

**MINUTES  
UMATILLA COUNTY PLANNING COMMISSION  
Meeting of Thursday, July 25, 2019, 6:30 pm**

**Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR**

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**COMMISSIONERS**

**PRESENT:** Gary Rhinhart, Molly Tucker Hasenbank, Tammie Williams, Hoot Royer, Lyle Smith  
**ABSENT:** Suni Danforth, Chair, Don Wysocki, Vice Chair, Jon Salter, Tami Green  
**STAFF:** Bob Waldher, Planning Director; Elizabeth Ridley, Planner/GIS; Tierney Dutcher, 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**

Commissioner Rhinhart called the meeting to order at 6:30 p.m. and read the Opening Statement.

**NEW HEARING**

**PLAN MAP AMENDMENT, #P-124-19, Co-adopt City of Hermiston Ordinance 2271.** The City of Hermiston requests the County co-adopt City Ordinance 2271 amending the comprehensive plan map from urbanizable to urban status for 71.02 acres on the north side of East Theatre Lane and on the west side of Northeast 10th Street. The City Council also adopted Ordinance 2272 annexing said property effective upon co-adoption of Ordinance 2271. 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.

**STAFF REPORT**

Elizabeth Ridley, Planner/GIS, stated that, on March 11, 2019, the Hermiston City Council adopted Ordinance 2271 amending the Comprehensive Plan Map from urbanizable to urban status for 72 acres of land on the north side of East Theatre Lane. The property is described as Tax Lots 500 and 502 located on Assessors Map 4N2802A. The plan map amendment would change the designation to R-3 (Multi-Family Residential). The City Council also adopted Ordinance 2272 annexing said property effective upon co-adoption of Ordinance 2271. Per Section E10 of the Hermiston Planning Area Joint Management Agreement the matter of the conversion now comes before Umatilla County for co-adoption.

Ms. Ridley stated that the goal for tonight’s hearing is for the Planning Commission to recommend approval or denial of the City of Hermiston’s Plan Map Amendment Co-adoption request to the Umatilla County Board of County Commissioners (BCC). The only item for consideration is the co-adoption of the Comprehensive Plan Map Amendment changing the designation of the property from urbanizable to urban. All subsequent actions taken by the City

of Hermiston, including annexation with an R-3 zoning designation and potential subdivision, are not a part of this consideration.

Robert Waldher, Planning Director, stated that staff received a letter (exhibit A) jointly submitted by The Fair Housing Council of Oregon (FHCO) and the Housing Land Advocates (HLA). The letter expresses concern regarding their perceived lack of findings addressing Goal 10: Housing, of the City of Hermiston's Comprehensive Plan. They also feel that the amendment request fails to take into consideration the Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI). Mr. Waldher stated that it is not clear if the letter was intended for the City, or should have been submitted to the City when they were reviewing the application, because it is addressed to the City of Umatilla Planning Commission. He added that, this is a unique provision to the City of Hermiston and must occur before the land is officially annexed.

Mr. Waldher stated that planning staff feel that this amendment would benefit the City's overall housing supply. He referred to page 9, City Findings #44 in the Planning Commission Packets which states that, "Hermiston has a pressing need for more housing, both single family housing and multifamily units." He stated that staff reviewed the City's HNA and feels that annexing this Future Urban Zoned land with a 10 acre minimum parcel size standard into the City will effectively increase the density. Additionally, he stated that most City HNA's do not consider publically owned land as being available for residential use. Therefore, it is likely that this land owned by Hermiston Irrigation District (HID) and Hermiston School District (HSD) was not considered in the original HNA and as a result this would increase their supply of available housing.

## TESTIMONY

**Applicant Testimony:** George Anderson, Attorney, Anderson Hansell PC, 475 E Main Street, Hermiston, Oregon. Mr. Anderson stated that he represents the Hermiston School District. Mr. Anderson stated that this parcel is approximately 72 acres and HSD owns 19 acres on the east side, which abuts NE 10<sup>th</sup> Street and Theater Lane. HID owns the remaining acreage on the west side of the parcel. He stated that the City of Hermiston plans to annex this property into the City R-3 Zone, Multifamily Residential. He feels this will increase the availability of housing in the area, contrary to the letter from FHCO and HLA, both of which are based out of Portland. Mr. Anderson stated that both the Hermiston Planning Commission and the Hermiston City Council voted unanimously in favor of this ordinance and there was no objection.

Mr. Anderson stated that he has provided the Planning Commission with the following documents to add to the hearing record; (exhibit B) Letter from Anderson Hansell PC, dated July 25, 2019, (exhibit C) City of Hermiston Comprehensive Plan, Section H, Goal 10, Policy 21: Housing Availability and Affordability, and (exhibit D) Hermiston Residential Buildable Land Inventory, Dated February 25, 2004 from Hobson Ferrarini Associates. Exhibits A-D were officially added to the hearing record.

Mr. Anderson read the letter he provided to the Planning Commission. He stated that, The Fair Housing Council of Oregon and the Housing Land Advocates of Oregon have written and asked the Planning Commission to postpone co-adoption of City of Hermiston Ordinance 2271 changing the Comprehensive Plan from urbanizable to urban requesting that the City's HNA and BLI need to be consulted in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. They also claim that your findings must demonstrate that the proposed changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. Mr. Anderson argued that the Umatilla County Comprehensive Plan had the subject land classified as urbanizable and it will become designated urban when annexed to the City. Therefore, there essentially is no change.

Mr. Anderson stated that the County had the property zoned as RR-10 (Rural Residential, 10 acre minimum parcel size). The City is annexing the property as R-3 (Multi-Family Housing) which would allow apartments, including low income housing, triplexes and single family housing. This will make more land available for housing, including affordable housing, not less as stated in the letter of objection provides by FHCO and HLA. He does not believe the LUBA case (Mulford v. Town of Lakeview, 36 or LUBA 715,731) cited in the letter is relevant to this particular request because they were asking for permission to rezone residential land for industrial uses which would reduce the availability of land for housing. With the annexation of the subject land as R-3, more land will be available for residential housing. Mr. Anderson pointed out that the west end of Umatilla County, especially the Cities of Hermiston and Umatilla, are experiencing dramatic growth in their populations due to the construction of massive data centers, new food processing plants, and other growth factors. He feels that the County's co-adoption of the City of Hermiston Ordinance 2271 will improve the inventory of available land for housing, not decrease it.

Mr. Anderson stated that, in November, the Hermiston School District will be asking voters to approve an \$82,000,000 bond issue which includes construction of a new elementary school on the 19 acres owned by the HSD on the subject 72 acres. A delay in the co-adoption of City of Hermiston Ordinance 2271 would adversely affect the school district's efforts to pass this bond issue and build a badly needed elementary school on that site. The 19 acres for the school must be annexed into the City in order to be developed. He added that, the City of Hermiston is in the process of installing sewer and water lines along the southern boundary of the subject land. The City will also pave East Theater Lane adjacent to the land this year and is finishing construction of a new water tower just north of the subject parcel. He also pointed out that the remaining 53 acres of the subject land will be zoned R-3 which will make it more desirable for the construction of multifamily housing, including more affordable low income housing.

**Applicant Testimony:** Tricia Mooney, Superintendent, Hermiston School District, 1055 W Judith Place, Hermiston, Oregon. Mrs. Mooney stated that, over the past 2 years the HSD engaged a Long Range Facility Planning Committee which included several members of the community. Their objective was to assess the current school capacity and growth and make

recommendations to the Board of Directors for future facilities. At this time, the district is overcrowded at the elementary and high school levels and as a result, they have enacted the use of 33 modular classrooms to accommodate enrollment growth. She added that over the course of 5 years district enrollment numbers have increased by 500 students.

Mrs. Mooney stated that the new zoning designation of R-3 would allow for more single family housing opportunities. There are plans for the property to the west of the subject parcel owned by HID to be sold and used to construct a future housing development close to the school.

**Applicant Testimony:** Cameron Bendixen, Attorney, Bendixen Law, 245 E Main Street, Suite E, Hermiston Oregon. Mr. Bendixen stated that he represents the Hermiston Irrigation District. Mr. Bendixen stated that he would like to echo everything that Mr. Anderson has stated. He and Mr. Anderson discussed the joint letter from FHCO and HLA but do not feel that the issues raised in the letter are adequate concerns.

**Public Agencies:** No additional comments.

Commissioner Rhinhart closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Williams stated that she is from Echo and they also need more residential properties, just on a smaller scale, so she understands the issue.

Commissioner Hasenbank made a motion to recommend approval of Plan Map Amendment, #P-124-19, to co-adopt City of Hermiston Ordinance 2271 amending the Comprehensive Plan Map from urbanizable to urban status for 71.02 acres on the north side of E Theater Lane and on the West side of NE 10<sup>th</sup> Street, to the Umatilla County Board of Commissioners. Commissioner Williams seconded the motion. Motion passed with a vote of 5:0.

A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, August 7, 2019, at 9:00 AM in Room 113 of the Stafford Hansell Government Center, 915 SE Columbia Drive, Hermiston, Oregon.

### **MINUTES**

Commissioner Rhinhart called for any corrections or additions to the minutes from the April 25, 2019 meeting. Commissioner Hasenbank pointed out that her last name is misspelled on page 3. Ms. Dutcher, Administrative Assistant, agreed to make the correction. Commissioner Hasenbank moved to approve the minutes with the correction made on page 3. Commissioner Williams seconded the motion. Motion carried by consensus.

## **OTHER BUSINESS**

Mr. Waldher welcomed our new Planning Commissioner, Lyle Smith. Mr. Smith has previously served on the City of Umatilla Planning Commission. His insight and experience will bring added value to the group.

The next Planning Commission Hearing is scheduled for Thursday, August 22, 2019, 6:30pm at the Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, Oregon.

## **ADJOURNMENT**

Commissioner Rhinhart adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Tierney Dutcher,  
Administrative Assistant

Minutes adopted by the Planning Commission on August 22, 2019