NORTH 01°25'09" WEST A DISTANCE OF 17.81 FEET; THENCE SOUTH 77°38'50" WEST A DISTANCE OF 38.03 FEET; THENCE NORTH 12°21 '10" WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 77°38'50" EAST A DISTANCE OF 40.92 FEET; THENCE NORTH 01 °25'09" WEST A DISTANCE OF 207.71 FEET TO THE NORTH LINE OF SAID PARCEL 3; THENCE NORTH 89°50'01" EAST ALONG SAID NORTH LINE A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING, INCLUDING THE NECESSARY AREA NEEDED FOR SUPPORTING ANCHOR AND GUYING FACILITIES. CONTAINS 6,598 SQUARE FEET.

 Easement

0 45 90 180 Feet



1 in = 185 ft

**TOTH**  
& ASSOCIATES

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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

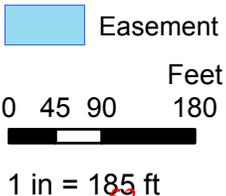
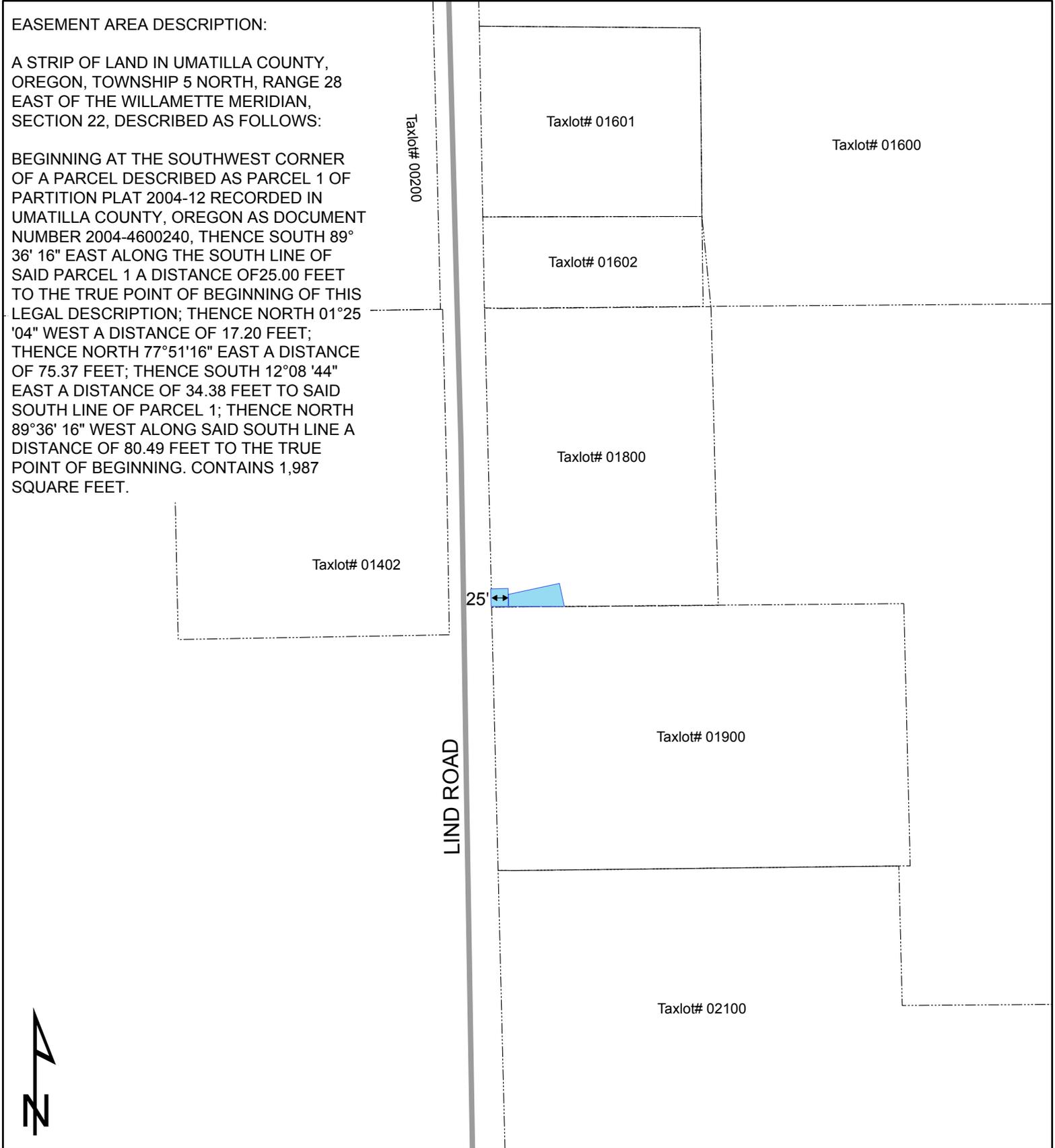
Owner: RANNE, DONALD L CU-817.1

ASSESSMENT MAP TAX Lot# 1402

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF A PARCEL DESCRIBED AS PARCEL 1 OF PARTITION PLAT 2004-12 RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2004-4600240, THENCE SOUTH 89° 36' 16" EAST ALONG THE SOUTH LINE OF SAID PARCEL 1 A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE NORTH 01°25 '04" WEST A DISTANCE OF 17.20 FEET; THENCE NORTH 77°51'16" EAST A DISTANCE OF 75.37 FEET; THENCE SOUTH 12°08 '44" EAST A DISTANCE OF 34.38 FEET TO SAID SOUTH LINE OF PARCEL 1; THENCE NORTH 89°36' 16" WEST ALONG SAID SOUTH LINE A DISTANCE OF 80.49 FEET TO THE TRUE POINT OF BEGINNING. CONTAINS 1,987 SQUARE FEET.



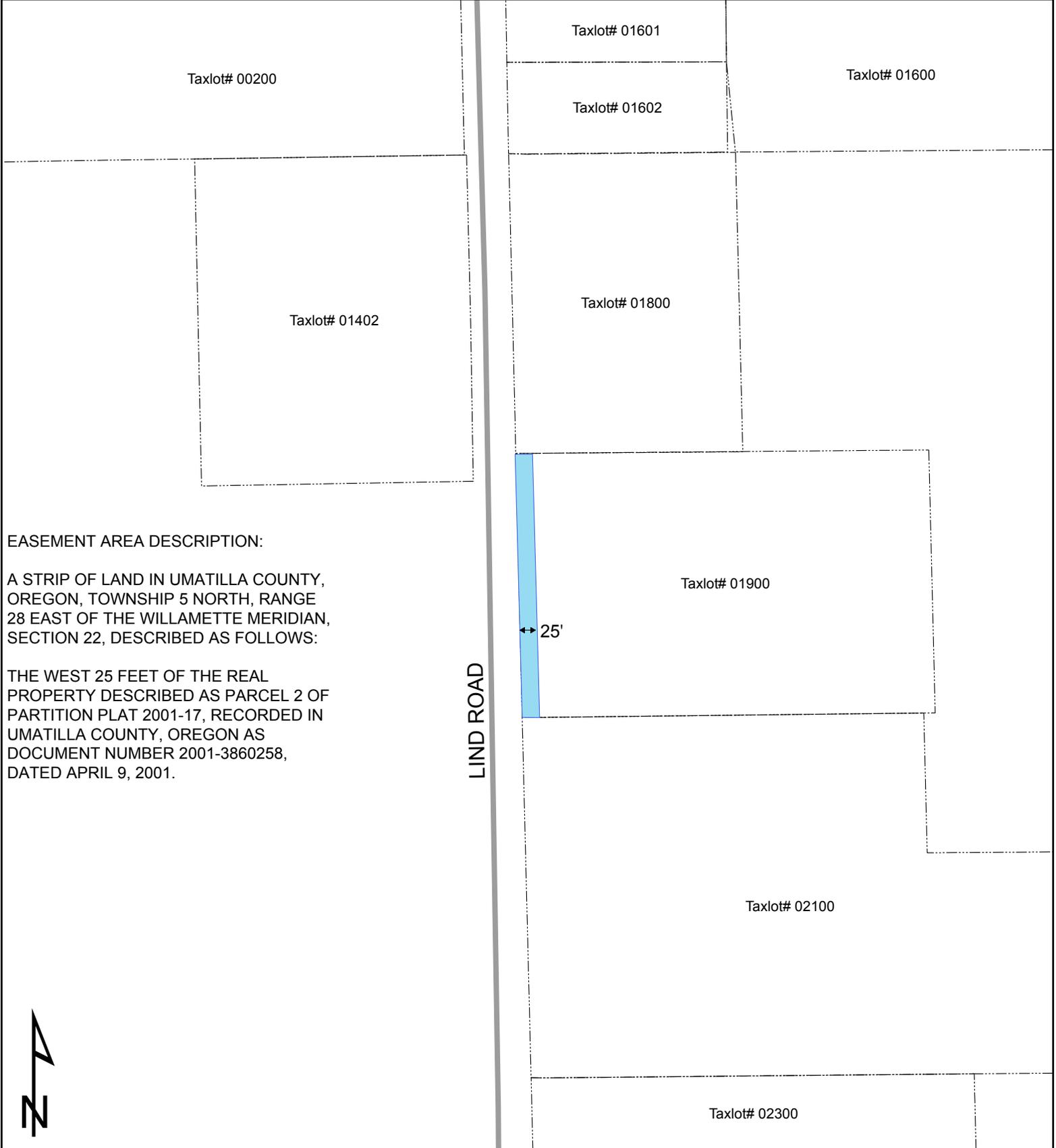
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 Date: 3/6/2018 (GB.)

**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

Owner: WILLIAMS, RONALD CU-818

ASSESSMENT MAP 5N 28 22BB TAX Lot# 1800



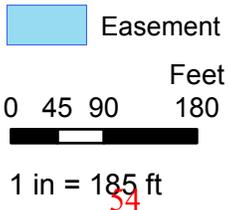
**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED AS PARCEL 2 OF PARTITION PLAT 2001-17, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2001-3860258, DATED APRIL 9, 2001.

LIND ROAD

↔ 25'



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

Owner: HIATT, BETTY 1/4 ET AL 3/4 CU-819

ASSESSMENT MAP 5N 28 22 TAX Lot# 1900

Taxlot# 01402

Taxlot# 01800

EASEMENT AREA DESCRIPTION:

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED AS TRACT IV IN A BARGAIN AND SALE DEED, RECORDED IN UMATILLA COUNTY, OREGON AS DOCUMENT NUMBER 2003-4470194, DATED SEPTEMBER 9, 2003.

LIND ROAD

Taxlot# 01900

↔ 25'

Taxlot# 02100

Taxlot# 02300



 Easement

Feet

0 45 90 180



1 in = 185 ft

33



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BUTTE - MCNARY 115 KV TRANSMISSION LINE

Client: Umatilla Electric Cooperative, Hermiston OR  
Oregon-14-Umatilla

Owner: BURNS, PAUL CU-820

ASSESSMENT MAP 5N 28 22

TAX Lot# 2100

**EASEMENT AREA DESCRIPTION:**

A STRIP OF LAND IN UMATILLA COUNTY, OREGON, TOWNSHIP 5 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, SECTION 22, DESCRIBED AS FOLLOWS:

THE WEST 25 FEET OF THE REAL PROPERTY DESCRIBED AS W 1/2, SW 1/4, SW 1/4 IN A SHERIFF'S DEED, RECORDED IN UMATILLA COUNTY, OREGON ON PAGE 479 AND 489, DATED DECEMBER 4, 1935.

-AND-  
 BEGINNING AT THE NORTHEAST INTERSECTION POINT OF THE RIGHTS-OF-WAY OF LIND ROAD AND BENSEL ROAD, THENCE SOUTH 89°36'34" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF BENSEL ROAD A DISTANCE OF 25.00 FEET; THENCE NORTH 01°25'04" WEST A DISTANCE OF 42.56 FEET TO THE TRUE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE NORTH 01°25'04" WEST A DISTANCE OF 15.08 FEET; THENCE SOUTH 85°29'45" EAST A DISTANCE OF 102.65 FEET; THENCE SOUTH 04°30'15" WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 85°29'45" WEST A DISTANCE OF 101.10 FEET TO THE TRUE POINT OF BEGINNING. CONTAINS 1,528 SQUARE FEET.

