



PLANNING DIVISION

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

Email: planning@umatillacounty.gov

AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, July 25, 2024, 6:45PM
Umatilla County Courthouse, Rm 114, Pendleton, Oregon**

**To participate in the hearing please submit comments before 4PM, July 25th
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. **NEW HEARING: TYPE I LAND DIVISION, SUBDIVISION REQUEST**
#S-064-24: ABRAHAM AND MAGGIE RODRIGUEZ,
APPLICANTS/OWNERS The applicants request approval to subdivide the property located on Assessor's Map 5N2835, Tax Lot 200. The applicant's proposed subdivision will create seven (7) lots of at least 2 acres in size. The Land Use standards applicable to the applicants' request are found in Umatilla County Development Code 152.665, Type I Land Divisions.

3. Other Business

4. Adjournment

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Charlet Hotchkiss, Planner I
DATE: July 18, 2024

CODE
ENFORCEMENT

RE: July 25, 2024 Planning Commission Hearing
Type I (Subdivision) Land Division, S-064-24
Map 5N 28 35, Tax Lot #200

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Request

GIS AND MAPPING

The applicant requests approval of a rural residential subdivision. The proposed subdivision establishes seven lots.

RURAL ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

According to the applicant, each undeveloped lot will have its own water source either from an individual domestic well or through the sharing of a domestic well. Individual septic systems are proposed for each lot. The applicant has submitted a draft of the proposed Covenants, Conditions and Restrictions to be recorded.

PUBLIC TRANSIT

The applicant previously submitted an application for the same proposal of a subdivision at the beginning of 2024. At that time the proposed subdivision had eight proposed lots and at the public hearing the Planning Commission voted to deny it. The basis for the denial was due to several issues including; Proposed Lot 2 (which was the western half of what is now Proposed Lot 1) having only 0.55 acres (18% of the lot) being buildable space (due to the BPA easement and natural gas line on the property), which did not satisfy UCDC 152.648 (16)(a)(1) Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations. As well as Proposed Lot 6 being bisected by the Hermiston Irrigation Canal, which HID stated would need to be fenced or piped over (piping over is costly and not usually done in such a small portion) taking away a portion of Proposed Lot 6 and making it unusable for any future land owner. Additionally, even if that section were piped over the 60-foot-wide-easement would still exist and could not be built within. The Planning Commission found that Lot 6, as proposed, would be significantly impacted by the existing HID canal.

The Umatilla County Planning Commission advised the applicant that if they choose to reapply to subdivide the property that the lot lines be moved to the center of the irrigation canal that runs through the property to avoid negative impacts on future property owners. The Planning Commission also encouraged the applicant to submit a clear plan for road maintenance and detailed covenants, codes and restrictions. The applicant was also advised by the Planning Commission that they likely would not be able to create eight lots and meet all the criteria.

As you will read in these preliminary findings and be able to see on the tentative plan the applicant had taken those suggestions into account and made the required adjustments in order to meet the criteria.

Memo

Planning Commission Public Hearing – July 25, 2024
Land Division Request S-064-24

Location

The property is located north of Punkin Center on the southeast corner of Joy Lane and Alpine Drive, about a half mile north of Hermiston City Limits.

Standards

The Standards of Approval are found in the Umatilla County Development Code Section 152.665, Type I Land Divisions and Umatilla County Development Code Section 152.648 Creation of Roads, Easements and Right-of-Way; Minimum Standards (16) Subdivisions. Standards for reviewing a Subdivision generally consist of complying with development code standards, Traffic Impact Analysis standards and subdivision plat requirements.

Notice

Notice of the applicant’s request and the public hearing was mailed on July 5, 2024 to the owners of properties located within 250-feet of the perimeter of Tax Lot 200. Notice was also published in the East Oregonian on July 10, 2024 notifying the public of the applicant’s request before the Planning Commission on July 25, 2024.

Conclusion

If approved, the proposed Conditions of Approval address road improvement and access standards, including road naming and Irrevocable Consent Agreements, site suitability for septic systems, and the survey and recording requirements with final approval accomplished through the recording of the final subdivision plat.

Decision

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

Staff have provided sample motions for your consideration below.

PLANNING COMMISSION MOTION OPTIONS

Motion to Approve Based on Evidence in the Record

I, Commissioner _____, make a motion to approve the Rodriguez Estates Subdivision, with imposition of the provided conditions of approval based on foregoing Findings of Fact and Conclusions of Law.

Motion to Deny Based on Evidence in the Record

I, Commissioner _____, make a motion to deny the Rodriguez Estates Subdivision based on evidence in the record and with the following additional Findings of Fact: _____.

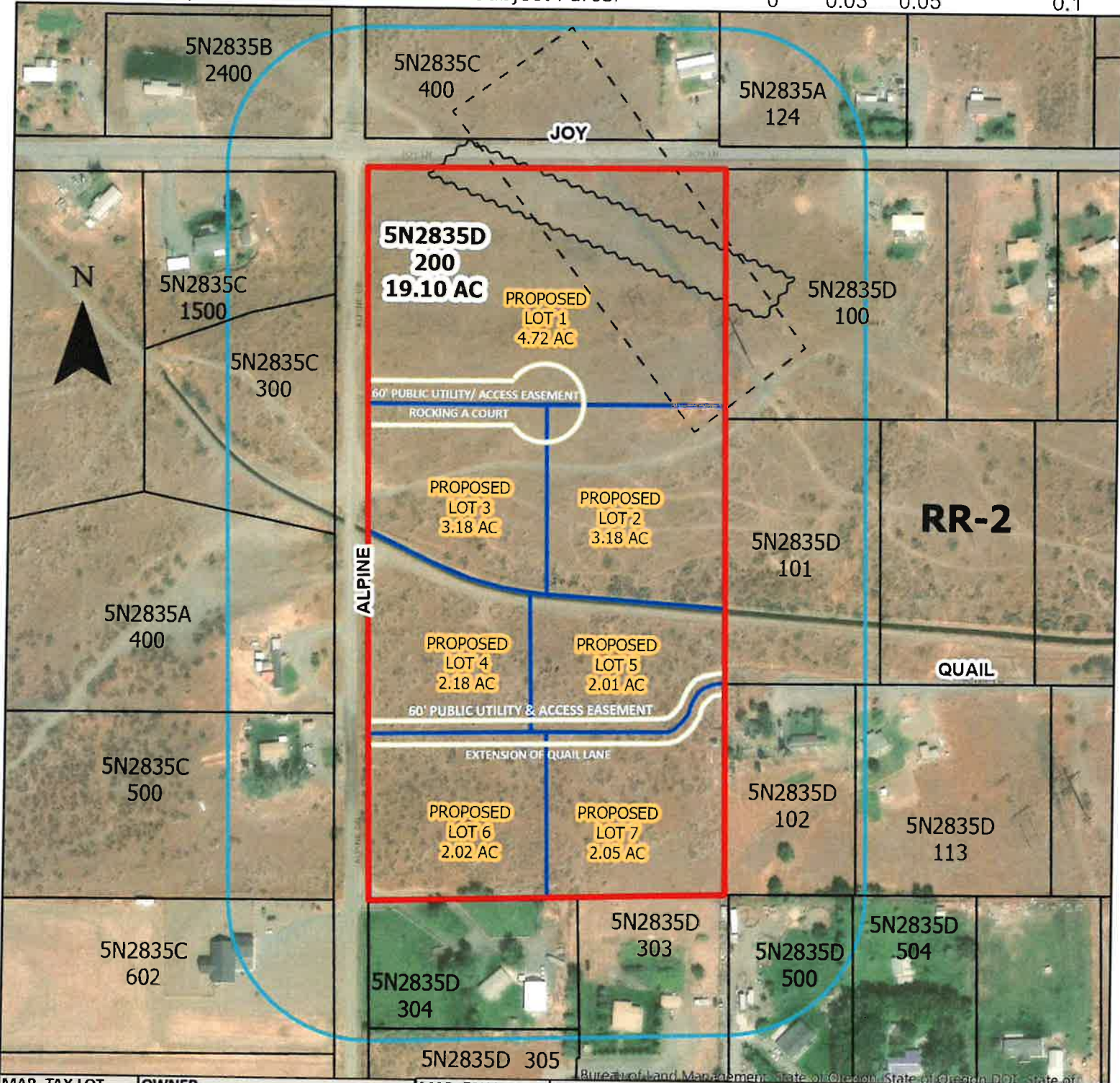
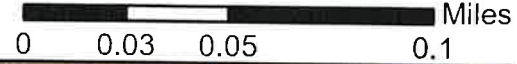
**UMATILLA COUNTY
PLANNING COMMISSION HEARING – JULY 25, 2024
LAND DIVISION REQUEST #S-064-24
ABRAHAM & MAGGIE RODRIGUEZ, APPLICANTS / OWNERS
PACKET CONTENT LIST**

- | | | |
|----|--|------------|
| 1. | Staff Memo to Planning Commission | Pages 1-2 |
| 2. | Table of Contents | Page 3 |
| 3. | Vicinity and Notice Map | Page 4 |
| 4. | Tentative Subdivision Plan | Page 5-8 |
| 5. | Staff Report & Preliminary Findings | Pages 9-18 |
| 6. | Comment Letter from Hermiston Irrigation District
<i>Received via email July 11, 2024</i> | Page 19 |

**ABRAHAM & MARGARET RODRIGUEZ,
 APPLICANTS/OWNERS; SUBDIVISION #S-064-24
 MAP: 5N 28 35D TAX LOT: 200**

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. Cimmiyotti, Umatilla County Planning Department Date: 5/14/2024

Notified property owners within 250 feet of Subject Parcel



MAP_TAX LOT	OWNER	MAP_TAX LOT	OWNER
5N2835D000101	FLORENCE ELLIS	5N2835A000124	FLORENCE ELLIS
5N2835D000102	FLORENCE ELLIS	5N2835A000400	FLORENCE ELLIS
5N2835D000113	FLORENCE ELLIS	5N2835B002400	FLORENCE ELLIS
5N2835D000200	RODRIGUEZ ABRAHAM & MARGARET	5N2835C000300	USA c/o BUREAU OF LAND MGT
5N2835D000303	NAVARRO JOSE V & ELENA M	5N2835C000400	FLORENCE ELLIS
5N2835D000304	BITHER HARRY E 4TH & REBECCA	5N2835C000500	FLORENCE ELLIS
5N2835D000305	MINTON BUD & CORRINE	5N2835C000602	MCGRAW PATRICK E & CLOSE-MCGRAW LISA K
5N2835D000500	WYMAN HARRY J	5N2835C001500	FLORENCE ELLIS
5N2835D000504	MEDRANO MAGDALENO & MARIA	5N2835D000100	FLORENCE ELLIS

Legend

- Subject Property
- Proposed Lots
- 250ft Notice Boundary
- Property Boundary
- BPA Easement
- Gas Easement
- Public Road

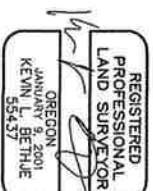
PLAT OF RODRIGUEZ ESTATES

OF THE WEST HALF OF THE NW 1/4 OF THE SE 1/4 OF SECTION 35, T 5 N, R 28 E UMATILLA COUNTY

JOB NO.: 23-112
DRAWING DATE: 05-01-2024
SHEET 1 OF 4

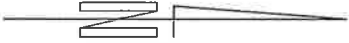
SHEET INDEX

- SECTION AND SITE TIES, NARRATIVE NOTES
- NORTHERN LOTS, SITE LAYOUT
- SOUTHERN LOTS, SITE LAYOUT
- APPROVAL SIGNATURES, VICINITY MAP, LEGAL DESCRIPTION



Expires 12-31-2025

HORIZONTAL AND VERTICAL DATUM:
OREGON NORTH STATE PLANE COORDINATE SYSTEM, NAD 83/2011 DATUM, INTERNATIONAL FEET PER OPUS SOLUTION ON MGS CONTROL POINT NUMBER 20 AS SHOWN HEREON, NEAR CENTER OF SITE. COMBINED SCALE FACTOR 0.99994685 WAS APPLIED AT COORDINATE 0.0. ALL DISTANCES SHOWN ARE GROUND DISTANCES. ELEVATION IS 548-19, NAVD88 DATUM.



SURVEYOR'S CERTIFICATE
I, KEVIN L. BETHLE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS SURVEY.

DATE: 05-01-2024
KEVIN L. BETHLE, PROFESSIONAL LAND SURVEYOR, CERTIFICATE NUMBER 55437.

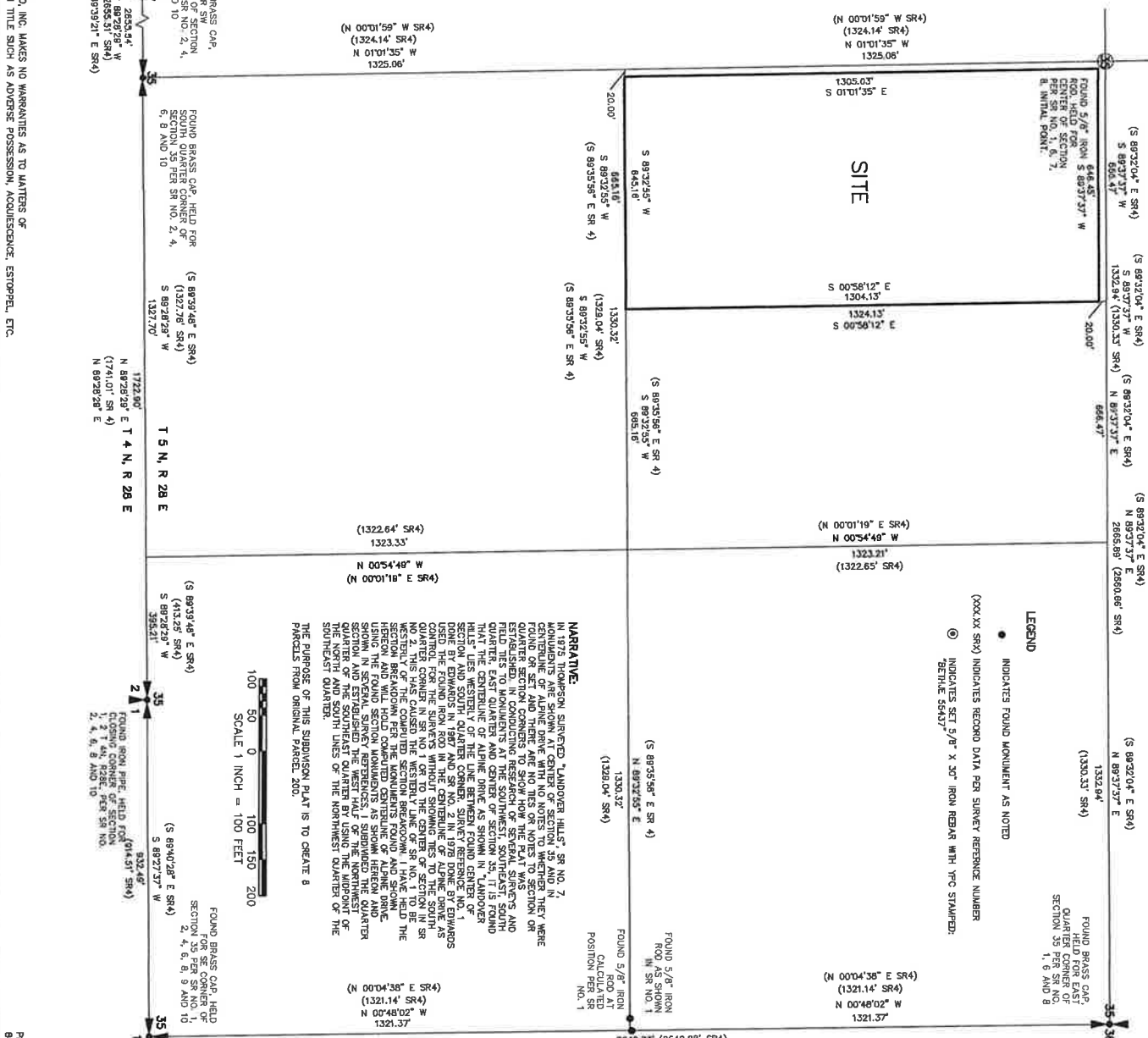
SURVEY REFERENCES:

- EDWARDS SURVEY, 87-35-B-D
- EDWARDS SURVEY, 0-1185-B
- EDWARDS SURVEY, 86-125-A
- EDWARDS SURVEY, 86-253-A-B
- EDWARDS SURVEY, 86-253-A-B
- KNUBEN SURVEY, 86-27-B
- "LANDOVER HILLS" BOOK 10, PAGE 18
- THOMPSON SURVEY, H-286
- KNIBB SURVEY, B2-145-B
- KNIBB SURVEY, S-130-C

DEED REFERENCE:

GRAYTOR, JOYCE I, FOLLS, RONALD A, WILLIAMS AND JAMES R, BLOODSWORTH, WILLIAMS AND JAMES R, BLOODSWORTH TRUST, DATED NOVEMBER 22, 2012 AND JOYCE I, FOLLS, RONALD A, WILLIAMS AND JAMES R, BLOODSWORTH, CO-TRUSTEES OF THE CHARLES R. BLOODSWORTH TRUST, SHERIDAN COUNTY, OREGON, CREATED UNDER BLOODSWORTH FAMILY TRUST, DATED NOVEMBER 2, 2012. GUEZ AND MARGARET RODRIGUEZ, HUSBAND AND WIFE, INSTRUMENT NUMBER: 2023-00483 DATED: 01-25-2023

OFFICE OF COUNTY RECORDS



LEGEND
● INDICATES FOUND MONUMENT AS NOTED
⊙ INDICATES SET 5/8" X 30" IRON REBAR WITH 'PCO STAMPED' BEHIND 55437

NARRATIVE:

IN 1975 THOMPSON SURVEYED "LANDOVER HILLS" SR NO. 7, A 120 AC. TRACT OF LAND IN SECTION 35, PER SR NO. 1, EXTENDING OFF ALPINE DRIVE WITH NO NOTES TO WHETHER THEY WERE FOUND OR SET AND THERE ARE NO TIES OR NOTES TO SECTION OR QUARTER SECTION CORNERS TO SHOW HOW THE PLAT WAS SURVEYED. THE SURVEYOR'S FIELD NOTES SHOW THE EAST QUARTER, EAST QUARTER AND CENTER OF SECTION 35. IT IS FOUND THAT THE CENTERLINE OF ALPINE DRIVE AS SHOWN IN QUARTER SECTION AND SOUTH QUARTER CORNER, SURVEY REFERENCE NO. 1 DONE BY EDWARDS IN 1947 AND SR NO. 2 IN 1978 DONE BY EDWARDS IN 1978, IS NOT THE CENTERLINE OF ALPINE DRIVE AS SHOWN IN QUARTER CORNER IN SR NO. 1 OR TO THE CENTER OF SECTION IN SR NO. 2. THIS HAS CAUSED THE WESTERN LINE OF SR NO. 1 TO BE THE SECTION BREAKDOWN PER THE MONUMENTS FOUND AND SHOWN HEREON AND WILL HOLD COMPUTED CENTERLINE OF ALPINE DRIVE SHOWN IN SEVERAL SURVEY REFERENCES. I SURVEYED THE QUARTER SECTION AND ESTABLISHED THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER BY USING THE MIDDLEPOINT OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. THE PURPOSE OF THIS SURVEYOR PLAT IS TO CREATE 8 PARCELS FROM ORIGINAL PARCEL 203.

MGS PRASCO, INC. MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUISITION, ETC.

PREPARED BY: MGS PRASCO, INC.
809 S AUBURN ST., KENNESAW, WA 98336, (609) 491-1071

PLAT OF RODRIGUEZ ESTATES

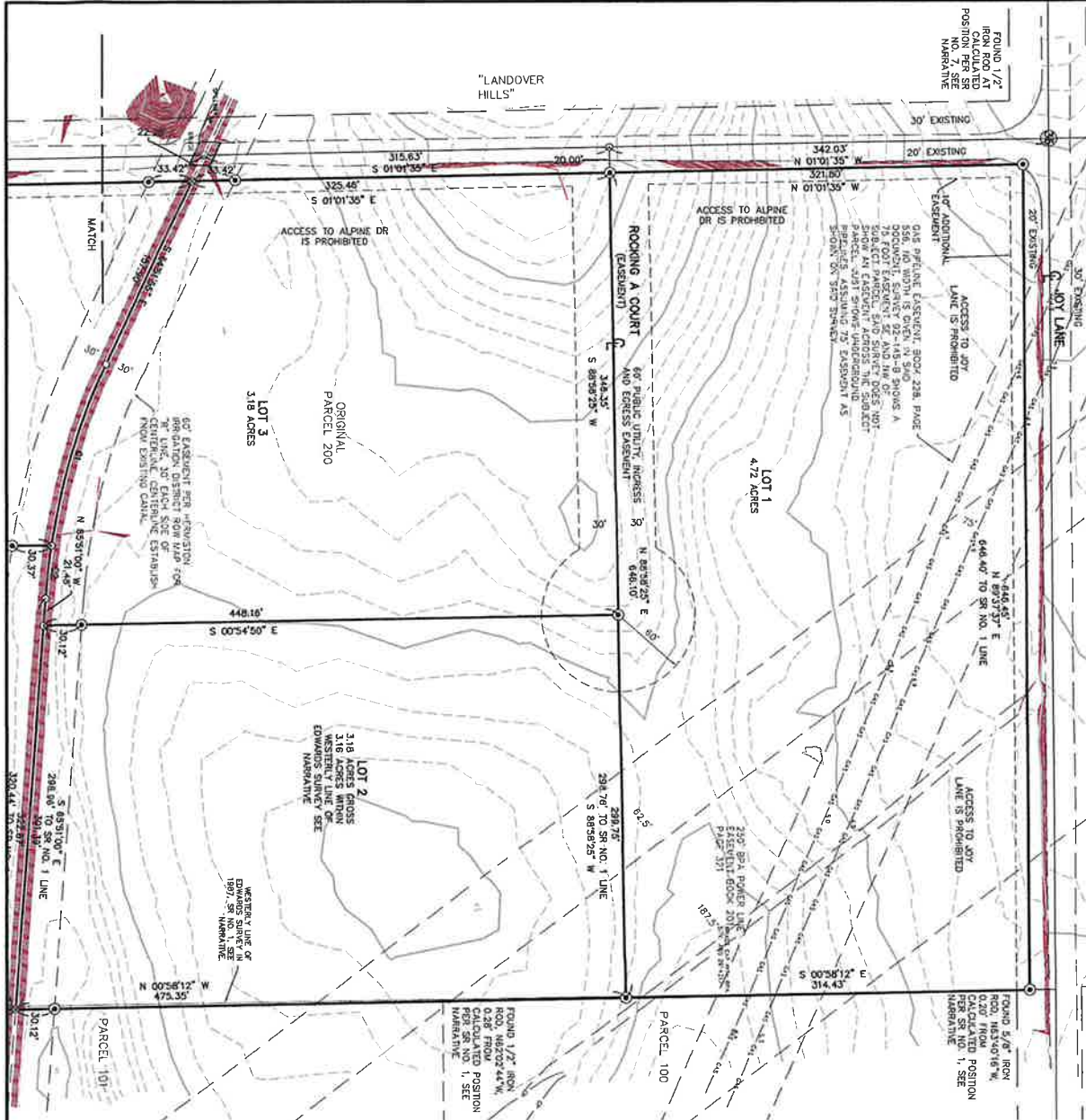
OF THE WEST HALF OF THE NW 1/4 OF THE SE 1/4 OF SECTION 35, T 5 N, R 28 E UMATILLA COUNTY

WILLAMETTE MERIDIAN

SHEET 2 OF 4

JOB NO: 23-112
DRAWING DATE: 05-01-2024

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC DIST.	CHORD BEARING	CHORD DIST.
C1	520.00'	162°42'0"	148.88'	S 73°04'05" E	148.38'
C2	520.00'	43°44'5"	41.58'	S 83°33'37" E	41.55'
C3	100.00'	65°55'58"	115.07'	N 58°55'41" E	108.83'
C4	100.00'	65°55'58"	115.07'	S 86°25'41" W	108.83'



TOPO LEGEND:

- INDICATES TELEPHONE PEDESTAL
- INDICATES POWER POLE WITH DIRECTION OF OVERHEAD LINES
- INDICATES GUY ANCHOR
- INDICATES BOUNDARY
- INDICATES EDGE OF ASPHALT
- INDICATES EDGE OF CONCRETE
- INDICATES EDGE OF GRAVEL
- INDICATES FENCE LINE
- INDICATES FENCE LINE TRUCE LINE
- INDICATES WOOD FENCE LINE
- INDICATES GAS PIPER
- INDICATES GAS PIPER
- INDICATES ELECTRIC LINE PER GEOPHYSICAL SURVEY
- INDICATES GAS PIPELINE PER GEOPHYSICAL SURVEY
- INDICATES COUNTERPOSE LINE PER GEOPHYSICAL SURVEY
- INDICATES 5 FOOT INTERVAL CONTOUR
- INDICATES 1 FOOT INTERVAL CONTOUR
- INDICATES AREA OF SLOPE GREATER THAN 25%

PLAT LEGEND

- INDICATES FOUND MONUMENT AS NOTED
- INDICATES CALCULATED POSITION, NOTHING FOUND OR SET
- (XXX XX SW) INDICATES RECORD DATA PER SURVEY REFERENCE NUMBER
- ⊙ INDICATES SET 5/8" X 3/8" IRON REBAR WITH YPC STAMPED: BETHLE 55437

SURVEYOR'S CERTIFICATE
I, KEVIN L BETHLE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS SURVEY.

KEVIN L BETHLE PROFESSIONAL LAND SURVEYOR CERTIFICATE NUMBER 55437
DATED 05-01-2024

REGISTERED PROFESSIONAL LAND SURVEYOR
JANUARY 9, 2001
KEVIN L BETHLE
55437
Expires 12-31-2025

DEED REFERENCES:
GRANTOR: JOYCE A. FOLLS, RONALD A. WILLIAMS AND JAMES R. BLOODSWORTH, CO-TRUSTEES OF THE BLOODSWORTH TRUST, DATED 02/28/2012 AND JOYCE A. FOLLS, RONALD A. WILLIAMS AND JAMES R. BLOODSWORTH, CO-TRUSTEES OF THE CHARLES A. BLOODSWORTH FAMILY TRUST, DATED NOVEMBER 14, 2012
GRANTEE: ARMANDO RODRIGUEZ AND VARGARET RODRIGUEZ, HUSBAND AND WIFE
DATED: 01-23-2023

PREPARED BY: WMS PASCO, INC.
809 S. AUBURN ST. KEMAH, WA 98336, (360) 491-1071
WMS PASCO, INC. MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUESCENCE, ESTOPPEL, ETC.

OFFICE OF COUNTY RECORDS

ORIGINAL DESCRIPTION PER WARRANTY DEED STATUTORY FORM 2023-00443
 THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 35,
 TOWNSHIP 5 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON,
 EXCEPTING THEREFROM ANY PORTION LING WITHIN COUNTY ROAD RIGHT-OF-WAY.

CERTIFICATE OF OWNERSHIP AND DEDICATION:
 WE, MARGARET RODRIGUEZ AND ABRAHAM RODRIGUEZ ARE THE OWNERS OF THE TRACT OF
 LAND DESCRIBED ON THE ACCOMPANYING PLAT. DO HEREBY ACKNOWLEDGE THAT WE HAVE
 EXAMINED THE RECORDS OF THE COUNTY CLERK'S OFFICE AND HAVE FOUND NO OTHER
 RECORDS SHOWING ANY OTHER CLAIMS TO BE MADE ON SAID TRACT OF LAND AS
 SHOWN FOR PUBLIC USE.

MARGARET RODRIGUEZ DATE _____
ABRAHAM RODRIGUEZ DATE _____
ACKNOWLEDGEMENT:
 STATE OF _____
 COUNTY OF _____

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____ 2024
 I, _____ COUNTY CLERK, HAVE PERSONALLY APPEARED BEFORE ME AND BEING DULY SWORN AND ADMITTED TO ME
 THAT HE SIGNED THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED IN WITNESS WHEREOF,
 I HAVE SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

ACKNOWLEDGEMENT:
 COUNTY OF _____ DAY OF _____ 2024
 PERSONALLY APPEARED BEFORE ME AND BEING DULY SWORN AND ADMITTED TO ME
 THAT HE SIGNED THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED IN WITNESS WHEREOF,
 I HAVE SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNATURE NOTARY PUBLIC—OREGON _____ DATE _____
PRINTED NAME _____
COMMISSION NO. _____
MY COMMISSION EXPIRES _____

- SURVEY REFERENCES:**
- 1) EDWARDS SURVEY, 82-34-D
 - 2) EDWARDS SURVEY, 84-185-B
 - 3) EDWARDS SURVEY, 86-125-A
 - 4) KRUMBEN SURVEY, 82-35-A
 - 5) BOOE SUBDIVISION, 97-148-B
 - 6) KRUMBEN SURVEY, 78-148-B
 - 7) THOMPSON SURVEY, H-258
 - 8) THOMPSON SURVEY, H-258
 - 9) MAIN SURVEY, 92-145-B
 - 10) KRUMBEN SURVEY, S-158-C

DEED REFERENCE:
 GRANITOR, JOYCE L. FOLLS, RONALD A. WILLIAMS AND JAMES R.
 BLOODSWORTH, CO-TRUSTEES OF THE BLOODSWORTH FAMILY,
 RONALD A. WILLIAMS AND JAMES R. BLOODSWORTH,
 CO-TRUSTEES OF THE CHARLES R. BLOODSWORTH TRUST,
 CHESTER TRUST CREATED UNDER BLOODSWORTH FAMILY TRUST,
 GRANITE ABRAHAM RODRIGUEZ AND MARGARET RODRIGUEZ,
 HUSBAND AND WIFE,
 WITNESSES,
 DATED 01-24-2023

MGS PASCO, INC. MAKES NO WARRANTIES AS TO MATTERS OF
 UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUISITION, ESTOPPEL, ETC.

PREPARED BY: MGS PASCO, INC.
 809 S ALBURN ST, KENNEBEC, WA 99336, (509) 481-1071

**PLAT OF RODRIGUEZ
 ESTATES**

OF THE WEST HALF OF THE NW
 1/4 OF THE SE 1/4 OF SECTION
 35, T 5 N, R 28 E
 WILLAMETTE MERIDIAN
 UMATILLA COUNTY
 JOB NO.: 23-112
 DRAWING DATE: 05-01-2024
 SHEET 4 OF 4

UMATILLA COUNTY PLANNING DEPARTMENT:
 I, _____ DIRECTOR, DO HEREBY CERTIFY THAT I
 COMPLY WITH ALL REQUIREMENTS OF THE ORDINANCES AS ESTABLISHED BY UMATILLA
 COUNTY AND I THEREFORE APPROVE SAID SUBDIVISION PLAT.

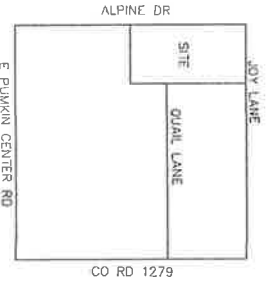
DIRECTOR UMATILLA COUNTY PLANNING DEPARTMENT
 DATED THIS _____ DAY OF _____, 2024

UMATILLA COUNTY SURVEYOR:
 I, DAVID H. KRUMBEN, UMATILLA CO. SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED
 THE ACCOMPANYING PLAT, THAT IT COMPLES WITH THE LAWS OF THE STATE OF OREGON
 WITH REFERENCE TO THE PLUNG AND RECORDING OF SUD DIVISIONS, AND I THEREFORE
 APPROVE THE PLAT FOR RECORDING IN THE COUNTY CLERK'S OFFICE OF UMATILLA
 COUNTY, OREGON, DATED THIS _____ DAY OF _____, 2024.

UMATILLA COUNTY COMMISSIONERS:
 THIS IS TO CERTIFY THAT THE ACCOMPANYING PLAT IS APPROVED FOR FILING AND
 RECORDING IN THE "RECORD OF TOWN PLATS" OF UMATILLA COUNTY, OREGON, BY THE
 UNDERIGNED BY ITS ORDER, DATED THIS _____ DAY OF _____, 2024.

CHAIRMAN _____ **COMMISSIONER** _____
COMMISSIONER _____
ASSESSOR AND TAX COLLECTOR:
 I, _____ ASSESSOR AND TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY
 THAT I HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE
 ACCOMPANYING PLAT AND THAT ALL MONIES DUE FOR STATE AND COUNTY TAXES AND
 ASSESSMENTS THEREON, COULD CONSTITUTE A LIEN ON SAID LAND HAVE BEEN PAID AND WE
 DATED THIS _____ DAY OF _____, 2024.

COUNTY ASSESSOR _____ **COUNTY TAX COLLECTOR** _____



VICINITY MAP
 NOT TO SCALE

SURVEYOR'S CERTIFICATE
 KEVIN L. BETHLE, BEING FIRST DULY SWORN, PERGEE, AND SAY THAT I AM A PROFESSIONAL LAND
 SURVEYOR IN THE STATE OF OREGON, AND I HAVE PERSONALLY SEARCHED AND MARKED WITH
 LEGAL MONUMENTS THE LAND REPRESENTED ON THIS SURVEY.

REGISTERED PROFESSIONAL LAND SURVEYOR
 KEVIN L. BETHLE
 OREGON 0001
 55437
 Expires 12-31-2025

05-01-2024

OFFICE OF COUNTY RECORDS

**UMATILLA COUNTY PLANNING COMMISSION
STAFF REPORT AND PRELIMINARY FINDINGS
RODRIGUEZ SUBDIVISION REQUEST, #S-064-24
Map #5N 28 35, Tax Lot #200, Account #130012**

1. APPLICANT: Abraham and Maggie Rodriguez, 405 N. 1st Street, Hermiston, Oregon 97838
2. PROPERTY OWNERS: Abraham and Maggie Rodriguez, 405 N. 1st Street, Hermiston, Oregon 97838
3. LOCATION: The property is located north of Punkin Center on the southeast corner of Joy Lane and Alpine Drive, about a half mile north of Hermiston City Limits.
4. PARCEL ACREAGE: Tax Lot 200 = 19.10 acres
5. REQUEST: The applicant requests approval of a rural residential subdivision. The proposed subdivision establishes seven lots, which is one less than the maximum number of lots under current zoning density regulations. Tax Lot 200 is currently undeveloped. (See the applicant's tentative plan map for lot configuration, plan details and proposed access.)

According to the applicant, each undeveloped lot will have its own water source either from an individual domestic well or through the sharing of a domestic well. Individual septic systems are proposed for each lot. However, the applicant has not submitted site suitability reports indicating if the lots can be approved for individual septic systems from County Environmental Health.

Conventional site-built dwellings are planned for each proposed lot. The applicant has submitted a draft of the proposed Covenants, Conditions and Restrictions.

The applicant previously submitted an application for the same proposal of a subdivision at the beginning of 2024. At that time the proposed subdivision had eight proposed lots and at the public hearing the Planning Commission voted to deny it. The basis for the denial was due to several issues including; Proposed Lot 2 (which was the western half of what is now Proposed Lot 1) having only 0.55 acres (18% of the lot) being buildable space (due to the BPA easement and natural gas line on the property), which did not satisfy UCDC 152.648 (16)(a)(1) Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations. As well as Proposed Lot 6 being bisected by the Hermiston Irrigation Canal, which HID stated would need to be fenced or piped over (piping over is costly and not usually done in such a small portion) taking away a portion of Proposed Lot 6 and making it unusable for any future land owner. Additionally, even if that section were piped over the 60-foot-wide easement would still exist and could not be built within. The Planning Commission found that Lot 6, as proposed, would be significantly impacted by the existing HID canal.

The Umatilla County Planning Commission advised the applicant that if they choose to reapply to subdivide this property that the lot lines be moved to the center of the irrigation canal that runs through the property to avoid negative impacts on future property owners. The Planning Commission also encouraged the applicant to submit a clear plan for road maintenance and

detailed covenants, codes and restrictions. The applicant was also advised by the Planning Commission that they likely would not be able to create eight lots and meet all the criteria.

As you will read in these preliminary findings and be able to see on the tentative plan the applicant has taken those suggestions into account and made the required adjustments in order to meet the criteria.

6. PROPOSED LOT ACREAGE: (Gross)

Lot 1=4.72 ac	Lot 3=3.18 ac	Lot 5=2.01 ac	Lot 7=2.05ac
Lot 2=3.18 ac	Lot 4=2.18ac	Lot 6=2.02 ac	

7. COMPREHENSIVE PLAN MAP DESIGNATION: Rural Residential

8. ZONING: RR-2 Zone (Rural Residential two-acre minimum parcel/lot size)

9. ACCESS: Lots 1, 2 and 3 are proposed to be served by a dedicated 60-foot public utility and access easement with a circle turnaround to be named “Rocking A Court” from Alpine Drive, County Road 1263. Lots 4, 5, 6 and 7 will be served by a dedicated 60-foot public utility and access easement extending from Quail Lane, a private lane. The easement will continue through from the existing portion of Quail Lane to Alpine Drive. This public extension of Quail Lane will provide access to the four lots mentioned above as part of the proposed Rodriguez Estates Subdivision as well as lots already served by Quail Lane; Tax Lots 101, 112, 111, 106, 121, 120, 105, 119, 118, 102, 113, 107, 122, 108, 124 and 123 of Map 5N 28 35D, and Tax Lots 400, 503, 302, 600, 500 and 501 of Map 5N 28 36C.

10. ROAD TYPE: Alpine Drive, County Road 1263, has a 60-foot-wide right-of-way and a 30-foot-wide gravel roadway. The existing portion of Quail Lane is a 60-foot-wide private access easement with a 30-foot-wide gravel roadway. Both the proposed Rocking A Court public utility and access easement and the public utility and access easement extension of Quail Lane will be two lane, 60-foot gravel easements built to the County S-1 Road Standard. The County Planning Commission may also find that instead of dedicating public utility and access easements to serve the 7 proposed lots, Rodriguez Estates subdivision should instead dedicate two public roads.

11. EASEMENTS: Hermiston Irrigation District has a 60-foot-wide irrigation easement named the “R” pipeline, this easement sits along the southern property line for Lots 2 and 3 and the northern property line of Lots 4 and 5. (Areas within the utility easements are not available for development of structures and buildings.)

Proposed Lots 1 and 2 are impacted by a 250-foot-wide Bonneville Power Administration utility easement as there are overhead transmission lines. Building of any kind would be prohibited under said BPA transmission lines. Only a small portion of the BPA utility easement crosses the upper northeast corner of Lot 2. Proposed Lot 1 would be the most impacted by the BPA utility easement with the easement covering almost half the property.

Proposed Lot 1 is impacted by a 75-foot-wide gas pipeline utility easement. (Areas within the utility easement are not available for development of structures and buildings.) This easement

crosses from the northern property line stretching almost to the northwest corner of the lot and down diagonally past the eastern property line.

Proposed Lot 1 is proposed to have a 10-foot-wide additional public access easement that runs west to east along the northern property line parallel to Joy Lane and north to south parallel to Alpine Drive.

Proposed Lots 3, 4 and 6 are proposed to have a 10-foot-wide additional public access easement that runs north to south along the western property line parallel to Alpine Drive.

Proposed Lot 1 is the most impacted by existing easements and development on this lot will be limited due to the large utility easements.

12. LAND USE: The property is planned and zoned for rural residential use as rural home sites and to provide space for rural services, gardens, a limited number of farm animals and pasture.

13. ADJACENT LAND USE: The property is zoned rural residential, RR-2. Likewise, the properties to the north, east and west of the property are zoned RR-2. Properties to the south are within Hermiston’s Urban Growth Boundary and appear to be primarily single family residences and irrigated farm land.

14. SOILS: The properties consist of the following soil:

Unit Number, Soil Name, Description & Slope	Land Capability Class	
	Dry	Irrigated
122B: Winchester sand, 0 - 5 percent slopes	7e	4e

15. BUILDINGS: There are no buildings on the property.

16. UTILITIES: Electricity is provided by Umatilla Electric and land line phone service to the area is provided by CenturyLink.

17. WATER AND SANITATION: The applicant provides that future purchasers will be responsible for installing wells and septic systems on the proposed lots.

18. IRRIGATION: The property is located within Hermiston Irrigation District (HID). The applicant provides that the property does not have irrigation water rights. The applicant supplied a letter from Hermiston Irrigation District in support of the application. HID provided an informational comment, confirming that the subject properties do not have irrigation water rights but are located within HID’s jurisdictional boundary.

20. PROPERTY OWNERS & AGENCIES NOTIFIED: July 05, 2024

21. PUBLIC HEARING DATE: July 25, 2024

22. AGENCIES NOTIFIED: County Public Works, County Surveyor, County Environmental Health, Umatilla County Fire District #1, County Assessor, County GIS/Mapping Department, Oregon State Water Resources, City of Hermiston, Hermiston Irrigation District, Umatilla Electric, Pacific Northwest Pipeline Corporation, Bonneville Power Administration and Century Link.

23. COMMENTS RECEIVED: Pending.

24. CRITERIA FOR APPROVAL, TYPE I LAND DIVISION "SUBDIVISION", contained in Section 152.666(6) of the Development Code.

Following are a list of the standards of approval applied to a rural residential subdivision¹. Included is information gathered from the tentative plan and the review of the proposed access, road improvements, traffic potential, and rural facilities to serve rural residential development. The standards are provided in underlined text and responses are provided in standard text.

(a) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and transportation elements of the Comprehensive Plan.

Sewage Disposal: The property owner understands individual septic systems are necessary to serve each undeveloped lot. The proposed lots are smaller than four acres, and therefore, require site evaluations. A precedent condition of approval is imposed that Lots 1 through 7 receive a favorable site evaluation from County Environmental Health.

Domestic Water: Domestic water wells are under the authority of Oregon State Water Resources. Domestic wells are exempt wells and do not require a water right. Each exempt well allows 15,000 gallons per day of household usage including irrigation of up to one half acre of lawn and landscaping per well. The applicant provides that the future purchaser of each subdivision lot will be responsible for receiving exempt well approval and are responsible for the costs of drilling a well.

Irrigation Water: The property is within the Hermiston Irrigation District, however the property does not have water rights, as confirmed by Hermiston Irrigation District.

Fire Protection: The subject property is within Umatilla County Fire District #1. The district provides fire protection services to the area and received notification of the applicant's subdivision proposal. The two new roads are each planned with a 50-foot radius turn-around area providing space for emergency vehicles to ingress and egress. The proposed turn-around area also is required to be improved to the S-1 County Road Standard to accommodate large firefighting equipment by the fire protection service provider. The applicant is required, as a condition of approval, to provide confirmation from Umatilla County Fire District #1 that both access easements and turn-around areas are adequate for emergency vehicles.

¹ ORS 92.010 (16) "Subdivide land" means to divide land to create four or more lots within a calendar year.
UCDC 152.003 "Subdivide Land. To divide land into four or more lots within a calendar year."

Access and Road Improvements: Access approach permits from Alpine Drive for the two proposed public access/utility easements must be confirmed by County Public Works. Obtaining each access permit is imposed as a precedent condition of approval.

The County's Transportation Plan (TSP) requires rights-of-way within subdivisions to have a width of 60-feet, with a minimum of two, 11-foot travel lanes. The County Road Department standard is a Subdivision "S-1" standard. The S-1 standard consists of a crushed gravel surface compacted to a thickness of 8 inches. The applicant's plan proposes two (2) 60-foot access/utility public right of way easements.

A precedent condition of approval is imposed to improve the proposed "Rocking A Court" to the Subdivision 1 "S-1" road standard including the proposed turn around area. A diagram of the County Subdivision "S-1" road standard is attached.

A precedent condition of approval is imposed to improve the proposed extension of "Quail Lane" to the Subdivision 1 "S-1" road standard including the proposed turn around area.

Road Signs and Addresses: The applicant proposes that one public access/utility easement serve Lots 1, 2, and 3 to be named Rocking A Court, and a second public access/utility easement serve Lots 4, 5, 6 and 7 would be named Quail Lane as it will be an extension of the already existing private Quail Lane. Both roads are required to be named and road signs installed as a condition of approval.

The applicant has proposed road names for both access easements and they are shown on the preliminary plat. A precedent condition of approval is imposed that the applicant submit two (2) road name applications to County Planning, one for each proposed road way.

A precedent condition requiring the installation of the road signs is imposed. The applicant is responsible for paying for the signs and the County Road Department is the agency that will install the signs. The sign may be installed either on the applicant's property near the County right of way, or within the County right of way, where determined by County Public Works.

There are no dwellings on the property, therefore, no addresses will need to change due to the creation of the two roads.

Road Improvement Agreements: Over time additional road impacts occur and future upgrading and realignment of roads become necessary. An Irrevocable Consent Agreement (ICA) is required when there are new parcels or lots added along county roads, public roads and private lanes. The ICA is for participation in future road upgrading. The Irrevocable Consent Agreement 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.

Several Irrevocable Consent Agreements (ICAs) are required for the subdivision approval. An agreement for future participation in improvements to County Road Alpine Drive is required as

both roads serving Lots 1 through 8, connect to Alpine Drive. In addition, an ICA is required for Rocking A Court, the roadway proposed to serve Lots 1, 2 and 3. A third ICA is required for the extension of Quail Lane, the roadway proposed to serve Lots 4, 5, 6 and 7.

The Planning Commission finds the property owner signing and recording the three ICA agreements fulfills the road improvement agreement requirement.

A precedent condition of approval is imposed that the property owner sign and record an Irrevocable Consent Agreement for future participation in road improvements to the 60-foot County Road, Alpine Drive, serving Lots 1 through 7.

A precedent condition of approval is imposed that the property owner sign and record an Irrevocable Consent Agreement for future participation in road improvements to the 60-foot public access/utility easement Rocking A Court, serving Lots 1, 2 and 3.

A precedent condition of approval is imposed that the property owner sign and record an Irrevocable Consent Agreement for future participation in road improvements to the 60-foot public access/utility easement, and extension of Quail Lane, serving Lots 4, 5, 6 and 7.

(b) Complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission (LCDC), until the comprehensive Plan is “acknowledged.” The Umatilla County Comprehensive Plan was acknowledged October 24, 1985, by the State Land Conservation & Development Commission (LCDC). The Plan designates the subject property and surrounding properties for rural residential use. The applicant’s proposal will create a total of eight rural residential lots. This property and properties in the vicinity are designated rural residential as part of the County adopted and State acknowledged Comprehensive Plan.

(c) Complies with provision of 152.019, Traffic Impact Analysis, as applicable. A Traffic Impact Analysis (TIA) is required to be submitted with a land use application when the proposal is projected to cause an increase in traffic volume by 250 or more Average Daily Trips (ADT). A single-family dwelling generates approximately 9.52 ADT on week days. The applicant’s proposal will add eight developable lots with one dwelling per lot, for a total of 76.16 ADT, 76 is much less than 250 ADT. Therefore, the TIA is not applied to the applicant’s request.

(d) Complies with applicable provisions listed in the zoning regulations of this chapter;
The subject property is zoned Rural Residential – two acre minimum (RR-2).

Lot Size: All proposed lots will conform to or exceed the 2-acre minimum parcel size for the RR-2 zone.

Setbacks: All seven proposed lots show adequate area available for dwellings, accessory structures, septic systems and a water source within the zoning setback requirements. Setback standards will be enforced at the time development is proposed.

Proposed Lot 1 is impacted by existing easements and development on this lot will be limited. This is due to the 250-foot-wide BPA easement that covers a majority of the lot that cannot be built

within. Additionally, there is a 75-foot-wide natural gas line easement that stretches across the northern side of the lot, this area is also not buildable.

Flood Hazard Areas: The subject parcel is not located within a Special Flood Hazard Area.

(e) Complies with the applicable provisions, including the intent and purpose of the Type I regulations listed in this chapter

Subdivision Name: The applicant has selected Rodriguez Estates as the subdivision name. The County Surveyor or the County GIS Manager must approve new subdivision names to avoid duplicate names. The applicant's subdivision name, Rodriguez Estates, has been confirmed by the County GIS Manager as an acceptable subdivision name.

(f) The Tentative Plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets [roads] and public facilities through the tentative plan; The subject property and the surrounding properties are plan designated and zoned for rural residential development. The existing development scheme is rural residential parcels with some pasture land used as rural home sites. Two access and utility easements are proposed, which will be dedicated as a public easement on the final Subdivision Plat and named, Rocking A Court. There are no public facilities such as public water and sewer systems that may be extended into the rural area. There is one abutting roadway, Quail Lane, (a private lane) that would be logically extended through the subject property to Alpine Drive via a 60-foot-wide public access and utility easement, which will be dedicated as a public easement on the final Subdivision Plat and named Quail Lane.

(g) Complies with other specific requirements listed in Section 152.667 for approval of subdivisions within multiple use areas. The subdivision is not proposed within an adopted Comprehensive Plan multiple use designated area. Therefore, specific requirements in Section 152.667 are not applied.

25. UCDC 152.648 CREATION OF ROADS, EASEMENTS AND RIGHTS-OF-WAY; MINIMUM STANDARDS (16) SUBDIVISIONS;

(a) A subdivision shall conform to the following standards:

(1) Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations.

The Umatilla County Development Code defines "Buildable Area" as the space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met. All seven proposed lots would have adequate building space. While proposed Lot 1 loses a significant amount of buildable space due to the easements on the property there is still room for a single-family dwelling and accessory structures while staying within the required 20-foot-setback to property lines.

(2) Each lot shall abut a public or private road for the required minimum lot frontage for the zoning district where the lots are located.

The Umatilla County Development Code does not define minimum lot frontage for the RR-2 zone. All seven proposed lots have over 120 feet in minimum lot frontage on a public roadway. The Umatilla County Planning Commission finds this criterion is not applicable.

(3) If any lot abuts a street right-of-way that does not conform to the design specifications of this code, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

Lots 1, 2 and 3 are proposed to be served by a dedicated 60-foot public utility and access easement with a circle turnaround to be named "Rocking A Court" from Alpine Drive, County Road 1263. Lots 4, 5, 6 and 7 will be served by a dedicated 60-foot public utility and access easement extending from Quail Lane, a private lane. Both public easements are to be built to the County S-1 Road Standard. The Umatilla County Planning Commission finds this criterion is not applicable.

(b) Further subdivision of the property shall be prohibited unless the applicant submits a plat or development plan in accordance with requirements in this ordinance.

The Umatilla County Planning Commission finds that if the Rodriguez Estates subdivision is approved, further subdivision of the property shall be prohibited. As six of the seven proposed lot sizes just meet or barely exceed the lot size requirement for the RR-2 zone in accordance with UCDC 152.666(6)(d), it would not be possible to further subdivide the lot under the current zoning regulations. Proposed Lot 1 is the only lot within the proposed subdivision that exceeds four acres in size but due to the development constraints and lack of buildable space caused by the easements described above, further division would not be possible.

TENTATIVE DECISION: APPROVAL.

THE RODRIGUEZ ESTATES SUBDIVISION, #S-063-24, REQUEST COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

The following "Precedent Conditions" shall be completed prior to issuance of final approval signified by recording of the final subdivision plat.

1. Receive favorable site evaluations for Lots 1 through 7 from County Environmental Health and submit the evaluations to County Planning.
2. Obtain a County Road Approach Permit from Alpine Drive to the 60-foot access easement serving Lots 1, 2 and 3. *County Road Approach Permit was approved February 2, 2024.*
3. Obtain a County Road Approach Permit from Alpine Drive to the 60-foot access easement serving Lots 4, 5, 6 and 7. *County Road Approach Permit was approved February 2, 2024.*

4. Submit and receive approval for the Road Naming Application of the public access/utility easement serving Lots 1, 2 and 3. *Road Naming Application was received by Planning Staff May 1, 2024. Approval is pending.*
5. Sign and record an Irrevocable Consent Agreement for Lots 1, 2 and 3 for participation in future road improvements to the 60-foot access easement and turn around. (Document provided by the Planning Department.)
6. Sign and record an Irrevocable Consent Agreement for Lots 4, 5, 6 and 7 for participation in future road improvements to the 60-ft access easement extending from Quail Lane. (Document provided by the Planning Department.)
7. Sign and record an Irrevocable Consent Agreement for Lots 1 through 7, for participation in future road improvements to Alpine Drive, 60-foot-wide County Road #1263. (Document provided by the Planning Department.)
8. Improve the proposed 60-ft access easement serving Lots 1, 2 and 3, and the proposed 50-ft radius turn-around to the County Subdivision “S-1” road standard. The S-1 road standard consists of a 22-ft wide, nominal compacted 8-inch crushed gravel surface road. [Verification roadway improvements have been completed to County Subdivision (S-1) standards may be provided by a combination of photos of the road improvements and receipt copies for gravel and services by the road contractor, or by written verification from a licensed Civil (road) Engineer that County Subdivision (S-1) standards have been met.]
9. Improve the proposed 60-ft access easement serving Lots 4, 5, 6 and 7 to the County Subdivision “S-1” road standard. The S-1 road standard consists of a 22-ft wide, nominal compacted 8-inch crushed gravel surface road.

[Verification roadway improvements have been completed to County Subdivision (S-1) standards may be provided by a combination of photos of the road improvements and receipt copies for gravel and services by the road contractor, or by written verification from a licensed Civil (road) Engineer that County Subdivision (S-1) standards have been met.]
10. Provide confirmation from Umatilla County Fire District #1 that both the easement access road and turn-around area consist of adequate area for emergency vehicles to ingress and egress for the road serving Lots 1, 2 and 3.
11. Provide confirmation from Umatilla County Fire District #1 that the easement access road consists of adequate area for emergency vehicles to ingress and egress for the road serving Lots 4, 5, 6 and 7.
12. Pay and/or pre-pay property taxes prior to recording the final subdivision plat map.
13. Provide a draft copy of the Subdivision Covenants, Conditions and Restrictions to County

Planning. Draft copy of Subdivision Covenants, Conditions and Restrictions was received by County Planning May 1, 2024.

14. Submit a preliminary subdivision plat that meets county and state plat requirements to County Planning, County GIS, and the County Surveyor. The plat shall contain the approved road names and on the face of the plat and include the approved subdivision name, Rodriguez Estates Subdivision. The plat shall be updated to show that the private lane, Quail Lane, continues and provides legal access to Tax Lots 101, 112, 111, 106, 121, 120, 105, 119, 118, 102, 113, 107, 122, 108, 124 and 123 of Map 5N 28 35D, and Tax Lots 400, 503, 302, 600, 500 and 501 of Map 5N 28 36C, all to the east.

The following "Subsequent Conditions" may consist of on-going requirements and conditions to be fulfilled following approval of the Tentative Subdivision Plan Plat:

1. Within two years, record the final subdivision plat that meets county and state plat requirements. The subdivision name, Rodriguez Estates, must be placed on the subdivision plat. The plat shall show the two 60-foot access/utility easements, including the turnaround and names, as well as all utility easements as represented on the tentative plan survey map. The plat shall contain Hermiston Irrigation District's signature.

UMATILLA COUNTY PLANNING COMMISSION

Dated the _____ day of _____, 20____

Suni Danforth, Chair
Umatilla County Planning Commission

Hermiston, OR 97838-2445
Office: 541-567-3024
Mobile: 541-571-7698
E-mail: Manager@HermistonID.org



July 11, 2024

Umatilla County
Community Development Department
Charlet Hotchkiss, Planner
216 SE 4th St
Pendleton, OR 97801

RECEIVED
JUL 11 2024
UMATILLA COUNTY
PLANNING DEPARTMENT

**RE: Subdivision Request #S-064-24
5N2835 200**

Ms. Hotchkiss,

HID has reviewed the information regarding the application for subdivision submitted by Abraham and Maggie Rodriguez. This property is located within the Hermiston Irrigation District boundaries and has no water rights. HID would allow water rights to be purchased and placed on this property.

There is a federal right-of-way easement through the middle of the subdivision for the R Line Canal. The total easement for this property is 60', which is 30' to the north from the center of the canal and 30' south from the center of the canal.

HID has no objections to the subdivision, however, HID has policies and stipulations when granting consent to a subdivision along our canals and Rights-of-Way. The landowner should contact the District and the Bureau of Reclamation for a list of fees and restrictions if they plan to build on these lots in the future. Thank you for the opportunity to review and comment on this application.

Respectfully,

Karra

Karra Van Fossen
Water Right Specialist