

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, October 24, 2019, 6:30 pm

Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR

COMMISSIONERS

PRESENT: Don Wysocki, Vice Chair, Molly Tucker Hasenbank, Tammie Williams, Jon Salter, Tami Green, Lyle Smith

ABSENT: Suni Danforth, Chair, Gary Rhinhart, Hoot Royer

STAFF: Bob Waldher, Planning Director; 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

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

NEW HEARING

LAND USE DECISION #LUD-256-19: ANDREW & KELSEY HENDRICKS, APPLICANTS & OWNERS. The applicants are requesting approval to convert the existing Primary Farm Dwelling to an Accessory Farm Dwelling. The property owners are replacing the existing manufactured home (proposed Accessory Farm Dwelling) with a new stick built home (proposed Primary Farm Dwelling). The property is located along the east side of Edwards Road, approximately 4.5 miles northwest of the City of Milton Freewater. The property is identified as Tax Lot 1600, on Assessor’s Map 6N 35 20. The Land Use Decision standards applicable to the applicants request are found in Umatilla County Development Code (UCDC) 152.059(K)(5).

Commissioner Wysocki called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. Commissioner Hasenbank stated that her family farms close to where the Hendricks farm is located so she felt it would be appropriate to abstain from voting on this matter.

STAFF REPORT

Elizabeth Ridley, Planner, stated that the applicants, Andrew and Kelsey Hendricks, requested approval of an Accessory Farm Dwelling. This Land Use Decision would result in two dwellings on the property, a Primary Farm Dwelling and an Accessory Farm Dwelling. Criteria of approval are found in UCDC Section 152.059(K)(5), Accessory Farm Dwelling. She explained that Accessory Farm dwellings may be approved based on facts in the record, if staff can find and conclude all of the following:

1. The Accessory Farm Dwelling will be located on the same lot or parcel as the Primary Farm Dwelling;
2. On land identified as high value farmland and the Primary Farm Dwelling is located on a farm or ranch operation that is currently employed for farm use and produced at least \$80,000 in gross annual income;
3. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an Accessory Farm Dwelling and;
4. An Accessory Farm Dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a Non-Farm Dwelling.

Ms. Ridley stated that, the Hendricks's were issued a Zoning Permit #ZP-18-253 for replacement of a manufactured dwelling in 2018. At that time, the applicants also filed for a Replacement Dwelling Verification and recorded a Covenant Not to Sue. To complete this process, the applicants were given one year to remove the dwelling and record the Replacement Dwelling Covenant. The Replacement Covenant would verify and satisfy the requirement to remove the manufactured home that was replaced within one year of occupying the new dwelling approved under #ZP-18-253.

On July 31, 2019 and prior to removing the manufactured home and recording the Replacement Dwelling Covenant, the applicants submitted a Land Use Decision application for approval of an Accessory Farm Dwelling. The request included information indicating that the 1994 manufactured home will be converted to an Accessory Farm Dwelling.

In addition, the applicants submitted materials stating that they do not own other dwellings on EFU Zoned property that are vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an Accessory Farm Dwelling. Our records indicate the applicants do in fact own a dwelling on EFU property at 52649 Highway 323 Milton-Freewater, Oregon. The applicant states that this dwelling is being used as a rental property for income purposes. Staff questions whether or not the applicants' rental dwelling, located on EFU Zoned land, disqualifies them from approval of the Accessory Farm Dwelling. Therefore, the decision has been forwarded to the County Planning Commission for their decision.

TESTIMONY

Applicant Testimony: Kelsey and Andrew Hendricks, 85091 Edwards Road, Milton Freewater, Oregon. Mrs. Hendricks stated that she provided a packet of information to staff with documents pertaining to the rental dwelling. She stated that she previously owned a rental home in Walla Walla which she sold in September of 2015. In December 2015 she reinvested the money into purchasing the property located at 52649 Highway 323 in Milton Freewater for the purpose of

renting the dwelling for income. She stated that the rental business she oversees is independent from the farming operation. She said she needs the income from the rental in order to pay the mortgage payment and the decision made tonight will affect her business.

