

Umatilla County

Department of Land Use Planning



AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, August 22, 2019 at 6:30 pm
Justice Center Media Room, Pendleton, Oregon**

Planning Commission

Suni Danforth, Chair
Don Wysocki, Vice-Chair
Tammie Williams
Gary Rhinhart
Tami Green

Hoot Royer
Molly Tucker Hasenbank
Jon Salter
Lyle Smith

Planning Staff

Bob Waldher, Planning Director
Carol Johnson, Senior Planner
Elizabeth Ridley, Planner II/ GIS
Gina Miller, Code Enforcement Coordinator
Tierney Dutcher, Administrative Assistant

- 1. Call to Order**
- 2. New Hearing:**

TYPE III LAND DIVISION, REPLAT REQUEST #LD-1N-124-19: JANET BRINDLE & MILES AGEE, APPLICANTS/ OWNERS.

The applicants request approval to replat Lots 3, 4, 12, and 13, of Block 4 of the Papoose Woodlands Subdivision Plat, Book 9, Page 32, Assessor's Map 1N 35 28DD, Tax Lots 2000, 2100, 2900 and 3000. The applicant's proposed replat consolidates Lots 3, 4, 12, and 13 into a single lot. The property is located approximately two (2) miles north of Meacham, north of Old Highway 30. The Land Use Decision standards applicable to the applicants request are found in Umatilla County Development Code (UCDC) 152.697(C), Type III Land Divisions.

- 3. Minutes from July 25, 2019 Hearing**
- 4. Adjournment**

DIRECTOR
ROBERT
WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commission
FROM: Elizabeth Ridley, Planner II / GIS
DATE: August 22, 2019

RE: August 22, 2019 Planning Commission Hearing
Type III (Replat) Land Division, #LD-1N-124-19
Tax Lots 2000, 2100, 2900, 3000, Map 1N 35 28DD

Request

The applicants, Janet Brindle and Miles Agee, request approval of a Replat (Type III Land Division) of Tax Lots 2000 (Lot 13), 2100 (Lot 12), 2900 (Lot 4), and 3000 (3). Approval of the Brindle Replat results in the consolidation of four (4) subdivision lots into one (1) single Lot.

Location

The four (4) lots in the Pappoose Woodlands subdivision is located on the north side of Old Highway, approximately two (2) miles from Meacham (see vicinity map).

Standards

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

Notice

Notice of the applicant's request was mailed on August 1, 2019 to the owners of properties located within 250-feet of the perimeter of Lots 3, 4, 12, and 13. Notice was also published in the *East Oregonian* on August 10, 2019 notifying the public of the applicants request before the Planning Commission on August 22, 2019.

Conclusion

The proposed Conditions of Approval address the survey and recording requirements with final approval accomplished by recording the final survey plat. The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

APPLICANT: JANET BRINDLE & MILES AGEE
OWNER: BRINDLE JANET M & AGEE MILES A
APPLICATION FOR: TYPE III LAND DIVISION (REPLAT)
MAP: 1N 35 28DD, TAX LOTS 2000, 2100, 2900, 3000



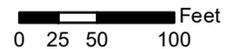
Notified Landowners within 250 feet of the Subject Parcels



| MAP | TAX | OWNER |
|----------|------|--|
| 1N3528 | 1402 | SMITH GREGORY A & LILLIAN DARLENE TRS |
| 1N3528 | 1406 | BROWNING ROBERT LEE |
| 1N3528 | 1409 | SKILLMAN STEPHEN P & ROBIN M |
| 1N3528DD | 200 | MCKNIGHT WILLIAM & MARY |
| 1N3528DD | 300 | SMITH GREGORY A & LILLIAN D TRS |
| 1N3528DD | 400 | SMITH GREGORY A & LILLIAN D TRS |
| 1N3528DD | 500 | BANKS RONALD W & JODI A |
| 1N3528DD | 600 | BROWN JERRY W & JERITHA M |
| 1N3528DD | 700 | DUSENBERRY RAYMOND |
| 1N3528DD | 800 | TABER EDWIN S & TERESA J ETAL |
| 1N3528DD | 1400 | SMITH GREGORY A & LILLIAN DARLENE TRS |
| 1N3528DD | 1500 | CLOKE DAVID W & RENEE S |
| 1N3528DD | 1600 | NEIL VERNON RAY |
| 1N3528DD | 1800 | TENNANT G (EST) & FUERSTENBERG R (EST) |
| 1N3528DD | 1900 | GENTA DAVID C & BARBARA J |
| 1N3528DD | 2000 | BRINDLE JANET M & AGEE MILES A |

| MAP | TAX | OWNER |
|----------|------|--|
| 1N3528DD | 2100 | BRINDLE JANET M & AGEE MILES A |
| 1N3528DD | 2200 | DUPEE WILLIAM JR & TANYA |
| 1N3528DD | 2300 | DUPEE WILLIAM JR & TANYA |
| 1N3528DD | 2400 | GREG AND DARLENE SMITH (TRS) |
| 1N3528DD | 2600 | GREG AND DARLENE SMITH REVOCABLE TRUST |
| 1N3528DD | 2700 | SKILLMAN STEPHEN P & ROBIN M |
| 1N3528DD | 2800 | SMITH MICHAEL H |
| 1N3528DD | 2900 | BRINDLE JANET M & AGEE MILES A |
| 1N3528DD | 3000 | BRINDLE JANET M & AGEE MILES A |
| 1N3528DD | 3100 | GENTA DAVID C & BARBARA J |
| 1N3528DD | 3200 | TENNANT GARY G |
| 1N3528DD | 3400 | PAPOOSE WOODLANDS WATER CO |
| 1N3528DD | 3500 | SKILLMAN STEPHEN P & ROBIN M |
| 1N3528DD | 3600 | CAREY DANIEL M |
| 1N3528DD | 3700 | BLAGG DARIN & LISA |

- 5' Utility Easement
- Property Boundary
- Lots to be Consolidated
- 250 ft. Notice Boundary



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 E. Ridley, Umatilla County Planning Department Date: 8/14/2019

"TENTATIVE" FOR REVIEW.

BRINDLE REPLAT

A REPLAT OF LOTS 3, 4, 12, AND 13, BLOCK 2, OF THE PLAT OF PAPOOSE WOODLANDS, RECORDED IN BOOK 9, PAGE 32, UMATILLA COUNTY PLAT RECORDS. LOCATED IN THE SECTIONS 28 AND 33, TOWNSHIP 1 NORTH, RANGE 35 EAST, W.M., UMATILLA COUNTY, OREGON.

APPROVALS

UMATILLA COUNTY PLANNING

THE ACCOMPANYING PLAT IS HEREBY APPROVED AND ADOPTED THIS _____ DAY OF _____ 2019.

PLANNING DIRECTOR _____

UMATILLA COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT, THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND I THEREFORE APPROVE SAID PLAT FOR SIGNATURE BY THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON.

DATED THIS _____ DAY OF _____ 2019.

UMATILLA COUNTY SURVEYOR _____

UMATILLA COUNTY ASSESSOR AND TAX COLLECTOR

WE, THE ASSESSOR AND THE TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE ACCOMPANYING PLAT AND THAT ALL AD/VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.

DATED THIS _____ DAY OF _____ 2019.

UMATILLA COUNTY ASSESSOR _____ UMATILLA COUNTY TAX COLLECTOR _____

UMATILLA COUNTY COMMISSIONERS

THIS IS TO CERTIFY THAT THE ACCOMPANYING PLAT IS APPROVED FOR FILING AND RECORDING IN THE RECORD OF TOWN PLATS OF UMATILLA COUNTY, OREGON, BY THE UNDERSIGNED, BY ITS ORDER.

DATED THIS _____ DAY OF _____ 2019.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____

OWNERS DECLARATION

I, JANET M. BRINDLE, NOT AS TENANTS IN COMMON, BUT RIGHT OF SURVIVORSHIP, OF LOTS 3, 4, AND 13, AND AS TENANTS BY THE ENTIRETY OF LOT 12, ACKNOWLEDGE THIS PLAT AS THE OFFICIAL MAP AND PLAT OF "BRINDLE REPLAT", A REPLAT OF LOTS 3, 4, 12, AND 13, BLOCK 2, OF THE PLAT OF PAPOOSE WOODLANDS, RECORDED IN BOOK 9, PAGE 32, UMATILLA COUNTY PLAT RECORDS.

FURTHERMORE, I ACKNOWLEDGE ALL EXISTING EASEMENTS AND ENCUMBRANCES ON THE PROPERTY INVOLVED IN THIS REPLAT.

JANET M. BRINDLE
ACKNOWLEDGMENT
STATE OF OREGON) SS
COUNTY OF UMATILLA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2019
BY JANET M. BRINDLE

NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER: _____

OWNERS DECLARATION

I, MILES A. AGE, NOT AS TENANTS IN COMMON, BUT RIGHT OF SURVIVORSHIP, OF LOTS 3, 4, 12, AND 13, ACKNOWLEDGE THIS PLAT AS THE OFFICIAL MAP AND PLAT OF "BRINDLE REPLAT", A REPLAT OF LOTS 3, 4, 12, AND 13, BLOCK 2, OF THE PLAT OF PAPOOSE WOODLANDS, RECORDED IN BOOK 9, PAGE 32, UMATILLA COUNTY PLAT RECORDS.

FURTHERMORE, I ACKNOWLEDGE ALL EXISTING EASEMENTS AND ENCUMBRANCES ON THE PROPERTY INVOLVED IN THIS REPLAT.

MILES A. AGE
ACKNOWLEDGMENT
STATE OF OREGON) SS
COUNTY OF UMATILLA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2019
BY MILES A. AGE

NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER: _____

SURVEYORS CERTIFICATE AND NARRATIVE

I, JASON M. WELLS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND DEPICTED IN ACCORDANCE WITH O.R.S. CHAPTER 92, AS REVISED, AND THE UMATILLA COUNTY DEVELOPMENT ORDINANCE, THE LANDS SHOWN IN THE ACCOMPANYING PLAT OF "BRINDLE REPLAT", A REPLAT OF LOTS 3, 4, 12, AND 13, BLOCK 2, OF THE PLAT OF PAPOOSE WOODLANDS, RECORDED IN BOOK 9, PAGE 32, UMATILLA COUNTY PLAT RECORDS.

ALL ORIGINAL PLAT MONUMENTS WERE FOUND AS NOTED. NO NEW MONUMENTS WERE SET. ALL EXISTING EASEMENTS ARE TO REMAIN.

THIS SURVEY WAS MADE BY A 1 PERSON CREW USING A LEICA TPC 803 TOTAL STATION AND A CLOSED TRAVERSE.

REAL PROPERTY DESCRIPTION

LOTS 3, 4, 12, AND 13, BLOCK 2, PAPOOSE WOODLANDS, RECORDED IN BOOK 9, PAGE 32, UMATILLA COUNTY PLAT RECORDS. LOCATED IN SECTIONS 28 AND 33, TOWNSHIP 1 NORTH, RANGE 35 EAST, W.M., UMATILLA COUNTY, OREGON.

SUBJECT TO:

- 1. ALL EASEMENTS SHOWN ON SAID PLAT OF PAPOOSE WOODLANDS.
- 2. RESTRICTIVE & PROPECTIVE COVENANTS, BOOK 302, PAGE 106, AND AMENDED IN BOOK 317, PAGE 553, UMATILLA COUNTY DEED RECORDS.
- 3. ARTICLES OF INCORPORATION OF PAPOOSE WOODLANDS IMPROVEMENT DISTRICT, BOOK 348, PAGE 471, UMATILLA COUNTY DEED RECORDS.

JASON M. WELLS, PLS

REGISTERED PROFESSIONAL LAND SURVEYOR

"TENTATIVE"

OREGON
NOVEMBER 29, 2010
JASON M. WELLS
54657PLS
RENEWS 6/30/20

I CERTIFY THIS IS A TRUE AND EXACT COPY OF BRINDLE REPLAT.

JASON M. WELLS, PLS

RECORDING INFORMATION,
UMATILLA COUNTY OFFICE OF RECORDS:

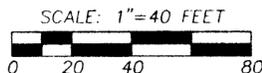
WELLS SURVEYING
200 SE HAILEY SUITE 108
P.O. BOX 1696
PENDLETON, OR 97801
PHONE: (541) 276-6362

| | | | |
|---------|-------|---------|---------|
| DATE: | 07/19 | DR. BY: | JMW |
| CK. BY: | WRW | NO: | 19-1740 |

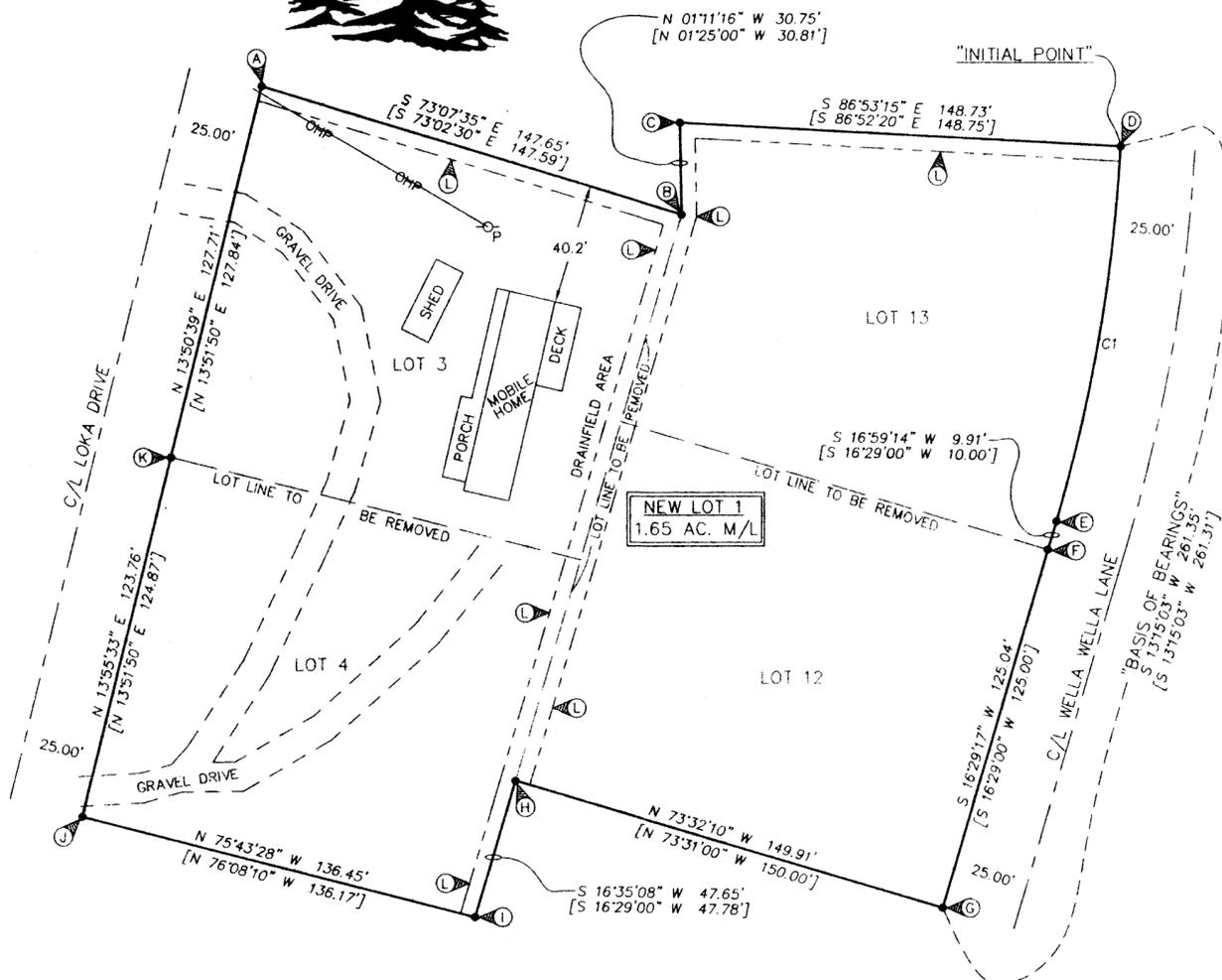
PROJECT: \MILESAGEEREPLAT2019

BRINDLE REPLAT

A REPLAT OF LOTS 3, 4, 12, & 13, BLOCK 2, OF THE PLAT OF PAPOOSE WOODLANDS, RECORDED IN BOOK 9, PAGE 32, UMATILLA CO., PLAT RECORDS. LOCATED IN SECS. 28 & 33, T1N, R35E, W.M., UMATILLA COUNTY, OREGON.



"BASIS OF BEARINGS" AS SHOWN PER THE PLAT OF PAPOOSE WOODLANDS.



LEGEND

- FOUND MONUMENT PER THE PLAT OF PAPOOSE WOODLANDS AS NOTED.
- OHP OVERHEAD POWER LINE.
- OP POWER SERVICE POLE.

CURVE TABLE

| NO | DELTA | RADIUS | LENGTH | CHORD | CHORD BRG |
|-----|-----------|---------|---------|---------|----------------|
| C1 | 13°22'04" | 545.00' | 127.15' | 126.87' | S 09°46'05" W |
| [C1 | 13°21'20" | 545.00' | 127.04' | 126.75' | S 09°48'20" W] |

NOTE TABLE:

- (A) FOUND 5/8" REBAR 8" BELOW GROUND. APPEARS TO BE OF A NEWER VARIETY. HELD. ALSO FOUND 5/8" REBAR 14" ABOVE GROUND LEVEL BRG: S 51°26' W - 5.54' NOT HELD.
- (B) FOUND AND HELD 1/2" REBAR FLUSH WITH GROUND IN MOUND OF STONE. ALSO FOUND 1/2" REBAR 20" ABOVE GROUND LEVEL. NOT HELD.
- (C) FOUND AND HELD 1/2" REBAR FLUSH WITH GROUND IN MOUND OF STONE.
- (D) FOUND AND HELD 5/8" REBAR FLUSH WITH GROUND.
- (E) FOUND AND HELD 5/8" REBAR FLUSH WITH GROUND.
- (F) FOUND AND HELD 1/2" REBAR FLUSH WITH GROUND.
- (G) FOUND AND HELD 1/2" REBAR FLUSH WITH GROUND.
- (H) FOUND AND HELD 1/2" REBAR FLUSH WITH GROUND IN MOUND OF STONE.
- (I) FOUND BENT 1/2" REBAR. SPUN FOR TIED POSITION.
- (J) FOUND BENT 1/2" REBAR. THIS MONUMENT APPEARS TO BE OUT OF POSITION.
- (K) FOUND AND HELD 1/2" REBAR FLUSH WITH GROUND IN MOUND OF STONE.
- (L) EXISTING 5' WIDE UTILITY EASEMENT PER PLAT OF PAPOOSE WOODLANDS TO REMAIN.

**UMATILLA COUNTY PLANNING DEPARTMENT
PRELIMINARY FINDINGS AND CONCLUSIONS
BRINDLE REPLAT, # LD-1N-124-19
REPLAT OF PAPOOSE WOODLANDS SUBDIVISION
A Replat of Lots 3, 4, 12, AND 13, of Block 2
Papoose Woodlands Subdivision Plat, Book 9, Page 32,
Assessor Map # 1N 35 28DD, Tax Lots # 2000, 2100, 2900, & 3000**

1. **APPLICANT/OWNER:** Janet Brindle & Miles Agee, P.O. Box 927, Pendleton, OR 97801
2. **PROPERTY LOCATION:** The Papoose Woodlands subdivision is located on the north side of Old Highway 30, approximately two (2) miles north of Meacham.
3. **REQUEST:** The request is a replat of Lots 3, 4, 12, and 13, of Block 2 of the Papoose Woodlands Subdivision Plat, Book 9, Page 32, Assessor's Map 1N 35 28DD, Tax Lots 2000, 2100, 2900, 3000. The applicant's proposed replat consolidates Lots 3, 4, 12, and 13 into a single Lot.
4. **ORIGINAL ACREAGE:** Lot #3 = 0.41 acres, Lot #4 = 0.39 acres, Lot #12 = 0.43 acres, Lot #13 = 0.43 acres
5. **RESULTING ACREAGE:** Brindle Replat: Lot # 1 = 1.65 acres
6. **COMPREHENSIVE PLAN:** Multi-Use
7. **PROPERTY ZONING:** Forest Residential (FR), five (5) acre parcel minimum
8. **ACCESS:** Access is provided by platted subdivision roads extending from Old Highway 30. The applicant's four (4) lots adjoin platted subdivision roads, Loka Drive and Wella Wella Lane.
9. **ROAD TYPE:** Loka Drive is a gravel platted subdivision road.
10. **PROPERTY EASEMENTS:** A five foot wide easement for utilities are established along the interior subdivision lines of the Papoose Woodlands Subdivision lots. See map for reference.
11. **EXISTING LAND USE:** Rural residential home sites.
12. **UTILITIES:** The area is served by Umatilla Electric.
13. **WATER/SEWER:** Water is provided by a domestic well; and sewage disposal

through an on-site septic system.

14. **FIRE DISTRICT:** The Papoose Woodlands subdivision and vicinity are served by the Meacham Volunteer Fire Department.

15. **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; The County of Umatilla's acknowledged Comprehensive Plan allows the subject property and other properties immediately surrounding the applicant's property to be designated residential. The Papoose Woodlands subdivision was platted prior to the current residential zoning requirements for lots to be a minimum of five (5) acres. Eliminating the subdivision lot line between lots 3, 4, 12, and 13 through approval of this replat will result in a lot that would not meet the five acre parcel size but would result in a larger lot that will better accommodate setback requirements.

(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; Approval of the applicant's plan effectively consolidates four (4) subdivision lots and legally establishes one (1) new lot. This will result in a larger lot. It is reasonable to believe that as depicted on the replat survey the reconfiguration of four (4) lots into one (1) lot will not result in a change to the existing rural residential development scheme or impact the extension of existing roads or public facilities as allowed by law.

(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 Brindle Replat is located within a Forest/Multiple use area. The criterion is 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. The above decision for the tentative replat plan has

and will be followed. The criterion is met.

§152.667 SPECIFIC CRITERIA FOR APPROVAL OF SUBDIVISIONS IN MULTIPLE USE AREAS.

The criteria for approval contained in Section 152.667, Specific Criteria for Approval of Subdivisions in Multiple Use Areas, are provided in underlined text. The evaluation responses follow in standard text.

In addition to the general requirements for approval of a tentative plan listed in § 152.666, the following specific criteria must be met to approve a subdivision in a multiple use area:

(A) Road alignment and construction within a multiple use area subdivision.

(1) Be improved to a standard and follow grades approved by the Public Works Director;

(2) Be designed to continue roads to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land. Where topography or other conditions make conformance to existing road patterns or continuance to an adjoining tract impractical, the road layout shall conform to an alternative arrangement authorized by the Planning Commission.

(3) Be designed so that all lots have access to a dedicated state, county or public road;

(4) Obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design and improvement standards of access points onto county roads or state highways;

(5) Be designed to consider the following fire safety considerations:

(a) Have at least two or more access routes to an improved dedicated public, county or state highway unless interior roads and designed to connect with an improved road on adjacent property that provides readily available access to a dedicated public, county or state highway, then only one dedicated access road need be required for emergency vehicles;

(b) Radius of curvature on centerlines of all dedicated roads shall be a minimum of 100 feet. Variances down to 80 foot minimum radii can be made for severe topography;

(c) Grade of all dedicated roads shall be a maximum of 12%. All roads having centerline curves greater than 45° arc shall have a maximum of 6% grade along such curves. On straight line portions, variances to 20% grade shall be allowed for a maximum of 200 feet in horizontal distance;

(d) Maximum length of cul-de-sac roads shall be 600 feet as measured on the centerline, and shall be terminated by a turn-around right-of-way not less than 90 feet in diameter;

(e) Dead-end streets (not including cul-de-sacs) shall not be permitted;

(f) Bridges shall be constructed to support a gross vehicle weight of 65,000 pounds to accommodate heavy fire-fighting equipment;

(g) Any roads not built to a county standard shall be maintained by the owners or home owners association;

(h) All roads and streets shall have the entire width of their right-of-way cleared of flammable materials;

(i) Permanent and durable road signs shall be installed at all intersections in the subdivision and shall be of a type approved by the Public Works Director.

(6) All roads and signs shall be inspected and approved by the Public Works Director.

(B) A storm water plan shall be submitted and approved by the County Road Department or their representative, providing drainage of storm waters is by means of underground pipes or surface ditches unless an Oregon licensed engineer will certify that surface runoff can be directed into natural drainage ways so as not to adversely impact adjacent land or properties;

(C) Provision shall be made for the satisfactory disposal of sanitary sewage of each lot and shall comply with the requirements of ORS 92.090(5)(a) through (c) and as follows:

(1) If individual disposal systems are proposed, each lot shall be required to have a favorable site suitability report prior to final plat approval;

(2) If a community sewer system and treatment plant are proposed or required, the subdivider shall install such facilities in accordance with plans approved by the Oregon Department of Environmental Quality.

(D) Provision shall be made for the satisfactory water supply to each lot and shall comply with the requirements of ORS 92.090(4)(a) through (c) and as follows: if a community water supply system and water distribution system is proposed or required, the subdivider shall install such facilities in accordance with plans approved by the Oregon State Health Division.

(E) Provisions for fire suppression and control shall be provided in the design and approval of the subdivision as follows:

(1) Adequate and reliable water supply for fire suppression shall be either:

(a) Incorporated within a community water system with the following considerations as recommended in Fire Safety Considerations for Developments in Forested Areas Manual authored by Northwest Inter-agency Fire Prevention Group — January 1978, or:

(1) A six inch minimum pipe size for water distribution lines on which fire hydrants are located;

(2) Hydrant spacing shall not exceed 1,000 feet with a minimum fire flow of 500 gallons per minute for subdivisions or developments with a population density of two or less singlefamily units per acre. On subdivisions or developments where population density exceeds two single-family dwellings per acre, hydrant spacing shall not exceed 500 feet with a minimum fire flow of 750 gallons per minute. Where structural conditions warrant, additional requirements shall be considered;

(3) The size, type, and location of fire hydrants shall meet the

approval of the appropriate state agency;

(4) Water source or storage shall have a capacity to support the required fire flow for a period of two hours in addition to maximum daily flow requirements for other consumer uses; or

(b) Provided in the form of a separate water supply and storage system when individual domestic water supplies are proposed, a water source and storage facility having the capacity to support a required fire flow for a period of two hours. Such fire flow requirements shall be determined by the agency in charge for fire suppression for the area.

(2) A treated fire fuel break of 25 feet wide shall be maintained around the entire perimeter of the subdivision if located in a forested area. The fuel break shall be maintained by the subdivider or a home owners association. All dead and downed materials shall be removed. The remaining vegetation shall be thinned so that fire cannot spread from tree to tree or bush to bush. A wider fuel break may be required for areas of steeper slope. Fire fuel breaks shall be on level or near flat areas whenever possible.

(F) A forest management plan shall be required; if the Planning Commission can find that the undeveloped portions of the property should be managed for timber production as a condition of approving the subdivision. The subdivider may also desire to manage part of the land for timber production. In either case:

(1) The subdivider shall prepare his own management plan;

(2) The completed management plan shall be reviewed by the Soil Conservation Service, the Soil and Water Conservation District, the Oregon Department of Forestry, and the Oregon State Extension Service, for their comments and recommendation;

(3) The forest management plan shall include the following:

(a) General information including name and address, tax lot number, location and size (in acres) of the property and a brief description of the land and its present use;

(b) An air photo copy with property boundaries clearly drawn on the air photo;

(c) A site plan of the property. This may be drawn onto the aerial photo, or onto a separate sheet of paper as an overlay. This site plan should show the following:

(1) The location of existing and proposed structures, roads and other improvements.

(2) Proposed farm and forestry “use areas,” with approximate boundaries outlined, to coincide with the descriptions in the written text.

(d) The location of areas proposed for non-forest uses, such as gardens, lawns, and areas to be retained in natural vegetation;

(e) A written description of proposed management activities. This may be a general statement of proposed uses for each “use area” on the site plan, or it may be a more detailed outline of projected management activities.

The written description shall include as much detailed information as is available. If there are any long-term plans and projects in mind, describe them. If assistance from any consultant or public service agency was obtained, they should be incorporated into the management plan or request them to sign a letter explaining their involvement in developing the plan. If the land is presently managed or has been harvested in the past, include receipts or other figures relating to the use. If projected dollar investments and returns for the timber or crops intended to grow have been prepared, include these projections.

(4) Forest management plans shall be reviewed and approved by the Planning Commission prior to submission of the final plat approval.

(G) Provision for recreational facilities or recreational assist improvements shall be provided in the design and approval of the subdivision as follows:

(1) If the Planning Commission determines that the size, nature, location, and impact of the sub-division requires on-site recreational improvements;

(2) The type of recreational improvements required shall be based on existing recreational activities occurring in the area or if the nature of the development requires other kinds of activities, such facilities shall be compatible with surrounding land uses;

(3) Recreational assist improvements including, but not limited to, off-road parking areas, snowmobile and ski trails, man-made ponds, swimming pools, hiking trails, picnic facilities, play parks, which shall be designed and located to provide the most convenience for residents within the subdivision;

(4) If, in the opinion of the Planning Commission, the site of the subdivision is conveniently located to also serve the traveling public and area recreationalist and is located along a major highway, then the approval body may require an additional area for off-highway parking in the subdivision for public parking use;

(5) All recreational facilities and improvements shall be constructed and maintained by the subdivider or a home owners association.

(H) Wires serving the interior of a multiple use area subdivision, including, but not limited to, electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

(1) Is impractical due to topography, soil or subsurface conditions;

(2) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or

(3) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

(I) A buffer or landscaped area shall be provided along the borders of a recreational subdivision that fronts Highway 204, I-84, or any other major road if:

(1) The Planning Commission finds that such a buffer or landscaped area is necessary to maintain scenic views and area aesthetics within or adjacent to surrounding property;

(2) The Planning Commission finds that such a buffer area will provide

movement of wildlife;

(3) If natural buffering cannot be provided, then landscaping shall be required, and a landscaping plan shall be submitted to the Planning Director prior to final plat signing for his approval;

(4) All roadside buffer or landscaped areas shall be installed and maintained by the subdivider or home owners association.

(J) The design of the subdivision shall consider the effects on natural resources and fish and wildlife habitat. Excessive site clearing of topsoils, trees and natural features before the beginning of construction operations shall be discouraged;

(K) The applicant shall submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the landscape;

(L) The applicant must provide a plan for disposal of solid waste generated by the subdivision. (Ord. 83-4, passed 5-9-83)

The following standards apply to new subdivision and substantial replats of existing subdivision in a forest/multiuse zone. The above criteria will not be applied due to the small size, scope, and location of the replat request.

16. PROPERTY OWNERS & AGENCIES MAILED NOTIFICATION: August 1, 2019

17. PLANNING COMMISSION HEARING DATE: August 21, 2019

18. AGENCIES NOTIFIED: Umatilla County Environmental Health, Oregon Water Resources, Umatilla County Public Works, Umatilla County Assessor, Umatilla County GIS, Meacham Volunteer Fire Department and Umatilla Electric

19. COMMENTS RECEIVED: None to date.

DECISION: BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE UMATILLA COUNTY PLANNING COMMISSION MAY APPROVE THE BRINDLE REPLAT, TYPE III LAND DIVISION REQUEST, #LD-1N-124-19, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

Precedent Conditions: The following precedent conditions must be fulfilled prior to final approval of this request, signified by the recording of the final approval of this request:

1. Pay and possibly prepay property taxes to the Umatilla County Tax Department.
2. Submit a Subdivision Replat complying with State and County regulations. The survey shall show all easements, road names and include the name, *Brindle Replat*.

Subsequent Conditions: The following subsequent conditions must be fulfilled following final approval of the Replat by Umatilla County:

3. Record the Final Subdivision Replat.

UMATILLA COUNTY PLANNING COMMISSION

Dated _____ day of _____, 2019

Suni Danforth, *Planning Commission Chair*

Mailed _____ day of _____, 2019

DRAFT MINUTES

**PLANNING COMMISSION HEARING
JULY 25, 2019**

PLAN MAP AMENDMENT

#P-124-19

**Co-adopt City of Hermiston
Ordinance 2271**

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, July 25, 2019, 6:30 pm**

Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR

COMMISSIONERS

PRESENT: Gary Rhinhart, Molly Tucker Hasenbank, Tammie Williams, Hoot Royer, Lyle Smith

ABSENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Jon Salter, Tami Green

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

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

CALL TO ORDER

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

NEW HEARING

PLAN MAP AMENDMENT, #P-124-19, Co-adopt City of Hermiston Ordinance 2271. The City of Hermiston requests the County co-adopt City Ordinance 2271 amending the comprehensive plan map from urbanizable to urban status for 71.02 acres on the north side of East Theatre Lane and on the west side of Northeast 10th Street. The City Council also adopted Ordinance 2272 annexing said property effective upon co-adoption of Ordinance 2271. 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.

STAFF REPORT

Elizabeth Ridley, Planner/GIS, stated that, on March 11, 2019, the Hermiston City Council adopted Ordinance 2271 amending the Comprehensive Plan Map from urbanizable to urban status for 72 acres of land on the north side of East Theatre Lane. The property is described as Tax Lots 500 and 502 located on Assessors Map 4N2802A. The plan map amendment would change the designation to R-3 (Multi-Family Residential). The City Council also adopted Ordinance 2272 annexing said property effective upon co-adoption of Ordinance 2271. Per Section E10 of the Hermiston Planning Area Joint Management Agreement the matter of the conversion now comes before Umatilla County for co-adoption.

Ms. Ridley stated that the goal for tonight's hearing is for the Planning Commission to recommend approval or denial of the City of Hermiston's Plan Map Amendment Co-adoption request to the Umatilla County Board of County Commissioners (BCC). The only item for consideration is the co-adoption of the Comprehensive Plan Map Amendment changing the designation of the property from urbanizable to urban. All subsequent actions taken by the City

of Hermiston, including annexation with an R-3 zoning designation and potential subdivision, are not a part of this consideration.

Robert Waldher, Planning Director, stated that staff received a letter (exhibit A) jointly submitted by The Fair Housing Council of Oregon (FHCO) and the Housing Land Advocates (HLA). The letter expresses concern regarding their perceived lack of findings addressing Goal 10: Housing, of the City of Hermiston's Comprehensive Plan. They also feel that the amendment request fails to take into consideration the Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI). Mr. Waldher stated that it is not clear if the letter was intended for the City, or should have been submitted to the City when they were reviewing the application, because it is addressed to the City of Umatilla Planning Commission. He added that, this is a unique provision to the City of Hermiston and must occur before the land is officially annexed.

Mr. Waldher stated that planning staff feel that this amendment would benefit the City's overall housing supply. He referred to page 9, City Findings #44 in the Planning Commission Packets which states that, "Hermiston has a pressing need for more housing, both single family housing and multifamily units." He stated that staff reviewed the City's HNA and feels that annexing this Future Urban Zoned land with a 10 acre minimum parcel size standard into the City will effectively increase the density. Additionally, he stated that most City HNA's do not consider publically owned land as being available for residential use. Therefore, it is likely that this land owned by Hermiston Irrigation District (HID) and Hermiston School District (HSD) was not considered in the original HNA and as a result this would increase their supply of available housing.

TESTIMONY

Applicant Testimony: George Anderson, Attorney, Anderson Hansell PC, 475 E Main Street, Hermiston, Oregon. Mr. Anderson stated that he represents the Hermiston School District. Mr. Anderson stated that this parcel is approximately 72 acres and HSD owns 19 acres on the east side, which abuts NE 10th Street and Theater Lane. HID owns the remaining acreage on the west side of the parcel. He stated that the City of Hermiston plans to annex this property into the City R-3 Zone, Multifamily Residential. He feels this will increase the availability of housing in the area, contrary to the letter from FHCO and HLA, both of which are based out of Portland. Mr. Anderson stated that both the Hermiston Planning Commission and the Hermiston City Council voted unanimously in favor of this ordinance and there was no objection.