Taxlot# 02100

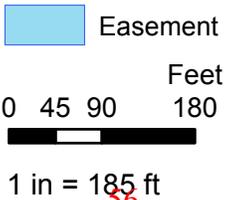
Taxlot# 02300

Taxlot# 01100

LIND ROAD

BENSEL ROAD

↔ 25'



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**BUTTE - MCNARY 115 KV TRANSMISSION LINE**

Client: Umatilla Electric Cooperative, Hermiston OR  
 Oregon-14-Umatilla

Owner: UMATILLA, COUNTY OF CU-821

ASSESSMENT MAP 5N 28 22 TAX Lot# 2300

# Exhibit 7

## UMATILLA ELECTRIC COOPERATIVE – APPLICATION NARRATIVE MCNARY-BUTTE 115-KV TRANSMISSION LINE

- 1. APPLICANT:** Umatilla Electric Cooperative (“UEC” or “Applicant”), 750 W Elm Avenue, Hermiston, OR 97838
- 2. OWNERS:** The proposed transmission line will traverse multiple parcels using easements or portions of the public right of way. The underlying landowners are listed in **Exhibit 1** of the application. City of Umatilla Zoning Ordinance (“CUZO” or “City Code”) Section 10-14-4 provides that applications for the development of a lot or parcel must be signed by the underlying property owner or an authorized representative. Applicant has obtained express consent from 19 property owners as identified in **Exhibit 1**. (For ease of reference throughout this application, Applicant has designated each parcel as a unique number, beginning with “CU”.) Applicant also has existing easements from many of the property owners. Because these easements are exclusive to UEC, UEC is the only property interest holder who can apply for approval of a transmission line on those properties within the easement area. If the City determines that additional consent is required, the Applicant respectfully requests that the City require additional consent to be provided through the imposition of a condition of approval. Such an approach would allow the City to process the application for the line but prevent UEC from constructing the line until all necessary consents are obtained.
- 3. REQUEST:** The request is by Umatilla Electric Cooperative for land use approval to construct a new five (5) mile overhead 115-kV electric transmission line from a breaker in the McNary Substation owned by the Bonneville Power Administration (“BPA”) to Applicant’s existing Hermiston Butte Substation. The proposed transmission line will rely on existing and new easements at a width of 50 feet, or 25 feet if directly adjacent to a right-of-way. To reduce the physical disruption to the community, portions of the Transmission Line will be overbuilt or rebuilt on existing electrical 12.47 kV distribution circuits, thus making effective use of the existing electrical line routes in the area. Applicant has received a certificate of public convenience and necessity (the “Certificate of Need”) from the Oregon Public Utility Commission for the proposed transmission line, which is included as **Exhibit 2**. The tallest poles along the route will be 100 feet, but buried 12-13 feet deep, resulting in an estimated above-ground height of 87-88 feet. However, in order to accommodate specific site conditions during construction, Applicant is proposing a maximum of 95 feet for pole height.
- 4. LOCATION:** The proposed 115-kV transmission line will connect the McNary substation in Umatilla to the Butte substation in Hermiston. The route is identified on the maps in **Exhibit 3**. This map uses the same unique number references for individual parcels as used in **Exhibit 1**. The individual easements on each parcel are identified in **Exhibit 5**.

**5. JURISDICTION:** The entire proposed route is located within five areas of three different jurisdictions: City of Umatilla, City of Umatilla Urban Growth Area (“UGA”), Umatilla County, City of Hermiston, and City of Hermiston UGA. This land use application addresses only the portions of the transmission line located within the City of Umatilla and its UGA, over which the City has authority to make land use decisions. Applicant is coordinating separately with Umatilla County for portions of the proposed route within the County, City of Hermiston, or its UGA.

**6. ZONING:** The line passes through the following zones within the City of Umatilla: M-1 (Light Industrial) and M-2 (Heavy Industrial). These zones are governed by the City of Umatilla Zoning Ordinance (“CUZO” or “City Code”). The line passes through the following zones within the City of Umatilla UGA: C-1 (General Commercial), F-2 (General Farm Zone), R-3 (Urban Residential), R-1 (Agricultural Residential), and M-1 (Light Industrial). These zones are governed by the Umatilla County Zoning Ordinance 1972 (“UCZO” or “County Code”). Zones for both the City and the UGA are identified on the route maps found in **Exhibit 3**.

**7. CRITERIA FOR APPROVAL:** Criteria for approval by zoning jurisdiction of the underlying property are shown in the table below:

<b>Zone</b>	<b>Area</b>	<b>Applicable Document and Section</b>
M-1 (Light Industrial)	City	CUZO Sections 10-5A-1 to 10-5A-5
M-2 (Heavy Industrial)	City	CUZO Sections 10-5B-1 to 10-5B-5
C-1 (General Commercial)	UGA	UCZO Sections 3.110 to 3.116
F-2 (General Rural Zone)	UGA	UCZO Sections 3.020 to 3.026
R-3 (Urban Residential)	UGA	UCZO Sections 3.090 to 3.097
R-1 (Agricultural Residential)	UGA	UCZO Sections 3.070 to 3.074
M-1 (Light Industrial)	UGA	UCZO Sections 3.130 to 3.138

**8. COMPLIANCE WITH LAND USE STANDARDS:**

The Planning Commission may conclude that the application complies with the applicable provisions of each Code. The proposed use crosses through two zones in the City of Umatilla and five zones in the City of Umatilla UGA. The approval criteria for each of these zones is addressed individually below. The relevant code language appears in *Italics*, followed by Applicant’s response in the form of a proposed Finding.

The City M-1 zone is addressed in Section A, and the City M-2 zone is addressed in Section B of this Narrative. The specific conditional use permitting requirements applicable to both zones are addressed in Section C.

In the UGA, the C-1 zone is addressed in Section D, the F-2 zone is addressed in Section E, the R-3 zone is addressed in Section F, the R-1 zone is addressed in Section G, and the M-1 zone is addressed in Section H of this Narrative. The specific conditional use permitting requirements

applicable to each of these zones are addressed in Section I.

**A. LIGHT INDUSTRIAL (M-1) (CITY) – CUZO 10-5A-1 – 10-5A-5**

**1. 10-5A-1: PURPOSE**

*The Light Industrial District provides for a wide variety of manufacturing uses, with limited outdoor storage and display areas. All uses are subject to site review. (Ord. 688, 6-15-1999)*

**Finding:** The proposed transmission line is compatible with the purpose of the M-1 light industrial zone. It will enhance existing and future manufacturing uses by increasing access to reliable electricity for those uses.

**2. 10-5A-3: CONDITIONAL USES PERMITTED**

*In an M-1 District, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 12 of this Title:*

*2. Community Services uses as provided by Chapter 6 of this Title.*

**Finding:** The proposed transmission line is a Community Service under Chapter 6 of this Title. Accordingly, in the M-1 Zone, it is a conditional use permitted subject to the requirements of Chapter 12. Section C below addresses the approval standards for conditional uses in more detail.

**3. 10-5A-4: DEVELOPMENT STANDARDS:**

*A. Buffer Area: If a use in this District abuts or faces a residential district, a landscape area of twenty feet (20') along the entire frontage will be required on the side abutting or facing the adjacent district in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent district may be required to be established and maintained by the property owner. The setback may be reduced if appropriate and compensating screening measures are proposed and approved through site review.*

**Finding:** This criterion does not apply. The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

*B. Storage: Materials shall be stored and grounds maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard. Outside storage in a required yard shall not exceed ten feet (10') in height. Storage area shall not exceed fifty percent (50%) of the site.*

**Finding:** This criterion does not apply. The proposed use is a transmission line and will not involve any storage of materials.

*C. Screening: Screening of storage or for other purposes shall consist of a sight-obscuring fence or landscaping, or other similar barrier. If screening is used to obstruct the view from adjacent residentially designated properties, the screening shall be of a material and design that is compatible with adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved through site review.*

**Finding:** The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

*D. Dimensional Standards*

<i>Minimum lot area</i>	<i>5,000 square feet</i>
<i>Minimum lot width</i>	<i>50 feet</i>
<i>Minimum yard setbacks</i>	
<i>Front and rear yard</i>	<i>10 feet or 20 feet if adjacent to a residential district</i>
<i>Side yard</i>	<i>0 feet or 20 feet if adjacent to a residential district</i>
<i>Street side yard</i>	<i>10 feet or 20 feet if adjacent to a residential district</i>
<i>Rear yard</i>	<i>0 feet or 20 feet if adjacent to a residential district</i>
<i>Parking area</i>	<i>10 feet</i>
<i>Maximum building height</i>	<i>35 feet</i>
<i>Maximum site coverage (building and impervious surface)</i>	<i>60 percent</i>

**Finding:** The criteria set forth in this section do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate. In addition, the proposed transmission line is not a “building” under CUZO 10-1-6.

**4. 10-5A-5: LIMITATIONS ON USE:**

*A. All uses are subject to site review.*

*B. A chain-link fence that is made in part with barbed wire may be permitted for the purpose of security when it is not along a sidewalk or public right of way.*

*C. Any fence allowed or required in an M-1 District more than six feet (6') in height shall comply with setbacks for structures.*

*D. Loading areas shall not be located within a required yard setback. (Ord. 688, 6-15-1999)*

**Finding:** The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

**B. HEAVY INDUSTRIAL (M-2) (CITY) – CUZO 10-5B-1 – 10-5B-5**

**1. 10-5B-1: PURPOSE:**

*The Heavy Industrial District provides areas for industrial uses which are generally not compatible with residential development because of their operational characteristics, which can include noise and air pollution. The Heavy Industrial District is also intended for uses that may*  
 Umatilla Electric Cooperative, Butte-McNary Transmission Line – Application Narrative

require extensive outdoor storage areas to conduct business activities or for product storage or display. The Heavy Industrial District is appropriate for areas near major transportation facilities and not adjacent to residential districts. (Ord. 688, 6-15-1999)

**Finding:** The proposed transmission line is compatible with the purpose of the M-2 heavy industrial zone. It will enhance existing and future manufacturing uses by increasing access to reliable electricity for those uses.

**2. 10-5B-3: CONDITIONAL USES PERMITTED:**

6. Community Services uses as provided by Chapter 6 of this Title.

**Finding:** The proposed transmission line is a Community Service under Chapter 6 of this Title. Accordingly, in the M-2 Zone, it is a conditional use permitted subject to the requirements of Chapter 12. Section C below addresses the approval standards for conditional uses in more detail.

**3. 10-5B-4: DEVELOPMENT STANDARDS:**

A. Buffer Area: If a use in this District abuts or faces a residential district, a landscape area of twenty feet (20') along the entire frontage will be required on the side abutting or facing the adjacent district in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent district may be required to be established and maintained by the property owner. The setback may be reduced if appropriate screening measures are proposed and approved through site review.

**Finding:** This criterion does not apply.

B. Storage: Materials shall be stored and grounds maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard. Outside storage in a required yard shall not exceed ten feet (10') in height.

**Finding:** This criterion does not apply. The proposed use is a transmission line and will not involve any storage of materials.

C. Screening: Screening of storage or for other purposes shall consist of a sight-obscuring fence or landscaping, or other similar barrier. If screening is used to obstruct the view from adjacent residentially designated properties, the screening shall be of a material and design that is compatible with adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved through site review.

**Finding:** The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures.

*D. Dimensional Standards*

<i>Minimum lot width</i>	<i>80 feet</i>
<i>Minimum lot depth</i>	<i>100 feet</i>
<i>Minimum yard setbacks</i>	
<i>Front and rear yard</i>	<i>10 feet or 20 feet if adjacent to a residential district</i>

<i>Side yard</i>	<i>0 feet or 20 feet if adjacent to a residential district</i>
<i>Street side yard</i>	<i>10 feet or 20 feet if adjacent to a residential district</i>
<i>Rear yard</i>	<i>0 feet or 20 feet if adjacent to a residential district</i>
<i>Parking area</i>	<i>10 feet</i>
<i>Maximum building height</i>	<i>35 feet</i>
<i>Maximum site coverage (building and impervious surface)</i>	<i>100 percent</i>

**Finding:** The criteria set forth in this section do not apply. The Applicant is not proposing the creation of any new lots and will develop only existing lots within established easement areas, the width of which the City does not regulate. In addition, the proposed transmission line is not a “building” under CUZO 10-1-6.

