

UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, August 22, 2013
6:30 p.m., Stafford Hansell Government Center, Doherty Room
Hermiston, Oregon

** **

COMMISSIONERS

PRESENT: Randy Randall (Chair), Gary Rhinhart (Vice Chair),
Tammie Williams, Don Wysocki, David Lee, Suni
Danforth, Don Marlatt.

ABSENT: John Standley.

STAFF: Tamra Mabbott, Carol Johnson, Gina Miller, Connie
Hendrickson.

** ****

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

CALL TO ORDER:

Chairman Randall called the hearing to order at 6:31 p.m.

Approval of Minutes: Commissioner Lee made a motion to approve the minutes of the May 23, 2013 Planning Commission hearing as presented. The motion was seconded by Commissioner Wysocki. The minutes were approved by consensus.

Chairman Randall read the opening statement and called for abstentions, bias, conflict of interest, declarations of ex part contact or objection to jurisdiction; there were none.

New Hearing: TYPE III LAND DIVISION, REPLAT REQUEST, #LD-5N-814-13; Port of Umatilla, Applicant. The Port of Umatilla is requesting approval of a Replat of Parcel 2 of Partition Plat # 1994-27, identified as Tax Lot 800 on Map Assessor's 5N2814, and Lots 2, 3 and 4 of the Port of Umatilla Subdivision Plat, Book 15, Page 31, also identified as Tax Lots 1800, 1900 and 2000 on Assessor's Map 5N2814. The applicant's Replat proposal consolidates 4 parcels and vacates Export Drive, a 60' public roadway. The property is within the City of Umatilla's Urban Growth Boundary, and is located south of Roxbury Road and adjoins Bud Draper Drive. The Joint Management Agreement between Umatilla County and the City of Umatilla authorizes the County to process Land Use Requests within the City's Urban Growth Boundary. The Replat approval standards are found in the Umatilla County Development Code Section 152.697 (C).

Senior Planner Carol Johnson gave the staff report saying that the applicant is the Port of Umatilla and the property owners are A.T. Chase, LLC and the Port of Umatilla. The request is for a replat of the 2007 Port of Umatilla subdivision; lots 2, 3, 4 and parcel 2 of partition plat 1994-27. Approval of the applicant's request would result in the

consolidation of four parcels into a single lot and the vacation of Export Drive, a 60 foot platted road.

In 2007 when the property was subdivided, Export Drive was created over the top of an existing 60 foot utility easement so specific lots would have legal access. Future improvements to Export Drive were tied to development on those particular lots. A.T. Chase, LLC owns two of those lots and would like to purchase a third one so they can expand their operation.

The planning department received a comment letter from the City of Umatilla stating that the city had concerns about the vacation of Export Drive with regard to the location of the Lewis and Clark Commemorative Trail. The city included a copy of a memo of understanding which describes the location of the trail through the port industrial area and they are asking for cooperation between the port and the county to recognize the trail agreement. Mrs. Johnson said that subject would need to be addressed outside of the land use process for the replat that was before them at this hearing.

Proponent testimony: J.R. Cook, 3750 SW Marshall Place, Pendleton, OR 97801. Mr. Cook stated he was there on behalf of the Port of Umatilla. He said the Lewis and Clark trail was routed through the port area because of the existing 60 foot utility easement. The easement is for a 12 inch water main which serves the prison and would also serve any potential additional development in the port. Neither the applicants nor the port intend to vacate the 60 foot easement. Their goal is to vacate and remove Export Drive and to consolidate the parcels. If in the future there has been no construction over potential lot lines, the property could be subdivided again.

Applicant testimony: Duane Smalley, 408 E Washington, Athena OR stated that in order for them to maintain their dealer's license for truck salvage and sales, the state required that the business be located on one contiguous lot. The additional space created from the consolidation of the land would be used for truck storage. Discussion followed.

Commissioner Marlatt made a motion to approve the replat application #LD-5N-814-13 and approve the findings as presented. Commissioner Lee seconded the motion. The motion was approved by a unanimous vote.

New Hearing: ZONING MAP AMENDMENT, #Z-298-13 AND TYPE II LAND DIVISION REQUEST, #LD-5N-812-13: Applicant and Property Owner, Trena Norris, proposes to change the zoning on Tax Lot #3200, Map 5N2713C, from F-1, Exclusive Farm Use Zone, to R-1A, Two acre Residential Zone, and divide a two acre parcel to include one of two existing dwellings on the property. The Norris property is located at 28428 Hwy 730, Umatilla, OR, south of State Highway 730 approximately 1.5 miles west of the city limits of Umatilla. The property is located within the Urban Growth Boundary (UGB) of the City of Umatilla. Lands within the UGB are jointly managed by the city and county according to the Joint Management Agreement (JMA). The JMA summarizes the process for action on Amendments and defines the County as the lead in processing Amendment requests within the UGB. In addition to the JMA, lands within

the UGB are subject to the City Comprehensive Plan, County Zoning, and Statewide Planning Goals 1, 2, 5, 6, 11, 12 & 14. The proposed Land Division Request is subject to the Umatilla County Development Ordinance Section 152.684, Type II Land Division.

Chairman Randall read the opening statement for the new hearing. He called for abstentions, bias, conflict of interest, declaration of ex parte contact or objections to jurisdiction. There were none.

Senior Planner Carol Johnson gave the staff report saying that the applicant, Trena Norris, owns 12 acres of land in the urban growth area of the city of Umatilla. She is requesting to rezone her property from F-1, a farm zone to R-1A, a residential zone. She is also requesting a Type II land division to create a 2 acre parcel around one of the two existing dwellings on the property. The property is located on the south side of state Highway 730, north of the West Extension Irrigation main canal approximately one and a half miles west of the city limits of Umatilla.

The proposed zone change would be consistent with the current comprehensive plan designation for the City of Umatilla. All of the properties adjacent to the Norris property are zoned R-1A. The standards for rezoning properties within the UGB (Urban Growth Boundary) of Umatilla are subject to the Joint Management Agreement between the city and the county. The staff report and findings contain information believed by staff in support of the rezone and the land division along with a set of conditions of approval. The action by the Planning Commission with regard to the rezone is to make a recommendation to the Board of County Commissioners.

The partition would create a separate 2 acre lot around the rental house and the remaining 10 acres would surround the house where Mrs. Norris lives. Mrs. Johnson said she had spoken with the planner from the City of Umatilla who said the city would prefer that the zoning coincide with their comprehensive plan designation. The action by the Planning Commission regarding the land division would be a final decision unless timely appealed. Discussion followed.

Applicant testimony: Trena Norris, 28428 Hwy 730, Umatilla, OR stated that the large parcel was a lot for her to care for and dividing the land would allow her to sell the smaller lot thereby reducing the amount of maintenance for her.

There was discussion among the Commissioners and they agreed that changing the zoning of the property would be beneficial to the area by bringing the property into compliance with the City of Umatilla's comprehensive plan designation.

Commissioner Lee made a motion to accept the findings of the staff report as presented and recommend approval to the Board of Commissioners for Zoning Map Amendment #Z-298-13. Commissioner Danforth seconded the motion. It passed unanimously.

Commissioner Williams made a motion to accept the findings of the staff report as presented and to approve the Type II Land Division #LD-5N-812-13. The motion was seconded by Commissioner Rhinhart. The motion was approved by a unanimous vote.

Other business: Mrs. Mabbott presented a summary of a few of the land use legislation bills that had been passed. She explained that some of them would require changes to be made to the Umatilla County Development Code.

SB 841 allows wineries, bed and breakfasts and events associated with the wineries to be sited on exclusive farm use land. This is a change primarily for the western side of the state.

BH 2253, the population forecasting bill will allow PSU (Portland State University) to reconcile the aggregate number given by the census for a county and all of its cities. This will take the burden off of the county to get it done.

HB 2441, the agriculture buildings and associated forest uses bill, allows a farm exempt building to be sited in the GF (Grazing Farm/Forest) zone the same as it can be in the EFU (Exclusive Farm Use) zone.

HB 2407, the transmission lines bill, was sponsored by Representative Greg Smith and gives counties more local control over energy transmission lines that connect an energy generation facility to the grid. This bill will help to encourage companies to co-locate with existing transmission lines or be sited in a road right of way.

HB 2746, the replacement dwellings in EFU zones bill, makes the process a little more complicated but it will allow more flexibility when replacing an existing or formerly existing dwelling. It will allow more time for a property owner to get a permit to replace a dwelling if it has been destroyed or removed.

HB 2820, the Solar Facility bill, increases the size of a solar facility that can be permitted by a county but changes the definition of arable land. This bill was poorly written and is likely to cause technical problems and questions in the future.

HB 3415, the cell tower lease rate bill, requires a state or local government to charge a “market rate” when the government leases space on its communications tower.

There was discussion about some of the bills and how they will affect Umatilla County.

Code Enforcement Update: Officer Gina Miller of the Umatilla County Code Enforcement/Planning Department gave a presentation about a new Code Enforcement project to begin the clean-up of solid waste along a 5 mile stretch of Highway 395. Staff has identified 114 properties along the corridor and a notice will be sent to each one explaining the goal of the project. The county has an agreement with Sanitary Disposal to offer a coupon for dumping one free truck load of solid waste: the county will reimburse

Sanitary Disposal for the coupon. The funding for this project comes from an abatement fund and was approved by the Board of Commissioners.

Following the notice Ms. Miller said she and Julie Alford from the Planning Department will visit each of the sites and determine which ones have possible violations. Further notification, along with the disposal coupon, will be sent to the property owners who are in violation and they will be given 30 to 60 days to resolve the issue. The property owners who are not in violation are eligible to receive the coupon as well. The target date for completion of the clean-up is April 1. If this project is successful, the county will focus on an area on the Highway 11 corridor.

Mrs. Mabbott said they took this matter before the Board of Commissioners to ensure that they were supportive of the clean-up effort and would approve the funding for the incentive coupons. Also, if there is resistance from any of the land owners, the Commissioners will support the Code Enforcement measures taken to gain compliance.

Solid waste violations are typically complaint driven, but while our Code Enforcement Officers are out in the field they notice violations and address them. The Officers are very reasonable and willing to work with the land owners to get solid waste problems resolved. The goal is to help the land owner comply.

Ms. Miller said the Hwy 395 project will be carefully monitored and they will give a progress report to the Board of Commissioners in December of this year.

All the members of the Planning Commissioners were in favor of the project and hope it is successful. Discussion followed.

Chairman Randall adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Connie Hendrickson
Administrative Assistant

Adopted by the Planning Commission on 9/26/13