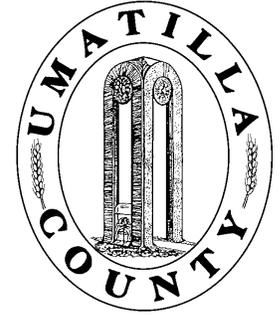


# Umatilla County

Department of Land Use Planning

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## AGENDA

Umatilla County Planning Commission

Public Hearing

Thursday, July 27, 2017, 6:30 p.m.

Justice Center Media Room, Pendleton, OR

### Members of Planning Commission

Randy Randall, Chair  
Gary Rhinhart, Vice-Chair  
Tammie Williams  
Don Wysocki  
Don Marlatt  
Suni Danforth  
Cecil Thorne  
Tami Green  
Clive Kaiser

### Members of Planning Staff

Tamra Mabbott, Planning Director  
Bob Waldher, Assistant Planning Director  
Carol Johnson, Senior Planner  
Brandon Seitz, Senior GIS Planner  
Gina Miller, Code Enforcement Coordinator  
Tierney Dutcher, Administrative Assistant

1. **Call to Order**
2. **Adopt Minutes** (Thursday May 25, 2017)
3. **NEW HEARING:**

**LAND DIVISION REQUEST, #LD-1N-118-17, ANDREW & SUSAN BOWER, APPLICANTS/ OWNERS.** The subject property is located in Rancho Vista Addition, south of Pendleton, near McKay Reservoir in Township 01N, Range 32E, Section 10AB; Tax Lots 2600 & 2700. The applicant requests approval to replat Lots 9 and 10, Block 6, of Rancho Vista Addition into a single lot. The purpose of the reconfiguration is to remove the shared property line to increase the buildable lot size of the subject property. The criteria of approval are found in Section 152.697(C) of the Umatilla County Development Code.

4. **Other Business**

Highway 395 Update – Bob Waldher, Assistant Planning Director

Code Enforcement Presentation – Gina Miller, Code Enforcement Coordinator

5. **Adjournment**

### Upcoming Meetings:

Thursday, August 24, 2017, 6:30 PM

Thursday, September 28, 2017, 6:30 PM

Thursday, October 26, 2017, 6:30 PM

Thursday, November 16, 2017, 6:30 PM

**DRAFT MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, May 25, 2017**  
**6:30 p.m., Umatilla County Justice Center, Media Room**  
**Pendleton, Oregon**

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**COMMISSIONERS**

**PRESENT:** Randy Randall, Chair, Gary Rhinhart, Vice Chair, Suni Danforth, Don Wysocki, Clive Kaiser, Tami Green, Tammie Williams, Cecil Thorne  
**ABSENT:** Don Marlatt  
**STAFF:** Tamra Mabbott, Bob Waldher, Brandon Seitz, Tierney Dutcher

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

**CALL TO ORDER**

Chair Randall called the meeting to order at 6:33 p.m. and read the opening statement.

**MINUTES**

Chair Randall asked the Planning Commission to review the minutes from April 27, 2017. Commissioner Williams moved to adopt the minutes as written. The motion was seconded by Commissioner Green. Motion carried by consensus.

**NEW HEARING**

**COMPREHENSIVE PLAN TEXT AMENDMENT, #T-17-074, COLUMBIA DEVELOPMENT AUTHORITY, APPLICANT, WESTLAND IRRIGATION DISTRICT, OWNER.** The applicant requests an amendment of the Comprehensive Plan Text and approval of an exception to Statewide Planning Goal 11 (Public Facilities and Services). The exception would allow for a sewer line extension from the City of Hermiston to the Umatilla Army Depot (Depot). The proposed sewer line would run west from the City of Hermiston within the public right of way of Bridge Road, then west across private lands owned by Westland Irrigation District, before reaching the Depot. The criteria of approval are found in Oregon Administrative Rules (OAR) Chapter 660, Divisions 4 and 11 and the Umatilla County Development Code (UCDC) Sections 152.750 through 152.755.

**STAFF REPORT**

Brandon Seitz, Administrative Planner, stated that the applicant is proposing to amend the Umatilla County Comprehensive Plan to justify a Goal exception to Statewide Planning Goal #11, Public Facilities & Service. An exception is necessary because Goal 11 does not allow for a city to extend its service, in this case the sewer line, outside the Urban Growth Boundary (UGB). The applicant is proposing 2 reasons to justify this exception. The first is under OAR 660-011-0060, which states that lands by operation of Federal Law are not subject to the Statewide Planning Goals. The second reason is based on a (Land Use Board of Appeals) LUBA decision, Debby Todd vs. City of Florence. LUBA

made a decision that stated it is an acceptable reason for a city to extend its services outside the UGB to serve another nearby area that has also previously been approved for a Goal exception. The Depot currently spans 2 counties, Umatilla and Morrow. Both counties have already adopted Goal exceptions to Statewide Planning Goal 3, Agricultural, Goal 11, Public Facilities and Services and Goal 14, Urbanization. The Depot is allowed to develop urban level sewers at the site at this time. Essentially, the decision tonight would allow for the City of Hermiston to extend the services to serve those areas that have already been approved for a Goal exception.

An important note on this application is that, on the portion of the line outside of the City of Hermiston's UGB new connections will be restricted to only lands on the Depot that have gone through the Goal exception process and land remaining under federal ownership. A portion of the Depot will remain under federal ownership, so only the lands retained by the military will be allowed to connect.

### **APPLICANT TESTIMONY**

Jolene Horning, Administrative Assistant, Columbia Development Authority (CDA), PO Box 200, Boardman, Oregon.

Mark Morgan, Assistant City Manager, City of Hermiston, 180 NE 2<sup>nd</sup> Street, Hermiston, Oregon

Ms. Horning stated that the CDA is comprised of 5 board members that include a representative from Port of Umatilla, Port of Morrow, Morrow County Commissioner, Umatilla County Commissioner and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). She stated that Greg Smith, CDA Executive Director, asked her to communicate to the Planning Commission that he is excited that the transportation package is in the process of being approved by the legislature. They will add to their expansions and hope to have the land transfer completed by December 2017.

Commissioner Rhinhart stated that the Planning Commission approved the exception for Umatilla at the last hearing in April. At that time they stated that they had the capacity to handle the project and expansion. He asked about why this Goal exception is necessary as well. Mr. Morgan explained that there are many beneficial opportunities to having a dual system in that area. He referenced the map and indicated that the route going down Bridge Road is their preferred route. That route follows along the same route the City of Umatilla proposed. The sewer line would gravity feed from the I-82/I-84 interchange to the north, toward the Columbia River. They will connect at the same location so it gives CDA alternatives to look at. Before the City of Hermiston spent money on engineering studies they wanted to be sure they have the ability to do this in the first place. Additionally, he sees potential for a long term plan for a redundant system. The City of Hermiston's Recycled Water Facility has gone through a \$25 million expansion in the past several years, so they have a substantial amount of capacity within the City's system. They have not yet created a rate structure, as it will be built off of how much capacity they use in the system. Commissioner Rhinhart stated that the estimate is approximately \$5 million dollars. Mr. Morgan stated that it is a high-level estimate, as they have not yet gone into detail.

Mr. Morgan stated that they prefer the option along Bridge Road because it provides the CDA the ability to gravity flow most of the way to Bridge Road all the way down to the Umatilla River. The only lift station required would be just inside the City's UGB. After crossing the river it would go into a forced main with a lift station. Once inside the UGB, the preferred alternative is to follow Bridge Road or

Highland Avenue up to the Christian School, and then head north from there. Another alternative, if they wanted to stay entirely inside of public right-of-way, would be to send it up 29<sup>th</sup> and follow up to Orchard. At that point, there is a very large mainline that comes in and it will connect into the existing system. It is the former location of the City's treatment plant so they have large capacity piping in existence there to pump it all to the City's current treatment plant.

Chair Randall asked more about the treatment system and the ability to return the water for use in farming practices. Mr. Morgan stated that the City of Hermiston's system is the only one in the state that has the capability to return the water directly to an irrigation district. Chair Randall asked if the CDA is going to choose either Hermiston or Umatilla. Ms. Horning stated that the CDA is still in the process of making that decision but wanted to be sure the exception is complete before the federal transfer.

### **PROPONENT TESTIMONY**

Becky Hewitt, Senior Planner, Angelo Planning Group, 921 SW Washington, Suite 468, Portland, Oregon. Ms. Hewitt stated that the exception does not expire once it is approved. The CDA will be able to make a choice to determine what makes the most sense for them. If more intense industrial uses come into play or the need for redundancy or other reasons why they may want another line, it will be available in the future.

Commissioner Danforth asked of both routing options presented will require a lift station. Mr. Morgan stated that all routing options will require a lift station. Commissioner Green asked if the citizens will foot the bill for the development project. Mr. Morgan stated no, they will use enterprise funds sustained entirely by user fees and user rates. The local tax payers will not be paying for the sewer line. Commissioner Wysocki asked about the need for redundancy and what the plan would be for that. Mr. Morgan stated that it would be redundant from 2 separate entities. Under the preferred alternative the line would come in where Bridge Road meets the CDA property. If the City of Hermiston and the City of Umatilla serve the property, once it got into the City of Umatilla's system it would be under the City of Umatilla's rate structure. Ultimately, it would be up to the CDA. If it makes sense for them to have a redundant system the cost would be on them and it would not affect the rate payers.

### **PUBLIC AGENCY**

A letter from Morrow County was submitted into the record.

### **PUBLIC AGENCY**

Mike Wick, Westland Irrigation District, PO Box 944, Hermiston, Oregon. Mr. Wick stated that Westland Irrigation District (WID) is generally supportive to neutral on the project as it is purposed. He is concerned about the canal that parallels I-82 because he did not see anything in the documents about boring under the canal. There is a high-level cost for the freeway bore but there will also be a need to bore under the canal. If the Planning Commission were to approve this request, he asks them to consider including language that will include collaboration and approval from WID about the design and method of how they plan to bore under the canal. Chair Randall stated that, this hearing is to determine the land

use part. Later, they will come forth with engineering plans and at that time they will be required to collaborate and provide those details.

Mrs. Mabbott stated that Mr. Wick's concerns are important and we can incorporate those details into the findings so when either city gets to the design phase, we will be sure to address that. Commissioner Thorne asked what WID's preferred route is. Mr. Wick stated that it doesn't matter to them. The route that is on Bridge Road crosses a small stretch of WID property on the west side of I-82, but causes minimal concern. The biggest concern at this time is whether they plan to do any canal crossing or bore under. Whatever method they choose can be worked out and agreed to.

### **APPLICANT REBUTTAL**

Chair Randall asked if the City of Hermiston has a preferred side of Bridge Road to use in routing the line. Mr. Morgan stated that they have not yet seen what other utilities are present on either side at this time. That will be a main factor in dictating which side they choose. He stated that they plan to work with property owners and others to keep good relations.

### **NEUTRAL TESTIMONY**

James Konningrud, 29081 Bridge Road, Hermiston, Oregon. Mr. Konningrud stated that the gas line runs along one side of the road and the phone lines run along the other side of the road. He asked if they normally put sewer lines through the center of the road. Mr. Morgan stated that they would not want to do any asphalt cuts. The decision will depend on the width of the right of way and how much is available there. Tax payers will not be paying for the line. If the CDA wants more detailed engineering they will pay for that.

### **NEUTRAL TESTIMONY**

Jim Kooch, 29103 Bridge Road, Hermiston, Oregon. Mr. Kooch stated that he would like to know more about how they plan to deal with traffic and what will be built out at the Depot that requires a sewer line. Chair Randall stated that they are not able to answer those questions at this time. This hearing is about a land use, the CDA will have to make those decisions in the design phase. Ms. Horning stated that the CDA is still in the process of developing, as the land has not yet transferred. The purpose of this application is to gear up for the transfer so they are able to bring industrial uses to that piece of land.

Mr. Kooch stated that Bridge Road is already full of traffic at this time. If they open the gate out at the Depot and those people use the road, it will cause a major problem. Washingtonians already come down Powerline Road to Bridge Road and end up on Westland. Chair Randall stated that, regardless of whether the Planning Commission approves the sewer line, development on the Depot property will most likely happen anyway. At this point they working on infrastructure and some proposals may be 20 years out. Commissioner Wysocki stated that any development at the Depot will require traffic studies and analysis. Ms. Horning stated that there is a transportation package in the process of being approved that will make some changes into the interstate allowing drivers to access the Depot easier. They hope these considerations will keep some of the traffic off Bridge Road and the Powerline Road exit. Mrs. Mabbott stated that Umatilla County has already determined that access to the Depot will either be the

Southgate, which is next to the Gun Club on I-84, or it will be the Lamb Road, Walker Road, Westland Road route. There are no plans to have an access across Powerline Road. Umatilla County has adopted an Interchange Area Management Plan for those 2 intersections. The Westland Road interchange off of Lamb Road is currently barricaded off, but in the past it was commonly used as an access point for employees at the incinerator site. The other is the Southgate exit. Ms. Mabbott shared that Greg Smith, Executive Director of the CDA, stated that the legislature is looking to get some funding to improve those intersections. There are several checks and balances involved in the process and the neighbors in the area can rest assured that there is no plan to provide access to the Depot from Bridge Road. In the future if that became a possibility, the neighbors would be notified in advance. She added that interchange improvements are very expensive and at this time there is no funding set aside to improve the existing interchanges, let alone to take on a third one.

Chair Randall closed the hearing for deliberation.

Commissioner Williams made a motion to recommend approval of the CDA exception to Statewide Planning Goal 11, Text Amendment #T-17-074, to the Board of County Commissioners, with additional language to express coordination with Westland Irrigation District on the design phase to address the canal, based on the foregoing Findings of Fact and Conclusions of Law. The motion was seconded by Commissioner Danforth. Motion passed with a vote of 8:0.

#### **OTHER BUSINESS**

Mrs. Mabbott announced that Julie Alford is retiring after 30 years of service with Umatilla County. There will be a retirement party on June 29th at the Umatilla County Courthouse in Room 114 from 12pm – 2 pm and everyone is invited to stop by. Mrs. Alford has been a huge asset to the Planning Department and we will miss her dearly.

Mrs. Mabbott also announced that the Planning Department has done some reorganizing. Effective July 1st, Tierney Dutcher, Administrative Assistant, will get a promotion but will have the same job title. Brandon Seitz will get a promotion and a new title, Senior Planner/ GIS. Bob Waldher will be the new Umatilla County Assistant Planning Director.

#### **ADJOURNMENT**

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

Respectfully submitted,

Tierney Dutcher  
Administrative Assistant

(Minutes adopted by the Planning Commission on \_\_\_\_\_)

# NEW HEARING

**LAND DIVISION REQUEST, #LD-1N-118-17, ANDREW & SUSAN  
BOWER, APPLICANTS/ OWNERS**

The subject property is located in Rancho Vista Addition, south of Pendleton, near McKay Reservoir in Township 01N, Range 32E, Section 10AB; Tax Lots 2600 & 2700. The applicant requests approval to replat Lots 9 and 10, Block 6, of Rancho Vista Addition into a single lot. The purpose of the reconfiguration is to remove the shared property line to increase the buildable lot size of the subject property. The criteria of approval are found in Section 152.697(C) of the Umatilla County Development Code.

# Umatilla County

Department of Land Use Planning

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DIRECTOR  
TAMRA MABBOTT

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

## MEMO

**TO:** Umatilla County Planning Commissioners

**FROM:** Bob Waldher, Senior Planner *RTW*

**DATE:** July 20, 2017

**RE: July 27, 2017 Planning Commission Hearing  
Bower Replat #LD-1N-118-17**

### ***Background Information***

Applicants Andrew and Susan Bower recently submitted a land use request for approval to replat Lots 9 and 10, Block 6, of Rancho Vista Addition into a single lot. The subject property, owned by the Bowers, is located in Rancho Vista Addition, south of Pendleton, near McKay Reservoir, Township 01N, Range 32E, Section 10AB; Tax Lots 2600 and 2700. The purpose of the reconfiguration is to remove the shared property line to increase the buildable lot size of the subject property. The property is zoned Rural Residential (RR-2), two acre parcel size.

### ***Criteria of Approval***

The criteria of approval for a Type III Land Division are found in Section 152.697(C) of the Umatilla County Development Code. A copy of the Preliminary Findings and Conclusions addressing the criteria of approval is attached.

### ***Conclusion***

The Planning Commission's task for this application is to determine whether or not the application complies with the applicable land use standards.

### ***Attachments***

The following attachments have been included for review by the Planning Commission:

- Preliminary Findings and Conclusions
- Map of Proposed Replat

**UMATILLA COUNTY PLANNING COMMISSION  
PRELIMINARY FINDINGS AND CONCLUSIONS  
BOWER REPLAT, #LD-1N-118-17  
A Replat of Lots 9 and 10, Block 6  
of RANCHO VISTA ADDITION,  
ASSESSORS MAP #1N 32 10AB, TAX LOTS #2600 & 2700**

1. **APPLICANTS:** Andrew and Susan Bower
2. **OWNERSHIP:** Andrew and Susan Bower, 1790 SW 18<sup>th</sup> Street, Pendleton, OR 97801
3. **PROPERTY LOCATION:** The subject property is located in Rancho Vista Addition, south of Pendleton, near McKay Reservoir.
4. **REQUEST:** The request is to Replat Lots 9 and 10, Block 6, of Rancho Vista Addition into a single lot. The purpose of the reconfiguration is to remove the shared property line to increase the buildable lot size of the subject property.
5. **ACREAGE:** Lot 9 (Tax Lot #2700) = 0.50 acre  
Lots 10 (Tax Lot #2600) = 0.58 acre
7. **COMPREHENSIVE PLAN:** Rural Residential
8. **PROPERTY ZONING:** Rural Residential (RR-2), two acre parcel size
9. **ACCESS:** Access to the subject property is from Lakeside Road.
10. **PROPERTY EASEMENTS:** No utility or access easements are shown on the deed for the subject property.
11. **EXISTING LAND USE:** The subject property is currently vacant but is zoned for rural residential use.
12. **UTILITIES:** The area is served by Pacific Power and Century Link. Trash service is through Pendleton Sanitary.
13. **WATER/SEWER:** There are no wells or septic systems located on the subject property. The site has received DEQ site suitability approval for a septic system.
14. **WETLAND RESOURCES:** National Wetlands Inventory Mapping shows there are no wetlands known to occur on the subject property.
15. **PROPERTY OWNERS & AGENCIES NOTIFIED:** July 6, 2017
16. **PLANNING COMMISSION HEARING DATE:** July 27, 2017

**17. AGENCIES NOTIFIED:** Umatilla County Environmental Health, Umatilla County Assessor, Umatilla County GIS, Pacific Power Co., Pendleton Sanitary, Century Link

**18. COMMENTS:** Comments are pending.

**19. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE:**

The criteria for approval contained in Section 152.697(C), Type III Land Divisions, are provided in underlined text. The evaluation responses follow in standard text.

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

(2) Complies with applicable provisions listed in the zoning regulations of the Umatilla County Development Code Chapter; The County's state-acknowledged Comprehensive Plan designates and zones the subject property and surrounding properties as Rural Residential (RR-2). The minimum lot size in the RR-2 zone is two acres. Since the proposed lots are under two acres, each re-platted lot would be non-conforming, which is consistent with the non-conforming section of the Umatilla County Development Code. This criterion is met.

(3) Conforms and fits into the existing development scheme in the area, including logical extension of existing roads and public facilities within and adjoining the site; The subject property fits the existing development scheme of the Rancho Vista Addition. The applicants plan to conform to the Codes Covenants and Restrictions of Rancho Vista Addition and will gravel the unimproved section of Lakeside Road in front of the re-platted lots. Access to the re-platted lots will be from Lakeside Road. This criterion is met.

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

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

**PRELIMINARY DECISION: BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, TYPE III LAND DIVISION REQUEST #LD-1N-118-17 IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

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

1. Submit a Subdivision Replat complying with State and County regulations. The survey shall show all easements and include the Replat name, *Bower Replat*.

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

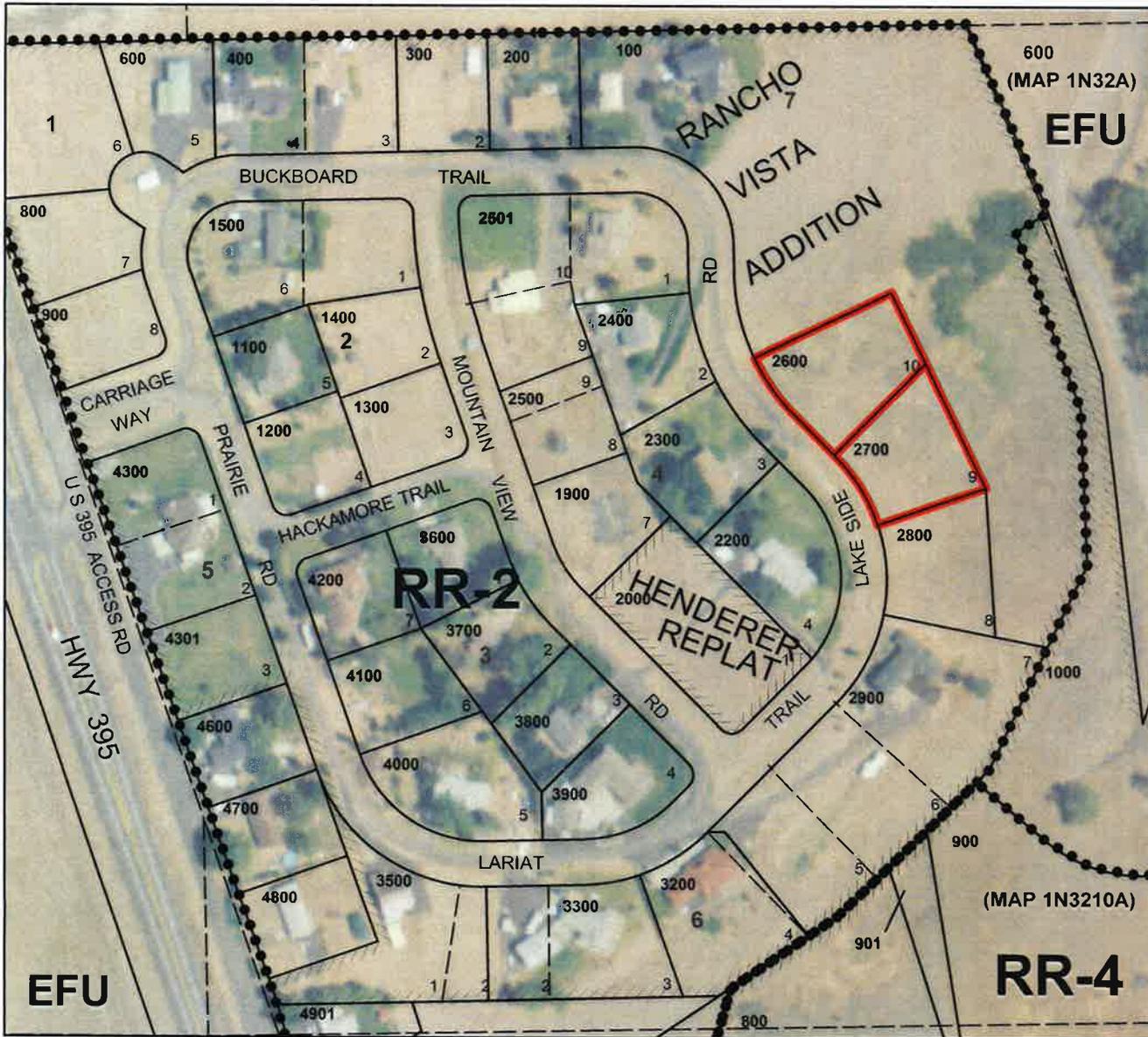
2. Record the Subdivision Replat.

UMATILLA COUNTY PLANNING COMMISSION

Dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Randy Randall, *Planning Commission Chairman*

Mailed \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_



PROPERTY OWNERS WITHIN 250'  
NOTICE FROM SUBJECT PARCEL

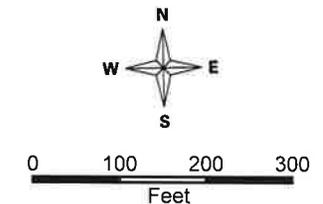
MAP & TAX LOT	OWNER
1N3210A001000	USA BUREAU OF LAND MGT
1N3210AB00100	JOHNSON ROBERT D & KATHY M
1N3210AB01900	ARMSTRONG TODD D & ARMSTRONG APRIL D
1N3210AB02000	HENDERER STANLEY E JR
1N3210AB02200	HENDERER STANLEY E JR
1N3210AB02300	BATES VALDEZ E & BETTY (TRS)
1N3210AB02400	ECKLES CECEILIA JEAN C/O HARLEY B ECKLES
1N3210AB02500	WENDLER THERESE A
1N3210AB02501	WENDLER THERESE A
1N3210AB02600	<b>BOWER ANDREW L &amp; LOBER-BOWER SUSAN</b>
1N3210AB02700	<b>BOWER ANDREW L &amp; LOBER-BOWER SUSAN</b>
1N3210AB02800	BOWER ANDREW L & LOBER-BOWER SUSAN
1N3210AB02900	MUNSEY ANDY E & NANCY
1N32A00000600	USA BUREAU OF LAND MGT

LAND PARTITION APPLICATION #LD-1N-117-17 (REPLAT)  
ANDREW BOWER & SUSAN LOBER-BOWER, APPLICANT/OWNERS  
MAP 1N3210AB; TAX LOTS 2600 & 2700

2016 AERIAL PHOTO

Legend

-  Subject Parcels
-  Zone Boundaries
-  Property Boundaries



DATE: 6/22/17

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel should be used for reference purposes only. Not survey grade or intended for legal use. Created by J. Alford, Umatilla County Planning Department. 6/20/17