

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, September 28, 2017
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon

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COMMISSIONERS

PRESENT: Randy Randall, Chair, Gary Rhinhart, Vice Chair, Tammie Williams, Clive Kaiser, Don Wysocki, Cecil Thorne, Suni Danforth

ABSENT: Don Marlatt, Tami Green

STAFF: Bob Waldher, Planning Director, Brandon Seitz, Planner, Melinda Slatt, Board of County Commissioners, Administrative Assistant

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

CALL TO ORDER

Chair Randall called the meeting to order at 6:30 p.m. and read the opening statement.

MINUTES

Chair Randall asked the Planning Commission to review the minutes from the August 24, 2017 meeting. Commissioner Kaiser moved to adopt the minutes as written. The motion was seconded by Commissioner Danforth. Motion carried by consensus.

NEW HEARING

Plan Map Amendment #P-120-17; Co-adopt City of Hermiston’s Ordinance #2246. The City of Hermiston requests the County co-adopt City Ordinance 2246 amending the comprehensive plan map from urbanizable to urban status for 13.10 acres on the south side of W Gettman Road. The City Council also adopted Ordinance 2247 annexing said property effective upon co-adoption of Ordinance 2246.

The criteria of approval are found in Umatilla County Development Code 152.750 - 152.754 and the Joint Management Agreement (JMA) between the City and County.

STAFF REPORT

Brandon Seitz, Planner, stated that the City of Hermiston is requesting to adopt Ordinance 2246 amending the Comprehensive Plan Map from urbanizable to urban status. If approved, the designation of the property will change from urbanizable (Future Residential) to an urban (Low Density Residential) designation. This is necessary for co-adoption by the county because the City of Hermiston’s Comprehensive Plan has two overarching designations within the Urban Growth Boundary (UGB). Properties designated as urbanizable are managed by the County. The property in question is currently zoned F-1 (Future Residential) which is considered urbanizable. If the property is switched over to an urban type designation, in this case Low Density Residential, it becomes part of the City’s jurisdiction. There is a mutual interest in the property, as it is located in the UGB. The City assumes control and the

County is required to co-adopt the ordinance. The applicant, City of Hermiston, took the application in front of the City Planning Commission and City Counsel where they ultimately adopted Ordinance 2246, approving the application. Subsequently, they also adopted Ordinance 2247, which will annex the property inside City Limits and rezone the property to Duplex Residential which is their R-2 Zoning. Additionally, there is a pending Subdivision application to create new lots on the parcel. The Annexation, Re-Zoning and Subdivision are City applications and not for consideration by the Umatilla County Planning Commission. The only action item is to make a recommendation to the Board of County Commissioners (BCC) on the co-adoption of the Plan Map Amendment, changing the Comprehensive Plan Designation from Future Residential to Low Density Residential.

Commissioner Rhinhart asked what the property is being used for at this time. He stated that he believes it is irrigated, high-value farm ground. Mr. Seitz stated that he is not sure if it is irrigated. The map in the packet shows that only the portion north of the canal will be affected. Once the property is inside the City's UGB it is no longer considered agriculture land under the Oregon Statewide Planning Goals. Therefore, Goal 3 does not apply. When making this Comprehensive Plan Map change, it is not necessary to change it from agriculture designation as we would typically see in an application for the County. The property is designated by the Comprehensive Plan as Future Residential and this approval will change it to Low Density Residential.

Commissioner Kaiser asked if the property currently has water rights. Mr. Seitz did not have water right information and referred to the applicant representative for more information. Bob Waldher, Planning Director, advised the water right issue would be handled in the future and reiterated that the Planning Commission's role is to make a recommendation to the BCC for their decision.

TESTIMONY

Applicant Testimony: Frank Gehring, Frank W. Gehring Construction, Inc., 79344 Prindle Loop Road, Hermiston, Oregon. Mr. Gehring stated that he intends to close on the property in the next couple of weeks. He has submitted a subdivision plat map to the City and the preliminary plat has already been approved. The property has been divided into 46 lots. The irrigation water rights will have to be removed from the property as the Hermiston Irrigation District will not allow the water rights to go into the City.

Mr. Gehring stated that he would like to see this application approved because he is trying to help with the housing needs in the City of Hermiston. He recognizes there are a lot of housing needs in Eastern Oregon and there are many benefits to developing this property. There is a new school in close proximity to the project. He acknowledged that, when the City approved annexation there were people living down Gettman Road who came forward with concerns. There was a long discussion and he did not disagree with points made by some of the people.

Commissioner Rhinhart asked if the property would be supplied by City water and sewer, no wells. Mr. Gehring stated that is true. Commissioner Rhinhart asked about the Low Density Residential designation. The tax lot is just over 13 acres and will be subdivided in to 46 lots for residential housing. He commented that that sounds like a lot of houses. Chair Randall asked what the square footage of the newly formed lots will be. Mr. Gehring stated that the smallest lot will be 8,000 square (sq.) feet (ft.)

and the largest lots will be over 14,000 sq. ft. The houses being built on the new lots will sell for \$275,000 to \$325,000. Commissioner Rhinhart asked if he looked at other properties that were not irrigated, high value farm ground. Mr. Gehring said he did but had a hard time finding something in his price range. He believes this location is perfect because of the new school being built nearby to accommodate families. Commissioner Rhinhart stated that he has a hard time supporting projects that result in the loss of farm ground. He believes that Pendleton is very careful with farm ground, while Hermiston tends to use more farm ground, and he has a problem with that.

Commissioner Kaiser stated that he is concerned about losing the water right because there is a lot of arable land in the Hermiston region but water is the limiting factor. This project is 13 acres of land that he does not want to see lost to the basin. Commissioner Rhinhart stated that positioning housing developments directly next to Exclusive Farm Use (EFU) property tends to create conflicts. He is concerned that we are not making any more farm ground, but continue to lose it. Chair Randall stated that the larger map shows that this project makes sense, even though it is on farm ground. Mr. Waldher referenced the zoning map in the packet to show the surrounding zoning designations. The property directly south of tax lot 701 is zoned Rural Residential (RR). This EFU property an island in the UGB, surrounded by residential zoning.

Commissioner Williams stated that she is not concerned about the water right because it can be sold to the highest bidder. The people of Hermiston want water rights and they are hard to come by. Commissioner Kaiser stated that his only request is that the water rights move forward and are used by others. Commissioner Williams stated that the project is in a reasonable location near schools and Hermiston is hurting for housing. She appreciates that it is located on a smaller plot and in the middle of a hub.

Opponent Testimony: Gary Stolz, 150 W Gettman Road, Hermiston, Oregon. Mr. Stolz stated that he has lived on Gettman Road for 38 years and provided a letter signed by several other residents to be submitted into the record. He stated that he has heard many positive things about the developer. Mr. Stolz proceeded to read the letter addressed to the Umatilla County Department of Land Use Planning. He stated that 5 years ago, when the Hermiston School District built the new school on Gettman and Nye Street they were required to pave only 2 blocks of Gettman Road. At that time the City Council placed a Conditional Use Permit (CUP) on the School District's use of the gravel portion of Gettman Road. No school busses would use the road unless picking up or dropping off students on Gettman. At the August 14, 2017 City Council meeting someone on the City Council joked on how to enforce this permit. Since the opening of the new school, traffic on Gettman Road has increased significantly. School busses come and go at will, even though there is only one student living on Gettman Road. Mr. Stolz has tried to get the School District to do something about this, to no avail, and now feels that the City is making jokes about it.

Mr. Stolz stated that the City has annexed 13.1 acres into the City Limits to develop 46 lots for new housing. As part of the approval process, the City requires the developer to pave 500 more feet of Gettman Road. For the past several years Gettman Road residents have noticed traffic increases due to progress. He asked, at what point you acknowledge that a county road is no longer just that, and needs to be considered an important thoroughfare. Dust abatement applications are expensive and useless when school is in session, as it gets beaten off very quickly. Mr. Stolz believes that, allowing this development

to proceed without addressing Gettman Road's conditions is a gross neglect of duty for the City of Hermiston, the School District and Umatilla County. He believes the County has the opportunity to rectify this problem. He asked if they will they take responsibility for this road and properly improve it.

Commissioner Wysocki asked staff if the Planning Commission holds the authority to make a requirement that the road be improved. Commissioner Rhinhart advised, no, it is the Planning Commission's recommendation to the BCC for a decision. Mr. Seitz stated that a portion of road, after the gravel piece, is maintained by the County. The County hopes to transfer the road to the City eventually. More discussion continued about frontage of the subdivision, road paving and curbing, etc. Mr. Seitz advised that the County lacks the ability to make road improvements up to City standards and the County does not have the proper equipment to maintain it. The intent is that Gettman Road will be transferred to the City at some point.

Mr. Seitz reiterated the Planning Commission's action is to make a recommendation to the BCC regarding the co-adoption of the City Ordinance amending the Comprehensive Plan Map. The County has no say in the annexation, as it has already taken place. He added that a suggestion has been made to clarify the Joint Management Agreement (JMA) to help determine jurisdiction.

Commissioner Wysocki asked Mr. Stolz if he had presented his concerns to the City of Hermiston. Mr. Stolz stated that he had. He added that Hermiston City Council voted unanimously to make those 46 lots available with no consideration of road improvements. Commissioner Williams felt there will be a larger voice to advocate for road improvements when there are 42 additional residences involved. Mr. Stolz agreed with Commissioner Williams but suggested that if the development occurs they should remove the bridge over Maxwell Canal. He feels that the bridge is unsafe with increased traffic and will need to be replaced. Commissioner Williams advised that if he is concerned about the safety of the bridge he should file complaints and encourage others to do the same because action is complaint driven. Commissioner Danforth stated that the City should be responsible for the road. Chair Randall agreed and stated that it is not financially feasible for the County to pay to pave another mile of road.

Agency Testimony: Mr. Seitz stated that there is an email included in the Planning Commission packets from Tamra Mabbott, written when she was still the Umatilla County Planning Director. She advised that the County had no additional road concerns, as long as the developer is required to obtain Road Access Permits on the County road for the portion where the new driveway will be built. Additionally, she stated that the developer shall obtain an Irrevocable Consent Agreement for that portion of the property. This means they would be responsible for improvements, even if this planned development was never completed.

Applicant Rebuttal: Frank Gehring, Frank W. Gehring Construction, Inc., 79344 Prindle Loop Road, Hermiston, Oregon. Mr. Gehring stated that there was a discussion at the City Council meeting about the cost of paving the road. It was thought to be \$2 million for just part of the road and the Union Pacific Railroad wanted \$1 million. The City Engineer said he believed Gettman road would be paved all the way through in the next 5 years. They seem to understand it is a priority.

Commissioner Wysocki asked if there is a plan for common use areas. Gehring advised that, in talking to a Hermiston Parks & Recreation representative, they didn't feel it should be pursued since school grounds are in such close proximity.

Chair Randall closed the hearing for deliberation.

DELIBERATION

Chair Randall stated that this is a tough issue. Being in the real estate industry, he knows how desperately Hermiston needs more houses. On the other hand, he lives in the county and understands that those who live outside the city do not welcome the extra traffic that comes with new development. Chair Randall added that the Board of County Commissioners carefully reviews minutes and recommendations and has the ultimate authority in final decision making.

Commissioner Danforth stated that she sympathizes with Mr. Stolz and the neighbors who have to deal with the additional traffic on the dirt road. Unfortunately, the Planning Commission's task is to make a recommendation on co-adoption and they do not have an additional jurisdiction.

Commissioner Wysocki stated that he would like to send a strong message to the City of Hermiston that they are irresponsible for not doing more with this road. He is willing to vote to recommend approval of co-adopting the ordinance, but believes the City needs to understand that the Umatilla County Planning Commission feels the road issue needs to be addressed. Commissioner Danforth and Commissioner Kaiser agreed. Mr. Waldher stated that we can certainly relay to them the Planning Commission's thoughts on the issue. Another suggestion was to provide this input when we review the JMA because it must be co-adopted by the County and the City. Commissioner Rhinhart stated that another way to show how strongly one feels is to vote no on the recommendation tonight.

Commissioner Danforth made a motion to approve Plan Amendment #P-120-17 to Co-Adoption the City of Hermiston's Ordinance 2246. The motion was seconded by Commissioner Williams. Motion passed with a vote of 6:1.

Chair Randall, Commissioner Danforth, Mr. Seitz and Mr. Waldher urged Mr. Stolz and others with concerns to attend the BCC Meeting on this matter scheduled for Wednesday, October 18, 2017, at 9:00 AM in Room 114 of the Umatilla County Courthouse 216 SE Fourth Street, Pendleton.

OTHER BUSINESS

Mr. Seitz announced that he has accepted the Planner position with the City of Umatilla. His first day will be October 2, 2017. The Planning Commissioners congratulated him and wished him the best of luck, but also agreed that he will be missed.

Mr. Waldher stated that Planning Commission position terms need to be addressed. Commissioner Marlatt does not wish to renew his appointment, but will stay until a replacement is found. Staff is currently recruiting for a position to fill from the east part of the county. Chair Randall is also looking to be replaced. A new Chair will likely be elected at the October hearing. Mr. Waldher is asking for

recommendations. Regarding Commissioner appointments, he advised the County Commissioners have revisited policies and are stressing that volunteers should stick to their two, four-year terms.

Next meeting of the Commission is moved up one week to Thursday, October 19th, 2017 to be held at the Justice Center, 4700 NW Pioneer Place, Pendleton. All Planning Commission meetings for the rest of the year (November & December) are moved up one week to the third Thursday due to holidays.

Upcoming Meetings: Thursday, October 19, 2017, 6:30 PM
Thursday, November 16, 2017, 6:30 PM
Thursday, December 14, 2017, 6:30 PM

ADJOURNMENT

Chair Randall adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant

Minutes adopted by the Planning Commission on October 19, 2017