Mr. Anderson stated that he has provided the Planning Commission with the following documents to add to the hearing record; (exhibit B) Letter from Anderson Hansell PC, dated July 25, 2019, (exhibit C) City of Hermiston Comprehensive Plan, Section H, Goal 10, Policy 21: Housing Availability and Affordability, and (exhibit D) Hermiston Residential Buildable Land Inventory, Dated February 25, 2004 from Hobson Ferrarini Associates. Exhibits A-D were officially added to the hearing record.

Mr. Anderson read the letter he provided to the Planning Commission. He stated that, The Fair Housing Council of Oregon and the Housing Land Advocates of Oregon have written and asked the Planning Commission to postpone co-adoption of City of Hermiston Ordinance 2271 changing the Comprehensive Plan from urbanizable to urban requesting that the City's HNA and BLI need to be consulted in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. They also claim that your findings must demonstrate that the proposed changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. Mr. Anderson argued that the Umatilla County Comprehensive Plan had the subject land classified as urbanizable and it will become designated urban when annexed to the City. Therefore, there essentially is no change.

Mr. Anderson stated that the County had the property zoned as RR-10 (Rural Residential, 10 acre minimum parcel size). The City is annexing the property as R-3 (Multi-Family Housing) which would allow apartments, including low income housing, triplexes and single family housing. This will make more land available for housing, including affordable housing, not less as stated in the letter of objection provides by FHCO and HLA. He does not believe the LUBA case (Mulford v. Town of Lakeview, 36 or LUBA 715,731) cited in the letter is relevant to this particular request because they were asking for permission to rezone residential land for industrial uses which would reduce the availability of land for housing. With the annexation of the subject land as R-3, more land will be available for residential housing. Mr. Anderson pointed out that the west end of Umatilla County, especially the Cities of Hermiston and Umatilla, are experiencing dramatic growth in their populations due to the construction of massive data centers, new food processing plants, and other growth factors. He feels that the County's co-adoption of the City of Hermiston Ordinance 2271 will improve the inventory of available land for housing, not decrease it.

Mr. Anderson stated that, in November, the Hermiston School District will be asking voters to approve an \$82,000,000 bond issue which includes construction of a new elementary school on the 19 acres owned by the HSD on the subject 72 acres. A delay in the co-adoption of City of Hermiston Ordinance 2271 would adversely affect the school district's efforts to pass this bond issue and build a badly needed elementary school on that site. The 19 acres for the school must be annexed into the City in order to be developed. He added that, the City of Hermiston is in the process of installing sewer and water lines along the southern boundary of the subject land. The City will also pave East Theater Lane adjacent to the land this year and is finishing construction of a new water tower just north of the subject parcel. He also pointed out that the remaining 53 acres of the subject land will be zoned R-3 which will make it more desirable for the construction of multifamily housing, including more affordable low income housing.

Applicant Testimony: Tricia Mooney, Superintendent, Hermiston School District, 1055 W Judith Place, Hermiston, Oregon. Mrs. Mooney stated that, over the past 2 years the HSD engaged a Long Range Facility Planning Committee which included several members of the community. Their objective was to assess the current school capacity and growth and make

recommendations to the Board of Directors for future facilities. At this time, the district is overcrowded at the elementary and high school levels and as a result, they have enacted the use of 33 modular classrooms to accommodate enrollment growth. She added that over the course of 5 years district enrollment numbers have increased by 500 students.

Mrs. Mooney stated that the new zoning designation of R-3 would allow for more single family housing opportunities. There are plans for the property to the west of the subject parcel owned by HID to be sold and used to construct a future housing development close to the school.

Applicant Testimony: Cameron Bendixen, Attorney, Bendixen Law, 245 E Main Street, Suite E, Hermiston Oregon. Mr. Bendixen stated that he represents the Hermiston Irrigation District. Mr. Bendixen stated that he would like to echo everything that Mr. Anderson has stated. He and Mr. Anderson discussed the joint letter from FHCO and HLA but do not feel that the issues raised in the letter are adequate concerns.

Public Agencies: No additional comments.

Commissioner Rhinhart closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Williams stated that she is from Echo and they also need more residential properties, just on a smaller scale, so she understands the issue.

Commissioner Hasenbank made a motion to recommend approval of Plan Map Amendment, #P-124-19, to co-adopt City of Hermiston Ordinance 2271 amending the Comprehensive Plan Map from urbanizable to urban status for 71.02 acres on the north side of E Theater Lane and on the West side of NE 10th Street, to the Umatilla County Board of Commissioners. Commissioner Williams seconded the motion. Motion passed with a vote of 5:0.

A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, August 7, 2019, at 9:00 AM in Room 113 of the Stafford Hansell Government Center, 915 SE Columbia Drive, Hermiston, Oregon.

MINUTES

Commissioner Rhinhart called for any corrections or additions to the minutes from the April 25, 2019 meeting. Commissioner Hasenbank pointed out that her last name is misspelled on page 3. Ms. Dutcher, Administrative Assistant, agreed to make the correction. Commissioner Hasenbank moved to approve the minutes with the correction made on page 3. Commissioner Williams seconded the motion. Motion carried by consensus.

OTHER BUSINESS

Mr. Waldher welcomed our new Planning Commissioner, Lyle Smith. Mr. Smith has previously served on the City of Umatilla Planning Commission. His insight and experience will bring added value to the group.

The next Planning Commission Hearing is scheduled for Thursday, August 22, 2019, 6:30pm at the Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, Oregon.

ADJOURNMENT

Commissioner Rhinhart adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Tierney Dutcher,
Administrative Assistant