

CHAPTER 11
GOAL 11: PUBLIC FACILITIES AND SERVICES

SECTION 11.0 PUBLIC FACILITIES AND SERVICES GOAL

To coordinate and arrange for the provision of public facilities and services in an efficient, orderly, and timely manner.

SECTION 11.1 PUBLIC FACILITIES AND SERVICES BACKGROUND AND DISCUSSION

11.1.100 MUNICIPAL WATER

The City of Umatilla has three wells as the source of its water supply: one in the McNary area and two near the central part of the City. Supply of the City water system is summarized as follows:

Table 11.1-1 Existing Umatilla City Water Supply Sources

Well	GPM	Storage
McNary Area	2500*	.125 MG
City of Umatilla	1350**	.65 MG

Note: GPM = gallons per minute; MG = million gallons

* CH₂M-Hill, Community Impacts of Alumax, p. 135.

** Ibid., p. 135.

The water system is also broken down into three service areas. One is the lower elevations (below elevation 389) of the City and the second is near the existing reservoirs between elevations 389 and 491. The third service area is at McNary and is served by elevated storage.⁴¹

The determination of demand is based on water metering records from 1972-1975 for Umatilla and McNary. Combining these system demands for the maximum year (1974-1975) gives the following results:⁴²

- The annual average demand is 596,550 gpd
- The annual average demand per capita is 445 gallons per capita per day (gpcd)
- The maximum day demand is estimated at 1,547 gpcd

Based on the maximum day demand of 1,547 gpcd, the existing water system could support approximately 3,584 people on a maximum demand day.

A more complete analysis and inventory of the municipal water system is available at the City Hall in the Umatilla Water System Study, 1977.

The problems associated with supplying water to Umatilla and the surrounding area have been examined in several reports during the past few years. These reports have included: Regional

⁴¹ CH₂M-Hill, City of Umatilla Water System Study, p. 31.

⁴² Ibid., p. 7.

Water System Feasibility Study, 1974, and Ground Water Conditions and Declining Water Levels in the Butter Creek Area, 1975. All three reports discuss the declining groundwater resource and mention the possibility of obtaining water from the Columbia River.

11.1.110 Municipal Water Needs

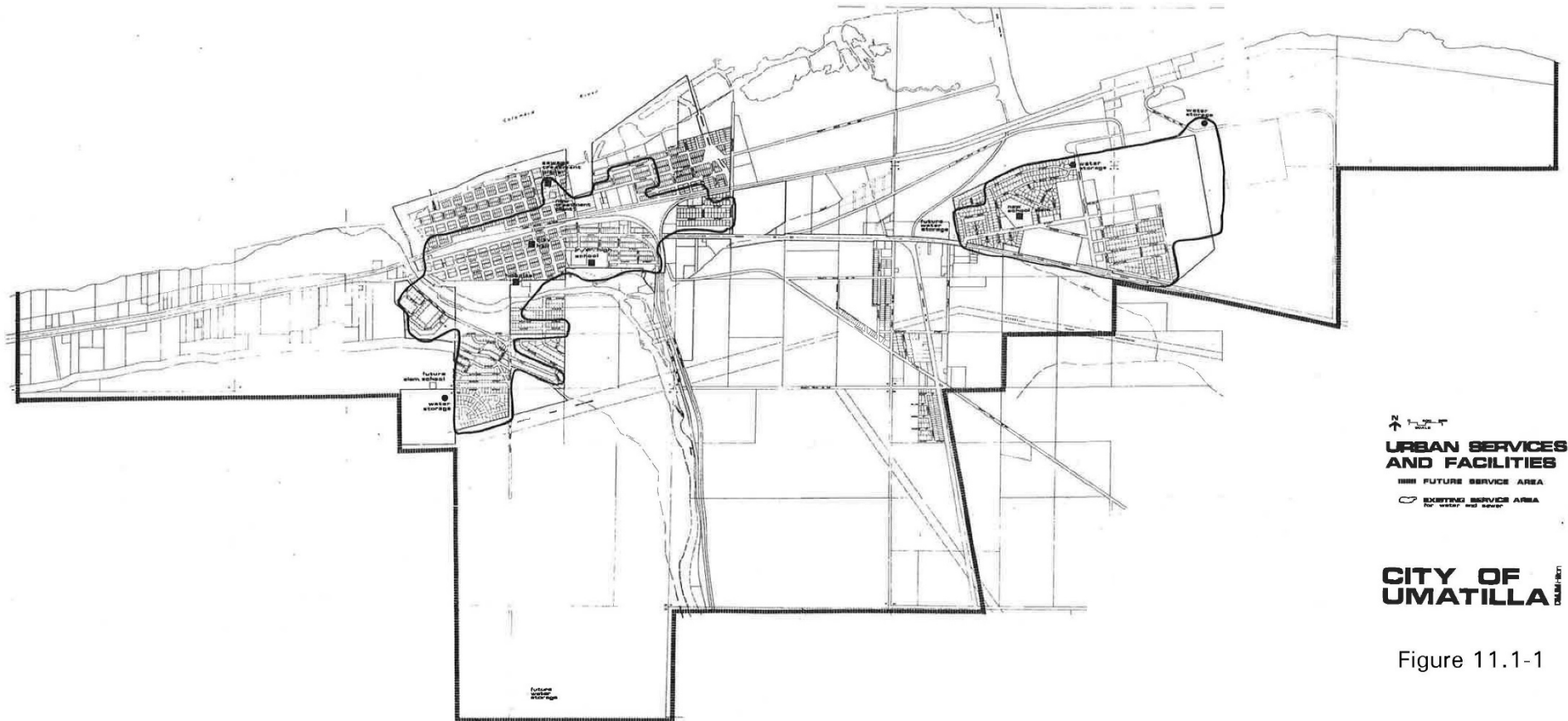
A supplement to the City of Umatilla Water System Study recommended that a hydro-geological survey be conducted to ascertain the feasibility of a Ranney Collector. The quality of water that could be obtained by this method was found to be unsuitable. Development of a new deep well began in 1978 and appropriation of Columbia surface water is being explored. Appropriation of water from the Columbia River has been requested from the State Water Resources Department in the form of a water right application for municipal use. Currently, there are no limitations on the quantity of water that could be appropriated from this source.

