

AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, March 28, 2019, 6:30 p.m.
Justice Center Media Room, Pendleton, Oregon**

Planning Commission

Suni Danforth, Chair	Cecil Thorne
Gary Rhinhart, Vice-Chair	Hoot Royer
Tammie Williams	Molly Tucker Hasenbank
Don Wysocki	Jon Salter
Tami Green	

Planning Staff

Bob Waldher, Planning Director
Carol Johnson, Senior Planner
Elizabeth Ridley, Planner/ GIS
Gina Miller, Code Enforcement Coordinator
Tierney Dutcher, Administrative Assistant

1. Call to Order

2. New Hearing:

SUBDIVISION REQUEST #S-056-19; Jeff Skinner, Applicant, Hazel L. Harral Estate, Owner. The applicant requests approval to subdivide 16.5 acres of Rural Residential (RR-2) Zoned land into a 6-lot subdivision consisting of a minimum lot size of at least 2-acres per lot. The property is located along the west side of State Highway 395, approximately 1-mile south of Pendleton. The property is identified as Tax Lot 300, on Assessor's Map 2N 32 21. Criteria include policies in the Comprehensive Plan listed in the public facilities, services, and transportation elements and approval criteria in Umatilla County Development Code 152.666(6).

3. New Chair and Vice-Chair Appointments

4. Adjournment

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
MARCH 28, 2019
HARRAL ESTATE SUBDIVISION, #S-056-19
PACKET CONTENTS**

1. PC Memo, pages 1 and 2
2. Vicinity and Notice Map, page 3
3. Tentative Plan Subdivision Plat Survey, page 4
4. Staff Report/Findings, pages 5 – 12
5. Informational Comments - Tom Lapp, ODOT Permit Specialist, page 13
6. Informational Comments - Greg Silbernagel, OWRD District 5 - Watermaster, page 14
7. County Floodplain Map and FIRM Map (area including applicant's property), pages 15 – 18
8. Comment from Kristen Tiede, Archaeologist, CTUIR, page 19
9. Road Improvement Diagrams P-1 and P-2 Standards, pages 20 and 21

Umatilla County

Department of Land Use Planning



**DIRECTOR
ROBERT
WALDHER**

March 21, 2019

**LAND USE
PLANNING,
ZONING AND
PERMITTING**

MEMO

To: Umatilla County Planning Commissioners
From: Carol Johnson, Senior Planner

**CODE
ENFORCEMENT**

Re: March 28, 2019, Planning Commission Hearing,
Jeff Skinner, Applicant
Harral Estate Subdivision, #S-055-18
Map #2N 32 21, Tax Lot #300

**SOLID WASTE
COMMITTEE**

**SMOKE
MANAGEMENT**

CC: Robert Waldher, Planning Director

**GIS AND
MAPPING**

**RURAL
ADDRESSING**

Request:

The applicant requests a land division of a 16-acre parcel, Tax Lot 300, into a six-lot rural residential subdivision. The subdivision is proposed to be named "Harral Estate Subdivision." The property is currently developed with three dwellings. Approval of the subdivision would result in each dwelling on one lot and three lots available for rural residential home sites.

**LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT**

Location:

The subject property is located along the west side of State Highway 395 between the McKay dam and the City of Pendleton, approximately one-mile south of Pendleton. (See vicinity map.)

Notice:

Notice of the applicant's request was mailed March 8, 2019 to the property owners of properties located within 250-ft of the perimeter of Tax Lot 300. Notice also was published in the *East Oregonian* March 16, 2019, notifying the public of the applicant's request before the Planning Commission on March 28, 2019.

Standards:

The Standards of Approval are found in the Umatilla County Development Code Section 152.666(6), Type I Land Division (Subdivision). The Standards generally consist of complying with the tentative plan map, including zoning requirements (i.e., parcel/lot size, setbacks, etc.), conformance to the existing development scheme of the area including the logical extension of existing roads and if applicable, public facilities that may adjoin and logically be extend to the property.

Conditions:

The proposed Conditions of Approval relate to access, road improvements, road naming and addressing, future road improvements, septic site suitability (evaluations), access to domestic and irrigation water and final subdivision survey plat.

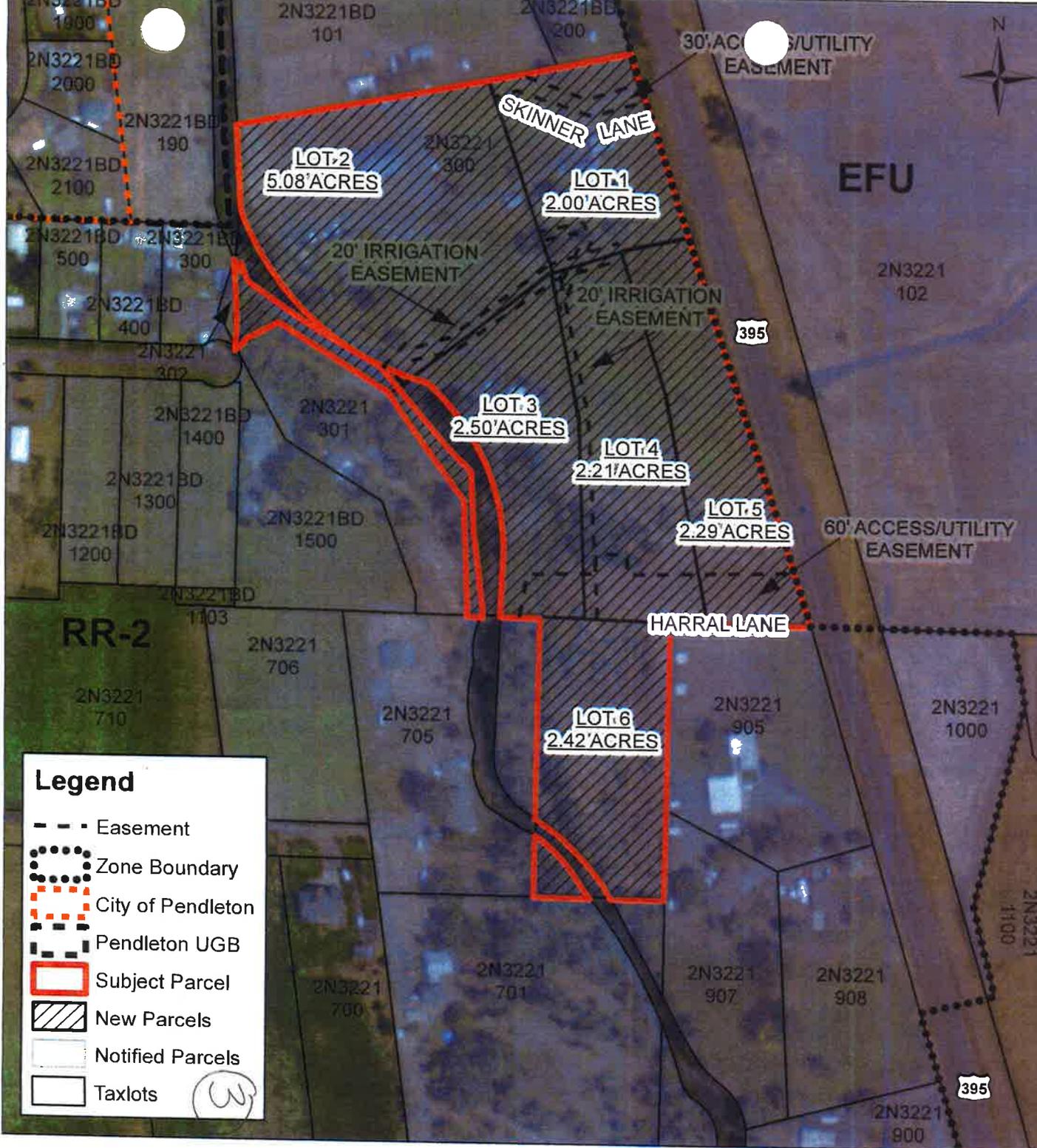
Decision:

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

2

APPLICANT: JEFF SKINNER
OWNER: HARRAL HAZEL LAVELLE
APPLICATION FOR: TYPE I
SUBDIVISION
MAP: 2N 32 21, TAXLOT 300

Notified Landowners within 250 feet of Parcel 2N 32 21 Tax Lot 300



Legend

- - - Easement
- ⊙ Zone Boundary
- ⊙ City of Pendleton
- ⊙ Pendleton UGB
- ▭ Subject Parcel
- ▨ New Parcels
- ▭ Notified Parcels
- ▭ Taxlots

Map	Tax	Owner
2N3221	300	HARRAL HAZEL LAVELLE
2N3221	102	VICKY R JONES SURVIVORS TRUST
2N3221	301	SWEARINGEN CORINNE J
2N3221	302	DONNELLY JAMES S & ROSE M (TRS)
2N3221	701	MCKAY BROOKE SUZANNE & MCKAY BROOKE
2N3221	705	GRABLE MICHELLE I & BILL F
2N3221	706	GRABLE MICHELLE I & BILL F
2N3221	900	OVERSTREET GEORGIANNA
2N3221	905	STAHL ROBERT D & STACIE M
2N3221	907	LIVINGSTON ANNE
2N3221	908	REDNER RICHARD WALLIS & ELAINE CARYL
2N3221	1000	REIMER DANIEL A & LUNESA C
2N3221BD	101	ZIMMERMAN GARY F & DIANA L
2N3221BD	190	STREET PHILIP M & YVONNE M
2N3221BD	200	BOWMAN JUDITH KAY (TRS)
2N3221BD	300	DONNELLY JAMES S & ROSE M (TRUSTEES)
2N3221BD	400	SOSA RAMONA & ROSARIO
2N3221BD	500	BAKER FORREST L (EST)
2N3221BD	1200	SWEARINGEN CORINNE J
2N3221BD	1300	SWEARINGEN CORINNE J
2N3221BD	1400	SWEARINGEN CORINNE J
2N3221BD	1500	SWEARINGEN CORINNE J
2N3221BD	2000	HARSIN LARRY D & LAURA R
2N3221BD	2100	REYNOLDS HAROLD J & DIXIE D

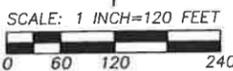


Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only.
 Created by E. Ridley, Umatilla County Planning Department
 Date: 2/8/2019

HARRAL ESTATE SUBDIVISION

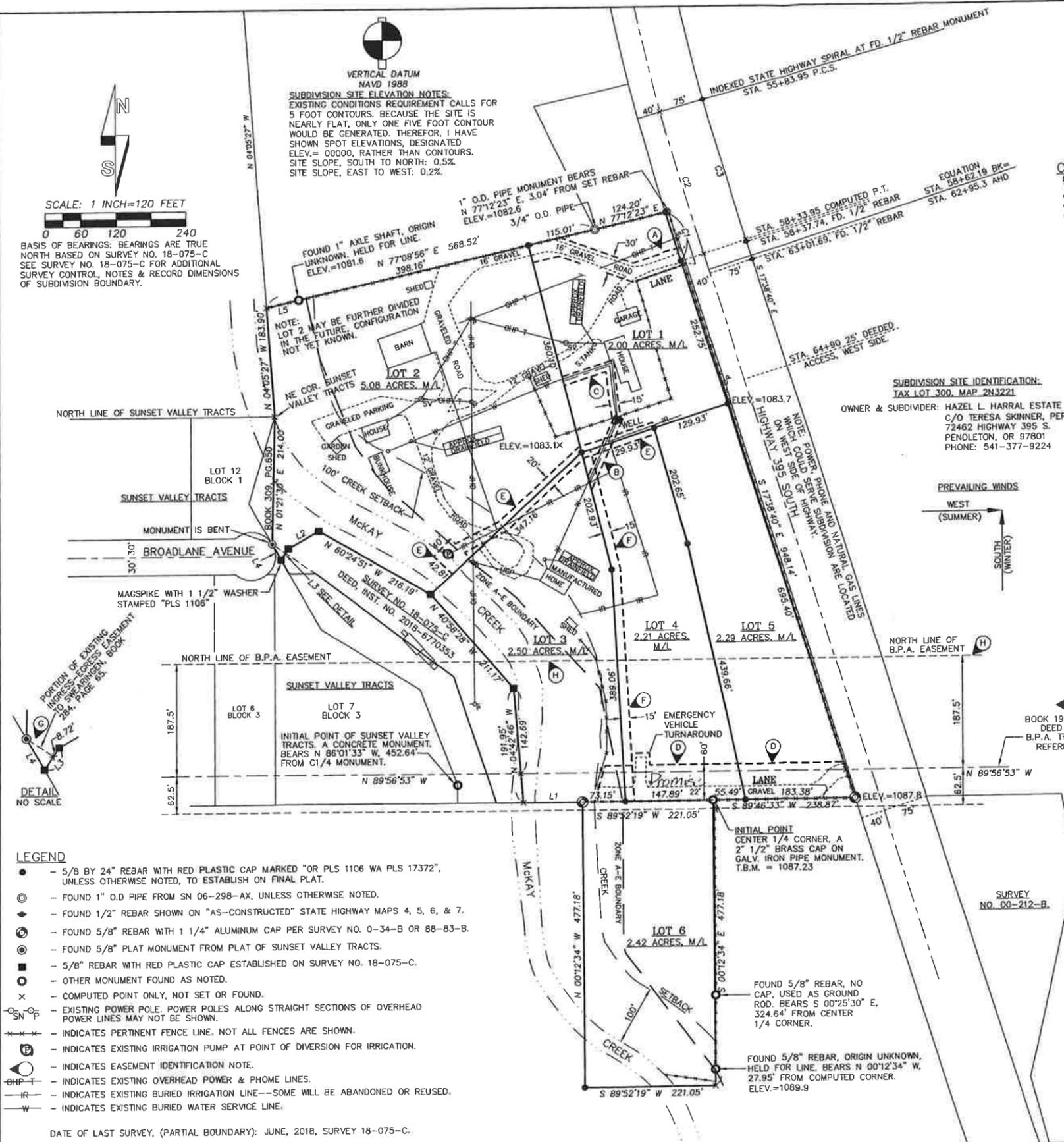
SITUATED IN THE NORTH HALF OF SECTION 21,
TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.,
UMATILLA COUNTY, OREGON.
JANUARY, 2019

TENTATIVE PLAT



SCALE: 1 INCH=120 FEET
BASIS OF BEARINGS: BEARINGS ARE TRUE NORTH BASED ON SURVEY NO. 18-075-C. SEE SURVEY NO. 18-075-C FOR ADDITIONAL SURVEY CONTROL, NOTES & RECORD DIMENSIONS OF SUBDIVISION BOUNDARY.

SUBDIVISION SITE ELEVATION NOTES:
EXISTING CONDITIONS REQUIREMENT CALLS FOR 5 FOOT CONTOURS. BECAUSE THE SITE IS NEARLY FLAT, ONLY ONE FIVE FOOT CONTOUR WOULD BE GENERATED. THEREFOR, I HAVE SHOWN SPOT ELEVATIONS, DESIGNATED ELEV.= 00000, RATHER THAN CONTOURS. SITE SLOPE, SOUTH TO NORTH: 0.5%. SITE SLOPE, EAST TO WEST: 0.2%.



CURVE TABLE

NO.	LENGTH	CHORD	CHORD BRG.
C1	75' OUTSIDE OFFSET SPIRAL	86.59'	86.59' S 17°29'21" E
C2	CENTRERLINE SPIRAL	250.00'	249.98' S 16°50'50" E
C3	75' INSIDE OFFSET SPIRAL	247.14'	247.13' S 16°51'05" E

CONSTRUCTION CENTERLINE SPIRAL DATA:

1'45" CURVE LEFT
T_a = 52°27'50"
T_s = 1738.78'
L = 2747.85'
L.S. = 250'

LINE TABLE

NO.	BEARING	DISTANCE
L1	S 89°52'19" W	99.92'
L2	S 60°40'47" W	59.04'
L3	S 34°14'35" W	21.94'
L4	N 29°41'53" W	29.97'
L5	N 77°08'56" E	55.35'

EASEMENT NOTES:

- Ⓐ - NEW PRIVATE 30 FOOT INGRESS-EGRESS AND PUBLIC UTILITY EASEMENT, INCLUDING EMERGENCY VEHICLES. (16' GRAVEL SURFACE).
- Ⓑ - EXISTING 15 FOOT WELL AND WATER LINE EASEMENT. INST. NO. 2019-_____, UMATILLA COUNTY OFFICE OF RECORDS.
- Ⓒ - EXISTING 15 FOOT WELL AND WATER LINE EASEMENT. INST. NO. 2019-_____, UMATILLA COUNTY OFFICE OF RECORDS.
- Ⓓ - NEW PRIVATE 60 FOOT INGRESS-EGRESS AND PUBLIC UTILITY EASEMENT, INCLUDING EMERGENCY VEHICLES. (22' GRAVEL SURFACE WITH APPROVED TURN-AROUND).
- Ⓔ - NEW PRIVATE 20' IRRIGATION LINE AND UTILITY EASEMENT APPURTENANT TO ALL LOTS. (10' ON EACH SIDE OF LOT LINE WHEN FOLLOWING LOT LINES, EXTRA WIDTH PROVIDED AROUND POINT OF DIVERSION).
- Ⓕ - NEW PRIVATE 15' IRRIGATION LINE AND UTILITY EASEMENT APPURTENANT TO LOT 6. (PARALLELS LOT LINE).
- Ⓖ - EXISTING INGRESS EASEMENT RESERVED IN DEED, BOOK 284, PAGE 65, DEED RECORDS. SEE DETAIL.
- Ⓗ - EXISTING BONNEVILLE POWER ADMINISTRATION TRANSMISSION LINE EASEMENT, BOOK 197, PAGE 450, DEED RECORDS. DIMENSIONS SHOWN.

