

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, January 23, 2025, 6:30pm**

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**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Sam Tucker, Vice Chair, John Standley, Malcolm Millar, Ann Minton and Andrew Morris

**COMMISSIONER**

**PRESENT VIA ZOOM:** Tami Green

**COMMISSIONERS**

**ABSENT:** Kim Gillet and Emery Gentry

**PLANNING STAFF:**

Megan Davchevski, Planning Manager, Tierney Cimmiyotti, Planner, Charlet Hotchkiss, Planner, and Shawna Van Sickle, Administrative Assistant

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

**CALL TO ORDER**

Chair Suni Danforth called the meeting to order at 6:32PM and read the Opening Statement.

**MINUTES**

Chair Danforth called for any corrections or additions to the December 19, 2024 meeting minutes. No additions nor corrections were noted.

Commissioner Morris moved to approve the draft minutes from the December 19, 2024 meeting minutes, as presented. Commissioner Standley seconded the motion. Motion carried by consensus.

**NEW HEARING**

**CO-ADOPTION OF CITY OF HERMISTON COMPREHENSIVE PLAN MAP AMENDMENT #P-138-24: DENNIS GISI, APPLICANT/ VICTORY LIGHTHOUSE CHURCH C/O DAVID M JOHNSON, LARRY J & FLORENCE R BANKSTON, AND 3 RIVERS-OREGON PROPERTY LLC, OWNERS.** The applicant requests the County co-adopt City Ordinance 2358 amending the comprehensive plan map from urbanizable to urban status for approximately 25 acres located on the north side of E Theater Lane. The City Council also adopted Ordinance 2359 annexing said property effective upon co-adoption of Ordinance 2358. The criteria of approval are found in Umatilla County Development Code 152.750 - 152.754 and the Joint Management Agreement between the City and County.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Chair Danforth called for the Staff Report.

### STAFF REPORT

Ms. Tierney Cimmiyotti, Planner, stated that on July 8, 2024, Hermiston City Council adopted Ordinance 2358, amending the Comprehensive Plan Map from “Urbanizable” to “Urban” for approximately 25 acres located on the north side of E Theater Lane. The City Council also adopted Ordinance 2359 annexing said property effective upon co-adoption of Ordinance 2358.

Ms. Cimmiyotti explained, the City of Hermiston Joint Management Agreement (JMA) Section E (10) requires Comprehensive Plan Amendments applicable in the Urban Growth Area to be processed by the City. The JMA requires amendments to be adopted by ordinance, first by the City, then to the County for co-adoption review. She stated the Hermiston City Council held a public hearing on July 8, 2024 and approved the plan map amendment and subsequently adopted Ordinances 2358 and 2359.

Ms. Cimmiyotti mentioned that this hearing before the Umatilla County Planning Commission is the County’s first evidentiary hearing for co-adoption. A subsequent Public Hearing before the Umatilla County Board of Commissioners was scheduled for Wednesday, March 5, 2025, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

Ms. Cimmiyotti concluded that the Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners for co-adoption of the Comprehensive Plan Map Amendment, changing the designation of the property from “Urbanizable” to “Urban” status. She demonstrated on the map which properties were a part of this application.

Commissioner Standley asked if there was any discussion regarding Umatilla County turning over a portion of Theater Lane to the City of Hermiston, which runs parallel to these properties. Ms. Cimmiyotti stated it was not something that accompanied this application. Mrs. Megan Davchevski stated as part of our JMA with the City of Hermiston; Umatilla County Public Road department works closely with each city and those parties would determine how they transfer ownership of roads. She added it would not be something that would come before the Planning Commission.

**Applicant Testimony:** Ms. Rebecca Wahlstrom, PBS Engineering Environmental, 1325 SE Tech Center Dr., Suite 140, Vancouver, WA. Ms. Rebecca Wahlstrom stated she had nothing to add at this time and appreciated the consideration and thoughtfulness.

Mr. Dennis Gisi, 761 Abbott Rd, Walla Walla, WA 99362; Mr. Dennis Gisi stated he was available to answer any questions from the Commissioners but had nothing to add at that time.

**Opponents:** None

**Public Agencies:** None

**Rebuttal Testimony:** Mr. Dennis Gisi, 761 Abbott Rd, Walla Walla, WA 99362; Mr. Gisi stated they hoped the Planning Commission agreed this is a great project for the City of Hermiston, who needs additional housing. He stated they think they are doing a great service by helping.

Chair Danforth called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Tucker made a motion to recommend approval of Co-Adoption of the City of Hermiston Comprehensive Plan Map Amendment #P-138-24 to the Board of County Commissioners.

Commissioner Minton seconded the motion. Motion carried with a vote of 7:0 recommending approval to the Board of County Commissioners.

Ms. Cimmiyotti stated that earlier in her memo she stated the original hearing before the Board of County Commissioners would be held on Wednesday, March 5<sup>th</sup>. She explained that hearing will be rescheduled to Wednesday, March 12<sup>th</sup> instead. She mentioned the meeting would be available virtually and to contact the Planning office to obtain more information.

### **NEW BUSINESS**

**TEXT AMENDMENT #T-097-24, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, SECTION 152.617(H) HOME OCCUPATIONS/COTTAGE INDUSTRIES IN THE EXCLUSIVE FARM USE ZONE.** The applicant, Jim Whitney, proposes text changes to the Umatilla County Development Code (UCDC) Section 152.617(H), to allow a resident to host commercial gatherings and weddings as Home Occupations in the Exclusive Farm Use Zone. The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Vice Chair Tucker stated he had been hired by the applicant and believed this presented a conflict of interest due to his professional relationship with the applicant. Chair Danforth asked again if any other conflicts may exist, none were presented.

Chair Danforth called for the Staff Report.

## STAFF REPORT

Mrs. Megan Davchevski, Planning Division Manager, started by introducing the application before the Planning Commission for this hearing. She stated, the applicant requested Umatilla County adopt a permit path and criteria for establishing commercial gatherings and weddings as a Home Occupation in the Exclusive Farm Use Zone. The County's current Home Occupation standards have a limitation of no more than 10 parking spaces, which currently limits the number of people that can be on site. She explained, the applicant requests to amend UCDC 152.617(H) to allow for a subsection of Home Occupations, which would be titled, "Host Commercial Gatherings and Weddings". The applicant has worked with County Planning Staff to develop language for criteria of approval. The proposed language includes statutory requirements, such as the limited number of employees, as well as other language specific to the proposed use.

Mrs. Davchevski stated, the criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755. Applicable Statewide Planning Goals 1-14 have also been evaluated. She added, this request is different than most the department has seen. It isn't specific to any one property. This request to change the County's Development Code would allow a new use that is currently not allowed through our permit process. She explained that anyone within Umatilla County in the EFU zone could apply for this new path, should it be adopted.

Mrs. Davchevski explained the normal public notice process goes out to properties within a certain vicinity; however, there were no neighbors to notify because this isn't for one specific property. She mentioned, staff had only notified the Department Land Conservation Development (DLCD), rural fire departments, Umatilla County Assessors and Umatilla County Public Health departments. She stated she did not receive comments from any agencies.

Mrs. Davchevski stated this hearing before the Umatilla County Planning Commission is the County's first evidentiary hearing. A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, March 12, 2025, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801. She noted this date is different than provided in the Public Notice, this is because the Board of Commissioners hearings in March were rescheduled.

Mrs. Davchevski stated the Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners for adopting the proposed text amendment to allow for commercial gatherings and weddings as a Home Occupation in the EFU Zone.

Mrs. Davchevski stated the hearing packet includes the preliminary findings of fact and conclusions of law which address the development code sections and statewide planning goals. As well as the proposed text to be added to the Umatilla County Development Code. She referenced page 11 and stated there is a note that describes how the text has been formatted in this section. Proposed text changes were shown in a "Mark Up" format, with the original text to be removed shown in strikethrough and added text provided in bold and underlined. Text shown in red is

entirely new criteria unique to the applicant's request and is shown for comparison. Mrs. Davchevski gave a few examples from the text to help Planning Commissioners understand the mark up and to show differentiation between changed information and newly added information.

Commissioner Morris referenced page 13, UCDC Section 152.617(H)(b)(15) and asked how the number for guests was determined for the four to ten acres in size would limit guests to no more than one-hundred. Mrs. Davchevski said she couldn't recall if that was language the applicant provided or not. She stated the applicant came up with some initial language they provided to our department and we provided feedback. Subsequent meetings resulted with the final language presented to the Planning Commission that evening. She explained that the thought process was if you have a more guests on a smaller property, it would be more impactful to neighbors. The idea was to set a limit the number of guests for smaller properties and a larger property could accommodate more guests thus raising the limit.

Commissioner Morris asked if there was consideration to make a step between the ranges on acreage, like a 4-7 acre and 7-10 acres categories. Mrs. Davchevski stated she would let the applicant address that, but from the County's Planning perspective we didn't want to overcomplicate this. She added, if this were to be adopted, it would have a large number of criteria that we don't currently have for any of our current Conditional Use Permit (CUP) applications. The only other section that has similar number of criteria is for establishing a wind energy farm. She expressed, that we were trying to make it less complicated by just having smaller version.

Commissioner Morris referenced page 12, UCDC Section 152.617(H)(b)(7) and asked about the criteria listing no more than five employees, either full-time or part-time, can be employed and whether this would apply to contracted employees. Mrs. Davchevski stated no more than five (5) employees could hired by the operators. In this case, if Mr. Whitney were to come in and apply, it would be employees that work for him. This restriction is in state statutes under home occupations. She added that home occupation is specific to the property owner operating the business and also living in the home on-site.

Mrs. Davchevski stated there are several current bills before the State Legislature that would allow for wedding venues in Exclusive Farm Use (EFU) zones and a local representative is sponsoring a few bills in the current session.

Commissioner Standley asked how many wedding venues are currently active in Umatilla County. Mrs. Davchevski asked if he meant permitted or unpermitted businesses/venues. She explained the County amended our Development Code in the past to restrict the number of parking spaces that could be approved under a home occupation. Prior to that there was no restriction. She added that a few applications for home occupations were approved to host weddings before we enacted that restriction, and since then none. She mentioned two came to mind, which are Winn Barn in Weston, and Bennett Gardens in Hermiston.

Commissioner Standley referenced page 13, UCDC Section 152.617(H)(b)(17) and stated he was happy to see an established hours of operation. He mentioned this was something he had seen in prior hearings and felt like it would address prior problems neighbors had with this type of home occupation.

Commissioner Morris asked about parking limitations and having a parking lot off site to provide transportation by shuttle to the venue. Mrs. Davchevski explained it would depend on where the parking lot was located. She explained that the County does not have any designated ride share, or park and ride, parking lots within the EFU zone.

Chair Danforth asked about UCDC Section 152.617(H)(b)(26), on page 14, “There are no more than 125 vehicles from guests and employees of the home occupation can be present at any given time of on the subject parcel.” Her question related to the maximum number of vehicles in relation to the maximum number of guests of 300 for ten acres or larger. Mrs. Davchevski stated this was to allow for couples or multiple attendees sharing a vehicle. She explained the number of vehicles was written specifically to eliminate the requirement for a Traffic Impact Analysis (TIA). The County’s Transportation System Plan (TSP) requires that if you have 250 trips or more (trip one was into the venue, and trip two was leaving the venue) the applicant would have to do a TIA at the time the Conditional Use Permit was approved. She added, this also creates less impact on County Roads.

Commissioner Standley asked about UCDC Section 152.617(H)(b)(34), on page 15, and who would be verifying compliance and managing inspections. Mrs. Davchevski shared the current annual review process for all home occupation and other CUP’s is completed by our Code Enforcement department. Permit holders would be sent a renewal application to ensure operation within their permit requirements, and confirm the need still exists. The Code Enforcement Officer would then complete a property check. Commissioner Morris asked about non-compliance and if someone fails to obtain proper permitting. Mrs. Davchevski stated it would be in Code Enforcement purview for non-compliance. At that point it would be the property owner working with Code Enforcement to rectify the violation and bring the property within compliance. She added that if they were not compliant then there might be fees imposed when/if they go to court.

Mrs. Davchevski ended by explaining this type of application is different than those we have received in the past. The application asks to add something less restrictive so a Measure 56 notice to property owners was not required.

**Applicant Testimony:** Mrs. Tamra Mabbott, consultant for the applicant, 80379 Zimmer Lane, Hermiston, OR 97838; Mr. Jim Whitney, 41095 Taylor Lane, Pendleton, OR 97801; Mrs. Nicole Whitney Chamberlin, 2355 Morada Lane, Ashland, OR 97520; Mr. Whitney started by sharing some information and history on the property that helped put this project into motion. He stated, the property is just outside Reith, an unincorporated city outside Pendleton. He mentioned the property has a history of supplying food to the old state psychiatric hospital, which is now a state

prison. He stated the site has great older buildings and wanted to highlight a way to use those buildings but still maintain their original charm. They came up with wedding events. He had also just completed a conservation easement with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), which makes up 960 acres within this property.

Mr. Whitney explained he reached out to Mrs. Mabbott and asked if she would consult and help them put this project together. The acreage not put in the easement was approximately 70 acres, which includes two large barns, homes, and various buildings on-site.

Mrs. Tamra Mabbott stated they've been working on this project approximately a year and a half. She stated Mr. Whitney and his daughter Mrs. Whitney Chamberlin vetted a number of options before settling on this idea. She explained they looked at considering a rezone or an Urban Growth Boundary (UGB) swap, but both were very long-term and an expensive process to achieve. Mrs. Whitney Chamberlin had expressed wanting to move back to the area and make use of the property for this project. Mrs. Mabbott explained that if this was approved, perhaps they could look at a UGB swap in the future.

Mr. Whitney asked about the five employee maximum, whether this was a State Statute or if it was a limitation per event. Mrs. Davchevski stated that was a state statute, and it includes people working on your payroll for weddings and events, which would include the Mr. Whitney, Mrs. Whitney Chamberlin and three other employees. She explained it would not include vendors you contract for the event to serve food or provide other services. She stated she was uncertain regarding volunteers and mentioned it might be something the Oregon Land Use Board of Appeals (LUBA) would have to decide, and this was something currently being looked at by State Legislature to clarify that language.

Mr. Whitney referenced UCDC Section 152.617(H)(b)(16), on page 13. He mentioned he doesn't want to build more homes but considered turning buildings into housing for the wedding party if it could be allowed. Mrs. Davchevski stated they couldn't turn existing non-housing structures into homes unless they met criteria to qualify under the EFU zone and doing so would be under a different CUP for establishing a room house or other lodging facilities.

Mr. Whitney asked about UCDC Section 152.617(H)(b)(18), on page 13, which talks about lighting and asked if the County would be open to modifying it to state not directly projecting into adjoining properties. Commissioner Standley reminded Mr. Whitney this would be a county-wide change and to be careful with adjusting language especially since some smaller adjoining properties might be affected more.

Mr. Whitney talked about UCDC Section 152.617(H)(b)(30), on page 15, regarding signing and recording a Covenant Not to Sue and who this applies to. Mrs. Davchevski explained that most uses we permit request a signed Covenant for the applicant to not sue their neighbors for their farming practices affecting their new use.

Commissioner Morris asked Mr. Whitney's opinion regarding UCDC Section 152.617(H)(b)(15), on page 13, and the limit of the number of people. Mr. Whitney stated he wouldn't be opposed to a larger attendee maximum for properties over a certain acreage, but only if it would be allowed within statute. Mrs. Davchevski stated there is nothing in statute, but several LUBA cases have been reviewed regarding home occupations that have been permitted as an agritourism event. LUBA doesn't specify what the maximum number would be, but they are clear on the maximum number of employees. She explained the number of attendees was based on the TIA and TSP.

Mrs. Davchevski stated the purpose of the meeting today was to make a recommendation to the Board of County Commissioners and if the Planning Commissions recommendation includes amended language, she would then update the DLCD portal and would share the recommended language before the County Commissioners.

Commissioner Minton agreed and stated she felt the attendee maximum of 300 for 10 acres was a nice starting point and doesn't draw a lot of attention. Chair Danforth also agreed 300 attendees was a safe number to make a workable plan. Mrs. Mabbott stated if the applicant does get this approved and subsequently the CUP approved, then they could look at doing a one-time mass gathering permit. Mrs. Davchevski confirmed that was possible and would be an allowance in the EFU zone, she referred to the Ukiah Rodeo who completes one each year for their event. Mrs. Whitney Chamberlin asked if there was a limit on how many you can do each year. Mrs. Davchevski stated there was a limit per year but couldn't remember what that number was. She stated there is a limit of guests associated with the event and goes before the Board of County Commissioners for approval.

Commissioner Standley asked at what point would your zoning be at risk, perhaps with the use change, could it be a future risk. Mrs. Mabbott clarified with staff that an approval of a home occupation doesn't justify a future rezone. Mrs. Davchevski and Ms. Charlet Hotchkiss agreed that this wouldn't affect their zoning. Mrs. Mabbott stated a farm can automatically qualify for farm deferral if they are zoned with intent to make a profit, and property owners would really have to mismanage the property to lose that. She explained Mr. Whitney is likely not profiting off the fishery easement with the CTUIR, but he is likely obtaining passive income because the property is contiguous to other properties he manages or leases for farm use.

Mrs. Mabbott also stated UCDC 152.617(H)(b)(16) would apply to new housing, which if the property owner wanted to share their home with the event holders like an Airbnb they could do so. She also thanked staff for including subsection (34) regarding annual reviews and fees assessed, because it was a better outcome then to initially receive only a four-year approval and would negate the need to reapply.

Chair Danforth thanked the applicants for their time and agreed it showed the thoroughness of the application and details regarding concerns of the operation. Commissioner Green stated she didn't



have any questions but was excited that the applicants are trying to do something with their property and believes it would be a wonderful idea.

**Opponents:** Ms. Susan Byrd, 45000 Hidaway Springs Rd, Ukiah, OR 97880; Ms. Byrd stated she wasn't super familiar with the process but believed this should be an individual project instead of county-wide. She expressed concern about significant impact of quality of life regarding 125 cars traveling two-ways with dust and noise. She added that if this were to go into effect at a nearby property without her permission, she would be very upset. She asked to rescind the larger scale project and limit it to only their particular property. Ms. Byrd mentioned this type of event would significantly impact those farmers when you are moving cattle or tractors down the road. She ended stating she would submit comments to the Commissioners.

Mrs. Davchevski clarified the process for this type of conditional use. She stated the applicant is requesting to add this as an allowable use, so that they can get the permit for their specific property and in order to do that it has to apply for the EFU zone across the entire county. She explained that the County can't designate certain areas this would be allowable in. Mrs. Davchevski expressed that if this language was approved and adopted by the Board of County Commissioners, there would be an individual Conditional Use Permit process that would follow. She added that an application would be submitted to our department and then it would go to public notice to nearby property owners to provide public comment or request a public hearing.

Commissioner Millar asked if these are handled individually, and Mrs. Davchevski confirmed that was correct.

**Public Agencies:** None

**Rebuttal Testimony:** Mrs. Tamra Mabbott, consultant for the applicant, 80379 Zimmer Lane, Hermiston, OR 97838; Mr. Jim Whitney, 41095 Taylor Lane, Pendleton, OR 97801; Mrs. Nicole Whitney Chamberlin, 2355 Morada Lane, Ashland, OR 97520; Mrs. Whitney Chamberlin asked how long the process would take and what happens next. Chair Danforth explained after the conclusion of that meeting it would go before the Board of County Commissioners to review and make the final decision. Mrs. Davchevski stated the Board of County Commissioners typically decide at the initial hearing unless they decide to continue the meeting, or a request was made for a continuance. She stated once approved it is immediately approved and so an application could be submitted for a CUP at that time, which typically is about a six to eight-week processing time.

Chair Danforth called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Chair Danforth closed the hearing for deliberation.

## **DELIBERATION & DECISION**

Commissioner Minton expressed joy to see this might be opening the door for people to apply for this type of use and it was good to hear and clarify some things she had questioned. Commissioner Morris mentioned he appreciated the work around that would allow for the larger event process. Chair Danforth stated she thought this could be a good thing to help century farms continue to thrive and gives them an avenue to gain income and continue to further these farms along.

Commissioner Standley made a motion to recommend approval of Text Amendment #T-097-24, Amendment of Umatilla County Develop Code, Section 152.617(H) Home Occupations/Cottage Industries in the Exclusive Farms Use Zone based on foregoing Findings of Fact and Conclusions of Law.

Commissioner Millar seconded the motion. Motion carried with a vote of 6:0 recommending approval to the Board of County Commissioners.

### **OTHER BUSINESS**

Commissioner Morris made a motion to elect Commissioner Suni Danforth as Chair, and Commissioner Sam Tucker to remain as Vice Chair until they have found a replacement for Commissioner Danforth since her term has ended.

Commissioner Standley seconded the motion. Motion passes with a vote of 7:0.

### **ADJOURNMENT**

Chair Danforth adjourned the meeting at 7:56PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

**Minutes adopted by Planning Commission on March 27, 2025.**