

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 FRIENDS OF UMATILLA COUNTY,
5 ROBERT KLEIN and NORMAN KRALMAN,
6 *Petitioners,*

7
8 vs.

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10 UMATILLA COUNTY,
11 *Respondent,*

12
13 and

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15 POWERLINE RANCH, LLC, VINEYARD GROUP, LLC,
16 HIGH RIDGE PROPERTIES, LLC and
17 NORTH SLOPE MANAGEMENT, LLC,
18 *Intervenors-Respondents.*

19
20 LUBA Nos. 2008-102, 2008-103, 2008-104 and 2008-105

21
22 FINAL OPINION
23 AND ORDER

24
25 Appeal from Umatilla County.

26
27 Daniel Kearns, Portland, filed the petition for review and argued on behalf of
28 petitioners. With him on the brief was Reeve Kearns, PC.

29
30 No appearance by Umatilla County.

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32 John M. Junkin, Portland, and Patricia Sullivan, Pendleton, filed the response brief
33 and argued on behalf of intervenors-respondents. With them on the brief was Bullivant
34 Houser Bailey PC and Corey Byler Rew Lorenzen & Hojem LLP.

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36 HOLSTUN, Board Member; BASSHAM, Board Chair, participated in the decision.

37
38 RYAN, Board Member, did not participate in the decision.

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40 AFFIRMED

11/25/2008

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42 You are entitled to judicial review of this Order. Judicial review is governed by the
43 provisions of ORS 197.850.

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NATURE OF THE DECISION

Petitioners appeal four county decisions that approve partitions of four separate parcels in the county’s exclusive farm use (EFU) zone.

MOTION TO INTERVENE

Powerline Ranch, LLC, Vineyard Group, LLC, High Ridge Properties, LLC and North Slope Management, LLC (intervenors), the applicants below, move to intervene on the side of the respondent in this appeal. There is no opposition to the motion and it is granted.

FACTS

The four decisions that are before us in this appeal are the county’s decisions following our remand in *Friends of Umatilla County v. Umatilla County*, 55 Or LUBA 330 (2007). Those decisions are closely related and these appeals were previously consolidated for LUBA review. OAR 661-010-0055. Three of the challenged partitions create at least one new parcel that is approximately 80 acres in size and the fourth partition creates a new 95-acre parcel. A table showing the original acreage of the four partitioned tax lots and the acreages of the new parcels that are created by the partitions is set out below:

TL 400 (170.50 Ac)	TL 401 (214.53 ac)	TL 802 (372.64 Ac)	TL 803 (231.64 Ac)
Parcel 1 = 80.02 Ac	Parcel 1 = 85.13 Ac	Parcel 1 = 80.45 Ac	Parcel 1 = 95.20 Ac
Parcel 2 = 90.48 Ac	Parcel 2 = 129.40 Ac	Parcel 2 = 161.00 Ac	Parcel 2 = 136.44 Ac
		Parcel 3 = 131.19Ac	

The nominal minimum parcel size in the county’s EFU zone is 160 acres. However the Umatilla County Comprehensive Plan (UCCP) includes policies that authorize division of EFU-zoned land to create new parcels for farm use that are smaller than 160 acres, through a county-developed process that is called circular area review. The county uses circular area review to ensure that the resulting parcels are not too small to continue the

1 commercial agricultural enterprise in the area where the partition occurs.¹ These UCCP
2 policies are implemented by Umatilla County Development Code (UCDC) 152.710. The
3 circular area review criterion that the county applied in this case to approve parcels with less
4 than 160 acres appears at UCDC 152.710(C)(3)(a)(1). In their first assignment of error,
5 petitioners allege the county improperly interpreted and applied the UCDC
6 152.710(C)(3)(a)(1) circular area review criterion. In their second assignment of error,
7 petitioners argue the county erred by approving partitions of EFU-zoned parcels into new
8 parcels of less than 160 acres, without also approving a variance for such new parcels. In
9 their final assignment of error, petitioners allege the county erred by failing to apply UCCP
10 Grazing/Forest Policies 6 and 7.

