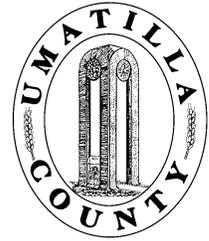


# Umatilla County

Department of Land Use Planning

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## AGENDA

Umatilla County Planning Commission Public Hearing

Thursday, March 25, 2021, 6:30 PM

**VIRTUAL MEETING**

**IF YOU WISH TO PARTICIPATE IN THE HEARING PLEASE SUBMIT COMMENTS BY 4PM, MARCH 25<sup>TH</sup> 2021, TO [planning@umatillacounty.net](mailto:planning@umatillacounty.net) OR CONTACT THE PLANNING DEPARTMENT AT, 541-278-6252.**

### Planning Commission

Suni Danforth, Chair	Hoot Royer
Don Wysocki, Vice-Chair	Jon Salter
Tammie Williams	Lyle Smith
Tami Green	Cindy Timmons
Molly Tucker Hasenbank	

### 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 I LAND DIVISION, SUBDIVISION REQUEST #S-058-21: Ron McKinnis, Applicant / Kenneth & Kimberly Gillet, Owners**

The applicant requests approval to subdivide the property located on Assessor's Map 5N 28 36C, Tax Lots 1000 and 1001. The applicant's proposed subdivision will create nine (9) lots of at least 2 acres in size. The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code (UCDC) 152.665, Type I Land Divisions.

For further information concerning the above request, or to submit written testimony, please contact Megan Green, Planner II / GIS, at the Umatilla County Planning Department, 216 SE 4<sup>th</sup> Street, Courthouse, Pendleton, OR; telephone 541-278-6246; email [megan.green@umatillacounty.net](mailto:megan.green@umatillacounty.net).

**3. Minutes from February 25, 2021 Hearing**

**4. Adjournment**

# Umatilla County

Department of Land Use Planning

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DIRECTOR  
ROBERT  
WALDHER

MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Planning Commission  
**FROM:** Megan Green, Planner II / GIS  
**DATE:** March 18, 2021

CODE  
ENFORCEMENT

**RE:** March 25, 2021 Planning Commission Hearing  
Type I (Subdivision) Land Division, #S-058-21  
Map 5N 28 36C, Tax Lots 1000 and 1001

SOLID WASTE  
COMMITTEE

**CC:** Robert Waldher, Planning Director

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

### *Request*

The applicant, Ron McKinnis, requests approval of a Subdivision (Type I Land Division) of Tax Lots 1000 and 1001 located on Map 5N 28 36C. Approval of the Kolby Acres Subdivision would result in nine (9) subdivision lots of at least 2-acres in size.

RURAL  
ADDRESSING

### *Location*

The property is located north of Punkin Center Road and west of Culp Lane, about 1 mile north-east of Hermiston City Limits.

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

### *Standards*

The Standards of Approval are found in the Umatilla County Development Code Section 152.665, Type I Land Divisions. Standards for reviewing a Subdivision generally consist of complying with development code standards, Traffic Impact Analysis standards and subdivision plat requirements.

### *Notice*

Notice of the applicant's request and the public hearing was mailed on March 5, 2021 to the owners of properties located within 250-feet of the perimeter of Tax Lots 1000 and 1001. Notice was also published in the *East Oregonian* on March 13, 2021 notifying the public of the applicants request before the Planning Commission on March 25, 2021.

### *Background*

This subdivision request previously received approval in 2004 under request S-046-04. Approval of the subdivision was not finalized, which is signified by the recording of a subdivision plat. The proposed subdivision layout is very similar to what was approved in 2004.

### *Conclusion*

The proposed Conditions of Approval address road improvement and access standards, including road naming and Irrevocable Consent Agreements and the survey and recording requirements with final approval accomplished through the recording of the final subdivision plat.

**Memo**

**Planning Commission Hearing – March 25, 2021**

***Decision***

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

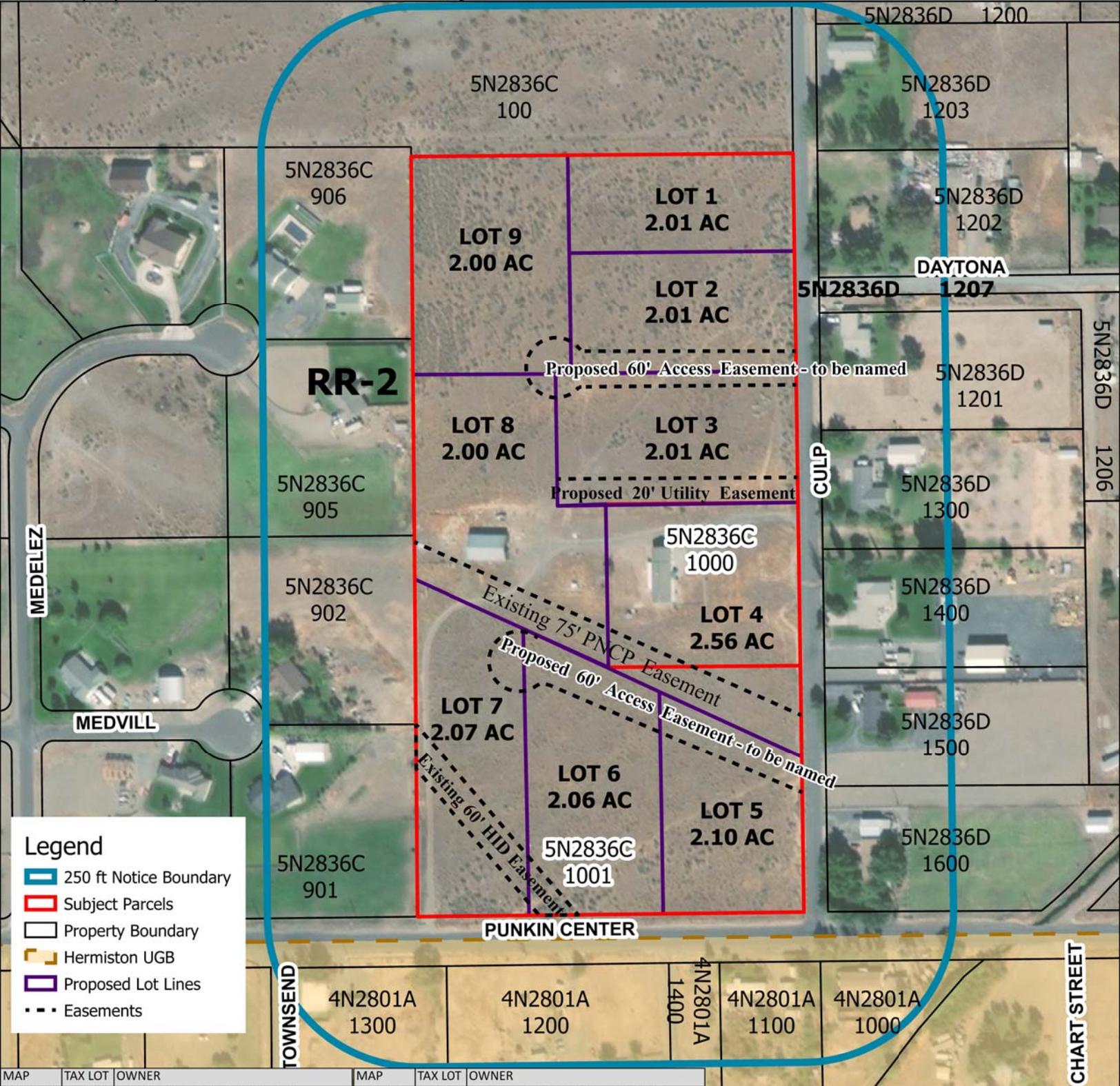
**UMATILLA COUNTY  
PLANNING COMMISSION HEARING – MARCH 25, 2021  
TYPE I LAND DIVISION, SUBDIVISION REQUEST #S-058-21  
RON MCKINNIS, APPLICANT  
KENNETH AND KIMBERLY GILLET, OWNERS  
PACKET CONTENT LIST**

1.	Staff Memo to Planning Commission	Pages 1-2
2.	Vicinity and Notice Map	Page 5
3.	Soils Map	Page 7
4.	Tentative Subdivision Plan	Page 9
5.	Topography Map	Page 10
6.	Staff Report & Preliminary Findings	Pages 11-19
7.	County Road “S-1” Standard	Page 21
8.	County Road Department Statement, Tom Fellows	Page 22
9.	Hermiston Irrigation District Comment	Page 23

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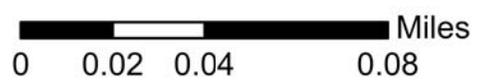
Notified property owners within 250 feet of Subject Parcels



**Legend**

- 250 ft Notice Boundary
- Subject Parcels
- Property Boundary
- Hermiston UGB
- Proposed Lot Lines
- Easements

MAP	TAX LOT	OWNER	MAP	TAX LOT	OWNER
4N2801A	1000	ESTEFANOS TIMOTHY SAMUEL	5N2836C	1001	GILLET KENNETH D & KIMBERLY J
4N2801A	1100	AIKEN DENNIS	5N2836D	1200	ATILANO FRANCISCO
4N2801A	1200	HERNANDEZ ANTONIO PEREZ	5N2836D	1201	COXEN GARRETT LLC
4N2801A	1300	BIRRUETA BRISDIDA AYALA	5N2836D	1202	ARELLANO ERNESTINA
4N2801A	1400	BURTON CHARLES C & PEGGY L	5N2836D	1203	ACEVEDO FRANCISCO
5N2836C	100	CULP GARY K & VICKI ANN	5N2836D	1206	GRIGGS MARY L (TRS) & ET AL
5N2836C	901	FISHER MATTHEW J & KRISTA P	5N2836D	1207	CAMPOS LUZ & FUENTES GABRIEL
5N2836C	902	ORTEGA FEDERICO & ESCOBEDO CATHY	5N2836D	1300	MCCLURE DENNIS A II
5N2836C	905	PARKER DANIELLE R & JEREMY S	5N2836D	1400	MADDOX CASEY & TOMARA
5N2836C	906	ORTIZ MICHAEL E ET AL	5N2836D	1500	HENDERSON JUSTIN & ASHLEY
5N2836C	1000	GILLET KENNETH D & KIMBERLY J	5N2836D	1600	ENRIQUEZ HUBO & ELSA



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: 3/10/2021

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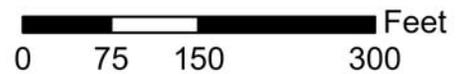
Soils Map



**Legend**

- Soil Type - 122B
- Subject Parcels
- Property Boundary

SOIL TYPE		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
122B	4e	7e



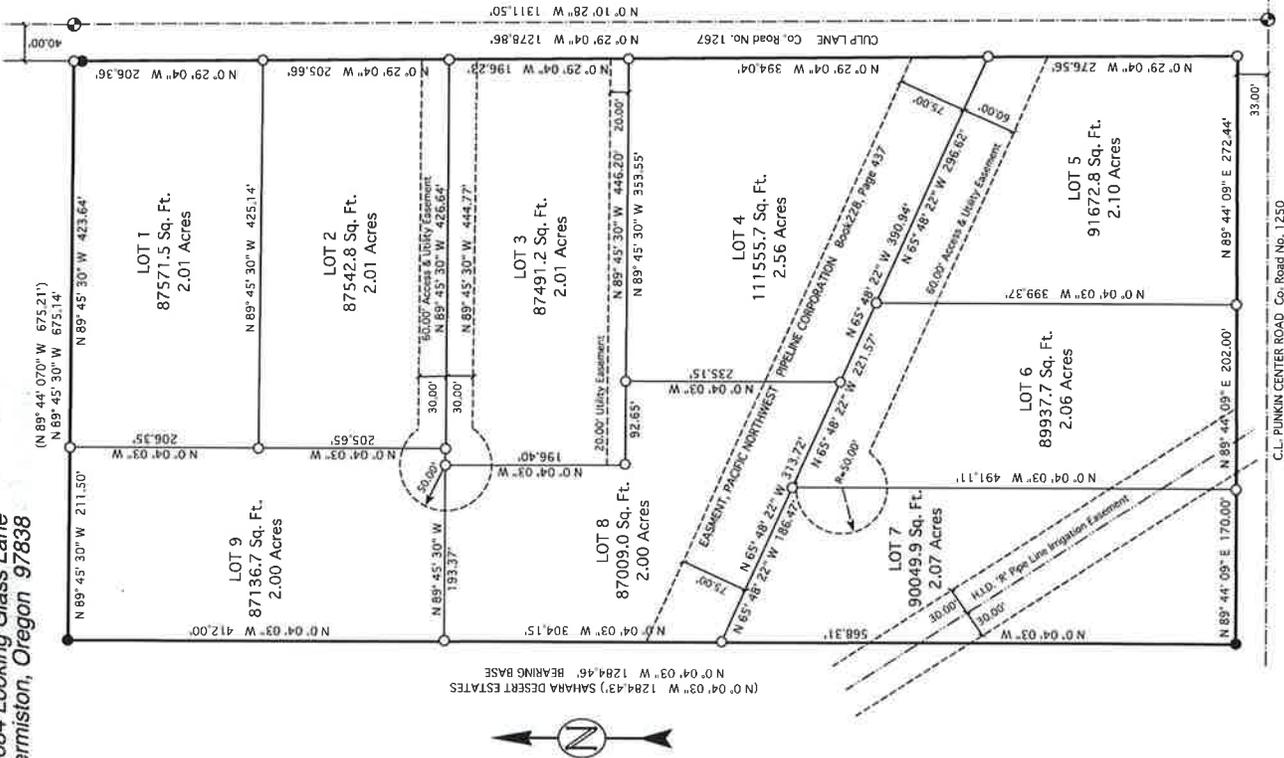
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 3/10/2021

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# KOLBY ACRES

Umatilla County, Oregon  
 Township 5 North, Range 28 East, W.M.,  
 Southeast 1/4 of the Southwest 1/4 of Section 36,  
 for:

Kenneth & Kimberly Gillet  
 78684 Looking Glass Lane  
 Hermiston, Oregon 97838



### SURVEYOR'S CERTIFICATE & NARRATIVE:

I, Ronald V. McKinnis, being a Registered Professional Land Surveyor of the State of Oregon, certify that I have correctly surveyed and monumented the lands more particularly described in the Legal Descriptions shown herein according to ORS Chapter 92 of the State of Oregon, the purpose of this survey was to subdivide the subject property into 9 lots, being 2.0 acres or more. I found the monuments as noted to control the corner points of the property. The survey was conducted and divided accordingly into the lots as shown on the face of this Plat. The Initial Point is the same as that of Sahara Desert Estates, said point is on the Northern right of way of Punkin Center Road; thence North 89° 44' 09" East 1276.50 feet to the Point of Beginning. The monument is located at the Northeast Corner of that subdivision. This survey was performed using a Trimble RTX Total Station.

### PROPERTY DESCRIPTION:

The legal description of this property being platted is as found in the following Deeds as recorded in Umatilla County Records of Deeds:

Reel 458, Page 242 & Reel 257, Page 1722 and is more particularly described as follows:  
 Beginning at the Northeast Corner of the Southeast Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 28, East of the Williams Meridian, Umatilla County, Oregon and running there North 89° 49' 30" West along the North line of said Southeast Quarter 675.14 feet to the Northeast corner of Sahara Desert Estates; thence South 0° 04' 03" East along the East line of said Sahara Desert Estates; 1284.46 feet to the Southeast corner of said Sahara Desert Estates; said point is on the Northern right of way of Punkin Center Road; thence North 89° 44' 09" East along said right of way line 677.52 feet to a point on the East line of said Southeast Quarter; thence North 0° 10' 28" West along said East line 1276.50 feet to the Point of Beginning.

### OWNER'S DECLARATION:

We, the undersigned owners of the lands as shown on this plat, do hereby acknowledge that we have caused this plat to be created we authorize that this Plat be prepared in accordance with the provisions of ORS Chapter 92, and we recognize this Plat as the Official Plat and Map of Kobay Acres as filed in the County of Umatilla, State of Oregon. We also make the following Dedication:  
 A 30.00 foot wide Easement centered along the common line of Lots 1 & 2 to be together with a 50.00 foot radius cul-de-sac for Access and Utilities to benefit Lots 1, 2, & 9;  
 A 20.00 foot wide Easement along & adjacent to the South line of Lot 3 for utilities;  
 A 30.00 foot wide Easement along and adjacent to the North line of Lots 5, 6, & 7 with a 60.00 foot by 40.00 foot vehicle turn around for Access & Utilities to benefit Lots 5, 6, & 7;  
 We Dedicate to the County of Umatilla, State of Oregon, the East 40.00 feet of the Southeast Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 28, E.W.M., Umatilla County to Culp Lane for Access, Egress, and Utilities.  
 We also recognize and acknowledge the Easements for the Irrigation District (P) Pipeline and the Williams Natural Gas Pipeline, both as shown on the face of this Plat.

KENNETH D. GILLET  
 \_\_\_\_\_  
 KIMBERLY J. GILLET  
 \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, the above individuals, Kenneth D. Gillet and Kimberly J. Gillet, appeared personally before me and are known to me to be the identical individuals who executed the plat, dedication and acknowledged that they did so freely and voluntarily.

Before me: \_\_\_\_\_ Notary Public for Oregon  
 My Printed Name is \_\_\_\_\_  
 My Commission No. is \_\_\_\_\_  
 My Commission Expires \_\_\_\_\_

### APPROVALS:

I certify that I have examined and approved this Replat on this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Umatilla County Surveyor

I certify that I have examined and approved this Replat on this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Umatilla County Planning Director

I certify that I have examined and approved this Replat on this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Umatilla County Tax Assessor

I certify that I have examined and approved this Replat on this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Umatilla County Tax Collector

Umatilla County Commissioner

Umatilla County Commissioner

Umatilla County Commissioner

Umatilla County  
 Office of County Records  
 Recording Information

### LEGEND

- SET MONUMENTS - 5/8" x 30" Iron Rods w/ Plastic Caps Stamped - L.S. # 2431
- CALCULATED POINT - Not Set
- CENTERLINE STREETS
- EASEMENT LINES
- REPLAT BOUNDARIES
- ( 000 ) RO RECORD BEARING DISTANCE FOR NOTED REFERENCE



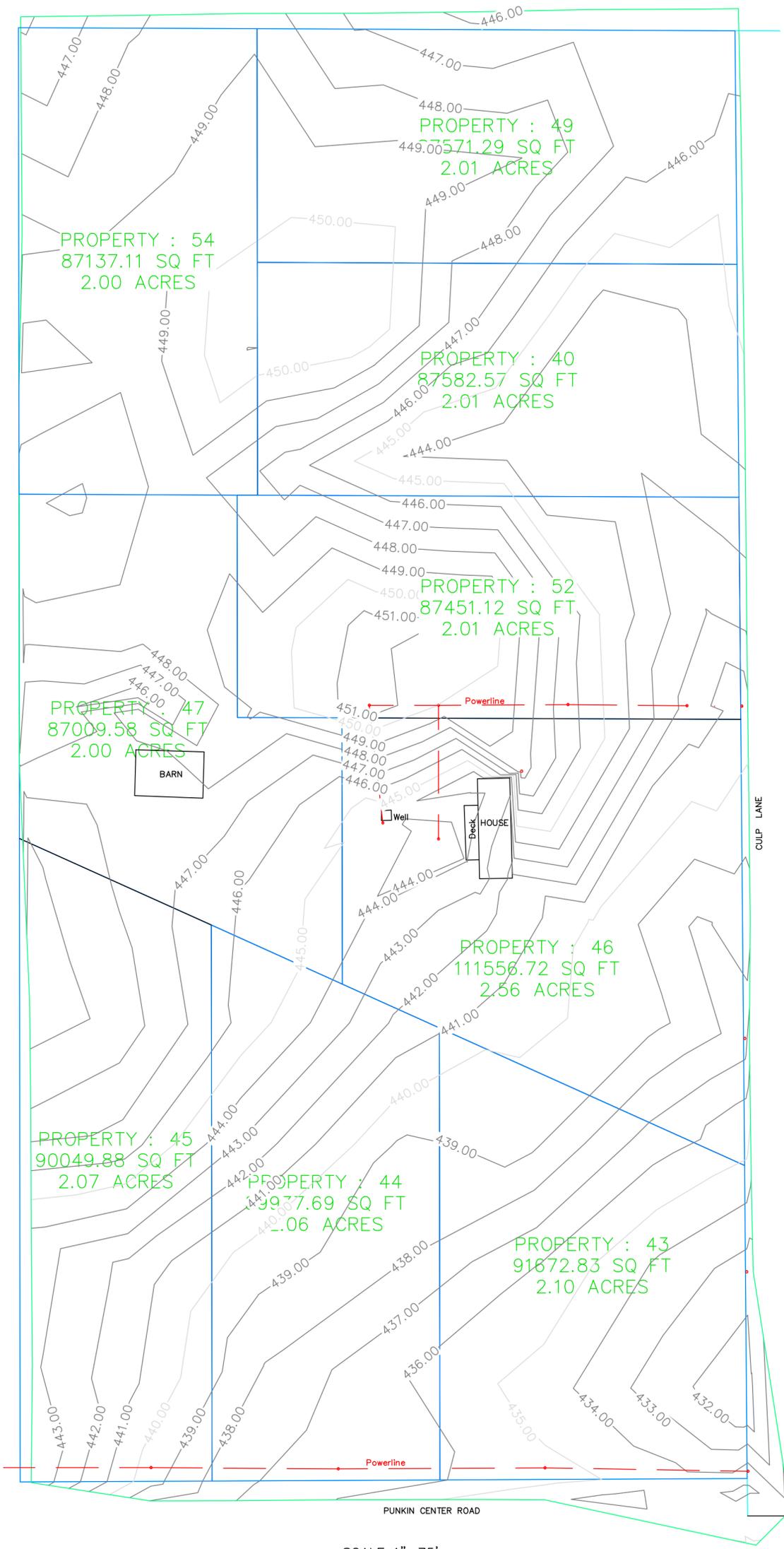
RECEIVED

MAR 04 2021

UMATILLA COUNTY  
 PLANNING DEPARTMENT

January, 2021





UMATILLA COUNTY PLANNING COMMISSION  
STAFF REPORT AND PRELIMINARY FINDINGS  
GILLET SUBDIVISION REQUEST, #S-058-21 Map  
#5N 28 36C, Tax Lot #1000, Account #130036 And  
Map #5N 28 36C, Tax Lot #1001, Account #147576

1. APPLICANT: Ronald McKinnis, 79980 Prindle Loop Rd, Hermiston, Oregon 97838
2. PROPERTY OWNERS: Kenneth and Kimberly Gillet, 78684 Looking Glass Lane, Hermiston, Oregon 97838
3. LOCATION: The property is located north of Punkin Center Road and west of Culp Lane, about 1 mile north-east of Hermiston City Limits.
4. PARCEL ACREAGE: Tax Lot 1000 = 2.0 acres, Tax Lot 1001 = 17.16 acres
5. REQUEST: The applicant requests approval of a rural residential subdivision. The proposed subdivision establishes nine lots, which is the maximum amount of lots under current zoning regulations. Tax lot 1000 is currently developed with a single family dwelling. Tax lot 1001 is developed with a shop structure. (See the applicant’s tentative plan map for lot configuration, plan details and proposed access.)

According to the applicant, each undeveloped lot will have its own water source either from an individual domestic well or through the sharing of a domestic well. Individual septic systems are proposed for each lot. However, the applicant has not submitted site suitability reports from County Environmental Health, indicating if the lots can be approved for individual septic systems. Tax lot 1000 currently contains a well and septic system which serve the existing single family dwelling.

Conventional site built dwellings are planned for each proposed lot. The applicant has not submitted a draft of the proposed Covenants, Conditions and Restrictions.

6. PROPOSED LOT ACREAGE: (Gross)

Lot 1=2.01 ac	Lot 3=2.01 ac	Lot 5=2.10 ac	Lot 7=2.07 ac
Lot 2=2.01 ac	Lot 4=2.56 ac	Lot 6=2.06 ac	Lot 8=2.00 ac
Lot 9=2.00 ac			

7. COMPREHENSIVE PLAN MAP DESIGNATION: Rural Residential
8. ZONING: RR-2 Zone (Rural Residential two-acre minimum parcel/lot size)
9. ACCESS: Lots 1 and 4 are proposed to each have a private driveway from Culp Lane, County Road 1267. Lots 2, 3, 8, and 9 are to be served by an access easement with circle turnaround from Culp Lane. Lots 5, 6, and 7 are to be served by an access easement with circle turnaround from Culp Lane.
10. ROAD TYPE: Culp Lane is a two lane County Road, County Road #1267. The two proposed private lanes are required to be improved with a 22-ft wide gravel road surface within the 60-foot

wide access utility easement.

11. **EASEMENTS:** Hermiston Irrigation District has a 60-foot wide irrigation easement named the “R” pipeline, this easement crosses Lots 6 and 7. Pacific Northwest Pipeline Corporation has an existing 75-foot pipeline easement along the southern portion of Lots 4 and 8. (Areas within the utility easements are not available for development of structures and buildings.) Proposed Lots 4, 7, and 8 are the most impacted by existing easements and development on those lots will be limited due to the large utility easements.

12. **LAND USE:** The property is planned and zoned for rural residential use as rural home sites and to provide space for rural services, gardens, a limited number of farm animals and pasture.

13. **ADJACENT LAND USE:** The property is zoned rural residential, RR-2. Likewise, the properties to the north, east and west of the property are zoned RR-2. Properties to the south are within Hermiston’s Urban Growth Boundary and appear to be primarily single family residences.

14. **SOILS:** The properties consist of the following soil:

Unit Number, Soil Name, Description & Slope	Land Capability Class	
	Dry	Irrigated
122B: Winchester sand, 0 - 5 percent slopes	7e	4e

15. **BUILDINGS:** Proposed Lot 4 is currently developed with a single family dwelling. Proposed Lot 8 currently contains a shop building.

16. **UTILITIES:** Electricity is provided by Umatilla Electric and land line phone service to the area is provided by Eastern Oregon Telecom.

17. **WATER AND SANITATION:** Proposed Lot 4 contains a septic system and well that serve the existing single family dwelling. The applicant provides that future purchasers will be responsible for installing wells and septic systems on the remaining lots.

18. **IRRIGATION:** The property is located within Hermiston Irrigation District (HID). The applicant provides that the property does not have irrigation water rights. Subsequently, HID confirmed that the property does not contain water rights, HID’s comment letter is included as an attachment.

19. **OTHER:** Before subdivisions can be accepted for recording, all property taxes must be paid in full including, if applicable, prepayment of the current tax year. This will be noted in the conditions that taxes must be paid prior to recording the final subdivision plat. The property may need to be disqualified from the Farm Deferral program, and may have to pay the last 10 years of deferred taxes. It is recommended that the applicant consult with the County Taxation department, however, the deferral is not a condition of this approval, rather, will be addressed as due property taxes. The existing shop building located on Lot 8 is considered an “accessory” building, although it is

not accessory to any primary use, such as a dwelling. Because there is not an existing primary use on Lot 8, the shop will need to be removed prior to final approval of the subdivision plat. A precedent condition of approval is imposed that the shop building on Lot 8 be removed.

20. PROPERTY OWNERS & AGENCIES NOTIFIED: March 5, 2021

21. PUBLIC HEARING DATE: March 25, 2021

22. AGENCIES NOTIFIED: County Public Works Director, County Surveyor, County Environmental Health, Umatilla County Fire District #1, County Assessor, County GIS/Mapping Department, Oregon State Water Resources, County Rural Address Coordinator, City of Hermiston, Hermiston Irrigation District, Umatilla Electric and Northwest Pipeline Corporation.

23. COMMENTS RECEIVED: Hermiston Irrigation District (HID) provided an informational comment, confirming that the subject properties do not have irrigation water rights but are located within HID's jurisdictional boundary. The district requests that their signature be obtained for the final subdivision plat.

24. CRITERIA FOR APPROVAL, TYPE I LAND DIVISION "SUBDIVISION", contained in Section 152.666(6) of the Development Code.

Following are a list of the standards of approval applied to a rural residential subdivision<sup>1</sup>. Included is information gathered from the tentative plan and the review of the proposed access, road improvements, traffic potential, and rural facilities to serve rural residential development. The standards are provided in underlined text and responses are provided in standard text.

(a) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and transportation elements of the Comprehensive Plan.

Sewage Disposal: The property owner understands individual septic systems are necessary to serve each undeveloped lot. The proposed lots are smaller than four acres, and therefore, require site evaluations. This is required even when a lot contains an existing system (Lot 4) to ensure adequate space for a replacement drain field. A precedent condition of approval is imposed that Lots 1-9 receive a favorable site evaluation from County Environmental Health.

Domestic Water: Domestic water wells are under the authority of Oregon State Water Resources. Domestic wells are exempt wells and do not require a water right. Each exempt well allows 15,000 gallons per day of household usage including irrigation of up to one half acre of lawn and landscaping per well. The applicant provides that the future purchaser of each subdivision lot will be responsible for receiving exempt well approval and costs of drilling a well.

Irrigation Water: The applicant provides that the subject parcels do not have irrigation water rights.

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<sup>1</sup> ORS 92.010 (16) "Subdivide land" means to divide land to create four or more lots within a calendar year.'  
UCDC 152.003 "Subdivide Land. To divide land into four or more lots within a calendar year."

However, the property is within the Hermiston Irrigation District and is required to meet the district's standards as a precedent condition of approval; this can be satisfied with a signature on the Recorded Subdivision Plat.

Fire Protection: The subject property is within Umatilla County Fire District #1. The district provides fire protection services to the area and received notification of the applicant's subdivision proposal. The two new roads are each planned with a 50-foot radius turn-around area providing space for emergency vehicles to ingress and egress. The proposed turn-around area also is required to be improved to the S-1 County Road Standard to accommodate large firefighting equipment by the fire protection service provider. The applicant is required, as a condition of approval, to provide confirmation from Umatilla County Fire District that both access easements and turn-around areas are adequate for emergency vehicles ingress and egress.

Access and Road Improvements: Access approach permits from Culp Lane for the two proposed roadways, the proposed driveway on Lot 1, and the existing driveway on Lot 4 must be confirmed by County Public Works. Obtaining each access permit is imposed as a precedent condition of approval.

The County's Transportation Plan (TSP) requires right-of-ways within subdivisions to have a width of 60-feet, with a minimum of two, 11-foot travel lanes. The County Road Department standard is a Subdivision "S-1" standard. The S-1 standard consists of a crushed gravel surface compacted to a thickness of 8 inches. The applicant's plan proposes two (2) 60-foot access/utility private right of ways.

A precedent condition of approval is imposed to improve the two roads to the Subdivision 1 "S-1" road standard including the proposed turn around areas. A diagram of the County Subdivision "S-1" road standard is attached.

Road Signs and Addresses: Private roads serving as access to three or more buildings<sup>2</sup> are required to be named. The applicant proposes that one private lane serve Lots 2, 3, 8, and 9 and a second private lane serve lots 5, 6, and 7. Therefore, both roads are recommended to be named and road signs installed as a condition of approval.

The applicant has not proposed road names nor submitted road naming applications. A precedent condition of approval is imposed that the applicant submit two (2) road name applications to County Planning, one for each proposed road way.

The condition requiring the installation of the road signs is imposed. The applicant is responsible for paying for the signs and the County Road Department is the agency that will install the signs. The sign may be installed either on the applicant's property near the County right of way, or within the County right of way, where allowed by County Public Works.

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<sup>2</sup> County Code of Ordinances, Addressing Chapter 93.05 – Definitions. "Building. A building designed for human occupancy, such as a residence or place of business, or other buildings as determined by the Planning Department."

A precedent condition of approval is imposed that the two road names be approved, and that the approved road names be shown on the final subdivision plat.

Currently a single family dwelling is sited on proposed Lot 4, the dwelling is addressed as 80450 Culp Lane. Lot 4's proposed access will continue to be from Culp Lane. There are no other dwellings on the property, therefore, no addresses will need to change due to the creation of the two roads.

Road Improvement Agreements: Over time additional road impacts occur and future upgrading and realignment of roads become necessary. An Irrevocable Consent Agreement (ICA) is required when there are new parcels or lots added along county roads, public roads and private lanes. The ICA is for participation in future road upgrading. The Irrevocable Consent Agreement runs with the property and is binding on the heirs, assigns and all other successors in interest to the owner of the property, according to the interest of the property, and does not operate as a personal contract of the owner.

Several Irrevocable Consent Agreements (ICAs) are required for the subdivision approval. An agreement for future participation in improvements to Culp Lane serving Lots 1 through 9, if and when, a Local Improvement District is formed for road improvements along this roadway. In addition, an ICA is required for the roadway proposed to serve Lots 2, 3, 8, and 9. A third ICA is required for the roadway proposed to serve lots 5, 6, and 7. The proposed roadways, currently unnamed, will need to be named prior to the recording of the applicable ICAs.

The Planning Commission finds the property owner signing and recording the three ICA agreements fulfills the road improvement agreement requirement.

A precedent condition of approval is imposed that the property owner sign and record an Irrevocable Consent Agreement for future participation in road improvements to the 60-foot County Road, Culp Lane, serving Lots 1 through 9 is imposed as a condition of approval.

A precedent condition of approval is imposed that the property owner sign and record an Irrevocable Consent Agreement for future participation in road improvements to the 60-foot unnamed road, serving Lots 2, 3, 8, and 9, is imposed as a condition of approval.

A precedent condition of approval is imposed that the property owner sign and record an Irrevocable Consent Agreement for future participation in road improvements to the 60-foot unnamed road, serving Lots 5, 6, and 7, is imposed as a condition of approval.

(b) Complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission (LCDC), until the comprehensive Plan is "acknowledged." The Umatilla County Comprehensive Plan was acknowledged October 24, 1985, by the State Land Conservation & Development Commission (LCDC). The Plan designates the subject property and surrounding properties for rural residential use. The applicant's proposal will create a total of nine rural residential lots. This property and properties in the vicinity are designated rural residential as part of the County adopted and State acknowledged Comprehensive Plan.

(c) Complies with provision of 152.019, Traffic Impact Analysis, as applicable. A Traffic Impact

Analysis (TIA) is required to be submitted with a land use application when the proposal is projected to cause an increase in traffic volume by 250 or more Average Daily Trips (ADT). A single family dwelling generates approximately 9.52 ADT on week days. The applicant's proposal will add eight developable lots (one lot of nine is already developed), one dwelling per lot, and therefore total less than 250 ADT. Therefore, the TIA is not applied to the applicant's request.

(d) Complies with applicable provisions listed in the zoning regulations of this chapter;  
The subject properties are both zoned Rural Residential – two acre minimum (RR-2).

Lot Size: All proposed lots will conform to or exceed the 2-acre minimum parcel size for the RR-2 zone.

Setbacks: All proposed lots show adequate area available for dwellings, accessory structures, septic systems and a water source within the zoning setback requirements. Setback standards will be enforced at the time development is proposed. A preliminary plat was submitted that verified existing structures on Lot 4 will conform to setback requirements.

Flood Hazard Areas: The subject parcel is not located within a Special Flood Hazard Area.

(e) Complies with the applicable provisions, including the intent and purpose of the Type I regulations listed in this chapter;

Subdivision Name: The applicant has selected Kolby Acres as the subdivision name. The County Surveyor or the County GIS Manager must approve new subdivision names to avoid duplicate names. The applicant's subdivision name, Kolby Acres, had not yet been confirmed by the County GIS Manager as an acceptable subdivision name. This is because the subdivision plat has not been submitted to County GIS or County Surveyor. A condition of the subdivision approval is imposed to place the approved subdivision name on the Final Subdivision Plat, prior to recording the plat.

(f) The Tentative Plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets [roads] and public facilities through the tentative plan; The subject property and the surrounding properties are plan designated and zoned for rural residential development. The existing development scheme is rural residential parcels with some pasture land used as rural home sites. Two access and utility easements are proposed, which will be dedicated as private easements on the final Subdivision Plat and are required to be named. There are no public facilities such as public water and sewer systems that may be extended into the rural area and no abutting streets or roads that would be logically extended onto or through the subject property.

(g) Complies with other specific requirements listed in Section 152.667 for approval of subdivisions within multiple use areas. The subdivision is not proposed within an adopted Comprehensive Plan multiple use designated area. Therefore, specific requirements in Section 152.667 are not applied.

**DECISION: THE KOLBY ACRES SUBDIVISION, #S-058-21, REQUEST COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

The following "Precedent Conditions" shall be completed prior to issuance of final approval signified by recording of the final subdivision plat.

1. Receive favorable site evaluations for Lots 1 through 9 from County Environmental Health and submit the evaluations to County Planning.
2. Remove the accessory shop structure located on Lot 8.
3. Obtain a County Road Approach Permit from Culp Lane to the 60-ft access easement serving Lots 2, 3, 8, and 9.
4. Obtain a County Road Approach Permit from Culp Lane to the 60-ft access easement serving Lots 5, 6, and 7.
5. Obtain a County Road Approach Permit for access from Culp Lane to Lot 1.
6. Obtain a County Road Approach Permit for access from Culp Lane to Lot 4.
7. Submit and receive approval for the Road Naming Application of the private easement serving Lots 2, 3, 8, and 9, name not yet proposed.
8. Submit and receive approval for the Road Naming Application of the private easement serving Lots 5, 6, and 7, name not yet proposed.
9. Sign and record an Irrevocable Consent Agreement for Lots 2, 3, 8, and 9, for participation in future road improvements to the 60-ft access easement and turn around, name not yet proposed. (Document provided by the Planning Department.)
10. Sign and record an Irrevocable Consent Agreement for Lots 5, 6, and 7, for participation in future road improvements to the 60-ft access easement and turn around, name not yet proposed. (Document provided by the Planning Department.)
11. Sign and record an Irrevocable Consent Agreement for Lots 1 through 9, for participation in future road improvements to Culp Lane, 60-ft wide County Road #1267. (Document provided by the Planning Department.)
12. Improve the 60-ft access easement serving Lots 2, 3, 8, and 9, and the proposed 50-ft radius turn-around to the County Subdivision "S-1" road standard. The S-1 road standard consists of a 22-ft wide, nominal compacted 8-inch crushed gravel surface road.

[Verification roadway improvements have been completed to County Subdivision (S-1) standards may be provided by a combination of photos of the road improvements and receipt copies for gravel and services by the road contractor, or by written verification from a licensed Civil (road) Engineer that County Subdivision (S-1) standards have been met.]

13. Improve the 60-ft access easement serving Lots 5, 6, and 7, and the proposed 50-ft radius turn-around to the County Subdivision "S-1" road standard. The S-1 road standard consists of a 22-ft wide, nominal compacted 8-inch crushed gravel surface road.

[Verification roadway improvements have been completed to County Subdivision (S-1) standards may be provided by a combination of photos of the road improvements and receipt copies for gravel and services by the road contractor, or by written verification from a licensed Civil (road) Engineer that County Subdivision (S-1) standards have been met.]

14. Provide confirmation from Umatilla County Fire District #1 that both the easement access road and turn-around areas consist of adequate area for emergency vehicles to ingress and egress for the road serving Lots 2, 3, 8, and 9.
15. Provide confirmation from Umatilla County Fire District #1 that both the easement access road and turn-around areas consist of adequate area for emergency vehicles to ingress and egress for the road serving Lots 5, 6, and 7.
16. Provide verification from Hermiston Irrigation District that irrigation standards have been met. This can be satisfied with a signature on the final subdivision plat.
17. Pay and/or pre-pay property taxes prior to recording the final subdivision plat map.
18. Provide a draft copy of the Subdivision Covenants, Conditions and Restrictions to County Planning.
19. Receive subdivision name approval for Kolby Acres from County GIS or the County Surveyor.
20. Submit a preliminary subdivision plat that meets county and state plat requirements to County Planning, County GIS, and the County Surveyor.

The following "Subsequent Conditions" may consist of on-going requirements and conditions to be fulfilled following approval of the Tentative Subdivision Plan Plat:

1. Within two years, record the final subdivision plat that meets county and state plat requirements. The subdivision name, Kolby Acres, must be placed on the subdivision plat. The plat shall show the two 60-ft access/utility easements, including turnarounds and names, as well as the irrigation water pipeline easement located on Lots 6 and 7 and gas pipeline easement located on Lots 4 and 8, as represented on the tentative plan survey map.
2. Obtain zoning permits from the Umatilla County Planning Department to place structures on the parcels with an approved site plan showing setbacks, driveways, utilities, etc.
3. Obtain all other permits necessary for development (i.e. septic, building, etc.)

UMATILLA COUNTY PLANNING COMMISSION

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

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Suni Danforth, Chair  
Umatilla County Planning Commission

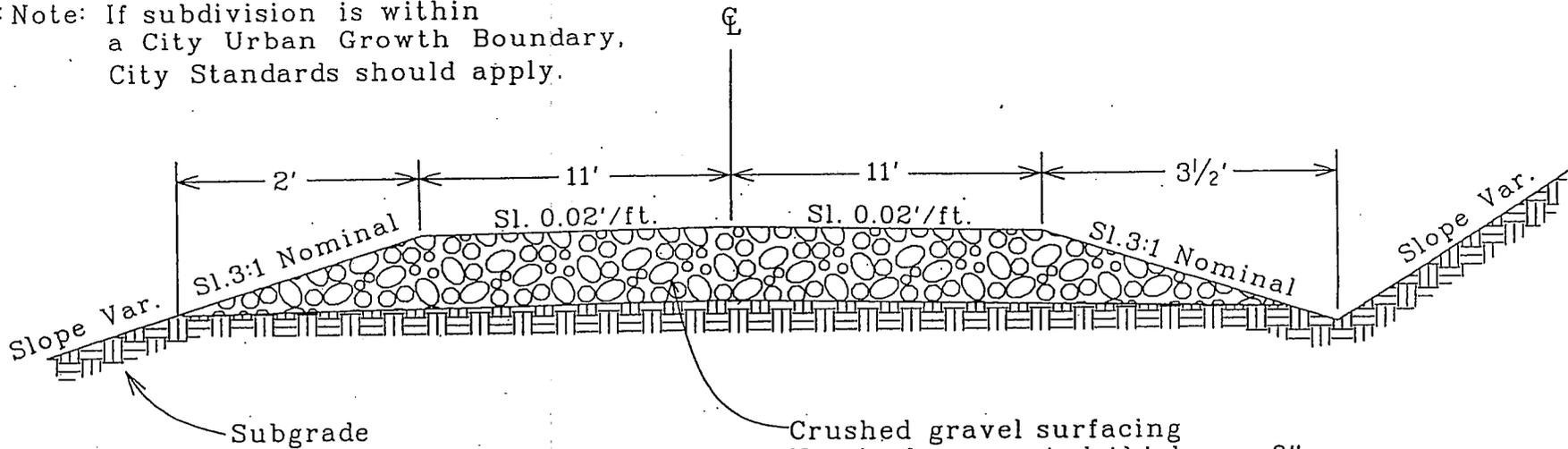
**INTENTIONALLY LEFT BLANK**

# "S-1"

## (Subdivision)

To be used in cases where access is  
to 4 or more parcels.

\*Note: If subdivision is within  
a City Urban Growth Boundary,  
City Standards should apply.



\* Culvert pipes to be installed in locations  
determined by the Director of Public Works.  
Materials & workmanship shall conform  
to current ODOT Standard Specifications

\* All other construction details and  
specifications to conform to current  
ODOT Standard Specifications and to  
be approved by the Director of  
Public Works.

\* Any changes to surfacing width or  
depths or variance from current  
Oregon Department of Transportation  
Standard Specifications must be  
approved by the Director of Public  
Works.

Crushed gravel surfacing  
Nominal compacted thickness 8"  
(size and grading requirements  
to conform to current Oregon  
Department of Transportation  
Specifications).

Umatilla Co. Rd. Dept.

"S-1"

Drawn By: JG

Checked By: GR

Date: July 1997

Road Standard



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## Fwd: Kolby Acres

2 messages

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**Ron Mckinnis** <rvmeng@eotnet.net>  
To: Megan Green <megan.green@umatillacounty.net>  
Cc: kimjyops <kimjyops@gmail.com>

Wed, Mar 3, 2021 at 5:15 PM

Megan,  
Per Tom Fellows review.  
Looks like were good for this plan.

Thanks!  
Ron

---

**From:** "tom fellows" <tom.fellows@umatillacounty.net>  
**To:** "rvmeng" <rvmeng@eotnet.net>  
**Sent:** Wednesday, March 3, 2021 3:34:53 PM  
**Subject:** Re: Kolby Acres

Ron

I looked at the proposal you sent and also visited the site on Culp lane. The drawing you shared with me is consistent with county road standards and in my opinion should work well. Lot's 5,6 and 7 would be accessed approx. 200 feet from the intersection with Punkin Center road, lot 4 would use the existing access (this access will need an access permit application due to the fact we do not seem to have one on file for it), lot's 2,3,8 and 9 would be accessed from the interior road and cul de sac approx. 850 feet from the intersection with punkin center road and lot 1 would have its own access. All 4 of these access points to Culp Lane will need separate applications submitted for our approval to the road department prior to construction. If there is something further I can do please let me know.

Tom Fellows

On Wed, Mar 3, 2021 at 12:11 PM Ron Mckinnis <rvmeng@eotnet.net> wrote:

Tom,

I have attached the preliminary Plat for Kolby Acres.

Currently Lot 4 has a dwelling and an access so there would be 3 more needed to keep from crossing over the Williams gas pipeline.

Two access easements and one access for lot 1. I expect that the gas company to approve crossings, but....

I also have other options, so if there is concern I'll use one of them to get it down a total of 3.

Thanks for your help!  
Ron



Hermiston, OR 97838-2445  
Office: 541-567-3024  
Fax: 541-564-1069  
Mobile: 541-571-7698  
E-mail: [Manager@hermistonid.org](mailto:Manager@hermistonid.org)

March 8, 2021

Umatilla County  
Department of Land Use Planning  
Megan Green, Planner  
216 SE 4<sup>th</sup> St  
Pendleton OR 97801

**RECEIVED**

**MAR 09 2021**

**UMATILLA COUNTY  
PLANNING DEPARTMENT**

**Re: Kenneth & Kimberly Gillet / Ron McKinnis  
Land Division Request: S-058-21  
Assessors Map: 5N2836C 1000 & 100**

Planner Green,

I have reviewed the information regarding the Application for Land Division submitted by Ron McKinnis for the property referenced above. My research has shown that this property is within the District boundary, however, there are no water rights on this property.

There is a HID /federal easement on this property. The location of this easement is properly identified on the planner's map. The "R Line" has a 60' easement that is identified in the request, 30' to the north from centerline and 30' south from centerline. This easement may limit future development of Lot #7. HID also asks to be included as a signer on the Partition Plat.

HID has no objection to this request. Thank you for the opportunity to review and comment on this application.

Respectfully,

Karra

Karra Van Fossen  
Water Right Specialist

**PLANNING COMMISSION HEARING  
FEBRUARY 25, 2021**

**DRAFT MINUTES**

**HAY CREEK SOLAR PROJECT  
CONDITIONAL USE REQUEST  
#C-1332-20**

**HAY CREEK SOLAR LLC, APPLICANT  
JUDY KIRK, OWNER**

**DRAFT MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, February 25, 2021, 6:30 pm**  
**Umatilla County Courthouse, 216 SE 4<sup>th</sup> Street, Pendleton, Oregon**  
**Virtual meeting via Zoom**

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**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Molly Tucker Hasenbank, Tammie Williams, Tami Green, Hoot Royer, Jon Salter, Don Wysocki

**ABSENT:** Lyle Smith

**STAFF:** Bob Waldher, Planning Director, Carol Johnson, Gina Miller

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*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 6:35 p.m. and read the Opening Statement. There were no declarations of ex-parte` contact, conflicts of interest or abstentions noted.

**NEW HEARING**

**HAY CREEK SOLAR PROJECT CONDITIONAL USE PERMIT REQUEST, #C-1332-20, Hay Creek Solar, LLC, Applicant; Judy Kirk, Property Owner.** The applicant requests a Conditional Use Permit to construct and operate an 8-acre solar project on land owned by Judy Kirk located approximately one-quarter mile east of the intersection of East Main and Franklin Streets, Weston Oregon. The subject property adjoins Kirk Road on the north and borders the City of Weston to the west. Solar projects are permitted on lands zoned for Exclusive Farm Use (EFU) as a Conditional Use Permit by Umatilla County Development Code (UCDC) Section 152.060 (FF). Solar projects must meet OAR 660-033-0130 (38), standards found in UCDC Sections 152.615 and 152.061, and follow procedures for conditional uses set out in UCDC Sections 152.611-152.614.

**STAFF REPORT**

Carol Johnson, Senior Planner, presented the staff report. The project site is located just east of Weston, Oregon. Maps have been provided in the commissioner packets. She noted that the applicable standards were on page's 5-43. Most of the conditions relate to erosion, weed and dust control, revegetation, decommissioning/bonding of the project and access to county roads. Comments were received from Confederated Tribes of Umatilla Indian Reservation (CTUIR) to request a cultural study, and Granella Thompson and Norm Kralman, adjacent property owners, who wanted to note their opposition to this use of good farmland and to the project itself. Mrs.

Johnson explained that this would be a final decision unless an appeal to the Board of Commissioners was filed in a timely manner. She noted that the word “conversion” should be deleted from the first page of the staff report under project components. Chair Danforth asked her to clarify the color designations on the site plan/map.

**Applicant Testimony:** Reuban Grandon, 3519 NE 15<sup>th</sup> Ave #106, Portland, OR, 97212, presented testimony on behalf of the applicant. He was joined by Sara Sayles, attorney, 101 SW Main Street, Suite 1100, Portland, OR, 97204. Mr. Grandon thanked staff for the thorough report, and said that they supported the findings and proposed conditions of approval. He described this as a modest, community solar project. It was developed as part of the Oregon Community Solar Program from Senate Bill 1547, designed to end the dependence on coal and improve access to renewable energy.

Mr. Grandon described the development process for a solar project. It must be close to an existing substation with sufficient capacity, and located within an area served by a utility that is part of the Oregon Community Solar Program, Pacific Power in this case. Their client, Judy Kirk, will enjoy a steady income stream for many years from the solar as well as being able to farm the balance of the land. The developer has an interconnection agreement in hand with Umatilla Electric Cooperative (UEC) to enter the power grid. They conducted community outreach with adjacent landowners within 750 feet of the subject property by sending a letter with contact information should anyone have any questions. Mr. Grandon said that the next step following approval for land use would be to make application to the Oregon Public Utility Commission (PUC). Chair Danforth asked about a contract to sell the electricity. Mr. Grandon confirmed that once the land use is approved, they will get the contract but they already have an interconnection agreement with UEC.

The capacity for this 8 acre facility site is projected to be 567 kilowatts, which would be enough to power 100-150 homes. The power can be sold to anyone who signs up to participate with the Oregon Community Solar Program and they would receive credit hours on their bills from the savings. Once the project is constructed, there will be one vehicle trip per month for maintenance. It will be a quiet, self-contained facility. Mr. Grandon explained the physical components of the facility beginning with the racking, steel posts that will be driven into the ground. Next the solar panels will be mounted on top of the racking, on a one axis system to lean to the east in the morning and to the west in the afternoon to capture maximum exposure. The third component is the inverters that convert the power to alternating current (AC) for access to a transformer onto the grid. There will be no transmission lines needed to interconnect to the grid. He explained where the facility will tie into the grid for this project, and how many poles it will take to get there. PP&L typically requires 2 poles for connection to the substation, 1.2 miles north of Weston.

Commissioner Wysocki asked about wind load designs for the solar panels. Mr. Grandon said that the components are built to be congruent with existing building standards, and they will need to get permits from State Building Codes.

Mr. Grandon discussed the perceived impacts from solar panels. The panels are built from non-toxic materials so there is no leaching into the landscape. They use highly refined sand or glass encased in aluminum frames. He already had mentioned the minimum amount of traffic impact from the one maintenance vehicle. In terms of noise, the newer units have multiple small inverters that are much quieter than older units and produce virtually no sound outside the boundaries of the project. Their research has demonstrated that there is almost no impact either way to property values. He discussed glare from the solar panels. It is impossible to state that there is no glare from a solar facility, but glare is not visible from ground level. The panels are coated with a light absorbent material and are installed at a 25% angle to the ground to maximize the amount of light to the panels. Chair Danforth asked about the solar array outside of Pendleton and Mr. Grandon explained that this project would be different because there were no neighbors at that same angle so glare wouldn't be a problem.

Mr. Grandon discussed possible impacts to soil and outlined their soil erosion and compaction plan for the construction phase, as well as weed control for the life of the facility. There will be a perimeter fence to keep larger wildlife species out of the facility and prevent damage to either the facility or the animals. In terms of decommissioning, they would remove everything from the site at the end of the life cycle of the project. They have a contractual obligation with the land owner that also addresses this in addition to the condition of approval. They have no objections to the decommission bond requirement. He showed a slide to respond to the comments sent in from adjacent landowners. The site for the project adheres to the Umatilla County Development Code (UCDC) for high value soil requirements and Goal 3 of the Agricultural lands rule in OAR Chapter 33. Mr. Grandon discussed other comments submitted regarding fire and he said that their plan met the standards set forth in UCDC and they would be happy to grant access to the rural fire department. They have remote shut-off capability as well. He also said that they are willing to conduct a site survey for any possible significant archeological finds in response to comments from CTUIR. He reviewed the site plan map for the commission, showing where all components will be located. Commissioner Royer asked how long the facility was expected to operate, and Mr. Grandon explained that the expected life span is 25 years. He stated that they have demonstrated compliance with all the standards, and that the Planning Department has recommended approval of the project based on this.

Commissioner Wysocki asked if the panels would require cleaning. Mr. Grandon advised that the panels are evaluated monthly for this, as well as grass and weed maintenance. Commissioner Wysocki recommended that they use the word "licensed" instead of "certified" applicator on top of page 64. He also talked about not limiting themselves to any one chemical and use, "at the

advice of licensed applicator”. He also recommended that they share some kind of benefit with local schools. Mr. Granden advised that people/businesses can sign up to use their power for a 5% cost benefit. Commissioner Wysocki suggested some sort of an educational program for the schools. Chair Danforth asked if the 8 acre subject property has water rights, and Mr. Granden stated that it does not have water rights. Commissioner Wysocki asked for more information about the name of the project. Mr. Granden said that this project was named for a local creek nearby and that each project of their company all has their own names. He offered to get more information on the naming strategy. Chair Danforth asked about the location of the project being on high value farm ground and in the Columbia viticulture area. Mr. Granden replied that there is a difference between high value farm land and high value farm land soils. The project is on arable soils, or Class 3 soils, that do not fit the definition of high value soils in OAR 660, Chapter 33. They intentionally located the project away from high value farm ground.

**Opponent Testimony:** Chair Danforth stated that the letters from the public needed to be added to the record. Mrs. Johnson said that she had numbered the letter from CTUIR as Exhibit #15, Granella Thompson as #16, the letter from Norm Kralman as #17 and the slide presentation from the applicant as #18. Mrs. Johnson added that the packet also needed to be added to the record.

**Public Agencies:** No comments received.

**Applicant Rebuttal:** Mr. Granden thanked the Planning staff for doing a thorough report, and that they are amenable to the proposed conditions of approval as presented. He suggested leaving the record open so they could submit additional information on the weed management plan as discussed earlier and to address potential educational opportunities with the local schools. Chair Danforth asked Commissioner Hasenbank if she had any worries about glare, and she replied that because it was on the old road she was not concerned about glare. Chair Danforth asked the applicant if they would be open to another condition regarding the glare. He stated that he was not prepared to agree to that at this hearing and would need to discuss this with his other applicants.

Chair Danforth closed the hearing for deliberation, but said the record would remain open.

## **DELIBERATION**

Chair Danforth stated that she wanted to propose two additional conditions; a condition to limit the glare if it was found to cause a problem after the project was built and the second condition would reflect the amended language on the weed management plan as proposed by Commissioner Wysocki. Mrs. Johnson said that by leaving the record open, they could add the amended language about the weed management plan and a cultural survey as requested by CTUIR. Commissioner Hasenbank and Commissioner Salter both stated that they did not

believe glare would be a problem or need a condition for Hwy 204. Commissioner Williams stated that since the applicant had reached out to the community and there were no objections, she would support the project even though she has personal opinions about solar panels. Commissioner Wysocki encouraged the applicant to commit to community service to promote being a good neighbor. Chair Danforth stated that she was not in favor of using farm ground for solar arrays and that they belong on buildings.

Commissioner Williams moved to approve the application with the amended conditions as discussed and to admit the additional comment letters and packet into the record. Commissioner Wysocki seconded the motion. The motion passed 5 in favor, 2 opposed.

### **MINUTES**

Chair Danforth called for any corrections or additions to the minutes from the December 17, 2020 meeting. Commissioner Hasenbank moved to approve the minutes as presented. Commissioner Royer seconded the motion. Motion carried by consensus.

### **ELECTION OF CHAIR/VICE-CHAIR**

Commissioner Williams nominated Sunni Danforth as Chair for another year. Chair Danforth nominated Commissioner Wysocki as Vice-Chair for another year. The nominations were accepted by consensus.

### **BY-LAWS UPDATE**

Mr. Waldher discussed the current By-Laws, and stated that this was a housekeeping update. The changes were in red and additions were underlined. If approved by the Planning Commission, they would be brought before the Board of Commissioners for final approval. Chair Danforth moved to approve the By-Laws as presented, and Commissioner Williams seconded the motion. The motion was approved by consensus.

### **ADJOURNMENT**

Chair Danforth adjourned the meeting at 7:58 p.m.

Respectfully submitted,

Gina Miller  
Planning staff