

AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, August 21, 2025, 6:30PM
Justice Center Media Room, Pendleton, Oregon**

**To participate in the hearing please submit comments before 4PM, August 21st
to planning@umatillacounty.gov or contact the Planning Department at 541-278-6252**

Planning Commission

Sam Tucker, Vice Chair	Ann Minton
Tami Green	Andrew Morris
John Standley	
Kim Gillet	
Emery Gentry	
Malcolm Millar	

Planning Staff

Bob Waldher, Community Development Director
Megan Davchevski, Planning Division Manager
Carol Johnson, Senior Planner
Tierney Cimmiyotti, Planner / GIS
Charlet Hotchkiss, Planner
Bryce Fairchild, Planner II
Shawna Van Sickle, Administrative Assistant

1. Call to Order

2. Minutes Approval: May 1, 2025 Meeting

- 3. NEW HEARING: TYPE III LAND DIVISION, REPLAT REQUEST #LD-2N-215-25: MONICA L. BRESHEARS, APPLICANT, STEVEN W. & MONICA L. BRESHEARS/OWNERS.** The applicants request approval to replat Lots 3 and 4 of Block 4 of Stewart's Addition to vacate the shared property line for a homesite at the properties located on Assessor's Map 2N3234CA, Tax Lots 1400 & 1500. The land use standards applicable to the applicant's request are found in Umatilla County Development Code Section 152.697(C), Type III Land Divisions.

- 4. NEW HEARING: CO-ADOPTION OF CITY OF HERMISTON COMPREHENSIVE PLAN MAP AMENDMENT #P-139-25: MAYRA REYES, APPLICANT/ FELIPE REYES RODRIGUEZ ET AL, OWNERS.** The applicant requests the County co-adopt City Ordinance 2360 amending the

comprehensive plan map from urbanizable to urban status for approximately 2.01 acres located on the north side of E Tamarack Avenue, southwest of the intersection of SE 11th Street and E Newport Avenue. The City Council also adopted Ordinance 2361 annexing said property effective upon co-adoption of Ordinance 2360. The criteria of approval are found in Umatilla County Development Code 152.750 - 152.754 and the Joint Management Agreement between the City and County.

5. **NEW HEARING: CONDITIONAL USE REQUEST #C-1393-25, ROCKPILE TO COTTONWOOD 230-kV TRANSMISSION LINE, UMATILLA ELECTRIC COOPERATIVE, APPLICANT/ UMATILLA BASIN PROPERTIES LLC, OWNER.** The applicant proposes electrical system upgrades between the existing Rockpile Switchyard and Cottonwood Switchyard. These upgrades include the installation of approximately 0.43 miles of double-circuit 230kV power transmission line, running East/West, which will tie into UEC's new Ordinance Switchyard. The subject properties are Tax Lots #200 and #202, on Assessor's Map #4N 27 25A.

Additionally, UEC requests the placement of 15 new transmission tower structures (7 on Tax Lot #200 and 8 on Tax Lot #202) spanning approximately 0.43 miles across the subject properties, facilitating connection to the Ordinance Switchyard.

6. Election of Chair and Vice Chair

7. Other Business

8. Adjournment

Umatilla County

Community Development Department



COMMUNITY & BUSINESS DEVELOPMENT

MEMO

LAND USE PLANNING, ZONING AND PERMITTING

TO: Umatilla County Planning Commission
FROM: Charlet Hotchkiss, Planner I
DATE: August 21, 2025

CODE ENFORCEMENT

RE: August 21, 2025 Planning Commission Hearing
Type III (Replat) Land Division, #LD-2N-215-25
Map 2N 32 34CA, Tax Lots 1400 & 1500

SOLID WASTE COMMITTEE

SMOKE MANAGEMENT

Request

GIS AND MAPPING

The request is to Replat Lots 3 and 4, Block 4, of Stewart's Addition to vacate the shared property lines for a home site.

RURAL ADDRESSING

LIAISON, NATURAL RESOURCES & ENVIRONMENT

Location

The subject properties are located in Stewart's Addition, south of Pendleton, off of Highway 395 along the northwest side of the McKay Reservoir and Dam.

PUBLIC TRANSIT

Notice

Notice of the applicant's request and the public hearing was mailed on July 24, 2025 to the owners of properties located within 250-feet of the perimeter of Lots 3 and 4 and to applicable public agencies. Notice was also published in the East Oregonian on August 6, 2025 notifying the public of the applicants request before the Planning Commission on August 21, 2025.

Criteria of Approval

The Criteria of Approval are found in the Umatilla County Development Code Section 152.697(C), Type III Land Divisions. Standards for reviewing a Replat generally consist of complying with development standards and survey plat requirements.

Conclusion

The Planning Commission is tasked with determining if the application satisfies all of the criteria of approval based on the facts in the record. The proposed Conditions of Approval address the survey and recording requirements with final approval accomplished through the recording of the final survey plat.

Decision

The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – AUGUST 21, 2025
LAND DIVISION REQUEST #LD-2N-215-25
MONICA L. BRESHEARS, APPLICANT
STEVEN W. & MONICA L. BRESHEARS, OWNERS
PACKET CONTENT LIST**

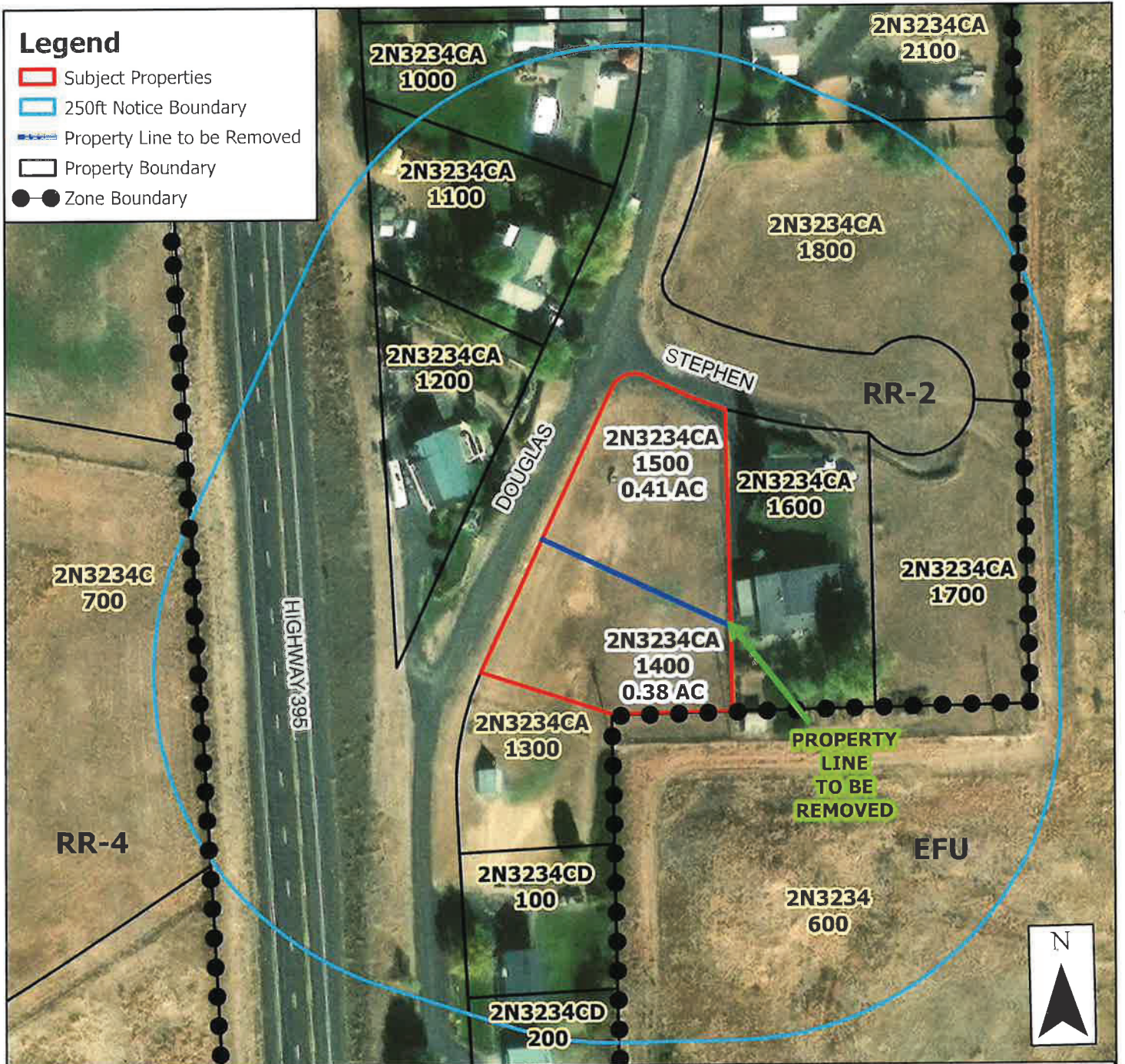
- | | | |
|----|-----------------------------------|------------|
| 1. | Staff Memo to Planning Commission | Pages 1 |
| 2. | Table of Contents | Page 3 |
| 3. | Vicinity and Notice Map | Page 5 |
| 4. | Preliminary Plat | Page 7 |
| 5. | Staff Report/Preliminary Findings | Pages 9-12 |

MONICA BRESHEARS, APPLICANT
STEVEN & MONICA BRESHEARS, OWNERS
MAP: 2N 32 34AA TAX LOT: 200

#LD-2N-215-25

Notified Property Owners with 250 feet of Subject Property

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by T. Cimmiyotti, Umatilla County Planning Department Date: 7/21/2025

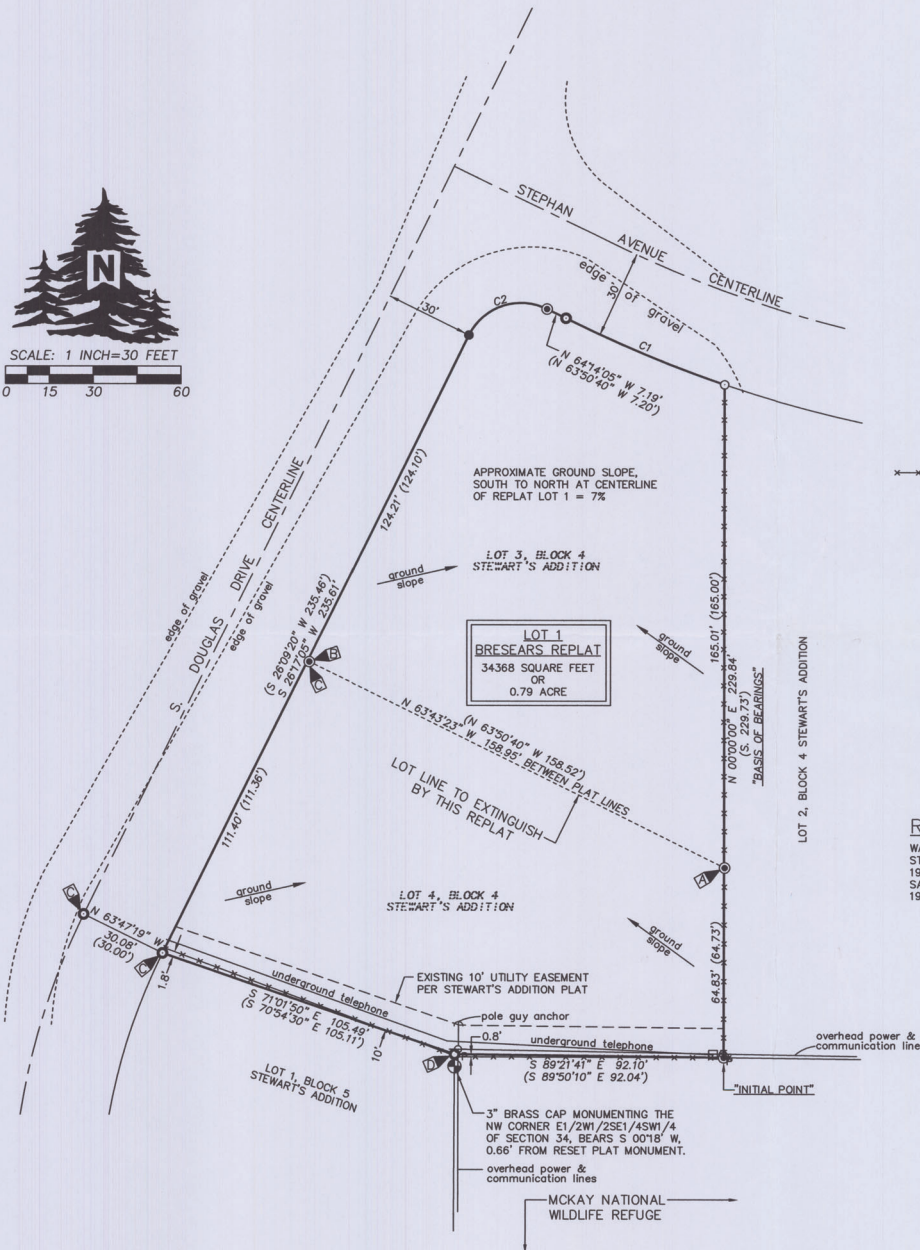


MAP_TAX LOT	OWNER	MAP_TAX LOT	OWNER
2N32340000600	USA c/o BUREAU OF LAND MGT	2N3234CA01500	BRESHEARS STEVEN & MONICA
2N3234C000700	CAMPBELL RONALD A & RITA L	2N3234CA01600	NORTON DAVID T & KATY A
2N3234CA01000	CURTISS THOMAS & VIVIAN J	2N3234CA01700	VICEK RICK A & JUDY L
2N3234CA01100	RITTENBACH RUDY R & PATRICIA	2N3234CA01800	PARKER JEREMY S & SACKETT DANIELLE L
2N3234CA01200	ADAIR SHAWN S & LINDSEY D	2N3234CA02100	DERRICK DONALD R & GAYLE J (TRS)
2N3234CA01300	LYDA RICHARD L & LAURIE A	2N3234CD00100	LYDA RICHARD L & LAURIE
2N3234CA01400	BRESHEARS STEVEN & MONICA	2N3234CD00200	LYDA RICHARD L & LAURIE

"TENTATIVE PLAT"

BRESHEARS REPLAT

A SUBDIVISION REPLAT OF LOTS 3 AND 4, BLOCK 4,
STEWART'S ADDITION TO THE COUNTY OF UMATILLA, OREGON
SITUATED IN THE NE1/4SW1/4 OF SECTION 34
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.
UMATILLA COUNTY, OREGON.
SHEET 1 OF 2



LEGEND

- - SET 5/8 BY 30 INCH REBAR WITH BLUE PLASTIC CAP MARKED "WELLS SURVEYING 54857PLS".
- ⊙ - FOUND 5/8 INCH IRON REBAR WITH 1 1/4" PLASTIC CAP MARKED PLS 346 FROM 1994 WAYNE HARRIS SURVEY NO. 94-152-A.
- - FOUND 1/2 INCH REBAR, ORIGINAL PLAT MONUMENT FROM STEWART'S ADDITION, BOOK 8, PAGE 36, RECORD OF PLATS OF UMATILLA COUNTY.
- ⊙ - FOUND 5/8 INCH REBAR, ORIGINAL PLAT MONUMENT FROM STEWART'S ADDITION, BOOK 8, PAGE 36, RECORD OF PLATS OF UMATILLA COUNTY.
- ⊙ - FOUND 3 INCH BRASS CAP ON IRON PIPE MONUMENTING THE NW CORNER OF THE E1/2W1/2SE1/4SW1/4 OF SECTION 34 PER 1938 SURVEY FOR MCKAY CREEK NWR RECORDED AS SURVEY NO. H-251-B. THIS MONUMENT WAS REPORTED TO BE S 00°18' W, 0.66 FEET FROM CORRECT POSITION BY WAYNE HARRIS IN HIS 1960 SURVEY 03-303-B AND WAS NOT HELD AS THE ANGLE POINT ON THE SOUTH LINE OF LOT 4, BLOCK 4, WHEN WAYNE HARRIS SURVEYED AND PLATTED STEWART'S ADDITION IN 1961.
- (XOX) - RECORD DIMENSION FROM PLAT OF STEWART'S ADDITION AND SURVEY NO. 94-152-A, BOTH SURVEYS BY WAYNE HARRIS.
- ⊖ - EXISTING POWER POLE.
- - EXISTING TELEPHONE PEDESTAL.
- - EXISTING FENCE LINE, WIRE OR WOOD, FAIR CONDITION.

CURVE TABLE

NO	DELTA	RADIUS	LENGTH	CHORD	CHORD BRG
C1	7°50'04"	430.00'	58.80'	58.75'	S 67°27'42" E
(C1)		430.00'	58.77'	58.73'	S 67°45'40" E
C2	89°43'36"	20.00'	31.32'	28.22'	S 71°34'13" W
(C2)		20.00'	31.42'	28.28'	S 71°09'20" W

FOUND MONUMENT NOTES:

- Ⓐ - MONUMENT BY SURVEY NO. 94-152-A IS S 63°43'23" E, 0.20' FROM PLAT LINE.
- Ⓑ - MONUMENT BY SURVEY NO. 94-152-A IS S 63°43'23" E, 0.66' FROM PLAT LINE.
- Ⓒ - INDICATES BENT MONUMENT FOUND, TIED SPIN HOLE.
- Ⓓ - DISTURBED AND BENT 5/8" REBAR PLAT MONUMENT BEARS N 25°58'14" E, 0.44' FROM BRASS CAP MONUMENT. SEE MONUMENT SYMBOL NOTE IN LEGEND.
- I STRAIGHTEN AND RESET THE FOUND 5/8" REBAR PLAT MONUMENT TO THE POSITION N 00°18' E, 0.66' FROM BRASS CAP AS REPORTED BY WAYNE HARRIS ON SURVEY NO. 03-303-B, AND AS MONUMENTED BY HARRIS ON THE STEWART'S ADDITION PLAT.

RECORD REFERENCE DOCUMENTS:

WARRANTY DEED, INSTRUMENT NO. 2025-0002877, UMATILLA COUNTY OFFICE OF RECORDS.
STEWART'S ADDITION, BOOK 8, PAGE 36, PLAT RECORDS OF UMATILLA COUNTY
1994 HARRIS SURVEY NO. 94-152-A, UMATILLA COUNTY SURVEYOR'S OFFICE.
SACKETT-PARKER REPLAT, BOOK 18, PAGE 10, PLAT RECORDS OF UMATILLA COUNTY.
1960 HARRIS SURVEY NO. 03-303-B, UMATILLA COUNTY SURVEYOR'S OFFICE.

RECORDING INFORMATION,
UMATILLA COUNTY OFFICE OF RECORDS:

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
NOVEMBER 29, 2010
JASON M. WELLS
54857PLS
RENEWS 6/30/26

WELLS SURVEYING
200 SE HAILEY SUITE 108
P.O. BOX 1696
PENDLETON, OR 97801
PHONE: (541) 276-6362

DATE: 06/25 DR. BY: WRW
CK. BY: JMW NO: 25-1903

PROJECT: \BRESHEARS S1-2ROT

REPLAT FOR:
MONICA L. BRESHEARS
&
STEVEN W. BRESHEARS

SITUATED IN THE NE1/4SW1/4 OF SECTION 34
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.
UMATILLA COUNTY, OREGON.

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
BRESHEARS REPLAT, #LD-2N-215-25
A Replat of Lots 3 and 4, Block 4
of STEWART'S ADDITION
ASSESSORS MAP #2N 32 34CA, TAX LOTS #1400 & #1500**

1. **APPLICANT:** Monica L. Breshears, 417 SW Quinney Place, Pendleton, OR 97801
2. **OWNERSHIP:** Steven W. and Monica L. Breshears, 417 SW Quinney Place, Pendleton, OR 97801
3. **PROPERTY LOCATION:** The subject property is located in the Stewart's Addition Subdivision, south of Pendleton, off of Highway 395 along the northwest side of McKay Reservoir and Dam.
4. **REQUEST:** The request is to Replat Lots 3 and 4, Block 4, of Stewart's Addition to vacate the shared property line for a home site.
5. **EXISTING ACREAGE:** Lot 3 (Tax Lot #1500) = 0.41 acres
Lot 4 (Tax Lot #1400) = 0.38acres
6. **RESULTING ACREAGE:** Lot 1 = 0.79
7. **COMPREHENSIVE PLAN:** Rural Residential
8. **PROPERTY ZONING:** Rural Residential (RR-2), two-acre minimum parcel size
9. **ACCESS:** Access to the subject properties is provided from SW Douglas Drive a platted public road and Stephen Avenue, a platted public road. A precedent condition of approval will be for the applicant to receive an approved Road Approach Permit from County Public Works for both SW Douglas Drive and Stephen Avenue.
10. **PROPERTY EASEMENTS:** There is an existing utility easement that was created with the Stewart's Addition subdivision: one 10-foot wide utility easement located along the south lot line of Lot 4 (proposed Lot 1).
11. **EXISTING LAND USE:** Both Lots 3 and 4 are currently undeveloped. The applicant provides the purpose for the replat request is to establish a home site.
12. **UTILITIES:** The area is served by Pacific Power and Century Link. Trash service is through Pendleton Sanitary.
13. **WATER/SEWER:** The subject properties are not located within an irrigation district. The applicant stated that neither property contains groundwater rights. A septic system and well will be required to service a proposed dwelling.

14. **WETLAND RESOURCES:** National Wetlands Inventory Mapping shows there are no wetlands known to occur on the subject property.
15. **PROPERTY OWNERS & AGENCIES NOTIFIED:** July 24, 2025
16. **PLANNING COMMISSION HEARING DATE:** August 21, 2025
17. **AGENCIES NOTIFIED:** Umatilla County Environmental Health, Umatilla County Assessor, Umatilla County GIS, Umatilla County Public Works, Pacific Power Co., Pendleton Sanitary, Pendleton Fire District, Oregon Water Resources and Umatilla County Surveyor
18. **COMMENTS:** Pending.
19. **STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE:**
The criteria for approval contained in Section 152.697(C), Type III Land Divisions, are provided in underlined text. The evaluation responses follow in standard text.

(1) Complies with applicable elements of the Comprehensive Plan;

(2) Complies with applicable provisions listed in the zoning regulations of the Umatilla County Development Code Chapter; Umatilla County's state-acknowledged Comprehensive Plan designates and zones the subject property and surrounding properties as Rural Residential (RR-2). Stewart's Addition subdivision was platted prior to the current minimum lot size in the RR-2 Zone of two acres. The current lots are each under two acres and the resulting re-platted lot would also be non-conforming, which is consistent with the non-conforming section of the Umatilla County Development Code (UCDC).

Additionally, the applicant is required to sign and record an Irrevocable Consent Agreements (ICA) for future financial participation in the upgrading of SW Douglas Drive and Stephen Avenue, both platted public streets. The ICA runs with the property and is binding on the heirs, assigns and all other successors in interest to the owner of the property, according to the interest of the property and does not operate as a personal contract of the owner. Therefore, the Board of Commissioners and the property owners signing of the ICA agreements fulfills the UCDC standard for an improvement agreement for the Type III Land Division.

The Planning Commission finds and concludes the precedent condition of approval requiring an ICA for both SW Douglas Drive and Stephen Avenue be recorded is imposed. This criterion is pending.

(3) Conforms and fits into the existing development scheme in the area, including logical extension of existing roads and public facilities within and adjoining the site;

The subject property fits the existing development scheme of the Stewart's Addition subdivision. The applicant plans to conform to the Codes Covenants and Restrictions of Stewart's Addition. Access to the re-platted lot will continue to be from SW Douglas Drive

and Stephen Avenue. A precedent condition of approval for this replat is that the applicant must receive a Road Approach Permit from County Public Works for access for both SW Douglas Drive and Stephen Avenue. The Planning Commission finds and concludes this criterion is pending.

(4) Complies with the standards and criteria of Section 152.667 (Forest/Multiple use Areas), if applicable due to the size, scope, and/or location of the request. The subject property is located in the RR-2 Zone. Therefore, the standards found in Section 152.667 for Forest/Multiple Use areas are not applicable.

(D) Decision on a tentative replat plan. The findings and conclusions of the Planning Commission shall include two copies of the tentative plan upon which the decision is noted and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department. Approval by the Planning Commission shall be final upon signing of the findings, and stands as the County's official action unless appealed. Approval of the tentative plan shall not constitute acceptance of the final replat for recording. However, such approval shall be binding upon the County for purposes of preparation of the replat, and the county may require only such changes in the replat as are necessary for compliance with the terms of its approval of the tentative plan. This criterion is pending.

TENTATIVE DECISION: APPROVED

BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, TYPE III LAND DIVISION REQUEST #LD-1N-127-24 IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

The following precedent conditions must be fulfilled prior to final approval of this request.

1. Pay all notice fees as invoiced by Planning.
2. Receive an approved Road Approach Permit from County Public Works for access from both SW Douglas Drive and Stephen Avenue.
3. Sign and record an Irrevocable Consent Agreement for future financial participation in improvements for both SW Douglas Drive and Stephen Avenue. *Documents provided by Planning.*
4. Pay and possibly prepay property taxes to the Umatilla County Tax Department.
5. Submit a Subdivision Replat complying with State and County regulations. The survey shall show all easements, road names and include the Replat name, *Breshears Replat.*

The following subsequent condition must be fulfilled for final approval of the Replat.

1. Record the Subdivision Replat.

UMATILLA COUNTY PLANNING COMMISSION

Dated _____ day of _____, 20____

Sam Tucker, *Planning Commission Chair*

Mailed _____ day of _____, 20____

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Tierney Cimmiyotti, Planner
DATE: August 1, 2025

CODE
ENFORCEMENT

RE: **August 21, 2025 Planning Commission Hearing**
City of Hermiston Plan Map Amendment Co-adoption
Plan Map Amendment, #P-139-25
Mayra Reyes, Applicant/ Felipe Reyes Rodriguez Et Al, Owners

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Background Information

On August 12, 2024, Hermiston City Council adopted Ordinance 2360, amending the Comprehensive Plan Map from “Urbanizable” to “Urban” for approximately 2.01 acres located on the north side of E Tamarack Avenue, southwest of the intersection of SE 11th Street and E Newport Avenue. The City Council also adopted Ordinance 2361 annexing said property effective upon co-adoption of Ordinance 2360.

Co-Adoption

The City of Hermiston Joint Management Agreement (JMA) Section E (10) requires Comprehensive Plan Amendments applicable in the Urban Growth Area to be processed by the City. The JMA requires amendments to be adopted by ordinance, first by the City, then to the County for co-adoption review.

Hearings

The Hermiston City Council held a public hearing on August 12, 2024 and approved the plan map amendment and subsequently adopted Ordinances 2360 and 2361.

This hearing before the Umatilla County Planning Commission is the County’s first evidentiary hearing for co-adoption. A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, September 3, 2025 at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

Conclusion

The Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners for co-adoption of the Comprehensive Plan Map Amendment, changing the designation of the property from “Urbanizable” to “Urban” status.

Attachments

- Umatilla County Public Notice Map
- City of Hermiston Comprehensive Plan Map
- City of Hermiston Ordinance 2360
- City of Hermiston Co-Adoption Notice
- City of Hermiston Findings
- Umatilla County Land Use Request Application

**PLAN MAP AMENDMENT #P-139-25
CO-ADOPTION OF HERMISTON ORDINANCE NO. 2360
MAYRA REYES, APPLICANT
FELIPE REYES RODRIGUEZ ET AL, OWNERS**

**AUGUST 21, 2025, PLANNING COMMISSION
PACKET CONTENT LIST**

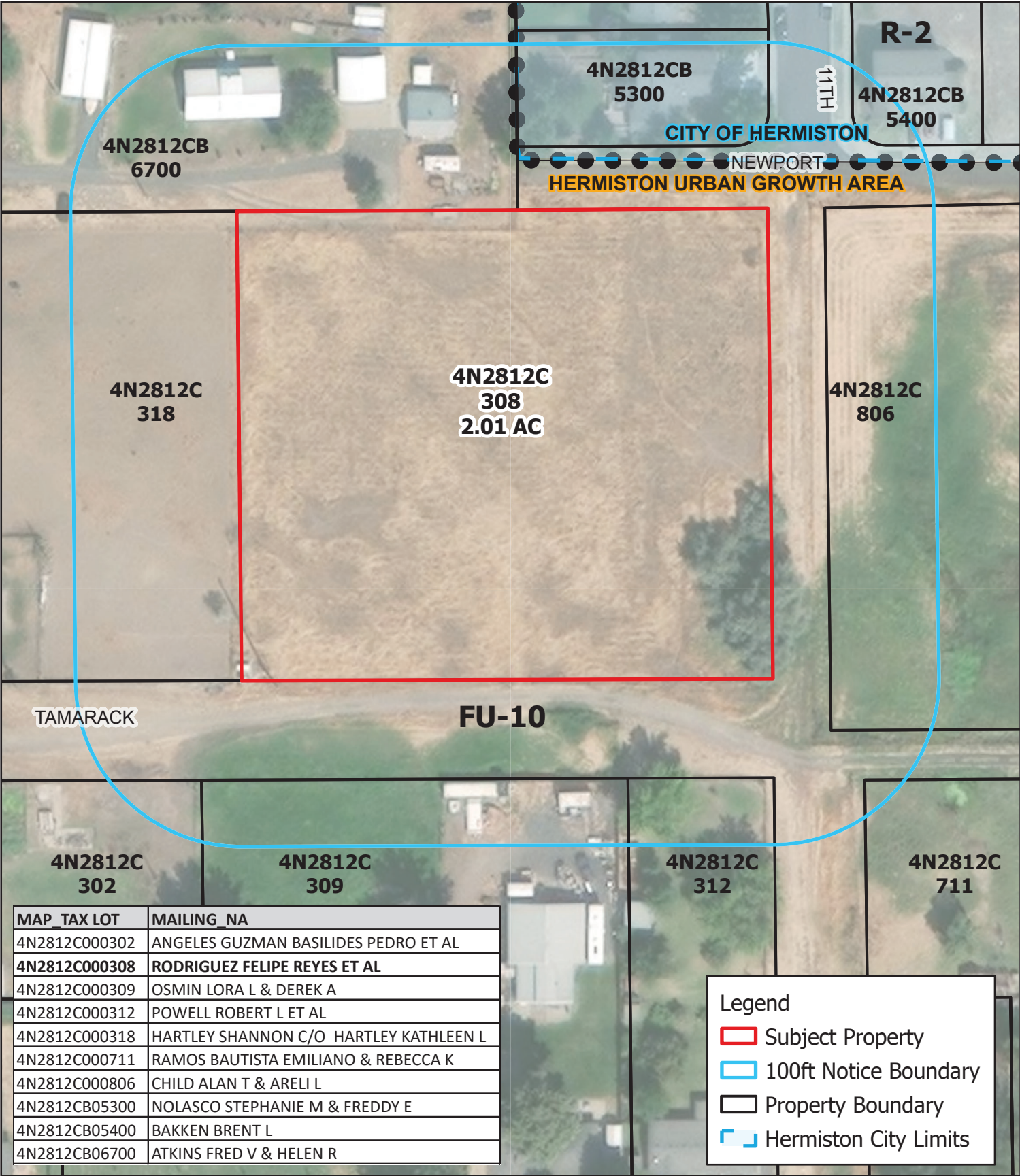
1. Staff Memo to Planning Commission, pages 1-2
2. Table of Contents, page 3
3. Umatilla County Public Notice Map, page 4
4. City of Hermiston Comprehensive Plan Map Amendment Map, page 5
5. City of Hermiston Ordinance No. 2360, page 6-7
6. City of Hermiston Co-adoption notice from City Planner, Clinton Spencer, pages 8-9
7. City of Hermiston Findings of Fact, pages 10 - 20
8. Umatilla County Land Use Request Application, pages 21- 31

MAYRA REYES, APPLICANT
RODRIGUEZ FELIPE REYES ET AL, OWNERS
MAP: 4N2812C TAX LOT: 308
PLAN AMENDMENT #P-138-24

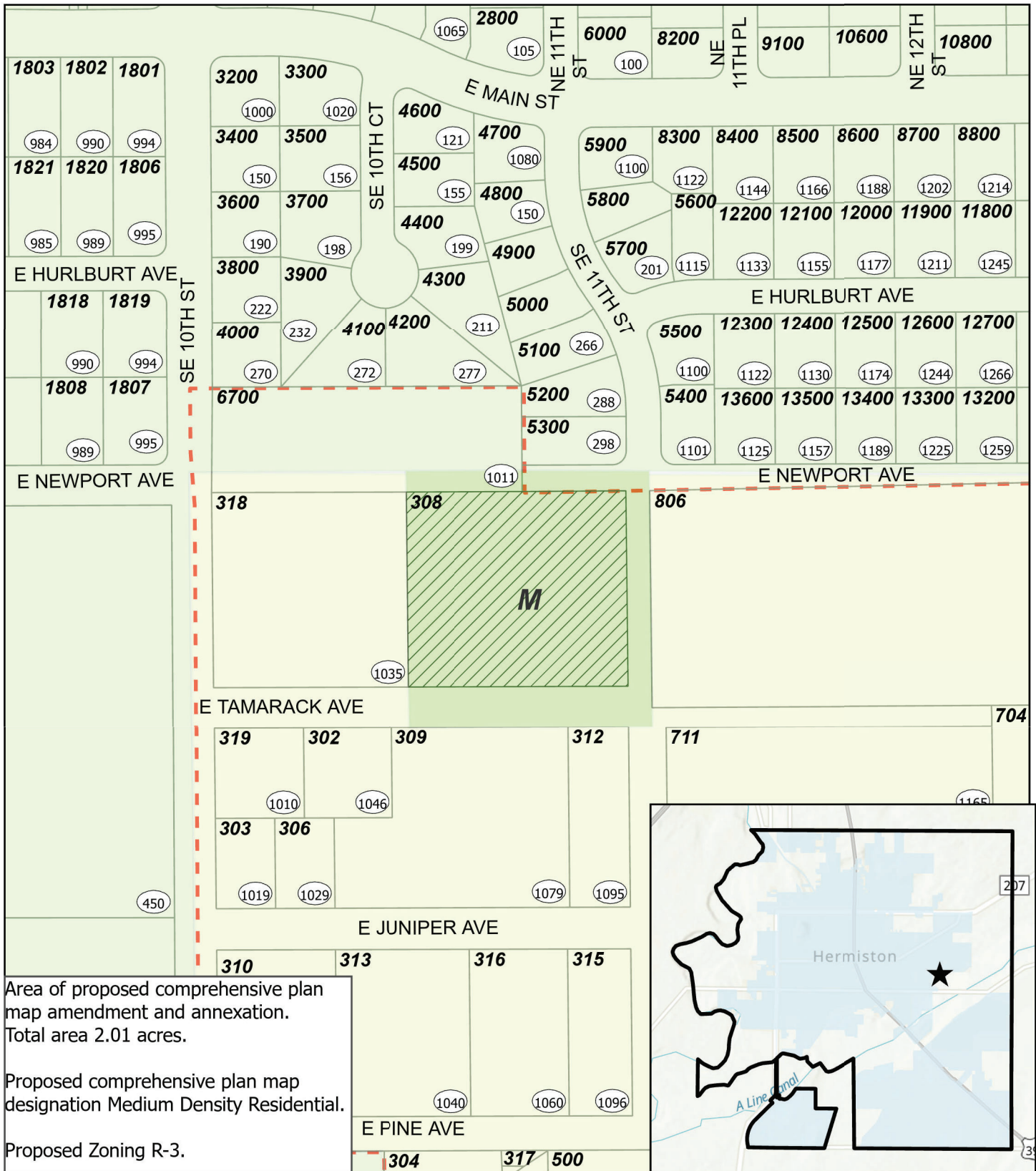
Notified property owners within 100 feet of subject property



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by T.Cimmiyotti, Umatilla County Planning Department 6/18/2025



CITY OF HERMISTON PROPOSED COMPREHENSIVE PLAN MAP



City of Hermiston Hermiston Ordinance

No. 2360

August 12, 2025

ORDINANCE NO. 2360

AN ORDINANCE AMENDING THE CITY OF HERMISTON COMPREHENSIVE PLAN MAP TO CONVERT CERTAIN LANDS FROM URBANIZABLE STATUS TO URBAN STATUS LOCATED WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF HERMISTON IN ACCORD WITH THE PROVISIONS OF POLICY 6 IN THE CITY'S COMPREHENSIVE PLAN.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property shall be changed on the city comprehensive plan map from Future Residential (FR) to Low Density Residential (L) and shall be designated as Medium Density Residential (R-2) on the city zoning map:

East 320 feet of the following described tract of land:

Beginning at the Southwest corner of Section 12, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon; thence North along the West line of said Section 12, a distance of 355.62 feet to a point; thence South 89°34' East a distance of 30 feet to the East line of 10th Street in the City of Hermiston; thence North along the East line of said 10th Street a distance of 675.22 feet to the true point of beginning for this description; thence continuing North along the East line of said 10th Street a distance of 272.63 feet to a point; thence South 89°36' East a distance of 603.28 feet to a point; thence South a distance of 272.63 feet to a point; thence North 89°36' West a distance of 603.30 feet to the point of beginning;

Also including the 30' wide right of way for SE 11th St adjacent to the east boundary of the above-described property.

Also including the 60' wide right of way for E Tamarack Ave adjacent to the south boundary of the above-described property.

All being East of the Willamette Meridian, Umatilla County, Oregon;

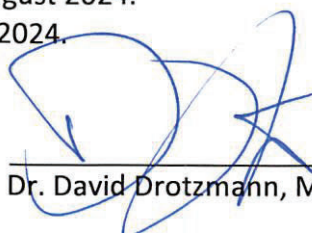
SECTION 2. The findings of fact as adopted by the City Council on August 12, 2024, are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be the thirty days after co-adoption by the Umatilla County Board of Commissioners.

PASSED by the City Council this 12th day of August 2024.

SIGNED by the Mayor this 12th day of August 2024.





Dr. David Drotzmann, MAYOR

ATTEST:



Lilly Alarcon-Strong, CMC, CITY RECORDER

Notification from City of Hermiston
RE: Adoption of Ordinance No. 2360

August 13, 2025

RECEIVED

AUG 16 2024

UMATILLA COUNTY
COMMUNITY DEVELOPMENT



**Planning
Department**

August 13, 2024

Mr. Bob Waldher
Umatilla County Planning Director
216 SE 4th St
Pendleton OR 97801

Re: Co-Adoption of Hermiston Ordinance No 2360

Dear Mr. Waldher:

On August 12, 2024, the Hermiston City Council adopted Ordinance 2360 amending the comprehensive plan map from urbanizable to urban status for approximately 2 acres located on the south side of E Newport Ave and west of SE 11th Street. The city council also adopted ordinance 2361 annexing said property effective upon co-adoption of ordinance 2360. Per Section E10 of the Hermiston Planning Area Joint Management Agreement the matter of conversion now comes before Umatilla County for co-adoption. A copy of ordinance 2360 is attached to this letter for the county's use.

The applicants in the matter of conversion and annexation are Mayra and Felipe Reyes. The applicants will contact the county to file any necessary applications and fees associated with the co-adoption process.

Sincerely,

Clint Spencer
Planning Director

C: Mayra & Felipe Reyes

City of Hermiston Findings of Fact

Reyes Comprehensive Plan Map Amendment and Annexation

Exhibit A
Findings of Fact
Reyes Comprehensive Plan Map Amendment and Annexation
1088 E Newport Ave
August 12, 2024

Findings of Fact on Comprehensive Plan Map Amendment

Goal 1 (Citizen Involvement) and Policy 1 (Citizen Involvement)

1. Notice of the proposed planning commission hearing on annexation and amendment was published in the local newspaper on June 18 and 25, 2024 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
2. Notice of the proposed city council hearing on annexation and amendment was published in the local newspaper on July 3 and 10, 2024 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was physically posted on the property on June 18, 2024, in conformance with 157.229(B) of the Hermiston Code of Ordinances.
4. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on June 18, 2024, in conformance with 157.229(C) of the Hermiston Code of Ordinances.
5. Comments received as a result of all required publications are incorporated into the record of proceedings.

Goal 2 (Land Use Planning) and Policies 2 (Planning Process) and 3 (Intergovernmental Coordination)

6. The city is required to review its land use designations and supply adequate amounts of all zoning types.
7. The proposed amendments to the comprehensive plan map and zoning map are quasi-judicial in nature and may be citizen or city initiated.
8. The proposed map amendments are citizen initiated to fulfill perceived market demand rather than city initiated. The city applies all applicable comprehensive plan policies and statewide planning goals to determine the appropriateness of the proposed amendments to land supply.
9. Notice of the proposed amendment was provided to Umatilla County, DLCD, ODOT, the Hermiston Irrigation District, and the Confederated Tribes of the Umatilla Indian Reservation on June 18, 2024.
10. The subject property is within the urban growth area and has the "urbanizable" plan designation and a FR (Future Residential) comprehensive plan designation and FU-10 zoning designation. The owners have evaluated the market demands and analyzed appropriate and compatible uses in the neighborhood surrounding the subject property. Testimony provided before the planning commission and city council indicated that surrounding property owners prefer low density housing. The owners propose duplex or multi-family housing.

11. The city council finds that the proposed R-2 zoning, allowing single and two-family housing by right, is compatible with the surrounding neighborhood. Additionally, multi-family housing is permitted conditionally in the R-2 zone, requiring additional review and public process prior to city approval, thereby guaranteeing the right of due process for multi-family housing and providing additional opportunities for public participation.
12. The proposed R-2 zoning will add 2.01 acres of medium density land adjacent to existing single-family development.

Policies 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)

13. As land immediately adjacent to the city limits and current terminus of both city roads and city utilities, it provides a logical continuation of urban development into the urban growth boundary. The change will promote compact urban development and ensure efficient utilization of land resources.
14. It will facilitate economic provision of urban facilities and services because it provides reasonable extensions of the existing local street network and utility infrastructure. Section 157.164(E) of the Hermiston Code of Ordinances requires extension of services *"...in a logical fashion to the extent of the development site so as to be readily available for adjacent development."* The property proposed for amendment and annexation has benefitted from prior extensions of streets and utilities within the Highland Summit subdivision directly adjacent to the north, thereby demonstrating orderly urban growth principles and preparing future extensions consistent with this policy.
15. The land was included within the city's acknowledged comprehensive plan and within the urban growth boundary as part of the 1983 adoption and implementation process. The land was designated in 1983 as Future Residential and thereby designated as land for urban level residential development through the appropriate land use procedures in place at the time. The land is planned for residential development and is compatible with existing adjacent property uses. The R-2 zoning provides single and two-family dwellings as outright uses and the city council finds that development at single and two-family density is compatible with the surrounding urban single-family and rural single-family development. Additionally, two-family dwellings are considered equivalent to single-family dwellings under state law in ORS 197A.420 and as codified in the Hermiston Code of Ordinances in §157.025(A).
16. The property is within the urbanizable portion of the UGB and has a county FR (Future Residential) comprehensive plan and an FU-10 zoning designation. The property is adjacent to the city limits and the proposed annexation is consistent with Policy 5. Following amendment of the plan map designation to a mix of low density residential, the property will become part of the urban portion of the UGB.
17. The applicant is proposing annexation and incorporation to the city prior to residential development. Therefore Policy 6 is satisfied.

Goal 3 (Agricultural Lands) and Policy 17 (Agriculture and Agriculture Related Economy)

18. The subject property is vacant and not under cultivation. It is located within the city's acknowledged urban growth boundary and is designated as urbanizable land. The land is not considered high value farmland and is not protected as Goal 3 farmland and therefore an exception to Statewide Planning Goal 3 is not required.

Goal 4 (Forest Lands) and Policy 7 (Natural Resources)

19. There are no forest lands identified within the Hermiston UGB. Goal 4 is not applicable.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and Policies 8 (Surface and Groundwater Resources), 9 (Mineral and Aggregate Resources), and 10 (Historic Resources)

20. The properties do not have any identified natural resources, scenic and historic areas, open spaces, surface water, mineral or historic resources, therefore an exception to the Statewide Planning Goals 5, 8, 9 and 10 is not required.

Goal 6 (Air, Water and Land Resources Quality and Policies 11 (Air Quality), 12 (Noise), and 13 (Water Quality)

21. The city is required to comply with state and federal regulations regarding air and water quality in all development permitting per 157.004 of the Hermiston Code of Ordinances. Development is required to preserve natural resource quality as part of the development review and construction process.

Goal 7 (Areas Subject to Natural Hazards) and Policy 14 (Natural Hazards and Development Limitations)

22. Figure 12 of the Hermiston Comprehensive Plan indicates this property is subject to potential natural hazards due to a high water table.

23. The city will require compliance with §157.101 of the Hermiston Code of Ordinances. This section requires mitigation measures to protect groundwater resources.

24. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

Goal 8 (Recreational Needs) and Policy 16 (Parks, Recreation and Open Space)

25. The Hermiston comprehensive plan map and parks master plan each identify areas for future park locations and future park upgrades. This portion of the urban growth boundary is not identified in either document as a potential park site.

Goal 9 (Economic Development) and Policies 18 (General Industrial Development), 19 (Commercial Development), and 20 (General Economic Development)

26. Goal 9 requires an adequate supply of employment lands, both commercial and industrial. This land is listed on the Comprehensive Plan as F-R and not meant for economic development. Employment lands are not affected by this amendment to the comprehensive plan. Therefore, Goal 9 and the implementing policies are not applicable.

Goal 10 (Housing) and Policies 21 (Housing Availability and Affordability) and 22 (Neighborhood Quality)

27. Changing the subject property from county F-R to city R-2 Medium Density helps satisfy the city's projected housing need. The 2021 City of Hermiston Housing Capacity Analysis shows the existing housing supply of 8,051 housing units. The forecast from PSU Population Forecast Program (2019) estimates the population will grow at a rate of 1%

between 2020 and 2040. To accommodate the growth in population, the city's projected need within the city's housing needs analysis will require a total of 10,081 housing units, resulting in a need for 2,030 new housing units by 2040.

28. The subject property is currently zoned county FU-10, which allows for one housing unit per 10-acre lot. The proposed change includes 2 acres zoned R-2 Medium Density Residential which the applicant believes will yield 10 single-family or up to 45 multi-family housing units. Figure 6.2 *Summary of Forecasted Future Unit Need (2040)* on the City of Hermiston Housing Capacity Analysis identified 735 new multi-family units are needed by 2040. Thus, the proposed zone change would go further to satisfy this projected need than the current zoning.
29. This residential development is close to public services and schools.
30. The proposed amendment and annexation will provide additional housing opportunities in the southeast quadrant of the city helping to balance growth which is now concentrated in the northeast and southwest quadrants.
31. The city council finds that the proposed R-2 zoning, allowing single and two-family housing by right, is compatible with the surrounding neighborhood. Additional, denser housing types are permitted conditionally through a Type III hearings process.
32. The creation of new housing units, middle housing units, will have a positive impact on housing availability and affordability, in alignment with Policies 21 and 22.

Goal 11 (Public Facilities and Services) and Policies 23 (Provision of Public Services and Facilities), 24 (Water, Sewer, and Storm Drainage), 25 (Solid Waste), 26 (Schools), 27 (Police Protection), 28 (Fire Protection), 29 (Local Government Services and Facilities), and 30 (Private Utilities)

33. Water and sewer are currently adjacent to the property in SE 11th Street.
34. The site is bounded by E Newport Ave, SE 11th Street, and E Tamarack Ave. All streets are classified as local residential streets. Street improvements, compliant with the city's transportation plan and proportional to the impact of development will be required at such time as development occurs.
35. All storm water will be retained within the boundaries of the future development. There is no city-wide storm water retention and disposal system.
36. Future development will utilize Sanitary Disposal for solid waste services as encouraged by the city.
37. Future development will not provide recycling services as the City of Hermiston has already provided recycling collections points in two locations of the city.
38. The Hermiston Police Department provides public safety services to the area under consideration. The police department has adequate capacity to patrol and protect the area with no additional actions required by the developer.
39. Umatilla County Fire District #1 provides fire and life safety services to the area under consideration. The UCFD#1 has adequate capacity to service the area with no additional actions required by the developer.
40. Concurrent with development, applicant will extend power and telecommunications services to the property after adoption of annexation and zone changes.

Goal 12 (Transportation) and Policies 31 (Integrated Transportation System), 32 (Rail/Air Transportation), 33 (Alternative Transportation), and 34 (Transportation System Plan)

41. Applicant has provided a transportation study and transportation impact analysis.
42. The following summary and recommendations have been extracted from the transportation study performed by PBS Engineering and Environmental, Inc.
 - All study intersections are anticipated to operate within agency mobility standards in the 2043 Current and Proposed Zone Designation scenarios. As such, no improvements are specifically necessary to mitigate the Proposed Zone Designation transportation impacts.
 - Development on the site will not change the functional classification of any impacted street.
 - All study intersections have adequate storage available on all approach movements to accommodate vehicle queues.

Goal 13 (Energy Conservation)

43. This goal requires land to be developed in a manner that maximizes energy conservation based upon sound economic principles through efficient use of density and mixing of uses. The proposed zoning of the subject property will promote low-scale density residential development in close proximity to schools, parks, and existing commercial neighborhoods thereby minimizing travel needs.

Goal 15 (Willamette River Greenway), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources)

44. Goals 15, 16, 17, 18, and 19 are geographically based statewide planning goals intended to protect specific, identified natural resources. None of the resources under these goals are within the Hermiston planning area. Goals 15, 16, 17, 18, and 19 are not applicable.

Findings of Fact on Annexation

1. The City has received consent to annexation from the property owners for approximately 2.01 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on June 18 and 25, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
3. Notice of public hearing was physically posted on the property on June 18, 2024.
4. Affected agencies were notified.
5. A public hearing of the planning commission was held on July 10, 2024. Comments received at the hearing are incorporated into the planning commission record.
6. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on July 3 and 10, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
7. A public hearing of the city council was held on July 22, 2024. Comments received at the hearing are incorporated into the record.
8. The proposal is consistent with all applicable state annexation requirements in ORS 222.
 - a. The city has received consent from the property owners within the affected area.

- b. An election has been deemed not necessary since consent from more than half the owners has been received.
 - c. The property is contiguous with the existing city limits.
 - d. All statutorily required notices have been published and posted.
- 9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
- 10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
- 11. Following adoption of conversion from urbanizable to urban status by the City of Hermiston and Umatilla County, the property will be located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
- 12. Water is currently adjacent to the property in SE 11th Street. A 12" water main is available to service the property and may be extended into the development site. Water sizing will be determined at the time of development.
- 13. Sanitary sewer is currently available adjacent to the property in SE 11th Street. An 8" line is available to service the property and may be extended into the development site. Sewer sizing will be determined at the time of development.
- 14. Applicant is willing to extend both sewer and water to the subject property.

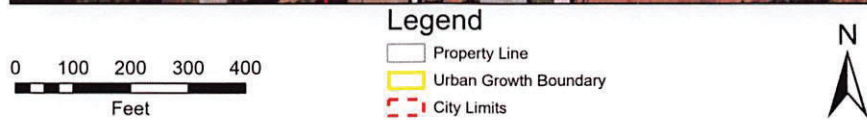
Findings of Fact on Zoning Designation

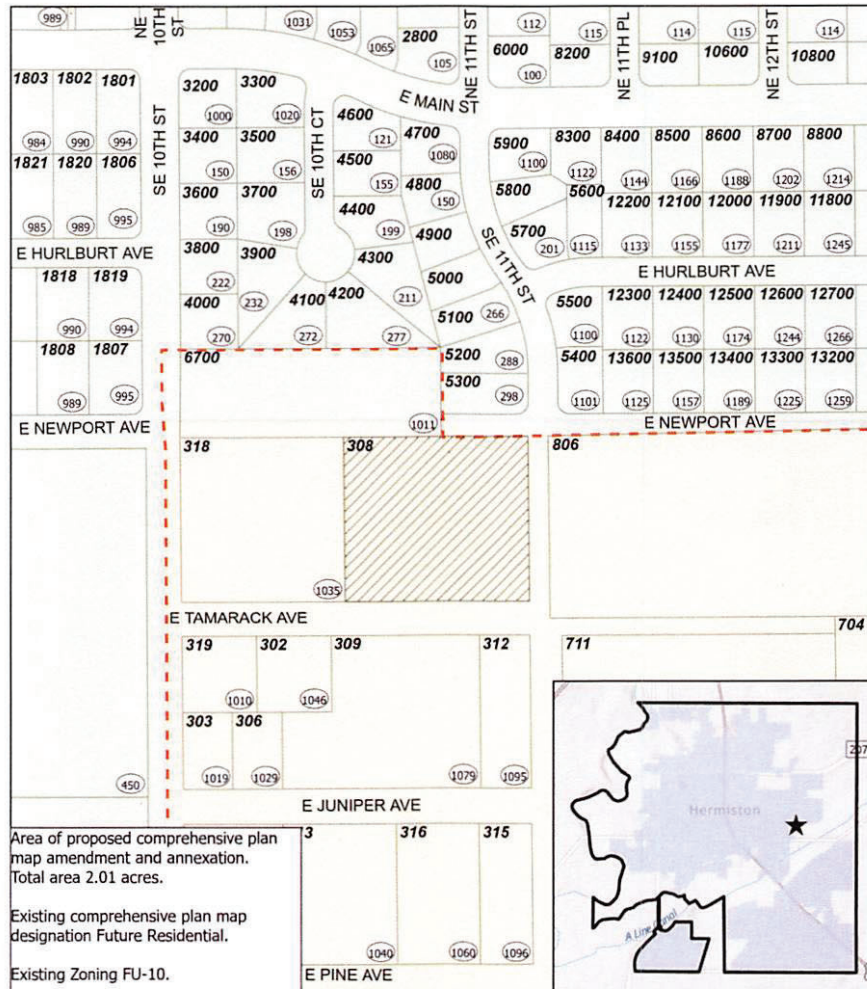
- 1. Following amendment by the city and adoption by Umatilla County, the comprehensive plan map will designate the area as Low Density Residential. Proposed map designations are attached as a map to this report.
- 2. The proposed Medium Density Residential zoning designation (R-2) appropriately implements the Low Density Residential comprehensive plan map designations adopted for the property.

Exhibit B
Conditions of Approval
Reyes Comprehensive Plan Map Amendment and Annexation
1088 E Newport Ave
August 12, 2024

Subject to the testimony received and deliberations of the planning commission, the following draft findings are proposed:

1. Annexation is contingent upon co-adoption of the comprehensive plan map amendment by Umatilla County under the provisions of the Hermiston Planning Area Joint Management Agreement, dated March 2, 2017. In the event that Umatilla County fails to co-adopt the map amendments, annexation shall fail, and a new comprehensive plan map amendment and annexation application shall be submitted.
2. Portions of the property are identified on Figure 12 of the Hermiston Comprehensive Plan as being subject to ground water pollution hazards due to a high water table. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
3. Future access to E Tamarack Ave and SE 11th Street will be subject to access permitting by the Umatilla County Road Department.
4. In order to provide for future connectivity of E Newport Ave, the city will require dedication of 10 feet of right of way at the time of development on the site.
5. Improvements for E Tamarack Ave and SE 11th Street shall be determined at the time of development on the site and shall be proportional to the impact of the proposed development.
6. E Newport Ave shall be improved with half-street improvements to local residential standards at the time of development.



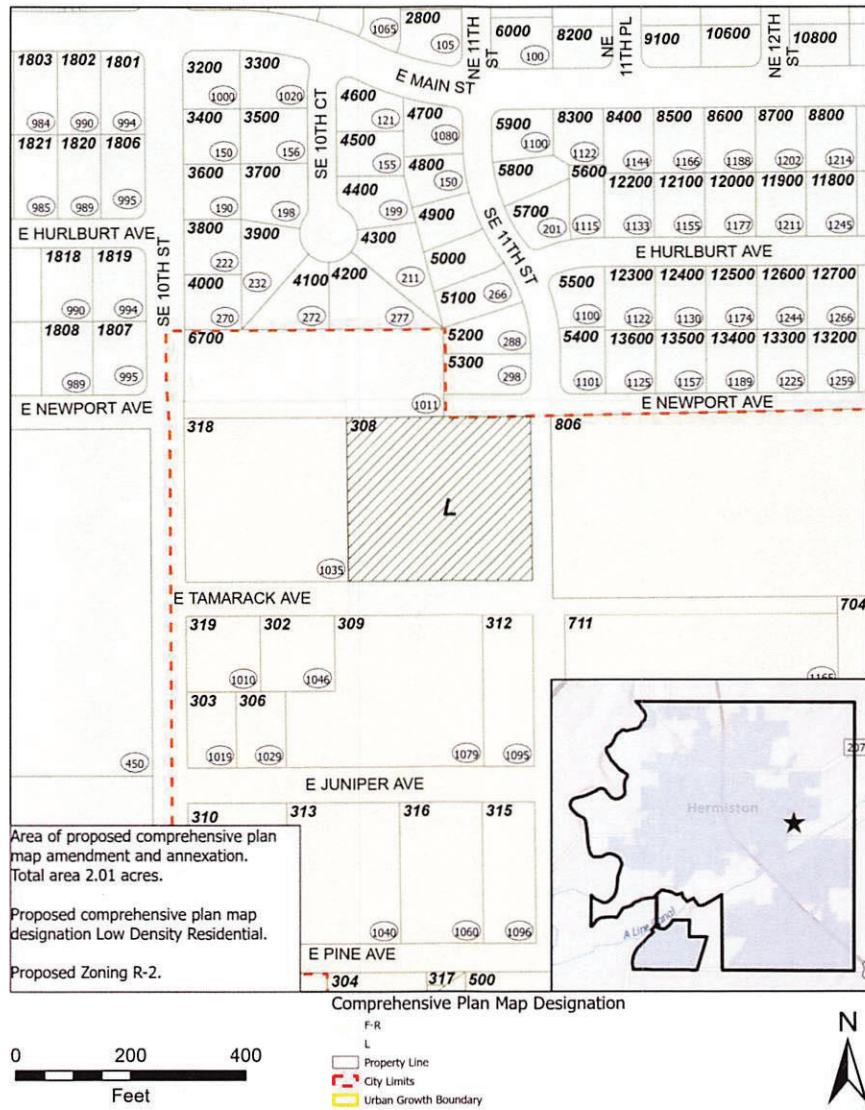


Legend

- Property Line
- City Limits
- Urban Growth Boundary

0 200 400
Feet





Umatilla County Applications

Land Use Request Application &
Amendment Application

Umatilla County Department of Community Development

Land Use Request Application

This application must be submitted to the Umatilla County Department of Community Development, 216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252, and must be accompanied by a non-refundable application fee. Acceptance of the application and fee does not guarantee approval or a Determination of Completeness.

PLEASE COMPLETE THIS APPLICATION PRINTING CLEARLY WITH A BLACK INK PEN

Section 1: Type of Application(s) to Submit

Complete the applicable Supplemental Application that corresponds with the application you are submitting.

- Amendment:** ☐ Comprehensive Plan Text/Map, ☐ Zoning Text/Map
- Conditional Use** ☐ (briefly describe) R-2 single multi family homes
- Land Division** ☐ Type I, ☐ Type II, ☐ Type III, ☐ Type IV
- Land Use Decision** ☐ Farm Dwelling, ☒ Non-Farm Dwelling, ☐ Lot of Record Dwelling
(OTHER LUD, briefly describe) _____
- Pre-Application** ☐ Dwellings on resource land (specify) _____
- Variance** ☐ Lot Size, ☐ Setbacks, ☐ Other (specify) _____

Section 2: Contact Information

Name of Applicant: Mayra Reyes

Address: 1055 W Linda Ave

City, State, Zip: Hermiston OR 97838

Telephone Number & Email
Address: (541) 561-5395 & Mayrita.mc87@gmail.com

The APPLICANT is the ... ☒ Legal Owner, ☐ Contract Purchaser, ☐ Agent, ☐ Realtor

Name of Current Property Owner(s):

If Property Owner is not the applicant.

Address: _____

City, State, Zip: _____

Telephone Number: _____

Section 3: Property Information

Complete for all land use request applications.

1. Location of Property (Provide directions you would give someone to get to the property):

go East on Highland all the way to the elementary school
take your first left second lot to the left

2. Account Number(s) of Property:

Account # 4N2812C

Account # _____

3. Map Number(s) of Property:

Township _____ Range _____ Section _____ Tax Lot 308

Township _____ Range _____ Section _____ Tax Lot _____

Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".

4. Has the Property or dwelling received a Rural Address? If so, what is it?

☐ Yes

☒ No

5. Current size of the Property:

Note: A "TRACT OF LAND" is contiguous property within the same ownership. A Tract is viewed differently at times in terms of land use.

Acres 201

Acres N/A

6. Current Zoning Designation:

There are some 22 zoning designations in Umatilla County.

☐ EFU

☐ GF

☐ Other Zone FR

7. Comprehensive Plan Designation:

A Comprehensive Plan Designation is different than a Zoning Designation in that it distinguishes land that should be developed for various uses, where zoning actually specifies the uses. There can be multiple zoning designations within a Comprehensive Plan Designation.

☐ Agri-business

☐ Commercial

☐ Grazing/Forest

☐ Industrial

☒ Multi-Use

☐ North/South Agriculture

☐ Orchard District

☐ Rural Residential

☐ Special Agriculture

☐ West County Irrigation District

8. Buildings on the Property:

Vacant land

9. Current Use of the Property. If the use is farming, explain the types of crops grown.

10. Surrounding Uses of the Property. If the use is farming, explain the type of crops grown.

Single family homes

11. Does the Property reside in a Floodplain?
If so, a Floodplain Development Permit
will need to be completed prior to
construction.

- ☒ No, the Property is not in a floodplain.
☐ Yes, the Property is in a floodplain:

Zone _____

Community Number _____

Panel Number _____

12. If the Property is in a Floodplain, then is
it also located in a wetland as listed on
the National Wetlands Inventory maps?

- ☐ Yes, provide documentation.
☒ No, the Property is not in a wetlands

13. How is ACCESS provided to the
Property? (i.e. provide name of road that
directly serves the Property.) What type
of surface does the roadway have?

Name of Road or Lane

☐ Paved, ☐ Gravel, ☒ Dirt

14. Will the Property need an Access Permit
onto a County Road or State Highway?
If so contact the County Public Works
Department, 541-278-5424, or ODOT,
541-276-1241.

- ☐ Yes, if so please contact the proper authority and
provide that documentation
☒ No, one already exists (provide a copy)

15. EASEMENTS: Are there any easements
on the Property that provide the MAIN
ACCESS for the Property OR adjacent
properties? Are there any other
easements on the property? Attach
easement documentation.

Attach easement documentation:

- ☐ Access easements exist
☒ Utility line easements exist
☐ Irrigation easements exist
☐ Other easements exist: _____
☐ No, other easements exist.

16. Which Rural Fire District/Department
covers your Property with fire
protection?

Fire Services:

- ☐ East Umatilla
☐ Echo Rural
☐ Pendleton FD
☐ Pilot Rock FD
☐ Umatilla Rural
☒ Umatilla Dist. #1

Private Companies:

- ☐ Meacham
☐ Milton-Freewater
(subscriber)
☐ Tribal

☐ Not in a RFD

☐ Other, _____

17. Is the Property within an Irrigation
District? If the property is served by an
Irrigation District, a confirmation letter
from that office discussing any concerns
of the proposed development must be
submitted with this application.

Irrigation District:

- ☒ Hermiston
☐ Stanfield
☐ West Extension
☐ Westland

☐ Hudson Bay or
Walla Walla River
Irrigation

☐ Not in an ID

☐ Other, _____

18. Describe the soils on the Property by listing the map name and land capability. Visit <http://websoilsurvey.nrcs.usda.gov> or contact NRCS at (541) 278-8049.

Map Unit	Description	Class

19. What type of water use(s) exist on the Property? If there are none currently, will there be water uses developed in the future?

- ☒ No current water uses exist
☐ Water Uses to be developed:

- ☐ Yes, there are water uses

☐ Domestic Well

☐ Irrigation Well

☐ Stock Well

Other: City Water

20. Are there Water Rights on the Property? If there are Water Rights, the water permit, certificate and/or other documentation from the Oregon Water Resources Department shall be included with this application.

- ☐ No current water rights exist
☐ Will apply for Water Rights
☐ Yes, there are water rights, please provide documentation (permit #, etc.)

☐ Surface Water Right(s),

#

N/A

☐ Ground Water Right(s),

#

N/A

21. Will the water rights require a change of use? Explain.

- ☒ No, the proposed use does not require a change with OWRD

- ☐ Yes, the proposed use does require a change with OWRD

22. What are the water needs of the proposed development? Provide an explanation that shows how the determination was obtained that shows daily usage of water for the development.

Expected Water Usage:

- ☐ Exempt Domestic Well (<15,000 gal daily)
☐ Exempt Commercial Well (<5,000 gal daily)
☐ Water Right required, estimated number of gallons to be used daily: _____ gallons
☐ No water is necessary for the development

23. What is the source of your water supply for the proposed development? Please explain your response on a separate sheet of paper.

Water Source:

- ☐ Surface Water, explanation attached
☐ Alluvial Groundwater, explanation attached
☐ Basalt Groundwater, explanation attached
☐ No water is necessary for the development

24. Who is the provider of the utilities for the Property?

Water ☐ well, or _____

Sewer ☐ septic, or _____

Telephone _____

Electrical Umatilla Electric

Garbage Disposal Sanitary Disposal

25. Provide a description of your proposal (*attach a description if necessary*):

Amendments to Map and/or Text

1. Which document is being proposed to be added to, deleted from, or otherwise modified?

- ☐ Comprehensive Plan Map Amendment
☐ Comprehensive Plan Text Amendment
(includes amendment to the Mineral and Aggregate Significant Site Inventory)

☐ Development Code Text Amendment
☐ Zoning Map Amendment

2. If amendments to the Comprehensive Plan Map are being proposed, what is the current designation and what is being proposed?

Current Designation: Single family home

Proposed Designation: Single multi family homes

3. If amendments to the Zoning Map are being proposed, what is the current zoning and what is being proposed?

Current Zoning: FR

Proposed Zoning: R-2

4. If modifying the Development Code text, please provide a copy of the proposed language as an attachment.

☐ Yes, the proposed development code text is attached.

☒ No, the new development code text has not yet been drafted.

5. What is the current use of the property?

Single family residents

6. Will a Goal Exception be necessary in order to accomplish the desired land use?

☐ Yes, an Exception is part of this application (see OAR 660, Division 4).

☒ No, an Exception is not necessary.

7. Describe the desired land use(s):

Future development

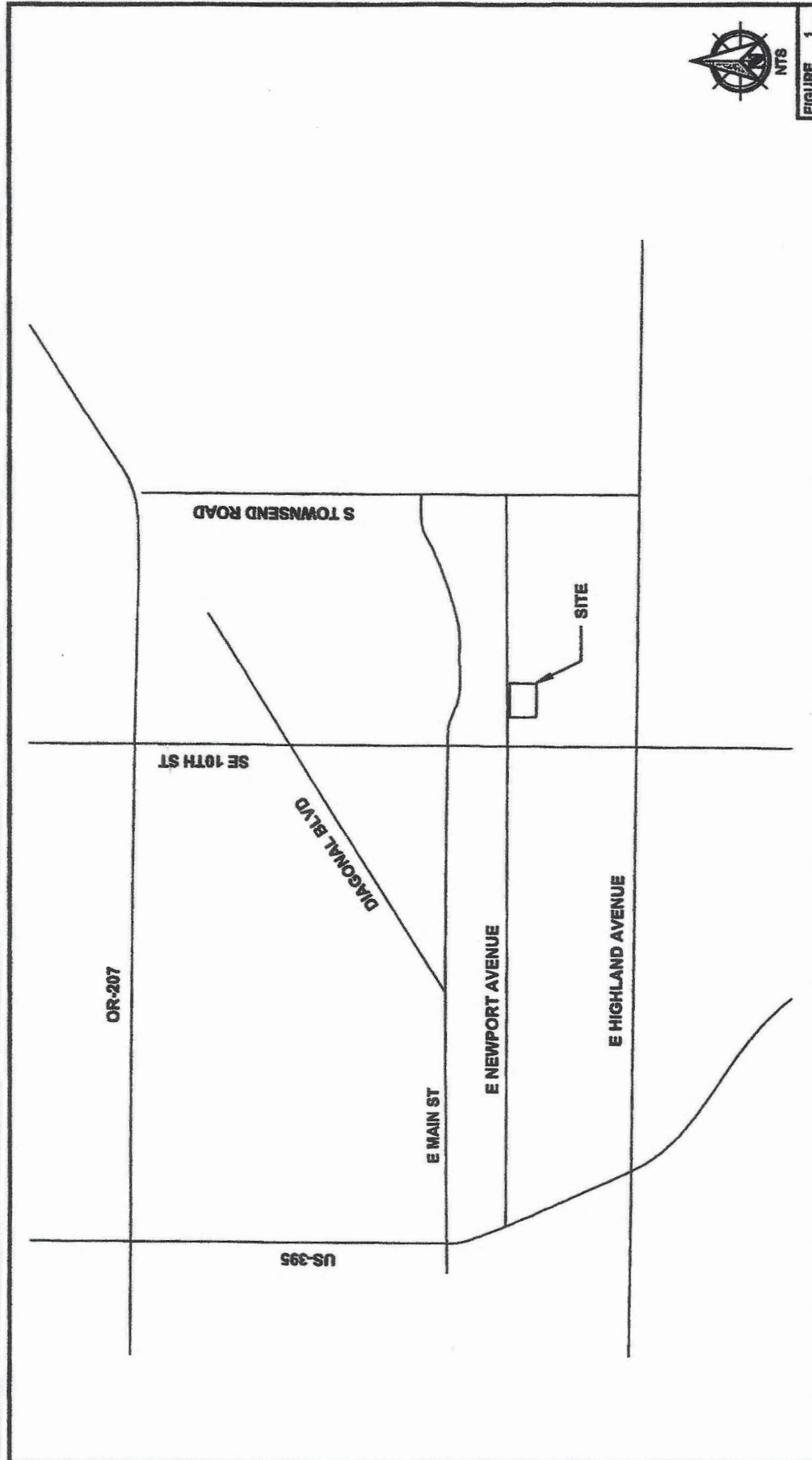
8. Explain how the Amendment will comply with the Comprehensive Plan text and map.

Residential

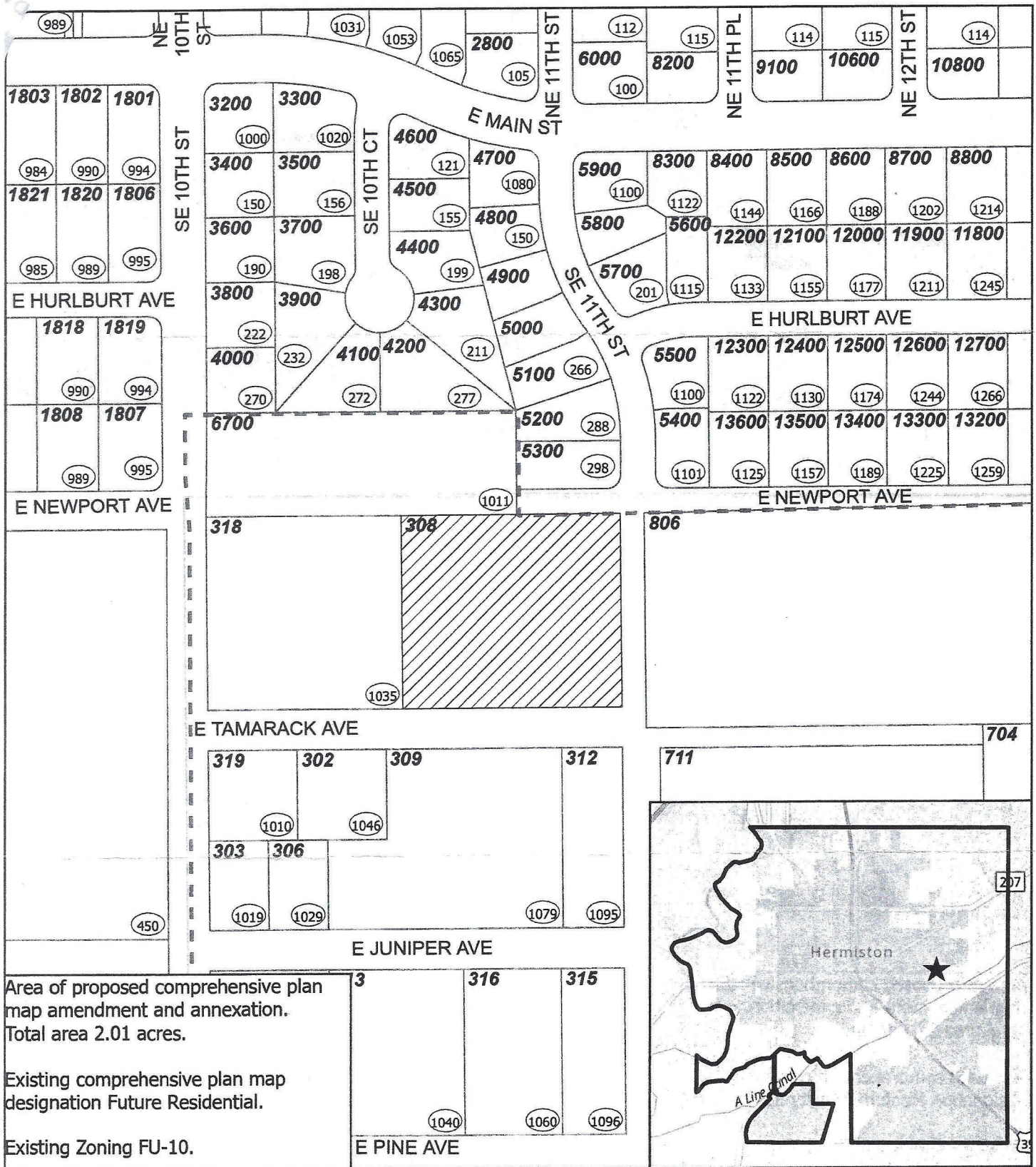
9. **Transportation** - Explain how the Amendment will comply with the Oregon Transportation Planning Rule (TPR) - OAR 660, Division 12, the County TSP and UCDC §152.019, Traffic Impact Analysis (TIA).

this development will ensure efficient utilization of land resources and facilitate economic provision of urban facilities and services because it will add home to our residents.

Future plans for E Tamarack Rd. Extension will add a convenient transportation route to and from the subject property.



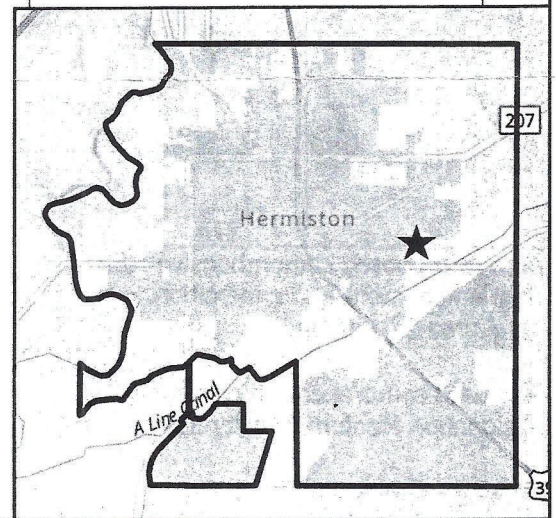
Vicinity Map
10TH ST AND NEWPORT DEVELOPMENT



Legend

- Property Line
- City Limits
- Urban Growth Boundary

0 200 400
Feet

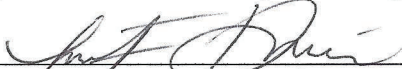


Section 5: Certification

(Please provide legible signatures.)