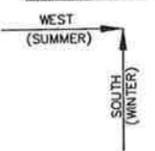
NOTES:

1. THERE IS AN EXISTING BLANKET EASEMENT TO PACIFIC POWER AND LIGHT COMPANY FOR ELECTRIC TRANSMISSION AND DISTRIBUTION LINES OVER ALL OF THE PROPERTY TO BE SUBDIVIDED. BOOK 185, PAGE 72, DEED RECORDS. TELEPHONE SERVICE LINES ARE ALSO ON THESE OVERHEAD LINES.
2. EASEMENTS B AND C ARE TO BE RECORDED SEPARATELY FROM THE PLAT SO THEY CAN BE EXTINGUISHED OR MODIFIED IN THE FUTURE. (WITHOUT REPLAT), IF ADDITIONAL DOMESTIC WELLS ARE DRILLED.
3. ZONE A-E FLOOD HAZARD BOUNDARY PLOTTED FROM FEMA FLOOD HAZARD OVERLAY.

SUBDIVISION SITE IDENTIFICATION:

TAX LOT 300, MAP 2N3221
OWNER & SUBDIVIDER: HAZEL L. HARRAL ESTATE
C/O TERESA SKINNER, PERS. REP.
72462 HIGHWAY 395 S.
PENDLETON, OR 97801
PHONE: 541-377-9224

PREVAILING WINDS



LEGEND

- - 5/8 BY 24" REBAR WITH RED PLASTIC CAP MARKED "OR PLS 1106 WA PLS 17372", UNLESS OTHERWISE NOTED, TO ESTABLISH ON FINAL PLAT.
- ⊙ - FOUND 1" O.D. PIPE FROM SN 06-298-AX, UNLESS OTHERWISE NOTED.
- ⊙ - FOUND 1/2" REBAR SHOWN ON "AS-CONSTRUCTED" STATE HIGHWAY MAPS 4, 5, 6, & 7.
- ⊙ - FOUND 5/8" REBAR WITH 1 1/4" ALUMINUM CAP PER SURVEY NO. 0-34-B OR 88-83-B.
- ⊙ - FOUND 5/8" PLAT MONUMENT FROM PLAT OF SUNSET VALLEY TRACTS.
- ⊙ - 5/8" REBAR WITH RED PLASTIC CAP ESTABLISHED ON SURVEY NO. 18-075-C.
- ⊙ - OTHER MONUMENT FOUND AS NOTED.
- x - COMPUTED POINT ONLY, NOT SET OR FOUND.
- ⊙ - EXISTING POWER POLE. POWER POLES ALONG STRAIGHT SECTIONS OF OVERHEAD POWER LINES MAY NOT BE SHOWN.
- - INDICATES PERTINENT FENCE LINE. NOT ALL FENCES ARE SHOWN.
- ⊙ - INDICATES EXISTING IRRIGATION PUMP AT POINT OF DIVERSION FOR IRRIGATION.
- ⊙ - INDICATES EASEMENT IDENTIFICATION NOTE.
- ⊙ - INDICATES EXISTING OVERHEAD POWER & PHONE LINES.
- - INDICATES EXISTING BURIED IRRIGATION LINE--SOME WILL BE ABANDONED OR REUSED.
- - INDICATES EXISTING BURIED WATER SERVICE LINE.

DATE OF LAST SURVEY, (PARTIAL BOUNDARY): JUNE, 2018, SURVEY 18-075-C.

REVIEW COPY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JULY 22, 1977
WILLIAM R. WELLS
1106
RENEWS 6/30/20

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

DATE: 01/19 DR. BY: wrw
CK. BY: wrw NO: 18-1681

RECORDING INFORMATION, UMATILLA COUNTY OFFICE OF RECORDS:

PROJECT: \SKINNERP1ROT
SUBDIVISION FOR:
HAZEL L. HARRAL ESTATE

SITUATED IN THE NORTH HALF OF SECTION 21, T2N, R32E, W.M. UMATILLA COUNTY, OREGON.

4

UMATILLA COUNTY PLANNING COMMISSION
STAFF REPORT AND PRELIMINARY FINDINGS
HARRAL ESTATE SUBDIVISION REQUEST, #S-056-19
Map #2N 32 21, Tax Lot #300, Account #100791

1. APPLICANT: Jeff Skinner, 72462 Highway 395 S., Pendleton, Oregon 97801
2. PROPERTY OWNERS: Hazel L. Harral Estate, Teresa Skinner, Personal Representative
3. LOCATION: The property is located on the west side of State Highway 395, situated along McKay Creek, north of the McKay Reservoir and approximately one-mile south of the City of Pendleton.
4. PARCEL ACREAGE: Tax Lot 202 = 16.50 acres
5. REQUEST: The applicant requests approval of a rural residential subdivision. The proposed subdivision establishes six lots. Three of the lots, Lots 1, 2 and 3 are currently developed with dwellings. (See the applicant's tentative plan map for lot configuration, plan details and proposed access.)
6. PROPOSED LOT ACREAGE:

Lot 1=2.00 ac	Lot 3=3.50 ac	Lot 5=2.29 ac
Lot 2=5.08 ac	Lot 4=2.21 ac	Lot 6=2.42 ac
7. COMPREHENSIVE PLAN MAP DESIGNATION: Rural Residential
8. ZONING: RR-2 Zone (Rural Residential two-acre minimum parcel/lot size)
(FH), Flood Hazard Overlay Zone, applies to areas within a FEMA Study Areas determined to be in Flood Hazard Area
9. ACCESS: Access will be provided from State Highway 395 via an existing driveway (30-ft access utility easement) for access proposed to Lots 1 and 2. Lots 3, 4, 5 and 6 are proposed to be served by a 60-ft wide access utility easement, Promise Lane. The applicant is asked to verify access approach permits from State Highway Department for both access approaches to State Highway 395.
10. ROAD TYPE: State Highway 395 is a two lane paved State Highway. Proposed Promise Lane is required to be improved with 22-ft wide gravel road surface within the proposed 60-ft wide access utility easement. The driveway serving Lots 1 and 2 requires a 30-ft access utility easement improved with a 16-ft wide gravel road.
11. EASEMENTS: Transmission Line Easement granted to USA, June 29, 1951, Book 197, Page 450, 451, Deed Records, and Transmission Line Easement granted to Pacific Power and Light, November 5, 1947, recorded in Book 185, Page 72, Deed Records. The overhead transmission lines cross the south boundary of proposed Lots 3, 4 and 5 within a 250-ft wide utility easement. (Areas within the utility easement are not available for development of structures and buildings.)

In addition, other easements include an access easement recorded in Book 284, Page 65, Deed

PRELIMINARY FINDINGS AND CONCLUSIONS
Harral Estates Type I, Subdivision Request, #S-056-19

Records.

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, south and west of the property are zoned residential, RR-2. Property to the east, across State Highway 395, is zoned for farm use.

14. SOILS: The property consists of the following soils.

Unit Number, Soil Name, Description & Slope	Land Capability Class	
	Dry	Irrigated
128A: Yakima silt loam, 0 - 3 percent slopes	4s	2s
126A: Xerofluvents, 0 - 3 percent slopes	4e	---
29A: Freewater very cobbly loam, 0 - 3 percent slopes	6s	4s

Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" – soil limitations and "w" – water (*Survey*, page. 172).

15. BUILDINGS: Proposed Lots 1, 2 and 3 are currently developed as home sites. The subdivision tentative plan adds Lots 4, 5 and 6 as additional lots/properties for rural residential use. The tentative plan map includes the location of existing buildings.

16. UTILITIES: Electricity is provided by Pacific Power & Light and land line phone service to the area is provided by Century Link.

17. WATER AND SANITATION: Currently there is one well located on Lot 1. This well serves the existing dwelling on Lot 1 and the dwellings located on proposed Lots 2 and 3.

(Prior to final County approval, the applicant is required to submit a favorable site suitability or evaluation from County Environmental Health demonstrating a septic system can be approved on each undeveloped lot.)

18. IRRIGATION: Irrigation water rights cover the subject property.

19. OTHER: Before subdivisions can be accepted for recording, all property taxes must be paid in full including, if applicable, prepayment of the current tax year. This will be noted in the conditions that taxes must be paid prior to recording the final survey plat map.

20. PROPERTY OWNERS & AGENCIES NOTIFIED: March 8, 2019

21. PUBLIC HEARING DATE: March 28, 2019

6

PRELIMINARY FINDINGS AND CONCLUSIONS
Harral Estates Type I, Subdivision Request, #S-056-19

22. AGENCIES NOTIFIED: Oregon Department of Transportation, County Public Works Director, County Surveyor, County Environmental Health Department, Fire District 9 Lower McKay - Pendleton Fire Department, County Assessor, County GIS/Mapping Department, State Water Resources, County Rural Address Coordinator, Pacific Power, Century Link, BPA, and the Confederated Tribes of the Umatilla Indian Reservation

23. COMMENTS RECEIVED: The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) recommends a survey and testing prior to ground disturbance occurring in the area. Condition 10 has been added as a reminder to the property owner that ground disturbance that could result in archeological discoveries requires work stoppage and consultation with a professional archaeologist.

Informational comments also were received from ODOT and OWRD.

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 property owner is required, as a condition of approval, to submit favorable site suitability evaluations from County Environmental Health to demonstrate whether a standard or alternate septic system is able to be approved on each undeveloped lot.

Domestic Water: Domestic water wells are under the authority of State Water Resources. Domestic well 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 15,000 gallon per day will be shared among Lots 1, 2 and 3. The preliminary plan includes easements for the domestic water pipeline extending from the well located on Lot 1, shared with Lots 2 and 3. As a condition of the approval, the applicant is required to include domestic water pipeline easements on the final subdivision survey plat and record a shared well agreement between Lots 1, 2 and 3. Lots 4, 5 and 6 could likewise share a well in the future; however, sharing a well

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."



between Lots 4, 5 and 6 is not a standard of approval the applicant must meet to obtain approval of the subdivision.

Irrigation Water: The property owner must develop an irrigation water delivery system to protect access to irrigation water rights for each lot. This is to ensure the subdivision lots will continue to benefit from irrigation water rights and access to irrigation water. The applicant's tentative plan includes access to the point of diversion via proposed irrigation easements and for the delivery of irrigation water to each proposed lot. As a condition of the approval, the applicant is required to show the irrigation pipeline easements on the final subdivision survey plat.

Fire Protection: The subject property is within the Fire District 9 Low McKay Fire Protection District. The Pendleton Fire Department provides fire protection services to the area and received notification of the applicant's subdivision proposal. The new Promise Lane, is planned with a turn-around area providing space for emergency vehicles to ingress and egress. The proposed turn-around area also is required to be improved to accommodate large firefighting equipment by the fire protection service provider. The private driveway serving Lots 1 and 2 currently is provided with a turn-around area. The applicant is required, as a condition of approval, to provide confirmation from Pendleton Fire Department that both access and turn-around areas are adequate for emergency vehicles ingress and egress.

Access and Road Improvements: Access approach permits from the State Highway for proposed Promise Lane and the existing driveway must be confirmed by Oregon Department of Transportation (ODOT) and is a condition of approval.

The County Transportation Plan (TSP) road standards and Section 152.648 "Creation of Roads, Easements and Rights-of-way; Minimum Standards." Table 1: Rural Road Standards Option 2 and also known as the P-2 standards apply to subdivisions. These Option 2 standards include an easement and/or right-of-way width of 60-ft and a surface road improvement of 22-ft wide. A condition of the subdivision is imposed to improve the road, Promise Lane, to the Option 2 (P-2) road standard including the proposed turn around area. A diagram of the County Option 2 (P-2) road standard is attached. The 30-ft driveway access utility easement is required to be improved to the County Option 1 (P-1) road standard including a surface road improvement of 16-ft wide. The improvement of the 30-ft access utility easement to the Option 1 (P-1) road standard is a condition of the approval.

Road Signs and Addresses: Private roads serving as access to three or more buildings² are to be named. The applicant proposes that Promise Lane serve four of the rural residential subdivision lots. Therefore, the Lane is recommended to be named and a road sign installed as a condition of approval. The condition requiring the installation of the road sign is imposed. The applicant is responsible for paying for the sign and the County Road Department is the agency that will install the sign. The sign may be installed either on the applicant's property near the State right of way, or within the State right of way, where allowed by ODOT.

² County Code of Ordinances, Addressing Chapter 93.05 – Definitions. "Building. A building designed for human occupancy, such as a residence or place of business, or other buildings as determined by the Planning Department."

The existing home on Lot 3 is currently addressed with a State Highway 395 address. This lot will be readdressed using a Promise Lane address. In addition to the new road sign, the applicant is responsible to pay for a new address marker for readdressing Lot 3 and is a condition of approval.

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 and lots added along county roads, public roads and private lanes. The ICA is for participation in this 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.

An Irrevocable Consent Agreement (ICA) is part of the subdivision approval. The agreements for future participation in improvements to the 30-ft access utility easement serving Lots 1 and 2, and to Promise Lane serving Lots 3, 4, 5 and 6, if and when, a Local Improvement District is formed for road improvements along either of these roadways. County Planning finds by the property owner signing and recording the ICA agreements fulfills the road improvement agreement requirement. Signing and recording the Irrevocable Consent Agreement for future participation in road improvements to the 30-ft access utility easement serving Lots 1 and 2 and to the 60-ft access utility easement, Promise Lane, serving Lots 3, 4, 5 and 6 is a condition of approval.

(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 six lots, three which are currently developed as rural residential home sites. 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 week days approximately 9.52 ADT. The applicant's proposal will add three developable lots and total less than 250 ADT, as verified by ODOT District 12 Permit specialist, Thomas Lapp; 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 applicant's property is zoned Rural Residential – two acres (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 proposed lots show area available for dwellings, accessory structures, septic systems and a water source within the zoning setback requirements. (Septic Site evaluations are required for

undeveloped Lots 4, 5 and 6.)

Flood Hazard Areas: The western portion of proposed Lots 2, 3 and 6 adjoin McKay Creek and has lot area located in a designated Flood Hazard area. There are areas located outside of the determined Flood Hazard area on each lot (see tentative plan survey map). At the time of development, a Flood Plain Development Permit would be required if development of any structure or building were proposed within a Flood Hazard area. Also, within the floodway and along the stream bank are areas that are marshy, forested wetlands. The wetland appears mainly to affect the west side of Lot 3, some of northwest side of Lot 2 and the southwest corner of Lot 6. These areas are not developable and in addition are located within the required 100-ft setback to the high water mark maintained along streams to protect riparian areas. A copy of a County GIS map depicting areas of the applicant's property located within a Flood Hazard area is attached. In addition, a copy of the portion of the Flood Insurance Rate Map (FIRM) 21059C1014G showing the applicant's property and some of the surrounding area is also attached.

(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 Harral Estate Subdivision 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, Harral Estate Subdivision, was confirmed by the County GIS Manager as an acceptable subdivision name. A condition of the subdivision approval to place the approved subdivision name on the Final Subdivision Plat Map, prior to recording the plat is imposed.

(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 pasture land used as rural home sites. Proposed Lots 1 and 2 are currently served with access via an existing driveway. Proposed Lots 3 through 6 are proposed to receive access via a new access easement, Promise Lane. There are no public facilities such as public water and sewer systems that may be extended into the rural area and no abutting streets or roads that would be logically extended onto or through the subject property. The applicant's tentative plan does include irrigation water pipeline easements to each lot for access to irrigation water. In addition, Lots 1, 2 and 3 will share a domestic well located on Lot 1. The tentative plan map includes the water pipeline easements from the domestic well located on Lot 1 to serve Lots 2 and 3.

(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.

10

DECISION: THE HARRAL ESTATE SUBDIVISION, #S-056-19, 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 survey plat map.

1. Pay for the installation of the road sign for Promise Lane and the change in address required for Lot 3. (Sign is provided and installed by the County Road Department.)
2. Submit copies to the County Planning Department of favorable septic site evaluations (suitability) reports from the County Environmental Health Department for undeveloped Lots, 4, 5 and 6.
3. Sign and record an Irrevocable Consent Agreement for Lots 1 and 2 to participate in future road improvements to the 30-ft access utility easement and, sign and record an Irrevocable Consent Agreement for Lots 3, 4, 5 and 6 to participate in future road improvements to the 60-ft access utility easement, Promise Lane. (Documents provided through the Planning Department.)
4. Submit verification from Oregon Department of Transportation confirming access approach permits from State Highway 395 to both the 30-ft access and the 60-ft access to Promise Lane.
5. Improve the 30-ft access easement serving Lots 1 and 2 to the County Option 1 (P-1) road standard. The Option 1 (P-1) road standard consists of a 16-ft wide, nominal compacted 4-inch crushed gravel surface road.

Improve the 60-ft access easement, Promise Lane, and the proposed turn-around to the County Option 2 (P-2) road standard. The Option 2 or P-2 road standard consists of a 22-ft wide, nominal compacted 8-inch crushed gravel surface road.

[Verification roadway improvements have been completed to the County Option 1 (P-1) and Option 2 (P-2) 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 Option 1 (P-1) and Option 2 (P-2) standards have been met.]

6. Provide confirmation from Pendleton Fire Department both easement access roads and turn-around areas consist of adequate area for emergency vehicles to ingress and egress.
7. Record a shared well agreement for use of the domestic well located on Lot 1 to be shared with Lots 2 and 3.
8. Pay and/or pre-pay property taxes prior to recording the final subdivision plat map.

PRELIMINARY FINDINGS AND CONCLUSIONS
Harral Estate Subdivision, Type I Request, #S-056-19

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

9. Record the final subdivision plat that meets county and state plat requirements. The subdivision name, Harral Estate Subdivision, must be placed on the subdivision plat. The plat shall show the 30-ft access utility easement and the 60-ft access utility easement, Promise Lane, as well as, the domestic water pipeline easements from Lot 1 to serve Lots 2 and 3 and irrigation water pipeline easements to each lot, as represented on the tentative plan survey map.
10. Discovery of archaeological objects during ground disturbance requires ceasing all activities and contacting a professional archaeologist to conduct a site assessment prior to resuming development activities.

