

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, July 25, 2024, 6:45pm

COMMISSIONERS

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

COMMISSIONER

PRESENT VIA ZOOM: Kim Gillet and Andrew Morris

COMMISSIONERS

ABSENT: Tami Green, and Emery Gentry

PLANNING STAFF:

Robert Waldher, Community Development Director, Charlet Hotchkiss, Planner, and Shawna Van Sickle, 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 6:45PM and read the Opening Statement.

NEW HEARING

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

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. Charlet Hotchkiss, Planner, stated this hearing is for the establishment of a rural residential subdivision. The proposed subdivision establishes seven lots. The property is located north of Punkin Center on the southeast corner of Joy Lane and Alpine Drive, about a half-mile north of Hermiston City Limits. She explained that the applicant stated each undeveloped lot will have its own water source either from an individual domestic well or through the sharing of a domestic

well. Individual septic systems are proposed for each lot. The applicant has submitted a draft of the proposed Covenants, Conditions and Restrictions (CC & Rs) to be recorded.

Ms. Hotchkiss stated the applicant previously applied for the same proposal of a subdivision at the beginning of 2024. At that time, the proposed subdivision had eight proposed lots and during the public hearing the Planning Commission voted to deny it. The basis for the denial was due to several issues including; Proposed Lot 2 (which was the western half of what is now Proposed Lot 1) having only 0.55 acres (18% of the lot) of buildable space, due to the Bonneville Power Administration (BPA) easement and natural gas line on the property; She added this did not satisfy UCDC 152.648 (16)(a)(1), each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations. She stated this also included Proposed Lot 6 being bisected by the Hermiston Irrigation Canal (HID), whom said would need to be fenced or piped over (piping over is costly and not usually done in such a small portion) taking away a portion of Proposed Lot 6 and making it unusable for any future land owner.

Ms. Hotchkiss reiterated even if that section were piped over, the 60-foot-wide-easement would still exist and could not be built within. The Planning Commission found that Lot 6, as proposed, would be significantly impacted by the existing HID canal.

Ms. Hotchkiss explained the Umatilla County Planning Commission suggested the applicant move the lot lines to the center of the irrigation canal, if they choose to reapply, and subdivide the property to avoid negative impacts on future property owners. The Planning Commission also encouraged the applicant to submit a clear plan for road maintenance and detailed Covenants, Codes and Restrictions. She added the applicant was also advised by the Planning Commission they likely would not be able to create eight lots and meet all the criteria.

Ms. Hotchkiss advised the Planning Commissioners that while reading the preliminary findings, they will be able to see the applicant had taken those suggestions into account when developing the tentative plan and made the required adjustments in order to meet the criteria.

Ms. Hotchkiss stated the Standards of Approval are found in the Umatilla County Development Code Section 152.665, Type I Land Divisions and Umatilla County Development Code Section 152.648 Creation of Roads, Easements and Right-of-Way; Minimum Standards (16) Subdivisions. Standards for reviewing a Subdivision generally consist of complying with development code standards, Traffic Impact Analysis standards and subdivision plat requirements. She mentioned the notice of the applicant's request and the public hearing was mailed on July 5, 2024 to the owners of properties located within 250-feet of the perimeter of Tax Lot 200. Notice was also published in the East Oregonian on July 10, 2024 notifying the public of the applicant's request before the Planning Commission on July 25, 2024.

Ms. Hotchkiss stated only one comment was received from Karra Van Fossen, Water Right Specialist, at Hermiston Irrigation District on July 11, 2024. This comment was located in the back of the hearing packet labeled Exhibit A. The comment stated HID has no objections to the

subdivision, however, HID has policies and stipulations when granting consent to a subdivision along their canals and Rights-of-Way. HID advised the landowner to contact the district and the Bureau of Reclamation for a list of fees and restrictions if they plan to build on these lots in the future. She added, the comment also stated that the property currently has no water rights; however, HID would allow water rights to be purchased and placed on this property.

Ms. Hotchkiss stated, the proposed Conditions of Approval address road improvement and access standards, including road naming and Irrevocable Consent Agreements, site suitability for septic systems, and the survey and recording requirements with final approval accomplished through the recording of the final subdivision plat. She concluded, the decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

Commissioner Standley asked about the new proposed road, Quail Lane, and wanted to confirm it would not be a public access road. Ms. Hotchkiss confirmed Quail Lane is proposed as a 60-foot-wide private easement and reiterated it would not be a publicly platted road. She added, those who live along Quail Lane would in theory be able to access through to Alpine Drive as well.

Commissioner Standley expressed concerns regarding the public versus private access and what if a property owner decided to close the road to not allow entry throughout the private to public road access. Mr. Robert Waldher stated any disputes among neighboring land owners concerning access and keeping roads open is a civil matter. Our department does not get involved in those issues and that those respective parties would need to address those matters amongst themselves.

Commissioner Standley stated his concern really piques on emergency vehicles and if the potential problem might cause issues for fire trucks or ambulance who cannot turn around due to the size of the road or turnaround. He stated he wanted to ensure this was brought to attention of the applicant, so problems can be avoided.

