



PLANNING DIVISION

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

Email: planning@umatillacounty.gov

AGENDA

Umatilla County Planning Commission Public Hearing Thursday, December 19, 2024, 6:30PM Justice Center Media Room, Pendleton, Oregon

To participate in the hearing please submit comments before 4PM, December 19th
to 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: October 24, 2024 Meeting
3. **NEW HEARING: TYPE III LAND DIVISION, REPLAT REQUEST #LD-5N-915-24: JUAN D. GONZALEZ, APPLICANT, JUAN D. GONZALEZ & JOANNA G. ROMERO, OWNERS.** The applicants request approval to replat Lots 2 and 3 of Block 3 of the Charles Tracts Subdivision to change the original dividing lot line from an East-West direction to a North-South direction on the subject property located on Assessor's Map 5N2827DB, Tax Lot 800. The land use standards applicable to the applicant's request are found in Umatilla County Development Code Section 152.697(C), Type III Land Divisions.
4. Other Business
5. Adjournment

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Charlet Hotchkiss, Planner I
DATE: December 12, 2024

CODE
ENFORCEMENT

RE: December 19, 2024 Planning Commission Hearing
Type III (Replat) Land Division, #LD-5N-915-24
Map 5N 28 27DB, Tax Lot 800

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Request

GIS AND MAPPING

The request is to Replat Lots 2 and 3, Block 3, of Charles Tract Subdivision to change the original dividing lot line from an East-West direction to a North-South direction. The applicant indicates the reason is so both lots will have access to Klaus Road, which is the improved road in that area. The applicant provides as it exists now only original Lot 3, Block 3, has access to Klaus Road. East Third Street is unimproved and Highway 395 has restricted access. The new lot sizes would be identical with existing lots and the development on the lots would stay the same.

RURAL ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Location

The subject property is located on the east side of Highway 395 on the southeast corner of the Klaus Road and Highway 395 Intersection in Hermiston.

Notice

Notice of the applicant's request and the public hearing was mailed on November 29, 2024 to the owners of properties located within 250-feet of the perimeter of Lots 2 and 3 and to applicable public agencies. Notice was also published in the East Oregonian on November 30, 2024 notifying the public of the applicants request before the Planning Commission on December 19, 2024.

Criteria of Approval

The Criteria of Approval are found in the Umatilla County Development Code Section 152.697(C), Type III Land Divisions. Standards for reviewing a Replat generally consist of complying with development standards and survey plat requirements.

Conclusion

The Planning Commission is tasked with determining if the application satisfies all of the criteria of approval based on the facts in the record. The proposed Conditions of Approval address the survey and recording requirements with final approval accomplished through the recording of the final survey plat.

Decision

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

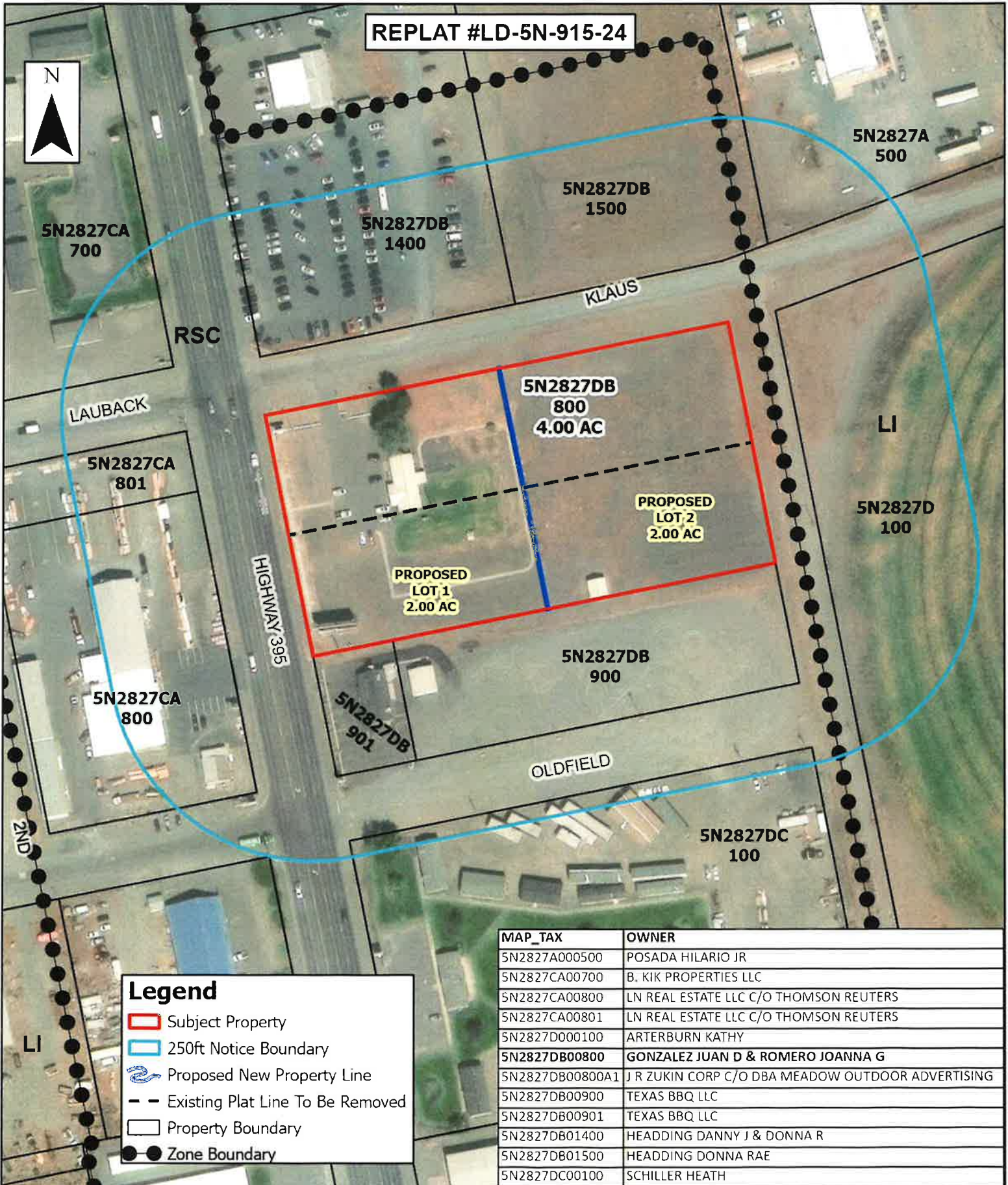
**UMATILLA COUNTY
PLANNING COMMISSION HEARING – DECEMBER 19, 2024
LAND DIVISION REQUEST #LD-5N-915-24
JUAN DIEGO GONZALEZ, APPLICANT & OWNER
PACKET CONTENT LIST**

- | | | |
|----|-----------------------------------|------------|
| 1. | Staff Memo to Planning Commission | Pages 1 |
| 2. | Table of Contents | Page 3 |
| 3. | Vicinity and Notice Map | Page 5 |
| 4. | Preliminary Plat | Page 7 |
| 5. | Staff Report/Preliminary Findings | Pages 9-12 |

JUAN DIEGO GONZALEZ, APPLICANT
JUAN D GONZALEZ & JOANNA G ROMERO, OWNERS
MAP: 5N 28 27DB TAX LOT: 800

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only.
 Created by T. Cmriyotti, Umatilla County Planning
 Department Date: 10/10/2024

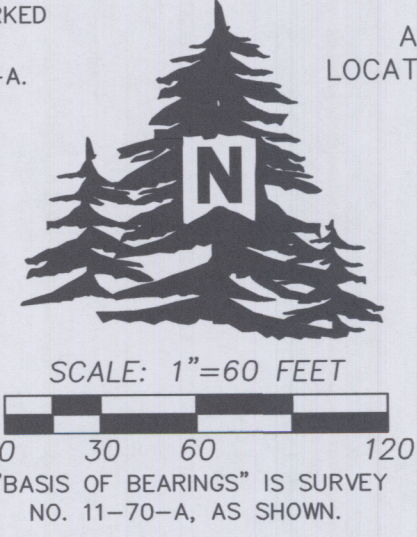
Notified Property Owners with 250 feet of Subject Parcel



MAP_TAX	OWNER
5N2827A000500	POSADA HILARIO JR
5N2827CA00700	B. KIK PROPERTIES LLC
5N2827CA00800	LN REAL ESTATE LLC C/O THOMSON REUTERS
5N2827CA00801	LN REAL ESTATE LLC C/O THOMSON REUTERS
5N2827D000100	ARTERBURN KATHY
5N2827DB00800	GONZALEZ JUAN D & ROMERO JOANNA G
5N2827DB00800A1	J R ZUKIN CORP C/O DBA MEADOW OUTDOOR ADVERTISING
5N2827DB00900	TEXAS BBQ LLC
5N2827DB00901	TEXAS BBQ LLC
5N2827DB01400	HEADING DANNY J & DONNA R
5N2827DB01500	HEADING DONNA RAE
5N2827DC00100	SCHILLER HEATH

LEGEND

- - SET 5/8"x30" REBAR WITH 1 1/4" BLUE PLASTIC CAP MARKED "WELLS SURVEYING PLS 54657."
- ◆ - FOUND 5/8" REBAR AS INDICATED ON SURVEY NO. 11-70-A.
- ⊕ - CALCULATED POINT ONLY NOTHING SET OR FOUND.
- (XOX) - RECORD DIMENSION PER SURVEY NO. 11-70-A.
- (XOX)1 - RECORD DIMENSION PER SURVEY NO. 23-034-B.
- - EXISTING FENCE LINE. NOT ALL ARE SHOWN.
- OHP - OVERHEAD POWER AND/OR COMMUNICATION LINES.
- - POWER POLE.
- - COMMUNICATION PEDESTAL.
- ⊠ - POWER TRANSFORMER BOX.
- - BILLBOARD SIGN.
- - OUTDOOR ELECTRICAL PLUG. IT IS UNCLEAR WHETHER THESE ARE STILL LIVE.
- (A) - SEE NOTE AT RIGHT.



GONZALEZ-ROMERO REPLAT "TENTATIVE" FOR REVIEW

A REPLAT OF LOTS 2 AND 3, BLOCK 3, FIRST AMENDED AND SUPPLEMENTAL PLAT OF CHARLES TRACTS. LOCATED IN SECTION 27, TOWNSHIP 5 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON. SEPTEMBER, 2024.

NOTE:

(A) THE C/L ALIGNMENT OF HIGHWAY 395 HAS CHANGED SINCE THE AMENDED SUPPLEMENTAL PLAT OF CHARLES TRACTS WAS DONE IN 1948. ODOT MADE RECENT ALIGNMENT SURVEYS IN 1988 AND AGAIN IN 2023. THE SURVEY MONUMENTS WHICH WERE SET OVER THE YEARS BY VARIOUS PRIVATE SURVEYS REPRESENTING THE EASTERLY HIGHWAY RIGHT OF WAY LINE & THE WEST LINE OF THE BLOCKS OF CHARLES TRACTS WERE REJECTED BY ODOT AS BEING OUT OF POSITION. I HELD THE FOUND MONUMENTS AT THE BLOCK CORNERS SET BY PREVIOUS SURVEYS AS NOTED, AND EXTENDED A LINE WESTERLY TO THE EASTERLY RIGHT OF WAY LINE OF THE HIGHWAY PER THE ODOT SURVEYS.

EASEMENTS AND ENCUMBRANCES

- THE FOLLOWING EASEMENTS & ENCUMBRANCES ARE TAKEN FROM OWNERSHIP & ENCUMBRANCE REPORT, ORDER NO. 854711, DATED MAY 20, 2024, BY PIONEER TITLE CO., PENDLETON, OREGON. ONLY SURVEY RELATED INFORMATION IS LISTED.
- EASEMENT TO UMATILLA ELECTRIC COOPERATIVE ASSOC., RECORDED DECEMBER 13, 1947, BOOK 185, PAGE 110, UMATILLA COUNTY DEED RECORDS. BLANKET TYPE. NOT SHOWN.
 - EASEMENTS & SET BACK RESTRICTIONS AS SHOWN ON THE PLAT FOR THE FIRST AMENDED & SUPPLEMENTAL PLAT OF CHARLES TRACTS, RECORDED APRIL 5, 1948, BOOK 6, PAGE 35, UMATILLA COUNTY PLAT RECORDS. SHOWN.
 - LEASE TO MEADOW OUTDOOR ADVERTISING, INC., & J.R. ZUKIN CORPORATION, RECORDED AUGUST 18, 1997, MICROFILM REEL 314, PAGE 1530, INSTRUMENT NO. 1997-234899, UMATILLA COUNTY DEED RECORDS, AND AMENDED BY INSTRUMENT RECORDED AUGUST 5, 2019, RECORDED AS INSTRUMENT NO. 2019-6890074, UMATILLA COUNTY DEED RECORDS. BLANKET TYPE. NOT PLOTTABLE. SIGNS ARE SHOWN.

NARRATIVE

THIS SURVEY WAS MADE AT THE REQUEST OF THE OWNERS OF THE PROPERTY TO REPLAT THE DIVIDING LINE BETWEEN LOTS 2 AND 3 TO A NORTH-SOUTH CONFIGURATION, RATHER THAN THE PLATTED EAST-WEST CONFIGURATION AS DEPICTED HEREIN. ALL MONUMENTS FOUND AND HELD ARE NOTED. THE REASON FOR DOING THIS IS TO MAKE THE PROPERTY MORE USABLE HAVING ACCESS TO KLAUS ROAD AS EXISTING LOT 3 DOES NOT HAVE PERMITTED ACCESS TO HIGHWAY 395, AND EAST 3RD STREET IS UNIMPROVED.

THE SURVEY WAS MADE WITH A 1 PERSON CREW USING A LEICA GS14 REALTIME GPS RECEIVER OPERATED OVER THE OREGON REAL-TIME GNSS NETWORK. ALL CONTROLLING MONUMENTS AND SET MONUMENTS WERE VERIFIED BY MULTIPLE OBSERVATIONS.

LINE NO.	BEARING	DISTANCE
L1	N 78°37'42" E	50.00'
L2	N 78°37'42" E	1.80'
(L2)		1.80')1
L3	S 78°37'40" W	1.29'
(L3)		1.29')1
L4	S 78°37'40" W	50.00'
L5	N 78°39'40" E	50.00'
L6	N 78°39'40" E	1.71'
(L6)		1.69')1

APPROVALS

UMATILLA COUNTY PLANNING

THIS IS TO CERTIFY THAT THE ACCOMPANYING SUBDIVISION REPLAT IS APPROVED FOR FILING AND RECORDING.

DATED THIS _____ DAY OF _____, 2024.

UMATILLA COUNTY PLANNING DIRECTOR

UMATILLA COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING SUBDIVISION REPLAT, THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND I THEREFORE APPROVE THIS PLAT FOR SIGNATURE BY THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON.

DATED THIS _____ DAY OF _____, 2024.

UMATILLA COUNTY SURVEYOR

UMATILLA COUNTY COMMISSIONERS

THIS IS TO CERTIFY THAT THE ACCOMPANYING SUBDIVISION REPLAT IS APPROVED FOR FILING AND RECORDING IN THE RECORD OF TOWN PLATS OF UMATILLA COUNTY, OREGON, BY THE UNDERSIGNED, BY ITS ORDER.

DATED THIS _____ DAY OF _____, 2024.

CHAIRPERSON _____ COMMISSIONER _____

COMMISSIONER _____

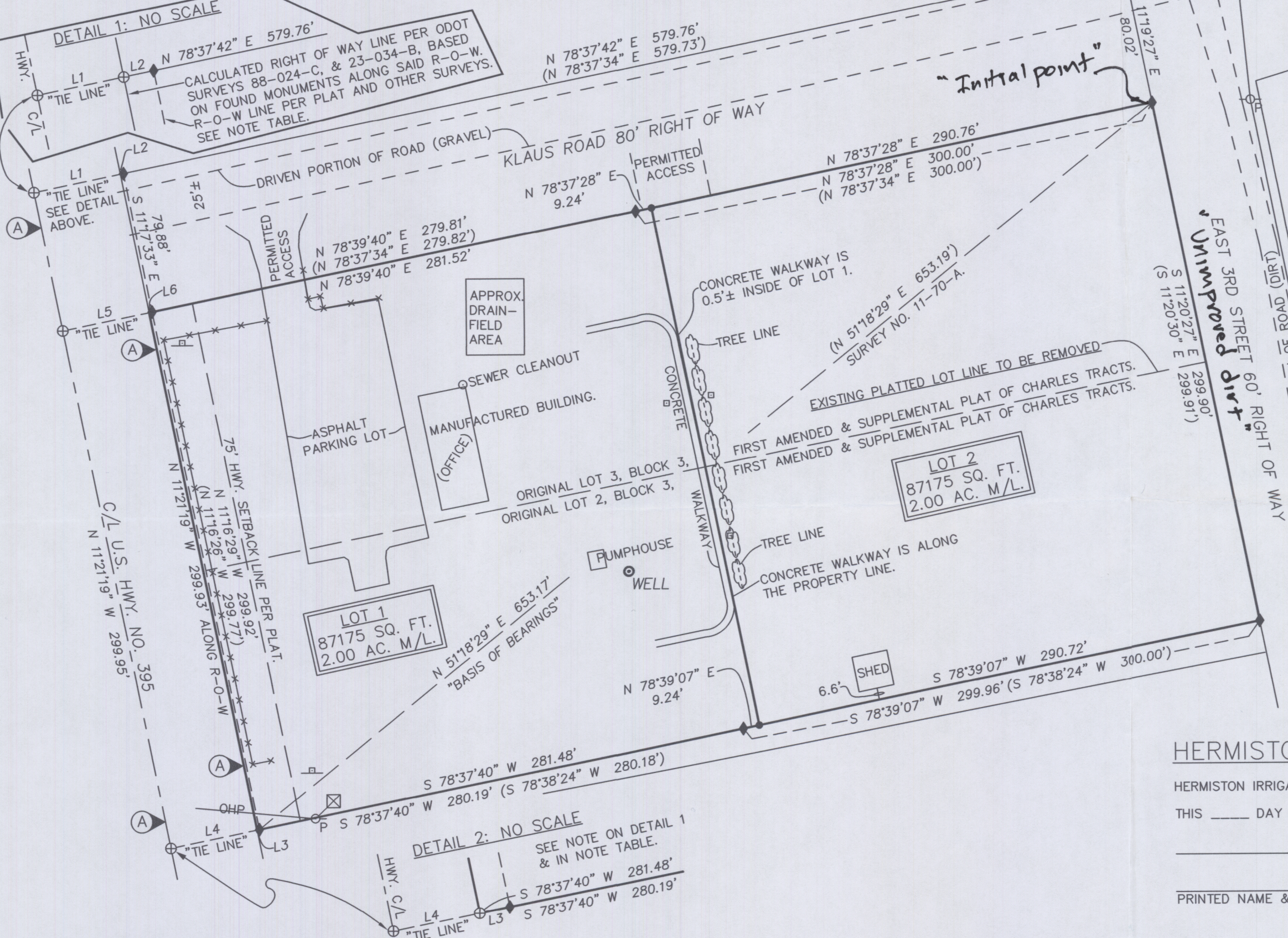
UMATILLA COUNTY ASSESSOR AND TAX COLLECTOR

WE, THE ASSESSOR AND THE TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THIS SUBDIVISION REPLAT AND THAT ALL AD/VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.

DATED THIS _____ DAY OF _____, 2024.

UMATILLA COUNTY ASSESSOR

UMATILLA COUNTY TAX COLLECTOR



HERMISTON IRRIGATION DISTRICT

HERMISTON IRRIGATION DISTRICT HEREBY APPROVES THIS PLAT THIS _____ DAY OF _____, 2024.

PRINTED NAME & TITLE FOR ABOVE SIGNATURE

SURVEYORS CERTIFICATE

I, JASON M. WELLS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, IN ACCORDANCE WITH O.R.S. CHAPTER 92, AS REVISED, AND THE UMATILLA COUNTY DEVELOPMENT ORDINANCE, THE LANDS SHOWN IN THE ACCOMPANYING SUBDIVISION REPLAT OF "GONZALEZ-ROMERO REPLAT", A REPLAT OF LOTS 2 AND 3, BLOCK 3, FIRST AMENDED & SUPPLEMENTAL PLAT OF CHARLES TRACTS, LOCATED IN SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

THIS SURVEY WAS MADE FROM CONTROLLING MONUMENTS FOUND AS DEPICTED. THE SURVEY WAS MADE WITH A ONE PERSON CREW USING A LEICA GS14 GPS RECEIVER OPERATED OVER THE OREGON REALTIME GNSS NETWORK.

REAL PROPERTY DESCRIPTION

LOTS 2 AND 3, BLOCK 3, FIRST AMENDED & SUPPLEMENTAL PLAT OF CHARLES TRACTS, SUBJECT TO, AND TOGETHER WITH ALL RIGHTS OF WAY, EASEMENTS, & ENCUMBRANCES. LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

JASON M. WELLS, PLS

REGISTERED PROFESSIONAL LAND SURVEYOR

"TENTATIVE" FOR REVIEW

OREGON
NOVEMBER 29, 2010
JASON M. WELLS
54657PLS
RENEWS 6/30/26

WELLS SURVEYING
200 SE HAILEY SUITE 108
P.O. BOX 1696
PENDLETON, OR 97801
PHONE: (541) 276-6362

DATE: 09/24 DR. BY: JMW
CK. BY: JPW NO: 24-1869

RECORDING INFORMATION, UMATILLA COUNTY OFFICE OF RECORDS:

PROJECT: \JDGONZALAZPP2024R0T

GONZALEZ-ROMERO REPLAT

A REPLAT OF LOTS 2 & 3, BLOCK 3, FIRST AMENDED & SUPPLEMENTAL PLAT OF CHARLES TRACTS. LOCATED IN SEC. 27, T5N, R28E, W.M., UMATILLA COUNTY, OREGON.

OWNERS DECLARATION

WE, JUAN DIEGO GONZALEZ, AND JOANNA G. ROMERO, AS TENANTS IN COMMON, EACH TO AN UNDIVIDED 1/2 INTEREST, OWNERS OF THE LANDS CONTAINED WITHIN THIS SUBDIVISION REPLAT SURVEY, DO HEREBY ESTABLISH AND ACKNOWLEDGE THIS SUBDIVISION REPLAT AS THE OFFICIAL MAP AND PLAT OF "GONZALEZ-ROMERO REPLAT", A REPLAT OF LOTS 2 AND 3, BLOCK 3, FIRST AMENDED & SUPPLEMENTAL PLAT OF CHARLES TRACTS, AND THAT SAID PLAT IS PREPARED IN ACCORDANCE WITH ORS CHAPTER 92, AS REVISED, AND THE UMATILLA COUNTY DEVELOPMENT ORDINANCES. WE FURTHER ACKNOWLEDGE ALL EASEMENTS AND ENCUMBRANCES AFFECTING THIS PROPERTY WHETHER SHOWN ON THE FACE OF THIS PLAT OR CONTAINED WITHIN RECORDED LEGAL DOCUMENTS.

JUAN DIEGO GONZALEZ, OWNER

JOANNA G. ROMERO, OWNER

ACKNOWLEDGMENT

STATE OF OREGON) SS
COUNTY OF UMATILLA)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024,
BY JUAN DIEGO GONZALEZ & JOANNA G. ROMERO.

NOTARY PUBLIC FOR THE STATE OF OREGON

NOTARY PUBLIC PRINTED NAME

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER: _____

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
GONZALEZ REPLAT, #LD-5N-915-24
A Replat of Lots 2 and 3, Block 3
of the CHARLES TRACTS SUBDIVISION,
ASSESSORS MAP #5N 28 27DB, TAX LOT #800, ACCOUNT #128913**

1. **APPLICANT:** Juan Diego Gonzales, 30830 Klaus Road, Hermiston, OR 97838
2. **OWNERSHIP:** Juan Diego Gonzales, 30830 Klaus Road, Hermiston, OR 97838
3. **PROPERTY LOCATION:** The subject property is located on the east side of Highway 395 on the southeast corner of Klaus Road and Highway 395 intersection in Hermiston.
4. **REQUEST:** The request is to Replat Lots 2 and 3, Block 3, of the Charles Tracts Subdivision to change the dividing lot line from an East-West direction to a North-South direction. The applicant indicates the reason for their request is so both lots will have access to Klaus Road, which is the improved road in that area. The applicant provides as it exists now only original Lot 3, Block 3, has access to Klaus Road. East Third Street is unimproved and Highway 395 has restricted access. The applicant states the new lot sizes would be identical with existing lots and the development on the lot would stay the same.
5. **EXISTING ACREAGE:** Lot 2 (Tax Lot #800) = 2.00 acres
Lot 3 (Tax Lot #800) = 2.00 acres
6. **RESULTING ACREAGE:** Lot 1 = 2.00 acres
Lot 2 = 2.00 acres
7. **COMPREHENSIVE PLAN:** Commercial
8. **PROPERTY ZONING:** Retail Service Commercial (RSC), one-acre minimum parcel size.
9. **ACCESS:** Access to the subject property is provided from Klaus Road a County Road with an improved gravel roadway, County Road #1264. The applicant has provided an approved Road Approach Permit to Klaus Road for both resulting Lot 1 and Lot 2 from County Public Works.
10. **PROPERTY EASEMENTS:** There is an existing utility easement for Umatilla Electric Cooperative Association, record December 13, 1947, Book 285, Page 110. There is also a setback restriction to Highway 395 of 75 feet that was created with the Charles Tract Plat on the west lot line of Lots 2 and 3 that will remain on proposed Lot 1 after the replat.
11. **EXISTING LAND USE:** The subject property has historically been using both Lots 2 and 3 as one lot, with the parking lot and concrete walkway for the business located on Lot 3 being on both Lots 2 and 3. On Lot 3 there is an existing 28-foot by 66-foot manufactured office

building for J.D. & Sons Transportation Services with an existing septic system and drain field. On existing Lot 2 there is a six-foot by six-foot pumphouse, well and a 20-foot by 20-foot garage building. After the replat the parking lot, concrete walkway, office building, septic system, well and pumphouse will be on Proposed Lot 1. Proposed Lot 2 will be mostly undeveloped other than a planted tree line along the western boundary line and the existing 20-foot by 20-foot garage building.

12. **UTILITIES:** The area is served by Umatilla Electric Cooperative and Quest. Trash Service is through City of Hermiston.
13. **WATER/SEWER:** The subject property is within the Hermiston Irrigation District. The applicant has provided that no current water rights exist for the property. Proposed Lot 1 has an existing septic system and well. Future development on Proposed Lot 2 may require the installation of a septic system and a shared well agreement.
14. **WETLAND RESOURCES:** National Wetlands Inventory Mapping shows there are no wetlands known to occur on the subject property.
15. **PROPERTY OWNERS & AGENCIES NOTIFIED:** November 27, 2024
16. **PLANNING COMMISSION HEARING DATE:** December 19, 2024
17. **AGENCIES NOTIFIED:** Umatilla County Environmental Health, Umatilla County Assessor, Umatilla County GIS, Umatilla County Fire District #1, Hermiston Irrigation Districts, Umatilla Electric Cooperative, and Umatilla County Surveyor.
18. **COMMENTS:** Pending.
19. **STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE:**
The criteria for approval contained in Section 152.697(C), Type III Land Divisions, are provided in underlined text. The evaluation responses follow in standard text.

(1) Complies with applicable elements of the Comprehensive Plan;

(2) Complies with applicable provisions listed in the zoning regulations of the Umatilla County Development Code Chapter; Umatilla County's state-acknowledged Comprehensive Plan designates the subject property and surrounding properties as Commercial. The subject property and many surrounding/nearby properties as Retail Service Commercial (RSC) and Light Industrial (LI).

Additionally, the applicant is required to sign and record an Irrevocable Consent Agreement for future financial participation in the upgrading of Klaus Road for both Proposed Lot 1 and Lot 2. The Irrevocable Consent Agreement (ICA) runs with the property and is binding on the heirs, assigns and all other successors in interest to the owner of the property, according to the interest of the property and does not operate as a personal contract of the owner. Therefore,

the Board of Commissioners and the property owners signing of the ICA agreement fulfills the UCDC standard for an improvement agreement for the Type III Land Division.

The Planning Commission finds and concludes the precedent condition of approval requiring an ICA for Klaus Road for both Proposed Lot 1 and Lot 2 be recorded is imposed. This criterion is pending.

(3) Conforms and fits into the existing development scheme in the area, including logical extension of existing roads and public facilities within and adjoining the site;

The subject property fits the existing development scheme of the Charles Tracts Subdivision. The applicant plans to keep the existing development as it currently exists on the subject property. Access to the re-platted lots will be from Klaus Road, County Road #1264, the applicant has provided an approved Road Approach Permit from County Public Works for Both Lot 1 and Lot 2 for accessing Klaus Road. The Planning Commission finds and concludes this criterion is met.

(4) Complies with the standards and criteria of Section 152.667 (Forest/Multiple use Areas), if applicable due to the size, scope, and/or location of the request. The subject property is located in the RSC zone. Therefore, the standards found in Section 152.667 for Forest/Multiple Use Areas are not applicable.

(D) Decision on a tentative replat plan. The findings and conclusions of the Planning Commission shall include two copies of the tentative plan upon which the decision is noted and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department. Approval by the Planning Commission shall be final upon signing of the findings, and stands as the County's official action unless appealed. Approval of the tentative plan shall not constitute acceptance of the final replat for recording. However, such approval shall be binding upon the County for purposes of preparation of the replat, and the county may require only such changes in the replat as are necessary for compliance with the terms of its approval of the tentative plan. This criterion is pending.

TENTATIVE DECISION: APPROVED

BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, TYPE III LAND DIVISION REQUEST #LD-5N-915-24 IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

The following precedent conditions must be fulfilled prior to final approval of this request.

1. Pay all notice fees as invoiced by Planning.
2. Sign and record an Irrevocable Consent Agreement for future financial participation in improvements to Klaus Road for both Lot 1 and Lot 2. *Documents provided by Planning.*

3. Pay and possibly prepay property taxes to the Umatilla County Tax Department.
4. Submit a Subdivision Replat complying with State and County regulations. The survey shall show all easements, road names and include the Replat name, *Gonzalez-Romero Replat*.

The following **subsequent condition** must be fulfilled for final approval of the Replat.

1. Record the Subdivision Replat.

UMATILLA COUNTY PLANNING COMMISSION

Dated _____ day of _____, 20____

Suni Danforth, *Planning Commission Chair*

Mailed _____ day of _____, 20____

DRAFT MINUTES

**COMPREHENSIVE PLAN MAP AMENDMENT
P-137-24, and ZONE MAP AMENDMENT Z-324-
24:**

**HAAK HOLDINGS, LLC
APPLICANT/OWNER**

The applicant requests to change the Comprehensive Plan designation from Rural Residential to Commercial and change the Zoning Map from Rural Residential – 4 Acre Minimum Parcel Size (RR-4) to Rural Retail Service Commercial (RRSC). The subject property is located on the west side of State Highway 11, approximately 1.5 miles north of the Milton-Freewater city limits. The situs address is 84722 Highway 11, Milton-Freewater, OR 97862. The site is identified on assessor's map as Township 6 North, Range 35 East, Section 25B, Tax Lot 1900. The subject property is approximately 1.97 acres. The criteria of approval are found in Oregon Revised Statute ORS 197.195, Oregon Administrative Rule Chapter 660, Divisions 12 & 15, and Umatilla County Development Code (UCDC) Section 152.750 – 755 and UCDC Section 152.251.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
October 24, 2024**

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, October 24, 2024, 6:30pm**

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Sam Tucker, Vice Chair, John Standley, Emery Gentry and Andrew Morris

COMMISSIONER

PRESENT VIA ZOOM: Kim Gillet, Ann Minton and Malcolm Millar

COMMISSIONERS

ABSENT: Tami Green

PLANNING STAFF:

Robert Waldher, Community Development Director, 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 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 July 25, 2024 & September 26, 2024 meeting minutes. No additions nor corrections were noted.

Commissioner Standley moved to approve the draft minutes from the July 25, 2024 meeting minutes, as presented. Commissioner Gentry seconded the motion. Motion carried by consensus.

Commissioner Standley moved to approve the draft minutes from the September 26, 2024 meeting minutes, as presented. Commissioner Gentry seconded the motion. Motion carried by consensus.

NEW HEARING

COMPREHENSIVE PLAN MAP AMENDMENT P-137-24, and ZONE MAP AMENDMENT Z-324-24: HAAK HOLDINGS, LLC, APPLICANT & OWNER: The applicant requests to change the Comprehensive Plan designation from Rural Residential to Commercial and change the Zoning Map from Rural Residential – 4 Acre Minimum Parcel Size (RR-4) to Rural Retail Service Commercial (RRSC). The subject property is located on the west side of State Highway 11, approximately 1.5 miles north of the Milton-Freewater city limits. The situs address is 84722 Highway 11, Milton-Freewater, OR 97862. The site is identified on assessor’s map as Township 6 North, Range 35 East, Section 25B, Tax Lot 1900. The subject

property is approximately 1.97 acres. The criteria of approval are found in Oregon Revised Statute ORS 197.195, Oregon Administrative Rule Chapter 660, Divisions 12 & 15, and Umatilla County Development Code (UCDC) Section 152.750 – 755 and UCDC Section 152.251.

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

Chair Danforth called for the Staff Report.

STAFF REPORT

Mr. Robert Waldher, Community Development Director, introduced himself and the application before the Planning Commission that evening. He stated the applicant/owner, HAAK Holdings, LLC, has requested to change the Comprehensive Plan designation from Rural Residential to Commercial and change the Zoning Map from Rural Residential, 4-acre minimum Parcel Size (RR-4) to Rural Retail Service Commercial (RRSC). The subject property is located on the west side of State Highway 11, approximately 1.5 miles north of the Milton-Freewater city limits. The situs address is 84722 Highway 11, Milton-Freewater, OR 97862. He added, the site is identified on assessor's map as Township 6 North, Range 35 East, Section 25B, Tax Lot 1900. The subject property is approximately 1.97 acres. He stated the packet includes a vicinity map of the subject property marked as Exhibit A and a map showing the existing and proposed zoning of the subject property marked as Exhibit B.

Mr. Waldher explained that Umatilla County records showed the applicant/owner purchased the subject property in February 2022. Umatilla County Code Enforcement issued a 30-day warning to the owners of the subject property on June 15, 2022. He expressed that the warning was for the unpermitted operation of a business in the RR-4 zone. Subsequent to the warning, planning staff contacted the property owners to discuss property rezoning to help correct the violation. He stated, a second warning was issued to the owners of the subject property on July 12, 2023 due to continued operation of the business without land use approval. Planning staff again contacted the property owners to prompt them to prepare a plan amendment to correct the violation. He stated the subject property continues to be used by the applicant (in violation of the Umatilla County Development Code) to store RV's, trailers and campers in support of the applicant's business operations, Click-it RV.

Mr. Waldher added that an application for a Comprehensive Plan Map Amendment and Zoning Map Amendment was submitted to Umatilla County Community Development Department on June 12, 2024. In accordance with requirements of the Umatilla County Development Code and Oregon Transportation Planning Rule, the applicant has also submitted a Traffic Impact Analysis which is attached as Exhibit C. Staff have prepared Findings. The criteria of approval can be found in Oregon Revised Statute ORS 197.195, Oregon Administrative Rule Chapter 660, Divisions 12 & 15, and Umatilla County Development Code (UCDC) Section 152.750 – 755 and UCDC Section 152.251.

Mr. Waldher stated, a 35-day Plan Amendment Notice was provided to the Department of Land Conservation and Development (DLCD) on September 19, 2024. Notice of the public hearings were mailed on October 4, 2024 to the owners of properties located within 250-feet of the perimeter of Tax Lot 1900. He added that additional notice was published in the East Oregonian on October 12, 2024 notifying the public of the applicant's request before the Planning Commission on October 24, 2024 and the Board of Commissioners on November 26, 2024.

He concluded that the Planning Commission are tasked with making a recommendation to the Umatilla County Board of Commissioners whether or not to approve or deny the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment. The recommendation of the Planning Commission will be presented in a public hearing to the Board of Commissioners.

Commissioner Morris asked about the date of the Development Code and why it has not been updated for 50 years. Mr. Waldher stated the UCDC is considered a living document. The original adopted document was recognized by the state and has had many changes over the years in land use and local decisions amending from the original adoption date. He stated this includes changes in the comprehensive plan as well.

Chair Danforth referenced page 18, Goal 9 Economic Development, "...by allowing the currently undeveloped and unused property be put to a more productive use through the continuation and expansion of the Applicant's existing RV sales and service facility use." She added that was conflicting because the property is developed as residential. Mr. Waldher stated her assessment was accurate because the property is indeed developed with a dwelling on it. He added that previous owners of the property had filed for a replacement permit to place the manufactured home and stated the applicant should be able to speak to that question. Chair Danforth stated she felt like the misstatement should be addressed in the findings.

Chair Danforth brought up page 41, Site Access within Exhibit C. She asked Mr. Waldher about this section which stated, "It is anticipated the (future) applicant will construct any necessary frontage improvements at the time of development (as part of a future, specific development land use application)." Mr. Waldher stated the application before the Planning Commission is to rezone the property and if successful the applicants would then have to file a subsequent application for a Conditional Use permit to establish the RV Sales business on this property. He explained at that point the Planning Department would require the owners to demonstrate they got the access permits from Oregon Department of Transportation (ODOT) and that access was approved for that location. Mr. Waldher stated the applicants could have reworded that statement to address their future goals for the property.

Chair Danforth asked if the questions regarding the home have been addressed if this is approved and what that would look like in the next step of the process. She asked if she was correct in assuming this would be something that would be addressed after this application were to go through. Mr. Waldher confirmed that was accurate and it was something that was raised by Staff

to the applicant. He explained if this rezone application was approved and the dwelling still exists we don't want to create a situation where there is a non-conforming use and we want to confirm what the applicant intends to do.

Commissioner Tucker asked if the Planning Commission were to approve this and recommend approval to the Board of County Commissioners would there a non-conforming use unless the applicant voluntarily decided to remove the dwelling. Mr. Waldher stated there could be a situation where this were to be approved to rezone and potentially not move forward with the conditional use permit, it could force a situation where there was a non-conforming use. Commissioner Tucker asked if we wanted to protect against that by adding a condition to the approval. Mr. Waldher stated he didn't have any conditions written in the sample motions or recommendations, but it could be a condition placed on the approval.

Applicant Testimony: Mr. Garrett Stephenson, Counsel for the Applicant, 1211 SW 5th Ave. Ste. 1900, Portland, OR 97204; Mr. Kevin Smith, Sales Manager Click-It RV, 53816 W Crockett Rd, Milton Freewater, OR 97862; Mr. Stephenson started by explaining some history of when the properties were purchased. The buyers were under the assumption that both lots were commercial and could be used for RV sales. It wasn't until notified by Code Enforcement there was a development issue and they were operating a business on a residential property on this particular tax lot. He stated when he was brought on to the case he contacted the Planning Department, stated they wanted to comply and asked how they could remedy the situation. It was determined that a Plan Amendment would be most appropriate.

Mr. Stephenson stated there are many advantages for the conversion to a commercial zoned property. The first was from a traffic and planning standpoint. Their goal is to reduce the number of access points from US Highway 11 down to one between the two properties. He added, they also looked at the compatibility with surrounding farm uses. According to Land Use, commercial businesses like theirs, do not produce emissions or disruption to farming. Vehicles are actually a better fit next to farmland than individual homes due to normal farm practices and inconvenience to rural neighborhoods. He stated, this compatibility is advantageous to both the business holder and farmer. As far as the County's inventory of Goal 9 versus Goal 10 lands, their conclusion shows better balance and positive impact on the Economic development goal, which is Goal 9 versus a very, very minor adverse impact on Goal 10, which is the housing goal. He explained that the reason for that is it's a 2-acre site, and it can only have one home. He stated these analyses are pretty well explained in the staff report and shows all the criteria had been met and asked the Planning Commission to approve the application.

Mr. Stephenson explained a few questions brought forth by Chair Danforth and Commissioner Standley. He stated there is no one living on the property currently. There is a manufactured home presently, but the intent is to either convert it into a sales office or to remove it entirely and replace with a new sales office. He reiterated, there would not be a non-conforming use on the property moving forward.

Mr. Stephenson stated another advantage is their potential access consolidation. He stated currently, the sales lot is located on a separate tax lot much further north, which they lease, and service occurs on the tax lot 1902, and tax lot 1900 serves for some storage of RVs. He added, their goal would be to consolidate all operations to one-site along Highway 11. They would use service on one tax lot and sales on the other making things a lot easier for Click-It RV. He expressed this would reduce trips between the sales and service locations that is also good for safety along Highway 11.

Chair Danforth stated she was aware of the sales lot to the further north location and asked if the goal would be to cease operation on the other lot with their plan to consolidate usage onto these two tax lots. Mr. Stephenson stated, yes, they can not only solve the zoning violation but can consolidate the business into these two parcels.

Mr. Kevin Smith stated the current set up causes a lot of confusion to customers and the cross traffic. He stated he hopes this will create a more seamless experience for customers and their facility operations. He added that there is a huge need for service, providing parts and sales of RV's, which has led to the growth of their operations. He stated that when they grew into the residential property, unbeknownst to them at the time was residential, they didn't know there was an issue until alerted by Code Enforcement.

Chair Danforth asked if they could explain their plan to reduce ingress and egress to the property and how that would be accomplished. She also added, on page 12 under Compatibility and Surrounding Land Use, it mentions the signalized intersection at Crockett Road and Highway 11. She stated she wanted to correct that for the record since this intersection does not have a signal. Mr. Stephenson agreed, he was aware this is no signal at this intersection and was not sure why the findings indicate that. He stated the reduction of traffic comes because they won't need to have the RV's towed onto Highway 11 from the two different sites. He stated there would now only be one access off of Highway 11, and one access to the north from Crockett Road.

Commissioner Gentry asked if they had approached the subject with ODOT yet or filed for permits. Mr. Stephenson stated ODOT received notice of this application and provided no comment. He stated, personally his dealings with ODOT, they like the reduction of access points on the highways so he didn't think there would be an issue. He reiterated the goal was to get the zoning change complete before moving forward with ODOT access permits once their operations are consistent with the Development Codes standards.

Commissioner Tucker had some questions about the flow of the property once the consolidation of the access points is complete and service and sales exist side by side. Mr. Smith demonstrated on-screen. He stated they would like to keep the centralized access point and allow it to funnel customers to one tax lot for service or the other for sales.

Commissioner Tucker asked how they intend to fit all of the RV's onto the property. Mr. Smith stated the shape of the property is much better accommodating to their needs and would allow for them to utilize the land to position their inventory.

Chair Danforth asked why it has taken them two years to get the application submitted and moving forward and why Click-It RV didn't do their due diligence with zoning before purchasing the properties. Mr. Stephenson stated they have been working solidly for at least a year to try to resolve the code violation. He expressed they have handled this situation like they would any other, with voluntary compliance approach. He stated the Planning and Code Enforcement team had asked them to meet benchmarks along this timeframe and they have been working towards them. He stated it took some time to gather the right materials and address the information necessary, including enlisting a traffic engineer whilst preparing the application. He also noted that this application was also not subject to the 120-day deadline or it may had been seen before the Planning Commissioner sooner.

Opponents: None

Public Agencies: None

Rebuttal Testimony: Mr. Garrett Stephenson, Counsel for the Applicant, 1211 SW 5th Ave. Ste. 1900, Portland, OR 97204; Mr. Kevin Smith, Sales Manager Click-It RV, 53816 W Crockett Rd, Milton Freewater, OR 97862; Mr. Stephenson stated he wanted to thank Bob and his team for helping them get to this point and the time of the Planning Commission for reviewing the materials. He added, the County Planning Department concluded they met all the applicable criteria and, on that basis, asked the Planning Commission to approve the application and do so without conditions of approval because it is a Plan Amendment and Zone change. He stated, if a condition of approval were imposed it would sit with the property forever, no matter how it is developed. He explained he feels if any condition were imposed it would be more specifically relevant to the use they would be conducting on site.

Commissioner Tucker stated the only risk would be in they never seek out a conditional use permit and someone decides to live in the manufactured home or they never convert the structure from residential use. Mr. Stephenson reiterated the risk was extraordinarily remote given the ownership and stated he thinks Mr. Waldher would agree, from a planning standpoint, they don't like to impose conditions on zone changes.

Mr. Smith stated as an operator for a business, logistically it makes more sense to operate within the same property. He added that they struggle at two different locations. The zone change would allow for them to operate the business simultaneously side-by-side.

Commissioner Gentry stated, in their position, whatever can be done to make this area more commercialized zone is the direction this community needs to head. He added, the reduction of limited access points could also help mitigate the cross traffic along the highway.

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.

Questions were briefly exchanged between the in-person Planning Commissioners regarding if the property would be out of compliance if the owners used the manufactured home for residential purposes and it remains non-conforming if it is never converted.

Mr. Stephenson asked to reopen the record, so he could help answer their question.

Chair Danforth reopened the record for Mr. Stephenson to explain about the non-conforming use questions posed by the Planning Commissioners.

Mr. Stephenson stated if this were to move from rural residential to rural commercial, which is the type of zone they are requesting to move in to, there would not be an existing non-conforming use. He explained, unless the property were sold, and the house were occupied by another person, there would not be a non-conforming use. He stated there is a 100% intent to put a new sales office there, but simply having that non-conforming structure there does not make it a non-conforming use. It's a non-conforming structure in the sense that it is a residential structure on a commercial lot, but nobody's living in it.

Chair Danforth asked what if they wanted to use it for security years later. Mr. Stephenson stated the zone does allow for a caretaker dwelling. Mr. Waldher confirmed that is an allowed use for the zoning but would be accomplished through a conditional use application as a temporary caretaker dwelling.

Mr. Stephenson concluded stating, as a former planner himself, the profitability and marketable nature of this property favors commercial use far more than it would under residential use. He stated, it would have more value because it can be used for commercial use.

Chair Danforth again closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Tucker stated he understood the small risk still exists, but he was comfortable with approving this application without conditions of approval. He stated benefits were seen with the traffic impact analysis, enhancing the business operation itself, and reducing transportation access points.

Commissioner Standley made a motion to recommend approval of Plan Map Amendment P-137-24 and Zoning Map Amendment Z-324-24, to the Board of County Commissioners based on foregoing Findings of Fact and Conclusions of Law.

Commissioner Gentry seconded the motion. Motion carried with a vote of 8:0.

OTHER BUSINESS

Mr. Waldher stated there is no new upcoming business for the Planning Commissioner. He did hand out letters to the Planning Commissioners referencing the previous September Planning Commission from Mr. Garton and stated his appeal to the Board of County Commissioners was to be held on November 13th, 2024 at 9am.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:21PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

DRAFT