Future growth and development of the City will require not only additional water supply, but also additional storage capacity. The facilities presently planned for will support a population of approximately 14,000 people, and commensurate commercial/industrial growth. If the per capita water consumption can be reduced, the system would support a higher population. The present water storage facility, located on the south hills, limits future development to elevations below 491 unless pumping is employed. Storage facilities under construction will be located at 500 and 650 foot elevations. Pumping will be continued to allow development of the south hills consistent with the Comprehensive Plan. The development of new water storage facilities near Bensel and Power Line Roads has been discussed (see *Figure 11.1-1*). Water distribution is being increased as part of the reservoir construction.

11.1.200 SANITARY SEWER

The Umatilla Sewage Treatment Plant, constructed in 1952, was treating .17-.18 MGD during 1976 with a capacity of .25 MGD which is 72% capacity. Based on these figures, the plant treats .82 gpcd, and at this rate would be able to support approximately 3,048 people. At the current rate of growth for the City of Umatilla, sewage treatment plant capacity became a limiting factor to area growth during 1977.

Additional inventories of the sanitary sewer system can be found in the City of Umatilla Facilities Plan, 1977. A new sewage treatment plant is currently under design with local funding. The new plant will occupy approximately 6.5 acres at the present plant location. The capacity of the new plant will be approximately 10,000 people with additional area for plant expansion. System improvements considered in the facilities study include collectors and interceptors out to Power City and out Power Line Road (see *Figure 11.1-1*). Note: Detailed development plans for water and sewer are available at the City Hall.




URBAN SERVICES AND FACILITIES
 --- FUTURE SERVICE AREA
 — EXISTING SERVICE AREA
CITY OF UMATILLA

Figure 11.1-1

A. Exception Area #1 – CTUIR Trust Property

The United States Government owns a largely triangular-shaped property outside of the City of Umatilla’s urban growth boundary held in trust for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). This trust property is identified as tax lot 500 in Section 7, Township 5 North, Range 29 East, W.M. and is adjacent along its west and south boundaries to property within the city limits. The property is approximately 195.23 acres in size and was acquired by the CTUIR in 1993 from The Trust For Public Land, a nonprofit California public benefit corporation. The CTUIR conveyed the property to the United States Government in 1999 pursuant to Section 5 of the Indian Reorganization Act of June 18, 1934, to be held in trust for the CTUIR. A relatively narrow strip of land adjacent to the north that once accommodated a portion of the Union Pacific Railroad’s rail line, but has since been converted to trail use, separates the CTUIR’s property from the Columbia River to the north.

The CTUIR subsequently planned and zoned the off-reservation property for industrial use. The property is also identified on Umatilla County’s Comprehensive Plan map as being industrial and is zoned Heavy Industrial (HI) by the County. Umatilla County notes in its Comprehensive Plan that,

Although the Indian Trust Land designation excludes it from the County Comprehensive Plan and Development Code jurisdiction, the County must identify it in its Plan and Plan Map for future use should ownership change and it becomes a private land holding.