Mr. Hendricks stated that he is a fourth generation farmer in Umatilla County. He has been struggling to find reliable labor to work the farm and recently lost two employees. At this time, he has one person assisting him irrigate the farm while also caring for a hundred cows. He is tired and needs more help. He stated that, having the modular home available for an employee is a huge incentive in getting someone to work for him. He added that his property has been vandalized and thefts have occurred on the farm. He feels that the house located onsite, near where they store valuable equipment and fuel, is an added security measure.

Commissioner Williams asked if they are living in the stick built house located at 85091 Edwards Road, and wish to keep the manufactured dwelling for an employee, if possible. Mr. Hendricks stated that is correct. He added that he recently built the stick built home and wishes to retain the additional manufactured dwelling for a farm employee. The dwelling located at 52649 Highway 323 is being used as a rental property bringing in over \$1,300 monthly to help with income. He stated that he did not clearly understand the question on the application asking about ownership of additional dwellings on EFU Zoned property that are vacant or currently occupied by persons not working on the subject farm or ranch. He added that he was not trying to hide the other rental home, he just didn't think about it.

Commissioner Williams asked how long they have owned the farm. Mr. Hendricks stated that his parents originally purchased the home in 2007 and he and his wife purchased the property in 2012, after they were married. He added that they and their two young sons started to outgrow the two bedroom manufactured home and that's when they decided to build the new dwelling.

Public Agencies: No additional comments.

Commissioner Wysocki closed the hearing for deliberation. The packet of materials provided by Mr. and Mrs. Hendricks were added to the record as Exhibit A.

DELIBERATION & DECISION

Commissioner Green asked more about the language in the code that makes it questionable to determine a finding on this request. Mr. Waldher stated that language is located on page 8 in the Commissioner's Packets and the Planning Commission will be asked to make a finding based on the criteria.

Commissioner Williams stated that she doesn't feel that this request meets the criteria to approve, but her perspective is a little different. She feels it is unnecessary to ask them to remove a good home that could be used to provide housing to a worker on their farm. She understands the challenges associated with finding quality and dedicated farm laborers to help on a family farm. She stated that, since both houses are already there, and the neighbors are not concerned, she finds it hard to not make an exception and approve this request.

Commissioner Wysocki stated that he understands the rules sometimes appear black and white but when there is a grey area it's the Planning Commissions job to determine when and how exceptions can be made.

Planning finds that the property located at 52649 Highway 332 will not disqualify the applicant from being approved from an accessory dwelling on the property located at Assessor's Map 6N 35 20, Tax lot 1600 because the rental house is a pre-existing business separate from the farming operation. Commissioner Williams made a motion to approve Land Use Request #LUD-256-19, to convert the existing Primary Farm Dwelling to an Accessory Farm Dwelling. Commissioner Smith seconded the motion. Motion passed with a vote of 4:1.

NEW HEARING

UMATILLA COUNTY DEVELOPMENT CODE UPDATES. For the past year, Umatilla County has been working on amendments to the Umatilla County Development Code (UCDC) to improve the aesthetic character and economic vitality of the Highway 395 North Corridor. The proposed code amendments would apply to Commercial and Light Industrial Zoned properties adjacent to this corridor. The Planning Commission will make a recommendation to the Umatilla County Board of County Commissioners (BCC). Amendment procedures include UCDC Sections 152.750-152.753.

Commissioner Wysocki 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 the Highway 395 project began in 2015 starting with an economic development study of the corridor. As a result of the study, a recommendation was made to review the Development Code for areas adjacent to Highway 395 and adopt additional design standards to the corridor. The goal was to make the area look better aesthetically, as well as set the corridor up for success as it continues to grow and expand in the future into the Urban Growth Area (UGA) for the City of Umatilla and Hermiston.

Mr. Waldher stated that they formed a committee comprised of various business owners and land owners along the corridor. As a group, they chose to move forward with the recommendation made to adopt additional design standards. Other recommendations made as a result of the economic development study include domestic water for fire protection and traffic concerns. In the future they plan to come up with ways to mitigate those additional issues, but for now they are focusing on the design standards.

Mr. Waldher stated that the committee applied and was selected to receive a Transportation and Growth Management Code Assistance Grant. As part of the Grant process they were provided with a consultant and technical experts from the Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation (ODOT) to help examine the code to determine which changes should be considered to make it more attractive and promote economic development in the corridor. The objectives include: create context-sensitive land use and design standards for the U.S. Highway 395 North frontage, implement access management standards for the project area taking into account future planned parallel road networks, improve multi-modal (pedestrian and bike traffic) connectivity in the project area in order to provide safe and comfortable active transportation options, and recognize the importance of maintaining economically vibrant and livable downtowns in the cities of Hermiston and Umatilla.

