Umatilla County

Department of Land Use Planning



DIRECTOR **TAMRA MABBOTT**

February 12, 2014

LAND USE PLANNING, **ZONING AND** PERMITTING

CODE

MEMO

TO:

Board of Commissioners

FROM:

Tamra Mabbott

CC: Re:

Doug Olsen

SOLID WASTE COMMITTEE

ENFORCEMENT

February 19, 2014 hearing

SMOKE

MANAGEMENT

GIS AND **MAPPING**

RURAL ADDRESSING

LIAISON. NATURAL RESOURCES & **ENVIRONMENT** The purpose of the land use hearing scheduled for Tuesday, February 19, 2014, is to approve a Development Agreement with Travel America (TA). (previously Petro). Once approved by the Board, the effect would be to amend the Transportation System Plan and allow an exception for an access point from Westland Road to the TA/Petro property at 605 feet and 1105 feet from the Westland Road/I-84 ramp intersection.

The Development Agreement is included as condition of Approval #6 in the Board Final Findings for Conditional Use Permit #C-1086-05. attached.

Attachments:

Exhibit 1: Agenda and Public Notice

Exhibit 2: December 6, 2013 letter from James F. Dulcich with Development Agreement and "Transportation Impact Analysis Update: Westland Road Travel Center, December 2013"

Exhibit 3: January 11, 2007 Final Approval letter to Peter Livingston and James. F. Dulcich with board Order No. BCC2006-41 and Final Findings for C-1086-05.

Umatilla County

Department of Land Use Planning



DIRECTOR TAMRA MABBOTT

LAND USE PLANNING, ZONING AND PERMITTING

CODE ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE MANAGEMENT

GIS AND MAPPING

RURAL ADDRESSING

LIAISON, NATURAL RESOURCES & ENVIRONMENT

NOTICE OF PUBLIC HEARING UMATILLA COUNTY BOARD OF COMMISSIONERS

YOU ARE HEREBY NOTIFIED as the applicant, adjacent property owner or affected governmental agency of a Public Hearing to be held before the Umatilla County Board of Commissioners on **Tuesday**, **February 19, 2014 at 2:00 p.m.** in Room 114 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

DATED THIS 8th day of FEBRUARY 2014 UMATILLA COUNTY DEPARTMENT OF LAND USE PLANNING

Public Hearing to approve the Development Agreement with applicant TA Operating LLC ("TA") (previously Petro), c/o James F. Dulcich, Attorney for TA, 1211 SW 5th Avenue, Suite 1900, Portland, OR, 97204. On January 12, 2004, the Board of Commissioners adopted County Ordinance No. 2003-09, which amended the County Transportation System Plan to allow exceptions for access points from Westland Road to the TA/Petro property at approximately 605 feet and 1105 feet from the Westland Road/I-84 ramp intersection. On an appeal from the Board of Commissioners' approval of the TA/Petro development (Conditional Use Permit # C-1086-05), the Land Use Board of Appeals remanded the case for further proceedings and said that the Development Agreement must be executed before the access exceptions in the amended County Transportation System Plan can take effect.

For further information concerning the above proposal, please contact Tamra Mabbott, Planning Director, at 216 SE Fourth Street, Pendleton, OR 97801, or 541-278-6246 or tamra@co.umatilla.or.us.

A G E N D A UMATILLA COUNTY BOARD OF COMMISSIONERS

Meeting of Wednesday February 19, 2014, 2:00 p.m.

Umatilla County Courthouse, 216 SE 4th St. Room 316, Pendleton, OR

A. CALL TO ORDER

B. **NEW HEARING:**

Public Hearing to approve the Development Agreement with applicant TA Operating LLC ("TA") (previously Petro), c/o James F. Dulcich, Attorney for TA, 1211 SW 5th Avenue, Suite 1900, Portland, OR, 97204. On January 12, 2004, the Board of Commissioners adopted County Ordinance No. 2003-09, which amended the County Transportation System Plan to allow exceptions for access points from Westland Road to the TA/Petro property at approximately 605 feet and 1105 feet from the Westland Road/I-84 ramp intersection. On an appeal from the Board of Commissioners' approval of the TA/Petro development (Conditional Use Permit # C-1086-05), the Land Use Board of Appeals remanded the case for further proceedings and said that the Development Agreement must be executed before the access exceptions in the amended County Transportation System Plan can take effect.

C. ADJOURN

H2014\agendas\february192014bcc

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503.222.9981 | Fax 503.796.2900 | www.schwabe.com

JAMES F. DULCICH Direct Line: 503-796-2767 E-Mail: jdulcich@schwabe.com

December 6, 2013

VIA UPS OVERNIGHT DELIVERY

Mr. Douglas R. Olsen Umatilla County Counsel 216 S.E. Fourth Street Pendleton, Oregon 97801

Re:

Case No. C-1086-05

Our File No.: 112921-141506

Dear Doug:

This law firm represents TA Operating LLC ("TA"), which is the successor by merger to Petro Stopping Centers, L.P.

Enclosed are the following:

- 1. Proposed Development Agreement between Umatilla County and TA; and
- 2. Kittelson & Associates, Inc.'s Transportation Impact Analysis Update dated December 2013.

TA requests that Umatilla County approve of and enter into the enclosed Development Agreement with TA. This request is based on the LUBA opinion dated July 20, 2007 (Western Express and Space Age Fuels v. Umatilla County, LUBA No. 2007-010), on an appeal from the Board of Commissioners' order dated December 19, 2006, in this case that approved the proposed TA/Petro development. In its opinion, LUBA determined that the "development agreement" that is referenced in County Ordinance No. 2003-09 dated January 12, 2004, must be executed before the exceptions to the County Transportation System Plan take effect and permit the access points to be located at approximately 605 feet and 1105 feet from the Westland Road/I-84 ramp intersection. The enclosed Development Agreement is the "development agreement" that is contemplated by Ordinance No. 2003-09. As we have previously discussed, TA intends to seek final approval of the development application by making a formal application to initiate the remand with the County after the Development Agreement is approved and signed.

Mr. Douglas R. Olsen December 6, 2013 Page 2

It should be noted that the enclosed Development Agreement is nonstatutory and is not the kind of "development agreement" that is the subject of ORS 94.504, et. seq.

Please let us know if you need any additional information.

Very truly yours,

James F. Dulcich

JFD:asc Enclosures

cc: Mr. Don Wilson

AFTER RECORDING, RETURN TO:

Umatilla County Counsel 216 S.E. Fourth Street Pendleton, Oregon 97801

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into as of this, 2014, between Umatilla County, Oregon (the "County, Oregon (the "County, Oregon)	day of ty") and
TA Operating LLC, a Delaware limited liability company ("TA").	

Recitals

- A. On May 31, 2005, Petro Stopping Centers, L.P. ("Petro"), submitted to the County a Land Use Request Application, Case No. C-1086-05, to develop a travel center (the "Travel Center") on a portion of the real property described on Exhibit A attached hereto and shown on the map attached hereto as Exhibit B (the "Property").
- B. In an order dated December 19, 2006, Order No. BCC2006-41 (the "County's Order"), the County's Board of Commissioners (the "Board of Commissioners") approved the proposed development, subject to conditions.
- C. Following an appeal (Western Express v. Umatilla County, 54 Or LUBA 571, aff'd without opinion, 215 Or App 703, 170 P3d 368 (2007)), the Oregon Land Use Board of Appeals ("LUBA") remanded with instructions to resolve, in a hearing with an opportunity for public participation, the adequacy of the Lamb Road/Westland Road/Walker Road intersection, the extent to which the proposed development will impose an "undue burden" on that intersection, and the degree of mitigation that will be necessary to offset any undue burden.
- D. Pursuant to Ordinance No. 2003-09 dated January 12, 2004 (the "Ordinance"), the County's Board of Commissioners accepted and adopted the Westland Road / I-84 / I-82 Interchange Area Transportation Plan prepared by H. Lee & Associates, dated August 28, 2003 (the "Westland Area Plan"), and amended the Umatilla County Transportation System Plan and the Umatilla County Comprehensive Plan to include the Westland Area Plan. The Ordinance provides in pertinent part as follows:
 - "2. At such time as a development agreement is executed with the property owner, outlining improvements and responsibilities (including realigned Livestock Road), the Umatilla County Transportation System Plan and the Umatilla County Comprehensive Plan will be amended to provide an exception to the Westland Area Plan north of I-84 to allow for local access improvements outlined in Figure 13 of Exhibit 62 * * * "."

A copy of Ordinance No. 2003-09, together with Figure 13 of the Traffic Access Management Analysis for Westland Petro Travel Center in Umatilla County, Oregon, dated December 4, 2003 (the "Kittelson Analysis") (which is the "Figure 13 of Exhibit 62" referenced in Ordinance No. 2003-09), is attached hereto as Exhibit C. This Agreement constitutes the "development agreement" referenced in paragraph 2 of Ordinance No. 2003-09.

E. TA is the successor by merger to Petro.

Agreements

Now, therefore, in consideration of the mutual covenants and promises of the parties contained herein, the County and TA agree as follows:

- and operate a point of access to and from Westland Road at a location that is approximately 605 feet from the intersection of Westland Road and the I-84 on-off ramp on the north side of I-84 (the "Westland Road / I-84 Ramp Intersection"), as shown on the site development plan attached hereto as Exhibit D and on Figure 13 of the Kittelson Analysis. This access point (hereinafter referred to as the "Automobile Access Point") is intended for the ingress and egress of automobiles to and from the Travel Center. The Automobile Access Point will be constructed by TA, at TA's sole expense, in accordance with Figure 13 of the Kittelson Analysis and applicable County standards. The County will issue to TA any access permit that is required by the County for access to and from the TA Travel Center over and across the Automobile Access Point.
- 2. Truck Access Point. TA will be allowed to construct and permanently use and operate a point of access to and from Westland Road at a location that is approximately 1,105 feet from the Westland Road / I-84 Ramp Intersection, as shown on Exhibit D attached hereto and on Figure 13 of the Kittelson Analysis. This access point (hereinafter referred to as the "Truck Access Point") is intended for the ingress and egress of large trucks to and from the Travel Center. The Truck Access Point will be constructed by TA, at TA's sole expense, in accordance with Figure 13 of the Kittelson Analysis and applicable County standards. The County will issue to TA any access permit that is required by the County for access to and from the Travel Center over and across the Truck Access Point.
- Westland Road Improvements. TA, at its sole expense, will widen that portion of Westland Road between the Westland Road / I-84 Ramp Intersection and the Truck Access Point to the extent reasonably necessary to accommodate the road improvements shown in Figure 13 of the Kittelson Analysis. TA will construct the new sections of the widened Westland Road in accordance with the County's "B" Industrial/Agricultural Standards, which are reflected in the diagram attached hereto as Exhibit E. TA also will construct a three-inch (3") overlay over that portion of existing Westland Road between the Westland Road / I-84 Ramp Intersection and the Truck Access Point. Prior to finalizing the engineering design for the foregoing improvements, TA will submit to the County's Public Works Director, for review and approval, a drawing of the proposed improvements that will show the proposed lane distances, lane widths, turning lanes, layout, and traffic movement. The above-described improvements to Westland Road shall be

made by TA without any warranty and without assuming any responsibility for the existing or repaved roadway or for the maintenance or repair of Westland Road.

- 4. <u>Dedication of Right-of-Way</u>. TA will dedicate to the County, at no cost to the County, that portion of the Property, twenty (20) feet in width, that abuts Westland Road.
- TA's Contribution to the Improvement of County Road No. 1328. In connection 5. with TA's development of the Travel Center, the County will improve N.W. Livestock Road, County Road No. 1328 (the "County Road"), which is shown on the aerial photograph attached hereto as Exhibit F, to the County's "B" Industrial/Agricultural Standards (the "County Road Improvement Work"), from the point of its intersection with Westland Road at its northern terminus to the point of its southern terminus (as such southern terminus is shown on Exhibit F). TA will pay or reimburse the County for the cost of the gravel and asphalt required for such road improvement and for the labor required for the paving of the road. The County will pay all other costs and expenses in connection with the County Road Improvement Work, including, without limitation, the costs incurred in connection with leveling the road, purchasing the sub-base, and laying the sub-base and gravel. Upon the completion of the County Road Improvement Work, the County will close the intersection of the County Road with Westland Road that is situated to the south of the Automobile Access Point. The County Road Improvement Work will be performed in lieu of any realignment of the County Road as such realignment is referenced in the Ordinance or on Exhibit 13 of the Kittelson Analysis.
- 6. Amendments to the Umatilla County Transportation System Plan and the Umatilla County Comprehensive Plan. Upon execution of this Agreement by the County and TA, the Umatilla County Transportation System Plan and the Umatilla County Comprehensive Plan, pursuant to County Ordinance No. 2003-09, are deemed amended to provide an exception to the Westland Area Plan north of I-84 to allow for the Automobile Access Point and the Truck Access Point.
- 7. <u>Stable Lane</u>. At such time as TA begins operating the Travel Center, TA will, at its expense, will close the existing point of access between Stable Lane and Westland Road.
- 8. <u>Irrevocable Consent Agreement</u>. TA will execute and allow the County to record an Irrevocable Consent Agreement in the form of Exhibit G, attached hereto.
- 9. Non-Statutory Development Agreement. The County does hereby confirm that it is executing this Agreement pursuant to its charter and not pursuant to ORS 94.504 et. seq., and does further confirm that this Agreement does not constitute or concern the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision or a land use regulation approving the proposed development, and the County and TA acknowledge and agree that any and all land use approvals required for the proposed development are to be obtained through the land use process in accordance with all applicable laws and regulations.

10. Miscellaneous.

a. <u>Entire Agreement/Amendment</u>. This Agreement contains the entire agreement between the parties and, except as otherwise provided, can be changed, modified, amended, or terminated only by an instrument in writing executed by the

parties. It is mutually acknowledged and agreed by the County and TA that there are no verbal agreements, representations, warranties, or other understandings affecting this Agreement.

- b. Agreement to Run with the Land. This Agreement will bind and inure to the benefit of the County and TA and their respective successors and assigns. The rights of TA under this Agreement shall run with the land and benefit future owners, tenants, and other users of the Property. If TA conveys or otherwise transfers its interest in the Property, TA shall have no further obligation, after the date of the conveyance or transfer, to perform any of the duties or obligations imposed on TA pursuant to this Agreement; those duties and obligations shall be the responsibility of the successor owner or owners of the Property and may be enforced by the County against only the then-owner or owners of the Property. If the Property is not developed as a truck stop or travel center pursuant to the terms of the development application in Case No. C-1086-5, this Agreement shall be null and void, and the obligations imposed on TA hereunder shall not be enforceable against TA or any subsequent owners or operators of the Property.
- c. <u>Attorney Fees</u>. In the event of any arbitration or litigation arising out of or related to this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party the costs and fees (including reasonable attorney fees) incurred by the prevailing party in connection with the arbitration, suit, or action, including any incurred in connection with an appeal.

d. <u>Construction</u>.

- (i) The captions of this Agreement are for convenience and reference only, and in no way define, limit, or describe the scope or intent of this Agreement or in any way affect this Agreement.
- (ii) The parties chose this document because it is fair to both parties. Therefore, the parties agree that this Agreement shall be construed as if both parties were equally responsible for drafting this Agreement.
- e. <u>Counterparts</u>. This Agreement may be executed in counterparts, each of which will be considered an original and all of which together will constitute one and the same agreement.

UMATILLA COUNTY, OREGON

By:			:
* *	W. Lawrence Givens, Commissioner		
By:	•	· ·	
Dy.	William J. Elfering, Commissioner		
D-11		•	•
Ву:	George L. Murdock, Commissioner		
•			
STAT	E OF OREGON))ss.		•
Count	y of Umatilla)		
by W. Umati	This instrument was acknowledged b Lawrence Givens, William J. Elfering lla County, Oregon.	efore me on , and George L. Murdock, as Con	, 2014, nmissioners of
•			
		Notary Public for Oregon My Commission Expires	

		TA OPERATING LLC, a liability company	Delaware limited
		Ву:	
		Name:	
		Title:	
STATE OF))ss.		
County of)		, 2014,
	ent was acknowledged	before me on of TA (Operating LLC.
· ·		Notary Public for	3:

EXHIBIT A TO DEVELOPMENT AGREEMENT

Threath b.

Commoncing at the Southeast Corner of Section 25, Township & North, Range 27, East of the Willemette Meridian, thence North 72°24'37" West a distance of 1085.54 feet to the point of beginning of this description, said point being the intersection of the North line of that tract of land described as Farcel No. 1 conveyed from Doris S. Bounds to the Oregon State Highway Commission by Deed Recorded in Book 284, Page 221, Deed Redords and the East line of the Meadow Valley County Road as described in Bargain and Bale Deed recorded in Book 228, Page 539, of the Umatilla County Deed Records; themos North 24°34'30' East along the Easterly line of the said Meadow Valley County Road a distance of 978.94 feet to a point that is on the Westerly line of that tract of land described as Parcel No. 3 conveyed from Doris S. Bounds to the Oregon State Highway Commission by Dead Recorded in Book 284, Page 221, Deed Records, said point being 50,00 feet North 86°04'22" West from Engineer's center line Station "MV2" 5+08,50 P.O.C. as described in the said parcel No. 3; thence along the Westerly line of the said Parcel No. 3, a distance of 234.62 feet along the arc of a 1004.94 foot radius circular curve to the left (long chord of which bears South 04'45'40' East a distance of 234.09 feet) to a point said point being South 78°33'00" West, 50.00 feet from Engineer's Centerline Station "MR2" 8+31.82 P.C.S. as described in the said Parcel No. 37 thence South 11°35'41" East continuing along the Westerly line of the said Parcel No. 3, a distance of 247.76 feet to a point, said point being South 71°21'00" West 70 feet from Engineer's Centerline Station "MV2" 10+71.82 P.T. as described in the said Parcel No. 3; thence South 18°39' East continuing along the Westerly line of the said Parcel No. 3 a distance of 295.58 feet to a point, said point being South 71°21'00" West 70.00 feet from Engineer's Centerline Station "MV2" 13+68.40 P.O.T., said point also being the North line of the said Percal No. 1 and North 12°53'06" East 501.72

feet:from Engineer's Centerline Station "EB" 923+00 as described in the said Parcel No. 1; thence South 12°53'06" West and along the Northwesterly line of the said Parcel No. 1 a distance of 101.72 feet a point that is North 12°53'06" Bast, 400.00 feet of Engineer's Centerline Station "EB" 923.00 as described in said Parcel No. 1; thence South 79°27'23" West and along the Northerly line of the said Parcel No. 1, a distance of 326.96 feet to a point that is North 12°53'06" East 270.00 feet of Engineer's Centerline Station "EB" 920+00 as described in the said Parcel No. 1; thence North 83°12'02" West and continue along the Northerly line of the said Parcel No. 1 a distance of 228.52 feet to the point of beginning of this description;

All being in the Southeast Quarter of Saction 25, Township 4 North, Range 27, East of the Willamette Meridian, Umatilla County, Oregon;

Tract B

Commencing at the Southeast corner of Section 25, Township 4 Morth, Range 27, East of the Willamette Meridian; thence North 75'57'28" West a distance of 2667.14 feet to the point of beginning of this description, said point also being North 12'53'06" East a distance of 205.00 feet from Engineer's centerline station "EB" 903+88.04 as described in Parcel No. 1 conveyed from Doris 5. Hounds to the Oregon State Highway Commission by Deed recorded in Book 284, Page 221, Deed Records, said point also being on the North line of the said Parcel No. 1, thence North 00'13'53" West and parallel to the East line of the said Section 25 a distance of 1668.06 feet to a point on the South line extended of that parcel described in Book 101, Page 307, Deed Records;

thence North 89'26'07" Bast and at right angles to the East line of the said Section 25 and also along the South line and South line extended of that tract of land conveyed to School District No. B, as recorded in Book 101, Page 30%, Unatilla Gounty Deed Records a distance of 2205.72 feet to a point on the Westerly line of the Meadow Valley County Road as described in Bargain and Sale Deed recorded in Book 228, Page 539, Deed Records; thence South 24°34'30" West along the Nesterly line of the said Meadow Valley County Road a distance of 2147.50 feet to a point on the Northerly line of the said Parcel No. 1; thence North 83°32'02" West along the Northerly line of the said Parcel No. 1 a distance of 110.87 feet to a point that is North 12°53'06" East 225.00 feet of Engineers centerline Station "EB"915+00 as described in the said Parcel No. 1; thence North 79°58'33" West and continuing along the Northerly line of the said Parcel No. 1, a distance of 400.50 feet to a point that is North 12°53'06" East 205.00 feet of Engineer's centerline Station "EB"912+00 as described in the said Parcel No. 1; thence North 77°06'E4" Nest and continuing along the Northerly line of the said Parcel No. 1; thence North 77°06'E4" Nest and continuing along the Northerly line of the said Parcel No. 1; thence

All being in the Southeast quarter of Section 25, Township 4 North, Range 27, East of the Willamette Meridian and within Umatilla County, Oragon.

Also all that portion of vacated Meadow Valley County Road, recorded August 9, 1991 in Reel 209, Page 391, Umatilla County Microfilm Records.

EXHIBIT B TO DEVELOPMENT AGREEMENT

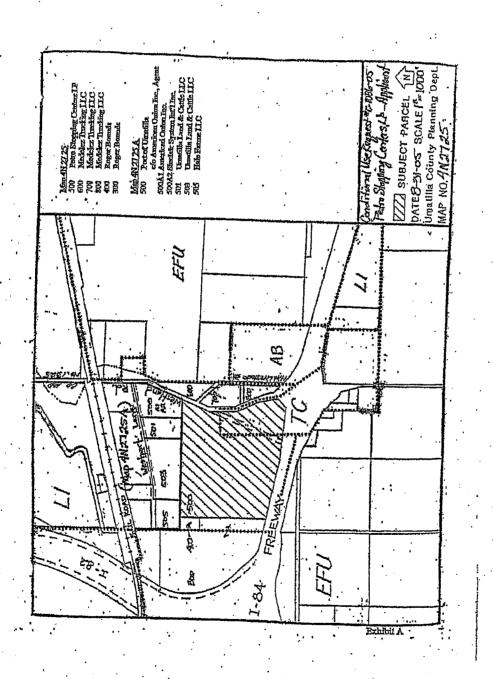


EXHIBIT C TO DEVELOPMENT AGREEMENT

THE BOARD OF COMMISSIONERS OF UMATIENA COUNTY

STATE OF OREGON

The same street combined bulling .)	ORDINANCE	NO.	2003-09
Plan for Wastland Road/I-84/) I-82 Interchange Area		•	•

WHEREAS pursuant to Chapter 660, Division 12, of the Oregon Administrative Rules, and specifically OAR 660-12-0045, Umatilla. County, as part of its Comprehensive Plan, adopted by Ordinance No. 2003-03, a Transportation System Plan for Umatilla County; and

WHEREAS the Umatilla County. Transportation System Plan ("TSP") is to guide the management of existing transportation facilities and the design and the implementation of future facilities for the next 20 years; and

WHEREAS Umatilla County identified the area of Westland Road/I-84/I-82 for further study and transportation planning;

WHEREAS Umatilla County received a Transportation and Growth Management (TGM) Grant to complete a transportation plan study and preposal for the Westland Road/I-84/I-82 interchange area; and

WHEREAS input from the property owners in the study area, local stakeholders, members of the Flanning Commission and Board of Commissioners, was requested and received, in a study and plan for the area; and

whereas the study resulted in a proposed amendment to the MSP to include the Westland Road/I-84/I-82 Interchange Area Transportation Plan to address traffic impacts; access management issues and potential transportation infrastructure. investment requirements created by existing and future land use developments within the area bordered by the Westland Road/Agnew Road intersection on the north, the Umatilla River and Cottonwood Bend Road to the east, Woble Road on the south and I-82 on the west, encompassing an area of approximately 640 acres; and

WHEREAS the Westland Road/I-84/I-82 Interchange Area Transportation Plan was presented at a workshop before the

.ORDINANCE NO. 2003-09 - Page 1 of 3

Umatilia County Planning Commission on May 29, 2003, and public hearings before the Planning Commission were held on June 26, 2003, and August 28, 2003; and

WHEREAS the Umatilla County Planning Commission recommended to the Board of Commissioners approval of the study and amendment to the TSP and the Comprehensive Plan; and

WHEREAS on June 30, 2003, a public hearing was held by the Board of Commissioners to hear the Westland Road/I-84/I-82. Interchange Area Transportation Plan and to consider the amendment to the TSP, and the hearing was continued to September 22, 2003, December 3, 2003, and January 12, 2004; and

WHEREAS on January 12, 2004, the Board of Commissioners closed public testimony and voted to accept the Umatilia County Westland Road/I-84/I-82 Interchange Area Transportation Plan prepared by H. Lee & Associates, dated August 28, 2003, identified as Exhibit 53, with two changes; and

WHEREAS a change to the Plan to allow for an exception area to the TSP standards for the area North of the intersection was accepted by the Board of Commissioner on a 3-0 vote, to incorporate the proposed Patro/Kittleson Plan outlined in Figure 13 of Exhibit 52, With an added east entrance at the Truck/light industrial area access; and

WHEREAS a change to the Plan to allow for a hardship variance to the TSP standards for the area South of the intersection was accepted by the Board of Commissioner on a 2-1 vote, to incorporate the Kittleson proposal outlined in Figure 1C of Exhibit 59.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains as follows:

- I. The Westland Road/I-84/I-82 Interchange Area Transportation Plan is accepted, and adopted, and the Umatilia County Transportation System Plan and the Umatilia County Comprehensive Plan are amended to include the Interchange Area Transportation Plan is attached to this ordinance and incorporated by this reference.
- 2. At such time as a development agreement is executed with the property owner, outlining improvements and responsibilities (including realigned Livestock Road), the Unatilla County

ORDINANCE NO. 2003-09 - Page 2. of 3

Transportation System Plan and the Umatilla County Comprehensive Plan will be amended to provide an exception to the Westland Area Plan north of I-84 to allow for local access improvements outlined in Figure 13 of Exhibit 62, with additional access on east to be granted at industrial area access.

3. A hardship variance to the TSP standards for the area South of the intersection is granted, to incorporate the Kittleson proposal outlined in Figure IC of Exhibit 59.

DATED this 12th day of January, 2004.