The CTUIR is actively promoting the property for industrial use; however, for all practical intents and purposes, the property is landlocked. To address this problem, the CTUIR is working with the Oregon Department of Corrections (DOC) and the City of Umatilla to extend a new street to the CTUIR’s property across property currently owned by the DOC. The new street will contain all needed utilities, including sewer, to serve not only the CTUIR’s property outside the City’s urban growth boundary, but also the adjacent property owned by the DOC and the adjacent industrial-zoned properties inside the city limits owned by the Port of Umatilla. When completed to the City’s standards, ownership and maintenance of the new street, sewer and water utility lines will be transferred to the City of Umatilla.

OAR 660-011-0060(9), in part, authorizes a local government to extend its existing sewer system to serve a use or property outside of its urban growth boundary “provided the standards for an exception have been met;” the standards for an exception are contained under OAR 660-004-0020(2)(a)–(d). OAR 660-004-0020(2)(a) requires appropriate reasons to justify a goal exception; OAR 660-004-0022 identifies nonexclusive reasons that may be used to justify certain types of uses including the reason in OAR 660-011-0060(9)(b) which recognizes “[t]he extension of an existing sewer system [that] will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.” In addition to authorizing a local government to extend its existing sewer system to serve a use or property outside of its urban growth boundary as described above, OAR 660-011-0060(9) also requires the local government to adopt land use regulations that “prohibit the sewer system from serving any uses or areas other than those justified in the exception.”

OAR 660-011-0060(9)(b) provides an appropriate reason that, when supported by facts may authorize an exception to Goal 11 that would allow the City of Umatilla to provide sewer service to the CTUIR's trust property if the exception requirements under OAR 660-004-0020(2)(a) – (d) are also met. The United States Government holds title to the property in trust for the CTUIR. Federally-owned property is not subject to Oregon's statewide planning goals or to Oregon's property tax system. Oregon's statewide planning goals, including Goal 11 and Goal 14, are not, by operation of the Supremacy Clause under Article VI, Section 2 of the U.S. Constitution, whether express or implied, applicable or enforceable to any development on the CTUIR's trust property. The provision under OAR 660-011-0060(9)(b) was adopted by the Land Conservation and Development Commission (LCDC) in 2008 in an attempt to address the Land Use Board of Appeals' (LUBA) concerns in *Debby Todd v. City of Florence*, LUBA No. 2006-068, in which LUBA acknowledged the extremely awkward situation faced by the City of Florence in its attempt to justify an extension of that city's existing sewer system to serve a proposed development on land owned by the United States and held in trust for the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians located outside of that city's urban growth boundary.

While the application of OAR 660-011-0060(9)(b) in demonstrating an appropriate reason in meeting the reasons justification required under OAR 660-004-0020(2)(a) and 660-004-0022 is clear, the extent to which it satisfies the requirements under OAR 660-004-0020(2)(b) through (d) requires a more detailed explanation. In *Debby Todd v. City of Florence*, LUBA distinguished the “use” and “proposed use” between the extension of the City's sewer system and the proposed development the sewer system extension was intended to serve in relation to the rule requirements. As the City of Umatilla understands the exception requirements under OAR 660-004-0020(2)(b) – (d) prior to *Debby Todd v. City of Florence*, an analysis of these requirements would have been necessary for the “proposed use,” the same as for a Goal 14 exception, in order to justify a Goal 11 exception to extend sewer service to land that did not require a Goal 14 exception. However, OAR 660-011-0060(9)(b) specifically excludes the need to address Goal 14 when it references land outside an urban growth boundary to be served by the extension of an existing sewer system “that, by operation of federal law, is not subject to statewide planning Goal 11, and if necessary, Goal 14” [emphasis added]. LCDC's adoption of OAR 660-011-0060(9)(b) eliminated the need to conduct an “alternative areas” analysis for a Goal 11 exception in order to justify a “proposed use” on federally-owned land. OAR 660-011-0060(9)(b) effectively renders OAR 660-004-0020(2)(b) and (c) inapplicable to a Goal 11 exception on federally-owned land because both of those would otherwise require an “alternative areas” analysis to justify a “proposed use” on that land. This contention is supported in *Debby Todd v. City of Florence* by LUBA when it argued,

The policy underlying Goal 11 seems little offended by allowing a single sewer system to serve two adjoining areas that each have the legal right and practical ability to develop urban uses and urban-level sewer facilities, notwithstanding that one area is within a UGB and the other outside the UGB.

OAR 660-011-0060(9)(b) renders OAR 660-004-0020(2)(d) inapplicable as well, but for a somewhat difference reason. Under typical circumstances where OAR 660-004-0020(d) applies, this rule requires that “[t]he proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.” To some extent, the City is agreeable to extending its sewer system to serve industrial uses on the CTUIR's trust property because the property is bordered on two sides by industrially-zoned land inside the city limits that

allow industrial uses similar to those proposed by the CTUIR. Uses permitted in the City of Umatilla's Heavy Industrial (M2) Zone are similar to those allowed industrial uses as described in the CTUIR's Land Development Code. Both the CTUIR and the City of Umatilla require site plan review and approval to ensure that all uses permitted in their respective industrial zones will meet minimum development standards, which also provides some level of compatibility between uses.

However, the CTUIR could choose to develop the property with any other type of non-industrial use or uses, and the City would have no recourse to address the compatibility of those uses with existing or permitted uses on the adjacent industrial land inside the city limits, other than to not agree to serve those uses with the City's existing sewer system. OAR 660-011-0020(d) recognizes, through the inclusion of the language ". . . and if necessary, Goal 14," that the City does not have the authority to adopt "measures" regulating uses on the CTUIR's property to "render" those uses compatible or even to "reduce adverse impacts" from those uses. The limitation on serving only those uses proposed and approved to connect to the sewer system provides the only effective means to ensure some level of compatibility with other adjacent uses.

The CTUIR proposes to use the property for industrial use with specific uses, for purposes of meeting the use limitation requirement under OAR 660-011-0060(9)(b), being limited to those industrial uses permitted in the Tribes' Land Development Code. As previously mentioned, the CTUIR's trust property is adjacent to large tracts of heavy industrial zoned land inside the city limits adjacent to the west and south. The adjacent property to the west contains the Two Rivers Correctional Institution (TRCI) while the adjacent property to the south is undeveloped.

In order to ensure that only those areas for which the Goal 11 exception has been taken will be served by the extension of the City's existing sewer system, the City of Umatilla will include the following policy in its Comprehensive Land Use Plan under Section 11.5, the 'Public Facilities and Services Policies' section of the Goal 11 element of the Plan:

Policy: 11.5.104 As long as the CTUIR's trust property identified as tax lot 500 in Section 7, Township 5 North, Range 28 East, W.M. remains outside of the City of Umatilla's urban growth boundary, only those industrial uses permitted in the CTUIR's Land Development Code shall be allowed to connect to the City's sewer system.

In summary, the City of Umatilla has expressed its willingness to extend a sewer line approximately one-half mile beyond its city limits and urban growth boundary to serve a 195.23-acre property owned by the United States Government held in trust for the Confederated Tribes of the Umatilla Indian Reservation. The fact that the property is owned by the United States Government and is held in trust for the CTUIR does not alter the non-applicability status of the statewide planning goals to the property. The sewer line will be placed within a new road created to provide access to the property; both the road and sewer line will be designed to serve other industrial properties adjacent to the west and south that are already in the urban growth boundary and city limits. The City has found the requirements for a Goal 11 exception to be met, largely through LCDC's adoption of OAR 660-011-0060(9)(b) which provided an appropriate reason to justify a Goal exception and obviated the need to conduct alternative areas analyses to justify the uses proposed for the CTUIR trust property. The City adopted an appropriate policy to limit the

uses on the CTUIR's trust property that are allowed to connect to the City's sewer system to those justified through the exception which are those industrial uses permitted in the Tribes' Land Development Code. The City believes that extension of the sewer line to serve the CTUIR trust property and the other industrially-zoned land within the urban growth boundary will help to create jobs and provide other positive economic impacts for the community and CTUIR.

B. Exception Area #2 – Umatilla Army Depot

The Umatilla Army Depot (Depot) is a unique facility and land use in the State of Oregon. Established more than seventy years ago by the U.S. Army, the Depot site encompasses approximately 17,000 acres spanning Morrow and Umatilla Counties. There are 1,411 Army owned structures that total approximately 3.5 million square feet on the Depot site. Due to its Federal ownership, the Depot was not zoned by Morrow and Umatilla Counties and was not subject to Oregon's land use planning program in the 1980's, at the time other lands in Oregon were so acknowledged by the Land Conservation and Development Commission.

On May 14, 2013 the Umatilla Army Depot Local Reuse Authority (LRA) endorsed an economic development and land use strategy for future industrial and employment uses at the Umatilla Army Depot in anticipation that the property would transition away from military operations. This action acknowledged the unique attributes of the Depot site within the context of the regional economy and opportunities for future development. This action also authorized the next steps necessary to implement zoning on the portions of the site identified for industrial development.

The LRA action represented the culmination of more than twenty years of planning activity to transition the Umatilla Army Depot away from military operations towards a more comprehensive use of the property. Planning for the Depot has consistently emphasized three overarching goals for future use of the site:

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

Both Morrow County and Umatilla County worked together to develop a consolidated reuse / land use plan for the entire Depot site. Land use recommendations and findings were developed in a single, consolidated report covering both counties. Both counties then adopted ordinances to implement the plan and zoning designations for the portions of the Depot site under their respective jurisdiction. The adoption included exceptions to Statewide Planning Goals 11 and 14, comprehensive plan and zoning designations for the Depot property and amendments to zoning ordinances.

Depot Local Reuse Authority has subsequently transitioned to the Columbia Development Authority (CDA). The CDA is now responsible for overseeing the transition of the Depot property from federal to local ownership and planning and development activities related to future use of the Depot property.

It's within this context that the CDA is looking to ready the Depot property for future development opportunities in-line with the land use direction adopted locally and acknowledged by the State of Oregon in the Army Depot Plan. One of the steps needed to advance the planning for future uses on the Depot property is the provision of sanitary sewer service to the site to serve the 760 to 1,075 future employees forecasted for the property in 2035.

The Depot has an existing localized sewage treatment system that was previously used by the military facilities on the site. That system is limited to the cantonment area of the site, where administrative and housing facilities were located – the portion of the site that will remain in military use under Oregon National Guard management. The system was not designed to handle industrial effluent, and it is not feasible to renovate and expand the existing system to serve that purpose. With existing sewer facilities from the City of Umatilla located 2.6 miles (as the crow flies) to the Depot site, and the ability of the City's sewer system to efficiently handle the projected wastewater flows from the Depot, providing sewer service to the Depot from the City of Umatilla represents an orderly and efficient arrangement of public facilities and services, consistent with Statewide Planning Goal 11.

Although an exception to Goals 11 and 14 has already been adopted for the Depot itself, allowing urban public facilities and services on the Depot site, an exception to Statewide Planning Goal 11 is needed in order to allow the extension of sewer lines from the City of Umatilla Urban Growth Boundary (UGB) to the Depot.

OAR 660-011-0060(2) prohibits a local government from extending sewer lines to serve land outside a UGB except under limited circumstances, or when the standards for a Goal 11 exception can be met. The permissible reasons to extend service outside a UGB include, but are not limited to:

- serving lands inside a nearby UGB or unincorporated community; and
- serving “land that, by operation of federal law, is not subject to statewide planning Goal 11,” which includes federal land and tribal land.

The standards in OAR 660-004-0020(2) also get at the justification for the Goal exception:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

The key tests under OAR 660-004-0020(2)(b) are whether the use (or, in this case, the facility) can be reasonably accommodated in an area that does not require a new exception, and whether the proposed use can reasonably be accommodated without the provision of the proposed public facility or service.

The Land Use Board of Appeals (LUBA) opinion in *Debby Todd v. City of Florence* stated that:

Under both OAR 660-004-0022(1) and 660-011-0060(9), the city is free to identify reasons other than those set out in the rules that “justify why the state policy embodied in the applicable goals should not apply.” If the local government takes that approach, then the catch-all criteria at OAR 660-004-0022(1)(a)—(c) do not apply, and there is no requirement to evaluate the “proposed use or activity.”

Thus, OAR 660-004-0022(1)(a)—(c) are not applicable here.

Under the current federal ownership, the land is not subject to Goal 11 (because federally-owned property is not subject to Oregon’s statewide planning goals), and thus is clearly covered under OAR 660-011-0060(9)(b). However, the base is expected to transfer out of federal ownership.

Because an exception to Goal 11 has already been approved for the Depot that would allow on-site development of urban-scale sewer facilities, the proposed sewer pipe will still be connecting two areas where sewer facilities are permitted under Goal 11, as allowed under OAR 660-011-0060(9)(b) and OAR 660-011-0060(3)(B). In *Debby Todd v. City of Florence*, LUBA held that:

The policy underlying Goal 11 seems little offended by allowing a single sewer system to serve two adjoining areas that each have the legal right and practical ability to develop urban uses and urban-level sewer facilities, notwithstanding that one area is within a UGB and the other outside the UGB.

Given the *Debby Todd v. City of Florence* decision, providing a sewer connection from within a UGB to a nearby area outside the UGB but also authorized for urban sewer service as a result of prior goal exceptions is an appropriate reason to justify an exception to Goal 11 for the extension of sewer service to the Depot.

The LUBA decision in *Debby Todd v. City of Florence* also suggests that it is not necessary to demonstrate that it is unreasonable to provide separate sewer treatment facilities for adjacent areas, each of which is authorized for urban sewer service, rather than to serve them with a single system. However, the rationale and justification for extending sewer from the City of Umatilla rather than treating sewer on-site at the Depot is given below.

The Depot has an existing localized sewage treatment system that was used by the military facilities on the site. An Infrastructure Assessment done as part of creating a redevelopment plan for the Depot included the following key findings:

The Depot facility sanitary waste water system is a localized system. It consists of a combination of localized [Imhoff] septic tanks and drain fields. ... The system is capable of handling the current exiting [sic] load but may not be capable of handling significant changes in capacity if needed by reuse alternatives.

The system seems to be adequate at the current loading density, ... but would very likely not tolerate a significant influx of industrial components to the waste stream.

Renovation and expansion of the current sanitary waste systems, other than required maintenance and permitting work, would not be considered economically or functionally feasible due to the age of the Imhoff systems. Other local septic systems on the facility should likely not be expanded beyond their current design loading in order to maintain compliance with standards in place when they were installed.

Should the population of the facility significantly increase or industrial or process systems installed at the facility, a new sanitary sewer treatment facility, with new transfer piping and infrastructure would be recommended. A new system could be sized to handle all Umatilla depot loading, as well as to handle potential expansion from other sources. This would be the most flexible and most costly option, but would provide a sanitary waste system for the long term, instead of a limited use of the present system.

In addition to the infeasibility of renovating or expanding the existing on-site treatment system to serve industrial uses, there are groundwater concerns in the area. The Army Depot property, including the industrial lands proposed to be served by the municipal wastewater line, is located within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). The LUBGWMA was designated by the Oregon Department of Environmental Quality (DEQ) in 1990 due to the high nitrates in the groundwater. Many areas within the LUBGWMA exceed federal drinking water standards for nitrate. The comprehensive report leading up to the GWMA designation identified five sources of contamination. One source was, and continues to be, nitrates leached from underground septic systems. This is noteworthy in this case because the proposed municipal wastewater line would be the only alternative to septic disposal for future development of the industrial lands. In other words, if the municipal line does not dispose of wastewater, future development would be served by numerous on-site septic systems. For some 20 years, a local committee, together with the DEQ staff, have worked to implement an Action Plan designed to remediate the high levels of nitrates. The progress is very slow. Steps are small and incremental. Allowing the Army Depot lands to be served by a municipal system and therefore avoiding further groundwater contamination from additional, new septic system contamination, will go a long way to foster the goal of minimizing nitrate contribution to the groundwater in the area.

Given the difficulties of upgrading the existing on-site facilities to serve the planned (and acknowledged) industrial uses on the property, the groundwater concerns in the area, and the costs associated with constructing an entirely new sewer treatment facility, the CDA approached the City of Umatilla to determine whether it would be feasible to extend City sewer service to the site. The City has indicated that it has adequate capacity to serve the planned land uses at the Depot:

The City has reviewed the potential industrial area and zoning within the CDA and flow projections developed for Camp Umatilla by the Oregon National Guard undergoing Goal 11 exception. The City's key sewer facilities have the ability and capacity to accept wastewater from the CDA and from the Oregon National Guard (Camp Umatilla).

Further, as a public entity, the City has the managerial and technical capacity to manage the wastewater generated from this area in accordance with State rules and regulations.

The City identified a suitable connection point roughly 2.6 miles away from the Depot (as the crow flies), and several potential alignments for a new sewer line.

The land between the Umatilla City limits and the Depot is zoned EFU. There is no reasonable route between the two that would not require a new exception.

The exception requirements in OAR 660-004-0020 and OAR 660-004-0022 are written primarily for the justification of a new land use that is not allowed under the Goals, rather than for the extension of a public facility where no change to allowed land uses is proposed and where the facility itself will not enable a type or intensity of use that is not already permitted. LUBA found in *Debby Todd v. City of Florence* that:

(1) the criteria in OAR 660-004-0020(2)(b)—(d) apply to the proposed Goal 11 exception, (2) those criteria require some evaluation of the “proposed use,” (3) the “proposed use” and the public facilities established or extended pursuant to a Goal 11 exception are different things that must be separately evaluated, and (4) in the context of a Goal 11 exception to establish or extend public facilities to serve proposed development, such development must be evaluated under the criteria in OAR 660-004-0020(2)(b)—(d) as the “proposed use,” even if that use does not itself require a goal exception.

The uses on the Depot site have already been evaluated under OAR 660-004-0020(2)(b)—(d) as part of the justification of the exceptions to Goal 11 and 14 adopted by Umatilla County in 2014. As no change to the uses is proposed as part of this goal exception, those findings remain valid and need not be repeated.

The *Debby Todd v. City of Florence* case does not explicitly state whether the portions of the rule that reference the “proposed use” (rather than a proposed facility or service) should also be applied to the proposed public facility for a proposal for a Goal 11 exception only that does not include a goal exception for uses. It implies that “proposed use” should be read literally as only referring to uses and not facilities. However, because the case is not clear on this point, we have provided that evaluation below for OAR 660-004-0020(2)(c)—(d). (OAR 660-004-0020(2)(b) is addressed in the previous section.)

OAR 660-004-0020(2)(c) requires demonstration that:

The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site.

Many of the specific considerations listed in OAR 660-004-0020(2)(c) are not applicable to a goal exception for an underground pipe that will have little impact on the use of land at the surface level; however, the intent that the selected alternative not have impacts that are

“significantly more adverse” than other locations that also require an exception is assumed to be relevant here.

OAR 660-004-0020(2)(d) requires that:

"The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Findings regarding the proposed uses to be served by the sewer line extension were previously adopted and acknowledged in Umatilla County’s Comprehensive Plan, Chapter 18, and are incorporated by this reference. The following findings address the sewer line extension itself.

Several alternative alignments were considered in selecting proposed alignment. The length of the alignment that extends outside the City of Umatilla UGB to the Depot property is 17,146 feet.

The “I-84 Route” was dismissed because it is significantly longer than the other alternatives, making it less efficient. The “Radar Road” and “Potato Lane” routes were dismissed because they have greater impacts to active farm operations on private property than the preferred alignment. The proposed alignment remains within or abutting the City of Umatilla UGB for as long as possible before crossing into EFU zoning. It was selected as the least impactful to farm operations while maintaining an efficient route. Of the portion of the alignment outside the City of Umatilla UGB, 7,856 linear feet are within the public right of way of Powerline Road. The portion that crosses private land (roughly 9,290 linear feet) avoids irrigated areas and aligns with an existing farm vehicle pathway between fields. This portion will be contained within an easement up to 40 feet in width.

In negotiating the details of the easement and sewer line construction with the property owner, the City of Umatilla is committed to include measures to further minimize disruptions to farm operations, such as timing construction to avoid disturbing crops, planting, and harvest activities; providing on-going access rights for the property owner to ensure the ability to continue existing farm uses within the easement; and constructing the line underground at a depth that will avoid impact to farming operations.

This demonstrates that the proposed facility will be compatible with the adjacent farm uses.

- Environmental consequences: The proposed alignment does not affect any significant natural resources. The environmental consequences of the sewer extension are anticipated to be minimal. It also avoids a small drainageway that would be crossed by

some of the alternatives considered. There are no known significant Goal 5 resources along the proposed route.

- Social consequences: The extension of the sewer line is not anticipated to have any social impacts in any of the alternatives considered.
- Economic consequences: The cost of the sewer extension and any needed improvements to the existing system to accommodate the additional wastewater flows will be funded by the CDA, so there will not be an economic impact to the City of Umatilla. Keeping costs low will facilitate development at the Depot, which will have a positive economic impact on the broader area, as discussed in the findings for the goal exception for the Depot itself. The property owner whose land will be the subject of the easement will be compensated for the value of the easement, ensuring a neutral or positive economic impact to the property owner.
- Energy consequences: By minimizing the length of the pipe relative to other alignments, the proposed alignment minimizes the resources and energy required for installation of the sewer line.

This demonstrates that the proposed alignment is does not have significantly more adverse impacts than other potential alignments.

A key requirement under OAR 660-011-0060(9) is that “the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception.”

OAR 660-004-0018(4) includes a similar but more general requirement that:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.

The land where the proposed sewer line will be located is and will remain zoned EFU, which precludes urban development. In addition, the following policy is proposed to be included in the Comprehensive Plans of both the City of Umatilla and Umatilla County, as part of this Goal exception:

As long as the Umatilla Army Depot property included in the adopted Army Depot Plan District remains outside of the City of Umatilla's urban growth boundary, only those uses permitted in the Umatilla County and/or Morrow County Comprehensive Plan Goal exceptions for the Depot property shall be allowed to connect to the City's sewer system.

With this policy, the extension of a sewer line between the City of Umatilla UGB and the Umatilla Army Depot exception area meets the requirement that the sewer facility justified in

this exception will only be used for the purpose justified in this exception and will only serve the uses that have been justified in the prior Goal exception for the Depot property.

The findings above demonstrate that the City of Umatilla has justified an exception to Goal 11 to extend sewer service to the Umatilla Army Depot site, which has acknowledged exceptions to Goals 11 and 14. The proposed sewer line will have minimal impacts to land use, farm operations, and the environment, and will be limited to serving the approved and acknowledged uses on the Depot site. The City is willing to extend the line and has adequate capacity to serve the planned uses at the Depot. The Goal exception meets all requirements contained in State law and administrative rules.

11.1.300 SCHOOLS

The Umatilla school system is operating over capacity for the 1976-77 school year. At the beginning of the 1977 academic year, the Umatilla schools had an enrollment of 857 students. This was 157 students more than for the same time period in 1976; an increase of 22 percent.

As enrollment increases above the 857 students, capacity problems are anticipated. This will be particularly true of the lower elementary school grades. A new elementary school constructed in the McNary area was to help alleviate this problem. The school was at capacity a short time after it opened. Local colleges are: Blue Mountain Community College in Pendleton (30 miles), Whitman in Walla Walla, Washington (50 miles), and the Columbia Basin College in Tri-Cities area (30 miles).

Future plans include development of an additional elementary school on the hill southwest of the central part of the City. With this new school completed, the existing elementary/high school complex could become a junior and senior high school facility. Land for the future elementary school has been purchased. Consideration should also be given, near the end of the planning period, to a third elementary school in the Power City area as that area urbanizes, and to a fourth school in the area near Power Line and Bensel Roads. Police and fire protection services will also require expansion as the City grows.

11.1.400 SOLID WASTE

Solid waste is collected through franchise and refuse deposited at a county/DEQ approved landfill two miles north of Umatilla. The landfill has a projected use of approximately twenty years.

11.1.500 SOCIAL SERVICES

11.1.510 Police

The police department occupies new quarters across the street from City Hall which contains offices, a two cell holding facility, squad room and an interrogations room. The staff is comprised of five officers and five support personnel. In addition to customary police services, the department provides animal control, 24-hour radio dispatch and radio links with other public safety

agencies in the area. As the area continues to grow there will be a need for additional personnel and patrol cars. Improving east-west transportation links is seen as essential to reduce police response time between sectors of the City.

11.1.520 Fire

Fire protection is currently provided by the rural fire protection district which has an elected board and volunteer personnel. Stations are located in the downtown area and at McNary. Equipment includes four fire vehicles and a disaster vehicle at the downtown location, and two fire vehicles at the McNary location. Additional equipment includes an ambulance manned by fire department personnel. Additional equipment and personnel will be needed through the planning period as the population increases. Future needs may also include an additional station south of the City on the hill.

11.1.530 Hospital

The existing hospital is an older facility with 17 beds. The hospital provides 24-hour emergency service with a nursing staff and two physicians. The need for a new facility is currently under consideration as well as expanding the staff.

11.1.540 Library

The City's library is staffed by one librarian four days a week. The library contains approximately 5,000 volumes and is actively used. Capacity problems are not presently anticipated with the present facility, which was expanded during 1978.

SECTION 11.2 (RESERVED FOR EXPANSION)

SECTION 11.3 (RESERVED FOR EXPANSION)

SECTION 11.4 PUBLIC FACILITIES AND SERVICES FINDINGS

11.4.101 Public water and sewer should be planned for all areas within an established urban service boundary.

11.4.102 New development should occur in areas where public utilities are available before reaching out into areas that are not served.

11.4.103 The location of public schools should correspond to attendance areas and residential neighborhoods.

11.4.104 Development of the City should occur in such a way as to facilitate the provision of police, fire protection, and other services.

SECTION 11.5 PUBLIC FACILITIES AND SERVICES POLICIES

11.5.101 The City will require the following pre-conditions to development:

- a. A proposed use can be connected to a public water and sanitary sewer system with adequate capacity.
- b. Surface water run-off can be handled onsite, or adequate provisions can be made for run-off which will not adversely affect water quality in adjacent streams, ponds, lakes, or other drainage on adjoining lands; nor will such run-off adversely affect the use of adjoining or downstream properties.
- c. The appropriate school district has reviewed and commented on the proposed use.
- d. Adequate water pressure will be present for fire-fighting.
- e. The proposed use can receive adequate police and fire protection consistent with local standards and practices.
- f. Septic tanks will be permitted as an interim measure subject to approval by the City Council & DEQ.

11.5.102 Development proposals will be required to conform to the design standards for streets, water and sewer.

11.5.103 The following policies will be utilized when extending water and sewer services beyond the City limits:

- a. Sewer service will be extended only to property that is to be annexed or when State/Federal requirements dictate a health need, or when an unlimited agreement to annex is provided by the property owner when subject property is not yet contiguous.
- b. Water service will be considered on an individual basis subject to the above provisions for residential applicants.
- c. All costs will be borne by the applicant and improvements will be dedicated to the City.
- d. Customers outside the City limits will pay charges assigned by the City Council in an amount greater than City residents.

11.5.104 As long as the CTUIR's trust property identified as tax lot 500 in Section 7, Township 5 North, Range 28 East, W.M. remains outside of the City of Umatilla's urban growth boundary, only those industrial uses permitted in the CTUIR's Land Development Code shall be allowed to connect to the City's sewer system.

11.5.105 As long as the Umatilla Army Depot property included in the adopted Army Depot Plan District remains outside of the City of Umatilla's urban growth boundary, only those uses permitted in the Umatilla County and/or Morrow County Comprehensive Plan Goal exceptions for the Depot property shall be allowed to connect to the City's sewer system.