

September 20, 2012

TO: Ed Brookshier

FROM: Michael C. Robinson  
Gabrielle (Gabby) Richards

RE: **Horse Slaughter Facility In Exclusive Farm Use ("EFU") Zone**

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This memorandum summarizes the legal requirements to establish a horse slaughter facility outside of an urban growth boundary ("UGB") on Goal 3, "Agriculture" EFU zoned land.

### 1. Land Use Issues

A horse slaughter facility is not a use permitted on EFU-zoned land either by the Umatilla County Development Code ("UCDC") or ORS 215.283(1)(2). Consequently, the applicant must apply for and receive an "exception" to Statewide Planning Goals (the "Goals") 3 and 14, "Urbanization." *Vincep v. Yamhill County*, \_\_\_\_ Or App \_\_\_\_ (2007).

An exception application is an amendment to the County's acknowledge comprehensive plan. An exception application must show compliance with the Goals, requirements in ORS Chapter 197 and administrative rules. An applicant for an exception to the Umatilla County Comprehensive Plan must submit an application that is first heard by the Umatilla County Planning Commission. The Planning Commission makes a recommendation to the Board of County Commissioners, which makes the final decision. The Board's decision is appealable to the Oregon Land Use Board of Appeals ("LUBA").

While it is possible to make a successful exception application, most exception applications are unsuccessful because the applicant cannot demonstrate that the requirements for an exception found are satisfied. I recommend the following steps:

1. Stay in touch with Umatilla County Planning Department regarding either a pre-application meeting or submittal by applicant.
2. When an application is submitted, send a letter to the Umatilla County Planning Department explaining why the City is opposed to the application and explaining why the approval criteria are not met.

### 2. Environmental Permitting Issues

There are a number of environmental permits that the applicant will have to obtain, including obtaining a water right, in order to operate the facility. The applicant may choose to pursue some of these permits concurrently with the land use application. The City may choose to oppose some or all of these permits, as it believes appropriate.