

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, March 28, 2019, 6:30 pm
Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR

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COMMISSIONERS

PRESENT: Suni Danforth, Chair, Gary Rhinhart, Vice Chair, Hoot Royer, Jon Salter, Molly Tucker Hasenbank, Tami Green, Cecil Thorne, Don Wysocki

ABSENT: Tammie Williams

STAFF: Bob Waldher, Planning Director; Carol Johnson, Senior Planner; Elizabeth Ridley, Planner/GIS; Tierney Dutcher, Administrative Assistant

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

CALL TO ORDER

Chair Danforth called the meeting to order at 6:30 p.m. and read the Opening Statement.

MINUTES

Chair Danforth called for any corrections or additions to the minutes from the February 28, 2019 meeting. There were none. Commissioner Rhinhart moved to approve the minutes as written. Commissioner Thorne seconded. Motion carried by consensus.

NEW HEARING

SUBDIVISION REQUEST #S-056-19; Jeff Skinner, Applicant, Hazel L. Harral Estate, Owner.

The applicant, Jeff Skinner, requests approval to subdivide 16.5 acres of Rural Residential (RR-2) Zoned land into a 6-lot subdivision consisting of a minimum lot size of at least 2-acres per lot. The property is located along the west side of State Highway 395, approximately 1-mile south of Pendleton. The property is identified as Tax Lot 300, on Assessor's Map 2N 32 21. Criteria include policies in the Comprehensive Plan listed in the public facilities, services, and transportation elements and approval criteria in Umatilla County Development Code (UCDC) 152.666(6).

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none.

STAFF REPORT

Carol Johnson, Senior Planner, stated that the applicant, Jeff Skinner, is present and available to provide additional details and answer any questions the Planning Commissioners may have.

Mrs. Johnson stated that the 16.5 acre parcel of land is located to the south of Pendleton along McKay Creek. This area is one of 6 areas in the Pendleton vicinity that is zoned for rural residential use. She

stated that this parcel is among just a few remaining tax lots that have the potential to be further divided into 2 acre parcels. She stated that Mr. Skinner has met with Planning Staff over the past several months to determine the best way to divide this parcel of land. His first plan included applying for a land partition creating 3 parcels in 1 calendar year, followed by a subsequent partition the next calendar year for the remaining 3 parcels. Instead, Mr. Skinner decided to make request to partition all 6 lots at one time, knowing that dividing more than 3 lots in 1 calendar year would elevate the application to a Type I Land Division, or Subdivision.

Mrs. Johnson stated that proposed lots 1, 2 and 3 will be considered developed because there are currently 3 homes already located on the 16.5 acre parent parcel. Lots 4, 5 and 6 will be buildable. She stated that the standards for Subdivisions are related to facilities and roads and can be found in UCDC 152.666(6).

Mrs. Johnson stated that the tentative plan map (page 4 in Planning Commission Packets) shows the layout of the proposed properties in relation to McKay Creek which runs along the west side of the entire parcel. She added that the building standards include a 100 ft. setback from McKay Creek. There are also 2 access points to the properties. The northern access is a proposed 30 ft. easement which will serve Lots 1 and 2. The proposed southern access point located to the south of lots 4 and 5 will be a 60 ft. easement called Promise Lane and provide access to lots 3-6.

Mrs. Johnson stated that after the public notice was mailed out on March 8, 2019, she received comments from Kristen Tiede, Archeologist with the Cultural Resources Protection Program at the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The Tribe suggested that a pedestrian survey and subsurface testing take place prior to the start of construction in areas of proposed ground disturbance (page 19 in Planning Commission Packets). As a result, Planning Staff has added Subsequent Condition #10 to the Findings and Conclusions which states, “[d]iscovery of archeological objects during ground disturbance requires ceasing all activities and contacting a professional archeologist to conduct a site assessment prior to resuming development activities”. Mrs. Johnson stated that she reached out to The Oregon State Historic Preservation Office (SHPO) in Salem for guidance on setting this particular condition. They replied stating that the condition would be adequate and also provided a form used to report the discovery of archeological objects to the State. She stated that she has relayed this information and made the form available to Mr. Skinner.

Mrs. Johnson stated that she also received comment from Shawn Penninger, Assistant Fire Chief/ Fire Marshall with the City of Pendleton Fire & Ambulance. They stated that they have evaluated the property and determined that Mr. Skinner has met the ingress and egress requirements of the Oregon Fire Code Section Appendix D, D103 and the requirements of the Authority Having Jurisdiction.

Mrs. Johnson stated that she received a letter from Bonneville Power Administration (BPA). She pointed out that the south side of lots 3-5 contain a BPA overhead transmission line. BPA has requested that the applicant submit and sign a Land Use Agreement for development within the

easement. As a result, Mrs. Johnson added President Condition #9 which requires the applicant to complete the BPA Land Use Agreement and provide a copy to the Planning Department.

Mrs. Johnson stated that she received phone calls from two land owners with inquiries. The first property owner who called was concerned because his land is also tax lot 300 and he wanted to know more about what was planned on his property. However, he was mistaken because his tax lot is on a different Assessor's Map and he soon came to understand that the public notice was not about development on his parcel of land. The second surrounding land owner who called to inquire about the public notice expressed concern about the subdivision but was unable to attend the public hearing. Mrs. Johnson directed her to review the hearing materials posted on the Umatilla County Land Use Planning website to find out more about the application. The caller also expressed concern that a neighbor located on the other side of her property did not receive a public notice regarding the subdivision. Mrs. Johnson asked the GIS Manager to verify the mapping information for the public notice and was able to determine the land owner in question was located outside of the required distance. Additionally, she was able to verify that every person required by law to receive public notice did in fact receive a notice.

TESTIMONY

Applicant Testimony: Jeff Skinner, 72456 Highway 395 S., Pendleton, Oregon. Mr. Skinner stated that Mrs. Johnson did a wonderful job processing the application and organizing all the information in the Commissioner's Packets. He asked if the Planning Commissioner had any additional questions.

Commissioner Rhinhart asked Mr. Skinner if he was having difficulty obtaining an Access Permit for the easement under the area where the BPA overhead transmission line is located. Mr. Skinner stated that he has worked with the Oregon Department of Transportation (ODOT) for approximately 18 months and his Application for State Highway Approach was approved granting access off Highway 395 within the BPA utility easement. He is now working with Tom Lapp at ODOT to obtain a Permit to Construct in order to begin installation of the access approach.

Chair Danforth stated that several areas in Umatilla County are experiencing much higher water levels than they have seen in the last 30 years. She asked Mr. Skinner how high the water has been running out near his property since it is so close to McKay Creek. Mr. Skinner stated that they are in good shape because they are positioned approximately 6 feet above the 100-year floodplain.

Commissioner Wysocki asked about health requirements for the shared wells. Mr. Skinner stated that he is not sure. Mrs. Johnson stated that Oregon Health Authority (OHA) Drinking Water Services reporting standards and testing requirements come into play when a well serves 4 or more properties.

Commissioner Royer asked about the water rights for the property. He asked if there is a plan to develop delivery of irrigation water to the properties. Mr. Skinner stated that all the lots will have the opportunity to utilize their water rights by running lines in the easements that have been developed to

the Point of Diversion from McKay Creek on lot 2. He has no plans to move the existing water rights to the properties. Mrs. Johnson stated that the Oregon Water Resources Department (OWRD) Watermaster, Greg Sibernagel, provided an email (page 14 in Planning Commission Packets) stating that he has met with Mr. Skinner on several occasions regarding the subdivision request and he feels that he has successfully fulfilled all of his recommendations.

Chair Danforth added 3 additional exhibits to the record; Exhibit A, City of Pendleton Fire & Ambulance; Exhibit B, BPA; and Exhibit C, Revised Precedent Conditions list.

Public Agencies: CTUIR, City of Pendleton Fire & Ambulance, OWRD and BPA (see above). No additional comments.

Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Rhinhart made a motion to approve Subdivision request #S-056-19 with Precedent and Subsequent Conditions. Commissioner Green seconded the motion. Motion passed with a vote of 8:0.

CHAIR & VICE CHAIR APPOINTMENTS

Commissioner Rhinhart made a motion to reappoint Suni Danforth as Chair and appoint Don Wysocki as Vice Chair. Motion seconded by Commissioner Green. Motion carried by consensus.

OTHER BUSINESS

Bob Waldher, Planning Director, stated that Planning Commissioners are invited to attend the second Community Meeting for the Highway 395 North Development Code Update Project next Wednesday, April 3rd at 5:30pm at the Stafford Hansell Government Center in Hermiston. Planning Commissioners are especially encouraged to attend the Planning Commission Work Session directly following the Community Meeting at 6:30pm. The purpose of the Work Session is to review the proposed Highway 395 North Development Code Amendments.

Mr. Waldher provided updates on past Planning Commission hearing requests. He stated that the County Text, Plan and Zoning Map Amendments to Co-adopt City of Stanfield Urban Growth Boundary (UGB) Adjustment was unanimously approved by the Umatilla County Board of County Commissioners (BCC). Mr. Waldher also stated that no opposition was voiced at the BCC hearing for the County Plan Amendment to amend the Exception for Local Access Improvements for TA Operating, LLC and TravelCenters of America. The request was approved by the BCC and next steps will include reviewing the development agreement and addressing the other issues identified by LUBA.

The next Planning Commission Hearing is scheduled for Thursday, May 23, 2019, 6:30pm at the Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant

Minutes adopted by the Planning Commission on April 25, 2019.