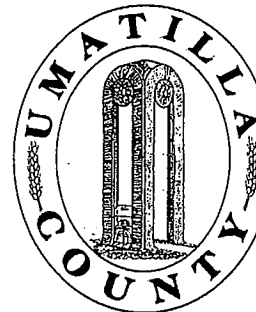


Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

February 12, 2014

LAND USE
PLANNING,
ZONING AND
PERMITTING

MEMO

CODE
ENFORCEMENT

TO: Board of Commissioners
FROM: Tamra Mabbott *TM*
CC: Doug Olsen
Re: February 19, 2014 hearing

SOLID WASTE
COMMITTEE

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. Copy attached.

Attachments:

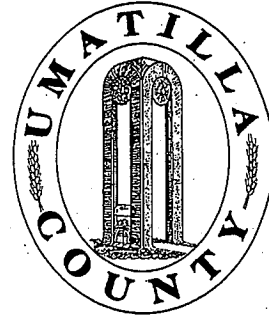
Exhibit 1: Agenda and Public Notice

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



NOTICE OF PUBLIC HEARING UMATILLA COUNTY BOARD OF COMMISSIONERS

**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**

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



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.

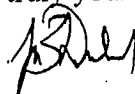
TA requests that Umatilla County approve of and enter into the enclosed Development Agreement with TA. This request is based on the LUBA opinion dated July 20, 2007 (Western Express and Space Age Fuels v. Umatilla County, LUBA No. 2007-010), on an appeal from the Board of Commissioners' order dated December 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 ____ day of _____, 2014, between Umatilla County, Oregon (the "County") 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:

1. Automobile 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 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.
3. 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. Dedication of Right-of-Way. 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.

5. TA's Contribution to the Improvement of County Road No. 1328. In connection 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. Stable Lane. 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. Irrevocable Consent Agreement. 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. Entire Agreement/Amendment. 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. Attorney Fees. 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. Construction.

(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. Counterparts. 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: _____
William J. Elfering, Commissioner

By: _____
George L. Murdock, Commissioner

STATE OF OREGON)
)ss.
County of Umatilla)

This instrument was acknowledged before me on _____, 2014,
by W. Lawrence Givens, William J. Elfering, and George L. Murdock, as Commissioners of
Umatilla County, Oregon.

Notary Public for Oregon
My Commission Expires: _____

TA OPERATING LLC, a Delaware limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____)
County of _____)ss.

This instrument was acknowledged before me on _____, 2014,
by _____, as _____ of TA Operating LLC.

Notary Public for _____
My Commission Expires: _____

EXHIBIT A
TO
DEVELOPMENT AGREEMENT

Tract A:

Commencing at the Southeast Corner of Section 25, Township 4 North, Range 27, East of the Willamette 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 Parcel No. 1 conveyed from Doris S. Bounds to the Oregon State Highway Commission by Deed Recorded in Book 284, Page 221, Deed Records and the East line of the Meadow Valley County Road as described in Bargain and Sale Deed recorded in Book 228, Page 539, of the Umatilla County Deed Records; thence 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 Deed Recorded in Book 284, Page 221, Deed Records, said point being 50.00 feet North 88°04'22" West from Engineer's center line Station "MV2" 6+08.90 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 234.82 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 "NR2" 8+31.82 P.C.S. as described in the said Parcel No. 3; 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 296.58 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 Parcel 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" East, 400.00 feet of Engineer's Centerline Station "EB" 923.00 as described in said Parcel No. 1; thence South 78°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°32'02" 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 Section 25, Township 4 North, Range 27, East of the Willamette Meridian, Umatilla County, Oregon;

Tract B:

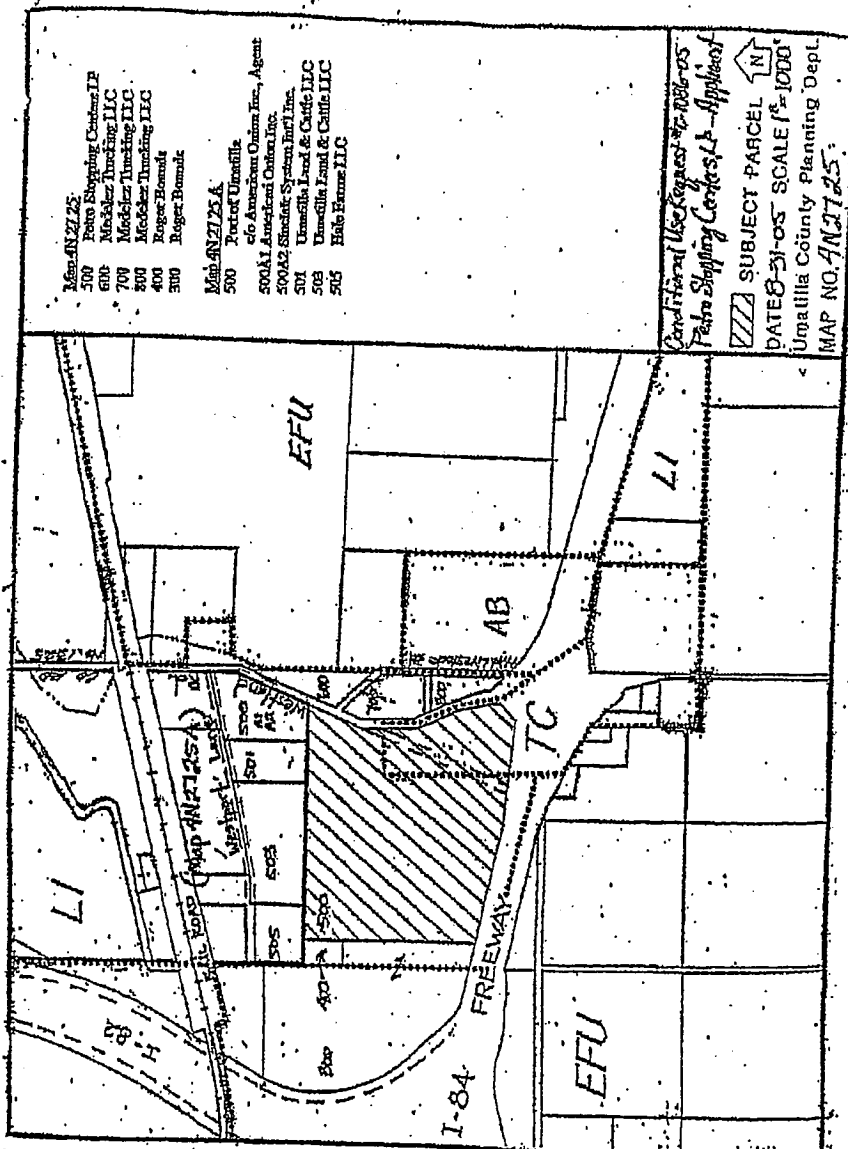
Commencing at the Southeast corner of Section 25, Township 4 North, Range 27, East of the Willamette Meridian; thence North 75°37'28" West a distance of 2467.14 feet to the point of beginning of this description, said point also being North 12°53'06" East a distance of 205.00 feet from Engineer's centerline station "RS" 903+88.04 as described in Parcel No. 1 conveyed from Doris S. Bounds 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°33'53" 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" East 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. 8, as recorded in Book 101, Page 807, Umatilla County 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 Westerly 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 Engineer's centerline Station "EB"916+00 as described in the said Parcel No. 1; thence North 79°58'39" 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°06'54" West and continuing along the Northerly line of the said Parcel No. 1, a distance of 811.96 feet to the point of beginning of this description;

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

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



- Map No. AN2725
- 500 Petrus Shopping Centers LP
 - 600 Modsker Trucking LLC
 - 700 Modsker Trucking LLC
 - 800 Modsker Trucking LLC
 - 400 Roger Hornum
 - 300 Roger Hornum
- Map No. AN2725A
- 500 Port of Umatilla
 - c/o American Online Inc., Agent
 - 500A1 American Online Inc.
 - 500A2 American Online Inc.
 - 501 Umatilla Land & Cattle LLC
 - 502 Umatilla Land & Cattle LLC
 - 503 Hale Farms LLC
 - 504 Hale Farms LLC
 - 505 Hale Farms LLC

Conditional Use Request No. 1086-05
Petrus Shopping Centers, LP - Applicant

▨ SUBJECT PARCEL

DATE 8-21-05 SCALE 1"=1000'

Umatilla County Planning Dept.

MAP NO. AN2725

Exhibit A

EXHIBIT C
TO
DEVELOPMENT AGREEMENT

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
Umatilla County Transportation) ORDINANCE NO. 2003-09
System Plan and Comprehensive)
Plan for Westland 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 proposal 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 Planning 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, Noble 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

Umatilla 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 Umatilla 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 Petro/Kittleson Plan outlined in Figure 1B 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:

1. The Westland Road/I-84/I-82 Interchange Area Transportation Plan is accepted and adopted, and the Umatilla County Transportation System Plan and the Umatilla County Comprehensive Plan are amended to include the Interchange Area Transportation Plan. A copy of 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 Umatilla County

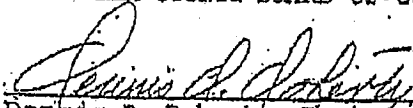
ORDINANCE NO. 2003-09 - Page 2 of 3

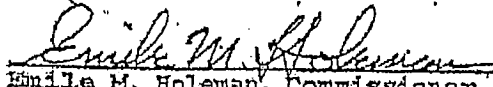
Transportation System Plan and the Umatilla County Comprehensive Plan will be amended to provide an exception to the Westland Area Plan north of I-84 to allow for local access improvements outlined in Figure 1B of Exhibit 62, with additional access on east to be granted at industrial area access,


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 1C of Exhibit 59.

DATED this 12th day of January, 2004.

UMATILLA COUNTY BOARD OF COMMISSIONERS

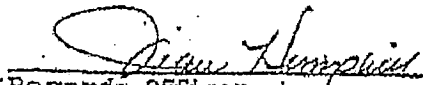

Dennis D. Doherty, Chair

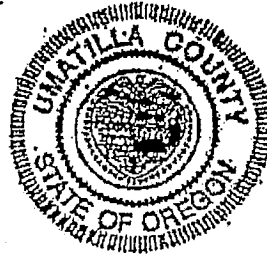

Emile M. Holman, Commissioner


William S. Hansell, Commissioner

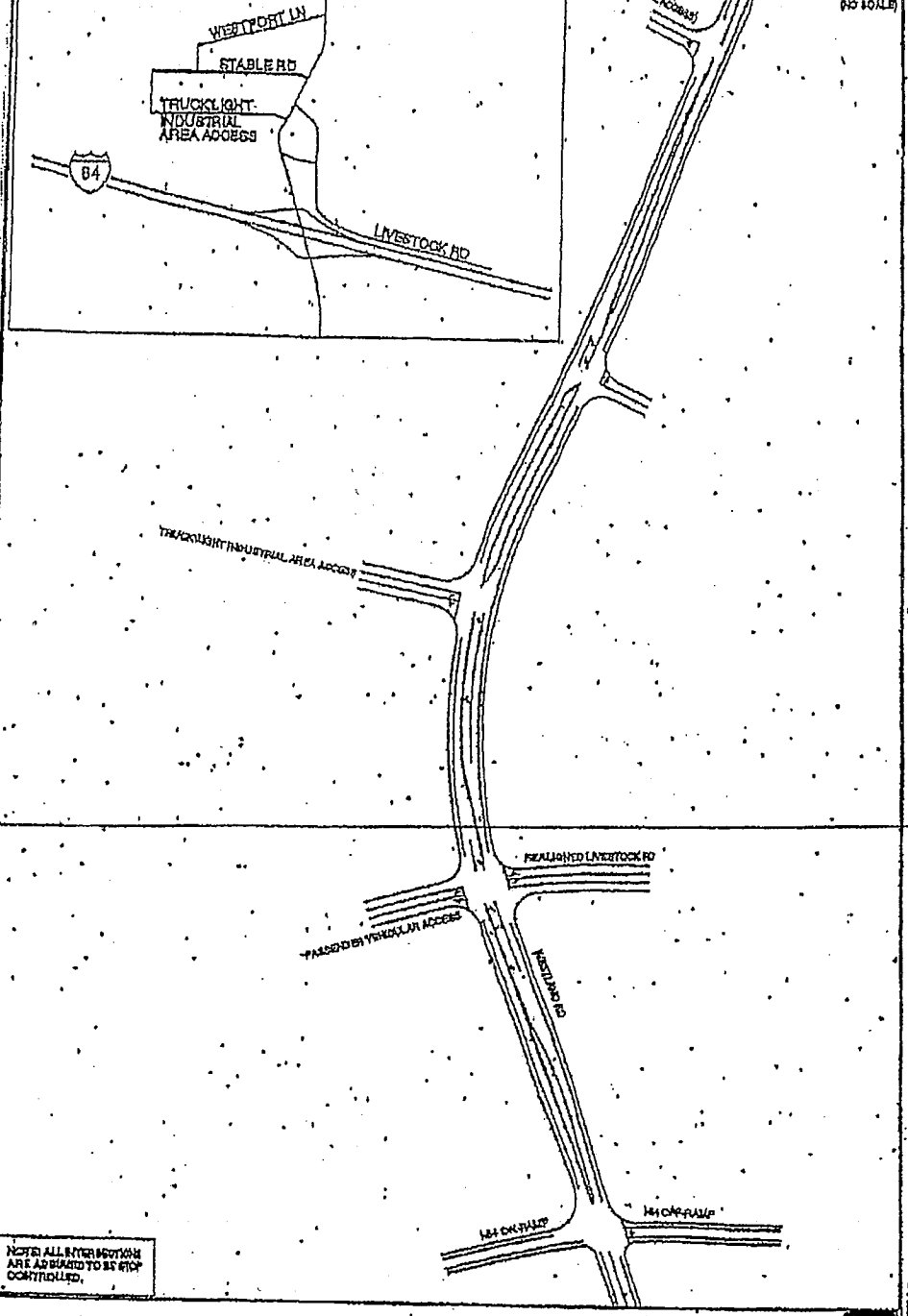


ATTEST:
OFFICE OF COUNTY RECORDS


Records Officer



Future Local Roads Configuration

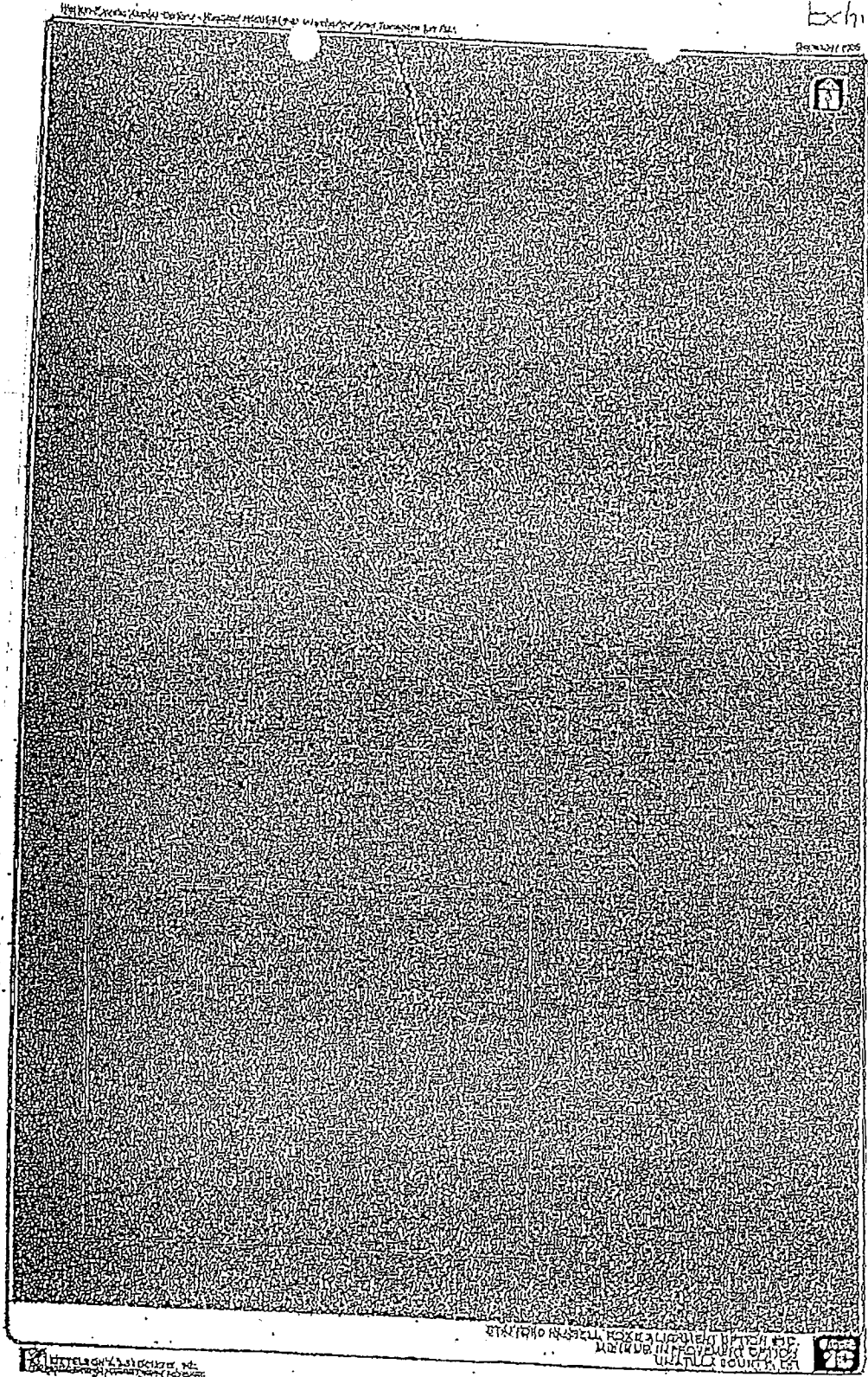


NOTE: ALL INTERSECTIONS ARE ADAPTED TO BE STOP CONTROLLED.

MODIFIED ACCESS ALTERNATIVE #2
UMATILLA COUNTY, OREGON

MT TELFER & ASSOCIATES, P.C.
1111 1/2 S. W. 10TH AVENUE, SUITE 100
PORTLAND, OREGON 97204
TEL: 503.253.1111 FAX: 503.253.1112

Exhibit 39



**EXHIBIT D
TO
DEVELOPMENT AGREEMENT**



No.	Date	Description

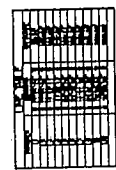
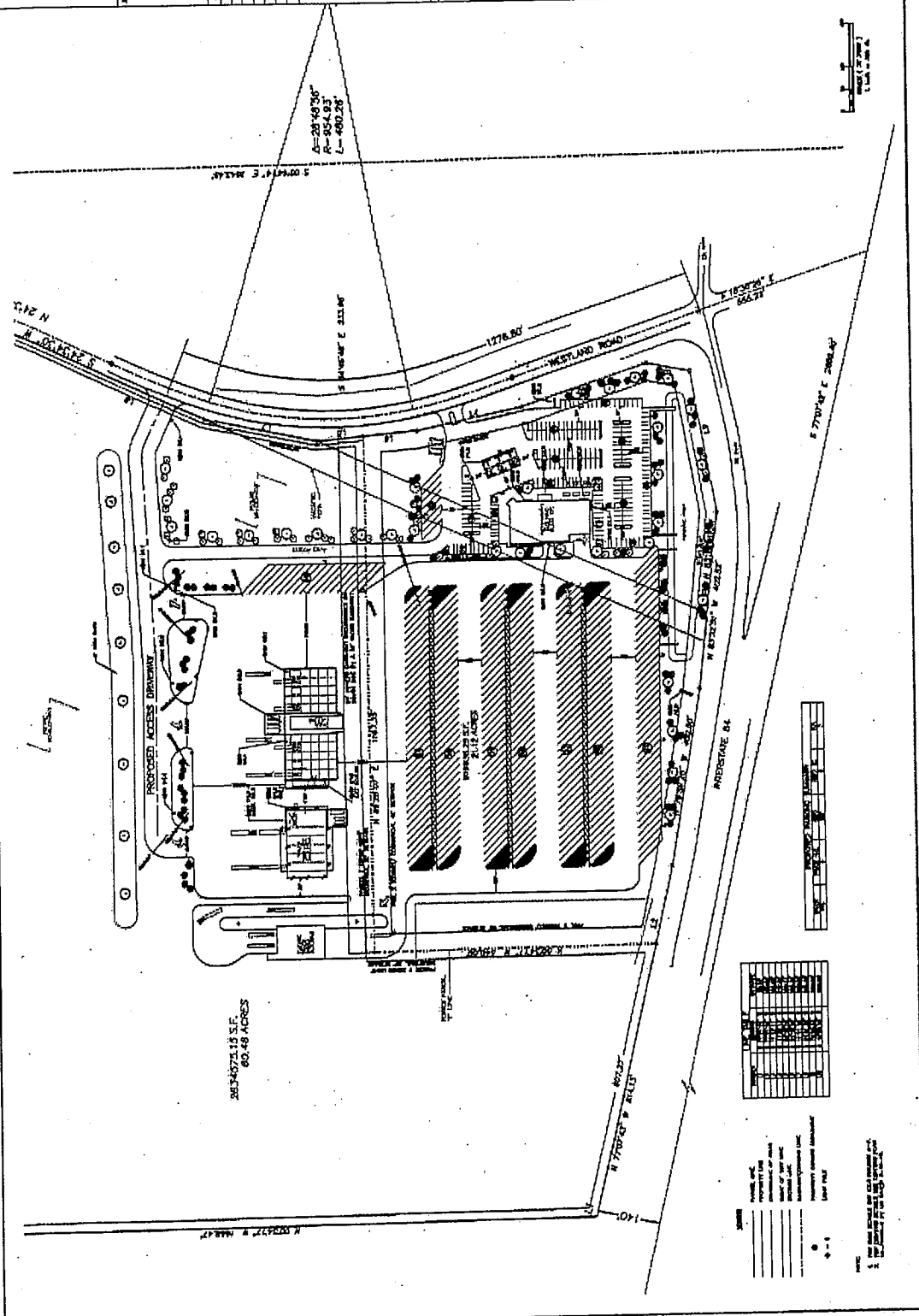
PEIRO STOPPING CENTER
SITE # 337

I-84 & WESTLAND ROAD
HEMLOCK, OR
UMATILLA COUNTY

DATE	DESCRIPTION

SITE PLAN

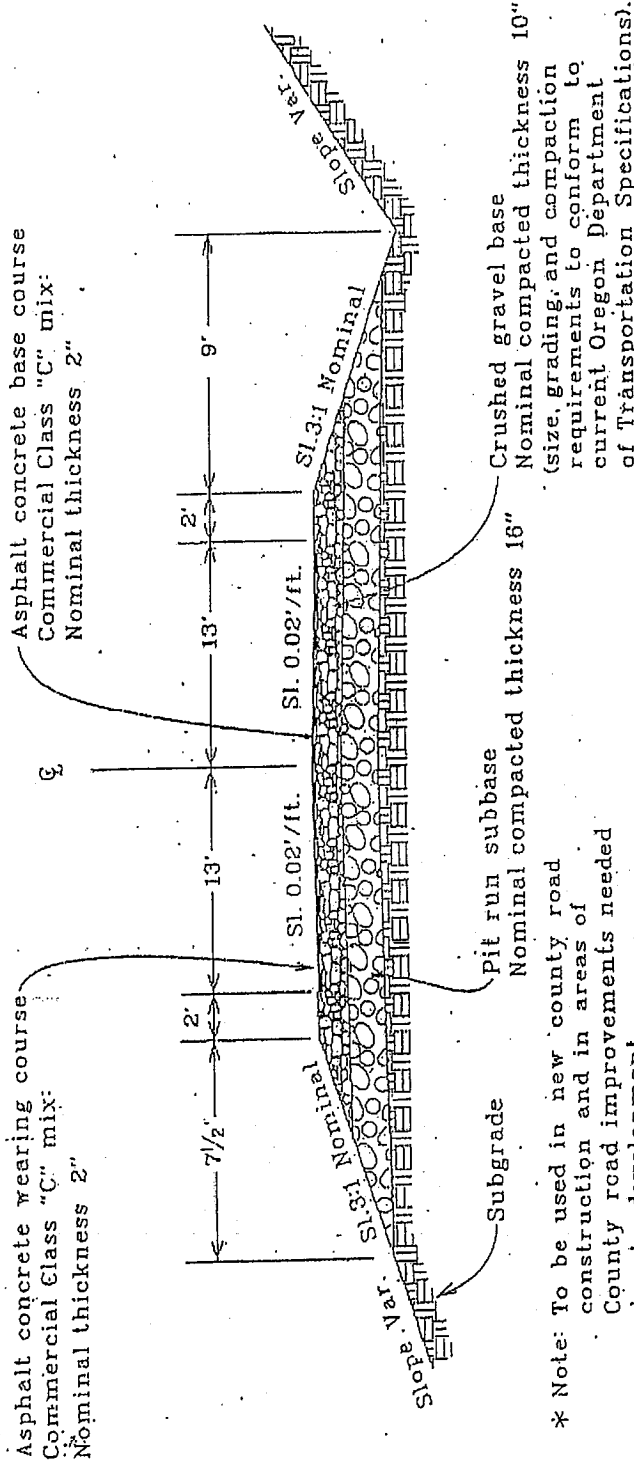
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**EXHIBIT E
TO
DEVELOPMENT AGREEMENT**

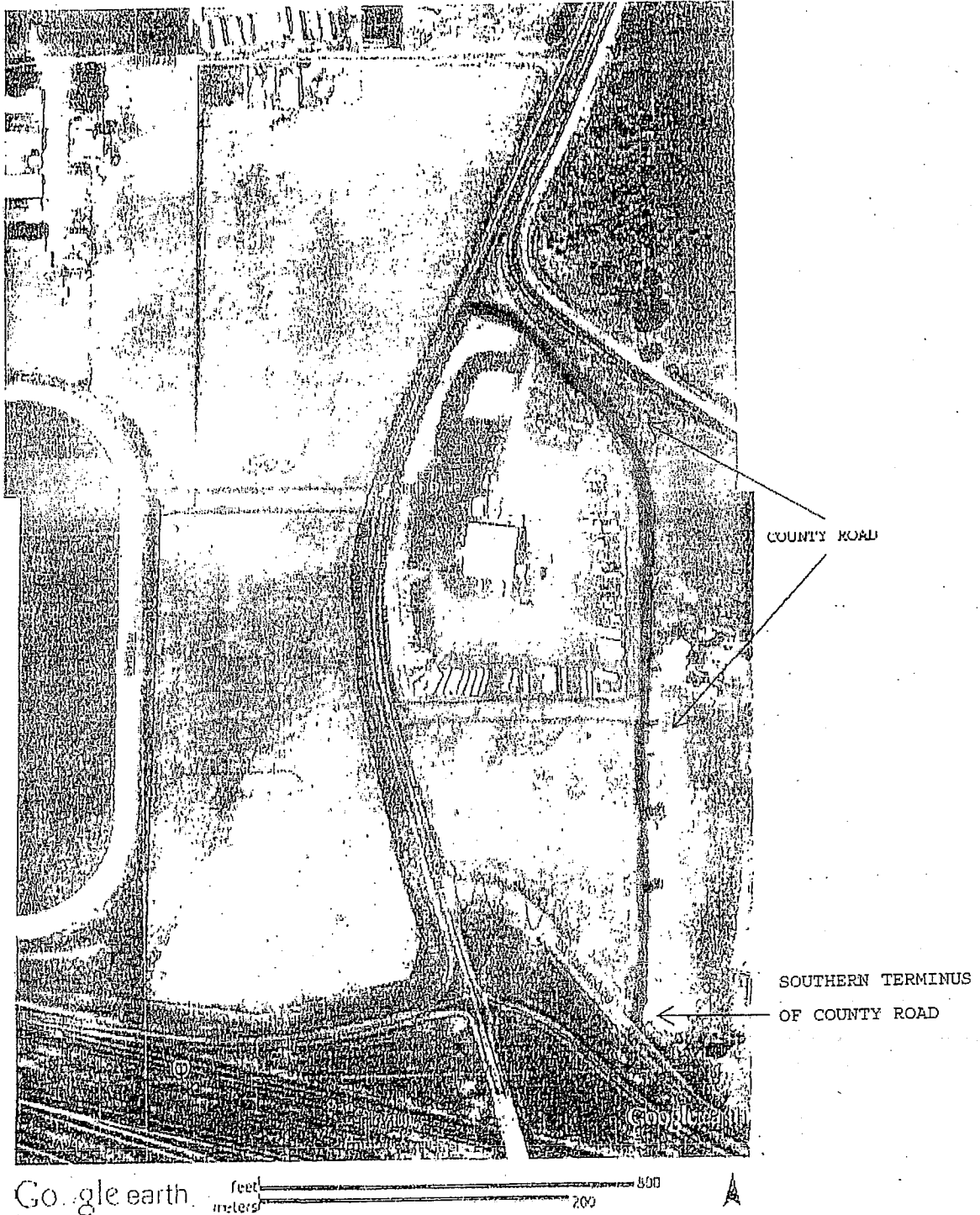
"B" Industrial / Agricultural



- * Note: To be used in new county road construction and in areas of County road improvements needed due to development.
- * Culvert pipes to be installed in locations determined by the Director of Public Works. Materials & workmanship shall conform to current ODOT Standard Specifications
- * All other construction details and specifications to conform to current ODOT Standard Specifications and to be approved by the Director of Public Works.
- * Any changes to surfacing width or depths or variance from current Oregon Department of Transportation Standard Specifications must be approved by the Director of Public Works.

Umatilla Co. Rd. Dept.	
"B"	
Industrial / Agricultural	Checked By: GR
Drawn By: JG	Date: July 1997
	Road Standard

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 this ____ day of _____, 2014, between Umatilla County, Oregon (the "County"), and TA Operating LLC, a Delaware limited liability company ("TA").

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.

3. This Agreement shall run with land and shall bind and inure to the benefit of TA's successors in ownership of the Property.

UMATILLA COUNTY, OREGON

TA OPERATING LLC, a Delaware limited liability company

By: _____
W. Lawrence Givens, Commissioner

By: _____

Name: _____

Title: _____

By: _____
William J. Elfering, Commissioner

By: _____
George L. Murdock, Commissioner

STATE OF OREGON)
)ss.
County of Umatilla)

This instrument was acknowledged before me on _____, 2014,
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 _____)
)ss.
County of _____)

This instrument was acknowledged before me on _____, 2014,
by _____, as _____ of
TA Operating LLC.

Notary Public for _____
My Commission Expires: _____

Transportation Impact Analysis Update

Westland Road Travel Center

Umatilla County, Oregon

December 2013



KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING/PLANNING

Transportation Impact Analysis Update

Westland Road Travel Center

Umatilla County, Oregon

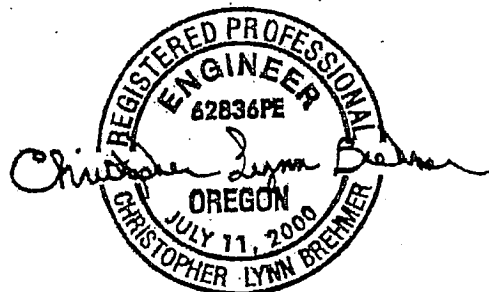
Prepared For:
TA Operating LLC
255 Washington Street, Suite 210
Newton, MA 02458-1234

Prepared By:
Kittelson & Associates, Inc.
610 SW Alder, Suite 700
Portland, OR 97205
(503) 228-5230

Project Principal: Chris Brehmer, P.E.
Project Analyst: Patrick Marnell

Project No. 12977.00

December 2013



Expires: 12-31-13

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Appendix B	Description of Level-of-Service Methods and Criteria
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Appendix F	Traffic Rerouted from Closed Livestock Road
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Appendix I	Year 2028 Total Traffic Level-of-Service Worksheets

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:

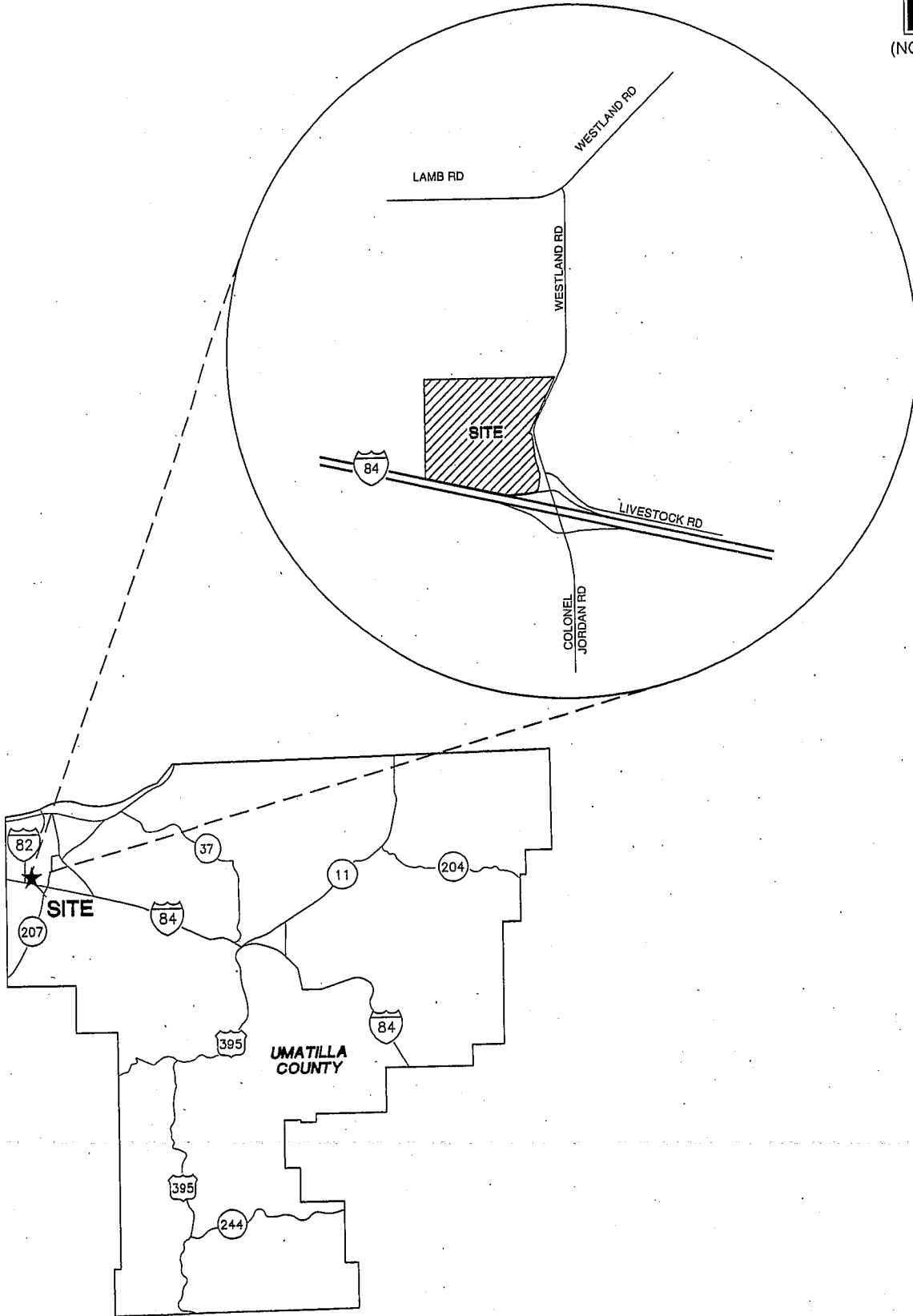
- Westland Road & I-84 Eastbound Ramps
- Westland Road & I-84 Westbound Ramps
- Westland Road & Livestock Road
- Westland Road & Lamb Road

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.



(NO SCALE)



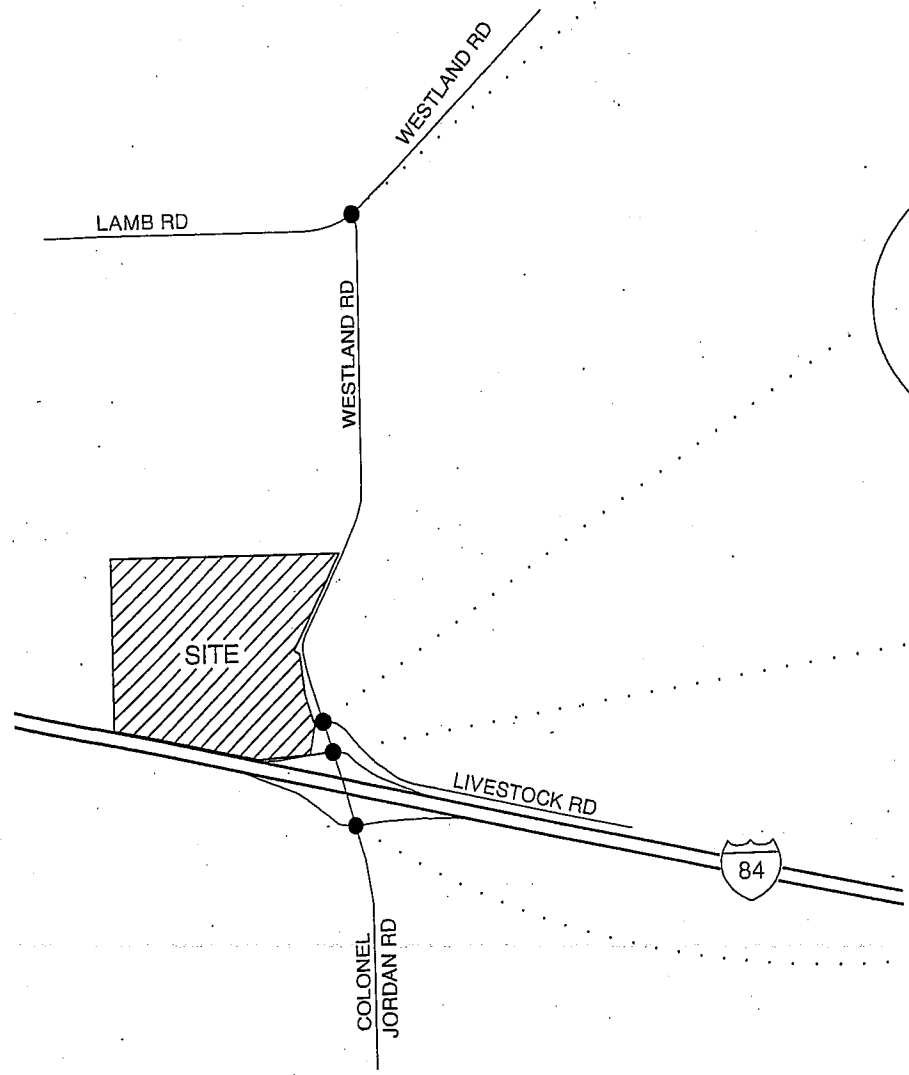
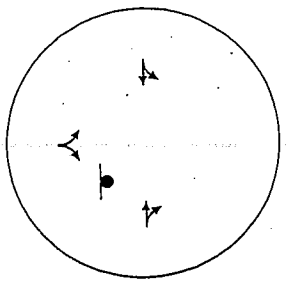
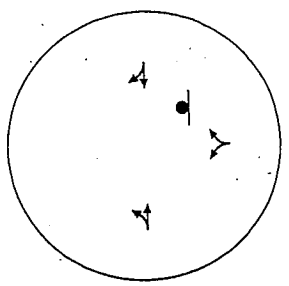
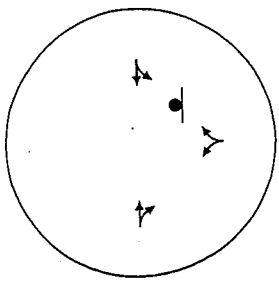
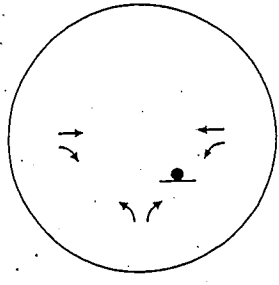
SITE VICINITY
UMATILLA COUNTY, OREGON

FIGURE
1



12977_FIGS.dwg



(NO SCALE)



LEGEND

-  - STOP SIGN
-  - TRAFFIC SIGNAL

EXISTING LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES UMATILLA COUNTY, OREGON

FIGURE 2

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

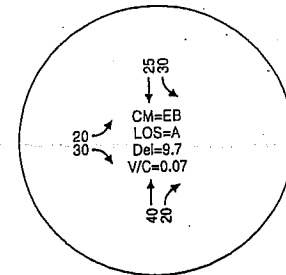
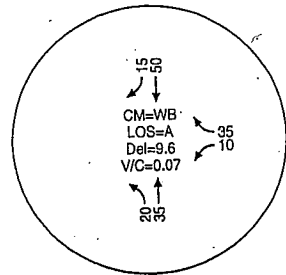
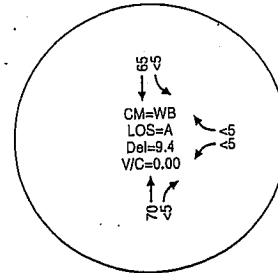
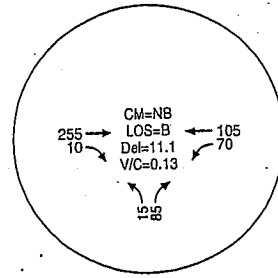
All level-of-service analyses described in this report were performed in accordance with the procedures stated in the 2000 *Highway Capacity Manual* (Reference 1). *A description of level of service and the criteria by which they are determined is presented in Appendix B.* Appendix B also indicates how 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.

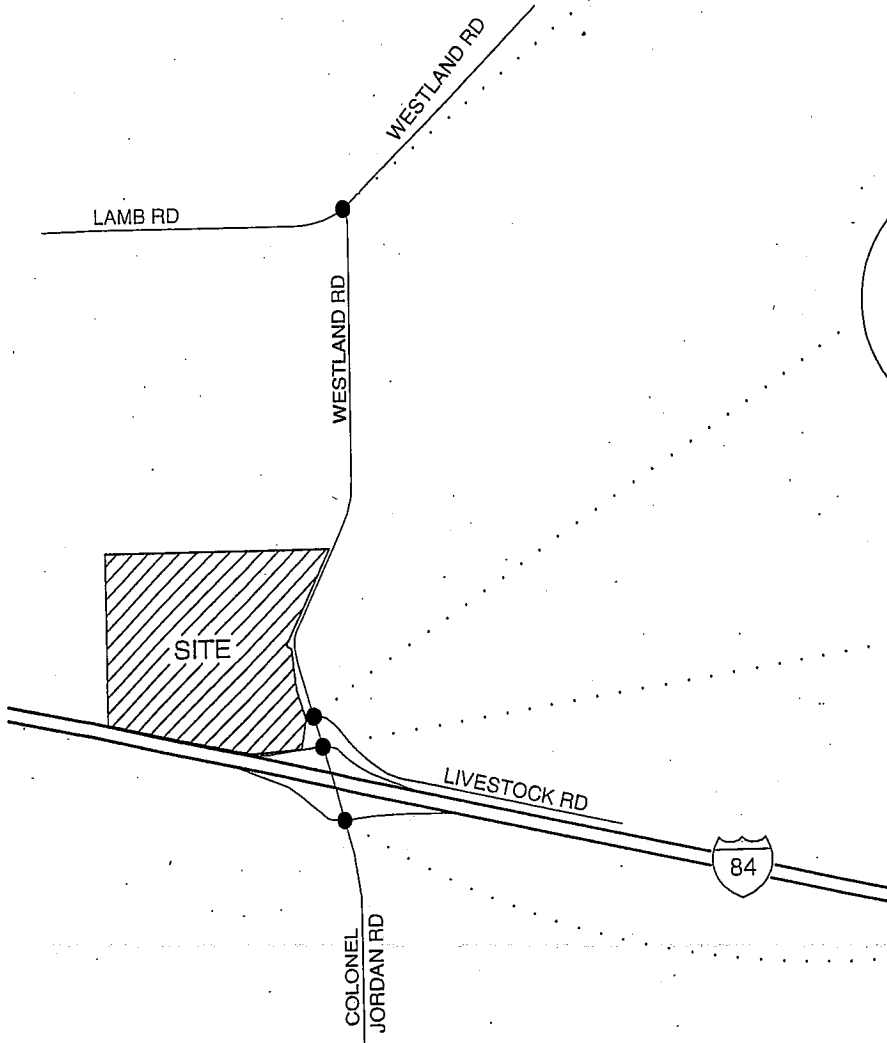
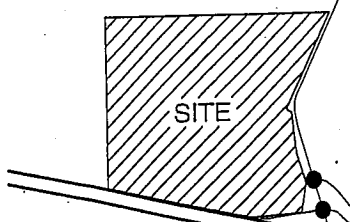


(NO SCALE)



LEGEND

- CM = CRITICAL MOVEMENT
- LOS = CRITICAL MOVEMENT LEVEL OF SERVICE
- Del = CRITICAL MOVEMENT CONTROL DELAY
- V/C = CRITICAL VOLUME-TO-CAPACITY RATIO



2013 EXISTING WEEKDAY PM PEAK HOUR TRAFFIC CONDITIONS UMATILLA COUNTY, OREGON

FIGURE 3

12977_FIGS.dwg

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
2011	Angle	Clear	Dry	Day	PDO	I-84 EB Ramps
2009	Backed Into	Cloudy	Wet	Day	PDO	CR-1344
2012	Fixed Object / Run Off Road	Clear	Dry	Day	PDO	Westland Rd at Livestock Rd
2008	Rear End	Cloudy	Wet	Day	PDO	Westland Rd at Lamb Rd
2011	Angle – Right Turn	Unknown	Unknown	Day	PDO	Westland Road at Lamb Road
2010	Side Swipe – Meeting	Cloudy	Wet	Dark	INJ	Westland Road near railroad crossing
2008	Fixed Object / Run Off Road	Sleet	Ice	Day	INJ	Westland Road near power station
2008	Rear End	Clear	Wet	Day	INJ	Westland Road near drainage ditch ²

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.

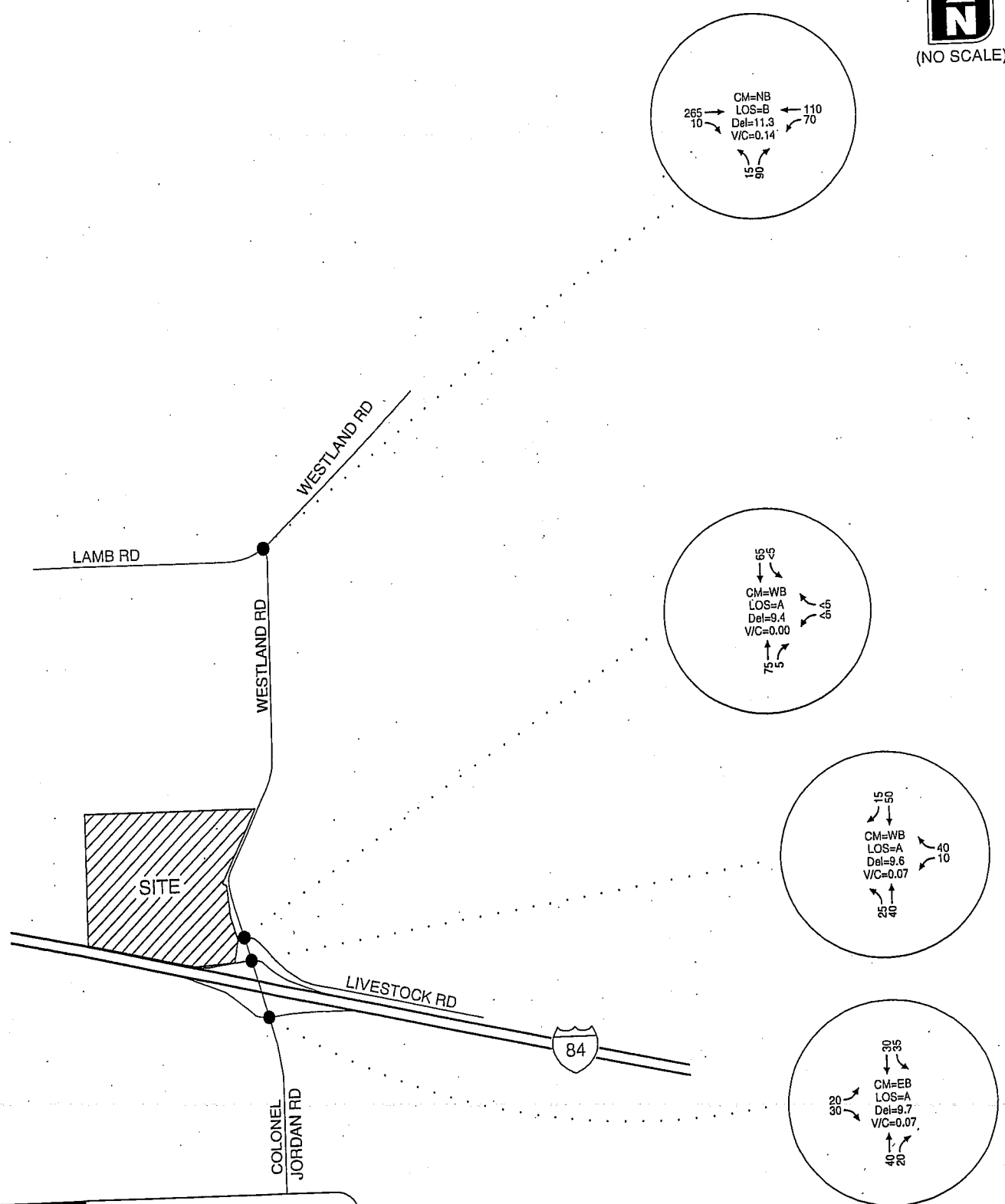
Traffic Volumes

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.*





LEGEND

- CM = CRITICAL MOVEMENT
- LOS = CRITICAL MOVEMENT LEVEL OF SERVICE
- Del = CRITICAL MOVEMENT CONTROL DELAY
- V/C = CRITICAL VOLUME-TO-CAPACITY RATIO

2016 WEEKDAY PM PEAK HOUR
BACKGROUND TRAFFIC CONDITIONS
UMATILLA COUNTY, OREGON

FIGURE
4

PROPOSED DEVELOPMENT PLAN

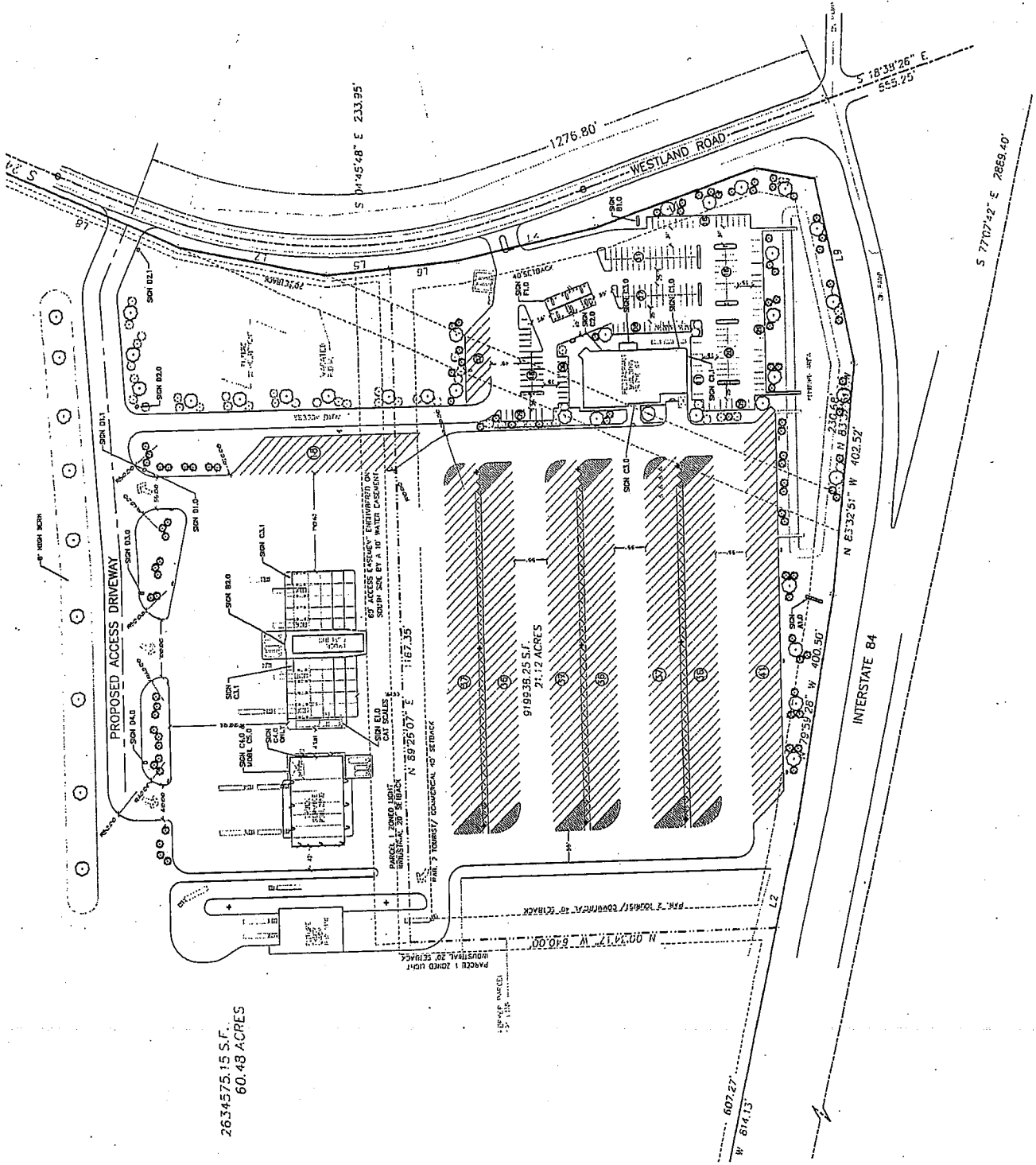
TA is proposing to develop a truck fueling station with market, truck-washing station, auto fueling station, and restaurant on a 24-acre site. Construction of this development is expected to be completed in the year 2016. As shown in Figure 5, access to the site is proposed in two locations:

- 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.



2634575.15 S.F.
60.48 ACRES

918938.25 S.F.
21.12 ACRES

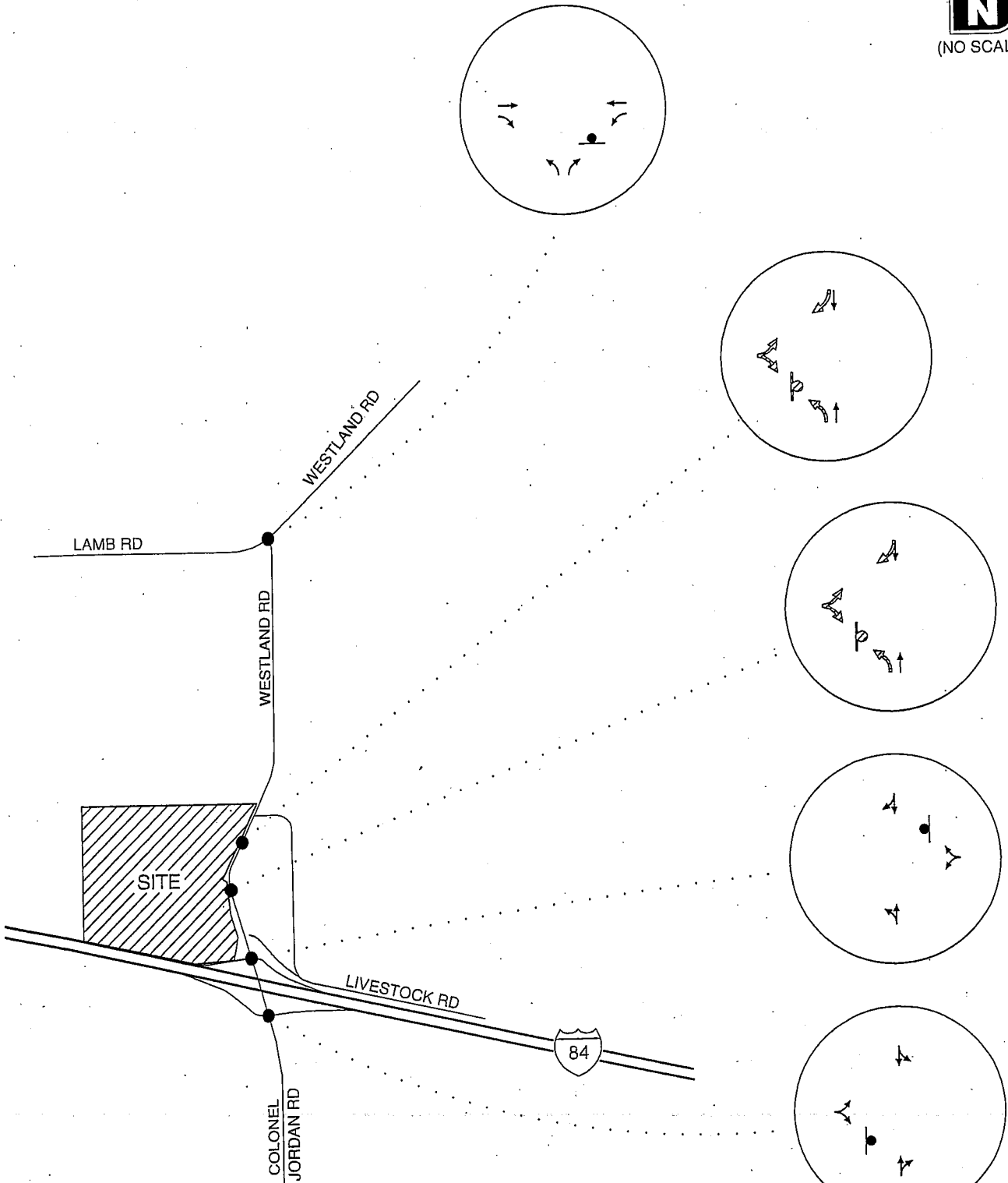
SITE PLAN PROVIDED BY: WELLERT CORPORATION, DATE: 12/2/2013

PROPOSED SITE PLAN
UMATILLA COUNTY, OREGON

FIGURE
5



(NO SCALE)



LEGEND

- STOP SIGN
- SITE IMPROVEMENT
- EXISTING

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

FIGURE 6

12977_FIGS.dwg

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

Land Use	Source	Units	Weekday PM Peak Hour Trips		
			In	Out	Total
Truck Stop (Northern) Parcel - Accessed via Heavy Vehicle Driveway					
Truck Fueling Facility	Field Data	10 positions	70	65	135
Total ATP ³ trips for Industrial	TA Property		25	75	100
Minus ATP Forecasted Trips	New Truck Stop		-5	-15	-20
Remainder for Undeveloped Area			20	60	80
Total New Trips for Truck Stop Parcel (to system)			90	125	215
Gas Station (Southern) Parcel - Accessed via Passenger Car Driveway					
High Turnover Sit-Down Restaurant	ITE 832	6,800 square feet	40	27	67
Internal Trips			-15	-10	-25
Subtotal			25	17	42
Fast-Food Restaurant with Drive-through ²	ITE 834	3,500 square feet	59	55	114
Internal Trips			-15	-15	-30
Subtotal			44	40	84
Gasoline/Service Station with Market	ITE 945	12 fueling positions	81	81	162
Internal Trips			-15	-20	-35
Subtotal			61	61	122
Total Trips for Gas Station Parcel			180	163	343
Internal Trips			-45	-45	-90
Subtotal for Gas Station Parcel			135	118	253
Total ATP trips for Commercial Area			20	20	40
Minus ATP Forecasted Trips			-20	-20	-40
This area will be redeveloped in total			0	0	-0
Total New Trips for Gas Station Parcel (to system) [rounded to nearest five]			135	120	255
Summary of Entire Development (Northern and Southern Parcels)					
New Truck Stop Parcel			90	125	215
New Gas Station Parcel			135	120	255
Total New Trips to the System [rounded to nearest five]			225	245	470

¹ As defined in the *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.

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



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 drive-through 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

Umatilla 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

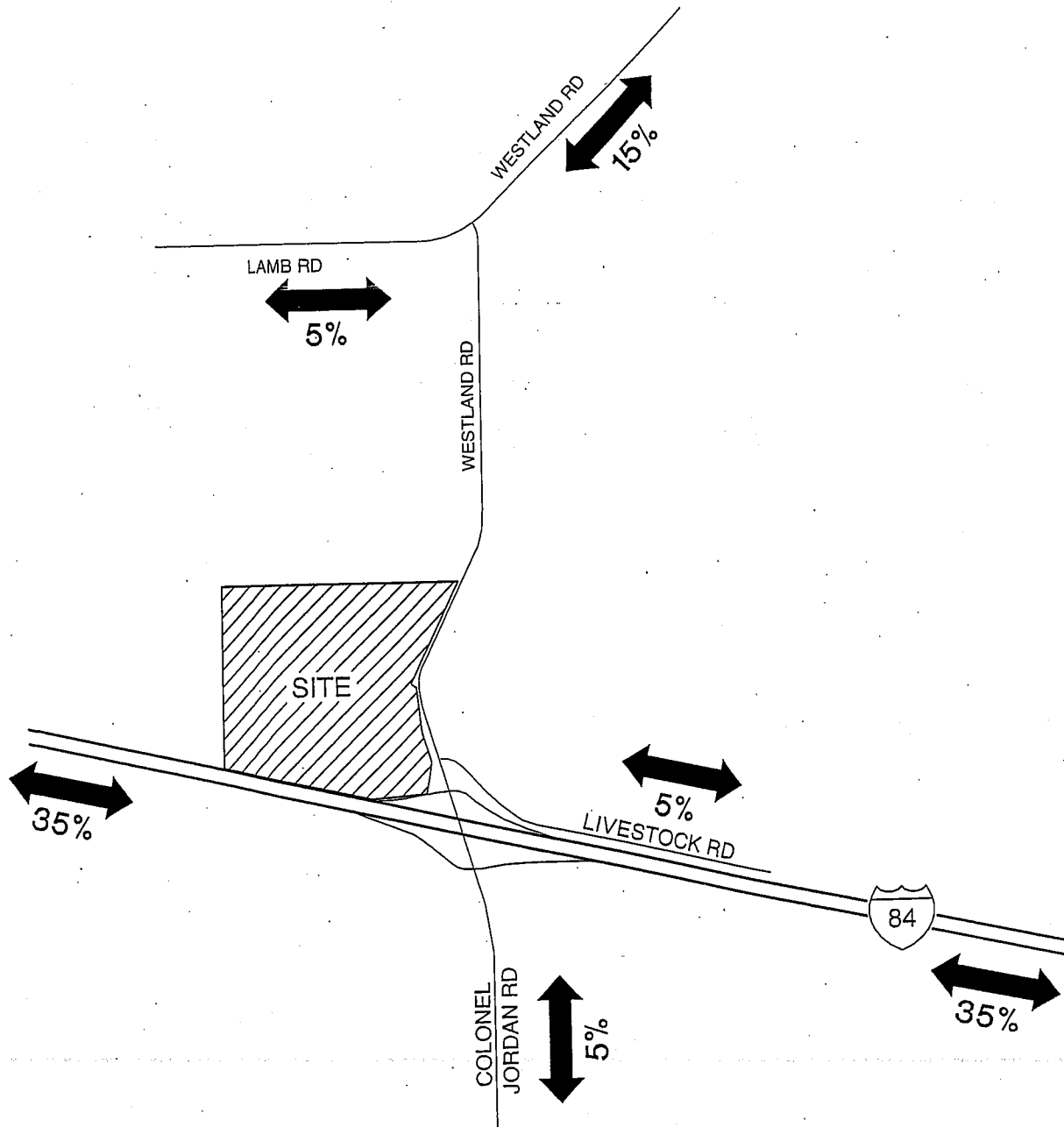
The estimated site-generated trips were assigned to the network by distributing the trips shown in Table 2 according to the trip distribution pattern shown in Figure 7. Figure 8 illustrates the site-generated trips that are expected to use the roadway system during the weekday p.m. peak hour. *In Figure 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.



(NO SCALE)



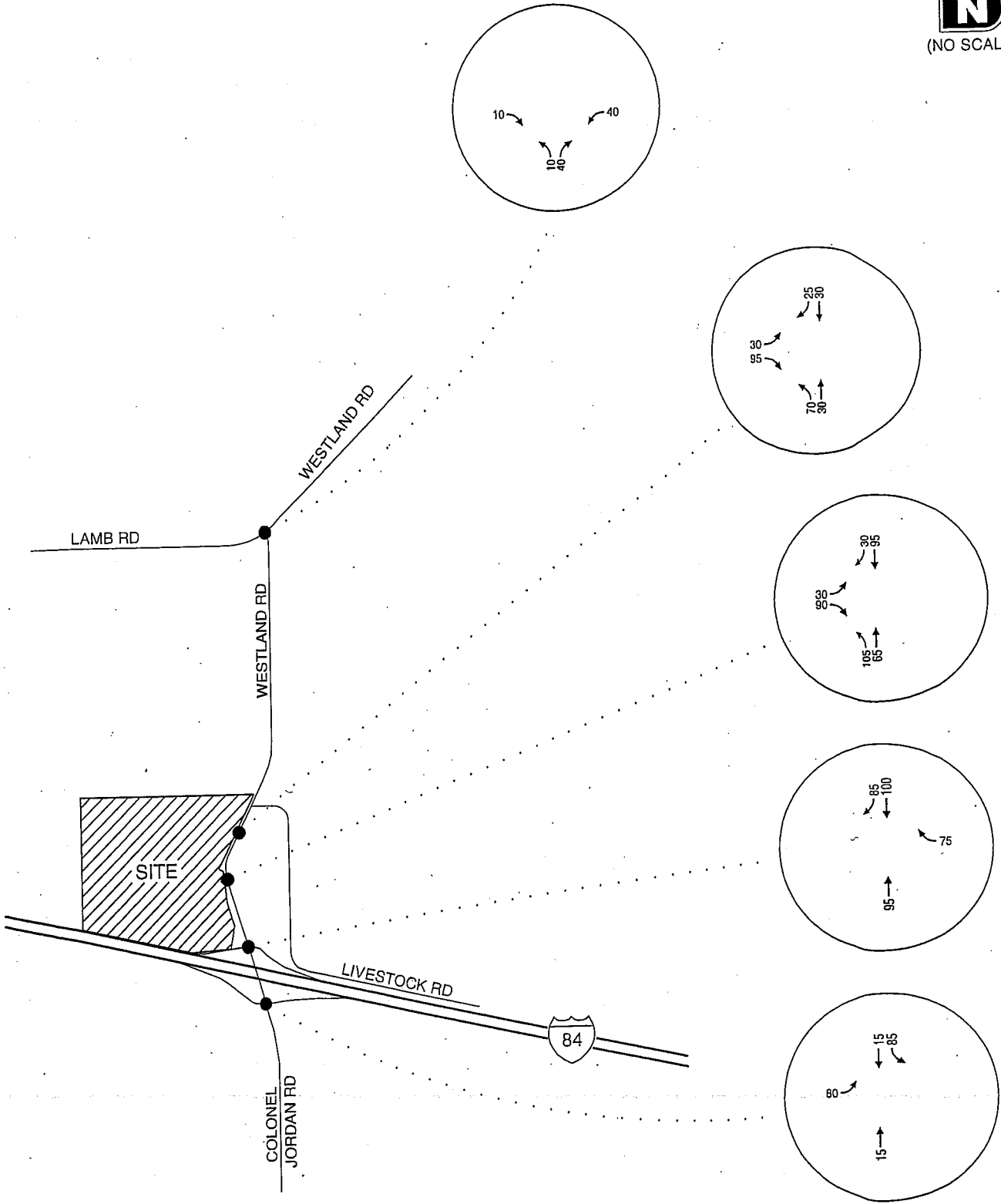
ESTIMATED TRIP DISTRIBUTION PATTERN
UMATILLA COUNTY, OREGON

FIGURE
7

12977_FIGS.dwg



(NO SCALE)



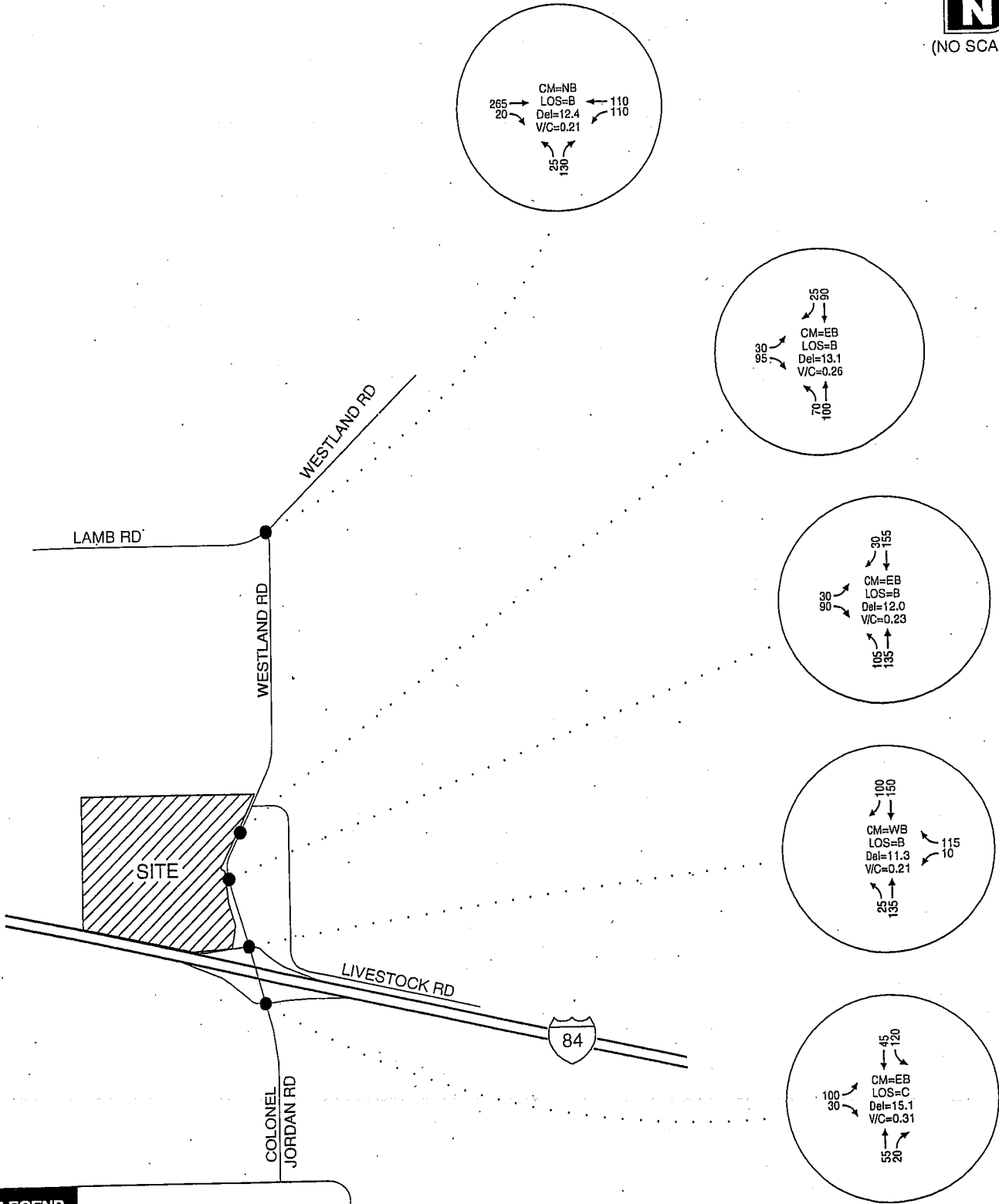
WEEKDAY PM PEAK HOUR SITE-GENERATED TRIPS
UMATILLA COUNTY, OREGON

FIGURE
8

12977_FIGS.dwg



(NO SCALE)



LEGEND

- CM = CRITICAL MOVEMENT
- LOS = CRITICAL MOVEMENT LEVEL OF SERVICE
- Del = CRITICAL MOVEMENT CONTROL DELAY
- V/C = CRITICAL VOLUME-TO-CAPACITY RATIO

2016 WEEKDAY PM PEAK HOUR
TOTAL TRAFFIC CONDITIONS
UMATILLA COUNTY, OREGON

FIGURE
9

12977_FIGS.dwg

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

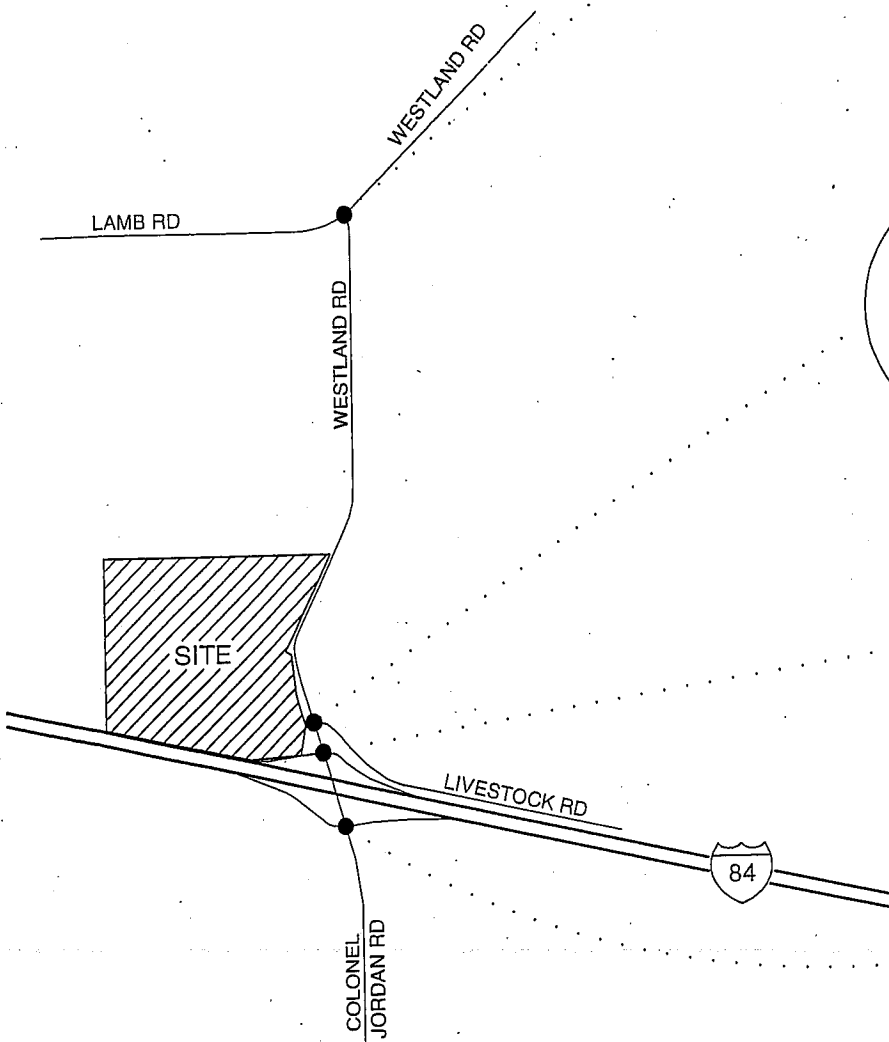
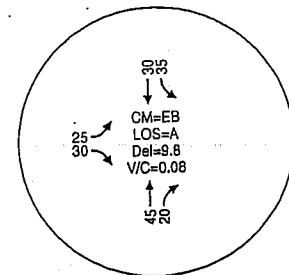
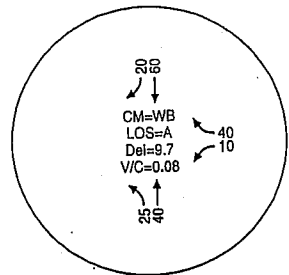
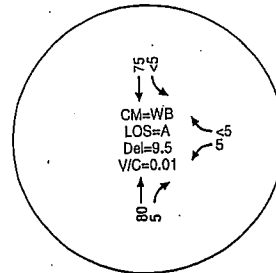
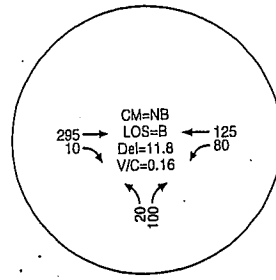
Year 2028 background traffic volumes were developed by applying a one percent annual growth rate to the year 2013 existing traffic volumes. Figure 10 illustrates the year 2028 background traffic volumes projected during the weekday p.m. peak hour.

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.*



(NO SCALE)



LEGEND

- CM = CRITICAL MOVEMENT
- LOS = CRITICAL MOVEMENT LEVEL OF SERVICE
- Del = CRITICAL MOVEMENT CONTROL DELAY
- V/C = CRITICAL VOLUME-TO-CAPACITY RATIO

2028 WEEKDAY PM PEAK HOUR
BACKGROUND TRAFFIC CONDITIONS
UMATILLA COUNTY, OREGON

FIGURE
10

12977_FIGS.dwg

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

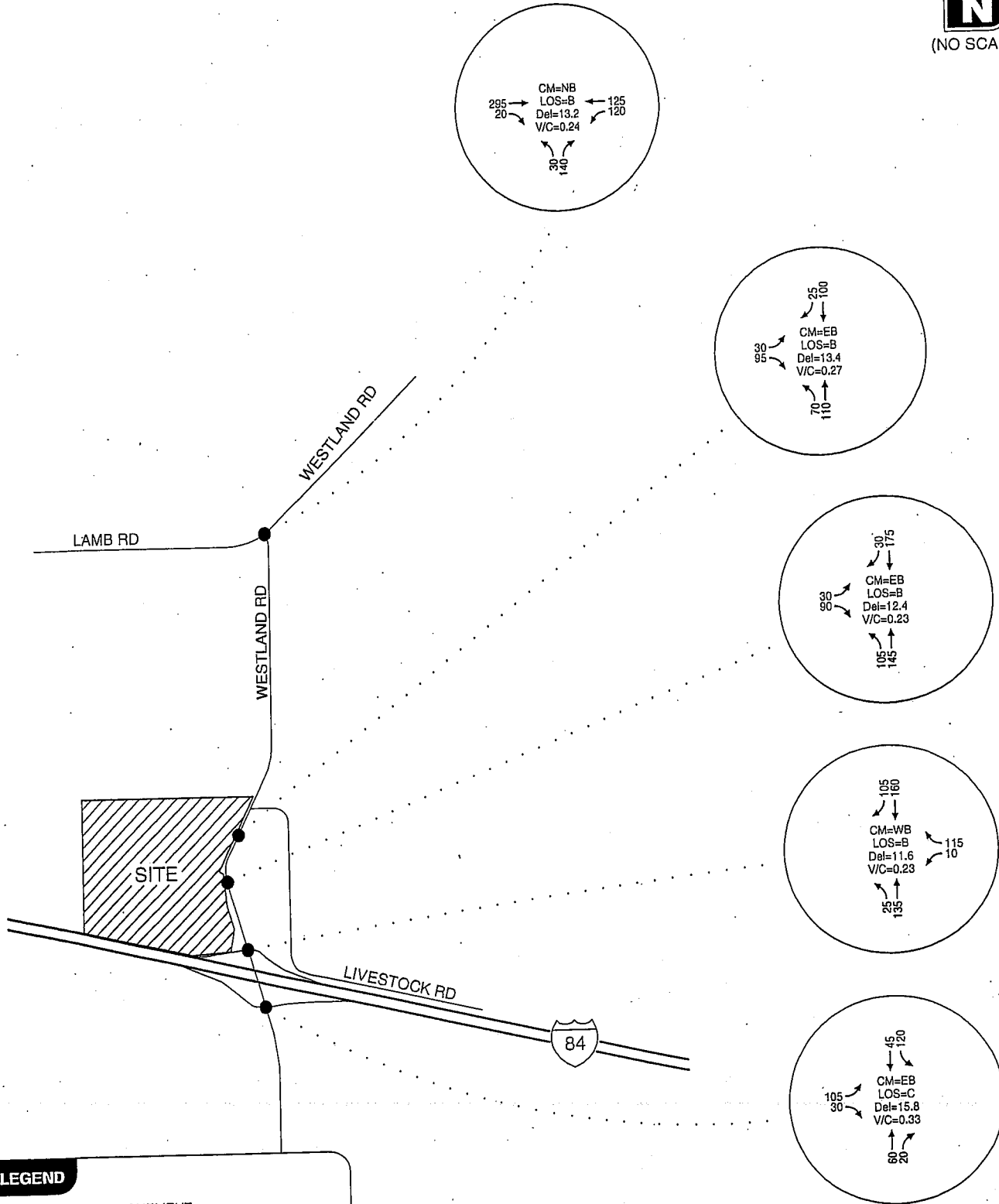
The year 2028 site-generated traffic volumes (shown in Figure 8) were added to the year 2028 background traffic volumes (shown in Figure 10) to arrive at the year 2028 total traffic volumes with the proposed development (shown in Figure 11).

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.*



(NO SCALE)



LEGEND

- CM = CRITICAL MOVEMENT
- LOS = CRITICAL MOVEMENT LEVEL OF SERVICE
- Del = CRITICAL MOVEMENT CONTROL DELAY
- V/C = CRITICAL VOLUME-TO-CAPACITY RATIO

2028 WEEKDAY PM PEAK HOUR
TOTAL TRAFFIC CONDITIONS
UMATILLA COUNTY, OREGON

FIGURE
11

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

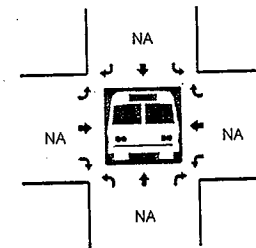
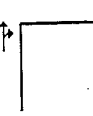
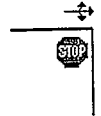
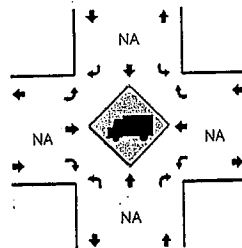
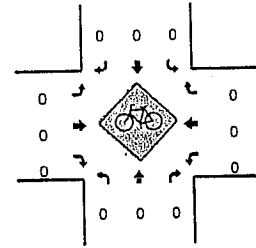
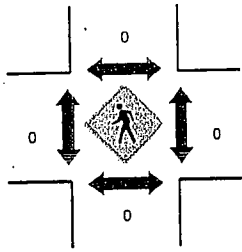
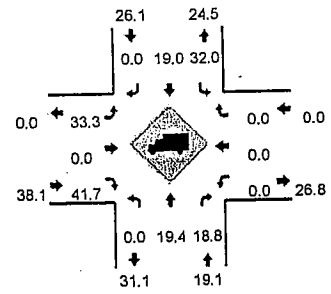
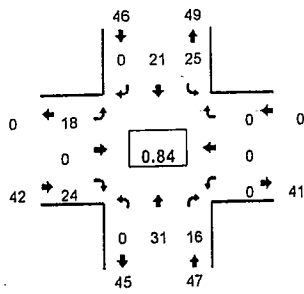
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Westland Rd -- I-84 Eastbound Ramps
CITY/STATE: Hermiston, OR

QC JOB #: 11340202
DATE: Wed, Oct 16 2013

Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 4:40 PM -- 4:55 PM



5-Min Count Period Beginning At	Westland Rd (Northbound)				Westland Rd (Southbound)				I-84 Eastbound Ramps (Eastbound)				I-84 Eastbound Ramps (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	2	3	0	2	0	0	0	0	0	0	0	0	0	0	0	7	
4:05 PM	0	1	1	0	2	1	0	0	0	0	0	0	0	0	0	0	9	
4:10 PM	0	4	1	0	4	2	0	0	0	0	0	0	0	0	0	0	11	
4:15 PM	0	1	0	0	2	1	0	0	1	0	3	0	0	0	0	0	8	
4:20 PM	0	1	4	0	3	0	0	0	0	0	5	0	0	0	0	0	13	
4:25 PM	0	2	2	0	2	1	0	0	0	0	3	0	0	0	0	0	10	
4:30 PM	0	1	1	0	1	0	0	0	3	0	3	0	0	0	0	0	9	
4:35 PM	0	3	3	0	1	2	0	0	0	0	0	0	0	0	0	0	9	
4:40 PM	0	5	0	0	2	6	0	0	1	0	2	0	0	0	0	0	11	
4:45 PM	0	3	0	0	1	3	0	0	0	0	0	0	0	0	0	0	11	
4:50 PM	0	4	2	0	0	0	0	0	2	0	0	0	0	0	0	0	11	
4:55 PM	0	1	0	0	2	2	0	0	3	0	3	0	0	0	0	0	12	28
5:00 PM	0	3	1	0	4	1	0	0	0	0	1	0	0	0	0	0	10	131
5:05 PM	0	2	0	0	2	2	0	0	0	0	1	0	0	0	0	0	9	131
5:10 PM	0	2	2	0	4	3	0	0	0	0	1	0	0	0	0	0	12	132
5:15 PM	0	3	2	0	1	1	0	0	1	0	0	0	0	0	0	0	8	132
5:20 PM	0	3	1	0	3	0	0	0	3	0	3	0	0	0	0	0	13	132
5:25 PM	0	1	1	0	2	2	0	0	2	0	3	0	0	0	0	0	13	135
5:30 PM	0	1	0	0	0	0	0	0	1	0	1	0	0	0	0	0	3	129
5:35 PM	0	2	0	0	2	1	0	0	0	0	3	0	0	0	0	0	8	128
5:40 PM	0	2	2	0	1	4	0	0	1	0	3	0	0	0	0	0	13	123
5:45 PM	0	7	2	0	1	2	0	0	0	0	1	0	0	0	0	0	13	125
5:50 PM	0	0	1	0	1	2	0	0	1	0	0	0	0	0	0	0	5	119
5:55 PM	0	0	1	0	0	2	0	0	2	0	1	0	0	0	0	0	6	113
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	48	16	0	12	32	0	0	16	0	36	0	0	0	0	0	160	24
Heavy Trucks	0	0	0	0	4	0	0	0	4	0	16	0	0	0	0	0	0	0
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Railroad																		
Stopped Buses																		

Comments:

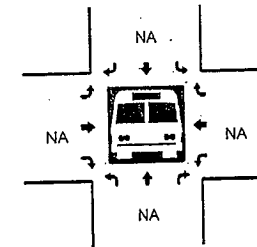
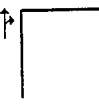
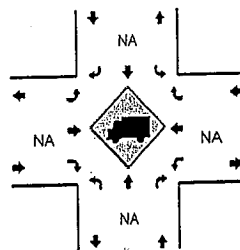
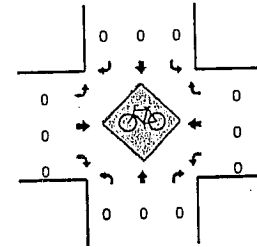
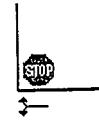
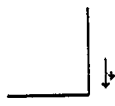
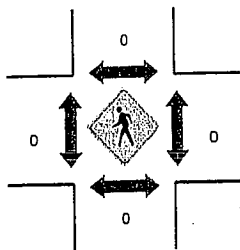
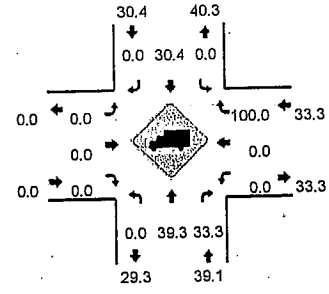
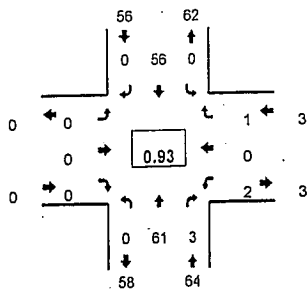
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

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 CITY/STATE: Hermiston, OR

QC JOB #: 11353602
 DATE: Wed, Oct 16 2013

Peak-Hour: 4:30 PM -- 5:30 PM
 Peak 15-Min: 4:40 PM -- 4:55 PM



5-Min Count Period Beginning At	Westland Rd (Northbound)				Westland Rd (Southbound)				NW Livestock Rd (Eastbound)				NW Livestock Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
4:05 PM	0	6	0	0	0	4	0	0	0	0	0	0	0	2	0	0	13	
4:10 PM	0	6	0	0	0	5	0	0	0	0	0	0	0	0	0	0	11	
4:15 PM	0	8	0	0	0	3	0	0	0	0	0	0	0	1	0	0	8	
4:20 PM	0	4	0	0	0	3	0	0	0	0	0	0	0	1	0	0	4	
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4:30 PM	0	14	0	0	0	3	0	0	0	0	0	0	0	0	0	0	8	
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4:40 PM	0	7	0	0	0	5	0	0	0	0	0	0	0	0	0	0	12	
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All Vehicles	0	68	4	0	0	60	0	0	0	0	0	0	0	0	0	0	132	
Heavy Trucks	0	24	0	0	0	16	0	0	0	0	0	0	0	0	0	0	40	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

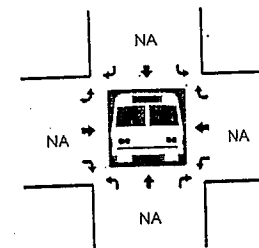
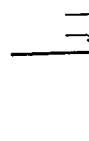
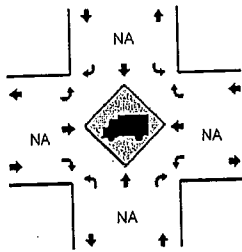
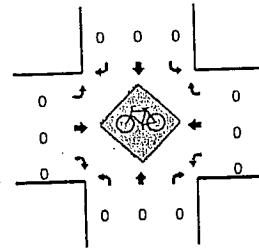
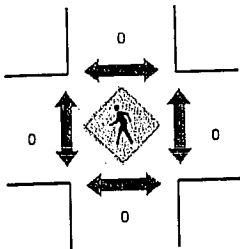
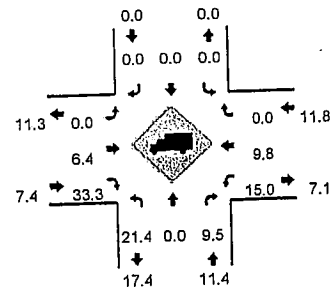
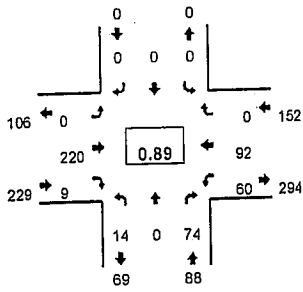
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Method for determining peak hour: Total Entering Volume

