

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, May 27, 2021, 6:30 pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
Virtual meeting via Zoom

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COMMISSIONERS

PRESENT: Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Hoot Royer,
Cindy Timmons & Sam Tucker

ABSENT: Suni Danforth, Chair, Jon Salter & Lyle Smith

STAFF: Bob Waldher, Planning Director, Megan Green, Planner II/ GIS & Tierney
Cimmiyotti, 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

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

NEW HEARING

ZONING MAP AMENDMENT #Z-316-21, Zone Change from F-2, General Rural Zone 19-acre minimum to FU-10, Future Urban Zone, 10-acre minimum & LAND DIVISION; TYPE II #LD-4N-1054-21. The applicant & property owners, Richard & Sandra Hunsaker, propose changes to the Umatilla County Zoning Map, Map 4N2804, Tax Lots 1000 & 1200 (formerly known as Map 4N28B, Tax Lots 1500 & 1505). The parcels are currently located within the Urban Growth Boundary (UGB) of the City of Hermiston and zoned F-2, General Rural Zone. The F-2 Zone is from Umatilla County's 1972 Zoning Code and is primarily located within UGBs. The property owners are requesting a re-zone to FU-10 (Future Urban Zone - 10 acre minimum). Both F-2 and FU-10 Zoned properties inside of Hermiston's UGB are managed by Umatilla County. The criteria of approval for Amendments are found in Umatilla County Development Code (UCDC) 152.750-152.755.

STAFF REPORT

Megan Green, Planner II/ GIS, presented the staff report. Ms. Green stated that property owners, Richard & Sandra Hunsaker, are requesting to rezone and partition 2 parcels located within Hermiston's UGB. The properties are located north of West Elm Extension and east of the Umatilla River, approximately one-half mile west of Hermiston City Limits. The applicants' properties and the surrounding properties are all located within the City of Hermiston's UGB.

Ms. Green explained that the standards applied are from the Statewide Planning Goals, Joint Management Agreement, City Comprehensive Plan and County Zoning Ordinance. This request requires the Planning Commission to address two separate actions; a recommendation to the Board of Commissioners for approval or denial of the rezone and

the final appealable decision on the Land Division request. The criteria for approval for the Zoning Map Amendment are found in UCDC Sections 152.750-152.755. The criteria for approval of the Type II Land Division are found in UCDC Sections 152.680-152.686.

Ms. Green stated that the process of zone change approval by the county involves review by the Planning Commission with a recommendation on the rezone request to the Board of County Commissioners (BCC). The BCC must also hold a public hearing and make a decision whether or not to adopt the proposed zoning change. A public hearing before the BCC is scheduled for June 16, 2021 at 9:00 am.

Ms. Green explained to the Commissioners that staff has provided Findings and Conclusions that they may determine provide support, or do not support the criteria of approval. The conclusions the Planning Commission members reach and use for a recommendation on the rezone to the BCC, and for a decision on the land division request, must be based on substantial, factual, evidence in the record.

Commissioner Wysocki asked Ms. Green to explain more about the information in the hearing packet. Ms. Green stated that that the City of Hermiston provided comment in support of the requests. Clint Spencer, Hermiston City Planner, provided information indicating that water is located approximately 2,188 feet from the existing line on Elm to the subject properties. The sewer is located 650 feet away. Mr. Spencer stated that the city is not actively processing applications for development in this area. They annexed a 20 acre parcel in 2019 but have not received any development applications. Additionally, the property is bound by a 10 year agreement with the City of Hermiston to only develop single-family residential housing. Mr. Spencer stated that the city recommends maintaining the 30 foot access easement as an easement for this partition. He believes that maintaining the access as an easement will avoid dedication of right of way which later must be transferred to the city, changing a county road to a city street. He requested that the county require the easement to be brought up to the standard necessary for easements serving this level of development under county standards. Also, if additional gravel base and additional gravel width is necessary, the city requests this to be added as a condition of development. Ms. Green pointed out that the county's Land Division Standards for Approval require that the road be brought up to the P-2 Road Standard, which is referenced in the findings located on page 24 in the hearing packet.

Ms. Green received comments provided by Annette Kirkpatrick with Hermiston Irrigation District. Ms. Kirkpatrick stated that both properties included in the request have water rights in the name of the Bureau of Reclamation, Certificate #89006. She explained that the D Line Easement comes in from the east and ends at the southeast corner of tax lot #1200.

Ms. Green shared her screen and reviewed the email comment submitted by Jean Dahlquist representing the Fair Housing Council of Oregon (FHCO). She stated that the FHCO requested information and asked to review the Findings for this request because they were concerned about Statewide Planning Goal 10 related to housing. Ms. Dahlquist

commented that she felt it was a little unclear if the statement, "Housing is not a direct consideration of this request." is correct or not (page 20 in the packets, Preliminary Findings & Conclusions #20 Statewide Planning Goals, Goal 10, Housing). She suggested that a zone change from rural to future urbanizable, as well as a lot partition, would make future residential development more feasible on the site. She went on to say that if this were the case, she believes more elaborate Goal 10 findings would be required. However, she recognized that she is unfamiliar with the counties' particular urbanization process and requested clarification.

Ms. Green responded to the email from Ms. Dahlquist explaining that the current zoning is F-2, which is designated urbanizable. Likewise, the proposed zoning of FU-10 is designated urbanizable. She clarified that the only urban lands within Hermiston's UGB are those that are city zoned. Thus, the proposed zone change would not result in a change of the urbanizable status. Although the applicants' properties are located within the UGB, they are managed by the county under current and proposed zoning. The more dense residential zoned areas within the UGB are managed by the city. The F-2 Zone is a 19 acre minimum zone and allows one single-family dwelling (SFD) and one Accessory Dwelling Unit (ADU) per parcel. The FU-10 Zone is a 10 acre minimum zone and allows one SFD and one ADU per parcel. Once approved, the zone change and partition will create one additional parcel and therefore create the opportunity for one additional SFD and one additional ADU. Ms. Dahlquist replied thanking Ms. Green and stated that her summary clarified things nicely. She asked if there was a possibility that the explanation Ms. Green provided could be added to the Goal 10 Findings. Ms. Green responded that unfortunately, it was too late to add to the Goal 10 findings but she agreed to share the feedback with the Planning Commission. After review, the Commission can choose whether or not to add language to the Goal 10 findings as part of their recommendation to the BCC.

Commissioner Tucker asked if there would be any disadvantages to incorporating the language suggested by Ms. Dahlquist and the FHCO. Ms. Green replied that she does not believe it would be a disadvantage to add the requested the language for clarification purposes.

Applicant Testimony: Richard Hunsaker, 1590 W Elm Avenue, Hermiston, Oregon. Mr. Hunsaker was present, but he had technical difficulties and was unable to get his microphone to work so he was not able to provide verbal testimony.

Ms. Green read Mr. Hunsaker's written testimony and displayed the Umatilla County Wetlands Inventory Map, Flood Insurance Rate Map (FIRM) Panel 41056C0577G and Partition Plat #1999-37 provided by the applicant to staff in advance of the hearing:

“Chairperson and Commissioners, Umatilla County Planning Commission:

Thank you for the opportunity to add my testimony to the written record prior to your decision and recommendation to the Board of Commissioners in response to my

applications for comp plan amendment zone change and partition plat. My written testimony will be offered in the same order as the staff addresses each issue.

Page 6 Flood plain / Wetlands Map: What is marked Umatilla Co. wetlands does not match the wetlands inventory provided to me by the county (attached copy for your reference). The area on page 6, referred as wetland, is a seasonal irrigation pond. The source of water for the pond is D line from the Hermiston Irrigation District normally from April to October each year. The remainder of the year the pond is completely dry.

Page 25 / 26 F2: I request that the Planning Commission make this condition applicable as a condition of the issuance of a building permit for the development of each parcel. Currently the condition is met for each of the parcels (3) served by the easement. It is unknown as to location of any new dwelling on any of the newly created parcels as this condition places an undue burden on the property owner at this time.

Page 26 / F3, Page 27 4,5,6: The existing easement has historically been called “West Elm Extension”. US Mail delivers to mailing address on Elm St. To name the road differently would cause undue hardship on the existing home owners served by the access easement. The US Mail is delivered to mail boxes on the dedicated portion of Elm St. The addition of 2 additional mail boxes at the current location makes common sense. Further, to name and sign the easement would encourage additional traffic on the existing private road. There is an existing turn around for local traffic at the end of the public ROW and “private drive” signs posted at the intersection of the private easement and public ROW. The property that abuts the easement (TL1802) to the east is not a beneficiary to the private road easement. I request that precedent condition of a road naming application, road naming approval, and the approved road name to be shown on the plat, be waived at this time.

When this rezone, comprehensive plan amendment, and zone change are approved, I will record CCR’s over the three newly created parcels that limit construction to 1 single family dwelling with no less than 2,850 square feet of living area in size on each parcel. I will transfer a pro rata share of the existing water right to each newly created parcel, modify the access easement, and easement maintenance agreement to reflect the required changes. I have met, discussed, and agreed to these issues with my neighbors, Dr. Richard Flaize and Todd Dimbat. Thank you for this opportunity to add my testimony and I would be glad to answer any questions.”

Proponent Testimony: No comments.

Opponent Testimony: No comments.

Public Agencies: No additional comments.

Commissioner Wysocki closed the hearing for deliberation.

DELIBERATION

Commissioner Tucker asked for more information about the two deviations Mr. Hunsaker requested in his written testimony regarding the Standards of Approval. Planning Director, Bob Waldher, started by addressing Mr. Hunsaker's request that Precedent Condition of a road naming application, road naming approval and the approved road name to be shown on the plat, be waived at this time. Mr. Waldher reiterated that under UCDC 152.684(A), County Land Division Standards for Approval require that the road be brought up to the P-2 Road Standard which requires a 60 foot right of way with a 22 foot improved surface. He pointed out that this is a lesser requirement than what is required by the City of Hermiston's Transportation System Plan (TSP). The city requirement includes a 24 foot wide paved surface. However, the city has requested that the county road standard be applied at this time. When the subject parcels are annexed into the city the road will need to be improved because the City of Hermiston's TSP road standards will apply.

With regard to the comments about addressing and the emergency vehicle turn-around request, staff recommends that the conditions remain the same. This request is a Land Use Decision and applicants must meet all of the Standards for Approval and there is no option to pick and choose which standards will apply. Mr. Waldher acknowledged that some of the standards may seem impractical given the rural location of the property. However, he explained that the standards exist for a reason and any deviation could set precedence for future applicants to deviate from the required standards as well.

Commissioner Timmons stated that this property is located in the middle of the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). She noted that she is concerned about high levels of nitrate in this critical groundwater area and the addition of dwellings will add to the problem. Mr. Waldher stated that the LUBGWMA is a Department of Environmental Quality (DEQ) designation indicating high nitrate levels and there are a number of studies taking place to determine the leading contributing factors and how they can be addressed. Mr. Waldher stated that Commissioner Timmons concern is valid. However, the Planning Department does not have any provision or language in our code which would preclude this property from being rezoned as part of this request.

Commissioner Tucker made a motion to recommend approval of the Hunsaker Zoning Map Amendment #Z-316-21 to the Board of County Commissioners based on the foregoing Findings of Fact and Conclusions of Law with the addition of staff comments addressing Goal 10 added to the record. Commissioner Williams seconded the motion. Motion passed with a vote of 6:0.

Commissioner Williams made a motion to approve the Hunsaker Land Division #LD-4N-1054-21 based on the foregoing Findings of Fact and Conclusions of Law. Commissioner Wysocki seconded the motion. Motion passed with a vote of 6:0.

MINUTES

Commissioner Wysocki called for any corrections or additions to the minutes from the April 22, 2021 meeting. Commissioner Timmons moved to approve the minutes as presented. Commissioner Royer seconded the motion. Motion carried by consensus.

OTHER BUSINESS

Mr. Waldher stated that the County has been working on a project for the last 8 months to update Umatilla County's Natural Hazard Mitigation Plan (NHMP). The plan has been reviewed by the Oregon Office of Emergency Management (OEM) & Federal Emergency Management Agency (FEMA) and comments provided have been addressed by the stakeholder committee. Once approved, the NHMP will be adopted by all 12 cities within the county, as well as several special districts.

Mr. Waldher stated that the Planning Department is seeking to fill a full-time Planner II position. The ideal candidate will have experience in Land Use Planning (or a related field) as well as a GIS background. We are advertising on multiple platforms but it has been challenging to find the right candidate. Ms. Green will soon be transitioning to her new role as Transit Coordinator.

ADJOURNMENT

Commissioner Wysocki adjourned the meeting at 7:25 pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant

Minutes adopted by the Planning Commission on July 22, 2021