Commissioner Morris asked if the cul-de-sac proposed further up would take away from the buildable space or the two-acre minimum. Commissioner Millar and Commissioner Standley expressed the same concern. Chair Danforth stated she did not feel the easement would reduce the acreage. Mr. Waldher confirmed it is just an easement, it is not a right-of-way that's accepted out, so the boundaries on the parcel/lot would remain the same and acreage would not change.

Conversation continued regarding the use of the further extension of Quail Lane that borders Proposed Lots 4-7 and whether a cul-de-sac or hammerhead-turn-around would be helpful in case the extension of Quail Lane doesn't continue through tax lot 102 and to help mitigate issues with emergency vehicles, school buses, etc.

Commissioner Standley mentioned the fire departments have been a driving force for subdivisions and the size of turn-arounds for emergency vehicles. Ms. Hotchkiss mentioned Umatilla County Fire District #1 was notified and provided no comment regarding the application.

Commission Tucker asked if the Planning Commission added a condition for access could be done, like that of a hammerhead-turn-around. Ms. Hotchkiss stated it would be included within their motion and not necessarily as an amendment to the application. Commissioner Tucker asked if the record would reflect the new application is for seven lots now instead of eight. Ms. Hotchkiss confirmed it would be now for seven lots and not eight.

Commissioner Morris and Ms. Hotchkiss spoke about the concerns regarding agreements between the seller and buyer and clarification was given regarding those agreements surrounding the road improvements and CC & Rs.

Applicant Testimony: Mrs. Maggie Rodriguez, 405 N 1st Street, Unit 101, Hermiston, OR 97838; Mrs. Rodriguez began by stating they took a lot of the suggestions into account when resubmitting this application. She stated they reduced the lot total and moved the easements along the irrigation canal, so they are centered through the middle of the canal. She also mentioned they adjusted Quail Lane and added the use of CC & R's for road improvements.

Chair Danforth asked if she wanted to add anything regarding the comments the Planning Commissioners discussed with Staff regarding the roads. Commissioner Standley additionally asked if Mrs. Rodriguez would be open to develop the road on Quail Lane Extension to be a similar cul-de-sac like the proposed Rocking A Court. Mrs. Rodriguez stated she would be open to doing the cul-de-sac.

Mr. Waldher added a suggestion regarding a hammerhead-turn-around. He demonstrated that on the whiteboard for the room and explained how emergency vehicles could still pull in and turn around. Commissioner Standley stated his suggestion was to not go all the way through Proposed Lot's 5 and 7 so to save money on road construction.

Commissioner Tucker expressed concern on the improvements ending in the center of those properties. He stated, if he was buying property, he would prefer the road to be limited on the very edge of the property rather than right in the center. Mrs. Rodriguez stated not taking the road all the way through would likely reduce the cost for maintenance and less expensive to develop. Commissioner Millar added a similar statement to Commissioner Standley, stating reducing the road would also reduce the amount of people driving through Quail Lane. Mrs. Rodriguez stated she was advised by staff to continue the road through, so that is what they put in their proposal. She added, if they don't necessarily have to continue the road through then that would be more preferred.

Mr. Waldher stated staff highly recommended continuing the road through due to the road network and opportunities for future connectivity. He added further that if the road were to hit the middle of these four lots that would preclude ever being able to connect Quail Lane to the existing infrastructure that is out there. There was additional discussion between Chair Danforth, Ms. Hotchkiss, Commission Morris and Commissioner Standley regarding what future improvement might look like regarding a through street and when or if that roads becomes publicly dedicated.

Chair Danforth asked Mrs. Rodriguez her preference regarding having a cul-de-sac, or even hammerhead turn around instead of a through street off the extension of Quail Lane. Mrs. Rodriguez stated her preference would be a cul-de-sac but is willing to do whatever is needed.

Mr. Waldher asked the commissioners to reference page 15 of the findings, under section Criteria for Approval (f), “The Tentative Plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets or roads and public facilities through the tentative plan.” Additionally, the findings talk about Quail Lane, a private lane, would be logically extended through the subject property to Alpine Drive via 60-foot public access and utility easement. He added, the other benefit of having the connectivity could benefit emergency response for those that live on the private part of Quail Lane. Mr. Waldher added, in theory if a fire truck needed to access those existing homes they could access it from the West, from Alpine Lane. But if it just dead ends with a cul-de-sac, they wouldn't have that opportunity. Commissioner Millar stated if they were to do the hammerhead-turn-around and extended it to the end of the Proposed Tax Lots 5 and 7 then it could address both problems and Quail Lane could continue on in the future. Commissioner Minton agreed with Commission Millar’s statement.

Chair Danforth reconfirmed with Mrs. Rodriguez that her preference would still stand with the cul-de-sac, and the applicant agreed.

Opponents: None

Public Agencies: None

Rebuttal: None

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 Morris made a motion to approve the application as it was submitted.

No second was received, the motion failed.

Commissioner Tucker made a motion to approve the Rodriguez Estates Subdivision as submitted with the additional condition that the hammerhead-turn-around is placed on the east side of Proposed Lots 5 and 7.

Commissioner Minton seconded the motion. Motion passes with a vote of 6 to 1.

OTHER BUSINESS

No new business for this meeting.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:36PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

Minutes adopted by the Planning Commission on October 24, 2024.