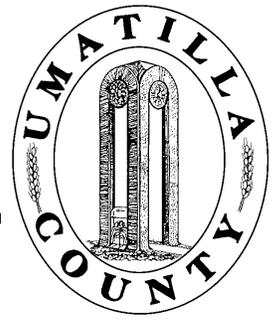


Umatilla County

Board of County Commissioners



BOARD OF COMMISSIONERS MEETING

Wednesday, July 15, 2020, 9AM

Umatilla County Courthouse, Room 130

A. Call to Order

B. Chair's Introductory Comments & Opening Statement

C. New Business:

TEXT AMENDMENT #T-20-082
ADOPTION OF REVISIONS TO
UMATILLA COUNTY DEVELOPMENT CODE

The proposed revisions relate to relaxing certain setback standards and landscape design standards for properties zoned Retail Service Commercial and Light Industrial, along the Highway 395 North corridor in unincorporated Umatilla County. Amendment procedures included in UCDC Sections 152.750-152.753.

D. Adjournment

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

TO: Umatilla County Board of Commissioners

FROM: Bob Waldher, Director

DATE: July 8, 2020

**RE: July 15, 2020 Board of County Commissioners Hearing
Text Amendment #T-20-082**

Background Information

In November 2019, Umatilla County completed amendments to the Umatilla County Development Code (UCDC) to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The 2019 text amendment applied to Commercial and Light Industrial zoned properties adjacent to the highway corridor (see attached maps of study area and zoning). Code revisions were based on an extensive public involvement process associated with the Highway 395 N Economic Development Project and a Transportation Growth Management (TGM) grant received from Oregon Department of Transportation and Department of Land Conservation and Development.

The main objectives of the Highway 395 North project have always been to improve the aesthetic and economic viability of the corridor. While the original intent of design standards seemed practical to meeting the goals of the TGM project, it wasn't until staff actually applied the design standards, did they realize that a few of the provisions were not very conducive to certain development along the corridor; especially automobile dealerships.

In February 2020, planning department staff met with a prospective developer for an automobile dealership who was finding difficulty meeting some of the new design standards; primarily the 30-foot maximum setback requirement from front lot lines, and the 15% landscape coverage requirement. Following the discussion with the prospective developer, planning department staff met with members of the Highway 395 North Technical Advisory Committee (TAC) to discuss the challenges faced by the developer. The TAC was supportive of county staff amending the standards to exempt automobile dealerships from the 30-foot maximum setback requirement to create an environment favorable to dealerships being able to display their new car inventory on an open-air sales lot.

Memo

BCC Public Hearing – July 15, 2020

Text Amendment T-10-082

The committee also recommended scaling-back the 15% landscape requirement for large sites. It was noted that the 15% landscape requirement seems to work well on a smaller one-acre site. However, 15% landscaping on a 10 acre site would require 1 ½ acres of irrigated landscaping and does not support water conservation in an arid environment and state-designated critical groundwater area. Furthermore, this would not be consistent with State Department of Water Resources regulations that limit exempt well use to ½ acre of irrigated landscaping. The TAC recommended adding a provision that the amount of irrigated landscaping shall not exceed one-half acre.

The Umatilla County Planning Commission reviewed the proposed text changes at a public hearing June 25, 2020 and recommended approval by the Board of Commissioners. In addition, planning commissioners recommended that planning staff explore a relaxation of setback standards for agricultural equipment sales. After further review, planning staff determined that agriculture equipment sales would fall under “other uses similar” to the list of uses allowed by the Light Industrial and Retail Service Commercial zones. Therefore, the agriculture equipment sales would be included in the relaxed standards by default.

The recommendations of the TAC, planning staff, and planning commission have been incorporated into the proposed text amendment which is included as an attachment. The proposed code amendments are indicated as follows: ~~strikeout~~ (text to be removed) and underline (text to be added).

Criteria of Approval

Amendment procedures are outlined in UCDC Sections 152.750-152.753.

Conclusion

The proposed amendments are presented to the Board of County Commissioners for their consideration and adoption.

