

**UMATILLA PLANNING COMMISSION MEETING  
AGENDA  
COUNCIL CHAMBERS  
FEBRUARY 25, 2020  
6:30 PM**

---

1. **CALL TO ORDER & ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [January 28th, 2020 Minutes](#) *Suggested Action: Draft minutes provided for commission approval.*

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [US Cellular, Conditional Use \(CU-1-20\), Site Plan \(SP-1-20\), and Variance Request \(V-1-20\)](#) *Suggested Action: The applicant, US Cellular, is requesting approval of a conditional use, site plan approval, and two variances to develop a 2500 square foot telecommunications utility equipment facility. The site will consist of a 100 ft. tall monopole tower structure that will support wireless antenna equipment. The use is considered a community service use and is allowed in any zoning district. The property is identified as Tax Lot 606 on Assessors Map 5N2815BD.*

6. **DISCUSSION ITEMS**

6.a [Community Development Quarterly Report](#) *Suggested Action: No Action - Discussion Only.*

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

*This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. Special accommodations to attend or participate in a city meeting or other function can be provided by contacting City Hall at (541) 922-3226 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance.*

**CITY OF UMATILLA  
PLANNING COMMISSION  
January 28, 2020  
\*\*DRAFT MINUTES\*\*  
COUNCIL CHAMBERS**

- I. CALL TO ORDER:** Meeting called to order at 6:30 p.m.
- II. ROLL CALL:**
- A. **Present:** Commissioners; Boyd Sharp, and Kelly Nobles, Jodi Hinsley, Bruce McLane, Hilda Martinez and Heidi Sipe
  - B. **Absent:** Keith Morgan
  - C. **Late arrival:**
  - D. **Staff present:** Interim Community Development Director, Brandon Seitz, Associate Planner, Jacob Foutz, Development and Recreation Manager, Esmeralda Horn and City Manager, Dave Stockdale.
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF MINUTES:** Minutes November 12, 2019. Motion to approve by Commissioner Nobles, seconded by Commissioner Martinez. Motion carried 5-0.
- V. CONFIRMATION OF EXISTING OFFICE:** Boyd Sharp as President/Chair, Jodi Hinsley as Vice President/Chair, Staff as Secretary. Motion to approve by Commissioner Sipe, seconded by Commissioner Nobles. Motion carried 5-0.
- VI. UNFINISHED BUSINESS:** None
- VII. NEW BUSINESS:**
- A. **Sunrise Estates SUB-3-19:** The applicant, Knutzen Engineering, request approval of a tentative plat for a residential subdivision to divide an existing parcel into 82-lots for residential development. The applicant intends to develop the lots with townhomes and one lot with multifamily units. The properties are identified as Tax Lot 01500 on Assessors Map 5N2818DB, and Tax Lot 03700 on Assessors Map 5N2818DA. Knutzen Engineering is the applicant and AAA Renovation & Construction LLC is the property owner.

Commissioner Nobles stated he had a conflict of interest for selling the property to the developer and stepped down from the commission during this business item.

Associate Planner Foutz, summarized the staff report and recommended approval with conditions found on report.

Chair Sharp called for the applicant's testimony.

Nathan Machiela of Knutzen Engineering provided an overview of development plans to commission.

Anthony Potts of Ambiance homes stated his involvement and enthusiasm for building

affordable homes in Umatilla, along with his vision for this development.

Chair Sharp called for testimony in favor of the application, and testimony opposing the application. None.

Chair Sharp called for a motion to close hearing. Motion to close hearing made by Commissioner McLane, motion seconded by Commissioner Anderson. Motion carried 5-0.

Chair Sharp called for any further discussion. Commissioner McLane asked for clarification on where the secondary access would be and if there were any comments from emergency services on subdivision, Interim Director Seitz responded.

Commissioner Sipe and McLane discussed how the planning commission are anxiously awaiting the new School impact fees.

Interim Director Seitz, asked if the commission would consider reopening the hearing. There appeared to be a few members of the audience who were confused on the process and wanted to provide comment.

Chair Sharp called for a motion to re-open the public hearing. Motion to reopen made by Commissioner McLane. Motion seconded by Commissioner Sipe.

Keith Kennedy stated concern of lack of park space along with misuse of his driveway. Requested a fence to be built to stop kids and cars coming onto his property.

Karl Herkamp stated his concern of misuse of his driveway

Chair Sharp called for a motion to approve. Motion to approve made by Commissioner Sipe. Motion seconded by Commissioner Hinsley. Motion carried 5-0.

**B. Plan Amendment PA-3-19:** The City of Umatilla is proposing to establish a new residential zone, Power City Residential, that is intended for low density residential use. The proposed zone would allow for livestock and other permitted animals on larger lots and establishes lot size and density standards for permitted animals within city limits. The proposed amendment will update Chapter 2 (Land Use Planning) of the City's comprehensive plan to include the proposed Power City Residential zone. The Power City Residential zone will not be applied to any property within city limits at this time.

Interim Director Seitz, summarized the staff report and recommends the commission recommend approval to the City Council.

Chair Sharp asked if the new zoning would be applied to any property as part of the Plan Amendment.

Interim Director Seitz clarified that no property would be given this zone until annexation happens.

Chair Sharp called for testimony in favor, opposition.

Rodger Fish asked if the zone would have to be able to apply to his property.

Interim Director Seitz stated he could always request a different residential zones at the time of annexation.

Marlene Merritt stated she disagreed with the ban on roosters in the proposed code. She recommended that rooster should be allowed.

Rodger Fish asked if he or others will be forced to be annexed into the City. Interim Director Seitz stated that a vote with approval of 60 percent of the electors or more is required or property owner consent.

Interim Director Seitz explained the CDBG grant and recommended to contact planning staff with any further questions not related to the Plan Amendment being proposed.

Commissioner Nobles clarified that they were recommending to the City Council and that any Planning Commission changes would be included in the recommendation.

Chair Sharp called for a motion to close hearing. Motion to close hearing made by Commissioner Hinsley. Motion carried 5-0.

Chair Sharp called for any further discussion.

Commissioner Hinsley recommended to allow roosters and butchering of animals in the Livestock Residential zone.

Commissioner Sipe recommended to allow slaughter for personal use or animal welfare.

Commissioner McLane recommended to strike not allowing roosters and to change phrasing to fowl and poultry to reduce redundancy.

Chair Sharp called for a motion. Motion to recommend approval to city council made by Commissioner Sipe, motion seconded by Commissioner Hinsley and McLane. Motion carried 5-0.

**VIII. DISCUSSION ITEMS:**

**VIII. INFORMATIONAL ITEMS:**

**IX. ADJOURNMENT:** Adjourned at 8:05pm.

**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
CONDITIONAL USE (CU-1-20), SITE PLAN (SP-1-20), AND VARIANCE (V-1-20)**

**DATE OF HEARING:** February 25, 2020

**REPORT PREPARED BY:** Jacob Foutz, Associate Planner

**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Oregon RSA #2, Inc (US Cellular), 9323 Government Way #220; Hayden ID 83835

**Property Owners:** Donn’s Places Inc., C/O Travis Rock (contact), PO BOX 1379, Hermiston, OR 97838

**Land Use Review:** The applicant is requesting approval of a conditional use, site plan review, and two variances to develop a 2500 square foot telecommunications utility equipment facility.

**Property Description:** The property is Tax Lot 606 on Assessors Map 5N2815BD.

**Location:** Wildwood Lane, Umatilla, OR, 97882. On the corner of HWY 730 and Wildwood Lane.

**Existing Development:** Tax Lot 606 is not developed.

**Proposed Development:** The applicant is proposing to develop a 2500 square foot telecommunications utility equipment facility. The site will consist of a 100 ft. tall monopole tower structure that will support wireless antenna equipment.

**Zone** General Commercial (GC).

**Adjacent Land Use(s):**

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	F-1 Exclusive Farm Use	Undeveloped land
South	R-3 Multi-Family Residential	Single family residence
East	GC General Commercial	RV park
West	GC General Commercial	Auto repair shop

## **II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, US Cellular, is requesting approval of a conditional use, site plan approval, and two variances to develop a 2500 square foot telecommunications utility equipment facility. The site will consist of a 100 ft. tall monopole tower structure that will support wireless antenna equipment. The use is considered a community service use and is allowed in any zoning district.

## **III. ANALYSIS**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

### **CONDITIONAL USE**

#### **CUZO 10-12-1: AUTHORIZATION TO GRANT OR DENY:**

A. Approval Criteria: The applicant shall carry the burden of proof in demonstrating that the following review criteria are satisfied, in addition to any specific criteria and standards in this Chapter, other applicable chapters of this Title, and this Code. If any of the following criteria and other applicable standards cannot be satisfied by requiring conditions with the approval, the use shall be denied:

1. Applicable Plans: The conditional use application complies with applicable policies of the Umatilla City Comprehensive Plan.

**Findings:** The City of Umatilla Zoning Ordinance (CUZO) implements the comprehensive plan goals and policies. If a request is found to meet or be capable of meeting the applicable standards and criteria in the CUZO the request is considered to be consistent with the comprehensive plan.

**Conclusion:** This request is found to meet or be capable of meeting all of the applicable standards and criteria in the CUZO as addressed in this report.

2. Code Provisions: The proposal complies with all applicable provisions of this Code, including, but not limited to, provisions of this Chapter, the base district, and site review, as well as any other applicable provisions of this Code.

**Findings:** This report outlines the applicable provisions of the CUZO. If the request is found to meet all of the standards and criteria as addressed in this report the request will comply with this standard.

**Conclusion:** This request is found to meet or be capable of meeting all of the applicable criteria of the CUZO as addressed in this report.

3. Use Characteristics: If the proposed use is a community service, application shall include evidence to demonstrate that the proposed use is needed within the community to provide a social or technical benefit.

**Findings:** The project will increase signal strength in the Umatilla area.

**Conclusion:** The proposed use is considered a community service use as it provides increased signal strength of an existing network that serves customers in the city, local area

and regional network area.

4. Site Characteristics: The site is appropriate for the proposed use, considering, but not limited to, the following factors: neighboring land use, adequacy of transportation facilities and access, site size and configuration, adequacy of public facilities.

**Findings:** The proposed use of the property will be to construct an unmanned tower that will have occasional service or maintenance personnel onsite. The proposed tower will not have sewer or water connections and does not need access to other public facilities. The property is located in the McNary area.

**Conclusion:** The subject property is located in the McNary area, across Highway 730 from the majority of development in the area. The site is appropriate for the proposed use considering this standard.

5. Impacts On The Neighborhood: Potential impacts on neighboring properties shall be identified. Mitigating measures shall be identified for unavoidable adverse impacts.
6. Impacts On The Community: Potential impacts on the community shall be identified, including, but not limited to, public facilities, land supply within the particular zoning district, impact on housing, etc. Potential benefits of a proposed use may outweigh potential impacts, but such benefits and impacts should be identified. Unavoidable adverse impacts should be mitigated to the extent possible.

**Findings:** After construction is complete the proposed use of the property would have minimal impacts to neighboring properties. The facility is unoccupied except for normal maintenance or servicing activities that are anticipated to occur once every 3 months. Landscaping will be installed along the leasehold area and would increase the street appeal of the property. As addressed in this report the proposed use does not need sewer or water service and would generate approximately one site visit monthly. Impacts to public facilities would be minimal.

**Conclusion:** Impacts generated from the site are assumed to be consistent with a typical wireless communication facility. There will be limited activity on the site during normal operation and minimal impacts to the surrounding properties. Visual impacts will be limited by the inclusion of landscaping. Some impacts from construction activities, such as noise from equipment may occur but should be temporary. Staff did not identify any adverse impacts that would result from the proposed use.

## **SITE PLAN**

### **CUZO 10-4D-7: PROPERTY DEVELOPMENT STANDARDS:**

The following property development standards apply to all new developments in the GC zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able to meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

B. Site Development Impact Standards:

3. Traffic Impact Analysis: A traffic impact analysis meeting the requirements under subsection 10-11-10C of this title shall be required to be submitted to the city with a land use application, when the community development director determines that the application involves one or more of the following actions:
- a. A change in zoning or plan amendment designation; or
  - b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute Of Transportation Engineers' "Trip Generation Manual"; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
    - (1) An increase in site traffic volume generation by two hundred fifty (250) average daily trips (ADT) or more (or as required by the city engineer). The latest edition of the "Trip Generation Manual", published by the Institute Of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
    - (2) An increase in use of adjacent streets by vehicles exceeding the twenty thousand (20,000) pounds' gross vehicle weight by ten (10) vehicles or more per day; or
    - (3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
    - (4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
    - (5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

**Findings:** The applicant's proposal, an unmanned Wireless Communication Facility (WCF), provides for minimal amount of added traffic in the area. The site will be maintained, after construction activity, by a site technician that will visit the site every 90-120 days or in the event of an emergency. This limited need to access the site does not trigger any of the above actions; therefore, this proposal does not require a Traffic Impact Analysis.

**Conclusion:** A Traffic Impact Analysis is not required for this application.

4. Floodplain, Wetland And Riparian Areas: See chapter 7 of this title and title 12 of this code.

**Findings:** The property does not have mapped wetlands as show on the National Wetlands Inventory and is not located in a floodplain area as identified by the official flood insurance rate maps. The property is not located near a stream, lake or river and does not contain a riparian corridor.

**Conclusion:** The subject property is not located in a mapped floodplain, wetland or riparian area.

5. Stormwater Surface Drainage:

- a. Surface water runoff shall be handled on site through the use of landscaped areas, grassy swales or similar natural features to the extent reasonably feasible. Where

surface water runoff cannot be entirely managed on site, adequate provisions shall be made so that runoff will not adversely affect the use of adjoining or downstream properties, unless a drainage easement has been obtained.

- b. Where it is anticipated by the city public works director that the additional runoff resulting from a proposed development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.
- c. In order to accommodate upstream drainage, culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city public works director.

**Findings:** The surface water runoff will be managed entirely onsite. A 2500 square-foot facility will not produce significant surface water runoff.

**Conclusion:** Surface water runoff will be managed entirely onsite through the landscaping features.

6. Vehicle Access, Driveway And Circulation Standards:

- a. New Vehicle Access Connections: New access connections shall not be permitted within the functional area (see section 10-1-6, "Definitions", of this title) of an intersection or interchange as defined by the connection spacing standards of this title, the comprehensive plan and public works standards, unless no other reasonable access to the property is available. See also subsection 10-11-4C of this title regarding vision clearance areas.

**Findings:** No new vehicle access connections are proposed or necessary. The applicant intends to utilize the existing access points.

**Conclusion:** No new vehicle access connections are proposed.

- b. Access Connections: Where no other alternative exists, the city may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

**Findings:** No new access connections are proposed or necessary.

**Conclusion:** No new access connections are proposed.

- c. Cross Access Drives, Pedestrian Access: Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

**Findings:** The property is not adjacent to commercial or office properties that are major traffic generators.

**Conclusion:** The subject property is not located next to commercial or office properties that are major traffic generators.

- d. Separation Distance: The city may reduce the required separation distance of access

points where they prove impractical, provided all of the following requirements are met:

- (1) Joint access driveways and cross access easements are provided.
- (2) The site plan incorporates a unified access and circulation system.
- (3) The property owner enters into a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of a joint use driveway.
- (4) The city may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**Findings:** No new access points are proposed or necessary.

**Conclusion:** No new access points are proposed or necessary, therefore, no request to reduce the required separation distance is proposed.

- e. Phased Developments: Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

**Findings:** The submitted application is not part of a phased development.

**Conclusion:** The application is not part of a phased development.

- f. Corner Lots: Corner lots shall be required to locate motor vehicle accesses on the street with the lower functional classification when feasible provided such access will not be located within the functional area of the intersection. This requirement may be waived or modified when a commercial use would be required to take access from a street in a residential neighborhood.

**Findings:** The subject property is not a corner lot.

**Conclusion:** The property is not a corner lot.

- g. Nonconforming Access Features: Legal access connections in place when this title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits are requested or when there is a change in use or enlargement or improvement that will increase trip generation.

**Findings:** There are no nonconforming access features.

**Conclusion:** There are no nonconforming access features.

7. Driveway Standards:

- a. If the driveway is one-way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty five feet (35') for

both lanes.

- c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

**Findings:** The applicant is proposing a driveway that will be within a 25 ft. wide easement from the leased area to the public right of way. Within the easement area, a 12 ft. wide gravel drive will be constructed. This driveway will not be available to the public, but rather for use by the applicant's site technician that will visit the site every 90-120 days or in the event of an emergency.

**Conclusion:** The proposed driveway meets the required standards.

8. Utilities: All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in accordance with city standards.

**Findings:** As shown on the submitted plans all new utility connections will be underground in accordance with City standards.

**Conclusion:** All new utility connections as shown on the submitted site plan will be underground.

9. Easements: An applicant should discuss with the city planning official the likelihood that any easement will be required prior to making application. When an easement is required based on findings that justify the easement, the following standards shall apply:

- a. Pedestrian Easements: In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

- b. Open Space Easements: An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

- c. General Public Easements: When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right of way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width.

**Findings:** No easements are required.

**Conclusion:** No easements are required.

### C. Special Site And Building Design Standards:

1. Building Orientation And Architectural Features:

- a. The primary building and entry shall be oriented toward the fronting street. On corner lots, building entrances shall face the primary fronting street or the corner.

**Findings:** No building is proposed.

**Conclusion:** No building is proposed.

- b. The primary building shall incorporate ground floor windows along the fronting street facades, with at least twenty percent (20%) of the fronting wall consisting of display areas, windows or doorways.

**Findings:** No building is proposed.

**Conclusion:** No building is proposed.

- c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or decorative elements.

**Findings:** No building is proposed.

**Conclusion:** No building is proposed.

- d. A drive-through window or use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.

**Findings:** A drive-through is not proposed.

**Conclusion:** A drive-through is not proposed.

2. Off Street Parking, Loading And Unloading: See chapter 9 of this title for specific design standards for parking spaces and parking areas.

- a. Off street parking shall not be located within five feet (5') of a property line separating the subject property from a public street.

- b. Existing or proposed off street parking areas between the front or side of a building and the public right of way shall be separated from the right of way with a minimum three foot (3') wide landscape strip (see landscape requirements).

- c. Parking bumpers shall be set at least six feet (6') from the right of way for parking spaces established perpendicular to the right of way. Parking bumpers shall be securely fastened to the ground.

- d. A designated area (or areas) for loading and/or unloading of materials or freight shall be provided to ensure all such activities occur entirely on site.

- e. Parking or loading areas which abut a residential zone along a rear or side property line shall be separated from the property line by a five foot (5') wide landscaped area and a six foot (6') high fence or wall to buffer the residential property.

**Findings:** The proposal is for an unmanned Wireless Communication Facility (WCF) and as such, the applicant is providing parking within the leased area for one service vehicle. There is no need for public access to this facility.

**Conclusion:** This standard does not apply.

3. Bicycle And Pedestrian Facilities And Easements:

- a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or

if findings justify the need to address anticipated impacts from the proposed development.

**Findings:** The subject property is not crossed by a designated trail as identified in the comprehensive plan.

**Conclusion:** The comprehensive plan does not identify or designate a bicycle or pedestrian pathway or trail on the subject property.

- b. Developments shall provide an on site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

**Findings:** The proposal is for an unmanned Wireless Communication Facility (WCF) and as such, the applicant is providing parking within the leased area for one service vehicle. There is no need for public access to this facility.

**Conclusion:** This standard does not apply.

4. Landscaping, Lighting And Outdoor Storage:

- a. At least ten percent (10%) of the site shall be landscaped. A minimum three foot (3') wide landscape strip along street frontages and building fronts must be included in the landscape plan to accommodate surface water runoff from the site and to enhance the street appearance of the development.
- b. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two (2) of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.
- c. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.

**Findings:** These standards are addressed in the variance portion of this document.

**Conclusion:** These standards are addressed in the variance portion of this document.

- d. Parking areas shall be landscaped as prescribed in subsection 10-9-2D of this title.

**Findings:** The landscaping requirements in subsection 10-9-2D are shown below.

D. Landscaping:

1. All parking lots shall be developed with at least ten percent (10%) of any uncovered parking area in plantings or other landscaping as approved by the decision maker. Single-family detached and attached residences and two-family residences are exempt from this requirement. Parking areas for three (3) to five (5) dwelling structures may be exempt from this requirement if landscaping is provided around the perimeter of the parking area.

2. Landscaping shall be located in planter areas that separate parking spaces into groups of ten (10) or less spaces. Each planter area shall include at least one tree with a caliper of 2.0 inches at time of planting and ground cover.

3. Required planting areas shall have a minimum dimension of not less than five feet (5').

4. Required landscaping shall be continuously maintained and shall be provided with an automatic

underground sprinkler system or a certification from a landscape architect that plant materials can survive without an automatic sprinkling system.

As addressed previously in this report the subject property will not have any parking other than one for maintenance.

**Conclusion:** This standard does not apply.

- e. Lighting may be required on the site, such as between parking areas and buildings or along walkways, based on findings that justify the need to protect the public health, safety or welfare. All on site lighting shall be shielded to prevent off site glare or nuisance to traffic or neighboring properties.

**Findings:** No lighting is required. There is no parking areas or buildings proposed.

**Conclusion:** No lighting is required.

- f. Outdoor storage and garbage collection areas shall be entirely screened with a six foot (6') high sight obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.

**Findings:** No garbage will be stored on site.

**Conclusion:** No garbage will be stored on site.

- g. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.

**Findings:** The applicant has not submitted a detailed landscape plan to address the type of landscaping to be used and if irrigation will be provided. However, landscaping is typically one of the last items installed prior to commencing operation of a proposed use. Therefore, a condition of approval will be imposed requiring landscaping to be installed prior to issuance of a City business license and satisfactory maintenance of landscaped areas will be required as part of the annual review of a business license.

**Conclusion:** A condition of approval will be imposed requiring satisfactory maintenance of landscaped areas prior to planning sign off on an annual renewal of a business license.

5. Vision Clearance Area And Fences: See section 10-11-4 and subsection 10-11-1B of this title.

**Findings:** Statement from applicant: *“The proposal is to install a 7 ft. chain-link fence around the site leased area with an additional 1 ft. of barbed wire atop the chain link fence. The proposed fencing is to provide maximum security and enhance public safety at the facility that serves as critical infrastructure for public communications. The applicant is requesting that the planning commission make an exception to the maximum fencing height of this standard to provide for maximum security at the facility, which is in the public interest.”*

**Conclusion:** The proposed fence exceeds the maximum fence height allowed, however, the applicant may modify the height of the fence or obtain approval of a variance prior to

installing the fence. No fencing or other obstructions are proposed within a vision clearance area as show on the applicant's site plan.

6. Signs: See title 8, chapter 2 of this code.

**Findings:** The applicant is not proposing any external signage, other than the required FCC notice sign and safety signage that will be attached to the fencing at the facility entrance.

**Conclusion:** No signs are proposed as part of development other than FCC and safety signage.

## VARIANCE

### CUZO 10-13-1: VARIANCE AND ADJUSTMENT:

The applicant, US Cellular, is requesting a variance to eliminate the landscape requirements found in 10-4D-7(C) (4) Landscaping, Lighting and Outdoor Storage. In addition, the applicant is requesting a variance to fence height. Allowing for a fence height total of 8 feet, 2 feet higher than allowed by Section 10-11-1(B).

Variance and adjustment procedures are intended to allow modifications of specific standards when the approval authority finds that approval criteria are satisfied. A variance or adjustment shall not be granted if the effect is to vary the uses permitted in the zoning district, definitions, or the residential density.

B. Variance: A variance is a request for more than a ten percent (10%) modification of a quantitative standard or qualitative criteria in this Title. The Planning Commission may grant an adjustment through a Type III procedure if all the following criteria are satisfied:

### LANDSCAPING REQUIREMENTS

1. The need for the adjustment is beyond the applicant's control.

**Findings:** The applicant has a lease area of 2500 square feet on Tax Lot 606. The applicant states: *"The need for the adjustment is beyond the applicants control in that the applicant does not have leasehold rights on the entire parcel that would require the applicant to comply this section of code."* Although the applicant does not have control of the whole entire parcel. The City code defines a site as "SITE: An area of real property in common ownership, notwithstanding that a particular development permit application may be for development of a portion of the site only. Conveyance of less than fee title to different persons, such as by ground lease, shall not operate to prevent the requirement of site review for the entire site." Ultimately, the code requires the landscaping standards to be applied to the entire site even if development is only proposed on a portion of the site.

**Conclusion:** The County Assessors Tax Lot Map shows the property as .32 acres (13,939 square feet) resulting in a required 1,393 square feet of landscaping. While staff acknowledges that the applicant's current lease does not include the entire site the code is clear that the standards apply to the entire site regardless of leasehold rights. The applicant obtained a lease from the property owner for the current 2,500 square foot area and modification/expansion of the lease area should not be considered beyond the applicant's

control.

2. To meet the need, the request is the minimum necessary variation from the requirement.

**Findings:** The applicant's submitted narrative states:

*The applicant is asking for a variance to grant relief from the requirement to landscape the entire parcel. The applicant is willing to landscape that area around the site leased area, but finds that landscaping required to be installed as required in the code is excessive, serves no purpose, and will require water. The applicant finds that landscaping will have a small change of survival and will become a maintenance nuisance. The property owner currently uses the parcel as pasture for donkeys, thus it would require additional fencing around the landscaping to prevent the livestock from destroying the landscaped plantings.*

The site design and landscaping requirement in Section 10-4D-7 are intended to provide a consistent development pattern and create an aesthetically pleasing environment. The CUZO also allow for landscaping not to be irrigated if a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation. Therefore, an option to install landscaping that would not require water that is allowed and would not require a variance.

**Conclusion:** The applicant did not submit a landscape plan and did not provided enough specifics to allow staff to determine if the applicant's request would be the minimum necessary to meet the need. However, to address the points raised in the narrative the site design and landscaping requirements in Section 10-4D-7 "are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district." In addition, as addressed in this report landscaped area are allowed to installed without irrigation if a letter from a licensed landscape architect is submitted.

3. There are development constraints associated with the property or the present use or permitted use of the property which make development of a permitted use impractical, or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.
4. Either the circumstances that apply to the site or the present or a permitted use of the site do not typically apply to other properties in the same vicinity or district, and are unique or unusual; or it would be more detrimental to the public safety or more injurious to the public welfare to apply the requirement than to grant the proposed variance.

**Findings:** The intent of these standards are to require an applicant to demonstrate there is a constraint or circumstances that apply to an application that do not generally apply to other uses or properties in the area. The applicant states "*The applicant in this case does not have control over the entire parcel as compared to other property owners in the area.*" As stated above the code defines a "site" as an area of property under common ownership and conveyances, such as a lease, do not prevent the requirements from applying to the entire site.

**Conclusion:** As addressed in this report and as adopted in the CUZO a lease area for a portion of a site does not justify the requirements of site review from applying to the entire site. The requirement for landscaping are found in Section 10-4D-7 (C) "Special Site and

Building Design Standards” and are considered site review standards. Therefore, the applicant has not provided justification that there are development constraints or circumstances that apply to the site or proposed use that do not typically apply to other properties or uses in the area.

5. If more than one variance is requested, or a variance and adjustment, the cumulative effect of the requests will result in a project that is still consistent with the overall purpose of the district.

**Findings:** The applicant is requesting two variances. As addressed in this report the applicant has not provided sufficient justification to support approval of a variance for landscaping. Staff recommend Planning Commission deny the applicants request to eliminate the landscape requirements. Approval of a variance for a fence is address below.

**Conclusion:** As addressed in this report the applicant is requesting two variances. Staff has recommended that the variance to eliminate the landscape requirements is not consistent with the CUZO. A variance request for a fence over six feet is addressed below and found to be consistent with the purpose of the CUZO.

6. The variance does not circumvent the purpose of the requirement or any provision of the Comprehensive Plan.

**Findings:** The applicant states *“While the applicant is proposing to eliminate the landscape requirement, the applicant does propose to install privacy slats in the fencing as a reasonable means to provide visual buffering and street appearance enhancements that would be achieved with landscaping per the code.”* While privacy slats in fencing may provide visual buffering, it does not sufficiently meet the surface water runoff and street appearance requirements found in the code and addressed above.

**Conclusion:** A variance removing all landscaping requirements would circumvent the purpose of the requirements.

## FENCE HEIGHT

1. The need for the adjustment is beyond the applicant's control.

**Findings:** The proposed change to fencing height is to provide maximum security and enhance public safety at a facility that will serve as critical infrastructure for public communications.

**Conclusion:** The need to keep the public safe is beyond the applicant’s control.

2. To meet the need, the request is the minimum necessary variation from the requirement.

**Findings:** The applicant states *“The proposal is to install a 7 ft. chain-link fence around the site leased area with an additional 1 ft. of barbed wire atop the chain-link fence.”* Allowing an extra foot of fence along with a foot of barbed wire will increase security and public safety meeting the minimum necessary variation from the requirement.

**Conclusion:** The minimum necessary variation from the requirement can be met with a variance allowing a 7 ft. chain-link fence with an additional 1 ft. of barbed wire atop the chain-link fence.

3. There are development constraints associated with the property or the present use or permitted use of the property which make development of a permitted use impractical, or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.
4. Either the circumstances that apply to the site or the present or a permitted use of the site do not typically apply to other properties in the same vicinity or district, and are unique or unusual; or it would be more detrimental to the public safety or more injurious to the public welfare to apply the requirement than to grant the proposed variance.

**Findings:** The intent of these standards are to require an applicant to demonstrate there is a constraint or circumstances that apply to an application that do not generally apply to other uses or properties in the area. Other uses in the area do not require a 100-foot-tall tower that unless protected could be a public safety concern.

**Conclusion:** A variance allowing the fence to be two feet taller than allowed in code will increase public safety.

5. If more than one variance is requested, or a variance and adjustment, the cumulative effect of the requests will result in a project that is still consistent with the overall purpose of the district.

**Findings:** The applicant is requesting two variances. Staff has recommended Planning Commission deny the applicants request to waive the landscaping requirements and recommends approval of the variance to allow an eight-foot fence for security reasons.

**Conclusion:** As addressed in this report the applicant is requesting two variances. Staff has recommended that the variance to eliminate the landscape requirements is not consistent with the CUZO. A variance request for a fence over six feet is addressed below and found to be consistent with the purpose of the CUZO.

6. The variance does not circumvent the purpose of the requirement or any provision of the Comprehensive Plan.

**Findings:** The variance does not circumvent the purpose of the requirement or any provision of the comprehensive plan.

**Conclusion:** The variance does not circumvent the purpose of the requirement or any provision of the comprehensive plan.

#### **IV. SUMMARY AND RECOMMENDATION**

The applicant, US Cellular, is requesting approval of a conditional use, site plan approval, and two variances to develop a 2500 square foot telecommunications utility equipment facility. The request appears to meet all of the applicable criteria under Section 10-13-1 of the City of Umatilla Zoning Ordinance. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, staff recommends approval of the conditional use (CU-1-20) and site plan review (SP-1-20) to allow a 2500 square foot telecommunications utility equipment facility, subject to the conditions of approval contained under Section V of this report. In addition, staff recommends partial approval of the variance request (V-1-20) by approving a variance to allow up to an eight-foot fence around the lease area

for security reasons and deny the request to eliminate landscaping requirements.

## **V. CONDITIONS OF APPROVAL**

1. The applicant shall submit a landscape plan that included a minimum three-foot-wide landscape strip along the street frontage of Highway 730 and at least ten percent of the site. If irrigation is not provided the applicant shall provide a letter from a licensed landscape architect certifying the selected plants will survive without irrigation. Annual renewal of a business license shall be contingent upon satisfactory maintenance of landscaped areas.
2. The applicant shall build a fence surrounding the facility no higher than 8 feet. The applicant shall obtain a fence permit from the City prior to installing the fence.
3. If any historic, cultural or other archaeological artifacts, or human remains are discovered during construction the applicant shall immediately cease construction activity, secure the site, and notify appropriate agencies including but not limited to the City of Umatilla and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program.
4. The applicant must obtain all federal, state and local permits or licenses prior to starting construction activities.
5. The applicant shall obtain a City business license prior to starting operation of the business.
6. The applicant must establish the proposed use within one year of the date of the final approval unless the applicant applies for and receives an extension prior to the expiration of the approval.

## **VI. EXHIBITS**

Exhibit A – Public Notice Map

Exhibit B – Applicant's submitted materials

Variance Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

## Applicant Responses to Section 10-13-1, Variance and Adjustment

### Applicant responses in bold/italics

#### 10-13-1: VARIANCE AND ADJUSTMENT

Variance and adjustment procedures are intended to allow modifications of specific standards when the approval authority finds that approval criteria are satisfied. A variance or adjustment shall not be granted if the effect is to vary the uses permitted in the zoning district, definitions, or the residential density.

A. Adjustment: An adjustment is a request for a ten percent (10%) increase or decrease in a quantitative provision of this Title. The City Administrator may grant an adjustment through a Type II procedure if all of the following criteria are satisfied:

***Response:***

***The applicant is requesting a variance; therefore this section does not apply.***

1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified.
2. If in a residential district, the proposal will not significantly detract from the livability or appearance of the residential area. If in a commercial or industrial district, the proposal will be consistent with the desired character of the area.
3. If more than one adjustment is requested, the cumulative effect of the adjustments will result in a project that is still consistent with the overall purpose of the district.
4. Any impacts resulting from the adjustment are mitigated to the extent practical.
5. Granting the adjustment is the minimum necessary to allow the use of the site.

Variance Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

B. Variance: A variance is a request for more than a ten percent (10%) modification of a quantitative standard or qualitative criteria in this Title. The Planning Commission may grant an adjustment through a Type III procedure if all the following criteria are satisfied:

1. The need for the adjustment is beyond the applicant's control.

**Response:**

***The applicant is requesting relief from the landscaping code section 10-4D-7 , specifically, subsection C-4 a, b and c, that applies generally to a property and is not specific to the type of development.***

***The proposed Wireless Communication Facility WCF to be located on the subject parcel does not qualify as a building development and therefore parts of those standards will not apply (e.g. landscaping strips along building fronts) but the remainder of the standards would apply to the entire parcel, rather than the leased area within the parcel. To comply with the remainder of the landscaping requirements, the applicant would need total control of the entire parcel, not just the leased area that is currently under contract with the property owner. Therefore, the need for the adjustment is beyond the applicants control in that the applicant does not have leasehold rights on the entire parcel that would require the applicant to comply with the section of the code.***

2. To meet the need, the request is the minimum necessary variation from the requirement.

**Response:**

***The applicant is asking for a variance to grant relief from the requirement to landscape the entire parcel. The applicant is willing to landscape that area around the site leased area, but finds that landscaping required to be installed as required in the code is excessive, serves no purpose, and will require water. The applicant finds that the landscaping will have a small chance of survival and will become a maintenance nuisance. The property owner currently uses the parcel as pasture for donkeys, thus it would require additional fencing around the landscaping to prevent the livestock from destroying the landscape plantings.***

***This request can be found to be the minimum variance to the code.***

Variance Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

3. There are development constraints associated with the property or the present use or permitted use of the property which make development of a permitted use impractical, or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.

**Response:**

***The applicant in this case does not have control over the entire parcel as compared to other property owners in the area. In this instance, the applicant only has control over a small portion the parcel, 2500 sq. feet of leased space, and does not believe it can encroach on the remainder of the subject parcel, under the control of the property owner, to satisfy this landscape requirements as the applicants property rights only extend within the leased area and any easements the property owner may grant for access and/or utilities.***

4. Either the circumstances that apply to the site or the present or a permitted use of the site do not typically apply to other properties in the same vicinity or district, and are unique or unusual; or it would be more detrimental to the public safety or more injurious to the public welfare to apply the requirement than to grant the proposed variance.

**Response:**

***The applicant is asking for a variance to grant relief from the requirement to landscape the entire parcel. The applicant finds that landscaping requirements per the code to be excessive, serves no purpose, and will require water for landscaping and will be a nuisance to maintain. The applicant finds that the landscaping will have a small chance of survival and may become a visual distraction to the site (namely, the possibility of dead plants/weeds). The property owner currently uses the parcel as pasture for donkeys, thus it would require additional fencing around the landscaping to prevent the livestock from destroying the landscape plantings.***

5. If more than one variance is requested, or a variance and adjustment, the cumulative effect of the requests will result in a project that is still consistent with the overall purpose of the district.

**Response:**

***The applicant is requesting only one variance at this time.***

Variance Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

6. The variance does not circumvent the purpose of the requirement or any provision of the Comprehensive Plan. (Ord. 688, 6-15-1999)

**Response:**

***While the applicant is proposing to eliminate the landscape requirement, the applicant does propose to install privacy slats in the fencing as a reasonable means to provide visual buffering and street appearance enhancements that would be achieved with landscaping per the code. Therefore, this request does not seek to circumvent the purpose of the requirement or any provision of the Comprehensive Plan.***

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

**Applicant Responses to Section 10-12-1 AUTHORIZATION TO GRANT OR DENY**

**And**

**10-12-2: STANDARDS GOVERNING CONDITIONAL USES**

**(Applicant responses are in *bold/italics.*)**

**10-12-1: AUTHORIZATION TO GRANT OR DENY:**

A conditional use listed in this Title, may be permitted, denied, enlarged or altered upon authorization of the Planning Commission in accordance with the criteria and standards of this Chapter and Type III procedures in Chapter 14 of this Title. Site review is required for conditional uses.

A. Approval Criteria: The applicant shall carry the burden of proof in demonstrating that the following review criteria are satisfied, in addition to any specific criteria and standards in this Chapter, other applicable chapters of this Title, and this Code. If any of the following criteria and other applicable standards cannot be satisfied by requiring conditions with the approval, the use shall be denied:

1. Applicable Plans: The conditional use application complies with applicable policies of the Umatilla City Comprehensive Plan.

***Response:***

***The applicant is seeking approval of a Conditional Use and Site Plan Review for a new Wireless Communication Facility (WCF).***

***Section 2.1 of the Comprehensive Plan states:***

***The City identifies a need for three types of commercial areas: a Downtown Commercial District that is the focal point for the community as well as a location for goods and services for the residential areas adjacent to the downtown; a Neighborhood Commercial District that serves a relatively small market area; and a General Commercial District that accommodates uses that need a large land area and provide goods and services to the region.***

***Chapter 2/Goal2, Land Use Planning, of the Comprehensive Plan, address the uses in that area proposed in the GC District, namely:***

**General Commercial (GC)–This district provides areas for a full range of commercial uses which require large sites and high visibility. Due to the uses allowed and high number of people served, these areas should be located along major travel routes and at major intersections.**

***The Planning Commission can find that the proposed used, a Wireless Communication Facility, is a service offered to the public, to provide wireless services throughout the area, and is a use that can***

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

***and should be encouraged in the GC District as it can service a greater number of users, is located in/near a major traffic route in the area, and provides support to emergency services providers.***

2. Code Provisions: The proposal complies with all applicable provisions of this Code, including, but not limited to, provisions of this Chapter, the base district, and site review, as well as any other applicable provisions of this Code.

***Response:***

***The applicant has addressed the following code sections (see attached separate documents provided with the application materials):***

***Property Development Standards in the GC zone (10-4D-7),***

***The nonresidential development site design criteria [10-13-2 (B) 3],***

***Community Service Development Standards (10-6-3)***

***The Planning Commission can find that, based on the applicants findings provided for the above code sections, that the proposal complies with these standards or can be made to comply with these standards through appropriate conditions of approval as determined by the Planning Commission.***

3. Use Characteristics: If the proposed use is a community service, application shall include evidence to demonstrate that the proposed use is needed within the community to provide a social or technical benefit.

***Response:***

***Per the City of Umatilla Code, Chapter 1, Zoning Purpose and Definitions, 10-1-6, Community Service Uses are defined as:***

**COMMUNITY SERVICES USE: A use that may be appropriate or necessary in any district due to its public convenience, necessity, unusual character, technical need, or effect on the neighborhood. Such uses may include a public or private park, utility facility, building used for religious worship, as listed in chapter 6 of this title.**

***The applicant, through its RF Engineering Department, has provided a Statement of Justification to demonstrate the need for the requested Conditional Use approval for the new Wireless Communication Facility.***

***Therefore, the Planning Commission can find that the applicant has provided the justification for this site and find that this site meets the definition of a community service.***

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

4. Site Characteristics: The site is appropriate for the proposed use, considering, but not limited to, the following factors: neighboring land use, adequacy of transportation facilities and access, site size and configuration, adequacy of public facilities.

**Response**

***The applicant is proposing to install, construct and operate a new Wireless Communication Facility, on private property located in the GC District. The parcel size is .58 acres and is a vacant parcel of land, infrequently used for grazing by the property owner. The underlying parcel is bordered by US Hwy 730 and Wildwood Lane. The parcels to the east and south are owned by the same entity that owns the parcel underlying the proposed use. To the east, the property is developed with a multi-family structure and to the south as a single-family residential structure. Across Wildwood Lane to the west is an RV park. To the north across US Hwy 730 is vacant land. The leased portion of the parcel that will provide siting for the WCF is a 2500 sq. ft. leased area, with access to the nearest public right of way, Wildwood Lane. Access to the site area will be via a proposed gravel driveway and public facilities such as electrical power and fiber optics are available at/near the site.***

***The Planning Commission can find that the proposal, its location and those factors noted above are compatible and that the proposed WCF at the proposed location is an appropriate use in the area.***

5. Impacts on The Neighborhood: Potential impacts on neighboring properties shall be identified. Mitigating measures shall be identified for unavoidable adverse impacts.

**Response:**

***The applicant, through its site acquisition team, has reviewed, identified and determined that the proposed site, in the search area, is the least intrusive location in this neighborhood/part of Umatilla. The location selected is a vacant lot, and will not interfere with other uses on the subject parcel or in the neighborhood area. The WCF is an unmanned facility, does not generate noise, odor or create a nuisance and is designed to be secured from unauthorized access with security fencing and gates. The applicant has also provide photo simulations demonstrating the anticipated visual appearance of the the antenna support structure within the larger community/neighborhood area.***

***Therefore, the Planning Commission can find that the proposal does not require mitigation to be compatible with the neighborhood.***

6. Impacts on The Community: Potential impacts on the community shall be identified, including, but not limited to, public facilities, land supply within the particular zoning district, impact on housing, etc. Potential benefits of a proposed use may outweigh potential impacts,

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

but such benefits and impacts should be identified. Unavoidable adverse impacts should be mitigated to the extent possible.

**Response:**

***The proposal, as designed and proposed to be installed, constructed and operated, will not impact public facilities, land supply in the GC District or impact housing. The proposed WCF will be sited on a vacant parcel of land and will not interfere with current uses or uses nearby. The applicant has also provide photo simulations demonstrating the anticipated visual appearance of the antenna support structure within the larger community/neighborhood area. The benefit to the community from improved and advanced telecommunications services outweighs perceived impacts, if any.***

***Therefore, the Planning Commission can find that impacts on the community are not evident and that the proposed WCF is compatible with the other uses in the community.***

B. Conditions of Approval: Conditions of approval for mitigating measures shall be clearly related to the identified impact or impacts. If complex conditions of approval are considered necessary, this is an indication that the proposed use may not be appropriate for the proposed site.

Conditions of approval may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the building or use.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width and requiring street improvements.
5. Increasing or decreasing the number of required off-street parking spaces.
6. Limiting the number, size, location, and lighting of signs.
7. Requiring diking, fencing, screening, landscaping, or other facilities designed to protect adjacent or nearby properties.
8. Designating sites for open space.

**Response:**

***The applicant has designed a new WCF site to installed, constructed and operated on private property in the GC zone that will not require extensive or complex conditions of approval. The proposed site is designed to utilize the minimum amount of ground space on the subject parcel, to not preclude the***

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

***development of the remainder of the parcel and to not create a conflict with uses on the parent parcel currently or uses on other adjacent parcels in the area. The unmanned WCF can be found to be a passive use of the subject parcel, and therefore reduces impacts such as traffic, congestion, or a great demand on public facilities. The applicant requests the Planning Commission allow the fence height as proposed as a condition of approval to enhance security and public safety.***

***Therefore the Planning Commission can find that the proposed WCF and the requested Conditional Use require only minimum conditions of approval and that the requested use is compatible with the zone, the immediate area and the general area of this part of the city of Umatilla.***

C. Existing Conditional Use: Any conditional use existing prior to the effective date of this Title, and classified in this Title as a conditional use, shall not be changed with respect to the use, site, or structure, unless the change conforms with the current requirements for conditional use. (Ord. 688, 6-15-1999)

***Response:***

***This proposal for a new WCF is not an existing use; this section does not apply.***

#### 10-12-2: STANDARDS GOVERNING CONDITIONAL USES

D. Utilities, Storage Tanks, And Towers For Transmission Of Radio Waves For Cellular Communications And Similar Facilities: The Planning Commission shall determine that the proposed site is located to best serve the intended area and that impacts on surrounding properties and appropriate mitigating measures are identified. Such facilities shall be located, designed, and installed with regard for aesthetic values.

***Response:***

***The proposal for a WCF on the subject parcel can be found by the Planning Commission to be the best location to not only provide the required wireless service in the area in the most efficient manner, but also can be found to be the least intrusive site location that will have the least impact on the nearby properties and uses in the area. The proposed WCF is an unmanned facility, will be screened with a fence that includes slats to conceal the ground based equipment.***

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

***The proposed WCF site is designed to utilize the minimum amount of ground space on the subject parcel, to not preclude the development of the remainder of the parcel and to not create a conflict with uses on the parent parcel currently or uses on other adjacent parcels in the area. The unmanned WCF can be found to be a passive use of the subject parcel, and therefore reduces impacts such as traffic, congestion, or a great demand on public facilities.***

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

**Applicant Responses to Section 10-13-2: SITE REVIEW**  
**(Applicant responses are in *bold/italics.*)**

The purpose of site review is to provide a process to review proposals to verify compliance with requirements of this Title, including requirements of this Section, and any other applicable provisions of this Code.

A. General Provisions:

1. Applicability: Site review is required for multi-family residential, commercial, and industrial developments as specified in each zoning district.

***Response:***

***The proposal, a Wireless Communication Facility (WCF) is to be located in a commercial zoning district, namely the General Commercial District, therefore Site Review is required.***

2. Procedure: Site review is a type II permit, unless incorporated into a type III review such as a community services or conditional use permit.

***Response:***

***The proposal, a Wireless Communication Facility (WCF), will require a Condition Use approval; therefore the necessary review will be a type III.***

3. Exemptions: The following developments are exempt from site review:

- a. Single-family residences, manufactured homes on individual lots, and two-family attached residences.
- b. A development that adds less than twenty five percent (25%) to existing floor area or outdoor use area when the primary use on the site remains unchanged and required parking does not increase.
- c. An addition to an existing development when the primary use on the site remains unchanged. (Ord. 688, 6-15-1999)

***Response:***

***The proposal, a Wireless Communication Facility (WCF), is not exempt from site review per the above section.***

B. Application:

CUP/Site Plan Review Application  
Wireless Communication Facility  
US Cellular Site ID: McNary 385489  
Project Location: Wildwood Lane/Umatilla

1. Submission: The applicant shall submit at least six (6) copies of a narrative, plans, and drawings that describe the proposed development. A traffic impact analysis (TIA), as established in section 10-11-10 of this title, shall also be submitted pursuant to applicability requirements in subsection 10-11-10B of this title. Information specified by chapter 14 of this title and this section may be combined and provided in narrative form or on plans and maps so long as required information is clear and understandable. Additional copies of documents and plans will be required for a type III review. (Ord. 766, 12-6-2011)

**Response:**

***The applicant can submit the required number of copies. A TIA is not required. The applicant has submitted with this application a zoning plan set that detail the site and its components.***

2. Site Design Criteria And Standards For Residential Developments: The following requirements are in addition to any requirements specified in the applicable zoning district:

- a. Landscaping shall be provided as specified in the zoning district. Landscaped areas shall be provided with automatic irrigation unless a qualified landscape professional certifies that plants will survive without irrigation.
- b. Front facades and points of entry shall generally be oriented to the fronting street, not to a parking lot.
- c. Front facades facing the street shall contain windows for primary living areas.
- d. Front facades of structures shall include horizontal offsets or design features, such as porches, gables, columns, and similar architectural features, at intervals of no less than one hundred feet (100') to visually enhance long walls.
- e. On site parking shall not be located between street frontage dwellings and an abutting right of way. Required parking shall be located beside or behind dwelling structures.
- f. Attached garages shall be located at least four feet (4') behind the front facade and at least eighteen feet (18') from a public right of way.
- g. Private outdoor space shall be provided for all dwellings as either a deck, porch, patio or similar space, at least eighty (80) square feet in area and enclosed, screened, or otherwise designed to provide privacy. Second floor residential uses in the downtown commercial district are exempt from this requirement.
- h. Exterior garbage collection areas shall be screened with a six foot (6') high sight obscuring fence or wall or comparable vegetation.

- i. Based on anticipated vehicle and pedestrian traffic and the condition of adjacent streets and rights of way, the city may require right of way improvements including, but not limited to, paving, curbs, sidewalks, bikeways, lighting, turn lanes, and other facilities needed because of anticipated vehicle and pedestrian traffic generation.
- j. Outdoor storage facilities with an area of at least twenty four (24) square feet, at least six feet (6') high, fully enclosed, and capable of being locked, shall be provided for each dwelling unit. Residential uses in the downtown commercial district are exempt from this requirement.
- k. Private on site driveways shall be constructed with sufficient width and suitable paving to support anticipated traffic volume and loads.
- l. A continuous, on site pedestrian system shall be provided that links the front doors of all dwellings with the abutting street, the parking area, and any on site features such as a swimming pool, laundry, on site open space, etc. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, planter strips, or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings or both. Walkways shall also provide direct and convenient connections to schools, parks, shopping areas, or other destinations within the vicinity as possible. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

**Response:**

***The proposal is for a Wireless Communication Facility, to be located in a General Commercial District; therefore this section does not apply.***

3. Site Design Criteria And Standards For Nonresidential Developments: The following requirements are in addition to any requirements specified in the applicable zoning district:

- a. Landscaped areas shall be provided with automatic irrigation unless a landscape architect certifies that plants will survive without irrigation.
- b. Landscaping shall be located along street frontages and building fronts to enhance the street appearance of a development.
- c. Outdoor storage and garbage collection areas shall be entirely screened with vegetation, fence, or wall. (Ord. 688, 6-15-1999)
- d. Based on anticipated vehicle and pedestrian traffic and the condition of adjacent streets and rights of way, the city may require right of way improvements including, but not limited to,

paving, curbs, sidewalks, bikeways, lighting, turn lanes, and other facilities needed because of anticipated vehicle and pedestrian traffic generation. Minimum requirements shall conform to the standards of subsection 11-4-2C of this code, minimum street standards and the public works standards. (Ord. 710, 5-7-2002)

e. Access shall generally be taken from the higher classification street when a development fronts more than one street, except in the case of developments along Highway 730, which shall take access from an alley or a side street unless there is no alternative.

f. Developments shall provide an on site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips, or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

g. The primary building and entry orientation shall be to the fronting street rather than a parking lot.

h. All buildings shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows, or doorways.

i. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entries, or similar architectural or decorative elements.

j. A drive-through use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.

**Response:**

***The proposal is for a Wireless Communication Facility, in a General Commercial District. The proposed WCF is an unmanned facility and will not increase traffic in the area.***

***The applicant has submitted with this proposal a Variance Application request for relief from landscape requirements. The applicant does not have control of lands on the subject property outside of the leasehold space, excepting the easement which is specifically granted for access and utilities. The applicant finds that this requirement is an excessive requirement, namely to landscape the entire site/parcel, will create difficulty for the property owner to use the balance of the property, will require watering requirements that will be excessive and wasteful and will ultimately be a maintenance issue***

***in the future, nor would landscaping be of any enhancement value to the proposed WCF relative to the hardship meeting this requirement would place upon the applicant and property owner. This property is currently vacant and is used for grazing. Landscaping the perimeter of the leasehold and the street frontages is incompatible with continued grazing at the site. Furthermore the proposed facility is located approximately 180' from US Hwy 730 (the high traffic thoroughfare) upon which this parcel has a 100' frontage. This parcel has a 236' frontage on Wildwood Lane, a gravel road with minimal traffic potentially serving a small number of parcels, minimally developed, three of which are owned by the same entity as the parcel underlying the proposed use. The applicant proposes the installation of colored privacy fence slats within the leasehold perimeter fencing to provide a visual buffer and aesthetically enhance the street appearance of the facility.***

#### 4. Access Standards For All Uses:

- a. New Connections: New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this title and public works standards<sup>1</sup>, unless no other reasonable access to the property is available.
- b. Access Connections: Where no other alternative exists, the city administrator may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.
- c. Cross Access Drives, Pedestrian Access: Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.
- d. Separation Distance: The city may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
  - (1) Joint access driveways and cross access easements are provided.
  - (2) The site plan incorporates a unified access and circulation system.
  - (3) The property owner enters into a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of a joint use driveway.
  - (4) The city may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Driveway Standards: Driveways shall meet the following standards:

(1) If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.

(2) For two-way access, each lane shall have a minimum width of ten feet (10').

(3) The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

f. Phased Developments: Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purposes of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

g. Nonconforming Access Features: Legal access connections in place when this title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits are requested or when there is a change in use or enlargement or improvement that will increase trip generation.

h. Reverse Frontage: Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification. This requirement may be waived or modified when a commercial or industrial use would be required to take access from a street in a residential neighborhood. (Ord. 688, 6-15-1999)

i. Review By The Oregon State Department Of Transportation: Any application that involves access to the state highway system shall be reviewed by the Oregon department of transportation for conformance with state access management standards. In the I-82/U.S. 730 interchange area management plan (IAMP) management area, proposed access shall be consistent with the access management plan in section 7 of the IAMP. (Ord. 766, 12-6-2011)

**Response:**

***The applicant is proposing to access the WCF leased area via a gravel driveway constructed from the nearest public right of way (Wildwood Lane) to the site area via a gravel driveway that is 12 ft. wide within a 25 ft. easement on the subject property. The access to the site will be gated and locked for security.***

**WIRELESS SITE**  
**TECHNOLOGY, LLC**

**Oregon RSA #2, Inc.**

SITE NAME:  
MCNARY (385489)  
SITE ADDRESS:  
WILDWOOD LN, UMATILLA, OR 97822

**PHOTOGRAPH LOCATION MAP**

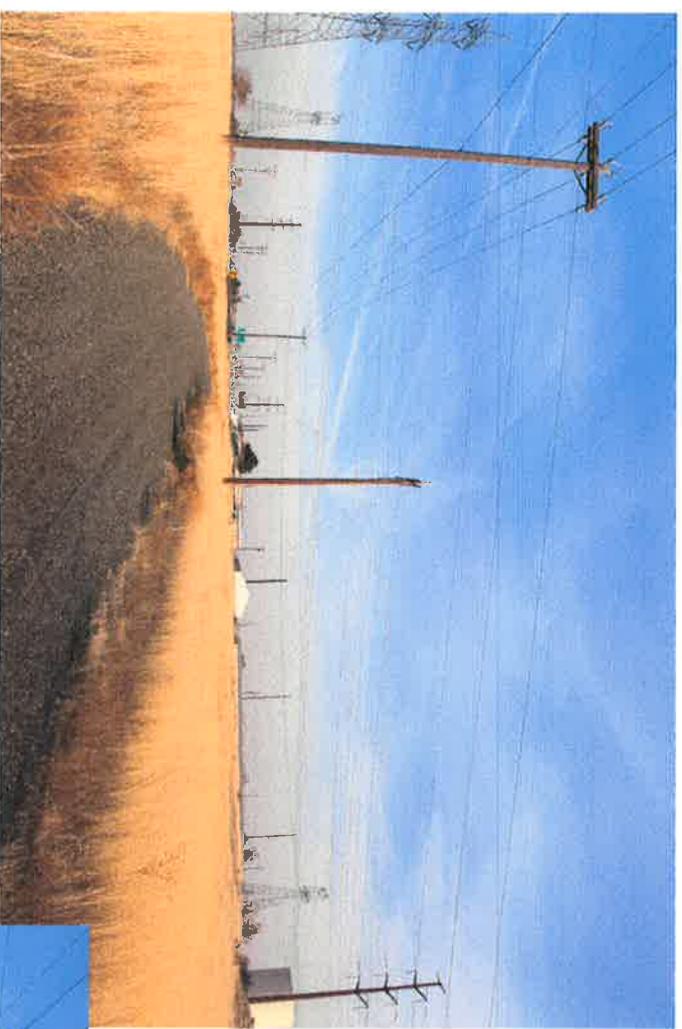


PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.



PHOTO LOCATION 1

EXISTING VIEW



<b>WIRELESS SITE</b> <i>TECHNOLOGY, LLC</i>	
<b>Oregon RSA #2, Inc.</b>	
SITE NAME:	MCNARY (385489)
SITE ADDRESS:	WILDWOOD LN, UMATILLA, OR 97822
VIEW FROM:	LOCATION 1

APPROX. TOWER HEIGHT

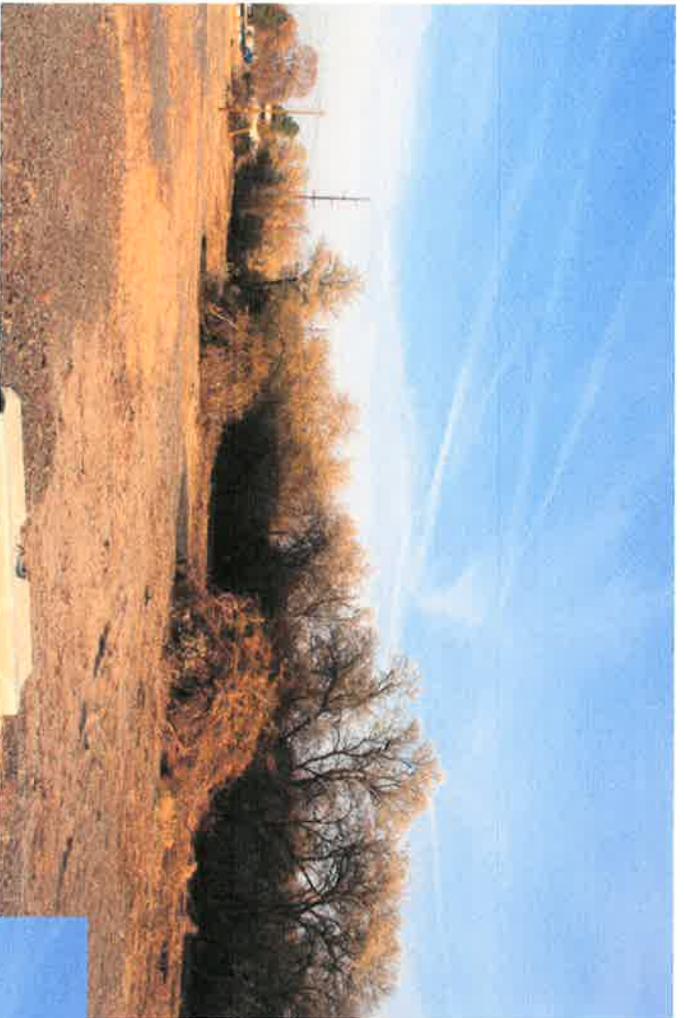


PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.



### PHOTO LOCATION 2

#### EXISTING VIEW



<b>WIRELESS SITE</b> <i>TECHNOLOGY, LLC</i>	
<b>Oregon RSA #2, Inc.</b>	
SITE NAME:	MCNARY (385489)
SITE ADDRESS:	WILDWOOD LN, UMATILLA, OR 97822
VIEW FROM:	LOCATION 2

#### PHOTO RENDERING



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.



**PHOTO LOCATION 3**

**EXISTING VIEW**



<b>WIRELESS SITE</b> <i>TECHNOLOGY, LLC</i>	
<b>Oregon RSA #2, Inc.</b>	
<b>SITE NAME:</b>	MCNARY (385489)
<b>SITE ADDRESS:</b>	WILDWOOD LN, UMATILLA, OR 97822
<b>VIEW FROM:</b>	LOCATION 3

**BALLOON TEST - ZOOMED IN**



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.



**PHOTO LOCATION 4**

**EXISTING VIEW**



<b>WIRELESS SITE</b> <i>TECHNOLOGY, LLC</i>	
<b>Oregon RSA #2, Inc.</b>	
SITE NAME:	M McNARY (385489)
SITE ADDRESS:	WILDWOOD LN, UMATILLA, OR 97822
VIEW FROM:	LOCATION 4

**PHOTO RENDERING**



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.



**PHOTO LOCATION 5**

**EXISTING VIEW**



<b>WIRELESS SITE</b> <i>TECHNOLOGY, LLC</i>	
<b>Oregon RSA #2, Inc.</b>	
SITE NAME:	MCNARY (385489)
SITE ADDRESS:	WILDWOOD LN, UMATILLA, OR 97822
VIEW FROM:	LOCATION 5

**PHOTO RENDERING**



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.



**PHOTO LOCATION 6**

**EXISTING VIEW**



<b>WIRELESS SITE</b> <i>TECHNOLOGY, LLC</i>	
<b>Oregon RSA #2, Inc.</b>	
SITE NAME:	MCNARY (385489)
SITE ADDRESS:	WILDWOOD LN, UMATILLA, OR 97822
VIEW FROM:	LOCATION 6

**PHOTO RENDERING**



PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.



### PHOTO LOCATION 7

### EXISTING VIEW



<b>WIRELESS SITE</b> <i>TECHNOLOGY, LLC</i>	
<b>Oregon RSA #2, Inc.</b>	
SITE NAME:	MCNARY (385489)
SITE ADDRESS:	WILDWOOD LN, UMATILLA, OR 97822
VIEW FROM:	LOCATION 7

### PHOTO RENDERING

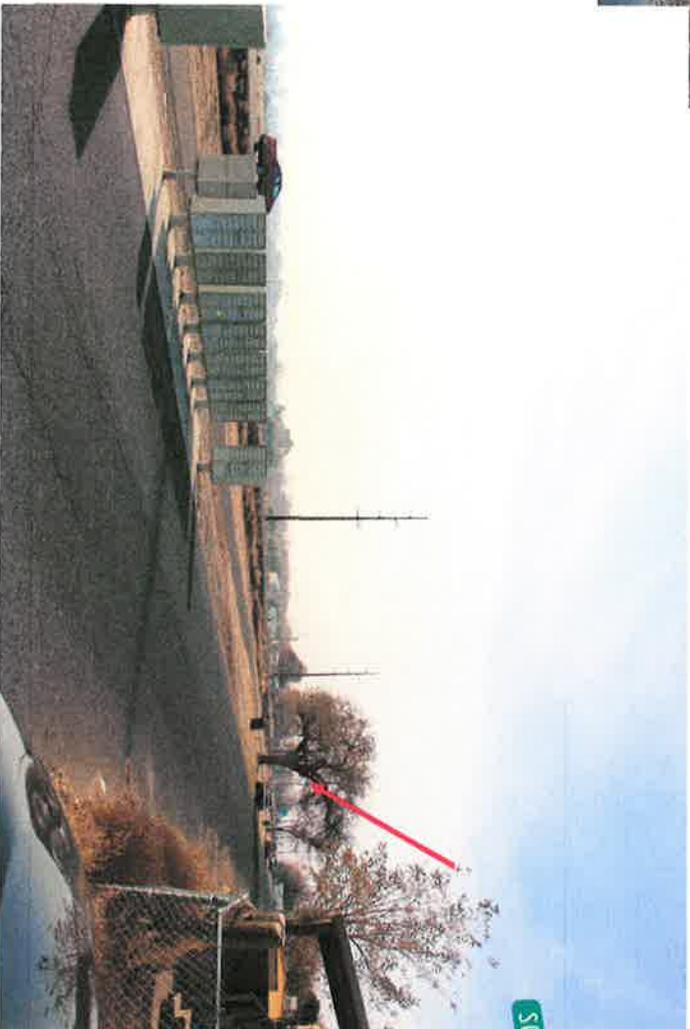


PHOTO RENDERING PROVIDED BY TOWER ENGINEERING PROFESSIONALS, INC.





# COMMUNITY DEVELOPMENT DEPARTMENT QUARTERLY REPORT

**2<sup>nd</sup> Quarter FY 2019-2020**

# COMMUNITY DEVELOPMENT HIGHLIGHTS

1. **Staffing Changes** – The Community Development Department (CDD) has undergone a number of staffing changes so far this year. As the City continues to grow, the CDD has moved towards performing building inspections in-house. With the increased work load it was necessary to add additional staff to review and process current planning applications. The City created a new Associate Planner position to assume those responsibilities. Jacob Foutz was hired and started in mid-August. Jacob recently graduated from BYU with a degree in Urban and Regional Planning. Former Community Development Director, Tamra Mabbott, accepted a new position as the Eastern Oregon Regional Representative with the Department of Land Conservation and Development and her last day was in December. While Tamra will be missed, we look forward to working with her in her new role with the State. With Tamra’s departure there were a few other changes internally. Code Enforcement Officer, Tisa Coffey, was reassigned from the CDD to the Police Department and City Planner, Brandon Seitz, was appointed as Interim Community Development Director.
2. **Downtown Revitalization Grant** – The City approved three applications for the downtown revitalization grant program for Columbia Harvest Foods, Reece Complete Security Solutions and the Umatilla School District.
  - a. **Columbia Harvest Foods (The Cowboy)**



**b. Reece Complete Security Solution**



**c. Umatilla School District**



- 3. City Trail Plan** – The Parks & Recreation Committee and Planning Commission completed their review of the Trail Plan and both recommended approval to the City Council. Staff finalized the plan and the City Council adopted the Trail Plan at their February Council meeting.
- 4. Grant Opportunities** – CDD staff continues to work with other departments to help leverage grant funding. The City was successful with obtaining a grant from Oregon Department of Parks and Recreation for a new restroom facility at Kiwanis Park and a grant to create a Master Park Plan.
- 5. Community Development Block Grant** – CDD staff is assisting with development of a Community Development Block Grant application to extend water and waste water to the Power City and Brownell (just north of the Port of Entry) areas. CDD has hosted a number of community meetings with the Power City area residents. As a result of that discussion, the City is moving forward with development of a new residential zone that would allow livestock within city limits on larger lots. Staff hopes to have the new residential zone ready for consideration of adoption in the coming months.
- 6. Residential Development** – The City continues to see residential development with three subdivisions in various stages of construction. In addition, Planning Commission recently approved an 81-lot subdivision with Phase 1 (27-lots) expected to break ground this year.

**Riverwood Estates** is a 20-lot subdivision located in McNary with roads and utilities nearly complete.



**Hayden River Estates (Phase 4)** is a 26-lot subdivision located along Powerline Road in the Southhill area. Construction of streets and utilities is complete and the City has received/issued several applications for new homes.



**Cheryl's Place** is a 26-lot subdivision also located along Powerline Road in the Southhill area. Construction is ongoing with an anticipated spring 2020 completion date for the roads and utilities.



## DIVISION REPORTS

### Planning Division

Number of Applications	Type of Application
2	Site Plan Review
2	Partition
2	Subdivision
3	Plan Amendments
1	Zone Change
6	Zoning Permit
3	Annexation
1	Conditional Use
1	Property Line Adjustment
1	Variance
<b>22</b>	<b>Total Permit Issued</b>

## Building Division

Quarter	# of Permits Issued	\$ Value	Fees Collected
1 <sup>st</sup> Quarter	43	\$ 41,215,776.30	\$432,932.87
2 <sup>nd</sup> Quarter	42	\$ 18,396,270.66	\$141,594.65
3 <sup>rd</sup> Quarter			
4 <sup>th</sup> Quarter			
<b>TOTAL:</b>	85	\$ 59,612,046.96	\$574,527.52

## Parks & Rec Division

- **Trick or Treat on 6<sup>th</sup> Street** - This year we went with a free for all theme with other businesses on 6<sup>th</sup> Street. We also requested ODOT close 6<sup>th</sup> Street and reroute vehicles to 5<sup>th</sup> Street. City Hall decorated with a Harry Potter theme. Thanks to all the office staff who put in a lot of work!
- **Touch-a-Truck event** was held the first weekend in November. The participants included Oregon State Police, City Police, National Guard, Fire Department and many more. For our first annual event it was very successful and enjoyed by many community members.
- **New Marina Concessionaires** started the first week of November. We are excited to have them and see what changes they will bring to our Marina.
- **Fall Community Clean-Up** was very successful. Although very cold out we had quite a few residents who took advantage of our roadside pick up with help of our public works crew.