UMATTLIA COUNTY BOARD OF COMMISSIONERS

Denkis D. Dohenty, Chair

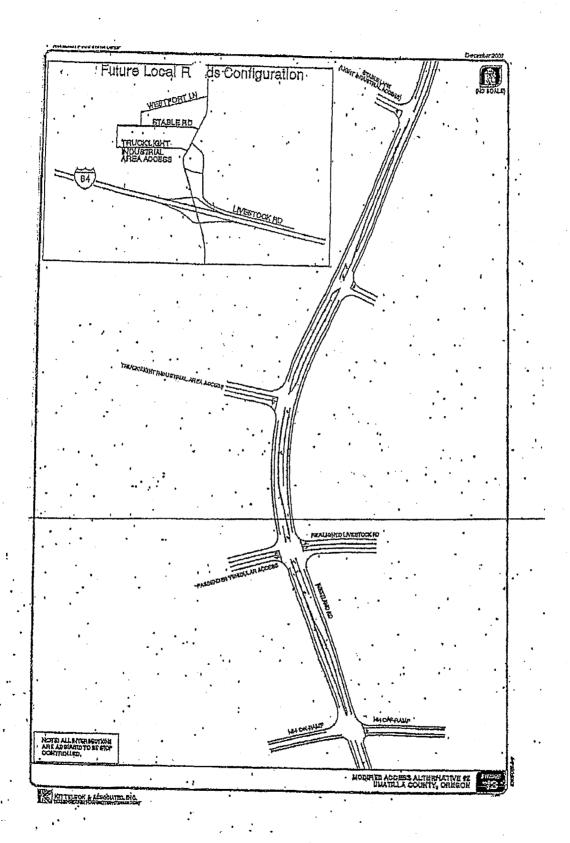
Emile M. Holeman, Commissioner

William S. Hansell, Commissioner

ATTEST: OFFICE OF COUNTY RECORDS

Records Officer

· ORDINANCE NO. 2003-09 - Page 3 of 3



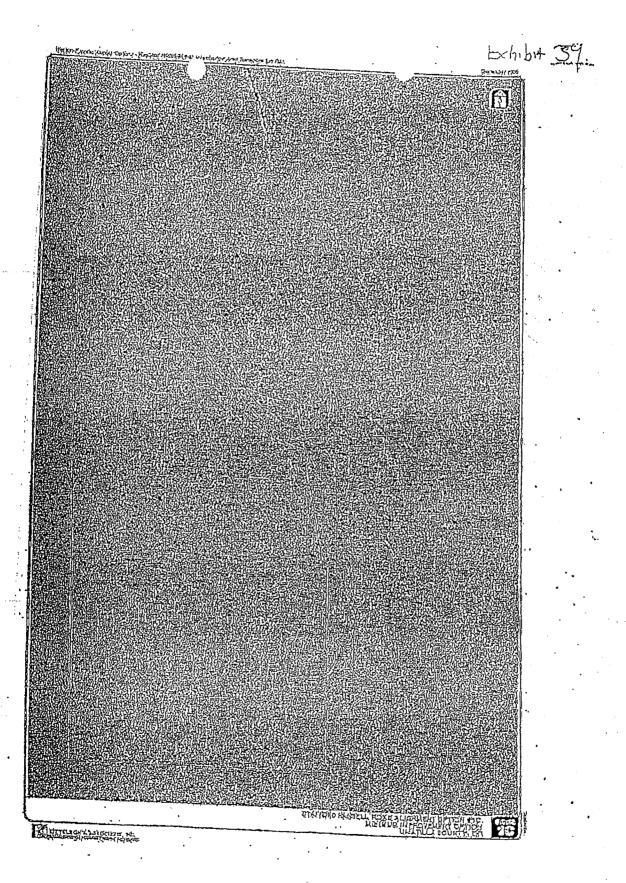


EXHIBIT D TO DEVELOPMENT AGREEMENT

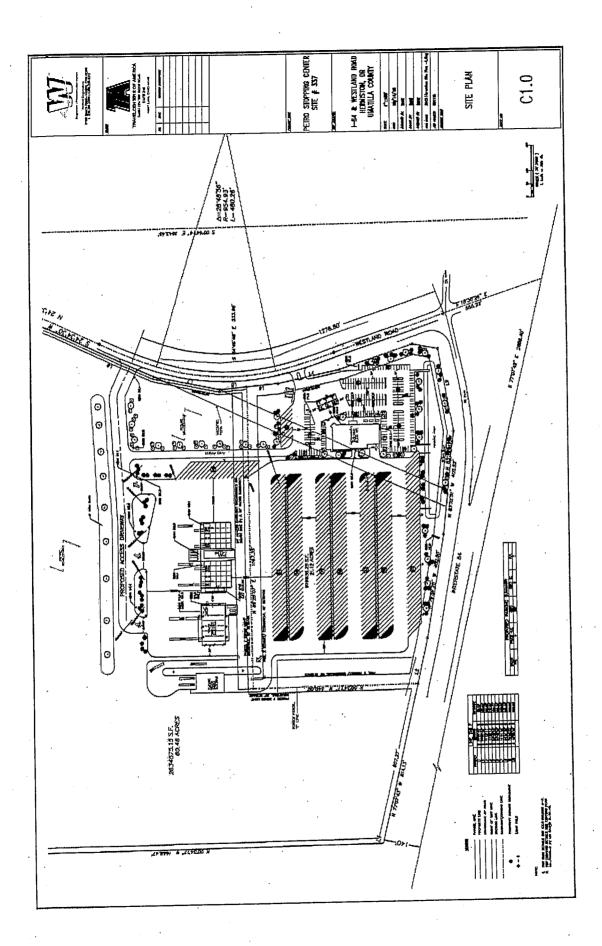


EXHIBIT E TO DEVELOPMENT AGREEMENT

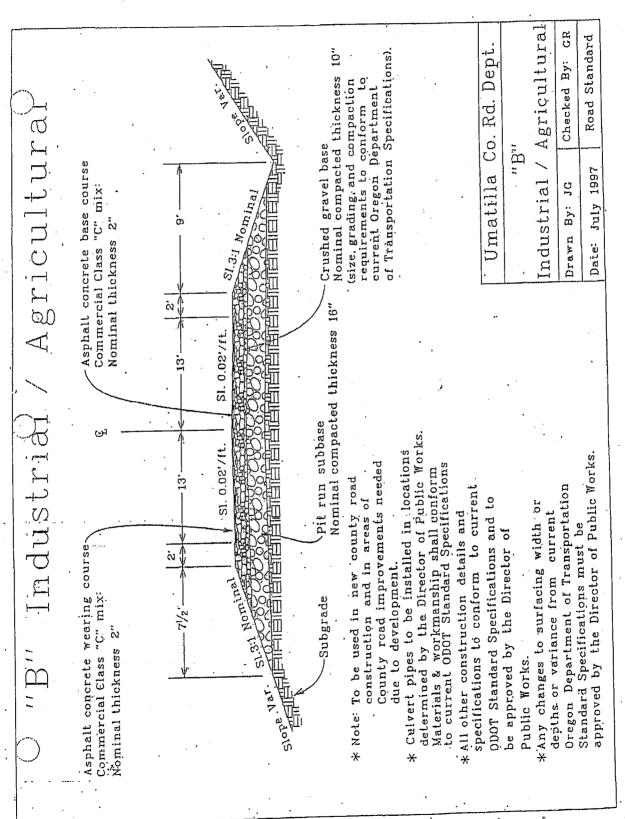


EXHIBIT F TO DEVELOPMENT AGREEMENT

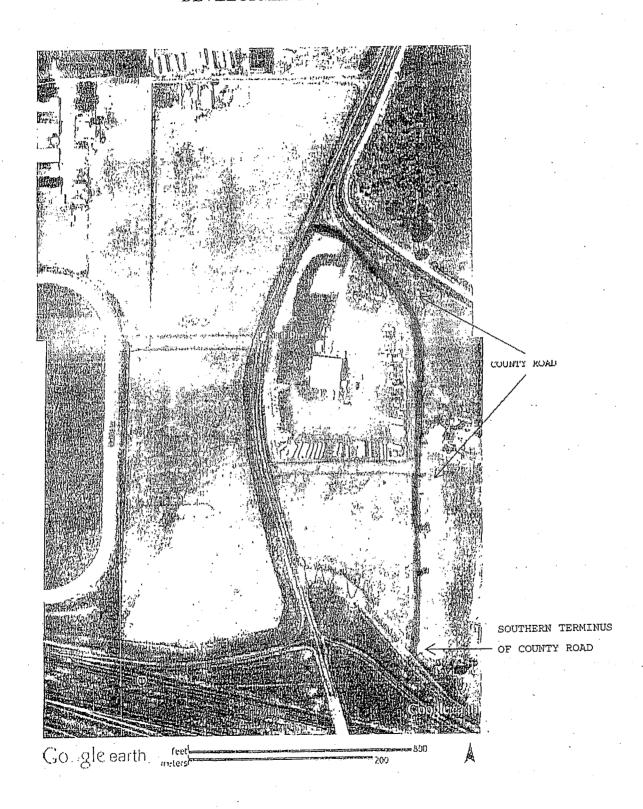


EXHIBIT G TO DEVELOPMENT AGREEMENT

AFTER RECORDING, RETURN TO:

Umatilla County
216 S.E. Fourth Street
Pendleton, Oregon 97801
Attn: Planning Department

IRREVOCABLE CONSENT AGREEMENT

This Irrevocable Consent Agreement (this "Agreement") is entered into t	his day of
, 2014, between Umatilla County, Oregon (the "Co	ounty"), and
TA Operating LLC, a Delaware limited liability company ("TA").	
TA Operating LLC, a Delaware minited hability company (111).	

Recitals

- A. TA, as successor by merger to Petro Stopping Centers, L.P. ("Petro"), owns certain real property (the "Property") in Umatilla County, Oregon, described on Exhibit A attached hereto.
- B. TA and the County have entered into a certain Development Agreement dated ______, 2014. The Development Agreement requires TA to enter into this Agreement with the County.

Agreement

- 1. TA hereby records its consent to, and waives any right it may have to object to or remonstrate against, the formation by the County of a local improvement district pursuant to ORS 371.605 371.660 or a similar mechanism for the purpose of improving the portion of Westland Road that abuts the Property.
- 2. TA reserves and retains its other lawful rights to object and remonstrate, including but not limited to the rights to object to or remonstrate against (a) the boundaries of the proposed improvement or assessment district, (b) the nature, scope; and cost of the proposed improvements, (c) the amount of benefit, if any, that the Property will receive from the proposed improvements, (d) the reasonableness of the assessment formula, and (e) the amount of the proposed and final assessments against the Property.

This Agreement shall run with land and shall bind and inure to the benefit of TA's successors in ownership of the Property. TA OPERATING LLC, a Delaware limited UMATILLA COUNTY, OREGON liability company By:_____ W. Lawrence Givens, Commissioner Name:_____ Title:_____ William J. Elfering, Commissioner George L. Murdock, Commissioner STATE OF OREGON)ss. County of Umatilla This instrument was acknowledged before me on _ by W. Lawrence Givens, William J. Elfering, and George L. Murdock, as Commissioners of Umatilla County, Oregon. Notary Public for Oregon My Commission Expires: STATE OF _____) County of _____ This instrument was acknowledged before me on ______, 2014, ______ of TA Operating LLC. Notary Public for _____ My Commission Expires:

Transportation Impact Analysis Update

Westland Road Travel Center

Umatilla County, Oregon

December 2013



Transportation Impact Analysis Update

Westland Road Travel Center

Umatilla County, Oregon

Prepared For:
TA Operating LLC
255 Washington Street, Suite 210
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Section 1
Executive Summary

EXECUTIVE SUMMARY

TA Operating LLC (TA), successor by merger to Petro Stopping Centers, L.P., is proposing to develop a truck stop facility in Hermiston, Oregon, on land parcels on Westland Road immediately north of Interstate-84 in Umatilla County, Oregon.

TA currently has a proposed site plan for development of a truck fueling station, market, truck-washing station, auto fueling station and sit-down restaurant on a 24-acre site. This site and development have had traffic impacts assessed twice prior: 2003 and 2008. This study shows that the results of those two studies still apply.

The results of this study indicate that the proposed TA development can be constructed while maintaining acceptable traffic operations and safety at the study intersections, assuming provision of the recommended mitigation measures.

FINDINGS

- All of the study intersections currently operate at acceptable levels of service during the weekday p.m. peak hour.
- A review of historical crash data did not reveal any patterns or trends in the site vicinity that require mitigation associated with this project.
- All of the study intersections are forecast to continue to operate at acceptable levels of service during the weekday p.m. peak hours under future 2016 and 2028 traffic conditions without the proposed development.
- The proposed development is estimated to generate 470 net new trips (225 inbound, 245 outbound) that are projected to occur during the weekday p.m. peak hour.
- Under a modified access alternative that closes the intersection of Livestock Road with Westland Road¹ and provides separate automobile and truck access points, all of the study intersections are forecast to operate at acceptable levels of service during weekday p.m. peak hour; and the proposed development will not impose an undue burden on any of those intersections.

¹ The closure of the intersection of Livestock Road (south of the automobile entrance to the proposed development) with Westland Road due to its close spacing to the I-84 interchange addresses an existing deficiency. The need for this improvement is not created by additional traffic generated by the proposed development.



Comparison to Prior Studies

- The findings of this report corroborate those of the previous two reports². The updated traffic volumes collected in October 2013 demonstrate that the traffic volumes have grown less than one percent total since the prior 2003 report.
- The analysis shows that the previously approved modified access alternative is projected to provide acceptable traffic operations.
- Crash history from the past five years has shown that no crash patterns or trends have developed along Westland Road in the proximity of the proposed development site that require mitigation in conjunction with site development.

RECOMMENDATIONS

The following is a summary of the modified access alternative recommended for implementation in conjunction with this proposed development.

- At the 605-foot point north of the I-84 westbound ramps, a three-legged intersection will be provided for automobiles to access the proposed development. The intersection should be stop controlled on the eastbound approach and should provide a northbound left-turn lane on Westland Road.
- At the 1,105-foot point north of the I-84 westbound ramps, a three-legged intersection will be provided for trucks to access the proposed development. The intersection should be stop controlled on the eastbound approach and should provide a northbound left-turn lane on Westland Road.
- The intersection of County Road No. 1328 (also known and hereinafter referred to as "Livestock Road") with Westland Road (south of the automobile entrance to the proposed development) will be closed by Umatilla County. The portion of County Road No. 1328 (Livestock Road) that runs in a north-south direction and, at its northern terminus, intersects Westland Road north of the former Freightliner facility, will be improved by the County in part through a financial contribution made by TA.
- On-site landscaping, signage, and any above ground utilities should be located and maintained to provide adequate intersection sight distance at the site driveways.

Additional details of the study methodology, findings, and recommendations are provided within this report.

² The previous two reports prepared for the subject property include: 1) Traffic Access Management Analysis of Westland Petro Travel Center, prepared by Kittelson & Associates, and dated December 19, 2003, and 2) Letter from Dan Seeman of Kittelson & Associates to Umatilla County Planning Department entitled Petro Stopping Centers Traffic Analysis, dated April 7, 2008.



Section 2 Introduction

INTRODUCTION

The primary purpose of this report is to perform a traffic analysis associated with the proposed development and access for land parcels on Westland Road immediately north of Interstate-84 to determine what, if any, transportation improvements need to be made as a part of the development to ensure affected transportation facilities operate at acceptable levels. This study considers land on both sides of Westland Road for a distance of approximately 5,000 feet north of the Interstate 84 westbound ramp intersection with Westland Road. Figure 1 shows the site vicinity and location. Figure 2 illustrates the current lane configuration and traffic controls at existing intersections.

TA is proposing to develop a truck fueling station with market, truck-washing station, auto fueling station and sit-down restaurant on a 24-acre site. The site plan, while explicitly identifying each of these uses, also includes an additional 57 acres, which is zoned light industrial for which there are not explicit plans. This study considers the potential full development of all of this land, and considers its access needs. In addition, potential development of land on the east side of Westland Road is also considered in this analysis.

SCOPE OF THE REPORT

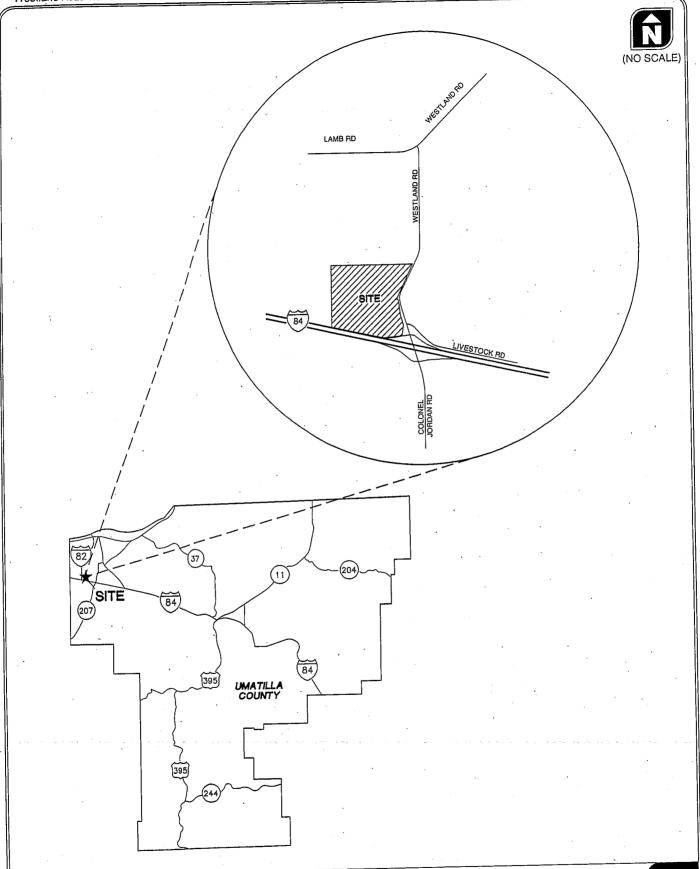
This analysis determines the transportation-related impacts associated with the proposed TA development and was prepared in accordance with Umatilla County's requirements for traffic impact studies. The study intersections and scope of this project were selected in consultation with Umatilla County staff. The selections were based on County Transportation Impact Study (TIS) guidelines and our past experience with transportation studies in this study area. The operational analyses were performed at these intersections:

- Westland Road & I-84 Eastbound Ramps
- Westland Road & I-84 Westbound Ramps
- Westland Road & Livestock Road
- Westland Road & Lamb Road

This report evaluates these transportation issues:

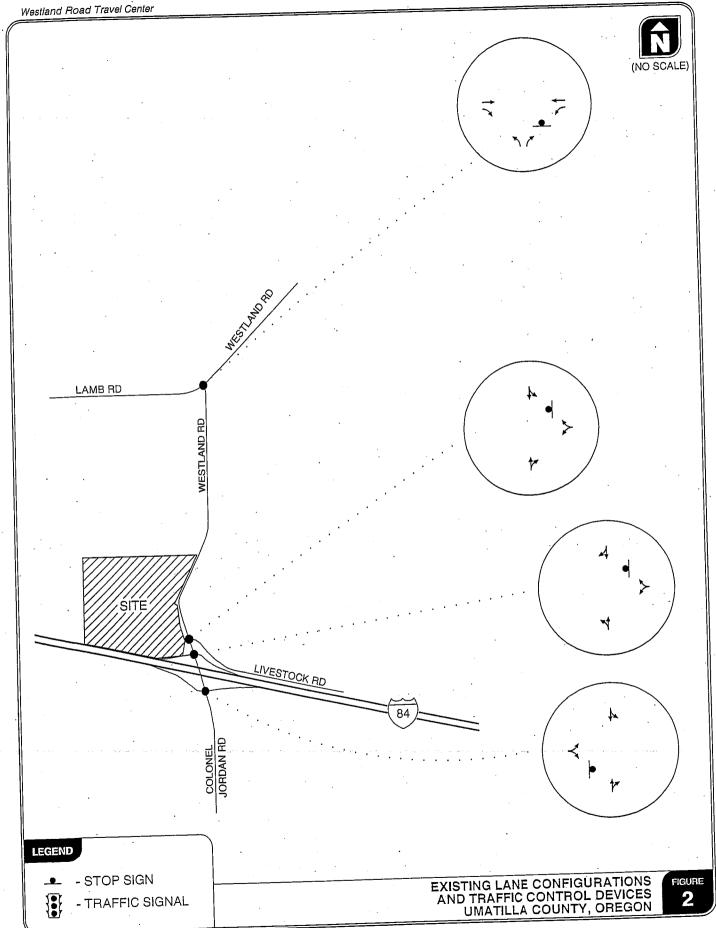
- Year 2013 existing land-use and transportation-system conditions within the site vicinity during the weekday p.m. peak period;
- Forecast year 2016 background traffic conditions during the weekday p.m. peak period;
- Forecast year 2028 background traffic conditions during the weekday p.m. peak period;
- Trip generation and distribution estimates for the proposed TA development;
- Forecast year 2016 (with recommended modified access) total traffic conditions during the weekday p.m. peak periods with build-out of the site; and
- Forecast year 2028 (with recommended modified access) total traffic conditions during the weekday p.m. peak periods with build-out of the site.





SITE VICINITY UMATIILLA COUNTY, OREGON FIGURE





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Section 3
Existing Conditions

EXISTING CONDITIONS

The existing conditions analysis identifies the site conditions and current operational and geometric characteristics of the roadways within the study area. These conditions will be compared with future conditions later in this report.

TRANSPORTATION FACILITIES

As indicated in Figure 1 Westland Road and I-84 are adjacent to the site. Currently the site is undeveloped and no formal access exists. Westland Road is a two-lane roads with no pedestrian or bicycle facilities.

TRAFFIC VOLUMES AND PEAK HOUR OPERATIONS

Manual turning-movement counts were obtained at the study intersections in October 2013. The traffic counts were conducted on a typical mid-week day from 4:00 to 6:00 p.m. The system-wide evening peak hour was found to occur between 4:30 and 5:30 p.m. The traffic counts were seasonally adjusted before use in the operational analysis in accordance with procedures presented in ODOT's *Analysis Procedures Manual* (APM) (Reference 3). The agriculture trend from the Seasonal Factor Table was used to determine a reasonable seasonal adjustment factor, resulting in an adjustment factor of 1.16.

Figure 3 provides a summary of the year 2013 p.m. peak hour turning-movement counts, which are rounded to the nearest five vehicles per. Appendix A contains the traffic count worksheets used in this study.

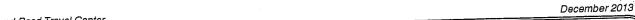
Current Levels of Service

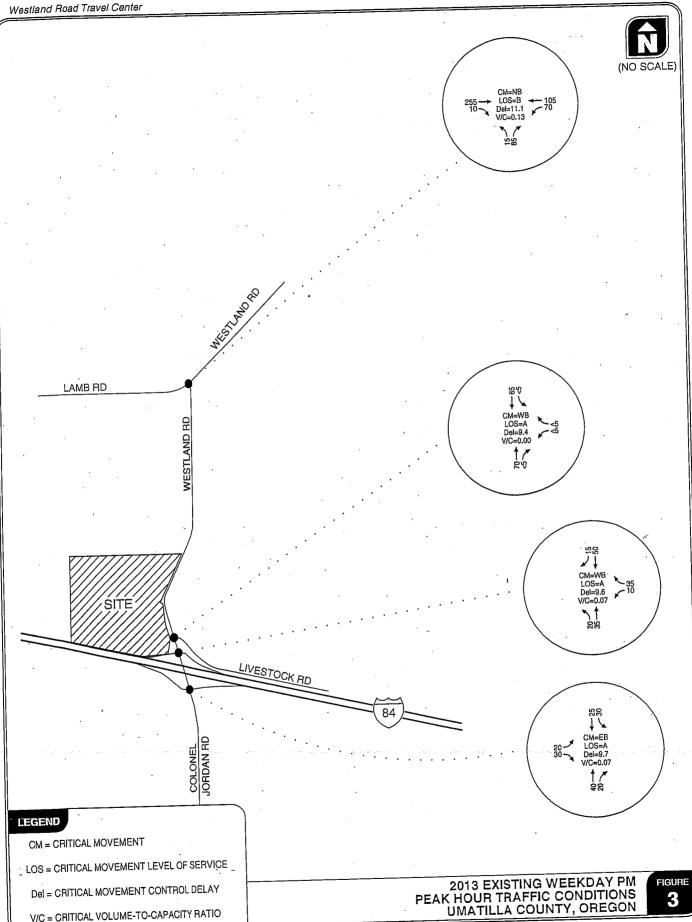
All level-of-service analyses described in this report were performed in accordance with the procedures stated in the 2000 Highway Capacity Manual (Reference 1). A description of level of service and the criteria by which they are determined is presented in Appendix B. Appendix B also indicates how level of service is measured and what is generally considered the acceptable range of level of service. Motorists using an intersection that operates at LOS "A" experience very little delay while those using an intersection that operates at LOS "F" experience long delays.

For purposes of this transportation analysis, Umatilla County's intersection level-of-service standards were used to evaluate performance. These standards specify that an LOS "D" is considered acceptable at a signalized intersection, and an LOS "E" is considered acceptable at an unsignalized intersection.

All intersection level-of-service evaluations used the peak 15-minute flow rate during the weekday p.m. peak hour. Using the peak 15-minute flow rate ensures that this analysis is based on a reasonable worst-case scenario. For this reason, the analysis reflects conditions that are only likely to occur for 15 minutes out of each average peak hour. The transportation system will likely operate under conditions better than those described in this report during all other time periods.







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V/C = CRITICAL VOLUME-TO-CAPACITY RATIO

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Figure 3 summarizes the level-of-service analysis for the study intersections under the weekday p.m. peak hour existing traffic conditions. All of the study intersections currently operate at acceptable levels of service during weekday p.m. peak hour. Appendix C includes the level-of-service worksheets under year 2013 existing traffic conditions.

Traffic Safety

The crash history at the study intersections was reviewed to identify potential safety issues. The Oregon Department of Transportation (ODOT) provided crash records from the study area for the five-year period from January 1, 2008, through December 31, 2012. Nine crashes in total were reported in the vicinity of the study intersections; five involving property-damage-only and four that included a reported injury. No crashes were reported at the Westbound I-84 Ramp intersection. Three collisions were recorded in the vicinity of the driveways to the Hermiston Generating Plant and AmeriCold Logistics and other unmarked accesses. Table 1 summarizes the recorded crash data over the five-year period on Westland Road from 500 feet north of Lamb Road to 500 feet south of I-84 EB Ramps.

No crash trends or safety deficiencies were identified in the study area based on the crash data that require mitigation in conjunction with the proposed site development. *Appendix D includes the crash data sheets.*

Table 1 Westland Road Crash Summary (2008-2012)

Year	Crash Type	Weather	Surface	Light Condition	Crash Severity ¹	Location Comments
2011	Angle	Clear	Dry	Day .	INJ	I-84 EB Ramps
	Angle	Clear	Dry	Day	PDO	I-84 EB Ramps
2011		Cloudy	Wet	Day	PDO	CR-1344
2009	Backed Into		ļ	 		
2012	Fixed Object / Run Off Road	Clear	Dry	Day	PDO	Westland Rd at Livestock Rd
		Cloudy	Wet	Day	PDO	Westland Rd at Lamb Rd
2008	. Rear End	Cloudy			PDO	Westland Road at Lamb Road
2011	Angle - Right Turn	Unknown	Unknown	Day	PDO	
2010	Side Swipe – Meeting	Cloudy	Wet	Dark	INJ	Westland Road near railroad crossing
2008	Fixed Object / Run Off Road	Sleet	lce	Day	INJ .	Westland Road near power station
2008	Rear End	Clear	Wet	Day	INJ	Westland Road near drainage ditch

¹ Where INJ = injury and PDO = property damage only



² Drainage ditch north of the Hermiston Generating Plant (MP 1.02)

Section 4
Transportation Impact Analysis

TRANSPORTATION IMPACT ANALYSIS

The transportation impact analysis identifies how the study area's transportation system will operate in the year the proposed development is expected to be fully built, 2016, and in the future planning year 2028. The impact of traffic generated by the proposed TA development during the typical weekday p.m. peak hours was examined as follows:

- Background weekday p.m. peak hour traffic conditions for the years 2016 (build-out year of the TA site) and 2028 (15-year planning-level analysis) were analyzed at each of the study intersections during the weekday p.m. peak hour.
- Background conditions were developed by applying a 1.0-percent annual growth rate to the existing traffic volumes to account for regional growth in the site vicinity.
- Site-generated trips were estimated for build-out of the site.
- Site trip-distribution patterns were derived after the existing traffic patterns.
- Year 2016 (build-out year of the TA site) and 2028 (15-year planning-level analysis) total traffic conditions were analyzed at each of the study intersections and site-access points during the weekday p.m. peak hour.

YEAR 2016 BACKGROUND TRAFFIC CONDITIONS

The year 2016 background traffic analysis identifies how the study area's transportation system will operate without the proposed TA development. This analysis includes traffic attributed to general growth in the region, but does not include traffic from the proposed development.

Traffic Volumes

The growth rate used in this analysis was derived from an examination of historical traffic counts on Westland Road. The counts reflect very little growth in traffic over the past ten years; however, an annual growth rate of 1-percent was assumed for future years to reflect a reasonable worst-case conservative analysis. The year 2016 background traffic volumes were developed by applying this 1-percent annual growth rate to the existing traffic volumes shown in Figure 3. Figure 4 illustrates the resulting forecast year 2016 background traffic volumes respectively during the weekday p.m. peak hour.

Level-of-Service Analysis

The weekday p.m. peak-hour turning-movement volumes shown in Figure 4 were used to conduct an operational analysis at each study intersection to determine the year 2016 background traffic levels of service. The background traffic analysis determined that all of the study intersections are forecast to operate at acceptable levels of service during the weekday p.m. peak hour. Appendix E contains the year 2016 background traffic level-of-service worksheets.





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PROPOSED DEVELOPMENT PLAN

TA is proposing to develop a truck fueling station with market, truck-washing station, auto fueling station, and restaurant on a 24-acre site. Construction of this development is expected to be completed in the year 2016. As shown in Figure 5, access to the site is proposed in two locations:

- A driveway designated for automobiles will be located approximately 605 feet north of the I-84 westbound ramps. The three-legged driveway intersection is proposed to be stop controlled on the eastbound approach and will provide a northbound left-turn lane on Westland Road.
- A driveway designated for trucks will be located approximately 1,105 feet north of the I-84 westbound ramps. The three-legged intersection is proposed to be stop controlled on the eastbound approach and will provide a northbound left-turn lane on Westland Road.

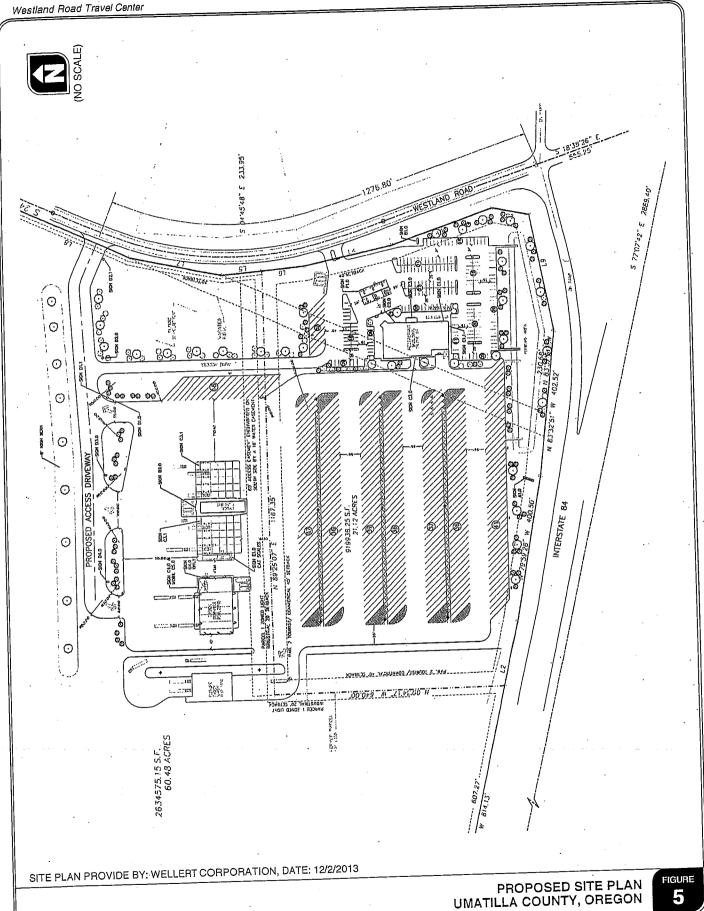
Figure 6 illustrates the assumed lane configurations and traffic control devices at the study intersections with the proposed TA development.

Future Development Assumptions

In addition to the proposed TA uses shown in Figure 5, the overall property includes an additional 57 acres (assumed to be developed with 156,000 square feet of warehousing space per the Umatilla County Westland Road/Interstate-84/Interstate-82 Interchange Area Transportation Plan, (ATP)) zoned light industrial and for which there are no explicit plans. This study considers the potential traffic impacts associated with full development of all of this land.



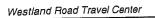




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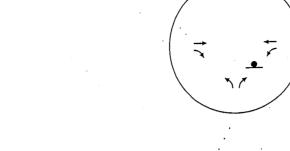
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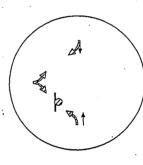
December 2013



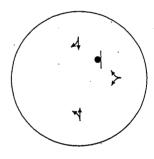
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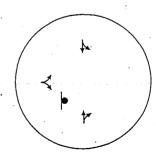
LAMB RD











LEGEND

- STOP SIGN SITE IMPROVEMENT EXISTING

21016 ASSUMED LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES WITH SITE DEVLOPMENT UMATILLA COUNTY, OREGON

FIGURE 6

Trip Generation

The weekday p.m. peak hour vehicle trip end projections were generated using Trip Generation, 9th Edition (Reference 2), published by the Institute of Transportation Engineers (ITE). Table 2 summarizes the estimated weekday p.m. peak hour trips generated by the TA development as well as development of the adjacent industrial lands within the overall TA property.

Table 2 Estimated TA Site-Generated Trips

			Weekday PM Peak Hour Trips				
Land Use	Source	Units	In	Out	Total		
	rthern) Parcel - Access	ed via Heavy Vehicle	e Driveway				
Truck Stop (40)	Field Data	10 positions	70	65	135		
ruck Fueling Facility	TA Property	10 positions	25	75	100		
otal ATP ^a trips for Industrial	New Truck Sto	DD	-5	.; -15	-20		
Ainus ATP Forecasted Trips	146M Liggy Sec		20	60	80		
emainder for Undeveloped Area			90	125	215		
otal New Trips for Truck Stop Parcel (to system)							
Gas Station (S	outhern) Parcel - Acces	sed via Passenger C	ar Driveway	. 77	67		
ligh Turnover Sit-Down Restaurant		6,800 square	40	-10	-25		
nternal Trips	ITE 832	feet	-15	17	42		
Subtotal			25		114		
ast-Food Restaurant with Drive-through 2		3,500 square	59	55	-30		
nternal Trips	ITE 834	feet	-15	-15 40	84		
Subtotal			44		162		
Gasoline/Service Station with Market		12 fueling	. 81	81 -20	-35		
Internal Trips	ITE 945	positions	-15 61	61	122		
Subtotal				163	343		
Total Trips for Gas Station Parcel		·	180	-45	-90		
Internal Trips	ν'		-45	118	253		
Subtotal for Gas Station Parcel			135	20	40		
Total ATP trips for Commercial Area		<u> </u>	20	-20	-40		
Minus ATP Forecasted Trips			-20	-20	0		
This area will be redeveloped in total			0				
Total New Trips for Gas Station Parcel (to system) (rounded to nearest fi	ve)	135	120	255		
	f Entire Development (Northern and South	ern Parcels)				
	Handle Descriptionality		90	125	215		
New Truck Stop Parcel			135	120	255		
New Gas Station Parcel				245	470		

¹ As defined in the *Umatilla County Westland Road/Interstate-84/Interstate-82 Interchange Area Transportation Plan*

³ Umatilla County Westland Road/Interstate-84/Interstate-82 Interchange Area Transportation Plan



² A fast food restaurant is not included in current site plan or intended in the development; however, it has been included in this analysis in order to be consistent with the previous traffic analyses conducted for this site, dated December 19, 2003 and April, 2008. By its inclusion, this analysis can be considered a "worst case" analysis of the development's traffic impacts.

As shown in Table 2, the proposed TA development is estimated to generate 470 net new trips (225 inbound, 245 outbound) during the weekday p.m. peak hour. As described in footnote 2 to Table 2, this constitutes a "worst case" scenario because this analysis includes a fast-food restaurant with drivethrough window, while the current development plan does not include this use.

Site Trip Distribution/Trip Assignment

The site-generated trips were distributed onto the study area roadway system according to the existing traffic patterns, the location of major trip origins and destinations in the greater Hermiston area, and information provided in previous studies of the area. The traffic generated by the proposed travel center is expected to follow the trip distribution pattern illustrated in Figure 7.

Livestock Road Closure

Umatilia County has identified the need to close the existing intersection of Livestock Road with Westland Road (south of the automobile entrance to the proposed development) due to its close spacing to the I-84 interchange regardless of the proposed TA development. The County plans to upgrade the portion of County Road 1328 (Livestock Road) that runs in a north-south direction and, at its northern terminus, intersects Westland Road north of the former Freightliner facility. The Livestock Road improvement will be paid for in part through a financial contribution made by TA, though the need for this improvement is not created by additional traffic generated by the proposed development. The closure of the intersection of Livestock Road with Westland Road south of the automobile entrance to the proposed development is assumed for purposes of the total traffic analysis presented in this report.

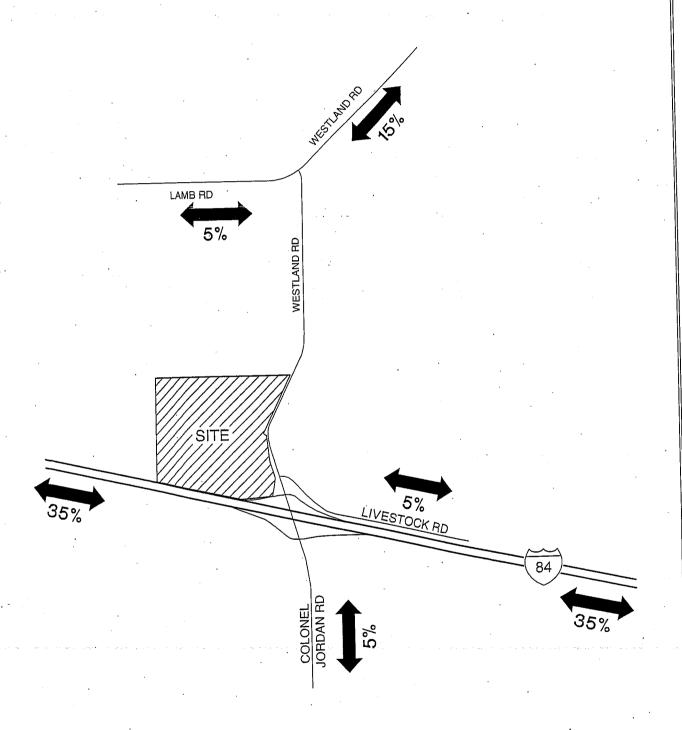
Trip Assignment

The estimated site-generated trips were assigned to the network by distributing the trips shown in Table 2 according to the trip distribution pattern shown in Figure 7. Figure 8 illustrates the site-generated trips that are expected to use the roadway system during the weekday p.m. peak hour. In Figure 8 and subsequent figures showing the total traffic lane conditions, the trips from the closed Livestock Road have been rerouted as detailed in Appendix F, Figures 1 and 2.

YEAR 2016 TOTAL TRAFFIC CONDITIONS

The total traffic conditions analysis forecasts how the study area's transportation system will operate with the traffic generated by the proposed TA development. The year 2016 background traffic volumes for the weekday p.m. peak hours (shown in Figure 4) were added to the site-generated traffic (shown in Figure 8) to arrive at the total traffic volumes that are shown in Figure 9.

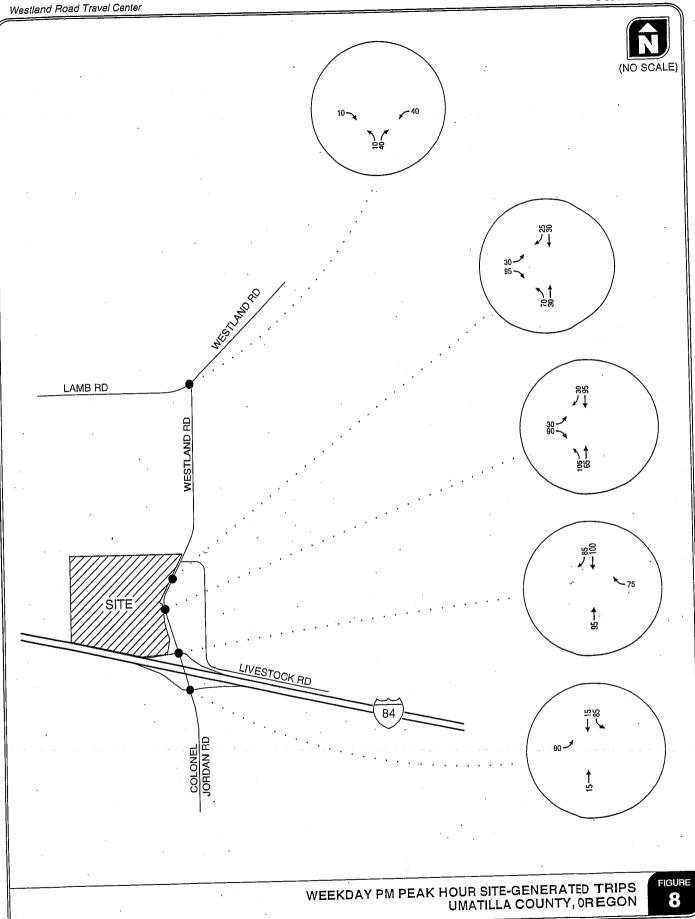




ESTIMATED TRIP DISTRIBUTION PATTERN UMATILLA COUNTY, OREGON

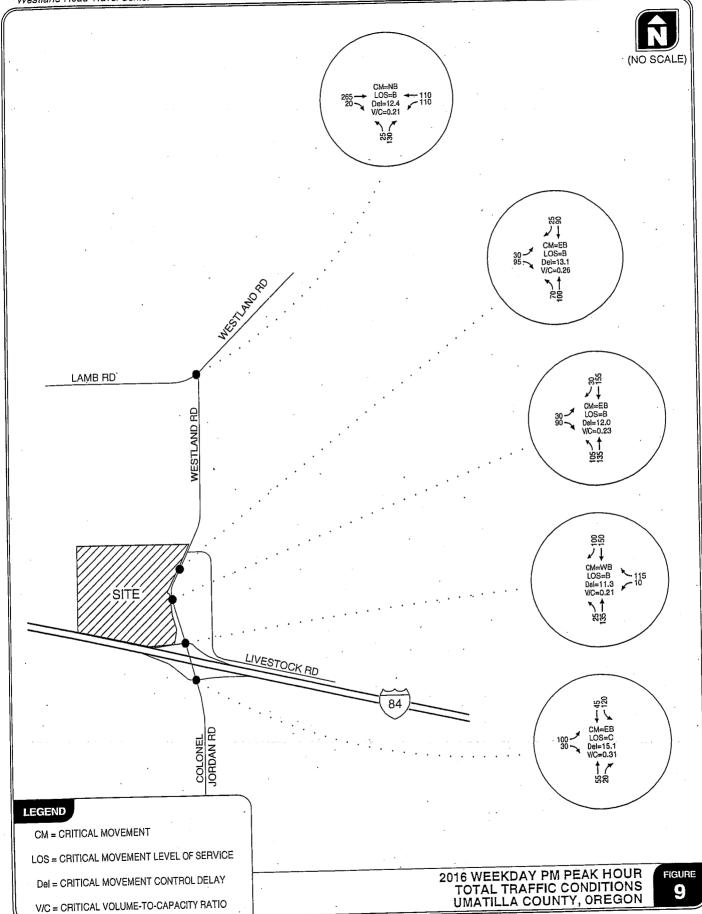
FIGURE 7





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Intersection Level of Service

The weekday p.m. peak hour turning-movement volumes shown in Figure 9 were used to conduct an operational analysis at each study intersection to determine the year 2016 total traffic levels of service. The results of the total traffic analysis shown in Figure 9 indicate that all of the study intersections and site access points are forecast to operate at acceptable levels of service during the weekday p.m. peak hour. Weekday p.m. peak hour operations are shown to be operating at LOS "B" or better at all study area intersections. Appendix H contains the year 2016 total traffic level-of-service worksheets.

YEAR 2028 BACKGROUND TRAFFIC CONDITIONS

The purpose of the year 2028 background traffic analysis is 1) to provide the County, ODOT and TA with a planning-level analysis of the study area, and 2) to identify how the study area's transportation system will operate in the future after 15 years of traffic growth. The background traffic analysis does not include traffic from the proposed development.

Traffic Volumes

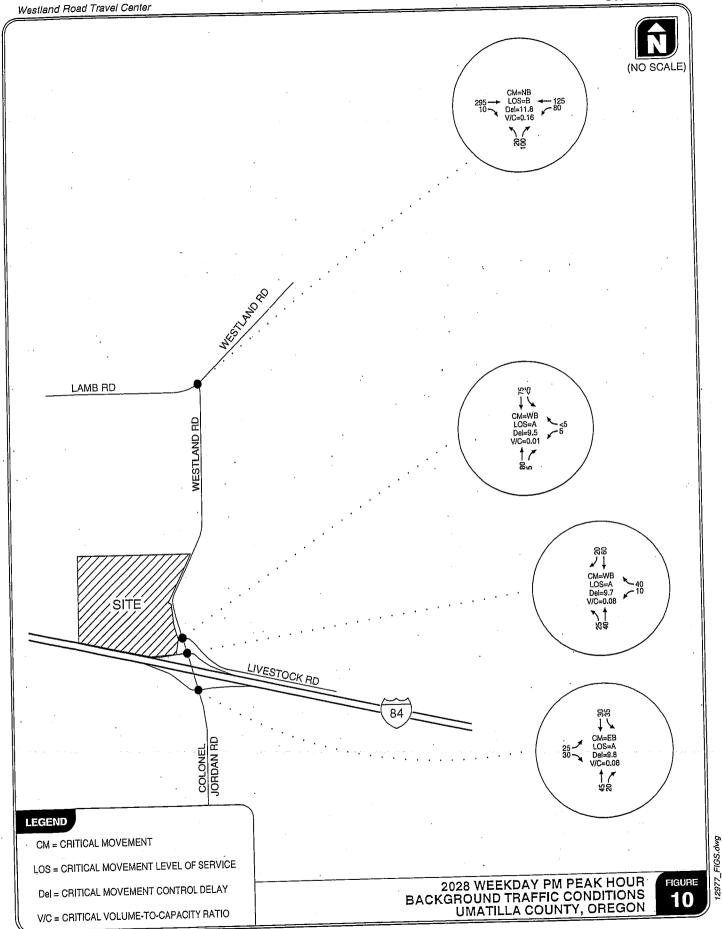
Year 2028 background traffic volumes were developed by applying a one percent annual growth rate to the year 2013 existing traffic volumes. Figure 10 illustrates the year 2028 background traffic volumes projected during the weekday p.m. peak hour.

Level-of-Service Analysis

The weekday a.m. and p.m. peak-hour turning-movement volumes shown in Figure 10 were used to conduct an operational analysis at each study intersection to determine the year 2028 background traffic levels of service. As indicated by the respective figure, the study intersections are forecast to operate at acceptable levels of service during the weekday p.m. peak hour. Appendix H contains the year 2028 background traffic level-of-service worksheets.







YEAR 2028 TOTAL TRAFFIC CONDITIONS

The total traffic conditions analysis forecasts how the study area's transportation system will operate in 2028 assuming the proposed TA development is fully built and operational.

Traffic Volumes

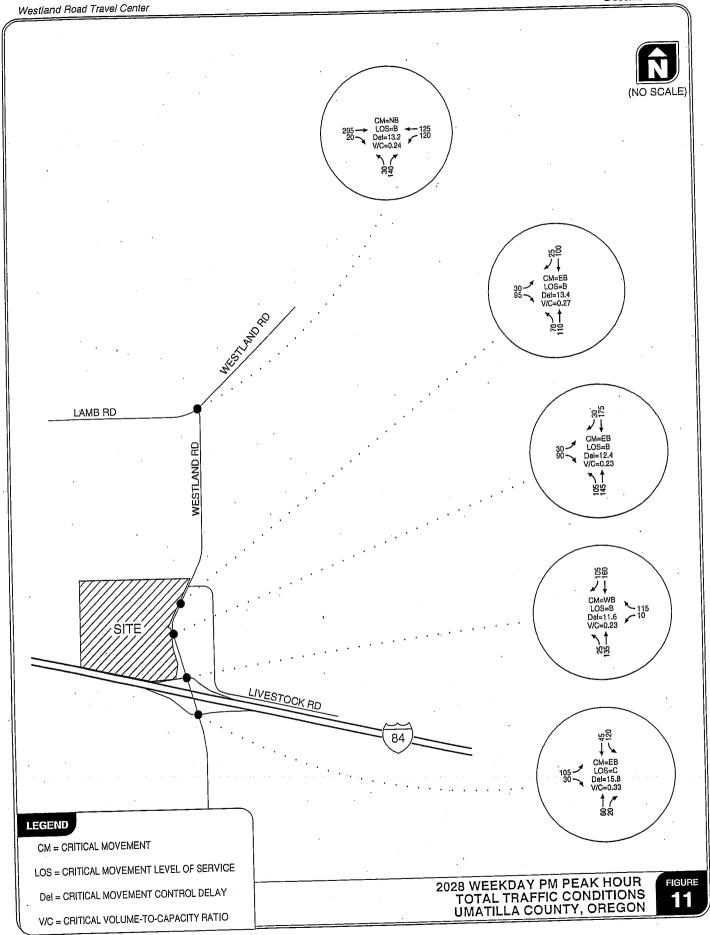
The year 2028 site-generated traffic volumes (shown in Figure 8) were added to the year 2028 background traffic volumes (shown in Figure 10) to arrive at the year 2028 total traffic volumes with the proposed development (shown in Figure 11).

Intersection Level of Service

As shown in Figure 11, all of the study intersections are forecast to continue to operate with acceptable levels of service during the weekday p.m. peak hour. Appendix I includes the year 2028 total traffic level-of-service worksheets.







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12977_FIGS.dwg

Section 5 Conclusions and Recommendations

CONCLUSIONS AND RECOMMENDATIONS

The results of the traffic impact analysis indicate that the proposed TA development can be constructed while maintaining acceptable levels of service and safety on the surrounding transportation system assuming provision of the recommended mitigations. The findings of this analysis and our recommendations are discussed below.

FINDINGS

- All of the study intersections currently operate at acceptable levels of service during the weekday p.m. peak hour.
- A review of historical crash data did not reveal any patterns or trends in the site vicinity that require mitigation associated with this project.
- All of the study intersections are forecast to continue to operate at acceptable levels of service during the weekday p.m. peak hours under future 2016 and 2018 traffic conditions without the proposed development.
- The proposed development is estimated to generate 470 net new trips (225 inbound, 245 outbound) that are projected to occur during the weekday p.m. peak hour.
- Under a modified access alternative that closes the intersection of Livestock Road with Westland Road (south of the automobile entrance to the proposed development)⁴ and provides separate automobile and truck access points, all of the study intersections are forecast to operate at acceptable levels of service during weekday p.m. peak hour; and the proposed development will not impose an undue burden on any of those intersections.

RECOMMENDATIONS

The following is a summary of the modified access alternative recommended for implementation in conjunction with this proposed development.

- At the 605-foot point north of the I-84 westbound ramps, a three-legged intersection will be provided for automobiles to access the proposed development. The intersection should be stop controlled on the eastbound approach and should provide a northbound left-turn lane on Westland Road.
- At the 1,105-foot point north of the I-84 westbound ramps, a three-legged intersection will be provided for trucks to access the proposed development. The intersection should be stop

⁴ The closure of the intersection of Livestock Road with Westland Road due to its close spacing to the I-84 interchange addresses an existing deficiency. The need for this improvement is not created by additional traffic generated by the proposed development.



controlled on the eastbound approach and should provide a northbound left-turn lane on Westland Road.

- The intersection of Livestock Road with Westland Road (south of the automobile entrance to the proposed development) will be closed by Umatilla County. The portion of County Road 1328 (Livestock Road) that runs in a north-south direction and, at its northern terminus, intersects Westland Road north of the former Freightliner facility, will be improved by the County in part through a financial contribution by TA.
- On-site landscaping, signage, and any above ground utilities should be located and maintained to provide adequate intersection sight distance at the site driveways.



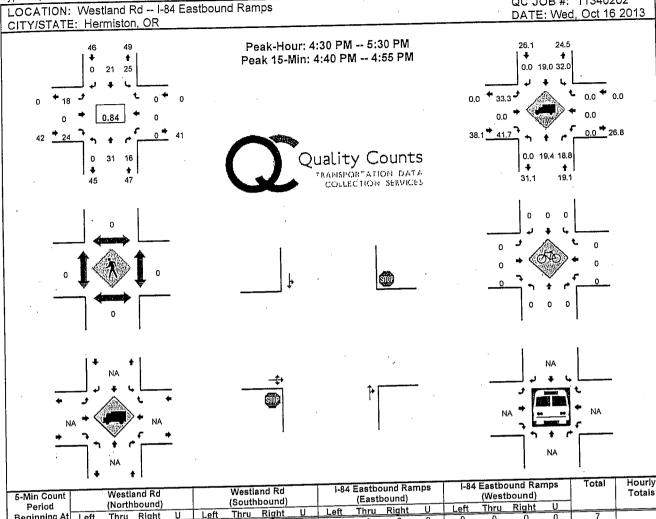
Section 6 References

REFERENCES

- 1. Transportation Research Board. Highway Capacity Manual. 2000.
- 2. Institute of Transportation Engineers. 9th Edition, Trip Generation Manual. 2012.
- 3. The Oregon Department of Transportation. Analysis Procedures Manual. 2010.



Appendix A Traffic Count Data



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Appendix B

Description of Level-of-Service Methods

and Criteria

APPENDIX B LEVEL-OF-SERVICE CONCEPT

Level of service (LOS) is a concept developed to quantify the degree of comfort (including such elements as travel time, number of stops, total amount of stopped delay, and impediments caused by other vehicles) afforded to drivers as they travel through an intersection or roadway segment. Six grades are used to denote the various level of service from "A" to "F".¹

SIGNALIZED INTERSECTIONS

The six level-of-service grades are described qualitatively for signalized intersections in Table B1. Additionally, Table B2 identifies the relationship between level of service and average control delay per vehicle. Control delay is defined to include initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Using this definition, Level of Service "D" is generally considered to represent the minimum acceptable design standard.

Table B-1 Level-of-Service Definitions (Signalized Intersections)

Table B-1	Level-of-Service Definitions (Signatized Westscore)
Level of Service	Average Delay per Vehicle
Α	Very low average control delay, less than 10 seconds per vehicle. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
В	Average control delay is greater than 10 seconds per vehicle and less than or equal to 20 seconds per vehicle. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for a level of service A, causing higher levels of
С	Average control delay is greater than 20 seconds per vehicle and less than or equal to 35 seconds per vehicle. These righter delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level, delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level.
. D	Average control delay is greater than 35 seconds per vehicle and less than or equal to 55 seconds per vehicle. The inheritation of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle length, or high volume/capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle
E	Average control delay is greater than 55 seconds per vehicle and less than or equal to 80 seconds per vehicle. This is usually considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long considered to be the limit of acceptable delay.
F	Average control delay is in excess of 80 seconds per vehicle. This is considered to be unacceptable to most drivers. This condition often occurs with oversaturation. It may also occur at high volume/capacity ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also contribute to such high delay values.

¹ Most of the material in this appendix is adapted from the Transportation Research Board, Highway Capacity Manual, (2000).

Table B2

Level-of-Service Criteria for Signalized Intersections

Level of Service	Average Control Delay per Vehicle (Seconds)
Α	<10.0
В	>10 and ≤20
С	. >20 and ≤35
D	>35 and ≤55
F F	>55 and ≤80
F	>80



UNSIGNALIZED INTERSECTIONS

Unsignalized intersections include two-way stop-controlled (TWSC) and all-way stop-controlled (AWSC) intersections. The 2000 Highway Capacity Manual (HCM) provides models for estimating control delay at both TWSC and AWSC intersections. A qualitative description of the various service levels associated with an unsignalized intersection is presented in Table B3. A quantitative definition of level of service for unsignalized intersections is presented in Table B4. Using this definition, Level of Service "E" is generally considered to represent the minimum acceptable design standard.

Table B3 Level-of-Service Criteria for Unsignalized Intersections

Level of Service	Average Delay per Vehicle to Minor Street
Α	 Nearly all drivers find freedom of operation. Very seldom is there more than one vehicle in queue.
В	 Some drivers begin to consider the delay an inconvenience. Occasionally there is more than one vehicle in queue.
С	 Many times there is more than one vehicle in queue. Most drivers feel restricted, but not objectionably so.
D	Often there is more than one vehicle in queue. Drivers feel quite restricted.
· E	 Represents a condition in which the demand is near or equal to the probable maximum number of vehicles that can be accommodated by the movement. There is almost always more than one vehicle in queue. Drivers find the delays approaching intolerable levels.
F	 Forced flow. Represents an intersection failure condition that is caused by geometric and/or operational constraints external to the intersection.

Table B4 Level-of-Service Criteria for Unsignalized Intersections

Level of Service	Average Control Delay per Vehicle (Seconds)
А	<10.0
В	>10.0 and ≤ 15.0
С	>15.0 and ≤ 25.0
D	>25.0 and ≤ 35.0
E	>35.0 and ≤ 50.0
F	>50.0

It should be noted that the level-of-service criteria for unsignalized intersections are somewhat different than the criteria used for signalized intersections. The primary reason for this difference is that drivers expect different levels of performance from different kinds of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an unsignalized intersection. Additionally, there are a number of driver behavior considerations that combine to make delays at signalized intersections less galling than at unsignalized intersections. For example, drivers at signalized intersections are able to relax during the red interval, while drivers on the



minor street approaches to TWSC intersections must remain attentive to the task of identifying acceptable gaps and vehicle conflicts. Also, there is often much more variability in the amount of delay experienced by individual drivers at unsignalized intersections than signalized intersections. For these reasons, it is considered that the control delay threshold for any given level of service is less for an unsignalized intersection than for a signalized intersection. While overall intersection level of service is calculated for AWSC intersections, level of service is only calculated for the minor approaches and the major street left turn movements at TWSC intersections. No delay is assumed to the major street through movements. For TWSC intersections, the overall intersection level of service remains undefined: level of service is only calculated for each minor street lane.

In the performance evaluation of TWSC intersections, it is important to consider other measures of effectiveness (MOEs) in addition to delay, such as v/c ratios for individual movements, average queue lengths, and 95th-percentile queue lengths. By focusing on a single MOE for the worst movement only, such as delay for the minor-street left turn, users may make inappropriate traffic control decisions. The potential for making such inappropriate decisions is likely to be particularly pronounced when the HCM level-of-service thresholds are adopted as legal standards, as is the case in many public agencies.



Appendix C Year 2013 Existing Conditions Level-of-Service Worksheets

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Walking Speed (ft/s)	22 5-80 40 400			on the Contract	t susas and the	anned Neering Scho	sudskredskilet	walionista (Mi	Karan ya Bila	2015 VI. 2015		Tarios II
Percent Blockage		影響的語言		常并是影				CONTRACT.		Same of the same of	AS), 1 - 20,	With service
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pX, platoon unblocked			•				. 07		and the	47	1.1 400 W	System :
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vC1, stage 1 conf vol				an ali mala m	445 4 T +++	el Vilva	and the second	1111		و فراه در دی		5, 56
vC2, stage 2 conf vol	000	180	76	180	191	47	87	. ".		47	فيور و و است	. 6 ()
vCu, unblocked vol	228 7.1	6.5	6.2				4.4	kelena Kalena	(MATERIAL)	4,10		推 多[数
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Direction Lane # 128 200 200	WBM	NBI	88/I									
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Control Delay (s)	9.6	3.0	0.0							(ATT STATE ASSESSED	Palestana des	Barrang Malouss.
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Approach LOS	.A 											
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Intersection Capacity Utilizate Analysis Period (min)	uo[lakka#a	upper production of the contract of the contra	15		មនុស្សគ្រប់	add as a deter des Attell 1998 er	e constituent of the			as a same	est verte de de f	ndrokkkop -
Analysis Penou (IIIII)	8942 99 9						機能性可		WAR STALL			

5: Westland Rd & I-	84 East	bound	nam)5						\	1	.)
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Sign Control		Stop	-		Stop		. ambalak asar sa sa	Free 0%	No. 1850 - 1858	ur area obac	- 1166 ⊊5 0%∂∂	dinWid:
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Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.04 \$6∴7 5 %i	23	#\.38#A		
Hourly flow rate (vph)	25	0	33	1870	0.	HEPRIL UNI	海别斯(A) (A)	海原はコロボボ	807. - A 90%	araja at tahah	200,247 - 77, 1986.5	rev -
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Walking Speed (ft/s)	· Jako Chalak	er attitiet	ara di Chiles	en e	en skrifting	tillakili kal					and the same	
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Right turn flare (veh) Median type	i i mille ii	WANTA NE	is allocations	网络"授"			為納州法	None	na Pin		None	# 177 - 1
Median storage veh)	- all matters	Tel 27 Handred avoir dan	3,4 44 12 1842.1 41						1 1 1 1			Jun 4
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vC1, stage 1 conf vol					4 42					14 P		
vC2, stage 2 conf vol	405	176	32	198	165	57	32			68	a mar a rele	and the
vCu, unblocked vol	165 7.4 .		÷ 6.6	7.1		6.2	4.1		11.15 W N	4.4		
tC, single (s)	. ,1. 4 -	0.0	, 0.0 ,							· · O·E	e store eft	(A81 17.79
tC, 2 stage (s)	- ::: 3 <u>:</u> 8::.	4.0	3.7	3.5		3.3	2.2			2.5 97	被称,哪	विभिन्न । भर
tF (s) p0 queue free %	97	100	96	100	100	100	100	ranko katan (1)	geget, da ke, stêr s	୍ର 1363ର	niki da kara	Sharker St.
cM capacity (veh/h)	719	701	938	722	711	1016	1593	from the contract		THE PERSON NAMED IN		
THE REPORT OF THE PARTY OF THE	EB/N	ANBMY	SB/I									
Direction Lane# ************************************	58	68	7.0							reneral de la companya dela companya dela companya dela companya de la companya d		HOLDER W.
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Volume Right		23	0				and market of an i		Manakana		Description of the second	19.3 (7.48°)
cSH	830	1700	1363	e entrestableati	ra establica (Militaria)	aneraabeliiks		(Arth Lithigh	dominio Sign		ari daliya	
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Queue Length 95th (ft)	6	0	2 43	sománi si Medi	- 1, 15 m 19 19 19 4 5 - 17 10 4 5 7 9 10 9 1					想得到		
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Lane LOS	A 0 7.	(0.0)			Control of					2000年		
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intersection Summary			4.4	CALLEGICAL	er and the second	STEERING TO STEER STEER	MINISTRACTOR					a di amenina sa
Average Delay Intersection Capacity Utiliz	المراجعة المستعددة	sobus, deba	4.4 19.0%	1989 - Won.	.ICU Lev	el of Servi	ce 👋 🖰		, A	e property		Middle
Intersection Capacity Utiliz	cation	HARMAR WIS	15	garaga jirka il I	, .maa	, to the eligible (More)			nat estado Visi e	an e s salahak sa	Lodentől/Saden ednit	nanieski sakt
Analysis Period (min)					logical.		Aleganikasi di Managanikasi		AFTEN TO	THE STATE OF THE	(1) 经制制的	WAS SAL

Appendix D Crash Data

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OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CDS150 10/28/2013

Eastbound I-84 (Hwy 006) on/off ramps & Westland Road January 1, 2008 through December 31, 2012

OFF.		0	0		0	
SECTION OFF- RELATED ROAD		0	0		0	
INTER- SECTION	•	2	2		2	
DARK S		0	0		0	
DAY		2	7		2	
WET SURF		0	0		0	
DRY		2	2 2		2	
DRY TRUCKS SURF		c	c		c	ı
PEOPLE INJURED -		0	10	1	0	ı
PEOPLE P		c	o c	•	c	>
TOTAL PI		c	7 (4	C	7
NON- PROPERTY ATAL DAMAGE	1 1 1 1 1 1			_	•	-
NON- FATAL	משווה האנים	. •	- ,	_		-
FATAL FATAL	CKASHES		0	0		0
	COLLISION TYPE	YEAR: 2011	ANGLE	2011 TOTAL		FINAL TOTAL

Disclaimer: A higher number of crashes are reported for the 2011 data file compared to previous years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics.

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH AMALYSIS AND REPORTING UNIT CONTINUOUS SYSTEM CRASH LISTING

Eastbound 1-84 (Hwy 006) on/off xamps & Westland Road January 1, 2008 through December 31, 2012

CDS380 10/28/2013

006 OLD OREGON TRAIL

CAUSE	00 00	00	£ 00 0 ,	00
ACTN EVENT	000	0015	000	000
ED OC ERROR	000	021	021	000
A S G E LICNS P E X RES L	31 M OR-Y OR<25	31 M OTH-Y N-RES	21 M OTH-Y N-RES	54 M OR-Y OR<25
A S PRIC INJ G E LICNS PED P# TYPE SVRIY E X RES LOC	01 DRVR INJA 31 M OR-Y OR<25	01 DRVR INJC	01 DRVR NONE 21 M OTH-Y	OI DRVR NONE
MOVE FROM TO		O STRGHT W E		STRGHT N S
SPCL USE TRLR QTY OWNER V# VEH TYPE	01 NONE 0 STRGHT PRVTE N S PSNGR CAR	02 NONE 0 PRVTE PSNGR CAR	01 NONE O STRGHT PRVTE W E PSNGR CAR	02 NONE O STRGHT PRVTE N S PSNGR CAR
CRASH TYF COLL TYP	ANGL-OTH ANGL INJ		ANGL-OTH ANGL PDO	
OFFRD WTHR RNDBT SURF DRVWY LIGHT	N CLR N DRY N DAY		N CLR N DRY N DAY	
INT-REL O TRAF- R CNTL D	N STOP SIGN		N STOP SIGN	
INT-TYP (MEDIAN) I LEGS T (HLANES) C	CROSS N ST		CROSS N	
RD CHAR DIRECT LOCTN	INTER CN 03		INTER CN 03	
CONN # FIRST STREET SECOND STREET	·			
1	۸ .		C)	
RD# FC CONPNT MLG TYP MILEPNT	1 09 6 0 180.46	er syn mi	1 0 6 0 180.46	t te e
COUNTY CITY URBAN AREA	UMATILLA		UNATILLA	
S D R S W DATE E A U C O DATE E L G H R DAY			00940 NNNN 12/23/2011 UMATILLA COUNTY FEL 1P	
SER# E	00727 N COUNTY		00940 1 COUNTY	

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CDS150 10/25/2013

DARK Segment between Colonal Jordan Rd /Stafford Hansell Rd (South-Frontage-Westland Rd) to EB I-84 on/off ramps DAY WET SURF SURF DRY KILLED INJURED TRUCKS January 1, 2008 through December 31, 2012 PEOPLE TOTAL PEOPLE CRASHES ONLY PROPERTY DAMAGE NON-FATAL CRASHES FATAL CRASHES

SECTION RELATED ROAD

OFF-

SECTION INTER-

INTER-

YEAR:

COLLISION TYPE

TOTAL

FINAL TOTAL

Disclaimer. A higher number of crashes are reported for the 2011 data file compared to previous years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics.

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CDS150 10/28/2013

WB I-84 (Hwy 006) on/off ramps & Westland Road (Hwy 006) January 1, 2008 through December 31, 2012

DAMAGE NON- PROPERTY FATAL FATAL

CRASHES CRASHES

PEOPLE PEOPLE KILLED INJURED TOTAL PEOPLE CRASHES KILLED

DRY SURF TRUCKS

WET SURF

DAY

DARK

SECTION INTER-

ONLY

RELATED ROAD SECTION INTER-

OFF-

COLLISION TYPE YEAR:

TOTAL

FINAL TOTAL

Disclaimer: A higher number of crashes are reported for the 2011 data file compared to previous years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics.

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CDS150 10/28/2013

Westland Road (Hwy 006) & Livestock Road January 1, 2008 through December 31, 2012

	OFF.	42 FT 77	
INTER-	INTER- SECTION OFF- DAY DARK SECTION RELATED ROAD	00 0	
	NTER- SI		
	II DARK SE	. 0	
	DAY		
	WET	000	
	DRY SURF	·	
	TRUCKS	000	
			
)	PEOPLE PEOPLE KILLED INJURED	00 0	
	TOTAL PEOPLE PEOPLE CRASHES KILLED INJURED	++ + , '	
	NON- PROPERTY ATAL DAMAGE ASHES ONLY	0	
	- ,		
	NON- FATAL FATAL CRASHES CRASHES	00 0	>
	HOYT MOISI I MOS	YEAR: 2012 FIXED / OTHER OBJECT 2012 TOTAL	FINAL IO! AL

Disclaimer. A higher number of crashes are reported for the 2011 data file compared to previous years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics. OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT COUNTY ROAD CRASH LISTING WESTLand Road (Hwy 006) & Livestock Road January 1, 2008 through December 31, 2012

CDS380 10/28/2013

UMATILLA COUNTY

CAUSE	30,03 00 30,03					
ACTN EVENT	043,001 001 043 017 001					
S PED LOC ERROR	050,021					
A S PRTC INJ G E LICNS PED PHTC INJ G E LICNS PED PH TYPE SVRTY E X RES LOC ERROR	01 DRVR INJC 00 M UNK					
SPCL USE TRLR QTY MOVE OWNER FROM VH VEH TYPE TO	01 NONE O TURN-R PRUTE E N MTRCYCLE O					
DEF-RD WIHR CRASH TYP NUBET SURF COLL TYP DRVWY LIGHT SVRTY	Y CLR FIX OBJ N DRY FIX N DAY INJ					
INT-TYP (MEDIAN) INT-REL C LEGS TRAF- F (#LANES) CONTL I	3-LEG N UNKNOWN 0					
RD CHAR DIRECT LOCTN	1					
MILEPNT COUNTY ROADS UST FROM FIRST VANADAGET STREET	0.06 WESTLAND RD					
S D W R S W E A U C O DATE SERM E L G H R DAY	INVEST D C S L K TIME 00492 Y N N N N 7/2/2012 STATE MON 10A					

SECTION RELATED ROAD

DARK

DAY

WET SURF

DRY SURF

KILLED INJURED TRUCKS

PEOPLE.

SECTION INTER-

INTER-

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

CDS150 10/28/2013

CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Westland Road (Hwy 006) between I-84 (Hwy 006) EB and WB on/off ramps

January 1, 2008 through December 31, 2012

TOTAL PEOPLE CRASHES KILLED ONLY DAMAGE PROPERTY NON-FATAL CRASHES FATAL

CRASHES

COLLISION TYPE YEAR:

TOTAL

FINAL TOTAL

Disclaimer. A higher number of crashes are reported for the 2011 data file compared to previous years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics. INTER-

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CDS150 10/28/2013

Westland Road between Livestock Road and Stable Road January 1, 2008 through December 31, 2012

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ECTION ELATED	00	o .
SEC	00	0
INTER-		J
X N	00	0
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INTER- SECTION OFF-DAY DARK SECTION RELATED ROAD	~ ~	0 0
		· ·
WET SURF		. ,
DRY SURF	0 0	0
XS	00	0
TRUC		
OPLE URED		
D PE	0	0
TOTAL PEOPLE PEOPLE ASHES KILLED INJURED TRUCKS		
TAL P		~
TOTAL		
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NON- PROPERTY ATAL DAMAGE SHES ONLY		
NON- FATAL		
NON- FATAL FATAL	5	
FATAL	0 0	0
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	2 8 9 5 5 8 9 5	AL OTAL
	COLLISION 17FE FEAR: 2008 REAR-END	2008 IOTAL FINAL TOTAL
		200 F

Disclaimer: A higher number of crashes are reported for the 2011 data file compared to previous years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics.

CDS380 10/28/2013

OREGON DEPARTMENT OF TRANSFORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT COUNTY ROAD CRASH LISTING Westland Road between Livestock Road and Stable Road January 1, 2008 through December 31, 2012

UNATILLA COUNTY

CAUSE	32,27 00 32,27	00	00
ACTN EVENT	001	012	. 000
D C ERROR	052,016,026	000	000
A S LICNS PED PRIC INJ G E LICNS PED PH TYPE SYRIY E X RES LOC ERROR	O1 DRVR NONE 45 M OR-Y OR<25	01 DRVR NONE 68 M OR-Y	02 PSNG INJC 42 M
SPCL USE TRLR QTY MOVE OWNER FROM V# VEH TYPE TO	01 NONE O STRGHT. PRVTE N S. PSNGR CAR 01	02 NONE O STOP PRVTE N S PSNGR CAR	
FF-RD WTHR CRASH TYP NDBT SURF COLL TYP RVWY LIGHT SVRTY	N CLD S-1STOP N WET REAR Y DAY INJ		
INT-TYP (MEDIAN) INT-REL O LEGS TRAF- R (#LANES) CONTL D	N (NONE) UNKNOWN (02)		
RD CHAR DIRECT	CURVE UN 03		
MILEPNT COUNTY ROADS DIST FROM FIRST STREET	INTERSECT SECOND STREET 0.23 MESTLAND RD	. • :	
S D P R S W E A U C O DATE S B I, G H R DAY	ST D C S L K TIME N N N N N 12/1/2009 FY 9A	·	

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CDS150 10/28/2013

Westland Road from Stable Road to Lamb Road January 1, 2008 through December 31, 2012

•	-												INTER	
٠.	FATAL	NON- F FATAL	PROPERTY DAMAGE	TOTAL, PEOPLE PEOPLE	PEOPLE	PEOPLE	. (DRY	WET	> ∀∀	DARK	INTER-	SECTION OFF-	OFF- ROAD
COLLISION TYPE	CRASHES CRASHES	SRASHES	ONLY	CRASHES	KILLED	NJURED	IKUCKS	SURT	200	S				
YEAR: 2010 SIDESWIPE - MEETING 2010 TOTAL	00		0		0	. 88	00	0 0		00		0 0	00	00
YEAR: 2008 FIXED / OTHER OBJECT	O O		00		0	2 2	00	00			00	00	0 0	← ~
FINAL TOTAL	. 0	2	0.	2	0	4	0	0	2		~	0	0	-

Disclaimer: A higher number of crashes are reported for the 2011 data file compared to previous years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics.

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT COUNTY ROAD CRASH LISTING Westland Road from Stable Road to Lamb Road January 1, 2008 through December 31, 2012

CDS390 10/28/2013

UMATILLA COUNTY ·

CAUSE	00 00 05	00	00	01 00 00
ACTN EVENT	013 000 013 000	000	000	043,124 000 043,124 017 .
PED LOC ERROR	080	000	000	. 000
A S PRTC INJ G E LICNS PED PH TYPE SVRTY E X RES LOC	01 DRVR INJA 67 M OR-Y OR<25	01 DRVR NONE 65 F OR-Y ORC25	01 DRVR INJB 62 M OR-Y OR<25	01 DRVR INJB 39 F OR-Y ORC25 02 PSNG INJB 42 M
MCVE FROM TO P				
SPCL USE TRLR QTY P OWNER V# VEH TYPE 1	01 NONE O STRGHT PRVTE S N PSNGR CAR	02 NONE 0 STRGHT PRVTE N S PSNGR CAR	03 NONE O STRGHT PRVTE N S PSNGR CAR	01 NONE O STRGHT PRVTE N S · PSNGR CAR
CRASH TYP COLL TYP SVRTY	O-STRGHT SS-M INJ			FIX OBJ FIX INJ
OFF-RD WTHR C RNDBT SURF C DRVWY LIGHT S	N CLD ON WET SO N DARK 1			Y SLT N ICE N DAY
INT-REL TRAF- CONTL	UNKNOMN			N NONE
INT-TYP (MEDIAN) LEGS (#LANES)	(NONE)			(NONE)
RD CHAR DIRECT LOCTN	STRGHT UN 05			CURVE UN 01
MILEPNT COUNTY ROADS DIST FROM FIRST STREET INTERSECT SECOND STREET	WESTLAND RD			WESTLAND RD
ILEPNT SIST FROM INTERSECT	0.84			1.00
S D P S W P S W E A U C O DATE F SERM E L G H R DAY I WINTER D C I K TIME	N Y N N 2/3/2010 Wed SA			00913 Y N N N 12/24/2008 COUNTY Wed

Appendix E Year 2016 Background Traffic Level-of-Service Worksheets

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Walking Speed (ft/s)	Kara.
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vC2, stage 2 conf vol	
vCu, unblocked vol 308 581 290 6.6 6.3	MAN.
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pX, platoon unblocked vC, conflicting volume	153	81	iyanya ka cika Cika ka ka ka ka		83	学生发生		特別的數學			\$
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vCu, unblocked vol	153 ⊶ 6:4⊌‰	81 9.7.2 ₀₀	ane windowa	Sharkaride	⊹ 4:1⊛			d Labertain		经 制模型 100	ĝ
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cM capacity (veh/h)	844	764			OFFICE OFFICE OFFI						
Direction, Lane #	EWB/III	NB/I	SB/I								
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Movement	MATERIAL	然EBI開	製EBR®	機M/ND 店舗		发展 AV C IV SER	M. C. D. L.	4	M128 427 - 2712 / 188-122		1>	
Lane Configurations	•	•		8		38	23	38	0	· 0 · .	52	15:17
Volume (veh/h)	0		U *	. 0	Stop		20	Free			Free	
Sign Control		Stop	5. 5.7	er	0%∉	4.sod###kana	in a const	0%;	સ્ટાઇપ્રેક્ષિક સ્ટાઇપ્ટ	98 F. La Mil	> 0%	
Grade	القوية, متومة. 10.70	0% 0.78	0.78	0.78	AND THE STATE	0.70	0.78	0.70	0.78	0.78	0.78	0.78
Peak Hour Factor Hourly flow rate (vph)	U,/0 ∝ -∜^^ (1€)	U.76 ≟ ‱∆∕∩⊲≾	ა./ ს ანაშაი∩ენ	0.70 (850-10-1	98 44 COM	49×	29	49	0		× 67	- 22
Hourly flow rate (vpn)	Village Units)	eriani n Mara	MARKANII MAR	GARLANDA TAR	Process contra	#****** *** ***				till State of Association	- no novities.
Pedestrians Lane Width (ft)	01140.460.49	wasin male	ne dalie ila	masaway	ar verbur kent Ar Andrea		MARKE STATE	ATTACK	PREMI			MAN SAME.
Walking Speed (ft/s)	and characters.	ng Palenter (igi iskaaningan n	Mintel J. An. Walter	ologic latera e arteresas a			A	ومرد والمراور والمراور والمراور	Karani il es 1. es	> ขาคติเป็นกักรไปปรา	ternaleska
Percent Blockage	45.452674									SAPPLE OF	AND THE PARTY	RACHESTS:
Right turn flare (veh)	enet in pro uniterate	india Angliebne at	**************************************		. 1	arana oudo Maranga	ese (ME) e dicembron	8 8 8 1 1 1 2 2 3 6 6	n kuristellisi	usanil (Messe)	None	1847 87Ast
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Median storage veh)				at an are sometiment of the	a sama sumusida (d	Kaning Astric Printerson	/2024/95s-7.2d	residetant	e skepëratët	MARIJANI EN	1880 H	
Upstream signal (ft)	ability and		的特殊的	y family a y	and plants		SPECTAL STATE	HIROSOPH T	DAMIN ACED	MESTERNI DON 140	FFINNESCONT	Historica and and an
pX, platoon unblocked	artis and a way a street	ന ത്രാപ്പെട്ടുക്ക	787.000 F 7 0 00	####### O E 9	196	49	₩ ₩. 88.5			49		
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vC1, stage 1 conf vol	ar 17 - Militeiro	a-a.r.รับหลังครั้งใ	aatoolivalitaanse	er meddidies	rearistelle	e salina del	性被疾病。			港位对第		
vC2, stage 2 conf vol	234	185	78	185	196	49	88			49		ALLES ANCIES (SOM)
vCu, unblocked vol	204 344.7:15					6.7	4.4	MATTE		4.1		
tC, single (s)		Para Y Tar	ergenderalis i Tier	(Parader Parista	Mark Carlotte and Carlotte a	•			ing a second	287 - 1 0 0 8	a saaad 635	recentation
tC; 2 stage (s) tF (s): 2 ft (s): 2	3.5	4.0	3.3	4.0		3.8				2.2 100	法操作的 类别	17日学芸術の影響と
p0 queue free %	100	100	100	. 98	100	95	98	Jan Mari	Name of the		Month de	a Hweletel
cM capacity (veh/h)	674	697	989	.658	687	. 893	1338	and the factor	30.0000	amannormania.	OBOURDEN	
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cSH	840	1338	1700	And And Company	s kan angiten hija dia adilah s	estanticatri/https://de	a dan ribidikani	wasantini				
Volume to Capacity	0.07	0.02	0.05	1000 mm						NOTE SERVE	THE PARTY OF THE	NAME OF TAXABLE PARTY O
Queue Length 95th (ft)	6	2	O Maria de Companion de la com-		renamberisticis		Sarana saidi	richillades	Mark Dis	skarachia	nistus.	
Control Delay (s)	,9.6	3.0	0,0					es ancesta	n kasemarin	STANDAY IS A STAN	Arcuella de la esta esta est	21.5546.411.4700.00.00
Lane LOS	A	A Volto Secondo	oder de la compa	nainiovativit								
Approach Delay (s)	9.6	3.0		Mary Labor			DK PENNESSES	ig to de contra de de de se se se se se se	-to-end-werest stores			
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Analysis Period (min)	معتمد وللغرميون	en e e e e e e	15) 18:36 JUANS	Population	orieniaise sinasii		Latin 2	WEEK NEEK	PHE TON		
建筑设置等的设置等的过去分 数	到超级制	國際機能	能關係當	Maria Na	地影響組織	MARKET CONSTRUCTION	REPRESENTATION OF	Mediter all (1) and (1)	the and an original spirit	2014 252 (2014) #F		

5: Westland nd & P	J- Labi	300110			4	4	*		<i>></i>	\	Ţ	4
	<i>></i>		*	*	·	arantematikansul	THE TAX THE PARTY.			SBI	· Spirit	SBR
Movement	REBUR	EBT	EBR	WAR	NWBITME	WBR	類NR 同職		部ND以系統	数の口口語	₹ A	(gneCD is)
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Volume (veh/h)		Stop	29,	The Control	Stop	propert Maria	gengge, tillspeck	Free			Free	
Sign Control	a Alvid	ાં0%ઃ ે		4.193b.354	∴70%∷	**************************************	i siyalika i	. 0%		Analysi dal	઼૽ૣ૽ૣ૽ૣ૽ૣ૽ૺઌૢ૾ૺ૾ૺૢ	2004
Grade Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Hourly flow rate (vph)	26	0	35	. 100	0	0	· 0	46	23	39	33.	Taking 1, o
Pedestrians		•			and a load	eller i dag alleder	tinaenikki ees v	and the second	i Caract Minas	ન્ _ય , વન્કોનુ	Post office	
Lane Width (ft)		YLXXL'E	The state of	Santa .		FEREIGN.				W. 67 - 27 1	ak firena akan	7 (2.8) (4) A
Walking Speed (ft/s)		.a.s.keritAttiintia e	ullinellaini.	enlatura khiisaka	u Albayikasi			Called XI		i de Maria	KANN!	
Percent Blockage		Benediki		於國際影響	THE WAY	BUTA ESPA ACOCAS	Approximation	1.970 of a particular section	At 100 and one of the con-			nervora e de delablado
Right turn flare (veh)	. 2007 Talahorfa	rieticisking)		Alemestesi.	经增加的			None			None	
Median type Median storage veh)	ALEXANDRAY	BASTERNAMAN.	al 1998 Agridades de de	eletera area in e				ood Mandellina	ese and thouse	gastala esta vis	esaryinisis	TANGER IN
Upstream signal (ft)		yangana		部制制的				(2018年)		Machinese a	AND ALL A	AN MORNO
pX, platoon unblocked		and the same and a same of the	enatus Milat	illiniy o o velik	80334 47 003	MSSTERE	essitaan	ommiestra	编述测数数	€ 69		\$667.VI12833
vC conflicting volume	170	181	33	204	MELL (US)			的關係使用的	angaragan, upang m	pangani, and	the second of	
vC1, stage 1 conf vol	. Cranditation (verena producija	religiters	etatikaleni								
vC2 stage 2 conf vol	170	181	33	204	170	58	33		, Barbaron Promise	69.	eschionerphanisa	Biologicality
vCu, unblocked vol tC, single (s)	1. 0 1. 4 (1	6.5	6.6	第一7:1 3	6.5	6.2	4.1			24.4		
tC, 2 stage (s)	Migginalistikus esisentetta ta	City Mestode of themselve.		anda ilan ah ii wa	analderise Livelikh	anari-a At At ili	and the contract of the		STEEL CONTR	2.5		PACE NEW
tF (s)	ે.ૄ3.8∜	4.0	3.7	3.5	4.0 100	3.3 100	2.2 100	HANNE BU	e e e e e e e e e e e e e e e e e e e	97	14 Editor Land	Kidal Obsessites
p0 queue free %	96	100	96 936	100 714	706	1014				1361	W.	
cM capacity (veh/h)	714	696		memoraposanism								
Direction: Lane #150	WEBI	NBM	SBM							engrassanus En a servició	04494	
Volume Total	61	69	73) 39				METEROPOLES:	NAMES CONTRACTOR	Approx (Approx of	00 444 (180 CC C C A	or the market of the	
Volume Left	26 35	0 23	ა ა - ერტერ	Jan War.		40 W.S.	SALV. P.E.		grande kyfinens Alexandra		政策(2007) 公约(2007)	
Volume Right	825	1700	1361	g tipt our ar		, a - 10, W. C		a diamenta	i Liste automoranis	raumed to vival tem	endukse	eledos históristas
cSH Volume to Capacity	ંૄ [ૄ] 0.07ે	0.04	0.03								A THE	
Queue Length 95th (ft)	6	0	2	adarwan ebilikteli (filili	an allahing sangga	seministration	AcadasiloNa.5866	e beekel iddig	Tri besitin		dan karangan dan dan dan dan dan dan dan dan dan d	
Control Delay (s)	9.7	0.0	4.3						RESEMPTION.	S INTERNATION	i programa de la	HOSEL MANAGEMENT STATE
Lane LOS	A	%.0.0.	A 4.3	eesstaanistiid	u samanisi							
Approach Delay (\$) Approach LOS	9.7		4.0		1 100000000		en in der	AMERICAN PROPERTY.	COME OF SERVICE			
	A	MINISTER STATE				T AME						
Intersection Summary			4.4		州西州北西	SHAP THE WAY	reading Page And	SHALLSON DER GRANDE	one dyn west company and a graphy			manufactural design
Average Delay	Hon Alberta	ja kadalis kudik	4.4 20.0%		ICU Level	of Service	e wy		A Solid	學的問題	性精制	
Intersection Capacity Utiliza Analysis Period (min)	auOH_N=4.9	ধান কার্যনার্থী	15	Printer States	្មាធិក្រើស៊ីស៊ីស៊ីស៊ីស៊ី •	grande i de de 114		en Japan sa en en	normal continues	rotane disconsi	encht 14800	annernikk
Analysis reliou (min)	and the second			NAMES OF				WHIT			Militar W.	

Appendix F Traffic Rerouted from Closed Livestock Road

LAMB RD

WESTLAND RD

COLONEL JORDAN RD



(140 30.

NO CHANGE

2016 BACKGROUND TRIP REROUTEING WITH LIVESTOCK ROAD CLOSURE UMATILLA COUNTY, OREGON

TEING FIGURE SURE EGON

NO CHANGE

NO CHANGE

KITTELSON & ASSOCIATES, INC.
TRANSPORTATION PLANNING / TRAFFIC ENGINEERING



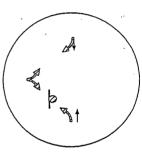


December 2013

(NO SCALE)

A

LAMB RD



COLONEL JORDAN RD

LEGEND

- STOP SIGN
- SITE IMPROVEMENT COUNTY IMPROVEMENT EXISTING

21016 ASSUMED LANE IMPROVEMENTS WITH LIVESTOCK ROAD CLOSURE UMATILLA COUNTY, OREGON

FIGURE

Appendix G Year 2028 Background Traffic Level-of-Service Worksheets

	→ 1	*	✓	←	4	<i>></i>	·		- n v com si ett bet 2000/00/00/00/00	DESCRIPTION OF THE PROPERTY OF	
Movement	EBI	EBRE	WBL	WBT	NBE	NBR					
Lane Configurations	†	p santi baberses	ሻ	∱ ∵123	ካ 19	* *** 99	wa sabadiwa sab			rana was	
Volume (veh/h)	294	12	⊹ 80	Free	Stop	35	Tally and to be the	and the street	geological and a series of	CATTO TO ENGLISH AND AND AND SERVICE CONTRACTOR	
Sign Control	Free	ar dwyddiaidd	GWHTZES	. 106 . 0% ∰	**************************************		ATTENNE A				
Grade Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89		and the State of State	e dominina ne ne do dos los (188	ou Mortel Warted Williams	
Hourly flow rate (vph)	330		90	138	21	题1/11是示符	對於影響			Market Andrews	
Pedestrians					and a second file	northe for		e e get	ئود ٿي آها جيوي	in var neset y	
Lane Width (ft)		15	11/2	A Mount of	men sayayay Fasa Dibara		776	in the state	e Model Adams.		
Walking Speed (ft/s)		##1 1 N.N. 1	alaðinari.	. Tagan Marie		en de la				william en 18	
Percent Blockage Right turn flare (veh)		age Sales	J. M. P. W. K.	el del la compa	THE COLUMN	1				and the section	
Median type	None	10 July 10 Jul	Trong State	None 🦠	Transportation			SS LAWS		and Maria Land	
Median storage veh)					er e e to ar	e tantile to e			The state of the	. January alika	
Upstream signal (ft)		W. Fally	San Vaga		FREARS.		it Maria	· 通用 · 1754年底	r Nijer og det gevil		
pX, platoon unblocked	elistika (h. 1218) Elistika (h. 1218)	m-kaneer?	~ 3 14 5%		648	330	4 7 4 3 3 4		#KARPAN	等機構 的复数	
vC, conflicting volume vC1, stage 1 conf vol	PANTANGA.	hraithe Care	Salidadeer	et i i turi brati	en and California	2814.11				. 1985	
vC2, stage 2 conf vol			ARMAN		yarayar (Ku	A PARTY ST	19.3	de Arg	Jarry La Giller		
vCu, unblocked vol			344	and the same	648	330	Constantivity and	ta ta ka ka 1919 hili		MANAGE AND	
tC; single (s)			4.2		6.6	6.3	Digital Services	n tanakusa ese	15 l. l. ou shudh budhe	A CONTRACTOR OF STREET, STREET, W. S. W. S.	
tC, 2 stage (s)		7. 37.	2.3	e se jegi	3.7°	3.4			en e	特別的研究的	
tF (s) p0 queue free %	7 FF 12	gr 3 fr s f	92	11 11 11 11 11	94	84	5.4	. , .	and the second second	ne trongskapile i klátnikaliteľ	č.
cM capacity (veh/h)	3 45 5 35 4	Takkin.	1146		374	695		74、30% 43%			ere .
		WEBION.	WBM	WB2	INBY						
Direction; Lane #	330	13	90	138	//133						
Volume Left	0	0	90	0	21	Alan dennamentalisenia	Alman skatiska	erarustati della	eraszenerősi	An and the same of the same of	Ŕ
Volume Right	0.	13	0.	2700	111	A III WA MARANA Gasalin waka waka		STALISTELLA	HWELL BALL	Philippe are an area.	•
cSH	1700	1700	1146 0.08	1700 0.08	829 0.16						į.
Volume to Capacity	0:19 0	0:01 0	0.00 6	0.00.g 0	14	294 A 142 143 144 145 145 145 145 145 145 145 145 145	Daniel (Villagen) An	200 Strate Contractor	and the second	anne anne anne ann ann ann ann ann ann a	.50°
Queue Length 95th (ft) Control Delay (s)	0.0	0.0	8.4	0.0	111,8						5
Lane LOS	8973 (J. 971) 27, 200 4 80,	i (i Silio makadista)	A	e at a comme to fact	В	andustratellitrasia vir	enusi awwenya	a and the Medical C	Ameniocia IAN		W.
Approach Delay (s)	. 0.0		3.3		11.8 B		mana (medalah) Kadulah dendikan		A MARKET COM	Marie 20 Set doublemans	(e):
Approach LOS					D						
Intersection Summary										and a supplied that the supplier of the suppli	<u>1471</u>
Average Delay		obat ett	3.3	16 مان	2011 aval	of Service		J. Carrey Sec	A	表现的代表的	
Intersection Capacity Utilizati	on :		33.2%® 15	In the State of the	JO LOVE	OL OEL AIOC	Surful a SF	A. C. M. C. C.	• • • • • • • • • • • • • • • • • • • •		nge er
Analysis Period (min)			10		91-31-57 11-31-57		4	a. 4 <i>M</i> i		1. 高兴整度的	3

			†	<i>></i>	\	1 -			•		
, which was as the same to see such that the see such as the s	▼ EUDBREE	WWD D		NER	SEI SE	SRIT					
Movement	MARTINE STATES	MADIZ		がい しい 記録	in in the case	### <u>######</u>	CT-MANAGE (COLDING	, (10-10-10-10-10-10-10-10-10-10-10-10-10-1			
Lane Configurations	**/* 3	1	81	4	0	75	# ty	٠,٠,	e e e e e e e e e e e e e e e e e e e		e Çevillerinin e
Volume (veh/h)		1	Free	7	U.	Free	• .				
Sign Control	Stop	i est edhessist	0% :	ીએએએ ઉક્ક સ્ટાર્સિંગ કર્યા	- 1940)	0%::	The Wallette	este al la Milli	and some a stable	ksideliledi.	light.
Grade	0.93	0.93	0.93	0.93	0.93	0.93	# \$6 (17,526) - 70 (- 10 15				. 78 77 8
Peak Hour Factor Hourly flow rate (vph)	0.55 Market 3.555	0.00 約2数 1 %)	87	4	0					SPECIAL STATE	
Pedestrians		Market Mak	verse, T. Startin	i i Vindeni, i i e	eng sassa a temp	. 42				a – viesko lako a saž	e come a
Lane Width (ft)							der value		er and the		
Walking Speed (ft/s)	ASAM MANAGAMAN	P INALISATINGATIN	Manticolous and a release	don endirection and			tornam communication at mile to	nnasan anton in Medaless	ranganian akkit siyosist	n och an Benedit	Sarataila
Percent Blockage	and the second			深微 能						的阿里斯克斯特	第4時代。
Right turn flare (veh)	. yestest 2117-ee ee				a a sas ka	or and a second second	anni aki 1808 NYA S	e A. Arabelli e 1880an	udani kalendari	rise din Frii	港生業部
Median type			None	955 Aw 10		None		ENGTH WITH	Other Parkings	BALANA TAMATAN	SE SE
Median storage veh)					V 2479	e e a Aleysia	siadia) i .		The same the Tolkies	e John M	TAGE
Upstream signal (ft)	•				a a china	- 11 11 12 13 13 13 13 13 13 13 13 13 13 13 13 13		et Ztak₩	A STATE OF THE STA	1 1921	
pX, platoon unblocked	470	aitee nn s	z domán	وراد بالمحرون	Q1::	sarra di Mas	oriene A. v.		terining		
vC, conflicting volume	170	** 89 ₀₀	MAGAMMAD P	Mariki ny f	. ger , U Fr	p-2000 86.09	Brain American	99 S 98, 8 9 0			
vC1, stage 1 conf vol	y Seets	41% St. St.	5 7.40 mm	St. 546 - 3.	95.11			1.5			思区的
vC2, stage 2 conf vol	170	**** 89	an in the state of the	100 100 2 1	91						out in the
vCu, unblocked vol tC; single (s)	6.4 6.4	7.2			4.1	18/2/11	MARKE		A Company of the St.	A DESTRUCTION	Mark Sec. 14
tC, 2 stage (s)	errige Ti , heave	man ulawan	ALLEN AND THE PERSON .	2100 010411 0000			ar and was a large of the Add	tablette exilizant	a cart evitarida d	CONTRACTOR	e garana
tF (s)	3.5	4.2		建建制物	2.2			SO THUM			
p0 queue free %	100	100			100	e e escatilista	e, ang kalanggan dibin	er ist mad filler	rozdania Mir Mira	rein arte	1200 (1877)
cM capacity (veh/h)	825	755		WENCE.	1516			A STANSFORM	A LANGE AND AND A SECOND		SAUCESTONES
Direction Lane: Haray St. L. Can	WBMW	MNBM	SB/I								
Volume Total	4	91	81			(本)製造業	Fall Hall	以為特別的			
Volume Left	3	0	0	- el contra a compara y	3447			4 - +5 m/dit	successive on the State (State)	tersen pasitiviti	有物物 熱
Volume Right	1,5	4			n in 169 The second	rifficiesce Riberton			特別的被持續不過	AND PART ARE	इंद्रुकेचे दुर्गा है।
cSH	806	1700	1516	nearthic accused their	astrinale periodi ir	neros especialis	kadibindan sebabi	an canada da	mana di sisting		
Volume to Capacity	0.01%	0.05	0.00		COMPLEX					(CALLANTE SERVICE AN	G trissiment based
Queue Length 95th (ft)	0	0 **************	0.0		Hedrikasi (A	Tababalah K					
Control Delay (s)	9.5	(0.0)	U.U,			WEED REALTH	ESERTACIONE	Station and the state of the st	SHOOMER HOUSE ASSESS	th Billians of Conservations and Con-	
Lane LOS	A ∴ 9.5∜	0.0	0.0	henerten i	(02555H&35)	不到海豚					
Approach Delay (s)	9.5 A	Will U.U.	V.U.	nesest y	gefenher.	MATERIAL SALES	nesser ett statet i	6.8.2.1.2.3.8.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1			
Approach LOS	^	na managaran	######################################	THE STREET							
intersection Summary								CONTRACT SAME	HE PERSONAL PROPERTY OF THE PERSON OF THE PE	The State of the S	
Average Delay	in a weeks a team of	c. A subsection	0.2	Spanska 1	CUTTON	l of Servi	<u>ca</u> carantes	en endrossi	A	varion andia	HAMPS:
Intersection Capacity Utilizati	on 💛		314.5%°	陸逐漸打	OU LEVE	in of Servi	Y Yaman Yan	(1) [2] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4	gar i zgining a aranggani T	elegisk inneren och etter bet	
Analysis Period (min)	. S. W. SPANOV		15	Krinksiks						Markey M	

4: Westianu nu a r	<u>04 ₩00</u>		``	<u>√</u>		•	•	†	<i>/</i> =	- 🗽	↓	4
Movement		WEBT 1	, SEBR	WBL	WBT	基WBR 疆	NBL	0721	NBR	INSBU	(declar)	SBR
	NAMES OF PARTY	200	1,1540-3	3.77	4			€Î		•	7+	
Lane Configurations	0	. 0	. 0	9	.0:	42	25	42	0	0.	58	19
Volume (veh/h)		Stop	J		Stop			Free			Free	
Sign Control		.0%			0%	X 3 - 4 - 4	11.	0%		· A Halis	0%,	1.00 82.
Grade Rather Footer	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78
Peak Hour Factor	0.70 - 19-2 () - 1	0.70		a (12)	a 560 0 8	54:	· 32	. 54	ા તેવું (0 ે	第4.0 0	74	24
Hourly flow rate (vph) Pedestrians	estat de Mila	de las de Sala	ang artuna	AMENING ST	BELLIE 197 NUMB	Dr. 19 - Taile, Charles and						
Lane Width (ft)	bellemana in gel	ne statiety	al failthfall	Walter Sta		eastaday					THE STATE OF	THE PARTY
Walking Speed (ft/s)	SATE OF WALLAST	College and Assess	AND THE PROPERTY OF THE PARTY O	Anny July 19 1 Page 1-1	Late of the second second second				F 1010 107 104	mana and same managhin	and the state of t	and meanach AN
Percent Blockage	orezanajaja	ating the			e a joye a je Postava							
Right turn flare (veh)	i describeration	erena e e e e e e e e e e e e e e e e e e	THE PROPERTY CONTINUES OF THE PARTY OF THE P	Day of the processor				t in waste Deposit	illing only version	raines Mishibibi	ev kilozek	alianen erreta
Median type	ak ka mina da k							None:			None	ARTHURAN.
Median storage veh)	kir vidigi par litina i rilogia.	Aveiller statusepu	4122 (0)14840414 TV				in the control of control	Security of Sec	Jeson 1914 William	i. His wood walkers	20 kg) 2009/9/4	Sanda Stile to
Upstream signal (ft)	g-Warthalian ye	Total and a		阿特拉斯				Part Co	AND BURNEY	COMMON		ESPECIE
pX, platoon unblocked	* : * :	****				2 0 2 = +113 s			o pro travelskih	ರ್ಷ-೯೪೮ ೧ ೯೫ ೪೮	riida 2000 ja	86-World Ct -
vC, conflicting volume	258	204	87.	204	217	54		1. 18 19 19	ું, ખેં, કહુંતના પ્રેમપકોંડ	MF45 1 OHES	Professional Control	desite No West
vC1, stage 1 conf vol												W. O. W.
vC2, stage 2 conf vol			a KWY	s didiale		阿 艾克斯森				54	المراقي المراه المراه المراه	y Marie 11
vCu, unblocked vol	258	204	87	204	217	54	99 	ers in energy	and the same of			
tC, single (s)	7:19	. 6.5	াৰ্ড 6.2	36.7.7	::(:;;; 6.5 ₎	6.7	4.4	Medical to		V	ANG MANAGEMENT	
tC, 2 stage (s)			n electronis and ±45	and the second	ana na kata kata kata kata kata kata kat	3'8	2.5	labelWhiseest	OF STREET	2.2		simili
tF (s)	3.5	4.0	3.3	4.0	4.0 100	94	98		ulidadini ng Amelia.	100	SE CHANGE AND COMMENT	Car against to
p0 queue free %	100	100	100	98	668	886		physical us right	Astronovice Street	1564	hir Bar	
cM capacity (veh/h)	644	- 679	978	₩√ 637	000		- IOZO	ensemmensen	encontrol de la control de			
Direction Lane#	ZZWB/I		SB1									TEXAMENTAL PROPERTY OF THE PERSON OF T
Volume Total	65	× ′86	99	Water.			原路出的	energyneid Dallotten				建筑物位 。
Volume Left	12	32	0	ewith alternative characters are				19 1 January	on the same rest time.	an distribution	yring recht?	ma regardador do co
Volume Right	54	(10	24	jajourna (j. 1844). Martiniani, international								graves-up-
cSH	829	1326	1700			e i i i i i i i i i i i i i i i i i i i	eras an net behelves sk	da awata kitil	was sed likik	masioVääkiisaä	oartiikilkirii	ALERSANIE.
Volume to Capacity	0.08	0.02	0.06						Distanti		KE MEDITER	
Queue Length 95th (ft)	6	2	0			o, o, spéss, donovous Provides	rentiferation i Martinera	oursen en de la company	aribetessenie		ontraktini	
Control Delay (s)	9.7	3.0	0.0				ENERGY		CURRENTE		The section of	BELIKERSKELEN.
Lane LOS	Α	Α				ana etak-esakian kibabasa	patrickanija.	okatstálostábo		anarani ka	novina	
Approach Delay (s)	9.7	3.0	(i) (0:0				lia da di N		TIME TO SEE	native in the	raiche ann	Personal and a
Approach LOS	Α					٠				A 100 100 100 100 100 100 100 100 100 10		
Intersection(Summarya.												指加速
	MARKAN MARKANSAN	ODBOVE STREET	3.6	1-1-1-1						and the state of the state of	on factors and consistent	ranggapaggai wakati
Average Delay	ation "Total		::20.3%		ICU Leve	el of Servic	e		A. A.	Preside		
Intersection Capacity Utiliz	auoi ing ak	SHIPPE COLUMN	15	· · · · · · · · · · · · · · · · · · ·	, align des een var voordende	militaria (Calman an angango)			on the day of the control of the	an and an analysis of the second	gangsSaw 2144°	SERVICE SOLUTION
Analysis Period (min)			signer at the									

5: Westiand Nd & 1-	٦	→	*	*	4	4	4	†	<i>></i>		<u></u>	~	
Viovement 2	EBL	EBT	MEBR 4	EWBL®	WBT	WBR #	NBL	ENBITEM ↑	#NBR	建設SB L等	TERS A	最嚴SBR	
Lane Configurations		4				a falla Ne n Za	a a serie on le		21	37	31	0	
Volume (veh/h)	24	10	32	0	0.	0	0,		. 21	. 31	Free	0	
Sign Control		Stop			Stop			Free 0%		•	0%		
Grade		.0%	10, 40		0%	0.04	0.04	0.84	0.84	0.84	0.84	0.84	
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84 . 0	0.84	52	25	44	. 37		
Hourly flow rate (vph)	29	0	38	. 0 .	0	1 U	· . · · · ·	52	20	-1-1	. 0.	. •	
Pedestrians				August Silver	eri rizzeta.	ner e miles and e	orinan in Tri	i sa si .		Njavenika usti.		S. Aragar	
Lane Width (ft)	, y a light w	See all Net	(กลาสมาสิตินา	Service Control	lonalkilla bii		Marine GTa. v.	केर इसी होतियों ।	78°	a Saara a Com	age of the control of		
Walking Speed (ft/s)		Stockoust at 2844	orusiiikkanis		de Nidellie	ter in entire som	3024W3844		laiselteisid				
Percent Blockage							的社会的现在分	Beneral School and	HER PARKETERS	disease of the season	YEELE CONTRACTOR OF STREET	processor of the re-	
Right turn flare (veh)	nterior sittemat den	anatai tanaaAAAA	iosta destribilizad	aanindines		salvati vari		None	1965 (1964)		None		
Median type	eneme e	Probable	de stanishin	northine.			estable e	Marchiner and	dista harrida	Jagototeka ji naraketa	TECHNOLOGY, VANCOUS CO.	MA WO CASE AND	
Median storage veh)	ne est average está nac	Spring North Color	en alekkaiden	rdes in distrib	necatorani	ienaniani	34454	at make the	the same	king si jalon	海洲村		
Upstream signal (ft)	RIGHAPPER VALLE.		Richard Debts	spiritistisch	可能的認為自然	inn least the Asia Ca.	(1971,2 Michaeles, 3	A CASSAMP STAN		1,000,000,000,000			
pX, platoon unblocked vC, conflicting volume	at so radonis	a‱rono√	WE 370	228	190	65	37	SALARY.	Section 1	77	HAMMA	物學學的	
VC, conflicting volume	1477 - 1 30 75	77 - ZUZ		7800 520	\$\$\$\$\\ (. ! \ \ \ \)	NG PROMES A TABLE	AGENTAL COLO	p 1/18181		,			
vC1, stage 1 conf vol	, sangred	2686.00	inalia katak	Sand Medica	. Vergratia.	South th	insilo J	e de la Vil		kilora i vi		Loudis	
vC2, stage 2 conf vol	190	202	37	228	190	65	37	. 30		77			
vCu, unblocked vol tC, single (s)	. de 17/4de	6.5				6.2	4.1	MATERIAL S		4.4	AND D	的概念	
	Ny INSERTANTAN'	Geografia ya Marin Tanan	ga del Asade	geline glassin our or service	elatification of the a	COLOR DE MANAGEMENT CONTRACTOR							
tC, 2 stage (s) tF (s)	3.80	4.0	3.7	3.5	4.0	3.3	4.2				(2404		
ור (s) p0 queue free %	96	100	96	100	100		100			97	· 65.00	To the second second	
cM capacity (veh/h)	689	675	932	684	685 684	1005	1587	ali de la companya d	福存代表	1351	Many S	路。孫語東南	
A 100	AND AND A CONTRACTOR		SB/I										1
Direction Laner H	EB/III	INBINE TO	State Committee of the	AND REAL PROPERTY.				en e	4440001A	APPLICATION			
Volume Total	67	77	81 44	物的數學		300000000	Americani.	ELECTRIC GARACT	\$facts \$0 constant	gayen waters -	(M.M.M.)	- 34+ 'so so to - 45 51 ±	•
Volume Left	29	0 25	44 በፊታመማስክ	Dissert di Bilitari	- 10 A A A A A A A A A A A A A A A A A A		THE RESERVE			Andreas de la composición O resolventes	物等的大规模 编码(SAM)	物的研究	
Volume Right	38	25 1700	1351	議的監備中	C. P. Maryon	કેલ્પિક (Alegania) અને જોઈએક (Alegania) અને	Eddin Wils	a girali telik ele	Sairt Are				
cSH	810 0.08	0.05	0:03	auto sange	Markana	ovis aliek	distribus				kantani Kabatin		£
Volume to Capacity	0.00 7		3	RALL SHEET	i yan Mas	West Constitution	uritata) puta 1994	A STEEL COLLEGE STEELS	Contract to the second	- 45 4 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
Queue Length 95th (ft)			्रे 4.3°	and Reg			derign.	长期的	伊斯斯爾	Western	A BOOK	智性機能	
Control Delay (s)		11.45. (V.V .	Λ', .Σ. .7.9 5 Δ	CAN POSTERNA	(A.S.) relation(3)	keth oldstanner av	gazze en en esta	er caretter en					
Lane LOS	9.8	0.0	4.3°	2177. VST 1/15					运动规				g.
Approach Delay (s)	A	righter X. And	September 1984		Controller Service	varde ing her sammersen	POST READERS IN CO.	1671 later - 1891 - 184					
Approach LOS	ermennennennennen	BELLY SECTIONS AND ADDRESS OF THE PERSON AND											A A
intersection Summary of the								HAMPSHIRM	有13000000000000000000000000000000000000	and Patentine 1884	EHICUSTRA PARTIE	on street of the street of the street	==
Average Delay	2 Jan 200 - 0 1	are restly and the constant of the	4.5	estratuativativi d	i Anne Paris	50'24'0'22'0'2	Marin Pos	98的 司 法的形式		Vision (Lipson	SECTION SEC	ne aktika	
Intersection Capacity Utiliza	ition	机模制器	20.3%		ICU Leve	el of Servic	Parking M		appendit A	Mark Mark	Market Control	igaja semilik Elektra	
Analysis Period (min)	and and an experience	r, a szemel haddesék	15	casolandulen	en elektristek	Tarangali Masa	edir ibiae di	omenaniisti		area da e	an emiliar		è
	10000000000000000000000000000000000000	HONE R	表示的理解			agranyun		REPARENTAL PROPERTY	湖南部縣	poservini inchio	natalistings n	ones of Herrical	5

Appendix H Year 2016 Total Traffic Level-of-Service Worksheets

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out with the state of the state		EDDW SAWE	REPRIVE THE	WINE	NBR				
Movement		A A	f †	*************************************	*				
Lane Configurations	263		2 110 (27	. 128		12.44.0.1.1.4.4.1.1.1.4.4.1.1.1.1.1.1.1.1.		
Volume (veh/h)	Free	191 4 No. Wood 1715	Free	Stop	and the state of the state of				1.
Sign Control Grade	0%		0%	0%	Calibration - re	yer virth thesi	Section Bearing	The state of the s	Francisco de la Companya de la Compa
Peak Hour Factor		0.89 0.89	0.89	0.89	0.89				
Hourly flow rate (vph)	296	24 120	124	30	144	M. Sand	Day 7 B		A TANK A
Pedestrians		\$17.6 2.16	, , , , , , , , , , , , , , , , , , , ,						
Lane Width (ft)	100		M - 1. (W. 1)	$(\mathcal{T}, \mathcal{T}, \mathcal{T}, \mathcal{T})$.*		* **
Walking Speed (ft/s)								and the second of the	in the second
Percent Blockage			11, 77,50	d Marin		•		institution and estimate	\$ \$ 4 \$ 7 \$ \$ \$ \$ \$ \$ \$
Right turn flare (veh)		•			1				in the state of th
Median type	None	1.5	None				* .	*	
Median storage veh)					;		1		
Upstream signal (ft)	1.2	4.1	and the second	11	ार्था केंद्रेक र	a salah	and the grant of the		
pX, platoon unblocked	 E. Bochkeidelfrasfah d 	neminananah d i 94	ountille (subit	67.1	296	SELEMBERS			
vC, conflicting volume		21 Miles		Emily Military	item Typerroller	Salar die Affick State in der ne	Safe adhiorities - South		entari iran dara
vC1, stage 1 conf vol	ng-outbecarilline	en e	erigin i galetine	MANAGA PE					
vC2, stage 2 conf vol	KERNES STORMERS	31	9	671	296	district the second			toure arousi sisabbee
vCu, unblocked vol	. voresentras è	2258549075/4		6:7	6.4				
tC, single (s)	Tariff Anniet and	AND SECURITY OF THE PARTY OF	West and the second	in 1995 janes jättilen 1 enter jaljane.			a is notewaln, i top territo	a. Anadas esta da Militaret	trick, sudpost
tC, 2 stage (s) tF (s)	Cosebboli wellow	· · · · 2	4	3.8	3.5	排出的原则			
p0 queue free %	110 FM, \$5900 FM #500 FM	3	9	91	79	and the same of the Manager Co.	Thomas hade a self in Pil	eserli varantiidhida	Marka a harrietta.
cM capacity (veh/h)	VERTICALLES	3 X 112	7,50	336	699	建 物的特别。	i in the state of the	i settinikulik	PARTY SALES OF SALES
		ESTONETINE	MENWBIZ	MNBA					
Direction Lane # 442	296	24 12	ELT-SAN LOS DE CONTRA DE C	174	The property of the second				
Volume Total			26 0	30	3 Subhite auth Bengelier zwo	17, mary 1, 1 mary 1 ma		and comments are the specific	usyrtaech (f. fillschlank)
Volume Left			07/	144	THEN				indian desertion
Volume Right	1700	1700 112	27 1700	846			remonal factoria	ShiibadhaadadkeTiVii	richd Sudhirfledik
Volume to Capacity	3000年10:17 學家		11 0.07	0.21					
Queue Length 95th (ft)	0	0	9 0	19	a term and displacement and assets	National program of the Marshall Re-	on Chantilla of the A	da ロイズ (東京)	THE PROPERTY OF THE PARTY OF TH
Control Delay (s)		0.00	.6:0:0:0	12.4					Distribution.
Lane LOS	Control of the Control of State of State		Α	В		otan egetar Noot in de	ana valuolulistateens		AN SUBJECT
Approach Delay (s)	0.0	与原则特征	.3	12:4			ARC DEDELIZIONE	Sec. Hartsuffastsafter and	Callacada y dividi astra- c
Approach LOS				В			en manual recommendation and the	MANUFACTURE DE LA COMPANION DE	
Intersection Summary									
Average Delay	e trian era alle era era era era era era era era era er	4	1.4		*			ing and the same of the same o	interactives
Intersection Capacity Utili	zation	33.4	1%	CU Level	of Service	Water Comment	A	的地區所屬的	ENTROPINS
Analysis Period (min)		2	15		entre district and a second	endada (i.a.)	Samilta dalikali	se process des stellech	Largery (Mithial)
Analysis i shocking	on white and the said		器的基础				是例如於學門特別	3465460000000000000000000000000000000000	SERVICE SERVICE SERVICE

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Movement	ERIO E	E FRISIN	WEBRIE	WBD W	WBT	WBR	WNB LEE	體NBT開	NBR	SBL	ESBITE	WESBR
Lane Configurations	Marie C. House	erse - warmen	Delta Control		4			4		.o ~ =99. /	}	************************
Volume (veh/h)	18:10 %	0.	. 420	. 787	;;; `0 ;;;	ે 113	23	133	0) O.	ONE THE PARTY	102
Sign Control	ACOM TROOP	Stop	Application and the second	y a supportation	Stop			.Free			Free	
Grade	and the second second	√ .0%	William Control		0%	A. Kanada A.	Balan Salah B	0%		0.70	0% 0.78	0.78
Peak Hour Factor	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78 (3. 06)		
Hourly flow rate (vph)	0.5	0.	0.	10:	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	/145		集17/15	Walter Control	Mark offi	W. 110000	33,4101
Pedestrians					and the transfer of	e estat Carte	s Vanas se se	one softing to	garant.	, A),	jar kasi	age of
Lane Width (ff)	ANTENEZ ANTENEZ		FERRE			1636,000,000	មុន្តម ។	r _{es} NAC	ind en			1.1
Walking Speed (ft/s)				عين ۾ ديند	er i Mariel ().	7., 86 OV	100	teathus:		77 77 77 189	19.55 SWA	Park of
Percent Blockage	101.477.76	V 1.6	476 469		,તાલે જિલ્લો હતું છ	and galage.	ti egytet vita att	Marin Comment	er og græn	Tari Makani	• •	,
Right turn flare (veh)					:			None			None	
Median type					•••							•
Median storage veh)				•	2.2	e.,				٠		
Upstream signal (ft)			•			•						
pX, platoon unblocked vC, conflicting volume	635	490	260	490	555	171	326			171	Av. Bills	William St. Phys.
vC1, stage 1 conf vol	0007	1		,						z . sespinanista	. oo aa Marail Pat (Sa)	Caree World
vC2, stage 2 conf vol		网域是	ene water	ariyada	ning a	and the				171		Man year
vCu, unblocked vol	635	490	260	490	555	171	326	n. Bi makan	uit. Abelika A	17 I 法统 4 1 筋	onoficialisti.	Waliotata
tC, single (s)	7.1	6.5	6.2	7.7	6.5	6.7	4.4	en e	SHY TANK	器(2)- 十 50%	Mark Con	AND SALES
tC, 2 stage (s)			Grant Call Int Selfand	Nikaanar või 2000	ostovate na alki	marayay 72	. 2.5	rasidaidaidhire.V	raechr/einig	2.2		
tF(s)	3.5	4.0	3,3	4.0	4.0 100	表。3.7± 81	2.0 97		NETONIE DESIGNA	100	100109 ISHNA 2 : 44	DE FLANKISK-SLAV
p0 queue free %	100	100	100	97 402	428	773	1083°			1407		
cM capacity (veh/h)	311	466	778	402	.420			nementrikani Tipinggana				
Direction Lane #35.0	WBM	NBIN	SBM									
Volume Total	5 155 Q	- ∶200	326				West-195			The Page 1	NEW YORK	SWINDSTEE.
Volume Left	10	29	0		s a set e cont	n or standing	,	es, ver prod	e var sett i tilljob	rd. Young	Patriot Park	######################################
Volume Right	145	0	131						\$455t.35	e self il tulidat	gras (1 louant)	Dinament He.
cSH	729	1083	1700	rak was sikilika	was at 10000	scoulinkly and	tatārā ieku	WANTED AND	worden.	4.9科學的	ANDER	
Volume to Capacity	N 444 144 144 144 144 144 144 144 144 14	. 0.03		NUSSUE SUE			REPRESENTE	and the second	(A.W. A.M. MARK	og og fyddiolod o Brigg i'r Brigh Ra	Bargeria medical va	And the control of the same of
Queue Length 95th (ft)	20 11.3	2 1.5	0 	awaran di salidi.	tunga di		and the s		PATRI	的武器	r singbon Tanggan	BEET OF
Control Delay (s)	學問題 化明白细胞	网络印度性 1948	W. U.U.	REPORTED IN	新产品的基础等 。	Terlis de la Constantina del Constantina de la Constantina del Constantina de la Con	dinalage (u. Pope to	entalisti a stesi	Market per transfer			
Lane LOS	B ©211.3	A 1.5	የሚፈተር ነ	1812 NA	in the same	in a said		法就制裁		特別的	的特別	
Approach Delay (s)	B		kardiki U. Si	sayagracidest/fe	The action of the Control of the Con	Control of the state of the	and the second of the	and the second second				
Approach LOS	L)	wasangaronan	eneropeter									
Intersection Summary						HEIST HOUSE		and the Laboratory	end water of their	property and the contract of t		
Average Delay			3.0	1 مرين العامل	CHISVS	of Service	e la c	a e e e e e e e e e e e e e e e e e e e	Α	en jarok Kalendarian	从第 分中的	
Intersection Capacity Utilization	on Carlo		39,9% 15		On reke		yatida.	1 8 4 GATS		A		
Analysis Period (min)			U I Settenbense	56. ot \$15. D	Para Bala.	SPECIALIS	A. A. S. S. Wago	7 F 9 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	Value (Ve		AND THE	BARRET.

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Movement	AW EBLA	WEBTIME	EBR	WBU	WBT	#WBR#	NBL	WNBIN	NBR	SBL	¥SB∏# 4	SBR
Lane Configurations		4				n etan azar a	nda tomici	}		ราช <mark>สสก</mark> สร		on stables
Volume (veh/h)	102	0	. 29	·	· 0 /	0	0	, , , , , , , , , , , , , , , , , , , ,	-19	118	Free	- 1818 - U
Sign Control		Stop	e S. (1884)	. 12-2-24 - 7	Stop	Samon dien 1896.	er saladar asar e in	Free	leottoloon dete	dina estiliata d	ಾ 0% -	ar estat.
Grade		0%		A STATE OF THE STA	∴ 0% 0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84 2008/03	U.04 Naio 0:34	0.64	0.04 64		140		
Hourly flow rate (vph)	121	0	35	1. P. C. T. U.	94155 9 40	ing the Villa	PARENT MADE	COMM. M. A. A. A. A.		NEE, 151,799.5	rgeross _e t, taleare	ne all roots
Pedestrians	an also means the	nada gyabab in	ejn (egyébb)ejő	general and A	reversioner	Paningan Paningan	ir atrahisi	- Carago	ng ay ay da	97, 28 ⁰ , 70	riod (SA) g	J. 10 .
Lane Width (ft)	(200 margaret	型分類確認的	N. S. M. S.		AT MESSAGE OF THE S	1945 schoolings in	Sadda da Barta da Araba da Ara	AND PROCESS OF	, an estate, recent to			
Walking Speed (ft/s) Percent Blockage	a ar crobal labella	endinist.	andria de la companya dela companya dela companya dela companya de la companya de	南中国的 配合		红粉散形成			是数数数数	SPECE TO SERVE		与规则等
Right turn flare (veh)		PERSONAL PRO		No PALIFICA	1948 F/D 4 V/D 107	e are little to the control						5:
Median type	10. 8475	-(%%),50			il-jývalá	HERMAN		None			None	学说:
Median storage veh)	et vidustion to		. 4 * * *				Mark a	•			et kun a	A roderación
Upstream signal (ft)			Arguer.	San Selection	San Salva	St. William	7.6	MAN, M	· Carrent C	petiti de l'il	nga galing \$	4. 44 13/4 4 00
pX, platoon unblocked	•				400	. 70.	, E4:	,		87	an gira	
vC, conflicting volume	408	419	51	442	408	76	01	·			·	•
vC1, stage 1 conf vol									*1			
vC2, stage 2 conf vol	400		- E 1	442	408	76	51			87	14.70	
vCu, unblocked vol	408	419 6.5	51 ∂,∂ 6.6 ₂			6.2		11. 11. 11.		4.6	WW A	WALLEY.
tC, single (s)	7.5	0.0	§ 0.07	e significant	82 12 3.3		TO MALL IN CO.	1				a tuas Avers
tC, 2 stage (s) tF (s)	3.8	4.0	3.7	3.5	4.0	### :3.3#	2.2			2.6		
p0 queue free %	73	100	96	100	100	100	100		and the second	89	romania e vida	sker forettrofert
cM capacity (ven/h)	453	467	914	463	474	986	1568			1264	PENSON	WANTE
The state of the same of the s		NBM	SB/I									
Direction Lane #13	156	87 87	192		and the second							
Volume Total	121	0.00 0	140		ENGLE MENDE	enterantina.	New York Control	-Satterfathanenenen	Tables sandies san			and the second second
Volume Left	35	23	- 140 - 0	yer Gerthi					APART TO STREET	(4) 10 10 10 10 10 10 10 10 10 10 10 10 10	Section 1	
Volume Right cSH	510	1700	1264	Str. of a distance	ti e kuntul süüdi siiddi s	a. Et personale de California de la companya de la	*(p			al	o thorodolae	e u sashirist
Volume to Capacity	4 44 . 54	0.05	0.11				物機能		22、阿特特特			
Queue Length 95th (ft)	32	0	9	-			all cost in	v arthurst	. da Sai Wali da	ethian webered	Sintal (di Albaria)	isokunikini.
Control Delay (s)	15.1	0:0%	. 6.3		经规则 添	an all all a		特別的	KWI PARWA			
Lane LOS	С		Α	and the second second	Section of the second	elekanja užinke	ug Algah sala Mericah	in digalogialis	owing House TA	的原理性型基件	himme	
Approach Delay (s)	; 15:1 _{.5}	0.0	6.3	熱,物質			es sam	THE STATE OF		overpristre et	500 1 型型WYN 经国	rate for the state of the
Approach LOS	С						Market Street Street Street	HWW.PHOMILETO	energy energy and	Managan da	oregivalinesu	
Intersection Summary												MILL TO SERVICE AND SERVICE AN
Average Delay			8.2				weeks for a con-	. n. 80 Capaba n 26	Carrotter to A.S.	nastala idali od	rendakat 1995	NAME 1988
Intersection Capacity Utiliz	ation 💮 🐩	vestin.	-29.5%	\$\$43.51	CU Leve	of Service	e de la company	自由的	A.	NUMBER OF THE	特殊的情	WALL TO SEE
Analysis Period (min)	24		15			market I cannot	المالية المناطقة الم	er Geografiek des	A MANAGEMENT OF THE	en version status. Partie et et et et et et e	a Brijiles	dayaharida
XHMIXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Asta Alekaniza				The State	品彩藝術。	Nightata	新 加入。		1200 1 (10 to 10 to	and section in	alsky revisite (a.g.).

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Movement	EBL	EBR	NBL	NBT	SBIN	KSBR #					
Lane Configurations	¥			4	4	waxaa a c isii dh	ene en en en elektron	crawningstyng! ye	an inggrega in sing sa	apprint to the state of the state of	8V
Volume (veh/h)"	30	95	70	_101\\	90 Free	25,1		PARTE NAME OF SAME		Martinia i Batia.	
Sign Control	Stop	native unitaly	ATTY ADMINIST	Free	ະເຄຍ ເຂດ‰ີ	nakilikakilaso	waa u saafii	Massinis		araderika A	ĥ
Grade Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	ibitorii (1918 + 4 17 18			to discount or ordinate or	t abe
Hourly flow rate (vph)		119/	88	126	112	31	特的人的法則	老学教育的		Manager Manager Manager Manager Manager Manager Manager Manag	Net.
Pedestrians		and the same of the co	tananti waki	e sai dudu daki	. Hannari os	akar abili sababi sa	ine of a trible	e kalika milikal		Mary 1 - 11 / 18 (15)	7.
Lane Width (ft)	San di		Carl Sunvilla			NEW ARREST OF	asalustas in inchis	HAMITAND COLUMN	and the state of t	40.74	
Walking Speed (ft/s) Percent Blockage	richer in			vine e							Ņ.
Right turn flare (veh)	riving and say	5,4600,000,000	er-fildige to caled litera-	al desirante en ex ox	· · · · · · · · · · · · · · · · · · ·	on bellemetete Wilder ov	radiothe Selven tradestate	et Para de Bosenhaire (* 1889)	anti arakikiki kakikiki	ettere öröttetek	140 140
Median type	allen.			None	None						784
Median storage veh)	s o ii. Vo 2029 - 4	ann aite Maidh	rad Nathanala	est College (19)	Tersolitativa				a i santativ (Salika) Oli Salika (Salika)		1.10 °
Upstream signal (ft) pX, platoon unblocked		# (##)#################################	si i silikula s	新 <i>2.4</i> 4 (14) (14) (14)	Reconstanting of the	ita diatoniassiona	6 (1935) - 1 (1946) 1 (1946)	.01,000.00		some opport Will below	oli est e
vC, conflicting volume	429	128	144		多地中的學						941
vC1, stage 1 conf vol		124		e e di ed	Single Service		Now Serve		in expens	#1788 (C)	d:
vC2, stage 2 conf.vol	400	128	144			્તારું તે વર્ષે કેન્દ્ર નિર્દેશ પત્તી	milya — Belleya -	e or healigned to en-	*	(4) 411 - 기업(1) -	
vCu, unblocked vol	429 . 74 :	7.2		n, saine kwell	战机造成	radilaisma.	Mr. Jak		(Section 1997)	Balan, isa	P
tC, single (s) tC, 2 stage (s)		gregoria a - Te rr	ne layariy	, ,,,, F34				ewikan noe konek	บาน ประชุมกับ ค.ศ.	essa di samuti di 1970	658°
tF (s) 0.7981/2 1/2 [7]	4.4	4.2	3:1			THE STATE OF	y a bay babab		t graff Kirkeradê	And And Co.	LÇ-
p0 queue free %	91	83 714%	91 - 1007	o pôloj Alam	New (ESp.)		erak dilak dil	a yake De ayaanka waxaa baa Gaarii ilaa	Haddorff Salk	nation.	17. 17.
cM capacity (veh/h)	397	ar part of the state of	Tell all the newscore								
Direction Lane #1	EBIM	NB/I	WSB/III							in the state of the	
Volume Total	156 38	√ 214 88	144 0			A FORE TO SERVICE	eganya an anasara	STREET, SELLEN S		e nava nomin sa salahah Walanda	arunas
Volume Left Volume Right	119	20 E	31								
cSH	599	1007	1700	nato est ada sensió territai		namenterikkenskeli	Service Cardilla Sign	uosaanikikiise.			
Volume to Capacity	0.26	0.09	0.08				AN THE PERSON			Protesta de protesta de la composición	Filefic
Queue Length 95th (ft)	26 ⊕∵13.1,∾	7 4.1 <u>%</u>	0 :::::0:0								
Control Delay (s) Lane LOS	B	A		gwy a gannai a gan	dis. Americansa	ALCO PERSONAL PERSONAL CONS		- aneradistrat	ussasphalibación.	companyon a dalah	isalai.
Approach Delay (s)	ું એ જાઈ	4.1	0.0	W.S.S.B.							KKH.
Approach LOS	В					ma (anggri) (myaatii na masa		everalisains heres			
intersection:Summary										MANAGEMENT TO THE	羽椒粉
Average Delay		العلام المراجع والمراجع والم والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع و	5.7	esstandari er tv	기막: [/출장설	of Service	ofall in grade Dalies		A. A	undi dakk	United States
Intersection Capacity Utilizati	on		30.0%∜ 15	是的意思的	O FEAG	VOL'OCKATOR	AREM POR COL	an ar fairfaile de Christia (Christia)	STO Assessment for the month of page	ngan an ingana angangga ang ang ang ang ang ang a	Bod can ex
Analysis Period (min)					A - 0 - 15			ACTACH I			服體

	<i>></i>	*	4	†	↓	✓	
Movement	EBLER	EBR	NBL	SINBITALS	SBI	SBR	
Lane Configurations	¥		The second	∱	↑ =155 =	'' - ≨30:	er en et al anne de la grant et de service de partier
Volume (veh/h)	•	90	105	136 Free	Free	30.	
Sign Control	Stop 0%	. gertalen i	. 65	0%	.0%	n Augusti	and the commence and a supplication of the first of the
Grade Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	•
Hourly flow rate (vph)		. 112		170	194	38	Elizabeth Andrew Seinen Strateger
Pedestrians	TOWNS MORTER S	The contract of the contract o			exchined make		the state of the s
Lane Width (ft)	"我就是我 "	能與例如					
Walking Speed (ft/s)		. wicks, or out office	weeklakk as Hijis	e nemicie	uaidheala	no a hall the artificación	uti in 1999. The 1990 is the second to the s
Percent Blockage		richeres de la	NACE Y		MARKET	STATES AND ACTOR	ta kenasta Masti estakise, sentra senga para en er, usa anya mesangan senuara
Right turn flare (veh)	NG 2008 PAN	estaakhvek	KINNEY.	None	None		
Median type Median storage veh)	TO STANDARD OF	per en la proposition de la company de l La company de la company d	THE CONTRACT	e e il il il direction	d (non-sept 199)	200 (20 to 100 (100 (100 (100 (100 (100 (100 (100	Secretar the superior extension that the control of
Upstream signal (ft)	PHENEY.	alin and					
pX, platoon unblocked		on a maketa.	ri i a ta Masilin	nastr vitatus a stocilo	a da campini Principi	a tomo a sila di kana d	and the substitution of th
vCr conflicting volume	626	194	. 231				表表现的表现代的表现的现在分词是一种是一种是一种是一种是一种是一种是一种是一种是一种是一种的。
vC1, stage 1 conf vol	antistesiaesiesi	Jana Maria sa Sad	sototěnskí	le viditorica	rational de	r Villagot Grandens	
vC2, stage 2 conf vol.	626	194	231	Filther with		2013年的基礎與物質ABBA 14 14 14 2 14 2 14 2	10g Fig. 11 11 12 12 12 12 12 12 12 12 12 12 12
tC, single (s)	6.4	6.2	4.1.V	CAMBREY		World Control	Control of the Contro
tC, 2 stage (s)	Marie, Davider C	er en er fan, en	ter fractivity			in the result of the second of	And the second of the second o
tF (s)	ুট 3.5	3.3	2.2			ARAM SETTING	
p0 queue free %	91	87	90 400 7 0 0	Parez e estilotello	الى ۋاقىڭ ئورى	r - Mariya salaka iya .	
cM capacity (veh/h)	404	848	1337		at the second		
Direction Lane # 1887	EBI	NBITE	NB 2	服SBIII部	SB/2		
Volume Total	/ 150 ₆ %	131	170	'_194 0	38 0	A CONTRACTOR OF THE CONTRACTOR OF	是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个
Volume Left	38 112	131	0 - ⊹:0'\-	U aal aa Naa	38		
Volume Right	665	1337	1700	1700	1700		A second our institution (22)
cSH Volume to Capacity	0.23	0.10	0,10	0.11	0.02		
Queue Length 95th (ft)	22	8	. 0	0	0		
Control Delay (s)	12.0	8.0	0.0	0.0	0.0		
Lane LOS	B	A	-0249500 1 646	0:0	NEW PRINCIPAL SERVICES		
Approach Delay (s)	(12.0) B	3.5		U:U:W	en en en en		開発機能計算工作では、金属 felt felt a felt felt in a soft
Approach LOS	D	mer programmen e	NUMBER OF THE				
intersection Summary 40 mars					NAME OF STREET		NAMES AND STATE OF THE PARTY OF
Average Delay	والمعار والمراز والمتيان	Podratego na sector	4.2	Luis Sant	i i l'eve	of Service	A TO A TO A STATE OF THE ABOVE
Intersection Capacity Utilization	DIN AND A CO	1. 推出被提出 相。	5 j.4 70 s 15	会に対象を記し	(2,501)	ter garattatar ili katalog diaketik	ring garannes i saccesti i si
Analysis Period (min)	wa wifet						"不是我们的人,我们就是我们的人,我们就是我们的人,我们就是我们的人,我们就是我们的人,我们就是我们的人,我们就是我们的人,我们就是我们的人,我们就是我们的人

Appendix I Year 2028 Total Traffic Level-of-Service Worksheets

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Movement	EBT E	BRISWBUS	WBTERNBER	MNBR -	
Lane Configurations	<u></u>	ال الح	<u>↑</u> ₹	7	and the state of t
Volume (veh/h)	295	20 120		140	
Sign Control	Free	of State of	Free Stop	e almos Chrombon de	and the second second and the second
Grade	0%		0% 0% 0.89 0.89	0.89	के नामीति । प्रोक्षिक सिक्षिणिया सामानिक्षक व प्रतिस्थिति नामाने व अपन्य । १००४ वर्षा
Peak Hour Factor		89 0.89 22 135		- 0.03 - 157章 高马克	ALAN LINE DESCRIPTION OF THE PROPERTY OF THE P
Hourly flow rate (vph)	· 33 [A 35]	22 g ₁₉₆ (100)	, 140 m to 100 to	1009 (1900) 100 July 1	
Pedestrians Lane Width (ft)		a. 1	184	swika	and the second of the second o
Walking Speed (ft/s)					
Percent Blockage		ja vijang Susi	1994 A		
Right turn flare (veh)	·			1	and page to the form the section of the section of
Median type	None (A A A A A A A A A A A A A A A A A A A	None	The section of the se	2. 1967年 [1] [1] [1] [1] [1] [1] [1] [1] [1] [1]
Median storage veh)	ar eseldanerak elek	enteramen enegalagenek	e sipiki sahiri masa	1070 A 108 A 2011 A 108 A	
Upstream signal (ft)	ne de la maria de la company de la compa		A hill bill of the state of the	volkitativilgette tetroorga ett svore s	PE arking being areass, and a second consideration or a configuration of the configuration of
pX, platoon unblocked vC. conflicting volume		354	742	331/	
vC1, stage 1 conf vol	Yeng in William in the	AUSTRALIANUS TERRORISKOS	Contract Con		
vC2; stage 2 conf vol			A CAS LINES SON		
vCu, unblocked vol	Tarle de la Tarribante de la companya de la company	354	742	331 6.4	e per de l'acción de la Constitución de la Constitu
tC, single (s)		4:3	6.7	0.4	· · · · · · · · · · · · · · · · · · ·
tC, 2 stage (s)	radane datakingilesiyi	Server Delayer		3.5	
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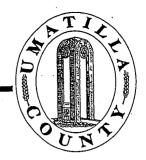
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Umatilla County

Department of Resource Services and Development



Director

January 11, 2007

Tamra Mabbott

Peter Livingston and James F. Dulcich

Schwabe, Williamson & Wyatt

1211 SW Fifth Avenue, Suite 1600-1900

Portland, OR 97204

LAND USE PLANNING 541-278-6252

Planning & Development

Division:

Re: Final Approval

CODE ENFORCEMENT 541-278-6300 Petro Conditional Use Request, #C-1086-05

Map 4N 27 25, Tax Lot 500

Emergency Management Division: Dear Mr. Livingston and Mr. Dulcich:

EMERGENCY MANAGEMENT 541-966-3700 The Board of Commissioners held a public hearing on December 19, 2006 to consider adoption of the Final Findings for the Petro Conditional Use Permit Request#C-1086-05. On that date, the Board affirmed its approval of the application and signed Order No. BCC2006-41. A copy of the Order and Final Findings is attached. The conditions placed on this approval are listed on pages 23 and 24 of the Final Findings.

CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM (CSEPP) 541-567-2084 541-966-3700 1.877-367-2737

If an appeal is not made during the appeal time period you may proceed with satisfying the conditions of approval.

County/State Agency Liaisons: Our approval will expire December 19, 2007, one year from approval of this conditional use request. By that time, at the latest, you must have satisfied all the Conditions of approval listed above.

OSU EXTENSION SERVICE 541-278-5403

If you have any questions, please contact myself or Doug Olsen.

WATERMASTER 541-278-5456

Cordially, Mallaff

Tamra J. Mabbott, Planning Director

enclosures: Final Findings

cc: Clark Rudy, Petro Stopping Centers

E. Michael Connors, Davis Wright Tremaine LLP

Gary and Rhonda Miller

Mike Brault, Eagle Freightliner

Paul Magana, Hammell Transport

1

Ph: 541-278-6252 • 216 S.E. 4th Street

Pendleton, OR 97801

Fax: 541-278-5480

RECEIVED

DEC 1 9 2006

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS STATE OF OREGON

In the Matter of Affirming Decision of Umatilla County)	Order No.	BCC2006-41
Planning Commission Approving	·)		•
Petro Stopping Centers)		•
Conditional Use Application)		

WHEREAS Owner/Applicant Petro Stopping Centers, L.P. filed an application for a conditional use for a "stopping center," numbered Conditional Use #C-1086-05;

WHEREAS on September 29, 2005, a public hearing on the application was held before the Umatilla County Planning Commission, where, on a vote of 6-1, the application was approved;

WHEREAS on January 31, 2006, the findings and conclusions for the application was signed on behalf of the Planning Commission;

WHEREAS a Notice of Appeal of the Planning Commission decision was filed on February 15, 2006, by Western Express and Pliska Investments, LLC (Space Age Fuels);

WHEREAS the Board of Commissioners held a public hearing on April 4, 2006, to consider the appeal, and to hear testimony and evidence regarding the appeal. Pursuant to the request of the Applicant, additional time to April 18, 2006 was provided to allow additional written evidence, to April 25, 2006 for written rebuttal evidence and to May 2, 2006 (continued to May 9, 2006) for final written argument.

WHEREAS on May 17, 2006 the continued hearing for deliberation was held by the Board of Commissioners, at which the Board of Commissioners voted to affirm the decision of the Planning Commission and to approve the application.

WHEREAS on December 19, 2006, a further hearing was held to consider the change of condition requiring a Development Agreement from a precedent condition to a subsequent condition, at which the Board of Commissioners voted to approve the execution and recording of a Development Agreement as a subsequent condition.

NOW THEREFORE the Board of Commissioners finds and orders that the appeal of the Planning Commission's decision in approving the application is affirmed, as further set out in the Findings and Conclusions signed and approved under separate document this date.

DATED this 19th day of December, 2006.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Counts O. Colerty

Dennis D. Doherty, Phair

Émile M. Holeman, Commissioner

William S. Hansell, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer

A COUNTY OF ORMAN

UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS FINDINGS AND CONCLUSIONS FOR APPEAL OF PETRO STOPPING CENTER, CONDITIONAL USE REQUEST No.C-1086-05 MAP 4N 27 25, TAX LOT 500

1. APPLICANT/ PROPERTY OWNER: Petro Stopping Centers, L.P., 6080 Surety Drive, El Paso, Texas 79905. Contact person: Clark Rudy, Director of Engineering Services

2. APPLICANT/OWNER REPRESENTATIVE: Peter Livingston and James F. Dulcich Schwabe, Williamson & Wyatt 1211 SW Fifth Ave., Suite 1600-1900 Portland, OR 97204

Property is located on the west side of Westland Rd. in the northwest LOCATION: 3. quadrant of the Interstate 84 interchange approximately four miles southwest of the City Limits of Hermiston. See location map attached as Planning Commission Record ("PCR") Exhibit 1.1

- PARCEL ACREAGE: 81.14 acres.
- REQUEST: 5.
- (A) To site the following uses in the Tourist Commercial zoned portion of the property: 1) automotive fueling stations; 2) restaurant building, including 3) a retail travel store; and 4) accessory improvements, such as, but not limited to: parking spaces, service drives, curbs, drainage, signs and landscaping.
 - (B) To site the following uses in the Light Industrial zoned portion of the property: 1) truck fueling complex; 2) truck service building; 3) truck wash building; 4) accessory improvements including but not limited to: truck scales, signs, parking, service drives, access roads, curbing and landscaping.

See applicant/owner's Site Development Plan attached as PCR Exhibit 4 for the location of specific uses.

REVIEW: The uses proposed in Finding 5(A) above are permitted uses in the Tourist Commercial (TC) Zone. Umatilla County Development Code (UCDC) §152.276, Uses Permitted, which includes: "(1) Automobile service station; (3) Eating or drinking establishment; (4) Food store limited to 2,500 square feet; (5) Gift shop; (6) Information center." The Board interprets UCDC §152.276 to allow the proposed "retail travel store" as a composite of food store, gift shop and information center. The applied-for uses could be individually permitted outright. The Board also notes that UCDC §152.277(E), governing conditional uses, allows "Other uses

¹ The record is divided into two parts, Planning Commission Record and Appeal Record. The exhibits in each part are separately numbered. The Planning Commission Record exhibits are Exhibit 8 in the Appeal Record.

similar to the uses permitted or the conditional uses normally allowed in a Tourist Commercial Zone, providing that it has the approval of the Planning Commission." If the proposed restaurant building, including a retail travel store, is not deemed on appeal to be allowable as a permitted use, it can be allowed as a conditional use. The Planning Commission reviewed and approved the entire proposal, described as a "travel plaza," as a conditional use. All of the uses, permitted and conditional, are subject to certain limitations on uses, as described in UCDC §152.278, and to Design Review, as described in UCDC §152.279.

The Board interprets UCDC Light Industrial (LI) §152.306, Uses Permitted: "(20) Truck sales, service, storage and maintenance" to include the principal uses proposed in Finding 5(B) above (1) truck fueling complex; 2) truck service building; 3) truck wash building). If these uses are not deemed on appeal to be allowable as permitted uses, they can be allowed as conditional uses under UCDC §152.307(17), which allows similar uses. As noted above, the Planning Commission reviewed and approved the entire proposal as a conditional use. All of the uses, permitted and conditional, are subject to certain limitations on uses, as described in UCDC §152.308 and to Design Review, as described in UCDC §152.309.

Opponents contend the Applicant failed to demonstrate "that the proposed truck stop is a use allowed in the underlying zone." At the April 4, 2006 hearing before the Board, Opponents argued that because "truck stop" is stated to be a conditional use in the Commercial Rural Center (CRC) zone, a truck stop cannot be developed in a zone where it is not listed as a conditional use. However, nothing prohibits allowing a truck stop in a different zone if each of the proposed uses that together comprise a truck stop is an allowed or conditional use in the zone. Opponents were content to obtain land use approval for their truck stop/travel plazas in zones other than the CRC zone by going through a similar or less demanding process. Western Express went through just the site review process, and Space Age Fuels sought conditional use approval in the same process now being applied to Applicant. See Appeal Exhibits 15 and 17.

The Board finds that because the Applicant was applying for a combination of permitted uses, which included uses that are arguably conditional uses, staff and the Planning Commission correctly processed the entire application as one for a conditional use permit, as set forth in UCDO §§ 152.277(E) (TC Zone) and 152.307(17) (LI Zone).

Opponents contend that UCDO §152.616 establishes standards for the review of specific conditional uses listed in the code and complain that these standards were not applied. Applicant applied for none of these specific uses. Instead, Applicant applied for conditional use approval under UCDO §152.307(17), the "similar use" provision for the LI zone. In its March 27, 2006 Memorandum, Applicant pointed out that a conditional use approved under the "similar use" provision is not one of the conditional uses addressed in UCDO §152.616. Contrary to Opponents' contention, this does not mean the proposed use is not permitted.

Although the Board finds that UCDC §152.616 does not apply to this Application, the Board makes the following findings with respect to six uses allowed under UCDC §152.616 in the event this code section is deemed applicable on appeal:

(D) Automobile service station

(1) The proposed use will not create a traffic hazard

In 2003, the Applicant commissioned Kittelson & Associates, Inc. ("Kittelson") to prepare a Traffic Access Management Analysis ("Kittelson Analysis"), which specifically addresses the expected impacts of the proposed travel plaza. A copy of the Kittelson Analysis is included in the record as an attachment to Applicant's March 27, 2006 Memorandum, Appeal Exhibit 1. After evaluating several alternatives, Kittelson recommended the traffic configurations shown on Figure 13 of the analysis. The analysis took into account many factors to ensure that the proposed access points would not create a traffic hazard or result in an unacceptable disruption of traffic on Westland Road and the surrounding roadway system. Umatilla County and ODOT participated in the discussions that led to the recommended proposal. The Kittelson Analysis confirms that the proposed use will not create a traffic hazard.

(2) Access points are well marked and designated through the use of bumper rails or landscaping

Access points will be well-marked by landscaping. The type of landscaping will be as shown in the required landscaping plan.

(3) Adequate fire protection measures are taken to limit the danger of fire or explosion such as using buried tank and shut-off valves and keeping flammable materials stored on the place in fire resistant storage containers

The applicant will implement adequate fire protection measures as required by the Hermiston Fire and Emergency Services District and the Oregon State Fire Marshall, including any applicable Oregon Fire Code requirements pertaining to motor fuel-dispensing facilities (Oregon Fire Code Chapter 22).

(4) The Hearings Officer may require landscaping around the perimeter of the site to help screen the use from other adjacent uses

The applicant has provided a landscaping plan (Appeal Exhibit 19). An existing residence is the only adjacent use that needs to be screened. The landscaping plan includes appropriate landscaping to screen the dwelling.

(5) Additional setbacks may be required by the Hearings Officer to protect adjacent land uses

Additional setbacks are not required to protect adjacent uses. The dwelling will be protected by fencing, landscaping or other screening. The applicant has submitted a lighting plan (Appeal Exhibit 20).

(O) Commercial activity (to support multiple use areas)

The project site is not in a multiple use area. UCDC § 152.616(O) therefore does not apply to this application.

(Y) Eating or drinking establishments

UCDC § 152.616(Y) does not apply to this application, because an "eating or drinking establishment" is a permitted use in the TC zone under UCDC § 152.276.

(PP) Petroleum products sales and storage

The Board finds that this is not a conditional use specifically listed in the TC zone under UCDC § 152.277 or in the LI zone under UCDC § 152.307. It is listed as a conditional use in the Agribusiness Zone under UCDC § 152.292, which does not apply to the application. Therefore, UCDC § 152.616(PP) does not apply to this application.

Even if this provision were applicable, the criteria would be satisfied as follows:

- (1) The activity is compatible with the existing land use on the surrounding properties; The Planning Commission imposed several conditions of approval pursuant to UCDC §§152.017, 152.308 and 152.615, to assure the compatibility of the travel plaza with surrounding uses. The Board has adopted these conditions.
- (2) The site has direct access to a dedicated public or county road or state highway; The site has access to Westland Road, which is a county road.
- (3) Haul roads leading to the site shall not be through residential areas...;
 Traffic to the site will not pass through residential areas.
 - (4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

The adjacent dwelling is approximately 500 feet north of the proposed travel plaza boundary. Additional setbacks should not be required.

(5) Complies with other conditions...to protect adjacent land uses. The applicant must comply with the conditions imposed by this decision.

(VV) Retail and service commercial

The Board finds that this is not a conditional use specifically listed in the TC zone under UCDC § 152.277 or in the LI zone under UCDC § 152.307. It is further apparent from UCDC § 152.616(VV)(2) that this specific use was not intended to be treated as a conditional use in the TC zone, as the activity must "relate to the needs of residents living in the area." UCDC §152.616(VV) does not apply to this application.

(BBB) Truck stop or trucking terminal

The Board finds that this is not a conditional use specifically listed in the TC zone under UCDC § 152.277 or in the LI zone under UCDC § 152.307. Therefore, UCDC § 152.616(BBB) does not

apply to this application.

If it were to apply, the criterion would be satisfied as follows:

- (1) The activity is compatible with the existing surrounding land uses; The Planning Commission imposed several conditions of approval pursuant to UCDC §§152.017, 152.308 and 152.615, to assure the compatibility of the travel plaza with surrounding uses. The Board adopted these conditions.
 - (2) The activity will not create a traffic hazard;

After evaluating several alternatives, Kittelson recommended the traffic configurations shown on Figure 13 of the analysis. The analysis took into account many factors to ensure that the proposed access points would not create a traffic hazard or result in an unacceptable disruption of traffic on Westland Road and the surrounding roadway system. Umatilla County and ODOT participated in the discussions that led to the recommended proposal. The Kittelson Analysis confirms that the proposed use will not create a traffic hazard.

(3) Access points are well marked and designated through the use of bumper rails or landscaping;

Access points will be well-marked by landscaping. The type of landscaping will be as shown in the required landscaping plan.

(4) The Hearings Officer may require landscaping around the perimeter of the site to help screen the use from other adjacent uses;

The applicant has submitted a landscaping plan (Appeal Exhibit 19), which adequately addresses this criterion.

(5) Additional setback requirements may be required by the Hearings Officer to protect adjacent land uses;

The adjacent dwelling is approximately 500 feet north of the proposed travel plaza boundary. Additional setbacks should not be required.

(6) Complies with other conditions that the Hearings Officer deems necessary.

Opponents contend the "precedent conditions" are not an appropriate means "to resolve deficiencies in the Application." The Board rejects this contention. Precedent condition 1, sign drawings and sign design specifications, has already been complied with; a sign plan is in the record (Appeal Exhibit 10). Precedent conditions 3 and 4, lighting, noise and landscaping plans, have been complied with. The landscaping and lighting plans are in the record (Appeal Exhibits 19 and 20). The Board finds that Applicant's landscaping plan, which includes a 6' high berm as a noise barrier, is sufficient to satisfy the condition precedent requirement of a noise plan (which is not, in any event, specifically required by the UCDC), since the landscaping can be expected to help to reduce noise. Compliance with precedent conditions 2 and 5 requires nothing more than ministerial review.



In response to Opponents' contention, former precedent condition 3, which relates to a development agreement, has been made a subsequent condition (condition 6). The amount of Applicant's financial contribution to a traffic study and to improvements at the intersection of Westland Road and Lamb Road can be negotiated after this decision becomes final.

The Board finds that the stopping center, is either an assemblage of permitted uses or a single development with multiple uses, and should be reviewed as a conditional use according to the process as set forth in the Tourist Commercial zone §152.277(E) and the Light Industrial zone §152.307(17) and the public hearing requirements of §152.771. All conditional uses (in both TC and LI zones) are subject to review for possible conditions, if found to be warranted, according to §152.615, §152.017 and §152.018.

On January 12, 2004, Umatilla County amended its Transportation System Plan and Comprehensive Plan for the Westland Road/I-84/I-82 interchange area by the adoption of Ordinance No. 2003-09, which includes specific reference to the subject property. The requirements of this Interchange Area Transportation Plan (IATP) Ordinance are reviewed below in Finding No. 19. A copy of this ordinance is attached for reference as PCR Exhibit 3.

- 7. COMPREHENSIVE PLAN: Commercial (east 500 X 1094 feet in southeast corner of subject property); Industrial (remainder of subject property)
- 8. **ZONING:** TC Tourist Commercial (east 500 X 1094 feet in southeast corner); LI Light Industrial (remainder).

ACCESS: There are two new road approaches onto Westland Road proposed to serve the stopping center. The northernmost access road would also provide access for future light industrial uses that may occur on the remaining vacant parcel acreage to the west. The IATP, discussed in County Ordinance No. 2003-09, describes the location of approved access points to Westland Road for the subject property. The IATP and access management standards (UCDC §152.018) will be reviewed further in findings below.

- 10. ROAD TYPE: Westland Road is a two lane, paved, County Road No. 1215.
- 11. EASEMENTS: No easements were identified in the application.
- 12. EXISTING LAND USE: The area where the proposed development would be located is vacant. The area proposed for the truck wash, service and fueling station has been used as a horse training facility and contains an oval exercise track. The remaining area of the subject property is in pasture and contains a dwelling and out buildings to the north of the proposed stopping center.
 - 13. ADJACENT LAND USE: Properties to the north of the subject parcel are zoned for industrial uses and are developed with a UPS distribution center, and a warehouse building. Properties east, across Westland Road, are zoned Light Industrial and Agri-Business and are

developed (Freightliner Trucking, N.W. Livestock Sales and trailer sales business). The southeast quadrant of the I-84/Westland Road intersection contains vacant Tourist Commercial zoned land and a truck trailer repair business on Light Industrial zoned land. The southwest quadrant contains an existing business: Western Express, an auto/truck fuel station facility and mini-mart.

- 14. SOILS: The predominant soil type on the subject property, according to the 1984 USDA Soil Survey of Umatilla County Area, Oregon is 76B- Quincy loamy fine sand, gravelly substratum. This soil type occurs on 0 to 5 percent slopes located on strath terraces of the Columbia River. It has a land capability classification of IV if irrigated and VII, not irrigated. Generally, this soil type is considered to be "non-high value" soil
- 15. UTILITIES: Electricity is provided by Umatilla Electric and telephone service is provided by Qwest.
- 16. WATER/SEWER: Opponents contend the Applicant has failed to provide adequate information concerning its water needs and to demonstrate that it has an adequate water right to accommodate its water needs. Opponents contend further that there is insufficient evidence that there is adequate water available to fully develop the water rights provided under T-8066 or Certificate 76617.

In letters submitted by Attorney Laura A. Schroeder (letter dated April 3, 2006), Appeal Exhibit 11 (attachment) and Attorney Richard M. Glick (letter dated April 17, 2006), Appeal Exhibit 22, Opponents questioned the availability and sufficiency of water for the proposed development, asserting that the Applicant underestimated the quantity of water needed for the project; that the Applicant does not have sufficient water rights to provide the needed quantity of water; and that sufficient water is not available from the ground water aquifer that the Applicant intends to utilize.

In response to these concerns, on April 26, 2006, the Applicant supplemented the record with the following information:

• A letter from Tony Justus, Watermaster, District 5, Oregon Water Resources Department (OWRD). Appeal Exhibit 30.

• A copy of the water rights of record with OWRD that are appurtenant to the property owned by the Applicant. Appeal Exhibit 31.

 A letter from Clark Rudy dated April 25, 2006, that provides further explanation of the estimated water use and responds to questions raised by Ms. Schroeder and Mr. Glick. Appeal Exhibit 32.

 A copy of a fax provided by Roxanne Faull, of the City of Phoenix, Oregon, providing water use records for the Applicant's Phoenix travel center from July, 2003, through March, 2006. Appeal Exhibit 33.

As described below, the Board finds that this evidence, combined with other information in the record, fully supports a conclusion that the Applicant has provided a reasonable and appropriate estimate of water needs, that the Applicant holds sufficient water rights to serve the proposed

new project, and that the ground water source is reliable and capable of providing water for the project.

Estimated Water Use

The April 26, 2006 letter from Mr. Rudy responds to questions about the amount of water needed for the project. Mr. Rudy confirms that 14,600,000 gallons per year (gpy) is a reasonable and reliable estimate of water use for projects that do not include truck washing facility. This is the amount of water initially estimated for the site in a letter submitted by Mr. Rudy to Patty Perry, Umatilla County Department of Resources Services and Development, on March 10, 2006. In his April 26, letter, Mr. Rudy acknowledges that this estimate inadvertently omitted an additional amount of water that would be required for truck washing. The oversight was due to the fact that the Applicant typically leases out the truck washing facilities at its various travel centers, and is planning to do so for this project.

To remedy the oversight, Mr. Rudy adjusted the total water use estimate. In doing so, he consulted with Blue Beacon, USA, LP, a company that provides truck washing services at other Applicant locations and with whom the Applicant expects to contract for this project. The estimated range of water use Mr. Rudy received from Blue Beacon was consistent with the estimate suggested in the Schroeder letter. Using the highest estimate, Mr. Rudy added 7,200,000 gpy for truck washing. When this amount is combined with the original estimate of 14,600,000 gpy, the total is still below the annual quantity of water use authorized under the Applicant's water right authorization for commercial use.

Mr. Rudy's letter also addresses questions raised by Ms. Schroeder's letter regarding the amount of water needed for landscape irrigation on the site. The Schroeder letter asserted the Applicant significantly underestimated future water needs for landscape irrigation. As noted in Mr. Rudy's letter, however, Ms. Schroeder's contention is based on an assumed need for 2.8 acres of landscaping – an assumption that has no basis in law or fact. Nothing in the UCDC requires dedication of 10 percent of the project site to landscaping, as suggested in the Schroeder letter. According to the Applicant, this amount would be far in excess of typical landscaping at the Applicant's other facilities. Mr. Rudy's letter confirms that typical landscape irrigation was included within his original water use estimate of 14,600,000 gpy; therefore, there is no need to increase the estimate for this purpose.

Finally, Mr. Rudy's April 26 letter addresses evidence showing the Applicant's facility in Phoenix, Oregon, used more water in 2005 than the amount projected for the new project. The Schroeder letter asserts that the Phoenix truck stop is smaller than the proposed new project, but used 16,552,492 gallons in 2005. On April 18, 2006, Opponents submitted additional evidence in the form of a faxed copy of the 2005 water use records from the City of Phoenix. Appeal Exhibit 23. Mr. Rudy's letter explains that the 2005 records for the Applicant's Phoenix location show unusually high water use due to a water leak in the "Petro Lube" portion of the facilities. This conclusion is supported by evidence that the Applicant secured from the City of Phoenix, showing available water use records as far back as July 2003 through the present. Appeal Exhibit 33. These records clearly demonstrate the occurrence – and subsequent correction – of the water leak.

When the leak was repaired, water use at the Phoenix travel center returned to normal levels considerably below the amounts estimated by Mr. Rudy for the new project. The Board finds the evidence furnished by the Applicant and the Applicant's explanation of the evidence to be more credible than the evidence and explanation of Opponents. By providing records only for the year 2005, Opponents painted an inaccurate picture of water use.

The Board finds that the record shows that the Applicant's estimate of up to 21,800,000 gpy for all services is reasonable and consistent with past experience.

Sufficiency of the Water Rights

The Board finds further that the Applicant holds sufficient water rights to meet all water use needs for the project. In its supplemental submission on April 26, 2006, the Applicant provided copies of the water rights appurtenant to subject property. Appeal Exhibit 31. Additional information about the history of water rights is contained in the April 24, 2006 letter from Watermaster Tony Justus. Appeal Exhibit 30. The letter confirms that OWRD records show that the property now owned by the Applicant was originally authorized under Water Right Certificate 44655 for 47.7 acres of irrigation use, with a pumping rate of 0.50 cubic feet per second (cfs). That certificate was modified by approval of transfer application T-8066. As a result of the transfer, the original certificate was effectively split into two water rights: T-8066 authorizes the Applicant to use 68.1 acre-feet of water, at a pumping rate of 0.24 cfs, for "commercial use." This new right was created by converting ("transferring") 22.7 of the original 47.7 acres from irrigation to commercial use. A "remaining right certificate," also held by the Applicant, confirms 25 acres of irrigation authorized under the original water right certificate remain in place and unchanged (Certificate 76617.)

The Board finds that these water rights authorize use of an amount of water significantly greater than that needed for the proposed travel center. As described above, maximum water use at the new facility, including truck wash needs is estimated at 21,800,000 gpy. Under T-8066, the Applicant is currently authorized to use up to 22,193,790 gpy. The Applicant is authorized to use more than twice that amount for irrigation of 25 acres adjacent to the proposed travel center under Certificate 76617. If needed, all or any portion of Certificate 76617 could be transferred to commercial use, following the same process that resulted in approval of T-8066.

The letter from Mr. Glick states that use of Certificate 76617 cannot be assumed because a second transfer application has not yet been filed by the Applicant and, therefore, the OWRD has not conducted any evaluation of whether the application would be approved. Appeal Exhibit 22. The Board finds that while it is true that the Applicant has not filed a second transfer application, there is no reason to do so. It is incorrect to conclude that "there is no basis to say whether the proposed transfer would cause injury and thus provoke protests from other water right holders" as asserted by Mr. Glick.

The Board finds that if there were a need for additional water, the record does, in fact, include evidence to suggest that a second transfer application would be approved. The record shows that T-8066 was previously approved by OWRD. This transfer application proposed conversion of

irrigation rights to commercial use, utilizing the same well on the same land as allowed under the original right. In approving that transfer, OWRD was required to make a finding that the original water right was valid, and that the proposed change would not result in injury to other water rights. ORS 540.530. Given this history, it is clearly feasible for the Applicant to pursue a second water right transfer, if needed, and it is reasonable to infer the likelihood of approval. The first application was approved; the second change would be similar in nature.

Reliability/Availability of Water

The letters from Mr. Glick and Ms. Schroeder also suggest that there is no assurance ground water will actually be available to actually develop and use the water authorized under T-8066 or Certificate 76617. However, their suggestions are mere allegations without factual support. In response to these allegations, the Applicant provided additional evidence to verify the past history and reliability of the water rights and ground water source. The letter from OWRD's Watermaster confirms that the water used under both T-8066 and Certificate 76617 has already been fully developed. Both rights stem from Certificate 44655 that was originally issued in 1977 for use of 0.50 cfs of water to irrigate 47.7 acres of land. Mr. Justus notes that issuance of the Certificate required proof that water had been developed and put to beneficial use to that extent. Thereafter, OWRD approved the transfer of 22.7 acres of the already developed irrigation water to be used for commercial purposes under T-8066. Certificate 76617 is the remaining right for the 25 acres of irrigation under Certificate 44655 that were not changed as a result of the transfer. The very nature of a transfer is that it changes an existing water right that has already been fully developed. Before OWRD may approve a transfer, it must first confirm that there is a "water right subject to transfer." ORS 540.520(1). As defined under ORS 540.505(4), the term "water right subject to transfer" includes only water rights that have been fully developed and approved, such as through court adjudication or the issuance of a water right certificate. The letter from Tony Justus confirms that issuance of Certificate 44655, the original water right for this land, required proof that the use had been fully developed and used for irrigation. Appeal Exhibit 30, p. 2.

The Watermaster's letter also provides evidence that since issuance of the original certificate in 1977, the water right has not been subject to regulation (curtailment) of use in order to provide water for other senior water rights. This statement confirms the reliability of the water right with respect to its relative priority date. As the Applicant explains, regulation of water rights occurs when a senior water right holder complains to the Watermaster that there is not sufficient water actually available from the designated water source to satisfy the amounts authorized under the water right. In that event, the Watermaster orders curtailment of water use by junior water right holders until the senior right can be satisfied. Mr. Justus states that the water rights held by the Applicant have never been subject to regulation. This is true even though the property is located within a designated Critical Ground Water Area.

Opponents attempt to use the fact that the project is located within an area designated by OWRD as a "Critical Ground Water Area" to suggest that water is not available to serve the Applicant's water rights. The Board disagrees. The Watermaster states OWRD has not had complaints of inadequate supply from any of the other water rights within the critical area source, and therefore

has not had to regulate water use on the basis of priority dates. Further, Mr. Justus reports that OWRD records do not indicate any decline that would suggest the Applicant's well cannot continue to produce at historic levels. He notes that, based on information he received from OWRD hydro-geologist Donn Miller, the water levels for the well appear to be maintaining.

Although Opponents have raised questions about the adequacy of water rights or available water supply, the Board finds their assertions are not supported by the weight of evidence. The Board finds that there is substantial evidence in the record as a whole that the Applicant's estimate of water use for the project is reasonable, based on experience in other locations; that the Applicant holds water rights in excess of the amount of water reasonably estimated for the project. The Board also recognizes that the water right transfer approved by OWRD can be developed to serve the property.

17. OTHER AGENCY APPROVALS/PERMITS: The Department of Environmental Quality (DEQ) requires permits for storm water management, sewage disposal and underground fuel storage components of the development. Water for domestic use and drinking will be regulated and permitted by the Oregon State Health--Drinking Water Division. Construction of buildings associated with the proposed uses is subject to electrical, plumbing, mechanical, and structural codes as permitted by the Oregon Building Codes Division. Above ground fuel storage containers may be subject to permit requirements of the State Fire Marshall.

In their notice of appeal to the Board, Appeal Exhibit 3, Opponents asserted that the Planning Commission erred in approving the Application, because it failed to make adequate findings based on substantial evidence with respect to state agency approvals or permits that may be required to complete the proposed development. Specifically, Opponents maintained that the Commission had an obligation to consider state permit approval criteria and to find that it is feasible for the Applicant to obtain any applicable state permits,

Where the land use decision maker finds that approval criteria will be met if certain conditions are imposed, and those conditions are requirements to obtain state agency permits, the decision maker is not required to find that the proposal will comply – or even that it would be feasible for the proposal to comply – with applicable state agency permit approval standards. *Bouman v. Jackson County*, 23 Or. LUBA 628, 646-647 (1992). The record must support a finding that the Applicant "is not precluded from obtaining such state agency permits as a matter of law." Opponents have provided no evidence that the Applicant is precluded as a matter of law from obtaining applicable state agency permits.

Opponents further contend that the Planning Commission was required to address the concerns and approval criteria raised in letters submitted to the Planning Commission by representatives of the Oregon Department of Environmental Quality ("DEQ") and the Oregon Department of Human Services Drinking Water Program ("DHS"). In *Bouman* the Land Use Board of Appeals ("LUBA") rejected an argument that the local government must support its decision with findings demonstrating that the proposal could satisfy all applicable state approval criteria. 23 Or. LUBA at 646. In doing so, LUBA instructed, "Local government land use proceedings should not displace established processes for obtaining state agency permits." The Planning Commission therefore

had no obligation to find that the Applicant's proposal could meet state permit approval criteria.

In addition, it would be premature to require evidence of feasibility of compliance with state approval criteria before the county has approved the proposed land use. DEQ, DHS, and the Oregon State Fire Marshall ("OSFM") will not accept or review any plans or applications until the applicant has first secured the required county land use approval. See OAR 333-061-0062 (request for DHS plan review must be accompanied by documentation of land use approval); OAR 340-071-0162 (same requirement for DEQ); Oregon Fire Code (2004) Section 105 Permits (proposed use must comply with "pertinent laws and ordinances"). Attached to Appeal Exhibit 1 are letters from DEQ's Heidi Williams and Dan Lobato confirming that the Applicant must receive county approval before applying for any applicable DEQ approvals. An attached e-mail from Deputy State Fire Marshall John Caul states the same with respect to OSFM's requirements.

The only site-specific concern raised by any of these agencies was the issue raised by DHS regarding potential nitrate concentrations in the water. Attached to Appeal Exhibit 1 is a follow-up letter from DHS's William Goss stating that although there may be elevated nitrate levels in the water, this would not preclude the Applicant from receiving plan approval for the water system. A nitrate problem, if any, could be addressed through proper treatment system design. In his letter, Mr. Goss identified two types of treatment systems that are available for nitrate removal.

The Board finds that neither the Planning Commission nor the Board is required to make findings regarding the feasibility of compliance with state agency requirements and there is no evidence that the Applicant would be precluded as a matter of law from obtaining any particular permit or approval. Moreover, it is too early in the process to seek approvals from DEQ, DHS, OSFM and other state agencies, because each agency requires county land use approval as a prerequisite for state review. It is therefore appropriate for the Board to address potential state agency requirements by requiring the Applicant to obtain applicable permits as a condition of approval.

- 18. <u>LIMITATIONS ON USES IN THE TOURIST COMMERCIAL ZONE</u>, <u>Umatilla County</u> <u>Development Code §152.278</u>: Applicable criteria are underlined, responses are in standard text.
 - 1. Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties.
 - 2. Storage of scrap or salvage materials shall be prohibited.

These limitations are required as a subsequent condition of approval. The Applicant has not proposed any outside storage areas as part of this application.

- 19. <u>LIMITATIONS ON USES IN THE LIGHT INDUSTRIAL ZONE</u>, <u>Umatilla County Development Code §152.308</u>: Applicable criteria are underlined, responses are in standard text.
 - 1. All business, commercial and industrial activities, and storage allowed in an LI 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;

The proposed light industrial uses associated with the Petro Stopping Center include truck servicing, washing and fueling facilities. The Applicant has not proposed structures specifically to meet storage needs. The preliminary site plan provided does not identify specific areas for storage or additional storage buildings. If there are storage needs associated with these uses, applicant will be required to provide a building or to screen the storage area from the public.

2. All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

Not applicable. There are no adjoining properties that are in a residential zone.

- 3. All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations; Applicants will be required to comply with applicable state and federal regulations that might apply to the property or proposed uses.
- 20. ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS OF THE UMATILLA COUNTY DEVELOPMENT CODE §152.615. The Planning Commission may impose the following conditions upon a finding that circumstances warrant such additional restrictions. The following standards apply to all conditional uses:
 - A. Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor. No restrictions appear to be necessary.
 - B. Establishing a special yard, other open space or lot area or dimension; No restrictions appear to be necessary. Applicant's Site Development Plan identifies a specific area reserved for sewage treatment and another area for storm water run off from the parking areas. Applicant will be required to obtain applicable permits from the Dept. of Environmental Quality for sewage treatment and storm water management.
 - C. Limiting the height, size or location of a building or other structure; The proposed structure meets criteria established in the Tourist Commercial and Light Industrial zones with respect to setback, size and height. No additional limitations are necessary.
 - D. Designating the size, number, location and nature of vehicle access points; Vehicle access points are subject to access management standards established in the county's Transportation System Plan (TSP) and implemented through UCDC §152.018. In addition, the county has adopted the IATP, Ordinance No. 2003-09, as an amendment to the county's TSP. The subject property is located within the study area of this Plan. The proposed vehicle access points, as identified by the Applicant on the proposed Site Development Plan, are consistent with access locations described in the IATP for the subject property.

Umatilla County Ordinance No. 2003-09 requires the execution of a Development Agreement between the county and the property owner, Petro Stopping Centers. This Agreement is to

define the terms of local access location, improvements and responsibilities as configured in Figure 13 of Exhibit 62 of the IATP. See maps attached to PCR Exhibit 2. The execution of a Development Agreement is required as a subsequent condition of approval.

- E. Increasing the required street dedication roadway width or improvements within the street right-of-way; Increased roadway dedication and improvements to Westland Road will be coordinated with the Umatilla County Public Works Department and included in the Development Agreement as required.
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;
 See L below for parking area requirements.
- G. Limiting or otherwise designating the number, size, location height and lighting of signs; Signs proposed for the Petro Stopping Center are allowed as a Type 12 sign, as defined in UCDC §152.545(L):

"Any number of signs for businesses along I-82 and I-84 for which the total area for all signs (including wall signs, roof signs and free-standing signs) shall not exceed 8% of the total square footage of the principal building on the lot and all utilized parking area, or a total of 2,000 square feet, whichever is less. The display area for one face of any one sign shall not exceed 825 square feet or one-half of the total allowable sign area specified above, whichever is less. Signs attached to or placed on a building shall not extend more than 15 feet above the roof line or 15 feet above the freeway grade, whichever is higher. A free-standing sign shall not exceed 65 feet above the grade of the freeway or the grade of the premise, whichever is higher. All signs authorized by this sign type must be within 2,000 feet of the right-of-way for I-82 and/or I-84. Signs located farther than 2,000 feet from either freeway right-of-way must comply with the sign regulations for the Type 1 through Type 11 signs of this chapter as those sign types apply to the specific zoning districts."

The Applicant submitted a sign plan, which was entered as Appeal Exhibit 10, prior to final approval. The Applicant's sign plan includes drawings and sign descriptions demonstrating the location, size and height of all signs associated with the proposed stopping center, in compliance with the Type 12 sign criteria described in UCDC §152.546(L).

In addition to the Type 12 sign standards, the following limitations, according to UDC §152.547 apply to all signs. Petro Stopping Center will be required to meet and has agreed to meet these limitations:

- (A) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (B) No sign shall be illuminated by flashing lights.
- (C) No sign shall contain, include or be composed of any conspicuous animated part.
- (D) Lights from signs shall be directed away from and not be reflected upon adjacent premises.
- (E) Signs shall be maintained in a neat, clean and attractive condition.

(F) Signs shall be removed by the property owner within 60 days after the advertising business, product or service is abandoned or no longer in use.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding: The Applicant submitted a lighting plan, which was entered as Appeal Exhibit 20. Any changes to the plan will need to be approved by staff prior to issuance of final permits. There is an existing dwelling located on the subject property approximately 500 feet to the north of the proposed development. Although the property is not zoned for residential use, the dwelling is "grandfathered," having been built in the early 1970's, prior to zoning being applied to the land. As long as the dwelling remains, lighting of the stopping center should be directed away from

I. Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance;

A landscaping plan was submitted and entered as Appeal Exhibit 19. UCDC does not have specific requirements for types of landscaping or maintenance. However, county policy has been established that landscaping be required especially for larger developments involving several different land use types within one complex. Landscaping options are left up to the Applicant; however drought tolerant plants are encouraged. The landscaping plan contains enough detail to meet the county's requirements. Developed landscaping is required to be continually maintained.

J. Designating the size, height, location and materials for a fence;

No fences are proposed or required unless applicant proposes outdoor storage. Finding No. 18.1 above addresses this criteria. Outdoor storage requires fencing and screening from public view.

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources;

No significant natural resources are known to exist on the subject property. The property is not in a flood hazard area nor does it contain vegetation or trees in need of preservation.

However, the subject property is located within the Oregon Department of Environmental Quality (DEQ)/ Oregon Department of Agriculture designated Lower Umatilla Basin Ground Water Management Area (LUBGWMA). This area extends over much of western Umatilla County and is designated due to high nitrate levels in groundwater. Some wells within this area have been reported to contain nitrate levels higher than recommended Federal Drinking Water Standards. There are currently no regulations limiting the use of water based on this designation. The County Planning Department provides notice of this designation to property owners when new land use or partition applications are processed. The Oregon Department of Environmental Quality is the state agency that reviews and permits on-site sewage lagoons and septic systems.

Applicant will be required to obtain permit approval from DEQ for an on-site waste disposal system accessory to the stopping center.

the dwelling or shielded.

The subject property is also located in the Oregon Water Resources Department (OWRD) Designated Ordnance Gravel Critical Ground Water Area. According to the OWRD, domestic wells are currently exempt from regulation in Critical Ground Water Areas but could be regulated in the future, should water levels in underground aquifers continue to decline. Since this request is not a Post-Acknowledgement Plan Amendment, Goal 5 findings are not required as part of this land use action.

L. Parking area requirements;

1. UCDC §152.560, Off-Street Parking Requirements;

A. Each use shall provide the following minimum off-street parking spaces. Each parking space shall be a minimum of nine feet wide and 20 feet in length.

The Site Plan submitted with this application shows each parking space meets this requirement for automobiles. Proposed truck parking spaces are 10 feet by 90 feet. The UCDC contains no specific requirements for the size of truck parking spaces.

B. Off-street parking requirements: The following applicable criteria were reviewed.

(9) Commercial uses: one space for each 200 square feet of floor space, plus one space per employee.

The restaurant building will be 18,000 square feet which, according to this criteria, requires a minimum of 90 parking spaces. The Site Plan presented shows 209 automobile parking spaces, four handicapped spaces and eight recreational vehicle parking spaces. This site plan allows for the minimum number of required spaces per square footage and allows the remaining 119 spaces for employees.

(10) Industrial uses: one space per 200 square feet of floor space, plus one space per employee.

Although the square footage of the proposed truck fueling, service and wash buildings was not identified specifically on the Site Plan presented, the total square footage of industrial use floor space is estimated to be 24,450 square feet based on the one inch to one hundred foot scale of the Site Plan. This square footage would require 122 parking spaces with additional spaces for employees.

The applicant's Site Plan identifies 298 truck parking spaces, far more than the 122 minimum required for square footage and allows the remaining 176 spaces for employees, peak traffic periods or emergency road closures.

(11) Conditional uses: additional spaces may be required by the Hearings Officer in the approval of a conditional use.

The proposed stopping center appears to have planned for more than the minimum required parking. No additional spaces appear to be necessary.

2. UCDC §152.562 Additional Off-Street Parking and Loading Requirements. The following applicable criteria were reviewed.

- (A) Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this chapter to begin such altered use until the required increase in off-street parking or loading is provided;

 This will be required as a subsequent condition of approval of this conditional use request.
- (B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission or Hearings Officer, based upon the requirements of comparable uses listed;

 No additional requirements appear to be necessary.
- (C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately;

 Off-street parking requirements were discussed in Finding No. 20.L.1.B above. No additional requirements appear to be necessary.
- (D) Owner of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts to establish the joint use;

 Not applicable at this time. All uses proposed are under the same conditional use review and on one parcel. Should additional uses be proposed for the subject property in addition to, or to replace, uses approved under this conditional use request, the proposed uses would be subject to review according to Development Code standards in effect at that time.
- (E) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building;

 There are no dwellings associated with the proposed use. All parking areas are in the immediate vicinity of the stopping center which satisfies this requirement.
- (F) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use;

 This shall be noted as a subsequent condition of approval.
- (G) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard;

Not applicable. There is no required yard for the proposed use.

(H) Plans shall be submitted as provided in §152.767 of this chapter;
The applicant has submitted a Site Development Plan meeting the requirements of this chapter.

(I) Design requirements for parking lots:

- (1) Areas used for standing and maneuvering of vehicles shall have paved surfaces maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks;

 Yes, application indicates all parking areas will be paved.
- (2) Except for parking to serve residential use, parking and loading areas adjacent to residential use shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet in height except where vision clearance is required;

 There is an existing residence on the subject property to the north of the proposed stopping center. The residence appears to be more than 500 feet from the northern access road to the dwelling. As shown by the Landscaping Plan, Appeal Exhibit 19, Applicant has designed the proposed landscaping to minimize any disturbance to the existing residence.
- (3) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail;

 This will be a requirement and shall be identified on the final Site Development Plan.
- (4) Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling:

 See discussion in Finding 20.H above. Applicant has submitted a Lighting Plan, Appeal Exhibit 20, which shows that lighting will not create or reflect glare on the subject property.
- (5) Service drives to off-street parking areas of four or more spaces shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives;

Not applicable. Applicant's Site Development Plan shows no service drives.

(6) Service drives shall have a minimum vision clearance area bounded by the driveway centerline, the street right-of-way line, and a straight line joining said lines 20 feet from their intersection.

Not applicable. Applicant's Site Development Plan shows no service drives.

21. DESIGN REVIEW STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT

CODE: The following standards, as contained in Sections 152.278, 152.279, 152.280, 152.308, 152.309, 152.310, 152.545, 152.546, 152.547, 152.548, 152.560, 561, 562 apply to this request: The standards contained in the Design Review criteria are the same as required for conditional uses as reviewed in Finding No. 20 above.

22. CONDITIONS FOR DEVELOPMENT PROPOSALS, UCDC §152.017

A. The proposed use shall not impose an undue burden on the public transportation system. Any increase meeting the definition of significant change in trip generation constitutes an undue burden.

UCDC definition of Significant Change in Trip Generation §152.003:

A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) for gravel surfaced County roads, 30 vehicles of less than 10,000 pounds Gross Vehicle Weight (GVW) and/or 20 vehicles of greater than 10,000 pounds GVW; (2) for paved County roads, 75 vehicles of less than 10,000 GVW; and (3) for State paved Highways, 150 vehicles of 10,000 pounds GVW or less and/or 100 vehicles of greater than 10,000 pounds GVW.

The proposed use would constitute a Significant Change in Trip Generation according to (2) in the definition above. The development of the Westland Road IATP and the adoption of Ordinance 2003-09 anticipated impacts to Westland Road according to the maximum build-out potential of properties in the IATP study area, including the subject property. Access points to Westland Road for the subject properties were approved subject to a Development Agreement between the county and Petro Stopping Centers being executed. A form of Development Agreement was presented to the Board on February 8, 2006 and is in the record as Appeal Exhibit 6. Due to the date of the IATP and concerns about the impact of the proposed development on the intersection of Westland, Lamb and Walker Roads. Former paragraph 11 in the February 8, 2006 version of the Development Agreement will be replaced as follows:

"Lamb Road/Westland Road Intersection. As a result of development of the property, the Board believes that additional traffic may be generated at the intersection of Lamb Road and Westland Road (the "Intersection"). Improvements to the Intersection may be necessary to mitigate the impacts caused by the development of the property. Petro's share of the cost of any such improvements to the Intersection will be in proportion to the impact of its proposed development on the Intersection.

A traffic impact study by a qualified traffic consultant will be performed, and Petro shall contribute to the cost of the traffic study as agreed between Petro and the County. The traffic study will show the expected impact on the Intersection of Petro's proposed development based on Petro's final development design. The traffic study will be based on average weekday p.m. peak hour conditions and will assume the full development of all properties in the vicinity of the Intersection. Petro will pay for its proportionate share of the cost of the improvements to the Intersection that will be required as the result of the impact on the Intersection's traffic caused by Petro's development, taking into account all other potential development in the vicinity of the Intersection that may impact the traffic at the intersection. Payment of Petro's share of

the improvement costs will be necessary prior to issuance to Petro of a final development permit. Cost estimates for the Intersection improvements shall be based on current construction rates."

B. For developments likely to generate a significant increase in trip generation, applicant shall be required to provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding system. The scope of the impact study shall be coordinated with the providers of the transportation facility.

The development is likely to generate a significant increase in trip generation. A traffic forecast study was conducted as part of the development of the Westland Road IATP and is satisfactory to demonstrate the level of the development's impact relative to the proposed access points along Westland Road. Additional impact was identified and a traffic study for the Westland Road, Lamb and Walker Road intersection was required as a condition of approval. A copy of the traffic forecast study is PCR Exhibit 5 and is summarized below.

Section 4 of the adopted Westland Road IATP included a traffic study that evaluated the existing traffic volumes and forecasted build out conditions in 2023. The capacity analysis included anticipated trip generations under both a low and high density development build out scenario based on the existing zoning and the types of development. This analysis resulted in low and high density level of service and V/C (volume to capacity) ratios for the existing intersections in the study area.

This traffic study did include the anticipated development of the Petro Stopping Center. The level of service and V/C ratio projected to 2023 with high density build out resulted in all study area intersections operating at acceptable levels of service and v/c ratios with the exception of the Lamb Road/Walker Road/Westland Road intersection. The northbound and southbound movements of this intersection are projected to operate at LOS F and a v/c ratio of over 1.00. This intersection is north of the subject property, but development at this site will impact the intersection. Accordingly, the Board of Commissioners required a condition of approval to address the impact and for the Applicant to pay their proportionate share of improvements to that intersection.

The Kittelson Analysis, dated December 4, 2003, and the Westland Road IATP, dated August 28, 2003 provide substantial, up-to-date evidence that the proposed development will have an acceptable impact on the surrounding transportation system. The IATP expressly contemplates the Applicant's proposal. See, e.g., IATP, Sections 5.2 and 5.3. The Kittelson Analysis specifically assesses the impacts created by this particular proposal. As discussed in Dan Seeman's letter, dated April 18, 2006 (Appeal Exhibit 18), the Kittelson Analysis demonstrates that the proposed access is consistent with the IATP and that traffic operations and safety will be maintained to meet applicable standards over a 20-year time horizon. It addresses issues of access to Westland Road and therefore is tailored to the address issues of concern to the county. Kittelson is an undisputed expert in this field and the county has relied upon Kittelson's work in the past, as evidenced by the county's adoption of the Kittelson's proposed access configuration for this project through Ordinance 2003-09 (January 12, 2004).

With the exception of an additional traffic study of the Lamb Road/Walker Road/Westland Road intersection, which is being required as a condition to this decision, Appellants have not demonstrated

that more traffic study is required. Appellants submitted evidence of six accidents over a 15 month period (January 10, 2005 to April 3, 2006), but according to Appellants' own evidence, only one of those accidents occurred within the vicinity of the proposed travel plaza. See Letter from Jeff Evans, dated April 25, 2006 (Appeal Exhibit 36). Appellants also claim that the IATP and Kittelson Analysis are outdated and that new development at the Eagle/Freightliner property during 2005 necessitates a new traffic study. The letter from Mark C. Brault, dated April 24, 2006 (Appeal Exhibit 37), dispels any notion that the installation of a new truck service building on the Eagle/Freightliner property has had any notable impact on Westland Road truck traffic. Before installation of the building, Eagle/Freightliner was unable to service many of the trucks that entered the property. After installation of the building, Eagle/Freightliner was able to service the trucks that had previously been turned away. In short, the number of trucks did not change after adding the new building, because the same number of trucks were arriving and departing whether they could be serviced or not.

Relying on the "fixed goal post rule" stated in ORS 215.427(3), the Appellants argue that Umatilla County's amendment of its TSP and Comprehensive Plan to allow the proposed access points on Westland Road is not applicable to this application. This argument is based on language in paragraph 2 of Ordinance 2003-09 (January 12, 2004). The Appellants contend that the amendment cannot be treated as adopted until the Development Agreement contemplated by Ordinance 2003-09 has been fully executed.

Contrary to the Appellants' assertions, the county amended its TSP and Comprehensive Plan to provide for the Applicant's proposed access improvements when it adopted Ordinance 2003-09 on January 12, 2004. This is true for several reasons. First, the recitals to Ordinance 2003-09 leave no doubt that this Board voted to adopt the proposed Petro/Kittelson Plan outlined in Figure 13 of the Kittelson Analysis.

Second, Ordinance 2003-09, paragraph 1, accepts and adopts the IATP and amends the county TSP and comprehensive plan to include the IATP. Page 5-9 of the IATP clearly shows the access points to the Applicant's property and their distance from I-84. The distance of each access point is far less than the 1,320-feet minimum distance Appellants contend is required under the county's TSP prior to amendment. The drawing on page 5-9 shows the same access concept as was later outlined in Figure 13 of Exhibit 62 (the Kittelson Analysis), which was adopted in Ordinance 2003-09, paragraph 2.

Third, although Ordinance 2003-09, paragraph 2, states, "At such time as a development agreement is executed with the property owner . . . the Umatilla County Transportation System Plan and the Umatilla County Comprehensive Plan will be amended to provide an exception . . .," the Board interprets Ordinance 2003-09 to mean that the amendment was effective as of the adoption date, long before the date the application was filed. The purpose of the language in paragraph 2 of Ordinance 2003-09 was to condition its actual implementation, but not its adoption, until such time as the Development Agreement was signed. Any other interpretation would make no sense, since the purpose of the Kittelson Analysis, which was commissioned by the Applicant, was to confirm the access points already contemplated by the IATP. If the Board intended to delay adoption until a later date, the ordinance would not have been adopted and signed at that time but delayed until the agreement was executed. The fixed goal post rule therefore does not require the county to consider this application under pre-amendment access-spacing standards.

It bears repeating that, contrary to claims made by Appellants, the Applicant is not required to meet ODOT spacing standards on Westland Road, which is a county road.

C. The applicant or developer may be required to mitigate impacts attributable to the project. Types of mitigation may include such improvements as paving, curbing, bridge improvements, drainage, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways or paths. The determination of impact or effect should be coordinated with the providers of affected transportation facilities.

Improvements to Westland Road and stopping center accesses will be required. The necessary improvements to mitigate the impacts of the Petro Stopping Center development will be coordinated with the Umatilla County Public Works Department through the required Development Agreement.

D. Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways may be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

Again, the need for dedication of additional right of way or other improvements to Westland Road will be coordinated with the Umatilla County Public Works Department through the required Development Agreement.

23. ACCESS MANAGEMENT AND STREET CONNECTIVITY: UCDC §152.018

This section implements the access management policies of the County as set forth in the Transportation System Plan. It contains the access standards used in the development of the Westland Road IATP. This IATP specifically addresses the location of access points for the proposed development that allows for an exception, as outlined in Ordinance No. 2003-09 (PCR Exhibit 2), to the access standards in the Transportation System Plan and this section, for the Petro Stopping Center development subject to the creation and execution of a development agreement. The Development Agreement is required as a condition of approval and, as drafted, satisfies the requirements of this section.

- 24. OTHER STANDARDS: The Umatilla County Development Code has standards for review of conditional uses which may be considered similar to those uses proposed to be included in the Travel Plaza. These standards, for automobile service station and eating and drinking establishments, are found in Section 152.616(D) and (Y). These standards, for the most part, are addressed No.18 above.
- 25. COMMENTS RECEIVED: Oregon Water Resources Department, Oregon Department of Environmental Quality, Oregon Drinking Water Division, Hermiston Fire & Emergency Services District, City of Hermiston, Oregon Department of Transportation, County Planning Commission minutes of September 29, 2005.
- 26. PROPERTY OWNER NOTIFICATION: September 9, 2005
- 27. PLANNING COMMISSION HEARING DATE: September 29, 2005
- 28. THE UMATILLA COUNTY BOARD OF COMMISSIONERS FINDS THAT THIS



CONDITIONAL USE COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, AND IS APPROVED SUBJECT TO THE FOLLOWING PRECEDENT CONDITIONS:

- 1. Applicant shall submit drawings and sign design specifications for the location, size and height of all signs associated with the proposed "travel plaza" demonstrating compliance with the Type 12 sign criteria described in UCDC §152.546(L).
- 2. Applicant shall submit copies of approved access permits to Westland Road from the County Public Works Department.
- 3. If the existing dwelling is to remain on the subject property, applicant shall submit a plan to mitigate the impacts of lighting and noise associated with the Petro Stopping Center.
- 4. Applicant shall submit a landscaping plan for the Petro Stopping Center which shall be reviewed and approved by the County Planning Director.
- 5. Applicant shall install a water meter on the well to monitor water usage for verification that the Petro Stopping Center water right is not exceeded.

The following "Subsequent Conditions" shall apply following final approval:

- 6. Applicant shall execute and record in the Umatilla County Record at Applicant's expense, a Development Agreement in a form consistent with these findings. The final Development Agreement shall be approved by County Counsel and Board of Commissioners.
- 7. Outside storage areas, if any, shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties. Storage of scrap or salvage materials shall be prohibited.
- 8. Applicant shall maintain compliance with improvements as agreed upon in the Development Agreement described in Condition No. 3 above.
- 9. Applicant/property owner shall maintain compliance with the sign limitations of UCDC §152.547.
- 10. Applicant/property owner shall notify the Oregon State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation of any items of archeological significance that may be found as the result of construction activities.
- 11. Applicant shall maintain compliance with and obtain applicable permits from state and federal agencies and address concerns of the Hermiston Fire & Emergency Services

District.

12. All required parking spaces shall be available for the parking of operable passenger automobiles and trucks of customers, patrons and employees only, and shall not be used for storage of automobiles, trucks or materials.

Dennis D. Doherty, Chair, Board of Conmissioners

12-19-06

Date