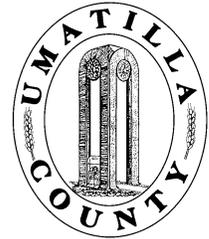


Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission Public Hearing
Thursday, June 25, 2020 at 6:30 pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton

Due to COVID-19, video & telephone conferencing options are available for the Planning Commission Hearing scheduled on June 25th. Please contact the Planning Department at 541-278-6252 for additional information.

Planning Commission

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

Hoot Royer
Molly Tucker Hasenbank
Jon Salter
Lyle Smith

Planning Staff

Bob Waldher, Planning Director
Carol Johnson, Senior Planner
Megan Green, Planner II/ GIS
Gina Miller, Code Enforcement Coordinator
Tierney Cimmiyotti, Administrative Assistant

1. Call to Order

2. New Hearing:

TYPE III LAND DIVISION, REPLAT REQUEST #LD-2N-201-20: DONALD & MARY MICHAEL, APPLICANTS/ OWNERS. The applicant requests approval to replat Lots 1 and 2, of Block 1 of the Pleasant Valley Subdivision Plat, Book 8, Page 33, Assessor's Map 2N 32 34BA, Tax Lots 100 and 200. The applicant's proposed replat reconfigures the lots' shared property line. The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code (UCDC) 152.697(C), Type III Land Divisions. The Planning Commission's decision is final unless timely appealed.

3. New Hearing:

TEXT AMENDMENT #T-20-082, ADOPTION OF REVISIONS TO UMATILLA COUNTY DEVELOPMENT CODE. The proposed revisions relate to relaxing certain setback standards and landscape design standards for properties zoned Retail Service Commercial and Light Industrial, along the Highway 395 North corridor in unincorporated Umatilla County. Planning Commission will make a recommendation of adoption to the Umatilla County Board of County Commissioners. A subsequent public hearing before the Board of County Commissioners is scheduled for July 15, 2020. Amendment procedures include UCDC Sections 152.750-152.753.

4. Minutes from February 27, 2020 Hearing

5. Adjournment

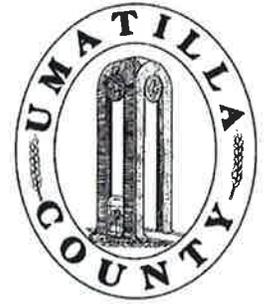
PLANNING COMMISSION HEARING
JUNE 25, 2020

TYPE III LAND DIVISION; REPLAT REQUEST
#LD-2N-201-20
DONALD & MARY MICHAEL,
APPLICANTS/ OWNERS

The applicant requests approval to replat Lots 1 and 2, of Block 1 of the Pleasant Valley Subdivision Plat, Book 8, Page 33, Assessor's Map 2N 32 34BA, Tax Lots 100 and 200. The applicant's proposed replat reconfigures the lots' shared property line. The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code (UCDC) 152.697(C), Type III Land Divisions. The Planning Commission's decision is final unless timely appealed.

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT
WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commission
FROM: Megan Green, Planner II / GIS
DATE: June 25, 2020

RE: June 25, 2020 Planning Commission Hearing
Type III (Replat) Land Division, #LD-2N-201-20
Tax Lots 100 and 200, Map 2N 32 34BA

CC: Robert Waldher, Planning Director

Request

The applicant, Donald Michael, requests approval of a Replat (Type III Land Division) of Tax Lots 100 (Lot 1) and 200 (Lot 2) of Pleasant Valley Subdivision. Approval of the Michael Replat results in the reconfiguration of the shared property line, making Lots 1 and 2 run north-south rather than east-west.

Location

The Pleasant Valley Subdivision is located east of Highway 395 and south of McKay Dr, south of Pendleton and North of McKay Reservoir.

Standards

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

Notice

Notice of the applicant's request and the public hearing was mailed on June 5, 2020 to the owners of properties located within 250-feet of the perimeter of Lots 1 and 2. Notice was also published in the *East Oregonian* on June 13, 2020 notifying the public of the applicants request before the Planning Commission on June 25, 2020.

Background

Two easements are not shown accurately on the Preliminary Michael Replat. The first, located along a portion of the north boundary of Lot 1 is a 15 foot wide irrigation easement for Marion Jack Irrigation. On the preliminary replat, this is shown as a 10 foot wide easement. Marion Jack Irrigation District has expressed that they would like to keep the width at 15 feet.

The second easement, a 15 foot wide access easement runs parallel to the westerly boundaries of Lots 1-8, Block 1 of Pleasant Valley. The easement benefits Lots 1-8 and is not shown on the preliminary survey. Numerous property owners were

Memo

Planning Commission Hearing – June 25, 2020

concerned that this easement would be going away with the approval of the Michael Replat. The easement was recorded in 1977 on Reel 23 Page 1379 at County Records.

Conclusion

The proposed Conditions of Approval address the survey and recording requirements with final approval accomplished through the recording of the final survey plat. Additionally, the applicant must meet with Oregon Water Resources regarding a potential well sharing agreement between the two reconfigured lots.

Decision

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

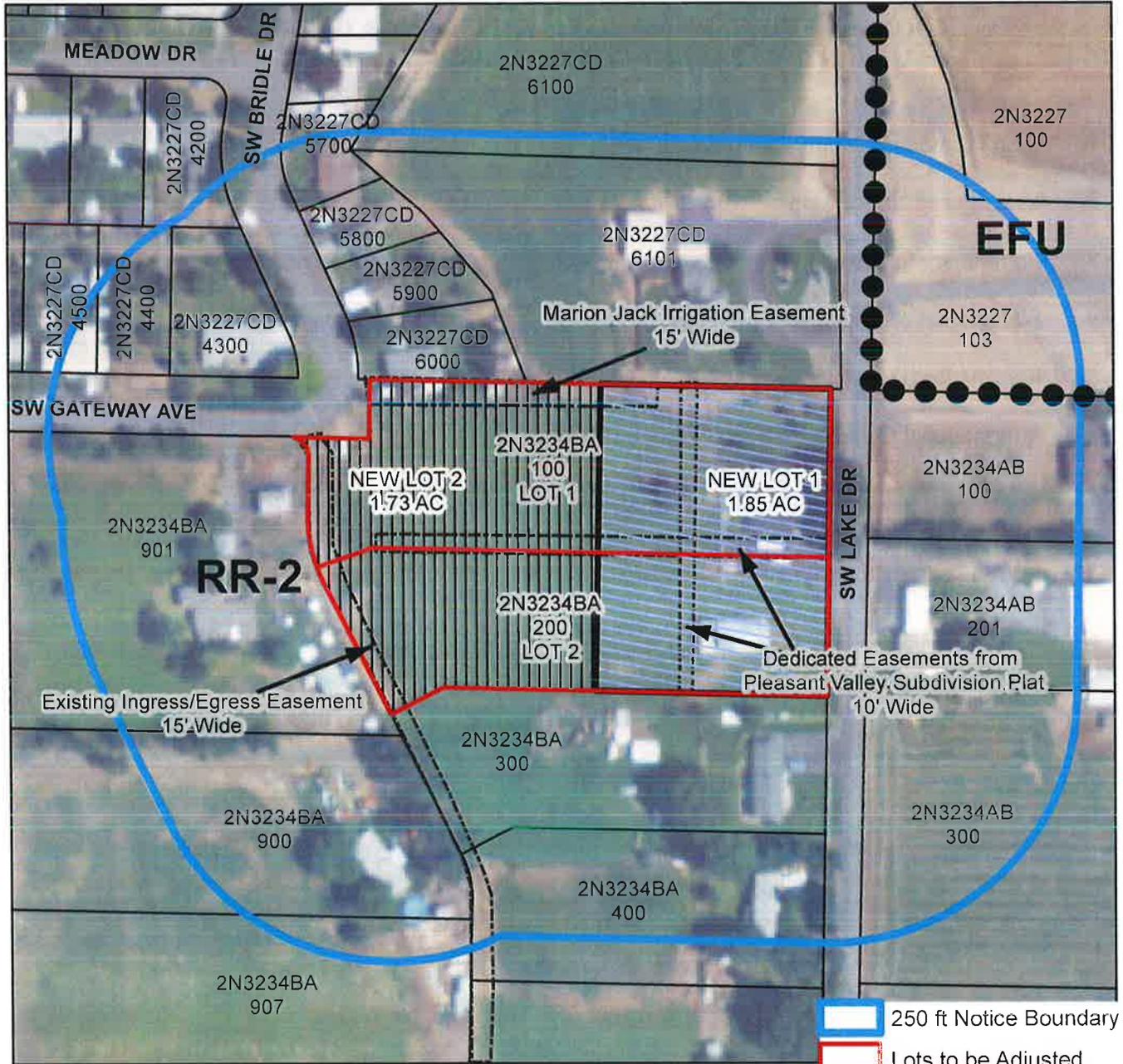
**UMATILLA COUNTY
PLANNING COMMISSION HEARING – JUNE 25, 2020
TYPE III LAND DIVISION, REPLAT SUBDIVISION REQUEST #LD-2N-201-20
DONALD AND MARY MICHAEL, APPLICANT & OWNER
PACKET CONTENT LIST**