Suni Danforth, Chairman,
Umatilla County Planning Commission

Date

12



Welcome to
Umatilla County

Carol Johnson <carol.johnson@umatillacounty.net>

Hwy 395 S

LAPP Thomas <Thomas.Lapp@odot.state.or.us>
To: Carol Johnson <carol.johnson@umatillacounty.net>

Wed, Mar 20, 2019 at 3:28 PM

Carol,

The Skinner property had three original reservations of access to tax lot #300. One existing driveway serves the existing three residences at the northern property line. ODOT worked with Jeff Skinner to indenture the 2 remaining reservations of access and relocate both reservations to a single access at the south end of the property for the subdivision pending. The new (2nd approach) will serve 4 new tax lots and the existing PacifiCorp utility easement at MP 3.58, with a 30' wide driveway. The Region 5 Manager agreed to this indenture of access rights due to seeing three benefits: Removal of 1 access right by combining two reservations of access to a single location, for the economic benefit to the property, and to reduce additional traffic to the existing northern driveway. The PPL easement had no direct highway access rights prior to this indenture, so that is corrected too.

I am currently deemed complete on this application, and I am creating a set of preliminary construction specifications and provisions that Jeff will need to sign. He will also provide a construction bond and certificate of liability insurance for me when he signs the preliminary specifications. After this is recorded I will issue his permit to construct the new approach. I anticipate he will have his construction permit on or before April 15th. Construction to be completed by September 1st.

ODOT has no concerns for the addition of one new driveway to serve 4 of the home sites and a utility easement on the highway. The new driveway for residential use is estimated to add 40 trips per day to the highway. Sight distance in the area exceeds the standard and there is sufficient channelization for the new approach. The approach was approved for a spacing standard deviation. The spacing between the approach to the left is 880' and 470' to the right after the new approach is constructed.

Thomas Lapp

District 12 Permit Specialist

1327 SE 3rd Street

Pendleton, OR 97801

Ph (541)278-3450

Fax (541)276-5767

[Quoted text hidden]

13



Welcome to
Umatilla County

Carol Johnson <carol.johnson@umatillacounty.net>

S-056-19

1 message

SILBERNAGEL Greg M * WRD <Greg.M.Silbernagel@oregon.gov>
To: Carol Johnson <carol.johnson@umatillacounty.net>

Wed, Mar 20, 2019 at 4:36 PM

Carol,

I would like the planning department to know that I met with Mr. Skinner on several occasions regarding Subdivision Request #S-056-19. I appreciated his willingness to find solutions before submitting his proposal. For the record, this is what we discussed;

Mr. Skinner and I discussed his irrigation rights on the existing property. He wanted to ensure that the proposed tax lots had access to the authorized Point of Diversion (POD) from McKay Creek. The solution was to add utility easements from this POD to all of the proposed tax lots. This would prevent the new parcels from not being allowed legal access (land locked) to their share of the water right. Mr. Skinner has successfully fulfilled all of my recommendations as identified on the boundary map in the planning packet.

Regarding domestic water supplied from exempt use wells. Oregon Water Resources Department does not limit the number of houses that a well may serve. ORS 537.545 does limit exempt uses from wells for several reasons, including 15,000 gallons per day for domestic uses. Historic figures estimate that this amount is capable of supplying water to 18-20 houses for average daily uses. I believe Mr. Skinner is proposing three houses from an existing well which would fall under this exemption.

Thank you for the opportunity to review. I am available if the Planning Department has any questions regarding the water rights or exempt uses from groundwater.

Sincerely,

Greg Silbernagel - Watermaster, District 5

Oregon Water Resources Department

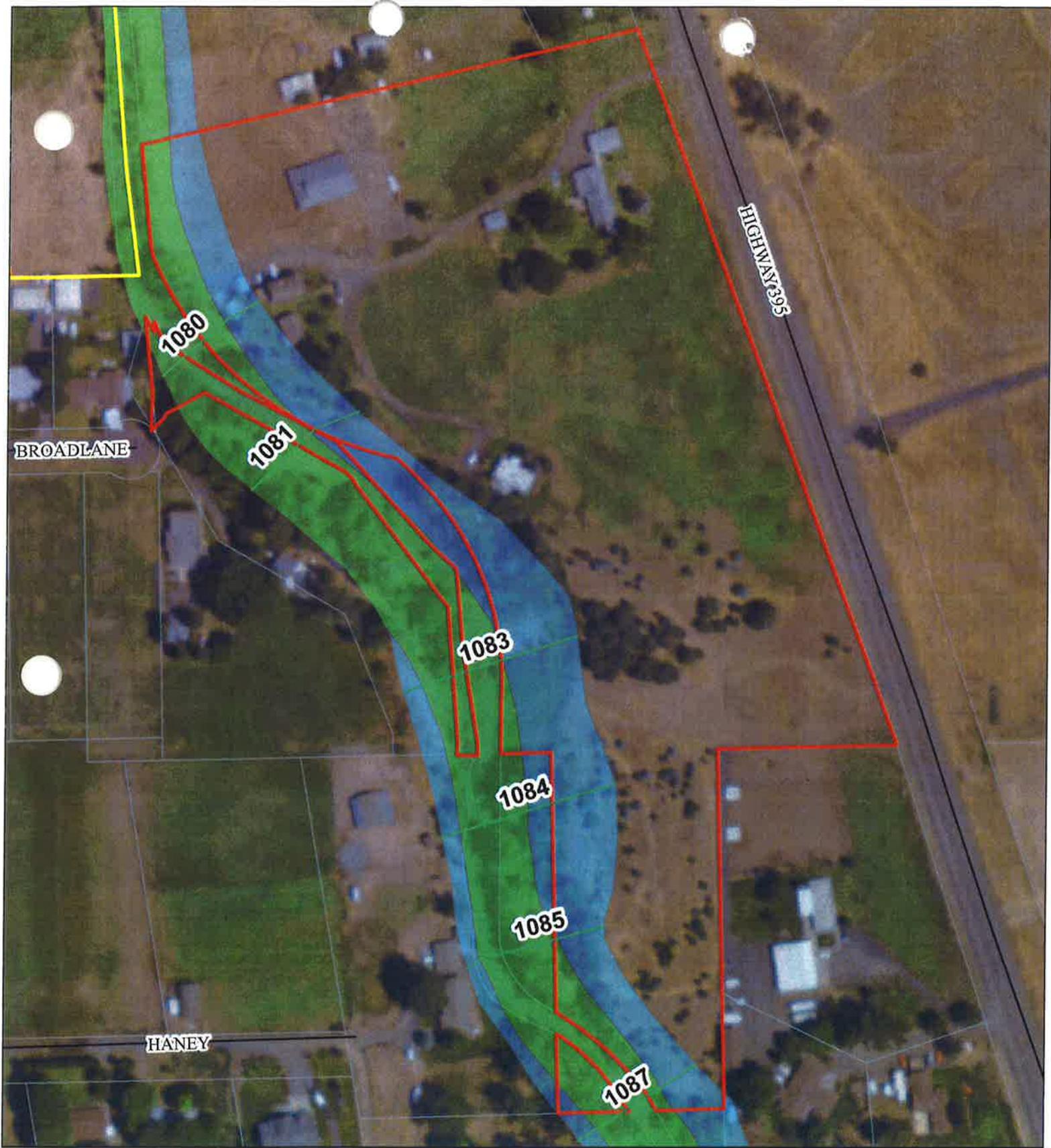
116 SE Dorion Ave.

Pendleton, OR 97801

(541) 278-5456



14



UMATILLA COUNTY FLOODPLAIN MAP

FIRM Panel 41059C1014G

- Legend**
- Base Flood Elevation
 - Urban Growth Boundary
 - City Limits
 - Subject Parcel
 - Floodway
 - A, No Base Flood Determined
 - AE, Base Flood Determined
 - AO, Shallow Flooding



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Map data should be used for reference purposes only. Not survey grade or for legal use. Created 2/8/2019

PANEL 1014G

FIRM

**FLOOD INSURANCE RATE MAP
UMATILLA COUNTY,
OREGON
AND INCORPORATED AREAS**

PANEL 1014 OF 2350

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
PENDLETON, CITY OF	410211	1014	G
UMATILLA COUNTY	410204	1014	G

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

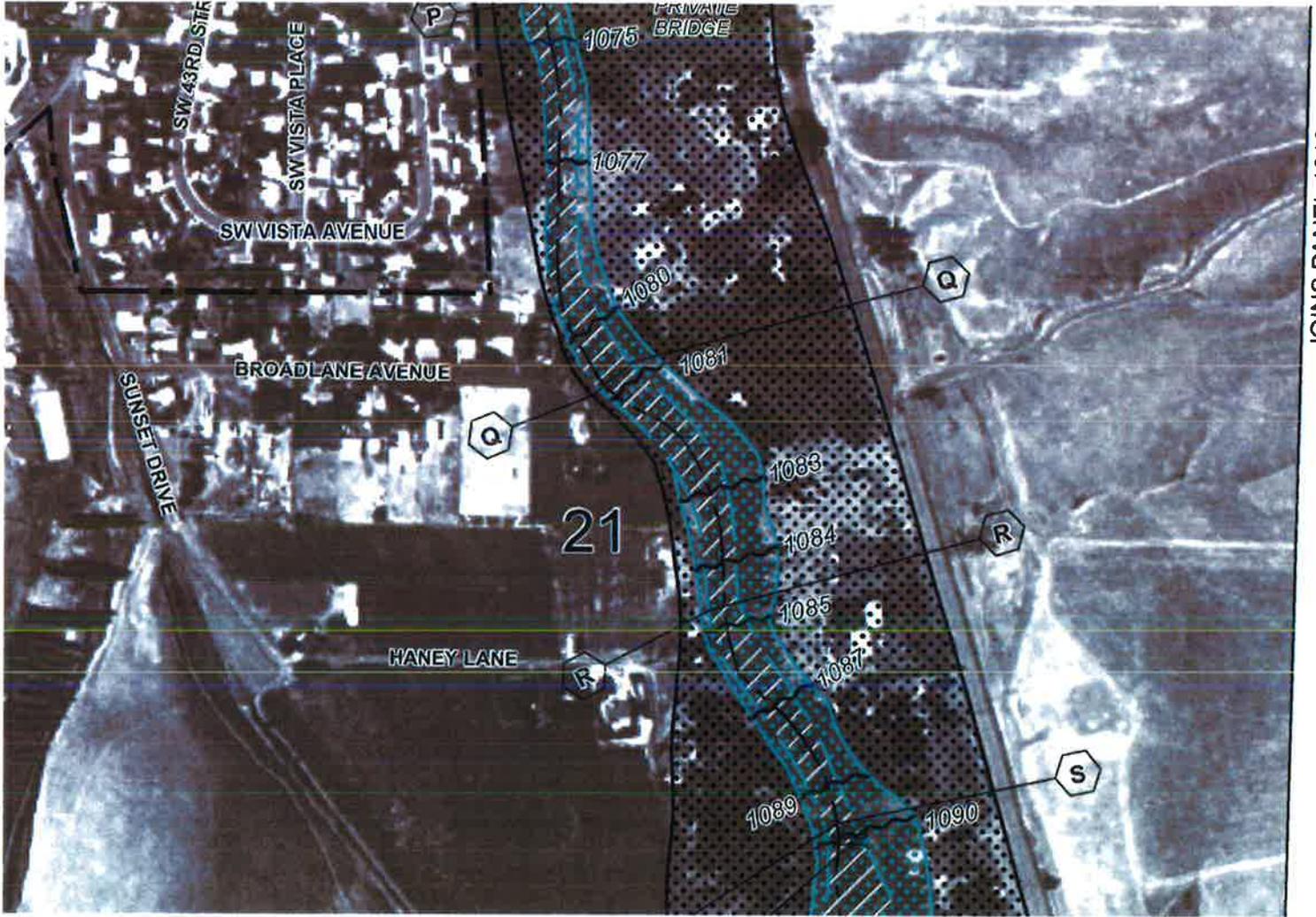


**MAP NUMBER
41059C1014G**

**EFFECTIVE DATE
SEPTEMBER 3, 2010**

Federal Emergency Management Agency

16



JOINS PANEL 1018

17

LEGEND



SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.



FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



OTHER FLOOD AREAS

- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.



OTHER AREAS

- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.



COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS



OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



1% Annual Chance Floodplain Boundary



0.2% Annual Chance Floodplain Boundary



Floodway boundary



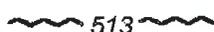
Zone D boundary



CBRS and OPA boundary



Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.



Base Flood Elevation line and value; elevation in feet*

(EL 987)

Base Flood Elevation value where uniform within zone; elevation in feet*

18



Carol Johnson <carol.johnson@umatillacounty.net>

Fwd: Subdivision Request #S-056-09 Jeff Skinner

Robert Waldher <robert.waldher@umatillacounty.net>
To: Carol Johnson <carol.johnson@umatillacounty.net>

Fri, Mar 15, 2019 at 9:01 AM

----- Forwarded message -----
From: **Kristen Tiede** <KristenTiede@ctuir.org>
Date: Thu, Mar 14, 2019 at 9:43 AM
Subject: Subdivision Request #S-056-09 Jeff Skinner
To: Robert Waldher <robert.waldher@umatillacounty.net>

Dear Mr. Waldher,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the Notice of Public Hearing regarding Subdivision Request #S-056-19. Due to the location of the proposed subdivision near a CTUIR travel corridor and the lack of survey on the proposed parcel, the CRPP recommends conducting pedestrian survey and subsurface testing prior to the start of construction in areas of proposed ground disturbance. Please let me know if there are any questions or concerns.

Thank you,

Kristen Tiede
Archaeologist
Cultural Resources Protection Program
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way, Pendleton, OR 97801
Direct Line/Fax: (541) 429-7206
Main Office: (541) 276-3447
KristenTiede@ctuir.org



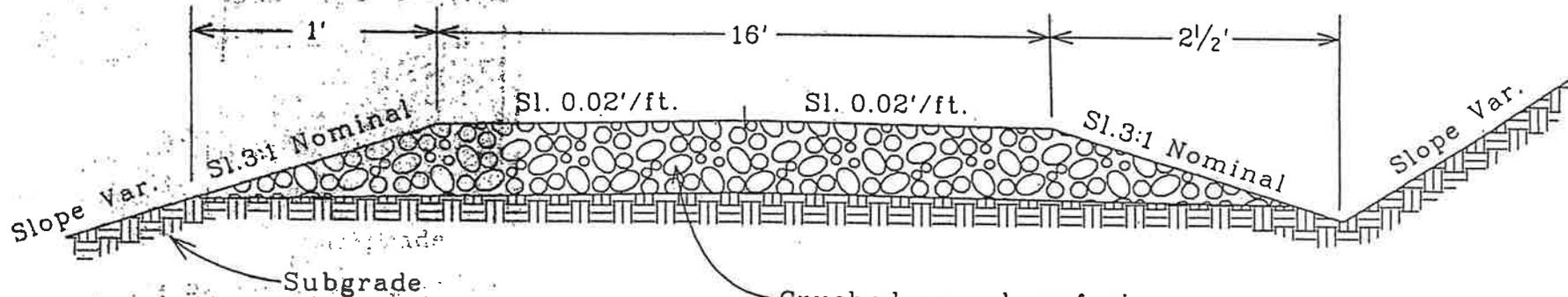
19

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

"P-1"

(Land Partition)

To be used in cases where additional Partitioning or development is not anticipated and access is to 3 or fewer parcels.



Crushed gravel surfacing
Nominal compacted thickness 4"
(size and grading requirements
to conform to current Oregon
Department of Transportation
Specifications).

- * Note: If Partition is within a City Urban Growth Boundary, City Standards should apply.
- * Culvert pipes to be installed in locations determined by the Director of Public Works. Materials & workmanship shall conform to current ODOT Standard Specifications
- * All other construction details and specifications to conform to current ODOT Standard Specifications and to be approved by the Director of Public Works.
- * Any changes to surfacing width or depths or variance from current Oregon Department of Transportation Standard Specifications must be approved by the Director of Public Works.

Umatilla Co. Rd. Dept.

"P-1"

Drawn By: JG

Checked By: GR

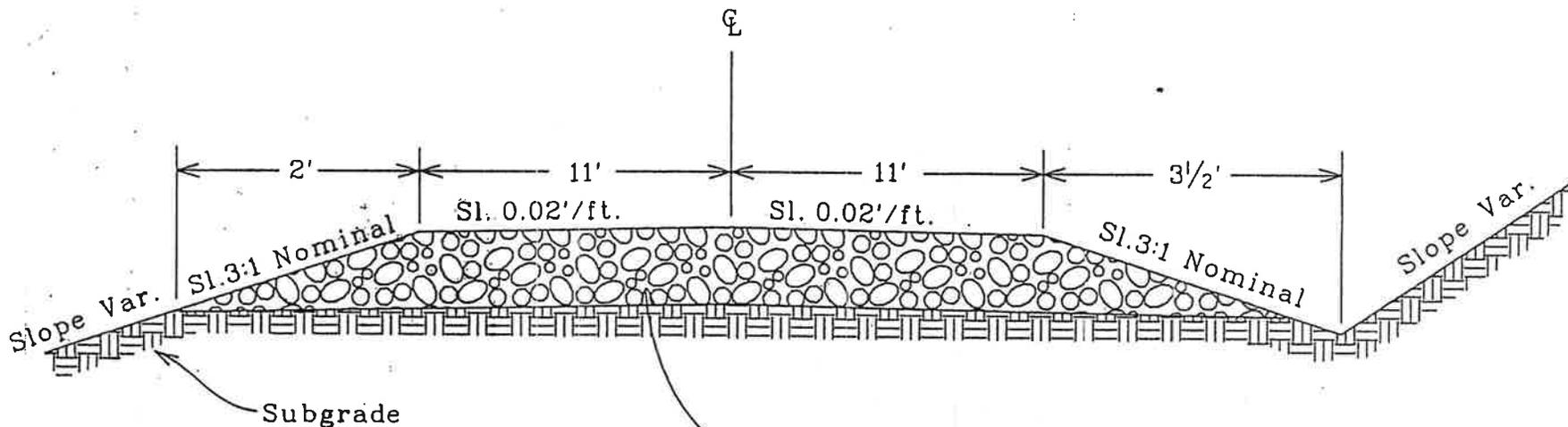
Date: July 1997

Road Standard

21

"P-2" (Land Partition)

To be used in cases where future partitioning or development is anticipated.



- * Note: If Partition is within a City Urban Growth Boundary, City Standards should apply.
- * Culvert pipes to be installed in locations determined by the Director of Public Works. Materials & workmanship shall conform to current ODOT Standard Specifications
- * All other construction details and specifications to conform to current ODOT Standard Specifications and to be approved by the Director of Public Works.
- * Any changes to surfacing width or depths or variance from current Oregon Department of Transportation Standard Specifications must be approved by the Director of Public Works.

Crushed gravel surfacing
Nominal compacted thickness 8"
(size and grading requirements
to conform to current Oregon
Department of Transportation
Specifications).

Umatilla Co. Rd. Dept.

"P-2"

Drawn By: JG Check By: GR

Date: July 1997 Road Standard

DRAFT MINUTES

Continued Hearing:

COUNTY TEXT AMENDMENT #T-19-078, PLAN AMENDMENT #P-122-19, & ZONING MAP AMENDMENT #Z-313-19

Co-adopt City of Stanfield Urban Growth Boundary (UGB) Adjustment.
City of Stanfield, Applicant

New Hearing:

PLAN AMENDMENT #P-123-19

Amend the Exception for Local Access Improvements set forth in Umatilla County Ordinance 2003-09. TA Operating, LLC, Applicant

New Hearing:

UMATILLA COUNTY DEVELOPMENT CODE UPDATES, #T-19-079

PLANNING COMMISSION HEARING

February 28, 2019

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, February 28, 2019, 6:30 p.m.
Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR

** ** ** **

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Gary Rhinhart, Vice Chair, Hoot Royer, Jon Salter
(**Attended via Phone**) Molly Tucker Hasenbank, Tami Green

ABSENT: Tammie Williams, Cecil Thorne, Don Wysocki

STAFF: Bob Waldher, Planning Director; Carol Johnson, Senior Planner; Doug Olsen, County Counselor; Elizabeth Ridley, Planner/GIS; Tierney Dutcher, Administrative Assistant

** ** **

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

CALL TO ORDER

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

CONTINUED HEARING

COUNTY TEXT AMENDMENT #T-19-078, PLAN AMENDMENT #P-122-19, & ZONING MAP AMENDMENT #Z-313-19, to Co-adopt City of Stanfield Urban Growth Boundary (UGB) Adjustment.

The City of Stanfield requests the County co-adopt a proposed change to the city’s UGB that would remove 110 acres of industrial land and 28 acres of open space from within the UGB and replace it with 110 acres of land to be rezoned from Exclusive Farm Use (EFU) to City Industrial, and annexed into the City. The criteria of approval are found in Umatilla County Development Code 152.750-152.755 and the Joint Management Agreement between the City and County.

STAFF REPORT

Robert Waldher, Planning Director, stated that this is a continued hearing due to weather conditions on February 13th, 2019. We had scheduled a joint hearing with the City of Stanfield Planning Commission. The City of Stanfield requests that the County co-adopt a proposed change to the City’s UGB. The change would remove land from the UGB located along the west boundary of the City’s UGB. Mr. Waldher projected a map (included in Commissioner’s packets) to demonstrate that the request includes adding an equal amount of land to the UGB from the southeast side of the City. Mr. Waldher stated that the proposal will remove 110 acres of industrial land and 28 acres of open space from within the UGB and replace it with 110 acres of land to be rezoned from EFU to City Industrial, and annexed into the City.

Mr. Waldher stated that the UGB amendment is requested to support efforts to make the City Industrial Zone property more attractive to industrial site selectors and the industries they represent. Additionally, they will provide the City of Stanfield with large industrial parcels that are located closer to city utilities and ready for development. As part of the Joint Management Agreement (JMA) with

the City of Stanfield, the Planning Commission is asked to make a recommendation to the Board of County Commissioners (BCC) on co-adoption of the changes.

Mr. Walder stated that Mr. Blair Larson, Stanfield City Manager, was unable to attend this hearing this evening. However, Mr. Waldher attended the City's Planning Commission hearing on February 13th, 2019 where they unanimously voted to make a recommendation to the City Council to approve the co-adoption. There was no opposition the request at the hearing and the public participation period has ended. The co-adoption request will go for a second reading on March 5th, 2019.

Commissioner Rhinhart asked if the State of Oregon has minimum requirements for designated open space in the UGB. Mr. Waldher stated that he is not sure about state requirements for open space. He explained that the land received an open space designation because it is not suitable for any development. Commissioner Rhinhart asked if the parcels that will be added to the UGB have irrigation. Mr. Waldher stated that they do not have any record of the property having water rights. He added that when proposals like this are brought before the State they are expected to include information showing that the property being added and the property being removed have similar soil types. These properties have similar soils and they are not high-value.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none.

TESTIMONY

Support Testimony: Arthur Prior, 32327 Oregon Trail Rd., Echo, Oregon. Mr. Prior stated that he is the owner of Windblown Ranch and would like to add his support of the change. Commissioner Rhinhart asked if he initially approached the City with this request, or if the City initiated this UGB change. Mr. Prior stated that he has had communication with Stanfield City Manager, Blair Larson for the past 6 years regarding this request. He said the City of Stanfield brainstormed and came up with this plan and he feels it would be a benefit to him.

Public Agencies: No additional comments.

Chair Danforth closed the hearing for deliberation

DELIBERATION & DECISION

Commissioner Rhinhart made a motion to recommend approval to the Board of Commissioners for Umatilla County Text Amendment #T-19-078, Plan Amendment #P-122-19 and Zoning Map Amendment #Z-313-19 to co-adopt the City of Stanfield UGB Amendment. Commissioner Salter seconded the motion. Motion passed with a vote of 6:0.

NEW HEARING

PLAN AMENDMENT #P-123-19, to amend the Exception for Local Access Improvements set forth in Umatilla County Ordinance 2003-09, which Ordinance is a part of the County's Transportation System Plan.

The applicant, TA Operating, LLC, requests to amend County Ordinance 2003-09 and the Umatilla County Transportation System Plan, consistent with the Land Use Board of Appeals' opinion on Space Age Fuel. The proposed amendment addresses concerns found in Express and Space Age Fuels v. Umatilla County, 54 Or LUBA 571,597 (2007) and Space Age Fuel, Inc. v. Umatilla County, 72 Or LUBA 92, 100-01 (2015). The criteria of approval for amendments are found in Umatilla County Development Code (UCDC) 152.750-152.755.

Chair Danforth read the Opening Statement and called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none.

STAFF REPORT

Robert Waldher, Planning Director, stated that the Applicant, TA Operating LLC, requests to amend County Ordinance 2003-09 in the Umatilla County Transportation System Plan (TSP). The travel center was approved in 2006 for the property located at the northwest intersection of Westland Road and Interstate 84. Subsequently, the Planning Commission approved the request on January 31, 2006. The decision was appealed to the BCC, but the Board ultimately approved the development subject to conditions that Petro sign a Development Agreement obligating Petro to mitigate traffic impacts on nearby intersections. Space Age Fuel submitted an appeal for the Conditional Use Permit to the State of Oregon Land Use Board of Appeals (LUBA). The case was remanded back to the County because it was determined that a Development Agreement must be approved before the new access management standards of Ordinance 2003-09 become effective. After LUBA's determination, the BCC approved a Development Agreement consistent with LUBA's opinion. Space Age Fuel appealed this decision again, arguing that the Development Agreement proposed a different alignment of Northwest Livestock Road from that shown in Ordinance 2003-09. On September 1, 2015 LUBA remanded the Development Agreement to the BCC with orders to make findings addressing UCDC 152.753(B)(1) and the Development Agreement's consistency with Ordinance 2003-09.

Mr. Waldher referred to the Future Local Roads Configuration map on page 17 of the Commissioner Packets and explained that Livestock Road is proposed to be realigned. The intersection of Livestock and Westland Road would be used as the truck entrance for the truck stop.

Mr. Waldher stated that Staff recommendation is to approve the proposed amendment to Ordinance 2003-09 because it appears to be applicable with land use law. Additionally, the amendment is necessary to resolve LUBA's remand. The Planning Commission is tasked with making a recommendation to the BCC regarding amendment of Text Ordinance 2003-09 including findings supporting an amendment to Umatilla County's TSP and adopt a new map.

Commissioner Rhinhart stated that he believes there will be push back from land owners in attempting to realign Livestock Road. Mr. Waldher stated that he has consulted with the Umatilla County Public Works Director, Tom Fellows, and he supports the amendment. Livestock Road will be improved and the intersection will be moved further away from the interchange coming off of Interstate 84 which will help avoid stacking of vehicles at that location. Commissioner Rhinhart asked if these changes will have an effect on Lamb Road, to the north. Mr. Waldher stated that he is not aware of any change that will be made to Lamb Road. County Counselor, Doug Olsen, stated that when this development was originally proposed in 2006 there was not much development to the north and there was concern about the Lamb Road intersection. Today, that has changed and there is a lot more development in the area so some of the decisions made at that time are no longer applicable.

TESTIMONY

Applicant Testimony: Garrett Stephenson, Attorney, Schwabe, Williamson & Wyatt, 1211 SW 5th Avenue, Suite #1900, Portland, Oregon. Mr. Stephenson stated that he is an attorney representing TA Operating, LLC. He stated that there are two LUBA remands to address in this request. As the development needs in the area have changed over time the maps no longer match up. He stated that this amendment will benefit the County because it will force an update to the County TSP and therefore, better reflect what exists at the location today.

Mr. Stephenson stated that the goal for the hearing tonight is not to resolve the LUBA remands. The applicant will appear before the Planning Commission at a later date with a site plan and remand application. LUBA requires that the map and Text Ordinance 2003-09 be amended in order for the project to be approved. Approval of this request will allow for TA Operating to move forward in the LUBA process.

Support Testimony: Chris Brehner, Engineer, Kittelson & Associates, Inc., 851 SW 6th Avenue, Suite #600, Portland, Oregon. Mr. Brehner stated that he has been assisting with the transportation side of the request. He believes that the decision to change the map and allow for the realignment of Livestock Road up to the new connection is something the County should pursue regardless of the TA Operating project. The new alignment will allow vehicles to move in and out of the area in a safer way.

Neutral Testimony: Jayne and Terry Clarke, 1325 NW Horn Avenue, Pendleton, Oregon. Mr. Rhinhart stated that he is neutral on this issue. Mr. Clarke stated that they represent JJJ Enterprises, LLC, an adjacent property owner, as well as Pioneer Asphalt, Inc., which uses NW Livestock Road. His biggest concern is how this may impact his business. He stated that the realignment of NW Livestock Road will add a quarter mile to the haul off their property. In the spring and fall months they make approximately 200-300 trips daily so this will create an additional expense. They are willing to look past the additional expense associated with the change but they don't want to bear the cost in improving NW Livestock road. He believes the financial burden should be put on the developer. Mr. Olsen stated that there has been no mention of surrounding property owners being involved with improvement of the road. Mr. Clarke asked for some reassurance that he will not be responsible. Mr.

Olsen stated that there has been no mention of moving toward creating a Local Improvement District. He added that if they do in the future it would be required to go to public hearing and the Clarkes would have an opportunity to express opposition at that time.

Applicant Rebuttal: Garrett Stephenson, Attorney, Schwabe, Williamson & Wyatt, 1211 SW 5th Avenue, Suite #1900, Portland, Oregon. Mr. Stephenson stated that he understands the Clarke's concern, but does not believe this map change will change the funding structure. He stated that the funding will be embodied in the requirement for the Development Agreement. Additionally, he believes the Development Agreement previously adopted by the County is more like this new map in terms of requirements for TA Operating.

Public Agencies: No additional comments.

Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Chair Danforth stated that she feels this request is somewhat of a LUBA housekeeping issue before handling the matter of the LUBA decisions. She believes the goal is to get all parties on the same page and using the same map. She stated that she is happy the Clarkes have come to make their concerns known. Commissioners Tucker Hasenbank and Green both agreed it was good that the Clarkes were able to attend the hearing and express their opinion. Commissioner Rhinhart moved to recommend approval of Umatilla County Plan Amendment #P-123-19, to amend the Exception for Local Access Improvements set forth in Umatilla County Ordinance 2003-09, to the Board of County Commissioners. Commissioner Royer seconded the motion. Motion passed with a vote of 6:0.

NEW HEARING

UMATILLA COUNTY DEVELOPMENT CODE UPDATES, TEXT AMENDMENT #T-19-079.

1. Update Chapter Title UCDC Section 152.001
2. Update and Add to Definition Section 152.003
3. Clarify Statutory Provision Chapter Citing Section 152.004
4. Clarify Fence Section 152.019
5. Add Barnhart IAMP to Section 152.019
6. Update Dimensional Standards Section 152.119
7. Clarify Rural Residential Limitations for poultry Sections 152.133(B), 152.158(B), 152.163(B) and 152.338(B)
8. Update Rural Residential Height Limitations Sections 152.134 (C)(2), 152.159(C)(2), 152.164(C)(2) and 152.339(C)(2)
9. Update Residential Forest Zones Sections 152.171, 152.216 and 152.231
10. Update AR Overlay Zone 152.486
11. Clarify Subdivision and Land Partition Replats Section 152.695

12. Clarify Classification of Land Division Types Section 152.643
13. Update Required Survey Section 152.644
14. Update Delegation of Authority for Land Divisions, Section 152.645
15. Update Land Division Types Section 152.646
16. Update Property Line Adjustment Procedure Section 152.724
17. Update Temporary Hardship Homes Section 152.576
18. Update Churches Conditional Use Section 152.617(K)
19. Renumber Road Standard Section 152.648
20. Remove Duplicate Variance Section in UCDC 152.651
21. Clarify Language for the Type I Land Division Section 152.665
22. Clarify Type I Land Division Tentative Plan Contents Section 152.666
23. Clarify Type I Land Division Approval Section 152.667
24. Clarify Type I Land Division Hearing Section UCDC 152.668
25. Update Type I Land Division Final Plat Section 152.699
26. Update Type II Land Division Standards Section 152.684
27. Update Type II Land Division Final Plat Section 152.686
28. Update Property Line Adjustment Standards Section 152.722
29. Update Property Line Adjustment Procedures upon Approval Section 152.724
30. Remove unused Type VI Land Division Sections 152.725 – 152.739
31. Relocate Corrections and Amendments to Plats to Section 152.725

Chair Danforth read the Opening Statement and called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none.

STAFF REPORT

Carol Johnson, Senior Planner, stated that while processing applications and reading through the Development Code staff sometimes comes across language that no longer makes sense for one reason or another. We note these changes and set them aside until we bring a group of them before the Board as a Text Amendment for approval. The purpose of this request is to update pieces of the Development Code in an ongoing effort to clarify the language and make it easier to interpret. The Planning Commission is tasked with making a recommendation to the Umatilla County Board of County Commissioners.

TESTIMONY

Public Agencies: Dave Krumbine, Umatilla County Surveyor submitted comments. Mrs. Johnson stated that the change Mr. Krumbine requested is located at the top of page 10 of the Proposed Code Updates document, update #11 (Clarify Replats for Subdivisions and Land Divisions; UCDC Section 152.695). He is requesting to add an additional sentence after the strikethrough text, before the part that states, “This subchapter is intended to implement the requirements of ORS 92.180 through 92.190.” For clarification purposes, Mr. Krumbine asked that we add a sentence stating, “A Replat

includes a change in an exterior boundary of a Subdivision or Partition Plat.” Additionally, on page 21, update #25 (Update Type I Land Division Final Plat; UCDC Section 152.669(A)(2)) and page 31, update #26 (Update Type II Land Division Standards; UCDC Section 152.684(B)(1)) of the Proposed Code Updates document, specifications for submitting the final subdivision or partition plat include, “...leaving a three inch binding edge”. Mr. Krumbine asked that this language be removed from both sections. The process has changed and the three inch binding edge is no longer necessary. Mrs. Johnson stated that the changes requested by the County Surveyor will be included in the final document sent to the Board for approval.

Commissioner Rhinhart asked if there are any Legislative changes included in this request. Mrs. Johnson replied no.

Chair Danforth asked for clarification about the language used on page 7, update #6 (Modify Dimensional Standards; UCDC Section 152.119(B)). She stated that buildings and dwellings are not the same. She pointed out the part that reads, “...except buildings may be constructed with two stories, not including a basement.” She suggested replacing the word *buildings* with the word *dwellings*.

Chair Danforth called attention to an error on page 23, update #26 (Update Type II Land Division Standards Section 152.684(F)(2), Clean Version (2)). The third sentence in the paragraph states, “Circle drives (cul-de-sac) are turnarounds shall be improved....” The word *are* should be changed to *and*. Mrs. Johnson made a note to correct this in the final document sent to the Board.

Chair Danforth asked for clarification on page 23, update #26 (Update Type II Land Division Standards Section 152.684(F)(3)) in the Clean Version of subsection (F)(3). The language states that, “A recorded easement providing access to four or more parcels, or that potentially will serve additional parcels or lots, or will be an extension of a future road plan, shall be required to meet the County Road Standards as provided in UCDC 152.648(D).” Chair Danforth asked how staff would determine if an easement might potentially serve other parcels. Mrs. Johnson stated that there have been challenges with access to properties after multiple land divisions are made over time. If we don’t plan ahead for potential development we may end up with a lack of substantial access to internal parcels, resulting in the inability for further development in the area. She added that this does not apply to EFU zoned parcels.

Chair Danforth called attention to an error on page 25, update #26 (Update Type II Land Division Standards Section 152.684(I)). The first sentence in the paragraph states, “The land division must considers energy conservation measures....” The word *considers* should be changed to *consider*. Mrs. Johnson made a note to correct this in the final document sent to the Board.

Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Rhinhart moved to recommend approval of Umatilla County Text Amendment #T-19-079, Umatilla County Development Code updates with additions from the County Surveyor and edits captured at the Planning Commission hearing, to the Board of County Commissioners. Commissioner Tucker-Hasenbank seconded the motion. Motion passed with a vote of 6:0.

MINUTES

Chair Danforth called for any corrections to the minutes from the January 24, 2019 meeting. Commissioner Salter stated that he was present, but not named in the *Commissioners Present* section. Tierney Dutcher, Administrative Assistant, stated that she would make that change in the final adopted minutes. Chair Danforth moved to approve the minutes as written. Motion carried by consensus.

ADJOURNMENT

Chair Danforth adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant