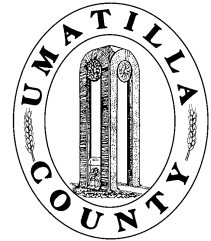


Umatilla County

Department of Land Use Planning



AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, February 27, 2020 at 6:30 pm
Justice Center Media Room, Pendleton, Oregon**

Planning Commission

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

Hoot Royer
Molly Tucker Hasenbank
Jon Salter
Lyle Smith

Planning Staff

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

1. Call to Order

2. 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. 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.

3. 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.

4. Minutes from October 24, 2019 Hearing

5. Adjournment

PLANNING COMMISSION HEARING

February 27, 2020

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.

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.

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Bob Waldher, Director
DATE: February 19, 2020

CODE
ENFORCEMENT

RE: February 27, 2020 Planning Commission Hearing
Type II Land Division Request #LD-4N-1043-19
Assessors Map 4N 28 22B, Tax Lot #800
Michael McDonough – Applicant, Owner

SOLID WASTE COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

Background Information

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.

Criteria of Approval

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.

Conclusion

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.

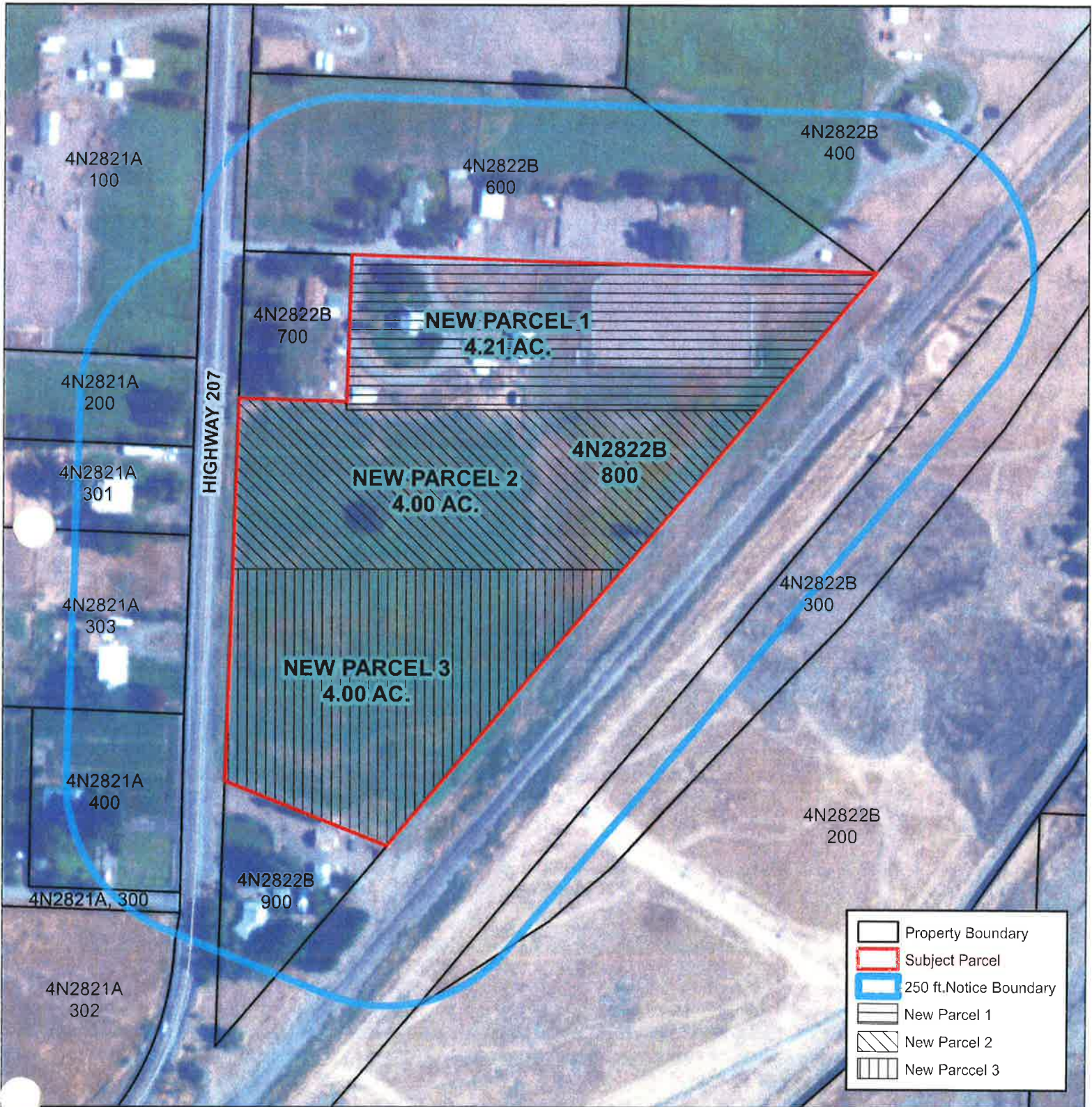
Attachments

- Vicinity Map of Proposed Partition
- Findings and Conclusions
- Request for Public Hearing Form

APPLICANT: MICHAEL S MCDONOUGH
OWNER: SAME AS APPLICANT
APPLICATION FOR: TYPE II LAND DIVISION
MAP: 4N 28 22B, TAX LOT 800



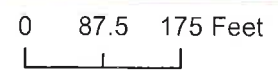
Noticed Landowners within 250 feet of Subject Parcel



	Property Boundary
	Subject Parcel
	250 ft. Notice Boundary
	New Parcel 1
	New Parcel 2
	New Parcel 3

MAP	TAX	OWNER
4N2821A	100	HOFFMAN STEVEN L
4N2821A	200	MICHAEL JEFFREY C
4N2821A	300	WATERS DONALD F & JOYCE M
4N2821A	301	BOUTWELL EMMA J
4N2821A	302	COFFMAN JAMES W & NEILA
4N2821A	303	HAINES ROSE M & WOLFE ROSE M

MAP	TAX	OWNER
4N2822B	200	NEWMAN JEFF & NEWMAN KATHY
4N2822B	400	BOSWORTH MICHAEL RILEY & PAIGE K
4N2822B	600	GARCIA MARTIN ET AL
4N2822B	700	RIVERA GARCIA CINDY JEANETTE
4N2822B	800	MCDONOUGH MICHAEL S
4N2822B	900	PENNE WILLIAM J & SANDRA E

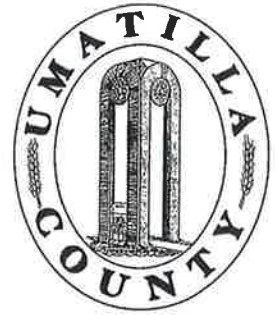


Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by E. Ridley, Umatilla County Planning Department Date: 11/18/2019

Umatilla County

Department of Land Use Planning

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



Request for a Public Hearing

Process taken from UCDC 152.769

REQUEST FOR A HEARING

The purpose of a notice for a land use request application is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they deem are significant.

FILING FEE

Requesting a Public Hearing - \$250

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

Version: February 20, 2009
File Location: H:\shared\FORMS_Master\Appeal_Hearing.doc

RECEIVED

DEC 23 2019

UMATILLA COUNTY
PLANNING DEPARTMENT

Section 1: Request and Description of Application

This information deals with the Land Use Request Application where a Public Hearing is being requested.

DESCRIPTION OF THE LAND USE REQUEST APPLICATION IN QUESTION:

- Land Use Request Application File Number: LD-47-1043-19
- Type of Land Use Request Application: land division request
- Decision-Making Body: Planning Director or Other _____
- For a Request of a Public Hearing, Date Notice was sent: 12/23/19

Section 2: Contact Information

Name of Submitter(s): Rose m. Wolfe

Address: 786 22. S. Hwy 207

City, State, Zip: Hermiton OR 97838

Telephone Number & Email Address: 530-306-8190

Ski doo sammy@gmail.com

Date of Submittal for Request of a Public Hearing: 12/23/19

Section 3: Basis for the Request for a Public Hearing

Complete only for a Request for a Public Hearing

The Request for a Public Hearing must be based on issues you feel should be addressed in a public forum. Please describe the reasons you feel that a public hearing should be held before the Umatilla County Planning Commission in relation to the land use request application specified above:

- Impact on well water.
- Traffic Impact.
- Rezone
TAX increase.
- * Acre Remain lot would be 1.23 AC.
- Increase housing costs
- ? projected further Development
(B) 25.

He wants to subdivide into

- 1) New 4.21 AC
- 2) " 4.0 AC
- 3) " 4.0 AC

His Tax lot # 900 would be only 1.23 AC.
Less than 4 ac minimum.

Section 4: Certification

I/We, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

X Rose M. Wolfe
Signature of Submitter

12/23/19.
Date

Rose M. Wolfe
Printed Name of Submitter

X _____
Signature of Submitter

Date

Printed Name of Submitter

X _____
Signature of Submitter

Date

Printed Name of Submitter

X _____
Signature of Submitter

Date

Printed Name of Submitter

Office Use Only

Date this paperwork was received: 12/23/19

Accepted by: Lena Miller
Signature of Planning Staff & Printed Name

Fee Paid? Yes No

Receipt Number: _____

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
LAND DIVISION REQUEST, #LD-4N-1043-19
MAP #4N 28 22B, TAX LOT #800, Account #118303**

1. APPLICANT: Michael S. McDonough, 78679 S Highway 207, Hermiston, OR 97838
2. OWNER: Same as above
3. REQUEST: 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 (See attached vicinity map for parcel locations).
4. LOCATION: The subject property is located on the east side of Oregon State Highway 207, less than ½ mile south of the City of Hermiston.
5. SITUS: An existing dwelling on the subject property is addressed at 78679 S Highway 207.
6. ACREAGE: Tax Lot 800 is 12.21 acres.
7. PERMITS: Tax Lot 800 was created through a land division in 1999 (Partition Plat 1999-32). No other permits are on file for the subject property.
8. COMP PLAN: The Comprehensive Plan designation for the subject property is “Rural Residential.”
9. ZONING: The subject property is zoned Rural Residential – 4 acre minimum parcel size (RR-4).
10. ACCESS: The subject property has direct access from Oregon State Highway 207. Additional access approval for the proposed parcels will be required from Oregon Department of Transportation (ODOT).
11. ROAD TYPE: Highway 207 is a paved, two-lane, public roadway maintained by ODOT.
12. EASEMENTS: A 20 foot wide irrigation easement (Hermiston Irrigation District) encompasses a majority of the subject property. A 30 foot wide access easement is located along northern boundary of the subject property.
13. LAND USE: The subject property is developed with one dwelling.

14. ADJACENT USE: Surrounding land uses largely consist of rural residential uses.
15. BUILDINGS: There is an existing 1930's home and several accessory outbuildings located on the subject property.
16. UTILITIES: Umatilla Electric Co-op provides electrical service to the subject property. Telephone services are available through Century Tel and garbage disposal is through Sanitary Disposal, Inc.
17. WATER/SEWER: Potable water to the subject property is provided by a domestic well. An onsite septic system serves the existing dwelling.
18. FIRE SERVICE: The subject property is within the service area of Umatilla County Fire District #1.
19. IRRIGATION: The subject property is within the Hermiston Irrigation District and contains water rights.
20. FLOODPLAIN: This property is NOT in a floodplain.
21. NOTICES SENT: Notice was sent on Tuesday, December 3, 2019 to adjacent property owners and effected governmental agencies.
22. HEARING: A request for public hearing was filed with the Umatilla County Planning Department on December 23, 2019. A hearing before the Umatilla County Planning Commission is scheduled for Thursday, February 27, 2020.
23. AGENCIES: Umatilla County Assessor, Oregon Department of Transportation - Pendleton, Umatilla County Fire District #1, Hermiston Irrigation District, Umatilla County Environmental Health, Umatilla County GIS, Confederated Tribes of the Umatilla Indian Reservation – Cultural and Natural Resources Departments

24. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR LAND DIVISIONS, §§ 152.301-152.306 and § 152.684, Land Divisions, Type II contains the criteria of approval for property that is not in a resource zone. The following standards of approval are underlined and the findings are in normal text.

§ 152.684 STANDARDS FOR APPROVAL.

In granting approval of a Type II Land Division, the Planning Director shall find that the Type II Tentative Plan and required supplementary material:

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

apply to the rural areas of the county. The applicant's property is designated rural residential in the County Comprehensive Plan. The County's Plan was acknowledged by the State of Oregon and subsequently was zoned RR-4 in compliance with the County's acknowledged Comprehensive Plan.

(B) If approved, will permit development on the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances; The Umatilla County Planning Department finds that flexibility for future development on the subject property and adjoining lands is retained (to the extent permitted by the Umatilla County Development Code). This criterion is satisfied.

(C) Complies with the zoning requirements or a proposed change thereto associated with the partition map proposal; The Umatilla County Planning Department finds that the Umatilla County Development Code requires a minimum lot size of 4 acres for Residential parcels. Tax Lot 800 is 12.21 acres. 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 (See attached vicinity map for parcel locations). As outlined in this application, each parcel created by this land division meets the minimum parcel size for the RR-4 zone. This criterion is satisfied.

(D) Complies with provisions of § 152.019, Traffic Impact Analysis, as applicable. The standards of applicability of UCDC 152.019 will be addressed below:

UCDC 152.019 (B) Applicability: A Traffic Impact Analysis shall be required to be submitted to the County with a land use application, when one or more of the following actions apply:

(1) A change in plan amendment designation; or The Umatilla County Planning Department finds that there is no change in the plan or zone designation. This standard is not applicable.

(2) The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(a) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the County Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or The Umatilla County Planning Department finds that there will not be an increase of more than 250 ADT. Three parcels will be created through this land division and only two additional dwellings will be constructed since a dwelling already exists on the parent parcel. A single family dwelling generates approximately 9.52 ADTs during the week day (p. 296, *Trip Generation Manual 9th Edition*, ITE). Thus, two additional single-family dwelling would generate some 20 ADTs, far

less than the required 250 ADTs required to complete a Traffic Impact Analysis. This standard is not applicable.

(b) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or The Umatilla County Planning Department finds that the land division is for single-family dwellings and will not increase traffic by vehicles with a 20,000 pound gross vehicle weight. The majority of the increase in vehicle traffic will be personal use cars and pickups. This standard is not applicable.

(c) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or The Umatilla County Planning Department finds that access will be from Highway 207 which is under the jurisdiction of ODOT. Therefore, as a condition of approval, the applicant must provide verification that proposed access points have been reviewed for safety, distance between access points, etc. through a review by ODOT.

(d) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area; or The Umatilla County Planning Department finds that the internal traffic patterns of the proposed partition are not likely to be impacted. This standard is not applicable.

(e) For development within the I-82/US 730 Interchange Area Management Plan (IAMP) Management Area, the location of the access driveway is inconsistent with the Access Management Plan in Section 7 of the IAMP. The Umatilla County Planning Department finds that the proposed development is not within the I-82/US 730 IAMP Management Area. This standard is not applicable.

(E) Roads and recorded easements for access purposes are laid out so as to conform, within the limits of the development standards, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the Planning Director determines it is in the public interest to modify the road pattern; The applicant's proposed land division plan proposes direct access to Highway 207. New access road easements are not proposed as part of this proposed land division. This standard is not applicable.

(F) Dedicated road or public recorded easement shall be provided to each parcel and conform to right-of-way and improvement standards as follows:

(1) If a recorded easement for access purposes in a Type II Land Division will serve three or fewer parcels and will not likely serve other parcels or lots due to existing conditions, such as topography or the size or shape of land, or the parcels are not buildable, the easement or right-of-way is required to be improved to meet the Option 1 or "P-1" County Road Standard as provided in § 152.648 (D). The easement or right-of-way shall be a minimum of 30 foot wide and improved with a surface width of at least 16-feet.

The applicant's proposed land division plan proposes direct access to Highway 207. New access road easements are not proposed as part of this proposed land division. This standard is not applicable.

(2) If the partition is located within a rural fire district or a hospital district which provides service, emergency vehicle considerations for recorded easements which dead-end shall provide either circle drives or driveway turnarounds. The Planning Director or Public Works Director shall determine which type of emergency vehicle access above is most appropriate. Circle drives and turnarounds shall be improved to the same standard as the road they serve as provided in § 152.648 (D), shall be kept clear and shall be of adequate circumference to provide turn around space for emergency vehicles.

The applicant's proposed land division plan proposes direct access to Highway 207. New access road easements are not proposed as part of this proposed land division. This standard is not applicable.

(3) If a public road or recorded easement for access purposes in a Type II Land Division will serve four or more parcels and will likely serve additional parcels or lots, or likely be an extension of a future road as specified in a future road plan, the right-of-way or easement shall be required to be improved to meet the Option 2 or "P-2" County Road Standard as provided in § 152.648 (D). The 60-foot right-of-way or easement shall be improved with a surface width of at least 22-feet. All 60 foot rights-of-way or easements are to be named prior to final approval of the partition plat and the road name must be included on the final partition plat map. Road signs are to be paid for prior to the final partition plat approval.

The Umatilla County Planning Department finds that the proposed land division will not serve more than four parcels or require future extension of the access easement. This criterion is not applicable.

(4) Recorded easements or dedicated public roads required in the Type II Land Division may warrant the installation of road signs at intersections with named or numbered county roads, state highways, or with other existing easements or public roads within or abutting the partitioned land. The Public Works Director will determine if road signs are necessary at these intersections. Such signs shall be of a type approved by the Public Works Director. Easement or public road names or numbers shall be the same as existing named or numbered county or public roads if an extension of such county or public road. All other road names or numbers shall be selected by the Planning Director as provided in Umatilla County Code of Ordinance, Chapter 93. Road signs shall be installed and maintained by the county, provided the partitioner pays the expense of the initial investment of making and placing the sign.

The applicant's proposed land division plan proposes direct access to Highway 207. New access road easements are not proposed as part of this proposed land division. This standard is not applicable.

(5) Existing County or Public Roads shall be improved pursuant to the requirements of this chapter. The proposed parcels have frontage along State Highway 207, which is an ODOT managed facility. This standard is not applicable.

(6) Shall obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways. The Umatilla County Planning Department finds that access will be from Highway 207 which is under the jurisdiction of ODOT. Therefore, as a condition of approval, the applicant must provide verification that proposed access points have been reviewed for safety, distance between access points, etc. through a review by ODOT.

(G) Each parcel under four acres in size, both those partitioned or the remaining piece which are to be for residential purposes, have a site suitability approval from the Department of Environmental Quality (DEQ). A waiver to this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds

(1) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition form;

(2) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings.

The parcels created out of this partition are proposed to be four acres or less in size. Therefore, a condition of approval requiring site suitability from County Environmental Health is imposed.

(H) Shall provide easements along existing irrigation ditches that traverse or abut the partition where no such easements have yet been recorded. The purpose of the easement shall be for perpetual maintenance of the ditch and if within an irrigation district, said easement width and purpose shall be approved by the Irrigation District Board. There are no newly proposed irrigation ditches or changes to easements associated with the proposed partition. The property is within the Hermiston Irrigation District. As a condition of approval, the applicant shall provide written confirmation from the District, or signature of approval on the partition plat prior to final recording. This criterion is pending.

(I) Considers energy conservation measures (e.g. road, lot and building orientation for solar and wind usage) unless vegetation, topography, terrain, or adjacent development will not allow these energy conservation measures. The Umatilla County Planning Department finds that the specified parcel size is adequate to accommodate on-site energy conservation measures. Energy conservation recommendations are specifically identified in the findings and policies of the Umatilla County Comprehensive Plan. This criterion is met.

(J) All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type II Land Division. No improvement agreements are required for the proposed land division. This criterion is not applicable.

(K) Adequately addresses any known development limitations within the proposed Type II Land Division, outlining appropriate measures to mitigate the limitation. The Umatilla County Planning Department finds that there are no development limitations known at this

time on the subject property. This criterion is met.

(L) Addresses the comments of the appropriate water agency if the proposed Type II Land Division has a water right. The Umatilla County Planning Department finds that the subject property is located within Hermiston Irrigation District (HID). HID has been provided a copy of these findings and comments are pending.

25. SURVEYING REQUIRED - 152.644 (A) (2) PARCELS CREATED SMALLER THAN 10 ACRES IN A NON-RESOURCE ZONE NEED TO BE SHOWN ON A PARTITION PLAT: The Umatilla County Planning Department finds that this request involves parcels located in a non-resource zone and smaller than 10 acres in size thus requiring a partition plat to be submitted. The appropriate recording fee for this document will be required.

DECISION: THIS LAND PARTITION REQUEST COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, AND IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

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

1. Pay, and if applicable, prepay property taxes to the County Assessor's Office.
2. Submit a Preliminary Partition Plat complying with State and County regulations to the Umatilla County Planning Department, GIS/Mapping Department, and surveyor. The survey must show all existing and proposed easements.
3. To assure that easement requirements of Hermiston Irrigation District are satisfied, provide written confirmation from the District, or signature of approval on the partition plat prior to final recording.
4. Provide verification that proposed access points have been reviewed for safety, distance between access points, etc. through a review by ODOT.

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

- A. Record the Final Partition Plat within one year and prior to signing any deeds.
- B. 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.
- C. Obtain all other State permits necessary for development (i.e. septic, building, etc.)

UMATILLA COUNTY PLANNING COMMISSION

Suni Danforth, *Chair*

Date

PLANNING COMMISSION HEARING

February 27, 2020

Scheduled to go before the Board of County Commissioners on Wednesday, March 11, 2019 at 9:00 AM in Room #130 of the County Courthouse, 216 SE 4th Street, Pendleton.

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

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.

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

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission

FROM: Bob Waldher, Director

DATE: February 19, 2020

CODE
ENFORCEMENT

RE: February 27, 2020 Planning Commission Hearing

SOLID WASTE COMMITTEE

City of Hermiston Plan Map Amendment Co-adoption

SMOKE
MANAGEMENT

Plan Map Amendment, #P-125-19

City of Hermiston – Applicant, Lloyd and Lois Piercy - Owners

GIS AND
MAPPING

Background Information

RURAL
ADDRESSING

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 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.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

Co-Adoption

The City of Hermiston Joint Management Agreement (JMA) Section E (10) requires Comprehensive Plan Amendments applicable in the Urban Growth Area to be processed by the City. The JMA requires amendments to be adopted by ordinance, first by the City, then to the County for co-adoption review.

Hearings

The Hermiston City Council held a public hearing on November 25, 2019 and approved the plan map amendment and subsequently adopted Ordinance 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, 216 SE 4th Street, Pendleton, OR 97801.

Conclusion





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."

Attachments

- Map of Proposed Amendment
- City of Hermiston Ordinance 2289
- City of Hermiston Adoption Findings

APPLICANT: LLYOD AND LOIS PIERCY
OWNER: SAME AS APPLICANT
APPLICATION FOR: COMPREHENSIVE PLAN MAP AMENDMENT
MAP: 4N 28 12B, TAX LOT: 300



-  100 ft. Notice Boundary
-  Hermiston City Limits
-  Property Boundary
-  Subject Parcels



Map	Tax Lot	OWNER
4N2801C	1300	WALLACE JEFFREY DWANE
4N2801C	1401	NINO MCKENZIE
4N2801C	1500	FIRST NATIONAL ACCEPTANCE COMPANY
4N2811	100	TENNANT GARY
4N2811	200	TENNANT GARY G
4N2811	300	WATERS LYNN H & THERESA J
4N2811	400	PACIFIC POWER & LIGHT CO
4N2811AD	100	OTTMAR CAROL J
4N2812B	200	UMATILLA ELECTRIC COOPERATIVE ASSOCIATION
4N2812B	300	PIERCY LLOYD P & LOIS J
4N2812B	302	SCHOOL DIST #8 ATTN: JAMES THOMPSON
4N2812B	303	HERMISTON CITY OF

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: 1/14/2020

November 26, 2019

Mr. Bob Waldher
Umatilla County Planning Director
216 SE 4th Street
Pendleton, OR 97801



RECEIVED

DEC 04 2019

UMATILLA COUNTY
PLANNING DEPARTMENT

Re: Co-Adoption of Hermiston Ordinance No 2289

Dear Mr. Waldher:

On November 25, 2019, the Hermiston City Council adopted Ordinance 2289 amending the comprehensive plan map from urbanizable to urban status for 40.80 acres on the north side of E Diagonal Blvd. The city council also adopted ordinance 2290 annexing said property effective upon co-adoption of ordinance 2289. Per Section E10 of the Hermiston Planning Area Joint Management Agreement the matter of conversion now comes before Umatilla County for co-adoption. A copy of ordinance 2289 is attached to this letter for the county's use.

The applicants in the matter of conversion and annexation are Lloyd and Lois Piercy and Umatilla Electric Cooperative. Ms. Jackie Sielaff will contact the county to file any necessary applications and fees associated with the co-adoption process.

Sincerely,

A handwritten signature in black ink, appearing to read "Clinton Spencer".

Clinton Spencer

City Planner

C: Jackie Sielaff

ORDINANCE NO. 2289

AN ORDINANCE AMENDING THE CITY OF HERMISTON'S COMPREHENSIVE PLAN MAP TO CONVERT CERTAIN LANDS LOCATED NORTH OF E DIAGONAL BLVD, SOUTH OF E ELM AVE, AND EAST OF NE 10TH STREET FROM URBANIZABLE STATUS TO URBAN STATUS IN ACCORD WITH THE PROVISIONS OF POLICY 6 IN THE CITY'S COMPREHENSIVE PLAN.

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

SECTION 1. The property described in Exhibit A to this ordinance, consisting of a 7.50 acre tract located at the southeast corner of NE 10th Street and E Elm Ave and a 1.98-acre tract located at the southeast corner of E Diagonal Blvd and E Elm Ave, shall be amended from Future Commercial to Commercial on the City comprehensive plan map.

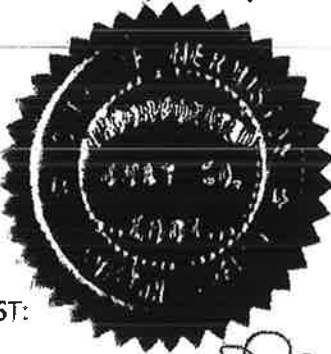
SECTION 2. The property described in Exhibit B to this ordinance, consisting of a 31.32-acre tract located north of E Diagonal Blvd, east of NE 10th Street, and south of E Elm Ave, shall be amended from Future Commercial to Medium Density Residential on the City comprehensive plan map.

SECTION 3. The findings of fact as adopted by the City Council on November 25, 2019 are incorporated herein by reference.

SECTION 4. This ordinance takes effect thirty days after co-adoption by the Umatilla County Board of Commissioners.

PASSED by the City Council this 25th day of November, 2019.

SIGNED by the Mayor this 25th day of November, 2019.



ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

Dr. David Drotzmann, MAYOR

Exhibit A

To Ordinance No. 2289

Tracts Designated Commercial

Tract A

A tract of land located in the Northwest One-Quarter of Section 12, Township 4 North, Range 28 East of the Willamette Meridian, Umatilla County, Oregon, being more particularly described as follows:

Commencing at a 1 1/4 inch aluminum cap on a 5/8 inch rebar on the Southerly right of way line of State Highway Number 207, from which the North One-Quarter corner of said Section 12, monumented with a 2 1/2 inch brass cap on a galvanized iron pipe, bears N 88°36'26" E, 1516.30 feet; Thence along said Southerly right of way line, N89°18'22" W, 436.36 feet to a point and the True Point of Beginning of this description; Thence leaving said Southerly right of way line, S 00°41'38" W, 520.67 feet to a point; Thence N 89°18'22" W, 568.18 feet to a point; Thence N 00°02'18" E, 205.40 feet to a point; Thence N 44°18'22" W, 35.78 feet to a 5/8 inch rebar with a red plastic cap stamped "ORPLS 1106 WAPLS 17372"; Thence N 89°18'22" W, 75.00 feet to a 5/8 inch rebar with a red plastic cap stamped "ORPLS 1106 WAPLS 17372" on the Easterly right of way line of Northeast 10th Street; Thence along said Easterly right of way line, N 00°02'18" E, 290.00 feet to a 5/8 inch rebar on the Southerly right of way line of State Highway Number 207; Thence along said Southerly right of way line, S 89°18'22" E, 540.00 feet to a 5/8 inch rebar with a red plastic cap stamped "ORPLS 1106 WAPLS 17372"; Thence continuing along said Southerly right of way line, S 89°18'22" E, 134.14 feet to the point of beginning.

Containing 7.50 Acres more or less.

Tract B

A tract of land located in the Northwest One-Quarter of Section 12, Township 4 North, Range 28 East of the Willamette Meridian, Umatilla County, Oregon, being more particularly described as follows:

Commencing at a 1 1/4 inch aluminum cap on a 5/8 inch rebar on the Southerly right of way line of State Highway Number 207, from which the North One-Quarter corner of said Section 12, monumented with a 2 1/2 inch brass cap on a galvanized iron pipe, bears N 75°42'06" E, 261.49 feet and the True Point of Beginning of this description; Thence leaving said Southerly right of way line, S 18°23'52" E, 26.55 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar on the Northwesterly right of way line of Hooker Road; Thence along said Northwesterly right of way line S 58°31'42" W, 495.54 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Northwesterly right of way line, S 73°15'16" W, 75.69 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Northwesterly right of way line,

N 80°29'21" W, 53.38 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar on the Southeasterly right of way line of Diagonal Road; Thence along said Southeasterly right of way line, N 18°08'16" E, 211.14 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Southeasterly right of way line, N 02°28'02" E, 83.71 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar on the Southerly right of way line of State Highway Number 207; Thence along said Southerly right of way line, N 88°27'49" E, 470.23 feet to the Point of Beginning.

Containing 1.98 Acres more or less.

Exhibit A
 To Ordinance No. 2289
 Tracts Designated Commercial

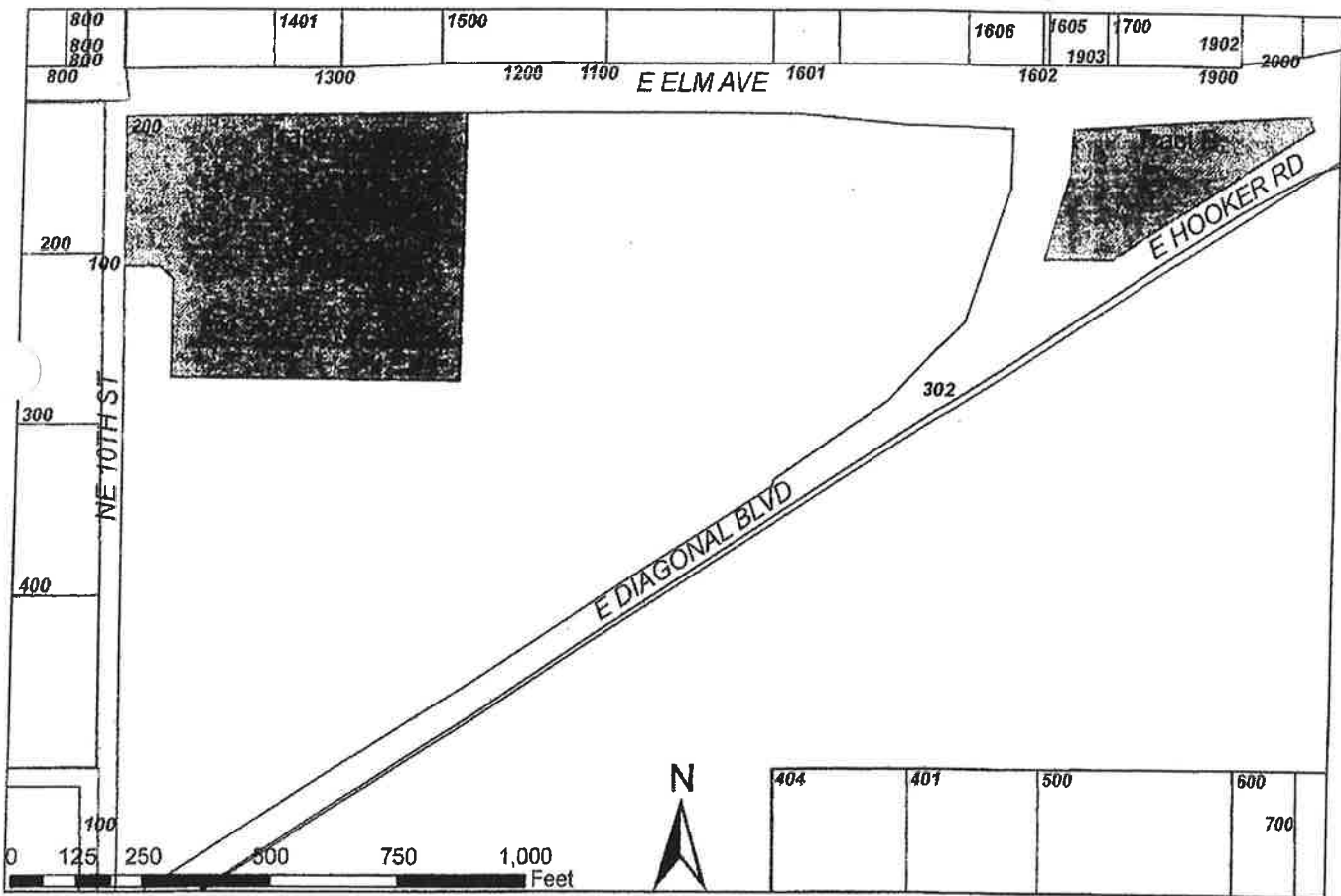


Exhibit B

To Ordinance No. 2289

Tract Designated Medium Density Residential

Tract

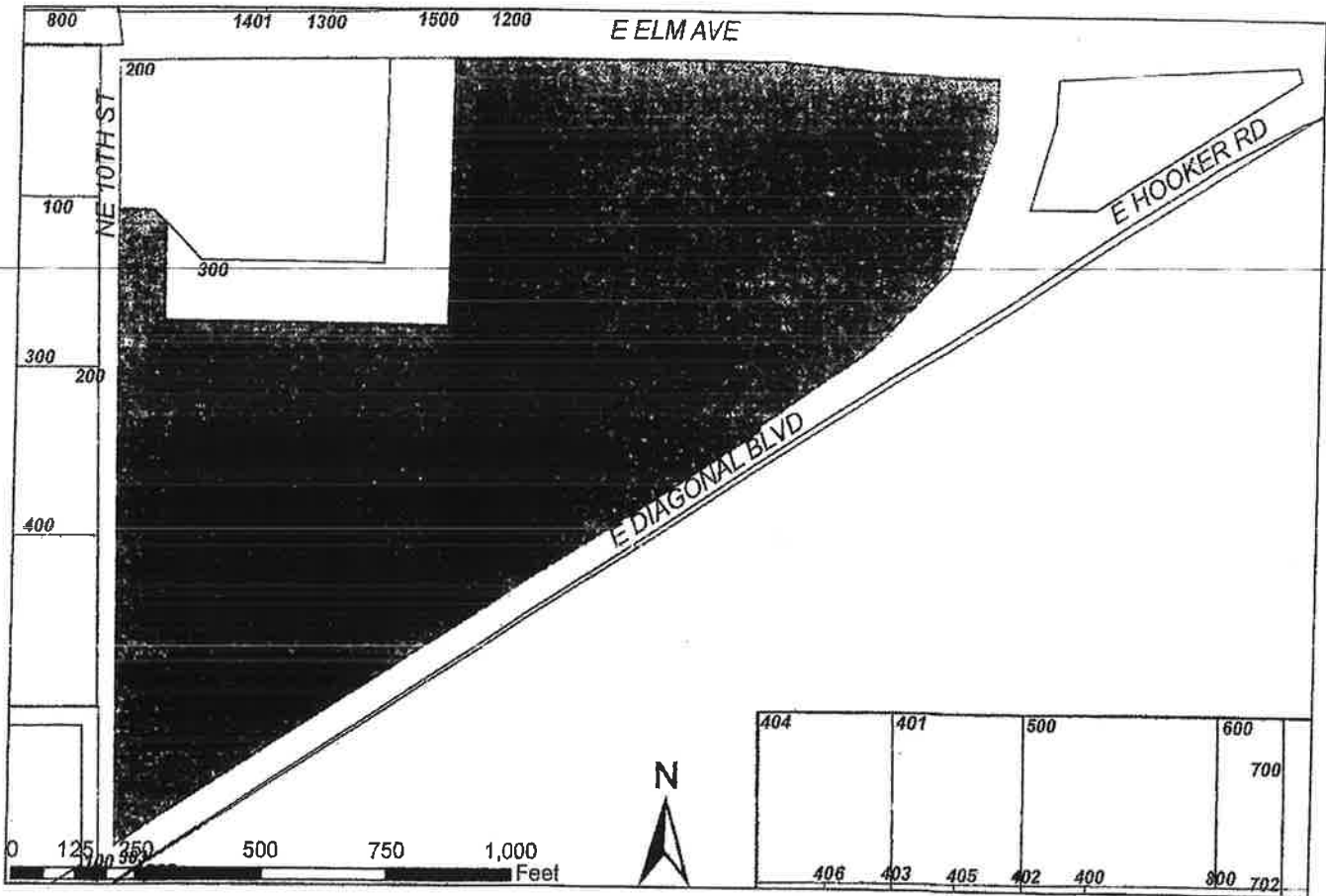
A tract of land located in the Northwest One-Quarter of Section 12, Township 4 North, Range 28 East of the Willamette Meridian, Umatilla County, Oregon, being more particularly described as follows:

Commencing at a 1 1/4 inch aluminum cap on a 5/8 inch rebar on the Southerly right of way line of State Highway Number 207, from which the North One-Quarter corner of said Section 12, monumented with a 2 1/2 inch brass cap on a galvanized iron pipe, bears N 84°59'38"E, 851.74 feet and the True Point of Beginning of this description; Thence leaving said Southerly right of way line and along the Northwesterly right of way line of Diagonal Road, S 01°16'24" W, 125.41 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Northwesterly right of way line S 20°08'32"W, 275.51 feet to a 5/8 inch rebar with a yellow plastic cap stamped "USKH 02820LS"; Thence continuing along said Northwesterly right of way line, S 45°50'08" W, 186.51 feet to a 5/8 inch rebar with a yellow plastic cap stamped "USKH 02820LS"; Thence continuing along said Northwesterly right of way line, S 58°14'50" W, 296.82 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Northwesterly right of way line, S 17°02'01" W, 13.49 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Northwesterly right of way line, S 58°31'46" W, 1034.72 feet to a 5/8 inch rebar with a yellow plastic cap stamped "USKH 02820LS" on the South line of the Northwest One-Quarter of the Northwest One-Quarter of said Section 12; Thence continuing along said Northwesterly right of way line, S 58°31'40" W, 479.31 feet to a 5/8 inch rebar with a yellow plastic cap stamped "USKH 02820LS"; on the Easterly right of way line of Northeast 10th Street; Thence along said Easterly right of way line, N 00°06'41" E, 254.99 feet to a 5/8 inch rebar with a yellow plastic cap stamped "USKH 02820LS" on the South line of the Northwest One-Quarter of the Northwest One-Quarter of said Section 12; Thence continuing along said Easterly right of way line, N 00°02'18" E, 979.45 feet to a 5/8 inch rebar with a red plastic cap stamped "ORPLS 1106 WAPLS 17372"; Thence leaving said Easterly right of way line, S 89°18'22" E, 75.00 feet to a 5/8 inch rebar with a red plastic cap stamped "ORPLS 1106 WAPLS 17372"; Thence S 44°18'22" E, 35.78 feet to a point; Thence parallel with said Easterly right of way line, S 00°02'18" W, 205.40 feet to a point; Thence S 89°18'22" E, 568.18 feet to a point; Thence N 00°41'38" E, 520.67 feet to a point on the Southerly right of way line of State Highway Number 207; Thence along said Southerly right of way line, S 89°18'22" E, 436.36 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Southerly right of way line, S 88°35'37" E, 283.85 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence continuing along said Southerly right of way line, S 83°10'46" E, 200.09 feet to a 1 1/4 inch aluminum cap on a 5/8 inch rebar; Thence

continuing along said Southerly right of way line, S 87°54'42" E, 185.04 feet to the point of beginning.

Containing 31.32 Acres more or less.

Exhibit B
 To Ordinance No. 2289
 Tract Designated Medium Density Residential



FINDINGS OF FACT

Piercy/UEC Conversion and Annexation

NE 10th Street/Diagonal Road

November 25, 2019

FINDINGS OF FACT – STATEWIDE PLANNING GOALS

ORS 197.175(2)(a) requires, among other things, that cities ensure that comprehensive plan amendments are in compliance with the Statewide Planning Goals.

1. Goal 1: Citizen Involvement

Goal 1 requires cities to develop a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process. By following the city's adopted land use regulations for public notice and by providing the public an opportunity to participate in the review of these land use applications, this proposal is consistent with Goal 1.

2. Goal 2: Land Use Planning

Goal 2 requires the city to have and to follow a comprehensive land use plan and implementing regulations. By following the adopted regulations' procedures and approval criteria in its decision-making, the city ensures the proposal complies with Goal 2.

3. Goal 3: Agricultural Lands

Goal 3 requires counties to identify and to protect agricultural lands. Because the subject property is located within the city's urban growth boundary and is considered urbanizable land, and the annexation will bring the property within the city limits, Goal 3 is no longer applicable to the property. The proposal is consistent with Goal 3.

4. Goal 4: Forest Lands

Goal 4 requires counties to identify and to protect forest land. Because the subject property is located within the city's urban growth boundary and is considered urbanizable land, and the annexation will bring the property within the city limits. Goal 4 is no longer applicable to the property. The proposal is consistent with Goal 4.

5. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 and its implementing rule requires the city to identify significant Goal 5 resources, classify them and to adopt regulations to protect those resources accordingly. There are no identified Goal 5 resources located on the property and development of the property will not

have any impact on any of the city's identified Goal 5 resources. Consequently, the proposal is consistent with Goal 5.

6. Goal 6: Air, Water and Land Resources Quality

Goal 6 mandates that local governments consider the protection of air, water and land resources when developing comprehensive plans. Comprehensive Plan Policy 8 focuses on surface and groundwater resources, Policy 11 on air quality, Policy 12 on noise, and Policy 13 on water quality. In general, the city requires development to comply with state and federal pollution control standards, and the comprehensive plan specifically focuses on the concern for potential groundwater pollution. The proposal is consistent with Goal 6 because the proposed annexation and plan designations will facilitate development of the property consistent with all city, state and federal environmental standards and will connect to public facilities and services that will minimize the possibility for groundwater contamination or land, water or air pollution.

7. Goal 7: Areas Subject to Natural Hazards

Goal 7 requires local comprehensive plans to address natural hazards. The only natural hazard identified by the City of Hermiston is the potential for flooding. No portion of the subject property is within the 100-year floodplain. Consequently, the proposal is consistent with Goal 7.

8. Goal 8: Recreational Needs

Goal 8 requires local governments to plan for the recreational needs of their residents. The Comprehensive Plan explains that the city currently has 60 acres of parkland and an additional 60 acres of recreational facilities available for community use at local schools and has a need to acquire additional land for recreational needs. The Plan does not identify any potential sites for acquisition.

The Comprehensive Plan expresses the intent to explore the feasibility of constructing pedestrian and bicycle facilities along irrigation canals and other locations in the city. The applicant has expressed the intention of developing a pedestrian facility along the western boundary of the property, along NE 10th Street, which is consistent with this identified recreational need.

Furthermore, there is no need to acquire this property for recreational needs given that the Field of Dreams baseball complex and Sandstone Middle School are located to the immediate south, across Diagonal Boulevard, from the subject property. These facilities, as well as recreational opportunities provided on site through development of this large property ensure that this proposal is consistent with Goal 8.

9. Goal 9: Economic Development

The purpose of Goal 9 planning is to make sure cities and counties have sufficient land available to realize economic growth and development opportunities. Goal 9 ensures that the city has adequate land inventories to accommodate both commercial and industrial needs for the planning period. The applicant hired Johnson Economics to do a study that examined the Goal 9 employment land and Goal 10 housing land impacts of the proposal.

The city's current Goal 9 analysis, completed and adopted in 2011, found an excess supply of all employment land types within the city's UGB. Johnson Economics updated that analysis and determined that the evidence shows an increased need for commercial and industrial space due to higher employment projections in key employment areas. However, even with that higher projection, the city will have an estimated surplus of commercial zoned lands of 193.8 acres, which translates to an estimated 58.8-year land supply for commercial land. Furthermore, even with the proposal to plan designate a portion of the property for residential use, the Johnson Economics analysis demonstrates the city will continue to have an excess supply of commercial land at the end of the planning period. The proposal is consistent with Goal 9.

10. Goal 10: Housing

Goal 10 requires cities to conduct a housing needs analysis and to provide a sufficient inventory of lands that is suitable and available for residential use. The Johnson Economics Goal 10 analysis demonstrates that the city has an adequate supply of residential land for the planning period. This proposal only adds to that supply. Furthermore, the proposal seeks to help address the housing needs for independent elderly (over 55 age group) with accessible housing amenities, a residential need not generally available in the city. Because the proposal contributes to addressing the city's housing needs and would not result in a deficiency in the city's residential lands supply, the proposal is consistent with Goal 10.

A joint letter submitted by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO) dated November 11, 2019 requested the Planning Commission defer approval of the proposed conversion and annexation until adequate Goal 10 findings can be made. These findings are adequate Goal 10 findings.

HLA and FHCO argue that the decision requires findings of compliance with the Statewide Planning Goals. In this document, the applicant has submitted proposed findings of compliance with the Goals.

HLA and FHCO argue that the City's decision must refer to its Housing Needs Analysis (NHA) and Buildable Land Inventories (BLI) in order to show that an adequate number of needed housing types will be supported by the residential land supply after enactment of the proposed change. They argue that the addition of residential land to the existing land supply does not result in automatic compliance with Goal 10. They argue that the City must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges, and requests that further analysis be conducted by the applicant so the housing advocates and planners can understand whether the City is achieving its goals through this conversion and annexation.

The flaw in HLA and FHCO's reasoning is that the City has already demonstrated compliance with Goal 10 with its existing residential buildable lands inventory, which has been acknowledged to provide an adequate number of all needed housing types. The application does not reduce or change the existing BLI which has been deemed adequate. The application converts land that had been planned for commercial uses and allows it to be developed with

residential uses, thereby further adding to the City's supply of residential land. HLA and FHCO has not identified any rationale how adding to the residential land inventory without removing any other land from the BLI or changing the designation of any residential lands would cause the City to not be able to meet its residential land needs that are met by that existing BLI or to otherwise violate Goal 10. If there were any potential issue, it would be a Goal 9 issue because land is being taken from the employment land inventory. However, as the Johnson Economics Report explains, there is nothing exceptional about the subject property in terms of meeting the City's economic lands needs and even following the conversion of part of the property from commercial to residential land uses, the City still will maintain a vast surplus of commercially zoned land within the City limits and the UGB.

The Planning Commission also observes that HLA's and FHCO's request that the Planning Commission delay review of the application and require the applicant to prepare additional analysis about the details of the City's housing needs, despite the fact that the proposal is adding residential land to the inventory and not changing the acknowledged residential BLI in any way, on its face appears to violate ORS 197.307(4)(b)'s mandate not to apply procedures that "have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." HLA and FHCO should consider the effects of their requests, in light of their stated mission, before making demands that applications should be delayed or that further studies should be commissioned, particularly when residential land is being added to an inventory.

11. Goal 11: Public Facilities and Services

Goal 11 requires the city to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The record establishes that all necessary public services are readily accessible for the property and that the city has the capacity to accommodate the levels of development consistent with the proposal. The proposal is consistent with Goal 11.

12. Goal 12: Transportation

~~Goal 12 requires the city to provide and encourage a safe, convenient and economic transportation system. The Goal 12 rule requires that comprehensive plan amendments do not allow development that will significantly affect a transportation facility by resulting in types or levels of traffic that are inconsistent with the functional classification of existing or planned transportation facilities or will degrade the performance of those facilities such that they do not meet the performance standards identified in the State or local TSP or comprehensive plan.~~

To demonstrate compliance with Goal 12, the applicants commissioned Clemow Associates, LLC to conduct a traffic impact analysis (TIA). The Clemow Associates TIA concludes that, using reasonable worst-case levels of development allowed under the proposal, all study intersections are anticipated to operate within the respective mobility standards and that all intersection crash rates will be within the requisite safety standards. Consequently, the proposal is consistent with Goal 12.

13. Goal 13: Energy Conservation

Goal 13 directs land to be developed and managed so as to maximize the conservation of all forms of energy based on sound economic principles. This proposal is consistent with Goal 13 in a number of ways. The proposal will allow the coordinated development of residential, neighborhood commercial and commercial uses in a manner that will promote pedestrian access to the neighborhood commercial uses by the adjacent residential uses. That reduces vehicle trips, which the Clemow Associates TIA recognizes, and the consumption of fuel. Furthermore, the property's location near downtown will facilitate shorter vehicle trips than from other locations presently in the UGB. The property's close proximity to the recreational areas immediately to the south will also encourage walking to those areas instead of driving to them. Finally, the applicant's expressed intention to facilitate the development of a pedestrian trail along the western boundary of the site will promote transportation and recreational opportunities that do not require vehicular transportation to access from the surrounding community. The proposed comprehensive plan map change is consistent with Goal 13.

14. Goal 14: Urbanization

The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use. This is accomplished by establishing urban growth boundaries based on land needs and then annexing land into the city (urban land areas) as appropriate. Goal 14, under the heading "Urbanizable Land" states, "Land within urban growth boundaries shall be available for urban development consistent with plans for the provision of urban facilities and services." The subject property is urbanizable land inside the city's UGB and is adjacent to the city limits and to the city's public facilities and services. It is the type of land Goal 14 envisions should be urbanized before rural lands. The proposal is consistent with Goal 14.

15. Goals 15 through 19

Goal 15: Willamette River Greenway, Goal 16: Estuarine Resources, Goal 17: Coastal Shorelands, Goal 18: Beaches and Dunes, and Goal 19: Ocean Resources are generally not applicable to land use actions in the City of Hermiston and none are implicated by this application. Consequently, the proposal is consistent with these goals.

Conclusion

Based upon the above findings and the evidence submitted in the record, the proposed comprehensive plan map amendment is consistent with the Statewide Planning Goals.

FINDINGS OF FACT ON CONVERSION

Explain how the requested change is in conformance with the comprehensive plan and, also the goals and policies:

- 16. Policy 1: Citizen Involvement.** A major objective of the planning process is to balance successfully the rights of individual property owners with the health, safety and economic

well-being of the whole community.

This requested zone classification change and annexation will allow establishment of much needed safe, quiet over 55 area of homes as well as non-age restricted single- family dwellings in the moderate to median income levels, in proximity to a small commercial area making the possibility of walking to needed services and/or goods a reality. The goal of the City is to help provide the type of housing needed as well as commercial opportunities near residential. By providing a multi-use ~~development we are fulfilling the needed medium price of housing and an age restricted~~ independent living area as well as retaining some commercial designation to service the area.

17. **Policy 2: Planning Process.** This request will allow for an orderly urban growth. Requesting an NC/R3/C zoning change will allow for neighborhood commercial, residential and commercial to maintain the goals of the urban growth by allowing close proximity to services, walking paths and designated homes for Hermiston citizens who are over 55 years of age as well as for younger citizens and their families, who wish to settle in Hermiston.
18. **Policy 3: Intergovernmental Coordination.** This property is located inside the Urban Growth Boundary and is Outside the City limits. It is currently zoned FU-10. We will work with Umatilla County, the City of Hermiston, Pacific Power, Umatilla Electric, Hermiston Irrigation and any other governing offices and public services to coordinate the changes for development and annexation. We understand that the requested change to the comprehensive plan map will need to be co-adopted by the County of Umatilla subsequent to the City of Hermiston's approval.
19. **Policy 4: Orderly Urban Growth.** This property is adjacent to City limits, after zoning and annexation this will intensify land use within the Urban Growth Boundary. All required utilities are adjacent to this land and can be readily extended.
20. **Policy 5: Annexation.** The plan for annexation, will facilitate Urban growth. The requested NC/R3/C zoning is a medium density designation that will provide the housing for the anticipated growth of seniors and younger families of the Hermiston community. We are also requesting a commercial zone in the triangle that is East of Diagonal Road for commercial convenience services. This too, facilitates orderly urban growth because it provides commercial services proximate to housing, increasing the livability and walkability of the community.
21. **Policy 6: Conversion.** The NCO/R3/C zoning change request and annexation into the City will result in a larger portion of the parcel being residential and approximately 3 acres surrounding the UEC Substation as NC, while retaining approximately 2 acres for C in the NE triangle on the east side of Diagonal Road. This will provide opportunity for convenience store services to the surrounding residential communities as well as the sports complex. The residential growth will symbiotically promote appropriate economic growth in commercial sectors.
22. **Policy 7: Natural Resources.** This proposed change does not affect the 100-year floodplain or the OSU Experimental Station. This parcel is not in the 100-year floodplain.
23. **Policy 8: Surface and Groundwater Resources.** The development will protect groundwater resources and will appropriately manage surface water run-off. The development plan will include connections to public sewer and water systems as well as stormwater drainage.
24. **Policy 9: Mineral and Aggregate Resources.** This property is not adjacent to or nearby existing mineral or aggregate resources or heavy industrial sites.
25. **Policy 10: Historic Resources.** This property does not contain historical or cultural resources.
26. **Policy 11: Air Quality.** The plan for this property does not adversely affect air quality. There will be walking paths designed to encourage walking to reduce traffic and there are commercial

designations on surrounding properties to service residents within walking distance. The development promotes compact urban development as required by Policy 4 and mixing commercial and residential uses reduces the need for off-site trips.

27. **Policy 12: Noise.** The Development will comply with all City of Hermiston and State of Oregon standards as well as any specific portions of the zoning code requiring setbacks and screening requirements. The plan for the area along Elm St., include noise buffers such as trees or other vegetation to quiet the traffic noise. The C zone request of 2 acres across Diagonal will alleviate noise to the residential section by reducing commercial traffic in and out of the development along Elm Street due to a planned access from Hooker Road.
28. **Policy 13: Water Quality.** It is intended to request annexation upon Zone change approval. The Development will utilize the City's water system and the City's utility systems have adequate capacity to cover proposed improvements.
29. **Policy 14: Natural Hazards and Development Limitations.** The parcel is not at risk from natural disaster that does not apply area wide. This site is identified as having excessively well-drained soils on the city's natural hazard map.
30. **Policy 15: Energy Conservation.** Changing approximately 31 acres of the large portion of the parcel to R3 zoning will reduce energy use of the high demand for lighting of commercial spaces, it will also reduce the amount of commercial traffic in and out of the designated residential area resulting in less energy use not only for the development but community wide.
31. **Policy 16: Parks, Recreation and Open Space.** The large portion of the property would allow room for green space in the corner at Elm Street and Diagonal Road and the inclusion of a walking path along NE 10th on the east side of the Hermiston Ditch with resting benches. This path will tie to the existing paths along Elm. We plan to beautify the Hermiston Irrigation ditch and possibly have a park in the South area of the parcel.
32. **Policy 17: Agriculturally Related Development.** Changing the 2 acres in the small triangle at the NE end to C zoning will attract convenience store type services to supply goods and services to the area. While the NC request for approximately 3 acres surrounding the interior lines of the UEC Substation can also provide neighborhood services.
33. **Policy 18: General and Industrial Development.** This property does not affect industrial development.
34. **Policy 19: Commercial Development.** As noted in the attached Analysis conducted June 6, 2019, by Johnson Economics, this parcel is well suited for commercial services as it is located at the confluence of a highway and major collector, which provides the area with strong visibility and access, priming it for neighborhood commercial.

There are large commercial areas along Highway 395 and the commercial land to the SW, which could draw away demand from any commercial areas within this parcel. Keeping the commercial to a minimum on this parcel due to the commercial property SW of it will promote development that is most in demand.

35. **Policy 20: General Economic Development.** While the City is promoting growth in Hermiston and providing good economic resources, we have considered the housing availability of their parents or aging family members who are not ready for assisted living facilities. Hermiston does not have enough housing that services the independent over 55 age group with accessible housing amenities.

Having an age restricted portion of the parcel in the R-3 zone in a quiet area of Hermiston that

is not saturated with commercial traffic will be attractive to some people who are considering moving to Hermiston or may retain current citizens considering moving from Hermiston (to Tri-Cities), to accommodate the elderly. This will keep working citizens in Hermiston while providing independent living for their over 55 family members to maintain family continuity. This property has ample space to provide an over 55 area, single family homes in the moderate to median income level as well as commercial services.

As noted in the Johnson Economic study dated June 6, 2019, changing the zoning on this parcel will increase the area's housing capacity and create commercial opportunities, which could lead to an increase in the city's housing supply and foster new businesses. This could potentially lower the cost of housing and provide a land mix more consistent with the needs of expected economic growth.

36. **Policy 21: Housing Availability and Affordability.** This plan fits well with Ordinance 2179 which updated the City of Hermiston's Comprehensive Plan for Housing Availability and Affordability, Policy 21, as well as the Periodic Review Work Program adopted in 2011, Goal #10.

The City of Hermiston encourages the home building industry to "Provide a variety of housing opportunities in sufficient quantities at affordable prices to meet the housing needs of its residents". This plan supports paragraph A of Policy 21 as a top priority to provide moderate income homes and paragraph B as a high priority to supply housing for middle income households as well as Paragraph E to provide housing for senior citizens.

In the study provided by Johnson Economics dated June 6, 2019 (See attached), Hermiston has an ample supply of land for all three land uses; Residential, Commercial and Industrial. Changing the Zone from FU-10 to a mix of R-3, NC and C zoning would increase the years of residential and commercial land supply relative to the industrial land supply, moving the city to a more balanced overall supply of land.

The Study by Johnson Economics also states; "Given the relative need for additional residential units and commercial land compared to the need for industrial land, the proposed zone change would provide new opportunities for housing and economic growth from a community and land-use policy perspective for the study area, as well as providing a significant opportunity to add housing near the downtown core".

This parcel is large enough to place a variety of homes on. Most buildable lands inside the City limits are small and not desirable to build on for developers, it will require people to utilize single lot purchases and builds which are not as cost effective, or possibly located in an area that is not as desirable to live in. This parcel is desirable for development, however, not for the high-end homes as discussed in the 2004 Buildable Lands study. We will be focusing on the moderate to medium income level housing and independent retirement homes, which the City has a need for.

37. **Policy 22: Neighborhood Quality.** This property is surrounded by established neighborhoods that share the same general location and access characteristics.

This zoning request will provide a quieter development and reduce high traffic noise to

neighborhood streets. This property connects with highway 207 and having it zoned for NC/R3/C would allow us the capacity to limit access to the development to only one entrance from highway 207 which is highly acceptable to DOT.

This parcel has good access to commercial services within a walking, biking, or driving distance to the city center and, future commercial uses are planned on the property adjacent to the southwest corner.

38. **Policy 23: Provision of Public Services.** All necessary urban services are readily available to the property. There is a 12-inch city water line at the intersection of NE 10th Street and Diagonal and an 18-inch sewer line in the NE 10th Street.
39. **Policy 24: Water, Sewer, Storm Drainage.** There is City water and sewer readily accessible. The Developer is willing to bear the cost to extend water and sanitary sewer to the property per the Subdivision guidelines following annexation. Storm run-off will be addressed in the design.
40. **Policy 25: Solid Waste.** Solid waste disposal is available to the property.
41. **Policy 26: Schools.** The property is not designated as a potential school site. An NC/R3/C designation will create medium density housing within walking distance to Sandstone Middle School and Highland Hills Elementary as well as any future planned schools across Elm St.
42. **Policy 27: Police.** Once annexed, the property will fall under the jurisdiction of the Hermiston Police Department resulting in efficient response time.
43. **Policy 28: Fire Protection.** The design of the development will be laid out to comply with the ordinance and fire response.
44. **Policy 29: Local Government Services.** Not Relevant.
45. **Policy 30: Private Utilities.** Not Relevant.
46. **Policy 31: Integrated Traffic System.** This plan will continue a balanced and efficient urban transportation system that will not affect the movement of people and goods.

Obtaining an NC/R3 zoning for the large portion of this parcel will result in just one entrance/exit to and from highway 207, allowing safe access to the property while facilitating the movement of commodities. ODOT has verbally approved one entrance to the property pending location verification. We would also plan for an entrance/exit from Diagonal Rd. There is no plan to access 10th Street. The 2 acres of C zone will be accessed from Hooker Road.

47. **Policy 32: Rail and Air Transportation.** Not Relevant.
48. **Policy 33: Alternative Transportation.** This site will include walking paths and sidewalks.
49. **Policy 34: Transportation System Plan.** The property will comply with all ODOT access management and will not change the function of any roadway connecting the property per the Transportation Impact Analysis prepared by Chris Clemow of Clemow Associates, LLC.

Highway 207, a regional highway is a Minor Arterial for Hermiston and is a designated truck route. It is intended to carry large volumes of traffic at steady speeds with minimum interruptions to traffic flow.

Diagonal Road and 10th Street are Major Collectors which forms the boundaries of major blocks of land and is intended primarily for inter-neighborhood traffic and can function as a road to service areas from the arterial systems.

The attached Transportation Impact Analysis by Clemow Associates, LLC conducted in July, 2019, was approached as a worst-case development scenario and a mixed-use development where internal trip capture has less impact on the external roadway system than does a single-use development generating the same number of total trips. This worst-case scenario for a development will generate an additional 295 PM peak hour trips over the current FU-10 zone designation.

The worst-case scenario analysis has a significantly larger number of Single-family homes, and a significantly larger number of multi-family residents in the study, than what is planned for the development. We do not anticipate the trip count to be this high, although the study indicates that the worst-case scenario will not generate any improvements necessary to mitigate transportation impacts and will operate within agency mobility.

As stated in the study, the area intersection crash rates are less than the 90th percentile crash rates of the reference intersections. As such, the intersections are considered relatively safe and no further evaluation of safety deficiencies are necessary.

Describe the public need for the rezoning and whether that public need is best served by changing the zoning classification on the property under consideration:

50. This property is surrounded by established neighborhoods that share the same general location and access characteristics and has good access to commercial services within a walking, biking, or driving distance in the city center and future commercial uses are planned adjacent to the southwest corner.
51. According to the 2004 study by Hobson Ferrarini Associates, the Senior Population Growth over the next two decades since 2003 was projected to grow two-and-a-half times faster than the general population, resulting in an exceptionally strong demand for senior housing. Hermiston has assisted living facilities but does not have an age restricted independent living community. Talking with realtors in the Hermiston area, we are seeing the result of this growth now. A housing neighborhood for Seniors is becoming a desired purchase with not much accessible housing available. It will also provide seniors with quiet enjoyment as well as access to a sporting complex like the Field of Dreams and neighborhood commercial access. This area is also compatible for Seniors because of the network of walking paths.

Policy 21 of the Comprehensive Plan states Moderate and Median housing are priorities and Senior housing is supported.

This type of development will suit the needs of the community for residents to maintain family continuity. NC/R3/C zoning will provide single-family housing along with an age restricted area within walking distance of Sandstone Middle School, Highland Hills Elementary as well as any new schools anticipated in the future at 10th Street and Theatre Lane, the neighborhood commercial and the downtown area. It will also allow Hermiston citizens to work and remain in Hermiston with their aging parents rather than moving to an area such as Tri-Cities where age restricted housing is readily available. It will also provide the opportunity for neighborhood commercial services as well as a commercial service provider.

52. Once this property is annexed it will provide a more appealing entrance from the NE into the

City rather than the planned Future Commercial. We envision a green space at the corner of Elm Street and Diagonal Road which could hold a City of Hermiston monument that would promote pride and a welcoming entrance to the City. With the ball fields being across the street we see many visitors in that area, and it will make a community statement. Changing the zoning to NC on a portion of the property along Elm St and the zoning to C in the triangle NE of Diagonal Road will allow for neighborhood services that will service the sports complex and nearby residential communities.

53. As noted in the Johnson Economic study dated June 6, 2019, changing the zoning on this parcel will increase the area's housing capacity and create commercial opportunities, which could lead to an increase in the city's housing supply and foster new businesses. This could potentially lower the cost of housing and provide a land mix more consistent with the needs of expected economic growth.

Explain how the public need is best served by changing the classification of the site in question as compared with other available property:

54. Parcels of this size currently located in the City limits are virtually non-existent. This parcel is in the UGB and the 36 acres are well suited for the requested zone change compared with other UGB parcels in the NE area of the UGB. There are other parcels located in the UGB on the NE side of the city that are comparable in size, if not larger than this parcel. One parcel is on the west side of NE 10th Street and the other parcel is on the East side of NE 10th Street and 2 others that are near Punkin Center Road. This parcel of land is better suited for the requested zone change compared to the others on the NE side of the UGB as a mix of residential and commercial due to its location between State Highway 207 and major collector streets. This will ensure it has a strong visibility and access for commercial and provide residents good commuting routes via Highway 207 to the north, or through the downtown area via Diagonal Road.
55. This parcel is more centrally located than the other parcels and close to downtown, where housing and commercial uses are more appropriate. It is also near established, high density residential neighborhoods where multi-family residential and commercial developments would be more compatible with the neighborhood character. There are also over 4,000ft of total frontage on either road, providing the area with strong viability and access, priming it for neighborhood commercial development.
56. As stated in the June 6, 2019 analysis by Johnson Economics, the proposed zone change would provide new opportunities for housing and economic growth from a community and land-use policy perspective for this parcel, as well as providing a significant opportunity to add housing near the downtown core.

Also noted in the attached Analysis conducted June 6, 2019, by Johnson Economics, this parcel is well suited for commercial services as it is located at the confluence of a highway and major collector, which provides the area with strong visibility and access, priming it for neighborhood commercial. However, there are large commercial areas along Highway 395 and the commercial land to the SW, which could draw away demand from any commercial areas within this parcel. Keeping the commercial to a minimum on this parcel due to the commercial property SW of it will promote development that is most in demand.

57. This parcel is a gateway to the east entrance of the city due to Highway 207 and is seen by

many visitors each year. Greenery, neighborhood commercial, homes, and a city entrance sign will provide an appealing entrance to the City, more so than any other comparable parcels in the UGB on the NE side of the city.

Explain how the potential impact resulting from the change has been considered:

58. We have considered the Comprehensive plan for Hermiston and have looked at the types of land, the type of housing currently not available in Hermiston, as well as urban growth, the effects on natural resources such as those stated in the Comprehensive plan including groundwater, open space, and energy conservation. We have also considered air quality, noise, neighborhood economic and commercial growth, public facilities and transportation impacts, and have determined that there will be no adverse impact to the community concerning the above.

Not only will it be more appealing to enter Hermiston, the out of town guests will see a side of town that has long been undeveloped. Hermiston will be seen more as a thriving green community versus an undeveloped area when approaching from the NE.

59. Providing an age restricted area for the over 55 generation will provide an opportunity for elderly parents to stay and live in Hermiston near their families, and their families will be satisfied that there is a place for them nearby which will keep the working citizens in Hermiston as well. By changing to mostly an R3 designation we would be able to provide our elderly citizens with a more peaceful, and safe lifestyle. And having land designated to Neighborhood Commercial and the small 2-acre triangle on the east side of Diagonal as Commercial, businesses will have the opportunity to service the immediate area.

60. This parcel is not conducive to high-end homes. The high-end homes that are stated in the comprehensive plan would require much more acreage to provide the amenities high-end buyers are looking for. This parcel is well suited for modest to moderate income type homes,

61. The comprehensive plan would like to see neighborhood commercial incorporated into Developments to enable services within walking distance of the community. The City's comprehensive plan map is showing future commercial for this property. A zone change, to NC/R-3/C will reduce traffic to this area as residential has a lower volume of use. If we retain the Future Commercial and are annexed, a commercial zone classification will have a higher volume of autos to service the commercial and it is not compatible with this type of pedestrian traffic. Access to those commercial designations from Oregon Highway 207 will cause traffic issues and has the potential to disrupt a residential area and commodity flow. Having schools close-by linked with walking paths, provides public safety. the public is better served to change to NC/R3/C to lower the impact of traffic that mostly commercial would bring. Any future schools planned at 10th St. and Theatre lane will be well served by this residential development as well.

FINDINGS OF FACT ON ANNEXATION

62. The City has received consent to annexation from the property owners for approximately 36 acres of land.

63. Notice of public hearing regarding annexation and conversion was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on October 23

- and 30, 2019. Notices were also posted in four public places in the city for a like period. A notice of proposed land use action was posted on the property on October 23, 2019.
64. Affected agencies were notified.
 65. A public hearing of the planning commission was held on November 13, 2019. Comments received at the hearing are incorporated into the planning commission record.
 66. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the city council hearing on November 6 and 13, 2019. Notices were also posted in four public places in the city for a like period.
 67. A public hearing of the city council was held on November 25, 2019. Comments received at the hearing are incorporated into the city council record.
 68. The proposal is consistent with all applicable state annexation requirements.
 69. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
 70. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
 71. Following co-adoption of the conversion from urbanizable to urban status by Umatilla County, the property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
 72. Sewer is available to service this property at the intersection of NE 10th Street and Diagonal Road. The applicant is responsible for all connection fees and service extensions.
 73. Water is available to service this property at the intersection of NE 10th Street and Diagonal Road. At the time of development, the applicant is responsible for all connection fees and service extensions.
 74. The property is adjacent to E Elm Ave, Diagonal Road, Hooker Road, and NE 10th Street. None of the affected streets are improved to full city standards with full width paving, curb, gutter, sidewalk, and drainage improvements as of the date of annexation. At the time the property develops, the remaining street improvements, including additional paving, curb, gutter, sidewalk, and drainage improvements, will be required by the City.

FINDINGS OF FACT ON ZONING DESIGNATION

75. Following co-adoption of the conversion from urbanizable to urban status by Umatilla County, the property lies within the urban portion of the urban growth boundary and has comprehensive plan map designations of Medium Density Residential and Commercial.
76. The proposed Multi-Family Residential, Outlying Commercial, and Neighborhood Commercial Overlay zoning designation corresponds with the underlying comprehensive plan map designation.



Oregon Department of Land Conservation and Development

Online Submittal

Clint Spenc

[Home](#)

[\(/PAPA_Online/\)](#)

Reports

https://db.lcd.state.or.us/papa_online_reports

Report A Problem

[mailto:plan.amendments@state.or.us?](mailto:plan.amendments@state.or.us?subject=PAPA_PR)

subject=PAPA_PR

Report a Problem)

Hermiston (/PAPA_Online/Jurisdictions/Jurisdiction/Get/109) -> Amendment 004-19 (Read Only)

DLCD File #: 004-19

Status: Adopted Change Received

Revision Type: Department Review

Revise

Withdraw

Deny

Local File #:

Diagonal Rd/Elm Ave Conversion

Date of 1st Hearing:

11/13/2019

43

Days difference

Date of Final Hearing

11/25/2019

55

Days difference

Type:

- Comprehensive Plan Map Change
- Zoning Map Change
- Comprehensive Plan Map & Zoning Map Change
- Comprehensive Plan Text Change
- Land Use Regulation Change
- UGB using Simplified Method (div 38)
- UGB amendment by city with population less than 2,500 within UGB (div24)
- UGB amendment of 50 acres or less by a city with population 2,500 or more within UGB (div 24)
- UGB amendment adding more than 50 acres by city with population 2,500 or more within UGB (div 24)
- UGB amendment that adds more than 100 acres by Metro (div 24)
- Urban Reserve designation by Metro or a city with population 2,500 or more within UGB
- Urban Reserve amendment to add over 50 acres by a city with population 2,500 or more within UGB
- Urban Reserve designation or amendment by a city with population less than 2,500 within UGB

Urban Reserve amendment by Metro

Urban Reserve Other

Other

Periodic Review Task

Summary

Proposed to amend the City's comprehensive plan map from Future Commercial to Medium Density Residential for 31.3 acres and Commercial for 9.5 acres along with a corresponding change in the county zoning from Future Urban (FU-10) to the city zoning designations of Multi-family Residential (R-3) for 31.3 acres, Outlying Commercial (C-2) for 6.5 acres and Neighborhood Commercial Overlay (NCO) for 3 acres. The property is located in east central Hermiston.

An exception to a statewide planning goal is proposed:

Amended Text:

Total acreage and zoning adopted as follows:
31.32 acres from (FU-10/Future Commercial) to Medium Density with city zoning of Multi-Family Residential (R-3), 9.48 acres from (FU-10/Future Commercial) to Commercial with city zoning of Outlying Commercial (C-2) for 1.98 acres and Neighborhood Commercial Overlay (NCO) for 7.5 acres.

Total Acres:

40.80

Locations (If there's a large number of tax lots associated with this amendment, please contact DLCD for assistance. plan.amendments@state.or.us (<mailto:plan.amendments@state.or.us?subject=PAPA%20on-line%20location%20entry%20assistance>))

Type

Tax Lot

From

To

Acres

Comprehensive Plan Map & Zoning Map Change
00300

Plan Map: Urban Holding/Urbanizable

Zone: Urban Holding

Plan Map: Urban Commercial

Zone: Urban Commercial

1.98

Comprehensive Plan Map & Zoning Map Change
00300

Plan Map: Urban Holding/Urbanizable

Zone: Urban Holding

Plan Map: Urban Residential

Zone: MF Res 1-15 units/ac

31.32

Contacts

Contacts

Clint Spencer City Planner (Local)

Documents

Upload supporting documentation. Administrative rule requires that you include all of the following materials that may apply:

- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

Uploaded

Name

10/1/2019

Proposal_Conversion application_2019-10-01_08-58-07.pdf (/PAPA_Online/Document/Get?documentID=245578)

10/1/2019

Proposal_UEC consent to annex_2019-10-01_08-58-14.pdf (/PAPA_Online/Document/Get?documentID=245579)

10/1/2019

Proposal_Hearing Notice Conv & Annex letter to prop owners_2019-10-01_08-58-24.docx (/PAPA_Online/Document/Get?documentID=245580)

10/1/2019

Proposal_Amended Property Map_2019-10-01_08-58-34.pdf (/PAPA_Online/Document/Get?documentID=245581)

11/26/2019

Adopted_ORD 2289 with exhibits_2019-11-26_12-16-04.pdf (/PAPA_Online/Document/Get?documentID=246104)

11/26/2019

Adopted_CC staff report 11-25-2019_2019-11-26_12-16-44.pdf (/PAPA_Online/Document/Get?documentID=246105)

**PLANNING COMMISSION HEARING
OCTOBER 24, 2019
DRAFT MINUTES**

LAND USE DECISION #LUD-256-19

Andrew & Kelsey Hendricks, Applicants/ Owners

Request to convert the existing Primary Farm
Dwelling to Accessory Farm Dwelling

&

**UMATILLA COUNTY DEVELOPMENT
CODE UPDATES**

Highway 395 North Corridor

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, October 24, 2019, 6:30 pm

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

COMMISSIONERS

PRESENT: Don Wysocki, Vice Chair, Molly Tucker Hasenbank, Tammie Williams, Jon Salter, Tami Green, Lyle Smith

ABSENT: Suni Danforth, Chair, Gary Rhinhart, Hoot Royer

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

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

CALL TO ORDER

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

NEW HEARING

LAND USE DECISION #LUD-256-19: ANDREW & KELSEY HENDRICKS, APPLICANTS & OWNERS. The applicants are requesting approval to convert the existing Primary Farm Dwelling to an Accessory Farm Dwelling. The property owners are replacing the existing manufactured home (proposed Accessory Farm Dwelling) with a new stick built home (proposed Primary Farm Dwelling). The property is located along the east side of Edwards Road, approximately 4.5 miles northwest of the City of Milton Freewater. The property is identified as Tax Lot 1600, on Assessor’s Map 6N 35 20. The Land Use Decision standards applicable to the applicants request are found in Umatilla County Development Code (UCDC) 152.059(K)(5).

Commissioner Wysocki called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. Commissioner Hasenbank stated that her family farms close to where the Hendricks farm is located so she felt it would be appropriate to abstain from voting on this matter.

STAFF REPORT

Elizabeth Ridley, Planner, stated that the applicants, Andrew and Kelsey Hendricks, requested approval of an Accessory Farm Dwelling. This Land Use Decision would result in two dwellings on the property, a Primary Farm Dwelling and an Accessory Farm Dwelling. Criteria of approval are found in UCDC Section 152.059(K)(5), Accessory Farm Dwelling. She explained that Accessory Farm dwellings may be approved based on facts in the record, if staff can find and conclude all of the following:

1. The Accessory Farm Dwelling will be located on the same lot or parcel as the Primary Farm Dwelling;
2. On land identified as high value farmland and the Primary Farm Dwelling is located on a farm or ranch operation that is currently employed for farm use and produced at least \$80,000 in gross annual income;
3. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an Accessory Farm Dwelling and;
4. An Accessory Farm Dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a Non-Farm Dwelling.

Ms. Ridley stated that, the Hendricks's were issued a Zoning Permit #ZP-18-253 for replacement of a manufactured dwelling in 2018. At that time, the applicants also filed for a Replacement Dwelling Verification and recorded a Covenant Not to Sue. To complete this process, the applicants were given one year to remove the dwelling and record the Replacement Dwelling Covenant. The Replacement Covenant would verify and satisfy the requirement to remove the manufactured home that was replaced within one year of occupying the new dwelling approved under #ZP-18-253.

On July 31, 2019 and prior to removing the manufactured home and recording the Replacement Dwelling Covenant, the applicants submitted a Land Use Decision application for approval of an Accessory Farm Dwelling. The request included information indicating that the 1994 manufactured home will be converted to an Accessory Farm Dwelling.

In addition, the applicants submitted materials stating that they do not own other dwellings on EFU Zoned property that are vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an Accessory Farm Dwelling. Our records indicate the applicants do in fact own a dwelling on EFU property at 52649 Highway 323 Milton-Freewater, Oregon. The applicant states that this dwelling is being used as a rental property for income purposes. Staff questions whether or not the applicants' rental dwelling, located on EFU Zoned land, disqualifies them from approval of the Accessory Farm Dwelling. Therefore, the decision has been forwarded to the County Planning Commission for their decision.

TESTIMONY

Applicant Testimony: Kelsey and Andrew Hendricks, 85091 Edwards Road, Milton Freewater, Oregon. Mrs. Hendricks stated that she provided a packet of information to staff with documents pertaining to the rental dwelling. She stated that she previously owned a rental home in Walla Walla which she sold in September of 2015. In December 2015 she reinvested the money into purchasing the property located at 52649 Highway 323 in Milton Freewater for the purpose of renting the dwelling for income. She stated that the rental business she oversees is independent

from the farming operation. She said she needs the income from the rental in order to pay the mortgage payment and the decision made tonight will affect her business.

Mr. Hendricks stated that he is a fourth generation farmer in Umatilla County. He has been struggling to find reliable labor to work the farm and recently lost two employees. At this time, he has one person assisting him irrigate the farm while also caring for a hundred cows. He is tired and needs more help. He stated that, having the modular home available for an employee is a huge incentive in getting someone to work for him. He added that his property has been vandalized and thefts have occurred on the farm. He feels that the house located onsite, near where they store valuable equipment and fuel, is an added security measure.

Commissioner Williams asked if they are living in the stick built house located at 85091 Edwards Road, and wish to keep the manufactured dwelling for an employee, if possible. Mr. Hendricks stated that is correct. He added that he recently built the stick built home and wishes to retain the additional manufactured dwelling for a farm employee. The dwelling located at 52649 Highway 323 is being used as a rental property bringing in over \$1,300 monthly to help with income. He stated that he did not clearly understand the question on the application asking about ownership of additional dwellings on EFU Zoned property that are vacant or currently occupied by persons not working on the subject farm or ranch. He added that he was not trying to hide the other rental home, he just didn't think about it.

Commissioner Williams asked how long they have owned the farm. Mr. Hendricks stated that his parents originally purchased the home in 2007 and he and his wife purchased the property in 2012, after they were married. He added that they and their two young sons started to outgrow the two bedroom manufactured home and that's when they decided to build the new dwelling.

Public Agencies: No additional comments.

Commissioner Wysocki closed the hearing for deliberation. The packet of materials provided by Mr. and Mrs. Hendricks were added to the record as Exhibit A.

DELIBERATION & DECISION

Commissioner Green asked more about the language in the code that makes it difficult to determine a finding on this request. Mr. Waldher stated that language is located on page 8 in the Commissioner's Packets and the Planning Commission will be asked to make a finding based on the criteria.

Commissioner Williams stated that she doesn't feel that this request meets the criteria to approve, but her perspective is a little different. She feels it is unnecessary to ask them to remove a good home that could be used to provide housing to a worker on their farm. She understands

the challenges associated with finding quality and dedicated farm laborers to help on a family farm. She stated that, since both houses are already there, and the neighbors are not concerned, she finds it hard to not make an exception and approve this request.

Commissioner Wysocki stated that he understands the rules sometimes appear black and white but when there is a grey area it's the Planning Commissions job to determine when and how exceptions can be made.

Planning finds that the property located at 52649 Highway 332 will not disqualify the applicant from being approved from an accessory dwelling on the property located at Assessor's Map 6N 35 20, Tax lot 1600 because the rental house is a pre-existing business separate from the farming operation. Commissioner Williams made a motion to approve Land Use Request #LUD-256-19, to convert the existing Primary Farm Dwelling to an Accessory Farm Dwelling. Commissioner Smith seconded the motion. Motion passed with a vote of 4:1.

NEW HEARING

UMATILLA COUNTY DEVELOPMENT CODE UPDATES. For the past year, Umatilla County has been working on amendments to the Umatilla County Development Code (UCDC) to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The proposed code amendments would apply to Commercial and Light Industrial Zoned properties adjacent to this corridor. The Planning Commission will make a recommendation to the Umatilla County Board of County Commissioners (BCC). Amendment procedures include UCDC Sections 152.750-152.753.

Commissioner Wysocki called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none.

STAFF REPORT

Bob Waldher, Planning Director, stated that the Highway 395 project began in 2015 starting with an economic development study of the corridor. As a result of the study, a recommendation was made to review the Development Code for areas adjacent to Highway 395 and adopt additional design standards to the corridor. The goal was to make the area look better aesthetically, as well as set the corridor up for success as it continues to grow and expand in the future into the Urban Growth Area (UGA) for the City of Umatilla and Hermiston.

Mr. Waldher stated that they formed a committee comprised of various business owners and land owners along the corridor. As a group, they chose to move forward with the recommendation made to adopt additional design standards. Other recommendations made as a result of the economic development study include domestic water for fire protection and traffic concerns. In

the future they plan to come up with ways to mitigate those additional issues, but for now they are focusing on the design standards.

Mr. Waldher stated that the committee applied and was selected to receive a Transportation and Growth Management Code Assistance Grant. As part of the Grant process they were provided with a consultant and technical experts from the Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation (ODOT) to help examine the code to determine which changes should be considered to make it more attractive and promote economic development in the corridor. The objectives include: create context-sensitive land use and design standards for the U.S. Highway 395 North frontage, implement access management standards for the project area taking into account future planned parallel road networks, improve multi-modal (pedestrian and bike traffic) connectivity in the project area in order to provide safe and comfortable active transportation options, and recognize the importance of maintaining economically vibrant and livable downtowns in the cities of Hermiston and Umatilla.

Mr. Waldher stated that the committee incorporated a robust public involvement process including two public workshops and two Planning Commission work sessions. The Planning Commission will make a recommendation to the BCC and they will make a decision whether to adopt the updates at their hearing scheduled for November 6, 2019.

Mr. Waldher stated that, for this project the primary concern is with the commercial and light industrial use parcels that front Highway 395. He directed the Planning Commission to page 1-2 in the packet which contains a memo from Angelo Planning Group. The memo outlines the project background and recommendations, as well as the proposed code amendments. The code amendments are presented in a strikeout and underlined format to indicate removal and addition to the code language.

Mr. Waldher stated that the key recommendations for the project include: implement maximum setback standards, establish a requirement for window area, establish landscaping requirements, require parking lot lighting, add standards for drive-up and drive-through facilities, establish a design points system, and use regulations to enhance economic development.

Mr. Waldher stated that implementing maximum setback standards will help create more visually interesting and attractive streetscape, provide safer and more convenient access for people arriving on foot or bike, help slow traffic on the street and provide a limited parking or merchandise display area in front of buildings. The proposed development requirements for new buildings include a minimum setback of 10 feet (ft.) and a maximum setback of 30 ft.

Mr. Waldher stated that the group recommended establishing landscaping requirements. He pointed out that the landscaping standards are quite low in the current code and most people don't bother. They believe establishing landscaping guidelines for the corridor will make a huge

difference in enhancing the visual appeal and pedestrian comfort. Recommendations include consideration of native plant species which can withstand the climate. He reiterated that these standards will only be required for those requesting approval for new construction or expansion of existing buildings.

Mr. Waldher stated that the group recommended standards to incorporate onsite lighting to enhance safety and comfort. They discussed design features to mitigate negative effects like light pollution, glare and spillover to adjacent properties. Design standards for lighting will make the parking lots, walkways and outdoor service areas safer for consumers and pedestrians in the evenings. He also pointed out that, at this time the code does not address standards for drive-through businesses. It was determined that safety standards should be set to ensure drive-through's are well designed to minimize vehicle conflict points and other dangers caused by slowing traffic on the highway.

Mr. Waldher explained that they have developed a design points system requiring proposed new development to achieve a certain number of points by incorporating design elements from the design point system list. No specific elements of design will be required of the business owner, but a total number of points must be achieved. The group felt this would allow flexibility for a wide variety of building types and uses.

Mr. Waldher asked the Planning Commission to review the proposed code changes beginning on page 8 in the packet and passed out a letter of support provided by Steve Watkins, TAC Chairman. Additionally, he explained that he received feedback from an individual who expressed that he did not support the proposal. He felt that business owners should be responsible for making changes on their own terms and believes they will eventually see changes overtime. Mr. Waldher stated that his suggested method has not worked well in the past and without set standards, the corridor is not likely to change much over time.

Public Agencies: Staff received a letter of support from City of Umatilla, Senior Planner, Brandon Seitz. Mr. Seitz was a member of the project Technical Advisory Committee (TAC) and wrote that the City of Umatilla believes the proposed code amendments will help improve the aesthetic characteristics of the corridor while promoting economic development opportunities.

Commissioner Wysocki added the two letters of support to the record; the letter from City of Umatilla (Exhibit A) and the letter from Steve Watkins (Exhibit B).

DELIBERATION & DECISION

Commissioner Williams made a motion to recommend approval of the Highway 395 Code Amendments to the Board of County Commissioners. Commissioner Hasenbank seconded the motion. Motion passed with a vote of 6:0.

MINUTES

Commissioner Wysocki called for any corrections or additions to the minutes from the August 22, 2019 meeting. Commissioner Hasenbank moved to approve the minutes as presented. Commissioner Williams seconded the motion. Motion carried by consensus.

ADJOURNMENT

Commissioner Wysocki adjourned the meeting at 7:37 p.m.

Respectfully submitted,

Tierney Dutcher,
Administrative Assistant

DRAFT