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CITY/STATE: Hermiston, OR

QC JOB #: 11340208
DATE: Wed, Oct 16 2013

Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 4:40 PM -- 4:55 PM



5-Min Count Period	Westland Rd (Northbound)				Westland Rd (Southbound)				Lamb Rd (Eastbound)				Lamb Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
Beginning At																		
4:00 PM	1	0	3	0	0	0	0	0	0	9	0	0	3	5	0	0	21	
4:05 PM	2	0	9	0	0	0	0	0	0	14	1	0	1	8	0	0	35	
4:10 PM	3	0	4	0	0	0	0	0	0	13	2	0	3	8	0	0	33	
4:15 PM	1	0	4	0	0	0	0	0	0	16	1	0	4	9	0	0	35	
4:20 PM	1	0	2	0	0	0	0	0	0	12	2	0	1	6	0	0	24	
4:25 PM	0	0	5	0	0	0	0	0	0	10	1	0	2	6	0	0	24	
4:30 PM	2	0	7	0	0	0	0	0	0	22	0	0	10	6	0	0	48	
4:35 PM	0	0	6	0	0	0	0	0	0	15	1	0	6	9	0	0	37	
4:40 PM	0	0	5	0	0	0	0	0	0	22	0	0	11	5	0	0	44	
4:45 PM	3	0	6	0	0	0	0	0	0	22	0	0	8	7	0	0	47	
4:50 PM	0	0	5	0	0	0	0	0	0	18	1	0	5	12	0	0	41	
4:55 PM	1	0	3	0	0	0	0	0	0	17	0	0	7	7	0	0	35	424
5:00 PM	1	0	8	0	0	0	0	0	0	11	1	0	2	5	0	0	28	431
5:05 PM	1	0	6	0	0	0	0	0	0	9	0	0	4	6	0	0	26	422
5:10 PM	1	0	8	0	0	0	0	0	0	21	0	0	3	7	0	0	41	430
5:15 PM	2	0	8	0	0	0	0	0	0	25	0	0	1	13	0	0	49	444
5:20 PM	2	0	8	0	0	0	0	0	0	16	2	0	2	7	0	0	34	454
5:25 PM	1	0	6	0	0	0	0	0	0	22	1	0	1	8	0	0	39	469
5:30 PM	1	0	5	0	0	0	0	0	0	18	0	0	1	9	0	0	34	455
5:35 PM	4	0	6	0	0	0	0	0	0	10	1	0	1	3	0	0	25	443
5:40 PM	0	0	5	0	0	0	0	0	0	13	1	0	6	8	0	0	33	432
5:45 PM	1	0	3	0	0	0	0	0	0	21	1	0	1	10	0	0	37	422
5:50 PM	0	0	7	0	0	0	0	0	0	14	0	0	4	5	0	0	30	411
5:55 PM	0	0	4	0	0	0	0	0	0	12	0	0	5	9	0	0	30	406
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	12	0	64	0	0	0	0	0	0	248	12	0	96	96	0	0	528	
Heavy Trucks	4	0	4	0	0	0	0	0	0	8	0	0	8	8	0	0	32	
Pedestrians																	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																	0	
Stopped Buses																	0	

Comments:

Report generated on 10/31/2013 11:39 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

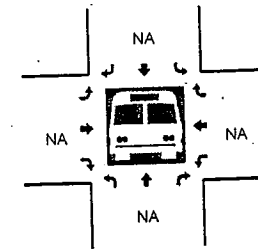
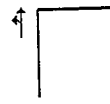
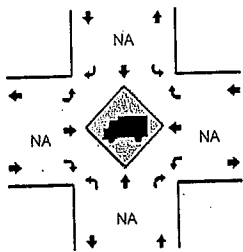
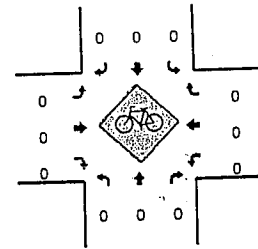
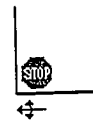
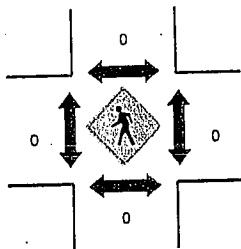
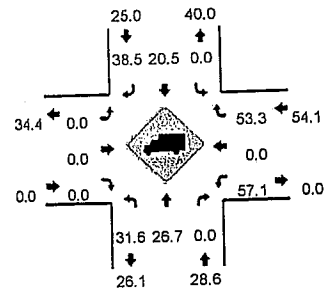
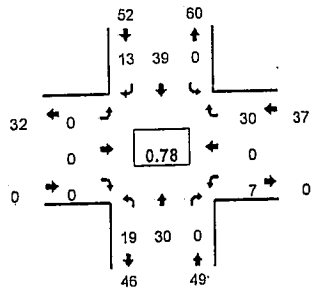
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: Westland Rd -- I-84 Westbound Ramps
CITY/STATE: Hermiston, OR

QC JOB #: 11340204
DATE: Wed, Oct 16 2013

Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 4:35 PM -- 4:50 PM



5-Min Count Period Beginning At	Westland Rd (Northbound)				Westland Rd (Southbound)				I-84 Westbound Ramps (Eastbound)				I-84 Westbound Ramps (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	1	1	0	0	0	2	0	0	0	0	0	0	0	0	1	0	5	
4:05 PM	0	3	0	0	0	4	1	0	0	0	0	0	0	0	5	0	13	
4:10 PM	1	2	0	0	0	5	0	0	0	0	0	0	0	0	1	0	8	
4:15 PM	0	2	0	0	0	4	1	0	0	0	0	0	0	0	5	0	9	
4:20 PM	1	0	0	0	0	3	0	0	0	0	0	0	1	0	2	0	8	
4:25 PM	1	1	0	0	0	2	1	0	0	0	0	0	0	0	2	0	8	
4:30 PM	1	3	0	0	0	1	0	0	0	0	0	0	0	0	1	0	6	
4:35 PM	2	2	0	0	0	5	0	0	0	0	0	0	0	0	2	0	15	
4:40 PM	2	2	0	0	0	6	2	0	0	0	0	0	1	0	2	0	16	
4:45 PM	1	0	0	0	0	2	2	0	0	0	0	0	0	0	2	0	13	
4:50 PM	1	5	0	0	0	0	2	0	0	0	0	0	0	0	2	0	10	127
4:55 PM	2	2	0	0	0	3	1	0	0	0	0	0	1	0	2	0	11	134
5:00 PM	0	2	0	0	0	5	0	0	0	0	0	0	1	0	4	0	13	134
5:05 PM	1	2	0	0	0	5	1	0	0	0	0	0	1	0	1	0	11	132
5:10 PM	1	1	0	0	0	5	2	0	0	0	0	0	1	0	3	0	12	136
5:15 PM	3	1	0	0	0	2	2	0	0	0	0	0	0	0	0	0	6	135
5:20 PM	3	3	0	0	0	2	0	0	0	0	0	0	1	0	1	0	11	138
5:25 PM	1	4	0	0	0	3	1	0	0	0	0	0	1	0	1	0	11	138
5:30 PM	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	4	136
5:35 PM	0	2	0	0	0	3	2	0	0	0	0	0	0	0	0	0	7	128
5:40 PM	1	2	0	0	0	3	2	0	0	0	0	0	2	0	0	0	10	122
5:45 PM	3	4	0	0	0	2	1	0	0	0	0	0	0	0	3	0	13	122
5:50 PM	1	0	0	0	0	1	0	0	0	0	0	0	2	0	1	0	5	117
5:55 PM	0	2	0	0	0	0	1	0	0	0	0	0	2	0	0	0	5	111
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	24	28	0	0	0	52	16	0	0	0	0	0	4	0	52	0	176	
Heavy Trucks	4	8	0	0	0	8	12	0	0	0	0	0	0	0	20	0	52	
Pedestrians																	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																	0	
Stopped Buses																	0	

Comments:

Report generated on 10/31/2013 11:39 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

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)

Level of Service	Average Delay per Vehicle
A	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.
B	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 average delay.
C	Average control delay is greater than 20 seconds per vehicle and less than or equal to 35 seconds per vehicle. These higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.
D	Average control delay is greater than 35 seconds per vehicle and less than or equal to 55 seconds per vehicle. The influence of 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 failures are noticeable.
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 cycle lengths, and high volume/capacity ratios. Individual cycle failures are frequent occurrences.
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)
A	<10.0
B	>10 and ≤20
C	>20 and ≤35
D	>35 and ≤55
E	>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
A	<ul style="list-style-type: none"> Nearly all drivers find freedom of operation. Very seldom is there more than one vehicle in queue.
B	<ul style="list-style-type: none"> Some drivers begin to consider the delay an inconvenience. Occasionally there is more than one vehicle in queue.
C	<ul style="list-style-type: none"> Many times there is more than one vehicle in queue. Most drivers feel restricted, but not objectionably so.
D	<ul style="list-style-type: none"> Often there is more than one vehicle in queue. Drivers feel quite restricted.
E	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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)
A	<10.0
B	>10.0 and ≤ 15.0
C	>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

HCM Unsignalized Intersection Capacity Analysis
 1: Westland Rd & Lamb Rd

EXISTING 2013
 11/18/2013



Movement	EBR	EBL	WBL	WBR	NBL	NBR
Lane Configurations	↑	↑	↑	↑	↑	↑
Volume (veh/h)	255	10	70	107	16	86
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	287	11	79	120	18	97
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)					1	
Median type	None			None		
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			298		564	287
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			298		564	287
tC, single (s)			4.2		6.6	6.3
tC, 2 stage (s)						
tF (s)			2.3		3.7	3.4
p0 queue free %			93		96	87
cM capacity (veh/h)			1193		426	736

Direction Lane #	EBM1	EBM2	WBM1	WBM2	NBM1
Volume Total	287	11	79	120	115
Volume Left	0	0	79	0	18
Volume Right	0	11	0	0	97
cSH	1700	1700	1193	1700	873
Volume to Capacity	0.17	0.01	0.07	0.07	0.13
Queue Length 95th (ft)	0	0	5	0	11
Control Delay (s)	0.0	0.0	8.2	0.0	11.1
Lane LOS			A		B
Approach Delay (s)	0.0		3.3		11.1
Approach LOS					B

Intersection Summary		
Average Delay	3.1	
Intersection Capacity Utilization	30.6%	ICU Level of Service A
Analysis Period (min)	15	

HCM Unsignalized Intersection Capacity Analysis
 3: Westland Rd & NW Livestock Rd

EXISTING 2013
 11/18/2013



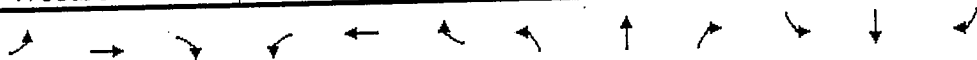
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↔		↑	↗		↘
Volume (veh/h)	2	1	71	3	0	65
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93
Hourly flow rate (vph)	2	1	76	3	0	70
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	148	78			80	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	148	78			80	
tC, single (s)	6.4	7.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	4.2			2.2	
p0 queue free %	100	100			100	
cM capacity (veh/h)	849	767			1531	

Direction	Lane #	WBL	NBT	SBT
Volume Total		3	80	70
Volume Left		2	0	0
Volume Right		1	3	0
cSH		820	1700	1531
Volume to Capacity		0.00	0.05	0.00
Queue Length 95th (ft)		0	0	0
Control Delay (s)		9.4	0.0	0.0
Lane LOS		A		
Approach Delay (s)		9.4	0.0	0.0
Approach LOS		A		

Intersection Summary		
Average Delay	0.2	
Intersection Capacity Utilization	13.9%	ICU Level of Service A
Analysis Period (min)	15	

HCM Unsignalized Intersection Capacity Analysis
 4: Westland Rd & I-84 Westbound Ramps

EXISTING 2013
 11/18/2013



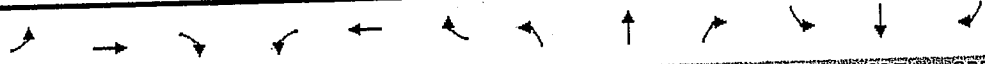
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations				↔	↔	↔	↔	↔	↔	↔	↔	↔
Volume (veh/h)	0	0	0	8	0	37	22	37	0	0	51	17
Sign Control		Stop			Stop			Free				Free
Grade		0%			0%			0%				0%
Peak Hour Factor	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78
Hourly flow rate (vph)	0	0	0	10	0	47	28	47	0	0	65	22
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)								None			None	
Median type												
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked										47		
vC, conflicting volume	228	180	76	180	191	47	87					
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	228	180	76	180	191	47	87			47		
tC, single (s)	7.1	6.5	6.2	7.7	6.5	6.7	4.4			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	4.0	4.0	3.8	2.5			2.2		
p0 queue free %	100	100	100	98	100	95	98			100		
cM capacity (veh/h)	682	702	990	664	693	894	1340			1573		

Direction Lane #	WBT	NBT	SBT
Volume Total	58	76	87
Volume Left	10	28	0
Volume Right	47	0	22
cSH	842	1340	1700
Volume to Capacity	0.07	0.02	0.05
Queue Length 95th (ft)	6	2	0
Control Delay (s)	9.6	3.0	0.0
Lane LOS	A	A	
Approach Delay (s)	9.6	3.0	0.0
Approach LOS	A		

Intersection Summary		
Average Delay	3.5	
Intersection Capacity Utilization	19.8%	ICU Level of Service A
Analysis Period (min)	15	

HCM Unsignalized Intersection Capacity Analysis
 5: Westland Rd & I-84 Eastbound Ramps

EXISTING 2013
 11/18/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔						↑			↓	
Volume (veh/h)	21	0	28	0	0	0	0	38	19	32	27	0
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
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)	25	0	33	0	0	0	0	45	23	38	32	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)								None			None	
Median type												
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked										68		
vC, conflicting volume	165	176	32	198	165	57	32					
vC1, stage 1 conf vol												
vC2, stage 2 conf vol										68		
vCu, unblocked vol	165	176	32	198	165	57	32			4.4		
tC, single (s)	7.4	6.5	6.6	7.1	6.5	6.2	4.1					
tC, 2 stage (s)												
tF (s)	3.8	4.0	3.7	3.5	4.0	3.3	2.2				2.5	
p0 queue free %	97	100	96	100	100	100	100				97	
cM capacity (veh/h)	719	701	938	722	711	1016	1593			1363		

Direction Lane #	EBL	NBL	SBL
Volume Total	58	68	70
Volume Left	25	0	38
Volume Right	33	23	0
cSH	830	1700	1363
Volume to Capacity	0.07	0.04	0.03
Queue Length 95th (ft)	6	0	2
Control Delay (s)	9.7	0.0	4.3
Lane LOS	A		A
Approach Delay (s)	9.7	0.0	4.3
Approach LOS	A		

Intersection Summary		
Average Delay	4.4	
Intersection Capacity Utilization	19.9%	ICU Level of Service: A
Analysis Period (min)	15	

Appendix D Crash Data

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

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

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	TOTAL PEOPLE KILLED	TOTAL PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION RELATED	INTER- SECTION RELATED	OFF- ROAD
YEAR: 2011	0	1	1	2	0	2	0	2	0	2	0	2	0	0
ANGLE	0	1	1	2	0	2	0	2	0	2	0	2	0	0
2011 TOTAL	0	1	1	2	0	2	0	2	0	2	0	2	0	0
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
CONTINUOUS SYSTEM CRASH LISTING

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

COS380 10/28/2013

006 OLD OREGON TRAIL

S P E S E I S E I S E I S	D A T E	COUNTY	RDH FC	CONN #	RD CHAR	INT-TYP	INT-REL	OFFERD	WTHR	CRASH	TYP	SPL CL	USE	VEH TYPE	TO	FROM	PRTC	INJ	A	S	ACTN	EVENT	CAUSE				
																								COMPNT	MLG TYP	DIRCT	LOCTN
00727	09/26/2011	UMATILLA	1 09 2		03	03	03					01	NONE	0	STRGHT	N S	01	DRVR	INJA	31	M	OR-Y	OR<25	000	000	00	00
00940	12/23/2011	UMATILLA	1 09 2		03	03	03					01	NONE	0	STRGHT	N S	01	DRVR	INJC	31	M	OTH-Y	N-RES	015	000	00	03

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

Segment between Colonal Jordan Rd /Stafford Hansell Rd (South-Frontage-Westland Rd) to EB I-84 on/off ramps
 January 1, 2008 through December 31, 2012

COLLISION TYPE	FATAL CRASHES	NON-FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION RELATED	INTER-SECTION ROAD	OFF-ROAD
----------------	---------------	-------------------	----------------------	---------------	---------------	----------------	--------	----------	----------	-----	------	-----------------------	--------------------	----------

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

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

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	TOTAL PEOPLE KILLED	TOTAL PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION RELATED	INTER- SECTION RELATED	OFF- ROAD

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

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

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION RELATED	INTER- SECTION RELATED ROAD	OFF- ROAD
YEAR: 2012	0	1	0	1	0	1	0	1	0	1	0	1	0	1
FIXED / OTHER OBJECT	0	1	0	1	0	1	0	1	0	1	0	1	0	1
2012 TOTAL	0	1	0	1	0	1	0	1	0	1	0	1	0	1
FINAL TOTAL	0	1	0	1	0	1	0	1	0	1	0	1	0	1

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

CDS380 10/28/2013

WARRANTILLA COUNTY

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

S P E E I N V E S T I G A T I O N N U M B E R	DATE	TIME	MILEPNT DIST FROM FIRST STREET INTERSECT SECOND STREET	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) (LANES)	INT-REL (TRAFFIC) CONTRL	OFF-RD WTHR	RNDRT SURF	DRWY LIGHT	CRASH TYP COLL TYP SVRTY	SPL USE TRLR OTY OWNER V# VEH TYPE TO	MOVE FROM TO	P# TYPE SVRTY	PRTC INJ SVRTY	A S G E L I C H N S P E D E X R E S	LOC ERROR	ACTN EVENT	CAUSE	
00482	Y N N N N	7/2/2012	0.06	WESTLAND RD	INTER W 05	3-LEG N UNKNOWN	Y CLR N	DRY N	DAY INJ	FIX OBJ	01 NONE 0 TURN-R	PRVTE E N	01	DRVR INJC 00 M UNK	050,021	017 001	043,001	30,03	
																		00	
																			30,03

Mon 10A

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

COLLISION TYPE	FATAL CRASHES	NON-FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION RELATED	INTER-SECTION RELATED ROAD
----------------	---------------	-------------------	----------------------	---------------	---------------	----------------	--------	----------	----------	-----	------	-----------------------	----------------------------

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

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

COLLISION TYPE	FATAL CRASHES		NON-PROPERTY DAMAGE		TOTAL CRASHES	TOTAL PEOPLE		PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION RELATED		OFF-ROAD
	FATAL CRASHES	NON-FATAL CRASHES	ONLY	PROPERTY DAMAGE		KILLED	INJURED							INTER-SECTION	RELATED	
YEAR: 2008	0	1	0	0	1	0	1	0	0	0	1	1	0	0	0	0
REAR-END	0	1	0	0	1	0	1	0	0	0	1	1	0	0	0	0
2008 TOTAL	0	1	0	0	1	0	1	0	0	0	1	1	0	0	0	0
FINAL TOTAL	0	1	0	0	1	0	1	0	0	0	1	1	0	0	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

CDS380 10/28/2013

UNMAYILLA COUNTY

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

S P E S R E S E I N V E S T	D R O G L C S L K T I M E	12/1/2008 Mon 9A	MILEPNT DIST FROM FIRST INTERSECT SECOND STREET	COUNTY ROADS FIRST STREET SECOND STREET	RD CHAR DIRECT LOCIN	INT-TYP (MEDIAN) LEGS (#LANES) CONTL	INT-REL TRAF- CONTL	OFF-RD WTHR RNDBT SURF DRWAY LIGHT SVTY	CRASH TYP COLL TYP LIGHT SVTY	SPCL USE TRLR QTY MOVE OWNER FROM V# VEH TYPE TO	PRTC INJ PH TYPE SVTY	A S G E LICNS PED E X RES LOC ERROR	ACTN EVENT	CAUSE	
00509	N N N N N	12/1/2008	0.23	WESTLAND RD	UN 03	(NONE) (02)	N UNKNOWN	N Y	CLD WET DAY	N S-1STOP STRGHT	01 DRVR NONE	45 M OR-Y OR<25	052,016,026 038	001 038	32.27 00 32.27
										02 NONE 0 STOP PRVTE N S PSNGR CAR	01 DRVR NONE	68 M OR-Y OR<25	000 000	012 000	00 00
											02 PSNG INJC	42 M	000	000	00

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

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

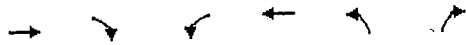
COLLISION TYPE	FATAL CRASHES		NON-FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	TOTAL PEOPLE KILLED	TOTAL PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION RELATED	INTER-SECTION OFF-ROAD
	FATAL CRASHES	FATAL CRASHES												
YEAR: 2010	0	0	1	0	1	0	2	0	0	1	0	1	0	0
SIDESWIPE - MEETING	0	0	1	0	1	0	2	0	0	1	0	1	0	0
2010 TOTAL	0	0	1	0	1	0	2	0	0	1	0	1	0	0
YEAR: 2008	0	0	1	0	1	0	2	0	0	1	1	0	0	1
FIXED / OTHER OBJECT	0	0	1	0	1	0	2	0	0	1	1	0	0	1
2008 TOTAL	0	0	1	0	1	0	2	0	0	1	1	0	0	1
FINAL TOTAL	0	0	2	0	2	0	4	0	0	2	1	1	0	1

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.

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

HCM Unsignalized Intersection Capacity Analysis
 1: Westland Rd & Lamb Rd

BACKGROUND 2016
 11/18/2013



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑	↑	↑	↑	↑
Volume (veh/h)	263	11	72	110	17	88
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	296	12	81	124	19	99
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage					1	
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked			308		581	296
vC, conflicting volume						
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			308		581	296
tC, single (s)			4.2		6.6	6.3
tC, 2 stage (s)						
tF (s)			2.3		3.7	3.4
p0 queue free %			93		95	86
cM capacity (veh/h)			1183		415	728

Direction/Lane #	EB1	EB2	WB1	WB2	NB1
Volume Total	296	12	81	124	118
Volume Left	0	0	81	0	19
Volume Right	0	12	0	0	99
cSH	1700	1700	1183	1700	868
Volume to Capacity	0.17	0.01	0.07	0.07	0.14
Queue Length 95th (ft)	0	0	5	0	12
Control Delay (s)	0.0	0.0	8.3	0.0	11.3
Lane LOS			A		B
Approach Delay (s)	0.0		3.3		11.3
Approach LOS					B

Intersection Summary	
Average Delay	3.2
Intersection Capacity Utilization	31.2%
Analysis Period (min)	15
ICU Level of Service	A

HCM Unsignalized Intersection Capacity Analysis
 3: Westland Rd & NW Livestock Rd

BACKGROUND 2016
 11/18/2013



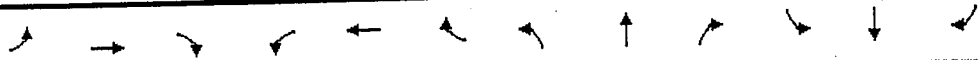
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	2	1	↑	4	0	4
Volume (veh/h)	2	1	73	4	0	67
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93
Hourly flow rate (vph)	2	1	78	4	0	72
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	153	81			83	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	153	81			83	
tC, single (s)	6.4	7.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	4.2			2.2	
p0 queue free %	100	100			100	
cM capacity (veh/h)	844	764			1527	

Direction	Lane #	WBL	NBT	SBT
Volume: Total		3	83	72
Volume Left		2	0	0
Volume Right		1	4	0
cSH		815	1700	1527
Volume to Capacity		0.00	0.05	0.00
Queue Length 95th (ft)		0	0	0
Control Delay (s)		9.4	0.0	0.0
Lane LOS		A		
Approach Delay (s)		9.4	0.0	0.0
Approach LOS		A		

Intersection Summary		
Average Delay		0.2
Intersection Capacity Utilization	14.1%	ICU Level of Service
Analysis Period (min)		15

HCM Unsignalized Intersection Capacity Analysis
 4: Westland Rd & I-84 Westbound Ramps

BACKGROUND 2016
 11/18/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations				8	0	38	23	38	0	0	52	17
Volume (veh/h)	0	0	0	8	0	38	23	38	0	0	52	17
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78
Hourly flow rate (vph)	0	0	0	10	0	49	29	49	0	0	67	22
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)								None			None	
Median type												
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	234	185	78	185	196	49	88				49	
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	234	185	78	185	196	49	88				49	
tC, single (s)	7.1	6.5	6.2	7.7	6.5	6.7	4.4				4.1	
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	4.0	4.0	3.8	2.5				2.2	
p0 queue free %	100	100	100	98	100	95	98				100	
cM capacity (veh/h)	674	697	989	658	687	893	1338				1571	

Direction Lane #	WBL	NBL	SBL
Volume Total	59	78	88
Volume Left	10	29	0
Volume Right	49	0	22
cSH	840	1338	1700
Volume to Capacity	0.07	0.02	0.05
Queue Length 95th (ft)	6	2	0
Control Delay (s)	9.6	3.0	0.0
Lane LOS	A	A	
Approach Delay (s)	9.6	3.0	0.0
Approach LOS	A		

Intersection Summary		
Average Delay		3.6
Intersection Capacity Utilization	19.9%	ICU Level of Service
Analysis Period (min)		15
		A

HCM Unsignalized Intersection Capacity Analysis
 5: Westland Rd & I-84 Eastbound Ramps

BACKGROUND 2016
 11/18/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔						↑			↓		
Volume (veh/h)	22	0	29	0	0	0	0	39	19	33	28	0
Sign Control	Stop			Stop			Free			Free		
Grade	0%			0%			0%			0%		
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	0	0	0	0	46	23	39	33	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type	None											
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	170	181	33	204	170	58	33				69	
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	170	181	33	204	170	58	33				69	
tC, single (s)	7.4	6.5	6.6	7.1	6.5	6.2	4.1				4.4	
tC, 2 stage (s)												
tF (s)	3.8	4.0	3.7	3.5	4.0	3.3	2.2				2.5	
p0 queue free %	96	100	96	100	100	100	100				97	
cM capacity (veh/h)	714	696	936	714	706	1014	1592				1361	

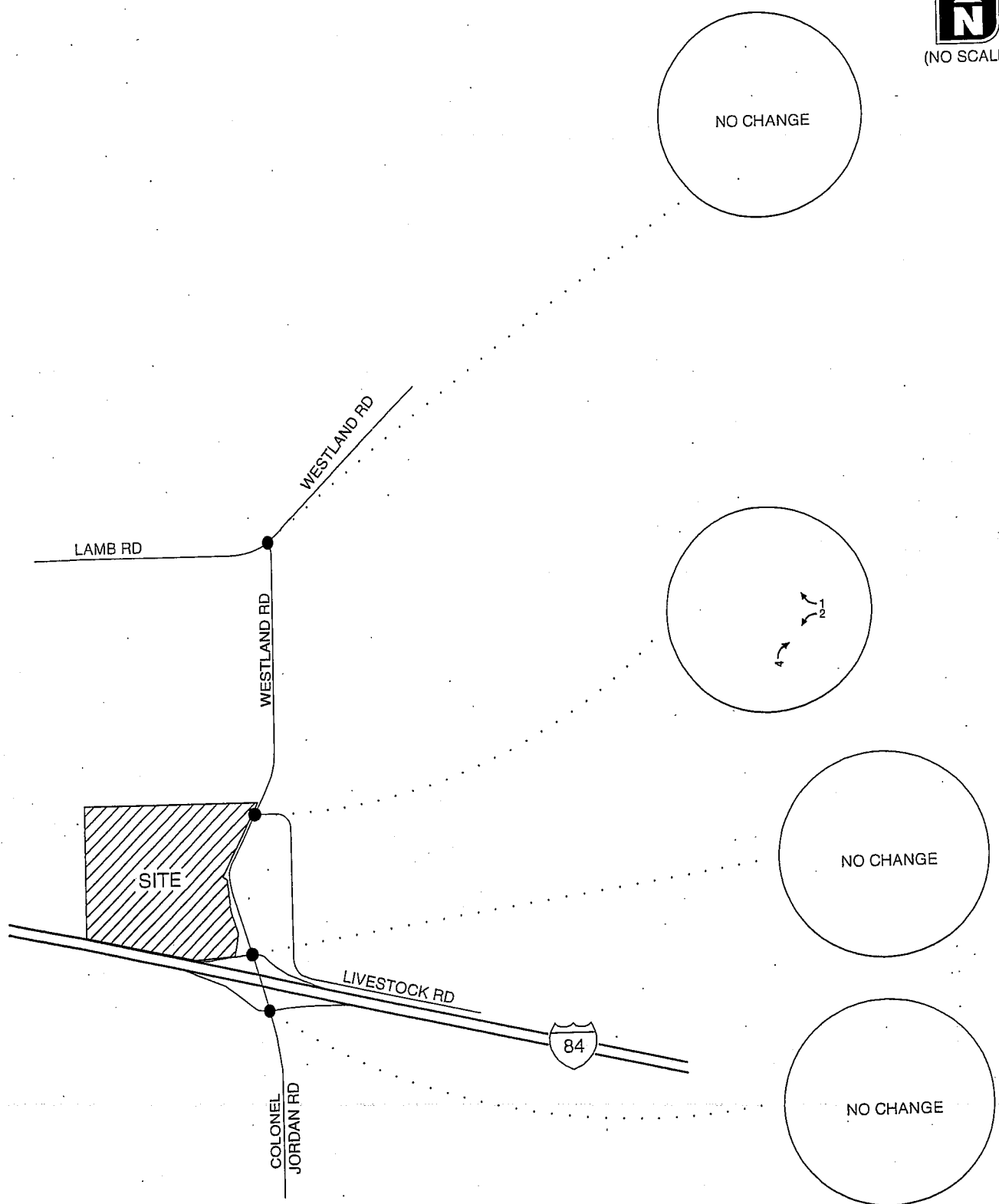
Direction/Lane #	EBL	NBL	SBL
Volume Total	61	69	73
Volume Left	26	0	39
Volume Right	35	23	0
cSH	825	1700	1361
Volume to Capacity	0.07	0.04	0.03
Queue Length 95th (ft)	6	0	2
Control Delay (s)	9.7	0.0	4.3
Lane LOS	A		A
Approach Delay (s)	9.7	0.0	4.3
Approach LOS	A		

Intersection Summary		
Average Delay	4.4	
Intersection Capacity Utilization	20.0%	ICU Level of Service A
Analysis Period (min)	15	

Appendix F Traffic Rerouted from Closed Livestock
Road



(NO SCALE)



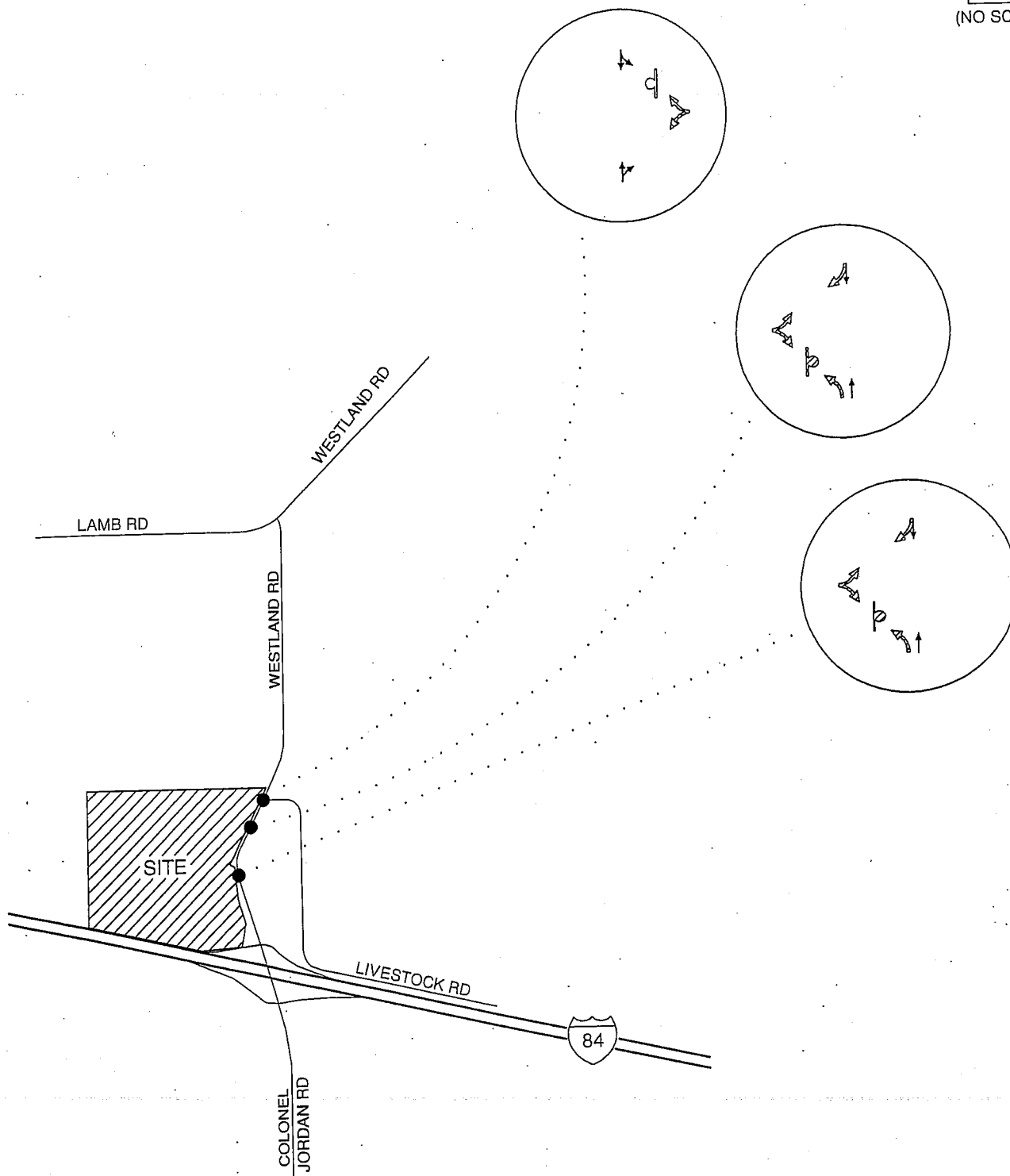
2016 BACKGROUND TRIP REROUTEING WITH LIVESTOCK ROAD CLOSURE UMATILLA COUNTY, OREGON

FIGURE 1

12977_FIGS.dwg



(NO SCALE)



LEGEND

- STOP SIGN
- SITE IMPROVEMENT
- COUNTY IMPROVEMENT
- EXISTING

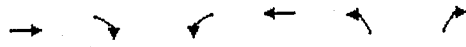
21016 ASSUMED LANE IMPROVEMENTS WITH LIVESTOCK ROAD CLOSURE UMATILLA COUNTY, OREGON

FIGURE 2

12977_FIGS.dwg

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

HCM Unsignalized Intersection Capacity Analysis
 1: Westland Rd & Lamb Rd



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑	↑	↑	↑	↑
Volume (veh/h)	294	12	80	123	19	99
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	330	13	90	138	21	111
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						1
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			344		648	330
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			344		648	330
tC, single (s)			4.2		6.6	6.3
tC, 2 stage (s)						
tF (s)			2.3		3.7	3.4
p0 queue free %			92		94	84
cM capacity (veh/h)			1146		374	695

Direction/Lane #	EB1	EB2	WB1	WB2	NB1
Volume Total	330	13	90	138	133
Volume Left	0	0	90	0	21
Volume Right	0	13	0	0	111
cSH	1700	1700	1146	1700	829
Volume to Capacity	0.19	0.01	0.08	0.08	0.16
Queue Length 95th (ft)	0	0	6	0	14
Control Delay (s)	0.0	0.0	8.4	0.0	11.8
Lane LOS			A		B
Approach Delay (s)	0.0		3.3		11.8
Approach LOS					B

Intersection Summary	
Average Delay	3.3
Intersection Capacity Utilization	33.2%
ICU Level of Service	A
Analysis Period (min)	15

HCM Unsignalized Intersection Capacity Analysis
 3: Westland Rd & NW Livestock Rd

BACKGROUND 2028
 11/18/2013



Movement	WBL	WBR	NBT	NBR	SBL	SBR
Lane Configurations	3	1	↑	4	0	4
Volume (veh/h)	3	1	81	4	0	75
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93
Hourly flow rate (vph)	3	1	87	4	0	81
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)			None			None
Median type						
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	170	89			91	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	170	89			91	
tC, single (s)	6.4	7.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	4.2			2.2	
p0 queue free %	100	100			100	
cM capacity (veh/h)	825	755			1516	

Direction Lane #	WBL	NBT	SBL
Volume Total	4	91	81
Volume Left	3	0	0
Volume Right	1	4	0
cSH	806	1700	1516
Volume to Capacity	0.01	0.05	0.00
Queue Length 95th (ft)	0	0	0
Control Delay (s)	9.5	0.0	0.0
Lane LOS	A		
Approach Delay (s)	9.5	0.0	0.0
Approach LOS	A		

Intersection Summary		
Average Delay		0.2
Intersection Capacity Utilization	14.5%	ICU Level of Service A
Analysis Period (min)		15

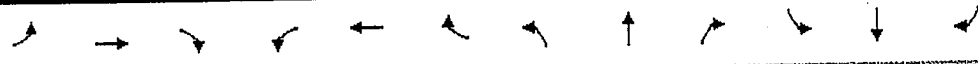
HCM Unsignalized Intersection Capacity Analysis
 4: Westland Rd & I-84 Westbound Ramps

BACKGROUND 2028
 11/18/2013

	↖		→		↘		↙		←		↖		↘		↑		↖		↘		↓		↙	
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations				9	4	42	25	42	0	0	58	19												
Volume (veh/h)	0	0	0	9	0	42	25	42	0	0	58	19												
Sign Control		Stop			Stop			Free			Free													
Grade		0%			0%			0%			0%													
Peak Hour Factor	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78												
Hourly flow rate (vph)	0	0	0	12	0	54	32	54	0	0	74	24												
Pedestrians																								
Lane Width (ft)																								
Walking Speed (ft/s)																								
Percent Blockage																								
Right turn flare (veh)									None		None													
Median type																								
Median storage veh																								
Upstream signal (ft)																								
pX, platoon unblocked																								
vC, conflicting volume	258	204	87	204	217	54	99				54													
vC1, stage 1 conf vol																								
vC2, stage 2 conf vol																								
vCu, unblocked vol	258	204	87	204	217	54	99				54													
tC, single (s)	7.1	6.5	6.2	7.7	6.5	6.7	4.4				4.1													
tC, 2 stage (s)																								
tF (s)	3.5	4.0	3.3	4.0	4.0	3.8	2.5				2.2													
p0 queue free %	100	100	100	98	100	94	98				100													
cM capacity (veh/h)	644	679	978	637	668	886	1326				1564													
Direction Lane #	WB	NB	SB																					
Volume Total	65	86	99																					
Volume Left	12	32	0																					
Volume Right	54	0	24																					
cSH	829	1326	1700																					
Volume to Capacity	0.08	0.02	0.06																					
Queue Length 95th (ft)	6	2	0																					
Control Delay (s)	9.7	3.0	0.0																					
Lane LOS	A	A																						
Approach Delay (s)	9.7	3.0	0.0																					
Approach LOS	A																							
Intersection Summary																								
Average Delay				3.6																				
Intersection Capacity Utilization				20.3%																				
Analysis Period (min)				15																				
				ICU Level of Service A																				

HCM Unsignalized Intersection Capacity Analysis
 5: Westland Rd & I-84 Eastbound Ramps

BACKGROUND 2028
 11/18/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔						↑			↔	
Volume (veh/h)	24	0	32	0	0	0	0	44	21	37	31	0
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
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)	29	0	38	0	0	0	0	52	25	44	37	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								None			None	
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	190	202	37	228	190	65	37			77		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	190	202	37	228	190	65	37			77		
tC, single (s)	7.4	6.5	6.6	7.1	6.5	6.2	4.1			4.4		
tC, 2 stage (s)												
tF (s)	3.8	4.0	3.7	3.5	4.0	3.3	2.2			2.5		
p0 queue free %	96	100	96	100	100	100	100			97		
cM capacity (veh/h)	689	675	932	684	685	1005	1587			1351		

Direction Lane #	EBL	NBL	SBL
Volume Total	67	77	81
Volume Left	29	0	44
Volume Right	38	25	0
cSH	810	1700	1351
Volume to Capacity	0.08	0.05	0.03
Queue Length 95th (ft)	7	0	3
Control Delay (s)	9.8	0.0	4.3
Lane LOS	A		A
Approach Delay (s)	9.8	0.0	4.3
Approach LOS	A		

Intersection Summary		
Average Delay		4.5
Intersection Capacity Utilization	20.3%	ICU Level of Service A
Analysis Period (min)		15

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

HCM Unsignalized Intersection Capacity Analysis
 1: Westland Rd & Lamb Rd

TOTAL TRAFFIC 2016
 11/27/2013

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑	↑	↑	↑	↑
Volume (veh/h)	263	21	112	110	27	128
Sign Control	Free			Free	Stop	
Grade	0%			0%		
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	296	24	126	124	30	144
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						1
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			319		671	296
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			319		671	296
tC, single (s)			4.3		6.7	6.4
tC, 2 stage (s)						
tF (s)			2.4		3.8	3.5
p0 queue free %			89		91	79
cM capacity (veh/h)			1127		336	699

Direction/Lane	EB1	EB2	WB1	WB2	NB1
Volume Total	296	24	126	124	174
Volume Left	0	0	126	0	30
Volume Right	0	24	0	0	144
cSH	1700	1700	1127	1700	846
Volume to Capacity	0.17	0.01	0.11	0.07	0.21
Queue Length 95th (ft)	0	0	9	0	19
Control Delay (s)	0.0	0.0	8.6	0.0	12.4
Lane LOS			A		B
Approach Delay (s)	0.0		4.3		12.4
Approach LOS					B

Intersection Summary	
Average Delay	4.4
Intersection Capacity Utilization	33.4%
Analysis Period (min)	15
ICU Level of Service	A

HCM Unsignalized Intersection Capacity Analysis
 4: Westland Rd & I-84 Westbound Ramps

TOTAL TRAFFIC 2016
 11/27/2013

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations				8	0	113	23	133	0	0	152	102
Volume (veh/h)	0	0	0	8	0	113	23	133	0	0	152	102
Sign Control		Stop			Stop			Free				Free
Grade		0%			0%			0%				0%
Peak Hour Factor	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78
Hourly flow rate (vph)	0	0	0	10	0	145	29	171	0	0	195	131
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)									None			None
Median type												
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked											171	
vC, conflicting volume	635	490	260	490	555	171	326					
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	635	490	260	490	555	171	326				171	
tC, single (s)	7.1	6.5	6.2	7.7	6.5	6.7	4.4				4.1	
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	4.0	4.0	3.7	2.5				2.2	
p0 queue free %	100	100	100	97	100	81	97				100	
cM capacity, (veh/h)	311	466	778	402	428	773	1083				1407	

Direction Lane #	WBT	NBT	SBT
Volume Total	155	200	326
Volume Left	10	29	0
Volume Right	145	0	131
cSH	729	1083	1700
Volume to Capacity	0.21	0.03	0.19
Queue Length 95th (ft)	20	2	0
Control Delay (s)	11.3	1.5	0.0
Lane LOS	B	A	
Approach Delay (s)	11.3	1.5	0.0
Approach LOS	B		

Intersection Summary		
Average Delay	3.0	
Intersection Capacity Utilization	39.9%	ICU Level of Service A
Analysis Period (min)	15	

HCM Unsignalized Intersection Capacity Analysis
 5: Westland Rd & I-84 Eastbound Ramps

TOTAL TRAFFIC 2016
 11/27/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔						↑			↑	
Volume (veh/h)	102	0	29	0	0	0	0	54	19	118	43	0
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
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)	121	0	35	0	0	0	0	64	23	140	51	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								None			None	
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked										87		
vC, conflicting volume	408	419	51	442	408	76	51					
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	408	419	51	442	408	76	51			87		
tC, single (s)	7.5	6.5	6.6	7.1	6.5	6.2	4.1			4.6		
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			89		
cM capacity (veh/h)	453	467	914	463	474	986	1568			1264		

Direction Lane #	EBL	NBL	SBL
Volume Total	156	87	192
Volume Left	121	0	140
Volume Right	35	23	0
cSH	510	1700	1264
Volume to Capacity	0.31	0.05	0.11
Queue Length 95th (ft)	32	0	9
Control Delay (s)	15.1	0.0	6.3
Lane LOS	C		A
Approach Delay (s)	15.1	0.0	6.3
Approach LOS	C		

Intersection Summary		
Average Delay	8.2	
Intersection Capacity Utilization	29.5%	ICU Level of Service A
Analysis Period (min)	15	

HCM Unsignalized Intersection Capacity Analysis
 9: Westland Rd & N Driveway

TOTAL TRAFFIC 2016
 11/27/2013



Movement	EB1	EBR	NB1	NBT	SB1	SBR
Lane Configurations	↘			↖	↘	↖
Volume (veh/h)	30	95	70	101	90	25
Sign Control	Stop			Free		
Grade	0%			0%		
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	38	119	88	126	112	31
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	429	128	144			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	429	128	144			
tC, single (s)	7.4	7.2	5.1			
tC, 2 stage (s)						
tF (s)	4.4	4.2	3.1			
p0 queue free %	91	83	91			
cM capacity (veh/h)	397	714	1007			

Direction Lane #	EB1	NB1	SB1
Volume Total	156	214	144
Volume Left	38	88	0
Volume Right	119	0	31
cSH	599	1007	1700
Volume to Capacity	0.26	0.09	0.08
Queue Length 95th (ft)	26	7	0
Control Delay (s)	13.1	4.1	0.0
Lane LOS	B	A	
Approach Delay (s)	13.1	4.1	0.0
Approach LOS	B		

Intersection Summary		
Average Delay	5.7	
Intersection Capacity Utilization	30.0%	ICU Level of Service: A
Analysis Period (min)	15	

HCM Unsignalized Intersection Capacity Analysis
 10: Westland Rd & S Driveway

TOTAL TRAFFIC 2016
 11/27/2013

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↘		↙	↑	↑	↗
Volume (veh/h)	30	90	105	136	155	30
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	38	112	131	170	194	38
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	626	194	231			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	626	194	231			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	91	87	90			
cM capacity (veh/h)	404	848	1337			

Direction Lane #	EB1	NB1	NB2	SB1	SB2
Volume Total	150	131	170	194	38
Volume Left	38	131	0	0	0
Volume Right	112	0	0	0	38
cSH	665	1337	1700	1700	1700
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			
Approach Delay (s)	12.0	3.5		0.0	
Approach LOS	B				

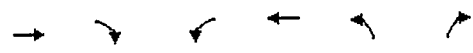
Intersection Summary	
Average Delay	4.2
Intersection Capacity Utilization	31.2%
ICU Level of Service	A
Analysis Period (min)	15

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

HCM Unsignalized Intersection Capacity Analysis

1: Westland Rd & Lamb Rd

Total Traffic 2028
11/27/2013



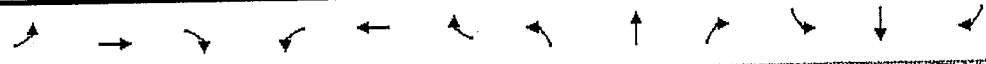
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑	↑	↑	↑	↑
Volume (veh/h)	295	20	120	125	30	140
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	331	22	135	140	34	157
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						1
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			354		742	331
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			354		742	331
tC, single (s)			4.3		6.7	6.4
tC, 2 stage (s)						
tF (s)			2.4		3.8	3.5
p0 queue free %			88		89	76
cM capacity (veh/h)			1097		302	669

Direction Lane #	EB1	EB2	WB1	WB2	NB1
Volume Total	331	22	135	140	191
Volume Left	0	0	135	0	34
Volume Right	0	22	0	0	157
cSH	1700	1700	1097	1700	812
Volume to Capacity	0.19	0.01	0.12	0.08	0.24
Queue Length 95th (ft)	0	0	10	0	23
Control Delay (s)	0.0	0.0	8.7	0.0	13.2
Lane LOS			A		B
Approach Delay (s)	0.0		4.3		13.2
Approach LOS					B

Intersection Summary	
Average Delay	4.5
Intersection Capacity Utilization	35.5%
ICU Level of Service	A
Analysis Period (min)	15

HCM Unsignalized Intersection Capacity Analysis
 4: Westland Rd & I-84 Westbound Ramps

Total Traffic 2028
 11/27/2013



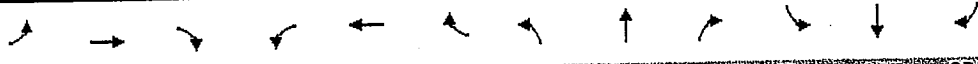
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations				10	4	115	35	135	0	0	160	105
Volume (veh/h)	0	0	0	10	0	115	35	135	0	0	160	105
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78	0.78
Hourly flow rate (vph)	0	0	0	13	0	147	45	173	0	0	205	135
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)								None			None	
Median type												
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	683	535	272	535	603	173	340			173		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	683	535	272	535	603	173	340			173		
tC, single (s)	7.1	6.5	6.2	7.7	6.5	6.7	4.4			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	4.0	4.0	3.7	2.5			2.2		
p0 queue free %	100	100	100	97	100	81	96			100		
cM capacity (veh/h)	284	432	766	369	396	770	1070			1404		

Direction Lane #	WBT	NBT	SBT
Volume Total	160	218	340
Volume Left	13	45	0
Volume Right	147	0	135
cSH	709	1070	1700
Volume to Capacity	0.23	0.04	0.20
Queue Length 95th (ft)	22	3	0
Control Delay (s)	11.6	2.1	0.0
Lane LOS	B	A	
Approach Delay (s)	11.6	2.1	0.0
Approach LOS	B		

Intersection Summary		
Average Delay		3.2
Intersection Capacity Utilization	41.5%	ICU Level of Service A
Analysis Period (min)		15

HCM Unsignalized Intersection Capacity Analysis
 5: Westland Rd & I-84 Eastbound Ramps

Total Traffic 2028
 11/27/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔						↑			↓	
Volume (veh/h)	105	0	30	0	0	0	0	65	20	120	50	0
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
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)	125	0	36	0	0	0	0	77	24	143	60	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)								None			None	
Median type												
Median storage (veh)												
Upstream signal (ft)												
vX, platoon unblocked										101		
vC, conflicting volume	435	446	60	470	435	89	60					
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	435	446	60	470	435	89	60			101		
tC, single (s)	7.5	6.5	6.6	7.1	6.5	6.2	4.1			4.6		
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 %	71	100	96	100	100	100	100			89		
cM capacity (veh/h)	435	449	904	441	456	969	1544			1252		

Direction Lane #	EBL	NBL	SBL
Volume Total	161	101	202
Volume Left	125	0	143
Volume Right	36	24	0
cSH	491	1700	1252
Volume to Capacity	0.33	0.06	0.11
Queue Length 95th (ft)	35	0	10
Control Delay (s)	15.8	0.0	6.1
Lane LOS	C		A
Approach Delay (s)	15.8	0.0	6.1
Approach LOS	C		

Intersection Summary		
Average Delay	8.1	
Intersection Capacity Utilization	30.3%	ICU Level of Service A
Analysis Period (min)	15	

HCM Unsignalized Intersection Capacity Analysis
 9: Westland Rd & N Driveway

Total Traffic 2028
 11/27/2013



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y			↑	↑	
Volume (veh/h)	30	95	70	110	100	25
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	38	119	88	138	125	31
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	453	141	156			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	453	141	156			
tC, single (s)	7.4	7.2	5.1			
tC, 2 stage (s)						
tF (s)	4.4	4.2	3.1			
p0 queue free %	90	83	91			
cM capacity (veh/h)	383	702	995			

Direction	Lane #	EBL	NBL	SBT
Volume Total		156	225	156
Volume Left		38	88	0
Volume Right		119	0	31
cSH		585	995	1700
Volume to Capacity		0.27	0.09	0.09
Queue Length 95th (ft)		27	7	0
Control Delay (s)		13.4	4.0	0.0
Lane LOS		B	A	
Approach Delay (s)		13.4	4.0	0.0
Approach LOS		B		

Intersection Summary		
Average Delay		5.6
Intersection Capacity Utilization	34.0%	ICU Level of Service A
Analysis Period (min)		15

HCM Unsignalized Intersection Capacity Analysis
 10: Westland Rd & S Driveway

Total Traffic 2028
 11/27/2013



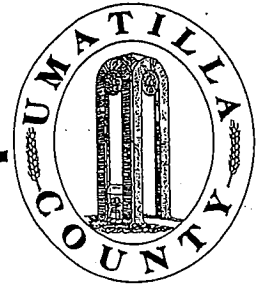
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y		Y	Y	Y	Y
Volume (veh/h)	30	90	105	145	175	30
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	38	112	131	181	219	38
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	662	219	256			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	662	219	256			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tE (s)	3.5	3.3	2.2			
p0 queue free %	90	86	90			
cM capacity (veh/h)	384	821	1309			

Direction Lane #	EBL1	NBL1	NBL2	SB1	SB2
Volume Total	150	131	181	219	38
Volume Left	38	131	0	0	0
Volume Right	112	0	0	0	38
cSH	639	1309	1700	1700	1700
Volume to Capacity	0.23	0.10	0.11	0.13	0.02
Queue Length 95th (ft)	23	8	0	0	0
Control Delay (s)	12.4	8.1	0.0	0.0	0.0
Lane LOS	B	A			
Approach Delay (s)	12.4	3.4		0.0	
Approach LOS	B				

Intersection Summary	
Average Delay	4.0
Intersection Capacity Utilization	32.2%
Analysis Period (min)	15
ICU Level of Service	A

Umatilla County

Department of Resource Services and Development



Director
Tamra Mabbott

January 11, 2007

Planning &
Development
Division:

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

Re: Final Approval
Petro Conditional Use Request, #C-1086-05
Map 4N 27 25, Tax Lot 500

CODE
ENFORCEMENT
541-278-6300

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,

Handwritten signature of Tamra J. Mabbott in cursive.
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

RECEIVED

DEC 19 2006

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

UMATILLA COUNTY
RECORDS

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.

2

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.

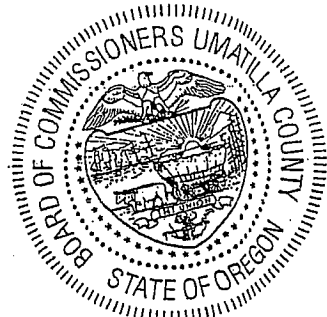
DATED this 19th day of December, 2006.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dennis D. Doherty
Dennis D. Doherty, Chair

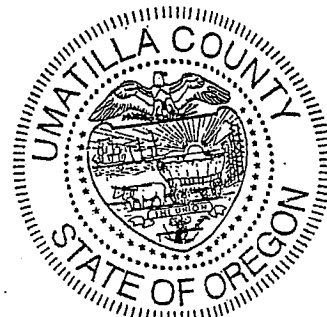
Emile M. Holeman
Emile M. Holeman, Commissioner

William S. Hansell
William S. Hansell, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS

Jean Humphreys
Records Officer



W

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

3. **LOCATION:** Property is located on the west side of Westland Rd. in the northwest 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

4. **PARCEL ACREAGE:** 81.14 acres.

5. **REQUEST:** (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.

6. **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. LIMITATIONS ON USES IN THE TOURIST COMMERCIAL ZONE, Umatilla County Development Code §152.278: Applicable criteria are underlined, responses are in standard text.
1. Outside storage areas shall be screened with a site-obscurating 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. LIMITATIONS ON USES IN THE LIGHT INDUSTRIAL ZONE, Umatilla County Development Code §152.308: 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 the dwelling or shielded.

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 subject property is also located in the Oregon Water Resources Department (OWRD) Designated Ordinance 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-foot 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:

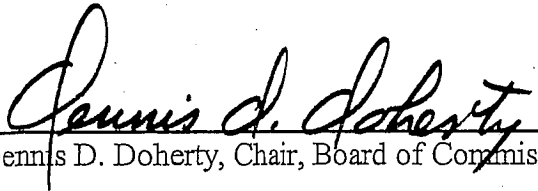
1. Applicant shall submit drawings and sign design specifications for the location, size and height of all signs associated with the proposed "travel plaza" demonstrating compliance with the Type 12 sign criteria described in UCDC §152.546(L).
2. Applicant shall submit copies of approved access permits 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 Commissioners

12-19-06
Date