Mr. Waldher stated that the committee incorporated a robust public involvement process including two public workshops and two Planning Commission work sessions. The Planning Commission will make a recommendation to the BCC and they will make a decision whether to adopt the updates at their hearing scheduled for November 6, 2019.

Mr. Waldher stated that, for this project the primary concern is with the commercial and light industrial use parcels that front Highway 395. He directed the Planning Commission to page 1-2 in the packet which contains a memo from Angelo Planning Group. The memo outlines the project background and recommendations, as well as the proposed code amendments. The code amendments are presented in a strikeout and underlined format to indicate removal and addition to the code language.

Mr. Waldher stated that the key recommendations for the project include: implement maximum setback standards, establish a requirement for window area, establish landscaping requirements, require parking lot lighting, add standards for drive-up and drive-through facilities, establish a design points system, and use regulations to enhance economic development.

Mr. Waldher stated that implementing maximum setback standards will help create more visually interesting and attractive streetscape, provide safer and more convenient access for people arriving on foot or bike, help slow traffic on the street and provide a limited parking or merchandise display area in front of buildings. The proposed development requirements for new buildings include a minimum setback of 10 feet (ft.) and a maximum setback of 30 ft.

Mr. Waldher stated that the group recommended establishing landscaping requirements. He pointed out that the landscaping standards are quite low in the current code and most people don't bother. They believe establishing landscaping guidelines for the corridor will make a huge difference in enhancing the visual appeal and pedestrian comfort. Recommendations include consideration of native plant species which can withstand the climate. He reiterated that these standards will only be required for those requesting approval for new construction or expansion of existing buildings.

Mr. Waldher stated that the group recommended standards to incorporate onsite lighting to enhance safety and comfort. They discussed design features to mitigate negative effects like light pollution, glare and spillover to adjacent properties. Design standards for lighting will make the parking lots, walkways and outdoor service areas safer for consumers and pedestrians in the evenings. He also pointed out that, at this time the code does not address standards for drive-through businesses. It was determined that safety standards should be set to ensure drive-through's are well designed to minimize vehicle conflict points and other dangers caused by slowing traffic on the highway.

Mr. Waldher explained that they have developed a design points system requiring proposed new development to achieve a certain number of points by incorporating design elements from the design point system list. No specific elements of design will be required of the business owner, but a total number of points must be achieved. The group felt this would allow flexibility for a wide variety of building types and uses.

Mr. Waldher asked the Planning Commission to review the proposed code changes beginning on page 8 in the packet and passed out a letter of support provided by Steve Watkins, TAC Chairman. Additionally, he explained that he received feedback from an individual who expressed that he did not support the proposal. He felt that business owners should be responsible for making changes on their own terms and believes they will eventually see changes overtime. Mr. Waldher stated that his suggested method has not worked well in the past and without set standards, the corridor is not likely to change much over time.

Public Agencies: Staff received a letter of support from City of Umatilla, Senior Planner, Brandon Seitz. Mr. Seitz was a member of the project Technical Advisory Committee (TAC) and wrote that the City of Umatilla believes the proposed code amendments will help improve the aesthetic characteristics of the corridor while promoting economic development opportunities.

Commissioner Wysocki added the two letters of support to the record; the letter from City of Umatilla (Exhibit A) and the letter from Steve Watkins (Exhibit B).

DELIBERATION & DECISION

Commissioner Williams made a motion to recommend approval of the Highway 395 Code Amendments to the Board of County Commissioners. Commissioner Hasenbank seconded the motion. Motion passed with a vote of 6:0.

MINUTES

Commissioner Wysocki called for any corrections or additions to the minutes from the August 22, 2019 meeting. Commissioner Hasenbank moved to approve the minutes as presented. Commissioner Williams seconded the motion. Motion carried by consensus.

ADJOURNMENT

Commissioner Wysocki adjourned the meeting at 7:37 p.m.

Respectfully submitted,

Tierney Dutcher,
Administrative Assistant

Minutes adopted by the Planning Commission on February 27, 2019