

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, October 22, 2020, 6:30 PM**  
**Umatilla County Courthouse, 216 SE 4<sup>th</sup> Street, Pendleton, Oregon**

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**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Don Wysocki, Vice Chair, Molly Tucker Hasenbank,  
Tammie Williams, Hoot Royer, Tami Green, Jon Salter  
**ABSENT:** Lyle Smith  
**STAFF:** Bob Waldher, Planning Director; Megan Green, Planner/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**

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

**NEW HEARING**

**TYPE III LAND DIVISION, REPLAT REQUEST #LD-6N-428-20: MARK WAGONER, APPLICANT / WAGONER TOUCHET FARMS INC & BARABRA BROWN, OWNERS.**

The applicant requests approval to Replat Lots 399 and 400 of the Gardena Contoured Tracts Third Addition subdivision, Surveyor’s Book 4, Page 5, Assessor’s Map 6N 33 14, Tax Lots 300 and 302. The applicant’s proposed Replat reconfigures the lots’ shared property lines and will shrink Subdivision Lot 400 around existing structures. The Land Use standards applicable to the applicants’ request are found in Umatilla County Development Code (UCDC) 152.697(C), Type III Land Divisions.

Chair Danforth called for the Staff Report.

**STAFF REPORT**

Megan Green, Planner/ GIS, stated that the applicant, Mark Wagoner, requests approval of a Replat (Type III Land Division) of Subdivision Lots 399 and 400 of Gardena Contoured Tracts 3rd Addition Subdivision. Approval of the Brown State Line Addition results in the reconfiguration of the shared property line, shrinking Subdivision Lot 400 around existing structures. The subject properties are located about 0.2 miles east of the intersection of Stateline and Barnes Road, about 14 miles northwest of the City of Milton Freewater, as the crow flies. Both properties are located along the Oregon-Washington border.

She stated that the Standards of Approval are found in the UCDC Section 152.697(C), Type III Land Divisions. Standards for reviewing a Replat generally consist of complying with development standards and survey plat requirements.

Ms. Green stated that she mailed public notice with the applicant's request and the public hearing date scheduled for October 1, 2020 to the owners of properties located within 750 feet of the perimeter of Lots 399 and 400. Notice was also published in the *East Oregonian* on October 10, 2020 notifying the public of the applicants request before the Planning Commission on October 22, 2020.

Ms. Green explained that Subdivision Lots 399 and 428 were consolidated (for tax purposes only) to create Tax Lot #302. Subdivision Lots 400, 401 and 430 were also consolidated (for tax purposes only) to create Tax Lot #300. However, Subdivision Lots 401, 428 and 430 are not involved in this replat request and therefore, if the request is granted, new tax accounts and tax lot numbers will need to be created to separate the replatted lots from the other subdivision lots under same ownership. She added that the proposed Conditions of Approval address the survey and recording requirements and final approval will be accomplished by recording the final survey plat.

Ms. Green clarified to the Commissioners that the decision made by them on this matter will be final, unless timely appealed to the Board of County Commissioners.

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

## TESTIMONY

**Applicant Testimony:** Mark Wagoner, 371 Bald Road, Touchet, Washington. The applicant was not present but submitted written testimony, sent via email:

Hello, I am Mark Wagoner of Touchet, WA. My son Tim and I own and operate a family farm of 2400 acres in the Gardena area in the Walla Walla Valley. One hundred acres of the two hundred acres of the Barnes farm is in Umatilla County. I rented the Barnes farm in 1997 from Jean Barnes. Her two daughters, Barbara Brown and Judy Poitras, subsequently inherited the farm in 2002. In 2011 they sold Wagoner Touchet Farms the farmland and kept land around their houses. We used the clustering provision in Walla Walla County to minimize Judy Poitras's land area and maximize our farmland. Barbara just kept the intact, original Gardena Contoured tracts from 1892, for her house and buildings.

As our farm has gotten bigger we have had to build more machinery storage for our increasing amount of farm machinery. We have built farm buildings on four of the farms we own in the Gardena area. We would like to build one on the Barnes farm and the logical place to do it is in Barbara's big lot. We already store our sprinklers pipes and bee houses on her property and have nowhere to store spare parts and motorcycles for moving sprinkler pipes. We have already demolished two decrepit buildings on the site and

hauled away a bunch of junk. If you approve this request, it will make Barbara and my son and I very happy. Also it will add property taxes to Umatilla County. Thank you.

**Opposition Testimony:** None.

**Public Agencies:** No comments.

Chair Danforth closed the hearing for deliberation.

## **DELIBERATION & DECISION**

Commissioner Williams made a motion to approve Type III Land Division, #LD-6N-428-20. Commissioner Royer seconded the motion. Motion passed with a vote of 7:0.

## **NEW HEARING**

**PLAN AMENDMENT #P-127-20, ZONING MAP AMENDMENT #Z-315-20 to Co-adopt City of Pendleton Urban Growth Boundary (UGB) Adjustment.** The City of Pendleton requests the County co-adopt a proposed change to the city's UGB that would remove 69.2 acres of industrial land from within the UGB and replace it with 69.2 acres of land to be rezoned from Exclusive Farm Use (EFU) to City Light Industrial (M-1), and annexed into the City. The criteria of approval are found in Umatilla County Development Code (UCDC) 152.750-152.755 and the Joint Management Agreement (JMA) between the City and County.

Chair Danforth read Opening Statement and called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none. She called for the Staff Report.

## **STAFF REPORT**

Bob Waldher, Planning Director, stated that the City of Pendleton requests the County co-adopt a proposed change to the City's UGB. The proposed change would remove 69.2 acres of industrial land from within the UGB and replace it with 69.2 acres of land to be rezoned from Exclusive Farm Use (EFU) to City Light Industrial (M-1), and annexed into the City. The UGB adjustment is requested to support airport related development of properties that are identified in the City's 2018 Airport Master Plan as an, "airfield development area". Specifically, the UGB adjustment will support the growing Unmanned Aircraft Systems (UAS) industry that desires land and hangars located nearer to existing airport runways.

Mr. Waldher stated that an initial hearing was held before the City of Pendleton Planning Commission on May 28, 2020. The amendment was adopted at the Pendleton City Council Meeting held July 7, 2020 under Ordinance #3960. He added that a copy of the adopted City Ordinance is included in the Commissioner's packets.

Mr. Waldher stated that the Criteria of Approval for Amendments are found in UCDC 152.750-152.755 and the JMA between the City & County. Provisions for Adjusting a UGB are contained in Oregon Administrative Rules (OAR) 660-024-0070, UGB Adjustments.

Mr. Waldher explained that under the provisions of the JMA, the City of Pendleton is responsible for preparing and reviewing all legislative and quasi-judicial amendments to the City Comprehensive Plan text and maps. All adopted amendments to the City's Comprehensive Plan and/or maps affecting the Urban Growth Area (UGA) or UGB shall be referred to the County for adoption as amendments to the County Plan. The County has a responsibility to review and adopt the amendments approved by the City for these to be applicable in the UGA. Additionally, the process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The BCC must also hold a public hearing and make a decision whether or not to co-adopt the proposed change to the City of Pendleton UGB.

### **TESTIMONY**

**Applicant Testimony:** Tim Simons, Pendleton Community Development Director & City Engineer; George Cress, Pendleton City Planner; Bob Patterson, Pendleton Public Works Director; and Wayne Green, Associate City Engineer & Airport Engineer; All located at Pendleton City Hall, 500 SW Dorion Avenue, Pendleton, Oregon.

Mr. Cress stated that the City of Pendleton proposes an Urban Growth Boundary adjustment that would remove 69.2 acres of industrial land from the UGB and replace it with 69.2 acres of airport activity use. The proposed amendment would remove property owned by the City of Pendleton just south of Stage Gulch Road, near the southwestern Airport Ownership Line and replace it with property owned by the City of Pendleton that is East of Airport Taxiway Golf and north of Airport Runway 8/26. Property proposed to be added is under Federal Aviation Administration (FAA) purview. This UGB Amendment was initiated by the property owner, City of Pendleton.

Mr. Cress stated that the 69.2 acres of land to be brought into the Pendleton UGB is currently leased for airport and agricultural uses. The lessee signed an agreement that if the City develops the land around Taxiway Golf for UAS activities, the leased land would be decreased and the lessee duly compensated. Therefore, the City has communicated to all parties that expansion of development may occur on lands owned by the City. The purpose of the UGB amendment request was to support airport related development of properties that are identified in the City's 2018 Airport Master Plan as an Airfield Development Area. Specifically, the City UAS airport industry is growing and desires land and hangars located nearer to airport runways.

Mr. Cress added that two zone changes will accompany the UGB Amendment. The acreage to be removed from the UGB will be rezoned to Exclusive Farm Use (EFU) and the land to be added

to the UGB will be rezoned Airport Activities (AA) with this application. The new parcel will also be annexed into the City Limits.

Mr. Cress explained that the Pendleton City Water Master Plan identifies the need for a main water line to be extended to increase fire flow capacity in the airport area. This UGB land swap will include 6.2 acres of land to extend the water line. This same acreage is identified in the Waste Water Master Plan for extension of a sewer main line. The 6.2 acre section is south of Taxiway Golf, below Taxiway Echo, a triangular portion abutting Airport Road then extending north wide enough to support the water main. The water line extension will be installed alongside Taxiway Golf's existing airport improvements. The remaining 63 acres to be brought into the UGB lies east of Taxiway Golf in what is a recognized economic opportunity land for UAS industries and is presently dry farmed. There is a proposed UAS project designated in the 2018 Airport Master Plan for this area. The project has received funding from the Economic Development Administration and the State of Oregon to build UAS hangars and testing facilities. Mr. Cress presented a map of the region and went into more detail about the parcels involved in the UGB land swap.

Chair Danforth asked about how the UAS activities may affect the surrounding farm ground in the area. Mr. Cress stated that the property around the airport is owned by the City of Pendleton. He added that the farmers surrounding the airport participate in airport activities and receive compensation. Wayne Green stated that there has been no disruption to farming activities due to UAS activities. In fact, a couple of land owners and offered their land to be used for testing and other projects.

Commissioner Royer asked about expected growth for the UAS program in Pendleton. Mr. Green replied that interest is high in the UAS program and they have more companies involved than hangars to put them in. They are currently starting construction on an 18,000 square foot hangar and have designs ready for two additional large hangars. They received \$16 million as part of the Coronavirus Aid, Relief, & Economic Security (CARES) Act and plan to use that money to start construction on the new hangars as soon as possible.

Commissioner Wysocki asked about the current land use on the portions of land that will be removed from the UGB. Mr. Green stated that the land being removed from the UGB is located south of the old landfill. It is a steep canyon and undevelopable in its current state. He described it as basic range land that is not farmable. Commissioner Wysocki stated that the land being removed is far less productive farmland than the land being annexed into the UGB. Chair Danforth agreed and pointed out that the incoming acreage is designated as high-value farm ground.

**Public Agencies:** Mr. Waldher stated that the Department of Land Conservation and Development (DLCD) did an extensive review and worked closely with the City of Pendleton on this application. The request was analyzed by DLCD specialists dealing with economic development, Goal 9 and farm & forest matters. Based on the Airport Master Plan, it was

determined that the City had a need to expand their airport industrial supply and the request meets the Oregon Administrative Rules (OAR).

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Chair Danforth stated that she does not like to see farm ground go out of production. However, she is very excited for the City and the growth it is bringing to the area so she feels it is a good use. Commissioner Williams agreed and said they have her support.

Commissioner Hasenbank made a motion to recommend approval of Plan Map Amendment, #P-127-20, and Zoning Map Amendment #Z-315-20 to co-adopt City of Pendleton UGB Adjustment to the Umatilla County Board of Commissioners. Commissioner Williams seconded the motion. Motion passed with a vote of 7:0.

A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, December 2, 2020 at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4<sup>th</sup> Street, Pendleton, Oregon. The meeting will be held virtually and members of the public who wish to attend via telephone conference can do so by calling, 541-728-0275.

### **MINUTES**

Chair Danforth called for any corrections or additions to the minutes from the July 23, 2020 meeting. Commissioner Hasenbank stated that her name is misspelled at the bottom of page 2. Ms. Cimmiyotti agreed to make the change. No additional changes were noted. Commissioner Williams moved to approve the minutes with the name correction on page 2. Commissioner Hasenbank seconded the motion. Motion carried by consensus.

### **ADJOURNMENT**

Chair Danforth adjourned the meeting at 7:21 p.m.

Respectfully submitted,

Tierney Cimmiyotti,  
Administrative Assistant

Minutes adopted by the Planning Commission on November 19, 2020.