11 **FIRST ASSIGNMENT OF ERROR**

12 It is not disputed that UCDC 152.710(C)(3)(a)(1) applies in cases where the county is
13 asked to approve divisions of EFU-zoned land into parcels of less than 160 acres for farm
14 use, where no dwelling is proposed as part of the division. All four partitions in this
15 consolidated appeal are such partitions. UCDC 152.710(C)(3)(a)(1) is the criterion the
16 county applied to ensure that the resulting parcels are not too small to continue the existing
17 commercial agriculture in the area. The text of UCDC 152.710(C)(3)(a)(1) is set out below:

18 “Circular area review to create parcels without any dwellings requires an
19 inventory of 50 parcels surrounding the subject parcels larger than 20 acres
20 and outside areas for which an exception has been taken, and outside an
21 identified linear review area [;] *a proposed division will be determined to be*
22 *appropriate to continue the existing commercial agriculture in the area if the*
23 *resultant parcels are typical of the predominant (at least 51%) parcelization*
24 *pattern of the area[.]” (Emphasis added.)*

¹ Although the county’s circular area review does not specify a numerical minimum parcel size when dividing existing parcels for agricultural use, all parties recognize that with an exception that does not apply here, ORS 215.780 establishes a minimum parcel size of 160 acres for land that is designated rangeland and a minimum parcel size of 80 acres for other EFU-zoned land.

1 The parties' dispute arises from the above-emphasized language of UCDC
2 152.710(C)(3)(a)(1).

3 **A. The County's and Intervenors' Interpretation**

4 Intervenors' consultant identified a nine-section area around the section that includes
5 the four partitioned parcels.² Within those nine sections, the consultant identified 50 parcels
6 that are (1) larger than 20 acres, (2) outside exception areas, and (3) outside any linear
7 review areas. As far as we can tell from the parties' briefs, there is no dispute regarding the
8 50 parcels that were selected under the first part of UCDC 152.710(C)(3)(a)(1).³ The dispute
9 presented in the first assignment of error is whether the new parcels created by the four
10 partitions are, in the words of UCDC 152.710(C)(3)(a)(1), "typical of the predominant (at
11 least 51%) parcelization pattern of the area[.]"

12 The 50 parcels that were identified by intervenors' consultant, with their parcel sizes,
13 are listed from the smallest parcel to the largest parcel at Record 110-11. That list is
14 included as Appendix A to this opinion. To isolate the "predominant (at least 51%)
15 parcelization pattern of the area" the intervenors' consultant first isolated the middle 26
16 parcels, eliminating the 12 smallest parcels and the 12 largest parcels. Record 111. That list
17 of the middle 26 parcels (52 percent of the total 50 parcels) is included as Appendix B to this
18 opinion. The 26 parcels on Appendix B correspond to parcels 13 through 38 on Appendix A.
19 According to the applicant's consultant, the median size of the middle 26 parcels is 40.21
20 and the mean (average) size of the middle 26 parcels is 58.34. Record 112. As previously

² A section is 640 acres or one square mile. The section that includes the four subdivided parcels is in the middle of the three-mile by three-mile area from which the 50-parcel inventory was drawn.

³ We note, however, that although intervenors contend that the 50 parcels that were selected in the nine-section area include the four parcels that were included in the circular area review analysis, such does not appear to be the case. As far as we can tell, neither the four partitioned tax lots nor the parcels that were created by the four partitions are included in the 50 parcels. That omission does not appear to have a material impact on the results of the circular area review in this case. In any event, because petitioners do not assign error to that omission, we do not consider the question of whether the 50 parcels were correctly selected.

1 noted, the challenged partitions create no new parcels that are smaller than 80 acres, so all
2 the new parcels significantly exceed the median and the mean parcel size of the middle 26
3 parcels.

4 We are not sure why intervenors' consultant did not simply stop at this point and take
5 the position that (1) the middle 26 parcels represent the predominant parcelization pattern
6 and (2) the mean or median parcel size for the middle 26 parcels (40.21 acres or 58.34 acres)
7 is the "typical" parcel size for the middle 26 parcels. If the typical parcel size of the parcels
8 in the predominant parcelization pattern is 40.21 acres (median) or 58.34 acres (mean) and
9 the purpose of UCDC 152.710(C)(3)(a)(1) is to ensure that new farm parcels are not too
10 small to continue existing commercial agriculture in the area, it would seem to follow that
11 lots that are nearly twice as large as the existing typical parcel size of the middle 26 parcels
12 comply with UCDC 152.710(C)(3)(a)(1).⁴ Perhaps because UCDC 152.710(C)(3)(a)(1) can
13 be read to say that each new parcel must itself be typical of the predominant parcelization
14 pattern, the applicant's consultant next selected different 26-parcel samples (hereafter the
15 adjusted 26-parcel samples) that in each case produced a median parcel size that is similar to
16 each of the nine new parcels, which range from 80.02 acres to 161 acres. Record 112-33.
17 Importantly, each of the adjusted 26-parcel samples adjusts the middle 26-parcel sample to
18 include *additional* large parcels and *fewer* small parcels than the middle 26-parcel sample.
19 Therefore the typical (median or mean) parcel sizes produced by the adjusted 26-parcel
20 samples are all larger than the typical (median or mean) parcel size produced by the middle
21 26-parcel sample. The county agreed with intervenors' consultant's analysis and concluded
22 that the proposed parcels are typical of the predominant parcelization pattern. Record 5, 15,
23 25, 35.

⁴ It appears if the eight largest and eight smallest outliers are eliminated, the resulting mean and median parcel size is 75.05 and 74.03. Record 116. The proposed parcels all exceed that mean and median parcel size. Therefore it would appear that the county also could have relied on a larger sample (a middle 34-parcel sample), instead of the middle 26-parcel sample, to establish the predominant parcelization pattern.

1 **B. Petitioners' Interpretation**

2 If we understand petitioners correctly, they argue that the intervenors and county
3 committed two errors in applying UCDC 152.710(C)(3)(a)(1). First, petitioners contend the
4 county is required to consider all 50 of the inventoried parcels in establishing the typical
5 parcel size in the predominant parcelization pattern in the area, rather than a 26-parcel subset
6 of those 50 parcels. Second, petitioners contend the county is required to use the mean
7 (average) parcel size of those 50 parcels rather than the median.⁵ Under petitioners'
8 interpretation of UCDC 152.710(C)(3)(a)(1), the county must divide the total acreage of the
9 50 parcels by 50 (6,964.73 acres ÷ 50), *see* Appendix A, and the resulting average parcel size
10 of 139 acres is the "typical" parcel size of "the predominant (at least 51%) parcelization
11 pattern of the area," within the meaning of UCDC 152.710(C)(3)(a)(1). Petitioners'
12 interpretation essentially rewrites the operative terms of UCDC 152.710(C)(3)(a)(1) as
13 follows:

14 Circular area review to create parcels without any dwellings requires an
15 inventory of 50 parcels surrounding the subject parcels larger than 20 acres
16 and outside areas for which an exception has been taken, and outside an
17 identified linear review area [;] a proposed division will be determined to be
18 appropriate to continue the existing commercial agriculture in the area if the
19 resultant parcels are ~~typical of the predominant (at least 51%) parcelization~~
20 ~~pattern of the area~~ **at least as large as the mean (average) parcel size of the**
21 **inventoried 50 parcels.**

⁵ The mean and the median are two of three measures of central tendency.

"central tendency. n: the degree of clustering of the values of a statistical distribution that is usu. measured by the arithmetic mean, mode, or median." *Webster's Third New Int'l Dictionary* 363 (unabridged ed. 1981).

"median * * * a value in an ordered set of quantities below and above which fall an equal number of quantities or which is the arithmetic mean of the two middle values if there is no one middle number[.]" *Webster's Third New Int'l Dictionary* 1402 (unabridged ed. 1981).

"arithmetic mean * * * a quantity formed by adding quantities together in any order and dividing by their number[.]" *Webster's Third New Int'l Dictionary* 118 (unabridged ed. 1981).

1 **C. Conclusion**

2 If the county intended “typical of the predominant (at least 51%) parcelization pattern
3 of the area” to in all cases require that new parcels created by circular area review must equal
4 or exceed the average parcel size of the inventoried 50 parcels, it could hardly have come up
5 with a more obscure way to express that intent. Even if petitioners’ interpretation of the
6 operative terms of UCDC 152.710(C)(3)(a)(1) is possible, we believe it is no more consistent
7 with the text of UCDC 152.710(C)(3)(a)(1) than the county’s interpretation.

8 The requirement that new parcels be “typical of the predominant (at least 51%)
9 parcelization pattern of the area” calls for the county to identify the predominant
10 parcelization pattern of the area. The UCDC does not define predominant. The dictionary
11 definition is not particularly helpful in determining what the authors of UCDC
12 152.710(C)(3)(a)(1) meant by “predominant (at least 51%) parcelization pattern.”⁶ The three
13 largest parcels are 1,233, 1,064 and 937, and the next largest parcel is 318 acres. The four
14 smallest parcels are similarly sized: 24.16 acres, 24.24 acres, 24.36 acres and 24.43 acres.
15 Eighteen parcels are 80 acres or larger; 32 parcels are smaller than 80 acres. We do not see
16 that any particular method of determining what parcelization pattern predominates in an area
17 of such varied lot sizes is dictated by UCDC 152.710(C)(3)(a)(1) and whether the proposed
18 new parcels sizes are “typical” of that pattern. So long as appropriate meaning is given to the
19 twin requirements that the parcelization pattern that is used must predominate and the new
20 parcel’s size must be typical of the parcel sizes in that predominant parcelization pattern,

⁶ Dictionary definitions of the noun predominance and the adjective predominant are set out below:

“**predominance**: * * * **1 a** : the quality or state of being predominant : controlling influence :
ASCENDANCY * * * **b** : numerical superiority : MAJORITY, PREVALENCE[.]” *Webster’s
Third New Int’l Dictionary* 1786 (unabridged ed. 1981).

“**predominant** * * *; holding an ascendancy : having superior strength, influence, authority,
or position : CONTROLLING, DOMINATING, PREVAILING[.]” *Id.*

1 there are probably a number of sustainable interpretations or approaches to applying UCDC
2 152.710(C)(3)(a)(1).

3 Petitioners’ contention that the mean rather than the median must be used to compute
4 “typicality” or “predominance” in applying UCDC 152.710(C)(3)(a)(1) simply has no textual
5 or contextual support. Both the median and the mean are accepted measures of central
6 tendency. While it is true that the mean parcel size will be larger than the median in cases
7 where there are a few extremely large outliers that are not offset by extremely small outliers
8 (which is the case here if all 50 parcels are considered), there is simply no reason to believe
9 the authors of UCDC 152.710(C)(3)(a)(1) meant for the mean rather than the median to be
10 applied in that circumstance to define predominance or typicality. Similarly, contrary to
11 petitioners’ suggestion, the requirement to base new parcel sizes on the typical parcel size in
12 the “predominant (at least 51%) parcelization pattern of the area” cannot be read to prohibit
13 use of a 51 percent or greater subset of the 50 parcels to define the predominant parcelization
14 pattern. Indeed that language seems to invite identification of a subset of the 50 parcel
15 sample, so long as that subset can be said to be predominant.⁷

16 To conclude we understand the county to have determined that the 26 parcels (52
17 percent of the 50 parcels) that are left after the largest 12 and smallest 12 parcels are
18 eliminated constitute “the predominant (at least 51%) parcelization pattern of the area.” We
19 see no reason why the county could not assume that the middle 26-parcel sample establishes
20 the predominant parcelization pattern in the area. We further understand the county to have
21 concluded that so long as the resulting parcels are at least as large as the median parcel size
22 of the middle 26 parcels, they are “typical.” Given the awkward wording of UCDC

⁷ Since UCDC 152.710(C)(3)(a)(1) is a minimum parcel size criterion, it might be questionable whether the county could rely on the smallest 26 parcels to establish the predominant parcelization pattern in the area, even though those 26 parcels would represent 51 percent of the 50 parcels. However, that is not what the county did in this case. All of the adjusted 26-parcel samples have larger mean and median parcel sizes than the middle 26-parcel sample.

1 152.710(C)(3)(a)(1), we conclude the county’s interpretation is at least as consistent with the
2 text of UCDC 152.710(C)(3)(a)(1) as petitioners’ interpretation.⁸ The county’s
3 interpretation is not inconsistent with either the operative language of UCDC
4 152.710(C)(3)(a)(1) or the purpose or underlying policy of UCDC 152.710(C)(3)(a)(1).
5 ORS 197.829(1).⁹ We therefore defer to that interpretation. *Church v. Grant County*, 187 Or
6 App 518, 524, 69 P3d 759 (2003).

7 The first assignment of error is denied.

8 **SECOND ASSIGNMENT OF ERROR**

9 Petitioners argue the county erred by approving partitions of EFU-zoned property to
10 create parcels of less than 160 acres without also approving variances to the EFU zone’s 160-
11 acre minimum parcel size. UCDC 152.062 is a section of the county’s EFU zone and is
12 entitled “Parcel Sizes.” UCDC 152.062(A) provides:

13 “*Farm parcels.* Parcels of 160 acres or larger may be established through the
14 Type IV process listed in 152.710. * * *”

⁸ As we explained earlier, we view intervenors’ consultant’s subsequent exercise of shifting the middle 26-parcel sample to add larger parcels and remove smaller parcels to produce median parcel sizes that more closely approximated the nine proposed parcels as a meaningless and unnecessary exercise. So long as the resulting parcels are as large or larger than the median parcel size of the middle 26 parcels (which is the case here), it will always be possible to produce median parcel sizes that more closely match the larger proposed parcels by shifting the 26 parcel sample to add larger parcels and delete smaller parcels. Since UCDC 152.710(C)(3)(a)(1) was adopted to ensure that new farm parcels are not too small, that is a pointless exercise.

⁹ ORS 197.829(1) provides, in relevant part:

“[LUBA] shall affirm a local government’s interpretation of its comprehensive plan and land use regulations, unless the board determines that the local government’s interpretation:

- “(a) Is inconsistent with the express language of the comprehensive plan or land use regulation;
- “(b) Is inconsistent with the purpose for the comprehensive plan or land use regulation;
- “(c) Is inconsistent with the underlying policy that provides the basis for the comprehensive plan or land use regulation[.]”

1 Because UCDC 152.062(A) does not itself expressly recognize or authorize new parcels of
2 less than 160 acres, petitioners argue a variance is required to approve partitions that create
3 new parcels that are smaller than 160 acres.

4 Although UCDC 152.062(A) does not expressly recognize the possibility of new
5 EFU zoned parcels that are less than 160 acres, UCDC 152.062(A) does expressly provide
6 that new EFU-zoned parcels may be created through the Type IV process set out at UCDC
7 152.710. As we explained in our discussion of the first assignment of error, UCDC
8 152.710(C) expressly authorizes use of Type IV, Review II to create parcels of less than 160
9 acres.¹⁰ Although UCDC 152.710(C)(2) seems to recognize that a Type IV, Review II
10 procedure may in some cases be applied in conjunction with a variance to create parcels of
11 less than 160 acres, the criteria that apply under Type IV, Review II do not cross reference
12 the UCDC variance provisions or require a variance. Although some ambiguity is created by
13 the failure of UCDC 152.062(A) to recognize that the Type IV process both authorizes and
14 provides standards for approving new parcels that are less than 160 acres, that drafting
15 oversight does not mean that a variance is required to create new EFU zoned parcels of less
16 than 160 acres under the county’s Type IV, Review II procedure. The authority and approval
17 criteria for approving EFU-zoned parcels of less than 160 acres are provided by UCDC
18 152.710(C).

19 The second assignment of error is denied.

20 **THIRD ASSIGNMENT OF ERROR**

21 Under their third assignment of error, petitioners argue (1) because the four
22 partitioned parcels are “suitable for grazing” and (2) under UCDC 152.710(B)(3)(a) the
23 county committed error by not applying UCCP Grazing/Forest Polices 6 and 7 and

¹⁰ UCDC 152.710(C) provides, in part:

“The Review II process is for the creation of parcels less than 160 acres and is divided into three different levels of review and are referred to as Level I, Level II and Level III. * * *”

1 demonstrating that the disputed partitions are consistent with those comprehensive plan
2 policies.

3 UCDC 152.710(B)(3) sets out the criteria that apply under Type IV, Review I.
4 UCDC 152.710(B)(3)(a) expressly requires that proposed Type IV, Review I divisions must
5 comply “with the applicable policies in the Comprehensive Plan * * *.” But as intervenors
6 point out, the challenged divisions are not Type IV, Review I land divisions; they are Type
7 IV, Review II land divisions. The criteria that govern Type IV, Review II land divisions are
8 set out at UCDC 152.710(C)(3). The circular area review criteria that were applied in this
9 case appear at UCDC 152.710(C)(3)(a), and those criteria do not require direct application of
10 UCCP Policies.

11 We also note that UCCP Grazing/Forestry Policy 6 applies “in areas designated
12 Grazing/Forestry.” Although petitioners argue the four partitioned parcels are suitable for
13 grazing, they do not argue that the subject parcels are located in an area that is designated
14 Grazing/Forestry. The text of UCCP Policy 7 that is set out on page 21 of the petition for
15 review states that the policy applies to “boundary adjustments.” Petitioners offer no
16 explanation for why they believe the disputed partitions qualify as boundary adjustments.

17 The third assignment of error is denied.

18 The county’s decision is affirmed.

Appendix A-1

00110

SUPPLEMENTAL INFORMATION (CONTINUED)

Data Comparison				
NO.	Twnshp/ /Rng/Sec	TAX LOT #	Assessors ID No.	Size (acres)
1	5N3510	1501	135038	24.16
2	6N3532	506	151011	24.24
3	6N3533D	900	129696	24.36
4	6N3533B	600	129675	24.43
5	5N3503	1900	129356	24.50
6	6N3534A	700	112281	25.77
7	6N3533C	700	129346	26.42
8	6N3534A	1600	160541	26.79
9	6N3532	1300	129341	28.33
10	5N3500	1401	135036	29.00
11	5N3503	1400	129352	29.00
12	6N3533A	700	129660	29.24
13	6N3533A	900	129663	30.33
14	6N3531	401	140508	36.66
15	6N3532	801	129651	37.79
16	6N3532	200	129648	38.48
17	6N3532	800	129650	39.02
18	6N3532	100	129646	39.09
19	6N3532	1100	114010	39.40
20	6N3532	1200	129340	39.40
21	6N3531	200	113999	39.54
22	6N3532	700	129649	39.98
23	6N3532	1000	114008	40.00
24	6N3532	500	129336	40.00
25	6N3532	300	129335	40.00
26	6N3533C	500	129682	40.42
27	5N3500	1500	135037	55.84
28	6N3532	402	148760	58.90
29	6N3531	400	114002	72.13
30	5N3503	3000	*	75.93
31	6N3531	402	140509	78.79
32	6N3531	500	114004	79.39
33	5N3500	1600	135039	80.00
34	5N3503	1800	129315	88.50
35	5N3503	1801	*	87.06
36	6N3531	300	114000	96.00
37	6N3531	303	146065	97.64
38	5N3500	200	129307	108.60
39	6N3531	100	136082	118.00
40	5N3500	800	129313	146.00
41	5N3503	1700	129314	153.63
42	5N3500	804	161444	160.00

* Multiple Parcels

Appendix A-2

00111

SUPPLEMENTAL INFORMATION (CONTINUED)

NO.	Twshp/ /Rng/Sec	TAX LOT #	Assessors ID No.	Size (acres)
43	5N3500	100	129306	161.00
44	5N3500	3201	150427	168.50
45	5N3500	900	160322	274.87
46	5N3500	2700	119912	317.66
47	5N3500	1400	135033	398.79
48	5N3500	1200	135033	936.55
49	5N3500	1100	134078	1,064.00
50	5N3500	3200	135034	1,232.80
Total				6,964.73

The analysis is based on the following definitions:

MEDIAN

The middle value in a distribution, above and below which lie an equal number of values

AVERAGE

The value obtained by dividing the sum of a set of quantities by the number of quantities in the set.

PREDOMINATE

To be of or have greater quantity or importance

CENTRAL TENDENCY

Measures the location of the middle or the center of a distribution.

For the CAR analysis emphasis is placed on the median, which represents the middle of the parcels and represents the Umatilla County code for the CAR criteria. According to the county for the CAR Analysis, the resultant parcels "are typical of the predominant (at least 51%) parcelization pattern of the area." The average can result in the skewing of the results due substantially larger or smaller parcel sizes.

PREDOMINATE PARCELS

The predominate parcels were selected by eliminating the 12 smallest and the 12 largest parcels of the 50 total parcels leaving a sample size of 26 parcels. The central tendency process eliminates the high and lows that can distort the average and median analysis. The following chart displays the predominate data set.

Appendix B-1

00112

SUPPLEMENTAL INFORMATION (CONTINUED)

Typical Parcel Sample				
NO.	Twshp/Rng/Sec	TAX LOT #	ASSESSORS ID #	SIZE (acres)
1	6N3533A	900	129663	30.33
2	6N3531	401	140508	36.66
3	6N3532	801	129651	37.79
4	6N3532	200	129648	38.48
5	6N3532	800	129650	39.02
6	6N3532	100	129646	39.09
7	6N3532	1100	114010	39.40
8	6N3532	1200	129340	39.40
9	6N3531	200	113999	39.54
10	6N3532	700	129649	39.98
11	6N3532	1000	114008	40.00
12	6N3532	500	129336	40.00
13	6N3532	300	129335	40.00
14	6N3533C	500	129682	40.42
15	5N3500	1500	135037	55.84
16	6N3532	402	148760	58.90
17	6N3531	400	114002	72.13
18	5N3503	3000	*	75.93
19	6N3531	402	140509	78.79
20	6N3531	500	114004	79.39
21	5N3500	1600	135039	80.00
22	5N3503	1800	129315	86.50
23	5N3503	1801	*	87.06
24	6N3531	300	114000	96.00
25	6N3531	303	148065	97.64
26	5N3500	200	129307	108.60
Total				1,516.89
Median				40.21
Average				58.34

* Multiple Parcels

The subject's four tax lots have been proposed to be partitioned into the following sizes:

Tax lot 803 is planned to be partitioned into 95.20 and 136.44 acre parcels

Tax lot 802 is planned to be partitioned into 80.45, 161.00 and 131.19 acre parcels.

Tax lot 401 is planned to be partitioned into 129.40 and 85.13 acre parcels.

Tax lot 400 is planned to be partitioned into 80.02 and 93.25 acre parcels.

Appendix B-2

00113

SUPPLEMENTAL INFORMATION (CONTINUED)

Listed below is summary of the new data:

Tax Lot	Proposed Parcel Size	Median Size (Ac)
803	95.20	40.21
	136.44	40.21
802	80.45	40.21
	161.00	40.21
	131.19	40.21
401	129.40	40.21
	85.13	40.21
400	80.02	40.21
	90.48	40.21

Based upon our analysis, applying the Umatilla County Circular Area Review, we conclude that the parcels resulting from the proposed partitions are typical of the predominant parcelization pattern of the surrounding area and appropriate to continue the existing commercial agriculture in the area.

Also we have included the charts from the original analysis, which has been updated to reflect the new 50 parcel inventory and utilizes the same process in the original report. The 50 parcels are greater than the 20 acre requirement. The second requirement is that you analyze 26 parcels of the 50 parcels (52%) that are typical of the area. The selected 26 parcels vary dependent on the requested partition size.

TAX LOT 803

The CAR analysis requires an inventory of 50 parcels and that 51 percent of the parcels are typical of the area.

Tax lot 803 is planned to be partitioned into 95.20 and 136.44 acre parcels.

CIRCULAR AREA REVIEW (CAR) ANALYSIS

TAX LOT 803 - 95.20 ACRES

The 26 parcels (52%) have a range of 39.40 to 168.50 acres with a total of 2,241.74 acres. The median size is 78.79 acres.