

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, June 27, 2024, 6:30pm

COMMISSIONERS

PRESENT: Tami Green, Acting Chair; John Standley, Emery Gentry, Malcolm Millar and Ann Minton

COMMISSIONER

PRESENT VIA ZOOM: Kim Gillet

COMMISSIONERS

ABSENT: Suni Danforth, Chair, Sam Tucker, Vice Chair, Andrew Morris

PLANNING STAFF:

Robert Waldher, Community Development Director, Carol Johnson, Senior Planner, and Shawna Van Sickle, Administrative Assistant

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

CALL TO ORDER

Acting Chair for this evening is Commission Green. Commissioner Green called the meeting to order at 6:32PM.

Commissioner Green read the opening statement.

NEW HEARING

TEXT AMENDMENT #T-096-24, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, ADOPTING LEGISLATIVE CHANGES OF OREGON STATUTES AND OREGON ADMINISTRATIVE RULES GOVERNING EXCLUSIVE FARM USE (EFU) AND GRAZING FARM (GF): Umatilla County proposes text changes to the Umatilla County Development Code (UCDC) EFU zoning Sections 152.058, 152.059, 152.060, GF zoning Section 152.084 and corresponding EFU and GF Conditional Use and Land Use Decision Sections 152.617 (I) (EE) and (I) (FF). Changes also include reorganizing the County Development Code Non-Conforming Sections 152.591 – 152.600 and insertion of applicable facilities from County Plans into the Type II Land Division Code Section 152.684 for the land division of properties not zoned EFU and GF.

Commissioner Green called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

She called for the Staff Report.

STAFF REPORT

Carol Johnson, Senior Planner, stated today's hearing is a Legislative Hearing for a Post-Acknowledgment Plan Amendment (PAPA) amending the text of the Umatilla County Development Code (UCDC). The amendments are due to legislative changes to incorporate Oregon Statutes and land use Administrative Rules, specifically (OAR) Chapter 660, Divisions 6 and 33 affecting lands zoned Exclusive Farm Use (EFU) and Grazing-Farm (GF).

Mrs. Johnson added that each year when the Legislature meets can result in changes to the statutes governing farm and forest zoned lands. Local governments then incorporate these changes through a code amendment process. These amended Code Sections include Umatilla County Development Sections 152.058, 152.059, 152.060, 152.084 and 152.617.

Mrs. Johnson explained today's action includes updates to the Non-conforming Code Sections 152.591 – 152.600, in compliance with ORS 215.130, along with a proposed revision and reorganization of the standards applicable to non-resource Type II Land Divisions contained in UCDC Section 152.684.

Mrs. Johnson stated the Commissioners packets include the staff memo, draft findings, a table of the proposed amendments, and one email comment from Umatilla County Public Works Director, Tom Fellows. She stated in addition to the Public Works Director, the amendments were sent to the County Surveyor and also reviewed by County Counsel. County Counsel responded that any public roads created by land division approval would require the Board of Commissioners to sign the Partition Plat to accept the public road. This has been captured in today's proposed amendment language.

Mrs. Johnson mentioned the Type II Land Division Section has long directed applicants to address elements of the Comprehensive Plan policies related to public facilities and services, as well as, elements of the County Transportation Plan. Research of and addressing these Plans and/or policies by applicants typically were not completed. Staff reviewed these facility and Plan elements and inserted what was believed to be the applicable elements into this update. She stated that in addition to the markup version contained in the packet, the Planning Commissioners received a clean copy of the Type II Land Division section for review. The clean version displays the changes in this section and how it will read without the markups.

Mrs. Johnson stated scrivener errors may exist in the code update but will be corrected in the final version to ensure semi-colons, commas and periods are correctly inserted [per UCDC 152.750 (B)].

Mrs. Johnson concluded the Umatilla County Development Code Sections 152.750 through 152.755 prescribes a two-hearing process for code amendments, with the first hearing before the Planning Commission. The Planning Commission's task is to forward a recommendation on the amendments to the Board of Commissioners. The second hearing is scheduled before the Board of

County Commissioners for final decision on July 17, 2024 at 9:00am in the Umatilla County Courthouse in Pendleton. She stated she wanted to quickly touch on the sections in the table for further explanation and then questions could be addressed by the Planning Commission.

Mrs. Johnson began with UCDC Section 152.058 stating the first section refers to the process of obtaining a zoning permit in an Exclusive Farm Use (EFU) zone for alteration, restoration, or replacement of a dwelling and had only been slightly modified. She stated ORS 215.291 influenced the change. She explained a simple zoning permit is needed if a home still exists on the property and the property owner wants to replace it. If the property owner removes the home or it is burnt down, they have one year to come into the Planning office to submit a zoning permit under the same process. She stated after that year they must submit for a Land Use Decision and prove the home had all the elements that make it replaceable.

Commissioner Standley asked if the process of recommending approval was to adopt all changes or if they can suggest changes to the amendment. Mrs. Johnson explained that with updates where it involves statutes, under ORS 215.283 listed under sub 1 in the statute are uses of right. She further explained we cannot add or take away standards for establishing those uses. Sub-sections under 2 and 3 and further, are conditional uses and we have more latitude to be as restrictive as the statute states or we can be more restrictive. She stated if the Planning Commission does not recommend approval to the Board of County Commissioners we would have to go directly to the statute to implement.

Commissioner Standley referred to page 4, under the proposed amendments to UCDC 152.058 (F)(6)(d)(i), regarding identifiable extreme or high wildfire risk on a statewide map. He mentioned transmission lines and other things that may increase wildfire risk. Mrs. Johnson stated an adopted wildfire map has not been established, it is still a work in progress. She stated this was a newly established standard and deals with fire hardening standards with the residential code and is specific to replacement dwellings within this zone. Mrs. Johnson also urged caution of altering code and applying it to different parts of the Development Code especially when it comes to legislative changes. She also discussed the option for additional latitude for considering safety regulations at the local jurisdiction. Commissioner Standley explained his initial question again for further clarification on changes the Planning Commission would consider if the necessity arose at the local level. Mrs. Johnson stated it would be the same process as that evening's hearing. The Planning Commission could request an amendment to the code. Mrs. Johnson stated if the Planning Commission desires to move forward or the Board of County Commissioners requests to move forward, then staff are tasked with the request.

Mrs. Johnson referenced UCDC Section 152.058, adding small processing facilities approval with a Zoning Permit. She stated Legislature has added this section and redefined the overall square footage of the facility. Previous regulations stated up to 10,000 square feet, now it is anything less than 2,500 square feet. She elaborated that structures under 2,500 square feet would be permitted through a Zoning Permit, anything over 2,500 square feet and up to 10,000 square feet would be

permitted through a Land Use Decision. This was also inserted into UCDC Section 152.617 (II)(1) to clarify the type of agriculture processing facilities based on size.

Mrs. Johnson continued onto page 10-12, she stated the addition of natural hazard residence adds a brand-new use as a conditional use and standards applicable to siting a natural hazard residence. UCDC Section 152.060 (FF) adds the new use for emergency campgrounds and the conditions of approval in the conditional use section UCDC 152.617 (I) (FF). This use is applicable as a result of wildfires. She stated this was implemented in case this would be necessary within Umatilla County.

Mrs. Johnson explained the changes on page 15, UCDC Section 152.084 (K) (2), Grazing Farm/Forest template dwelling. She summarized that changes changed language for better clarification and dissolve any misinterpretations.

Mrs. Johnson stated page 18, UCDC Section 152.591-152.600, is the non-conforming use section. This section has been updated and includes a clean version of this first section under UCDC Section 152.595. She explained this section aligns with ORS 215.130. She reiterated County Counsel has looked at this section and didn't suggest any additions.

Commissioner Standley had a question regarding tracts of land and where the road crosses it. He asked if this spoke to a public versus private road or a deeded easement and the consideration when a road abuts a property. Mrs. Johnson stated it does not specify but the Planning office has always interpreted it spoke about a public or County road, not a private driveway or similar. She stated this was an important issue with the State across various counties and how the template is interpreted and designed along a road. Mrs. Johnson stated more conversations and changes could occur regarding templates in the future.

Mrs. Johnson reiterated her initial comments about the difficulty for individuals to address the old language from the early zoning code, referencing page 23 under UCDC Section 152.684 Type II Land Division Standards for Approval. She gave some history about the evolution of the old zoning ordinance and zoning code and how it was incorporated into the Development Code. She stated some of the Type II Land Division code was from the earlier code before the County Comprehensive Plan was acknowledged by the State of Oregon. Prior to acknowledgment decisions were made by applying the statewide planning goals specifically to uses. The current code references the Comprehensive Plan and isn't very specific and changes were needed to simplify the process. This was done by inserting specifics such as addressing water, septic, etc. Mrs. Johnson stated that minor adjustments may be done and she welcomed any comments that to be taken to the Board of County Commissioners.

Commissioner Standley summarized an excerpt from page 26, UCDC Section 152.684 (C) (4) (e), stating dedication of public roads must be accepted by the Board of County Commissioners prior to recording the final survey partition plat. The Board of Commissioners must sign the partition plat to accept dedicated public roads. He asked who will take care of the road once it has been

created. Mrs. Johnson stated it would not be a County road but it would be a public road. She added that there was some language about ensuring access/utilities is included with those dedications and recognized their importance. She stated the ideal situation would be a creation of a homeowner's association to step up and maintain the roads. Commissioner Standley asked if there was anything the Planning Commission could do to push that ahead and keep from becoming a future issue.

Mrs. Johnson stated there was a potential to bring an update to our entire subdivision section, especially when it comes our multi-use areas like Mountain Residential or Forest Residential. The current code isn't exactly practical because it requires fire hydrants, development that would typically make up an urban subdivision. She stated our goal would be to make it more realistic for the areas it would be implemented in and mirror similar language for our other zones. She added that the current standards, though robust, likely were for an urban subdivision. She stated this is a future goal but is not included in the current code amendment.

Comments from Commissioner Standley regarding how public roads become a County Roads. Mrs. Johnson answered those questions, but they didn't pertain to the amendment and changes proposed.

Opponents: None

Public Agencies: None

Commissioner Green called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Commissioner Green closed the hearing.

DELIBERATION & DECISION

Commissioner Gentry made a motion to recommend approval to the Board of County Commissioners for Text Amendment #T-096-24 adopting the Legislative changes of Oregon Statutes and Oregon Administrative Rules governing Exclusive Farm Use and Grazing Farm zones.

Commissioner Minton seconded the motion. Motion carried with a vote of 6:0 recommending approval to the Board of County Commissioners.

OTHER BUSINESS

Mr. Robert Waldher stated we would have a hearing on July 25th for a second application submission on the previous Subdivision request heard earlier this year.

ADJOURNMENT

Commissioner Green adjourned the meeting at 7:12PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

Minutes adopted by the Planning Commission on September 26, 2024