

Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission
Public Hearing
Thursday, September 28, 2017, 6:30 p.m.
Justice Center Media Room, Pendleton, Oregon

Members of Planning Commission

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

Members of Planning Staff

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

1. **Call to Order**
2. **Adopt Minutes** (Thursday, August 24, 2017)
3. **New Hearing:**

Plan Map Amendment #P-120-17, co-adopt City of Hermiston's Ordinance 2246

The City of Hermiston requests the County co-adopt City Ordinance 2246 amending the comprehensive plan map from urbanizable to urban status for 13.10 acres on the south side of W Gettman Road. The City Council also adopted Ordinance 2247 annexing said property effective upon co-adoption of Ordinance 2246. The criteria of approval are found in Umatilla County Development Code 152.750 - 152.754 and the Joint Management Agreement between the City and County.

4. **Adjournment**

Upcoming Meetings:

Thursday, October 19, 2017, 6:30 PM
Thursday, November 16, 2017, 6:30 PM
Thursday, December 14, 2017, 6:30 PM

**PLAN MAP AMENDMENT #P-120-17
CO-ADOPTION OF HERMISTON ORDINANCE NO. 2246
CITY OF HERMISTON, APPLICANT
GLEN AND JOY WULFF, OWNERS
SEPTEMBER 28, 2017, PLANNING COMMISSION
PACKET CONTENT LIST**

1. Staff Memo, page 1
2. Public Notice Map, page 2
3. Co-adoption request letter from City Planner, Clinton Spencer, pages 3 - 4
4. Hermiston Planning Commission packet, pages 5 - 17
5. Umatilla County comments on annexation (from Tamra Mabbott), pages 18 - 19
6. Hermiston Planning Commission August 9, 2017, minutes, pages 20 - 26
7. Staff report for August 14, 2017, City Council meeting, pages 27 - 30
8. Draft finding on conversion, pages 31 - 32
9. City Council August 14, 2017, regular meeting minutes, pages 33 - 36
10. City Ordinance No. 2246. Page 37
11. City Ordinance No. 2246. Page 38

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commission

FROM: Brandon Seitz, Senior GIS Planner *BS*

DATE: September 14, 2017

RE: City of Hermiston Plan Map Amendment Co-adoption

On August 14, 2017, the Hermiston City Council adopted Ordinance 2246 amending the Comprehensive Plan Map from urbanizable to urban status for 13.10 acres of land on the South side of W Gettman Road. The property is described as Tax Lot 701 located on Assessors Map 4N2815. The plan map amendment would change the designation from Future Residential to Low Density Residential. The City Council also passes Ordinance 2247 annexing said property with a Duplex Residential (R-2) zoning designation effective upon co-adoption of Ordinance 2246 by the Umatilla County Board of Commissioners.

Background Information

The Hermiston Planning Commission held a Public hearing on August 9, 2017, and unanimously passed a motion to recommend approval to the City Council. The City Council held a public hearing on August 14, 2017, and unanimously approved the plan map amendment and subsequently, unanimously adopted Ordinance 2246.

Co-Adoption

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

Conclusion

The Planning Commission can recommend approval or denial of the City of Hermiston's co-adoption request. The only item for consideration is the co-adoption of the Comprehensive Plan Map Amendment changing the designation of the property from urbanizable (Future Residential) to urban (Low Density Residential). All subsequent actions taken by the City including annexation with an R-2 zoning designation and potential subdivision are not a part of this consideration.



**PROPERTY OWNERS WITHIN 100'
NOTICE AREA
FROM SUBJECT PARCEL**

MAP	TAX LOT	OWNER
4N281500	600	PETERSON KIM A & MARIA E
4N281500	700	WULFF GLEN W & JOY A
4N281500	701	WULFF GLEN W & JOY A
4N2815CA	1300	SCHOOL DIST #8
4N2815CB	1500	WISEMAN COLTON L & JAMIE L
4N2815CB	1600	MILLS BRUCE ALLEN & HEATHER MICHELLE
4N2815CB	1700	GUTIERREZ EMANUEL & HOPKINS KAYLA A
4N2815CB	1803	SEELYE CARALEE C
4N2815CB	1804	SANDOVAL ALVARO
4N2815CB	1805	YZAGUIRRE ANTINIO M & ROSEMARIE
4N2815CB	1806	WEST BRIAN S & BRANDEE F

**PLAN MAP AMENDMENT#P-120-17
MAP #4N2815 TAX LOT #701
CITY OF HERMISTON, APPLICANT
GLEN AND JOY WULFF, OWNERS**

Legend

Subject Parcel Roads Map Boundary Tax Lots



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Map data should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 9/7/2017.



August 15, 2017



Tamra Mabbott
Umatilla County Planner
216 SE 4th Street
Pendleton, OR 97801

Re: Co-Adoption of Hermiston Ordinance No 2246

Dear Ms. Mabbott:

On August 14, 2017, the Hermiston City Council adopted Ordinance 2246 amending the comprehensive plan map from urbanizable to urban status for 13.10 acres on the south side of W Gettman Road. The city council also adopted ordinance 2247 annexing said property effective upon co-adoption of ordinance 2246. 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 is attached to this letter for the county's use.

The applicant in the matter of conversion and annexation is Frank Gehring Construction LLC. Mr. Gehring will contact the county to file any necessary applications and fees associated with the co-adoption process.

For reference the findings do not reflect the entirety of the adoption process. The city council had a lengthy discussion regarding the status of Gettman Road. Public testimony at the hearing centered on the need for Gettman Road to be improved. The city council determined that the road does need improvement, but the impact of 13 acres of land developing does not justify the addition of 4,000 feet of paving. The

applicant was required to sign an irrevocable consent agreement for future improvements to Gettman Road and a subdivision application has been filed with the city for this land which will result in full improvement of the street frontage adjacent to the property and an additional 500 feet more or less of paving to be added. The findings do reflect Gettman Road's status as an Urban Minor Collector in the Hermiston TSP which has been co-adopted by Umatilla County. The findings reflect that this level of improvement is appropriate for the scale of development proposed.

Sincerely,



Clinton Spencer
City Planner

C: Frank Gehring
Brandon Seitz

To: Planning Commission
From: Clinton Spencer, City Planner *CS*
Subject: Gehring Conversion and Annexation Request Gettman Road
Date: August 1, 2017



**Planning
Department**

Frank Gehring has submitted two applications to the City of Hermiston. One application is to change the comprehensive plan map designation from urbanizable "Future Residential" to urban "Low Density Residential." The second application is to annex the property into the city with a Duplex Residential (R-2) zoning designation. The planning commission will hold simultaneous hearings on both requests. However, the comprehensive plan map amendment must be forwarded to Umatilla County for co-adoption before the map amendment or annexation may take effect.

The property is located on the south side of W Gettman Road near the intersections with SW 9th Street and SW 10th Street and contains approximately 13 acres of land. The applicant seeks to bring the property into the city for residential development as a single-family subdivision. The property is described as 4N 28 15 Tax Lot 701.

Public notice requirements for the property have been met as follows:

- Notice of public hearing published in Hermiston Herald on July 19, 2017
- Notice of proposed land use action posted on property on July 19, 2017
- Notice of public hearing provided by direct mail to all property owners within 300 feet on July 19, 2017

Applicant: Frank Gehring Construction Inc

Property Location: The property is located on the south side of W Gettman Road approximately 300 feet east of SW 11th Street and intersects SW 9th Street and SW 10th Street.

Existing Use: The property is presently cultivated for agricultural use.

Surrounding Uses: The property is adjacent to single family residential uses to the north, west, and east. Agricultural land lies to the south.

Comp Plan Designation: The land proposed for conversion lies within the urbanizable portion of the urban growth boundary and has a Future Residential comprehensive plan map designation.

Surrounding Comp Plan Designations:

Land to the west and east has a Future Residential comprehensive plan map designation. Land to the south is outside the Hermiston UGB and is designated for farm use. Land to the north is within the urban portion of the urban growth boundary and is designated as low density residential.

Existing Zoning:

The land proposed for conversion has a zoning designation of Future Urban 10-Acre Minimum (FU-10).

Surrounding Zoning:

Land to the north have an R-1 and R-2 zoning designation. Lands to the east and west have a zoning designation of FU-10. Lands to the south are zoned Exclusive Farm Use.

Requested Comp Plan Map Designation and Requested Zoning:

Low Density Residential (L) and Duplex Residential (R-2).

Requirements

§157.226 of the Hermiston Code of Ordinances provides the method and approval criteria for granting or denying an amendment to the zoning map. The proposed amendment has been deemed a quasi-judicial change in that it involves the map and does not have widespread and significant impact beyond the immediate area of the proposed amendment. The following criteria as cited in §157.226(E) must be followed in deciding upon a quasi-judicial proceeding:

1. The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
2. The requested zone change must be justified by proof that:
 - a. The change is in conformance with the comprehensive plan and also the goals and policies of the plan.
 - b. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
 - c. The public need is best served by changing the classification of the subject site in question as compared with other available property.
 - d. The potential impact upon the area resulting from the change has been considered.
3. The courts will require a “graduated burden of proof” depending upon the more intensive land use that will occur as a result of the proposed rezoning.

4. Procedural process for a quasi-judicial hearing:
 - a. Parties at a public hearing must have an opportunity to be heard, to present and rebut evidence.
 - b. There must be a record which will support the findings made by the city council or planning commission.

Notice of the proposed action for a comprehensive plan map amendment or zoning map amendment shall be submitted to the Department of Land Conservation and Development 35 days prior to the date set for the initial hearing.

After the close of the initial evidentiary hearing, the planning commission shall make findings of fact and recommend to the city council adoption, revision or denial of the proposed amendments. Notice of the hearing before the city council shall be by one publication in the local newspaper. After the close of the public hearing, the city council shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments.

§150.05 of the Hermiston Code of Ordinances provides the requirements for annexations. The requirements for annexations are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.
2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.
5. All city services can be readily extended and the property owner is willing to bear costs associated with sewer, water and roads.

Draft Findings on Conversion

THE CHANGE IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ALSO THE GOALS AND POLICIES OF THE PLAN

1. The property is identified as Future Residential on the city's comprehensive plan map.
2. Changing the designation from Future Residential to Low Density Residential is consistent with existing plan designation.
3. The proposed Low Density Residential plan designation will implement the Future Residential Comprehensive Plan designation.

4. Property to the north is entirely designated as Low Density Residential on the city's comprehensive plan map.
5. Property to the west and east is designated as Future Residential on the city's comprehensive plan map.
6. Property to the south is not within the city's urban growth boundary and is developed agriculturally.
7. Amending the comprehensive plan map designation from Future Residential to Low Density Residential is consistent with the overall comprehensive plan and the pattern of existing neighborhood development.
8. The city must maintain a balance of residential property. The proposed Low Density Residential designation allows for single-family and duplex dwellings as outright uses and multi-family uses as conditional uses.
9. The applicant will extend water and sewer services to the property as required by Policy 23 of the Comprehensive Plan and the applicant has applied for annexation as required by said Policy 23.

DESCRIBE THE PUBLIC NEED FOR THE COMPREHENSIVE PLAN AMENDMENT AND WHETHER THAT PUBLIC NEED IS BEST SERVED BY THE CHANGING THE ZONING CLASSIFICATION ON THE PROPERTY UNDER CONSIDERATION

10. The property lies within the urbanizable portion of the urban growth boundary.
11. The property designation must be amended from the urbanizable Future Residential designation to the urban Low Density Residential designation in order for annexation and a city zone to be assigned.
12. Hermiston has documented a shortage of buildable residential land within the city limits at the March 2017 planning commission workshop.
13. Adding 13 acres of land to the residential inventory will create a public benefit in supplementing the residential inventory and creating additional housing opportunities.

EXPLAIN HOW THE PUBLIC NEED IS BEST SERVED BY CHANGING THE CLASSIFICATION OF THE SITE IN QUESTION AS COMPARED WITH OTHER AVAILABLE PROPERTY

14. The property is located adjacent to sewer and water services in SW 9th Street.
15. The proximity of sewer and water adequate to service potential development of the 13 acres of land under consideration is closer and more economically developable than the majority of similar sized parcels within the UGB.
16. The property is adjacent to city limits on the north side of Gettman Road and east of SW 9th Street.
17. The property is more readily serviceable by existing city limits than several similar sized urbanizable properties within the UGB.
18. The property is adjacent to Armand Larive Middle School and within walking distance of Desert View Elementary School making this property a better

candidate for residential development than other properties within the UGB that are farther from urban services.

EXPLAIN HOW THE POTENTIAL IMPACT UPON THE AREA RESULTING FROM THE CHANGE HAS BEEN CONSIDERED

19. The land proposed for conversion will have the same zoning designation as developed lands to the north.
20. The land will be developed in a low-density manner consistent with the pattern of existing development in the surrounding area to the west, east, and south. As noted, the land to the south is actively farmed and otherwise undeveloped.
21. W Gettman Road is classified as an urban minor collector.
22. At the time of property development, the W Gettman Road frontage adjacent to the site will be developed to minor collector standards, including pavement widening, curb, gutter, sidewalk, and drainage improvements.
23. The property has sufficient width and depth to create an internal circulation plan serviced by an internal street network. New driveway connections to W Gettman Road will be minimized to preserve traffic flow.

Draft Findings on Annexation

1. The City has received consent to annexation from the property owners for approximately 13 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing. Notices were also posted in four public places in the city for a like period. A notice of public hearing was also physically posted on the property. No comments or remonstrances have been received at this date as a result of the publication or posting.
3. Affected agencies were notified by direct mail.
4. A public hearing of the planning commission was held on August 9, 2017. No comments were received at the hearing.
5. The proposal is consistent with all applicable state annexation requirements.
6. 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.

7. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
8. Following adoption of conversion from urbanizable to urban status by the City of Hermiston and Umatilla County, the property will be located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
9. The annexation and existing residential development are consistent with applicable comprehensive plan policies and map designations.
10. This annexation will not have an adverse impact on the area because it is developed in a similar and compatible manner to adjacent properties.
11. Sewer and water will be available to service this property following extension by the applicant.

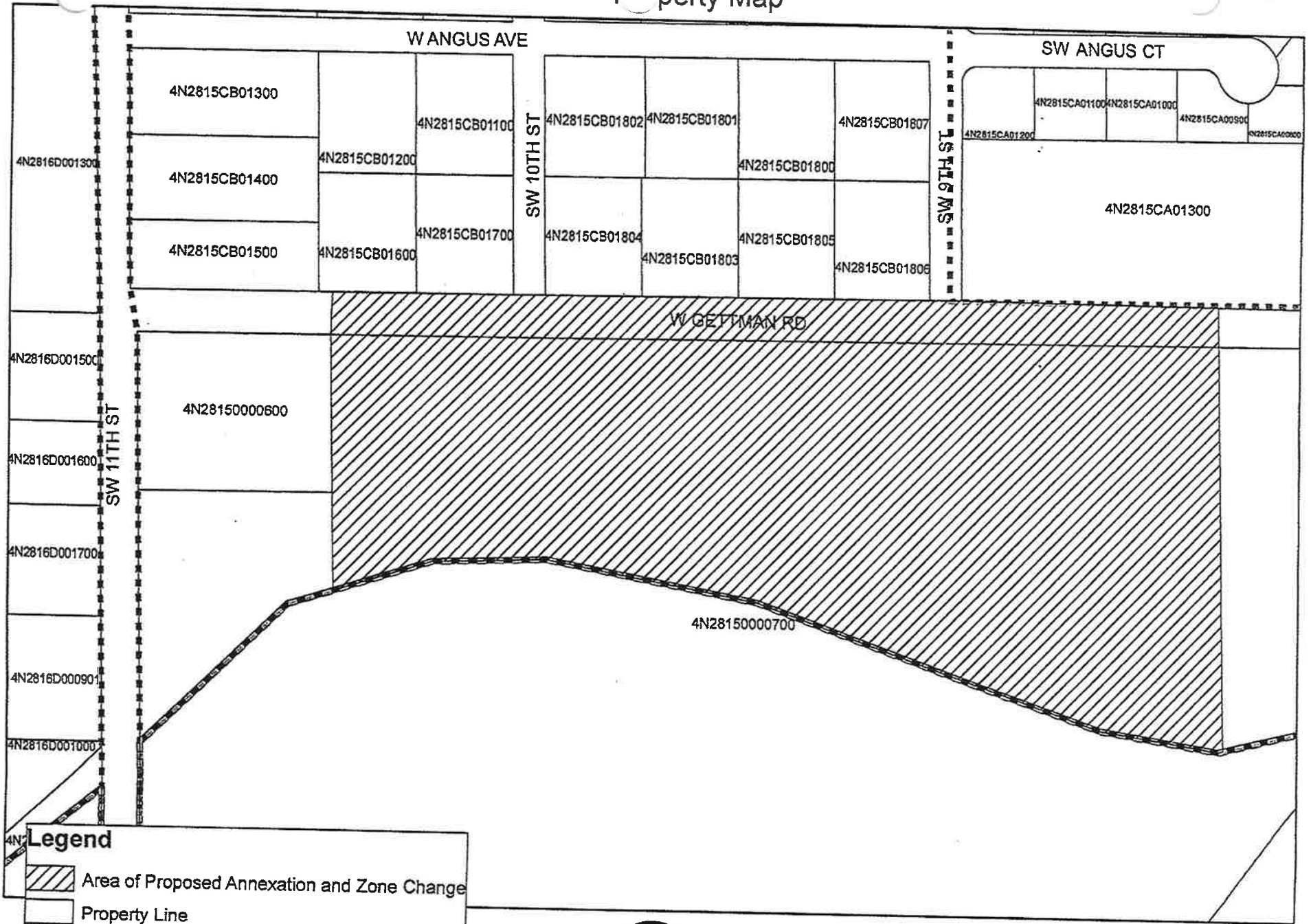
Zoning Designation

1. Following amendment by the city, the comprehensive plan map will designate the area as Low Density Residential.
2. The proposed Duplex Residential zone designation corresponds with the underlying Low Density Residential comprehensive plan designation.





Staff Recommendation

Staff recommends that the findings of fact, as may be amended, be adopted. Staff recommends that the planning commission make a recommendation to the city council that the comprehensive plan map amendment be adopted as submitted and the property be annexed with an R-2 zoning designation.

Property Map



Legend

-  Area of Proposed Annexation and Zone Change
-  Property Line
-  City Limits
-  UGB



11

CITY OF HERMISTON

APPLICATION FOR CONVERSION

Pursuant to the provisions of §157.226 of the Hermiston Code of Ordinances, application is hereby made to amend the text or the comprehensive plan map for the following described property:

Name of Applicant: FRANK W. GEHRING Const. Inc. Phone: 541-571-2961

Mailing Address: 79344 Prindle Loop Rd. Hermiston, OR 97838

Name of Owner (If Different): GLEN AND JOY WULFF Phone: 541-567-5967

Mailing Address: 795 W. GETTMAN ROAD HERMISTON OR 97838

Legal Description: Assessor's Map No: Tax Lot No:

Street Address:

Current Comprehensive Plan Designation:

Proposed Comprehensive Plan Designation:

IMPORTANT!: The zoning ordinance requires a positive recommendation from the Hermiston Planning Commission and approval from the Hermiston City Council before a change can be made in the comprehensive plan designation of any property. This approval must be determined after a joint public hearing before these bodies. Oregon's Land Use Planning Laws require the planning commission to make "findings of fact" with regard to requests for comprehensive plan amendments. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. Inasmuch as THE BURDEN OF PROOF IS ON THE PROPONENT, the chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

APPROVAL CRITERIA

- The burden in all land use proceedings is upon the applicant
The requested change must be justified by proof of the following:

1. Explain how the requested change is in conformance with the comprehensive plan and also the goals and policies of the plan.

THE PARCEL IS CURRENTLY EFU-10, WITH ANNEXATION TO THE CITY OF HERMISTON AND PROPOSED R-2 ZONING. WE HOPE TO CREATE A SUB-DIVISION OF APPROXIMATELY 45 LOTS, ALL SINGLE FAMILY DWELLINGS, RECORDED COVENANTS AND HOME PRICES RANGING BETWEEN \$275,000 AND \$350,000

2. Describe the public need for the comprehensive plan amendment and whether that public need is best served by changing the zoning classification on the property under consideration.

THE NEED FOR THE CONVERSION CAN HELP WITH FUTURE GROWTH IN THE CITY OF HERMISTON, ANNEXATION OF THIS PROPERTY WHICH IS IN THE URBAN GROWTH BOUNDARIES WILL HELP THE NEED OF GROWTH CHANGING IT TO THE CITY OF HERMISTON RESIDENTIAL ZONING.

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

BEST SERVICE FOR THE AERA WOULD BE SINGLE FAMILY DWELLINGS CLOSE TO PUBLIC SCHOOLS

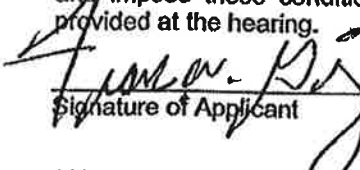
4. Explain how the potential impact upon the area resulting from the change has been considered.

TRAFFIC IS BEING CONSIDERED BY WORKING TO CREATE DIRECT ENTRANCES FROM SW. 9th AND SW. 10th STREET INTO OUR SOON TO BE PROPOSED SUB-DIVISION. WHERE 4 WAY STOPS CAN BE CREATED IF NEEDED. OTHER IMPACTS TO CONSIDER WOULD BE THE INCREASED REVENUE FOR THE CITY OF HERMISTON

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
2. Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets, and alleys.
3. A metes and bounds legal description of the entire property proposed for conversion. A metes and bounds description of each individual parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the planning commission/city council requests the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the planning commission/city council retains the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.



 Signature of Applicant

6-6-17

 Date

OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER

NOTE: The planning commission/city council shall conduct a public hearing on the proposed amendment at the earliest regular meeting, after the application is submitted, in accordance with the public hearing procedures under §157.226 of the Hermiston Code of Ordinances. Both text and map amendments shall also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for final action by the city council except as provided for under ORS 197.601. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

Office Use Only

Date Filed: 6-13-17 Received By: WJPL Meeting Date: 8-9-17
 Fee: \$725.00 Date Paid: 6-13-17 Receipt No: 1-110873

CITY OF HERMISTON

APPLICATION FOR ANNEXATION

Pursuant to the provisions of ORS Chapter 222 and Chapter 150 of the Hermiston Code of Ordinances, application is hereby made to annex the following described property:

Name of Applicant: FRANK W. GEHRING Const. INC. Phone: ⁽⁵⁴¹⁾ 571-2961

Mailing Address: 79344 PRINDLE LOOP Rd. HERMISTON, OR. 97838

Contact Person: FRANK GEHRING Phone: 541-571-2961

Mailing Address: _____

Name of Owner (If Different): GEN & JOY Wulff Phone: 541-567-5967

Mailing Address: 795 W. GETTMAN ROAD HERMISTON, OR. 97838

Legal Description: Assessor's Map No: _____ Tax Lot No: _____

Subdivision (If Applicable): _____

Street Address: _____

Current Comprehensive Plan Designation: CREATE SUB-DIVISION Proposed Zoning Designation: R-2

Land Area (In Acres): 13.10

Existing Use of Property:

Number of Single-Family Units: _____ Number of Multi-Family Units: _____

Number of Commercial Units: _____ Number of Industrial Units: _____

Public Facilities or Other Uses: _____

Population: Owners: _____ Tenants: _____ Voters: _____

Please include the Names and Ages of All Residents:

[Empty rectangular box for listing residents]

Surrounding Use of Property:

North: RESIDENTIAL AND middle school

South: RURAL RESIDENTIAL

East: RURAL RESIDENTIAL

West: RURAL RESIDENTIAL

Current Year Taxes: _____ Previous Year Taxes: _____

Total Assessed Valuation: \$ 400,000

Please provide a general description of the property including topography, vegetation, drainage basins, flood plain areas, etc.:

LEVEL FARM LAND / CURRENTLY PLANTED FOR
2017 WATERMELON HARVEST

Please explain why the annexation has been proposed:

FOR SUB-DIVISION DEVELOPMENT OF NEW RESIDENTIAL HOMES

If the property is undeveloped, please describe plans for future development. This description should describe whether the development will be residential, commercial or industrial and include building types, public facilities, number of units, etc.:

DEVELOP ACREAGE INTO APPROXIMATELY 45 LOT
TO BUILD SINGLE FAMILY DWELLINGS

Does the proposed development conform to the uses allowed under the proposed zoning designation?

YES

Please provide the following information regarding services and utilities:

Location and size of the nearest water line:

8" LINE AT INTERSECTION OF S.W. 9th ST
AND BETTMAN ROAD

Location and size of the nearest sewer line:

10" LINE AT INTERSECTION OF SW 9th
AND GETTMAN ROAD

Proximity of other facilities (storm drains, gas lines, irrigation lines, etc.):

GAS LINE 300' NORTH OF GETTMAN RD ON SW 9th
IRRIGATION LINE RUNS THROUGH PROPOSED PROPERTY TO ANGUS ACRES

The time at which services can be reasonably provided by the city or other district:

UPON COMPLETION OF SUB-DIVISION

The estimated cost of extending such facilities and/or services and the method of financing:

800,000 to 850,000 to CREATE SUB-DIVISION FINANCED BY
FRANK W. GERBRING CONST INC. BANK OF EASTERN OREGON

Availability of the desired service from any other unit of local government (Please Indicated which government):

Please indicate the roads that adjoin the parcel or will provide service to the parcel:

GETTMAN RD, S.W. 9th AND S.W. 10th

Please indicate the condition of the roads and any improvements that are projected:

FRONTAGE OF GETTMAN RD, NEWLY PAVED IN LAST 3 YEARS WILL NEED
STORM DRAIN, CURB AND SIDEWALK TO SOUTH SIDE, FROM SW 9th TO WEST
THE END OF PROPOSED PROPERTY, 9th TO EAST END OF PROPERTY, SOUTH SIDE
OF STREET PAVED, STORM DRAIN, CURB AND SIDEWALK.

Please indicate if any new roads will be created or extended through the property:

EXTEND SW 9th AND SW 10th INTO SUB-DIVISION WITH
ADDITIONAL STREETS AND CONNECTING STREETS TO BE CREATED
FOR APPROVAL OF SUB-DIVISION PLAT.

If the property is presently included within the boundaries of any of the following types of governmental units, please indicate by stating the name or names of the governmental units involved.

Rural Fire District: Umatilla Irrigation District: HERMISTON
School District: HERMISTON Drainage District: _____
Library District: _____ Parks and Recreation District: _____
Special Road District: _____

Please indicate which services are presently being received in the territory (For example, are residents receiving municipal water or sewer services?):

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
2. Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets and alleys.
3. A metes and bounds legal description of the entire property proposed for annexation. A metes and bounds legal description of each individual parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the city council, planning commission and annexation advisory committee request the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the city council, planning commission and annexation advisory committee retain the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.

I am the owner/ owner(s) authorized representative.
(If authorized representative, attach letter signed by owner or owners.)

[Signature]
Signature of Applicant

6-6-17
Date

OUT OF POCKET EXPENSES FOR PUBLICATION COSTS WILL BE BILLED LATER

For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

OFFICE USE ONLY

Date Filed: 6-13-17

Received By: [Signature]

Meeting Date: Aug 9, 2017

Fee: \$700.00

Date Paid: 6-13-17

Receipt No: 1-110874





RE: Gehring Construction annexation

Clinton Spencer <cspencer@hermiston.or.us>
To: Tamra Mabbott <tamra.mabbott@umatillacounty.net>

Tue, Aug 8, 2017 at 1:00 PM

Thanks for the comments.

From: Tamra Mabbott [mailto:tamra.mabbott@umatillacounty.net]
Sent: Tuesday, August 08, 2017 11:41 AM
To: Clinton Spencer <cspencer@hermiston.or.us>
Cc: Tom Fellows <tom.fellows@umatillacounty.net>; Brandon Seitz <brandon.seitz@umatillacounty.net>; Robert Waldher <robert.waldher@umatillacounty.net>
Subject: Gehring Construction annexation

Hello Clint - Thank you for the notice on the proposed Frank Gehring Construction annexation. A map of the property is attached. The property abuts approximately 1,468 feet of Gettman Road, a county road. Since the road was improved with asphalt when the middle school was constructed, Public Works is not recommending additional improvements at this time. We would like to request two conditions be imposed on the rezone.

1. Sign and record an Irrevocable Consent Agreement to participate in road improvements if the city and/or county initiate road improvements in the future. (County can provide the template for this agreement).
2. Obtain Access Permits from county Public Works.

Thank you.

Cordially, Tamra

--

-

Tamra Mabbott, Planning Director

Umatilla County Department of Land Use Planning

216 SE 4th ST | Pendleton, OR 97801

Phone: 541-278-6246 | Fax: 541-278-5480

<http://www.umatillacounty.net/planning> - Visit our website for copies of planning documents, permit applications and other helpful information.

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

SEP 11 2017

HERMISTON PLANNING COMMISSIONRegular MeetingUMATILLA COUNTY
PLANNING DEPARTMENTAugust 9, 2017

Commissioner Saylor called the meeting to order at 7:00 PM. Commissioners Caplinger, Erz, Rebman and Frederic were present. Commissioners Hamm, Doherty, Fialka and Flaiz were excused.

Minutes

Minutes of the July 12, 2017, regular Planning Commission meeting were approved as written.

Hearing-Conversion and Annexation W Gettman Road

The planning commission is holding a hearing to consider an application from Frank W. Gehring Construction, Inc for conversion and annexation of 13.10 acres of land located at 995 W Gettman Road. The property is described at 4N 28 15 Tax Lot 701. Applicant proposes to annex the property with a Duplex Residential (R-2) zoning designation and amend the Comprehensive Plan Map from Future Residential to Low Density Residential.

Chairman Saylor asked if any commissioners had a conflict of interest. Hearing none, the hearing was opened at 7:01PM. The following hearing guidelines were read:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to amend the Comprehensive Plan Map and annex the property are contained in §156.08 and §150.05 of the Hermiston Code of Ordinances.
- b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
- c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
- d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.
- f. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received, adopt findings of fact, and make a recommendation to the city council on conversion and annexation.

Frank Gehring has submitted two applications to the City of Hermiston. One application is to change the comprehensive plan map designation from urbanizable "Future Residential" to urban "Low Density Residential." The second application is to annex the property into the city with a Duplex Residential (R-2) zoning designation. The planning commission will hold simultaneous hearings on both requests. However, the comprehensive plan map amendment must be forwarded to Umatilla County for co-adoption before the map amendment or annexation may take effect.

The property is located on the south side of W Gettman Road near the intersections with SW 9th Street and SW 10th Street and contains approximately 13 acres of land. The applicant seeks to bring the property into the city for residential development as a single-family subdivision. The property is described as 4N 28 15 Tax Lot 701.

Public notice requirements for the property have been met as follows:

- Notice of public hearing published in Hermiston Herald on July 19, 2017
- Notice of proposed land use action posted on property on July 19, 2017
- Notice of public hearing provided by direct mail to all property owners within 300 feet on July 19, 2017

Applicant:

Frank Gehring Construction Inc

Property Location:

The property is located on the south side of W Gettman Road approximately 300 feet east of SW 11th Street and intersects SW 9th Street and SW 10th Street.

Existing Use:

The property is presently cultivated for agricultural use.

Surrounding Uses:

The property is adjacent to single family residential uses to the north, west, and east. Agricultural land lies to the south.

Comp Plan Designation:

The land proposed for conversion lies within the urbanizable portion of the urban growth boundary and has a Future Residential comprehensive plan map designation.

Surrounding Comp Plan Designations:

Land to the west and east has a Future Residential comprehensive plan map designation. Land to the south is outside the Hermiston UGB and is designated for farm use. Land to the north is within the urban portion of the urban growth boundary and is designated as low density residential.

Existing Zoning:

The land proposed for conversion has a zoning designation of Future Urban 10-Acre Minimum (FU-10).

Surrounding Zoning:

Land to the north have an R-1 and R-2 zoning designation. Lands to the east and west have a zoning designation of FU-10. Lands to the south are zoned Exclusive Farm Use.

**Requested Comp Plan Map
Designation and Requested
Zoning:**

Low Density Residential (L) and Duplex Residential (R-2).

Requirements

§157.226 of the Hermiston Code of Ordinances provides the method and approval criteria for granting or denying an amendment to the zoning map. The proposed amendment has been deemed a quasi-judicial change in that it involves the map and does not have widespread and significant impact beyond the immediate area of the proposed amendment. The following criteria as cited in §157.226(E) must be followed in deciding upon a quasi-judicial proceeding:

1. The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
2. The requested zone change must be justified by proof that:
 - a. The change is in conformance with the comprehensive plan and also the goals and policies of the plan.
 - b. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
 - c. The public need is best served by changing the classification of the subject site in question as compared with other available property.
 - d. The potential impact upon the area resulting from the change has been considered.
3. The courts will require a “graduated burden of proof” depending upon the more intensive land use that will occur as a result of the proposed rezoning.
4. Procedural process for a quasi-judicial hearing:
 - a. Parties at a public hearing must have an opportunity to be heard, to present and rebut evidence.
 - b. There must be a record which will support the findings made by the city council or planning commission.

Notice of the proposed action for a comprehensive plan map amendment or zoning map amendment shall be submitted to the Department of Land Conservation and Development 35 days prior to the date set for the initial hearing.

After the close of the initial evidentiary hearing, the planning commission shall make findings of fact and recommend to the city council adoption, revision or denial of the proposed amendments. Notice of the hearing before the city council shall be by one publication in the local newspaper. After the close of the public hearing, the city council shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments.

§150.05 of the Hermiston Code of Ordinances provides the requirements for annexations. The requirements for annexations are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.

2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.
5. All city services can be readily extended and the property owner is willing to bear costs associated with sewer, water and roads.

Findings of Fact on Conversion

THE CHANGE IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ALSO THE GOALS AND POLICIES OF THE PLAN

1. The property is identified as Future Residential on the city's comprehensive plan map.
2. Changing the designation from Future Residential to Low Density Residential is consistent with existing plan designation.
3. The proposed Low Density Residential plan designation will implement the Future Residential Comprehensive Plan designation.
4. Property to the north is entirely designated as Low Density Residential on the city's comprehensive plan map.
5. Property to the west and east is designated as Future Residential on the city's comprehensive plan map.
6. Property to the south is not within the city's urban growth boundary and is developed agriculturally.
7. Amending the comprehensive plan map designation from Future Residential to Low Density Residential is consistent with the overall comprehensive plan and the pattern of existing neighborhood development.
8. The city must maintain a balance of residential property. The proposed Low Density Residential designation allows for single-family and duplex dwellings as outright uses and multi-family uses as conditional uses.
9. The applicant will extend water and sewer services to the property as required by Policy 23 of the Comprehensive Plan and the applicant has applied for annexation as required by said Policy 23.

DESCRIBE THE PUBLIC NEED FOR THE COMPREHENSIVE PLAN AMENDMENT AND WHETHER THAT PUBLIC NEED IS BEST SERVED BY THE CHANGING THE ZONING CLASSIFICATION ON THE PROPERTY UNDER CONSIDERATION

10. The property lies within the urbanizable portion of the urban growth boundary.
11. The property designation must be amended from the urbanizable Future Residential designation to the urban Low Density Residential designation in order for annexation and a city zone to be assigned.
12. Hermiston has documented a shortage of buildable residential land within the city limits at the March 2017 planning commission workshop.
13. Adding 13 acres of land to the residential inventory will create a public benefit in supplementing the residential inventory and creating additional housing opportunities.

EXPLAIN HOW THE PUBLIC NEED IS BEST SERVED BY CHANGING THE CLASSIFICATION OF THE SITE IN QUESTION AS COMPARED WITH OTHER AVAILABLE PROPERTY

14. The property is located adjacent to sewer and water services in SW 9th Street.
15. The proximity of sewer and water adequate to service potential development of the 13 acres of land under consideration is closer and more economically developable than the majority of similar parcels within the UGB.
16. The property is adjacent to city limits on the north side of Gettman Road and east of SW 9th Street.
17. The property is more readily serviceable by existing city limits than several similar sized urbanizable properties within the UGB.
18. The property is adjacent to Armand Larive Middle School and within walking distance of Desert View Elementary School making this property a better candidate for residential development than other properties within the UGB that are farther from urban services.

EXPLAIN HOW THE POTENTIAL IMPACT UPON THE AREA RESULTING FROM THE CHANGE HAS BEEN CONSIDERED

19. The land proposed for conversion will have the same zoning designation as developed lands to the north.
20. The land will be developed in a low-density manner consistent with the pattern of existing development in the surrounding area to the west, east, and south. As noted, the land to the south is actively farmed and otherwise undeveloped.
21. W Gettman Road is classified as an urban minor collector.
22. At the time of property development, the W Gettman Road frontage adjacent to the site will be developed to minor collector standards, including pavement widening, curb, gutter, sidewalk, and drainage improvements.
23. The property has sufficient width and depth to create an internal circulation plan serviced by an internal street network. New driveway connections to W Gettman Road will be minimized preserve traffic flow.

Findings of Fact on Annexation

1. The City has received consent to annexation from the property owners for approximately 13 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing. Notices were also posted in four public places in the city for a like period. A notice of public hearing was also physically posted on the property. No comments or remonstrances have been received at this date as a result of the publication or posting.
3. Affected agencies were notified by direct mail.
4. A public hearing of the planning commission was held on August 9, 2017. Testimony in support of the annexation was received at the hearing.
5. The proposal is consistent with all applicable state annexation requirements.
6. 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 econor provision of urban facilities and services.

7. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
8. Following adoption of conversion from urbanizable to urban status by the City of Hermiston and Umatilla County, the property will be located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
9. The annexation and existing residential development are consistent with applicable comprehensive plan policies and map designations.
10. This annexation will not have an adverse impact on the area because it is developed in a similar and compatible manner to adjacent properties.
11. Sewer and water will be available to service this property following extension by the applicant.

Zoning Designation

1. Following amendment by the city, the comprehensive plan map will designate the area as Low Density Residential.
2. The proposed Duplex Residential zone designation corresponds with the underlying Low Density Residential comprehensive plan designation.

Staff Recommendation

Staff recommends that the findings of fact, as may be amended, be adopted. Staff recommends that the planning commission make a recommendation to the city council that the comprehensive plan map amendment be adopted as submitted and the property be annexed with an R-2 zoning designation.

City Planner Spencer stated that an email was received today from the Umatilla County Planning Department requesting the property be bound by an irrevocable consent agreement for Gettman Road improvements should the development not go through.

Testimony

Frank Gehring 79344 Prindle Loop Road- Mr. Gehring applied for R-2 zoning to be able to put more houses on the property. He is planning on having CCR's in place to restrict duplexes and businesses in the development. Mr. Gehring anticipates the price range of the homes to be sold between \$275,000 and \$325,000.

Annette Kirkpatrick- 210 SW Angus-Ms. Kirkpatrick lives in the neighborhood north of the proposed development. She has not heard any negative feedback from neighbors. Ms. Kirkpatrick is also representing the Hermiston Irrigation District. The HID will work with Mr. Gehring on fencing and co-existing as the homes will go right up to the federal easement on the canal.

Chairman Saylor closed the hearing at 7:13PM.

Commissioner Erz moved and Commissioner Caplinger seconded to adopt the findings on conversion as written. Motion passed unanimously.

Commissioner Caplinger moved and Commissioner Rebman seconded to recommend the city council

approve the comprehensive plan map amendment from Future Residential to Low Density Residential on the condition that the property owner sign an irrevocable consent agreement for street improvements. Motion passed unanimously.

Commissioner Rebman moved and Commissioner Erz seconded to approve the findings on annexation with the change to #4. Motion passed unanimously.

Commissioner Erz moved and Commissioner Caplinger seconded to recommend the city council approve the annexation of the property with a zoning designation of R-2. Motion passed unanimously.

Planner Comments and Unscheduled Communications

City Planner Spencer informed the commissioners that the planning commission will assume the duties of reviewing Hermiston Urban Renewal Agency façade grant applications and making recommendations to the city council.

The September planning meeting will include the residential code amendments hearing.

Charlotte Dack was named realtor of the year. She is the longest practicing realtor in the state.

Meeting adjourned at 7:25PM.

Staff Report

For the Meeting of August 14, 2017

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2017 –

**SUBJECT: Gehring Conversion
and Annexation Request**

Subject

Frank Gehring has petitioned the city to annex 13 acres at 995 W Gettman Road to develop a residential subdivision. In order to annex the property the land must be converted from Future Residential to Low Density Residential on the comprehensive plan map.

Summary and Background

Frank Gehring has submitted two applications to the City of Hermiston. One application is to change the comprehensive plan map designation from urbanizable "Future Residential" to urban "Low Density Residential." The second application is to annex the property into the city with a Duplex Residential (R-2) zoning designation. The city council will hold simultaneous hearings on both requests. However, the comprehensive plan map amendment must be forwarded to Umatilla County for co-adoption before the map amendment or annexation may take effect.

The property is located on the south side of W Gettman Road near the intersections with SW 9th Street and SW 10th Street and contains approximately 13 acres of land. The applicant seeks to bring the property into the city for residential development as a single-family subdivision. The property is described as 4N 28 15 Tax Lot 701.

Public notice requirements for the property have been met as follows:

- Notice of public hearing published in Hermiston Herald on July 26, 2017
- Notice of proposed land use action posted on property on July 19, 2017
- Notice of public hearing provided by direct mail to all property owners within 300 feet on July 19, 2017

Applicant:

Frank Gehring Construction Inc

Property Location:

The property is located on the south side of W Gettman Road approximately 300 feet east of SW 11th Street and intersects SW 9th Street and SW 10th Street.

Existing Use:

The property is presently cultivated for agricultural use.

CITY OF HERMISTON

Surrounding Uses: The property is adjacent to single family residential uses to the north, west, and east. Agricultural land lies to the south.

Comp Plan Designation: The land proposed for conversion lies within the urbanizable portion of the urban growth boundary and has a Future Residential comprehensive plan map designation.

Surrounding Comp Plan Designations: Land to the west and east has a Future Residential comprehensive plan map designation. Land to the south is outside the Hermiston UGB and is designated for farm use. Land to the north is within the urban portion of the urban growth boundary and is designated as low density residential.

Existing Zoning: The land proposed for conversion has a zoning designation of Future Urban 10-Acre Minimum (FU-10).

Surrounding Zoning: Land to the north have an R-1 and R-2 zoning designation. Lands to the east and west have a zoning designation of FU-10. Lands to the south are zoned Exclusive Farm Use.

Requested Comp Plan Map Designation and Requested Zoning: Low Density Residential (L) and Duplex Residential (R-2).

§157.226 of the Hermiston Code of Ordinances provides the method and approval criteria for granting or denying an amendment to the zoning map. The proposed amendment has been deemed a quasi-judicial change in that it involves the map and does not have widespread and significant impact beyond the immediate area of the proposed amendment. The following criteria as cited in §157.226(E) must be followed in deciding upon a quasi-judicial proceeding:

1. The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
2. The requested zone change must be justified by proof that:
 - a. The change is in conformance with the comprehensive plan and also the goals and policies of the plan.
 - b. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.

CITY OF HERMISTON

- c. The public need is best served by changing the classification of the subject site in question as compared with other available property.
 - d. The potential impact upon the area resulting from the change has been considered.
3. The courts will require a “graduated burden of proof” depending upon the more intensive land use that will occur as a result of the proposed rezoning.
 4. Procedural process for a quasi-judicial hearing:
 - a. Parties at a public hearing must have an opportunity to be heard, to present and rebut evidence.
 - b. There must be a record which will support the findings made by the city council or planning commission.

Notice of the proposed action for a comprehensive plan map amendment or zoning map amendment shall be submitted to the Department of Land Conservation and Development 35 days prior to the date set for the initial hearing.

After the close of the initial evidentiary hearing, the planning commission shall make findings of fact and recommend to the city council adoption, revision or denial of the proposed amendments. Notice of the hearing before the city council shall be by one publication in the local newspaper. After the close of the public hearing, the city council shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments.

§150.05 of the Hermiston Code of Ordinances provides the requirements for annexations. The requirements for annexations are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.
2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.
5. All city services can be readily extended and the property owner is willing to bear costs associated with sewer, water and roads.

Fiscal Information

The land is proposed for development as a residential subdivision containing 46 lots. At the time the property is fully developed, the development will generate an additional \$79,000 per year in property tax revenue.

Alternatives and Recommendation

The city council may choose to:

1. Adopt the two ordinances amending the comprehensive plan designation and annexing the property as R-2.

2. Reject the two ordinances and leave the property in the county

Recommendation:

Staff recommends that the council choose option 1 and amend the comprehensive plan designation and annex the property.

Requested Action/Motion

Motion following the closure of the hearing to adopt the findings of fact attached as Exhibit A on conversion.

Motion following the closure of the hearing to adopt the findings of fact attached as Exhibit B on annexation.

Motion to adopt Ordinance 2246.

Motion to adopt Ordinance 2247.

Reviewed by:



Department Head – Clinton Spencer, City Planner



City Manager Approval

EXHIBIT A

Draft Findings on Conversion

THE CHANGE IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ALSO THE GOALS AND POLICIES OF THE PLAN

1. The property is identified as Future Residential on the city's comprehensive plan map.
2. Changing the designation from Future Residential to Low Density Residential is consistent with existing plan designation.
3. The proposed Low Density Residential plan designation will implement the Future Residential Comprehensive Plan designation.
4. Property to the north is entirely designated as Low Density Residential on the city's comprehensive plan map.
5. Property to the west and east is designated as Future Residential on the city's comprehensive plan map.
6. Property to the south is not within the city's urban growth boundary and is developed agriculturally.
7. Amending the comprehensive plan map designation from Future Residential to Low Density Residential is consistent with the overall comprehensive plan and the pattern of existing neighborhood development.
8. The city must maintain a balance of residential property. The proposed Low Density Residential designation allows for single-family and duplex dwellings as outright uses and multi-family uses as conditional uses.
9. The applicant will extend water and sewer services to the property as required by Policy 23 of the Comprehensive Plan and the applicant has applied for annexation as required by said Policy 23.

DESCRIBE THE PUBLIC NEED FOR THE COMPREHENSIVE PLAN AMENDMENT AND WHETHER THAT PUBLIC NEED IS BEST SERVED BY THE CHANGING THE ZONING CLASSIFICATION ON THE PROPERTY UNDER CONSIDERATION

10. The property lies within the urbanizable portion of the urban growth boundary.
11. The property designation must be amended from the urbanizable Future Residential designation to the urban Low Density Residential designation in order for annexation and a city zone to be assigned.
12. Hermiston has documented a shortage of buildable residential land within the city limits at the March 2017 planning commission workshop.
13. Adding 13 acres of land to the residential inventory will create a public benefit in supplementing the residential inventory and creating additional housing opportunities.

EXPLAIN HOW THE PUBLIC NEED IS BEST SERVED BY CHANGING THE CLASSIFICATION OF THE SITE IN QUESTION AS COMPARED WITH OTHER AVAILABLE PROPERTY

14. The property is located adjacent to sewer and water services in SW 9th Street.
15. The proximity of sewer and water adequate to service potential development of the 13 acres of land under consideration is closer and more economically developable than the majority of similar sized parcels within the UGB.
16. The property is adjacent to city limits on the north side of Gettman Road and east of SW 9th Street.
17. The property is more readily serviceable by existing city limits than several similar sized urbanizable properties within the UGB.
18. The property is adjacent to Armand Larive Middle School and within walking distance of Desert View Elementary School making this property a better candidate for residential development than other properties within the UGB that are farther from urban services.

EXPLAIN HOW THE POTENTIAL IMPACT UPON THE AREA RESULTING FROM THE CHANGE HAS BEEN CONSIDERED

19. The land proposed for conversion will have the same zoning designation as developed lands to the north.
20. The land will be developed in a low-density manner consistent with the pattern of existing development in the surrounding area to the west, east, and south. As noted, the land to the south is actively farmed and otherwise undeveloped.
21. W Gettman Road is classified as an urban minor collector.
22. At the time of property development, the W Gettman Road frontage adjacent to the site will be developed to minor collector standards, including pavement widening, curb, gutter, sidewalk, and drainage improvements.
23. The property has sufficient width and depth to create an internal circulation plan serviced by an internal street network. New driveway connections to W Gettman Road will be minimized to preserve traffic flow.



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City Council Regular Meeting - Minutes

Date: Mon., Aug. 14, 2017

Mayor Drotzmann called the regular meeting to order at 7:00pm. Present were Councilors Kirwan, Hardin, Myers, Primmer, Gutierrez, and Smith. Councilors Davis and Beas-Fitzgerald were excused. Staff members in attendance were City Manager Byron Smith, City Attorney Gary Luisi, Assistant City Manager Mark Morgan, Chief Edmiston, Clint Spencer, Larry Fetter, Tom Creasing, Nate Rivera, Scott Clark, Tim Miers, Chas Hutchins, and Lilly Alarcon-Strong. News media present was Jade McDowell from the East Oregonian. The pledge of allegiance was given.

Presentation- Certificate of Achievement for Excellence in Financial Reporting

City Manager Smith stated the City was awarded its consecutive 27th annual Certificate of Achievement for Excellence in Financial Reporting. City Manager Smith thanked Finance Director Amy Palmer and staff for their work in continuing this tradition.

Mayor Drotzmann congratulated the City for this achievement and thanked Finance Director Amy Palmer and staff.

Consent Items

Councilor Primmer moved and Councilor Hardin seconded to approve all Consent Agenda items, to include:

- A. Minutes of the July 24th, work session and regular City Council meeting.
- B. Minutes of the July 28th, Public Safety Committee meeting.

Motion carried unanimously.

Public Hearing for conversion and annexation of 13.10 acres located at 995 W Gettman Road.

Hearing no potential conflicts of interest, City Planner Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:06pm.

City Planner Clint Spencer presented the Council with information regarding an application from Frank W. Gehring Construction, Inc for conversion and annexation of 13.10 acres of land located at 995 W Gettman Road. The property is described at 4N 28 15 Tax Lot 701. Mr. Gehring proposes to annex the property with a Duplex Residential (R-2) zoning designation and amend the Comprehensive Plan Map from Future Residential to Low Density Residential. The applicant seeks to bring the property into the city for residential development as a single-family subdivision. At the time of property development, the W Gettman Road frontage adjacent to the site will be developed to collector standards, including pavement widening, curb, gutter, sidewalk, and drainage improvements. Gettman Road residents would like the City to consider paving the entire road, so the City Council will need to consider whether or not 46 new homes is enough of an impact to pay for this expense. County Commissioners must also approve the Comprehensive Plan Map in order for full adoption to take place.

Proponents:

Frank Gehring stated he would like to develop the land into 46 single-family homes ranging in lot size from 8,000 sq ft to 15,000 sq ft, with homes ranging in size of 2,038 sq ft to 3,000 sq ft. No duplexes or business will be constructed on this site. The subdivision will be made of beautiful, higher standard homes, with the future growth of the City in mind. Each home will be listed for sale for between \$275,000 to \$325,000. Depending on the market and sale of the homes, Mr. Gehring believes all phases of the property will be completed in about 4 years.

Mayor Drotzmann thanked Mr. Gehring for his willingness to help solve the housing dilemma Hermiston is facing.

Opponents:

Gary Stolz 150 W Gettman Rd, stated he and his wife have lived on Gettman Road for the last 30 years. Mr. Stolz stated he is against this proposed action as the school's impact to Gettman Road was not calculated correctly as many vehicles, including school buses, travel on this road to get to and from school. Residents were promised that school buses would not use this road, except to pick up students, but this is not the case. The road gets extremely dusty as there is much more traffic in the area now. Dust abatement can be expensive and does not always work as well. Mr. Stolz stated he is also concerned about how much more vehicle traffic there will be if duplexes are built instead of single-family homes. Mr. Stolz stated he and his neighbors have brought these dust concerns, due to the school traffic, to the County, City, and School Board but no one wants to do anything about it.

Dennis Burke 370 W Gettman Rd, stated he feels like a neutral party in this discussion as he is very supportive of this project and knows, first hand, how affordable housing is needed in Hermiston. Mr. Burke stated he has lived on Gettman Rd for over 28 years and believes, like Gary, that there is a problem with all the traffic and dust on Gettman Rd due to the school. He and neighbors were reassured that the school would not impact traffic on Gettman Rd, but this has not been the case. Heavy traffic does not only consist of mornings and afternoons, but also evenings during after school events. He has brought

the dust issue to the County who has told him they do not pave roads. Dust abatement does not always work as traffic is more than what the abatement can handle. And, although, dust and traffic are a concern, the biggest concern he has is with traffic accidents. There have been multiple accidents on this road because of the corrugated roadway. They have hit trees, flipped their vehicles on property, and gone into the irrigation ditch because this roadway has not been maintained by the County. Someone needs to take control of this road; because, if a beautiful new subdivision is built, it will be very difficult to tell people "Don't drive the rest of Gettman Rd" when that is the closest access to the main part of town.

Mayor Drotzmann asked if he and the neighbors have discussed participating in an LID.

Mr. Burke stated no, only abatements.

Mayor Drotzmann asked City Planner Clint Spencer how much it would cost to pave the rest of the County Road, on Gettman, that would not be paved by the developer.

City Planner Clint Spencer stated \$2 million.

Tim Key 240 W Gettman Rd, stated his family moved to Gettman Rd, from Morrow County, about 9 years ago and thought it would be a nice, quiet place to raise his family, and it was, until the new school was built. Due to the increased traffic, there is an increase of dust, and wishes he would have never bought the home due to the dust that accumulates on and in his home and vehicles.

Mr. Key suggested as a cost savings option, that the bridge be taken out and make Gettman Rd a dead end street. Mr. Key stated he agrees, Hermiston needs more housing, but wants to know why duplexes are an option if the intent is to only build single-family houses.

Frank Gehring stated the City's zoning lot coverage sizing requires a certain lot size per house, the R2 zoning allows a bigger lot size so a bigger house could be built. Mr. Gehring stated he has traveled on Gettman Rd and agrees with residents about the street conditions.

Mr. Gehring stated he lives on Prindle Loop Rd and the residents that live on this road, chip sealed the road; his cost was \$1,000 for the 300 ft portion of road and the County said they would maintain the road after the chip seal. Mr. Gehring suggested, as an alternative, that the rest of the road be chip sealed.

Mayor Drotzmann asked how long the chip seal will last.

City Engineer Chas Hutchins stated due to the heavier traffic from the school buses, a chip seal on Gettman Rd would last about 5 years.

City Planner Clint Spencer stated when the conditional use permit was issued for Armand Lairve, one of conditions was that school buses were not to go east bound on Gettman Rd. If they are traveling on this road again, as this is not the first time, he will need to contact the School District regarding this issue. Mr. Spencer stated the \$2 million estimate to pave the rest of Gettman Rd also includes rebuilding the railroad crossing and paving the ditch.

City Engineer Chas Hutchins stated the improvements mentioned by Mr. Spencer are needed for safety issues.

Mayor Drotzmann stated there is an obvious interest, from all parties, to improve Gettman Rd. The challenge is indicating who is responsible for these improvements, and unfortunately, these issues cannot be remedied tonight.

After no further public testimony the hearing was closed at 7:43pm.

City Planner Clint Spencer outlined the finds of fact to the Council on conversion and annexation as prepared in the agenda packet.

Councilor Kirwan moved and Councilor Myers seconded to approve the conversion findings of fact as written. Motion carried unanimously. Councilor Primmer moved and Councilor Kirwan seconded to approve the annexation findings of fact as written. Motion carried unanimously.

Ordinance No. 2246 – Amend the comprehensive plan map for 13.10 acres of land located at 995 W Gettman Road from Future Residential to Low Density Residential. City Planner Clint Spencer stated information regarding Ordinance No. 2246 was presented earlier during the public hearing.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Luisi read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only.

After City Attorney Luisi read the ordinance by title only for the second reading Councilor Gutierrez moved and Councilor Kirwan seconded that Ordinance 2246 be adopted tonight and become effective 30-days after co-adoption by the Umatilla County Board of Commissioners. Motion carried unanimously.

Ordinance No. 2247 – Annex 13.10 acres of land located at 995 W Gettman Road to the City of Hermiston with a Duplex Residential (R-2) zoning designation. City Planner Clint Spencer stated information regarding Ordinance No. 2247 was presented earlier during the public hearing.

Gary Stolz asked if the County will need to approve these ordinances in order for this action to become effective.

Mayor Drotzmann stated yes.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Luisi read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only. After City Attorney Luisi read the ordinance by title only for the second reading Councilor Primmer moved and Councilor Kirwan seconded that Ordinance 2247 be adopted tonight and become effective 30-days after co-adoption by the Umatilla County Board of Commissioners. Motion carried unanimously.

Resolution No. 2066 - Approving Umatilla County Extension Service District to be placed on the ballot. - was read and discussed. City Manager Smith gave a brief presentation regarding the requested resolution from Oregon State University Extension to be placed on the ballot and its impact on the City.

After Council discussion, Mayor Drotzmann opened the conversation to public comment.

Steve Williams 205 SE Crestline, encouraged the Council to approve Resolution 2066 and let the citizens decide. Mr. Williams stated the economy of Hermiston and surrounding areas are heavily influenced by the agricultural industry. Farmers provide many employment opportunities and purchase a great deal of supplies and materials from local businesses. The agricultural community has contributed continued growth in our City, economy, population, and education. The formation of the district will provide a more stable source of funding, and the benefits of this formation will far exceed the financial impact.

Ray Baker 29450 Knight Rd, encouraged the Council to approve this resolution and let the voters decide. Mr. Baker stated he is a 4H leader in the community and the resources that the experiment station provide to the kids participating in 4H is phenomenal. The wide variety of knowledge they gain from the experiment station is unsurpassed, and, in turn, the community is benefiting from what they all bring.

Vern Frederickson 240 E McKinney, stated he appreciates the Council's willingness to let the voters decide. Everyone benefits from agriculture and the community should help support this important effort.

Ben Kramison 1034 SW 19th Ct, stated he appreciates the Council's open mindedness to allow this question to go to the voters. This is a strong agricultural community and things like this are extremely important.

Phil Hamm 32738 Diagonal Rd, stated he is representing Oregon State University. The cities of Umatilla, Ukiah, Athena, and Weston have approved similar resolutions and Mr. Hamm is asking that Hermiston also approve this resolution. Mr. Hamm distributed a letter in support to approve this resolution from Tom Spoo, who is a very active member in 4H, and understands the value it brings to kids and the community. Mr. Hamm stated OSU just submitted a \$5.2 million federal grant related to nitrates in ground water, and leading this effort on understanding where nitrates are coming from and how we can fit it. This is a very important issue for Hermiston and surrounding areas, and goes to show that OSU is working on much more than people may realize.

After some discussion, Councilor Myers moved and Councilor Kirwan seconded to approve Resolution No. 2066 and lay upon the record. Motion carried unanimously.

Mayors Report

Mayor Drotzmann apologized for missing the work session meeting as he was invited to meet with Secretary of Energy Rick Perry and Representative Walden during this time frame. Mayor Drotzmann stated Mr. Perry was very generous with his time and had some very exciting things to say about safe, reliable, and affordable electricity.

Mayor Drotzmann thanked Portland Mayor Ted Wheeler and staff, and Councilors Davis, Hardin, and Myers, and the Hermiston Chamber of Commerce, and local producers for their time during the annual Portland Watermelon seed spitting contest and giveaway on August 4th, and the local producers for their contributions to this annual event.

Mayor Drotzmann thanked all those who participated in the Fair Parade is on August 5th. Mayor Drotzmann thanked the Watermelon Float Committee for getting the float ready and organized for the parade and Jim Lund from the Recycled Water Plant who drove the float.

Mayor Drotzmann stated Monday's Fair and Rodeo grounds ribbon cutting was well attended, as well as the Fair and Rodeo events for the rest of the week. It has been a very busy couple of weeks for Hermiston.

Council Report

Councilor Kirwan commended the EOTEC, Farm City Pro Rodeo, and Fair Boards as the fair, barns, and rodeo grounds and facilities were great. Everything was great!

Mayor Drotzmann agreed and also thanked all of the hundreds of volunteers who helped get everything cleaned up and ready for the events. Mayor Drotzmann thanked Nate Rivera for accepting the interim General Manager Position.

Nate Rivera stated he is happy and eager to take on this challenge and appreciates the opportunity.

City Manager's Report

City Manager Smith agreed and stated adjustments and improvements will continue to be made for continued success of the grounds and events at EOTEC. With Mr. Rivera's help, there is a possibility an outside firm will be coming in to run the facility. Mr. Rivera will also continue his work with Hermiston Energy Services as well. City Manager Smith stated his position on the EOTEC Board will also be changing now that the construction side has been completed and the Board focuses more on the operation side.

Construction for the Harkenrider Center continues. Security cameras have been installed at City Hall, and a cash depositing system will soon be implemented so staff no longer has to make deposits. The Finance Director position has been advertised through Prothman and will be open for about five weeks. This is a difficult position to fill, but Prothman will do their diligence to seek out the best applicants.

Recess and Convened Urban Renewal Agency Meeting

Mayor Drotzmann recessed the regular meeting at 8:36pm and immediately convened the Urban Renewal Agency Meeting.

Facade grant application for Lucky Endz located at 239 E Main Street

City Planner Clint Spencer presented the agency with the facade grant improvements application and supporting documents for Lucky Endz in the amount of \$7,475.

After some discussion, Councilor Primmer moved and Councilor Smith seconded to approve the facade grant to Lucky Endz. Motion carried unanimously.

Combining the Façade Grant Committee to the Planning Commission

City Planner Clint Spencer stated the Façade Grant Review Committee meets on an ad hoc basis to review applications. In order to comply with state law public meeting laws, the Façade Grant Review Committee is proposing to dissolve the Committee and assigning their duties to the Planning Commission. The Planning Commission has the technical knowledge and is well-versed in urban design as to make informed recommendations regarding grant awards. The Planning Commission is also very excited to take on this responsibility.

After some discussion, Councilor Primmer moved and Councilor Smith seconded to approve the disbanding of the Façade Grant Review Committee and assign those duties to the Planning Commission. Motion carried unanimously.

There was no other business and Mayor Drotzmann adjourned the Urban Renewal Agency Meeting at 8:42pm.

Convene and Recess

Mayor Drotzmann convened and recessed the regular meeting at 8:42 pm and announced that an executive session will convene in accordance to ORS 192.660 (2) (d) which allows the Council to meet in Executive Session to conduct deliberations with persons designated by the Council to carry labor negotiations.

Representative of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are excluded. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No final decision may be made in executive session. At the end of the executive session, the Council will return to open session which the audience may attend.

Reconvened and Adjournment

Mayor Drotzmann reconvened the regular meeting at 9:31pm. There was no other business and Mayor Drotzmann adjourned the meeting at 9:31pm.

Accessibility Statement - The City of Hermiston is committed to making its electronic and information technologies accessible to individuals with disabilities. We are currently in the process of upgrading our web site to ensure we meet or exceed the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for web content.

For more information on how to report an issue related to the accessibility or how to file a formal Section 504 or ADA (Title II) complaint about the accessibility of any content on our website, please see our full [Accessibility Statement](#).

Anti-Discrimination Policy - It is a policy of the City of Hermiston that there will be no discrimination or harassment on the grounds of race, color, sex, marital status, religion, national origin, age, sexual orientation, or disability in any educational programs, activities or employment. For more information, visit the [Anti-Discrimination Policy](#) page.

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ORDINANCE NO. 2246

AN ORDINANCE AMENDING THE CITY OF HERMISTON COMPREHENSIVE PLAN MAP TO CONVERT CERTAIN LANDS FROM URBANIZABLE STATUS TO URBAN STATUS LOCATED WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF HERMISTON IN ACCORD WITH THE PROVISIONS OF POLICY 6 IN THE CITY'S COMPREHENSIVE PLAN.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property shall be changed on the city comprehensive plan map, to-wit:

Parcel 2 Partition Plat Number 2017-10 and the 66 foot right-of-way adjacent to the north property line of said Parcel 2

SUBJECT to any and all water rights of way;

All being East of the Willamette Meridian, Umatilla County, Oregon.

All land in described in this section shall be designated Low Density Residential (L).

SECTION 2. The findings of fact as adopted by the City Council on August 14, 2017 are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be thirty days after co-adoption by the Umatilla County Board of Commissioners.

PASSED by the City Council this 14th day of August, 2017.

SIGNED by the Mayor this 14th day of August, 2017.

MAYOR

ATTEST:

CITY RECORDER

ORDINANCE NO. 2247

AN ORDINANCE DECLARING CERTAIN LANDS TO BE ANNEXED TO THE CITY, OUTLINING THE NEW BOUNDARIES, DESCRIBING SAID PROPERTY, WITHDRAWING SAID LANDS FROM SPECIAL DISTRICTS, AND DESIGNATING ZONING.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property be and the same is annexed to the City of Hermiston, withdrawn from the Umatilla County Library District and the Umatilla County Sheriff's Office Law Enforcement District due to annexation, and the City zoning map is expanded to include said property as Duplex Residential (R-2); to-wit:

Parcel 2 Partition Plat Number 2017-10 and the 66 foot right-of-way adjacent to the north property line of said Parcel 2

SUBJECT to any and all water rights of way;

All being East of the Willamette Meridian, Umatilla County, Oregon;

SECTION 2. The findings of fact as adopted by the City Council on August 14, 2017 are incorporated herein by reference.

SECTION 3. The city recorder shall promptly transmit a record of annexation proceedings to the Secretary of State and notify the County Assessor of the change in boundary.

SECTION 4. The effective date of this ordinance shall be the thirtieth day after co-adoption of City of Hermiston Ordinance No. by the Umatilla County Board of Commissioners.

SECTION 5. This annexation shall be complete when all necessary documents have been accepted and filed by the Secretary of State.

PASSED by the Common Council this 14th day of August, 2017.

SIGNED by the Mayor this 14th day of August, 2017.

MAYOR

ATTEST:

CITY RECORDER

Meeting Minutes

Thursday, August 24, 2017

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, August 24, 2017
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon

COMMISSIONERS

PRESENT: Randy Randall, Chair, Gary Rhinhart, Vice Chair, Don Marlatt, Tami Green, Clive Kaiser, Don Wysocki
ABSENT: Suni Danforth, Tammie Williams, Cecil Thorne
STAFF: Tamra Mabbott, Planning Director, Bob Waldher, Assistant Planning Director, Tierney Dutcher, Administrative Assistant, Ginny Kerns, Planning Intern

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

CALL TO ORDER

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

MINUTES

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

NEW HEARING

TEXT AMENDMENT, #T-16-068, PLAN AMENDMENT #P-117-16, ZONE MAP AMENDMENT, #Z-309-16, and VARIANCE, #V-348-17 application submitted by the OREGON DEPARTMENT OF TRANSPORTATION (ODOT). The applicant requests to add an expansion of an existing quarry (Meacham Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed expansion would add approximately 19 acres to the existing Goal 5 protected site. The property is located off the west side of the Old Oregon Trail Highway, described as Township 1 North, Range 35 East, Section 34, Tax Lots 800, 900, and 1000, and Township 1 South, Range 35 East, Section 03AB, Tax Lot 100. The existing quarry is zoned Grazing Forest (GF) with Aggregate Resource overlay (AR). The proposed expansion area is currently zoned GF and Forest Residential (FR).

The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-040 – 050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code (UCDC) 152.487 – 488.

STAFF REPORT

Bob Waldher, Assistant Planning Director, stated that the application was submitted by ODOT. They are requesting to add several ODOT owned tax lots to Umatilla County Comprehensive Plan list of Goal 5 protected sites. The proposed expansion includes approximately 19 acres (ac.) to the existing 35.7 ac. Goal 5 protected site. In addition, the applicant is requesting a Variance from the UCDC criteria which requires an AR overlay setback of at least 1,000 feet (ft.) from properties zoned for residential use.

Mr. Waldher reminded the Planning Commission that this application was originally presented at the Planning Commission hearing on December 15, 2016. After the notices were distributed, it was determined that the 1,000 ft. setback from the FR Zone located to the east of the quarry needed to be addressed. The applicant has now submitted a Variance request. Mr. Waldher noted that the UCDC has not been updated with the Division 23 rules for aggregate. Therefore, the OAR will be directly applied to this application. The task for the Planning Commission is to review the application and determine whether or not it complies with applicable land use standards, recommend conditions of approval and ultimately make a recommendation to the Board of County Commissioners (BCC) whether or not to approve the Variance request, as well as the Plan, Zone and Map Amendment.

Commissioner Kaiser asked about the water that may be present in the bottom of the pit after aggregate is removed. Mr. Waldher stated that the applicant is the best person to answer those specific questions.

Applicant Testimony: Patrick Knight, ODOT, 3012 Island Avenue, La Grande, OR 97850. Mr. Knight stated that the water table at the location would not rise above the ground because there is no water source in the area that would lend to pooling. Seasonally, water is allowed to dwindle.

Commissioner Kaiser asked about preventing water seepage. He is concerned if the pooling water is not a balanced pH it could contaminate the groundwater. Mr. Knight stated that the rock does not change the pH of the water and the water dissipates and seeps naturally. The water tables are deep in that area and all run off will be kept on site. Commissioner Kaiser asked if the Department of Environmental Quality (DEQ) will be testing the water. Mr. Waldher stated that the applicant will likely be required to obtain an erosion control and sediment plan from DEQ, so that will be part of the state permitting process. Mr. Knight stated that they do apply an erosion plan and meet all state standards. Mr. Waldher stated that a condition could be added to address that issue. Commissioner Kaiser stated that he would like to see a condition added.

Commissioner Kaiser stated that page 14 of the Commissioners packet mentions a post mining reclamation plan. He asked if he can review that plan. Mr. Knight stated that he believes it was submitted as part of the land use application and is also available through the Oregon Department of Geology and Mineral Industries (DOGAMI). Mrs. Mabbott stated that DOGAMI is the state agency that regulates mining. The county does not have jurisdiction to directly regulate the reclamation plan so we defer to DOGAMI. They have a Reclamationist that visits all the sites and approval is based on strict criteria. Mr. Knight stated that reclamation efforts will include smoothing and contouring land and revegetating with a local seed mix. Mr. Waldher stated that in a forest zone, the OAR requires the applicant to revegetate and reclaim the land for wildlife habitat. Mr. Kaiser asked if weed abatement is included in the plan. Mrs. Mabbott stated that they would need to comply with County weed codes and a condition could be added, as well. Commissioner Kaiser stated that he would hate to see it become a noxious weed pit, especially when it has been disturbed and reestablished. Mr. Knight stated that the activity will continue for years and years. Commissioner Kaiser stated that it is all the more reason to preserve the space for the future.

Commissioner Rhinhart asked if all 4 parcels will not be used for mining right away. Mr. Knight stated that they do not have a project planned on those parcels at this time, so there is no plan to mine anytime

soon. In September they will be doing their usual mining on the portion that was already a Goal 5 site for gravel for the roads. Mr. Rhinhart asked if they hire a contractor do the mining. Mr. Knight said yes, they provide specifications to the contractors and make sure they comply with DOGAMI, as well as DEQ for the crushing of the aggregate.

Commissioner Rhinhart asked if the property is locked up to keep people out. Mr. Knight said he is not sure, he believes part of the property is fenced. Commissioner Rhinhart stated that the location is close to Meacham and there are homes not far from the site. He is concerned about people shooting guns and asked if they have signs posted warning trespassers and shooters to keep out. Mr. Knight stated that they do have signs posted, but they continue to see shooters from time to time. Commissioner Rhinhart stated that there is a big issue with shooting at aggregate sites because the lead that ends up in the rock pits gets hauled out with the gravel for the roads. The gravel can contain high levels of heavy metals like lead and brass. He stated that he saw a truckload of gravel dumped near his home and noticed a large amount of lead in the gravel. He is concerned that his home is near a limited water quality stream and the runoff from the roads drain directly into the stream. Over time, this could become a serious environmental issue. Mr. Rhinhart requested that a condition is added that requires signage against dumping and shooting at the site. Mr. Waldher stated that, when considering past ODOT quarries, the Planning Commission has added similar conditions. He agreed to add signage conditions to the findings of this application, as well.

Chair Randall closed the hearing for deliberation.

Commissioner Rhinhart stated that they should have a condition that requires the water quality to be tested by DEQ, if pooling occurs. Mr. Waldher stated that a condition like that could become problematic because it is difficult for the Planning Department to regulate. He stated that they already have added a condition that requires the applicant to obtain all applicable permits for the mining operation from DEQ for air, noise and water quality issues before mining activities begin. Commissioner Kaiser stated that he would like to add a condition to require testing if pooling water is present because he doesn't want it seeping into the groundwater if it is acidic. Mr. Knight asked Commissioner Kaiser why he believes the aggregate will make the water acidic. Commissioner Kaiser stated that it smells like sulfur when he drives by the site. Mr. Knight stated that any seepage in the area, regardless if it is an aggregate site or not, will go through the same kind of rock. Commissioner Kaiser stated that the rock being harvested at the site smells like sulfur, which has a natural acidifying effect. Mr. Knight said if there is some way to do this he is open to hearing more, but they can only follow what rules are set for mining at an aggregate site and they abide by all DOGAMI and DEQ rules.

Mrs. Mabbott stated that page 22 in the Commissioners packet addresses regulations on extraction and sedimentation ponds. In order to have a condition or restriction on a permit, it must be applied to a standard, and that is as close as our standards come to addressing sedimentation ponds. The water quality concerns are valid and could be noted in the findings. However, there may not be enough information to specifically impose a condition. Staff will amend the findings to memorialize the discussion that took place about water quality concerns and note that, to the extent possible, ODOT is encouraged to test the water to ensure there is no potential for contamination of groundwater, and to mitigate if ponding water is found. Discussion ensued and the Commissioners agreed that would be a good way to handle the concern.

Commissioner Rhinhart made a motion to approve Text Amendment #T-16-068, Plan Amendment #P-117-16, Zone Map Amendment, #Z-309-16, and Variance, #V-348-17 with additional conditions that require the applicant to keep the area free from noxious weeds according to County weed regulations and post signage for no dumping or shooting on ODOT property. There is an additional condition stating that the applicant shall adhere to DEQ permits for air, noise and water quality issues before these activities begin, and Mr. Waldher will memorialize the discussion in the findings, about water quality concerns and recommended testing of pooling water. The motion was seconded by Commissioner Kaiser. Motion passed with a vote of 6:0.

OTHER BUSINESS

Presentation: Update to Recreation Element of Comprehensive Plan
Ginny Kerns, Planning Department Intern

Ms. Kerns gave a presentation about her experience this summer working on the Plan4Health initiative, funded by Good Shepherd, in the Planning Department and the County Public Health Department. The Plan4Health initiative was formed with an objective to promote physical activity opportunities and nutrition in order to improve Umatilla County's health rankings.

One project Ms. Kerns oversaw during her internship was rewriting the Recreational Policies for the Umatilla County. The policies were last written in the 1970's and needed to be updated to match our county's current health needs. Of the 36 counties in Oregon Umatilla County is currently ranked 26th in health outcomes and 31st in regards to health factors. We have the highest childhood obesity rates in the state and an overall obesity rate of 33% of our total population. Only about 24% of the community members participate in physical activity, and total nutritional balance for adults within the county is about 4%. To combat this, Plan4Health is working to promote physical activity through recreational use.

Throughout the county, use of recreational areas has been declining, with less than 1% of the population actively jogging, walking and biking on trails. This, in part, is due to many of our trails being in poor condition, making it difficult to enjoy our trail systems and want to be active. The only increase in physical activity is that of walking for pleasure within the last 5 years.

Along with recreational use, Ms. Kerns also looked into the identified priorities of need. According to the Statewide Comprehensive Outdoor Recreation Plan (SCORP), a ranking from 1-5 of our top priorities of need include; improved RV, trailer, and tent campgrounds at a 4, Children's playgrounds at 3.8 and more and improved walking trails at 3.7.

As stated in the original Recreational Needs Policies, "Umatilla County is growing rapidly. Existing facilities are becoming inadequate, and entirely new types are in demand". Our recreational policies should be aligned with the changes we want to see made, with an end goal of creating a healthier and more active community. Our set policies no longer support our current goals, as our community has grown and changed within the last 40 years.

Ms. Kerns started the process by reviewing the 11 existing recreational policies and making some simple updates. An example of the updates made to the existing policies can be found on page 36 in the Commissioner's packets, Needs Policy #8. The original policy states that "[t]he County will work with private property owners, local off-road vehicle organizations, and appropriate state and federal agencies to help solve the problems". However, Ms. Kerns found that many of the complaints within the last few years concerning off-road vehicle problems, according to SCORP, have come from the individuals who participate in this activity, rather than those who are bothered by this activity. An increase in popularity in off-road vehicle use has risen from 25% to 61% within the last few years. The belief that recreational areas for this activity need to be expanded was driving most of the complaints. To accommodate this change, the policy has been updated to state that, "[t]he County will work with private property owners, local off-road vehicle organizations, and appropriate state and federal agencies to provide safe use areas for off-road vehicles". This change works to promote the recreational activity as it gains popularity, whereas the previous policy was more concerned with focusing on complaints.

As part of the revision, Ms. Kerns created 5 additional policies that are relevant to the needs of our current community. The first newly added policy is on page 36 in the Commissioner's packets, Needs Policy #10 concerning winter recreation and snow sports. Snow sports are a large part of winter recreation, which the existing policies fail to address. With an average winter temperature of 35 degrees, winter recreation is very important to the health and wellness of our community. To account for this, the new policy states that, "[t]he County will continue to work with appropriate agencies to manage valuable resources for snow sports, working to protect the recreational facilities that go into use during the winter months and to promote usage of such areas". The objective is to increase winter recreation and promote physical activity during the months when people are significantly less motivated to go outside to exercise.

In reviewing other counties policies, including the recreational plan for Deschutes and Lane Counties, Ms. Kerns learned that those with successful recreational plans use the Recreational Master Plan as their basis for improvements and changes. This method has proven to work well in providing guidance on park expansion and the funding sources required to make changes and improvements possible. Ms. Kerns saw a need for policies concerning the Recreational Master Plan. As a result, she created Need Policies #13 and #14. Needs Policy #13 now states, "[p]arks and recreational facilities should be inventoried and identified in the Master Plan and should use the Master Plan as a guide when improvements are being made to such areas." Needs Policy #14 was added to outline funding for park maintenance and improvement stating, "[f]unding for parks and other recreational areas should be allocated with appropriate need and betterment in mind for the appropriate usage of these areas when available".

Ms. Kerns noticed that Umatilla County's policies did not include information on inclusion efforts, including ADA standards, into their policies. It should be a priority to promote use of recreational areas for everyone. Our county's recreational policies have an impact on how others live their lives and no person should experience limited recreational opportunities because of the built environment in which they live. To account for this issue, Ms. Kerns added Need Policies #15 which states, "[a]ll recreational areas, facilities, sites, and trails should work to meet the standards set in the Americans with Disabilities ACT (ADA) in order to be accessible to everyone" and #16, "[t]he County will work with public and private agencies to ensure that parking areas for recreational sites are accounted for, along with

accessible parking spaces within each area”. After consulting with Disability Rights Oregon Board Member, Darrin Umbarger, Ms. Kerns learned that availability of wheelchair accessible parking is an issue at many of our recreational sites.

The technical report for the recreational policies was also rewritten to match with the new set of 16 policies that were created. In the technical report, demand came from the SCORP and the Umatilla County Community Needs and Readiness Assessment (CNRA) outlining our current recreational sites and facilities and ideas on how to improve those areas. This includes disability access, better and more multi-language signage, trail widening, and enhanced equipment throughout our recreational areas, sites, and facilities, promoting greater physical activity opportunities and inclusion for all.

ADJOURNMENT

Chair Randall adjourned the meeting at 7:41 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant

(Minutes adopted by the Planning Commission on _____)