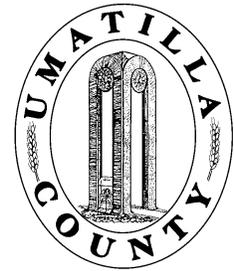


Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission Public Hearing
Thursday, January 24, 2019, 6:30 p.m.
Justice Center Media Room, Pendleton, OR

Planning Commission

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

Planning Staff

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

- 1. Call to Order**
- 2. Adopt Minutes (Thursday, October 25, 2018)**
- 3. New Hearing:**

REQUEST FOR A PUBLIC HEARING FOR CONDITIONAL USE REQUEST #C-1311-18, ELLIS HUNTING PRESERVE, APPLICANT/OWNER. A “Request for a Public Hearing” was filed on November 20th, 2018 to appeal the County’s tentative approval granted to Paul L. Ellis for a Conditional Use Permit for a “Private Hunting Preserve”. The request is to integrate an additional 122 acres into an existing private hunting preserve on an adjacent tax lot. The subject property is zoned Exclusive Farm Use and is located approximately three miles Northeast of Pilot Rock adjacent to Shaw and Rockwell Road. Described as Tax Lot #3200, in Township 1N, Range 32D. Criteria for approval of Conditional Uses are found in Umatilla County Development Code (UCDC) Sections 152.060, 152.062, 152.612, 152.615, and, 152.617 (I)(O).

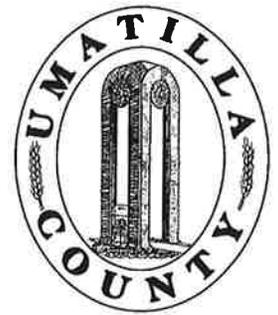
- 4. Adjournment**

Ellis Hunting Preserve
Applicant: Paul L Ellis
Owner: June and James Miller Et Al.
Conditional Use Request
C-1311-18

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Detail Map	Page 4
Tentative Approval Letter	Page 5
Findings and Conclusions	Page 9
Public Comments	Page 21
Request For a Public Hearing	Page 30

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

TO: Umatilla County Planning Commissioners

FROM: Jacob Potterf, Planner II/GIS

DATE: January 11, 2019

RE: January 24, 2019 Planning Commission Hearing

Paul L Ellis (Applicant)

Glen L Miller (Owner)

Conditional Use Permit #C-1311-18

Application for: Private Hunting Preserve

Request

On August 27, 2018, Paul L Ellis submitted an application to the Planning Department for a Conditional Use Permit (CUP) to operate a private hunting preserve for upland game birds. The hunting preserve will be located at 1N 32D Tax Lot 3200, zoned Exclusive Farm Use (EFU). The request is to integrate 122 acres of the subject property into an existing permitted private hunting preserve on an adjacent tax lot.

Background Information

Affected agencies and nearby property owners were notified of the CUP and were sent a copy of the Preliminary Findings and Conclusions on October 10, 2018. The Planning Department received five comments: two email and three in person from the notified public and agencies during the 21-day comment period. Copies of email communication are attached. Tentative approval of the CUP (see attached approval letter and Final Findings and Conclusions) was issued on November 8, 2018 and a Request for a Public Hearing was received on November 20, 2018, within the 15-day appeal period.

The request for a Public Hearing was made by Mr. Richard Doherty (an adjacent property owner). A copy of the hearing request is attached.

Criteria of Approval

Criteria of approval for Conditional Uses are found in Umatilla County Development Code (UCDC) Sections 152.060, 152.061, 152.612, 152.615, and, 152.617 (I)(O).

Conclusion

The Planning Commission is asked to refer to the Findings and Conclusions and supporting information provided by the applicant to determine if the request meets or does not meet the applicable criteria. The Planning Commission will approve or deny the pending Land Use Request. Approval or denial must be based on substantive, factual evidence in the record, not conclusory statements.

Memo

Planning Commission Public Hearing – January 24, 2019

Paul L Ellis – Private Hunting Preserve

Conditional Use Permit #C-1311-18

Attachments

- Vicinity Map of Subject Property and Proposed Hunting Preserve
- Detail Map of Proposed Hunting Preserve
- Tentative Approval Letter
- Findings and Conclusions
- Copy of Comments Received During the 21-Day Comment Period
- Hearing Request from Mr. Richard Doherty



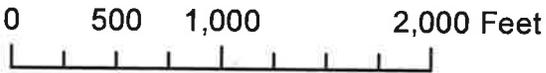
APPLICANT: PAUL L. ELLIS
LAND OWNERS:
JAMES & JUNE MILLER, ET AL

APPLICATION FOR:
HUNTING PRESERVE
APPLICATION: C-1311-18
MAP: 1N 32D, TAX LOT: 3200

Notified Landowners within 750 Feet

MAP & TAX LOT		OWNER
1N32D	3200	MILLER JAMES S & MILLER JUNE ETAL
1N32D	3500	BRAND X RANCH LLC
1N32D	1600	BRAND X RANCH LLC
1N32D	2800	DEUTZ JOSEPH R & JILL P
1N32D	3400	DOHERTY DENNIS J & KELLY L
1N32D	3300	DOHERTY RICHARD G & SUSAN
1N32D	4900	ELLIS PAUL D (LE) ELLIS JULIE R ETAL
1S32A	100	ELLIS PAUL D (LE) ELLIS JULIE R ETAL
1S3201	300	ELLIS PAUL L & ELLIS WHITNEY A
1S3201	100	HOEFT CLIFF A & GAYLE L
1S3201	200	JOHNSTON CHARLES E
1N32D	3000	MCBEE JOHN M & MCBEE PATRICK G
1N32D	2700	MILLER JAMES S & JUNE
1N32D	2700A1	MILLER JAMES S & JUNE
1N32D	3100	PAGE DEANE P L & MARILYN C

 **Proposed Hunting Area**
 **Subject Property**
 **Neighboring Property**



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Created by J. Potterf, Umatilla County Planning Department Created 9/27/2018

**ATTACHMENT A: DETAIL MAP
PROPOSED HUNTING PRESERVE**

APPLICATION: C-1311-18

MAP: 1N 32D TAX LOT 3200

NO HUNTING SAFETY BUFFERS

 **50 FEET BUFFER**

 **300 FEET BUFFER**



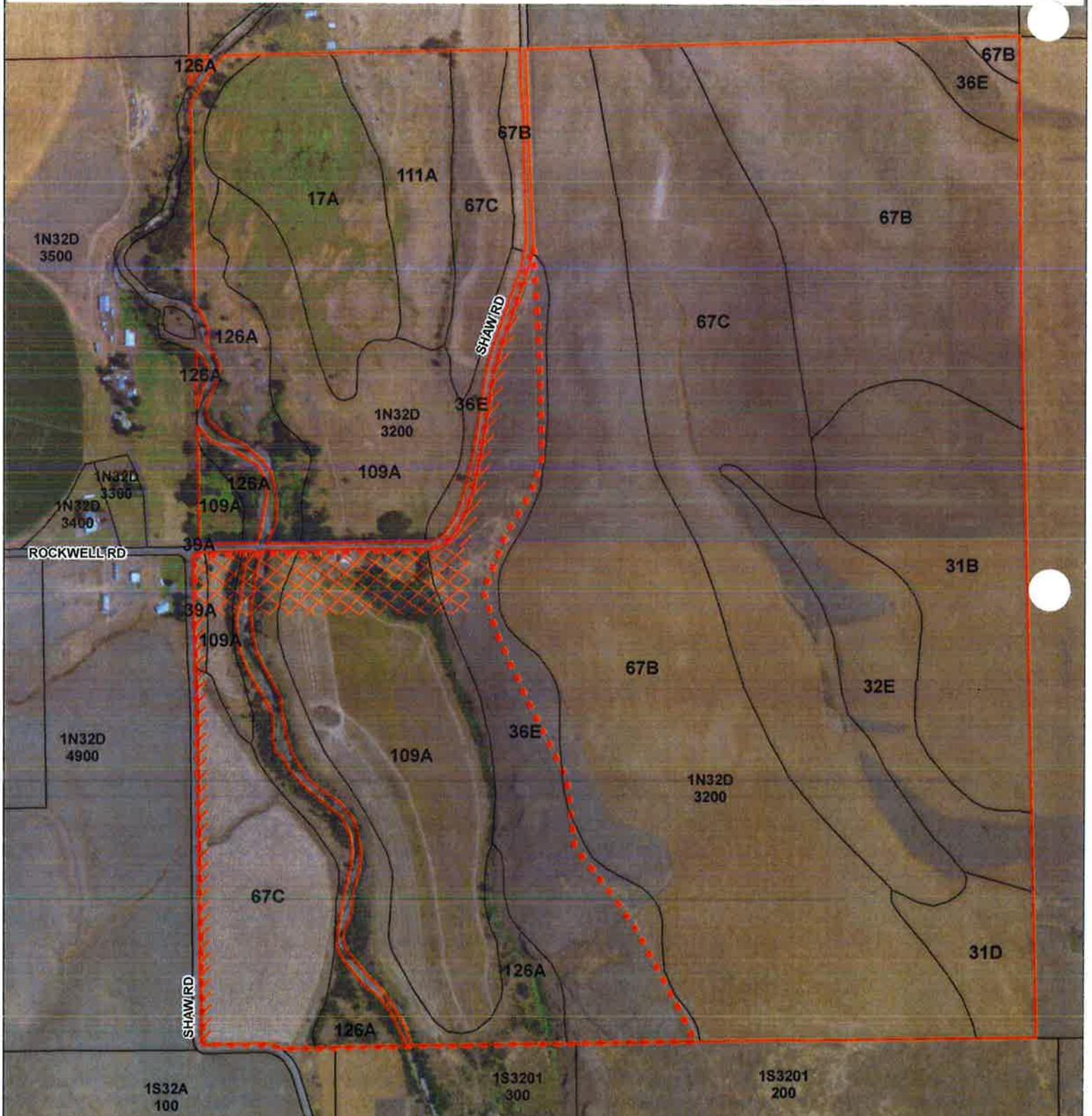
SUBJECT PROPERTY



PROPOSED HUNTING AREA



ADJACENT PARCELS



 109A: DRY IVs, IRRIGATED II	 31B: DRY VIe, IRRIGATED --	 39A: DRY IIc, IRRIGATED I
 111A: IIIe, IRRIGATED II	 31D: DRY VIIs, IRRIGATED --	 67B: DRY IIIe, IRRIGATED IIIe
 126A: DRY VIIw, IRRIGATED --	 32E: DRY VIe, IRRIGATED --	 67C: DRY IIIe, IRRIGATED IIIe
 17A: DRY IIw, IRRIGATED II	 36E: DRY VIIs, IRRIGATED --	



Map Database: No warranty is made by Lincoln County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by J. Robert Lincoln County Planning Department. Created 11/16/2018

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT
WALDHER

November 8th, 2018

LAND USE
PLANNING,
ZONING AND
PERMITTING

Patrick M Gregg
PO Box 218
Pendleton, OR 97801

CODE
ENFORCEMENT

Re: Conditional Use Request Hunting Preserve, #C-1311-18
Final Decision Letter
Map 1N 32D, Tax Lot 3200

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Mr. Gregg:

GIS AND
MAPPING

The 21-day notice period for the Ellis Hunting Preserve Conditional Use Request C-1311-18 has elapsed. The Planning Department received a total of four comments from adjacent landowners. A summary of each comment followed by staff observation and remarks follows:

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Public Comment - 10/29/2018

Richard Doherty, an adjacent landowner, submitted verbal comments in regards to the potential increase in noise from the proposed hunting preserve, the hours of operation, the matter of public safety along Shaw Road and the potential future installation of dog kennels and a shooting range on the subject property.

Public Comment – 10/29/2018 and 10/31/2018 via Email

Joseph Deutz, an adjacent landowner, submitted verbal and written comments regarding the ODFW schedule for bird hunting season on the hunting preserve. His concerns are related to the potential of noise impacting the agricultural nature of the EFU zone, the location of high productive soils, and the potential of lead contamination on the subject property and McKay Creek.

Public Comment -10/31/2018

Dennis Doherty, adjacent landowner, submitted verbal comments in regards to hunting noise, hours of operation, and whether there was potential for future dog kennels and a shooting range.

Public Comment -10/31/2018

Mike Morehead, a nearby landowner, provided verbal comments in regards to the potential increase in traffic along Shaw Road, noise produced from the hunting preserve, and the affect that the proposed hunting preserve would have on surrounding property values.

Staff Response:

Noise: The Applicant has stated the proposed hunting preserve will be used intermittently throughout bird-hunting season and the proposed use will be transitory in nature. The Planning Department finds that hunting preserves are subject to regulations set by Oregon Department of Fish and Wildlife including hours of operation and hunting season dates. Hunting preserves may result in noise at varying times throughout the hours of operation. Therefore a subsequent condition has been added limiting the preserves operational hours to 7:00 am to 6:00 pm or no later to those set by ODFW for game bird shooting hours.

Public safety: The Planning Department finds that to mitigate potential safety risks a subsequent condition is added requiring two no-hunt buffer zones along Shaw Road. The buffer zones will include a 50 foot wide buffer area extending east from Shaw Road and a 300 foot wide buffer area along the northern portion of the hunting preserve extending south from Shaw Road.

Dog kennels and shooting ranges: Comments were received concerning the potential of dog kennels on the subject property. The Planning Department finds the Applicant's current land use request does not include dog kennels or firing ranges. The Applicant has not proposed additional developments, structures, or kennels related to their current request. A future kennel would require the Applicant to submit a request for a conditional use permit to operate dog kennel and meet all standards addressed in Umatilla Development Code §152.617(I)(I). Firing ranges are not permitted within EFU zone.

Lead contamination: The Planning Department contacted Oregon Health Authority and Oregon Department of Environmental Quality (DEQ) to determine the potential for lead pollution. DEQ views lead from hunting as a non-point pollutant, and at this time does not regulate non-point sources. DEQ did provide a list of best management practices to limit erosion and potential run-off into McKay Creek. Based on this information the Planning Department imposes a subsequent condition to require maintenance of the existing vegetative buffer along McKay Creek.

Increase in traffic: Umatilla County Planning Department may request a traffic impact analysis if a land use request could generate more than 250 average daily trips. The Planning Department finds that the Applicant's request is an extension of an existing hunting preserve on the adjacent tax lot. The proposed hunting preserve will not increase traffic by 250 average daily trips to trigger traffic tests.

Property values: One comment was received on the affect of a hunting preserve on surrounding property's market values. Umatilla County Planning Department does not have the ability to predict market trends and valuations. Predicted property values are not a determining factor in the land use decision.

As a result of the received comments, Umatilla County Planning implements three additional subsequent standards: limitation on the hours of operation from 7:00 am to 6:00 pm, or no later to those set by ODFW standards, two buffer zones along Shaw Road, and a condition that existing vegetation remain undisturbed adjacent to McKay Creek.

On November 8th, 2018 the Findings and Conclusions document was signed and mailed, signifying approval of the tentative plan for your land use request. A statutory 15-day appeal

period commenced the date the Findings were signed; this time period will be over at 5 p.m. November, 23rd 2018. You, or a commenting property owner or agency may appeal the County's tentative decision. Appeals are made in writing to the Planning Department using the appropriate County form and a \$250 fee for a first hearing on appeal. Appeal requests should be based on alleged staff error in interpreting the approval criteria.

Precedent Condition:

1. Verify approval of an access permit from the County Public Works Department (County Road Department) for ingress and egress to Shaw Road.

Subsequent Conditions:

2. Obtain a County Zoning Permit to establish the use on the subject property.
3. The subject property must be kept free of litter and debris.
4. Parking on the subject property or adjacent property must be clearly identified and marked.
5. The Hunting Preserve hours of operation are limited for hunting from 7:00 am to 6:00 pm, but no later to those set by ODFW for game bird shooting hours. In addition, the operation of the preserve shall comply with the hunting season requirements set by ODFW.
6. The Hunting preserve shall create two buffer zones to mitigate potential public safety risks. Buffer zones shall be implemented as follows:
 - 50 foot buffer extending east from Shaw Road,
 - 300 foot buffer extending south from Shaw Road. This buffer zone will be the same length as the existing buffer zone on property: Map 1N32D Tax Lot 4900, established in Conditional Use Permit C-949-00.
7. Maintain a healthy vegetative buffer along the existing stream bank to minimize erosion and potential contamination.
8. The approval for the hunting preserve will be subject to an annual review and review fee for the first two years of operation. Reviews will be suspended after the second year; however, the county reserves the option to reinstate reviews.

County Planning approval expires on the following date, two years from issuance of the final decision for this land use request. By that time, at the latest, you must have obtained a County Zoning Permit, as listed above.

* November 7, 2020 *

NOTE: If this deadline is missed, you will have to reapply for your land use request and will be subject to all review procedure and standards in effect at that time.

If you have any questions, please do not hesitate to contact me at 541-278-6249, or if it is more convenient e-mail me at Jacob.Potterf@umatillacounty.net. Thank you for your cooperation.

Best Regards,



Jacob Potterf,
Planner II/GIS Analyst

Attachments: Final Findings, Attachment A, email comment.

cc: County Assessor, Paul Ellis, Richard Doherty, Dennis Doherty, Joseph Deutz, Mike Morehead

**UMATILLA COUNTY PLANNING DEPARTMENT
FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW
ELLIS HUNTING PRESERVE CONDITIONAL USE PERMIT REQUEST, C-1311-18
MAP #1N 32D, TAX LOT #3200**

- 1. APPLICANT:** Paul Ellis, 68685 Shaw Road, Pilot Rock, OR. 97868
- 2. OWNERS:** James Miller, June Miller, Sherry Miller. 68826 Shaw Road, Pilot Rock, OR 97868
- 3. REQUEST:** The Applicant requests land use approval for a conditional use permit on land zoned Exclusive Farm Use (EFU) to operate a private hunting preserve for guided and non-guided hunts of upland game birds. The hunting preserve will be located at 1N 32D Tax Lot 3200. Tax Lot 3200 is 538.01 acres. However, approximately 122 acres will be utilized as a hunting preserve. The hunting preserve will operate in compliance with Oregon Department of Fish and Wildlife (ODFW) rules and appropriate Oregon Administrative Rules. The subject property is adjacent to an existing hunting preserve permitted through Conditional Use C-949-00. The Applicant's intention is to integrate the proposed preserve into the existing ODFW license.