**4. 10-5B-5: LIMITATIONS ON USE:**

*A. Site Review: All uses are subject to site review.*

*B. Fence Material: A chainlink fence that is made in part with barbed wire may be permitted for the purpose of security when it is not along a sidewalk or public right of way.*

*C. Fence Height: Any fence allowed or required in an M-2 District more than six feet (6') in height shall comply with setbacks for structures.*

*D. Loading Areas: Loading areas shall not be located within a required yard setback.*

*E. Nuisances: A use is prohibited which has been declared a nuisance by statute, by action of the City Council or by a court of competent jurisdiction.*

*F. Health Hazards: Materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard. (Ord. 688, 6-15- 1999)*

**Finding:** The Applicant is not proposing fencing or other screening and is not aware of any impacts that warrant such measures. The Applicant is not constructing any loading areas nor storing any materials.

**C. CONDITIONAL USE CRITERIA FOR M-1 AND M-2 ZONES**

**1. 10-12-1: AUTHORIZATION TO GRANT OR DENY:**

*A conditional use listed in this Title, may be permitted, denied, enlarged or altered upon authorization of the Planning Commission in accordance with the criteria and standards of this Chapter and Type III procedures in Chapter 14 of this Title. Site review is required for conditional uses.*

*A. Approval Criteria: The applicant shall carry the burden of proof in demonstrating that the following review criteria are satisfied, in addition to any specific criteria and standards in this Chapter, other applicable chapters of this Title, and this Code. If any of the following criteria and other applicable standards cannot be satisfied by requiring conditions with the approval, the use shall be denied:*

*1. Applicable Plans: The conditional use application complies with applicable policies of the Umatilla City Comprehensive Plan.*

**FINDING:** It is Applicant’s understanding that the City Code implements the Umatilla City Comprehensive Plan and that, by complying with the City Code, the proposal is also in conformance with the Comprehensive Plan.

*2. Code Provisions: The proposal complies with all applicable provisions of this Code, including, but not limited to, provisions of this Chapter, the base district, and site review, as well as any other applicable provisions of this Code.*

**FINDING:** As addressed throughout this Narrative, the proposed transmission line complies with all applicable provisions of the City Code.

*3. Use Characteristics: If the proposed use is a community service, application shall include evidence to demonstrate that the proposed use is needed within the community to provide a social or technical benefit.*

**FINDING:** The proposed use is a transmission line, which is by definition a community service under this Code. The proposed use is needed within the community in order to provide reliable electricity to the surrounding community. Applicant has received a certificate of public convenience and necessity (the “Certificate of Need”) from the Oregon Public Utility Commission (“PUC”) for the proposed transmission line, which is included as **Exhibit 2**. To obtain the Certificate of Need, the Applicant had to demonstrate the necessity of the line. The PUC performed an independent investigation of the need for the line prior to issuing the Certificate of Need.

*4. Site Characteristics: The site is appropriate for the proposed use, considering, but not limited to, the following factors: neighboring land use, adequacy of transportation facilities and access, site size and configuration, adequacy of public facilities.*

**FINDING:** This is a linear project and the site selected on each parcel is appropriate for the proposed transmission line. The Applicant specifically selected a route that could utilize existing facilities wherever possible to reduce the physical disruption to the community. In addition, the Applicant chose a route that runs parallel to Lind Road in order to effectively make use of existing rights of way. **Exhibit 5** depicts the easements on each individual parcel that the proposed transmission line will cross, demonstrating the minimal impact the proposed use will make on neighboring land. In addition, the proximity of the proposed line to existing roads will ensure no additional access roads will be needed for construction.

*5. Impacts On The Neighborhood: Potential impacts on neighboring properties shall be identified. Mitigating measures shall be identified for unavoidable adverse impacts.*

**FINDING:** The Applicant is aware of no impacts on neighboring properties because of the proposed transmission line. As discussed elsewhere in this Narrative, the project will utilize existing facilities wherever possible. Applicant is aware that the City may require Applicant to mitigate impacts, but Applicant is not aware of any conditions that would warrant such measures for the proposed use.

*6. Impacts On The Community: Potential impacts on the community shall be identified, including, but not limited to, public facilities, land supply within the particular zoning district, impact on housing, etc. Potential benefits of a proposed use may outweigh potential impacts, but such benefits and impacts should be identified. Unavoidable adverse impacts should be mitigated to the extent possible.*

**FINDING:** Applicant is aware of no impacts on the community because of the proposed transmission line. As discussed elsewhere in this Narrative, the project will utilize existing facilities wherever possible. Applicant is aware that the City may require Applicant to mitigate impacts, but Applicant is not aware of any conditions that would warrant such measures for the proposed use.

*B. Conditions of Approval: Conditions of approval for mitigating measures shall be clearly related to the identified impact or impacts. If complex conditions of approval are considered necessary, this is an indication that the proposed use may not be appropriate for the proposed site. Conditions of approval may include, but are not limited to, the following:*

- 1. Increasing the required lot size or yard dimension.*
- 2. Limiting the height, size, or location of the building or use.*
- 3. Controlling the location and number of vehicle access points.*
- 4. Increasing the street width and requiring street improvements.*
- 5. Increasing or decreasing the number of required off-street parking spaces.*
- 6. Limiting the number, size, location, and lighting of signs.*
- 7. Requiring diking, fencing, screening, landscaping, or other facilities designed to protect adjacent or nearby properties.*
- 8. Designating sites for open space.*

**FINDING:** This City Code provision is not an approval standard but a statement about potential conditions the City may require. Applicant acknowledges that the City has this authority but asserts no such conditions are warranted.

## **2. 10-12-2: STANDARDS GOVERNING CONDITIONAL USES:**

*In addition to the standards of the district in which the conditional use is located and the other standards of this Title, the following criteria and standards shall apply to the specifically identified conditional use:*

*D. Utilities, Storage Tanks, And Towers For Transmission Of Radio Waves For Cellular Communications And Similar Facilities: The Planning Commission shall determine that the proposed site is located to best serve the intended area and that impacts on surrounding properties and appropriate mitigating measures are identified. Such facilities shall be located, designed, and installed with regard for aesthetic values.*

**FINDING:** The proposed transmission line meets these approval criteria because the transmission line is designed to minimize conflicts with aesthetic values and other light and heavy industrial uses by replacing existing facilities wherever possible, thus making effective use of the existing electrical routes in the area. In addition, the route selected runs parallel to Geer Road near Hermiston and along Lind Road up to the City of Umatilla in order to maintain the overall stability and land use patterns of the area.

**D. GENERAL COMMERCIAL (C-1) (UGA) – UCZO 3.110 – 3.116**

**1. *Section 3.110 DESCRIPTION AND PURPOSE***

*The C-1 General Commercial Zone is designed for all types of business use in order to provide for a large range of commercial needs of the county. It is appropriate in both urbanizing and rural areas.*

**Finding:** The proposed transmission line is compatible with the purpose of the C-1 General Commercial Zone. It will enhance existing and future commercial uses by increasing access to reliable electricity for those uses.

**2. *Section 3.11.3 CONDITIONAL USES***

*In a C-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon issuance of a zoning permit:*

*(7) Utility facility;*

**Finding:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the C-1 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**3. *Section 3.114 LIMITATIONS ON USES***

*In a C-1 Zone the following limitations and conditions shall apply:*

*(1) Outside storage areas shall be screened with a sight-obscuring fence so that the area shall not be exposed to view from without the property;*

*(2) Outside display of any scrap or salvage material shall be prohibited.*

**Finding:** This criterion does not apply. The proposed use is a transmission line that will not involve any equipment storage.

**4. *Section 3.116 DIMENSIONAL STANDARDS***

*In a C-1 Zone the following dimensional standards shall apply:*

*(1) Minimum Lot Area: As determined by the Department of Environmental Quality to be necessary for the protection of public health.*

*(2) Minimum Front Yard: 20 feet, except if the front yard is used for off-street parking space, the front yard shall be a minimum of 40 feet;*

*(3) Side Yard: When abutting property in an R-3 zone, a minimum side yard of 10 feet shall be provided;*

*(4) Rear Yard: When abutting property in an R-3 zone a minimum rear yard of 20 feet shall be provided;*

*(5) The above minimum front, side and rear yard standards may be modified, upon the request of a property owner, by a ruling of the Planning Commission.*

**Finding:** The criteria set forth in sections (1)-(5) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate.

**E. GENERAL RURAL ZONE (F-2) (UGA) – UCZO 3.020 – 3.026**

**1. *Section 3.020 DESCRIPTION AND PURPOSE***

*The F-2 General Rural Zone is intended to apply to farmlands that would not be appropriate for an F-1 Exclusive Farm Use classification. It is designed to maintain the openness and rural nature of the country-side, and to provide areas which are appropriate for most kinds of typical rural development. It also allows the Planning Commission to attach special conditions to certain uses that have a potentially detrimental effect on neighboring lands.*

**Finding:** The proposed transmission line is compatible with the purpose of the F-2 General Rural Zone. It will enhance existing and future commercial uses by increasing access to reliable electricity for those uses.

**2. *Section 3.024 CONDITIONAL USES***

*In an F-2 Zone, the following uses and their accessory uses are permitted subject to the requirements of Section 7.010 through 7.040 inclusive and upon issuance of a zoning permit:*

*(14) Utility facility;*

**Finding:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the F-2 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**3. *Section 3.026 DIMENSIONAL STANDARDS***

*In an F-2 Zone, the following dimensional standards shall apply:*

*(1) Minimum Lot Area: 19 acres for a principal dwelling unit.*

*(2) Minimum Lot Area for All Other Uses: As determined by the Department of Environmental Quality to be necessary for the protection of public health;*

*(3) Setback: No building shall be located closer than 20 feet from a property line abutting a street or road;*

*(4) Conditional Uses: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided in Article 7.*

**Finding:** The criteria set forth in sections (1)-(3) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate. Section (4) is not an approval standard but a statement about potential conditions the City may require. Applicant acknowledges that the City has this authority but asserts no such conditions are warranted.

**F. URBAN RESIDENTIAL (R-3) (UGA) – UCZO 3.090 – 3.097**

**1. *Section 3.090 DESCRIPTION AND PURPOSE***

*The R-3 Residential Zone is designed to provide areas suitable for all types of residential development at a medium density. This zone is appropriate within urbanizing areas where adequate utilities are available.*

**Finding:** The proposed transmission line is compatible with the purpose of the R-3 Urban Residential Zone. It will enhance existing and future urban residential uses by increasing access to reliable electricity for those uses.

## **2. Section 3.094 CONDITIONAL USES**

*In an R-3 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon the issuance of a zoning permit:*

*(11) Utility facility;*

**Finding:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the R-3 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

## **3. Section 3.096 DIMENSIONAL STANDARDS**

*In an R-3 Zone, the following dimensional standards shall apply:*

*(1) Minimum Lot Area: 9,000 square feet. In addition, where a sewer system is not available the Department of Environmental Quality may establish a minimum lot area greater than 9,000 square feet;*

*(2) Minimum Lot Area for Multi-Family Residential: The minimum lot area for multifamily residential shall be 9,000 square feet for the first two dwelling units plus 1,200 square feet for each additional dwelling unit;*

*(3) Minimum Lot Width: 60 feet;*

*(4) Minimum Lot Depth: 100 feet;*

*(5) Minimum Front Yard: 20 feet;*

*(6) Minimum Side Yard: 5 feet except on the street side of a corner lot it shall be 15 feet;*

*(7) Minimum Rear Yard: 20 feet;*

*(8) Maximum Building Height: 45 feet;*

*(9) Maximum Lot Coverage: Buildings shall not occupy more than 35 percent of the lot area;*

*(10) Conditional Uses: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.*

**Finding:** The criteria set forth in sections (1)-(9) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate. Section (4) is not an approval standard but a statement about potential conditions the City may require. Applicant acknowledges that the City has this authority but asserts no such conditions are warranted.

**4. Section 3.097 LIMITATIONS ON USE.**

**Finding:** The criteria in Section 3.097 involve boarding and raising of farm animals and therefore are not applicable to the Project.

**G. AGRICULTURAL RESIDENTIAL (R-1) (UGA) – UCZO 3.070 – 3.074**

**1. Section 3.070 DESCRIPTION AND PURPOSE**

*The R-1 Agricultural-Residential Zone is designed to provide for very low density residential development along with a continuation of farm uses. Acreage tracts are required because utilities will not be available in the foreseeable future. Conflicting business and industrial uses are excluded.*

**Finding:** The proposed transmission line is compatible with the purpose of the R-1 Agricultural Residential Zone. It will enhance existing and future agricultural residential uses by increasing access to reliable electricity for those uses.

**2. Section 3.072 CONDITIONAL USES**

*In an R-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive, and upon the issuance of a zoning permit:*

*(6) Utility facility;*

**Finding:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the R-1 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

**3. Section 3.073 DIMENSIONAL STANDARDS**

*In an R-1 Zone, the following dimensional standards shall apply:*

*(1) Minimum Lot Area for Residential Use: 4 acres;*

*(2) Minimum Lot Area for Nonresidential Use: As determined by the Department of Environmental Quality to be necessary for the protection of public health;*

*(3) Setback: No building shall be located closer than 20 ft. from a lot line.*

**Finding:** The criteria set forth in sections (1)-(3) do not apply. The Applicant is not proposing the creation of any new lots and will develop only existing lots within established easement areas, the width of which the City does not regulate.

**4. Section 3.074 LIMITATIONS ON USE.**

**Finding:** The criteria in Section 3.074 involve boarding and raising of farm animals and therefore are not applicable to the Project.

**H. LIGHT INDUSTRIAL (M-1) (UGA) – UCZO 3.130-3.138**

**1. Section 3.130 DESCRIPTION AND PURPOSE**

*The M-1 Light Industrial Zone is designed to provide areas for industrial uses which do not create nuisance problems for nearby homes, business or farm areas. It is appropriate for areas near*

major transportation facilities which are generally suitable for industry but because of proximity to home, business or farm areas, nuisance industry is inappropriate.

**Finding:** The proposed transmission line is compatible with the purpose of the M-1 Light Industrial Zone. It will enhance existing and future urban residential uses by increasing access to reliable electricity for those uses.

## 2. Section 3.134 LIMITATIONS ON USE

(1) All business, commercial and industrial activities, and storage allowed in an M-1 Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in Farm, Residential or Commercial Zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road.

(2) All off-street loading areas shall be located wholly within a building or shall be screened from view if adjoining properties are in a Residential Zone.

(3) No merchandise shall be displayed outdoors in any front or side yard nor in any street right-of-way.

(4) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall be confined or reduced so as to not be unduly detrimental to surrounding properties.

**Finding:** The Applicant meets these criteria. The proposed transmission line will not involve any commercial or industrial activities, nor will it involve any storage. The proposed use will also not involve any loading areas or merchandise sales. Finally, the proposed use will comply with appropriate state and federal regulations regarding noise, vibration, dust, odor, smoke, appearance, or other objectionable factors.

## 3. Section 3.136 CONDITIONAL USES

In an M-1 Zone the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.040 inclusive and upon issuance of a zoning permit:

(28) Utility facility;

**Finding:** The proposed transmission line is a utility facility under Section 1.090(63) of the County Code. Accordingly, in the M-1 Zone, it is a conditional use permitted subject to the requirements of Sections 7.010 through 7.040. Section I below addresses the approval standards for conditional uses in more detail.

## 4. Section 3.138 DIMENSIONAL STANDARDS

In an M-1 Zone the following dimensional standards shall apply:

(1) Minimum Lot Area: As determined by the Department of Environmental Quality to be necessary for the protection of public health;

(2) Setback: No building shall be located closer than 30 feet from a lot line except by a ruling of the Planning Commission upon the request of a property owner;

(3) Conditional Uses: Additional dimensional standards may be required by the Planning Commission in approving a conditional use, as provided by Article 7.

**Finding:** The criteria set forth in sections (1)-(3) do not apply. The Applicant is not proposing the creation of any new lots and will develop only on existing lots within established easement areas, the width of which the City does not regulate.

**I. CONDITIONAL USE CRITERIA FOR UGA ZONES – UCZO SECTIONS 7.010 – 7.040**

**1. *Section 7.010 GENERAL PROVISIONS REGARDING CONDITIONAL USES***

*Conditional uses listed in this ordinance may be permitted, enlarged, or altered upon authorization by the Hearings Officer in accordance with the standards and procedures set forth in Sections 7.010 through 7.040 inclusive.*

*(1) In permitting a new conditional use or the alteration of an existing conditional use the Hearings Officer may impose additional conditions which the Hearings Officer considers necessary to protect the best interests of the surrounding area or the county as a whole.*

**Finding:** This County Code provision is not an approval standard but a statement about the conditional use procedures, which are addressed throughout this application.

*(2) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.*

**Finding:** This County Code provision is not an approval standard but a statement about the conditional use procedures, which are addressed throughout this Narrative.

*(3) The county may require an applicant to furnish the county with a performance bond or such other form of assurance that the county deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use.*

**Finding:** The Applicant acknowledges that the City may require an applicant to furnish a performance bond or other assurance, but Applicant is not aware of any conditions that would warrant such a measure for the proposed use.

**2. *Section 7.020 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION***

*The procedure for taking action on a conditional use application shall be as follows:*

*(1) A property owner or the Planning Commission may initiate a request for a conditional use by filing an application with the secretary of the Planning Commission, using forms prescribed pursuant to Section 10.030.*

**Finding:** This request is being initiated by Applicant as an owner with an easement interest in multiple properties. Applicant is in the process of obtaining easements and consents from landowners on parcels not currently owned by Applicant. Applicant has requested that consent from underlying property owners be a condition of approval of this application to be obtained prior to commencing construction.

*(2) Within 60 days of receipt of the application, the Hearings Officer of the county shall hold a hearing and take action thereon. Applicant shall be given written notice of the decision by the Planning Director or the secretary of the Planning Commission within five days of the decision,*

**Finding:** This Code provision is not an approval standard but a statement about the conditional use procedures, which are addressed throughout this Narrative.

*(3) A Conditional Use Permit shall not be approved unless the proposed use of the land would be in compliance with the Umatilla County Comprehensive Plan.*

**Finding:** It is Applicant’s understanding that the County Code implements the County Comprehensive Plan and that, by complying with the County Code, the proposal is also in conformance with the County’s Comprehensive Plan.

*(4) An applicant granted a conditional use permit must also obtain a zoning permit before commencing construction.*

**Finding:** Applicant understands that it must obtain a zoning permit for each tax lot before establishing the approved use and/or commencing construction.

### **3. Section 7.030 TIME LIMIT ON A CONDITIONAL USE PERMIT**

*A Conditional Use Permit shall be void after one year or such lesser time as the permit may specify unless the permit allowed has been acted upon. However, the Hearings Officer may extend authorization for an additional period not to exceed one year, on request.*

**Finding:** This Code provision is not an approval standard but a statement about the conditional use procedures, which are addressed throughout this Narrative.

### **4. Section 7.035 LIMIT ON REAPPLICATION**

*No application for a Conditional Use Permit shall be considered by the Hearings Officer within one year of the denial of such a request, unless in the opinion of the Hearings Officer new evidence or a change of circumstances warrant it.*

**Finding:** This Code provision is not an approval standard but a statement about the conditional use procedures, which are addressed throughout this Narrative.

### **5. Section 7.040 SUGGESTED STANDARDS GOVERNING CONDITIONAL USES**

*In addition to the standards of the zone in which the conditional use is located and the general standards of this ordinance, the Hearings Officer shall consider the following additional requirements:*

*(1) Conditional uses, generally:*

*(a) Yards: In an F-2, F-4, F-5, R-2, R-3 and R-4 Zone, yards may be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.*

**Finding:** This criterion does not apply. Section 7.040 provides “suggested” standards for yards, and the use of the word “may” in this criterion further indicates that these yards are not mandatory requirements. The proposed use is a transmission line, which is not the sort of obstruction that necessitates a yard. For example, under Sections 1.090(66)-(69), the definitions of front, rear, side, and street side yard each refer to “the nearest point of a building.” (Emphasis added.) Similarly, the setback requirements in the individual zones reference buildings when determining setback distances (see, e.g., Section 3.026 and Section 3.096). Accordingly, Applicant does not believe that any conditions regarding yards should be imposed on the portions of the line that pass through parcels zoned F-2 and R-3.

*(b) Limitations on access to property and on openings to buildings: In an R-3 and R-4 Zone, the Hearings Officer may limit or prohibit vehicle access from a conditional use, and it may limit or prohibit building openings within 50 feet of residential property if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.*

**Finding:** This criterion does not apply. Even though one of the parcels is zoned R-3, the proposed use is a transmission line. The Applicant is not proposing any access roads or buildings.

*(14) Radio, television tower, utility station, or substation:*

*(a) In a residential zone, all equipment storage on the site may be within an enclosed building;*

**Finding:** This criterion does not apply. The proposed use is a transmission line that will not involve any equipment storage.

*(b) The use may be fenced and provided with landscaping;*

**Finding:** The Applicant is not proposing fencing or other landscaping and is not aware of any impacts that warrant such measures.

*(c) The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property;*

**Finding:** The Applicant meets this criterion. The proposed transmission line is not a noise-producing development. Further, as discussed above, the route chosen follows routes for similar electrical facilities.

*(d) Transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designed, and installed as to minimize their conflict with scenic values,*

**Finding:** The Applicant meets this criterion. As discussed above, the Applicant has specifically selected the route of the proposed transmission line in order to minimize conflicts with surrounding scenic values by replacing existing facilities wherever possible.



## Exhibit 8

TOMMY A. BROOKS

[tbrooks@cablehuston.com](mailto:tbrooks@cablehuston.com)

[www.cablehuston.com](http://www.cablehuston.com)

June 19, 2018

### VIA E-MAIL

Brandon Seitz  
Umatilla City Planner  
PO Box 130  
Umatilla, OR 97882  
[Brandon@umatilla-city.org](mailto:Brandon@umatilla-city.org)

**RE: Umatilla Electric Cooperative – McNary Butte Transmission Line  
#CU-5-18 – Response to Wetlands Inquiry**

Dear Mr. Seitz:

In a recent communication regarding Umatilla Electric Cooperative's ("UEC") application for the McNary-Butte Transmission Line ("Transmission Line"), you inquired what environmental analyses UEC performed that would address the potential presence of wetlands near the Transmission Line. The purpose of this letter is to respond to that inquiry.

UEC will be relying on funding from the U.S. Department of Agriculture, through its Rural Utilities Service ("RUS") to construct the Transmission Line. The RUS essentially requires UEC to develop a Work Plan that, in part, performs an initial environmental analysis to identify any major environmental permitting issues. With respect to the Transmission Line, no such issues were identified.

UEC acknowledges that some wetlands appear on the National Wetlands Inventory in the vicinity of the Transmission Line. Delineation of those wetlands is not warranted, however, because of the scope and scale of UEC's project. Attached to this letter is a summary of how the Transmission Line is treated with respect to regulations governing development in wetlands. In short, UEC's project will be covered by the 2017-2022 Nationwide Permit 12 (NWP 12) from the U.S. Army Corps of Engineers, which allows "activities required for the construction, maintenance, repair and removal of utility lines and associated facilities...provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project." Even if one were to assume that the entirety of the Transmission Line was constructed in a wetland – which it is not – the construction would fall within those permitting limits.

**CABLE HUSTON**

June 19, 2018

Page 2

If you have any further questions regarding this matter, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Brooks', with a stylized flourish at the end.

Tommy A. Brooks

### **Project Description**

Butte-McNary is a ~4.7-mile proposed 115 kV transmission line that will be constructed in Umatilla County, Oregon, to replace an existing powerline that includes 69 kV and 12.47 kV facilities.

### **Construction Activities**

**Clearing.** The right-of-way is generally occupied by existing roads and powerlines, and will not require significant clearing. Nominal trimming and brush removal will be necessary. All activities will leave existing grade intact and roots in place; no mechanized disturbance of native soils will be performed by the contractor.

**Access.** All portions of the utility easement corridor are accessible from existing public rights-of-way or private access roads. No new roads or vehicular access paths will be built or created for construction of the project.

**Line Construction.** Utility poles will generally be direct-embed wood and steel structures, buried to a depth of approximately 10-15 feet in holes 30-42 inches in diameter. Ground disturbance at each structure is estimated to average less than 40 square feet. Total structure count is approximately 100. Total estimated ground disturbance is less than 4,000 square feet for the project: 40 ft<sup>2</sup> x 100 structures = 4,000 sf.

**Schedule.** Backfill and stabilization of excavated locations will be complete within 1-2 days of excavation at each structure.

### **Wetlands Permit/Criteria**

The 2017-2022 Nationwide Permit 12 (NWP 12) permits “activities required for the construction, maintenance, repair and removal of utility lines and associated facilities...provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.”

The permittee must submit pre-construction notification to the appropriate authority if any of the following criteria are met:

1. the activity involves mechanized land clearing in a forested wetland;
2. a Section 10 [navigable waters] permit is required;
3. the project (excluding overhead lines) exceeds 500 feet;
4. the project runs parallel to or along a stream bed in a jurisdictional area;
5. the project results in loss of greater than 1/10-acre of waters of the United States;
6. permanent access roads using impervious materials or exceeding 500 feet are constructed in waters of the United States.

### **Conclusion**

A wetlands determination is not warranted, because even if the entire alignment were designated wetland, the activity falls within the scope of a project that is permitted under NWP 12 without requirement for further USACE permitting or pre-construction notification.

**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
CONDITIONAL USE CU-8-18**

**DATE OF HEARING:** June 26, 2018

**REPORT PREPARED BY:** Brandon Seitz, City Planner

**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Juan Ochoa, PO Box 1327, Pasco, WA 99301.

**Property Owners:** Mi Tierra Real-Estate Investments Inc., PO Box 1327, Pasco, WA 99301.

**Land Use Review:** Conditional Use to establish a new use/business on the property.

**Property Description:** Township 5N, Range 28E, Section 16AD, Tax Lot 200.

**Location:** The subject property is located at 30310 Highway 730, Umatilla, OR 97882.

**Existing Development:** The property is developed with a vacant commercial building formerly used as a fruit stand. The property was also approved for a cell phone retail store and professional office for labor employment services in 2013 (SP-1-2013).

**Proposed Development:** The applicant intends to establish a commercial/industrial machinery and equipment rental business.

**Zone** General Commercial (GC).

**Adjacent Land Use(s):**

Adjacent Property	Zoning	Use
North	GC & Exclusive Farm Use (Umatilla County Zoning Ordinance)	Highway 730 & existing vacant home and vacant commercial property.
South	Light Industrial/Community Service	Vacant land and City water tower.
East	GC	Existing dwelling and commercial/mini storage units.
West	General Rural (Umatilla County Zoning Ordinance)	Vacant land primarily developed with transmission lines.

## **II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, Juan Ochoa, requests approval to establish a commercial/industrial machinery and equipment rental business. The applicant previously operated a trucking business and still owns a large number of trailers. The applicant is proposing to establish an office to lease/rent the trailers in the existing building and construct a new shop to maintain the trailers.

The property is located along the South side of U.S. Highway 730 west of the intersection with Lind Road. The west 90 feet of the property is subject to a Bonneville Power Administration (BPA) easement and is not available for structures or any development that would interfere with the easement.

## **III. ANALYSIS**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

### **10-4D-5: CONDITIONAL USES PERMITTED:**

T. Commercial and industrial machinery and equipment rental and leasing (5324), subject to the following standard:

1. The maximum site area is limited to sixty thousand (60,000) square feet.

**Finding:** The proposed use is allowed as a condition use in the GC subject to a maximum site area of 60,000 square feet. The subject property is .96 acres or 41,817 square feet according the County Assessors records.

**Conclusion:** The subject property is less than the 60,000 square feet maximum site area allowed by this standard.

### **CUZO 10-12-1: AUTHORIZATION TO GRANT OR DENY:**

A. Approval Criteria: The applicant shall carry the burden of proof in demonstrating that the following review criteria are satisfied, in addition to any specific criteria and standards in this Chapter, other applicable chapters of this Title, and this Code. If any of the following criteria and other applicable standards cannot be satisfied by requiring conditions with the approval, the use shall be denied:

1. Applicable Plans: The conditional use application complies with applicable policies of the Umatilla City Comprehensive Plan.

**Findings:** The City of Umatilla Zoning Ordinance (CUZO) implements the comprehensive plan goals and policies. If a request is found to meet or be capable of meeting the applicable standards and criteria in the CUZO the request is considered to be consistent with the comprehensive plan.

**Conclusion:** This request is found to meet or be capable of meeting all of the applicable standards and criteria in the CUZO as addressed in this report.

2. Code Provisions: The proposal complies with all applicable provisions of this Code, including, but not limited to, provisions of this Chapter, the base district, and site review,

as well as any other applicable provisions of this Code.

**Findings:** This report outlines the applicable provision of the CUZO. If the request is found to meet all of the criteria addressed in this report the request will comply with this standard.

**Conclusion:** The request is found to meet or be capable of meeting all of the applicable criteria of the CUZO as addressed in this report.

3. Use Characteristics: If the proposed use is a community service, application shall include evidence to demonstrate that the proposed use is needed within the community to provide a social or technical benefit.

**Findings:** The proposed use is not a community service use.

**Conclusion:** The proposed use is not a community service use. This criterion is not applicable.

4. Site Characteristics: The site is appropriate for the proposed use, considering, but not limited to, the following factors: neighboring land use, adequacy of transportation facilities and access, site size and configuration, adequacy of public facilities.

**Findings:** The subject property abuts commercial and industrial properties to the South and East. In addition, the lands to the West are encumbered by existing transmission lines that would limit development in that area. Highway 730 separates the subject property from land uses to the North. The City sent notice to ODOT for comment and has not received comment on this application. Highway 730 has a capacity to accommodate additional traffic generated by the site. In addition, the existing access point is identified in the I-82/US 730 Interchange Area Management Plan as an existing access.

**Conclusion:** The proposed site is located adjacent next to similarly zoned commercial and industrial property. In addition, lands to the North and West are separated by Highway 730 and existing transmission lines that would provide a buffer to development on adjacent properties. The existing access point is believed to be permitted as a preexisting approach. However, the applicant will be required to submit a copy of an approach permit from ODOT or obtain an approach permit from ODOT if required.

5. Impacts On The Neighborhood: Potential impacts on neighboring properties shall be identified. Mitigating measures shall be identified for unavoidable adverse impacts.
6. Impacts On The Community: Potential impacts on the community shall be identified, including, but not limited to, public facilities, land supply within the particular zoning district, impact on housing, etc. Potential benefits of a proposed use may outweigh potential impacts, but such benefits and impacts should be identified. Unavoidable adverse impacts should be mitigated to the extent possible.

**Findings:** As addressed in this report the subject property is located adjacent to properties zoned commercial/industrial and developed with a mini storage business and dwelling. The proposed property is separated from adjacent uses to the North and West by Highway 730 and existing BPA transmission lines. Therefore, the proposed commercial/industrial equipment rental business would have limited if any impacts to neighboring properties.

**Conclusion:** Staff did not identify any unavoidable adverse impacts that would result from the proposed use. Unless evidence to the contrary is provided the proposed use is

anticipated to have limited if any impacts to neighboring properties.

**CUZO 10-13-2: SITE REVIEW:**

B. Application:

3. Site Design Criteria And Standards For Nonresidential Developments: The following requirements are in addition to any requirements specified in the applicable zoning district:
- a. Landscaped areas shall be provided with automatic irrigation unless a landscape architect certifies that plants will survive without irrigation.
  - b. Landscaping shall be located along street frontages and building fronts to enhance the street appearance of a development.

**Findings:** The applicant's submitted site plan show an existing 80' x 10' landscaped area located along the street frontage of the property. However, no information was provided to verify if the existing landscaped area has automatic irrigation. Therefore, the City will require the application to provide verification that the existing landscaped area has automatic irrigation or a landscaped architect certifies that the plants will survive without irrigation.

**Conclusion:** The submitted site plan includes an existing landscaped area located along the property frontage. However, the applicant will be required to provide verification that the existing landscaping has automatic irrigation or a landscape architect certifies the plants will survive without irrigation.

- c. Outdoor storage and garbage collection areas shall be entirely screened with vegetation, fence, or wall.

**Findings:** The subject property has been leveled and graveled during previous development. The applicant already has a number of trailers stored on the property. As required by this standard all outdoor storage must be entirely screened with a fence, wall or vegetation. The submitted application materials and site plan do address the use of outdoor storage or screening as required by this standard. However, the property has an existing six-foot chain link fence around the area anticipated to be used for storage. The existing chain link fence could be modified to accommodate this requirement.

**Conclusion:** The submitted application materials do not address the use of outdoor storage and garbage collection areas. However, it is anticipated based on staff discussion with the applicant and the existing use of the property that the area located behind the existing building, within the existing six-foot chain link fence, will be used for outdoor storage. Therefore, the applicant will be required to submit an updated site plan showing the areas to be used for outdoor storage and screening to be used to comply with this standard unless no outdoor storage is proposed. The existing six-foot chain link fence could be modified with slats to satisfy this requirement.

- d. Based on anticipated vehicle and pedestrian traffic and the condition of adjacent streets and rights of way, the city may require right of way improvements including, but not limited to, paving, curbs, sidewalks, bikeways, lighting, turn lanes, and other facilities needed because of anticipated vehicle and pedestrian traffic generation. Minimum requirements shall conform to the standards of subsection 11-4-2C of this code, minimum street standards and the public works standards.

**Findings:** The property has direct road frontage onto Highway 730. The proposed use of the property is not anticipated to generate enough vehicle and pedestrian traffic to warrant right-of-way improvements to Highway 730. ODOT was sent notice of this application and will have the opportunity to provide comment on the application.

**Conclusion:** The property has direct frontage on Highway 730. Highway 730 is a State maintained road. The proposed business is not anticipated to generate enough vehicle and pedestrian traffic to warrant right-of-way improvements.

- e. Access shall generally be taken from the higher classification street when a development fronts more than one street, except in the case of developments along Highway 730, which shall take access from an alley or a side street unless there is no alternative.

**Findings:** The subject property has direct access to Highway 730 and does not have access to a side street or ally. Therefore, there is no other alternative to provide access to the property.

**Conclusion:** The subject property does not have access to an alley or side street. Therefore, there is no alternative for access other than Highway 730.

- f. Developments shall provide an on site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips, or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

**Findings:** The subject property has direct access via Highway 730. The property is located in an area that has not been improved with sidewalks or other pedestrian transportation systems. However, the customer parking area has an existing sidewalk that connects the automobile parking areas and the building entrance.

**Conclusion:** The subject property is located along a portion of Highway 730 that has not been improved with sidewalks or other pedestrian transportation facilities. However, a pedestrian walkway is provided from the automotive parking areas to the building entrance as required by this standard.

- g. The primary building and entry orientation shall be to the fronting street rather than a parking lot.
- h. All buildings shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows, or doorways.
- i. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entries, or similar architectural or decorative elements.

**Findings:** The subject property has been developed with an existing building that will serve as office space for the proposed business. That existing building is oriented

towards the fronting street and incorporates windows facing the fronting street. Due to the nature of the business it is unlikely the window will be used as display areas due to the size of the rental equipment. However, to the extent practical the existing building complies with the intent of these standards.

**Conclusion:** The intent of these standards is to require commercial and industrial uses to orient new buildings towards the street frontage and incorporate design elements and windows to attract customers. The existing building is oriented towards the fronting street and incorporates windows facing the fronting street to the extent practical. No additional design elements are necessary or required.

- j. A drive-through use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.

**Findings:** The proposed use will not include a drive-through.

**Conclusion:** The proposed use will not include a drive-through. This criterion is not applicable.

4. Access Standards For All Uses

- a. New Connections: New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this title and public works standards, unless no other reasonable access to the property is available.

**Findings:** Access to the site will be provided from an existing access approach. The I-82/US 730 Interchange Area Management Plan (IAMP) identifies the existing connection point as an existing private approach. Although no new access “connection” is proposed or necessary the applicant will be required to obtain an approved road approach permit from ODOT for the existing access point or provide verification from ODOT that an approach permit is not required.

**Conclusion:** The applicant will be required to provide verification that the existing access “connection” is an allowed access point or obtain the necessary permits from ODOT. However, as address in this report the existing access point is identified in the IAMP as an existing access point and is considered to comply with ODOT standards.

- b. Access Connections: Where no other alternative exists, the city administrator may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

**Findings:** No new connections are proposed and the applicant will be required to obtain the necessary permits from ODOT for the existing access point.

**Conclusion:** No new access connections are proposed or necessary. This criterion is not applicable.

- c. Cross Access Drives, Pedestrian Access: Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

**Findings:** There are no adjacent commercial or office properties.

**Conclusion:** The subject property is not located adjacent to commercial or office properties that are major traffic generators. This criterion is not applicable.

d. Separation Distance: The city may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- (1) Joint access driveways and cross access easements are provided.
- (2) The site plan incorporates a unified access and circulation system.
- (3) The property owner enters into a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of a joint use driveway.
- (4) The city may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**Findings:** Access to the site will be from an existing road approach. No new connections are proposed.

**Conclusion:** No new connections are proposed. These criteria are not applicable.

e. Driveway Standards: Driveways shall meet the following standards:

- (1) If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- (2) For two-way access, each lane shall have a minimum width of ten feet (10').
- (3) The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

**Findings:** Access to the site will be from a single exiting road approach and a driveway is not proposed.

**Conclusion:** No driveway is proposed or necessary. These criteria are not applicable

f. Phased Developments: Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purposes of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

**Findings:** The proposed business is not part of a phased development.

**Conclusion:** The proposed business does not include a phased development. This criterion is not applicable.

g. Nonconforming Access Features: Legal access connections in place when this title was adopted that do not conform with the standards herein are considered nonconforming

features and shall be brought into compliance with applicable standards when new access connection permits are requested or when there is a change in use or enlargement or improvement that will increase trip generation.

**Findings:** The existing approach is considered to be a legal nonconforming access due to the fact that it existed prior to the adoption of the City's regulations but has not received an approved road approach from ODOT and does not meet the City's current design standards as it exceeds the maximum width allowed for an access along a major arterial road. The applicant will be required as a condition of approval to meet those requirements prior to issuance of a business license to commence operations for the uses.

**Conclusion:** As a condition of approval, the applicant will be required to obtain an approved road approach permit from ODOT if necessary and must bring the access into compliance before a business license will be issued to legally operate the proposed business.

- h. Reverse Frontage: Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification. This requirement may be waived or modified when a commercial or industrial use would be required to take access from a street in a residential neighborhood.

**Findings:** The subject property only has frontage on Highway 730.

**Conclusion:** The subject property only has frontage on Highway 730. This criterion is not applicable.

- i. Review By The Oregon State Department Of Transportation: Any application that involves access to the state highway system shall be reviewed by the Oregon department of transportation for conformance with state access management standards. In the I-82/U.S. 730 interchange area management plan (IAMP) management area, proposed access shall be consistent with the access management plan in section 7 of the IAMP.

**Findings:** The IAMP area identified by the City of Umatilla Comprehensive Plan extend along Highway 730 from its intersection with Highway 395 west to Eisele Drive. The subject property is located within the IAMP. As part of the Condition Use process notice was sent to ODOT for comment. In addition, notice for site plan review was sent to ODOT in 2013 and no comment was received. Within the IAMP area, developments that trigger a significant increase in vehicular access, as established in the comprehensive plan, may require a traffic impact analysis and/or transportation system improvements to mitigate traffic impacts. The City does not believe that the proposed uses will generate the 250 average daily trips (ADT) that would automatically require a traffic impact analysis.

**Conclusion:** The City provided ODOT with the required notice and opportunity to comment on this Condition Use application. If comment is received from ODOT those comments and any requirements may be incorporated into the findings. If no comment is received the City assumes that ODOT does not have concerns that need to be addressed as part of this review.

## **CUZO 10-4D-7: PROPERTY DEVELOPMENT STANDARDS:**

The following property development standards apply to all new developments in the GC zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able to meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

### **C. Special Site and Building Design Standards:**

#### **2. Off Street Parking, Loading and Unloading: See chapter 9 of this title for specific design standards for parking spaces and parking areas.**

- a. Off street parking shall not be located within five feet (5') of a property line separating the subject property from a public street.

**Findings:** The applicant's submitted site plan show the existing parking spaces are located 10 feet from the property lines that has frontage onto Highway 730.

**Conclusion:** The front property lines is the only property lines that has frontage on a public street. The submitted site plan show the proposed parking spaces are not located within 5 feet of the property lines separating the subject property from a public street.

- b. Existing or proposed off street parking areas between the front or side of a building and the public right of way shall be separated from the right of way with a minimum three foot (3') wide landscape strip (see landscape requirements).

**Findings:** The applicants submitted site plan show the parking space located in the front of the building between the building and public right of way. However, no landscaping is shown on the site plan. Therefore, the applicant will be required to submit a modified site plan with the required parking spaces not located between a building and parking space or provide the required three-foot minimum landscape strip. All new landscaping is subject to the requirements of Sections 10-9-2(D) of the CUZO.

**Conclusion:** The submitted site plan does not comply with this requirement. However, the applicant may submit a modified site plan with the required three-foot landscape strip or provide the required off street parking in a different location that does not require a landscape strip.

- c. Parking bumpers shall be set at least six feet (6') from the right of way for parking spaces established perpendicular to the right of way. Parking bumpers shall be securely fastened to the ground.

**Findings:** The applicant's submitted site plan show the parking bumpers would be located more than 6 feet from the right of way.

**Conclusion:** If the application chooses to provide a landscaped strip as required by the previous standard the submitted site plan would comply with this criterion. However, the applicant may also modify the submitted site plan and change the location of the

required parking spaces. A modification will be required to locate parking bumpers at least six feet from the right of way for parking spaces established perpendicular to the right of way.

- d. A designated area (or areas) for loading and/or unloading of materials or freight shall be provided to ensure all such activities occur entirely on site.

**Findings:** The applicant's submitted site plan does not directly address a loading and/or unloading area. However, the subject property is large enough to accommodate a dedicated loading and/or unloading zone.

**Conclusion:** The applicant's modified site plan will be required to designate an area or areas for load and/or unloading of materials or freight.

#### **IV. SUMMARY AND RECOMMENDATION**

The applicant, Juan Ochoa, requests approval to establish a commercial/industrial machinery and equipment rental business. The submitted materials meet or are capable of meeting the standards and criteria of approval as addressed in this report. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, staff recommends approval of Conditional Use, CU-3-18, subject to the conditions of approval contained in Section V.

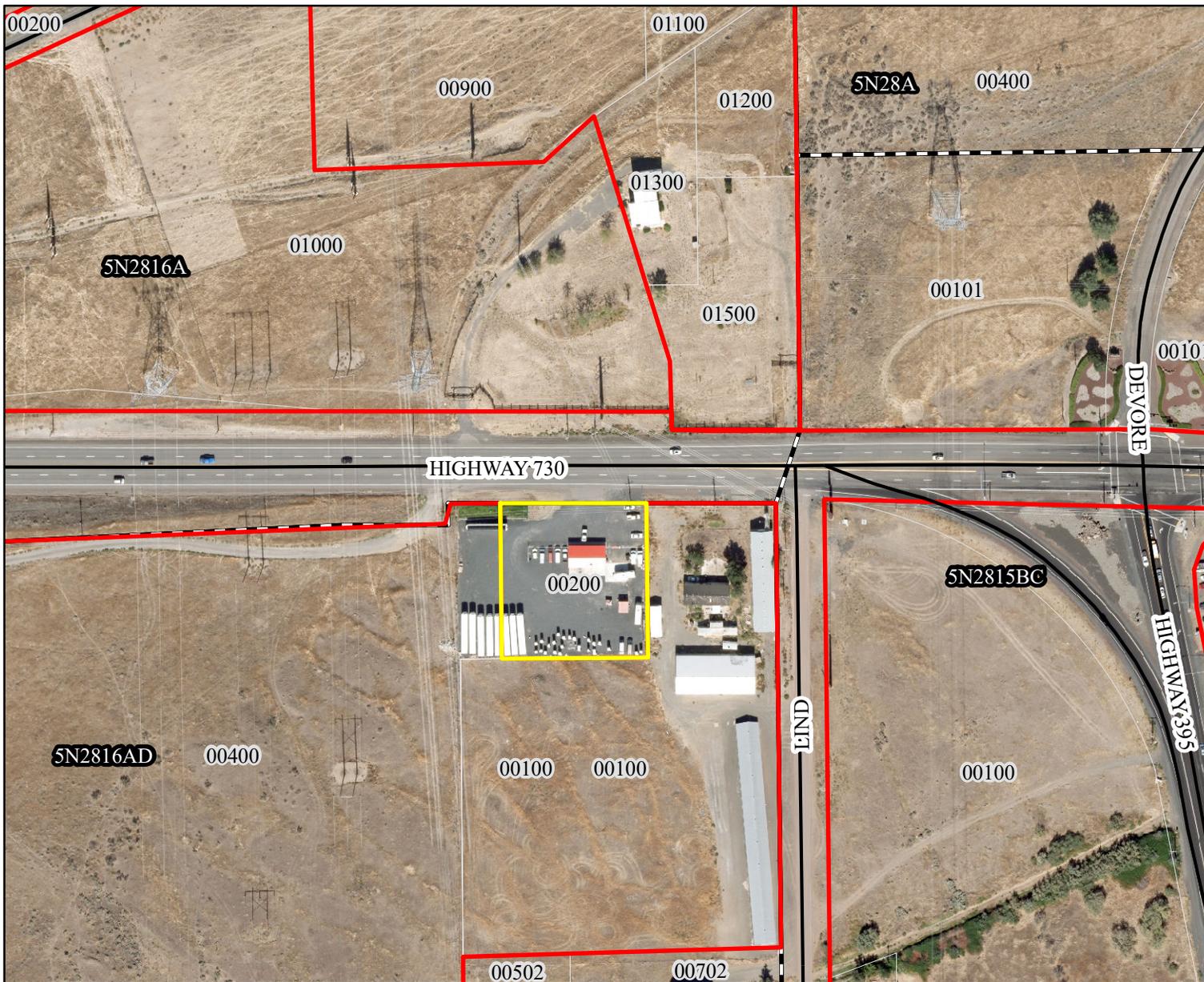
#### **V. CONDITIONS OF APPROVAL**

1. The applicant must obtain all federal, state and local permits or licenses prior to operating the business.
2. The applicant shall provide verification that the existing landscaped area has an automatic irrigation system or provide verification from a landscape architect that the plants will survive without irrigation.
3. The applicant must obtain an approach permit from ODOT for the existing access point or provide verification that an approach permit is not required.
4. The applicant must submit and updated site plan showing outdoor storage areas with the required screening, loading/unloading areas and parking spaces as required by Title 10, Chapter 9 of the City of Umatilla Zoning Ordinance.
5. A conditional use approval may only be transferred to a new property owner or business operator after approval by the Planning Commission. Any significant change in the use, or any material changes in city regulations governing the use prior to a transfer request will require new conditional use approval.
6. The applicant must establish the proposed use within one year of the date of the final approval unless the applicant applies for and receives an extension prior to the expiration of the approval.

7. Failure to comply with the conditions of approval established herein may result in revocation of this approval.

## **VI. EXHIBITS**

Exhibit A – Public Notice Map  
Exhibit B – Applicant’s Site Plan



**PROPERTY OWNERS WITHIN 100'  
NOTICE AREA  
FROM SUBJECT PROPERTY**

MAP	TAXLOT	OWNER
5N2816AD	100	LIND BERNARD S
5N2816AD	200	MI TIERRA REAL-ESTATE INVESTMENTS INC
5N2816AD	400	USA

**OCHOA CONDITIONAL USE (CU-8-18)**  
**JUAN OCHOA, APPLICANT**  
**MI TIERRA REAL-ESTATE INVESTMENTS INC., OWNER**  
**MAP #5N2816AD, TAX LOTS 200**

**Exhibit A**

**Legend**

- Subject Property
- Streets
- City Limits
- Assessor's Maps
- Tax Lots (5/7/18)



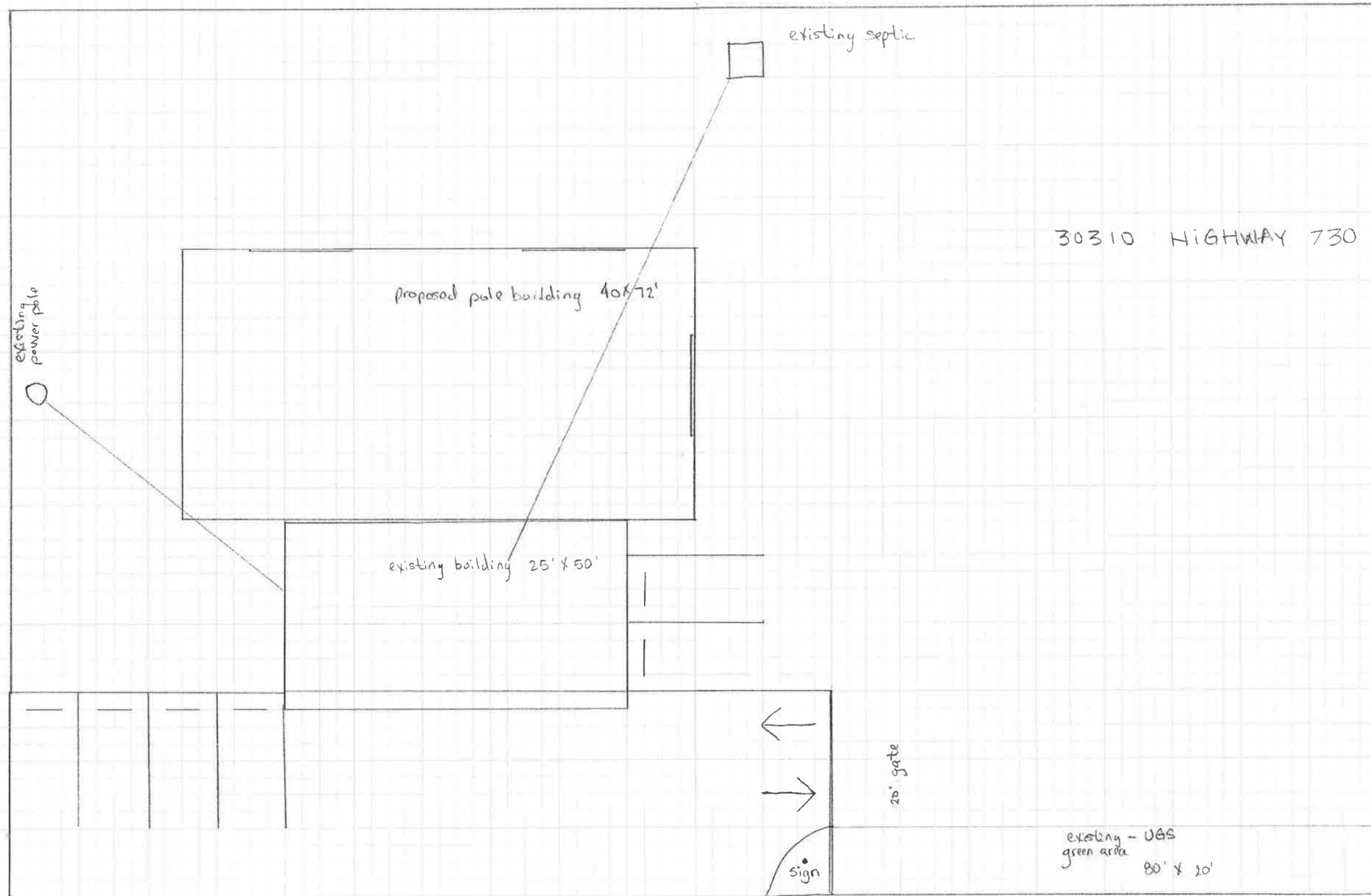
Feet

0 100 200 300 400

MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 6/5/2018



# Exhibit B



**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
ZONE CHANGE ZC-1-18**

**DATE OF HEARING:** June 26, 2018

**REPORT PREPARED BY:** Brandon Seitz, City Planner

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**I. GENERAL INFORMATION AND FACTS**

- Applicant:** City of Umatilla, 700 6<sup>th</sup> Street, Umatilla, OR 97882.
- Land Use Review:** Zone Change application to implement siting standards for the development of Accessory Dwelling Units (ADU). The proposed amendment is a text amendment of the City of Umatilla Zoning Ordinance (CUZO).

**II. NATURE OF REQUEST AND GENERAL FACTS**

The City of Umatilla is proposing to amend the CUZO to allow for the placement of ADUs. With the passage of House Bill 4031 and Senate Bill 1051 a city with a population grater than 2,500 is required to allowed for at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

The City currently allows detached single-family dwellings in the Single-Family Residential (R-1) and Medium Density Residential (R-2) zones. The intent of the proposed text amendment is to adopt a definition for ADUs, identify which zones ADUs will be permitted in and implement siting and design standards for placement of ADUs.

**III. ANALYSIS**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

**CUZO 10-13-3: AMENDMENTS TO THE ZONING TEXT OR MAP:**

- A. Type IV Procedure: Amendments to the zoning title text or official map are considered a type IV procedure. A map change may be legislative or quasi-judicial, depending on the number of properties and area involved. A text change is always a legislative decision.
- B. Initiation Of Application: An application may be initiated by a property owner or authorized agent, the planning commission, or the city council.
- C. Narrative, Identification Required: An application shall include a narrative that demonstrates compliance with the approval criteria and a site and vicinity map identifying the property and adjacent properties. A traffic impact analysis (TIA), pursuant to section 10-11-10 of this title, shall also be submitted with all plan and zoning amendment applications.

D. Approval Criteria: An amendment to this title or official map shall comply with the following criteria:

1. The proposed designation is consistent with and supports the purposes of the portions of the city's comprehensive plan not proposed for amendment, or circumstances have changed to justify a change in the comprehensive plan.

**Findings:** The proposed text amendment would amend the CUZO to implement the State requirement to allow for the placement of ADUs in zones where detached single-family dwellings are allowed. No changes to the comprehensive plan or plan map are proposed.

**Conclusion:** The proposed text amendment would amend the CUZO to allow for the placement of ADUs not amend the comprehensive plan. The proposed text change is necessary to comply with State law. Therefore, the circumstances have changed to justify the proposed text amendment of the CUZO.

2. The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.

**Findings:** The proposed text amendment would change the text of the CUZO to allow for the placement of ADUs within the R-1 and R-2 zones and implement siting standards. No change to the plan/zone map is proposed. The existing zoning designations would not be affected as a result of this amendment.

**Conclusion:** The proposed text amendment will not change the existing zoning designations for any property within the City's Urban Growth Boundary (UGB). Therefore, the proposed text change will not affect the land supply of the existing zoning designations.

3. The proposed designation will not negatively impact existing or planned public facilities and services. In particular, pursuant to the Oregon transportation planning rule, proposed text and map amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must comply with the requirements of Oregon administrative rule (OAR) 660-012-0060 as applicable. In the I-82/U.S. 730 interchange area management plan (IAMP) management area, proposed access shall be consistent with the access management plan in section 7 of the IAMP.

**Findings:** The City has concerns that the requirement to allow ADUs may negatively impact existing public facilities and services. The extent of the impacts to public facilities will vary depending upon the number of ADUs that are constructed. However, the City is required by State law to allow ADUs in the R-1 and R-2 zones which total approximately 1283 acres compared to 73 acres of residentially zoned lands, located in the Downtown Residential and Multi-Family Residential zones, that are not required to allow ADUs. While it is unknown how many ADUs will be constructed the impacts could be significant as over 90 percent of the residentially zoned land within the City will be required to allow ADUs. Therefore, staff recommends that ADUs be limited to one unit per detached single-family dwelling. By limiting the number of ADUs that could be developed the City can limit the potential impact to existing public facilities. Sanitary sewer and water systems could be significantly impacted by the addition of multiple ADUs specifically in older neighborhoods where existing lines may have limited capacity to handle a significant increase.

In addition to public utilities many neighborhood streets within the City have not been improved to a modern city street standard. Specifically, most of the older neighborhoods do not have curb, gutter and sidewalks and the shoulders are generally gravel and used for parking as many homes do not have off street parking available. A majority of these areas have inadequate off-street parking. Therefore, staff recommends that each ADU be required to provide a minimum of one off-street parking space per dwelling unit.

**Conclusion:** It is unknown to what extent the requirement to allow ADUs will impact the City's existing public facilities and services. However, when the density for over 90 percent of the City's residential zoned land has potential to be doubled by implementing the State requirement to allow ADUs. Therefore, staff recommends that the City impose standards to limit the potential impacts to existing public facilities and services by requiring the following site standards:

1. Limit the maximum number of ADUs allowed to one per legal detached single-family dwelling.
  2. Require each new ADU to provide a minimum of one off-street parking space.
4. The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.

**Findings:** The proposed text amendment would apply to all property zoned R-1 and R-2. The intent of the proposed siting standards is to ensure that the City has reasonable standards in place to ensure that new ADUs are suitable for placement in residential zones where they will be allowed. Staff recommends requiring that all new detached ADUS be located in the rear yard of the primary dwelling unless the ADU is located in a portion of a detached accessory building. For example, a garage could include an ADU and be located in a front/side yard. However, a stand alone detached ADU would be required to be located in the rear yard to maintain the residential appearance of the property. This requirement will ensure that the ADU is either located in a rear yard and not readily visible from the street or located within another accessory building.

**Conclusion:** The intent of the proposed text amendment is to implement reasonable siting standards to ensure that new ADUs are suitable for R-1 and R-2 zoned properties. To ensure that the residential character of the property is maintained new detached ADUs will be required to be located in the rear yard to maintain the residential appearance of the property.

5. Other sites in the city or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the city as a whole.

**Findings:** The intent of this standard is to show that a proposed amendment is necessary to accommodate the proposed use and to show that other sites within the City are not readily available to develop the propose use. The proposed text change is to allow for the placement of ADUs and implement siting standards. The City currently does not allow for the placement of ADUs in any zone within the UGB. Therefore, there are no other sites within the City that would be suitable for the proposed use without the proposed text amendment.

**Conclusion:** The proposed text amendment is to allow for the placement of ADU on all property zoned R-1 or R-2 and developed with a detached single-family dwelling. The City currently does not allow for the placement of ADUs in any zone within the UGB. Therefore, there are no other sites within the City that would be suitable for the proposed use.

#### **IV. SUMMARY AND RECOMMENDATION**

The applicant, City of Umatilla, is proposing a text amendment to the City of Umatilla Zoning Ordinance to implement siting standards for the placement of Accessory Dwelling Units. The request appears to meet all of the applicable criteria and standards for this type of request. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, staff recommends approval of Zone Change (ZC-1-18).

#### **VI. EXHIBITS**

Exhibit A – Draft Text Change

City of Umatilla Zone Change Application (ZC-1-18)  
Exhibit A

The following definition is proposed to be added to Section 10-1-6 of the City of Umatilla Zoning Ordinance:

**Accessory Dwelling** – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Underlined language proposed to be added; Bracketed [ ] language proposed for deletion by  
Zone Change application ZC-1-18

### **Chapter 3**

## **RESIDENTIAL DISTRICTS**

### **ARTICLE A**

#### **SINGLE-FAMILY RESIDENTIAL (R-1)**

##### 10-3A-1: PURPOSE:

The R-1 District is intended for low density, urban single-family residential uses. The R-1 District corresponds to the R-1 designation of the Comprehensive Plan. (Ord. 688, 6-15-1999)

##### 10-3A-2: USES PERMITTED:

The following uses and their accessory uses are permitted in the R-1 District:

1. Accessory uses, including an Accessory Dwelling subject to the provisions of Section 10-11-11 of this Title.
2. Family daycare providers and residential homes.
3. Home occupations subject to provisions of Section 10-11-1 of this Title.
4. One single-family detached dwelling structure or one manufactured home subject to provisions of Section 10-11-8 of this Title is permitted on each lot. (Ord. 688, 6-15-1999; amd. Ord. 692, 9-7-1999)

##### 10-3A-3: CONDITIONAL USES PERMITTED:

The following primary uses and their accessory uses may be permitted when authorized in accordance with the requirements of Chapter 12 of this Title:

1. Community Services uses, as provided by Chapter 6 of this Title. (Ord. 688, 6-15-1999)

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Exhibit A

10-3A-4: DEVELOPMENT STANDARDS:

A. Dimensional Standards

Minimum lot area	8,000 square feet
Minimum lot width	50 feet
Minimum lot depth	90 feet
Minimum yard setbacks:	
Front and rear yard	25 feet total, with minimum yard 10 feet
Side yard	5 feet
Street side yard	10 feet
Garage	18 feet from any street except an alley
Maximum building height	35 feet

## ARTICLE B

### MEDIUM DENSITY RESIDENTIAL (R-2)

#### 10-3B-1: PURPOSE:

The purpose of the R-2 District is to allow single-family detached and attached residences on smaller lots, two-family and multi-family housing at moderate density. Site review is required for most uses. The R-2 District corresponds to the R-2 designation of the Comprehensive Plan. (Ord. 688, 6-15-1999)

#### 10-3B-2: USES PERMITTED:

The following uses and their accessory uses are permitted in the R-2 District:

1. Accessory uses, including an Accessory Dwelling subject to the provisions of Section 10-11-11 of this Title.
2. Family daycare providers, residential homes, and residential facilities.
3. Home occupations subject to provisions of Section 10-11-1 of this Title.
4. Single-family detached residences, including manufactured homes on individual lots subject to provisions of Section 10-11-8 of this Title.
5. Two-family and multi-family housing. (Ord. 688, 6-15-1999; amd. Ord. 692, 9-7-1999)

#### 10-3B-3: CONDITIONAL USES PERMITTED:

The following uses and their accessory uses may be permitted subject to the provisions of Chapter 12 of this Title:

1. Boarding house.
2. Community Services uses as provided by Chapter 6 of this Title.
3. Manufactured home parks.
4. Office or clinic for a doctor, dentist or other practitioner of the healing arts, attorney, architect, engineer, surveyor or accountant. (Ord. 688, 6-15-1999)

#### 10-3B-4: DEVELOPMENT STANDARDS:

##### A. Density:

One dwelling per three thousand five hundred (3,500) square feet.

##### B. Landscaping:

Except for lots intended for single-family detached dwellings, a minimum of fifteen percent (15%) of lot area shall be devoted to landscaping, exclusive of landscaping required for parking areas. The minimum dimension of any landscaped area shall be five feet (5').

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Exhibit A

C. Open Space:

At least two hundred (200) square feet of outdoor open area easily accessible from the interior of the dwelling shall be provided for each ground floor dwelling unit. Part of the required area may include a private screened patio.

D. Dimensional Standards

Minimum lot area	5,000 square feet
Minimum lot width	50 feet
Minimum lot depth	90 feet
Minimum yard setbacks:	
Front and rear yard	10 feet
Side yard	5 feet
Street side yard	10 feet
Garage	18 feet from any street except an alley
Maximum building height	35 feet

10-3B-5: LIMITATIONS ON USE:

Uses other than single-family detached residences, accessory uses to single-family detached residences, and home occupations are subject to site plan review.

## Chapter 11

### SUPPLEMENTARY PROVISIONS

#### 10-11-1: GENERAL ACCESSORY USE PROVISIONS:

Accessory uses shall comply with all requirements for the primary use except where specifically modified by this title and shall comply with the following limitations:

##### A. Home Occupation:

A home occupation shall be conducted completely within a residence by the occupant of the residence. No more than one nonresident employee shall engage in the business. The residential character of the building shall be maintained with no exterior changes to the appearance or structure of the property and no signs shall be visible from the public street. A home occupation shall occupy less than one-quarter (1/4) of the ground floor areas of the main building. Home occupations shall not include repair of vehicles.

##### B. Fences, Walls, And Similar Barriers:

1. Fences within the vision clearance area described in section 10-11-4 of this chapter, shall not exceed three feet (3') in height and shall not create an obstruction to the vision of drivers.
2. Outside of the vision clearance area, fences are limited to a maximum of six feet (6') in height, except that fences and walls, railings or mature hedges shall not exceed four feet (4') in height within the required front yard or side yard along a flanking street.
3. A fence inspection permit from the city is required for all fences. The amount of the fee shall be set by resolution.

##### C. Greenhouse:

A greenhouse or hothouse may be maintained as an accessory use to a residence only if there are no sales.

##### D. Guesthouse:

A guesthouse may be maintained as an accessory use to a dwelling provided that there are no cooking facilities in the guesthouse. (Ord. 688, 6-15-1999)

#### 10-11-2: PROJECTIONS INTO REQUIRED YARDS, SETBACK & HEIGHT EXCEPTIONS:

##### A. Limit:

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet (2') into a required yard or required open space.

##### B. Setbacks:

Regardless of the side yard requirements of the district, a side or rear yard may be reduced to three feet (3') for an accessory structure erected more than sixty-five feet (65') from a street

other than an alley and provided that the structure is detached from other buildings by six feet (6') or more and does not exceed a height of one story nor an area of more than five hundred (500) square feet.

C. Building Height Limitations:

The following types of structures or structural parts may exceed the building height limitations of this title:

1. Antennas for radio communications.
2. Belfries.
3. Chimneys.
4. Church spires.
5. Flagpoles. (Ord. 688, 6-15-1999)

10-11-3: MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS:

No lot area, yard, or other open space, or required off street parking or loading area existing on or after the effective date of this title, shall be reduced in area, dimensions, or size below the minimum required by this title, nor shall any lot area, yard, or other open space or off street parking or loading area which is required by this title for one use be used as the lot area, yard, or other open space or off street parking or loading area requirement for any other use, except as provided in chapter 9 of this title. (Ord. 688, 6-15-1999)

10-11-4: VISION CLEARANCE:

A vision clearance area shall be an area that is roughly triangular in shape that is established at the intersection of a street, alley, or driveway. It is measured along right of way or property lines, according to the following requirements:

A. Residential Districts:

In a residential district, the minimum distance shall be thirty feet (30'), or at intersections including an alley or driveway, ten feet (10'), measured from the point of intersection.

B. Other Districts:

In commercial and industrial districts, the minimum distance shall be fifteen feet (15'), or ten feet (10') if the intersection includes an alley or driveway. (Ord. 688, 6-15-1999)

C. Access To Public Right-Of-Way:

Access to the public right-of-way (public or private driveway) shall not be located within the vision clearance area of an intersection, unless there is no other alternative for access to a site. (Ord. 710, 5-7-2002)

10-11-5: SWIMMING POOLS, FISH PONDS, OR OTHER DECORATIVE POOLS:

A. Fence Required:

Every manmade body of water with a depth of more than eighteen inches (18") at any point shall be completely surrounded by a six foot (6') high fence or comparable enclosure. The fence

shall have a self-closing, self-latching gate, with the latch mechanism located at least four feet (4') above grade. The fence shall be designed to discourage children from climbing and have no openings, holes or gaps larger than four inches (4") in any dimension.

B. Building Permit Required:

A building permit is required for a swimming pool. Plans shall be filed with the city and meet the requirements of this chapter and the uniform building code. No pool shall be used until a final inspection is made by the city after its construction is completed.

C. Setbacks:

A swimming pool shall be set back from any interior side or rear property line by a minimum of five feet (5'). Any associated structures shall comply with setbacks for a building or accessory structure for the district in which it is located.

D. Exceptions:

This chapter shall not apply to public swimming pools or wading pools maintained and operated by any public entity. (Ord. 688, 6-15-1999)

10-11-6: UTILITIES:

In all industrial, commercial, and residential districts, all electrical, telephone, and cable television utility service installations or connections made as part of new construction of a building or structure, shall be placed underground in accordance with city standards. McNary Industrial Park is exempt from this requirement. (Ord. 688, 6-15-1999)

10-11-7: EASEMENTS:

When an easement is required, the following standards shall apply:

A. Pedestrian Easements:

In order to facilitate pedestrian access from streets, lots, or developments, to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

B. Open Space Easements:

An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural condition. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

C. General Public Easements:

When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right of way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width. (Ord. 688, 6-15-1999)

10-11-8: MANUFACTURED HOME SITE STANDARDS:

Manufactured homes used as permanent residences and meeting the following standards are allowed outside of manufactured home parks on individual lots in any district where single-family residences are allowed:

- A. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
- B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches (12") above grade.
- C. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet (3') in height for each twelve feet (12') in width.
- D. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the dominant materials used on surrounding dwellings as determined by the city administrator.
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in Oregon Revised Statutes 455.010.
- F. The manufactured home shall have a garage or carport constructed of like materials.
- G. The manufactured home is subject to any development standard, architectural requirement, and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.
- H. Each manufactured home shall be provided with a paved driveway no less than ten feet (10') wide for a single vehicle garage or carport or eighteen feet (18') for a two (2) vehicle garage or carport. (Ord. 692, 9-7-1999)

10-11-9: SINGLE-FAMILY DWELLING SITE STANDARDS:

- A. The single-family dwelling shall enclose a space of not less than one thousand (1,000) square feet.
- B. Each single-family dwelling shall have a garage or carport constructed of like materials and colors.
- C. Each single-family dwelling shall be provided with a paved driveway not less than ten feet (10') wide for a single vehicle garage or carport or eighteen feet (18') for a two (2) vehicle garage or carport. (Ord. 721, 6-3-2003)

10-11-10: TRAFFIC IMPACT ANALYSIS (TIA)

City of Umatilla Zone Change Application (ZC-1-18)  
Exhibit A

A. Purpose:

The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to specified land use proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

B. Applicability:

A Traffic Impact Analysis shall be required to be submitted to the City with a land use application, when the following conditions apply:

1. The application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
- b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
  - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
  - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
  - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
  - 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
  - 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

C. Traffic Impact Analysis Requirements

1. Preparation.

A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.

2. Transportation Planning Rule Compliance.

See Section 10-13-3 Amendments to the Zoning Text or Map.

3. Pre-application Conference.

The applicant will meet with the Umatilla Public Works Director and Planning Director prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.

D. Approval Criteria:

When a Traffic Impact Analysis is required, approval of the proposal requires satisfaction of the following criteria:

1. Traffic Impact Analysis was prepared by an Oregon Registered Professional Engineer qualified to perform traffic engineering analysis;
2. If the proposed action shall cause a significant effect pursuant to the Transportation Planning Rule, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and/or Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
  - a. Have the least negative impact on all applicable transportation facilities;
  - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;
  - c. Make the most efficient use of land and public facilities as practicable;
  - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
  - e. Otherwise comply with applicable requirements of the City of Umatilla Code.

E. Conditions of Approval:

The City may deny, approve, or approve a proposal with appropriate conditions.

1. Where the existing transportation system is shown to be impacted by the proposed action, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed action.
2. Where the existing transportation system is shown to be impacted by the proposed action, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed action may be required.

10-11-11: ACCESSORY DWELLING UNIT SITE STANDARDS:

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure and shall conform to all of the following standards:

- A. A maximum of one Accessory Dwelling is allowed per legal detached single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
- B. An attached or interior Accessory Dwelling shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 800 square feet.
- C. A detached Accessory Dwelling shall not exceed 1 story in height, unless the Accessory Dwelling is located in a portion of a detached accessory building (e.g., above a garage).
- D. A detached Accessory Dwelling shall be located in the rear yard of the primary dwelling unless the Accessory Dwelling is located in a portion of a detached accessory building.
- E. Each Accessory Dwelling shall be provided with one off street parking space.