- | | | |
|----|---|-------------|
| 1. | Staff Memo to Planning Commission | Pages 1-2 |
| 2. | Vicinity and Notice Map | Page 4 |
| 3. | Preliminary Subdivision Replat Survey | Page 5 |
| 4. | Staff Report & Preliminary Findings | Pages 7-10 |
| 5. | Informational Comment – Greg Silbernagel, Watermaster, OWRD | Pages 11-14 |
| 6. | Informational Comment – Terry Warhol, President,
Marion Jack Irrigation District | Pages 15-17 |

APPLICANT: DONALD MICHAEL
OWNER: MICHAEL DONALD & MICHAEL MARY
APPLICATION FOR: TYPE III LAND DIVISION (REPLAT) LD-2N-201-20
MAP: 2N 32 34BA, LOTS 100 AND 200



Notified Landowners within 250 feet of the Subject Parcels

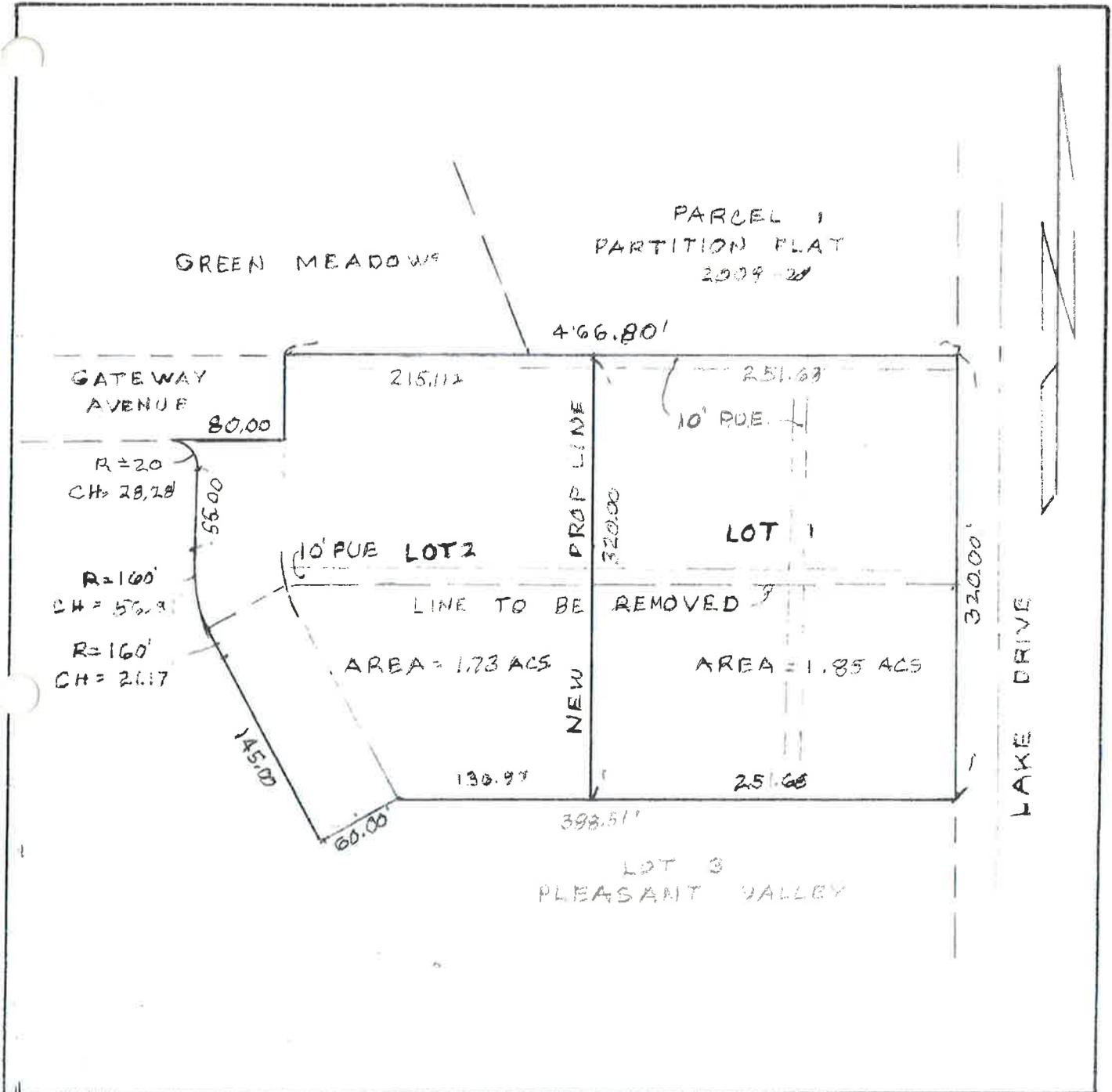


-  250 ft Notice Boundary
-  Lots to be Adjusted
-  Proposed Lot 1
-  Proposed Lot 2
-  Zoning Boundary
-  Easements
-  Property Boundary

MAP	TAX LOT	OWNER
2N3227	100	ODMAN GERALD L & KAREN F
2N3227	103	DICKEY MARK DOUGLAS
2N3227CD	4200	MORRISON WILLIAM D & TRACI R
2N3227CD	4300	BARILETTI MARGARET
2N3227CD	4400	BARILETTI MARGARET
2N3227CD	4500	HAGUEWOOD KIMEE L
2N3227CD	5700	JONES ROBERTA
2N3227CD	5800	CORONA GREGORY ET AL
2N3227CD	5900	PETTYJOHN JERRY LEE
2N3227CD	6000	ROSENBERG HERMAN J SR & MELODY A
2N3227CD	6100	STANHOPE STANLEY E & LYNNEA R (TRS)

MAP	TAX LOT	OWNER
2N3227CD	6101	WEST CHRISTOPHER S & AMY C
2N3234AB	100	WARD ROBERT J & BERNADETTE D
2N3234AB	201	BROWN RANDY H & PATSY J
2N3234AB	300	FURSTENBERG ROBERT L ETAL
2N3234BA	100	MICHAEL DONALD J & MARY T
2N3234BA	200	MICHAEL DONALD J & MARY T
2N3234BA	300	WHITE COLIN G & MILLIE L
2N3234BA	400	BREILING FAMILY TRUST ET AL
2N3234BA	900	LILLIE LANCE S & ANGELA M
2N3234BA	901	PICKERD JACKSON & SHARON
2N3234BA	907	LILLIE LANCE & ANGELA

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 6/16/2020



K KRUMBEIN ENGINEERING LTD.
 ENGINEERS — SURVEYORS — PLANNERS
 361 S.E. Second Pendleton, Oregon

Scale
 1" = 100'

Drn. By
 DHK

Drng. No.
 20-19A

Revision 1

Date
 6-1-20

Ckd. By

Job No.
 2093

Revision 2

**REPLAT LOTS 1 & 2
 BLOCK ONE
 PLEASANT VALLEY**

NW $\frac{1}{4}$, SECTION 34,
 T. 2 N., R. 32 E. W.M

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David H. Krumbein

OREGON
 JULY 17, 1970
 DAVID H. KRUMBEIN
 933

REN~~E~~WS 6/30/2021

INTENTIONALLY LEFT BLANK

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
MICHAEL REPLAT, #LD-2N-201-20
A Replat of Lots 1 and 2, Block 1
of PLEASEANT VALLEY SUBDIVISION,
ASSESSORS MAP #2N 32 34BA, TAX LOTS #100 & 200**

1. **APPLICANTS:** Donald Michael
2. **OWNERSHIP:** Donald and Mary Michael, 71654 Lake Drive, Pendleton, OR 97801
3. **PROPERTY LOCATION:** The subject property is located in Pleasant Valley Subdivision, south of Pendleton, just north of McKay Reservoir.
4. **REQUEST:** The request is to Replat Lots 1 and 2, Block 1, of Pleasant Valley Subdivision to adjust the shared property line so that the lots run north-south rather than east-west. The applicant states that the adjustment will allow for Lot 1 to have more road frontage on Lake Drive, providing adequate space for a future detached garage.
5. **ACREAGE:** Lot 1 (Tax Lot #100) = 1.98 acres
Lot 2 (Tax Lot #200) = 1.60 acres
7. **COMPREHENSIVE PLAN:** Rural Residential
8. **PROPERTY ZONING:** Rural Residential (RR-2), two acre parcel size
9. **ACCESS:** Access to the subject properties is provided from Lake Drive. If the replat is approved, Lot 2 will have access from Gateway Ave. Both platted streets are dedicated to the public.
10. **PROPERTY EASEMENTS:** There is a 15 foot easement on the north side of lot 100 that serves Marion Jack Irrigation. Other easements were dedicated for future subdivision utilities when the Pleasant Valley subdivision was platted. The applicant did not provide additional information about the dedicated subdivision easements.

It is important to note that the preliminary replat shows only a 10 foot wide easement for Marion Jack Irrigation, this is inaccurate and Marion Jack Irrigation provided that they would like to keep the 15 foot easement. There is also a 15 foot access easement along the west property line that begins where Gateway Ave and tax lot 100 meet, running south to tax lot 800, connecting to Elder Ave. This easement is also not shown on the preliminary plat and will need to be on the Michael Replat.
11. **EXISTING LAND USE:** Lot 1 is developed with a one story dwelling and Lot 2 contains a barn. The applicant provides that their goal was to have the barn demolished prior to the Planning Commission Hearing, however this has been postponed due to the COVID-19 pandemic.

12. **UTILITIES:** The area is served by Pacific Power and Century Link. Trash service is through Pendleton Sanitary.
13. **WATER/SEWER:** Both properties have groundwater rights and McKay Reservoir water rights through Marion Jack Irrigation District. The dwelling on Lot 1 is served by a well and 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:** June 5, 2020
16. **PLANNING COMMISSION HEARING DATE:** June 25, 2020
17. **AGENCIES NOTIFIED:** Umatilla County Environmental Health, Umatilla County Assessor, Umatilla County GIS, Pacific Power Co., Pendleton Sanitary, Pendleton Fire District, Marion Jack Irrigation District, Oregon Water Resources, and Umatilla County Surveyor.
18. **COMMENTS:** Marion Jack Irrigation District provided comment regarding their 15 foot utility easement along a portion of the northerly boundary of lot 1. The district provided that the preliminary survey inaccurately depicts the easement as being 10 feet wide and they would like to keep the 15 foot width. The recorded Michael Replat must accurately show all easements. Oregon Water Resources Department provided comment that they would like to speak with the applicant regarding a potential well sharing agreement between the two reconfigured lots. A precedent condition of approval has been added to address OWRD's concerns.

Inquiries were received from multiple property owners regarding the 15 foot access easement along the properties' westerly boundaries, and if it would be removed with approval of the Michael Replat.

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 Pleasant Valley Subdivision was platted prior to the current minimum lot size in the RR-2 zone of two acres. The current lots are each under two acres and each re-platted lot would also 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 Pleasant Valley Subdivision. The applicant plans to conform to the Codes Covenants and Restrictions of Pleasant Valley Subdivision. Access to the re-platted lots will be from SW Lake Drive for Lot 1 and Gateway Ave for Lot 2.

(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-2N-201-20 IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

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

1. Pay and possibly prepay property taxes to the Umatilla County Tax Department.
2. Contact Oregon Water Resources to determine if a shared well agreement is necessary. A letter from OWRD stating that their concerns have been addressed will satisfy this condition.
3. Submit a Subdivision Replat complying with State and County regulations. The survey shall show all easements, road names and include the Replat name, *Michael Replat*.

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

4. Record the Subdivision Replat.

Umatilla County Planning Commission
Preliminary Findings and Conclusions,
Michael Replat, Type III Land Division, #LD-2N-201-20

UMATILLA COUNTY PLANNING COMMISSION

Dated _____ day of _____, 20__

Suni Danforth, *Planning Commission Chair*

Mailed _____ day of _____, 20__



Water Information for Two Lots

SILBERNAGEL Greg M * WRD <Greg.M.Silbernagel@oregon.gov>
To: Megan Green <megan.green@umatillacounty.net>

Wed, May 6, 2020 at 11:16 AM

Hi Megan,

I noticed McKay Reservoir water rights from the Marion Jack Irrigation District on both tax lots and a groundwater right that I believe is on both tax lots. With the property line adjustment, there should be a shared well agreement or some understanding of how the properties will both access groundwater rights/well. A water right transfer is a possibility if tax 100 wishes to keep the groundwater right. There are some decisions that need to be made by the applicant(s) I should discuss with them regarding the groundwater.

The Marion Jack Irrigation District should be contacted regarding this replat. Terry Warhol is the president. His phone number is 541-215-9128. I am not familiar with how their water lines run through the area. I only know where they divert the water from near the Dam. It may be necessary for an easement so that both properties may access the McKay water pipeline in this area. I'll defer to the MJID for what they would like to see.

81502 is the primary water right from McKay Creek. Also delivered through the MJID

I hope this helps and let me know if you have any questions.

Greg

(541)969-1677

[Quoted text hidden]

4 attachments

 **53735_GW Cert.pdf**
49K

 **53735_Map.pdf**
31K

 **87447_McKay Cert.pdf**
864K

 **87447_McKay Map.pdf**
169K

STATE OF OREGON
COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to certify, That MS. CAROL CROSS

of 4005 SW Lake Drive, Pendleton, State of Oregon 97801, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of McKay Creek for the purpose of supplemental irrigation of 3.2 acres

under Permit No. G-5846 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 6, 1973

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.04 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NE 1/4 NW 1/4, Section 34, T2N, R32E, WM; 130 feet South and 2710 feet West from Northeast Corner, Section 34.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

3.2 acres NE 1/4 NW 1/4
Section 34
Township 2 North, Range 32 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. February 14, 1986

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49, page 53735

0907D

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS ROAD
BOISE, IDAHO 83706-1234

confirms a portion of the right to use the waters of the McKAY RESERVOIR, constructed under reservoir Permit R-584, a tributary of the McKAY CREEK, for SUPPLEMENTAL IRRIGATION of 138.99 acres.

This right was perfected under Permit 7400. The date of priority is JULY 1, 1924.

The point of diversion is located as follows:

McKay Dam – NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W.M.;

Marion Jack Improvement District - 580 Feet South and 580 Feet East of the Center of Section 34, NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W.M.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of one eightieth of one cubic foot per second (or its equivalent), provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

The water user shall comply with the terms and conditions of a valid Water Contract between the Bureau of Reclamation and the water user. The Watermaster shall distribute water to the designated points of diversion according to ORS 540.410 and valid water service contracts as may be amended from time to time.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

LEGAL DESCRIPTION						SUPPLEMENTAL IRRIGATION		
TWP	RNG	MER	SEC	Q - Q	ACRES	ACRES	TAX LOT	USER
2 N	32 E	WM	34	SW NE		0.82	1002	BOYD
						1.59	1004	COOPER
						1.98	1005	WITCHER
						1.37	1100	MOORE
2 N	32 E	WM	34	NE NW	27.21	1.81	100	MICHAEL
						1.60	200	MICHAEL
						0.52	100	HART
						1.29	300	WHITE
						1.19	400	GAYLORD
						1.12	500	LICURSE
						1.19	600	LICURSE
						0.63	700	PENCZAK
						0.33	701	FNMA
						0.04	800	PETERSON
						1.10	800	HERBURGER
						1.71	900	SEWELL
						2.08	901	WENTZ
						1.93	902	WENTZ
						1.50	903	MELLER
						1.57	904	SMITH
						1.72	905	OLSON
						1.34	906	THOMPSON
						1.67	907	SMITH
						0.83	908	THACKER
						1.36	909	SCHOLL
						0.19	1700	INGRAM
						0.49	1800	HERNANDEZ
2 N	32 E	WM	34	SE NW	14.38	0.32	100	HART
						0.80	200	DENTON
						1.03	300	WARHOL
						0.94	400	WARHOL
						1.05	500	WARHOL
						0.99	600	ROSE
						0.94	700	ACEVEDO
						0.63	800	PETERSON
						0.93	900	HARRISON
						1.03	1000	YOUNCS
						1.11	1100	ROSE
						0.42	1200	ROSE
						0.33	1400	ROSE
						0.92	1500	COOLEY
						0.98	1600	COURTNEY
						0.15	1700	INGRAM
						0.61	1800	HERNANDEZ
						0.59	1900	UNDERWOOD
						0.01	2000	WOODS
						0.03	2700	COVLIN
						0.57	2800	COVLIN

RECEIVED

MAY 15 2020

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County Department of Land Use Planning

216 SE 4th St.

Pendleton, OR 97801

ATTN: Megan Green, Planner/GIS

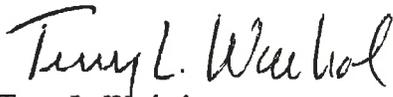
May 11, 2020

Megan:

I have reviewed the information you sent me regarding the replat of the Michaels property NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec 34, T2N, R32E WM, Tax Lots 100 and 200. The County Tax Map (2N 32 34BA) shows a 15 ft. easement (R314-250) from the east end of Gateway Avenue heading east for approximately 300 ft. The hand-drawn map shows a 10-ft. Easement approximately 212 ft. long.

A portion of our 6-in. waterline runs down that easement. In the rare event we would have to work on that line, we would prefer a 15-ft easement due to ease of construction. The pipeline is about 4-ft deep in that location and having a place to put the excavated material would be very helpful.

Cordially,



Terry L. Warhol
President, Marion Jack Improvement District

40/2



NL

REEL 314 PAGE 0250

AGREEMENT FOR EASEMENT

THIS AGREEMENT, Made and entered into this 15th day of July, 1996, by and between Donald J. Michael and Mary T Michael hereinafter called the first party, and Marion Jack Improvement District hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Umatilla County, State of Oregon, to-wit:

Lot 1, Block 1, Pleasant Valley Tracts, located in the NW 1/4, Section 34 Township 2 North, Range 32 East, Willamette Meridian. (R199, pages 807 & 808)

RECEIVED

AUG 4 1997

UMATILLA COUNTY RECORDS

and has the unrestricted right to grant the easement hereinafter described relative to the real estate;

NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

A strip of land 300 feet by 15 feet abutting the North line of said section 34 as shown on the attached eastment plat. The easement extends westerly to the east easement line of Bridle Drive/Gateway Avenue. The easement being granted shall be used for installation and maintenance of irrigation water lines and appurtenances.

(Insert here a full description of the nature and type of the easement granted to the second party.)

— OVER —

AGREEMENT FOR EASEMENT
BETWEEN
Donald J. Michael and
Mary T. Michael
AND
Marion Jack Improvement District
After recording return to (Name, Address, Zip):
Marion Jack Improvement District
4440 S.W. Lake Drive
Pendleton, OR 07801

SPACE RESERVED FOR RECORDER'S USE

State of Oregon
County of Umatilla
This instrument was received and recorded on 08-04-97 at 2:00 in the record of document code type DE-5AS
Location R314-0250
Document number 1997-234407
Fee 40.00

Office of County Records
Received by Jean Thompson
Records Officer

The second party shall have all rights of ingress and egress to and from the real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of Indefinitely, always subject, however, to the following specific conditions, restrictions and considerations:

This easement shall automatically vacate to the first party should the second party, or it's assigns, discontinue use of the easement, for the purpose stated hereon, for a time period extending two continuous years.

If this easement is for a right of way over or across the real estate, the center line of the easement is described as follows:



N/A

and second party's right of way shall be parallel with the center line and not more than N/A feet distant from either side thereof.

During the existence of this easement, maintenance of the easement and costs of repair of the easement damaged by natural disasters or other events for which all holders of an interest in the easement are blameless shall be the responsibility of (check one): [X] the first party; [] the second party; [] both parties, share and share alike; [] both parties, with the first party being responsible for% and the second party being responsible for%. (If the last alternative is selected, the percentages allocated to each party should total 100.)

During the existence of this easement, those holders of an interest in the easement that are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal (if any) affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate on this, the day and year first hereinabove written.

Marion Jack Improvement Dist
Judith K. Kennedy, Chairman
DM mm First Party
STATE OF OREGON,
County of Umatilla }
Second party

Don Michael
Mary Michael
STATE OF OREGON,
County of Umatilla }
Second Party First party mm
DM

This instrument was acknowledged before me on November 18, 1996, by Judith Kennedy, Chairman, as of Marion Jack Improvement Dist Pleasant Valley Tracts

This instrument was a kwnowledged before me on November 26, 1996, by Don + Mary Michael as property owner of Pleasant Valley Tracts



PLANNING COMMISSION HEARING
JUNE 25, 2020

Scheduled to go before the Board of County Commissioners on Wednesday, July 15, 2020, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton.

TEXT AMENDMENT #T-20-082
ADOPTION OF REVISIONS TO THE
UMATILLA COUNTY DEVELOPMENT CODE

The proposed revisions relate to relaxing certain setback standards and landscape design standards for properties zoned Retail Service Commercial and Light Industrial, along the Highway 395 North corridor in unincorporated Umatilla County. Planning Commission will make a recommendation of adoption to the Umatilla County Board of County Commissioners. Amendment procedures include UCDC Sections 152.750-152.753.

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commissioners

FROM: Bob Waldher, Director

DATE: June 18, 2020

CODE
ENFORCEMENT

RE: June 25, 2020 Planning Commission Hearing

SOLID WASTE COMMITTEE

Text Amendment #T-20-082

SMOKE
MANAGEMENT

Background Information

GIS AND
MAPPING

In November 2019, Umatilla County completed amendments to the Umatilla County Development Code (UCDC) to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The 2019 text amendment applied to Commercial and Light Industrial zoned properties adjacent to the highway corridor (see attached maps of study area and zoning). Code revisions were based on an extensive public involvement process associated with the Highway 395 N Economic Development Project and a Transportation Growth Management (TGM) grant received from Oregon Department of Transportation and Department of Land Conservation and Development.

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

The main objectives of the Highway 395 North project have always been to improve the aesthetic and economic viability of the corridor. While the original intent of design standards seemed practical to meeting the goals of the TGM project, it wasn't until staff actually applied the design standards, did they realize that a few of the provisions were not very conducive to certain development along the corridor; especially automobile dealerships.

In February 2020, planning department staff met with a prospective developer for an automobile dealership who was finding difficulty meeting some of the new design standards; primarily the 30-foot maximum setback requirement from front lot lines, and the 15% landscape coverage requirement. Following the discussion with the prospective developer, planning department staff met with members of the Highway 395 North Technical Advisory Committee (TAC) to discuss the challenges faced by the developer. The TAC was supportive of county staff amending the standards to exempt automobile dealerships from the 30-foot maximum setback requirement to create an environment favorable to dealerships being able to display their new car inventory on an open-air sales lot.

Memo

Planning Commission Public Hearing – June 25, 2020

Text Amendment T-10-082

The committee also recommended scaling-back the 15% landscape requirement for large sites. It was noted that the 15% landscape requirement seems to work well on a smaller one-acre site. However, 15% landscaping on a 10 acre site would require 1 ½ acres of irrigated landscaping and does not support water conservation in an arid environment and state-designated critical groundwater area. Furthermore, this would not be consistent with State Department of Water Resources regulations that limit exempt well use to ½ acre of irrigated landscaping. The TAC recommended adding a provision that the amount of irrigated landscaping shall not exceed one-half acre.

The recommendations of the TAC and planning staff have been incorporated into the proposed text amendment which is included as an attachment. The proposed code amendments are indicated as follows: ~~strikeout~~ (text to be removed) and underline (text to be added).

Criteria of Approval

Amendment procedures are outlined in UCDC Sections 152.750-152.753.

Conclusion

The proposed amendments are presented to the Planning Commission for review, discussion, and suggestions. Planning Commission's action on the proposed amendments is a recommendation to the Board of County Commissioners.

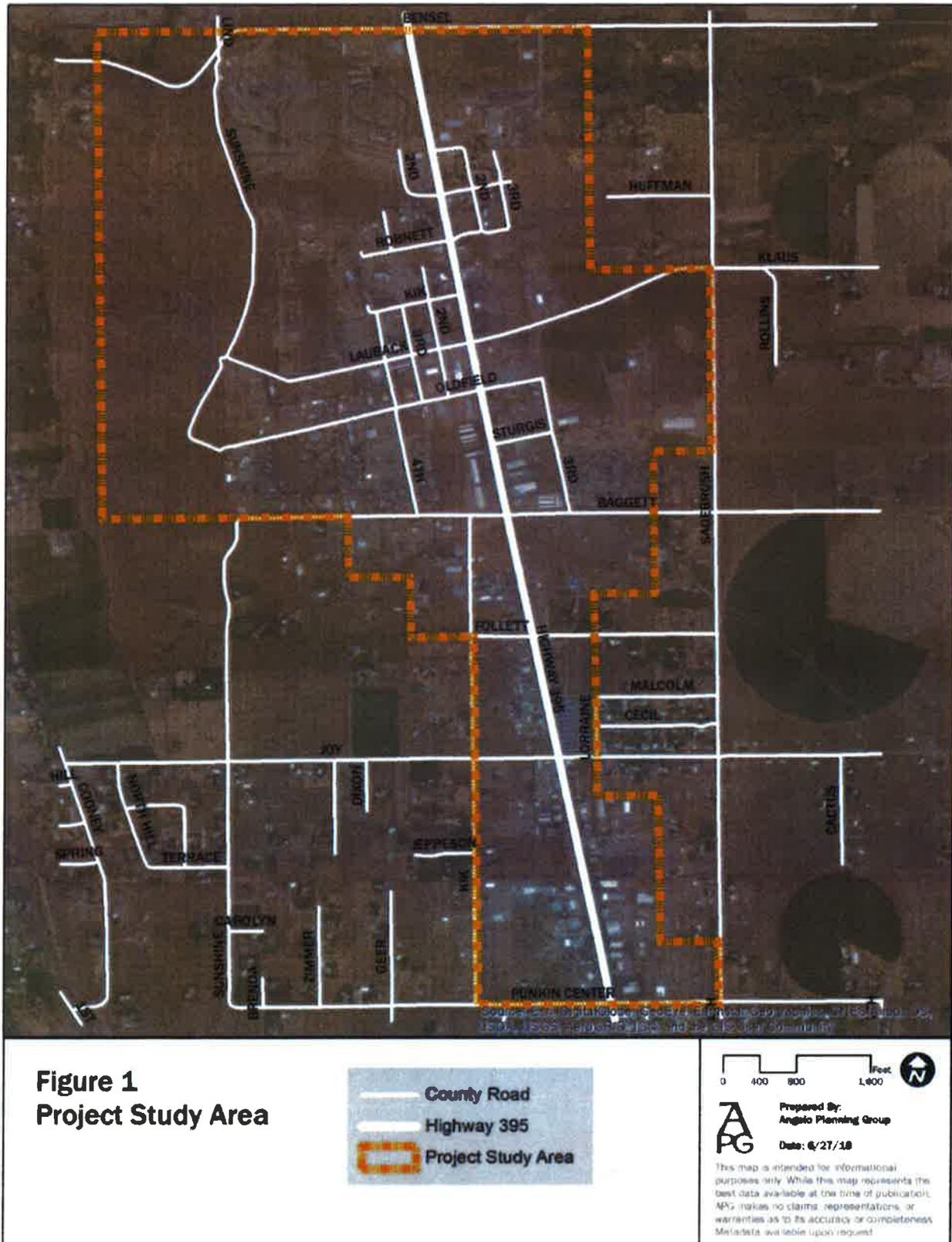
The hearing before the Board of Commissioners is scheduled for 9:00 a.m., July 15, 2020.

Attachments

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

- Study Area and Zoning Map
- Proposed Code Amendment Text

Figure 1: Project Study Area



Memo

Planning Commission Public Hearing – June 25, 2020

Text Amendment T-10-082

Figure 2. Zoning Map (Source: Evaluation of Existing Plans and Regulations Memo)

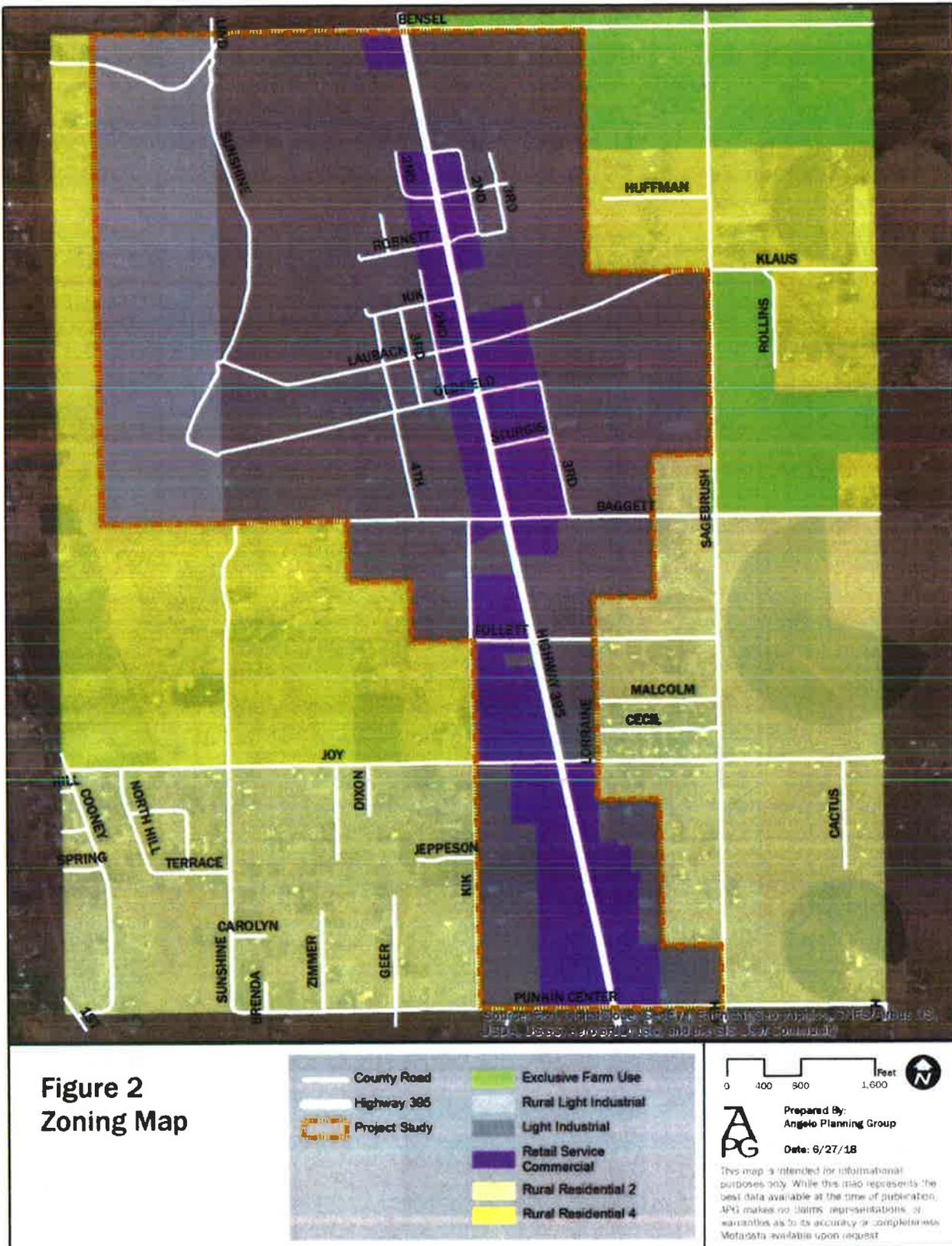


Figure 2
Zoning Map

	County Road		Exclusive Farm Use
	Highway 385		Rural Light Industrial
	Project Study		Light Industrial
			Retail Service Commercial
			Rural Residential 2
			Rural Residential 4

0 400 800 1,600 Feet

APG
Prepared By:
Angelo Planning Group
Date: 6/27/18

This map is intended for informational purposes only. While this map represents the best data available at the time of publication, APG makes no claims, representations, or warranties as to its accuracy or completeness. Metadata available upon request.

§ 152.250 DIMENSIONAL AND DESIGN STANDARDS.

In the RSC Zone, the following dimensional and design standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre.

(B) *Setback requirements.* The setback requirements shall be as follows:

(1) Front yard:

(a) Minimum Setback: ten feet,

(b) Maximum Setback: thirty feet. For expansions and additions, see § 152.249(C)(2) and Figure 152.250-1.

(c) Buildings related to automobile, truck or motorcycle sales lots are exempt from the maximum setback requirements when the front of the lot is used for automobile, truck or motorcycle merchandise display.

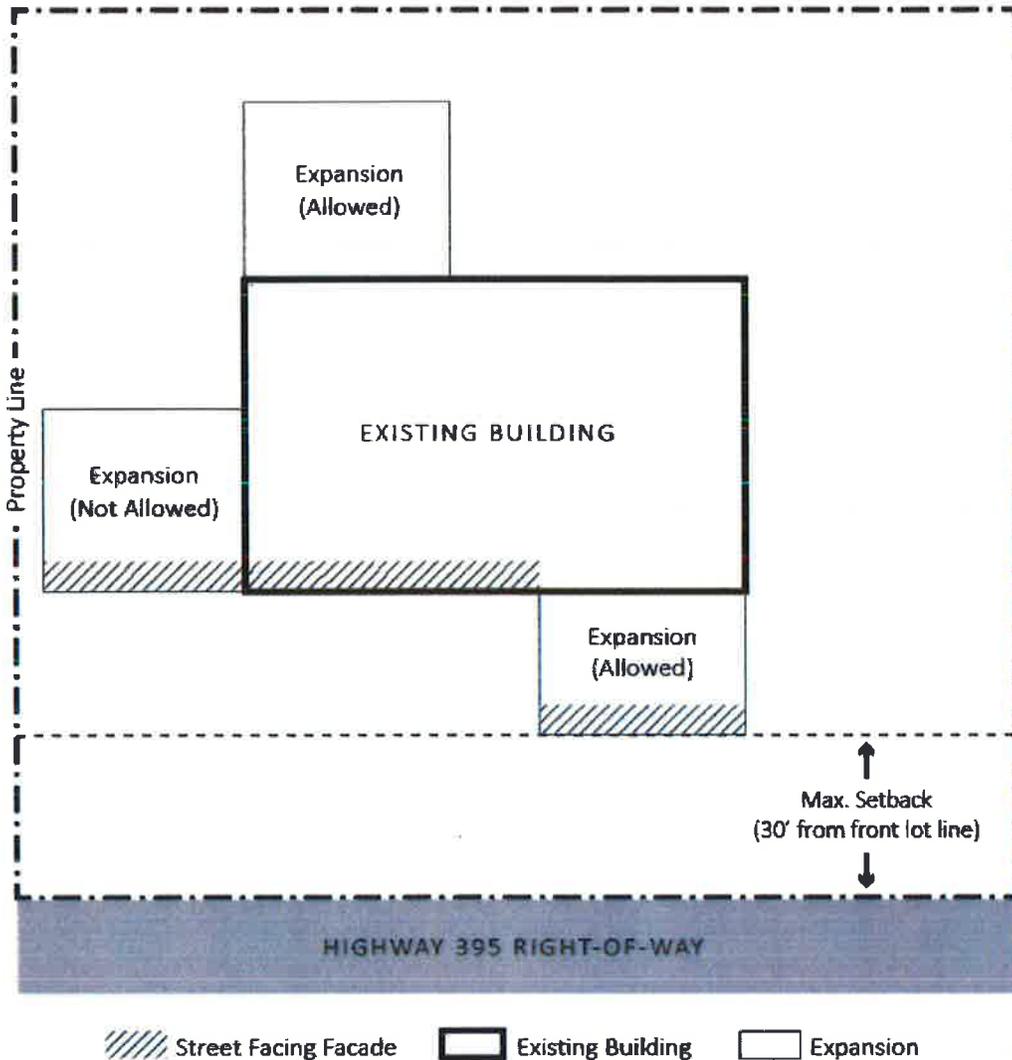
(2) Side yard: minimum of ten feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: minimum of twenty feet;

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

(5) Vision clearance standards, found in § 152.011, may require greater setbacks those in 152.250(C), pursuant to §152.005(B), which determines that the most restrictive provision shall apply.

Figure 152.250-1. Applicability of Maximum Setback Standard for Expansions or Additions to Existing Buildings



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

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

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

(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

(D) *Window area.* Windows are required to make up a minimum area of any building façade that faces a public street.

(1) *Applicability.* Proposals that include one or more of the following are subject to the standards of this section, § 152.250(D):

(a) New construction of a building or structure.

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater. The standards of §152.250(D) only apply to the area of building expansion or addition.

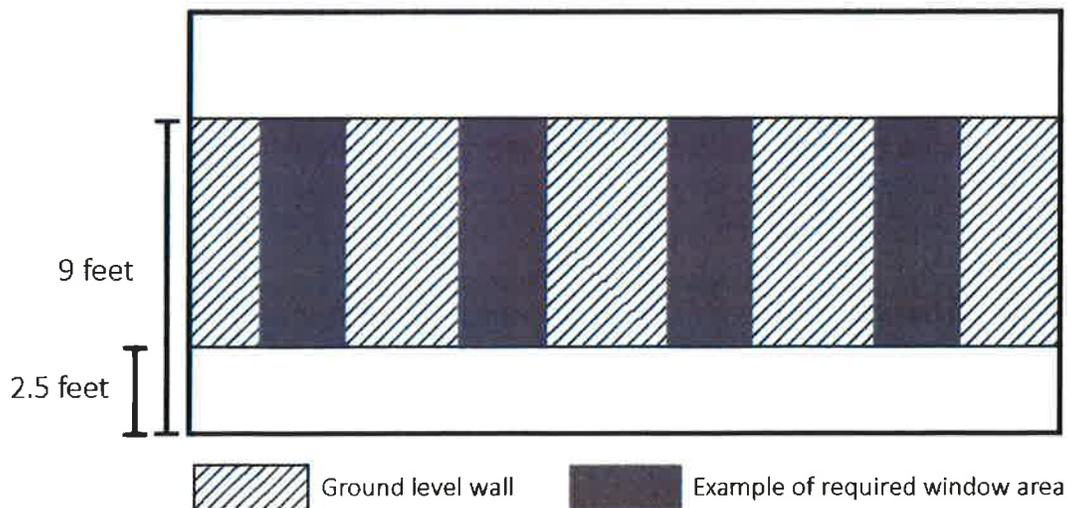
(c) Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding changes in color, that exceeds 15% of the area of the existing façade. The standards of § 152.250(D) only apply to the area of change in the building exterior.

(2) *Minimum Area.* Building facades facing a public street must have qualifying window features for at least 40 percent of the area of the ground level wall area (see Figure 152.250-2). Windows, display areas, and glass doorways are qualifying window features.

(3) *Measurement.* The ground level wall area is defined as the area above 30 inches and below 108 inches, as measured from finished grade.

(4) *Transparency.* Only ground floor window features that are clear or transparent are eligible to meet the minimum area requirement in § 152.250(D)(2).

Figure 152.250-2. Measurement of Ground Floor Window Area



(E) *Landscaping.*

(1) Applicability. Proposals that includes one or more of the following are subject to the standards of this section, § 152.250(E):

- (a) New construction of building or structure.
- (b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater.
- (c) Change in landscaping areas that exceeds 15% of the existing landscaping area.
- (d) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Minimum Site Landscape Area. At least 15 percent of the lot area must be landscaped according to the standards of this section. **Irrigated landscaping shall not exceed one-half acre.**

(3) Planting Standards. The following are the minimum planting requirements for required landscaped areas:

(a) Trees. One tree shall be provided for every 1,500 square feet of required landscaped area. If the calculation of the number of plantings results in a fraction of 0.5 or greater, the applicant shall round up to the next whole number. If the calculation of the number of plantings results in a fraction of 0.4 or less, the applicant shall round down to the next whole number. A minimum of 50 percent of the required trees must be planted within 30 feet of the front lot line, and located outside of the Clear Zone, pursuant to § 152.250(E)(3)(d). Evergreen trees shall have a minimum planting height of six feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting. **Tree species must be selected from the County's Approved Tree Species List or other tree species approved by the Planning Director. Meet the requirements identified in § 152.50(E)(5).**

(b) Shrubs. Shrubs shall be planted from at least two-gallon containers. Shrubs shall be spaced in order to provide the intended canopy cover within two years of planting.

(c) Ground Cover. Live ground cover consisting of low-height shrubs, perennials or ornamental grasses shall be planted in the portion of the landscaped area not occupied by trees or shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 50 percent of the required landscape area.

(d) All landscaping over two feet high, as measured from the ground level elevation, must be placed outside of the ODOT Highway Design Manual Clear Zone, pursuant to and as determined by ODOT.

(e) The Planning Director may allow credit toward the minimum site landscape area for existing landscape area that is retained in the development if the existing

landscape area meets the standard for minimum number of trees of subsection 2(a) and minimum area of live ground cover of subsection 2(c).

(4) Parking Lot Landscaping. In addition to the minimum site landscape area requirement, all parking areas with more than 20 spaces shall provide landscape islands that break up the parking area into rows of not more than 12 contiguous parking spaces. See example in Figure 152.250-3.

(a) Minimum Dimensions. Landscape islands shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

(b) Planting Standards. All landscape islands must be planted with one ~~tree selected from the County's Approved Tree Species List~~ deciduous tree ~~other trees species approved by the Planning Director~~, or landscaping materials identified in § 152.50(E)(3)(b) and (c). All other required parking lot landscape areas not including islands or not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of the area within each landscape island(s) is covered with living plants.

(5) Plant Selection and Maintenance.

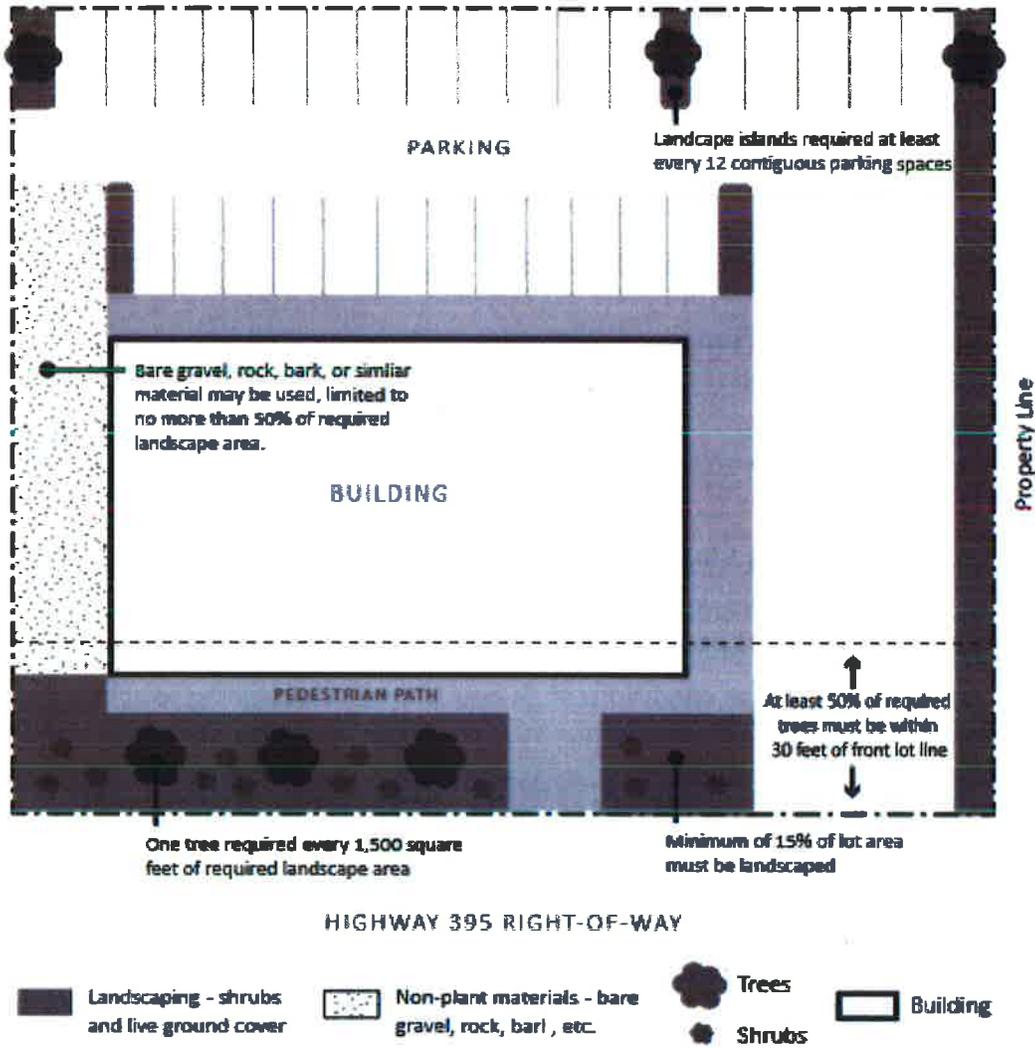
(a) Only plants that are appropriate to the local climate, exposure, and water availability will be eligible to meet the landscaping requirements. The availability of utilities and drainage conditions shall also be considered in the selection of planting materials.

(b) Plant species that require little or no irrigation once established (naturalized) are preferred over species that require irrigation. Expansive areas of turf are discouraged.

(c) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.

(d) Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.

Figure 152.250-3. Landscaping Requirements Example



**PLANNING COMMISSION HEARING
FEBRUARY 27, 2020
DRAFT MINUTES**

**LAND DIVISION, TYPE II;
#LD-4N-1043-19
REQUEST FOR PUBLIC HEARING
MICHAEL MCDONOUGH, APPLICANT/ OWNER**

&

**PLAN MAP AMENDMENT;
#P-125-19
CO-ADOPT CITY OF HERMISTON'S
ORDINANCE 2289**

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, February 27, 2020, 6:30 pm**

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

** **

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Gary Rhinhart, Molly Tucker
Hasenbank, Tammie Williams, Hoot Royer, Tami Green

ABSENT: Jon Salter, Lyle Smith

STAFF: Bob Waldher, Planning Director; Megan Green, Planner/GIS; Tierney
Cimmiyotti, Administrative Assistant

** **

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

CALL TO ORDER

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

NEW HEARING

REQUEST FOR PUBLIC HEARING - LAND DIVISION REQUEST #LD-4N-1043-19, MICHAEL MCDONOUGH, Applicant/Owner. A “Request for Public Hearing” was filed on December 23, 2019 in opposition of a proposed Type II Land Division. The request is to divide Tax Lot #800 into three parcels for continued and future development of residential uses. Tax Lot #800 is 12.21 acres and was created through Umatilla County Partition Plat 1999-32. The proposed partition would result in the following parcel sizes: Proposed Parcel 1 – 4.21 acres, Proposed Parcel 2 – 4.00 acres, Proposed Parcel 3 – 4.00 acres. The subject property is zoned Rural Residential, 4 acre minimum parcel size (RR-4) and is located on the east side of Oregon State Highway 207, less than ½ mile south of the City of Hermiston. The subject property is described as Tax Lot #800, in Township 4N, Range 28E, Section 22B.

The criteria of approval for Type II Land Divisions are found in Umatilla County Development Code (UCDC) Sections 152.301 - 152.306 and Section 152.684.

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

STAFF REPORT

Bob Waldher, Planning Director, stated that the original set of Findings was sent out December, 3, 2019. The Planning Department received a Request for Public Hearing on December, 23, 2019, within the 21 day comment period. The request is to divide Tax Lot 800 into three parcels for continued and future development of residential uses. Tax Lot 800 is 12.21 acres and was created through Umatilla County Partition Plat 1999-32. The proposed partition would result in the following parcel sizes: Proposed Parcel 1, 4.21 acres; Proposed Parcel 2, 4.00 acres;

Proposed Parcel 3, 4.00 acres, which conforms to the minimum parcel size of the RR-4 Zone. He stated that the property is located on the east side of Oregon State Highway 207, approximately ½ mile south of the City of Hermiston and is described as Tax Lot #800, in Township 4N, Range 28E, Section 22B. Criteria of approval for Type II Land Divisions are found in UCDC Sections 152.301 - 152.306 and Section 152.684.

Mr. Waldher explained that the Planning Commission is asked to refer to the Findings and Conclusions and supporting information to determine if the request meets 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.

Mr. Waldher referred the Planning Commissioners to a vicinity map of the proposed partition (page 3), The Preliminary Findings and Conclusions (page 9) and the Request for a Public Hearing application (page 5), in the hearing packets for review.

Mr. Waldher stated that he has communicated with various agencies in the process of reviewing this application. He distributed an email from Tom Lapp, ODOT (Exhibit A) and explained that the property access point is off of a State Highway, therefore ODOT has jurisdiction over Access Permits for that area.

Public Agency: Tom Lapp, District 12 Permit Specialist, Oregon Department of Transportation (ODOT) provided an email (Exhibit A) stating that he does not object to the Land Division request. When he is ready, ODOT will work with Mr. McDonough on an application to build the new driveway. Additionally, Mr. Lapp expressed appreciation for Mr. McDonough's willingness to serve both parcels with a single driveway.

Mr. Waldher distributed an email from Tom Lapp

Public Agency: Chris Kowitz, North Central Region Field Services Manager, Oregon Water Resources Department (OWRD) provided an email (Exhibit B) stating that, this development would occur within the Butter Creek Critical Groundwater area. This area has had groundwater decline concerns for many years as evident by the Department's Critical Area designation and associated rules found in Oregon Administrative Rules (OAR) Chapter 690, Division 507. Additionally, he pointed out that this area falls under the Lower Umatilla Groundwater Management Area (LUBGWMA) designation administered by the Department of Environmental Quality (DEQ). He stated that these declines are not likely to improve with continued development in the Critical Area, regardless of how small they are. He feels that it is the magnitude of the small development projects that Umatilla County should consider in its future development plans.

Mr. Kowitz stated that if the applicant is proposing exempt groundwater use, they should be fully aware of exempt uses which are limited to 15,000 gallons per day for domestic uses, ½ acre yard/ non-commercial garden, and 5,000 gallons per day for industrial or commercial. He went on to

say that, if the lots are all being served by one well then a shared well agreement should be in place documenting who gets what portion of the exemption, operating and maintenance costs and any easements for water delivery lines. He added that the exemption is in total (not per lot) when only one well is being shared.

Lastly, he stated that the OWRD has identified a couple of entities that hold Municipal Use Permits/ Certificates, but understands that use of those rights is not viable at this location. Mr. Waldher stated that he checked on possible municipal wells that may be in the area and found one belonging to the City of Hermiston. The City stated that they have a policy that they will not extend their water outside of their Urban Growth Boundary (UGB) to serve rural uses like this.

Public Agency: Clinton Spencer, City of Hermiston Planner, provided an email (Exhibit C). He stated that with regard to concerns over potentially servicing this property with municipal water, this is not currently an option. The property is located adjacent to the City's UGB but is not within the UGB, nor the City Limits. Under Policy 23 of the Hermiston Comprehensive Plan, water and sewer service will only be provided to properties within the UGB and then only after annexation of the property. He explained that since the property is not within the UGB now, it is not eligible for connection to municipal services.

Mr. Spencer stated that in order for water to be available, the City's UGB would have to be amended to include the property. However, the likelihood of amending the City's UGB is small at this time. He explained that the City adopted a Housing Needs Analysis (HNA) in 2014 which shows a considerable oversupply of housing lands in the City's UGB. The HNA showed that the City will need a supply of approximately 3,881 housing units by 2030 and has the capacity in the residential inventory to supply 11,893. Therefore, the potential for an update to the City's UGB to incorporate these lands is vanishingly small for the foreseeable future. He added that when the City does consider an expansion to the UGB, it will likely be after 2050 and this land could certainly be a candidate for inclusion at that time.

Commissioner Rhinhart asked if each of the lots would qualify for an exempt well. Mr. Waldher confirmed that is correct. He stated that exempt wells are regulated by OWRD and although it is in a Critical Groundwater Area, by law it is entitled to an exempt well on each of the newly created parcels.

TESTIMONY

Applicant Testimony: Michael McDonough, Applicant and Property Owner, 78678 Highway 207, Hermiston, Oregon. Mr. McDonough stated that he felt Mr. Waldher did a good job of explaining the request. He stated that there is an old feedlot located south of his property which has caused issues with groundwater contamination. He believes that a couple extra wells in the area would help minimize some of that contamination of the water table.

Mr. McDonough stated that he is working with Tom Lapp, ODOT, to apply for one access point off the highway to serve both parcels. He feels this will cause less of an impact on the highway traffic.

Commissioner Rhinhart asked what he uses the ground for at this time. Mr. McDonough replied that he currently uses the land for hay and pasture and there is a small arena. Commissioner Rhinhart asked if the parcel has irrigation rights. Mr. McDonough stated that it has full irrigation rights and they will be transferred upon approval. Commission Rhinhart asked if he will also need to install an irrigation well. Mr. McDonough stated that the entire 12 acre property is irrigated through the Hermiston Irrigation District, drawn off the canal.

Opposition Testimony: Sam Fumoso, 78622 Highway 207, Hermiston, Oregon. Mr. Fumoso stated that he has some concerns about this request. First, he stated that Mr. McDonough's property is on a 1 acre parcel and he does not understand why we are not doing a line lot adjustment to make it an R-4. He said this is not 1998 and not 1999 and we are bringing this into 2020 so it should be agreed to be able to be in an R-4 and kept to an R-4. Second, Mr. Fumoso stated that he is on a shallow, basalt well system. He said they are already low on the table and three more wells will cause more problems. Third, Mr. Fumoso expressed concern about creating another access point off the Highway.

Commissioner Hasenbank asked to clarify which parcel he is referring to as 1 acre. Mr. Fumoso stated that Tax Lot #700 located next door to the subject parcel, is 1 acre. Commissioner Hasenbank explained that the 1 acre Tax Lot #700 is not involved or included in this request to divide Tax Lot #800. Mr. Fumoso stated that Mr. McDonough owns both Tax Lots #700 & #800. Mr. Waldher clarified that is not correct. County records indicated that Tax Lot #700 is owned by person with the last name Rivera. Mr. Fumoso said he does not believe that is correct. Chair Danforth reiterated that the hearing today is only regarding Tax Lot #800 and it has nothing to do with any other Tax Lots in the area.

Opposition Testimony: Don Waters, 78594 Highway 207, Hermiston, Oregon. Mr. Waters stated that he has lived on his property close to 60 years and has experienced problems with his 132 ft. well, especially during the latter part of the summer when he starts pulling air. He is concerned about the potential for new wells and water usage on these 3 new pieces of land. He stated that it's in a restrictive area to begin with and he believes it is just not right to let new wells in this area.

Applicant Rebuttal: Michael McDonough, Applicant and Property Owner, 78678 Highway 207, Hermiston, Oregon. Mr. McDonough stated he only owns Tax Lot #800 which is 12.21 acres. He has lived there since 2013 and upon inspection at that time the well was 65 ft. He added that he has not had a single issue with the well or water level since he has owned the land.

Chair Danforth called for adoption of the comments provided by public agencies to the record. The email from ODOT is adopted as Exhibit A, the email from OWRD, Exhibit B and the email submitted by The City of Hermiston, Exhibit C.

Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Mr. Waldher made a clarification that the issues concerning the domestic well water do not affect this application because it is not within the jurisdiction the Umatilla County Planning Department.

Commissioner Hasenbank made a motion to approve Type II Land Division, #LD-4N-1043-19, Mike McDonough, Applicant and Owner. Commissioner Williams seconded the motion. Motion passed with a vote of 7:0.

NEW HEARING

PLAN MAP AMENDMENT #P-125-19, Co-adopt City of Hermiston's Ordinance #2289.

The City of Hermiston requests the County co-adopt City Ordinance 2289 amending the comprehensive plan map from urbanizable to urban status for a 7.5 acre tract located at the southeast corner of NE 10th Street and E Elm Ave, a 1.98 acre tract located at the southeast corner of E Diagonal Blvd and E Elm Ave, and a 31.32 acre tract located north of E Diagonal Blvd, east of NE 10th Street and south of E Elm Ave. The City Council also adopted Ordinance 2290 annexing said property effective upon co-adoption of Ordinance 2289.

The criteria of approval are found in UCDC 152.750 - 152.754 and the Joint Management Agreement between the City and County.

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

STAFF REPORT

Bob Waldher, Planning Director, stated that on November 25, 2020 Hermiston City Council adopted Ordinance 2289, amending the Comprehensive Plan Map from urbanizable to urban for a 7.5 acre tract located at the southeast corner of NE 10th Street and E Elm Avenue, a 1.98 acre tract located at the southeast corner of E Diagonal Boulevard and E Elm Avenue, and a 31.32 acre tract located north of E Diagonal Boulevard, east of NE 10th Street and south of E Elm Avenue. The City Council also adopted Ordinance 2290 annexing said property effective upon co-adoption of Ordinance 2289. He stated that the role of the Planning Commission is to make a recommendation to the Board of County Commissioners (BCC) on co-adoption of the City's Ordinance 2289 which will convert the Comprehensive Plan designation from urbanizable to

urban. He pointed out that there have been a number of similar co-adoption requests brought forth by the City of Hermiston over the past year. The City has a unique requirement in their Comprehensive plan which requires that, prior to rezoning and annexing something from within the Urban Growth Area it needs to be converted the “urban” status.

Mr. Waldher stated that the Hermiston City Council held a public hearing on November 25, 2019 and approved the Plan Map Amendment and subsequently adopted Ordinances 2289 and 2290. This hearing before the Umatilla County Planning Commission is the County’s first evidentiary hearing for co-adoption. A subsequent public hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, March 11, 2020, at 9:00 AM in Room 130 of the Umatilla County Courthouse. Mr. Waldher explained that the Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners for co-adoption of the Comprehensive Plan Map Amendment, changing the designation of the property from urbanizable to urban.

TESTIMONY

Property Owner Testimony: Lloyd Piercy, Owner, 33927 Riverview Drive, Hermiston, Oregon & Jackie Sielaff, Project Manager, 82552 D Street, Hermiston, Oregon. Mr. Piercy stated that Jackie is leading the project and he and his wife, Lois, are the owners of tax lot 300. He stated that he and Lois have been planning to develop this property for a while. There are two schools and a baseball field within walking distance and plans to build another school in the area. He believes this will be a great place to build a comprehensive neighborhood. His plans for development include donating a portion of his land for a walking trail to add to the walking loop the City is already developing. They also plan to build a section of housing specific to the fifty-five and over demographic, catering to individuals with mobility issues. He stated that they have spent two years planning and approached the development with a holistic outlook to benefit the community and help alleviate some of the urgent need for housing.

Commissioner Hasenbank asked how many houses will be built on this parcel of land. Ms. Sielaff stated that they are hoping to build 45-55 homes. They have not yet decided if the dwellings will be multi family, duplexes, triplexes or single family. She stated that they are also hoping for an additionally 60 homes in the rest of the R-3 Zone. Mr. Piercy stated that there is a small piece of commercially zoned property as well which could provide space for a small community store. Chair Danforth asked what the NCO designation stands for on tax lot 200. Mr. Piercy stated that it is the City’s Neighborhood Commercial Zone and tax lot 200 houses a substation for the Umatilla Electric Cooperative.

Mr. Piercy stated that they have been working with Oregon Department of Transportation (ODOT) to establish one access point. He and the City both acknowledged that 10th Street is already a difficult street so they opted not to add traffic. Additionally, the new walking path will allow for pedestrian traffic to avoid the highway.

Commissioner Rhinhart asked if there are any existing structures on the property and what is the current use of the land. Mr. Piercy stated that there are no structures and it is currently used as a cow pasture. He believes this will be a very nice addition to the city.

Public Agencies: No additional comments.

Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Chair Danforth stated that it's apparent that the City of Hermiston has given their blessing and many other agencies have provided feedback making it a joint effort to move forward with this project.

Commissioner Hasenbank made a motion to recommend approval of Plan Map Amendment, #P-125-19, to co-adopt City of Hermiston Ordinance 2289 to the Umatilla County Board of Commissioners. Commissioner Wysocki seconded the motion. Motion passed with a vote of 7:0.

A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, March 11, 2020 at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:54 p.m.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant