

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, March 25, 2021, 6:30 pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
Virtual meeting via Zoom

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COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Molly Tucker Hasenbank, Tammie Williams, Tami Green, Lyle Smith, Hoot Royer, Jon Salter & Cindy Timmons

ABSENT: (None)

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

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

CALL TO ORDER

Chair Danforth called the meeting to order at 6:39 pm and read the Opening Statement.

NEW HEARING

TYPE I LAND DIVISION, SUBDIVISION REQUEST #S-058-21: Ron McKinnis, Applicant/ Kenneth & Kimberly Gillet, Owners. The applicant requests approval to subdivide the property located on Assessor’s Map 5N 28 36C, Tax Lots 1000 and 1001. The applicant’s proposed subdivision will create nine lots of at least two acres in size. The land use standards applicable to the applicants’ request are found in Umatilla County Development Code (UCDC) 152.665, Type I Land Divisions.

STAFF REPORT

Megan Green, Planner II/ GIS, presented the staff report. Ms. Green noted a correction to the agenda and memo found in the planning packet materials. She explained that the map number is listed as 5N2836D, however the correct map number is 5N2836C. The map number is properly identified in the remainder of the packets.

Ms. Green stated that the applicant, Ron McKinnis, requests approval of a Subdivision, Type I Land Division, of Tax Lots 1000 and 1001 located on Map 5N 28 36C. Approval of the Kolby Acres Subdivision would result in nine subdivision lots of at least two acres in size. The property is located north of Punkin Center Road and west of Culp Lane, about one mile northeast of the Hermiston City Limits. Standards of Approval are found in UCDC Section 152.665, Type I Land Divisions. Standards for reviewing a Subdivision generally consist of complying with UCDC standards, Traffic Impact Analysis standards and subdivision plat requirements.

Notice of the applicant's request and public hearing was mailed on March 5, 2021 to the owners of properties located within 250 feet of the perimeter of Tax Lots 1000 and 1001. Notice was also published in the East Oregonian on March 13, 2021 notifying the public of the applicants request before the Planning Commission on March 25, 2021.

Ms. Green stated that this Subdivision request previously received approval in 2004 under request #S-046-04. Approval of the subdivision was not finalized by the applicant at that time, which is signified by the recording of a subdivision plat. She noted that the proposed subdivision layout is very similar to what was approved in 2004.

Ms. Green received two agency comments, which are included in the Planning Commission packets. Tom Fellows, County Public Works Director, provided an emailed response to the applicant regarding the proposed access points for the proposed private driveways from Culp Lane and the two proposed roads from Culp Lane. Mr. Fellows stated that a total of four access permits are required. Access Permit approvals are listed as precedent conditions 3, 4, 5 and 6.

Hermiston Irrigation District provided an informational comment, affirming that the properties do not contain water rights and confirmed the location and width of the irrigation easement. HID requested that the district's signature be obtained for the final subdivision plat. This requirement is stated as Precedent Condition #16.

Additionally, Williams Pipeline submitted an informational comment and Developer's Handbook via email to County Planning and the applicant. This email chain and the handbook were submitted to the Planning Commissioners at 4:30 pm today. Planning staff did not receive any further comments from agencies or property owners.

Ms. Green stated that the proposed Conditions of Approval address road improvement and access standards, including road naming and Irrevocable Consent Agreements (ICA) and the survey and recording requirements with final approval accomplished through the recording of the final subdivision plat. The decision made by the Planning Commission is final unless timely appealed to the Board of County Commissioners (BCC).

Commissioner Williams asked for more information about the comments provided by Williams Pipeline. Ms. Green stated that the applicant originally proposed a roadway to serve lots 5-8 which included plans for a driveway to cross the Williams Pipeline easement. Ms. Green suggested that the applicant reevaluate the access point and consult with Williams Pipeline. Williams Pipeline asked them to consider an alternative location for the driveway because if any work is required within the easement they will be forced to tear it up. As a result, the applicant decided to move the access and utility easement serving lot 8 further north to cross lots 3, 2, 8 and 9. The new configuration will grant access to lot 8 without constructing a driveway within the Williams Pipeline easement. Ms. Green stated that they also requested that no permit structures or large growth vegetation be placed in their right-of-way (ROW) and they expressed that they would only approve a fence to be erected along the edge of the easement following the

easement boundary of lots 4 & 8, not on the property line. Their main concern was the driveway serving lot 8, but that issue has been resolved.

Commissioner Wysocki asked for clarification about the comment provided by Hermiston Irrigation District (HID). He wanted to know more about who is required to sign off on the final subdivision plat. Ms. Green explained that the property does not have irrigation water rights but, because it is located within the jurisdiction of HID they requested that the final plat obtain the district's signature to indicate that their standards have been met. She added that HID has a buried pipeline easement that runs through lots 6 & 7.

Commissioner Wysocki asked for more information about the domestic water well. He wanted to know if the standard for the allowed amount of 15,000 gallons per day of household usage including irrigation of up to one-half acre of landscaping and lawn per well, means that a shared well will be limited to the same usage limitations. Ms. Green stated that she believes that to be true but the wells are regulated by the Oregon Water Resources Department (OWRD).

Planning Director, Bob Waldher, stated that water rights are frequently discussed when reviewing subdivisions for approval. He explained that Umatilla County contains four Groundwater Management Areas which are regulated by OWRD. He voiced understanding for the concerns but explained that OWRD has complete oversight regarding development of wells and Umatilla County does not have the authority to regulate or place additional limitations on wells.

Commissioner Wysocki asked what the standard is for livestock on the property. Ms. Green stated that the Rural Residential Zone (RR-2) allows for up to two large livestock animals per acre. Since the lots are 2 acres in size they will be allowed to have four large animals total, per lot.

Chair Danforth pointed out that Williams Pipeline requires all utilities to be installed underneath the two pipelines existing in the ROW and they indicated that this has been a problem for them in the past. She asked if we could add a Condition of Approval to guarantee compliance with this request. Director Waldher stated that it would be difficult to make it a Condition of Approval in the Findings because the county does not typically include the location of proposed utilities on the final subdivision plat. He added that new development crossing the ROW will require applicants to coordinate with Williams Pipeline to determine acceptable placement.

Chair Danforth noted that this application was previously approved in 2004 she asked for additional information regarding the history of this project, specifically what has happened between then and now. Ms. Green stated that in 2004 the application was approved but they didn't follow through with recording the subdivision plat before the deadline expired. Everything else has remained the same and the applicant is hoping to finalize the process through this request.

Applicant Testimony: Ron McKinnis, 79980 Prindle Loop Road, Hermiston, Oregon. Mr. McKinnis stated that he is the Surveyor on the project and represents the property owners. He wanted to respond to some of the concerns discussed earlier in the hearing. He reiterated that OWRD regulates both water rights and wells and pointed out that domestic wells are considered exempt. Chair Danforth asked for clarification because her understanding was that the properties within this proposed subdivision do not have water rights. Mr. McKinnis confirmed that is true.

Mr. McKinnis stated that there is existing utility service along Culp Lane and the north side of Punkin Center Road. He spoke with Umatilla Electric Coop (UEC) and said they plan to drop transformers on Punkin Center Road to serve lots 5-7. Lot 4 is already covered through an existing overhead utility line which they could extend to serve lot 8. Alternatively, they could bring in a new line through the new ROW on the north side of lot 3 to provide service to lots 2, 3, 8 & 9. He said they plan to install a transformer to come off the line along Culp Lane. As a result, UEC will not likely cross the ROW and if they do they will get the proper permits and work with Williams Pipeline to determine acceptable placement.

Chair Danforth asked how far away the subdivision development is from city water and sewer services. Mr. McKinnis said the nearest services are on the west side of 10th Street where they recently installed a new water tower on Punkin Center Road. The explained that the city has no plan to expand to the north or east at this time and annexation would be required before any property would be eligible to receive city services.

Commissioner Wysocki asked if they have access to the wells for fire suppression if water is needed in the vicinity. Mr. McKinnis said that is not typical because of the pump limitations. He believes the most logical location to access water for fire suppression would be the water tower on Punkin Center Road.

Opponent Testimony: No comments.

Public Agencies: No additional comments.

Chair Danforth closed the hearing for deliberation.

DELIBERATION

Commissioner Wysocki stated that he is concerned about noxious weeds developing on the non-irrigated portions of the subdivision properties. Director Waldher explained that we do not have a standard pertaining to weed control in our subdivision standards and weed control falls under the authority of the County Weed Superintendent. He stated that we do not have anything in our county ordinances to tie a condition to but they could choose to add a Condition of Approval applied to the Subdivision Covenants, Conditions & Restrictions (CC&R) including provisions for weed management according to Umatilla County's Weed Ordinance and the applicant would be required to provide a copy of the CC&R document to County Planning prior to recording the

final subdivision plat. Ms. Green suggested that she could amend Precedent Condition #18 which reads, “[P]rovide a draft copy of the Subdivision Covenants, Conditions & Restrictions to County Planning”, to add the provision regarding weed control. Chair Danforth agreed that would be a good solution.

Commissioner Wysocki made a motion to approve Type I Land Division, Subdivision Request #S-058-21, Ron McKinnis, Applicant, Kenneth & Kimberly Gillet, Owners with Precedent Condition #18 to include language requiring compliance with Country Weed Control Ordinances and to add two items to the hearing record; Exhibit 1, Williams Pipeline’s Developer’s Handbook and Exhibit 2, Eric Smull email comment. Commissioner Hasenbank seconded the motion. (Commissioner Smith was absent for the vote.) Motion passed with a vote of 8:0.

MINUTES

Chair Danforth called for any corrections or additions to the minutes from the February 25, 2021 meeting. Commissioner Hasenbank moved to approve the minutes as presented. Commissioner Royer seconded the motion. Motion carried by consensus.

OTHER BUSINESS

Director Waldher welcomed our new Planning Commissioner Cindy Timmons who is filling Gary Rinehart’s previous position. Ms. Timmons stated that she is from Milton Freewater and is pleased to serve on the Planning Commission.

Director Waldher announced that Commissioner Hasenbank is resigning from her position on the Planning Commission to serve as Municipal Court Judge in Milton Freewater. Sam Tucker will be filling Commissioner Hasenbank’s position on the Planning Commission. Chair Danforth congratulated Commissioner Hasenbank on her new role and thanked her for her service to the community.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:40 pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant

Minutes adopted by the Planning Commission on April 22, 2021