



# PLANNING DIVISION

216 SE 4<sup>th</sup> ST, Pendleton, OR 97801, (541) 278-6252

Email: [planning@umatillacounty.gov](mailto:planning@umatillacounty.gov)

## AGENDA

**Umatilla County Planning Commission Public Hearing  
Thursday, March 27, 2025, 6:30PM  
Justice Center Media Room, Pendleton, Oregon**

**To participate in the hearing please submit comments before 4PM, March 27th to [planning@umatillacounty.gov](mailto:planning@umatillacounty.gov) or contact the Planning Department at 541-278-6252**

### Planning Commission

Suni Danforth, Chair	Emery Gentry
Sam Tucker, Vice Chair	Ann Minton
Tami Green	Malcolm Millar
John Standley	Andrew Morris
Kim Gillet	

### Planning Staff

Bob Waldher, Community Development Director  
Megan Davchevski, Planning Division Manager  
Carol Johnson, Senior Planner  
Tierney Cimmiyotti, Planner / GIS  
Charlet Hotchkiss, Planner  
Shawna Van Sickle, Administrative Assistant

## 1. Call to Order

## 2. Minutes Approval: January 23, 2025 Meeting

## 3. **NEW HEARING: TEXT AMENDMENT #T-100-25, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, SECTION 152.250 DIMENSIONAL AND DESIGN STANDARDS.** Umatilla County Community Development Department proposes changes to the Umatilla County Development Code (UCDC) Section 152.250, which would modify the dimensional and design standards required for a Design Review in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located adjacent to the Highway 395 North Corridor. The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

## 4. Other Business

## 5. Adjournment



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COMMUNITY &  
BUSINESS  
DEVELOPMENT

## MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Planning Commission  
**FROM:** Bob Waldher, Community Development Director  
**DATE:** March 19, 2025

CODE  
ENFORCEMENT

**RE: March 27, 2025 Planning Commission Hearing**  
Umatilla County Development Code Text Amendment #T-100-25

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

### ***Background Information***

Umatilla County is seeking an amendment to Section 152.250 of the Umatilla County Development Code (UCDC), which outlines the Dimensional and Design Standards. The proposed amendment would revise these standards for Design Review in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located along the Highway 395 North Corridor. The current design standards have been in place since their adoption by Ordinance 2019-09 in 2019. These standards were developed through a comprehensive public engagement process as part of the Highway 395 North Economic Development Project, which was supported by a Transportation Growth Management (TGM) grant from the Oregon Department of Transportation and the Department of Land Conservation and Development. The primary goal of the project at that time was to enhance the aesthetic appeal and economic viability of the corridor. However, planning staff responsible for reviewing design applications have identified several dimensional and design criteria that, although well-intended when the 2019 code was adopted, are now deemed impractical and not conducive to new development or redevelopment along the Highway 395 North Corridor.

GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON,  
NATURAL  
RESOURCES &  
ENVIRONMENT

PUBLIC TRANSIT

### ***Criteria of Approval***

The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755. Applicable Statewide Planning Goals 1-14 have also been evaluated.

### ***Hearings***

This hearing before the Umatilla County Planning Commission is the County's first evidentiary hearing. A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, May 7, 2025, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

### ***Conclusion***

The Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners for adopting the proposed text amendment to the Dimensional and Design Standards.

### ***Attachments***

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

- Preliminary Findings and Conclusions of Law
- Recommended Code Amendments

**UMATILLA COUNTY PLANNING COMMISSION  
PRELIMINARY FINDINGS OF FACT AND CONCLUSIONS OF LAW  
TEXT AMENDMENT, #T-100-25**

**AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, AMENDING  
DIMENSIONAL AND DESIGN STANDARDS REQUIRED FOR DESIGN REVIEW IN THE  
RETAIL SERVICE COMMERCIAL AND LIGHT INDUSTRIAL ZONES FOR PROJECTS  
LOCATED ADJACENT TO THE HIGHWAY 395 NORTH CORRIDOR**

**1. Request**

Umatilla County is seeking an amendment to **Section 152.250 of the Umatilla County Development Code (UCDC)**, which outlines the Dimensional and Design Standards. The proposed amendment would revise these standards for Design Review in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located along the Highway 395 North Corridor. The current design standards have been in place since their adoption by *Ordinance 2019-09* in 2019. These standards were developed through a comprehensive public engagement process as part of the Highway 395 North Economic Development Project, which was supported by a Transportation Growth Management (TGM) grant from the Oregon Department of Transportation and the Department of Land Conservation and Development. The primary goal of the project at that time was to enhance the aesthetic appeal and economic viability of the corridor. However, planning staff responsible for reviewing design applications have identified several dimensional and design criteria that, although well-intended when the 2019 code was adopted, are now deemed impractical and not conducive to new development or redevelopment along the Highway 395 North Corridor.

**2. Procedural Matters**

**A. Categorization of this Matter**

This matter is a legislative matter because it proposes an amendment to the codified text of the UCDC.

**B. Post-Acknowledgment Amendment**

This legislative amendment is an amendment to the County's acknowledged 1983 Zoning Ordinance. ORS 197.610(1) and OAR 660-018-0020(1) require that the County provide notice to the Director of the Oregon Department of Land Conservation and Development ("DLCD") at least 35 days prior to the initial evidentiary hearing. The County provided the 35-day notice to DLCD through DLCD's PAPA online portal on February 20, 2025. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by submitting the post-acknowledgement amendment notice so that it arrived at the office of the Director of DLCD at least 35 days prior to the initial evidentiary hearing.

UCDC 152.771(B) requires the County provide a legal notice for the Planning Commission hearing March 27, 2025 and Board of Commissioners hearing May 7, 2025 by publication in a newspaper of general circulation in the County at least ten (10) days prior to the date of the first hearing. The notice was published in the *East Oregonian* newspaper on March 8, 2025.

The County has satisfied the post-acknowledgement amendment notice required by ORS 197.610(1) and OAR Chapter 660-018-0020(1) and the legal notice of hearing publication in UCDC 152.771(B).

### **C. Procedure**

UCDC 152.752 is entitled "Public Hearings on Amendments." This section provides, in relevant part:

"The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures in section 152.771 of this Chapter at its earliest practicable meeting after it is proposed. The decision of the Planning Commission shall be final unless appealed, except in the case where the amendment is to the text of this Chapter, then the Planning Commission shall forward its recommendation to the Board of Commissioners for final action."

The County will hold two (2) hearings for this legislative amendment, one (1) before the Planning Commission and one (1) before the Board of Commissioners.

Additionally, UCDC 152.771(A)(1) provides that a public hearing is required for legislative amendments. The procedures and requirements for a quasi-judicial hearing are not applicable to this hearing. Therefore, UCDC 152.772, which applies to quasi-judicial hearings, is not applicable to this legislative proceeding.

### **3. Approval Criteria**

UCDC 152.751 requires that an amendment to the text of the UCDC shall comply with provisions of the Umatilla County Comprehensive Plan (the "Plan"), the Oregon Transportation Planning Rule (the "TPR"), OAR Chapter 660, division 12, and the Umatilla County Transportation Plan ("Transportation Plan"). The County also finds that because this text amendment is a post-acknowledgment amendment, ORS 197.175(1) requires that the Plan and Map amendment satisfy applicable Statewide Planning Goals (the "Goals") and other applicable administrative rules. The County finds that the UCDC does not contain substantive standards for an amendment to the UCDC text. The remainder of this section addresses the applicable approval criteria.

This UCDC provision sets forth the approval requirements for amendment to the text of the UCDC. This section requires that an amendment satisfy the Plan and the Oregon Transportation Planning Rule (the "TPR"), OAR 660, Division 12, as well as the Umatilla County Transportation Plan.

The County finds this request is to amend the text of the UCDC, specifically for Design Reviews in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located along the Highway 395 North Corridor. The TPR, OAR 660-012-0060 (1)-(3), is not implicated by this text amendment and further analysis of the Oregon Transportation Plan and Umatilla County requirements at 152.019 are not required.

**Finding:** The County finds that UCDC 152.751 is satisfied.

#### **A. Applicable Statewide Planning Goals**

*Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The Umatilla County Comprehensive Plan and Development Code outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public

hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state and federal agencies; and allows for public comment to the process.

*Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their comprehensive plans and development codes. This text amendment is being requested under the Umatilla County Development Code provisions that apply to amendments, meeting the intent of Goal 2.

*Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.*

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Goal 3 also applies to mixed farm/forest zones, such as Umatilla County's Grazing/Farm (GF) zone. The proposed text amendment applies to Design Review applications in the RSC and LI zones, which are non-resource lands. Therefore, Goal 3 is not a direct consideration as part of this application.

*Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Goal 4 addresses the protection of forest lands. The proposed text amendment applies to Design Review applications in the RSC and LI zones, which are non-resource lands. Therefore, Goal 4 is not a direct consideration as part of this application.

*Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.*

Goal 5 addresses natural, historical and cultural resources with a focus on protecting sites. There are no known protected natural, historical, or cultural resources located in the area where the proposed code amendment would apply. Therefore, the proposal will not negatively impact Goal 5 resources.

*Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed text amendment consists of dimensional and design standards, primarily related to landscaping and building façade treatments. The proposal will not negatively impact Goal 6 resources.

*Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.*

Goal 7 works to address natural hazards and disasters, and through a comprehensive plan amendment process, would seek to determine if there are known natural hazards and seek to mitigate concerns. Natural hazards would be considered as part of the land use processes that would be completed during a land division or land use decision process and are not considered for this text amendment application.

*Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

No recreation components are included in this application.

*Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. The proposed text amendment supports Goal 9 through the implementation of dimensional and design standards that improve the aesthetic and economic viability of the Highway 395 North Corridor.

*Goal 10 Housing: To provide for the housing needs of citizens of the state.*

Housing is not a direct consideration as part of this application.

*Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. Goal 11 is not a direct consideration of this amendment request.

*Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 requires local governments to provide and encourage a safe, convenient and economic transportation system, implemented through the Transportation Planning Rule. Goal 12 is not a direct consideration of this amendment request.

*Goal 13 Energy: To conserve energy.*

Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Goal 13 is not a direct consideration of this amendment request.

*Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

RSC and LI zoned properties along Highway 395 are already considered Goal 14 exception lands. Therefore, Goal 14 is not a direct consideration of this amendment request.

**Finding:** Umatilla County has evaluated Statewide Planning Goals 1-14. The other five goals, 15-19, are not applicable to this application request. Umatilla County finds the goals that are applicable have been satisfied.

**B. Applicable Oregon Administrative Rules**

**Finding:** The County finds that there are no Oregon Administrative Rules (OARs) applicable to this request.

**C. Applicable Plan Policies**

The Umatilla County Comprehensive Plan includes the following provisions that are supportive of this application:

(a) **Chapter 4, “The Planning Process”**

*Finding 6: “Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and /or management responsibilities for land in the County.”*

*Policy 6: “To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code.”*

**Finding:** The County finds this policy is satisfied where the County coordinated with affected governmental entities in providing notice of the Planning Commission and Board of Commissioners' hearings on the text amendment. Coordination requires that affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable.

The County finds that this policy is satisfied.

(b) **Chapter 5, “Citizen Involvement”**

(1) *Policy 1: “Provide information to the public on planning issues and programs, and encourage citizen input to planning efforts.”*

**Finding:** The County finds Chapter 5, Policy 1, is satisfied because notice of the Planning Commission and Board of Commissioners' hearings are in a newspaper of County-wide circulation and there are two (2) *de novo* hearings where the public may testify on the proposed text amendment.

The County finds that this policy is satisfied.

(2) *Policy 5: “Through appropriate media, encourage those County residents’ participation during both city and County deliberation proceedings.”*

**Finding:** The County finds, as explained above, the publication of notice of the Planning Commission hearing and the Board of Commissioners' hearing in a newspaper of County-wide circulation fulfills this requirement.

The County finds that this policy is satisfied.

**5. CONCLUSION**

For the reasons contained herein, the County finds the applicable approval criteria for the text amendment have been satisfied and the proposed text amendment to revise the dimensional and design standards for Design Review in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located along the Highway 395 North Corridor can be approved.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2025.

***UMATILLA COUNTY BOARD OF COMMISSIONERS***

\_\_\_\_\_  
John M. Shafer, *Commissioner*

\_\_\_\_\_  
Celinda A. Timmons, *Commissioner*

\_\_\_\_\_  
Daniel N. Dorran, *Commissioner*



Note: Proposed text changes are shown in a “Mark Up” format with the original text to be removed shown in red ~~strikethrough~~ and added/ revised text provided in red underlined.

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## RSC, RETAIL/SERVICE COMMERCIAL ZONE

### *Sub-Sections*

<u>152.245</u>	<u>Purpose</u>
<u>152.246</u>	<u>Uses permitted</u>
<u>152.247</u>	<u>Conditional uses permitted</u>
<u>152.248</u>	<u>Limitations on uses</u>
<u>152.249</u>	<u>Design review</u>
<u>152.250</u>	<u>Dimensional and Design Standards</u>

### § 152.245 PURPOSE.

The RSC, Retail/Service Commercial, Zone is designed to provide areas outside of urban growth boundaries where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service- oriented commercial activities to accommodate rural residences. The RSC zone is intended to create and maintain a built environment that is conducive to pedestrian and bicycle accessibility, reducing dependency on the automobile for short trips. The zone is also intended to promote economic development by creating an attractive and safe commercial corridor through the application of design standards that require sufficient lighting, appropriate screening and landscaping, and high-quality building design. (Ord. [83-4](#), passed 5-9-83; Ord. [2019-09](#), passed 11-6-19;)

### § 152.246 USES PERMITTED.

(A) *Uses Permitted Outright.* In an RSC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses Permitted with a Zoning Permit.* In an RSC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to [§ 152.025](#) and subject to the requirements of §§ [152.248](#) through [§ 152.250](#).

- (1) Automobile service station;
- (2) Automobile, truck or motorcycle sales lot;
- (3) Automobile, truck or motorcycle repair shop or parts store;
- (4) Blacksmith or machine shop;
- (5) Bottling works;
- (6) Custom meat cutting, curing and cold storage locker;
- (7) Eating or drinking establishment;
- (8) Financial institution;
- (9) Food store;
- (10) Gift store;
- (11) Green house or nursery;
- (12) Information center;
- (13) Motel, hotel;
- (14) Office building;
- (15) Plumbing or sheet metal shop;
- (16) Public or semi-public uses;
- (17) Retail sales outlets;
- (18) Service-oriented businesses;
- (19) Sporting goods or bait shop;
- (20) Signs: Type 2, 4, 5, 7, 8, 9, 10, 11 as defined in [§ 152.546](#);
- (21) Wholesale businesses where

no manufacturing, compounding, processing or treatments of the products for wholesale are conducted.

(Ord. [83-4](#), passed 5-9-83; Ord. [2002-08](#), passed 8-14-02; Ord. [2012-02](#), passed 1-26-12;)

### **§ 152.247 CONDITIONAL USES PERMITTED.**

In a RSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ [152.610](#) through [152.616](#), [152.248](#) ~~and through~~ [152.250](#) upon the issuance of a zoning permit:

(A) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in [§ 152.616 \(X\)](#);

(B) Animal hospital or veterinary clinic as provided in [§ 152.616 \(DDD\)](#);

(C) Commercial amusement establishment as provided in [§ 152.616 \(P\)](#);

(D) Drug paraphernalia store, adult book store, adult movie house as provided in [§ 152.616 \(W\)](#);

(E) Mini-warehouses as provided in [§ 152.616 \(MM\)](#);

(F) Mobile home park, travel trailer park as provided in [§ 152.616 \(NN\)](#);

(G) Tire repairing as provided in [§ 152.616 \(AAA\)](#);

(H) Utility facility as provided in [§ 152.616 \(CCC\)](#);

(I) Welding shop as provided in [§ 152.616 \(F\)](#);

(J) Other uses similar to the uses permitted or the conditional uses normally located in a Retail/Service Commercial Zone, provided that the use has the approval of the planning Director or Planning Commission.

(K) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(L) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(M) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.  
(Ord. [83-4](#), passed 5-9-83; Ord. [2002-08](#), passed 8-14-02; Ord. [2013-02](#), passed 1-29-13)

#### **§ 152.248 LIMITATIONS ON USES.**

In the RSC Zone, the following limitations and conditions shall apply:

(A) *Outdoor storage.* Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property, except the outdoor display of merchandise is allowed as provided in subsection (B).

(B) *Outdoor merchandise display.* Outside display of any scrap or salvage material shall be prohibited.

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.  
(Ord. [83-4](#), passed 5-9-83; Ord. [2015-07](#), passed 9-22-15; Ord. [2019-09](#), passed 11-6-19;)

#### **§ 152.249 DESIGN REVIEW.**

(A) *An application for a zoning permit* for a use permitted in [§ 152.246](#) of this chapter shall be accompanied by a site plan

and, if applicable, a design review application.

(B) *Applicability of Design Review Application.* A Design Review application is required if the proposal includes one or more of the following:

(1) New construction of building or structure.

(2) A building addition or expansion of more than 500 square feet, or 10 percent of the existing floor area on the site, whichever is greater.

(3) A change of the exterior façade of a building, including any new or change to existing doors or windows, excluding changes in color, that exceeds 15 percent of the area of the existing façade.

(4) A change in on-site landscaping, either additional or replacement, that exceeds 15 percent of the existing landscaped area.

(5) An addition to existing on-site vehicular parking or circulation area that adds paving or parking spaces that exceeds 15 percent of the existing parking area.

(C) *Applicability of Design Standards - General.*

(1) New developments are subject to all applicable design standards in §152.250.

(2) Proposals that meet one or more of the thresholds for Design Review in §152.249 (B)(2)-(5) are subject to all applicable standards, as specified in the Applicability provisions in §152.250 (D)-(H).

(3) The following is exempt from design standards in §152.250:

(a) Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.

(b) Regular maintenance, repair, and replacement of materials (e.g., exterior painting, roof, siding, awnings, etc.), parking restriping, repaving (limited to an area that does not exceed 15 percent of the existing parking area pursuant to 152.249.B(5)), and similar maintenance or repair of existing structure(s) and site improvements.

(4) A project that increases building floor area, as described in §152.249 (B)(2), within an existing development is subject to all applicable design standards of §152.250. The standards only apply to the building addition or expansion. Expansions or additions must not increase the length of an existing street-facing facade that does not conform to the maximum setback standard of § 152.250 (B)(1), as illustrated in Figure 152.250-1.

(D) *Procedure.*

(1) Pre-application.

(a) The purpose of the pre-application conference is to acquaint County staff and outside agencies and service providers with a potential application, and to acquaint the applicant with the requirements of this Code, the Comprehensive Plan, and other relevant criteria and procedures. Any comments or commitments made by any member of County staff during this pre-

application conference are only preliminary in nature. It is not intended to be an exhaustive review of all potential issues, and the conference does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application conference.

(b) Prior to submission of a Design Review application, the applicant shall request the Planning Director or authorized agent to arrange a pre-application conference. The request shall include three copies of a preliminary sketch of the proposal and other general information needed to explain the development. The conference shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning, development, and design review requirements.

(E) *Submittal Requirements.* The Planning Director or an authorized agent shall review the Design Review application to determine if the application includes the following submittal requirements:

(1) Existing site conditions map. The existing site conditions shall include the following information, applicable to the site:

(a) A location map with the subject property and the surrounding property to a distance sufficient to determine the location of the development in the County, and the relationship between the proposed development site and adjacent

property and development. The property boundaries, dimensions, and gross area shall be identified;

(b) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

(c) Areas subject to overlay zones;

(d) Site features, including existing structures, pavement, large rock outcroppings, wetland, drainage ways, canals, and ditches;

(e) The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;

(f) North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed; and

(g) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

(2) Proposed site plan. The site plan shall include the following information, as the Planning Director deems applicable:

(a) The proposed development site, including boundaries, dimensions, and gross area;

(b) Features identified on the existing site analysis maps that are proposed to remain on the site;

(c) Features identified on the existing site map, if any, that are proposed to be removed or modified by the development;

(d) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

(e) The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

(f) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

(g) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

(h) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

(i) Loading and service areas for waste disposal, loading, and delivery;

(j) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

(k) Location, type, and height of outdoor lighting;

(l) Location of mail boxes, if known;

(m) Name and address of project designer, if applicable;

(n) Locations of bus stops and other public or private transportation facilities; and

(o) Locations, sizes, and types of signs.

(3) Architectural drawings. Architectural drawings shall include the following information, as the Planning Director deems applicable:

(a) Building elevations with dimensions;

(b) Building materials and type; and

(c) Name and contact information of the architect or designer.

(4) Landscape plan. The landscape plan shall include the following information, as the Planning Director deems applicable:

(a) The location and height of existing and proposed fences, buffering, or screening materials;

(b) The location of existing and proposed terraces, retaining walls, decks, patios, and shelters;

(c) The location, size, and species of the existing and proposed plant materials (at time of planting);

(d) Existing and proposed building and pavement outlines;

(e) Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and

(5) Narrative. Letter or narrative report documenting compliance with the applicable requirements contained in [§152.249](#) (E);

(6) Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control;

(7) Traffic Impact Analysis, when required by Section [§ 152.019](#);

(8) Other information determined by the Planning Director. The County may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

(F) *Design Review Requirements.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property and applicable access, circulation, and street connectivity requirements are met as provided in [§ 152.018](#) and [§ 152.021](#);

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in [§ 152.560](#) through [§ 152.562](#);

(3) Applicable building, site design, and dimensional standards are met as provided in [§ 152.250](#);

(4) Signs are permitted as provided in [§ 152.545](#) through [§ 152.548](#);

(5) Vision clearance standards are met as provided in [§ 152.011](#).

(Ord. [83-4](#), passed 5-9-83; Ord. [2014-04](#), passed 7-2-14; Ord. [2019-09](#), passed 11-6-19;)

**§ 152.250 DIMENSIONAL AND DESIGN STANDARDS.**

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

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

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

(1) Front yard:

(a) Minimum Setback: ten feet,

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

(c) For corner properties with frontage along Highway 395, the

highway is considered the front property line.

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

(e) Accessory structures used for storing maintenance vehicles and equipment, and other business-related items that are not intended for display, and that are directly related to an approved use occurring on the subject property are exempt from the maximum setback requirements of this section.

(f) Accessory structures used for storing maintenance vehicles and equipment, and other business-related items that are not intended for display, and that are directly related to an approved use occurring on the subject property shall be located behind the primary structure when practical.

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

(3) Rear yard: minimum of twenty feet;

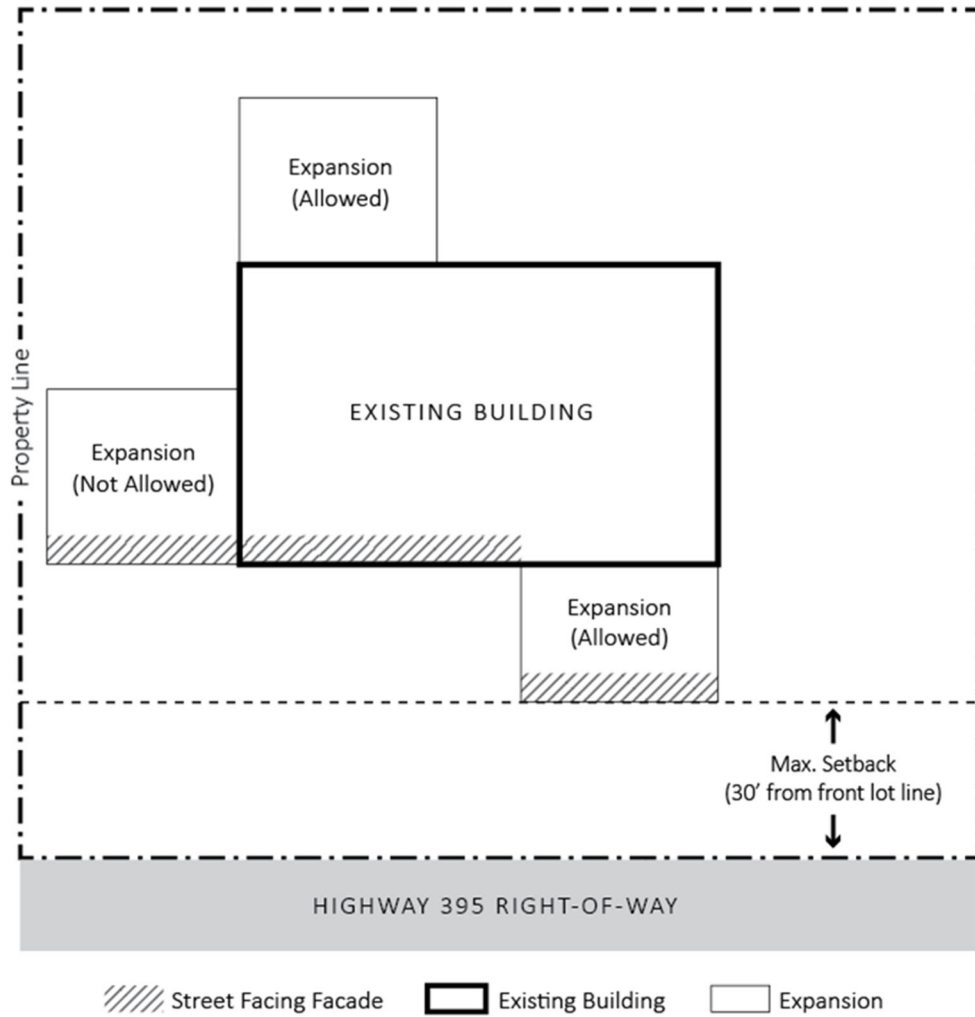
(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § [152.625](#) through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback

would adjoin residentially zoned property.

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



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



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

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

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

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

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

~~(a) *New construction of a building or structure.*~~

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

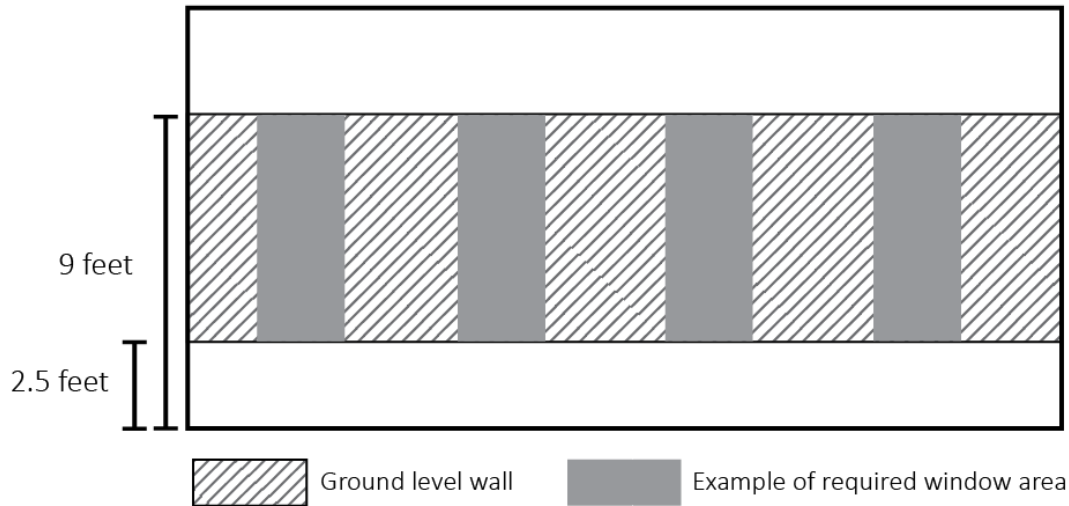
~~(c) *Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding changes in color, that exceeds 15% of the area of the existing façade. The standards of § 152.250 (D) only apply to the area of change in the building exterior.*~~

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

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

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

**Figure 152.250-2. Measurement of Ground Floor Window Area**



(E) *Landscaping.*

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

(a) New construction of building or structure;

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater;

(c) Change in landscaping areas that exceeds 15% of the existing landscaping area;

(d) Change in on-site parking that exceeds 15% of the existing parking area;

(2) Minimum Site Landscape Area.

At least 15 percent of the lot area must be landscaped according to the standards of this section. Irrigated landscaping shall not exceed one-half acre.

(3) Planting Standards. The

following are the minimum planting requirements for required landscaped areas:

(a) Trees. One tree shall be provided for every 1,500 square feet of required landscaped area. If the calculation of the number of plantings results in a fraction of 0.5 or greater, the applicant shall round up to the next whole number. If the calculation of the number of plantings results in a fraction of 0.4 or less, the applicant shall round down to the next whole number. A minimum of 50 percent of the required trees must be planted within

30 feet of the front lot line, and located outside of the Clear Zone, pursuant to § 152.250 (E)(3)(d). Evergreen trees shall have a minimum planting height of six feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting. Meet the requirements identified in § 152.250 (E)(5).

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

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

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

(e) The Planning Director may allow credit toward the minimum site landscape area for existing landscape area that is retained in the development if the existing landscape area meets the standard for minimum number of trees of subsection 2(a) and

minimum area of live ground cover of subsection 2(c).

(4) Parking Lot Landscaping. In addition to the minimum site landscape area requirement, all parking areas with more than 20 spaces shall provide landscape islands that break up the parking area into rows of not more than 12 contiguous parking spaces. See example in Figure 152.250-~~32~~.

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

(b) Planting Standards. All landscape islands must be planted with one deciduous tree, and landscaping materials identified in § 152.250 (E)(3)(b) and (c). ~~All other required parking lot landscape areas not including islands or not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of the area within each landscape island(s) is covered with living plants.~~

(5) Plant Selection and Maintenance.

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

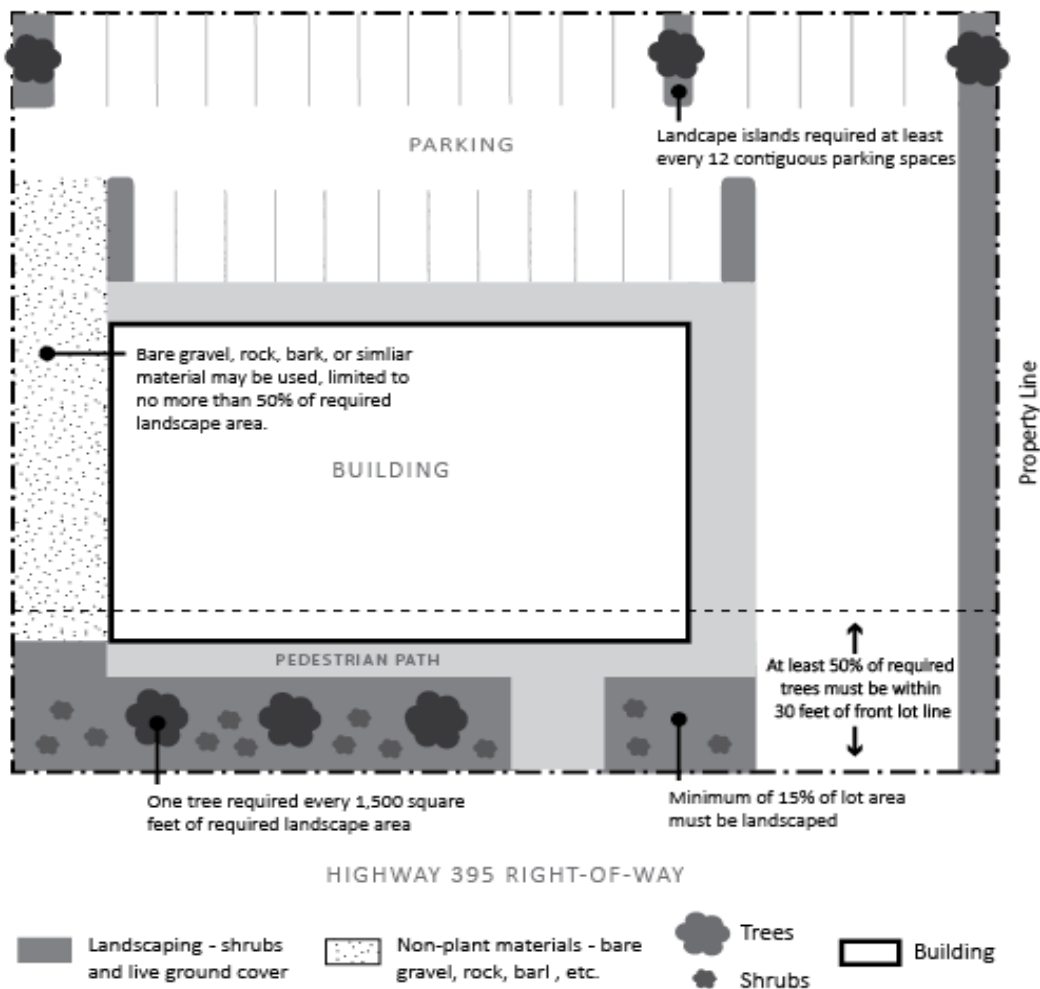
that require little or no irrigation once established (naturalized) are preferred over species that require irrigation. Expansive areas of turf are discouraged.

(c) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be

retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.

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

**Figure 152.250-32. Landscaping Requirements Example**



*(F) Lighting.*

Lighting improves safety and enhances the attractiveness of areas visible to the public. The following requirements ensure adequate levels of outdoor lighting while minimizing negative impacts of light pollution. The intent of the required lighting levels is to provide illumination no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.

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

(a) New construction of building or structure.

(b) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Illumination of Vehicular Areas. Parking areas, vehicular circulation areas, and outdoor services areas, including vehicle quick service areas, shall be illuminated to a level that provides for safe vehicle and pedestrian movements.

(3) Fixture Standards.

(a) Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet. This limitation does not apply to flag poles, utility poles, and streetlights.

(b) Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed

downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties;

(c) Lighting shall be installed where it will not obstruct public ways, driveways, or walkways;

(d) Where a light standard or other raised source of light is placed over a sidewalk or walkway, a minimum vertical clearance of eight feet shall be maintained;

(e) Where a light standard or other raised source of light is placed within a walkway, an unobstructed pedestrian through zone not less than four feet wide shall be maintained;

(f) Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.

*(G) Drive-through design.*

(1) Applicability. Proposed development that includes a drive-up and/or drive-through facility (i.e. driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) is subject to all of the following standards:

(a) The drive-up or drive-through facility must be located at least 50 feet from any existing residential zoned property;

(b) The drive-up or drive-through facility shall orient to and receive access from a driveway that

is internal to the development and not a street, as generally illustrated in Figure 152.250-43 (below);

(c) The drive-up or drive-through facility shall not be oriented to a street corner;

(d) The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way;

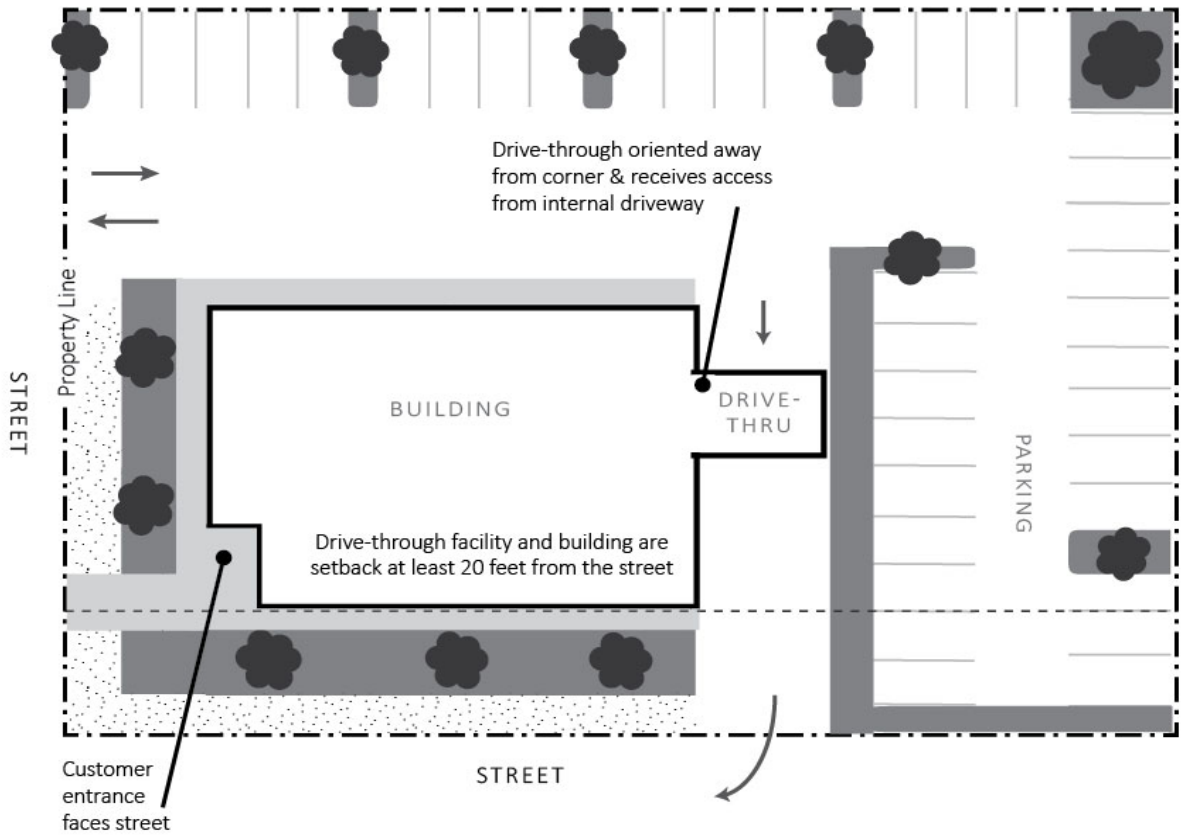
(e) Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk;

(f) If ATMs are provided, at least one ATM shall be located adjacent to and accessible from a planned or existing sidewalk;

(g) Bicycle and pedestrian access to the drive-up or drive-through facility shall be allowed and indicated with signage and pavement markings.

(h) Figure 152.250-43. Drive-up and Drive-through Facilities Example

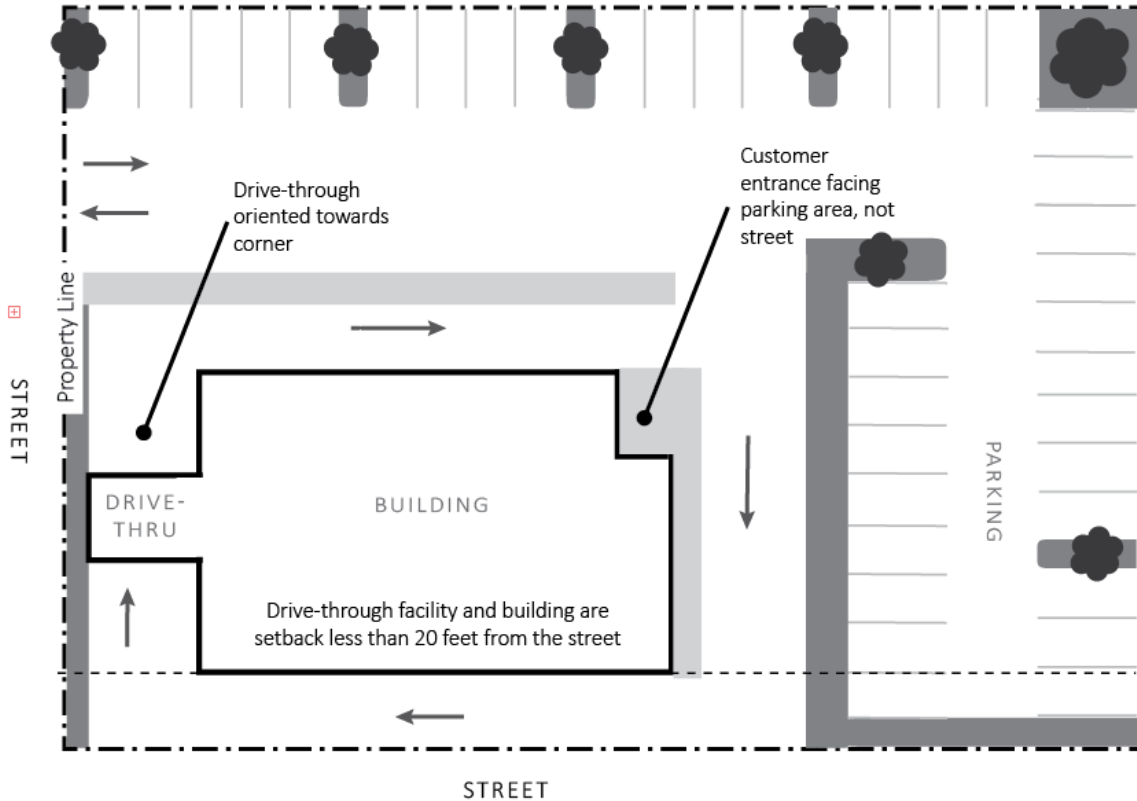
**Acceptable**



- Landscaping - shrubs and live ground cover
- Non-plant materials - bare gravel, rock, barl , etc.
- Trees
- Pedestrian walkways
- Vehicle travel direction
- Building



**Not Acceptable**



(H) Design Points System. In order to encourage pedestrian-friendly and sustainable design, while providing flexibility in style and implementation, all projects must include a combination of design features that achieves a minimum number of points, as set forth below.

(1) Applicability. The following projects are subject to the standards of this section, § 152.250 (H):

(a) New construction of building or structure;

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater;

(c) Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding

changes in color, that exceeds 15% of the area of the existing façade;

(d) Change in landscaping areas that exceeds 15% of the existing landscaping area;

(e) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Minimum Point Requirement.

(a) New developments or complete redevelopment of an existing site must include elements from Table 152.250-1 that have a combined value of 20 or more points.

(b) Projects for which the one or more of the applicability criteria in § 152.250 (H)(1)(b) – (e) apply must include elements from Table 152.250-1 that have a combined value of 6 or more points.

(3) Design Features Matrix. Points are earned by including features from the following Design Features Matrix (Table 152.250-1).

**Table 152.250-1. Design Features Matrix**

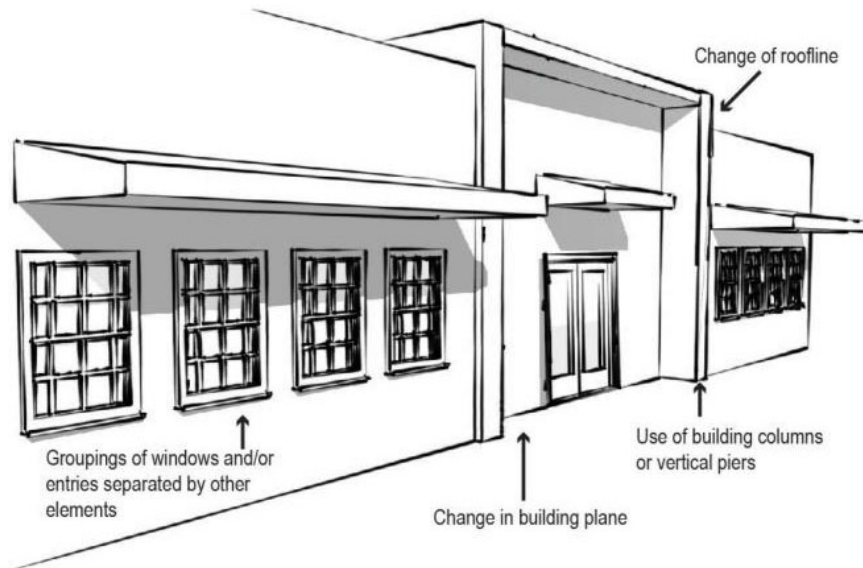
DESIGN FEATURE	POSSIBLE POINTS			SUBTOTAL <i>Use this column to tally points</i>
<b>Building Design Features</b>				
<p><b>Natural siding materials.</b> May include:</p> <ul style="list-style-type: none"> <li>• Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks.</li> <li>• Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood.</li> </ul>	<p>Minimal or no use of natural materials (less than 5 percent of street-facing facade area, excluding area dedicated to windows)</p> <p align="center"><b>+0 points</b></p>	<p>5 to 40 percent of both total building facade area and street-facing facade area covered with natural siding materials (excluding area dedicated to windows)</p> <p align="center"><b>+2 points</b></p>	<p>Over 40 percent of both total building facade area and street-facing facade area covered with natural siding materials (excluding area dedicated to windows)</p> <p align="center"><b>+ 3 points</b></p>	
<p><b>Window area.</b> Windows promote an interesting pedestrian experience and architectural variety. See Figure 152.250-14.</p>	<p><del>Window area meets base requirement of § 152.250(E)25 percent of the area of the front street-facing façade covered with windows</del></p> <p align="center"><b>+0-2 points</b></p>	<p><del>41-26</del> to 50 percent of the area of the <u>front</u> street-facing facade covered with windows.</p> <p align="center"><b>+ 3 points</b></p>	<p>Over 50 percent of the area of <u>the front</u> street-facing facade covered with windows.</p> <p align="center"><b>+ 5 points</b></p>	
<p><b>Detailed window treatments.</b> May include windows recessed at least 4 inches from facade,</p>	<p>No use of detailed window treatments</p>	<p>Use of detailed window treatments on all street-facing windows.</p>	<p>Use of detailed window treatments on all exterior windows.</p>	



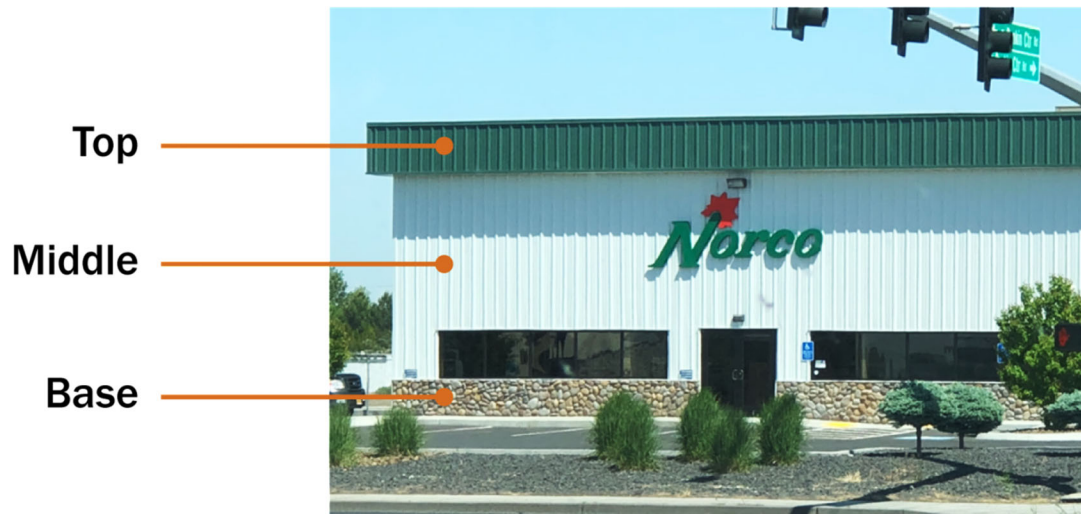
DESIGN FEATURE	POSSIBLE POINTS			SUBTOTAL <i>Use this column to tally points</i>
<b>Site Design Features</b>				
<p><b>Parking location.</b> Parking areas that are located to the side or rear of buildings allow for a more appealing view from the street and a more comfortable pedestrian experience.</p>	<p>Some parking located between the street-facing facade and a public street.</p> <p style="text-align: center;"><b>+0 points</b></p>	<p>All parking located to the side, or side and rear of the building</p> <p style="text-align: center;"><b>+ 3 points</b></p>	<p>All parking located behind the building</p> <p style="text-align: center;"><b>+ 5 points</b></p>	
<p><b>Shared parking with adjacent uses.</b> Sharing parking spaces with adjacent uses is a more efficient means of providing off-street parking and can reduce impervious surface area. Must meet requirements of § 152.562(D).</p>	<p>No shared parking</p> <p style="text-align: center;"><b>+ 0 points</b></p>	<p>More than one (1) space but less than half of required parking spaces shared with adjacent uses</p> <p style="text-align: center;"><b>+ 4 points</b></p>	<p>More than half of required parking spaces shared with adjacent uses</p> <p style="text-align: center;"><b>+ 5 points</b></p>	
<p><b>Trees.</b> Tree species that are appropriate for local climate are listed in § 152.250(E).</p>	<p>Number of trees meets base requirement of § 152.250(E).</p> <p style="text-align: center;"><b>+ 0 points</b></p>	<p>25% above base requirement for on-site trees.</p> <p style="text-align: center;"><b>+ 3 points</b></p> <p>Additional trees are located within 30 feet on the property line but located outside clear zone pursuant to § 152.250(E)(2)(d).</p> <p style="text-align: center;"><b>+ 1 point</b></p>	<p>50% above base requirement for on-site trees.</p> <p style="text-align: center;"><b>+ 4 points</b></p> <p>Additional trees are located within 30 feet on the property line but located outside clear zone pursuant to § 152.250(E)(2)(d).</p> <p style="text-align: center;"><b>+ 1 point</b></p>	
<p><b>Additional landscaping.</b> Landscaped area beyond the minimum required by § 152.250(E) can soften the edges of a development, enhance sustainability, and</p>	<p>Minimal or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement of § 152.250(E)</p>	<p>5% to 10% additional gross lot area landscaped beyond base requirement.</p>	<p>More than 10% additional gross lot area landscaped beyond base requirement.</p>	

<b>DESIGN FEATURE</b>	<b>POSSIBLE POINTS</b>			<b>SUBTOTAL</b> <i>Use this column to tally points</i>
create a more comfortable pedestrian experience.	<b>+ 0 points</b>	<b>+ 3 points</b>	<b>+ 4 points</b>	
<b>Plant selection.</b> Diversity of plant species creates more interesting landscape areas.	Two or fewer distinct plant species included in landscaping plan. <b>+ 0 points</b>	Three or more distinct plant species included in landscaping plan. <b>+ 3 points</b>	Five or more distinct plant species included in landscaping plan. <b>+ 4 points</b>	
<b>Bicycle parking.</b> Dedicated bicycle parking encourages bicycling by offering convenient and secure parking options.	Number of bicycle parking spaces meets base requirement of § 152.560. <b>+ 0 points</b>	10% to 20% additional bicycle parking spaces provided beyond base requirement and at least half of all bike parking spaces are covered. <b>+ 1 point</b>	10% to 20% additional bicycle parking spaces provided beyond the base requirement and all bike parking spaces are covered. <b>+ 2 points</b>	
<b>Lighting.</b> Lighting can improve safety and enhance the attractiveness of a development in evening hours.	Lighting meets base requirement for parking lots as specified in § 152.250(F). <b>+ 0 points</b>	1 point may be assigned for the following outdoor lighting features: • Pedestrian walkway lighting, pedestal- or bollard-style lighting <b>+ 3 points</b>	2 points may be assigned for both of the following outdoor lighting features: • Pedestrian walkway lighting • Accent lighting on structure <b>+ 4 points</b>	
<b>Electric vehicle charging station.</b> Manufacturer specifications for the charging station must be submitted with design review application.	Site does not include electric vehicle charging station. <b>+0 points</b>	Site includes electric vehicle charging station. <b>+ 1 point</b>		
<b>TOTAL POINTS:</b>				

**Figure 152.250-24. Examples of Façade Articulation Methods**



**Figure 152.250-35. Example of Façade Composition (Base-Middle-Top)**



Ord. [83-4](#), passed 5-9-83; Ord. [2011-02](#), passed 3-17-11; Ord. [2019-09](#), passed 11-6-19; Ord. [2020-05](#), passed 07-15-20;)

# DRAFT MINUTES

**CO-ADOPTION OF CITY OF HERMISTON COMPREHENSIVE PLAN MAP  
AMENDMENT #P-138-24:**

**DENNIS GISI, APPLICANT  
VICTORY LIGHTHOUSE CHURCH C/O DAVID M JOHNSON,  
LARRY J & FLORENCE R BANKSTON AND 3 RIVERS-OREGON  
PROPERTY LLC, OWNERS**

The applicant requests the County co-adopt City Ordinance 2358 amending the comprehensive plan map from urbanizable to urban status for approximately 25 acres located on the north side of E Theater Lane. The City Council also adopted Ordinance 2359 annexing said property effective upon co-adoption of Ordinance 2358. 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.

**TEXT AMENDMENT #T-097-24, AMENDMENT OF UMATILLA COUNTY  
DEVELOPMENT CODE, SECTION 152.617(H) HOME  
OCCUPATIONS/COTTAGE INDUSTRIES IN THE EXCLUSIVE FARM USE  
ZONE.**

The applicant, Jim Whitney, proposes text changes to the Umatilla County Development Code (UCDC) Section 152.617(H), to allow a resident to host commercial gatherings and weddings as Home Occupations in the Exclusive Farm Use Zone. The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

**UMATILLA COUNTY  
PLANNING COMMISSION HEARING  
January 23, 2025**



**DRAFT MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, January 23, 2025, 6:30pm**

\*\*\*\*\*

**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Sam Tucker, Vice Chair, John Standley, Malcolm Millar, Ann Minton and Andrew Morris

**COMMISSIONER**

**PRESENT VIA ZOOM:** Tami Green

**COMMISSIONERS**

**ABSENT:** Kim Gillet and Emery Gentry

**PLANNING STAFF:**

Megan Davchevski, Planning Manager, Tierney Cimmiyotti, Planner, Charlet Hotchkiss, 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**

Chair Suni Danforth called the meeting to order at 6:32PM and read the Opening Statement.

**MINUTES**

Chair Danforth called for any corrections or additions to the December 19, 2024 meeting minutes. No additions nor corrections were noted.

Commissioner Morris moved to approve the draft minutes from the December 19, 2024 meeting minutes, as presented. Commissioner Standley seconded the motion. Motion carried by consensus.

**NEW HEARING**

**CO-ADOPTION OF CITY OF HERMISTON COMPREHENSIVE PLAN MAP AMENDMENT #P-138-24: DENNIS GISI, APPLICANT/ VICTORY LIGHTHOUSE CHURCH C/O DAVID M JOHNSON, LARRY J & FLORENCE R BANKSTON, AND 3 RIVERS-OREGON PROPERTY LLC, OWNERS.** The applicant requests the County co-adopt City Ordinance 2358 amending the comprehensive plan map from urbanizable to urban status for approximately 25 acres located on the north side of E Theater Lane. The City Council also adopted Ordinance 2359 annexing said property effective upon co-adoption of Ordinance 2358. 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.

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

Chair Danforth called for the Staff Report.

### STAFF REPORT

Ms. Tierney Cimmiyotti, Planner, stated that on July 8, 2024, Hermiston City Council adopted Ordinance 2358, amending the Comprehensive Plan Map from “Urbanizable” to “Urban” for approximately 25 acres located on the north side of E Theater Lane. The City Council also adopted Ordinance 2359 annexing said property effective upon co-adoption of Ordinance 2358.

Ms. Cimmiyotti explained, the City of Hermiston Joint Management Agreement (JMA) Section E (10) requires Comprehensive Plan Amendments applicable in the Urban Growth Area to be processed by the City. The JMA requires amendments to be adopted by ordinance, first by the City, then to the County for co-adoption review. She stated the Hermiston City Council held a public hearing on July 8, 2024 and approved the plan map amendment and subsequently adopted Ordinances 2358 and 2359.

Ms. Cimmiyotti mentioned that this hearing before the Umatilla County Planning Commission is the County’s first evidentiary hearing for co-adoption. A subsequent Public Hearing before the Umatilla County Board of Commissioners was scheduled for Wednesday, March 5, 2025, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

Ms. Cimmiyotti concluded that the Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners for co-adoption of the Comprehensive Plan Map Amendment, changing the designation of the property from “Urbanizable” to “Urban” status. She demonstrated on the map which properties were a part of this application.

Commissioner Standley asked if there was any discussion regarding Umatilla County turning over a portion of Theater Lane to the City of Hermiston, which runs parallel to these properties. Ms. Cimmiyotti stated it was not something that accompanied this application. Mrs. Megan Davchevski stated as part of our JMA with the City of Hermiston; Umatilla County Public Road department works closely with each city and those parties would determine how they transfer ownership of roads. She added it would not be something that would come before the Planning Commission.

**Applicant Testimony:** Ms. Rebecca Wahlstrom, PBS Engineering Environmental, 1325 SE Tech Center Dr., Suite 140, Vancouver, WA. Ms. Rebecca Wahlstrom stated she had nothing to add at this time and appreciated the consideration and thoughtfulness.

Mr. Dennis Gisi, 761 Abbott Rd, Walla Walla, WA 99362; Mr. Dennis Gisi stated he was available to answer any questions from the Commissioners but had nothing to add at that time.

**Opponents:** None

**Public Agencies:** None

**Rebuttal Testimony:** Mr. Dennis Gisi, 761 Abbott Rd, Walla Walla, WA 99362; Mr. Gisi stated they hoped the Planning Commission agreed this is a great project for the City of Hermiston, who needs additional housing. He stated they think they are doing a great service by helping.

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

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Tucker made a motion to recommend approval of Co-Adoption of the City of Hermiston Comprehensive Plan Map Amendment #P-138-24 to the Board of County Commissioners.

Commissioner Minton seconded the motion. Motion carried with a vote of 7:0 recommending approval to the Board of County Commissioners.

Ms. Cimmiyotti stated that earlier in her memo she stated the original hearing before the Board of County Commissioners would be held on Wednesday, March 5<sup>th</sup>. She explained that hearing will be rescheduled to Wednesday, March 12<sup>th</sup> instead. She mentioned the meeting would be available virtually and to contact the Planning office to obtain more information.

### **NEW BUSINESS**

**TEXT AMENDMENT #T-097-24, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, SECTION 152.617(H) HOME OCCUPATIONS/COTTAGE INDUSTRIES IN THE EXCLUSIVE FARM USE ZONE.** The applicant, Jim Whitney, proposes text changes to the Umatilla County Development Code (UCDC) Section 152.617(H), to allow a resident to host commercial gatherings and weddings as Home Occupations in the Exclusive Farm Use Zone. The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Vice Chair Tucker stated he had been hired by the applicant and believed this presented a conflict of interest due to his professional relationship with the applicant. Chair Danforth asked again if any other conflicts may exist, none were presented.

Chair Danforth called for the Staff Report.

## STAFF REPORT

Mrs. Megan Davchevski, Planning Division Manager, started by introducing the application before the Planning Commission for this hearing. She stated, the applicant requested Umatilla County adopt a permit path and criteria for establishing commercial gatherings and weddings as a Home Occupation in the Exclusive Farm Use Zone. The County's current Home Occupation standards have a limitation of no more than 10 parking spaces, which currently limits the number of people that can be on site. She explained, the applicant requests to amend UCDC 152.617(H) to allow for a subsection of Home Occupations, which would be titled, "Host Commercial Gatherings and Weddings". The applicant has worked with County Planning Staff to develop language for criteria of approval. The proposed language includes statutory requirements, such as the limited number of employees, as well as other language specific to the proposed use.

Mrs. Davchevski stated, the criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755. Applicable Statewide Planning Goals 1-14 have also been evaluated. She added, this request is different than most the department has seen. It isn't specific to any one property. This request to change the County's Development Code would allow a new use that is currently not allowed through our permit process. She explained that anyone within Umatilla County in the EFU zone could apply for this new path, should it be adopted.

Mrs. Davchevski explained the normal public notice process goes out to properties within a certain vicinity; however, there were no neighbors to notify because this isn't for one specific property. She mentioned, staff had only notified the Department Land Conservation Development (DLCD), rural fire departments, Umatilla County Assessors and Umatilla County Public Health departments. She stated she did not receive comments from any agencies.

Mrs. Davchevski stated this hearing before the Umatilla County Planning Commission is the County's first evidentiary hearing. A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, March 12, 2025, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801. She noted this date is different than provided in the Public Notice, this is because the Board of Commissioners hearings in March were rescheduled.

Mrs. Davchevski stated the Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners for adopting the proposed text amendment to allow for commercial gatherings and weddings as a Home Occupation in the EFU Zone.

Mrs. Davchevski stated the hearing packet includes the preliminary findings of fact and conclusions of law which address the development code sections and statewide planning goals. As well as the proposed text to be added to the Umatilla County Development Code. She referenced page 11 and stated there is a note that describes how the text has been formatted in this section. Proposed text changes were shown in a "Mark Up" format, with the original text to be removed shown in strikethrough and added text provided in bold and underlined. Text shown in red is

entirely new criteria unique to the applicant's request and is shown for comparison. Mrs. Davchevski gave a few examples from the text to help Planning Commissioners understand the mark up and to show differentiation between changed information and newly added information.

Commissioner Morris referenced page 13, UCDC Section 152.617(H)(b)(15) and asked how the number for guests was determined for the four to ten acres in size would limit guests to no more than one-hundred. Mrs. Davchevski said she couldn't recall if that was language the applicant provided or not. She stated the applicant came up with some initial language they provided to our department and we provided feedback. Subsequent meetings resulted with the final language presented to the Planning Commission that evening. She explained that the thought process was if you have a more guests on a smaller property, it would be more impactful to neighbors. The idea was to set a limit the number of guests for smaller properties and a larger property could accommodate more guests thus raising the limit.

Commissioner Morris asked if there was consideration to make a step between the ranges on acreage, like a 4-7 acre and 7-10 acres categories. Mrs. Davchevski stated she would let the applicant address that, but from the County's Planning perspective we didn't want to overcomplicate this. She added, if this were to be adopted, it would have a large number of criteria that we don't currently have for any of our current Conditional Use Permit (CUP) applications. The only other section that has similar number of criteria is for establishing a wind energy farm. She expressed, that we were trying to make it less complicated by just having smaller version.

Commissioner Morris referenced page 12, UCDC Section 152.617(H)(b)(7) and asked about the criteria listing no more than five employees, either full-time or part-time, can be employed and whether this would apply to contracted employees. Mrs. Davchevski stated no more than five (5) employees could hired by the operators. In this case, if Mr. Whitney were to come in and apply, it would be employees that work for him. This restriction is in state statutes under home occupations. She added that home occupation is specific to the property owner operating the business and also living in the home on-site.

Mrs. Davchevski stated there are several current bills before the State Legislature that would allow for wedding venues in Exclusive Farm Use (EFU) zones and a local representative is sponsoring a few bills in the current session.

Commissioner Standley asked how many wedding venues are currently active in Umatilla County. Mrs. Davchevski asked if he meant permitted or unpermitted businesses/venues. She explained the County amended our Development Code in the past to restrict the number of parking spaces that could be approved under a home occupation. Prior to that there was no restriction. She added that a few applications for home occupations were approved to host weddings before we enacted that restriction, and since then none. She mentioned two came to mind, which are Winn Barn in Weston, and Bennett Gardens in Hermiston.

Commissioner Standley referenced page 13, UCDC Section 152.617(H)(b)(17) and stated he was happy to see an established hours of operation. He mentioned this was something he had seen in prior hearings and felt like it would address prior problems neighbors had with this type of home occupation.

Commissioner Morris asked about parking limitations and having a parking lot off site to provide transportation by shuttle to the venue. Mrs. Davchevski explained it would depend on where the parking lot was located. She explained that the County does not have any designated ride share, or park and ride, parking lots within the EFU zone.

Chair Danforth asked about UCDC Section 152.617(H)(b)(26), on page 14, “There are no more than 125 vehicles from guests and employees of the home occupation can be present at any given time of on the subject parcel.” Her question related to the maximum number of vehicles in relation to the maximum number of guests of 300 for ten acres or larger. Mrs. Davchevski stated this was to allow for couples or multiple attendees sharing a vehicle. She explained the number of vehicles was written specifically to eliminate the requirement for a Traffic Impact Analysis (TIA). The County’s Transportation System Plan (TSP) requires that if you have 250 trips or more (trip one was into the venue, and trip two was leaving the venue) the applicant would have to do a TIA at the time the Conditional Use Permit was approved. She added, this also creates less impact on County Roads.

Commissioner Standley asked about UCDC Section 152.617(H)(b)(34), on page 15, and who would be verifying compliance and managing inspections. Mrs. Davchevski shared the current annual review process for all home occupation and other CUP’s is completed by our Code Enforcement department. Permit holders would be sent a renewal application to ensure operation within their permit requirements, and confirm the need still exists. The Code Enforcement Officer would then complete a property check. Commissioner Morris asked about non-compliance and if someone fails to obtain proper permitting. Mrs. Davchevski stated it would be in Code Enforcement purview for non-compliance. At that point it would be the property owner working with Code Enforcement to rectify the violation and bring the property within compliance. She added that if they were not compliant then there might be fees imposed when/if they go to court.

Mrs. Davchevski ended by explaining this type of application is different than those we have received in the past. The application asks to add something less restrictive so a Measure 56 notice to property owners was not required.

**Applicant Testimony:** Mrs. Tamra Mabbott, consultant for the applicant, 80379 Zimmer Lane, Hermiston, OR 97838; Mr. Jim Whitney, 41095 Taylor Lane, Pendleton, OR 97801; Mrs. Nicole Whitney Chamberlin, 2355 Morada Lane, Ashland, OR 97520; Mr. Whitney started by sharing some information and history on the property that helped put this project into motion. He stated, the property is just outside Reith, an unincorporated city outside Pendleton. He mentioned the property has a history of supplying food to the old state psychiatric hospital, which is now a state



prison. He stated the site has great older buildings and wanted to highlight a way to use those buildings but still maintain their original charm. They came up with wedding events. He had also just completed a conservation easement with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), which makes up 960 acres within this property.

Mr. Whitney explained he reached out to Mrs. Mabbott and asked if she would consult and help them put this project together. The acreage not put in the easement was approximately 70 acres, which includes two large barns, homes, and various buildings on-site.

Mrs. Tamra Mabbott stated they've been working on this project approximately a year and a half. She stated Mr. Whitney and his daughter Mrs. Whitney Chamberlin vetted a number of options before settling on this idea. She explained they looked at considering a rezone or an Urban Growth Boundary (UGB) swap, but both were very long-term and an expensive process to achieve. Mrs. Whitney Chamberlin had expressed wanting to move back to the area and make use of the property for this project. Mrs. Mabbott explained that if this was approved, perhaps they could look at a UGB swap in the future.

Mr. Whitney asked about the five employee maximum, whether this was a State Statute or if it was a limitation per event. Mrs. Davchevski stated that was a state statute, and it includes people working on your payroll for weddings and events, which would include the Mr. Whitney, Mrs. Whitney Chamberlin and three other employees. She explained it would not include vendors you contract for the event to serve food or provide other services. She stated she was uncertain regarding volunteers and mentioned it might be something the Oregon Land Use Board of Appeals (LUBA) would have to decide, and this was something currently being looked at by State Legislature to clarify that language.

Mr. Whitney referenced UCDC Section 152.617(H)(b)(16), on page 13. He mentioned he doesn't want to build more homes but considered turning buildings into housing for the wedding party if it could be allowed. Mrs. Davchevski stated they couldn't turn existing non-housing structures into homes unless they met criteria to qualify under the EFU zone and doing so would be under a different CUP for establishing a room house or other lodging facilities.

Mr. Whitney asked about UCDC Section 152.617(H)(b)(18), on page 13, which talks about lighting and asked if the County would be open to modifying it to state not directly projecting into adjoining properties. Commissioner Standley reminded Mr. Whitney this would be a county-wide change and to be careful with adjusting language especially since some smaller adjoining properties might be affected more.

Mr. Whitney talked about UCDC Section 152.617(H)(b)(30), on page 15, regarding signing and recording a Covenant Not to Sue and who this applies to. Mrs. Davchevski explained that most uses we permit request a signed Covenant for the applicant to not sue their neighbors for their farming practices affecting their new use.

Commissioner Morris asked Mr. Whitney's opinion regarding UCDC Section 152.617(H)(b)(15), on page 13, and the limit of the number of people. Mr. Whitney stated he wouldn't be opposed to a larger attendee maximum for properties over a certain acreage, but only if it would be allowed within statute. Mrs. Davchevski stated there is nothing in statute, but several LUBA cases have been reviewed regarding home occupations that have been permitted as an agritourism event. LUBA doesn't specify what the maximum number would be, but they are clear on the maximum number of employees. She explained the number of attendees was based on the TIA and TSP.

Mrs. Davchevski stated the purpose of the meeting today was to make a recommendation to the Board of County Commissioners and if the Planning Commission's recommendation includes amended language, she would then update the DLCD portal and would share the recommended language before the County Commissioners.

Commissioner Minton agreed and stated she felt the attendee maximum of 300 for 10 acres was a nice starting point and doesn't draw a lot of attention. Chair Danforth also agreed 300 attendees was a safe number to make a workable plan. Mrs. Mabbott stated if the applicant does get this approved and subsequently the CUP approved, then they could look at doing a one-time mass gathering permit. Mrs. Davchevski confirmed that was possible and would be an allowance in the EFU zone, she referred to the Ukiah Rodeo who completes one each year for their event. Mrs. Whitney Chamberlin asked if there was a limit on how many you can do each year. Mrs. Davchevski stated there was a limit per year but couldn't remember what that number was. She stated there is a limit of guests associated with the event and goes before the Board of County Commissioners for approval.

Commissioner Standley asked at what point would your zoning be at risk, perhaps with the use change, could it be a future risk. Mrs. Mabbott clarified with staff that an approval of a home occupation doesn't justify a future rezone. Mrs. Davchevski and Ms. Charlet Hotchkiss agreed that this wouldn't affect their zoning. Mrs. Mabbott stated a farm can automatically qualify for farm deferral if they are zoned with intent to make a profit, and property owners would really have to mismanage the property to lose that. She explained Mr. Whitney is likely not profiting off the fishery easement with the CTUIR, but he is likely obtaining passive income because the property is contiguous to other properties he manages or leases for farm use.

Mrs. Mabbott also stated UCDC 152.617(H)(b)(16) would apply to new housing, which if the property owner wanted to share their home with the event holders like an Airbnb they could do so. She also thanked staff for including subsection (34) regarding annual reviews and fees assessed, because it was a better outcome than to initially receive only a four-year approval and would negate the need to reapply.

Chair Danforth thanked the applicants for their time and agreed it showed the thoroughness of the application and details regarding concerns of the operation. Commissioner Green stated she didn't



have any questions but was excited that the applicants are trying to do something with their property and believes it would be a wonderful idea.

**Opponents:** Ms. Susan Byrd, 45000 Hidaway Springs Rd, Ukiah, OR 97880; Ms. Byrd stated she wasn't super familiar with the process but believed this should be an individual project instead of county-wide. She expressed concern about significant impact of quality of life regarding 125 cars traveling two-ways with dust and noise. She added that if this were to go into effect at a nearby property without her permission, she would be very upset. She asked to rescind the larger scale project and limit it to only their particular property. Ms. Byrd mentioned this type of event would significantly impact those farmers when you are moving cattle or tractors down the road. She ended stating she would submit comments to the Commissioners.

Mrs. Davchevski clarified the process for this type of conditional use. She stated the applicant is requesting to add this as an allowable use, so that they can get the permit for their specific property and in order to do that it has to apply for the EFU zone across the entire county. She explained that the County can't designate certain areas this would be allowable in. Mrs. Davchevski expressed that if this language was approved and adopted by the Board of County Commissioners, there would be an individual Conditional Use Permit process that would follow. She added that an application would be submitted to our department and then it would go to public notice to nearby property owners to provide public comment or request a public hearing.

Commissioner Millar asked if these are handled individually, and Mrs. Davchevski confirmed that was correct.

**Public Agencies:** None

**Rebuttal Testimony:** Mrs. Tamra Mabbott, consultant for the applicant, 80379 Zimmer Lane, Hermiston, OR 97838; Mr. Jim Whitney, 41095 Taylor Lane, Pendleton, OR 97801; Mrs. Nicole Whitney Chamberlin, 2355 Morada Lane, Ashland, OR 97520; Mrs. Whitney Chamberlin asked how long the process would take and what happens next. Chair Danforth explained after the conclusion of that meeting it would go before the Board of County Commissioners to review and make the final decision. Mrs. Davchevski stated the Board of County Commissioners typically decide at the initial hearing unless they decide to continue the meeting, or a request was made for a continuance. She stated once approved it is immediately approved and so an application could be submitted for a CUP at that time, which typically is about a six to eight-week processing time.

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

Chair Danforth closed the hearing for deliberation.

## **DELIBERATION & DECISION**

Commissioner Minton expressed joy to see this might be opening the door for people to apply for this type of use and it was good to hear and clarify some things she had questioned. Commissioner Morris mentioned he appreciated the work around that would allow for the larger event process. Chair Danforth stated she thought this could be a good thing to help century farms continue to thrive and gives them an avenue to gain income and continue to further these farms along.

Commissioner Standley made a motion to recommend approval of Text Amendment #T-097-24, Amendment of Umatilla County Develop Code, Section 152.617(H) Home Occupations/Cottage Industries in the Exclusive Farms Use Zone based on foregoing Findings of Fact and Conclusions of Law.

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

### **OTHER BUSINESS**

Commissioner Morris made a motion to elect Commissioner Suni Danforth as Chair, and Commissioner Sam Tucker to remain as Vice Chair until they have found a replacement for Commissioner Danforth since her term has ended.

Commissioner Standley seconded the motion. Motion passes with a vote of 7:0.

### **ADJOURNMENT**

Chair Danforth adjourned the meeting at 7:56PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant