

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, July 22, 2021, 6:30pm**  
**Umatilla County Courthouse, 216 SE 4<sup>th</sup> Street, Pendleton, Oregon**  
**VIRTUAL MEETING VIA ZOOM**

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**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Don Wysocki, Vice Chair, Hoot Royer, Jon Salter, Lyle Smith, Cindy Timmons & Sam Tucker

**ABSENT:** Tammie Williams & Tami Green

**STAFF:** Bob Waldher, Planning Director, Megan Green, Planner II/ GIS & Tierney Cimmiyotti, Administrative Assistant

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*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 6:37 pm and read the Opening Statement.

**NEW HEARING**

**TYPE I LAND DIVISION, SUBDIVISION REQUEST #S-059-21: James Magoteaux, Applicant/ Magoteaux Enterprise LLC, Owner.** The applicant requests approval to subdivide the property located on Assessor’s Map 5N2714D, Tax Lot 1200. The proposed subdivision will create 6 lots of at least 2 acres in size. The Land Use Standards applicable to the request are found in Umatilla County Development Code (UCDC) 152.665, Type I Land Divisions.

**STAFF REPORT**

Megan Green, Planner II/ GIS, presented the staff report. Ms. Green stated that the applicant, James Magoteaux, requests approval of a Subdivision of Tax Lot 1200 located on Assessor’s Map 5N2714D. Approval of the Magoteaux Estates Subdivision would result in six subdivision lots of at least two acres in size. The property is located south of Highway 730 and west of Lee Estates Lane, about 2.2 miles west of Umatilla City Limits.

Ms. Green stated that the Standards of Approval are found in the UCDC Section 152.665, Type I Land Divisions. The standards for reviewing a Subdivision generally consist of complying with Development Code standards, Traffic Impact Analysis standards and subdivision plat requirements.

Ms. Green stated that notice of the applicant’s request and the public hearing was mailed on July 1, 2021 to the owners of properties located within 250 feet of the perimeter of Tax Lot 1200. Notice was also published in the *East Oregonian* on July 10, 2021 notifying the public of the applicants request before the Planning Commission on July 22, 2021.

Ms. Green stated that the proposed Conditions of Approval address road improvement and access standards, including road naming and an Irrevocable Consent Agreement, and the survey

and recording requirements with final approval accomplished through the recording of the final subdivision plat. The decision made by the Planning Commission is final unless timely appealed to the Board of County Commissioners.

Ms. Green stated that staff received comment from West Extension Irrigation District (WEID), included in the Commissioner's packets. An additional comment was subsequently received the day of the hearing at 4pm. Ms. Green emailed the most recent comment received from WEID to the Planning Commissioner's today, which needs to be added to the hearing record.

**Applicant Testimony:** James Magoteaux, 28493 Southshore Drive, Umatilla, Oregon, 97882. Mr. Magoteaux asked if there were any specific questions for him. Chair Danforth told Mr. Magoteaux that this was his opportunity to add anything he thinks they should know about his proposal before making a decision. Mr. Magoteaux stated that it is a standard subdivision request and the properties will be served by a private road with a roundabout.

Commissioner Wysocki asked about the water volume in acre feet associated with the 12.5 acre water right. Mr. Magoteaux stated that each property will have its own water line for irrigation, but he was not certain about the acre feet volume. Commissioner Wysocki asked to confirm that the dwelling is located on Lot 1. Ms. Green confirmed that is correct.

**Proponent Testimony:** No comments.

**Opponent Testimony:** No comments.

**Public Agencies:** Bev Bridgewater, District Manager, West Extension Irrigation District, 840 E Highway 730, Irrigon, Oregon, 97844. Ms. Bridgewater stated that this requested subdivision development meets standards for approval required by the Irrigation District. She has discussed the proposed request with Mr. Magoteaux and feels he has managed any concerns they had.

Ms. Bridgewater referred to the earlier question asked by Commissioner Wysocki regarding the water right volume measurement in acre feet. She stated that the allotment of water is a volume of 106 gallons per minute and the season total is 56 acre feet.

Chair Danforth moved to adopt the following exhibit into the hearing record;

Exhibit A; WEID letter Re: Subdivision Request No. S-059-21, dated 07/20/2021

Motion approved by consensus.

Chair Danforth closed the hearing for deliberation.

## **DELIBERATION**

Chair Danforth stated that this proposal appears to be pretty straight forward. Chair Danforth made a motion to approve Type I Land Division, Subdivision Request #S-059-21 based on the

foregoing Findings of Fact and Conclusions of Law. Commissioner Royer seconded the motion. Motion passed with a vote of 7:0.

### NEW HEARING

**TYPE III LAND DIVISION, REPLAT REQUEST #LD-5N-887-21; Ron McKinnis, Applicant/ Doug & Kari Rothrock, Owners.** The applicant requests approval of a replat of Lot 1 of Lee Estates Subdivision, recorded in Book 13, Page 104, Lot 1 also identified as Tax Lot 1100 on Assessors Map 5N2714DD. The applicant's replat proposal creates two lots; Lot 1 and Lot 2 of the Rothrock Replat. The property is located on the south side of State Highway 730 approximately three miles west of the City of Umatilla. Replat approval standards are found in UCDC 152.697(C).

Chair Danforth read the Opening Statement.

### STAFF REPORT

Megan Green, Planner II/ GIS, presented the Staff Report for Carol Johnson, Senior Planner. Ms. Green stated that the subject property is located south of State Highway 730 approximately 2 and a half miles west of the City of Umatilla. The applicant, Ron McKinnis, requests a replat (Rothrock Replat) of Lot 1 of the Lee Estates Subdivision into two lots. The property is currently a four acre lot developed with one dwelling. Approval of the replat would result in one additional residential lot. Public notice was mailed on July 1, 2021, to agencies and property owners located within 250 feet of the perimeter of the subject property. Additionally, notice of the Planning Commission hearing was published in the *East Oregonian* newspaper July 10, 2021.

Ms. Green explained that Standards of Approval are covered in the UCDC under Section 152.697(C), Type III (Replat) Land Divisions. The Standards generally consist of complying with the Rural Residential (RR-2) Zone development requirements including lot size and setbacks. The Standards also call for conformance to the existing development scheme in the area, including existing roads and any public facilities on adjoining sites. Additionally, the applicant is required to supply a survey plat meeting county and state regulations. The proposed Conditions of Approval are related to access, road improvements, septic site evaluation, access to irrigation water and submission of the final replat survey. She added that, the Planning Commission's decision is final unless appealed.

Ms. Green stated that staff received a comment letter from WEID and a letter of support from John (Jack) McWhinnie & Toshiko Boullester, after the packets were sent to Commissioners. Ms. Green emailed the 2 comments to the Planning Commissioner's this afternoon and noted that both will need to be added to the hearing record.

**Owner Testimony:** Doug Rothrock, 85436 Winesap Road, Milton Freewater, Oregon, 97862. Mr. Rothrock stated that he has been a farmer his whole life. He added that was not sure what to do with this 4 acre property, so he decided to split it up.

Chair Danforth asked for more information about the proposed irrigation easement, and if an irrigation easement exists at this time. Mr. Rothrock stated that the easement comes in from Tax Lot 1104 and ends just inside his property. There is also an existing buried line that comes all the way down to proposed Lot #1 located on the south side of Tax Lot 1100. He added that the existing line extends water access to both lots at this time.

**Proponent Testimony:** John (Jack) McWhinnie & Toshiko Boulester, 28052 Highway 730, Umatilla, Oregon, 97882. Ms. Green read the following letter:

“To Umatilla County Planning Commission:

I’m writing this letter on behalf of my new neighbors, Doug & Kari Rothrock. They want to change their property from 4 acres to 2 acres each, Tax Lot 1100 Assessors Map 5N2714DD. We John (Jack) McWhinnie & Toshiko Boulester live to the west of them next door. The Rothrock’s have been here around 6 months. They both are great neighbors and became good friends. We cannot say enough good of them. They have plans and they will do good on the property. Both of them will clean up the property and make it better.

So both my wife and I support them splitting 4 acres to 2 acres each. If we can be of more assistance, please write us or call.

Sincerely Yours, John (Jack) McWhinnie & Toshiko Boulester”

**Opponent Testimony:** No comments.

**Public Agencies:** Bev Bridgewater, District Manager, West Extension Irrigation District, 840 E Highway 730, Irrigon, Oregon, 97844. Ms. Bridgewater stated that she has not yet been to the property for a site visit, but has no doubt that this proposal will meet the criteria for approval. She requested that staff add a Precedent Condition to require verification from WEID that the irrigation standards have been met.

Chair Danforth moved to adopt the following exhibits into the hearing record;

Exhibit A; John McWhinnie & Toshiko Boulester letter of support, dated 07/10/2021

Exhibit B; WEID email comment Re: Rothrock Partition, dated 07/21/2021

Motion approved by consensus.

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION**

Chair Danforth made a motion to approve the Type III Land Division, Replat request #LD-5N-887-21 based on the foregoing Findings of Fact and Conclusions of Law, with the addition of

criteria ensuring that WEID's provisions have been met. Commissioner Tucker seconded the motion. Motion passed with a vote of 7:0.

## **NEW HEARING**

**PLAN AMENDMENT #P-126-20 & ZONING MAP AMENDMENT #Z-314-20 to Co-adopt City of Umatilla Urban Growth Boundary (UGB) Expansion.** The City of Umatilla requests the County co-adopt a proposed change to the City's UGB. The proposed change would add 150 acres of land to the UGB which would then be rezoned from Exclusive Farm Use (EFU) to City Light Industrial and subsequently annexed into the City. The property is identified as Map 5N28C, Tax Lots 1400 & 6601. The criteria of approval are found in UCDC 152.750-152.755 and the Joint Management Agreement (JMA) between the City and County.

## **STAFF REPORT**

Megan Green, Planner II/ GIS, presented the staff report. Ms. Green stated that the property owner, Alan Cleaver, and the City of Umatilla request that Umatilla County co-adopt an expansion to the City of Umatilla's UGB. The property proposed to be included in the UGB is known as Tax Lots 1400 and 6601 on Assessor's Map 5N28C and are located south of the City of Umatilla, east of Powerline Road. The criteria of approval for amendments are found in UCDC sections 152.750-152.755.

Ms. Green explained that in accordance with the JMA between Umatilla County and the City of Umatilla, the County is required to co-adopt any amendments to the city's UGB. Therefore, the County has the authority to consider and approve the Comprehensive Plan Map and Zoning Map Amendments. The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioner's (BCC). The BCC will make a decision whether or not to adopt the proposed change to the Development Code at the public hearing scheduled for August 18, 2021.

Ms. Green stated that, at the July 20, 2021 Umatilla City Council hearing, the expansion was approved unanimously. She noted that several attachments have been included in the commissioner's packets for review, including the County & City's Preliminary Findings & Conclusions. Additionally, several items were emailed to the commissioners at 4pm including; DLCD Comments from October 19, 2020 & July 20, 2021 and the City of Umatilla's Supplemental Findings in response to DLCD's comments.

Mr. Waldher stated that the City Council continued the hearing that originated on July 20, 2021. He added that Mr. Seitz would offer further explanation.

**Applicant Testimony:** Carla McLane, Consultant, Carla McLane Consulting, 170 Van Buren Drive, Umatilla, Oregon, 97882. Ms. McLane indicated that she represents the applicant, Cleaver Land, LLC.

Ms. McLane stated that the applicant's request was submitted in the form of three applications; the UGB expansion request, a zone change request and the annexation of property into the City of Umatilla. If approved, 300 acres of land will be incorporated into the City under an industrial classification for future industrial development. She explained that the City of Umatilla conducted an Economic Opportunities Analysis (EOA) which identified a deficiency in large-lot industrial land exceeding 50-100 acres in size. Data center growth in this area of the county has created a need for larger industrially-zoned pieces of land.

Ms. McLane made it clear that she understands the commissioner's apprehension concerning a request to take farmland out of production. However, she feels that Mr. Seitz will explain the results of the analysis submitted to Oregon Department of Land Conservation and Development (DLCD) and offer further details about how they came to this conclusion.

Ms. McLane stated that there is an abundance of federally owned land in the City of Umatilla as a result of the McNary Dam, as well as a significant amount of land designated to the tribes and wetlands. These unique challenges made it difficult to identify large lots that could be made available for industrial uses. After careful consideration they believe this is the best location because the area is located at the south end of the City with easy access to Interstate 82. Furthermore, as the City continues to improve Powerline Road there will be access to the north onto Highway 730. She believes the location is especially desirable from an industrial prospective because it has good transportation networks and consists of relatively flat land.

**Proponent Testimony:** Brandon Seitz, Community Development Director, City of Umatilla, 700 Sixth Street, Umatilla, Oregon, 97882. (Jacob Foutz, Associate Planner, City of Umatilla was also in attendance.)

Mr. Seitz stated that the City started an extensive analysis process back in 2018. They were experiencing a housing boom and needed to update their Goal 10 inventory. He explained that Goal 10 is an Oregon Statewide Planning Goal regarding housing which requires cities to keep an inventory of buildable lands inside the UGB that have been identified as suitable and available for residential use. As part of the research and analysis they determined the City had a surplus of residentially-zoned land. The City followed up with the EOA which addressed Oregon Statewide Planning Goal 9: Economic Development in 2019. The EOA found that the City has a surplus of industrial land in the form of small parcels. However, they did not have a sufficient amount of large parcels of land available to accommodate economic growth and development opportunities, specifically pertaining to commercial and industrial development expected to occur over the next 20 years.

Mr. Seitz referred to the DLCD letter dated October 19, 2020 presented at the first Umatilla City Council hearing pertaining to this matter. He noted that the letter raised two issues; they wanted the City to reconsider a 160 acre parcel of land, and they had concerns about the site analysis. The City has since removed the 160 acre parcel from their land inventory because it no longer

qualifies as they issued a permit for development on the site two weeks ago and physical construction has already begun.

Mr. Seitz stated that the City's Supplemental Findings detail the criteria for site selection and requirements for setting up the study area around the UGB. He explained that OAR Chapter 660, Division 24, Urban Growth Boundaries, provides clear parameters and guidance for both; Establishment of Study Area to Evaluate Land for Inclusion in the UGB (660-024-0065) and Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities (660-024-0067).

Mr. Seitz clarified that 280 acres of the proposed Cleaver Land property currently being used for irrigated crop production, is already inside Umatilla City Limits and the UGB. He noted that, while the property is being used for farm production at this time, as part of the statewide process they are not required to consider this property to be classified as high-value farmland.

Mr. Seitz addressed the second letter from DLCD dated July 20, 2021. He stated that DLCD requested a few modifications to the EOA, which the City made. No additional issues have been raised and DLCD supports the application moving forward. He added that the Umatilla City Council was also supportive and would have approved the request at the last hearing, but the decision was made to leave the record open on staff's recommendation. Staff felt it was important to allow for consideration of additional comments and/or concerns raised at the County's Planning Commission hearing to be incorporated into the Final Findings before they officially close the hearing.

Commissioner Royer asked if he is correct in his understanding that the acreage being considered, even though it is being farmed, is not considered high-value farmland. Mr. Seitz stated that is correct, the administrative rules interpret it this way. Commissioner Royer asked about the source of the water right associated with the land. Mr. Seitz stated that Cleaver property has a surface water right out of the Umatilla River.

Commissioner Timmons stated that she appreciated the City of Umatilla's attention to detail in presenting the request to the commissioners. She is pleased that Mr. Seitz thoroughly addressed her greatest concern, the removal of farm ground.

**Opponent Testimony:** No comments.

**Public Agencies:** No additional comments.

Chair Danforth moved to adopt three exhibits into the hearing record;

Exhibit A; DLCD Letter dated 10/19/20 Re: City of Umatilla File PA-02-20; Notice for an Annexation, UGB Expansion & Rezone

Exhibit B; DLCD Letter dated 07/20/21 Re: City of Umatilla File PA-02-20; Notice for an Annexation, UGB Expansion & Rezone; Supplemental Findings

Exhibit C; City of Umatilla City Council Supplemental Findings for Plan Amendment PA-2-20

Motion approved by consensus.

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION**

Commissioner Tucker moved to recommend approval of the Cleaver Land, LLC, Comprehensive Plan Amendment #P-126-20 & Zoning Map Amendment #Z-314-20 to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law. Commissioner Smith seconded the motion. Motion passed with a vote of 7:0.

A public hearing before the BCC is scheduled for August 18, 2021, 9am at the Umatilla County Courthouse.

### **MINUTES**

Chair Danforth called for any corrections or additions to the minutes from the May 27, 2021 meeting. There were none. Commissioner Wysocki moved to approve the minutes as presented. Commissioner Timmons seconded the motion. Motion carried by consensus.

### **OTHER BUSINESS**

Mr. Waldher stated that the County has been working on a project for the last year to update Umatilla County's Natural Hazard Mitigation Plan (NHMP). The plan has been reviewed by the Oregon Office of Emergency Management (OEM) & Federal Emergency Management Agency (FEMA) and comments provided have been addressed by the stakeholder committee. This was a multi-jurisdictional plan with 17 jurisdictions participating and at this time all of them have been formally adopted, with the exception of the City of Pilot Rock. Staff plans to submit the completed plan to FEMA by August 1, 2021, for their approval. Once approved projects related to flood hazard mitigation, wildfires, etc. can begin and funding will be provided.

Mr. Waldher stated that we would like to return to in-person meetings when we can. Staff is working on logistical issues concerning technology and meetings space. The plan is to move toward a hybrid model, including the option for both remote and in-person attendance.

### **ADJOURNMENT**

Chair Danforth adjourned the meeting at 7:55pm.

Respectfully submitted,

Tierney Cimmiyotti,  
Administrative Assistant

Minutes adopted by the Planning Commission on September 23, 2021