APPLICANT: I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

X


Signature of Applicant

6/3/25

Date

Mayra Reyes

Printed Name of Applicant

PROPERTY OWNER(S): ALL property owners to this land use request are to sign, date and print their names verifying that the applicant is authorized to submit the specified land use request. If there are multiple parcels that are part of this land use request, please indicate which parcel you own. This page can be copied if there are more property owners than this space allows. Attach additional page if necessary.

Legal Owner(s) Mayra Reyes & Felipe Reyes


Mailing Address 1055 W Linda Ave

City, State, Zip

Hermiston, OR 97838

Parcel Map #

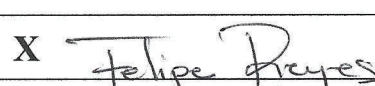
X


Signature of Legal Owner

6/3/2025

Date

X


Signature of Legal Owner

6/3/2025

Date

* * * * *

Legal Owner(s) Mayra Reyes & Felipe Reyes

Mailing Address 1055 W Linda Ave


City, State, Zip

Hermiston OR 97838

Parcel Map #

4 N 2812C

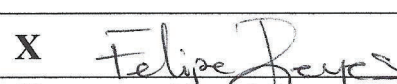
X


Signature of Legal Owner

6/3/25

Date

X


Signature of Legal Owner

6/3/25

Date

ADDITIONAL PERSON(S) TO SEND NOTICE

Is there anyone else besides the property owner and adjacent property owners who would like to receive notice of this application during its' review period and notice of decision? (Realtor, Prospective Buyer, Attorney, etc.) Provide name and mailing address:

Name:

Address:

**COMMUNITY &
BUSINESS
DEVELOPMENT**

**LAND USE
PLANNING,
ZONING AND
PERMITTING**

**CODE
ENFORCEMENT**

**SOLID WASTE
COMMITTEE**

**SMOKE
MANAGEMENT**

**GIS AND
MAPPING**

**RURAL
ADDRESSING**

**LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT**

PUBLIC TRANSIT

MEMO

TO: Umatilla County Planning Commission
FROM: Tierney Cimmiyotti, Planner
DATE: August 14, 2025
RE: **August 21, 2025 Planning Commission Hearing**
Request for Public Hearing, Conditional Use Request #C-1393-25
Rockpile To Cottonwood 230-kV Transmission Line
Umatilla Electric Cooperative, Applicant
Umatilla Basin Properties LLC, Owner

Request

The applicant proposes electrical system upgrades between the existing Rockpile Switchyard and Cottonwood Switchyard. These upgrades include the installation of approximately 0.43 miles of double-circuit 230kV power transmission line, running East/West, which will tie into UEC's new Ordnance Switchyard.

Additionally, UEC requests the placement of 15 new transmission tower structures (7 on Tax Lot #200 and 8 on Tax Lot #202) spanning approximately 0.43 miles across the subject properties, facilitating connection to the Ordnance Switchyard.

Location

The subject properties, identified as Tax Lots #200 and #202 on Assessor's Map #4N 27 25A, are located at the intersection of Lamb Road and Westland Road. The location is approximately 400-feet southeast of the I-84/I-82 interchange, approximately 2.5 miles east of the Umatilla/Morrow County line and 2.5 miles west of the Hermiston City Limits.

Notice

Notice of the applicant's request and the public hearing was mailed on August 1, 2025 to the owners of properties located within 250-feet of the perimeter of Tax Lots #200 and #202 to applicable public agencies. Notice was also published in the East Oregonian on July 30, 2025 notifying the public of the applicants request before the Planning Commission on August 21, 2025.

Criteria of Approval

Application for a "Utility Facility" in the LI Zone is listed as a use allowed pursuant to Umatilla County Development Code (UCDC) § § 152.610 through 152.616, 152.303 (A), 152.304, and 152.306, and subject to Section 152.616 (CCC), through the approval of a Conditional Use Permit request.

Conclusion

The Planning Commission is tasked with determining if the application satisfies all of the criteria of approval based on the facts in the record. The proposed Conditions of Approval address the requirements with final approval accomplished through issuance of a Zoning Permit.

Decision

The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

CONDITIONAL USE REQUEST #C-1393-25
ROCKPILE TO COTTONWOOD 230-KV TRANSMISSION LINE
UMATILLA ELECTRIC COOPERATIVE, APPLICANT
UMATILLA BASIN PROPERTIES LLC, OWNER

AUGUST 21, 2025, PLANNING COMMISSION
PACKET CONTENT LIST

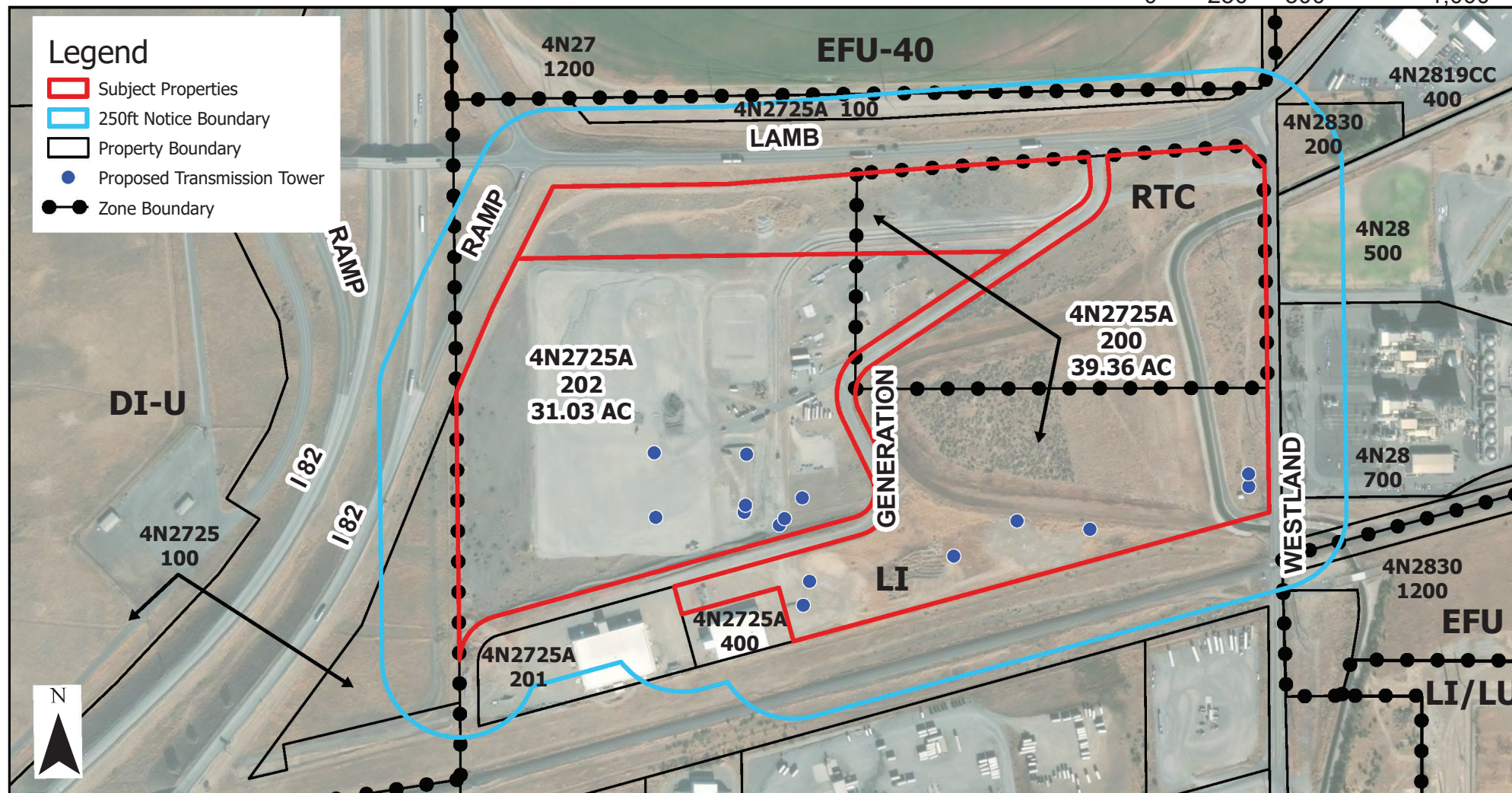
1. Staff Memo to Planning Commission, pages 1-2
2. Table of Contents, page 3
3. Umatilla County Public Notice Map, page 4
4. Umatilla Electric Cooperative, Rockpile to Cottonwood Map, page 5
5. Staff Report/ Findings, pages 6-18
6. Application: Request for Public Hearing received July, 2, 2025, page 19-23
7. Request for Public Hearing & Public Comment Letter, Keenan Ordon-Bakalian, Attorney, Jordan Ramis PC on behalf of Pedro Land Company LLC, received July 2, 2025, pages 24-27
8. Exhibit A, Public Comment Letter & Request for Public Hearing, pages 28-41
9. UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response Letter, Brandon Seitz, Land Use Administrator, August 7, 2025, pages 42-44
10. UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response Generation Road Replat, Recorded June 4, 2025, page 45-47
11. UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response Map, Rockpile to Cottonwood 230-kV Updated Exhibit B, page 48-49
12. UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response Zoning Permit #ZP-24-267, approved November 22, 2024, pages 50-52
13. UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response Easements on Umatilla Basin Properties Tax Lots 200 & 202, page 53-54

UMATILLA ELECTRIC COOPERATIVE, APPLICANT
UMATILLA BASIN PROPERTIES LLC, OWNER
MAP: 4N 27 25A TAX LOTS: #200 & #202

CONDITIONAL USE REQUEST
#C-1393-25
TRANSMISSION LINE

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by T. Cimmiyotti, Umatilla County Planning Department
Date: 5/28/2025

Notified Property Owners with 250 feet of Subject Properties



MAP_TAX LOT	OWNER
4N27000001200	PEDRO LAND COMPANY LLC
4N2725A000100	UMATILLA ELECTRIC CO-OP ASSN
4N2725A000200	UMATILLA BASIN PROPERTIES LLC
4N2725A000201	MADISON RANCHES LAND 1 LLC
4N2725A000202	UMATILLA BASIN PROPERTIES LLC
4N2725A000400	FARMLAND RESERVE INC ATTN: TAX ADMINISTRATION

MAP_TAX LOT	OWNER
4N28300001200	HERMISTON GENERATING CO & PACIFICORP
4N28300001200	PERENNIAL POWER HOLDINGS INC C/O GERALD GOBBI
4N28000000700	HERMISTON GENERATING CO & PACIFICORP
4N2819CC00400	HIBLER LLC
4N27250000100	USA DEPARTMENT OF ARMY
4N28000000500	LAMB WESTON INC



FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

UMATILLA ELECTRIC COOPERATIVE
ROCKPILE TO COTTONWOOD 230-kV TRANSMISSION LINE

**UMATILLA COUNTY PLANNING DIVISION
FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW
UMATILLA ELECTRIC COOPERATIVE
ROCKPILE TO COTTONWOOD 230-kV TRANSMISSION LINE
MAP #4N 27 25A, TAX LOTS #200 & #202, ACCOUNTS #116888 & #157926
CONDITIONAL USE REQUEST #C-1393-25**

- 1. APPLICANT:** Umatilla Electric Cooperative, 750 W Elm Ave., Hermiston, OR 97838
- 2. OWNERS:** Umatilla Basin Properties LLC, 750 W Elm Ave., Hermiston, OR 97838
- 3. REQUEST:** This request is for Umatilla Electric Cooperative (UEC) to conduct electrical system upgrades between their existing Rockpile Switchyard and Cottonwood Switchyards. Planned system upgrades include installing approximately 0.43-miles of double-circuit 230kV power transmission line, running East/West, that will tie into UEC's new Ordnance Switchyard.
- Additionally, UEC requests the placement of 15 new transmission tower structures (7 new towers on Tax Lot 200 and 8 new towers on Tax Lot 202) spanning approximately 0.43-miles across the subject properties to tie into the Ordnance Switchyard.
- 4. LOCATION:** The subject properties are located at the intersection of Lamb Road and Westland Road, 400-feet southeast of the I-84 and I-82 interchange, approximately 2.5-miles east of the Umatilla/Morrow County line and 2.5-miles west of Hermiston City Limits.
- 5. SITUS:** Tax Lot 200 does not have a situs address.
Tax Lot 202 is addressed as, 78110 Generation Road, Hermiston, Oregon, 97838.
- 6. ACREAGE:** Tax Lot 200 is 39.36 acres.
Tax Lot 202 is 31.03 acres.
- 7. COMP PLAN:** The subject properties are within Umatilla County's designated Industrial Comprehensive Plan area.
- 8. ZONING:** Tax Lot 200 is zoned Light Industrial and Rural Tourist Commercial (RTC). The proposed transmission line and 7 new tower structures on Tax Lot 200 will be located on the Light Industrial Zoned portion of the property.
- Tax Lot 202 is zoned Light Industrial. The applicant proposes 8 new transmission tower structures on Tax Lot 202.
- 9. ACCESS:** Tax Lot 200 has established access from Generation Road and Westland Road via County Public Works Access Permits #24-054-AP and #24-032-

AP.

Tax Lot 202 has established access from Generation Road via County Public Works Access Permit #24-032-AP.

- 10. ROAD TYPE:** Generation Road (County Road #3014), is a graveled surface, two-lane public road. Westland Road, (County Road #1215) is a paved, two-lane, County maintained roadway.
- 11. EASEMENTS:** The applicant provides that there are no easements on the subject properties. Staff advises that Tax Lot 200 has an existing canal, approximately 75-feet wide and 0.5-mile long, which is part of the Westland Irrigation District canal system.
- 12. LAND USE:** The area surrounding the subject properties is predominately zoned Exclusive Farm Use (EFU). However, there are Rural Tourist Commercial (RTC), Light Industrial (LI), Agribusiness (AB), Limited Rural Light Industrial (LRLI) and Depot Industrial (DI) Zoned properties in the immediate vicinity.
- Land use around the subject properties includes a mix of farming and agricultural activities, military facilities, and light industrial uses including a data center and properties being utilized for utility infrastructure.
- 13. UTILITIES:** The applicant, Umatilla Electric Cooperative, provides electrical service to the subject properties.
- 14. WATER/SEWER:** The applicant states that Tax Lot 202 has a domestic well. They added that no water is required for long term operation of the transmission line. No water or sewer is proposed for the construction or operation of the transmission line.
- 15. FIRE SERVICE:** Umatilla County Fire District #1
- 16. FLOODPLAIN:** The subject properties are not in a FEMA mapped floodplain.
- 17. AGENCIES:** County Assessor, Public Works, Oregon Department of Energy, Confederated Tribes of the Umatilla Indian Reservation – Cultural and Natural Resources, State Building Codes, Umatilla County Fire District #1, Federal Aviation Administration - Seattle, Naval Air Station - Whidbey Island, Department of Land Conservation and Development, Department of State Lands, Oregon State Historic Preservation Office, and Westland Irrigation District.
- 18. NOTICES SENT:** June 11, 2025

19. COMMENTS DUE: July 2, 2025

20. COMMENTS: Pedro Land Company LLC, property owner of Tax Lots 1200 and 1300 on Assessors Map 4N27, received July 2, 2025.

“This office represents Pedro Land Company LLC (“Pedro”), the owner of 4N27 Tax Lots 1200 and 1300 (the “Pedro Property”) located adjacent to the subject properties for the above-captioned Application (“Subject Properties”). This public comment letter represents Pedro’s objection to the Application’s compliance with the conditional use criteria for utility facilities as set forth in Umatilla County Development Code (“UCDC”) § 152.616 CCC, as well as the sufficiency of the draft Findings and Conclusions for the subject Application (attached hereto as Exhibit A). As an affected property owner, Pedro formally requests a public hearing be scheduled for the Application pursuant to UCDC § 152.769(7).

This letter represents Pedro’s preliminary comments regarding this Application, and Pedro reserves the right to supplement the record with additional comments and evidence. Please enter this comment into the record for Application No. #C-1393-25.

I. Background

Umatilla Electric Cooperative (“UEC”) is seeking a conditional use permit to install approximately 0.43-miles of double-circuit 230kV power transmission line, as well as the placement of 15 new transmission tower structures. The proposed location of the lines and towers is shown in Figure 1. The area surrounding the Subject Properties is predominantly zoned Exclusive Farm Use (“EFU”). The Pedro Property is located just north of the Subject Properties for this Application, and is zoned EFU-40. Pedro actively farms the Pedro Property and employs center-pivot irrigation equipment in support of the farm use of the Pedro Property. UEC has existing utility infrastructure at the Subject Properties, including transmission lines located just south of the Pedro Property.

UEC’s existing electrical transmission lines are actively interfering with the operation and performance of Pedro’s center-pivot irrigation system. Specifically, the electromagnetic interference (“EMI”) from UEC’s existing transmission lines is disrupting the operation of Pedro’s center-pivot irrigation system, leading to decreased yields, increased operational costs, and negatively impacting the overall effective farm use of the Pedro Property. To date, the record for this Application is devoid of any findings or evidence addressing the potential for increased EMI impacts as a result of UEC’s construction of new transmission lines at the Subject Properties.

II. The Application Does Not Comply with Certain Criteria in UCDC § 152.616 CCC

The Application’s draft findings and conclusions addressing the project’s impacts on surrounding farm uses are insufficient. Specifically, the Application materials and the draft findings and conclusions do not demonstrate that the Application meets the criteria in UCDC § 152.616 CCC (1), (4), and (6). The Application does not address the impact that

EMI will have on surrounding farm uses, including Pedro's farming operation, nor does the Application address the impact that the project will have on the overall land use pattern of the surrounding area, which is predominantly characterized by farm uses.

Put simply, UEC's existing utility system at the Subject Properties is already interfering with the farm use of the Pedro Property. Approval of the subject Application without appropriate mitigating conditions of approval will simply exacerbate the existing EMI problem, and will be done without sufficient findings and substantial evidence in the record to support the conclusion that the Application meets the relevant approval criteria in UCDC § 152.616 CCC.

III. Conclusion

For the foregoing reasons, Pedro objects to the Application's compliance with UCDC § 152.616 CCC and requests a public hearing pursuant to UCDC § 152.769(7). Pedro reserves the right to supplement the record with additional written comments and evidence, as well as offer oral testimony on the Application at the public hearing.

Thank you for your consideration of these comments.

Sincerely,

Jordan Ramis PC
Keenan Ordon-Bakalian"

21. CONDITIONAL USE REQUEST: Application for a "Utility Facility" in the LI Zone is listed as a use allowed pursuant to Umatilla County Development Code (UCDC) § § 152.610 through 152.616, 152.303 (A), 152.304, and 152.306, and subject to Section 152.616 (CCC), through the approval of a Conditional Use Permit request. Following the approval of a Conditional Use Permit, a County Zoning Permit is required prior to establishing a land use or pursuing construction, as provided in § 152.025 and § 152.612 (D).

§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

(CCC) Utility Facility

(1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;

Applicant Response: The visual impact of the Project will minimally add to the existing cumulative effect of development and land use in the surrounding area. The proposed Project will not conflict with scenic values in the area. The adjacent parcels of land are not currently being used for recreational, residential, forest, or grazing uses.

The Plan more generally describes issues of continued agricultural use when transmission line and towers cut diagonally across fields. The intentional siting along parcel edges, in existing ROWs and along roads and highways minimizes overall impacts and is conformance with the Comprehensive Plan.

County Response: The proposed development will be located on properties already being used by the applicant for utility infrastructure. The area consists of existing disturbed utility siting including electrical structures. Conflicts are not expected between the proposed land use and outstanding sites and views in Umatilla County.

Existing facilities on surrounding properties include; Hermiston Generating Plant, a natural gas-fired power plant; Northwest Equipment Sales, a truck and trailer dealer; Amazon Web Services (AWS) Data Center; Lamb Weston Facility, a frozen food processor; a UPS Customer Center and a FedEx Freight Service Center.

The proposed development will not conflict with surrounding landscapes, as the proposed transmission line will be very similar and in close proximity to the existing overhead line.

County Findings: County Planning finds that the proposed facility will not be uncharacteristic of other developments in the area and is not likely to conflict with adjacent recreational, residential, forest, grazing or farm uses. This criterion is met.

(2) The facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to recreational residential dwellings;

Applicant Response: The site location for the transmission line is not directly adjacent to residential districts. The transmission line will not create any noise during its operation or other detrimental effects.

County Response: No known dwellings exist adjacent to the subject properties.

County Findings: County Planning finds this criterion is not applicable.

(3) The facility may be required to be fenced, landscaped or screened;

Applicant Response: The Project is a linear utility line and will not require fencing or additional landscaping. The area immediately around the transmission line will be kept clear of vegetative growth that may interfere with the operations and maintenance of the transmission line.

County Response: Per the National Electrical Safety Code (NESC) and Rural Utilities Service (RUS), transmission lines of this design are not required to be fenced.

County Findings: County Planning finds this criterion is not applicable.

(4) The facility does not materially alter the stability of the overall land use pattern of the area;

Applicant Response: Existing utility corridors, roads, and ROWs will be utilized in order to minimize the impact on existing land uses or patterns of use in the area.

County Response: Currently, electrical facilities including overhead transmission lines, distribution lines and power generating facilities exist in close proximity to the proposed transmission line. Therefore, the proposed project would not introduce new facilities that would conflict with the uses of surrounding properties.

County Findings: County Planning finds that the proposed project is not uncharacteristic of other uses in the vicinity and will not materially alter the stability of the overall land use pattern of the area. This criterion is met.

(5) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:

(a) The site be maintained free of litter and debris;

(b) Using non-combustible or fire retardant treated materials for structures and fencing;

(c) Clearing site of all combustible materials within 30 feet of structures;

Applicant Response: The proposed structures will be made of steel, which will provide maximum fire protection. Litter or other debris will not be generated as a result of facility operations. Any woody vegetation will be cleared during operation and maintenance of the transmission line to lower the risk of wildfires.

County Findings: County Planning finds that the proposed project does not constitute an unnecessary fire hazard, and the applicant has made consideration for minimum fire safety measures. As a condition of approval, the owner operator shall keep the site maintained free of litter and debris, use non-combustible or fire-retardant treated materials for structures and fencing, and clear the project site of all combustible materials within 30 feet of the substation. This criterion is ongoing.

(6) Major transmission tower, poles and similar gear shall consider locations within or adjacent to existing rights of way in order to take the least amount of timberland out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum soil disturbance to maintain water quality;

Applicant Response: The transmission lines subject to this administrative review follow existing utility corridors as much as possible. For the 1.09 miles of new line, they are within heavily disturbed parcels or follow existing rights of way to have the least impact on surrounding areas. The surrounding areas are not considered timberland, and construction of the new lines will not adversely affect the overall stability land use patterns of the area.

County Findings: County Planning finds that the proposed project will not take timberland out of production, and the applicant has made consideration for minimizing soil disturbance to maintain water quality. This criterion is met.

(7) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

Applicant Response: The Project will follow Oregon State Department of Forestry regulations.

County Findings: County Planning finds no portion of the proposed project will be installed on forest land. This criterion is not applicable.

(8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

Applicant Response: Access will only be for periodic assessment and maintenance of the line; permanent access roads will not be needed along the length of the Project. All recommendations from the Public Works Director will be adhered to if new access is required.

County Findings: County Planning finds the applicant will be utilizing existing access easements during the construction and maintenance of the transmission line. This criterion is not applicable.

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

Applicant Response: This project will not require any road construction. Existing road entrances off of public roads will be used to access the Project for regular maintenance.

County Findings: No new road construction is proposed. This criterion is not applicable.

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

Applicant Response: Land clearing will be minimal since existing access roads will be utilized for line construction and maintenance. Industry standard best practices will be utilized to maintain the air and water quality.

County Findings: County Planning finds that the applicant proposes to keep construction clearing to a minimum. This criterion is met.

(11) Complies with other conditions as deemed necessary provided in § 152.615.

Applicant Response: The Applicant understands that the Planning Director or other appropriate planning authority may specify conditions for the use submitting in its application as outlined in UCDC 152.615. The Applicant will work with Umatilla County as needed to comply with conditions deemed necessary.

County Findings: The applicant's request is subject to UCDC 152.615, these criteria are evaluated below.

§ 152.304 LIMITATIONS ON USES. In the LI Zone, the following limitations on uses shall apply:

(A) Screening Requirements.

(1) General Standards. All business, commercial and industrial activities, and storage allowed in an LI, Light Industrial, Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(2) Off-Street Loading Areas. All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(3) Properties on Highway 395 Corridor. All properties in the LI zone with frontage on Highway 395 are exempt from the standards of this section and subject to the standards of § 152.248.

(B) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.

County Findings: The proposed transmission towers comply with the limitations on use.

§152.306 DIMENSIONAL STANDARDS. In the LI Zone, the following dimensional standards shall apply:

(A) Lot size. The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) Minimum lot width. The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) Setback requirements. The minimum setback requirements shall be as follows:

(1) Front yard: 20 feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: 20 feet;

(3) Rear yard: 20 feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) Stream setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be setback from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

County Findings: Setback requirements are not applicable to transmission lines.