This land use request is being processed in tandem with a separate conditional permit for a hunting preserve located approximately one mile to the south at Map 1S 33B, Tax Lot 2900. The proposed preserves will operate under separate ODFW licenses.
- 4. LOCATION:** The proposed hunting preserve area is located approximately three miles northeast of Pilot Rock, south of Rockwell Rd and east of Shaw Road.
- 5. ACREAGE:** Tax Lot 3200 = 538.01 acres.
- 6. COMP PLAN:** North/South Agriculture Region.
- 7. ZONING:** Exclusive Farm Use Zone (EFU, 160 acre minimum parcel size).
- 8. ROAD TYPE:** Access to the proposed hunting preserve is via Shaw Road, County Road No.1057. Shaw Road is a gravel surfaced road.
- 9. EASEMENTS:** The Applicant indicates an access and utility line easement exists on the subject property.
- 10. LAND USE:** The current land uses include farming dryland wheat and Conservation Reserve Program (CRP) lands.
- 11. ADJACENT USES:** Lands surrounding the subject property are also zoned EFU and include areas used for dryland wheat and lands in CRP. Adjacent tax lots to the north, northwest and south have farm dwellings. Parcels to the

west and southwest are utilized as licensed hunting preserves.

12. LAND FORM: Columbia Plateau.

13. IRRIGATION: The parcel does have water rights but no water use is proposed for the hunting preserve.

14. SOIL TYPES: High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. The subject parcel is comprised of predominately of non-high value soils.

The table below lists the soils, as depicted in the NRCS Soil Survey for the Subject Parcel.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
17A- Catherine variant-Catherine silt loams, 0-3 percent slopes	IIw	IIw
31B- Gurdane silty clay loam, 0 to 7 percent slopes	VIe	---
31D- Gurdane silty clay loam, 7 to 25 percent slopes	VIIIs	---
36E- Gwinly very cobbly silt loam, 7 to 40 percent slopes	VIIIs	---
39A- Hermiston silt loam, 0 to 3 percent slopes	IIc	I
67B- Pilot Rock silt loam, 1 to 7 percent slopes	IIIe	IIIe
67C- Pilot Rock silt cobbly loam, 7 to 12 percent slopes	IIIe	IIIe
109A-Veazie silt loam, 0 to 3 percent slopes	IVs	IIIs
111A-Vitrandspts, 0 to 5 percent slopes	IIIe	IIe
126A-Xerofluvents, 0 to 3 percent slopes	VIIw	---

Soil Survey of Umatilla County Area, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" – soil limitations and "w" – water.

15. BUILDINGS: There are four accessory structures used for agricultural purposes located on the subject property.

16. UTILITIES: The Applicant did not indicate a utility provider.

17. WATER/SEWER: The subject property is not served with water or a septic system.

18. FIRE SERVICE: The subject property is located in the Pilot Rock Rural Fire District.

19. PROPERTY OWNERS & AGENCIES NOTIFIED: October 10, 2018

20. COMMENT CLOSING DATE: October 31, 2018

21. COMMENTS RECEIVED: The Umatilla County Planning Department received a total of four comments, in the form of one email and three in person comments from the notified public during the 21-day comment period. A copy of the email comments have been included in the project record and general comments with staff responses are summarized in the tentative approval letter. In general the comments cited concerns regarding, noise, hours of hunting, a buffer along Shaw Road, ODFW scheduled hunting season, location of high grade soils, potential for dog kennels on the proposed hunting preserve, and potential of lead contamination on the subject property.

22. NOTIFIED AGENCIES: Oregon Department of Fish & Wildlife, Umatilla County Public Health, Umatilla County Assessor, Umatilla County Public Works Director, and Pilot Rock Fire District

23. APPLICABLE STANDARDS, CRITERIA, PROCEDURE:

A. Oregon Administrative Rules

OAR 660-033-0120

OAR 660-033-0130 (2), (5) & (19)

B. Chapter 152 of the Umatilla County Development Code

Section 152.060, EFU Conditional Uses Permitted

Section 152.612 (D) Zoning Permit Requirement

Section 152.617 (I) (O), EFU Conditional Use Standards of review

Section 152.061, Standards for all (EFU) Conditional Uses

Section 152.615, Additional Conditional Use Permit Restrictions

Section 152.063, EFU Development Standards

Section 152.060, EFU Conditional Use Permit Procedural Process

In an EFU zone uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025 and § 152.612.

Section 152.612: Procedure for Taking Action on a Conditional Use Permit

(D) The applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before establishing the approved use and/or commencing construction.

If the conditional use permit for the proposed hunting preserve is approved, the Applicant will be required to obtain a zoning permit for Tax Lot 3200. The condition requiring the zoning permit would be a subsequent condition of the approval.

24. Oregon Administrative Rules OAR 660-033-0120 and OAR 660-033-0130

OAR 660-033-0130

2 (a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

Finding: The Umatilla County Planning Department finds the subject parcel proposed for the hunting preserve is located within three miles of an urban growth boundary. Therefore, any enclosed structure limitations set in the above statute will be enforced. However, the Applicant's current request does not include any development.

Conclusion: The Umatilla County Planning Department concludes the subject property proposed for the hunting preserve is located within three miles of an urban growth boundary. However, no existing enclosed structures exist on the subject property which could be expanded. This criterion is not applicable.

25. Umatilla County Development Code Section 152.617 (I) (O) EFU Conditional Use Standards [ORS 660-033-0130 (19)]:

(O) Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland.

Finding: The Applicant is requesting a conditional use permit to operate a private hunting preserve through a conditional use permit for, "private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland."

The Umatilla County Planning Department finds that the tract of land proposed for the hunting preserve is predominately comprised of non-high value soils, as confirmed by the Umatilla County Soil Survey.

Through the public notice process a comment was received in regards to the productivity class of soils within the proposed hunting preserve. A detailed map showing specific locations of soils and their respective productivity class has been included in Attachment A.

Conclusion: The Umatilla County Planning Department concludes the Applicant is requesting approval for a private hunting preserve on lands that do not meet the definition of high value farmland. This criterion is met.

(1) Private campgrounds shall be located on a lot or parcel contiguous to a lake or reservoir and shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. A private campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposed, but not for residential purposed and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects vegetation or other natural features between campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

Finding: The Umatilla County Planning Department finds the Applicant is not applying for a private campground.

Conclusion: The Umatilla County Planning Department concludes the hunting preserve application is

not for a private campground; therefore, (1) above is not applicable.

(2) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by (3) below;

Finding: The Umatilla County Planning Department finds the Applicant is not applying for a campground with campsites.

Conclusion: The Umatilla County Planning Department concludes the application for the hunting preserve is not for a campground with campsites; therefore, (2) above is not applicable.

(3) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. Not more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296 (1). As used in this section, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

Findings: The Umatilla County Planning Department finds that the Applicant's conditional use permit request is not for a private campground with overnight camping.

Conclusion: The Umatilla County Planning Department concludes the Applicant's conditional use permit application for the hunting preserve is not for a private campground with overnight camping; therefore, (3) is not applicable.

(4) Facility is designed to minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses as outlined in policies of the Comprehensive Plan and shall not alter accepted farming or forest practices on adjacent lands;

Findings: The Umatilla County Planning Department finds the Applicant's proposal for a hunting preserve does not include any facilities or structures. According to the Applicant, the conditional use (hunting preserve) will not conflict with scenic values as hunting on the subject property will be intermittent and transitory in nature; the current state of the property will not change or alter accepted farming or forest practices on adjacent lands or lands where the conditional use will take place. UCDC Section 152.617 (I) (O) (4) requires the applicant to "minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses," as outlined in the Comprehensive Plan policies. The Umatilla County Planning Department finds the Applicant is not proposing structures connected to the hunting preserve or proposing changes to other features on the land that would change the current use of the land, scenic values or farm practices on the subject property and adjacent farm lands.

Conclusion: The Umatilla County Planning Department concludes that new facilities or structures connected to the hunting preserve are not proposed. There will be no alterations to the subject property that would change the current use of the land or impact adjacent farm lands and the request appears to be compliant with the policies of the Comprehensive Plan. This criterion is met.

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

Finding: The Umatilla County Planning Department finds that the Applicant's proposal does not include any new development and will not alter the existing access. Access to the property is from Shaw Road (County Road #1057) and the Applicant indicates that the access easement will remain in its current state and kept to a high standard acceptable to the Public Works Director. The Umatilla County Planning Department finds as a condition of approval that the Applicant must verify that an access approach permit from the Public Works Department (County Road Department) has been obtained for ingress and egress to Shaw Road.

Conclusion: Umatilla County Planning concludes as a precedent condition of approval, the Applicant must verify that an access approach permit from the Public Works Department (County Road Department) has been obtained for ingress and egress to Shaw Road.

(6) Fire protection measures be considered which may include, but are not limited to:

- (a) Area surrounding use is to be kept free from litter and debris;
- (b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;
- (c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

Finding: The Umatilla County Planning Department finds the area proposed for the hunting preserve is located in Pilot Rock Fire District. The subject property consists of open space currently used for dryland wheat, not in a timber producing area. The Applicant's proposal does not include construction of a facility, however the subject parcel must be kept free from litter and debris.

Conclusion: The Umatilla County Planning Department concludes the subject property is in Pilot Rock fire service district, not in a timber producing area. Fire protection has been considered and is currently part of the farm operation and existing land management of the property. This criterion is met.

(7) Adequate off street parking is provided for users as prescribed in §152.560;

Finding: The Umatilla County Planning Department finds that the Applicant intends to have parking occur on a separate adjacent tax lot, utilizing a gravel surfaced parking area, already in use through a previous conditional use permit for a hunting preserve. The existing parking lot is located on the adjacent property located at 1N32D, Tax lot 4900. UCDC Section 152.560 does not provide specific parking requirements for private hunting preserves. However, there are requirements that any parking areas on the subject parcel be identified and clearly marked.

Conclusion: The Umatilla County Planning Department concludes UCDC Section 152.560 does not provide a specific parking requirement for a private hunting preserve. However, parking areas must be clearly marked where vehicle parking will be allowed for participants hunting on the subject property. Therefore, as a condition of approval, the applicant is required to clearly mark the existing vehicle parking area on the adjacent property that will serve the existing and proposed hunting preserves.

(8) Has an adequate quantity and quality of water and approved surface or sanitary disposal system from

DEQ, and adequate provisions of solid waste disposal:

Findings: The Umatilla County Planning Department finds there are no structures with water and septic on the property that could supply the hunting preserve with potable water and bathroom facilities. The Applicant will provide clean water and a restroom facility for sanitary disposal of human waste at a hunting preserve located on an adjacent parcel at 1N32D Tax Lot 4900.

Conclusion: The Umatilla County Planning Department concludes there would be acceptable potable water and bathroom facilities provided to the proposed hunting preserve. This criterion is met.

(9) Complies with other conditions deems necessary.

Finding: Other conditions may be imposed as provided in UCDC Section 152.615.

Conclusion: Other conditions, based on Findings, may be imposed as provided in UCDC Section 152.615 below (No 27).

26. Umatilla County Development Code Section 152.061 Standards for all Condition Uses on EFU Zoned Lands [OAR 660-033-0130 (5)]. The standards (criteria) of approval are underlined and listed below, the responses and findings follow in standard text.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

- (A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Applicants Response: “With respect to forest practices on lands devoted to forest use, there are no surrounding lands devoted to forest use. With respect to farm practices on lands devoted to farm use, there will be no significant changes to the existing farming practices on the subject property, nor on surrounding lands; all existing uses will continue. Likewise, there will be no significant increase to the cost of accepted farming practices, as all existing farming practices will continue unchanged on the subject property and on surrounding lands.”

Finding: The Umatilla County Planning Department finds that farming activities in the area consist of dry land wheat and CRP and that the subject property and surrounding properties are not timbered or managed as forest lands. The Applicant’s request does not include development of any structures or buildings and the proposed hunting preserve would be limited to upland bird hunting.

Conclusion: The Umatilla County Planning Department concludes that the subject property and surrounding farm operations that grow grain and raise livestock should continue as they have historically without significant changes or increases to the costs to perform accepted farm practices. Additionally, the proposed hunting preserve would not force a significant change in forest practices on surrounding lands devoted to forest use, or significantly increase the cost of accepted forest practices on lands devoted to forest use, because there are no forest practices occurring on the subject property or surrounding properties. This criterion is met.

27. Umatilla County Development Code Section 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:*

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

Finding: The Umatilla County Planning Department finds hunting preserves are not businesses that typically create vibration, air pollution, glare or odor. Some noise may be generated through the proposed use, however hunting will be intermittent and limited by ODFW regulations.

Multiple comments in regards to the potential for excessive noise due to hours of operation and the hunting season set by ODFW were received during the public notice period. Therefore a subsequent condition of approval limiting the hunting hours and season is imposed.

Conclusion: The Umatilla County Planning Department concludes that a subsequent condition of approval is imposed to limit the hours of operation for hunting from 7:00 am to 6:00 pm, but no later to those set by ODFW for game bird shooting hours. In addition, the operation of the preserve shall comply with the hunting season requirements set by ODFW.

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

The Applicant indicates there is not a need for a special yard, open space, or lot for the hunting preserve.

Finding: Multiple comments in regards to public safety risks due to the proposed hunting preserve located adjacent to public roads and nearby primary farm dwellings were received during the public notice period. Therefore a subsequent condition of approval is imposed to establish a buffer zone along the North and West boundaries of the proposed hunting preserve.

Conclusion: The Umatilla County Planning Department concludes that a subsequent condition of approval is imposed to create two buffer zones to mitigate potential public safety risks. Buffer zones shall be implemented as follows:

- *50 foot buffer extending east from Shaw Road.*
- *300 foot buffer extending south from Shaw Road. This buffer zone will be the same length as the existing buffer zone on property: Map 1N32D Tax Lot 4900, established in Conditional Use Permit C-949-00.*

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

According to the Applicant there are no proposed structures in connection with the hunting preserve.

Finding: Multiple comments in regards to the potential of a dog kennel and firing range were received during the public notice period. The Planning Department finds the Applicant is not applying for a dog kennel nor are they proposing any new facilities. UCDC §152.617 (I)(I) includes standards of approval which require a conditional use permit before establishing any commercial dog boarding or kennel operation.

Conclusion: The Umatilla County Planning Department concludes that the Applicant does not propose any structures related to dog kenneling or a firing range in connection with the hunting preserve. Therefore, building limitations are not required.

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

Finding: The Umatilla County Planning Department finds that as a condition of approval the Applicant must verify that an access approach permit from the County Road Department has been obtained for ingress and egress to Shaw Road.

Conclusion: The Umatilla County Planning Department concludes that a condition of approval is imposed for the Applicant to verify an access approach permit from the County Road Department has been obtained for ingress and egress to Shaw Road.

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

Pursuant to OAR 660-012-0045(2)(e) Umatilla County may request a Traffic Impact Analysis if a conditional use request results in an increase in site traffic volume generation by 250 Average Daily Trips(ADT). A single family dwelling generates approximately 9.52 ADTs during the week day (p. 296, Trip Generation Manual 9th Edition, ITE)

Finding: The Umatilla County Planning Department finds the Applicant's request for a hunting preserve. The request does not include any developments, improvements to the parcel or new construction. Therefore the resulting traffic impact on Shaw Road will not result in 250 average daily trips.

Conclusion: The Umatilla County Planning Department concludes that increases to the required street dedication or roadway width or improvements within the street right of way are not required.

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

According to the Applicant adequate off street parking is available that will not conflict with neighboring properties. The Applicant proposes utilizing parking with a gravel surface that exists on an adjacent tax lot that is already in use as an approved hunting preserve through Conditional Use Permit: C-949-00.

Finding: The Umatilla County Planning Department finds that the Applicant intends to have the majority of their parking occur on a separate tax lot, utilizing a gravel surfaced parking area, already in use through a previous conditional use permit for a hunting preserve. UCDC Section 152.560 does not provide specific parking requirements for private hunting preserves. However there are requirements that any parking areas on the subject parcel be identified and clearly marked.

Conclusion: The Umatilla County Planning Department concludes the Applicant intends to utilize existing parking on an adjacent parcel approved through a previous conditional use permit. Therefore additional parking limitation are not required.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;
The Applicant has not proposed additional signage.

Finding: The Umatilla County Planning Department finds the Applicant does not propose additional signage.

Conclusion: The Umatilla County Planning Department concludes that limitations on signage are not required.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;
The Applicant does not propose additional outdoor lighting.

Finding: The Umatilla County Planning Department finds that the Applicant does not propose additional outdoor lighting.

Conclusion: The Umatilla County Planning Department concludes that limitations on outdoor lighting are not required.

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

The Applicant provides that hunting on the property would not require diking, screening or landscaping. The request is not a conditional use for a business conducted inside a building or at one location on the property.

Finding: The Umatilla County Planning Department finds that the Applicant is not proposing any structures or other features on the subject property that would require the Applicant to dike, screen or landscape the subject parcel is not imposed. Hunting would occur in the area designated for the hunting preserve.

Conclusion: The Umatilla County Planning Department concludes the property is not required to be diked, screened or landscaped.

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

The Applicant's request does not include any development or construction and will not require further separation of the property.

Finding: The Umatilla County Planning Department finds additional fencing is not proposed.

Conclusion: The Umatilla County Planning Department finds additional fencing is not proposed. No further conditions limiting or requiring fencing are imposed.

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

The Applicant has indicated that the proposed preserve will have minimal impact on the landscape as there are no improvements planned, and that the use will be transitory in nature as hunting will occur intermittently.

A comment was received during the public comment period in regards to the potential for accumulation of lead in the top soil and McKay Creek due to the proposed hunting preserve. Contact was made with Oregon Health Authority and Oregon Department of Environmental Quality (DEQ). According to DEQ the proposed hunting preserve qualifies as a non-point source type of pollutant and would not require additional permits for water or soil quality. However a list of land management practices was provided including maintaining healthy vegetative buffers along the existing stream bank to minimize erosion and potential contamination.

Finding: The Umatilla County Planning Department finds that the Applicant's proposed use of the subject parcel would be intermittent and would not include ground disturbing activities such as construction of buildings or new roads. To protect the water resources of McKay Creek and limit potential erosion, existing vegetation along the creek will be left undisturbed.

Conclusion: The Umatilla County Planning Department concludes that as a subsequent condition the Applicant is required to maintain a vegetative buffer along the existing stream bank to minimize erosion and potential contamination.

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

The Applicant indicates that parking will primarily occur on an adjacent parcel, in a gravel lot, previously approved through a conditional use permit for a hunting preserve. Any parking will be limited on the subject property.

Finding: The Applicant provides that parking on the subject property will be limited and occur on a dirt surface area on the subject property. The prescribed parking in UCDC Section 152.560 does not provide a specific parking space requirement for hunting preserves. Parking requirements do specify that parking areas are to be identified and clearly marked.

Conclusion: The Umatilla County Planning Department concludes a condition is imposed requiring the proposed parking area on the adjacent property to be identified and clearly marked.

DECISION: BASED UPON THE ABOVE FINDINGS AND CONCLUSIONS THE ELLIS HUNTING PRESERVE CONDITIONAL USE REQUEST, #C-1311-18, IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Precedent Condition:

1. Verify approval of an access permit from the County Public Works Department (County Road Department) for ingress and egress to Shaw Road.

Subsequent Conditions:

2. Obtain a County Zoning Permit to establish the use on the subject property.
3. The subject property must be kept free of litter and debris.

4. Parking on the subject property or the adjacent property must be clearly identified and marked.
5. The Hunting Preserve hours of operation are limited for hunting from 7:00 am to 6:00 pm, but no later to those set by ODFW for game bird shooting hours. In addition, the operation of the preserve shall comply with the hunting season requirements set by ODFW.
6. The Hunting preserve shall create two buffer zones to mitigate potential public safety risks. Buffer zones shall be implemented as follows:
 - 50 foot buffer extending east from Shaw Road,
 - 300 foot buffer extending south from Shaw Road. This buffer zone will be the same length as the existing buffer zone on property: Map 1N32D Tax Lot 4900, established in Conditional Use Permit C-949-00.
7. Maintain a healthy vegetative buffer along the existing stream bank to minimize erosion and potential contamination.
8. The approval for the hunting preserve will be subject to an annual review and review fee for the first two years of operation. Reviews will be suspended after the second year; however, the county reserves the option to reinstate reviews.

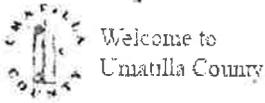
UMATILLA COUNTY PLANNING DEPARTMENT

Dated 8TH day of NOVEMBER, 2018



Robert Waldher, *Umatilla County Planning Director*

Mailed 8TH day of NOVEMBER, 2018



Jacob Potterf <jacob.potterf@umatillacounty.net>

Hunting Preserve Conditional Use Permit

2 messages

Joseph Deutz <deutzconst@wtechlink.us>
To: Jacob.Potterf@umatillacounty.net

Wed, Oct 31, 2018 at 3:58 AM

Hi Jacob, regarding our phone conversation on the 29th of October, I found some additional information on the allowable hunting season for game preserves. You mentioned the ODFW season is October 6th through January 31st. That applies only to wild partridge. After talking with ODFW, they directed me to the Oregon Administrative Rules that apply to hunting preserves (privately owned birds, not wild). It can be found on the ODFW website. I can help direct you to it if needed. Division 47 of the Oregon Administrative Rules (OAR's) number 635-047-0005 states that ODFW decides the time and length of the season based on potential conflict with wild populations, provided that no open season shall be allowed between April 1 and July 31 of any year. My point is that the wild bird season does not apply to game preserves. I was concerned about the noise and so were my neighbors. The wild bird season last approximately 4 months. A hunting preserve season could last up to 8 months. It is my understand that the game preserves typically start September 1st and go to March 31st. That is a 7 month season. In the Preliminary Finding and Conclusions you note that "some noise may be generated through proposed use, however hunting will be intermittent and in limited use." I believe listening to shotguns go off daily, even if its after 7 am, for 7 months is not intermittent and limited in use. It would be helpful to know what dates the applicant plans to have an open season and how many days a week it would be used. I understand that ODFW sets these dates for game preserves based on their criteria, however I think it is important to understand the distinction between wild and private bird seasons when it comes to making a decision about the level of noise and the duration of that noise, and whether or not to impose any noise restrictions. Thanks. Joe.

Jacob Potterf <jacob.potterf@umatillacounty.net>
To: deutzconst@wtechlink.us

Thu, Nov 1, 2018 at 9:29 AM

Hi, Deutz,

Your comments have been noted and incorporated into the final findings and have led to additional subsequent conditions placed upon the proposed hunting preserve.

Previously to this email you mentioned the potential for lead accumulation within the subject property and McKay Creek. The Planning Department contacted Oregon Health Authority and Oregon Department of Environmental Quality in order to better understand this issue. Oregon Health Authority regulates lead only if it enters regulated water supply and is ultimately consumed by people. The Department of Environmental Quality considers hunting preserves as a non-point source type of pollution and has no jurisdiction to regulate either. They did suggest creating a vegetative buffer along McKay Creek to limit potential erosion or lead run-off. This suggestion was added as a subsequent condition.

The information you provided me with is valuable, but as we have discussed previously the Planning Department has no authority to limit the allowable hunting season for the Applicant. However based off of your comment regarding the potential increase of noise an additional subsequent condition was added further limiting the daily hours of operation from 7:00 am to 6:00 pm but no later than the allowable ODFW bird shooting hours.

The final findings will be reviewed and signed by the Planning Director and will then be sent to all commenting parties for review. The mailing day will commence a statutory 15 day review period where any commenting party can challenge the decision to the Planning Commission. When the final findings are signed and mailed I will email you a digital copy as a response to this email chain and send a physical copy to your home address at:

68815 Shaw Rd
Pilot Rock, OR. 97868

If you prefer another mailing address or If you have further questions about the planning commission or appeal process please let me know.

Thank you,

Jacob
[Quoted text hidden]

21



Jacob Potterf
Planner II / GIS

| <http://umatillacounty.net>
Tel: 541-278-6249 | Fax: 541-278-6374
216 SE 4th Street | Pendleton, OR 97801

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Welcome to
Umatilla County

Jacob Potterf <jacob.potterf@umatillacounty.net>

Question regarding hunting preserve and potential for lead in surface water

3 messages

Jacob Potterf <jacob.potterf@umatillacounty.net>
To: HARVEY.Julie@deq.state.or.us

Mon, Oct 29, 2018 at 3:45 PM

Hello Ms. Harvey,

I am a planner with Umatilla County currently processing a land use request for a hunting preserve. Through the public notice process an adjacent neighbor inquired about the potential of lead being introduced into soil and surface water (the subject property is bisected by a creek).

I am curious to know if DEQ requires or suggests any additional standards on hunting preserves prior or subsequent to land-use approval. I am happy to provide the preliminary findings if you are interested.

Thank you for your time,

Jacob



Jacob Potterf Planner II / GIS

| <http://umatillacounty.net>
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HARVEY Julie <Julie.HARVEY@state.or.us>

Tue, Oct 30, 2018 at 8:48 AM

To: "jacob.potterf@umatillacounty.net" <jacob.potterf@umatillacounty.net>

Cc: GILLES Bruce A <Bruce.A.GILLES@state.or.us>, FOSTER Eugene P <Eugene.P.FOSTER@state.or.us>, DOUGHTEN Ron <Ron.A.DOUGHTEN@state.or.us>

Hi Jacob – This is a good question and thanks for asking. Since there is no “point source” (such as a shooting range or platforms) the activity would be considered a non-point source and there would not be DEQ requirements for water quality permits. However, expended shot could be considered a pollutants under the Clean Water Act if it impacts the stream above our water quality standards. Lead shot can also cause soil contamination above required cleanup levels. Maintaining good vegetative buffers along the stream bank to minimize erosion and runoff may be a good option. The EPA guidance of best management practices suggested below by our cleanup program would be recommended for the land owner to minimize risk.

Let me know if you have additional questions

Julie

10/30/2018

Umatilla Cou. Mail - Question regarding hunting preserve and potential for lead in surface water

Julie Harvey

Program Coordinator

Drinking Water Protection/Water Quality Division

Oregon Department of Environmental Quality

700 Multnomah St. Suite #600, Portland, OR 97232

503-229-5664 or 1-800-452-4011 (in OR)

<http://www.oregon.gov/deq/wq/programs/Pages/DWP.aspx>

From: GILLES Bruce A

Sent: Monday, October 29, 2018 5:50 PM

To: HARVEY Julie <HARVEY.Julie@deq.state.or.us>

Subject: RE: Question regarding hunting preserve and potential for lead in surface water

The Cleanup Program occasionally works on firing ranges that often involve surface water in streams and wetlands coincident with these facilities. There are best management practices for firing ranges that we encourage operators to follow. <https://www.epa.gov/lead/best-management-practices-lead-outdoor-shooting-ranges>

Hope this helps.

Bruce

From: HARVEY Julie

Sent: Monday, October 29, 2018 4:27 PM

To: GILLES Bruce A <GILLES.Bruce@deq.state.or.us>

Subject: FW: Question regarding hunting preserve and potential for lead in surface water

Hi Bruce – is this something that someone in your section can answer?

Thanks

Julie

From: Jacob Potterf <jacob.potterf@umatillacounty.net>

Sent: Monday, October 29, 2018 3:46 PM

To: HARVEY Julie <HARVEY.Julie@deq.state.or.us>

Subject: Question regarding hunting preserve and potential for lead in surface water

Hello Ms. Harvey,

I am a planner with Umatilla County currently processing a land use request for a hunting preserve. Through the public notice process an adjacent neighbor inquired about the potential of lead being introduced into soil and surface water(the subject property is bisected by a creek).

2/4

I am curious to know if DEQ requires or suggests any additional standards on hunting preserves prior or subsequent to land-use approval. I am happy to provide the preliminary findings if you are interested.

Thank you for your time,

Jacob

Jacob Potterf

Planner II / GIS

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Jacob Potterf <jacob.potterf@umatillacounty.net>
To: Julie.HARVEY@state.or.us

Tue, Oct 30, 2018 at 8:50 AM

Julie,

Thank you for the quick response and the valuable information.
I appreciate the help.

Thanks,

Jacob
[Quoted text hidden]

Jacob Potterf
Planner II / GIS

| <http://umatillacounty.net>
Tel: 541-278-6249 | Fax: 541-278-6374
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2 attachments

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Welcome to Umatilla County

Jacob Potterf <jacob.potterf@umatillacounty.net>

Question regarding hunting preserve and potential for lead in surface water

3 messages

Jacob Potterf <jacob.potterf@umatillacounty.net>
To: william.h.goss@state.or.us

Mon, Oct 29, 2018 at 2:45 PM

Hello Mr. Goss,

I'm a planner with Umatilla County currently processing a land use request for a hunting preserve. Through the public notice process an adjacent neighbor inquired about the potential of lead being introduced into surface water(the subject parcel is bisected by McKay Creek).

Currently I am not aware of what agency is responsible for monitoring the potential of lead introduced into soil or surface water through hunting. I am curious to know if Oregon Health Authority considers this an issue that would warrant additional conditions placed upon the potential hunting preserve. I am happy to provide the preliminary findings if your interested.

Thank you for your time,

Jacob

--

Jacob Potterf
Planner II / GIS

| http://umatillacounty.net
Tel: 541-278-6249 | Fax: 541-278-6374
216 SE 4th Street | Pendleton, OR 97801



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GOSS William H <William.H.GOSS@dhsosha.state.or.us>
To: Jacob Potterf <jacob.potterf@umatillacounty.net>

Mon, Oct 29, 2018 at 3:30 PM

Hello -

I am aware that lead pollution can be an issue at target ranges where spent bullets can accumulate, and also lead birdshot can harm wildlife if consumed by water fowl or by eagles eating animals that have been shot, etc. Except for lead paint, our agency does not deal with lead until it enters a regulated water supply and comes out the tap where it can be consumed by people.

I am not sure if hunting would produce significant accumulations of lead in the environment or not.

The Department of Environmental Quality would deal with lead accumulation in soil like at target ranges and in water bodies. You might get in touch with one of their drinking water protection contacts, Julie Harvey, here:

<https://www.oregon.gov/deq/wq/programs/Pages/dwp.aspx>

Hope this helps,

Bill

William Goss, P.E.

Regional Engineer

OREGON HEALTH AUTHORITY

Public Health Division

Drinking Water Services

william.h.goss@state.or.us

Desk: 541-966-0900

Fax: 541-276-4778

healthoregon.org/dwp

From: Jacob Potterf <jacob.potterf@umatillacounty.net>

Sent: Monday, October 29, 2018 2:45 PM

To: GOSS William H <William.H.GOSS@dhsosha.state.or.us>

Subject: Question regarding hunting preserve and potential for lead in surface water

Hello Mr. Goss,

I'm a planner with Umatilla County currently processing a land use request for a hunting preserve. Through the public notice process an adjacent neighbor inquired about the potential of lead being introduced into surface water(the subject parcel is bisected by McKay Creek).

Currently I am not aware of what agency is responsible for monitoring the potential of lead introduced into soil or surface water through hunting. I am curious to know if Oregon Health Authority considers this an issue that would warrant additional conditions placed upon the potential hunting preserve. I am happy to provide the preliminary findings if your interested.

Thank you for your time,

Jacob

--



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Jacob Potterf <jacob.potterf@umatillacounty.net>
To: William.H.GOSS@dhsosha.state.or.us

Mon, Oct 29, 2018 at 3:33 PM

Bill,

Thanks for the quick response, I appreciate your help.

Thanks again,

Jacob

[Quoted text hidden]

--

Jacob Potterf
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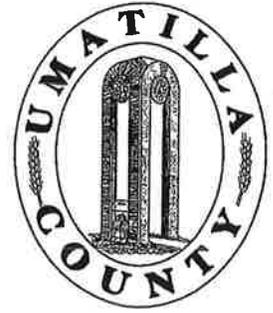


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Umatilla County

Department of Land Use Planning

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252



Request for a Public Hearing

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: February 20, 2009
File Location: H:\shared\FORMS_Master\Appeal_Hearing.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-1311-18
- Type of Land Use Request Application: Hunting preserve
- Decision-Making Body: Planning Director or Other PLANNING COMMISSION
- For a Request of a Public Hearing, Date Notice was sent: 10-30-18

Section 2: Contact Information

Name of Submitter(s): Richard Doherty
Address: 69004 Iris Lane
City, State, Zip: Pilot Rock OR 97868
Telephone Number & Email Address: rdoherty@wtechlink.us

Date of Submittal for Request of a Public Hearing: 11/20/2018

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:

We would like to request a public hearing concerning the conditional use permit request C-1311-18 hunting preserve by applicant Paul Ellis. Our main concern has to do with the noise. We do not agree with the findings calling the noise intermittent. Any legitimate business will try to grow to their fullest potential and try to be booked up to 100% of their shooting hours. There is no limit on how many shots per day or days per week that regulates what is allowed. We would be losing our quiet enjoyment of a country life style.

Also if and when we choose to sell our homes and property we feel this would severely impact the market values because of the noise. Brand X Ranch also has two rental homes that are advertised as quiet country homes. We feel these may be impacted to the point we may have to lower the rents or even have a hard time renting them out. All of these homes are within 150 to 320 yards of the requested preserve. We would like to have our chance to address these concerns and anything else that may come up.

Thank You

The signers of section 4: certification

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 Richard G. Doherty 10-29-2018
Signature of Submitter Date

Richard G. Doherty
Printed Name of Submitter

X Susan F. Doherty 10-29-2018
Signature of Submitter Date

Susan F. Doherty
Printed Name of Submitter

X Dennis Doherty 10-29-2018
Signature of Submitter Date

Dennis Doherty
Printed Name of Submitter

X Kelly L. Doherty 10-29-2018
Signature of Submitter Date

Kelly L. Doherty
Printed Name of Submitter

Office Use Only

Date this paperwork was received: 11/20/18

Accepted by: Jacob Potter Jacob Potter
Signature of Planning Staff & Printed Name

Fee Paid? Yes No Receipt Number: 18298

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 Rachel Deby manager
Signature of Appellant

10-29-18
Date

Brandx Ranch LLC
Printed Name of Applicant

X _____
Signature of Appellant

Date

Printed Name of Applicant

X _____
Signature of Appellant

Date

Printed Name of Applicant

X _____
Signature of Appellant

Date

Printed Name of Applicant

Office Use Only

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Signature of Planning Staff & Printed Name

Fee Paid? Yes No

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DRAFT MINUTES

**Highway 395 North TGM
Code Assistance Project**

**Planning Commission &
Technical Advisory Committee
Work Session**

**October 25, 2018
Stafford Hansell Government
Center, Hermiston**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, October 25, 2018, 6:30 p.m.
Stafford Hansell Government Center 915 SE Columbia Drive, Hermiston, OR

** **

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Hoot Royer, Cecil Thorne, Jon Salter

COMMISSIONERS

ABSENT: Gary Rhinhart, Vice Chair, Tami Green, Tammie Williams, Molly Tucker Hasenbank

STAFF PRESENT:

Bob Waldher, Planning Director, Jacob Potterf, Planner/GIS, Tierney Dutcher, Administrative Assistant

TAC COMMITTEE

PRESENT: Steve Watkinds, Kari Christiansen, Matt Kenny, Brandon Seitz, Tamra Mabbott, Cheryl Jarvis-Smith, Paul Howland, Laura Buhl, Transportation Growth Management Program

PROJECT CONSULTANT: Darci Rudzinski, Angelo Planning Group

** **

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

CALL TO ORDER

Chair Danforth called the meeting to order at 6:31 p.m.

MINUTES

Chair Danforth asked the Planning Commission to review the minutes from the July 25, 2018 hearing. Chair Danforth recommended replacing the word “worst” with the word “least” on page 3. Ms. Dutcher agreed to make the change in the final draft. Chair Danforth moved to adopt the minutes with the agreed upon edit. The motion was seconded by Commissioner Wysocki. Motion carried by consensus.

**HIGHWAY 395 NORTH TRANSPORTATION & GROWTH MANAGEMENT
CODE ASSISTANCE PROJECT OVERVIEW**

This project is partially funded by a grant awarded to the Umatilla County from the Transportation and Growth Management (TGM) Program. The TGM Program is a joint effort of the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development (DLCD). The goals of TGM are to strengthen the capability of local governments to effectively manage growth and comply with the Oregon Transportation Planning Rule (Oregon Administrative Rule 660-012-0000), to integrate transportation and land use planning, and to encourage transportation-efficient land uses that support modal choice and the efficient performance of transportation facilities and services. Specifically, TGM supports efficient use of land and resources; human-scaled, walkable communities; good connections between local destinations; and pedestrian, bicycle, and transit-oriented development.

The purpose of the project is to create standards for the U.S. Highway 395 North corridor between the cities of Umatilla and Hermiston to implement previous planning and studies, improve the corridor's aesthetics and function, improve multi-modal connectivity and transportation options within the corridor and between the cities of Hermiston and Umatilla, and provide safe access for all modes of transportation, including non-motorized transportation like pedestrians and cyclists.

Since the project started in 2015 it has been community driven by the land and business owners in the area. To meet the objectives of the TGM Program the committee has been interested in hearing what the public wants. The project timeline includes a community engagement plan for public outreach. The committee has worked to notify the public through public notice mailings, posters in public spaces, email communications, website information and radio advertisements. Additionally, the committee held an open Community Workshop in August 2018 which included a virtual workshop available on the website for those who prefer to review the information in writing, or were unable to attend the day of the workshop.

The goal of this joint work session between the Umatilla County Planning Commission and Highway 395 Technical Advisory Committee is to review the Final Evaluation Memorandum and Draft Code Amendments Matrix and provide feedback regarding the Code amendments recommended by the TAC.

WORK SESSION

1) CODE CHAPTER 152, RETAIL/SERVICE COMMERCIAL (RSC) ZONE, LIGHT INDUSTRIAL (LI) ZONE

**Recommended Amendment:
Modify use and design standards applicable to development along the Highway 395 corridor within the study area.**

To implement the new and modified use and design standards along Highway 395, the amendments will be largely limited to the RSC Zone. In order for requirements to be applicable to select LI zoned parcels along Highway 395, the LI zoned parcels subject to the standards will be described in text, under the LI Zone requirements.

Note that some of the recommended modifications explored in this table are more broadly applicable (i.e., on parcels without frontage on the highway) and are suggested for inclusion in other areas of the Development Code.

Rationale

Most of the parcels within the Study Area with highway frontage are zoned RSC. The Study Area includes all of the parcels zoned RSC within the County. Modifying the RSC base zone, therefore, directly addresses most of the parcels that have a direct impact on the look and functionality of this highway segment. The proposed approach is to identify desired requirements in the RSC Zone, and reference these requirements for LI zoned parcels fronting the highway.

Discussion

No feedback was provided by the group on this topic.

2) CODE SECTIONS [RSC]: 152.249(B) DESIGN REVIEW, [LI]: 152.305(B) DESIGN REVIEW

**Recommended Amendment:
Broaden Design Review requirement for improvements along the corridor within the Study Area.**

Currently, Design Review is only required for new construction or a change in use. However, some of the proposed site and design elements explored in this table could apply when the proposed project is limited to site improvements. For example, new lighting and landscaping standards could apply when a parking lot is reconfigured and/or repaved. The Design Review sections could also be clarified to include the level of redevelopment that would trigger additional site and design requirements.

Rationale

Many of the upgrades that will affect the character of the corridor are site improvements (not new or renovated buildings), such as landscaping, lighting, or circulation. Therefore, when a project is limited to site improvements with no new construction, it should be subject to the design standards.

Discussion

No feedback was provided by the group on this topic.

ZONING & DESIGN STANDARDS

3) CODE SECTION 152.303 CONDITIONAL USES PERMITTED; GENERAL CRITERIA

**Recommended Amendment:
Restrict “heavy” industrial uses on LI Zoned parcels with frontage on Highway 395.**

The following uses are proposed to be prohibited on parcels zoned LI in the Study Area that have frontage on Highway 395.

- Automobile wrecking yard
- Commercial gravel extraction and processing
- Junkyard
- Sand or gravel storage yard

Rationale

There is support for restricting more intensive uses fronting the highway. This change would restrict uses that are the most land intensive of the uses allowed in the LI Zone, as well as those that have the most impact on the aesthetics of the area.

Discussion

No feedback was provided by the group on this topic.

4) CODE SECTIONS 152.246 USES PERMITTED, 152.247 CONDITIONAL USES PERMITTED

Recommended Amendment:

Allow RSC uses on LI zoned parcels with Highway 395 frontage.

The following RSC uses are proposed to be permitted as Conditional Uses on parcels zoned LI in the Study Area.

- Automobile service station
- Automobile, truck or motorcycle repair shops or parts store
- Automobile, truck or motorcycle sales lot

Rationale

This change is consistent with the Highway 395 North Economic Development/Planning Study, which recommended a commercial use designation along the full frontage of the 395 corridor between Punkin Center Road and Bensel Road.

The character of development along the highway corridor is largely homogenous, with subtle or no distinctions between commercially zoned and industrially zoned properties. Allowing for the same commercial uses for parcels fronting the highway would result in more economic opportunity for industrially zoned land owners without a significant impact to the character or function of the corridor.

Keep in mind the project objective to, “recognize the importance of maintaining economically vibrant and livable downtowns in the cities of Hermiston and Umatilla, and not facilitate the creation of a highway commercial strip that could damage the vitality of those downtowns”. The proposed allowed uses would not typically be found in a downtown area, and therefore would not compete with the nearby downtowns.

Discussion

Include proposed automotive related uses in the LI Zone in the draft Code amendments

- Explore additional site design criteria for these types of uses on the corridor.
- Revisit expanding automotive uses (conditionally) on LI zoned parcels with the TAC.

Explore additional allowed uses that may be appropriate on the corridor that are not named in the RSC or LI Zones currently.

- Call centers, etc.

Review what the Economic Development plan suggestions regarding new commercial uses appropriate on the corridor.

- What else could be added to the allowed use or CUP list that won't compete with the downtown areas?

5) CODE SECTION [RSC]: 152.250 DIMENSIONAL STANDARDS (C)

**Recommended Amendment:
Implement maximum setback standards.**

For both RSC- and LI-zoned parcels, there is currently a 20 ft. minimum front yard setback, which increases to 40 ft. if there is parking in the front yard. There is no maximum setback standard.

The recommendation is to remove a required minimum setback and implement a maximum setback of 20 ft. Include an applicability statement to provide clear thresholds for when the setback standards apply (new construction, major remodels, etc.).

Rationale

Building setbacks and orientation can have a significant impact on aesthetic appeal and pedestrian and bicycle access and circulation. Buildings located closer to the street can create a more interesting and comfortable experience for pedestrians, as well as automotive travelers.

The recommendation to codify a maximum setback would ensure that future buildings are located closer to the roadway. By requiring a maximum setback of 20 ft., the County is encouraging parking to be shifted to the side of and/or behind buildings. As a result, landscaping and buildings will be the predominant elements when viewed from the street, creating a more aesthetically appealing character for the corridor.

Discussion

Revisit min/max setback standards with the TAC.

- Is a maximum setback requirement necessary?

Consider restricting parking at the front of buildings and increasing setback requirements to 40 feet.

Concerns regarding outdoor display areas in the setback.

- Automotive dealers and farm equipment

Discussion about “raising the bar” for new proposals that include requests for display areas in front of buildings/in the front set-back, by requiring specific standards.

Expressed need to better articulate/illustrate setback standards

Explore a different set of standards for auto and large equipment users.

6) CODE SECTION [RSC]: 152.249 DESIGN REVIEW

**Recommended Amendment:
Establish landscaping requirements.**

- Minimum landscape cover

- Minimum planting standards defining acceptable species/ size/ spacing of landscape plantings
- Minimum parking lot landscaping requirements

Also consider requiring:

- Minimum number of street trees
- Minimum tree cover/canopy
 - shade cover at maturity)

Rationale

Landscape design standards are essential in creating aesthetically appealing and pedestrian friendly development. Low-density development and paved areas account for much of the existing built environment. Enhanced landscaping in this corridor can be instrumental in visually enhancing the area.

Landscaping also provides shade, mitigates the urban heat island effect, and reduces water runoff. All landscaping standards will need to account for climate conditions and water availability.

Discussion

Xeriscaping should be required as part of the new landscaping requirements.

- Landscaping that reduces or eliminates the need for supplemental water from irrigation.

Trees can be required if selected from a prescribed list of species that can do well in the area.

- Include a good tree and planting list with the proposed code amendments.

Setback from the highway is important to consider.

- Snow plows and salt used on road in the winter.

Landscape requirements should be specific.

- Amount & location

Distinguish what types of landscaping will be allowed and prohibited ODOT right-of-way.

- Unified streetscape
- Trees and lighting
- Better achieved through a corridor plan?

7) **CODE SECTIONS [RSC]: 152.248 LIMITATIONS ON USES, [LI]: 152.304 LIMITATIONS ON USES**

Recommended Amendment: Modify screening standards.

The Umatilla County Development Code currently establishes basic standards for screening of outdoor storage and activities. The Code does not address the design or method of screening; fences, walls, berms, landscape plantings, etc.

Modifications would include:

- Refine the list of items that are required to be screened.
 - Since outdoor merchandise displays are common along the corridor apply different standards to difference types of merchandise
 - e.g. building materials vs. auto sales
- Establish screening design standard, which would include:
 - Types of screening permitted
 - Fencing, landscaping, etc.
 - Minimum requirements for amount of screening
 - Minimum requirements for landscape screens
 - Linear spacing, height, ground cover plants and/or natural materials
 - Minimum requirements for fence/wall screens
 - Height, materials, extent of sight obscuring

Rationale

Outdoor storage areas are prominent along the corridor. Refined screening standards can create more cohesive and organized screening throughout the corridor, which can result in improved aesthetics.

Where screening standards conflict with requirements for clear vision areas at driveways and intersections, screening would not be required in the clear vision area.

Discussion

Additional screening requirements were favored
Distinguish between inventory storage vs. merchandise display

- Definitions

Potential County Economic Development fund incentives to help improve existing businesses.

- Pro Build example, where the fence containing lumber storage is in ODOT right-of-way.

8) CODE SECTION [RSC]: 152.545-.548, SIGN REGULATIONS

Recommended Amendment:

Reduce the number of allowed signs.

Limit the amount of wall mounted signs permitted on buildings along the corridor and clarify under what circumstances free standing signs are permitted.

Rationale

While it is important for business to have signage that can be read by passing motorists, too many signs and inappropriate placement can contribute to visual clutter and blight and can degrade the pedestrian environment.

There are currently a number of non-conforming signs along Highway 395 and addressing some of the aesthetic issues related to signs is a code enforcement issue. There is an opportunity to modify existing sign requirements to prohibit unlimited signage, while at the same time continuing to meet the needs of businesses on the corridor.

Discussion

Revisit off-premise sign requirements

- Off-site business sign must be co-located with the host business's sign

Regulations for removing signs when sites become vacant

9) CODE SECTION [RSC]: 152.249 DESIGN REVIEW, [LI]: 152.305 DESIGN REVIEW

Recommended Amendment: Require parking lot lighting.

The code currently does not require lighting in parking lots. Establish a requirement for lighting in parking lots. Reference existing Development Code for restrictions on types of lighting used to minimize light pollution and spillover for CUPs. Modify requirements include design review as well.

Rationale

Lighting enhances safety and comfort of parking lots. It can also enhance the overall attractiveness of the corridor. Standards for lighting will reference the County's lighting standards to reduce glare, spillover, and light pollution.

Discussion

Parking lot lighting requirement tied to a clear and objective standard

- Type of lighting based on number of stalls, etc.

Keep standard easy to implement for staff.

Existing lighting standards, currently applied only to CUPs, will apply for all development in the corridor.

10) CODE SECTION 152.562 ADDITIONAL OFF-STREET PARKING & LOADING REQUIREMENTS

Recommended Amendment: Establish a minimum bike parking requirement.

Currently, there are no requirements for bike parking. Create a minimum number of required bicycle parking spaces based on square footage of buildings or percentage of vehicle parking.

Bicycle parking spaces provided in addition to the minimum can receive points in the Design Points System (Table 2, Page 10).

Rationale

Providing bicycle parking encourages more active transportation use along the corridor.

Discussion

No feedback was provided by the group on this topic.

11) CODE SECTIONS [RSC]: 152.249 DESIGN REVIEW, [LI]: 152.305 DESIGN REVIEW

**Recommended Amendment:
Establish a requirement for window area.**

There is no minimum requirement for the percentage of a building's façade that must be covered with windows. Create a standard for minimum percentage of window coverage on street-facing facades/building elevations. Window coverage above the required minimum will receive points in the Design Points System (Table 2, Page 10).

Rationale

Windows or glass doorways create visually interesting façades and open up views to merchandise, people, and activity.

Discussion

No feedback was provided by the group on this topic.

12) CODE SECTIONS [RSC]: 152.XXX DESIGN POINT SYSTEM (new section), [LI]: 152.305 DESIGN REVIEW (Reference section in RSC zone)

**Recommended Amendment:
Establish a design points system.**

See Table 2 for a list of proposed building and site design features that a development can choose from in order to meet overall standards for high-quality design. Every development would need to achieve a certain number of points. The required number of points is to be determined.

Include an applicability statement to provide clear thresholds for when the point system applies (new construction, major remodels, etc.).

Rationale

Many design features have been discussed and favorably received as potentially improving the aesthetics of the Highway 395 North corridor. However, there has been little enthusiastic support for requiring these features as part of new or redevelopment in the area. The potential for additional regulations to increase development costs has been cited as one deterrent to endorsing additional requirements. The use of a design points system is a “mix and match” approach that provides flexibility in implementing design features.

Table 2 - Draft Design Points System

Design Criteria	Possible Points		
	0	1	2
Building Design Features			
Weather Protection (may include awnings, covered porches, building overhangs, or other weather protection; must extend at least 4 feet in horizontal distance from the building wall and be constructed of durable materials in order to qualify)	No weather protection at entrances or windows.	Weather protection provided over the primary building entrance.	Weather protection provided over all building entrances and required ground floor window areas.
Use of Natural Siding Materials including: <ul style="list-style-type: none"> Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks. Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood. 	Little to no use of natural materials (less than 5 percent of street wall area, excluding area dedicated to windows).	5 to 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to windows).	Over 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to windows).
Window Coverage/Area	Window coverage meets base requirement.	50 to 60% of the area of the façade and street facing walls covered w/ windows.	Over 60% of the area of the façade and street facing walls covered w/ windows.
Building Articulation	No building articulation features.	1 of the following treatments on street facing façade: <ul style="list-style-type: none"> a) Change in the roof or wall plane (4 ft. minimum) b) Projecting or recessed elements c) Varying rooflines at 4 ft. minimum 	2 of more of the following treatments on a street facing façade: <ul style="list-style-type: none"> a) Change in the roof or wall plane (4 ft. minimum) b) Projecting or recessed elements c) Varying rooflines at 4 ft. minimum d) Visible and prominent

		d) Visible and prominent entrance (large entry doors, porches, protruding or recessed entrances).	entrance (large entry doors, porches, protruding or recessed entrances).
Architectural Features – Massing (Top-Middle-Base)	No architectural features.	Clear display of “Base”, “Middle” and “Top” massing – distinction between sections with change of color.	Clear display of “Base”, “Middle” and “Top” massing – distinction between sections with change of materials.
Site Design Features			
Bicycle Parking	Minimum required bicycle parking.	10% to 20% additional bicycle parking spaces provided beyond base requirement and at least half of all bike parking spaces are covered.	More than 20% additional bicycle parking spaces provided beyond the base requirement and at least half of all bike parking spaces are covered.
Trees	Number of trees meets base requirement.	10% above base requirement for on-site trees. Must be a tree species found in the [reference list].	20% above base requirement for on-site trees. Must be a tree species found in the [reference list].
Additional Landscaped Area	Little or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement).	5% to 10% additional gross lot area landscaped beyond base requirement.	More than 10% additional gross lot area landscaped beyond base requirement.
Plant Selection	Number of plant species meets base requirement.	3 or more distinct plant species included in landscaping.	5 or more distinct plant species included in landscaping.
Outdoor Lighting	Outdoor Lighting Requirement – parking lot lighting.	1 point may be assigned for one of the following outdoor lighting features: 1) Pedestrian walkway lighting 2) Accent lighting on structure	2 points may be assigned for both of the following outdoor lighting features: 1) Pedestrian walkway lighting 2) Accent lighting on structure

Discussion

Discussion regarding the concept of a County Design Points System.

No negative comments regarding the types of design features shown in Table 2.

Concern regarding making development requirements too difficult/burdensome, thereby discouraging redevelopment and new development.

Discussion around appropriate point value for each element in the system.

- Number of points to require through incorporating self-selected (by applicant) design elements into a project or development proposal.

Suggestion to consider adding Electric Vehicle Charging Station to Table 2.

Building materials, articulation, and architectural features (elements in Table 2) will be difficult for the County to regulate because the Structural Permit and enforcement is out of a State office.

ACCESS & CIRCULATION

13) CODE SECTION 152.018 – ACCESS MANAGEMENT & STREET CONNECTIVITY

Recommended Amendment:
Modify access management requirements to improve safety and enhance mobility along Highway 395.

Currently, the only required conditions for a joint access driveway are “adjacent commercial and office uses that are major trip generators.” All other uses must provide joint access driveways “where feasible.” Major trip generators are defined as exceeding 400 trips per day. The threshold for requiring a joint access driveway should be lowered for properties fronting Highway 395 and it should be applicable to industrial uses, as well as commercial and office uses.

Rationale

The public has expressed strong concerns regarding safety along the corridor. Proposed modifications to access management requirements could improve the safety of the corridor. Note that Highway 395 is classified as an arterial roadway. Section 152.018 applies to “all arterials and collectors within the County and to all properties that abut these roadways.”

Discussion

Potential future planning projects focused on Highway 395 (the “public realm”)

- Future County TSP update, potentially focused on active modes
- ODOT-initiated corridor study.

14) CODE SECTION 152.018 – ACCESS MANAGEMENT & STREET CONNECTIVITY

Recommended Amendment:
Establish street connectivity standards.

Establish standards in preparation for future development and street improvements in the areas east and west of Highway 395.

New standards for:

- Maximum block size/street spacing standards
- Limits on cul-de-sacs and access way requirements
- Future street plan and connectivity requirements

Rationale

Street connectivity standards ensure that proposed developments do not preclude the creation or extension of streets where they are needed to ensure street connectivity and mobility in the area.

Developing a more robust local roads system over time, with improved or new roadways will provide alternatives to highway travel for short trips. This will increase travel efficiency, decrease conflicts related to exiting on/off the highway, and will enhance mobility throughout the area. As proposed, requirements are not limited to development proposals on parcels with Highway 395 frontage.

Discussion

No feedback was provided by the group on this topic.

15) CODE SECTIONS <NEW> COMMUNITY DESIGN STANDARDS or [RSC]: 152.249 DESIGN REVIEW [LI]: 152.305 DESIGN REVIEW

Recommended Amendment: Establish pedestrian circulation standards.

Create a new criterion for on-site pedestrian circulation, including:

- Purpose statement
- Applicability statement (all new developments and major expansions/remodels)
- Define and require a “safe, direct and convenient” walkway system between primary building entrances and all adjacent parking areas and/or sidewalks (where sidewalks not yet built to the public rights-of-way, accommodating space for future sidewalk and other pedestrian related streetscape elements).
- Vehicle/walkway separation standards
- Walkway marking, paving, width

Rationale

Pedestrian circulation standards promote more pedestrian activity along the corridor and create a safer and more comfortable experience for pedestrians.

Discussion

No feedback was provided by the group on this topic.

Project Consultant, Darci Rudzinski, Angelo Planning Group, stated that the next step will be for the Consultant to finalize the Code Amendments Matrix and develop draft Code Amendment Text. The draft Code Amendment Text will be reviewed by the TAC in December and presented to the Planning Commission in February 2018.

ADJOURNMENT

Chair Danforth Adjourned the meeting at 8:40 p.m.

Respectfully submitted,
Tierney Dutcher, Administrative Assistant