

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, March 24, 2022, 6:30pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
VIRTUAL MEETING VIA ZOOM

COMMISSIONERS

PRESENT: Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Jon Salter & Sam Tucker

ABSENT: Suni Danforth, Chair & Cindy Timmons

STAFF: Carol Johnson, Senior Planner; Megan Davchevski, Planner/ Transit Coordinator; Tamara Ross, Planner II/ GIS & Tierney Cimmiyotti, Administrative Assistant

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE.

CALL TO ORDER

Commissioner Wysocki called the meeting to order at 6:30pm and read the Opening Statement.

NEW HEARING

Type I Land Division, Subdivision Request #S-060-22, Ty & Kimberley Arbogast, Applicants/ Owners. The applicant requests approval to subdivide the property located on Assessor’s Map 4N2906D, Tax Lot 602. The applicant’s proposed subdivision will create five lots of at least two-acres in size. The Land Use standards applicable to the applicants’ request are found in Umatilla County Development Code 152.665, Type I Land Divisions.

Commissioner Wysocki called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none. He called for the Staff Report.

STAFF REPORT

Megan Davchevski, Planner, presented the staff report. Mrs. Davchevski stated that the applicants, Ty and Kimberley Arbogast, request approval of a Subdivision (Type I Land Division) of Tax Lot 602 located on Assessor’s Map 4N2906D. Approval of the Arbogast Acres Subdivision would result in five subdivision lots of at least 2 acres in size. The property is located south of Baxter Road and east of Leathers Road, about 1.25 miles east of Hermiston City Limits. The Standards of Approval are found in the Umatilla County Development Code Section 152.665, Type I Land Divisions. Standards for reviewing a Subdivision generally consist of complying with development code standards, Traffic Impact Analysis standards and subdivision plat requirements. Notice of the applicant’s request and the public hearing was mailed on March 4, 2022 to the owners of properties located within 250-feet of the perimeter of Tax Lot 602. Notice was also published in the East Oregonian on March 12, 2022 notifying the public of the applicants request before the Planning Commission on March 24, 2022. The proposed Conditions of Approval address road improvement and access standards, including road naming

and Irrevocable Consent Agreements, and the survey and recording requirements with final approval accomplished through the recording of the final subdivision plat. The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

Applicant Testimony: Kimberley Arbogast, 33009 W Spearman Road, Hermiston, Oregon 97838. Mrs. Arbogast expressed gratitude to Mrs. Davchevski for her assistance in the process of completing this request. She stated that her plan is to subdivide the acreage of tax lot 602 into one (1) ten-acre parcel to be used as their home site and four (4) two-acre parcels, which they intend to sell along with water rights on those properties.

Public Agency: Greg Silbernagel, Watermaster, District 5, Oregon Water Resources Department (OWRD), 116 SE Dorion Avenue Pendleton, Oregon 97801. Ms. Davchevski read an email received March 16, 2022 (Exhibit A).

Regarding Ty and Kim Arbogast's Subdivision proposal #S-060-22 on 4N2906D Tax Lot 602, I see that Lots 1, 2, 3, 4 and 5 have a combined 19 acres of water rights delivered by the Hermiston Irrigation District (HID). I will defer to the HID on salutations for the possibility of delivering water to any new parcels currently being delivered water by HID, and any water right place of use that may be impaired/declared non-usable by the new road proposal. Please let me know if you have any questions.

Public Agency: Annette Kirkpatrick, District Manager, Hermiston Irrigation District, 366 E. Hurlburt Avenue, Hermiston, Oregon 97838. Ms. Davchevski read an email received March 16, 2022 (Exhibit B).

Thank you Greg. I had some of the same concerns and have been working with the Arbogast's on this project. They will need to add an easement for water conveyance and we are looking at alternatives for water delivery. They are aware that they will need to transfer some of the water rights and HID will [help] them with that as well.

Commissioner Tucker asked about the process of establishing the location of easements for water rights that will be distributed to each property. Mrs. Davchevski stated that the Planning Department does not have jurisdiction over water delivery. She explained that, as a way to ensure that all standards have been met, HID is required to sign the final subdivision plat which completes the process.

Commissioner Tucker asked if staff should consider a Condition of Approval pertaining to the removal of the two manufactured dwellings currently located at the site. Mrs. Davchevski stated that Lot 1 has two previously approved manufactured dwellings. She pointed out that in order to place new structures on the lots, Subsequent Condition #2 requires the applicant to obtain Zoning Permits with an approved site plan showing setbacks, driveways, utilities, etc. from the Umatilla County Planning Department. Additionally, following issuance of a Zoning Permit for any of the

lots within Arbogast Acres, one of the manufactured homes on Lot 1 must be removed within 90 days from when the Certificate of Occupancy is issued for the new dwelling.

Applicant Rebuttal: Kimberley Arbogast, 33009 W Spearman Road, Hermiston, Oregon 97838. Mrs. Arbogast stated that they plan to remove both of the manufactured homes after the stick built home is completed. She expressed frustration with delays in construction due to COVID and added that it could take up to two years to complete the project.

Commissioner Wysocki added the emails from Greg Silbernagel at OWRD and Annette Kirkpatrick at HID into the record as Exhibit A and Exhibit B, respectively. He asked for any requests for the hearing to be continued or the record to remain open, there were none.

Commissioner Wysocki closed the hearing for deliberation.

DELIBERATION

Commissioner Tucker made a motion to approve Type I Land Division, Subdivision Request #S-060-22, Ty & Kimberley Arbogast, Applicants and Owners. Commissioner Green seconded the motion. Motion passed with a vote of 5:0.

MINUTES

Commissioner Wysocki called for any corrections or additions to the minutes from the February 24, 2022 meeting. There were none. Commissioner Williams moved to approve the minutes as presented. Commissioner Tucker seconded the motion. Motion carried by consensus.

OTHER BUSINESS

Carol Johnson, Senior Planner, stated that next month we plan to have our meeting in person at the Umatilla County Justice Center, with an option to attend virtually. She added that there will be two agenda items presented at the April 28th meeting so it will likely take a bit longer.

ADJOURNMENT

Commissioner Wysocki adjourned the meeting at 6:54pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant

Minutes adopted by the Planning Commission on April 28, 2022