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

Applicant Response: The Applicant understands that the Planning Director or other appropriate planning authority may specify conditions for the use submitting in its application as outlined in UCDC 152.615. The Applicant will work with Umatilla County as needed to comply with conditions deemed necessary.

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

County Findings: Applicant is requesting approval of a 230kV transmission line, additional restraints are not practical for a transmission line. No additional limitations are imposed.

(B) Establishing a special yard, other open space or lot area or dimension;

County Findings: Establishment of a special yard, other open space, or lot area or dimension is not practical or necessary for this proposed transmission line. No other requirements are imposed.

(C) Limiting the height, size or location of a building or other structure;

County Findings: The applicant is proposing a transmission line with the tower structures being approximately 80-feet tall, with 5-foot diameter foundations. Project features will not be uncharacteristic of other development in the area. No height restrictions are necessary or imposed.

(D) Designating the size, number, location and nature of vehicle access points;

County Findings: County Planning finds the applicant has sufficiently addressed access above. No additional access restrictions are imposed.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

County Findings: The applicant is not proposing an increase in street dedication, roadway width or improvements within the street right-of-way. This criterion is not applicable.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

County Findings: The applicant is not proposing permanent parking or loading areas. This criterion is not applicable.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;
County Findings: The applicant is not proposing signage. This criterion is not applicable.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;
County Findings: The applicant is not proposing outdoor lighting. This criterion is not applicable.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.
County Findings: County Planning finds that diking, screening, and landscaping are not necessary for this proposed project. This criterion is not applicable.

(J) Designating the size, height, location and materials for a fence;
County Findings: County Planning finds that fencing the transmission line is not practical. No limitations for fencing are imposed.

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources;
County Findings: County Planning finds that as a condition of approval the applicant shall coordinate with and comply with recommendations of Oregon Department of Fish & Wildlife (ODFW) regarding design of the facility and potential impacts during construction of the transmission line.

In addition, the applicant shall coordinate with and comply with the recommendations of the CTUIR (Confederated Tribes of the Umatilla Indian Reservation) Cultural Resources Department and the SHPO (State Historic Preservation Office), regarding the project's potential impacts on any known significant historical, cultural and archaeological objects. Comply with recommendations and procedures specified by the CTUIR and SHPO regarding historic, cultural and/or archaeological artifacts uncovered during the construction process.

County Planning finds and concludes the subsequent condition of approval requiring the applicant to cease all construction activities and contact a professional archaeologist to conduct an on-site assessment when cultural and/or archaeological objects are discovered satisfies the criterion.

(L) Parking area requirements as listed in § § 152.560 through 152.562 of this chapter.
County Findings: Applicant is requesting approval for construction of a 230kV transmission line. No parking is proposed or required. This criterion is not applicable.

DECISION: APPROVAL. COUNTY PLANNING FINDS THAT CONDITIONAL USE REQUEST #C-1393-25 COMPLIES WITH THE APPLICABLE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE AND IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Precedent Conditions

The following “Precedent Conditions” must be completed prior to the issuance of final approval, signified by issuance of a Umatilla County Zoning Permit for each individual tax lot:

1. Submit a revegetation plan, and weed control plan acceptable to the County Weed Manager.
2. Submit a plan for decommissioning the transmission line that includes how the land would be returned to its original or better condition.

Subsequent Conditions

The following “Subsequent Conditions” apply following final approval:

1. Obtain 2 Zoning Permits from the Umatilla County Planning Division (1 for each individual tax lot) and all applicable Federal and State permits necessary for the construction and completion of the proposed transmission line. Provide a copy of necessary State and Federal Permits to the Planning Department.
2. Keep the site maintained free of litter and debris, use non-combustible or fire-retardant treated materials for structures and fencing, and clear the project site of all combustible materials within 30-feet of the substation.
3. Coordinate with and comply with recommendations of Oregon Department of Fish & Wildlife (ODFW) regarding design of the facility and potential impacts during construction of the transmission line.
4. Discovery of archaeological objects during ground disturbance requires ceasing all construction activities and contacting a professional archaeologist to conduct an on-site assessment prior to resuming development activities, pursuant to State law and implementation by State Historic Preservation Office.
5. Implement revegetation and weed control plans.
6. Restoration of the project site to pre-construction conditions, or better, is required at the end of the project’s useful life and includes removal of the transmission line.

UMATILLA COUNTY PLANNING DIVISION

Dated _____ day of _____, 2025

Megan Davchevski, *Planning Division Manager*

Mailed _____ day of _____, 2025

REQUEST FOR A PUBLIC HEARING APPLICATION

KEENAN ORDON-BAKALIAN, JORDAN RAMIS PC
ON BEHALF OF PEDRO LAND COMPANY LLC

Request for a Public Hearing



216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252
Email: planning@umatillacounty.gov

Process taken from UCDC 152.769

REQUEST FOR A HEARING

The purpose of a notice for a land use request application is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they deem are significant.

FILING FEE

Requesting a Public Hearing - \$250

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

Version: December 21, 2023
File Location: H:\shared\Forms_Master\Request Public
Hearing_DEC 2023.doc

Section 1: Request and Description of Application

This information deals with the Land Use Request Application where a Public Hearing is being requested.

DESCRIPTION OF THE LAND USE REQUEST APPLICATION IN QUESTION:

- Land Use Request Application File Number: C-1393-25
- Type of Land Use Request Application: Conditional Use Request
- Decision-Making Body: ☒ Planning Director or ☐ Other _____
- For a Request of a Public Hearing, Date Notice was sent: June 11, 2025

Section 2: Contact Information

Name of Submitter(s):	<u>Keenan Ordon-Bakalian, Jordan Ramis PC</u>
Address:	<u>PacWest, 27th Floor</u> <u>1211 SW Fifth Ave.</u>
City, State, Zip:	<u>Portland, OR 97204</u>
Telephone Number & Email Address:	<u>(503) 598-7070/keenan.ordon-bakalian@jordanramis.com</u>

Date of Submittal for Request of a Public Hearing: July 2, 2025.

Section 3: Basis for the Request for a Public Hearing

Complete only for a Request for a Public Hearing

The Request for a Public Hearing must be based on issues you feel should be addressed in a public forum. Please describe the reasons you feel that a public hearing should be held before the Umatilla County Planning Commission in relation to the land use request application specified above:

See attached comment letter.

Section 4: Certification

I/We, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

X  July 2, 2025
Signature of Submitter Date

Keenan Ordon-Bakalian, Jordan Ramis PC

Printed Name of Submitter

X _____
Signature of Submitter Date

Printed Name of Submitter

X _____
Signature of Submitter Date

Printed Name of Submitter

X _____
Signature of Submitter Date

Printed Name of Submitter

Office Use Only

Date this paperwork was received: _____

Accepted by: _____
Signature of Planning Staff & Printed Name

Fee Paid? ☐ Yes ☐ No

Receipt Number: _____

PUBLIC COMMENT LETTER

RE: REQUEST FOR PUBLIC HEARING

KEENAN ORDON-BAKALIAN, JORDAN RAMIS PC
ON BEHALF OF PEDRO LAND COMPANY LLC

July 2, 2025

VIA EMAIL AND U.S. MAIL

Megan Davchevski
Planning Manager
Umatilla County Community Development Department
216 SE 4th St.
Pendleton, OR 97801
E-Mail: megan.davchevski@umatillacounty.gov

Re: ***Pedro Land Company LLC-Public Comment and Request for Public Hearing for Application No. #C-1393-25 (Umatilla Electric Cooperative Conditional Use Request)***
Our File No. 57328-82937

Dear Megan:

This office represents Pedro Land Company LLC ("**Pedro**"), the owner of 4N27 Tax Lots 1200 and 1300 (the "**Pedro Property**") located adjacent to the subject properties for the above-captioned Application¹ ("**Subject Properties**"). This public comment letter represents Pedro's objection to the Application's compliance with the conditional use criteria for utility facilities as set forth in Umatilla County Development Code ("**UCDC**") § 152.616 CCC, as well as the sufficiency of the draft Findings and Conclusions for the subject Application (attached hereto as **Exhibit A**). As an affected property owner, Pedro formally requests a public hearing be scheduled for the Application pursuant to UCDC § 152.769(7).

This letter represents Pedro's preliminary comments regarding this Application, and Pedro reserves the right to supplement the record with additional comments and evidence. Please enter this comment into the record for Application No. #C-1393-25.

I. Background

Umatilla Electric Cooperative ("**UEC**") is seeking a conditional use permit to install approximately 0.43-miles of double-circuit 230kV power transmission line, as well as the placement of 15 new transmission tower structures. The proposed location of the lines and towers is shown in **Figure 1**. The area surrounding the Subject Properties is predominantly zoned Exclusive Farm Use ("**EFU**"). The Pedro Property is located just north of the Subject Properties for this Application, and is zoned EFU-40. Pedro actively farms the Pedro Property and employs center-pivot irrigation equipment in support of the farm use of the Pedro Property. UEC has existing utility infrastructure at the Subject Properties, including transmission lines located just south of the Pedro Property.

¹ Tax Lots 200 and 202 (78110 Generation Road, Hermiston, OR 97838).



Figure 1. Excerpt from Exhibit A, at 3.

Megan Davchevski
July 2, 2025
Page 3

UEC's existing electrical transmission lines are actively interfering with the operation and performance of Pedro's center-pivot irrigation system. Specifically, the electromagnetic interference ("EMI") from UEC's existing transmission lines is disrupting the operation of Pedro's center-pivot irrigation system, leading to decreased yields, increased operational costs, and negatively impacting the overall effective farm use of the Pedro Property. To date, the record for this Application is devoid of any findings or evidence addressing the potential for increased EMI impacts as a result of UEC's construction of new transmission lines at the Subject Properties.

II. The Application Does Not Comply with Certain Criteria in UCDC § 152.616 CCC

The Application's draft findings and conclusions addressing the project's impacts on surrounding farm uses are insufficient. Specifically, the Application materials and the draft findings and conclusions do not demonstrate that the Application meets the criteria in UCDC § 152.616 CCC(1), (4), and (6). The Application does not address the impact that EMI will have on surrounding farm uses, including Pedro's farming operation, nor does the Application address the impact that the project will have on the overall land use pattern of the surrounding area, which is predominantly characterized by farm uses.

Put simply, UEC's existing utility system at the Subject Properties is already interfering with the farm use of the Pedro Property. Approval of the subject Application without appropriate mitigating conditions of approval will simply exacerbate the existing EMI problem, and will be done without sufficient findings and substantial evidence in the record to support the conclusion that the Application meets the relevant approval criteria in UCDC § 152.616 CCC.

III. Conclusion

For the foregoing reasons, Pedro objects to the Application's compliance with UCDC § 152.616 CCC and requests a public hearing pursuant to UCDC § 152.769(7). Pedro reserves the right to supplement the record with additional written comments and evidence, as well as offer oral testimony on the Application at the public hearing.

Thank you for your consideration of these comments.

Sincerely,

JORDAN RAMIS PC



Keenan Ordon-Bakalian
Admitted in Oregon and Washington
Attachment: Exhibit A

cc: Steven L. Shropshire
Marika E. Sitz
Tierney Cimmiyotti, tierney.cimmiyotti@umatillacounty.gov

PUBLIC COMMENT LETTER

EXHIBIT A

KEENAN ORDON-BAKALIAN, JORDAN RAMIS PC
ON BEHALF OF PEDRO LAND COMPANY LLC

Umatilla County

Community Development Department



PUBLIC NOTICE

JUNE 11, 2025

COMMUNITY &
BUSINESS
DEVELOPMENT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

CONDITIONAL USE REQUEST, #C-1393-25

MAP #4N 27 25A, TAX LOTS #200 & #202, ACCOUNTS #116888 & #157926

ROCKPILE TO COTTONWOOD 230-kV TRANSMISSION LINE

UMATILLA ELECTRIC COOPERATIVE, APPLICANT

UMATILLA BASIN PROPERTIES LLC, OWNER

As an affected agency or nearby property owner you are entitled to notice of a Conditional Use Request that the Planning Department is processing.

Enclosed is a copy of the Preliminary Findings and Conclusions and tentative decision prepared with regard to this land use request. The document includes a description of the request, background information, and an analysis of how the request conforms to the land use standards set forth in the Umatilla County Development Ordinance. If approved, a list of "conditions of approval" will be applied. Also, enclosed is a location map showing the property and site plan.

If you have information you feel should be addressed in the Findings and Conclusions, please contact our office. If justified, additional conditions of approval may be applied without requesting a Public Hearing. If you object to the request or feel that certain aspects need to be discussed in a public forum you may request a Public Hearing, however there will be a \$250.00 fee for the request of a Public Hearing.

The deadline to submit additional information or request a public hearing is the close of business, (5:00 p.m.) on:

Wednesday, July 2, 2025

For further information, please contact our office.

Kind Regards,

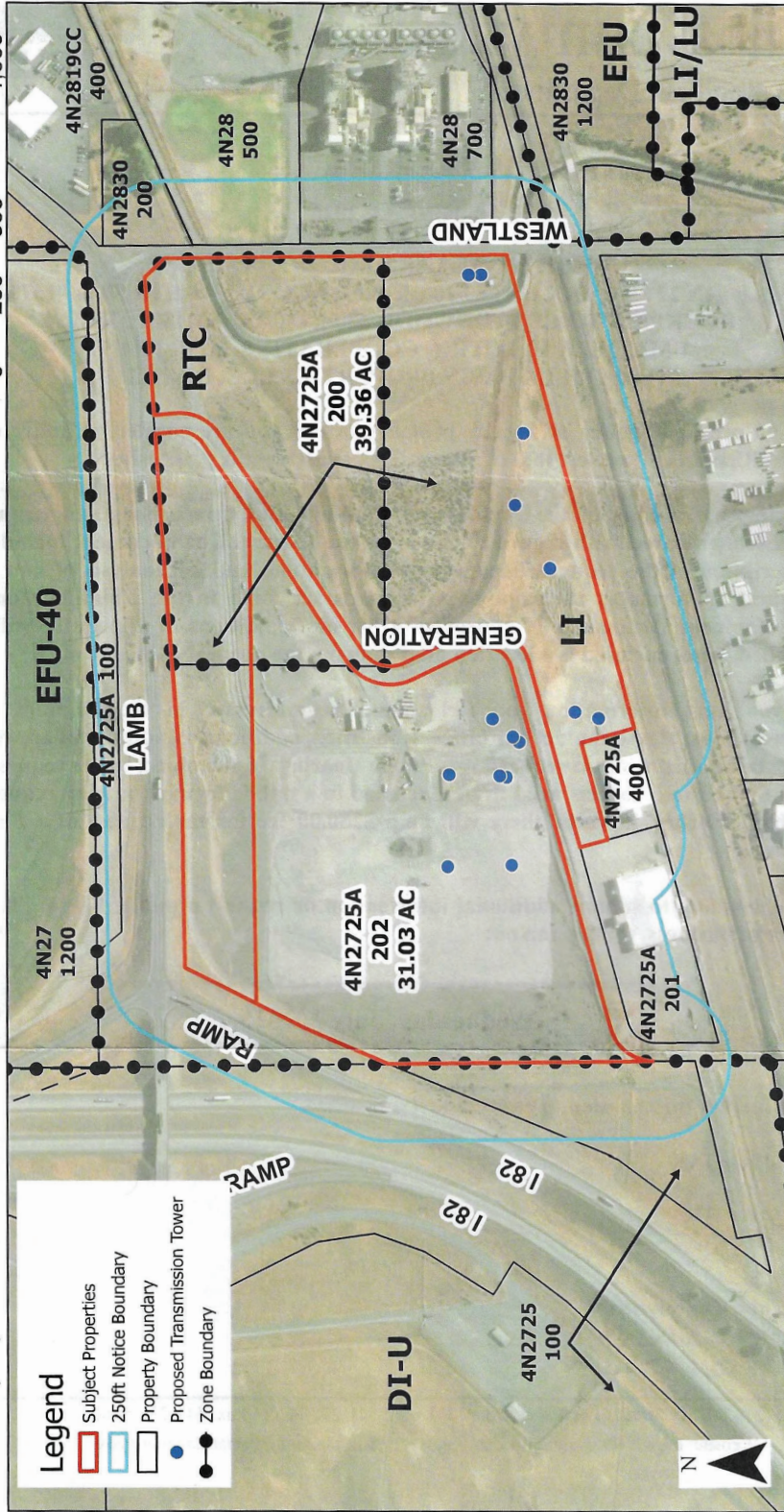
Tierney Cimmeyotti,
Planner II/ GIS

216 S.E. 4th Street • Pendleton, OR 97801 • Ph: 541-278-6252 • Fax: 541-278-5480

Website: <https://www.umatillacounty.gov/> • Email: planning@umatillacounty.gov

UMATILLA ELECTRIC COOPERATIVE, APPLICANT
UMATILLA BASIN PROPERTIES LLC, OWNER
MAP: 4N 27 25A TAX LOTS: #200 & #202
CONDITIONAL USE REQUEST
#C-1393-25
TRANSMISSION LINE
Notified Property Owners with 250 feet of Subject Properties

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by T. Cammyyoti, Umatilla County Planning Department
Date: 5/28/2025



MAP_TAX LOT	OWNER	MAP_TAX LOT	OWNER
4N27000001200	PEDRO LAND COMPANY LLC	4N28300000200	HERMISTON GENERATING CO & PACIFICORP
4N2725A000100	UMATILLA ELECTRIC CO-OP ASSN	4N28300001200	PERENNIAL POWER HOLDINGS INC C/O GERALD GOBBI
4N2725A000200	UMATILLA BASIN PROPERTIES LLC	4N28000000700	HERMISTON GENERATING CO & PACIFICORP
4N2725A000201	MADISON RANCHES LAND 1 LLC	4N2819CC00400	HIBLER LLC
4N2725A000202	UMATILLA BASIN PROPERTIES LLC	4N27250000100	USA DEPARTMENT OF ARMY
4N2725A000400	FARMLAND RESERVE INC ATTN: TAX ADMINISTRATION	4N28000000500	LAMB WESTON INC



**UMATILLA COUNTY PLANNING DIVISION
PRELIMINARY FINDINGS OF FACT AND CONCLUSIONS OF LAW
UMATILLA ELECTRIC COOPERATIVE
ROCKPILE TO COTTONWOOD 230-kV TRANSMISSION LINE
MAP #4N 27 25A, TAX LOTS #200 & #202, ACCOUNTS #116888 & #157926
CONDITIONAL USE REQUEST #C-1393-25**

- 1. APPLICANT:** Umatilla Electric Cooperative, 750 W Elm Ave., Hermiston, OR 97838
- 2. OWNERS:** Umatilla Basin Properties LLC, 750 W Elm Ave., Hermiston, OR 97838
- 3. REQUEST:** This request is for Umatilla Electric Cooperative (UEC) to conduct electrical system upgrades between their existing Rockpile Switchyard and Cottonwood Switchyards. Planned system upgrades include installing approximately 0.43-miles of double-circuit 230kV power transmission line, running East/West, that will tie into UEC's new Ordinance Switchyard.

Additionally, UEC requests the placement of 15 new transmission tower structures (7 new towers on Tax Lot 200 and 8 new towers on Tax Lot 202) spanning approximately 0.43-miles across the subject properties to tie into the Ordinance Switchyard.
- 4. LOCATION:** The subject properties are located at the intersection of Lamb Road and Westland Road, 400-feet southeast of the I-84 and I-82 interchange, approximately 2.5-miles east of the Umatilla/Morrow County line and 2.5-miles west of Hermiston City Limits.
- 5. SITUS:** Tax Lot 200 does not have a situs address.
Tax Lot 202 is addressed as, 78110 Generation Road, Hermiston, Oregon, 97838.
- 6. ACREAGE:** Tax Lot 200 is 39.36 acres.
Tax Lot 202 is 31.03 acres.
- 7. COMP PLAN:** The subject properties are within Umatilla County's designated Industrial Comprehensive Plan area.
- 8. ZONING:** Tax Lot 200 is zoned Light Industrial and Rural Tourist Commercial (RTC). The proposed transmission line and 7 new tower structures on Tax Lot 200 will be located on the Light Industrial Zoned portion of the property.

Tax Lot 202 is zoned Light Industrial. The applicant proposes 8 new transmission tower structures on Tax Lot 202.
- 9. ACCESS:** Tax Lot 200 has established access from Generation Road and Westland Road via County Public Works Access Permits #24-054-AP and #24-032-

AP.

Tax Lot 202 has established access from Generation Road via County Public Works Access Permit #24-032-AP.

- 10. ROAD TYPE:** Generation Road (County Road #3014), is a graveled surface, two-lane public road. Westland Road, (County Road #1215) is a paved, two-lane, County maintained roadway.
- 11. EASEMENTS:** The applicant provides that there are no easements on the subject properties. Staff advises that Tax Lot 200 has an existing canal, approximately 75-feet wide and 0.5-mile long, which is part of the Westland Irrigation District canal system.
- 12. LAND USE:** The area surrounding the subject properties is predominately zoned Exclusive Farm Use (EFU). However, there are Rural Tourist Commercial (RTC), Light Industrial (LI), Agribusiness (AB), Limited Rural Light Industrial (LRLI) and Depot Industrial (DI) Zoned properties in the immediate vicinity.
- Land use around the subject properties includes a mix of farming and agricultural activities, military facilities, and light industrial uses including a data center and properties being utilized for utility infrastructure.
- 13. UTILITIES:** The applicant, Umatilla Electric Cooperative, provides electrical service to the subject properties.
- 14. WATER/SEWER:** The applicant states that Tax Lot 202 has a domestic well. They added that no water is required for long term operation of the transmission line. No water or sewer is proposed for the construction or operation of the transmission line.
- 15. FIRE SERVICE:** Umatilla County Fire District #1
- 16. FLOODPLAIN:** The subject properties are not in a FEMA mapped floodplain.
- 17. AGENCIES:** County Assessor, Public Works, Oregon Department of Energy, Confederated Tribes of the Umatilla Indian Reservation – Cultural and Natural Resources, State Building Codes, Umatilla County Fire District #1, Federal Aviation Administration - Seattle, Naval Air Station - Whidbey Island, Department of Land Conservation and Development, Department of State Lands, Oregon State Historic Preservation Office, and Westland Irrigation District.
- 18. NOTICES SENT:** June 11, 2025

19. COMMENTS DUE: July 2, 2025

20. COMMENTS: Comments are pending.

21. CONDITIONAL USE REQUEST: Application for a “Utility Facility” in the LI Zone is listed as a use allowed pursuant to Umatilla County Development Code (UCDC) § 152.610 through 152.616, 152.303 (A), 152.304, and 152.306, and subject to Section 152.616 (CCC), through the approval of a Conditional Use Permit request. Following the approval of a Conditional Use Permit, a County Zoning Permit is required prior to establishing a land use or pursuing construction, as provided in § 152.025 and § 152.612 (D).

§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

(CCC) Utility Facility

(1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;

Applicant Response: The visual impact of the Project will minimally add to the existing cumulative effect of development and land use in the surrounding area. The proposed Project will not conflict with scenic values in the area. The adjacent parcels of land are not currently being used for recreational, residential, forest, or grazing uses.

The Plan more generally describes issues of continued agricultural use when transmission line and towers cut diagonally across fields. The intentional siting along parcel edges, in existing ROWs and along roads and highways minimizes overall impacts and is conformance with the Comprehensive Plan.

County Response: The proposed development will be located on properties already being used by the applicant for utility infrastructure. The area consists of existing disturbed utility siting including electrical structures. Conflicts are not expected between the proposed land use and outstanding sites and views in Umatilla County.

Existing facilities on surrounding properties include; Hermiston Generating Plant, a natural gas-fired power plant; Northwest Equipment Sales, a truck and trailer dealer; Amazon Web Services (AWS) Data Center; Lamb Weston Facility, a frozen food processor; a UPS Customer Center and a FedEx Freight Service Center.

The proposed development will not conflict with surrounding landscapes, as the proposed transmission line will be very similar and in close proximity to the existing overhead line.

County Findings: County Planning finds that the proposed facility will not be uncharacteristic of other developments in the area and is not likely to conflict with adjacent recreational, residential, forest, grazing or farm uses. This criterion is met.

(2) The facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to recreational residential dwellings;

Applicant Response: The site location for the transmission line is not directly adjacent to residential districts. The transmission line will not create any noise during its operation or other detrimental effects.

County Response: No known dwellings exist adjacent to the subject properties.

County Findings: County Planning finds this criterion is not applicable.

(3) The facility may be required to be fenced, landscaped or screened;

Applicant Response: The Project is a linear utility line and will not require fencing or additional landscaping. The area immediately around the transmission line will be kept clear of vegetative growth that may interfere with the operations and maintenance of the transmission line.

County Response: Per the National Electrical Safety Code (NESC) and Rural Utilities Service (RUS), transmission lines of this design are not required to be fenced.

County Findings: County Planning finds this criterion is not applicable.

(4) The facility does not materially alter the stability of the overall land use pattern of the area;

Applicant Response: Existing utility corridors, roads, and ROWs will be utilized in order to minimize the impact on existing land uses or patterns of use in the area.

County Response: Currently, electrical facilities including overhead transmission lines, distribution lines and power generating facilities exist in close proximity to the proposed transmission line. Therefore, the proposed project would not introduce new facilities that would conflict with the uses of surrounding properties.

County Findings: County Planning finds that the proposed project is not uncharacteristic of other uses in the vicinity and will not materially alter the stability of the overall land use pattern of the area. This criterion is met.

(5) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:

(a) The site be maintained free of litter and debris;

(b) Using non-combustible or fire retardant treated materials for structures and fencing;

(c) Clearing site of all combustible materials within 30 feet of structures;

Applicant Response: The proposed structures will be made of steel, which will provide maximum fire protection. Litter or other debris will not be generated as a result of facility operations. Any woody vegetation will be cleared during operation and maintenance of the transmission line to lower the risk of wildfires.

County Findings: County Planning finds that the proposed project does not constitute an unnecessary fire hazard, and the applicant has made consideration for minimum fire safety measures. As a condition of approval, the owner operator shall keep the site maintained free of litter and debris, use non-combustible or fire-retardant treated materials for structures and fencing, and clear the project site of all combustible materials within 30 feet of the substation. This criterion is ongoing.

(6) Major transmission tower, poles and similar gear shall consider locations within or adjacent to existing rights of way in order to take the least amount of timberland out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum soil disturbance to maintain water quality;

Applicant Response: The transmission lines subject to this administrative review follow existing utility corridors as much as possible. For the 1.09 miles of new line, they are within heavily disturbed parcels or follow existing rights of way to have the least impact on surrounding areas. The surrounding areas are not considered timberland, and construction of the new lines will not adversely affect the overall stability land use patterns of the area.

County Findings: County Planning finds that the proposed project will not take timberland out of production, and the applicant has made consideration for minimizing soil disturbance to maintain water quality. This criterion is met.

(7) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

Applicant Response: The Project will follow Oregon State Department of Forestry regulations.

County Findings: County Planning finds no portion of the proposed project will be installed on forest land. This criterion is not applicable.

(8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

Applicant Response: Access will only be for periodic assessment and maintenance of the line; permanent access roads will not be needed along the length of the Project. All recommendations from the Public Works Director will be adhered to if new access is required.

County Findings: County Planning finds the applicant will be utilizing existing access easements during the construction and maintenance of the transmission line. This criterion is not applicable.

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

Applicant Response: This project will not require any road construction. Existing road entrances off of public roads will be used to access the Project for regular maintenance.

County Findings: No new road construction is proposed. This criterion is not applicable.

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

Applicant Response: Land clearing will be minimal since existing access roads will be utilized for line construction and maintenance. Industry standard best practices will be utilized to maintain the air and water quality.

County Findings: County Planning finds that the applicant proposes to keep construction clearing to a minimum. This criterion is met.

(11) Complies with other conditions as deemed necessary provided in § 152.615.

Applicant Response: The Applicant understands that the Planning Director or other appropriate planning authority may specify conditions for the use submitting in its application as outlined in UCDC 152.615. The Applicant will work with Umatilla County as needed to comply with conditions deemed necessary.

County Findings: The applicant's request is subject to UCDC 152.615, these criteria are evaluated below.

§ 152.304 LIMITATIONS ON USES. In the LI Zone, the following limitations on uses shall apply:

(A) Screening Requirements.

(1) General Standards. All business, commercial and industrial activities, and storage allowed in an LI, Light Industrial, Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(2) Off-Street Loading Areas. All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(3) Properties on Highway 395 Corridor. All properties in the LI zone with frontage on Highway 395 are exempt from the standards of this section and subject to the standards of § 152.248.

(B) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.

County Findings: The proposed transmission towers comply with the limitations on use.

§152.306 DIMENSIONAL STANDARDS. In the LI Zone, the following dimensional standards shall apply:

(A) Lot size. The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) Minimum lot width. The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) Setback requirements. The minimum setback requirements shall be as follows:

(1) Front yard: 20 feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: 20 feet;

(3) Rear yard: 20 feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) Stream setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be setback from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

County Findings: Setback requirements are not applicable to transmission lines.

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

Applicant Response: The Applicant understands that the Planning Director or other appropriate planning authority may specify conditions for the use submitting in its application as outlined in UCDC 152.615. The Applicant will work with Umatilla County as needed to comply with conditions deemed necessary.

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

County Findings: Applicant is requesting approval of a 230kV transmission line, additional restrains are not practical for a transmission line. No additional limitations are imposed.

(B) Establishing a special yard, other open space or lot area or dimension;

County Findings: Establishment of a special yard, other open space, or lot area or dimension is not practical or necessary for this proposed transmission line. No other requirements are imposed.

(C) Limiting the height, size or location of a building or other structure;

County Findings: The applicant is proposing a transmission line with the tower structures being approximately 80-feet tall, with 5-foot diameter foundations. Project features will not be uncharacteristic of other development in the area. No height restrictions are necessary or imposed.

(D) Designating the size, number, location and nature of vehicle access points;

County Findings: County Planning finds the applicant has sufficiently addressed access above. No additional access restrictions are imposed.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

County Findings: The applicant is not proposing an increase in street dedication, roadway width or improvements within the street right-of-way. This criterion is not applicable.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

County Findings: The applicant is not proposing permanent parking or loading areas. This criterion is not applicable.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

County Findings: The applicant is not proposing signage. This criterion is not applicable.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

County Findings: The applicant is not proposing outdoor lighting. This criterion is not applicable.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

County Findings: County Planning finds that diking, screening, and landscaping are not necessary for this proposed project. This criterion is not applicable.

(J) Designating the size, height, location and materials for a fence;

County Findings: County Planning finds that fencing the transmission line is not practical. No limitations for fencing are imposed.

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources;

County Findings: County Planning finds that as a condition of approval the applicant shall coordinate with and comply with recommendations of Oregon Department of Fish &

Wildlife (ODFW) regarding design of the facility and potential impacts during construction of the transmission line.

In addition, the applicant shall coordinate with and comply with the recommendations of the CTUIR (Confederated Tribes of the Umatilla Indian Reservation) Cultural Resources Department and the SHPO (State Historic Preservation Office), regarding the project's potential impacts on any known significant historical, cultural and archaeological objects. Comply with recommendations and procedures specified by the CTUIR and SHPO regarding historic, cultural and/or archaeological artifacts uncovered during the construction process.

County Planning finds and concludes the subsequent condition of approval requiring the applicant to cease all construction activities and contact a professional archaeologist to conduct an on-site assessment when cultural and/or archaeological objects are discovered satisfies the criterion.

(L) Parking area requirements as listed in § § 152.560 through 152.562 of this chapter.

County Findings: Applicant is requesting approval for construction of a 230kV transmission line. No parking is proposed or required. This criterion is not applicable.

PRELIMINARY DECISION: APPROVAL. COUNTY PLANNING FINDS THAT CONDITIONAL USE REQUEST #C-1393-25 COMPLIES WITH THE APPLICABLE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE AND IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Precedent Conditions

The following "Precedent Conditions" must be completed prior to the issuance of final approval, signified by issuance of a Umatilla County Zoning Permit for each individual tax lot:

1. Submit a revegetation plan, and weed control plan acceptable to the County Weed Manager.
2. Submit a plan for decommissioning the transmission line that includes how the land would be returned to its original or better condition.

Subsequent Conditions

The following "Subsequent Conditions" apply following final approval:

1. Obtain 2 Zoning Permits from the Umatilla County Planning Division (1 for each individual tax lot) and all applicable Federal and State permits necessary for the construction and completion of the proposed transmission line. Provide a copy of necessary State and Federal Permits to the Planning Department.
2. Keep the site maintained free of litter and debris, use non-combustible or fire-retardant treated materials for structures and fencing, and clear the project site of all combustible materials within 30 feet of the substation.

3. Coordinate with and comply with recommendations of Oregon Department of Fish & Wildlife (ODFW) regarding design of the facility and potential impacts during construction of the transmission line.
4. Discovery of archaeological objects during ground disturbance requires ceasing all construction activities and contacting a professional archaeologist to conduct an on-site assessment prior to resuming development activities, pursuant to State law and implementation by State Historic Preservation Office.
5. Implement revegetation and weed control plans.
6. Restoration of the project site to pre-construction conditions, or better, is required at the end of the project's useful life and includes removal of the transmission line.

UMATILLA COUNTY PLANNING DIVISION

Dated _____ day of _____, 2025

Megan Davchevski, *Planning Division Manager*

Mailed _____ day of _____, 2025

UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response

LETTER, BRANDON SEITZ, LAND USE ADMINISTRATOR, AUGUST 7, 2025

August 7, 2025

VIA EMAIL

Umatilla County Planning Commission
c/o Tierney Cimmiyotti, Planner II, GIS
216 S.E. Street
Pendleton, OR 97801

Re: Conditional Use Request, #C-1393-25
Applicant's Initial Response

Dear Planning Commissioners:

To be efficient with the Planning Commission's time, UEC is providing this letter and supporting materials in advance of the Public Hearing for UEC's Rockpile to Cottonwood 230-kV Transmission Line application (#C-1393-25) to be held on August 21, 2025. Please include these materials in the record.

1. Changes to Property Configuration

Since submission of UEC's Conditional Use application, UEC has satisfied all conditions of approval for UEC's approved Land Division Request (Umatilla County Land Division #LD-4N-1076-24) and recorded the final plat (Generation Road Replat, Instrument No. 2025-0003960). The replat reconfigured the property lines between the two lots, realigned Generation Road and Westland Irrigation District's A Canal on the subject properties. A copy of the Generation Road Replat is enclosed with this letter.

2. Update to Exhibit B

To provide clarification on the scope of UEC's request under consideration, I have updated Exhibit B from the application materials. Those portions of the project that are only reconductor work, upgrading an existing 115-kV circuit to 230-kV, are now shown as existing transmission lines as that work is not part of the submitted Conditional Use Request under consideration. UEC staff consulted with Umatilla County Planning staff prior to submission and has confirmed that reconductoring or line upgrades within existing easements that do not require new structures are considered minor improvements of an existing use and not subject to a Land Use Approval.

UEC also made modifications to two structure locations, as shown on the updated Exhibit B. Structure CY-8 was shifted to the west and a new structure CY-7 was added north of OC-5. This was done to better facilitate the future development of Tax Lot 200. Pole CY-7 from the original submission was removed from Exhibit B as that structure was already permitted as part of UEC's approved Umatilla to Westland Transmission Line application (#C-1379-24 & #LUD-322-24). Construction of the pole was approved by Umatilla County Zoning Permit ZP-24-247 issued on

HERMISTON HEADQUARTERS
750 W. Elm Ave.
P.O. Box 1148
Hermiston, OR 97838

BOARDMAN OPERATIONS
CENTER
400 N.E. Eldridge Drive
Boardman, OR 97818

PHONE: (541) 567-6414
FAX: (541) 567-8142
TOLL FREE: (800) 452-2273

www.UmatillaElectric.com

November 22, 2024. A copy of the approved zoning permit is enclosed with this letter.

3. Correction of Errors in Application Materials

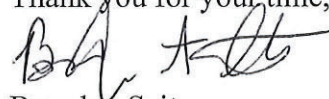
Upon review of the application materials, there were 4 errors discovered within UEC's application materials. UEC would like to take this opportunity to correct the record for this application.

The submitted application is part of a large transmission line upgrade project, and the application was prepared to be a Land Use Decision and Conditional Use Request submitted concurrently. Due to construction schedules, UEC decided to submit the two applications separately. The overall project would consist of 1.09 miles of new transmission lines. UEC's request under consideration is for construction of .87 miles of new transmission line, .44 miles for the structures labeled CY and .43 miles for the structures labeled OC. The remaining .22 miles of new transmission line are located on property Zoned EFU and will be processed as a Land Use Decision per Section 152.059 of the Umatilla County Development Code (UCDC). Page 4 of UEC's submitted narrative in response to UCDC 152.616 (CCC)(6) incorrectly states 1.09 miles of new line.

In addition, Section 7 of the Land Use Request Application requires an applicant to identify the Comprehensive Plan Designation of the property. The West County Irrigation District and Industrial designation were selected on the original application, but the proposed Conditional Use Request will only cross property designated as Industrial. Section 15 requires an applicant to identify easements on the property and no other easement exist was selected. There are existing easements on the properties, and a complete list of known easements is enclosed with this letter. Section 17 requires an applicant to identify if the property is within an irrigation district. The subject properties are located within the Westland Irrigation District not Hermiston Irrigation District.

UEC looks forward to the public hearing and responding to the initial concerns raised and any other issues raised during the hearing.

Thank you for your time,



Brandon Seitz
Land Use Administrator
Umatilla Electric Cooperative

Enclosures: Generation Road Replat
 Updated Exhibit B
 Zoning Permit ZP-24-247
 List of Easements

HERMISTON HEADQUARTERS
750 W. Elm Ave.
P.O. Box 1148
Hermiston, OR 97838

BOARDMAN OPERATIONS
CENTER
400 N.E. Eldridge Drive
Boardman, OR 97818

PHONE: (541) 567-6414
FAX: (541) 567-8142
TOLL FREE: (800) 452-2273

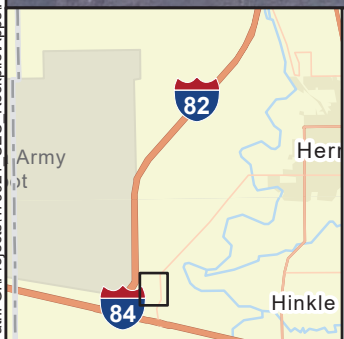
www.UmatillaElectric.com

UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response

GENERATION ROAD REPLAT, RECORDED JUNE 4, 2025

UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response

ROCKPILE TO COTTONWOOD 230-KV UPDATED EXHIBIT B



Project Components		County Zoning Crossed	
●	New Structure or Footing		Exclusive Farm Use 40+
	Substation or Switchyard		Rural Tourist Commercial
—	New 230-kV Circuit		Light Industrial
---	Existing Transmission Line		Light Industrial - Limited Use
			Exclusive Farm Use

UEC Rockpile to Cottonwood
Exhibit B
Land Use and Zoning
South

0 200 400 600

Feet

UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response

ZONING PERMIT #ZP-24-267, APPROVED NOVEMBER 22, 2024



UMATILLA COUNTY ZONING PERMIT
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

216 SE 4TH ST, Pendleton, OR 97801
Phone: 541-278-6252 • Fax 541-278-5480

Email completed applications to: planning@umatillacounty.gov
Website: www.umatillacounty.gov/departments/community-development

Permit No.	
ZP -	<u>24-207</u>
<input checked="" type="checkbox"/> Zoning Permit	\$100
<input type="checkbox"/> Code Violation	\$100
<input type="checkbox"/> Design Review	\$350
<input type="checkbox"/> Floodplain Dev. Permit	\$250
<input type="checkbox"/> Replace Dwelling Verify	\$75
<input type="checkbox"/> Rural Address	\$50
<input type="checkbox"/> Towers (Cell, Met, etc.)	\$200

EMAIL: fcoleman@uecoop.com

Home or Cell (541) 561-4447

APPLICANT NAME Umatilla Electric Cooperative PHONE Work (541) 289-1556

MAILING ADDRESS PO Box 1148 Hermiston OR 97838
STREET CITY STATE ZIP

PROPERTY OWNER(S) Umatilla Basin Properties LLC PHONE ()

MAILING ADDRESS 750 W Elm Ave Hermiston WA 97838
STREET CITY STATE ZIP

TWP 4N RNG 27E SEC 25 MAP # 4N 27 25A TAX LOT # 200 ACCT # 116888

LAND USE ZONE LI/BTC PARCEL SQ FT/ACRES 39.36 ac SITE ADDRESS No Situs

REQUIRED SETBACKS (Stream Setback 100-ft) FRONT N/A ft. SIDE N/A ft. SIDE N/A ft. REAR N/A ft.

Is the property in a FLOODPLAIN? ☒ No ☐ Yes Is a Flood Development Permit required? ☒ No ☐ Yes FLOOD ZONE

If the permit is for an accessory building located within the LI Zones, how will it be used? ACCESS ☐ Personal Use ☐ Farm Use ☒ Not Applicable

PERMIT: Has an access permit been issued from the County or ODOT? No ☒ Yes ☐ In Process ☒ Not Applicable

MANUFACTURED HOME (placement/removal) – Has the County Assessor's Office been contacted? ☐ No ☐ Yes ☒ Not Applicable

PROPOSED USE or STRUCTURES:
1) New Transmission Line and poles YEAR / SIZE 115kV
2) Poles UW-88 thru UW-95 and CY-7 YEAR / SIZE

Briefly describe the use

These conditions apply to various uses authorized via a zoning permit. Planning Staff will check those that apply, if any.

- ☐ **Manufactured Home Placement**, pursuant to UCDC 152.013 the mobile home unit shall be manufactured after January 1, 1972, and bear the "Insignia of Compliance" if prior to 1976.
- ☐ **Met Towers**, Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.
- ☐ **Replacement of a dwelling in a resource zone**, The dwelling to be replaced MUST be removed, demolished or converted to an approved nonresidential use within **one year** of the date of certification of occupancy of the new dwelling. **A Replacement Covenant and the Covenant Not to Sue must be recorded.**
- ☐ **Temporary Mobile Home/Temporary Hardship Dwelling**, The home MUST be removed within 90 days from the date the hardship ends. (Contact County Planning as soon as the hardship ends.)

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. The applicant must notify the Planning Department if there are ANY changes in the details of this Zoning Permit. This Zoning Permit may be REVOKED if the information provided is found to be false.

*** SIGNATURE OF ALL PROPERTY OWNERS REQUIRED** (additional signature pages are available upon request)

☒ On file

Signature of Property Owner, Title	Date	Signature of Property Owner, Title	Date
------------------------------------	------	------------------------------------	------

Printed Name of Property Owner

Printed Name of Property Owner

DATE APPROVED 11/22/24 APPROVED BY Carol Quinn PERMIT NO. 24-207

RELATED: LUD CUP and/or VARIANCE NO. #C-1379-24

EXTENDED or AMENDED, DATE APPROVED: APPROVED BY:

VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED. This is NOT a Building or Subsurface Disposal Permit. Revision Date: December 20, 2023

TO BE COMPLETED BY PLANNING STAFF

Site Plan for ZP - 24 - 247

APPROVED BY CQ

DATE 11/22/24

North Arrow indicates
map orientation.



Include ALL the following features in the Site Plan. Use a ruler or straight edge to draw the Site Plan:

- Site area showing **property boundaries** and dimensions.
- **Proposed and existing structures** with dimensions and the distance from **all** property lines
- Location of existing **wells** and existing **septic systems** (i.e. tanks, drain fields).
- Widths and names of **roads** adjacent to the site which provide direct access to the property.
- Existing **access points** (driveways, lanes, etc.)
- **Easements** and/or rights-of-ways
- Existing **utility lines** (above and below ground).
- Approximate location of any unusual **topographical** features.
- **Location of all creeks, streams, ponds, springs and other drainage ways.**



UEC Rockpile to Cottonwood 230-kV Transmission Line, Initial Response

EASEMENTS ON UMATILLA BASIN PROPERTIES TAX LOTS 200 & 202

Easements on Umatilla Basin Properties

Tax Lot 200, Account No. 116888 (TLID 4N2725A000200) &
Tax Lot 202, Account No. 157926 (TLID 4N2725A000202)

An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Umatilla Electric Cooperative Association

Recorded: September 4, 1949

Book: 190, Page: 140

An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Umatilla Electric Cooperative Association

Recorded: April 10, 1973

Book: 327, Page: 539

Easement for existing public utilities in vacated street area and the conditions imposed thereby.
Reserved by vacation order recorded: August 22, 1991

Reel: 209, Page: 1324

Easement for access, ingress, egress and utilities, including the terms and provisions thereof,

Recorded: October 22, 1991

Reel: 212, Page: 47

An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted To: Umatilla Electric Cooperative Association

Recorded: November 18, 1994

Reel: 263, Page: 253

Noise Easement, including the terms and provisions thereof,

Recorded: November 21, 1994

Reel: 263, Page: 361

Well Easement Agreement, including the terms and provisions thereof,

Recorded: March 5, 2002

Instrument No.: 2002-4070524

Easement and Right of Way Modification, Conveyances, Agreement and Covenants, including the terms and provisions thereof,

Recorded: September 7, 2007

Instrument No.: 2007-5250137

Amended by instrument,

Recorded: September 18, 2009

Instrument No.: 2009-5560559

DRAFT MINUTES

**REQUEST TO REVOKE CONDITIONAL USE PERMIT, #R-001-25,
AGGREGATE OPERATIONS, #C-549-89 AND
APPEAL OF PLANNING MANAGER'S LETTER
DATED FEBRUARY 27, 2025:**

**RICHARD SNOW, CUP HOLDER
JEFF & MICHELLE HINES, PROPERTY OWNERS**

The Umatilla The Community Development Department is requesting the Planning Commission to revoke Conditional Use Permit #C-546-89. The conditional use permit has not been renewed since 2020. The aggregate operation has exceeded the quantity and size permitted in 1989. The property is located east of Snow Road, approximately 2.25 miles southwest of the City of Echo and is identified as Tax Lot #12800 on Assessor's Map 3N29. The property owner has appealed a letter written by the County Planning Division Manager, dated February 27, 2025, regarding the property owners' request to renew Conditional Use Permit #C-546-89. The approval for revoking the Conditional Use Permit is found in Umatilla County Development Code (UCDC) 152.317(F). The appeal request will follow the procedures outlined UCDC. 152.766 and 152.767. The basis for revoking the Conditional Use Permit is found in the Findings of Fact and Conclusions of Law issued for #C-549-89.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
January 23, 2025**

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, May 1, 2025, 6:30pm**

COMMISSIONERS

PRESENT: Sam Tucker, Vice Chair, John Standley, Malcolm Millar, Emery Gentry,
Andrew Morris and Tami Green

COMMISSIONER

PRESENT VIA ZOOM: Kim Gillet

COMMISSIONERS

ABSENT: Suni Danforth, Chair, Ann Minton

PLANNING STAFF: Megan Davchevski, Planning Manager, Tierney Cimmeyotti, Planner, Charlet
Hotchkiss, Planner and Shawna Van Sickle, Administrative Assistant

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

CALL TO ORDER

Vice Chair Sam Tucker called the meeting to order at 6:31PM and read the Opening Statement.

NEW HEARING

REQUEST TO REVOKE CONDITIONAL USE PERMIT, #R-001-25, AGGREGATE OPERATIONS, #C-549-89 AND APPEAL OF PLANNING MANAGER’S LETTER DATED FEBRUARY 27, 2025: RICHARD SNOW, CUP HOLDER / JEFF & MICHELLE HINES, PROPERTY OWNERS. The Community Development Department is requesting the Planning Commission to revoke Conditional Use Permit #C-546-89. The conditional use permit has not been renewed since 2020. The aggregate operation has exceeded the quantity and size permitted in 1989. The property is located east of Snow Road, approximately 2.25 miles southwest of the City of Echo and is identified as Tax Lot #12800 on Assessor’s Map 3N29. The property owner has appealed a letter written by the County Planning Division Manager, dated February 27, 2025, regarding the property owners’ request to renew Conditional Use Permit #C-546-89. The approval for revoking the Conditional Use Permit is found in Umatilla County Development Code (UCDC) 152.317(F). The appeal request will follow the procedures outlined UCDC. 152.766 and 152.767. The basis for revoking the Conditional Use Permit is found in the Findings of Fact and Conclusions of Law issued for #C-549-89.

Vice Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Vice Chair Tucker mentioned representing Richard “Dick”

Snow and Carla McLane in the past, but neither matter included this particular property nor would there be a conflict of interest. No other reports were made.

Vice Chair Tucker called for the Staff Report.

STAFF REPORT

Mrs. Megan Davchevski began by thanking the Planning Commissioners for reviewing the large packet and also apologized for the length of the staff report. She stated the application was a two-part request first addressing the request to appeal a letter written by the Planning Manager and the second is Staff's request to revoke Conditional Use Permit #C-546-89.

Mrs. Davchevski stated the property was identified as Tax Lot 12800 and is located on Assessor's Map 3N 29. The property is located approximately 2.25 miles southwest of the City of Echo. She stated, the appellant requested the Planning Commission review a letter dated February 27, 2025, sent by the Planning Manager, Megan Davchevski. This letter was in response to the appellant consultant's letter dated February 25, which requested reinstatement of the 1989 Conditional Use Permit (CUP), C-546-89, to allow mining operations. Mrs. Davchevski quoted an excerpt from Exhibit 29, Page 293, within the packet.

Mrs. Davchevski expressed that staff believed the appeal request was meant to address staff's request to revoke and was submitted prematurely.

Mrs. Davchevski explained that the request to revoke was being requested by Community Development staff. She stated in 2020, the Planning Division received information from Mr. Hines that the mining operation was excavating more than 5,000 cubic yards of material and had exceeded the site footprint allowance of one acre. Staff informed Mr. Hines of the required applications to approve a Goal 5 aggregate site to expand the operations. (Exhibit 16, page 243)

Mrs. Davchevski stated, shortly after, DOGAMI confirmed to Planning Staff that mining operations had far exceeded the original permit, including a detailed inspection report with photos. (Exhibit 17, page 244)

Mrs. Davchevski expressed that because Mr. Hines was cooperating with staff, the Community Development Department did not pursue code enforcement actions, nor did staff find it necessary to proceed with voiding the CUP as detailed in UCDC 152.613(F). She stated, Mr. Hines had continued to communicate his application efforts with staff since 2020, however, since he now appealed a letter regarding the inability to renew the CUP, this revocation request was being pursued.

Mrs. Davchevski reiterated that staff had compiled an extensive list of exhibits, dating back to the initial 1989 Conditional Use Permit application. She added that to assist with navigating the exhibits, a Timeline of Events had also been compiled beginning on page 36. She stated notice of the applicant's request was mailed on April 11, 2025, to nearby property owners and necessary agencies. Notice of May 1, 2025, Planning Commission hearing was published in the East Oregonian on April 16, 2025.

Mrs. Davchevski explained staff had addressed Oregon Revised Statute (ORS) 215.230 and 215.416 as provided in the applicant's appeal application. She reiterated that staff did not believe ORS 215.230 and 215.416 were applicable. The appeal request follows the procedures outlined by UCDC 152.766 and 152.767.

Mrs. Davchevski stated the criteria of approval for the request to revoke are found in UCDC 152.613(F). The basis for revoking the Conditional Use Permit is found in the Findings of Fact and Conclusions of Law issued for #C-549-89. (Exhibit 5, page 63)

Mrs. Davchevski further explained the reasoning behind the request to revoke. She shared that current Planning Staff became aware that the Snow Pit was operating beyond the 1989 CUP approval in July of 2020 with a call from Mr. Jeff Hines. Mr. Hines was looking to purchase the property following the passing of Mr. Richard Snow. Mr. Hines shared that he had been the contractor operating the pit and that the amount of rock pulled had exceeded 5,000 cubic yards for many years. Mrs. Davchevski stated that staff sent a follow up email (Exhibit #16) to Mr. Jeff Hines on July 20, 2020, explaining the process to establish the site under Goal 5 to permit the expansion. She stated, eight days later, staff received the DOGAMI inspection report. (Exhibit #17)

Mrs. Davchevski stated the Planning Department could have pursued this request to revoke Conditional Use Permit #C-546-89 in July 2020. However, staff recognized that developing a Goal 5 PAPA application was time consuming and Mr. Hines appeared to be cooperating with staff to correct the issues. She explained that staff did not want to further burden the current landowner by requiring them to first attend a land use hearing to revoke the 1989 permit followed by several additional hearings to establish the Goal 5 site.

Mrs. Davchevski reiterated the 1989 CUP limited the Snow Pit to a quantity of no more than 5,000 cubic yards of excavated aggregate per year. The CUP also placed the following limitations: the site must not exceed one acre in size, and that quarried aggregate remain on the applicant's (Richard Snow) property, not to include commercial quarry operations.

Mrs. Davchevski stated the current landowner argued that Mr. Snow always intended to use the site commercially, that is not what was approved by the Hearings Officer, as written in the Conclusions of Law. She referenced the map shown on screen from DOGAMI's inspection report prepared in July 2020. DOGAMI estimated the area disturbed by the mining operations was approximately 23.3 acres in size (Exhibit 17, page 251).

Mrs. Davchevski then presented several images showing the timeline of use of the property. She shared images from 1980, 1989, 1994, 2002, and lastly 2024. The property began by utilizing a very modest amount of land for mining and was predominately farm use, to now showing the mining site at nearly 21 acres (Exhibit 32, beginning on page 335).

Mrs. Davchevski explained that evidence in the record provided the Snow Pit had excavated more than 5,000 cubic yards of aggregate per year, aggregate mined did not remain on Mr. Snow's property, commercial quarry activities had been occurring on the property and the aggregate site

had far exceeded the allowed footprint of one acre, now estimated to be over 23 acres in size. For those reasons, staff asked the Planning Commission to revoke Conditional Use Permit #C-546-89 as the site was not compliant with the approval.

Mrs. Davchevski received Exhibits 34 and 35 on April 14, 2025, submitted by attorney Wes Williams on behalf of Mr. Hines. She explained that Exhibit 34 contains photos of the subject property and other photos had not been labeled. Exhibit 35 contained a 2021 Umatilla County Road Approach Permit (which was issued to comply with the property line adjustment requirements), a DEQ permit, a DOGAMI Operating Permit application, water information and a site map. She mentioned that although a narrative explanation had not accompanied that submittal, Staff believed much of the information could have been included to support the pending Goal 5 application, however it was instead only submitted for the hearing regarding #C-546-89.

Mrs. Davchevski went through some of the exhibits and addressed their relevance to the application including a DOGAMI Operating permit application (Exhibit 35, page 384) completed by the landowner. She mentioned the application stated 50 acres will be affected by mining related activities and mining will begin on May 1st, 2025.

Mrs. Davchevski reminded the Planning Commission that land use regulations pertaining to mining activities are far different today than they were 45 years ago. She explained that Mr. Snow was able to obtain a Conditional Use Permit in 1989 without establishing a Goal 5 significant site, which was not possible today. Sites mining less than 500,000 tons annually are required to first go through a determination of significance for a Small Significant Site and then obtain a Conditional Use Permit. Sites proposed to mine more than 500,000 tons annually must go through a determination of significance for a Large Significant Site prior to conducting mining activities.

Mrs. Davchevski explained that the Snow Pit was not on the County's inventory of Goal 5 resource sites and thus today mining could not be approved on the site without first establishing Goal 5 protection for the aggregate resource. She stated that the process was shared with Mr. Hines in July of 2020. The appellant applied to establish a Large Significant Site on November 17, 2024, and staff provided a detailed completeness letter requesting more information on December 13, 2024. Mrs. Davchevski stated that while the appellant provided this November 2024 application as an Exhibit, it is a separate land use application and should not be considered as part of this request. The Goal 5 application remains in pending status until a response by Mr. Hines or his representatives has been received.

Mrs. Davchevski further explained, Umatilla County has precedence in permitting existing mining sites that are not on the County's list of significant sites at the time expansion occurs and is pursued through the Goal 5 process with the current state requirements. She explained that the appellant is appealing a letter written by the Planning Manager. The proposed Findings of Fact and Conclusions of Law detailed why the letter was not a land use decision subject to an appeal. This was because the letter was informational and did not make a decision on a permit,

application or the adoption, amendment or application of statewide planning goals, comprehensive plan or the County's Development Code.

Mrs. Davchevski stated staff had addressed the appeal as presented by the appellant and had drafted detailed findings concluding that the appellant's assignment of errors should be denied. She further summarized the appeal findings, the Planning Manager's letter was not a land use decision, the site did not meet the definition of an established and existing use under ORS 215.230(5), the request to revoke was a separate land use action from the pending Goal 5 PAPA request, and the site had not been in compliance with the 1989 permit approval.

Mrs. Davchevski explained the Planning Commission was tasked with determining if Staff's request to revoke Conditional Use Permit #C-546-89 should be approved. She added, with making this determination, the Planning Commission must review the Hearings Officer's 1989 decision, including the Findings and Conclusions of Law and determine if the site remains compliant with the approval and conditions of approval.

Mrs. Davchevski expressed an important note, that even if the appellant's request to reinstate Conditional Use Permit #C-546-89 was approved, all mining activities at the site would be limited to aggregate materials remaining on the subject property, extraction of no more than 5,000 cubic yards per year, and the entire site would be limited to no more than one acre in size, per the 1989 approval. She stated, the appellant provides in their Operating Permit application to DOGAMI that they wish to encumber 50 acres under the DOGAMI permit. The Planning Commission cannot consider the pending Goal 5 PAPA application. The landowner has until June 11, 2025 to provide a response to the completeness letter providing some, all or none of the requested information.

Mrs. Davchevski concluded by stating the Planning Commission decision is final unless timely appealed to the County Board of Commissioners.

Commissioner Standley asked if the Planning Commission ever reviewed this site before, in previous years where any information was brought back to the Planning Commission through the revocation process. Mrs. Davchevski stated the application was originally approved by the hearings officer at the time. She stated all the information the department has on this site is included within the packet. The Hearings Officer was an attorney who represented these matters before the County had a Planning Commission. During a public hearing, the Hearings Officer oversaw the meeting and then made a decision. She explained for a number of years it did go back to the Hearings Officer to ensure they were still operating within compliance. There hasn't been a hearings officer, to her knowledge, since the early 1990s. Commissioner Standley asked if a CUP had been involved or covered this particular site for the former four years. Mrs. Davchevski confirmed that the applicants had not renewed their Conditional Use Permit through the County's annual renewal process since 2020.

Commissioner Gentry asked if the renewal was only good for one year. Mrs. Davchevski confirmed that was correct, she explained that she believed a request was submitted in early 2020, after this renewal the department staff became aware of the compliance issues.

Vice Chair Tucker stated that the presentation indicated that the department became aware of the size exceeding the one-acre limit in July 2020. Mrs. Davchevski confirmed. Vice Chair Tucker stated according to the record, it appeared predecessors to her knew it had exceeded prior. Commissioner Gentry stated he counted 8 different site visits between 1991 and 2013. Vice Chair Tucker stated perhaps you personally weren't aware of it, but someone within the Planning department were aware. Mrs. Davchevski replied that staff are not mining experts and they're certainly not able to quantify how much rock was being pulled from the site. Until recently, their department did not utilize aerial images as much as done today. Vice Chair Tucker commented that a difference can be seen between one acre versus twenty-three. Commissioner Gentry agreed with Vice Chair Tucker. He stated he felt with eight visits over twenty years it could have been caught.

Vice Chair Tucker posed a scenario where the Planning Department knew about this or another area violating ordinances, such as too much garbage on a property. He asked does the lack of action over a period of time establish a use. He added, can you enforce something that has been happening over 20 to 30 years or because of statute or are you forbidden to enforce action because of the passage of time. Mrs. Davchevski stated ORS 215.130(5), Non-Conforming uses; in order to qualify as a non-conforming use, it had to have been occurring on the property before the zoning was applied. She further explained, in this case, if the mining operations occurred there before 1972 then that could have qualified as a non-conforming use; however, to qualify it has to be a legal and lawfully established existing use. She stated, in 1972 Umatilla County adopted our zoning code and as part of that zoning code in order to mine one must have a conditional use permit. For example, if someone opened a gravel pit in 2000 and was operating for the last 25 years but we just found out about it today, it would not be considered legal because it didn't receive a permit.

Vice Chair Tucker asked whether it would become legal because it had been illegally used for a period of time. Does the statute of limitations run on enforcement action or was it her understanding that enforcement action can take place various years in the future. Commissioner Morris asked if there was a statute of limitations for land use. Mrs. Davchevski stated she understood that enforcement could take place later, the applicants had to prove when they began that use and did so legally prior to 1972 and to her knowledge there was no statute of limitations on land use.

Commissioner Standley stated that his understanding was that a CUP was good for a three-year project. Mrs. Davchevski stated that every Conditional Use Permit (CUP) was different. Commissioner Standley reiterated that between 2020-2025 the Planning Department was acting on good faith because the Hines' were actively working on their Goal 5 application. Mrs.

Davchevski stated that it was correct; they contacted the Planning Department regarding the Goal 5 application process, and Staff were under the impression they were working towards that and thus didn't implicate enforcement action. She added that our department was aware of the length of time it takes to compile the necessary criteria for this and were trying to work with the applicant. Mrs. Davchevski explained that an application was received in November 2024 for the Goal 5 Significant site. On December 13, 2024, she sent a letter of incompleteness, and she was told they were working on submitting the missing materials. The 180-day notice period gave them until June 11, 2025, to submit those materials.

Vice Chair Tucker stated the idea of the Goal 5 application would make this old CUP go away. Mrs. Davchevski confirmed it would take place of the current Conditional Use Permit. Vice Chair Tucker asked if the application would take five years if someone diligently pursued it and could a decision have been made during that timeframe. Mrs. Davchevski stated an application could likely be compiled, submitted and a decision made within that timeframe. Commissioner Morris stated State Agency, DOGAMI, also submitted a Cease-and-Desist order. Mrs. Davchevski stated yes that it was issued for failure to obtain an operating permit. Vice Chair Tucker asked if the Planning Commission was to approve a renewal of the CUP that it still wouldn't allow Mr. & Mrs. Hines to mine anything more than one acre, which they have already surpassed, without violating the DOGAMI cease-and-desist order.

Commissioner Standley asked if a CUP would still be in effect if there hadn't been a renewal for the past four years. Mrs. Davchevski stated that was why staff were there, to formally revoke the conditional use permit. She added that the Planning Commission must determine if the operator is compliant with the original approval from 1989.

Commissioner Gentry asked if the cease-and-desist order prevents them from operating any machinery, removing stockpiles, etc. from the site. Mrs. Davchevski stated yes, that was her understanding and the order was sent before the request to renew their CUP.

Vice Chair Tucker asked about the letter sent by the Planning Division Manager, stating Staff is saying the letter was not appealable, but the Planning Commission is treating it as such. Vice Chair Tucker asked if Staff sent a letter when would the applicant receive such a response. Mrs. Davchevski stated while reviewing the appeal request, the Planning Department pursued the opportunity to revoke the permit and triggered this process. She stated Staff's original intention was to work with the applicant in good faith. The decision on revoking the CUP was appealable. Vice Chair Tucker asked if Staff decided to deny. Mrs. Davchevski stated no, because the appeal must be brought before the Planning Commission for a decision.

Vice Chair Tucker stated the reason the Planning Department didn't enforce action was in hopes the application would get completed. Mrs. Davchevski stated if she could, she would go back five years and go through the revocation process at that time. Vice Chair Tucker referenced a much older hearing in which a garbage dump was limited to one acre, and it was decided that it

no longer met the conditional use permit conditions. He stated it appeared standards for garbage versus development might not be the same.

Commissioner Gentry asked then what their decision was based on that evening. Regardless of the Planning Commissioners' decision they would still not be able to operate due to the cease-and-desist order from DOGAMI. Mrs. Davchevski stated that Cari Buchner from DOGAMI will be able to address more when it comes time for Agency comments.

Proponents: None

Opponents: **Mr. Wes Williams, Attorney for Jeff & Michelle Hines, 115 Elm Street, La Grande, OR 97850;** Mr. Williams stated this rock pit had operated with County approval as a commercial rock pit since 1989. He shared various information from the Findings of Fact to demonstrate why include the need for annual inspection, and that this was only done with commercial pits. He provided several reports from Gina Miller, Code Enforcement Assistant. He stated one of the inspection reports from April 18th, 2002, stated, "Pit still active many stockpiles and loading equipment, no crusher on site this day, but one had obviously been there. Large gravel truck arrived to get gravel as we were leaving. No complaints renew pending receipt." Another report on April 22nd, 2010, stated, "Pit very active today, gravel being hauled out by belly dumps at a fast pace. Considerable change in appearance of the quarry. Many more piles of crushed rock around the property, large increase in quantity of material being processed." and it was renewed again.

Mr. Williams argued the County Planning Department approved and knew this pit was operating commercially. He stated he believed the misunderstanding was innocent by taking the Findings of Fact out of context. He summarized that the Hearings Officer recognized that Mr. Snow had applied for personal as well as potential commercial quarry. (page 65-74). He stated, "Development Ordinance criteria for granting commercial gravel pits and gravel extraction..." and he went over them in detail. He added that the Hearings Officer pointed out extraction holes and sedimentation ponds noting there were no dwellings within 500 feet and no sedimentation ponds were requested.

Mr. Williams stated the language that the Planning Commission was being asked to focus on are a few words out of paragraph 11. He stated no attention was drawn to this section that outlines the conditions for a commercial rock pit. The hearings officer wrote, "Based on the findings of fact and conclusions of law, the Umatilla County Hearings Officer does hereby grant the application with the following conditions." Mr. Williams stated they knew the conditions applied to a commercial rock pit because they would only apply to a commercial rock pit. The reclamation is a revised plan which locates the rock crusher, stockpile area and asphalt plant. etc. He stated he doesn't know if Mr. Snow submitted that or not. He stated Mr. Hines did, however, go and talk to the Planning Department and was told this pit could only be used for personal purposes. He stated Mr. Hines found this document and confirmed they were complying with the original conditions.

Mr. Williams stated Mr. Hines submitted a detailed plot plan showing the location of the rock crusher, stockpile, the excavation area and the asphalt plant, as well as the haul road. Mr. Hines also completed a reclamation plan (page 385). Mr. Williams summarized that Mr. Snow may not have had a reclamation plan or access to water for the property, but Mr. Hines does and should be able to operate, just as Mr. Snow did, commercially. He stated a letter from the city of Echo was provided that allows Mr. Hines to use the water he needed for his water trucks. (page 406)

Mr. Williams continued that the pit was inspected every year for 30 years and Umatilla County renewed it every single year. Some renewal responses call attention to the one-acre limit and the 5000 cubic yard limit, but others don't. He thought that was due to an innocent misunderstanding. This would be the first commercial rock pit that could operate with those kinds of limits. Those limits apply to the personal use of the rock pit.

Mr. Williams stated Mr. and Mrs. Hines moved from La Grande, Oregon to buy that property because they had an opportunity to make a living with their family and operate this pit after Mr. Snow passed away in 2019. He had worked for Dick Snow for many years. Mr. Hines knew there was a Conditional Use Permit to operate commercially and was required to renew it yearly. After purchasing, Mr. Hines went to the Planning Department and requested to renew the Conditional Use Permit and was told no. He stated that the Planning Department informed Mr. Hines the pit could not be mined for commercial use, just personal. Mr. Williams stated Mr. Hines decided to go through the Goal 5 application process, which was submitted in November 2024, and was told it was incomplete. Mr. Williams stated they must send additional information prior to June 11, 2025. He stated Mr. Hines applied to reinstate the Conditional Use Permit, which was denied, and they appealed that. On April 1st, 2025, they received a letter from the Planning Department. He reiterated someone would have to be oblivious not to know how much rock is being crushed out of there, and that it was pursuant to commercial use.

Mr. Williams explained Mr. Hines must have the CUP before he can apply to DOGAMI. He stated if the Planning Department denies or revokes the permit pursuant to ORS 215.416 (8-9) they are required to state where in the ordinance was violated and give 30 days' opportunity to cure. "Since Mr. Hines is now disagreeing with the department with an appeal application, planning will proceed through the revocation process." He stated that sounded like retaliation to him and that's wrong. He stated the Planning Commission cannot deny it based on that, so it must be rejected.

Commissioner Morris stated whether commercial or private, the conditional use permit application was only for one-acre and 5,000 Cubic yards. He stated no matter what they decide tonight, the prior permit only allows 5,000 cubic yards and one-acre and that can't change. He stated our final say does not change that they need DOGAMI's approval to mine.

Mr. Williams stated with all due respect, he disagreed. He believed careful reading reflected the conditions apply to a commercial pit and that was the Hearing Officers' decision. He stated if this were true and not taken out of context Mr. Snow would have been shut down 30 years ago. Mr.

Williams stated they know it's not limited to one-acre and 5000 cubic yards per year because it's been operating outside of an acre and beyond 5,000 cubic yards in excess of 25 years. He stated they need the Planning Commission's approval first, before they may go to DOGAMI.

Commissioner Standley asked for clarification as to why no Goal 5 application was filed earlier. He stated they were looking at it three years later and they had been operating, and they didn't stop. Commissioner Standley asked how they look at this as a method of doing business. He stated Staff tried to work with Mr. Hines and did a great job of trying to keep the pit operating. Commissioner Standley stated he thought staff were trying to work with him so long as Mr. Hines was pursuing the Goal 5 process in good faith, they let it continue, and he wasn't sure where the rider jumped off the horse.

Vice Chair Tucker stated he interpreted what Commissioner Standley was trying to reach was the application should have been pursued in the timely manner in 2020. He reiterated he didn't think it should take four years of diligent work from 2020 to 2024 to get this process complete, and had it been tightly pursued they would not be there today. Mr. Williams stated they're here today because the Hines' asked for a reinstatement of the CUP and it was denied. He stated he was a Circuit Court judge at the time of the application filing, and when he stepped down, the Hines' came to him directly afterwards.

Commissioner Green asked when Mr. Snow passed away and when did Mr. Hines take possession of the property. Mr. Jeff Hines responded March 23rd, 2019 was when Mr. Snow passed away, they did not purchase the property until 2021.

Vice Chair Tucker asked if the Hines family were informally in possession of the property before Mr. Snow passed. Vice Chair Tucker asked if a reasonable position was to assume this was a commercial pit and that the personal use was limited to one acre and 5,000 cubic yards and there was absolutely no limit whatsoever with commercial application. There's 160 acres there, and if they wanted to mine the entire 160 acres and no one would stop them. Mr. Williams stated that it was not a reasonable position, and not his position today. He stated they were asking the Planning Commission to put reasonable restrictions on it. Vice Chair Tucker reiterated the logical conclusion was if the one-acre and 5,000 cubic yards was only for personal use, and that opinion does nothing to limit commercial operations. He stated we should renew it every year, no matter how big it is because they are grandfathered in with Mr. Snow. Mr. Williams repeated that reasonable limits could be imposed. Vice Chair Tucker stated in these situations there is no grandfather clause and the illegal use or violation of Conditional Use Permit does not become legal with the passage of time.

There was a long period of discussion between Mr. Williams, Vice Chair Tucker, Commissioner Morris, and Commissioner Standley regarding the grandfather clause, and confirmation the CUP still existed if it was never renewed, and the timeline for filing the Goal 5 application.

Mr. Jeff Hines, 210 North Main, PO Box 322, Echo, OR 97826; Mr. Hines started by explaining some history between himself and Mr. Snow. He stated he initially sought work with Mr. Snow early in his adulthood, he then worked as a contractor, purchased his own equipment and started building logging roads. He stated Mr. Snow contacted him a few years later and needed someone to help near the river and some rip rap was needed. He started working for Mr. Snow in March 1985. Mr. Hines stated he owned equipment, had blasting permits to break down rock and did so to help with for repairs during the major floods on the Umatilla River in the 1980s.

Mr. Hines shared the same cycle would continue every few years, where Mr. Snow would reach out to Mr. Hines to help with some upcoming work including crushing around 7,000 cubic yards of rock one year, and another 10,000 cubic yards of rock a year later. He stated, Mr. Snow was aware of more upcoming jobs that required a higher volume of rock. Mr. Hines told him before he would move forward, Mr. Snow needed to obtain a permit.

Mr. Hines stated at that time, Mr. Snow went to the Planning Commission and filed for a permit with the County. He stated, Mr. Snow did not say on his application that he wanted a commercial site. He added, once approved, they immediately started crushing rock for Mr. Snow for multiple projects. He stated they crushed rock in 1991 for the road expansion from Stanfield to Hermiston, previously a two-way single-lane highway was now two lanes. He listed additional projects they worked on including for the Pilot truck stop and with Umatilla County for the EOTEC building.

Mr. Hines stated the County came out over the 30 years performing inspections, asking questions like where are you keeping the topsoil, where's the storm water going, etc. He stated he was not certain which department or agency they were with each time. He thought they were from the Umatilla County Road Department, and they were performing the DOGAMI permit checks. He stated topsoil seemed to be one of their biggest concerns which is still, to date, stockpiled on the east end of the rock pit, which in that area doesn't produce a lot of topsoil to begin with.

Mr. Hines stated he was aware there were issues with Mr. Snow's DOGAMI permits. He stated he wasn't personally involved until 2020. Mr. Hines experienced the loss of his brother and father within a month in 2017. He was contacted by Denise Snow and asked if Mr. Hines would assist with the DOGAMI permitting issues. He stated he met with DOGAMI, Nick Tatalovich, who inspected the pit and stated he did not see any issues. There was an issue with the boundary getting too close to the neighboring property. The reason it took four years to obtain all the necessary paperwork was because he wanted to rectify the high wall issue and own the neighboring property. He stated that this was not complete until 2024 when Mr. Hines and Mr. Lloyd Piercy struck a deal to perform a property line adjustment.

Mr. Hines stated no operation occurred in 2021, but in 2022 help was needed because of the floods. Every person who contacted Mr. Hines regarding crushing aggregate was informed he did not have the proper permits, and he was working to obtain the Goal 5 permits. He stated he would rather

continue with the current permit, because the pit has been running commercially all this time, and he needed the CUP to remain active while he is finishing his Goal 5 application.

Commissioner Gentry asked Mr. Hines to explain what a high wall meant. Mr. Hines explained DOGAMI prefers a wall approximately 40 feet vertical by 15 to 20 feet wide bench. He further explained the reason for this was due to reclamation.

Commissioner Morris asked to refer to the original hearing in 1989 (page 51) and why there was never a revised plot plan submitted. Mr. Hines stated Mr. Snow had a very vague plot plan in the past. Mr. Hines admitted that the application does not say it is for commercial purposes, he says he wanted to sell rock. Mr. Hines stated the County expressed some concerns and left the permit open-ended.

Mr. Hines read an excerpt from the Planning Manager's letter "Should the applicant require approval of an aggregate quarry site which exceeds the quantity and size above. With the above or required approval for a commercial aggregate quarry. Additional information required determined with additional conditions may be required." (Exact quote from Mr. Hines, staff could not determine the origin of his Exhibit, nor did he provide one).

Mr. Hines insisted the County knew this was a commercial site, if they didn't believe that then why did they observe and allow hundreds of belly dump trucks to leave the site. He stated, it wasn't for Mr. Snow's own use.

Commissioner Standley referenced an email from the County on December 14, 2020, stated pursuance of the Goal 5 application and whether the application was ever started in 2020. Mr. Hines stated he did not own the property at that time so no, he had not started the process yet. Parjim Holdings owned the property at that time, and they wanted to sell it to him.

Mrs. Michelle Hines, PO Box 322, Echo, OR 97826; Mrs. Hines stated she and Jeff purchased the Muleshoe rock quarry on March 22, 2021, with the intention to operate the quarry commercially to earn income for their family. She added that HNS and Jeff have operated the rock quarry since 1984 with Mr. Snow. Mrs. Hines shared that the suspension order issued by the Planning Department has placed a substantial financial burden on HNS and their families. She explained she knew that in 1989 Mr. Snow was granted a conditional use permit to operate commercially and they are asking to operate the permit just as Mr. Snow did. She concluded by stating she has worked through the process of reinstating the conditional permit and was familiar with the findings of fact and recognized that Mr. Snow was granted so commercially.

Ms. Carla McLane (Carla McLane Consulting, LLC), 170 Van Buren Drive, Umatilla, OR 97818; Ms. McLane stated she began consulting in early 2020. She explained Mr. Hines reached out to her in 2021 for help with the Goal 5 application. She reiterated Mr. Hines was aware of the issues with DOGAMI and was trying to address those concerns. She stated Mr. Hines was working

with his neighbor to acquire additional property, and they engaged fully in the Goal 5 process approximately late 2023 to early 2024 and submitted the application in late 2024.

Ms. McLane stated Mr. Hines wanted to operate the pit as it currently was for business reasons. Conversations were had regarding the status of the CUP and if they could reestablish it so Mr. Hines could operate legitimately until the Goal 5 approval was complete. She stated they reached out for records from the Planning Department, which were received. They asked twice for the reinstatement of the CUP from the Planning Department; both attempts were denied renewal.

Ms. McLane read the letter from Mr. Snow (Exhibit 2, page 45). Her conclusion after reading the Hearings Officers' findings of fact multiple times the approval was initially for personal use but, going back to the letter from Mr. Snow she could see where he wanted it commercially and that is what she believed the Hearings Officer granted.

Ms. McLane provided examples of agencies that had used the pit for various projects including ODOT and the Umatilla County Public Works Department. Ms. McLane claimed that in those 30 years the Planning Department did not give Mr. Snow the ability to come into compliance and thus further Mr. and Mrs. Hines. As Mr. Williams pointed out, is a requirement for revocation.

Ms. McLane asked that the Planning Commission encourage Planning staff to reinstate the CUP so Mr. and Mrs. Hines can earn a living. She concluded by stating they had worked on the Goal 5 application and were compiling the items indicated in the completeness letter and would have them turned in on or before June 11, 2025.

Commissioner Morris asked if the Planning Department was working on good faith and issued no corrective action during that time, why did it take so long for an application to be compiled and submitted. Ms. McLane responded DOGAMI issues, like Mr. Hines indicated prior. Mr. Hines was working on the high wall and obtaining property to the north to fix this issue with DOGAMI, which doesn't compromise the quarry boundary. Commissioner Morris asked why those issues were not communicated with the Planning Staff.

Commissioner Standley asked what Ms. McLane's interpretation was on a CUP that has expired. Ms. McLane stated during her experience over the years, she didn't write CUPs that expired like this nor had an annual review in the conditions of approval.

Commissioner Green asked if the requirements from DOGAMI had been met. Ms. McLane stated they need to have an active CUP permit in order to get an operating permit from DOGAMI. Ms. McLane's interpretation was that an active permit was required from the County Planning department and thus why Mr. and Mrs. Hines were requesting reinstatement of the 1989 Conditional Use Permit.

Mr. David Slaght, City Administrator for city of Echo, PO Box 9, Echo, OR 97826; Mr. Slaght shared HNS has been a huge part of the Echo community and before that the Snow family for

many, many decades prior. He added that Mr. Hines had helped with numerous issues that arose during COVID and during the Umatilla Basin flood. County Commissioners during that time (Shafer, Doran, and Murdock) along with the City of Echo declared a state of emergency. He stated the Board of County Commissioners granted emergency funds for padding the embankment to save homes in jeopardy and for engineering.

Mr. Slaght stated all Commissioners and Community Development Director, Robert Waldher, were aware that Mr. Hines and HNS were pulling this rock from the Muleshoe pit and funds were paid to HNS which amounted to \$246,924. He questioned the County's motive regarding acting in good faith, but then why money was sent for their services. Mr. Slaght felt like the Planning Commissioners needed to take that into consideration, to allow Mr. and Mrs. Hines to keep their CUP permit and let them go through the DOGAMI process regardless of the time frames.

Mr. Scott McCallum, PO Box 264, Echo, OR 97826; Mr. McCallum stated he was there to attest that the rock pit operated commercially for over 30 years. He knew this because he worked with Mr. Snow since approximately 1999 and continued until he passed in 2019. They sold rock to contractors, local farms, City of Stanfield, local wineries, all the local irrigation districts and the new county fairgrounds. Mr. McCallum recalled being present during inspections. He communicated with Mr. Snow whether he had or would be submitting his renewal. Often Mr. Snow would share that without that permit they could not sell rock.

Mr. Scott Smith, 2947 Blue Jay Street, Umatilla, OR 97818; Mr. Smith stated he is a developer and consultant in Umatilla County. He added that they used the Echo pit for several projects. He expressed it's an ideal location due to the cost of hauling aggregate. He concluded he was here to show his support for Mr. and Mrs. Hines with their pit.

Mr. Mike McCarty, 26943 McCarty Ranch Lane, Echo, OR 97826; Mr. McCarty stated he has owned a farm in the area since 1965. He stated that an agreement was made with Mr. Snow to use products from each other's property to help with their operations. Mr. Snow had the rock while Mr. McCarty had the hay. He stated the agreement spanned many years and provided to other surrounding farmers as well. He wanted to continue to support Mr. Hines due to the business he had with Mr. Snow and felt like it should continue to operate.

Mr. Justin Morris, PO Box 231, Echo, OR 97826; Mr. Morris spent some time expressing his history with the Snow family, workers that he considered family. He felt like the decommissioning of this rock pit would have a detrimental impact not only on the Hines family, his workers, but also on the greater area including the City of Echo. He stated the workers at HNS had to be laid off due to no work, and this impacts on the Hines family financially as well.

Mr. Paul Ramos, PO Box 422, Echo, OR 97826; Mr. Ramos stated he was one of many contractors that has hauled rock from this pit for over 30 years. Mr. Ramos referenced the Commissioners' Strategic Goals from the County website, citing number 10, "Recognize and invest the challenges in maintaining Umatilla County's infrastructure and assets." He could

personally vouch that the Muleshoe rock pit was an asset, and implored the Planning Commission to do the right thing and reinstate this permit.

Mr. Kent Madison, 28647 Madison Road, Echo, OR 97826; Mr. Madison stated he had a similar question to Commissioner Gentry as to why they are all here. He stated he reached out to Jennifer Bragar, land use attorney. He stated Ms. Bragar looked at the Umatilla County Development Code, UCDC Section 152.600(A) Verification of a Non-Conforming Use. Mr. Madison paraphrased this section. (UCDC, Revision date July 19, 2022, or prior). Mr. Madison presented dates to show the pit was being used prior to January 1, 1990, and should be allowed to operate under non-conforming use.

Vice Chair Tucker asked if the applicant needed to apply for the preexisting use. Mr. Madison stated that Mr. Hines should be able to come to the county, present information stating the pit was used prior to 1970 and apply.

Mr. Richard Smith, 1018 Caples Road, Woodland, WA 98674; Mr. Smith stated he was a developer in Umatilla County. He has utilized rock from Mr. Hines. He mentioned other larger operators are moving into the area and charging an obscene amount for aggregate. He was quoted in the prior week, from Boardman, \$22 per ton. He wanted to ensure the Planning Commission knew the economic strain it would place on this community if this pit was shut down, because he feels Mr. Hines keeps the price honest.

Mr. Casey & Mrs. Kristi Inman, 32693 W Columbia Lane, Hermiston, OR 97838; Mrs. Inman began by stating they were there this evening to reiterate that the rock has been used for commercial use for many years. They've hauled for local projects and several non-local contractors within the commercial setting. Mrs. Inman stated the Hines' family are great people, they have helped Mr. and Mrs. Inman through many financial times. She reiterated that the permit must be in place to work with DOGAMI.

Mr. Inman spoke to the character of the Hines' family and their community involvement. He talked extensively about Mr. Hines' character and keeping the other rock pits to an honest standard. He felt this happens because of paperwork and this should not be the standard they are held to and to help their community.

Mr. Tom Pierce, 28623 Madison Rd, Echo, OR 97826; Mr. Pierce stated he has known Mr. Hines for over 40 years and hoped that the Planning Commission will allow him to continue to remain and support his community.

Mr. Arthur Prior, Art Prior Eagle Ranch, 32313 Oregon Trail Road, Echo, OR 97826; Mr. Prior stated he was there to support Mr. Hines' rock pit. He stated the quality of the product from the pit is good and the service received from Mr. and Mrs. Hines is great and they don't want to see that cease.

Mr. Lloyd Piercy, 33927 Riverview Drive, Hermiston, OR 97838; Mr. Piercy stated he was there to support ending this revocation and in favor of reinstating Mr. and Mrs. Hines conditional use permit. He expressed his own history with the Hines', his personal pit, and developing in the area. Mr. Piercy felt staff did not write the letter to the Hines family in a clean manner. He stated that any assertion that Mr. Hines wasn't actively working to obtain the proper documentation to get his DOGAMI and Goal 5 application submitted was erroneous, which included the sale of certain property between Mr. Piercy and Mr. Hines.

Mr. Stephen Haddock, Professional Land Surveyor, PO Box G, Pilot Rock, OR 97868; Mr. Haddock stated he wanted to show his history for providing surveys for multiple aggregate pits in the area. Mr. Haddock stated he has done at least four different surveys on this property, including when Mr. Snow was initially establishing his boundary for the pit. He had performed several maps/surveys for this property to help accompany the Hines' application, which includes setting boundaries, so expansion isn't pushed beyond those boundaries and abides by DOGAMI's standards.

Public Agencies: Cari Buchner, Department of Geology and Mineral Industries (DOGAMI), 229 Broadalbin St SW, Albany, OR 97321; Ms. Buchner stated this mine site exceeds the thresholds that require a state permit issued by the Department of Geology and Mineral Industries. She added, according to ORS Chapter 517, "A landowner or operator may not allow or engage in surface mining on land not surfaced mine on July 1972 without holding a valid operating permit from the Department of Geology." Ms. Buchner stated this site might have been eligible if it was mined in 1972, however ORS 517.750 provides that the lands within the surfaces and contours of surface mines in existence on July 1, 1972 or vertical extensions of those surfaces and contours are exempt, provided that the State Department of Geology and Mineral Industries issued a certificate of exemption to the mining operation on or before October 31, 2000."

Ms. Buchner stated this site had never held a limited exemption certificate from DOGAMI, it was not eligible because issuance had ceased after 2000. She clarified any surface mining operation exceeding 5 acres requires an operating permit, additionally any surface mining operation that exceeds 5,000 cubic yards production per year or exceeds one-acre of surface disturbance per year requires an operating permit. This site was identified by DOGAMI in the past as requiring an operating permit; initially this was with Mr. Snow and in 2017 DOGAMI sent a notice to Mr. Snow after being alerted by Oregon Department of Transportation that he was operating a site without an operating permit.

Ms. Buchner shared they were astonished that a site this large evaded their radar for so many years. It was determined that the County regulated its' own surface mining program until about 1990. The County then relinquished the regulation of surface mining to DOGAMI and at that time all operating permits were moved over to DOGAMI. She surmised that during the process of transferring processed permits from the County to DOGAMI this site got lost and never made it to DOGAMI. She added that there is no statute of limitations for mining without a permit.

Ms. Buchner quoted emails from Exhibit 15, pages 233, 222 and 230 within the packet. She stated DOGAMI was willing to work with Mr. Hines while they obtained their operating permit but Mr. Hines was not allowed to mine the site until they had obtained their permit from DOGAMI. That was conveyed in phone conversations in 2019 and 2020. The last correspondence received from Mr. Hines, or representatives, was in April 2020 alerting DOGAMI that COVID had presented issues with submitting their application and no correspondence since then. DOGAMI received an anonymous complaint that the site was operating, Ms. Buchner contacted Umatilla County and asked if someone could drive out and verify the site was operating. DOGAMI then issued a suspension order on February 24, 2025. She stated currently the site is still under a suspension order and no surface mining related activities are allowed until the Hines' have obtained an operating permit.

Ms. Buchner stated she wanted to clear up an assumption from Mr. Hines and those representing Mr. Hines. This was that a DOGAMI operating permit cannot be obtained before land use is obtained, this is factually incorrect. DOGAMI's statutes and rules provide that both of those permits can be sought at the same time and there are provisions for how to address them if they are obtained at different times. ORS 517.790(5) states, "the department shall issue a provisional operating permit to an applicant that has not obtained all required all federal, state, and local permits or approvals for the proposed mining operation provided (A) the applicant has complied with this chapter and the rules adopted by the department to carry out the purposed of this chapter and (B) the permit (a) does not become effective until the applicant obtains all required permits and approvals (b) contains conditions (i) requiring the applicant to obtain an amendment to the provisional operating permit if necessary to conform with the subsequently obtained federal, state or local permit or approval and prohibiting the applicant from allowing or engaging in surface mining operations on the land prior to the effective of the permit."

Ms. Buchner gave some context about DOGAMI's provisions and processes set in place to work closely with local land use. She confirmed it is entirely possible to work on both application processes, with DOGAMI and the local land use authority, simultaneously. She explained it may be more cost beneficial to obtain local land use approval first, due to differing submissions from land use approval and what is submitted to DOGAMI. Amendments could take place if the information submitted and granted by local land use approval does not match, and at that point a subsequent fee would be determined if an amendment to DOGAMI was necessary. The applications are not mutually exclusive and do not have to be submitted sequentially. She stated DOGAMI had never seen an application from Mr. Snow in the past and to date had not received one from Mr. and Mrs. Hines. She added, Mr. Hines had been aware of this requirement since 2017, prior to his purchase of the property.

Vice Chair Tucker stated whatever the Planning Commission decides today, the suspension order imposed by DOGAMI prohibits the operation of this site. Ms. Buchner stated that it was correct, until an operating permit has been obtained. Vice Chair Tucker asked what the typical timeline is at this time for DOGAMI processing applications for operating permits. Ms. Buchner stated their

staff administers close to 1,000 permits across the state from various programs and there are currently approximately 100 surface mining applications in queue. She stated the limited staff within this department makes processing times vary between 3-5 months before the application is assigned to staff for technical review, and this is after the initially application screening; which includes a completeness review if all material in the application have been submitted adequately.

Vice Chair Tucker asked if applicants could expedite the process anyway. Ms. Buchner stated DOGAMI has no process to allow that; applications are processed on a first come first serve basis after initial review for completeness. She explained that if the Planning Commission were to approve the reinstatement as it is currently written, the applicants would only be allowed one-acre.

Vice Chair Tucker posed a hypothetical, if the hearing tonight results in reinstating the current Conditional Use Permit and five months from that date when it was reviewed, DOGAMI would consider what was approved by Umatilla County. He stated at such point DOGAMI would not approve the application due to the inconsistencies with the application. Ms. Buchner stated this was likely correct, and the actual conditions on this site do not match the approvals as they are written.

Commissioner Morris asked if the current owners knew about the need for the operating permit since 2017 from DOGAMI. Ms. Buchner stated that is correct, but it was not obligatory for the Hines family to submit the application prior to owning the property. However, they knew it was required before their purchase of the property.

Rebuttal Testimony: Mrs. Davchevski stated this was not a favorite part of her occupation, but the Planning Department is obligated to enforce all rules, regulations, state statutes, and administrative rules governed by the State of Oregon along with the Development Code. This must be done equally for all applicants. She explained Staff have had other applicants pursue the small significant site application and later pursue the large Goal 5 application, and what Staff are asking Mr. Hines to do is not out of the ordinary from what has been asked of every aggregate applicant.

Mrs. Davchevski explained the Conditional Use Permit was granted by the Planning Department in 1989 and the Code Enforcement staff did not complete a site visit every year; she cannot attest to the reasons behind the lack of site visits. Her assumption would be due to low staffing, and stated the department is very small and located within a very large county. She stated a large number of Conditional Use Permits require annual reviews and unfortunately, Staff don't always have the ability to complete those every year. She recounted the years site visits to Mr. Snow's formerly, now Mr. Hines' pit to include the following years: 1993, 1995, 1996, 1997, 1998, 1999, 2000, 2002, 2009, 2010, 2011 and 2013.

Mrs. Davchevski shared it was unfortunate Staff were unable to do all yearly inspections, but regardless of their ability to perform those, the Muleshoe Pit should be held to the same standards as all others have had to follow. She noted the reclamation plan in Exhibit 35, submitted by

Attorney Wes Williams, wasn't submitted to Planning until April 14th, 2025 and Ms. Cari Buchner has stated this has not been provided to DOGAMI either.

Mrs. Davchevski stated most CUPs require annual reviews. She explained that Umatilla County first adopted the zoning ordinance in 1972, not 1985 as referenced by opposition testimony. In 1972, this property was zoned F-1, which was still a farm zone, but not as it is zoned today as Exclusive Farm Use (EFU).

Mrs. Davchevski stated Umatilla County did give up surface mining responsibilities to DOGAMI in 1990. She explained the County Staff completing inspections on the storm water and stockpiles were likely from Umatilla County Public Works Department since this was the department in charge of those inspections at the time.

Mrs. Davchevski stated Planning was not in communication with each department on where rock was being sourced from and it is unrealistic to expect each department to confirm with Planning whether purchases from a site are within regulation and approved to operate.

Mrs. Davchevski mentioned that opponents stated staff did not give ample time to correct the issues with the CUP. The only correction was a Goal 5 application and this was not submitted to Planning until November 2024, the application was missing information and was still in pending status.

Mrs. Davchevski wanted to reiterate that the County was not the agency that issued the suspension order, it was from DOGAMI and was issued in February 2025. The County did not impose the revocation process because the Manager's letter was appealed regarding the request for reinstatement of the CUP. Staff believed the Hines' intended to appeal this process and after inquiring with County Counsel, Staff wanted to go through this process so the applicant would have an avenue to pursue that appeal.

Commissioner Millar asked if Mr. and Mrs. Hines applied with new maps, acreage, etc. what would be the outcome. Mrs. Davchevski stated they couldn't go through the same process as in 1989. She explained there was a process to list a small significant site under Goal 5, the bar under a small site is much lower than that of a large significant site which is why there is a Conditional Use Permit component. The applicant would still be required to amend the Umatilla County Comprehensive Plan. Vice Chair Tucker stated that regardless of what the Planning Commission decided today regarding the current Conditional Use permit, DOGAMI would reject it because it doesn't match what they have applied for. Mrs. Davchevski reiterated that at this time DOGAMI had not received an application from the Hines family for their operating permit.

Conversations between Vice Chair Tucker, Commissioner Morris, Commissioner Green, Commissioner Gentry and Mrs. Davchevski regarding the status of this CUP influencing the decision with DOGAMI. They discussed if the decision with this reinstatement or revocation were delayed, would it benefit the Hines' by continuing the hearing. They confirmed delaying the

decision by continuing the hearing would not satisfy DOGAMI's requirements for this site to operate.

Vice Chair Tucker asked if Planning knew of this issue before listening to Ms. Buchner at tonight's hearing and if so, did staff communicate with Mr. and Mrs. Hines that the end result of this appeal would not change the outcome from DOGAMI. He mentioned it was an issue that information could have been communicated to the Hines family to help approach the issue. Mrs. Davchevski stated this was shared with Mr. and Mrs. Hines (Exhibit 29, page 293-294), but since receiving the Appeal all communication thereafter has been only through their Attorney.

Commissioner Morris stated regardless of how wonderful a person may be on paper or feelings for them as a great person, which they believed Mr. Hines to be, rules and regulations must still be followed.

Vice Chair Tucker allowed Mr. Williams surrebuttal for two points.

Surrebuttal: Mr. Williams wanted to address two points of fact. He stated no one knows what DOGAMI will do once they receive the application and his interpretation of the findings of fact. Additionally, he stated the Planning Commission cannot revoke the Conditional Use Permit for the reason provided by the County Planning Department. He stated the reason provided in the April 1, 2025, letter, "Since Mr. Hines is now disagreeing with the department with an appeal application Planning with proceed through the revocation process." He stated this was an improper reason.

Vice Chair Tucker and Mr. Williams discussed in detail the process of permitting with DOGAMI and if approval is given from the Planning Commission to reinstate the CUP. Mr. Williams stated the approval would strengthen their argument with DOGAMI substantially. Reinstatement would help them tremendously when they submit their application to DOGAMI as well on June 12, 2025.

Vice Chair Tucker called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Vice Chair Tucker closed the hearing for deliberation.

Vice Chair Tucker adopted the following exhibits into the record:

Exhibit 36; April 15, 2025, Letter to Planning Commission submitted by City of Echo Mayor, Chad Ray and Council Member Berlyn Anderson

Exhibit 37; April 30, 2025, Email from Jennifer Bragar, Tomasi Bragar DuBay, submitted by Kent Madison

DELIBERATION & DECISION

Commissioner Gentry asked if they could grant conditions to file the permit with everything the County requires as well as with DOGAMI. Mrs. Davchevski stated the Planning Commission

cannot add conditions to the already approved 1989 Conditional Use Permit. She stated the Planning Commission can only make a decision on whether they are in compliance or not, if they are within compliance then Staff will be required to renew the application. She reiterated if the Planning Commission finds they are within compliance they would still not be allowed to mine until their Operating Permit with DOGAMI has been issued.

Commissioner Gentry stated he felt Umatilla County did not supply enough information to support revoking the Conditional Use Permit with the lack of enforcement and annual inspections. Commissioner Morris disagreed and reiterated the communications going well before 2020 and lack of timely appropriate action on the Hines family. Commissioner Millar concurred with Commissioner Gentry and doesn't want to hinder the process with the next agency. Commissioner Standley stated he felt like there were wrongs done by both parties. He stated there was no guarantee that DOGAMI would allow anything after their review. Commissioner Gillet agreed there had been some obvious missteps but would like to see the permit continue.

Vice Chair Tucker made a final statement prior to opening voting and stated regardless of their decision this evening it would not change their ability to operate at this time until Mr. and Mrs. Hines have obtained an operating permit, per the cease-and-desist order from DOGAMI.

Commissioner Morris made a motion to approve the Planning Division's Request to Revoke, #R-001-25, and hereby deny renewal of Conditional Use Permit #C-546-89, previously issued to Mr. Richard Snow based on evidence in the record and Findings of Fact and Conclusions of Law.

Commissioner Standley seconded the motion. Motion failed with a vote of 3:4 to approve the Planning Departments' request to revoke.

Voting Record:

Yes - Commissioner Morris, Commissioner Standley, Vice Chair Tucker

No - Commissioner Gentry, Commissioner Green, Commissioner Gillet, Commissioner Millar

Commissioner Gentry made a motion to deny the Planning Division's Request to Revoke, #R-001-25, and hereby move to renew Conditional Use Permit #C-546-89, previously issued to Mr. Richard Snow based on evidence in the record and the following Findings of Fact and Conclusions of Law:

The Planning Commission finds that based on testimony provided during the public hearing, the Snow Pit has commercially operated for several years, and the County did not take enforcement action. The Planning Commission did not make a determination on whether the Hearings Officer originally intended to approve commercial mining at the site when approving #C-546-89.

The Planning Commission finds that testimony stating: the site has operated commercially for several years, that the aggregate site provides a significant benefit to the community, and the site also benefits local infrastructure projects, couple with the lack of enforcement of the Conditional Use Permit conditions of approval, shall be used for justifying the denial of Staff's request to revoke the permit and therefore also approve the appellant's request to appeal the Planning Manager's letter.

The Planning Commission finds and concludes that the Conditional Use Permit #C-546-89 shall be considered valid and that the original conditions of approval imposed by the Hearings Officer continue to apply.

Commissioner Millar seconded the motion. Motion carried with a vote of 4:3 to deny the Planning Departments request to revoke.

Voting Record:

Yes - Commissioner Gentry, Commissioner Green, Commissioner Standley, Commissioner Millar

No - Commissioner Morris, Commissioner Gillet, Vice Chair Tucker

Commissioner Millar made a motion to approve the Appeal Request to renew Conditional Use permit #C-546-89, previously issued to Mr. Richard Snow based on evidence in the record and Findings of Fact and Conclusions of Law in the record as previously mentioned above.

Commissioner Gentry seconded the motion. Motion carried with a vote of 4:3 to approve the Appeal request.

Voting Record:

Yes - Commissioner Gentry, Commissioner Green, Commissioner Standley, Commissioner Millar

No - Commissioner Morris, Commissioner Gillet, Vice Chair Tucker

MINUTES

Vice Chair Tucker called for any corrections or additions to the March 27, 2025, meeting minutes. No additions nor corrections were noted.

Commissioner Green moved to approve the draft minutes from March 27, 2025, meeting minutes, as presented. Commissioner Gentry seconded the motion. Motion carried by consensus.

OTHER BUSINESS

No new business.

ADJOURNMENT

Vice Chair Tucker adjourned the meeting at 10:04PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

DRAFT