Attachments

The following attachments have been included for review by the Planning Commission:

- Study Area and Zoning Map
- Proposed Code Amendment Text

Figure 1: Project Study Area

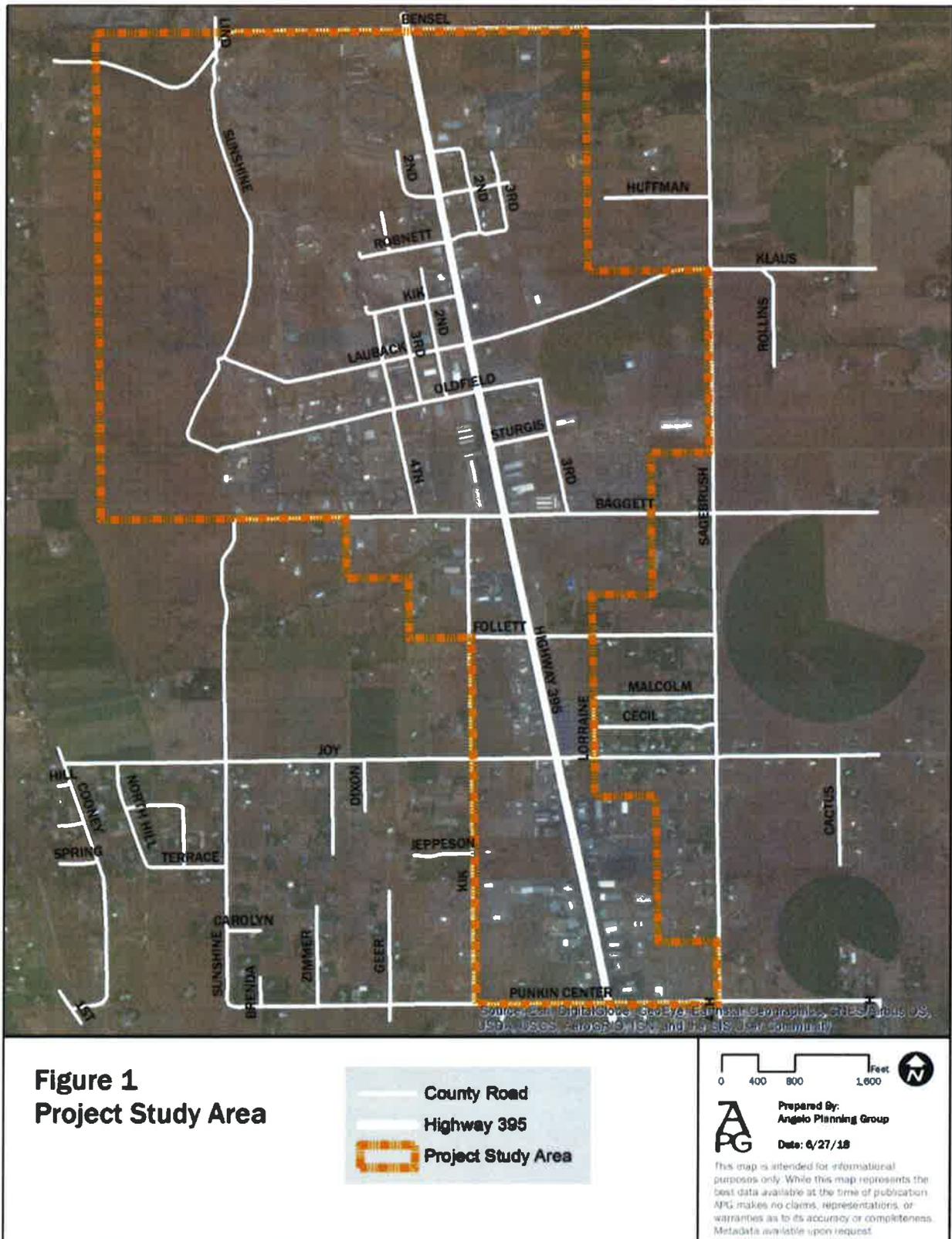
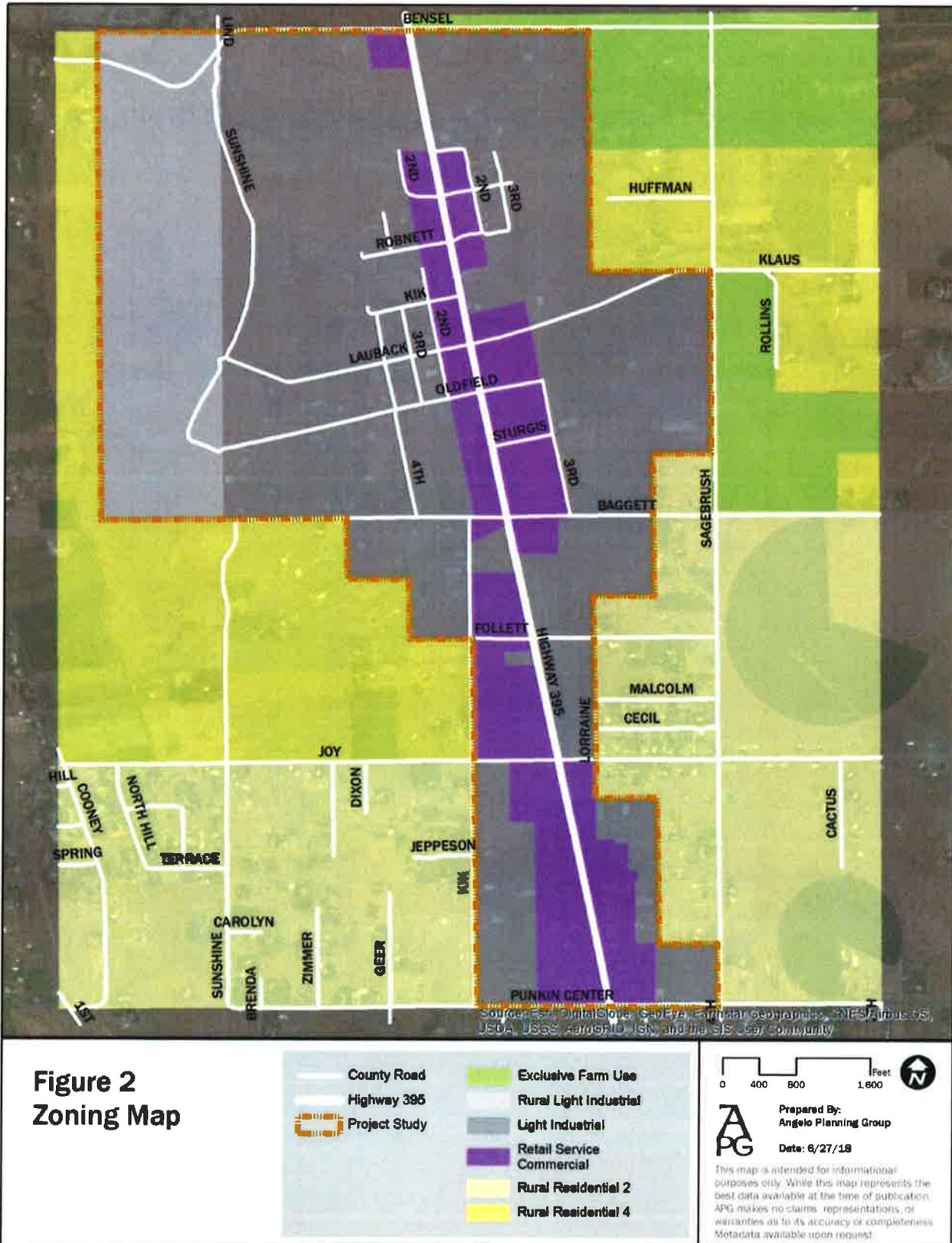


Figure 2. Zoning Map (Source: Evaluation of Existing Plans and Regulations Memo)



§ 152.250 DIMENSIONAL AND DESIGN STANDARDS.

In the RSC Zone, the following dimensional and design standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre.

(B) *Setback requirements.* The setback requirements shall be as follows:

(1) Front yard:

(a) Minimum Setback: ten feet,

(b) Maximum Setback: thirty feet. For expansions and additions, see § 152.249(C)(2) and Figure 152.250-1.

(c) Buildings related to automobile, truck or motorcycle sales lots are exempt from the maximum setback requirements when the front of the lot is used for automobile, truck or motorcycle merchandise display.

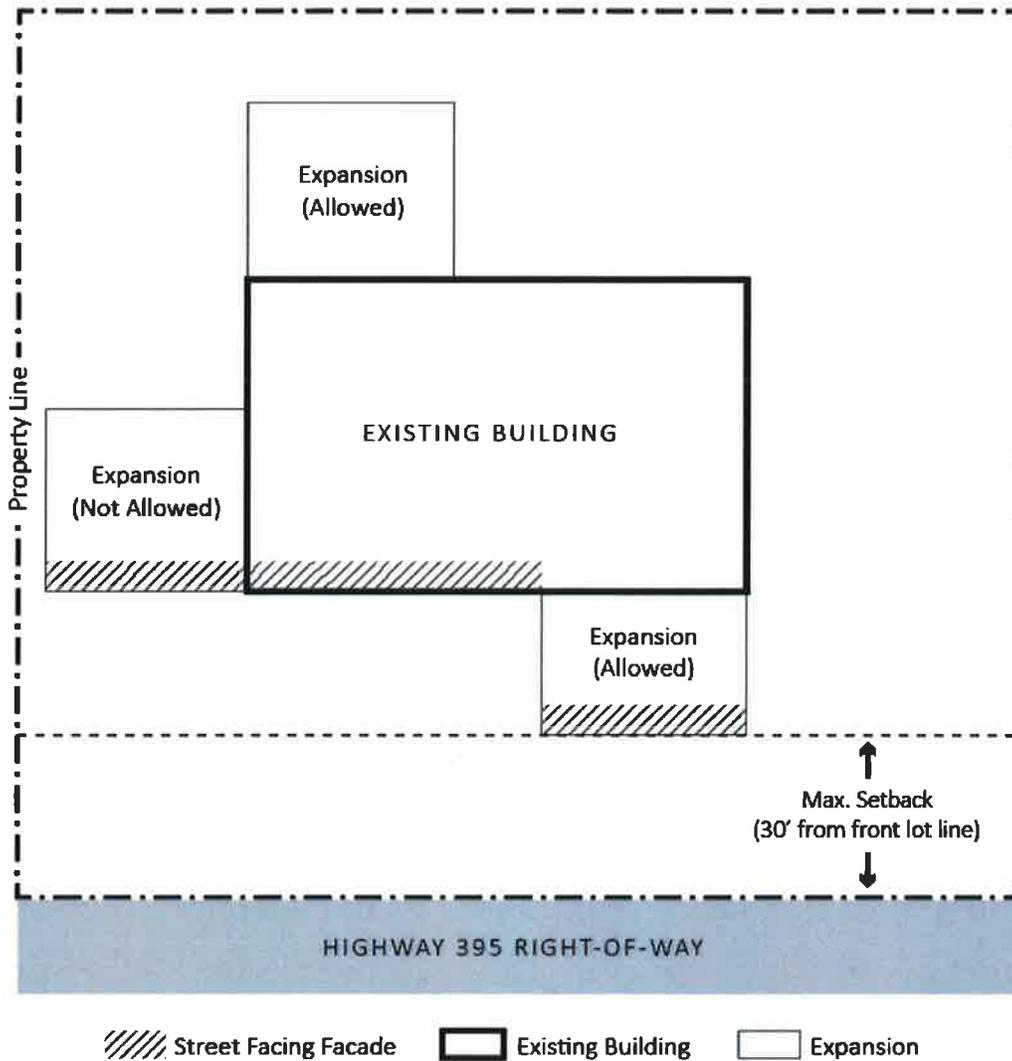
(2) Side yard: minimum of ten feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: minimum of twenty feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(5) Vision clearance standards, found in § 152.011, may require greater setbacks those in 152.250(C), pursuant to §152.005(B), which determines that the most restrictive provision shall apply.

Figure 152.250-1. Applicability of Maximum Setback Standard for Expansions or Additions to Existing Buildings



(D)(C) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

- (1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the streams, lakes or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

(D) *Window area.* Windows are required to make up a minimum area of any building façade that faces a public street.

(1) Applicability. Proposals that include one or more of the following are subject to the standards of this section, § 152.250(D):

(a) New construction of a building or structure.

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater. The standards of §152.250(D) only apply to the area of building expansion or addition.

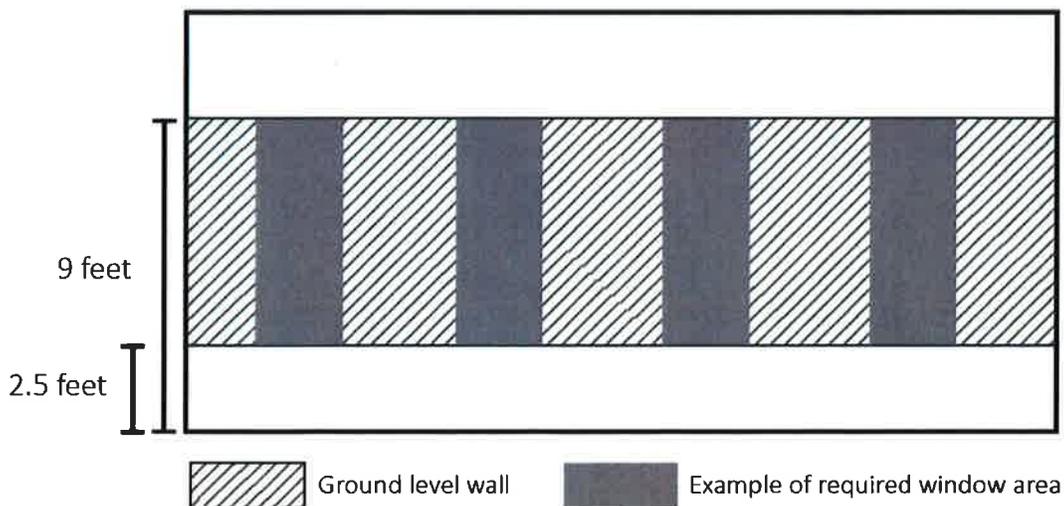
(c) Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding changes in color, that exceeds 15% of the area of the existing façade. The standards of § 152.250(D) only apply to the area of change in the building exterior.

(2) Minimum Area. Building facades facing a public street must have qualifying window features for at least 40 percent of the area of the ground level wall area (see Figure 152.250-2). Windows, display areas, and glass doorways are qualifying window features.

(3) Measurement. The ground level wall area is defined as the area above 30 inches and below 108 inches, as measured from finished grade.

(4) Transparency. Only ground floor window features that are clear or transparent are eligible to meet the minimum area requirement in § 152.250(D)(2).

Figure 152.250-2. Measurement of Ground Floor Window Area



(E) *Landscaping.*

(1) Applicability. Proposals that includes one or more of the following are subject to the standards of this section, § 152.250(E):

- (a) New construction of building or structure.
- (b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater.
- (c) Change in landscaping areas that exceeds 15% of the existing landscaping area.
- (d) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Minimum Site Landscape Area. At least 15 percent of the lot area must be landscaped according to the standards of this section. **Irrigated landscaping shall not exceed one-half acre.**

(3) Planting Standards. The following are the minimum planting requirements for required landscaped areas:

(a) Trees. One tree shall be provided for every 1,500 square feet of required landscaped area. If the calculation of the number of plantings results in a fraction of 0.5 or greater, the applicant shall round up to the next whole number. If the calculation of the number of plantings results in a fraction of 0.4 or less, the applicant shall round down to the next whole number. A minimum of 50 percent of the required trees must be planted within 30 feet of the front lot line, and located outside of the Clear Zone, pursuant to § 152.250(E)(3)(d). Evergreen trees shall have a minimum planting height of six feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting. ~~Tree species must be selected from the County's Approved Tree Species List or other tree species approved by the Planning Director.~~ **Meet the requirements identified in § 152.50(E)(5).**

(b) Shrubs. Shrubs shall be planted from at least two-gallon containers. Shrubs shall be spaced in order to provide the intended canopy cover within two years of planting.

(c) Ground Cover. Live ground cover consisting of low-height shrubs, perennials or ornamental grasses shall be planted in the portion of the landscaped area not occupied by trees or shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 50 percent of the required landscape area.

(d) All landscaping over two feet high, as measured from the ground level elevation, must be placed outside of the ODOT Highway Design Manual Clear Zone, pursuant to and as determined by ODOT.

(e) The Planning Director may allow credit toward the minimum site landscape area for existing landscape area that is retained in the development if the existing

landscape area meets the standard for minimum number of trees of subsection 2(a) and minimum area of live ground cover of subsection 2(c).

(4) Parking Lot Landscaping. In addition to the minimum site landscape area requirement, all parking areas with more than 20 spaces shall provide landscape islands that break up the parking area into rows of not more than 12 contiguous parking spaces. See example in Figure 152.250-3.

(a) Minimum Dimensions. Landscape islands shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

(b) Planting Standards. All landscape islands must be planted with one ~~tree selected from the County's Approved Tree Species List~~ **deciduous tree** ~~other trees species approved by the Planning Director~~, or landscaping materials identified in § 152.50(E)(3)(b) and (c). All other required parking lot landscape areas not including islands or not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of the area within each landscape island(s) is covered with living plants.

(5) Plant Selection and Maintenance.

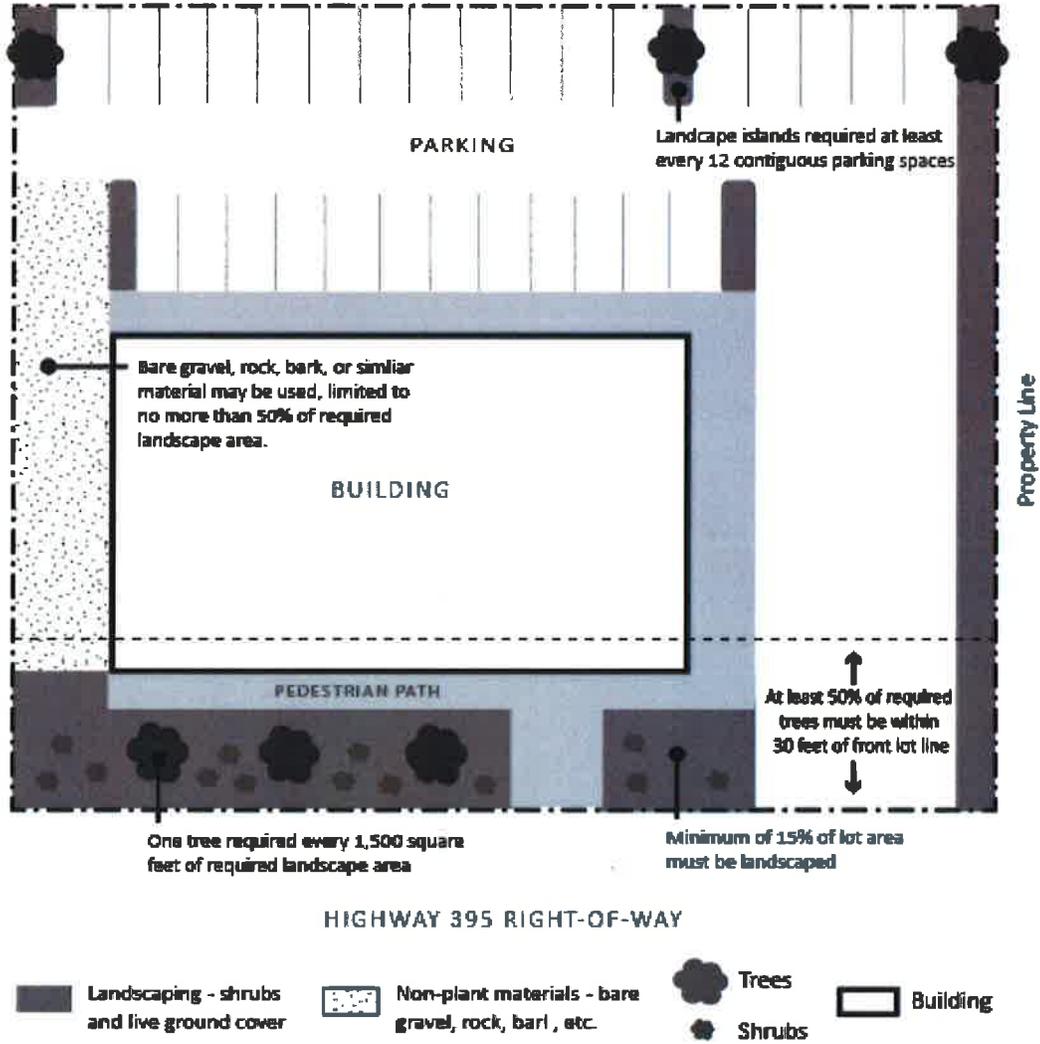
(a) Only plants that are appropriate to the local climate, exposure, and water availability will be eligible to meet the landscaping requirements. The availability of utilities and drainage conditions shall also be considered in the selection of planting materials.

(b) Plant species that require little or no irrigation once established (naturalized) are preferred over species that require irrigation. Expansive areas of turf are discouraged.

(c) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.

(d) Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.

Figure 152.250-3. Landscaping Requirements Example



DRAFT MINUTES

TEXT AMENDMENT #T-20-082

ADOPTION OF REVISIONS TO UMATILLA COUNTY DEVELOPMENT CODE

**PLANNING COMMISSION HEARING
June 25, 2020**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, June 25, 2020, 6:30 pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon

COMMISSIONERS

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

NEW HEARING

TYPE III LAND DIVISION, REPLAT REQUEST #LD-2N-201-20: DONALD & MARY MICHAEL, APPLICANTS/ OWNERS. The applicant requests approval to replat Lots 1 and 2, of Block 1 of the Pleasant Valley Subdivision Plat, Book 8, Page 33, Assessor’s Map 2N 32 34BA, Tax Lots 100 and 200. The applicant’s proposed replat reconfigures the lots’ shared property line. The Land Use standards applicable to the applicants’ request are found in Umatilla County Development Code (UCDC) 152.697(C), Type III Land Divisions. The Planning Commission’s decision is final unless timely appealed.

STAFF REPORT

Megan Green, Planner, stated that the applicant, Donald Michael, requests approval of a Replat (Type III Land Division) of Tax Lots 100 (Lot 1) and 200 (Lot 2) of Pleasant Valley Subdivision. Approval of the Michael Replat results in the reconfiguration of the shared property line, making Lots 1 and 2 run north-south rather than east-west. The Pleasant Valley Subdivision is located east of Highway 395 and south of McKay Drive, south of Pendleton and North of McKay Reservoir.

Ms. Green stated that the Standards of Approval are found in the UCDC Section 152.697(C), Type III Land Divisions. Standards for reviewing a Replat generally consist of complying with development standards and survey plat requirements. She added that the notice of the applicant’s request and the public hearing was mailed on June 5, 2020 to the owners of properties located within 250-feet of the perimeter of Lots 1 and 2. Notice was also published in the East Oregonian

on June 13, 2020 notifying the public of the applicants request before the Planning Commission on June 25, 2020.

Ms. Green pointed out that two easements are not shown accurately on the Preliminary Michael Replat. The first, located along a portion of the north boundary of Lot 1, is a 15 foot (ft.) wide irrigation easement for Marion Jack Irrigation. On the preliminary replat, this is shown as a 10 ft. wide easement. She stated that Marion Jack Irrigation District has expressed that they would like to keep the width at 15 feet.

Ms. Green explained that the second easement, a 15 ft. wide access easement, runs parallel to the westerly boundaries of Lots 1-8, Block 1 of Pleasant Valley. This easement benefits Lots 1-8 and is not shown on the preliminary survey. Numerous property owners were concerned that this easement would be going away with the approval of the Michael Replat. The concerned property owners submitted a letter for the record, and Ms. Green distributed the letter to the Planning Commission and added it to the record as Exhibit A. She stated that the easement was recorded in 1977 and can be found on Reel 23 Page 1379 at County Records.

Ms. Green concluded that the proposed Conditions of Approval address the survey and recording requirements. Final approval for the request will be accomplished when the applicant records the final survey plat. Additionally, the applicant must meet with Oregon Water Resources regarding a potential well sharing agreement between the two reconfigured lots. She added that the decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners (BCC).

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

TESTIMONY

Applicant Testimony: None; applicant was not in attendance.

Neutral Testimony: Colin White, 71626 SW Lake Drive, Pendleton, Oregon. Mr. White stated that he was concerned about the 15 ft. wide access easement which runs parallel to the westerly boundaries of Lots 1-8 of the Replat. Mr. White identified his property as tax lot 300, which is Lot 2 of the Pleasant Valley Subdivision. He stated that he uses the 15 ft. easement to access the rear of his property and has experienced issues in the past with people blocking the easement with vehicles. He stated that the Sheriff's Department was helpful in getting the vehicles removed.

Mr. White stated that he doesn't care what the Michael's do with their property next door, as long as his easement is not affected. It was determined that there would be no change to the easement as a result of this request. Mr. White was satisfied with the response.

Public Agencies: No additional comments.

Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Wysocki abstained from voting, as he was not present for the entire presentation.

Commissioner Hasenbank made a motion to approve Land Division Replat Request #LD-2N-207-20, subject to the applicant fulfilling the precedent and subsequent conditions. Commissioner Salter seconded the motion. Motion passed with a vote of 7:0.

NEW HEARING

TEXT AMENDMENT #T-20-082, ADOPTION OF REVISIONS TO THE UMATILLA COUNTY DEVELOPMENT CODE. The proposed revisions relate to relaxing certain setback standards and landscape design standards for properties zoned Retail Service Commercial and Light Industrial, along the Highway 395 North corridor in unincorporated Umatilla County. Planning Commission will make a recommendation of adoption to the Umatilla County Board of County Commissioners. A subsequent public hearing before the Board of County Commissioners is scheduled for July 15, 2020. Amendment procedures include UCDC Sections 152.750-152.753.

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

STAFF REPORT

Bob Waldher, Planning Director, stated that in November 2019 Umatilla County completed amendments to the UCDC to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The 2019 text amendment applied to Commercial and Light Industrial Zoned properties adjacent to the highway corridor. He stated that the code revisions were based on an extensive public involvement process associated with the Highway 395 North Economic Development Project and a Transportation Growth Management (TGM) grant from the Oregon Department of Transportation (ODOT) and the Department of Land Conservation & Development (DLCD).

Mr. Waldher explained that the main objectives of the Highway 395 North project have always been to improve the aesthetic and economic viability of the corridor. While the original intent of design standards seemed practical to meeting the goals of the TGM project, it wasn't until staff actually applied the design standards, did they realize that a few of the provisions were not conducive to certain development along the corridor, especially automobile dealerships.

Mr. Waldher stated that in February 2020, Planning Department staff met with a prospective developer for an automobile dealership who was finding difficulty meeting some of the new design standards; primarily the 30 ft. maximum setback requirement from front lot lines and the 15% landscape coverage requirement. Following the discussion with the prospective developer, Planning Department staff met with members of the Highway 395 North Technical Advisory Committee (TAC) to discuss the challenges faced by the developer. He stated that the TAC was supportive of County staff amending the standards to exempt automobile dealerships from the 30 ft. maximum setback requirement in order to create an environment favorable to dealerships displaying their new car inventory on an open air sales lot.

Mr. Waldher stated that the TAC also recommended scaling back the 15% landscape requirement for large sites. They noted that the 15% landscape requirement seems to work well on smaller one acre (ac.) sites but, 15% landscaping on a 10 ac. site would require 1 ½ ac. of irrigated landscaping and does not support water conservation in an arid environment which has been designated by the State as a Critical Groundwater Area (CGWA). Furthermore, he explained this would not be consistent with the Oregon Department of Water Resources (OWRD) regulations limiting exempt well use to ½ ac. of irrigated landscaping. As a result, the committee recommended a provision ensuring that the amount of irrigated landscaping is not to exceed ½ ac.

Mr. Waldher stated that the recommendations of the TAC and Planning staff have been incorporated into the proposed Text Amendment which is included in the Commissioner's Packets and Criteria of Approval can be found in the UCDC Sections 152.750-152.753. He asked the Planning Commission to review, discuss and suggest any changes to the proposed Amendments. Planning Commission will make a recommendation of adoption to the Umatilla County Board of Commissioners (BCC). A subsequent public hearing before the BCC is scheduled for July 15, 2020 at 9am.

Chair Danforth asked if they could consider including similar language for farm equipment sales in the area. Mr. Waldher stated that they could include farm equipment sales in the amendment if the Planning Commission would like. Chair Danforth stated that tractors and other large farm equipment are sold throughout the corridor to serve the farming community. She feels it would make sense to include these agricultural based businesses in the Amendment. Mr. Waldher stated

that we could explore adding the farm language or modify the service oriented business part to include the language. Mr. Waldher agreed to look into making the addition.

Proponent Testimony: Frank Karraman, 625 Winslow Way E, Bainbridge Island, WA 98110. Mr. Karraman stated that he is speaking as a proponent for the revision and commended Planning staff and Mr. Waldher for the work they have done in preparing the changes.

Public Agencies: No additional comments.

Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Hasenbank asked if the language is written to include four wheelers, side by sides and other ATV type vehicles. Mr. Waldher stated that requests for those permits would be processed under the same standards as other vehicles using the ‘Other Uses Similar’ allowance within the UCDC. Commissioner Hasenbank stated that she is satisfied with that response.

Commissioner Hasenbank made a motion to recommend approval of the Highway 395 Code Amendments to the Board of County Commissioners. Commissioner Rhinhart seconded the motion. Motion passed with a vote of 8:0.

MINUTES

Chair Danforth called for any corrections or additions to the minutes from the February 27, 2020 meeting. Commissioner Williams moved to approve the minutes as presented. Commissioner Wysocki seconded the motion. Motion carried by consensus.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:37 p.m.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant