

EXHIBIT: LAND CONSERVATION & DEVELOPMENT
COMMISSION
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SUBMITTED BY: Bill Hansell

TESTIMONY TO THE LAND CONSERVATION & DEVELOPMENT COMMISSION

by
Umatilla County Commissioner
Bill Hansell

August 9, 2007

Subject: State Proposed Appeal of Umatilla County Zone Change Approval

Chair Van Landingham and Commissioners, thank you for the opportunity to testify today on this land use matter that is of very high priority for Umatilla County.

I have reviewed the staff report and considered carefully their reasons for requesting authorization to appeal. I respectfully disagree with their conclusions.

As you know, Umatilla County has been in negotiation with a very reputable large format retail company for over a year and a half. We believe strongly, that once we can successfully complete the rezone process for the subject parcel, the retailer will construct a facility in our county. This is extremely important for the northeast region of Umatilla County.

It is so important that I have driven to Salem to testify in person to explain the action the Board of Commissioners took on the land use recommendation from the Umatilla County Planning Commission.

In fact it was important enough for us that in August 2006 my fellow Commissioner Dennis Doherty and our Planning Director Tamra Mabbott spoke with you in Florence about this matter. At that meeting many of you recommended that a Hwy 11 corridor study be undertaken.

We took that recommendation to heart. The Board of Commissioners has appointed a committee to study the land use and economic opportunities of the Highway 11 corridor. The committee includes representatives of the City of Milton Freewater, Umatilla County, and members of the business and agriculture community. We are most fortunate to have a member of the Governor's Economic Revitalization Team chair the committee. I share this with you because I want to assure you that we listened carefully to your comments last August and we are following your advice to develop a comprehensive plan for the corridor.

Additionally, you will recall that we withdrew our application last August in order to work on concerns that were brought to our attention. Ten months later on June 19, 2007, we adopted amended Findings to support in writing, the concerns you raised last year. We believe that the Findings adequately support the exception and zone change. The scope of the exception is very narrow; it

allows only for a large format retail development and not a strip mall or other patchwork commercial development. Again, we believe strongly that the proposed development would foster additional development along the corridor on lands currently zoned commercial and industrial, and, it will enhance the revitalization efforts in the City of Milton Freewater by drawing commerce to the region.

We recognize the typical development pattern of cities from the inside out. But this corridor between Milton-Freewater and the Walla Walla Valley is unique and is ripe for economic development benefiting the city, county, and the state. The "economic engine" in the Washington Walla Walla Valley is creating great opportunities for our Oregon Walla Walla Valley. This increased demand for development opportunities is a great gift of which we need to take advantage. This location has been selected by economic experts generating data to support their business plans. We want successful long term development in this unique part of our county, and we will achieve this with an anchor business on this site.

This project is in line with Governor Kulongoski's focus to create family wage jobs in Oregon. If we are successful, we estimate we will have a minimum of 125 family wage jobs. This project will also serve as an anchor to revitalize the Highway 11 corridor and the City of Milton Freewater. Many of you toured the corridor last year when you met in Pendleton, and I think you would agree that there is a need to revitalize the corridor. We believe however, that to make the corridor truly successful, we need to secure an anchor tenant such as the one proposed on the subject property.

I have a few other points I would like for you to consider:

1. There are no hard and fast rules for exceptions. Exceptions are intended to apply to exceptional circumstances and therefore allow local communities to apply flexibility in cases where it is deemed appropriate by the local government. This proposed use meets all other criteria except for land use, at least according to your staff. If you look at the map, you will see that immediately across Hwy 11 to the east, there is commercial zoning. It made this exception all the more reasonable and sustainable. Moving from industrial and rural residential to commercial was very compatible with the neighboring and already existing zone.
2. The subject property is not resource ground, not zoned EFU. So what would you be saving or gaining by appealing the decision? Your staff report identifies a concern about Goal 14 and the potential for urban sprawl. How can a single rezone cause sprawl? We are not asking to rezone the entire Highway 11 corridor, only this parcel. This development will not serve as a means to justify additional commercial and industrial rezones. We have an ample supply of existing commercial and industrial zoned lands, except for this one particular use.

3. The proposed use is compatible with surrounding land uses. It is important to remember that the existing development pattern was established long before Senate Bill 100 became law. It is our judgment that this request for zone change and goal exception is exactly the type of area exception, to the land use system, for which it is best suited.
4. The City of Milton Freewater is working with the county and is not opposed to the rezone.
5. We have complied with your requests.

In conclusion may I leave you with this thought, and it concerns trust...trust in the process and trust of the judgment of the people involved in that process. The Umatilla County Planning Commission, and the Umatilla County Commissioners, care very deeply for the place we call home. We are not radicals or extremists. We followed the process the law allows, we looked at the opportunity, we looked at the community needs, and we looked for other sites, which there were none. The rezone made sense to us.

I have been a County Commissioner since before our comp plan was adopted in October 1985, which has Governor Vic Atiyeh and Stafford Hansell signatures on it. In that comp plan this site was set aside for such a time as this. The unique characteristics of its location, and the development on the other side of Hwy 11, made it an ideal site for future development. The State of Oregon agreed. We now have the opportunity to make that planning vision a reality.

It is an exception, but the law allows for such an exception. But an exception has no validity, if the powers to be, never allow this kind of exception to be granted, no matter how well justified the reasons are. I would contend our request should not be considered of statewide significance if an exception does not create a statewide precedence. Each case must stand on its own merits.

This is where, for me, trust becomes a factor. Can you trust that those who went before both state and local, who set this unique parcel of land aside in the Umatilla County Comp plan for future development, knew what they were doing? Can you trust that before making the decision to grant the exception, that the local land use planning process used proper judgment in addressing the concerns? Can you trust the process we followed? Can you trust that the local government, the Umatilla County Commissioners, Dennis Doherty, Larry Givens, and myself, made the right decision?

I sincerely hope you can and will, and I strongly urge you not to pursue the appeal of our rezone decision. Thank you for your consideration, and I would be happy to answer any questions you might have.

Sincerely,

A handwritten signature in black ink that reads "Bill Hansell". The signature is written in a cursive style with a large initial "B" and "H".

William S. Hansell
Umatilla County Commissioner

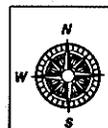
Attachment: area map

STATELINE HIGHWAY 11 CORRIDOR



PLANNING ZONES

	Exclusive Farm Use		Rural Residential 4 Acres
	Limited Rural Light Industrial		Rural Retail Service Commercial
	Rural Light Industrial		Agri-Business
	Rural Residential 2 Acres		



GIS DEPARTMENT
 Umatilla County
 216 SE 4th St.
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gaia\workspace\planning\projects\hwy11\corridor

8/7/2007